



Professional Engineers
Ontario

Volunteer Orientation

E-binder

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Professional Engineers
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Professional Engineers Act

R.S.O. 1990, CHAPTER P.28

Amended by: 1997, c. 26, Sched. / 1999, c. 12, Sched. B, s. 13 / 2000, c. 26, Sched. A, s. 12 / 2001, c. 9, Sched. B, s. 11 / 2002, C. 24, Sched. B, s. 25, 2006, c. 19, Sched. B, s. 14 / 2009, c. 33, Sched. 6, s. 79, c. 34, Sched. Q / 2010, c. 15, s. 238, c. 16, Sched. 2, s. 5.

Contents

Note Some sections and subsections will come into effect on a day to be named by proclamation of the Lieutenant Governor. The information is included in a box surrounding the paragraph.

1. Definitions	4
2. Association	4
3. Council of Association	5
4. Annual meetings	6
5. Membership	6
6. Powers of Minister	6
7. Regulations	6
8. By-laws	9
9. Official publication	10
10. Establishment of committees	10
11. Executive Committee	11
12. When licences or certificates required	11
13. Corporation	15
14. Issuance of licence	15
15. Issuance of certificate of authorization	16
16. Issuance of licence or certificate of authorization on direction of Council	17
17. Supervision under certificate of authorization	17
18. Issuance of temporary, provisional or limited licence	18
19. Notice of proposal to revoke or refuse to renew	18
19.1 Registration Committee	20
20. Fiduciary, etc., relationship between corporation and client	21
20.1 Engineering interns	21
21. Registers	21
22. Cancellation for default of fees	21
23. Complaints Committee	22

24. Duties of Complaints Committee	22
25. Complaints Review Councillor	23
26. Powers of Complaints Review Councillor	23
27. Discipline Committee	25
27.1 Reference by Council or Executive Committee	26
28. Duties and powers of Discipline Committee	26
29. Stay of decision on appeal	28
30. Discipline proceedings	28
31. Appeal to court	30
32. Fees Mediation Committee	30
33. Registrar's investigation	31
34. Liability insurance	32
35. Insurance claims	32
36. Surrender of revoked licence or certificate	32
37. Application after revocation or suspension	32
38. Confidentiality	33
39. Order directing compliance	33
40. Offences and penalties	34
41. Offences involving falsity	35
42. Onus of proof respecting licensing	35
43. Service of notice or document	35
44. Registrar's certificate as evidence	36
45. Immunity and indemnity	36
47. Joint Practice Board	36
48. Annual report	37
49. Application of <i>Corporations Act</i>	37
49. Application of <i>Not-for-Profit Corporations Act, 2010</i>	38

Definitions

1. In this Act,

“Academic Requirements Committee” means the academic requirements committee appointed pursuant to the regulations; (“comité de vérification des diplômes”)

“architect” means a person who is licensed or who holds a certificate of practice or a temporary licence under the *Architects Act*; (“architecte”)

“Association” means the Association of Professional Engineers of Ontario; (“Ordre”)

“by-laws” means by-laws made under this Act; (“règlements administratifs”)

“certificate of authorization” means a certificate of authorization issued under this Act to engage in the business of providing services that are within the practice of professional engineering; (“certificat d’autorisation”)

“Complaints Review Councillor” means the complaints review councillor appointed under this Act; (“conseiller médiateur”)

“Council” means the Council of the Association; (“Conseil”)

“Experience Requirements Committee” means the experience requirements committee appointed pursuant to the regulations; (“comité de vérification de l’expérience”)

“Joint Practice Board” means the Joint Practice Board established under the *Architects Act*; (“Conseil professionnel mixte”)

“licence” means a licence to engage in the practice of professional engineering issued under this Act; (“permis”)

“limited licence” means a limited licence to engage in the practice of professional engineering issued under this Act; (“permis restreint”)

“Minister” means the Attorney General or such other member of the Executive Council as is designated by the Lieutenant Governor in Council; (“ministre”)

“practice of professional engineering” means any act of planning, designing, composing, evaluating, advising, reporting, directing or supervising that requires the application of engineering principles and concerns the safeguarding of life, health, property, economic interests, the public welfare or the environment, or the managing of any such act; (“exercice de la profession d’ingénieur”)

“professional engineer” means a person who holds a licence or a temporary licence; (“ingénieur”)

“provisional licence” means a provisional licence to engage in the practice of professional engineering issued under subsection 14(7); (“permis provisoire”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “provisional licence” is amended by striking out “under subsection 14(7)” at the end and substituting “under this Act”. See: 2010, c. 16, Sched. 2, ss. 5(2), 6(2).

“Registrar” means the Registrar of the Association; (“registrateur”)

“regulations” means the regulations made under this Act; (“règlements”)

“temporary licence” means a temporary licence to engage in the practice of professional engineering issued under this Act. (“permis temporaire”) R.S.O. 1990, c. P.28, s. 1; 1999, c. 12, Sched. B, s. 13; 2001, c. 9, Sched. B, s. 11(1); 2010, c. 16, Sched. 2, s. 5(1).

Association

2. (1) The Association of Professional Engineers of the Province of Ontario, a body corporate, is continued as a corporation without share capital under the name of Association of Professional Engineers of Ontario in English and Ordre des ingénieurs de l’Ontario in French. R.S.O. 1990, c. P.28, s. 2(1).
- (2) REPEALED: 2010, c. 16, Sched. 2, s. 5(3).

Principal object

- (3) The principal object of the Association is to regulate the practice of professional engineering and to govern its members, holders of certificates of authorization,

holders of temporary licences, holders of provisional licences and holders of limited licences in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected. R.S.O. 1990, c. P.28, s. 2(3); 2001, c. 9, Sched. B, s. 11(2).

Additional objects

- (4) For the purpose of carrying out its principal object, the Association has the following additional objects:
1. To establish, maintain and develop standards of knowledge and skill among its members.
 2. To establish, maintain and develop standards of qualification and standards of practice for the practice of professional engineering.
 3. To establish, maintain and develop standards of professional ethics among its members.
 4. To promote public awareness of the role of the Association.
 5. To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act. R.S.O. 1990, c. P.28, s. 2(4).

Capacity and powers of Association

- (5) For the purpose of carrying out its objects, the Association has the capacity and the powers of a natural person. R.S.O. 1990, c. P.28, s. 2(5).

Council of Association

3. (1) The Council of the Association is continued and shall be the governing body and board of directors of the Association and shall manage and administer its affairs. R.S.O. 1990, c. P.28, s. 3(1).

Composition of Council

- (2) The Council shall be composed of,
- (a) not fewer than fifteen and not more than twenty persons who are members of the Association and who are elected by the members of the Association as provided by the regulations;
 - (b) not fewer than five and not more than seven persons who are members of the Association and who are appointed by the Lieutenant Governor in Council;
 - (c) not fewer than three and not more than five persons who are not members of the governing

body of a self-regulating licensing body under any other Act or licensed under this Act and who are appointed by the Lieutenant Governor in Council; and

- (d) the holders of offices prescribed by the regulations who are not members of the Council under clause (a), (b) or (c). R.S.O. 1990, c. P.28, s. 3(2).

Same

- (3) No person shall be elected or appointed to the Council unless he or she,
- (a) is a citizen of Canada or has the status of a permanent resident of Canada; and
 - (b) is resident in Ontario. 2010, c. 16, Sched. 2, s. 5(4).

Remuneration of lay members

- (4) The persons appointed under clause (2)(c) shall be paid, out of the money appropriated therefor by the Legislature, such expenses and remuneration as is determined by the Lieutenant Governor in Council. R.S.O. 1990, c. P.28, s. 3(4).

Term of office of appointed members

- (5) In each year, the persons to be appointed by the Lieutenant Governor in Council shall be appointed for one year, two year or three year terms in order that one-third, or as near thereto as possible, shall be appointed in each year. R.S.O. 1990, c. P.28, s. 3(5).

Deemed reappointment

- (5.1) On the expiry of a term referred to in subsection (5), the person whose term expired is deemed to have been reappointed until his or her successor takes office. 2010, c. 16, Sched. 2, s. 5(5).

Qualifications to vote

- (6) Every member of the Association who is not in default of payment of an annual fee prescribed by the by-laws is qualified to vote at an election of members of the Council. R.S.O. 1990, c. P.28, s. 3(6).

Officers

- (7) The Association shall have the officers provided for by the regulations. R.S.O. 1990, c. P.28, s. 3(7).

Registrar and staff

- (8) The Council shall appoint during pleasure a Registrar, who shall be a member of the Association, and may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association. R.S.O. 1990, c. P.28, s. 3(8); 2001, c. 9, Sched. B, s. 11(3).

Role of Registrar

- (8.1) The Registrar is responsible for the administration of the Association and reports to the Council. 2001, c. 9, Sched. B, s. 11(4).

Quorum

- (9) A majority of the members of the Council constitutes a quorum. R.S.O. 1990, c. P.28, s. 3(9).

Vacancies

- (10) Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than a quorum. R.S.O. 1990, c. P.28, s. 3(10).

Filling of vacancy

- (11) A vacancy on the Council caused by the death, resignation, removal or incapacity to act of an elected member of the Council shall be filled as soon as practicable by a member of the Association,
- (a) where a quorum of the Council remains in office, appointed by the majority of the Council, and the member so appointed shall be deemed to be an elected member of the Council; or
 - (b) where no quorum of the Council remains in office, elected in accordance with the regulations, and the member so appointed or elected shall hold office for the unexpired portion of the term of office of the member whose office he or she is elected or appointed to fill. R.S.O. 1990, c. P.28, s. 3(11).

Meetings of Council

- (12) The Council shall meet at least four times a year. R.S.O. 1990, c. P.28, s. 3(12).

Annual meetings

4. The Association shall hold an annual meeting of the members of the Association not more than fifteen months after the holding of the last preceding annual meeting. R.S.O. 1990, c. P.28, s. 4.

Membership

5. (1) Every person who holds a licence is a member of the Association subject to any term, condition or limitation to which the licence is subject.

Resignation of membership

- (2) A member may resign his or her membership by filing with the Registrar a resignation in writing and his or her licence is thereupon cancelled, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of the person's professional conduct while a member. R.S.O. 1990, c. P.28, s. 5.

Powers of Minister

6. In addition to his or her other powers and duties under this Act, the Minister may,
- (a) review the activities of the Council;
 - (b) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;
 - (c) advise the Council with respect to the implementation of this Act and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures. R.S.O. 1990, c. P.28, s. 6.

Regulations

7. (1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,
- 1. fixing the number of members to be elected to the Council under clause 3(2)(a) and defining constituencies, and prescribing the number of representatives;
 - 2. respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and controverted elections;

3. prescribing the conditions disqualifying members of the Council from sitting and governing the filling of vacancies on the Council;
4. prescribing positions of officers of the Association and providing for their election or appointment;
5. respecting the composition of the committees required by this Act, other than the Complaints Committee, the Discipline Committee and the Registration Committee, the mechanism of the appointment of members of the committees and procedures ancillary to those specified in this Act in respect of any committee;
6. respecting matters of practice and procedure before committees required under this Act that do not conflict with the *Statutory Powers Procedure Act*;
7. prescribing the quorums of the committees required by this Act other than the Complaints Committee, the Discipline Committee and the Registration Committee;
8. governing persons as engineering interns under section 20.1, including setting out the academic requirements necessary for acceptance as an engineering intern and the rights and privileges of engineering interns, and prescribing and governing other classes of persons whose interests are related to those of the Association;
9. respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences, certificates of authorization, temporary licences, provisional licences and limited licences, including but not limited to regulations respecting,
 - i. the scope, standards and conduct of any examination set or approved by the Council as a licensing requirement,
 - ii. the curricula and standards of professional training programs offered by the Council,
 - iii. the academic, experience and other requirements for admission into professional training programs,
 - iv. classes of licences,
 - v. the academic, experience and other requirements for the issuance of a licence or any class of licence,
 - vi. the circumstances in which the Registrar shall refer an application for a licence to a committee for the purposes of clause 14(4)(b),
 - vii. the establishment of an engineering technologist class of limited licence, including prescribing requirements and qualifications for the issuance of an engineering technologist class of limited licence and terms and conditions that shall apply to the engineering technologist class of limited licence, and
 - viii. other classes of certificates of authorization, temporary licences, provisional licences and limited licences, including prescribing requirements and qualifications for the issuance of specified classes of certificates of authorization, temporary licences, provisional licences and limited licences, and terms and conditions that shall apply to specified classes of certificates of authorization, temporary licences, provisional licences and limited licences;
10. prescribing forms of applications for licences, certificates of authorization, temporary licences, provisional licences and limited licences and requiring their use;
11. requiring the making of returns of information in respect of the holdings of shares and the officers and directors of corporations that apply for or hold certificates of authorization and in respect of the interests of partners that apply for or hold certificates of authorization and prescribing and requiring the use of forms of such returns;
12. requiring and governing the signing and sealing of documents and designs by members of the Association, holders of temporary licences and holders of limited licences, specifying the forms of seals and respecting the issuance and ownership of seals;
13. requiring the making of returns of information by members of the Association and holders of certificates of authorization, temporary licences, provisional licences and limited licences in respect of names, addresses, telephone numbers, professional associates, partners, employees and professional liability

- insurance, and prescribing and requiring the use of forms of such returns;
14. requiring and governing the disclosure of the identity of holders of certificates of authorization on documents and designs involving the practice of professional engineering issued by such holders and specifying the form and manner of such disclosure;
 15. governing the use of names and designations in the practice of professional engineering by members of the Association and holders of certificates of authorization, temporary licences, provisional licences and limited licences;
 16. providing for the maintenance and inspection of registers of members of the Association, holders of temporary licences, holders of limited licences, holders of provisional licences and holders of certificates of authorization;
 17. respecting and governing standards of practice and performance standards for the profession;
 18. providing for the setting of schedules of suggested fees for professional engineering services and for the publication of the schedules;
 19. respecting the advertising of the practice of professional engineering;
 20. prescribing a code of ethics;
 21. defining professional misconduct for the purposes of this Act;
 22. providing for the designation of members of the Association and holders of temporary licences as specialists, prescribing the qualifications and requirements for designation as a specialist, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;
 23. providing for the designation of members of the Association as consulting engineers, prescribing the qualifications and requirements for designation as a consulting engineer, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;
 24. prescribing the minimum requirements for professional liability insurance, requiring the delivery to the Registrar of proof of such insurance and prescribing the form of such proof and the manner and time of the delivery;
 25. prescribing the amount of and requiring the payment of annual fees by holders of certificates of authorization, temporary, provisional and limited licences and by students and members of related classes recognized by the Association, and fees for temporary licences, provisional licences, limited licences, certification, registration, designations, examinations and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;
 26. providing for the entering into of arrangements by the Association for its members and holders of certificates of authorization, temporary licences, provisional and limited licences respecting indemnity for professional liability and requiring the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members and holders of certificates of authorization, temporary licences, provisional and limited licences in respect of such indemnity for professional liability;
 27. providing for continuing education of members;
 28. respecting the duties and authority of the Registrar;
 29. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, certificate of authorization, temporary licence or limited licence that was cancelled by the Registrar;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 25 is repealed. See: 2010, c. 16, Sched. 2, ss. 5(13), 6(2).

30. classifying and exempting any class of holders of licences, certificates of authorization, temporary licences or limited licences from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable;
31. exempting any act within the practice of professional engineering from the application of this Act;
32. specifying acts within the practice of professional engineering that are exempt from the application of this Act when performed or provided by a member of a prescribed class of persons, and prescribing classes of persons for the purpose of the exemption;
33. REPEALED: 2010, c. 16, Sched. 2, s. 5(14).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by adding the following paragraph:

34. prescribing provisions of the *Not-for-Profit Corporations Act, 2010* that apply to the Association.

See: 2010, c. 15, ss. 238(1), 249.

R.S.O. 1990, c. P.28, s. 7(1); 2000, c. 26, Sched. A, s. 12; 2001, c. 9, Sched. B, s. 11(5-12); 2010, c. 16, Sched. 2, s. 5(6-12, 14).

Distribution of regulations

- (2) A copy of each regulation made under subsection (1),
 - (a) shall be forwarded to each member of the Association and to each holder of a certificate of authorization, temporary licence, provisional licence or limited licence; and
 - (b) shall be available for public inspection in the office of the Association. R.S.O. 1990, c. P.28, s. 7(2); 2001, c. 9, Sched. B, s. 11(13).

By-laws

8. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the Association not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

1. prescribing the seal and other insignia of the Association and providing for their use;
2. providing for the execution of documents by the Association;
3. respecting banking and finance;
4. fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;
5. respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
6. providing for meetings of the Council and committees, except in a proceeding in respect of a membership, certificate of authorization, temporary licence, provisional licence or limited licence, by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a member of the Council or committee participating in a meeting in accordance with such by-law shall be deemed to be present in person at the meeting;
7. providing that the Council or a committee may act upon a resolution consented to by the signatures of all members of the Council or the committee except in a proceeding in respect of a licence, certificate of authorization, temporary licence, provisional licence or limited licence, and a resolution so consented to in accordance with such a by-law is as valid and effective as if passed at a meeting of the Council or the committee duly called, constituted and held for that purpose;
8. respecting the calling, holding and conducting of meetings of the membership of the Association;
9. authorizing voting by mail by the general membership of the Association on any of the business of the Association and prescribing procedures for such voting;
10. prescribing the duties of officers of the Association;
11. prescribing forms and providing for their use;
12. providing procedures for the making, amending and revoking of the by-laws;
13. respecting management of the property of the Association;

14. providing for the appointment, composition, powers, duties and quorums of additional or special committees;
15. respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
16. prescribing the amount and requiring the payment of annual fees by members of the Association;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 16 is repealed and the following substituted:

16. specifying the amount and requiring the payment of,
 - i. fees, including annual fees, by holders of licences, certificates of authorization, temporary licences, provisional licences and limited licences, and by engineering interns, students and members of other classes of persons prescribed under paragraph 8 of subsection 7(1),
 - ii. fees for registration, designations, examinations and continuing education,
 - iii. fees for anything the Registrar is required or authorized to do, and
 - iv. penalties for late payment of any of the fees;

See: 2010, c. 16, Sched. 2, ss. 5(15), 6(2).

17. respecting the borrowing of money by the Association and the giving of security therefor;
18. respecting membership of the Association in other organizations the objects of which are not inconsistent with and are complementary to those of the Association, the payment of annual assessments and provision for representatives at meetings;
19. providing for the establishment and dissolution and governing the operation of groups of members of the Association and respecting grants by the Association to any such groups;
20. authorizing the making of grants for any purpose that may tend to advance knowledge of professional engineering education, or maintain or improve the standards of practice in professional

engineering or support and encourage public information and interest in the past and present role of professional engineering in society;

21. respecting scholarships, bursaries and prizes related to the study of professional engineering;
22. respecting the establishment and operation and use of publications of the Association;
23. providing for an employment advisory service and for the continuance of the retirement savings plans in which members of the Association may participate on a voluntary basis;
24. regarding such other matters as are entailed in carrying on the business of the Association and are not included in section 7. R.S.O. 1990, c. P.28, s. 8(1); 2001, c. 9, Sched. B, s. 11(14, 15).

By-laws effective

- (2) Subject to subsection (3), a by-law made by the Council is effective when it is passed. 2010, c. 16, Sched. 2, s. 5(16).

Confirmation

- (3) A by-law passed by the Council is not effective until it is confirmed, in the manner specified by the Council, by a majority of the members of the Association, if the by-law so specifies. 2010, c. 16, Sched. 2, s. 5(16).

Distribution of by-laws

- (4) A copy of the by-laws made under subsection (1) and amendments thereto,
 - (a) shall be forwarded to the Minister;
 - (b) shall be forwarded to each member of the Association; and
 - (c) shall be available for public inspection in the office of the Association. R.S.O. 1990, c. P.28, s. 8(4).

Official publication

9. The Council shall establish and designate an official publication of the Association. R.S.O. 1990, c. P.28, s. 9.

Establishment of committees

10. (1) The Council shall establish and appoint the following committees:
 - (a) Executive Committee;

- (b) Academic Requirements Committee;
 - (c) Experience Requirements Committee;
 - (d) Registration Committee;
 - (e) Complaints Committee;
 - (f) Discipline Committee;
 - (g) Fees Mediation Committee,
- and may establish such other committees as the Council from time to time considers necessary.

Vacancies

- (2) Where one or more vacancies occur in the membership of a committee, the members remaining in office constitute the committee so long as their number is not fewer than the prescribed quorum. R.S.O. 1990, c. P.28, s. 10.

Executive Committee

- 11. The Council may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Council other than to make, amend or revoke a regulation or a by-law. R.S.O. 1990, c. P.28, s. 11.

When licences or certificates required

Licensing requirement

- 12. (1) No person shall engage in the practice of professional engineering or hold himself, herself or itself out as engaging in the practice of professional engineering unless the person is the holder of a licence, a temporary licence, a provisional licence or a limited licence. R.S.O. 1990, c. P.28, s. 12(1); 2001, c. 9, Sched. B, s. 11(16).

Certificate of authorization

- (2) No person shall offer to the public or engage in the business of providing to the public services that are within the practice of professional engineering except under and in accordance with a certificate of authorization. R.S.O. 1990, c. P.28, s. 12(2).

Exceptions

- (3) Subsections (1) and (2) do not apply to prevent a person,
 - (a) from doing an act that is within the practice of professional engineering in relation to machinery or equipment, other than equipment of a structural nature, for use in the facilities of the

person's employer in the production of products by the person's employer;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (a) is repealed. See: 2010, c. 16, Sched. 2, ss. 5(17), 6(2).

- (b) from doing an act that is within the practice of professional engineering where a professional engineer or limited licence holder assumes responsibility for the services within the practice of professional engineering to which the act is related;
- (c) from designing or providing tools and dies;
- (d) from doing an act that is within the practice of professional engineering but that is exempt from the application of this Act when performed or provided by a member of a class of persons prescribed by the regulations for the purpose of the exemption, if the person is a member of the class;
- (e) from doing an act that is exempt by the regulations from the application of this Act;
- (f) from using the title "engineer" or an abbreviation of that title in a manner that is authorized or required by an Act or regulation. R.S.O. 1990, c. P.28, s. 12(3); 2001, c. 9, Sched. B, s. 11(17); 2010, c. 16, Sched. 2, s. 5(18).

Idem

- (4) Subsections (1) and (2) do not apply to the preparation or provision of a design for the construction, enlargement or alteration of a building,
 - (a) that is not more than three storeys and not more than 600 square metres in gross area as constructed, enlarged or altered;
 - (b) that is used or intended for one or more of residential occupancy, business occupancy, personal services occupancy, mercantile occupancy or industrial occupancy; and
 - (c) is not designed to house and is not part of an apparatus, process, facility or works the design of which is within the practice of professional engineering. R.S.O. 1990, c. P.28, s. 12(4).

Idem

- (5) Subsections (1) and (2) do not apply to,
- (a) the preparation or provision of a design for the construction, enlargement or alteration of a building that is not more than three storeys and that is used or intended for residential occupancy and,
 - (i) that contains one dwelling unit or two attached dwelling units each of which is constructed directly on grade, or
 - (ii) that is not more than 600 square metres in building area as constructed, enlarged or altered and contains three or more attached dwelling units, each of which is constructed directly on grade, with no dwelling unit constructed above another dwelling unit; or
 - (b) the preparation or provision of a design for alterations within a dwelling unit that will not affect or are not likely to affect fire separations, firewalls, the strength or safety of the building or the safety of persons in the building. R.S.O. 1990, c. P.28, s. 12(5).

Idem

- (6) The following rules govern the relationship between professional engineers and architects and subsections (1) and (2) do not apply to prevent an architect from preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building in accordance with these rules:
1. Only an architect may prepare or provide a design for the construction, enlargement or alteration of a building,
 - i. used or intended for residential occupancy,
 - ii. that exceeds 600 square metres in gross area, and
 - iii. that does not exceed three storeys,and carry out the general review of the construction, enlargement or alteration of the building but an architect who prepares or provides such a design may engage a professional engineer to provide services within the practice of professional engineering in connection with the design and the professional engineer may provide the services.

2. A professional engineer or an architect may prepare or provide a design for the construction, enlargement or alteration of a building,
 - i. that exceeds 600 square metres in gross area or three storeys, and
 - ii. that is used or intended for,
 - A. industrial occupancy, or
 - B. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where none of the other occupancies exceeds 600 square metres of the gross area,but only a professional engineer may provide services within the practice of professional engineering in connection with the design.
3. Subject to rules 4 and 5, a professional engineer shall provide services that are within the practice of professional engineering and an architect shall provide services that are within the practice of architecture related to the construction, enlargement or alteration of a building used or intended for,
 - i. assembly occupancy,
 - ii. institutional occupancy,
 - iii. business occupancy or personal services occupancy that exceeds 600 square metres in gross area or three storeys,
 - iv. mercantile occupancy that exceeds 600 square metres in gross area or three storeys,
 - v. residential occupancy that exceeds three storeys,
 - vi. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where one of the other occupancies exceeds 600 square metres in gross area,
 - vii. mixed occupancy consisting of a combination of,
 - A. assembly occupancy and any other occupancy, except industrial occupancy,
 - B. institutional occupancy and any other occupancy, except industrial occupancy,
 - C. one or more of,
 1. business occupancy,
 2. personal services occupancy, or
 3. mercantile occupancy,

- and any other occupancy, except assembly occupancy, institutional occupancy or industrial occupancy, where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,
- D. residential occupancy that exceeds three storeys and any other occupancy, where the building as constructed, enlarged or altered exceeds 600 square metres in gross area, or
- viii. any other occupancy where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,
- but a professional engineer may provide a design for the industrial occupancy of a mixed occupancy described in subparagraph vi.
4. An architect may perform or provide services that are within the practice of professional engineering in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 2 or 3 where to do so does not constitute a substantial part of the services within the practice of professional engineering related to the construction, enlargement or alteration of the building and is necessary,
 - i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of architecture by the architect in respect of the construction, enlargement or alteration of the building, or
 - ii. for co-ordination purposes.
 5. A professional engineer may perform or provide services that are within the practice of architecture in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 1 or 3 where to do so does not constitute a substantial part of the services within the practice of architecture related to the construction, enlargement or alteration of the building and is necessary,
 - i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of professional engineering by the professional engineer in respect of the construction, enlargement or alteration of the building, or
 - ii. for co-ordination purposes.
 6. Only an architect may carry out or provide the general review of the construction, enlargement or alteration of a building,
 - i. that is constructed, enlarged or altered in accordance with a design prepared or provided by an architect, or
 - ii. in relation to services that are provided by an architect in connection with the design in accordance with which the building is constructed, enlarged or altered.
 7. Only a professional engineer may carry out or provide the general review of the construction, enlargement or alteration of a building,
 - i. that is constructed, enlarged or altered in accordance with a design prepared or provided by a professional engineer, or
 - ii. in relation to services that are provided by a professional engineer in connection with the design in accordance with which the building is constructed, enlarged or altered.
 8. A professional engineer or an architect may act as prime consultant for the construction, enlargement or alteration of a building.
 9. A reference in these rules to the provision of a design or services by a professional engineer applies equally to a holder of a certificate of authorization. R.S.O. 1990, c. P.28, s. 12(6).

Idem

- (7) Subsections (1) and (2) do not apply to prevent a person from carrying out a general review of the construction, enlargement or alteration of a building that does not or is not intended to take the place of a general review required to be done by a professional engineer. R.S.O. 1990, c. P.28, s. 12(7).

Definitions

(8) In this section,

“assembly occupancy” means occupancy for gatherings of persons for civic, educational, political, recreational, religious, social, travel or other similar purpose, or for the consumption of food or drink; (“établissement de réunion”)

“building” means a structure consisting of a wall, roof and floor, or any one or more of them; (“bâtiment”)

“building area” means the greatest horizontal area of a building within the outside surface of exterior walls or, where a firewall is to be constructed, within the outside surface of exterior walls and the centre line of firewalls; (“aire de bâtiment”)

“business occupancy” means occupancy for the transaction of business; (“établissement d’affaires”)

“construction” means the doing of anything in the erection, installation, extension or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere, and “constructed” has a corresponding meaning; (“construction”, “construit”)

“design” means a plan, sketch, drawing, graphic representation or specification intended to govern the construction, enlargement or alteration of a building or a part of a building; (“plan”)

“dwelling unit” means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities; (“logement”)

“fire separation” means a construction assembly that acts as a barrier against the spread of fire and that may or may not have a fire-resistance rating or a fire-protection rating; (“séparation coupe-feu”)

“firewall” means a type of fire separation of non-combustible construction that subdivides a building or separates adjoining buildings to resist the spread of fire and that has a fire-resistance rating as pre-

scribed in the building code under the Building Code Act and has structural stability to remain intact under fire conditions for the fire-resistance time for which it is rated; (“mur coupe-feu”)

“general review”, in relation to the construction, enlargement or alteration of a building, means an examination of the building to determine whether the construction, enlargement or alteration is in general conformity with the design governing the construction, enlargement or alteration, and reporting thereon; (“examen de conformité”)

“grade” means the lowest of the average levels of finished ground adjoining each exterior wall of a building, but does not include localized depressions such as for vehicle or pedestrian entrances; (“niveau du sol”)

“graphic representation” means a representation produced by electrical, electronic, photographic or printing methods and includes a representation produced on a video display terminal; (“représentation graphique”)

“gross area” means the total area of all floors above grade measured between the outside surfaces of exterior walls or, where no access or building service penetrates a firewall, between the outside surfaces of exterior walls and the centre line of firewalls but in a residential occupancy where access or a building service penetrates a firewall, the measurement may be taken to the centre line of the firewall; (“surface hors-tout”)

“industrial occupancy” means occupancy for assembling, fabricating, manufacturing, processing, repairing or storing of goods or materials or for producing, converting, processing or storing of energy, waste or natural resources; (“établissement industriel”)

“institutional occupancy” means occupancy for the harbouring, housing or detention of persons who require special care or treatment on account of their age or mental or physical limitations or who are involuntarily detained; (“établissement hospitalier, d’assistance ou de détention”)

“mercantile occupancy” means occupancy or use for displaying or selling retail goods, wares or merchandise; (“établissement commercial”)

“personal services occupancy” means occupancy for the rendering or receiving of professional or personal services; (“établissement de services personnels”)

“residential occupancy” means occupancy for providing sleeping accommodation for persons, but does not include institutional occupancy. (“habitation”) R.S.O. 1990, c. P.28, s. 12(8).

Proof of practice

- (9) For the purposes of this section, proof of the performance of one act in the practice of professional engineering on one occasion is sufficient to establish engaging in the practice of professional engineering. R.S.O. 1990, c. P.28, s. 12(9).

Corporation

13. A corporation that holds a certificate of authorization may provide services that are within the practice of professional engineering. R.S.O. 1990, c. P.28, s. 13.

Issuance of licence

14. (1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and,
 - (a) REPEALED: 2010, c. 16, Sched. 2, s. 5(19).
 - (b) is not less than eighteen years of age;
 - (c) has complied with the academic requirements specified in the regulations for the issuance of the licence, including passing such examinations as the Council sets or approves in accordance with the regulations, or is exempted by the Council from complying with the requirements;
 - (d) has complied with the experience requirements specified in the regulations for the issuance of the licence;
 - (d.1) has complied with any other requirements specified in the regulations for the issuance of the licence; and

- (e) is of good character. R.S.O. 1990, c. P.28, s. 14(1); 2010, c. 16, Sched. 2, s. 5(19-21).

Grounds for refusal to issue licence

- (2) The Registrar may refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity. R.S.O. 1990, c. P.28, s. 14(2).

Referral to committee

- (3) The Registrar may refer the application of the applicant for the issuance of a licence,
 - (a) to the Academic Requirements Committee for a determination as to whether or not the applicant has met the academic requirements prescribed by the regulations for the issuance of the licence;
 - (b) to the Experience Requirements Committee for a determination as to whether or not the applicant has met the experience requirements prescribed by the regulations for the issuance of the licence; or
 - (c) first to the Academic Requirements Committee and then to the Experience Requirements Committee for determinations under clauses (a) and (b). R.S.O. 1990, c. P.28, s. 14(3); 2010, c. 16, Sched. 2, s. 5(22).

Same

- (4) The Registrar shall refer an application to a committee under subsection (3) for a determination referred to in that subsection,
 - (a) if the applicant requests the referral; or
 - (b) in the circumstances specified by the regulations. 2010, c. 16, Sched. 2, s. 5(23).

Hearing

- (5) A committee shall receive written representations from an applicant but is not required to hold or to afford to any person a hearing or an opportunity to make oral submissions before making a determination under subsection (3). R.S.O. 1990, c. P.28, s. 14(5).

Notice of determination

- (6) The Registrar shall give notice to the applicant of a determination by a committee under subsection (3) and, if the applicant is rejected, the notice shall detail the specific requirements that the applicant must meet. R.S.O. 1990, c. P.28, s. 14(6).

Provisional licence

- (7) The Registrar shall issue a provisional licence, to be valid for one year, to a natural person who has applied for a licence in accordance with the regulations and has complied with all the requirements of subsection (1) except the Canadian experience requirement set out in paragraph 4 of section 33 of Regulation 941 of the Revised Regulations of Ontario, 1990. 2001, c. 9, Sched. B, s. 11(19).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (7) is repealed. See: 2010, c. 16, Sched. 2, ss. 5(24), 6(2).

Issuance of certificate of authorization

15. (1) The Registrar shall issue a certificate of authorization to a natural person, a partnership or a corporation that applies therefor in accordance with the regulations if the requirements and qualifications for the issuance of the certificate of authorization set out in the regulations are met. R.S.O. 1990, c. P.28, s. 15(1).

General and standard certificate

- (2) Where the Registrar proposes to issue a certificate of authorization to an applicant, the Registrar shall issue a standard certificate of authorization or, where the primary function of the applicant is or will be to provide to the public services that are within the practice of professional engineering and the applicant requests a general certificate of authorization, the Registrar shall issue a general certificate of authorization to the applicant. R.S.O. 1990, c. P.28, s. 15(2).

Partnership of corporations

- (3) The Registrar shall issue a standard certificate of authorization to a partnership of corporations that applies therefor in accordance with the regulations if at least one of the corporations holds a certificate of authorization. R.S.O. 1990, c. P.28, s. 15(3).

Terms and conditions

- (4) Where a holder of a temporary licence assumes responsibility for and supervises the practice of professional engineering related to the services provided by the holder of a certificate of authorization, the certificate of authorization is subject to the same terms and conditions prescribed by the regulations that apply to the temporary licence. R.S.O. 1990, c. P.28, s. 15(4); 2010, c. 16, Sched. 2, s. 5(25).

Same

- (4.1) Where a holder of a limited licence assumes responsibility for and supervises the practice of professional engineering related to the services provided by the holder of a certificate of authorization, the certificate of authorization is subject to the same terms and conditions prescribed by the regulations that apply to the limited licence. 2010, c. 16, Sched. 2, s. 5(26).

Suspension of effect of certificate of authorization

- (5) A holder of a certificate of authorization ceases to be entitled to offer to the public or to provide to the public services that are within the practice of professional engineering as soon as there is no holder of a licence, temporary licence or limited licence who assumes responsibility for and supervises the practice of professional engineering provided by the holder of the certificate of authorization. R.S.O. 1990, c. P.28, s. 15(5); 2010, c. 16, Sched. 2, s. 5(27).

Notice to Registrar by holder of certificate of authorization

- (6) The holder of a certificate of authorization must give notice to the Registrar when there ceases to be a holder of a licence, temporary licence or limited licence who assumes responsibility for and supervises the practice of professional engineering by the holder of the certificate of authorization and when

the holder of the certificate of authorization designates another holder of a licence, temporary licence or limited licence to assume such responsibility and carry out such supervision. R.S.O. 1990, c. P.28, s. 15(6); 2010, c. 16, Sched. 2, s. 5(28).

Notice to Registrar by person in position of professional responsibility

- (7) A holder of a licence, temporary licence or limited licence who ceases to be responsible for and to supervise the practice of professional engineering by a holder of a certificate of authorization as the person so designated by the holder of the certificate of authorization shall give notice of the cessation forthwith to the Registrar. R.S.O. 1990, c. P.28, s. 15(7); 2010, c. 16, Sched. 2, s. 5(29).

Past conduct

- (8) The Registrar may refuse to issue or may suspend or revoke a certificate of authorization where the Registrar is of the opinion, upon reasonable and probable grounds,
- (a) that the past conduct of a person who is in a position of authority or responsibility in the operation of the business of the applicant for or the holder of the certificate of authorization affords grounds for the belief that the applicant or holder will not engage in the business of providing services that are within the practice of professional engineering in accordance with the law and with honesty and integrity;
 - (b) that the holder of the certificate of authorization does not meet the requirements or the qualifications for the issuance of the certificate of authorization set out in the regulations; or
 - (c) that there has been a breach of a condition of the certificate of authorization. R.S.O. 1990, c. P.28, s. 15(8).

Exclusion

- (9) Sections 3.2, 3.3 and 3.4 of the *Business Corporations Act* do not apply to,
- (a) a corporation that has been issued a certificate of authorization under subsection (1); or
 - (b) a corporation that is a partner in a partnership of corporations that has been issued a certificate of authorization under subsection (3). 2009, c. 34, Sched. Q, s. 1.

Issuance of licence or certificate of authorization on direction of Council

16. The Registrar shall issue a licence or a certificate of authorization upon a direction of the Council made in accordance with a recommendation by the Joint Practice Board. R.S.O. 1990, c. P.28, s. 16.

Supervision under certificate of authorization

17. (1) It is a condition of every certificate of authorization that the holder of the certificate shall provide services that are within the practice of professional engineering only under the personal supervision and direction of a holder of a licence, temporary licence or limited licence. R.S.O. 1990, c. P.28, s. 17(1); 2010, c. 16, Sched. 2, s. 5(30).

Professional responsibility of supervising engineer

- (2) A holder of a licence, temporary licence or limited licence, who personally supervises and directs the providing of services within the practice of professional engineering by a holder of a certificate of authorization or who assumes responsibility for and supervises the practice of professional engineering related to the providing of services by a holder of a certificate of authorization is subject to the same standards of professional conduct and competence in respect of the services and the related practice of professional engineering as if the services were provided or the practice of professional engineering was engaged in by the holder of a licence, temporary licence or limited licence. R.S.O. 1990, c. P.28, s. 17(2); 2010, c. 16, Sched. 2, s. 5(31).

Issuance of temporary, provisional or limited licence

18. (1) The Registrar shall issue a temporary licence, a provisional licence or a limited licence to a natural person who applies therefor in accordance with the regulations and who meets the requirements and qualifications for the issuance of the temporary licence, the provisional licence or the limited licence set out in the regulations. 2001, c. 9, Sched. B, s. 11(20); 2010, c. 16, Sched. 2, s. 5(32).

Grounds for refusal, suspension or revocation

- (2) The Registrar may refuse to issue or may suspend or revoke a temporary licence, a provisional licence or a limited licence where the Registrar is of the opinion, upon reasonable and probable grounds,
- (a) that the past conduct of the applicant for or the holder of the temporary licence, the provisional licence or the limited licence affords grounds for the belief that the applicant or holder will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity;
 - (b) that the holder of the temporary licence, the provisional licence or the limited licence does not meet the requirements or the qualifications for the issuance of the temporary licence, the provisional licence or the limited licence set out in the regulations; or
 - (c) that there has been a breach of a condition of the temporary licence, the provisional licence or the limited licence. R.S.O. 1990, c. P.28, s. 18(2); 2001, c. 9, Sched. B, s. 1(21).

Referral to committee

- (3) Subsections 14(3) to (6) (which relate to the Academic Requirements Committee and the Experience Requirements Committee) apply with necessary modifications in respect of an applicant for a temporary licence or a limited licence. R.S.O. 1990, c. P.28, s. 18(3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (3) is amended by striking out “a temporary licence or a limited licence” at the end and substituting “a temporary licence, a provisional licence or a limited licence”. See: 2010, c. 16, Sched. 2, ss. 5(33), 6(2).

Application of subs. (1)

- (4) Subsection (1) does not apply in respect of a member of the Association or a holder of a certificate of authorization. R.S.O. 1990, c. P.28, s. 18(4).

Membership

- (5) A holder of a temporary licence, a provisional licence or a limited licence is not a member of the

Association. R.S.O. 1990, c. P.28, s. 18(5); 2010, c. 16, Sched. 2, s. 5(34).

Notice of proposal to revoke or refuse to renew

- 19. (1)** Where the Registrar proposes,
- (a) to refuse to issue a licence; or
 - (b) to refuse to issue, to suspend or to revoke a temporary licence, a provisional licence, a limited licence or a certificate of authorization, the Registrar shall serve notice of the proposal, together with written reasons therefor, on the applicant. R.S.O. 1990, c. P.28, s. 19(1); 2001, c. 9, Sched. B, s. 11(22).

Exception

- (2) Subsection (1) does not apply in respect of a proposal to refuse to issue a licence, a temporary licence, a provisional licence or a limited licence where the applicant previously held a licence, a certificate of authorization, a temporary licence, a provisional licence or a limited licence that was suspended or revoked as a result of a decision of the Discipline Committee. 2001, c. 9, Sched. B, s. 11(23).

Notice

- (3) A notice under subsection (1) shall state that the applicant is entitled to a hearing by the Registration Committee if the applicant mails or delivers, within thirty days after the notice under subsection (1) is served on the applicant, notice in writing requiring a hearing by the Registration Committee and the applicant may so require such a hearing. R.S.O. 1990, c. P.28, s. 19(3).

Power of Registrar where no hearing

- (4) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3), the Registrar may carry out the proposal stated in the notice under subsection (1). R.S.O. 1990, c. P.28, s. 19(4).

Hearing

- (5) Within 30 days after receiving a notice under subsection (3) requiring a hearing, the Registration Committee shall schedule the hearing. 2010, c. 16, Sched. 2, s. 5(35).

Continuation on expiry of Committee membership

- (6) Where a proceeding is commenced before the Registration Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated other than for cause before the proceeding is disposed of but after evidence is heard, the member shall be deemed to remain a member of the Registration Committee for the purpose of completing the disposition of the proceeding in the same manner as if the member's term of office had not expired or been terminated. R.S.O. 1990, c. P.28, s. 19(6); 2010, c. 16, Sched. 2, s. 5(36).

Powers of Registration Committee

- (7) Following a hearing under this section, the Registration Committee shall make one of the following orders:
 1. If the Committee determines on reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity, the Committee shall direct the Registrar to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, as the case may be, to the applicant.
 2. If the Committee determines on reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations, the Committee shall,
 - i. direct the Registrar to refuse to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, or to suspend or revoke the certificate of authorization issued to the applicant, as the case may be,
 - ii. exempt the applicant from any of the requirements of this Act or the regulations and direct the Registrar to issue a licence, certificate of authorization, temporary licence, provisional licence or limited

licence, as the case may be, if the Committee determines on reasonable grounds that the applicant will engage in the practice of professional engineering with competence and integrity, or

- iii. direct the Registrar to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, as the case may be, subject to such terms, conditions or limitations as the Committee specifies, if the Committee determines on reasonable grounds that the terms, conditions or limitations are necessary in order to ensure that the applicant will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity. 2010, c. 16, Sched. 2, s. 5(37).

Extension of time for requiring hearing

- (8) The Registration Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section before or after the expiration of such time where it is satisfied that there are apparent grounds for granting relief to the applicant following upon a hearing and that there are reasonable grounds for applying for the extension, and the Registration Committee may give such directions as it considers proper consequent upon the extension. R.S.O. 1990, c. P.28, s. 19(8).

Parties

- (9) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section. R.S.O. 1990, c. P.28, s. 19(9).

Opportunity to show compliance

- (10) The applicant may show or achieve compliance with the requirements for the issuance of a licence, certificate of authorization, temporary licence, provisional licence or limited licence, as the case may be, at any time before the hearing date. 2010, c. 16, Sched. 2, s. 5(38).

Examination of documentary evidence

- (11) A party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1990, c. P.28, s. 19(11).

Members holding hearing not to have taken part in investigation, etc.

- (12) Members of the Registration Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or representative of a party except upon notice to and opportunity for all parties to participate, but the Registration Committee may seek legal advice from an adviser independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. R.S.O. 1990, c. P.28, s. 19(12).

Recording of evidence

- (13) The oral evidence taken before the Registration Committee at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Superior Court of Justice. R.S.O. 1990, c. P.28, s. 19(13); 2001, c. 9, Sched. B, s.11(66).

Only members at hearing to participate in decision

- (14) No member of the Registration Committee shall participate in a decision of the Registration Committee following upon a hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties. R.S.O. 1990, c. P.28, s. 19(14).

Release of documentary evidence

- (15) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person by the Registration Committee within a reasonable time after the

matter in issue has been finally determined. R.S.O. 1990, c. P.28, s. 19(15).

Applicant

- (16) In this section,

“applicant” means applicant for a licence or applicant for or holder of a temporary licence, a provisional licence, a limited licence or a certificate of authorization. R.S.O. 1990, c. P.28, s. 19(16); 2001, c. 9, Sched. B, s. 11(26).

Registration Committee

19.1 (1) The Registration Committee is continued and shall be composed of the following persons appointed by the Council:

1. At least two persons, each of whom is either,
 - i. a member of the Council appointed by the Lieutenant Governor in Council, or
 - ii. a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General.
 2. At least three members of the Association.
- 2010, c. 16, Sched. 2, s. 5(39).

Quorum

- (2) Three members of the Registration Committee, of whom at least one is a person referred to in subparagraph 1 i or ii of subsection (1), constitute a quorum. 2010, c. 16, Sched. 2, s. 5(39).

Chair, vice-chair

- (3) The Registration Committee shall name one of its members as chair, and another as vice-chair, of the Registration Committee. 2010, c. 16, Sched. 2, s. 5(39).

Same

- (4) Any power, duty or function of the chair of the Registration Committee may be exercised by the vice-chair, if the chair is absent or unable to act. 2010, c. 16, Sched. 2, s. 5(39).

Fiduciary, etc., relationship between corporation and client

20. A corporation that holds a certificate of authorization has the same rights and is subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation that

exist at law between a member of the Association and his client. R.S.O. 1990, c. P.28, s. 20.

Engineering interns

- 20.1** (1) The Registrar shall accept as an engineering intern any applicant for a licence, if,
- (a) in submitting the application for a licence, the applicant requests in writing to become an engineering intern;
 - (b) the applicant is enrolled in the Association's engineering intern training program; and
 - (c) the applicant meets the academic requirements prescribed by the regulations. 2010, c. 16, Sched. 2, s. 5(40).

Revocation for non-payment

- (2) The Registrar may revoke a person's status as an engineering intern for non-payment of any fee that is payable by the person under this Act. 2010, c. 16, Sched. 2, s. 5(40).

Termination

- (3) Subject to a revocation under subsection (2), a person ceases to be an engineering intern on the earlier of the day that his or her application for a licence is finally dealt with or the day that he or she withdraws the application. 2010, c. 16, Sched. 2, s. 5(40).
- 21.** (1) The Registrar shall maintain one or more registers containing the following information:
1. Every holder of a licence, certificate of authorization, temporary licence, provisional licence or limited licence.
 2. The terms, conditions and limitations attached to every licence, certificate of authorization, temporary licence, provisional licence and limited licence.
 3. Every revocation, suspension and cancellation or termination of a licence, certificate of authorization, temporary licence, provisional licence or limited licence.
 4. Every person who is an engineering intern under section 20.1.
 5. Any other information that the Registration Committee or Discipline Committee directs. 2010, c. 16, Sched. 2, s. 5(41).

Inspection

- (2) Any person has the right, during normal business hours, to inspect the registers maintained by the Registrar. R.S.O. 1990, c. P.28, s. 21(2).

Copies

- (3) The Registrar shall provide to any person, upon payment of a reasonable charge therefor, a copy of any part of the registers mentioned in subsection (1) maintained by the Registrar. R.S.O. 1990, c. P.28, s. 21(3).

Cancellation for default of fees

- 22.** (1) The Registrar may cancel a licence, certificate of authorization, temporary licence, provisional licence or limited licence for non-payment of any fee prescribed by the regulations or the by-laws after giving the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of the person's professional conduct while a member or holder. R.S.O. 1990, c. P.28, s. 22(1); 2001, c. 9, Sched. B, s. 11(28).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by striking out "any fee prescribed by the regulations or the by-laws" and substituting "any fee payable under this Act". See: 2010, c. 16, Sched. 2, ss. 5(42), 6(2).

Reinstatement

- (2) A person who was a member of the Association or a holder of a certificate of authorization, temporary licence, provisional licence or limited licence whose licence, certificate of authorization, temporary licence, provisional licence or limited licence was cancelled by the Registrar under subsection (1) is entitled to have the licence, certificate of authorization, temporary licence, provisional licence or limited licence reinstated upon compliance with the requirements and qualifications prescribed by the regulations. R.S.O. 1990, c. P.28, s. 22(2); 2001, c. 9, Sched. B, s. 11(29).

Complaints Committee

23. (1) The Complaints Committee is continued and shall be composed of the following persons appointed by the Council:

1. At least one person who is either,
 - i. a member of the Council appointed by the Lieutenant Governor in Council, or
 - ii. a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General.
2. At least two members of the Association. 2010, c. 16, Sched. 2, s. 5(43).

Idem

- (2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee. R.S.O. 1990, c. P.28, s. 23(2).

Chair

- (3) The Council shall name one member of the Complaints Committee to be chair. R.S.O. 1990, c. P.28, s. 23(3).

Quorum

- (4) Three members of the Complaints Committee, of whom one shall be a person referred to in subparagraph 1 i or ii of subsection (1), constitute a quorum. R.S.O. 1990, c. P.28, s. 23(4); 2010, c. 16, Sched. 2, s. 5(44).

Duties of Complaints Committee

24. (1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of a member of the Association or holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence, but no action shall be taken by the Committee under subsection (2) unless,

- (a) a written complaint in a form that shall be provided by the Association has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or repre-

sentations the member or holder may wish to make concerning the matter; and

- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint. R.S.O. 1990, c. P.28, s. 24(1); 2001, c. 9, Sched. B, s. 11(30).

Idem

- (2) The Committee in accordance with the information it receives may,
 - (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;
 - (b) direct that the matter not be referred under clause (a); or
 - (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws. R.S.O. 1990, c. P.28, s. 24(2).

Decision and reasons

- (3) The Committee shall give its decision in writing to the Registrar for the purposes of subsection (4) and, where the decision is made under clause (2)(b), its reasons therefor. R.S.O. 1990, c. P.28, s. 24(3).

Notice

- (4) The Registrar shall mail to the complainant and to the person complained against a copy of the written decision made by the Complaints Committee and its reasons therefor, if any, together with notice advising the complainant of the right to apply to the Complaints Review Councillor under section 26. R.S.O. 1990, c. P.28, s. 24(4); 2006, c. 19, Sched. B, s. 14.

Hearing

- (5) The Committee is not required to hold a hearing or to afford to any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this section. R.S.O. 1990, c. P.28, s. 24(5).

Complaints Review Councillor

25. (1) There shall be a Complaints Review Councillor who shall be appointed by Council and shall be,

- (a) a member of the Council appointed by the Lieutenant Governor in Council under clause 3(2)(c); or
- (b) a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General. 2010, c. 16, Sched. 2, s. 5(45).

Idem

- (2) The Complaints Review Councillor is not eligible to be a member of the Complaints Committee or the Fees Mediation Committee. R.S.O. 1990, c. P.28, s. 25(2).

Powers of Complaints Review Councillor

Examination by Complaints Review Councillor

- 26. (1) The Complaints Review Councillor may examine from time to time the procedures for the treatment of complaints by the Complaints Committee. R.S.O. 1990, c. P.28, s. 26(1); 2010, c. 16, Sched. 2, s. 5(46).

Review by Complaints Review Councillor

- (2) 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 within ninety days 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. R.S.O. 1990, c. P.28, s. 26(2); 2001, c. 9, Sched. B, s. 11(31).

Application to Complaints Review Councillor

- (3) A complainant who is not satisfied with the handling by the Complaints Committee of a complaint to the Committee may apply to the Complaints Review Councillor for a review of the treatment of the complaint after the Committee has disposed of the complaint. R.S.O. 1990, c. P.28, s. 26(3).

Notice of application

- (3.1) A complainant who applies for a review under subsection (2) or (3) shall give the person complained against notice of the application. 2010, c. 16, Sched. 2, s. 5(47).

No inquiry into merits

- (4) In an examination under subsection (1) or a review under subsection (2) or (3), the Complaints Review Councillor shall not inquire into the merits of any particular complaint made to the Complaints Committee. 2010, c. 16, Sched. 2, s. 5(48).

Discretionary power of Complaints Review Councillor

- (5) The Complaints Review Councillor may decide not to make or continue a review under subsection (2) or (3) if,
 - (a) the review is or would be in respect of the treatment of a complaint that was disposed of by the Complaints Committee more than twelve months before the matter came to the attention of the Complaints Review Councillor; or
 - (b) in the opinion of the Complaints Review Councillor,
 - (i) the application to the Complaints Review Councillor is frivolous or vexatious or is not made in good faith, or
 - (ii) the person who has made application to the Complaints Review Councillor has not a sufficient personal interest in the subject-matter of the particular complaint. R.S.O. 1990, c. P.28, s. 26(5); 2010, c. 16, Sched. 2, s. 5(49, 50).

Notice, no review

- (5.1) If the Complaints Review Councillor decides under subsection (5) not to make or continue a review, he or she shall give notice of the decision to the Complaints Committee, to the complainant and to the person complained against. 2010, c. 16, Sched. 2, s. 5(51).

Notice of examination or review

- (6) Before commencing an examination or review, the Complaints Review Councillor shall give notice to the Complaints Committee of his or her intention to commence the examination or review and, in the case of a review, shall also give notice to the person complained against. 2010, c. 16, Sched. 2, s. 5(52).

Office accommodation

- (7) The Council shall provide to the Complaints Review Councillor such accommodation and support staff in the offices of the Association as are necessary to the performance of the powers and duties of the Complaints Review Councillor. R.S.O. 1990, c. P.28, s. 26(7).

Privacy

- (8) Every examination or review by the Complaints Review Councillor shall be conducted in private. R.S.O. 1990, c. P.28, s. 26(8); 2010, c. 16, Sched. 2, s. 5(53).

Receipt of information

- (9) In conducting an examination or review, the Complaints Review Councillor may hear or obtain information from any person and may make such inquiries as he or she thinks fit. R.S.O. 1990, c. P.28, s. 26(9); 2010, c. 16, Sched. 2, s. 5(54).

Hearing not required

- (10) The Complaints Review Councillor is not required to hold or to afford to any person an opportunity for a hearing in relation to an examination, review or report under this section. R.S.O. 1990, c. P.28, s. 26(10); 2010, c. 16, Sched. 2, s. 5(55).

Duty to provide information

- (11) On the request of the Complaints Review Councillor, a member of the Council, member of a committee of the Association or officer or employee of the Association shall give to the Complaints Review Councillor,
- (a) any information regarding the proceedings and procedures of the Complaints Committee regarding the treatment of complaints made to it that the Complaints Review Councillor requires; and
 - (b) access to all records, reports, files and other papers and things belonging to or under the control of the member, officer or employee, or the Association, that relate to the treatment by the Complaints Committee of complaints or any particular complaint, as specified by the Complaints Review Councillor. 2010, c. 16, Sched. 2, s. 5(56).

Report

- (12) On completing an examination or review, the Complaints Review Councillor shall make a report of his or her findings. 2010, c. 16, Sched. 2, s. 5(56).

Report re examination

- (13) The Complaints Review Councillor shall give a copy of a report respecting an examination under subsection (1) to the Council and to the Complaints Committee. 2010, c. 16, Sched. 2, s. 5(56).

Report re review

- (14) The Complaints Review Councillor shall give a copy of a report respecting a review under subsection (2) or (3) to the Council, to the Complaints Committee, to the complainant and to the person complained against. 2010, c. 16, Sched. 2, s. 5(56).

Report to Minister

- (15) If the Complaints Review Councillor is of the opinion that a report made under this section should be brought to the attention of the Minister, the Complaints Review Councillor shall give a copy of the report to the Minister. 2010, c. 16, Sched. 2, s. 5(56).

Recommendations

- (16) The Complaints Review Councillor may include in a report his or her recommendations in respect of the procedures of the Complaints Committee, either generally or with respect to the treatment of a particular complaint. R.S.O. 1990, c. P.28, s. 26(16); 2010, c. 16, Sched. 2, s. 5(57).

Consideration of report by Council

- (17) The Council shall consider every report, and any recommendations included in the report, that it receives from the Complaints Review Councillor, and shall notify the Complaints Review Councillor of any action it takes as a result. 2010, c. 16, Sched. 2, s. 5(58).

Consideration of report by Complaints Committee

- (18) The Complaints Committee shall consider every report, and any recommendations included in the report, that it receives from the Complaints Review Councillor, and shall notify the Complaints Review

Councillor of any action it takes as a result. 2010, c. 16, Sched. 2, s. 5(58).

Discipline Committee

27. (1) The Discipline Committee is continued and shall be composed of the following persons appointed by the Council:

1. At least one elected member of the Council.
2. At least one member of the Association who is,
 - i. a member of the Council appointed by the Lieutenant Governor in Council, or
 - ii. not a member of the Council, and approved by the Attorney General.
3. At least one person who is,
 - i. a member of the Council appointed by the Lieutenant Governor in Council under clause 3(2)(c), or
 - ii. neither a member of the Council nor a member of the Association, and approved by the Attorney General.
4. At least three members of the Association each of whom has at least 10 years experience in the practice of professional engineering. 2010, c. 16, Sched. 2, s. 5(59).

Quorum

- (2) One of each of the persons appointed under paragraphs 1, 2, 3 and 4 of subsection (1) constitute a quorum of the Discipline Committee. 2010, c. 16, Sched. 2, s. 5(59).

Chair, vice-chair

- (3) The Discipline Committee shall name one of its members as chair, and another as vice-chair, of the Discipline Committee. 2010, c. 16, Sched. 2, s. 5(59).

Same

- (4) Any power, duty or function of the chair of the Discipline Committee may be exercised by the vice-chair, if the chair is absent or unable to act. 2010, c. 16, Sched. 2, s. 5(59).

Referral to panel

- (5) Within 90 days after a matter is referred to the Discipline Committee for hearing and determination, the chair may,

- (a) select a panel from among the members of the Committee that includes at least one of each of the persons appointed under paragraphs 1, 2, 3 and 4 of subsection (1);
- (b) designate one of the members of the panel to chair it;
- (c) refer the matter to the panel for hearing and determination; and
- (d) set a date, time and place for the hearing. 2010, c. 16, Sched. 2, s. 5(59).

Powers of panel

- (6) A panel established under subsection (5) has all the powers, duties and functions of the Discipline Committee with respect to the hearing and determination of the matter referred to the panel, and a decision or order of the panel is deemed to be a decision or order of the Committee. 2010, c. 16, Sched. 2, s. 5(59).

Majority required

- (7) All disciplinary decisions of the Committee or of a panel established under subsection (5) require the vote of a majority of those of its members presiding over the matter. 2010, c. 16, Sched. 2, s. 5(59).

Inability to act

- (8) If the Discipline Committee or a panel established under subsection (5) commences a hearing and a member of the Discipline Committee required to preside over the hearing by virtue of subsection (2) or clause (5)(a), as the case may be, is unable to continue to act, the remaining members may complete the hearing despite the member's absence, but in no case shall a hearing be presided over by fewer than three members of the Committee. 2010, c. 16, Sched. 2, s. 5(59).

Transition

- (9) This section, as it read immediately before the day subsection 5(59) of Schedule 2 to the *Open for Business Act, 2010* comes into force, continues to apply in respect of every hearing of the Discipline Committee or of a panel that is commenced and not concluded before that day. 2010, c. 16, Sched. 2, s. 5(59).

Repeal

- (10) Subsection (9) is repealed on the fourth anniversary of the day on which subsection 5(59) of Schedule 2 to the *Open for Business Act, 2010* comes into force. 2010, c. 16, Sched. 2, s. 5(59).

Reference by Council or Executive Committee

- 27.1 The Council or the Executive Committee may, by resolution, refer to the Discipline Committee for hearing and determination any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence specified in the resolution. 2010, c. 16, Sched. 2, s. 5(60).

Duties and powers of Discipline Committee

Duties of Discipline Committee

28. (1) The Discipline Committee shall,
- (a) when so directed by the Council, the Executive Committee or the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence;
 - (b) hear and determine matters referred to it under section 24, 27.1 or 37; and
 - (c) perform such other duties as are assigned to it by the Council. R.S.O. 1990, c. P.28, s. 28(1); 2001, c. 9, Sched. B, s. 11(35). 2010, c.16, Sched. 2, s. 5(61).

Professional misconduct

- (2) A member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence may be found guilty of professional misconduct by the Committee if,
- (a) the member or holder has been found guilty of an offence relevant to suitability to practise, upon proof of such conviction; or
 - (b) the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regu-

lations. R.S.O. 1990, c. P.28, s. 28(2); 2001, c. 9, Sched. B, s. 11(36); 2010, c. 16, Sched. 2, s. 5(62).

Incompetence

- (3) The Discipline Committee may find a member of the Association or a holder of a temporary licence, a provisional licence or a limited licence to be incompetent if in its opinion,
- (a) the member or holder has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public of a nature or to an extent that demonstrates the member or holder is unfit to carry out the responsibilities of a professional engineer; or
 - (b) the member or holder is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member or holder that the member or holder no longer be permitted to engage in the practice of professional engineering or that his or her practice of professional engineering be restricted. R.S.O. 1990, c. P.28, s. 28(3); 2001, c. 9, Sched. B, s. 11(37).

Powers of Discipline Committee

- (4) Where the Discipline Committee finds a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence guilty of professional misconduct or to be incompetent it may, by order,
- (a) revoke the licence of the member or the certificate of authorization, temporary licence, provisional licence or limited licence of the holder;
 - (b) suspend the licence of the member or the certificate of authorization, temporary licence, provisional licence or limited licence of the holder for a stated period, not exceeding 24 months;
 - (c) accept the undertaking of the member or holder to limit the professional work of the member or holder in the practice of professional engineering to the extent specified in the undertaking;
 - (d) impose terms, conditions or limitations on the licence or certificate of authorization, tem-

- porary licence, provisional licence or limited licence, of the member or holder, including but not limited to the successful completion of a particular course or courses of study, as are specified by the Discipline Committee;
- (e) impose specific restrictions on the licence or certificate of authorization, temporary licence, provisional licence or limited licence, including but not limited to,
 - (i) requiring the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to engage in the practice of professional engineering only under the personal supervision and direction of a member,
 - (ii) requiring the member to not alone engage in the practice of professional engineering,
 - (iii) requiring the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to accept periodic inspections by the Committee or its delegate of documents and records in the possession or under the control of the member or the holder in connection with the practice of professional engineering,
 - (iv) requiring the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to report to the Registrar or to such committee of the Council as the Discipline Committee may specify on such matters in respect of the member's or holder's practice for such period of time, at such times and in such form, as the Discipline Committee may specify;
 - (f) require that the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence be reprimanded, admonished or counselled and, if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register for a stated or unlimited period of time;
 - (g) revoke or suspend for a stated period of time the designation of the member or holder by

the Association as a specialist, consulting engineer or otherwise;

- (h) impose such fine as the Discipline Committee considers appropriate, to a maximum of \$5,000, to be paid by the member of the Association or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
 - (i) subject to subsection (5) in respect of orders of revocation or suspension, direct that the finding and the order of the Discipline Committee be published in detail or in summary and either with or without including the name of the member or holder in the official publication of the Association and in such other manner or medium as the Discipline Committee considers appropriate in the particular case;
 - (j) fix and impose costs to be paid by the member or the holder to the Association;
 - (k) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms or for such purpose as the Discipline Committee may specify, including but not limited to,
 - (i) the successful completion by the member or the holder of the temporary licence, provisional licence or limited licence of a particular course or courses of study,
 - (ii) the production to the Discipline Committee of evidence satisfactory to it that any physical or mental incapacity in respect of which the penalty was imposed has been overcome,
- or any combination of them. 2001, c. 9, Sched. B, s. 11(38); 2009, c. 33, Sched. 2, s. 61.

Publication of revocation or suspension

- (5) The Discipline Committee shall cause an order of the Committee revoking or suspending a licence or certificate of authorization, temporary licence, provisional licence or limited licence to be published, with or without the reasons therefor, in the official publication of the Association together with the name of the member or holder of the revoked or suspended licence or certificate of authorization,

temporary licence, provisional licence or limited licence. R.S.O. 1990, c. P.28, s. 28(5); 2001, c. 9, Sched. B, s. 11(39).

Publication on request

- (6) The Discipline Committee shall cause a determination by the Committee that an allegation of professional misconduct or incompetence was unfounded to be published in the official publication of the Association, upon the request of the member of the Association or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence against whom the allegation was made. R.S.O. 1990, c. P.28, s. 28(6); 2001, c. 9, Sched. B, s. 11(40).

Costs

- (7) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Association reimburse the member of the Association or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence for the person's costs or such portion thereof as the Discipline Committee fixes. R.S.O. 1990, c. P.28, s. 28(7); 2001, c. 9, Sched. B, s. 11(41).

Stay of decision on appeal

29. (1) Where the Discipline Committee revokes, suspends or restricts a licence, temporary licence, provisional licence or limited licence on the grounds of incompetence, the decision takes effect immediately even if an appeal is taken from the decision, unless the court to which the appeal is taken otherwise orders, and, where the court is satisfied that it is appropriate in the circumstances, the court may so order. R.S.O. 1990, c. P.28, s. 29(1); 2001, c. 9, Sched. B, s. 11(42).

Stay of decision on appeal, professional misconduct

- (2) Where the Discipline Committee revokes, suspends or restricts a licence or a certificate of authorization, temporary licence, provisional licence or limited licence on grounds other than for incompetence, the order does not take effect until the

time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, unless the Discipline Committee otherwise orders, and, where the Committee considers that it is appropriate for the protection of the public, the Committee may so order. R.S.O. 1990, c. P.28, s. 29(2); 2001, c. 9, Sched. B, s. 11(43).

Discipline proceedings

30. (1) In proceedings before the Discipline Committee, the Association and the member of the Association or the holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence whose conduct is being investigated in the proceedings are parties to the proceedings. R.S.O. 1990, c. P.28, s. 30(1); 2001, c. 9, Sched. B, s. 11(44).

Examination of documentary evidence

- (2) A member or holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1990, c. P.28, s. 30(2); 2001, c. 9, Sched. B, s. 11(45).

Members holding hearing not to have taken part in investigation, etc.

- (3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or representative of a party except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from an adviser independent from the parties and, in such case,

the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. R.S.O. 1990, c. P.28, s. 30(3).

Public hearings

- (4) Hearings of the Discipline Committee shall be open to the public, subject to subsection (4.1). 2001, c. 9, Sched. B, s. 11(46).

Exception

- (4.1) The Discipline Committee may order that the public be excluded from all or part of a hearing if the following conditions are satisfied:
 1. The person whose conduct is being investigated delivers to the Registrar, before the day fixed for the hearing or part, a written request that the hearing or part be closed.
 2. The Discipline Committee is satisfied that,
 - i. matters involving public security may be disclosed at the hearing or part, or
 - ii. financial or personal or other matters may be disclosed at the hearing or part, of such a nature that the desirability of avoiding public disclosure of these matters in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public. 2001, c. 9, Sched. B, s. 11(46).

Recording of evidence

- (5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies of a transcript thereof shall be furnished only to the parties upon the same terms as in the Superior Court of Justice. R.S.O. 1990, c. P.28, s. 30(5); 2001, c. 9, Sched. B, s. 11(66).

Evidence

- (6) Despite the *Statutory Powers Procedure Act*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it. R.S.O. 1990, c. P.28, s. 30(6).

Only members at hearing to participate in decision

- (7) No member of the Discipline Committee shall participate in a decision of the Committee following upon a hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties. R.S.O. 1990, c. P.28, s. 30(7).

Release of documentary evidence

- (8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the party who produced them, be returned by the Committee within a reasonable time after the matter in issue has been finally determined. R.S.O. 1990, c. P.28, s. 30(8).

Continuation on expiry of Committee membership

- (9) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated, other than for cause, before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if the term of office had not expired or been terminated. R.S.O. 1990, c. P.28, s. 30(9).

Service of decision of Discipline Committee

- (10) Where the Discipline Committee finds a member of the Association or a holder of a certificate of authorization, temporary licence, provisional licence or limited licence guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member or holder. R.S.O. 1990, c. P.28, s. 30(10); 2001, c. 9, Sched. B, s. 11(47).

Appeal to court

31. (1) A party to proceedings before the Registration Committee or the Discipline Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the committee.

Certified copy of record

- (2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Powers of court on appeal

- (3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper. R.S.O. 1990, c. P.28, s. 31.

Fees Mediation Committee

32. (1) No person who is a member of the Complaints Committee or the Discipline Committee shall be a member of the Fees Mediation Committee. R.S.O. 1990, c. P.28, s. 32(1).

Duties of Fees Mediation Committee

- (2) The Fees Mediation Committee,
 - (a) shall, unless the Committee considers it inappropriate to do so, mediate any written complaint by a client of a member of the Association or of a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence in respect of a fee charged for professional engineering services provided to the client; and
 - (b) shall perform such other duties as are assigned to it by the Council. R.S.O. 1990, c. P.28, s. 32(2); 2001, c. 9, Sched. B, s. 11(48).

Arbitration by Fees Mediation Committee

- (3) The Fees Mediation Committee, with the written consent of all parties to the dispute, may arbitrate a dispute in respect of a fee between a client and a member of the Association or a holder of a certi-

cate of authorization, temporary licence, provisional licence or limited licence and in that case the decision of the Fees Mediation Committee is final and binding on all parties to the dispute. R.S.O. 1990, c. P.28, s. 32(3); 2001, c. 9, Sched. B, s. 11(49).

Procedure

- (4) Where the Fees Mediation Committee acts as arbitrator under subsection (3), the *Arbitration Act, 1991* does not apply. R.S.O. 1990, c. P.28, s. 32(4); 2010, c. 16, Sched. 2, s. 5(63).

Enforcement

- (5) A decision by the Fees Mediation Committee under subsection (3), exclusive of the reasons therefor, certified by the Registrar, may be filed with the Superior Court of Justice and when filed the decision may be enforced in the same manner as a judgment of the court. R.S.O. 1990, c. P.28, s. 32(5); 2001, c. 9, Sched. B, s. 11(66).

Registrar's investigation

33. (1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of authorization, a temporary licence, provisional licence or limited licence has committed an act of professional misconduct or incompetence or that there is cause to refuse to issue or to suspend or revoke a certificate of authorization, the Registrar by order may appoint one or more persons to investigate whether such act has occurred or there is such cause, and the person or persons appointed shall report the result of the investigation to the Registrar. R.S.O. 1990, c. P.28, s. 33(1); 2001, c. 9, Sched. B, s. 11(50).

Powers of investigator

- (2) For purposes relevant to the subject matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of authorization, temporary licence, provisional licence or limited licence in respect of whom the investigation is being made and, upon production of his or her appointment, may enter at any reasonable time the business premises of the member or holder and examine

books, records, documents and things relevant to the subject matter of the investigation. 2009, c. 33, Sched. 6, s. 79.

Application of *Public Inquiries Act, 2009*

- (2.1) Section 33 of the *Public Inquiries Act, 2009* applies to the inquiry under subsection (2). 2009, c. 33, Sched. 6, s. 79.

Obstruction of investigator

- (3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or her or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation. R.S.O. 1990, c. P.28, s. 33(3).

Order by provincial judge

- (4) Where a provincial judge is satisfied on evidence upon oath,
- (a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and
 - (b) That there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them. R.S.O. 1990, c. P.28, s. 33(4); 2001, c. 9, Sched. B, s. 11(52).

Execution of order

- (5) An order issued under subsection (4) shall be executed at reasonable times as specified in the order. R.S.O. 1990, c. P.28, s. 33(5).

Expiry of order

- (6) An order issued under subsection (4) shall state the date on which it expires, which shall be a date not later than fifteen days after the order is issued. R.S.O. 1990, c. P.28, s. 33(6).

Application without notice

- (7) A provincial judge may receive and consider an application for an order under subsection (4) without notice to and in the absence of the member of the Association or holder of a certificate of authorization, temporary licence, provisional licence or limited licence whose affairs are being investigated. R.S.O. 1990, c. P.28, s. 33(7); 2001, c. 9, Sched. B, s. 11(53).

Removal of books, etc.

- (8) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under this section relating to the member or holder whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member or holder whose practice is being investigated. R.S.O. 1990, c. P.28, s. 33(8).

Admissibility of copies

- (9) Any copy made as provided in subsection (8) and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original book, record or document and its contents. R.S.O. 1990, c. P.28, s. 33(9).

Report of Registrar

- (10) The Registrar shall report the results of the investigation to the Council or such committee as the Registrar considers appropriate. R.S.O. 1990, c. P.28, s. 33(10).

Liability insurance

34. It is a condition of every certificate of authorization that the holder of the certificate shall not offer

or provide to the public services that are within the practice of professional engineering unless the holder is insured in respect of professional liability in accordance with the regulations. R.S.O. 1990, c. P.28, s. 34.

Insurance claims

35. (1) In this section,

“insurer” means a person offering insurance in respect of liability incurred in the practice of professional engineering.

Information re insurance claims

- (2) Upon the request of the Registrar, an insurer shall furnish to the Registrar all documents that relate to a claim for indemnity in respect of the practice of professional engineering and that are in the possession or under the control of the insurer and have been prepared by a professional engineer and relate to engineering matters.

Exception

- (3) Subsection (2) does not apply in respect of a document prepared by an insured person related to a claim for indemnity in respect of the practice of professional engineering by the insured person.

Transmittal of information

- (4) The Registrar may forward any information referred to in subsection (2) to the Council or to such committee as the Registrar considers appropriate. R.S.O. 1990, c. P.28, s. 35.

Surrender of revoked licence or certificate

36. Where a licence, certificate of authorization, temporary licence, provisional licence or limited licence is revoked or cancelled, the former holder thereof shall forthwith deliver the licence, certificate of authorization, temporary licence, provisional licence or limited licence and related seal to the Registrar. R.S.O. 1990, c. P.28, s. 36; 2001, c. 9, Sched. B, s. 11(54).

Application after revocation or suspension

Application for licence, etc., after revocation

37. (1) A person whose licence, certificate of authorization, temporary licence, provisional licence or limited licence has been revoked for cause under this Act, or whose membership has been cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence, certificate of authorization, temporary licence, provisional licence or limited licence, but such application shall not be made sooner than two years after the revocation. R.S.O. 1990, c. P.28, s. 37(1); 2001, c. 9, Sched. B, s. 11(55).

Removal of suspension

- (2) A person whose licence, certificate of authorization, temporary licence, provisional licence or limited licence has been suspended for cause under this Act, or whose membership has been suspended for cause under a predecessor of this Act, may apply in writing to the Registrar for the removal of the suspension, but, where the suspension is for more than one year, the application shall not be made sooner than one year after the commencement of the suspension. R.S.O. 1990, c. P.28, s. 37(2); 2001, c. 9, Sched. B, s. 11(56).

Reference to Discipline Committee

- (3) The Registrar shall refer an application under subsection (1) or (2) in respect of a licence or a certificate of authorization, a temporary licence, a provisional licence or a limited licence to the Discipline Committee which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and the applicant. R.S.O. 1990, c. P.28, s. 37(3); 2001, c. 9, Sched. B, s. 11(57).

Procedures

- (4) The provisions of this Act applying to hearings by the Registration Committee, except section 31, apply with necessary modifications to proceedings of the Discipline Committee or the Registration Committee under this section. R.S.O. 1990, c. P.28, s. 37(4).

Confidentiality

38. (1) Every person engaged in the administration of this Act, including any person making an examination or review under section 26 or an investigation under section 33, shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties, employment, examination, review or investigation and shall not communicate any such matters to any other person except,
- (a) as may be required in connection with the administration of,
 - (i) this Act and the regulations and by-laws, or
 - (ii) the *Architects Act*, and the regulations and by-laws under that Act, or any proceedings under,
 - (iii) this Act or the regulations, or
 - (iv) the *Architects Act*, or the regulations under that Act;
 - (b) to his or her counsel; or
 - (c) with the consent of the person to whom the information relates. R.S.O. 1990, c. P.28, s. 38(1).

Testimony in civil action

- (2) No person to whom subsection (1) applies shall be required to give testimony or to produce any book, record, document or thing in any action or proceeding with regard to information obtained in the course of his or her duties, employment, examination, review or investigation except in a proceeding under this Act or the regulations or by-laws or a proceeding under the *Architects Act* or the regulations or by-laws under that Act. R.S.O. 1990, c. P.28, s. 38(2).

Offence, penalty

- (3) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 2001, c. 9, Sched. B, s. 11(58).

Limitation

- (4) No proceeding shall be commenced in respect of an offence under subsection (1) after the expiration of two years after the date on which the offence

was, or is alleged to have been, committed. 2001, c. 9, Sched. B, s. 11(58).

Order directing compliance

39. (1) Where it appears to the Association that any person does not comply with this Act or the regulations, despite the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Association may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision, and upon the application the judge may make the order or such other order as the judge thinks fit. R.S.O. 1990, c. P.28, s. 39(1); 2001, c. 9, Sched. B, s. 11(66).

Appeal

- (2) An appeal lies to the Court of Appeal from an order made under subsection (1). R.S.O. 1990, c. P.28, s. 39(2).

Offences and penalties

Offence, practice of professional engineering

40. (1) Every person who contravenes section 12 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$25,000 and for each subsequent offence to a fine of not more than \$50,000. R.S.O. 1990, c. P.28, s. 40(1)

Offence, use of term “professional engineer”, etc.

- (2) Every person who is not a holder of a licence or a temporary licence and who,
- (a) uses the title “professional engineer” or “ingénieur” or an abbreviation or variation thereof as an occupational or business designation;
 - (a.1) uses the title “engineer” or an abbreviation of that title in a manner that will lead to the belief that the person may engage in the practice of professional engineering;
 - (b) uses a term, title or description that will lead to the belief that the person may engage in the practice of professional engineering; or
 - (c) uses a seal that will lead to the belief that the person is a professional engineer,
- is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine

of not more than \$25,000. R.S.O. 1990, c. P.28, s. 40(2); 2001, c. 9, Sched. B, s. 11(59).

Onus of proof

- (2.1) In a proceeding for an alleged contravention of clause (2)(a.1), the burden of proving that the use of the title or abbreviation will not lead to the belief referred to is on the defendant, unless the defendant's use of the title or abbreviation is authorized or required by an Act or regulation. 2001, c. 9, Sched. B, s. 11(60).

Offence, services of professional engineer

- (3) Every person who is not acting under and in accordance with a certificate of authorization and who,
- (a) uses a term, title or description that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering; or
 - (b) uses a seal that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering, is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine of not more than \$25,000. R.S.O. 1990, c. P.28, s. 40(3).

Offence, use of term "Licensed Engineering Technologist", etc.

- (3.1) Every person who is not the holder of the engineering technologist class of limited licence prescribed under subparagraph 9v.2 of subsection 7(1) and who uses the title "Licensed Engineering Technologist" or "technologue en ingénierie titulaire de permis" or the initials "LET" or "TITP" in a manner that will lead to a belief that the person is the holder of the engineering technologist class of limited licence is guilty of an offence, and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine of not more than \$25,000. 2010, c. 16, Sched. 2, s. 5(64).

Offence, use of term "engineering intern", etc.

- (3.2) Every person who is not an engineering intern under section 20.1 and who uses any of the following terms, titles or descriptions in a manner that

will lead to a belief that the person is an engineering intern under that section is guilty of an offence, and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine of not more than \$25,000:

1. The title "engineering intern" or "stagiaire en ingénierie" or any abbreviation or variation of the title.
2. The initials "EIT" or "SI".
3. Any other term, title or description that will lead to the belief that the person is an engineering intern under section 20.1. 2010, c. 16, Sched. 2, s. 5(64).

Offence, obstruction of investigation

- (4) Any person who obstructs a person appointed to make an investigation under section 33 in the course of his or her duties is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. R.S.O. 1990, c. P.28, s. 40(4).

Liability of directors and officers

- (5) Where a corporation is guilty of an offence under subsection (1), (2), (3) or (4), every director or officer of the corporation who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than \$50,000. R.S.O. 1990, c. P.28, s. 40(5).

Liability of partners

- (6) Where a person who is guilty of an offence under subsection (1), (2), (3), (3.1), (3.2) or (4) is a member or an employee of a partnership, every member of the partnership who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than \$50,000. R.S.O. 1990, c. P.28, s. 40(6); 2010, c. 16, Sched. 2, s. 5(65).

Limitation

- (7) Proceedings shall not be commenced in respect of an offence under subsection (1), (2), (3), (3.1), (3.2), (4), (5) or (6) after two years after the date on which the offence was, or is alleged to have been, committed. R.S.O. 1990, c. P.28, s. 40(7); 2010, c. 16, Sched. 2, s. 5(66).

Application of subs. (2)

- (8) Subsection (2) does not apply to a holder of a limited licence who uses a term, title or description authorized or permitted by the regulations. R.S.O. 1990, c. P.28, s. 40(8).

Offences involving falsity

Falsification of documents

41. (1) Any person who makes or causes to be made a wilful falsification in a matter relating to a register or issues a false licence, certificate, temporary licence, provisional licence, limited licence or document with respect to registration is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. R.S.O. 1990, c. P.28, s. 41(1); 2001, c. 9, Sched. B, s. 11(61).

Offences for false representation

- (2) Every person who wilfully procures or attempts to procure the issuance of a licence, a certificate of authorization, a temporary licence, a provisional licence or a limited licence under this Act by knowingly making a false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000, and every person knowingly aiding and assisting such person therein is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. R.S.O. 1990, c. P.28, s. 41(2); 2001, c. 9, Sched. B, s. 11(62).

Limitation

- (3) No proceeding shall be commenced in respect of an offence under subsection (1) or (2) after the expiration of two years after the date on which the offence was, or is alleged to have been, committed. 2001, c. 9, Sched. B, s. 11(63).

Onus of proof respecting licensing

42. Where licensing or the holding of a certificate of authorization, a temporary licence, a provisional licence or a limited licence or acting under and in accordance with a certificate of authorization under this Act is required to permit the lawful doing of an act or thing, if in any prosecution it is proven that the defendant has done the act or

thing, the burden of proving that the defendant was so licensed or that the defendant held a subsisting certificate of authorization, temporary licence, provisional licence or limited licence or that the defendant acted under and in accordance with a certificate of authorization under this Act rests upon the defendant. R.S.O. 1990, c. P.28, s. 42; 2001, c. 9, Sched. B, s. 11(64).

Service of notice or document

43. (1) A notice or document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or by mail.

Idem

- (2) Where a notice or document under this Act or the regulations is sent to a person by mail addressed to the person at the last address of the person in the records of the Association, there is a rebuttable presumption that the notice or document is delivered to the person on the tenth day after the day of mailing. R.S.O. 1990, c. P.28, s. 43.

Registrar's certificate as evidence

44. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Association, is admissible in evidence in all courts as proof, in the absence of evidence to the contrary, of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal. R.S.O. 1990, c. P.28, s. 44.

Immunity and indemnity

Immunity of Association

45. (1) No action or other proceeding for damages shall be instituted against the Association, a committee of the Association or a member of the Association or committee of the Association, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a regulation or a by-law, or for any neglect or

default in the performance or exercise in good faith of such duty or power.

Councillor indemnified in suits respecting execution of office

- (2) Every member of the Council, a committee of the Association and every officer and employee of the Association, and the person's heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Association, given by the members of the Association, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against,
 - (a) all costs, charges and expenses whatsoever that the person sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against the person, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by the person, in or about the execution of the duties of the person's office; and
 - (b) all other costs, charges and expenses that the person sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by the person's own wilful neglect or default. R.S.O. 1990, c. P.28, s. 45.

46. REPEALED: 2002, c. 24, Sched. B, s. 25.

Joint Practice Board

47. (1) The Council shall appoint to the Joint Practice Board (composed of the chair, three members representing the Ontario Association of Architects and three members representing the Association of Professional Engineers of Ontario) the three members of the Joint Practice Board representing the Association and shall prescribe the term of each appointment.

Recommendation

- (2) The Joint Practice Board may recommend to the Council that the Council direct the Registrar to issue a licence or a certificate of authorization to a holder of a certificate of practice issued under the *Architects Act*.

Direction by Council

- (3) The Council, upon the recommendation of the Joint Practice Board, may direct the Registrar to issue a licence or a certificate of authorization to a holder of a certificate of practice under the *Architects Act* and, if the Council does not direct the issuance of the licence or the certificate of authorization, the Council shall give its reasons therefor in writing to the Joint Practice Board and to the applicant for the licence or the certificate of authorization.

Referral of dispute to Joint Practice Board

- (4) Where a dispute arises between an architect and a professional engineer or a holder of a certificate of authorization as to jurisdiction in respect of professional services, the Registrar may refer the matter to the Joint Practice Board and the Joint Practice Board shall consider the matter and assist the architect and the professional engineer or the holder of the certificate of authorization to resolve the dispute in accordance with the rules in section 12.

Commencement of proceedings

- (5) Proceedings shall not be commenced under this Act in respect of a matter mentioned in subsection (4) except upon the certificate of the chair of the Joint Practice Board that the Board has considered the matter and has been unable to resolve the dispute.

Certificate

- (6) The certificate of the chair is admissible in evidence in all courts as proof, in the absence of evidence to the contrary, of the facts stated therein without proof of the appointment or signature of the chair. R.S.O. 1990, c. P.28, s. 47.

Annual report

48. (1) The Council shall make a report annually to the Minister containing such information as the Minister requires.

Idem

- (2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. P.28, s. 48.

Application of *Corporations Act*

49. (1) The *Corporations Act* does not apply in respect of the Association except for the following sections of that Act which shall apply with necessary modifications in respect of the Association:

1. Section 81 (which relates to liability for wages).
2. Section 94 (which relates to auditors) and, for the purpose, the Minister shall be deemed to be the Minister referred to in the section.
3. Subsection 95(1) (which relates to the auditor's qualifications) and, for the purpose, the subsection shall be deemed not to include,
 - i. the exception as provided in subsection 95(2), and
 - ii. the reference to an affiliated company.
4. Section 96 (which relates to the auditor's functions).
5. Subsection 97(1), exclusive of clause 97(1)(b), (which relates to the auditor's report) and, for the purpose, the Association shall be deemed to be a private company.
6. Subsection 97(3) (which relates to the auditor's report).
7. Section 122 (which relates to the liability of members).
8. Section 276 (which relates to the holding of land) and, for the purpose, the Minister shall be deemed to be the Minister referred to in the section.
9. Section 280 (which relates to making contracts).
10. Section 281 (which relates to power of attorney).
11. Section 282 (which relates to authentication of documents) except in respect of information from the records required to be kept by the Registrar.
12. Section 292 (which relates to validity of acts of directors).
13. Section 297 (which relates to directions by a court as to holding a meeting).
14. Section 299 (which relates to minutes of meetings).
15. Section 302 (which relates to books of account).
16. Section 303 (which relates to untrue entries) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.

17. Section 304 (which relates to the place of keeping and the inspection of records) and, for the purpose,
 - i. the section shall be deemed not to refer to sections 41 and 43 of that Act, and
 - ii. the Minister shall be deemed to be the Minister referred to in the section.
18. Section 305 (which relates to inspection of records) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.
19. Section 310 (which relates to investigations and audits).
20. Section 323 (which relates to evidence of by-laws and certificates of amounts due).
21. Section 329 (which relates to appeals).
22. Section 331 (which relates to untrue statements) and, for the purpose,
 - i. the section shall be deemed not to refer to regulations made under that Act, and
 - ii. the Minister and the Deputy Minister to the Minister shall be deemed to be the Minister and the Deputy Minister referred to in the section.
23. Section 332 (which relates to orders by the court) and, for the purpose, the section shall be deemed not to refer to creditors. R.S.O. 1990, c. P.28, s. 49(1).

Interpretation

- (2) For the purposes of subsection (1), a member of the Association shall be deemed to be a shareholder. R.S.O. 1990, c. P.28, s. 49(2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 49 is repealed and the following substituted:

Application of *Not-for-Profit Corporations Act, 2010*

49. The *Not-for-Profit Corporations Act, 2010* does not apply in respect of the Association except as may be prescribed by regulation. 2010, c. 15, s. 238(2).

See: 2010, c. 15, ss. 238(2), 2



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Professional Engineers
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Professional Engineers Act

General R.R.O. 1990, Reg. 941

Amended to O. Reg. 71/15

This Regulation is made in English only.

July 2015

1. In this Regulation,

“Chapter” means a chapter established pursuant to the by-laws;

“general secretary” means the general secretary appointed by the Council;

“Junior Regional Councillor” means that one of the two regional councillors from a Region who is serving his or her first year of a two-year term of office;

“Member” means a member of the Association;

“practitioner” means holder of a licence, a temporary licence, a provisional licence, a limited licence or a certificate of authorization, as the case requires;

“Professional Practice Examination” means the examination in respect of professional ethics, engineering law and such other general matters as are approved by the Council from time to time;

“Region” means a region established by this Regulation.

“Register” means a register maintained by the Registrar under section 21 of the Act. R.R.O. 1990, Reg. 941, s. 1; O. Reg. 13/03, s. 1; O. Reg. 143/08, s. 1; O. Reg. 71/15, s. 1.
2. Fifteen members shall be elected to the Council as follows:
 1. Thirteen members shall be elected to the Council for a two-year term of whom,
 - i. three members shall be elected as councillors-at-large by and from among the Members,
 - ii. two members shall be elected by and from among the Members in each of the five Regions.
 2. Two members shall be elected annually by and from among the Members as a president-elect and a vice-president. R.R.O. 1990, Reg. 941, s. 2; O. Reg. 143/08, s. 2.
3. (1) There shall be the following additional officers of the Association:
 1. The president, who is a Member and who was president-elect in the immediately preceding year.
 2. A vice-president, who shall be appointed annually by Council from among its members elected or appointed under clause 3(2)(a) or 3(2)(b) of the Act at a meeting of Council to be held after the close of business and on the day of the annual meeting of Members or within thirty days thereafter.
 3. The past president, who is a Member and who was the president in the immediately preceding year.(2) If the president is incapacitated or resigns, the office of president shall be filled by the president-elect, failing that by the vice-president elected by the members, failing that by the vice-president appointed by the Council, or failing that by a member of the Council who the Council shall appoint. R.R.O. 1990, Reg. 941, s. 3; O. Reg. 71/15, s. 2.
4. The following Regions are established:
 1. Western Region.
 2. West Central Region.
 3. East Central Region.
 4. Eastern Region.
 5. Northern Region. R.R.O. 1990, Reg. 941, s. 4.
5. The area of each Region is the area described in Schedule 1. R.R.O. 1990, Reg. 941, s. 5; O. Reg. 143/08, s. 3; O. Reg. 71/15, s. 3.
6. No person shall be elected as a member of the Council unless the person has been nominated for election in the manner prescribed in this Regulation. R.R.O. 1990, Reg. 941, s. 6.
7. A Member who is employed by the Association is not eligible for election to the Council unless the Member,

- (a) takes an unpaid leave of absence that takes effect no later than the day after he or she is nominated for election; and
 - (b) submits to the Registrar his or her resignation in writing, to take effect at the time he or she would take office. O. Reg. 71/15, s. 4.
- 8. A person elected or nominated for election as a regional councillor must, at the time of the election or nomination, reside within the Region in which the person is elected or nominated for election. R.R.O. 1990, Reg. 941, s. 8.
- 9. (1) A regional councillor ceases to be qualified for his or her office when the regional councillor ceases to reside within the Region in which he or she was elected, in which event Council may appoint a Member who resides in the Region to serve the balance of the term of the regional councillor.
- (2) A member of Council ceases to be qualified to hold his or her office when the member ceases to reside within Ontario. R.R.O. 1990, Reg. 941, s. 9.
- 10. (1) A member of Council is not eligible for election or re-election unless the member's full term of office will have expired by the time the member would take office for a new term, or unless the member submits his or her resignation in writing, effective at the time the member would take office for the new term, to the Association prior to nomination for election or re-election. R.R.O. 1990, Reg. 941, s. 10(1).
- (2) A member of Council who has been appointed by the Lieutenant Governor in Council and who is also a Member is not eligible for election unless the member's term of office will have expired by the time the member would take office for a new term, or unless the member submits his or her resignation in writing, to take effect at the time the member would take office for the new term, to the Lieutenant Governor in Council prior to nomination for election. R.R.O. 1990, Reg. 941, s. 10; O. Reg. 71/15, s. 5.
- 11. The Council shall determine in each year whether the voting for the election of members to the Council for that year shall be by ballot cast by mail, by electronic means or by either mail or electronic means. O. Reg. 157/07, s. 2.
- 11.1 The Council shall appoint in each year a Chief Elections Officer, who shall for that year,
 - (a) oversee the nomination of Members for election to the Council and the election of and voting for members to the Council; and
 - (b) ensure that nomination, election and voting are conducted in accordance with the procedures established under the Act. O. Reg. 157/07, s. 2.
- 12. (1) The Council shall appoint a Central Election and Search Committee each year composed of,
 - (a) the penultimate past-president;
 - (b) the immediate past-president;
 - (c) the president; and
 - (d) two or more other Members. R.R.O. 1990, Reg. 941, s. 12(1); O. Reg. 157/07, s. 3(1); O.Reg. 71/15, s. 6.
- (2) The penultimate past-president shall act as chair, unless he or she is unable or unwilling to act, in which event another member of the Central Election and Search Committee designated by the Council shall act as chair. R.R.O. 1990, Reg. 941, s. 12(2); O. Reg. 157/07, s. 3(2).
- (3) The Central Election and Search Committee shall,
 - (a) encourage Members to seek nomination for election to the Council as president-elect, vice-president or a councillor-at-large;
 - (b) assist the Chief Elections Officer as may be required by him or her; and
 - (c) receive and respond to complaints regarding the procedures for nominating, electing and voting for members to the Council in accordance with this Regulation. O. Reg. 157/07, s. 3(3).
- (4) Meetings of the Central Election and Search Committee shall be convened by the chair from time

- to time or as directed by Council. O. Reg. 157/07, s. 3(3).
- (5) Three members of the Central Election and Search Committee constitute a quorum. O. Reg. 143/08, s. 4.
 - (6) No member of the Central Election and Search Committee shall consent to being nominated for election to the Council while holding a position with the Committee. O. Reg. 143/08, s. 4.
 - (7) The Council may remove a member of the Central Election and Search Committee from his or her position if,
 - (a) the member is unable or unwilling to fulfil his or her duties or functions as a member of the Committee; or
 - (b) the member consents to being nominated for election to the Council in contravention of subsection (6). O. Reg. 143/08, s. 4.
 - (8) If a vacancy occurs on the Central Election and Search Committee by reason of the death, resignation or removal under subsection (7) of a member of the Committee, the Council may designate a member of the Council to fill the vacancy for the remainder of the unexpired term. O. Reg. 143/08, s. 4.
 - (9) To be valid, a motion under subsection (7) or (8) must be approved by the votes of at least two-thirds of the members of the Council present and voting on the motion. O. Reg. 143/08, s. 4.
- 13.** (1) The Council shall in each year appoint a Regional Election and Search Committee for each Region composed of the chair of each Chapter in the Region. R.R.O. 1990, Reg. 941, s. 13(1); O. Reg. 157/07, s. 4(1); O. Reg. 143/08, s. 5.
- (2) The Junior Regional Councillor in each Region shall act as chair of the Regional Election and Search Committee for that Region and shall be entitled to vote only to break a tie. R.R.O. 1990, Reg. 941, s. 13(2); O. Reg. 157/07, s. 4(1); O. Reg. 71/15, s. 7(1).
 - (3) If the Junior Regional Councillor is unable to act, the Regional Election and Search Committee shall select a chair from among its members and the chair shall be entitled to vote only to break a tie. R.R.O. 1990, Reg. 941, s. 13(3); O. Reg. 157/07, s. 4(1); O. Reg. 71/15, s. 7(2).
 - (4) The Regional Election and Search Committee for a Region shall encourage Members residing in the Region to seek nomination for election to the Council as a regional councillor. O. Reg. 157/07, s. 4(2).
 - (4.1) Meetings of a Regional Election and Search Committee shall be convened by the chair from time to time or as directed by Council. O. Reg. 157/07, s. 4(2).
 - (5) A Chapter chair who is unable to attend a meeting of the Regional Election and Search Committee may appoint a delegate, who must be a member of the Chapter executive, to attend the meeting and act in his or her place, and the delegate must deliver the written authorization of the Chapter chair to the chair of the meeting. R.R.O. 1990, Reg. 941, s. 13(5); O. Reg. 157/07, s. 4(3).
 - (6) A majority of Regional Election and Search Committee members constitutes a quorum at any meeting of the committee. R.R.O. 1990, Reg. 941, s. 13(6); O. Reg. 157/07, s. 4(3).
 - (7), (8) Revoked: O. Reg. 157/07, s. 4(4).
- 14.** (1) A Member may be nominated for election to the Council as president-elect, vice-president or a councillor-at-large by no fewer than fifteen other Members, including Member residents from each Region. O. Reg. 157/07, s. 5.
- (2) A Member may be nominated for election to the Council as a regional councillor for a Region by no fewer than fifteen other Members who reside in the Region. O. Reg. 157/07, s. 5.
 - (3) A nomination under subsection (1) or (2) is not valid unless it is,
 - (a) signed by all the nominators;

- (b) forwarded to the Registrar together with the written consent of the Member nominated; and
 - (c) received by the Registrar no later than the date and time set by the Council for the receipt of nominations in respect of the election. O. Reg. 157/07, s. 5.
- (4) A Member is not eligible to be appointed under subsection (1) to the office of president-elect if the Member held the office of president within the last two years. O. Reg. 71/15, s. 8.
- 15.** A Member nominated for election to Council must state in his or her consent to the nomination that he or she is a Canadian citizen resident in Ontario. R.R.O. 1990, Reg. 941, s. 15.
- 15.1** (1) Where no Member is nominated for election as president-elect, vice-president or councillor-at-large or for election as a regional councillor in any Region, the office of president-elect, vice-president, councillor-at-large or regional councillor, as the case may be, shall be filled by a Member appointed by a majority of the Council. O. Reg. 157/07, s. 6.
- (2) A Member is not eligible to be appointed under section (1) to the office of regional councillor for a Region unless he or she resides in the Region at the time of the appointment. O. Reg. 157/07, s. 6.
- (2.1) A Member is not eligible to be appointed under subsection (1) to the office of president-elect if the Member held the office of president within the last two years. O. Reg. 71/15, s. 9.
- (3) Despite section 6, a Member appointed to an office under subsection (1) shall be deemed to have been nominated for and elected to the office in accordance with this Regulation. O. Reg. 157/07, s. 6.
- 16.** Where no more than one Member is nominated for election as president-elect, vice-president or councillor-at-large or for election as a regional councillor in any Region, the Member is elected by acclamation. R.R.O. 1990, Reg. 941, s. 16.
- 17.** (1) The Registrar, or in his or her absence the general secretary, shall prepare ballots for an election to Council setting out the names of the candidates for each office. O. Reg. 157/07, s. 7.
- (2) Subsection (1) does not apply in the case of an office to which a Member is appointed by a majority of the Council or elected by acclamation. O. Reg. 157/07, s. 7.
- 18.** The Registrar, or in his or her absence the general secretary, shall send to each Member entitled to vote in respect of an election a ballot and a list of Members, if any, appointed to an office by a majority of the Council or elected to office by acclamation. O. Reg. 157/07, s. 7.
- 19.** (1) A Member who receives a ballot for an election to Council may cast his or her vote by returning, in the manner determined by the Council under section 11, a completed ballot to the Registrar, the general secretary, the Chief Elections Officer or an agent designated by the Council for the purpose no later than the date and time set by the Council. O. Reg. 157/07, s. 7.
- (2) The date referred to in subsection (1) shall not be less than twenty-eight days following the date on which the ballots are sent to the Members. O. Reg. 157/07, s. 7.
- 20.** On or before the date set by the Council for the receipt of ballots, the president shall appoint three returning officers who may, but need not be, Members. R.R.O. 1990, Reg. 941, s. 20; O. Reg. 157/07, s. 8.
- 21.** The returning officers shall,
 - (a) observe the processing of ballots to ensure that only duly marked ballots returned before the date and time set by the Council under subsection 19(1) are counted;
 - (b) review rejected ballots;
 - (c) re-process rejected ballots found to be valid;
 - (d) approve the final count of ballots;
 - (e) make such other investigation and inquiry as they consider necessary or desirable for the

- purpose of supervising the counting of the vote; and
- (f) report the results of the vote to the Registrar not later than three weeks following the date set by the Council for the receipt of ballots. R.R.O. 1990, Reg. 941, s. 21; O. Reg. 13/03, s. 8; O. Reg. 157/07, s. 9.
- 22.** (1) The candidate receiving the greatest number of votes for an office is elected to the office. R.R.O. 1990, Reg. 941, s. 22(1).
- (2) In the event of a tie, an election shall be decided by coin toss conducted by the retiring president. R.R.O. 1990, Reg. 941, s. 22(2).
- 23.** (1) The Registrar shall give written notice of the election results, including appointment by a majority of the Council or election by acclamation,
- (a) to all members of the Council; and
- (b) to all persons nominated for the election,
- and shall forward the results, including the number of votes cast for each candidate, to all Members prior to the date of the annual meeting of the Members next following the date of the election or the results shall be announced at the annual meeting and forwarded to all Members as soon as practicable thereafter. R.R.O. 1990, Reg. 941, s. 23(1); O. Reg. 13/03, s. 9; O. Reg. 157/07, s. 10.
- (2) The Council may direct the destruction of ballots at any time after receipt by the Council of the notice mentioned in clause (1)(a). R.R.O. 1990, Reg. 941, s. 23(2).
- 24.** (1) The Council may close the register of Members for a period of time not exceeding twenty-one days, exclusive of Sundays and holidays, immediately preceding,
- (a) a meeting of Members; or
- (b) the date upon which ballots for an election are sent to Members. R.R.O. 1990, Reg. 941, s. 24(1); O. Reg. 157/07, s. 11(1, 2).
- (2) Prior notice of each closing of the register of Members shall be given to all Members. R.R.O. 1990, Reg. 941, s. 24(2).
- (3) During the period of time in which the register is closed, there shall not be recorded,
- (a) any new Member; or
- (b) any change in a Member's contact information, including his or her mailing address, email address or fax number. O. Reg. 157/07, s. 11(3).
- 25.** For the purposes of eligibility for nomination, election and voting, a Member shall be deemed to reside at the address of the Member recorded in the register of Members on the day immediately preceding the date on which ballots in respect of the elections are sent to members. R.R.O. 1990, Reg. 941, s. 25; O. Reg. 157/07, s. 12.
- 26.** (1) The elected members of the Council shall take office at the close of business at the annual meeting of the Association next following their election. R.R.O. 1990, Reg. 941, s. 26(1).
- (2) Members of the Council elected for a one-year term shall hold office until the close of business at the next annual meeting of the Members. R.R.O. 1990, Reg. 941, s. 26(2).
- (3) Members of the Council elected for a two-year term shall hold office until the close of business at the second annual meeting of the Members following the commencement of their term of office. R.R.O. 1990, Reg. 941, s. 26(3).
- 27.** Where there are vacancies in elected offices on the Council and no quorum remains in office, an election shall be held as soon as practicable in substantially the manner described in this Regulation for a general election. R.R.O. 1990, Reg. 941, s. 27.
- 28.** (1) The Executive Committee shall consist of,
- (a) the president;
- (b) the president-elect;
- (c) the immediate past-president;
- (d) the two vice-presidents; and

- (e) one or more other members of the Council from time to time appointed by the Council. R.R.O. 1990, Reg. 941, s. 28(1).
- (1.1) The Council shall ensure that at least one member appointed to the Council by the Lieutenant Governor in Council is appointed under clause (1)(e) at any given time. O. Reg. 205/09, s. 1.
- (2) Three members of the Executive Committee, at least one of whom shall be a person named in clause (1)(a), (b) or (c), constitute a quorum. R.R.O. 1990, Reg. 941, s. 28(2).
- 29.** The Executive Committee,
- (a) may act on behalf of the Council with respect to urgent matters arising between regular meetings of the Council but shall report to the Council with respect to such actions;
 - (b) may consult with other committees of the Council;
 - (c) shall act upon or report upon matters that are referred to it by the Council;
 - (d) may advise the Registrar or any other officer or official of the Association on matters of policy;
 - (e) may make periodic reviews, forecasts, plans and recommendations to the Council concerning the future organization and operation of the Association;
 - (f) may advise the Council on matters pertaining to the Canadian Council of Professional Engineers; and
 - (g) may advise the Council on all financial matters, including, without limitation, investments, budgets, capital requirements, income, expenditures, salaries, reserves and contingencies or extraordinary expenses, both for current and future operations. R.R.O. 1990, Reg. 941, s. 29; O. Reg. 13/03, s. 10.
- 30.** (1) The Fees Mediation Committee is continued. R.R.O. 1990, Reg. 941, s. 30(1).
- (2) The Council shall, from time to time, designate Members as eligible to act as members of the Fees Mediation Committee. R.R.O. 1990, Reg. 941, s. 30(2).
- (3) Where a written complaint is received under section 32 of the Act, the Registrar shall select not less than three and not more than four eligible Members to serve on the Fees Mediation Committee with respect to such complaint. R.R.O. 1990, Reg. 941, s. 30(3).
- (4) The Committee shall review the complaint and determine whether it is appropriate to mediate the complaint, and if so, whether the mediation should be conducted by one, two, three or four members of the Committee so selected and which of the members should conduct the mediation, which number and members shall then constitute the Committee. R.R.O. 1990, Reg. 941, s. 30(4).
- 31.** (1) Where, pursuant to subsection 32(3) of the Act, all parties to a dispute consent to arbitration by the Fees Mediation Committee by filing with the Registrar a consent in writing signed by all of the parties to the dispute, this section shall apply. R.R.O. 1990, Reg. 941, s. 31(1).
- (2) Each of the parties to the dispute shall prepare and submit to the Registrar a brief written outline of the dispute within ten days following the date of the filing of the consent referred to in subsection (1) or such longer period as may be determined by the Registrar. R.R.O. 1990, Reg. 941, s. 31(2).
- (3) The Registrar shall then select three Members to serve as the Fees Mediation Committee with respect to the dispute and the Committee may arbitrate the dispute on terms and conditions acceptable to it. R.R.O. 1990, Reg. 941, s. 31(3).
- 32.** Revoked: O. Reg. 201/12, s. 1.
- 32.1** (1) For the purposes of clause 20.1(1)(c) of the Act, in order to be accepted as an engineering intern, an applicant for a licence must meet the academic requirements for a licence prescribed by this Regulation or be in the process of completing the examinations required by the Academic Requirements Committee in order to meet those requirements. O. Reg. 71/15, s. 10.

(2) Engineering interns have the following privileges:

1. An engineering intern is a member of the Chapter in the Region in which he or she resides and,
 - i. may vote in the Chapter's elections, and
 - ii. subject to the Chapter's by-laws, may serve as a member of the Chapter executive.
2. An engineering intern may attend annual meetings of Members and meetings of the Council, but is not entitled to vote at an annual meeting.
3. An engineering intern may be appointed to a committee established by the Council, except as otherwise provided in the Act, the regulations or the by-laws.
4. An engineering intern is entitled to receive from the Association,
 - i notice of annual meetings of Members,
 - ii notice of the results of elections held under the Act,
 - iii issues of the Association's official publication, and
 - iv any other notice, document or information provided by the Association and intended for members of the class.
5. An engineering intern is entitled to receive from the executive of the Chapter in which he or she is a member any notice, document or information provided by the executive and intended for engineering interns. O. Reg. 71/15, s. 10.

32.2(1) The class of "engineer student" is established as a class of persons whose interests are related to those of the Association. O. Reg. 205/09, s. 2.

- (2) The Registrar shall accept as a member of the engineer student class any person who registers for membership on-line through the Association's website in the form provided by the Association for the purpose and is enrolled in,
- (a) the Association's student program; and
 - (b) an engineering program offered by a Canadian university and accredited to the Council's satisfaction or for which accreditation from the

Canadian Engineering Accreditation Board is being sought. O. Reg. 205/09, s. 2; O. Reg. 71/15, s. 11.

(3) Members of the engineer student class have the following privileges:

1. A member of the class may attend annual meetings of Members and meetings of the Council, but is not entitled to vote at an annual meeting.
2. A member of the class may participate in events organized by the Chapter in the Region in which he or she resides.
3. A member of the class is entitled to receive from the Association,
 - i. notice of annual meetings of Members,
 - ii. notice of the results of elections held under the Act,
 - iii. electronic issues of the Association's official publication, and
 - iv. any other notice, document or information provided by the Association and intended for members of the class.
4. A member of the class is entitled to receive from the executive of the Chapter in the Region in which he or she resides any notice, document or information provided by the executive and intended for members of the class. O. Reg. 205/09, s. 2

(4) A person ceases to be a member of the engineer student class on the day that he or she is no longer enrolled in a program referred to in subsection (2), subject to his or her earlier withdrawal from the class. O. Reg. 205/09, s. 2.

33. (1) Each applicant for a licence shall comply with the following rules:

1. The applicant shall demonstrate that he or she has obtained,

- i. a bachelor's degree in an engineering program from a Canadian university that is accredited to the Council's satisfaction, or
 - ii. equivalent engineering educational qualifications recognized by the Council.
 - 2. The applicant shall demonstrate that he or she has had 48 months of experience in the practice of professional engineering that, in the Council's opinion, provides sufficient experience to enable him or her to meet the generally accepted standards of practical skill required to engage in the practice of professional engineering.
 - 3. Up to 12 months of the practical experience referred to in paragraph 2 may be acquired after the applicant has completed one-half of the classroom component of the degree or equivalent educational qualifications. The balance shall be acquired after the degree or equivalent educational qualifications are obtained.
 - 4. At least 12 months of the balance referred to in paragraph 3 shall be acquired in a Canadian jurisdiction, under the supervision of one or more persons legally authorized to engage in the practice of professional engineering in that jurisdiction. However, the Council may vary or waive this requirement in circumstances in which it considers it to be in the public interest to do so.
 - 5. The applicant shall successfully complete the Professional Practice Examination. O. Reg. 286/99, s. 1.
- (2) Experience acquired outside Canada satisfies the requirements of paragraph 4 of subsection (1) if,
- (a) it is obtained while the applicant is,
 - (i) employed by an employer whose head office is located in Canada, and
 - (ii) supervised by one or more persons who are legally authorized to engage in the practice of professional engineering in a Canadian jurisdiction; and
 - (b) in the Council's opinion, the experience provides the applicant with,
 - (i) the necessary practical skill for the practice of professional engineering, and
 - (ii) sufficient familiarity with the applicable Canadian codes, regulations and standards for the practice of professional engineering. O. Reg. 13/03, s. 11.
- 34.** Examinations required by the Academic Requirements Committee shall be held prior to the 1st day of June in each year and at such other times, if any, and at such place or places, as the Council may from time to time determine. R.R.O. 1990, Reg. 941, s. 34.
- 35.** The Registrar is responsible for arranging for the holding of examinations, including the selection of time and examination centres. R.R.O. 1990, Reg. 941, s. 35.
- 36. (1)** In this section, "academic year" means the period commencing the 1st day of September in a year and ending the 31st day of August in the next following year. R.R.O. 1990, Reg. 941, s. 36(1).
- (2)** An applicant for a licence shall write the examination, if only one, or the first examination, if more than one, within the two academic years immediately following the date of issue of the notice to the applicant by the Registrar setting forth the examination requirements that the applicant is required to satisfy. R.R.O. 1990, Reg. 941, s. 36(2).
- (3)** All examinations must be successfully completed within eight academic years after the date of notification referred to in subsection (2). R.R.O. 1990, Reg. 941, s. 36(3).
- (4)** If an applicant for a licence,
- (a) fails to appear at the time and place set for an examination without reasonable justification submitted in writing; or
 - (b) fails to satisfy all examination requirements within the times referred to in subsections (2) and (3),

the applicant's application for a licence shall be withdrawn by the Registrar. R.R.O. 1990, Reg. 941, s. 36(4).

- (5) An applicant who has failed to successfully complete an examination set or approved by the Council is not entitled, except with the permission of the Academic Requirements Committee, to take the examination again and the applicant's application for a licence shall be withdrawn by the Registrar. R.R.O. 1990, Reg. 941, s. 36(5).
 - (6) A thesis, if required to be submitted by an applicant for a licence, shall be written and submitted not later than two years following the date of completion of all examinations other than the Professional Practice Examination required to be fulfilled by the applicant. R.R.O. 1990, Reg. 941, s. 36(6).
 - (7) Where an applicant who is required by the Academic Requirements Committee to take and pass more than one examination fails to take at least one examination in each academic year after taking the first of such examinations, the Registrar shall withdraw the applicant's application for a licence unless the applicant submits to the Registrar reasonable justification in writing for the failure to take the examination. R.R.O. 1990, Reg. 941, s. 36(7).
- 37.** An applicant for a licence must pass the Professional Practice Examination not later than two years following the later of,
- (a) the date of submission of the application for membership by the applicant to the Registrar; and
 - (b) the date of successful completion of all other examination requirements (other than the writing of a thesis, if required) or the final determination that no examination or thesis is required. R.R.O. 1990, Reg. 941, s. 37.
- 38.** (1) All examinations, other than the Professional Practice Examination, shall be marked on a percentage basis by examiners appointed by the Registrar in accordance with policies established from time to time by the Council. R.R.O. 1990, Reg. 941, s. 38(1).
- (2) In no event shall a passing mark be determined to be less than 50 per cent. R.R.O. 1990, Reg. 941, s. 38(2).
- (3) The Professional Practice Examination may be marked on a pass or fail basis and shall be marked by examiners appointed by the Registrar in accordance with policies established from time to time by the Council. R.R.O. 1990, Reg. 941, s. 38(3).
- 39.** The results of each examination shall be mailed not later than forty-five working days following the writing of the examination to each candidate who wrote the examination. R.R.O. 1990, Reg. 941, s. 39.
- 40.** (1) The Academic Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council and three members of the Committee constitute a quorum. R.R.O. 1990, Reg. 941, s. 40(1).
- (2) Where an application for the issuance of a licence, temporary licence or limited licence is referred to the Academic Requirements Committee pursuant to the Act, the Committee shall,
- (a) assess the academic qualifications of the applicant;
 - (b) determine whether the applicant meets the academic qualifications prescribed by this Regulation and so advise the Registrar; and
 - (c) if the Committee determines that the applicant does not meet the academic requirements, specify the academic requirements that the applicant must meet, for the purposes of the notice referred to in subsection 14(6) of the Act. O. Reg. 71/15, s. 12(1).
- (3) For the purpose of carrying out its duties in subsection (2), the Academic Requirements Committee,
- (a) shall review the education, experience and other qualifications of the applicant in the light of the academic standards established for the

- issuance of licences, temporary licences or limited licences, as the case requires, at the time of such review;
- (b) may, in the discretion of the Committee and on its own initiative, interview the applicant;
 - (c) may refer the experience of an applicant to the Experience Requirements Committee for an assessment and recommendation as to how such experience should be taken into account in assigning examinations to the applicant; and
 - (d) shall consider and decide upon the form and content of examinations recommended and the results of such examinations. R.R.O. 1990, Reg. 941, s. 40.
- (4) For the purposes of clause 14(4)(b) of the Act, the Registrar shall refer to the Academic Requirements Committee every application for a limited licence made on or after the day section 16 of Ontario Regulation 71/15 comes into force. O. Reg. 71/15, s. 12(2).
- 41.** (1) The Experience Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council, and three members of the Committee constitute a quorum. R.R.O. 1990, Reg. 941, s. 41(1).
- (2) Where an application for the issuance of a licence, temporary licence or limited licence is referred to the Experience Requirements Committee pursuant to the Act, the Committee shall,
- (a) assess the experience qualifications of the applicant;
 - (b) determine whether the applicant meets the experience requirements prescribed by this Regulation and so advise the Registrar; and
 - (c) if the Committee determines that the applicant does not meet the experience requirements, specify the experience requirements that the applicant must meet, for the purposes of the notice referred to in subsection 14(6) of the Act. O. Reg. 71/15, s. 13.
- (2.1) If the Experience Requirements Committee is requested to assess, for the purposes of section 51.1, an applicant for the reinstatement of a licence or limited licence, the Committee shall,
- (a) assess the applicant's knowledge and understanding of the current laws and standards governing the practice of professional engineering; and
 - (b) determine whether the applicant's knowledge and understanding is sufficient to warrant the reinstatement of his or her licence or limited licence and so advise the Registrar. O. Reg. 143/08, s. 6.
- (3) For the purpose of carrying out its duties, the Experience Requirements Committee may, in the discretion of the Committee and on its own initiative, interview the applicant. R.R.O. 1990, Reg. 941, s. 41(3).
- (4) The Committee shall interview the applicant if there is a question raised with respect to the ability of the applicant to communicate adequately in the English language. R.R.O. 1990, Reg. 941, s. 41(4).
- 41.1** (1) The Registrar shall designate as a "fee remission Member" every holder of a licence who meets the following requirements:
- 1. The holder is not engaged in the practice of professional engineering because he or she,
 - i. is retired from the practice of professional engineering,
 - ii. is enrolled in a post-graduate program,
 - iii. is on maternity, paternity or other family leave,
 - iv. is unemployed, or
 - v. has a long-term health condition or physical impairment that prevents the holder from engaging in the practice of professional engineering.
 - 2. The holder gives to the Registrar a written request for the designation stating that he or she is not engaged in the practice of profes-

sional engineering and the reason why he or she is not engaged in that practice. O. Reg. 205/09, s. 3.

- (2) It is a condition of the licence of every holder designated as a fee remission Member that he or she shall not engage in the practice of professional engineering, and this condition prevails over any other term, condition or limitation to which the holder's licence is subject. O. Reg. 205/09, s. 3.
- (3) The Registrar shall revoke a holder's fee remission Member designation if the holder,
 - (a) gives to the Registrar notice in writing indicating that the reason for the designation no longer exists and the date on which the reason ceased to exist; and
 - (b) pays the following amounts:
 - (i) any fees owing to the Association from the period during which he or she was designated as a fee remission Member,
 - (ii) the difference, if any, between any amount required to be paid by the Member as an annual fee for the current year and the amount required to be paid as an annual fee for a Member who is not designated as a fee remission Member for that year, and
 - (iii) a fee of \$50 O. Reg. 205/09, s. 3.
- (4) The Registrar shall confirm the revocation of the designation and the date of the revocation by written notice to the holder of the licence. O. Reg. 205/09, s. 3.
- (5) The condition imposed on the holder's licence under subsection (2) that he or she shall not engage in the practice of professional engineering is lifted on the date that the designation is revoked, as indicated in the notice referred to in subsection (4). O. Reg. 205/09, s. 3.
- (6) The lifting of the condition imposed on the holder's licence under subsection (2) does not affect the application of any other term, condition or limitation to which the holder's licence is subject. O. Reg. 205/09, s. 3.

42. (1) Every temporary licence must specify,

- (a) the works, facilities, machinery, equipment or other property in Ontario to which the temporary licence relates;
- (b) the name of the person, firm or corporation by whom the holder of the temporary licence is employed or engaged to perform services in Ontario within the practice of professional engineering;
- (c) the name of the Member, if any, with whom collaboration is required under this Regulation; and
- (d) the period of time, not exceeding twelve months, for which the temporary licence has been issued. R.R.O. 1990, Reg. 941, s. 42(1).

(2) It is a condition of every temporary licence that the services within the practice of professional engineering that may be provided by the holder of the temporary licence are limited to the services specified in the temporary licence. R.R.O. 1990, Reg. 941, s. 42(2).

43. The requirements and qualifications for the issuance of a temporary licence are payment of the fee prescribed by this Regulation for the temporary licence and one of the following:

1. Residence in a province or territory of Canada other than Ontario and membership in an association of professional engineers in another province or territory of Canada that has objects similar to the objects of the Association and that requires qualifications for membership at least equal to the qualifications required for the issuance of a licence to engage in the practice of professional engineering in Ontario.
2. Qualifications at least equal to the qualifications required for the issuance of a licence to engage in the practice of professional engineering in Ontario.
3. Not less than 10 years of experience in the practice of professional engineering that is relevant to the work to be undertaken under

the temporary licence, and wide recognition in relation to the practice. R.R.O. 1990, Reg. 941, s. 43; O. Reg. 71/15, s. 14(1), 14(2).

44. (1) It is a term and condition of every temporary licence that the holder of the temporary licence must collaborate with a Member in the practice of professional engineering in respect of the work undertaken under the temporary licence, unless the holder provides evidence of one of the following:
1. At least 12 months of experience in the practice of professional engineering that is relevant to the work to be undertaken under the temporary licence and that was acquired in a Canadian jurisdiction under the supervision of one or more persons who are legally authorized to engage in the practice of professional engineering in a Canadian jurisdiction.
 2. Wide recognition in the practice of professional engineering that is relevant to the work to be undertaken under the temporary licence and that the holder is knowledgeable about all codes, standards and laws relevant to that work.
- (1.1) Experience acquired outside Canada satisfies the requirements of paragraph 1 of subsection (1) if it meets the criteria set out under subsection 33(2). O. Reg. 71/15, s. 15.
- (2) It is a term and condition of every temporary licence held by a person who must collaborate with a Member that the holder of the temporary licence must not issue a final drawing, specification, plan, report or other document unless the Member has signed, dated and affixed the Member's seal thereto. R.R.O. 1990, Reg. 941, s. 44.
- 44.1 (1) The Registrar may grant a provisional licence to an applicant who complies with the requirements of paragraphs 1, 2, 3 and 5 of subsection 33(1). O. Reg. 13/03, s. 12.
- (2) The following conditions apply to every provisional licence:
1. The provisional licence is valid for 12 months from the date of issue. It may be renewed once for up to 12 months if the Registrar is of the

opinion that renewal is necessary to enable the applicant to acquire the experience required by paragraph 4 of subsection 33(1).

2. The holder of the provisional licence is entitled to practise professional engineering only under the supervision of a professional engineer, and shall not issue a final drawing, specification, plan, report or other document unless the supervising professional engineer also signs and dates it and affixes his or her seal to it. O. Reg. 13/03, s. 12.
45. The following conditions apply to every limited licence:
1. The practice of professional engineering by the holder of the limited licence must be limited to the services specified in the limited licence.
 2. When the holder of the limited licence ceases to provide the services specified in the limited licence, the holder must notify the Registrar and return to the Registrar the limited licence and the seal issued to the holder. O. Reg. 13/03, s. 13.
46. (1) The following are prescribed as requirements and qualifications for the issuance of a limited licence:
1. The applicant shall demonstrate that he or she holds a three-year degree or diploma in an engineering, technology or science program or has equivalent educational qualifications, and possesses the knowledge base corresponding to the scope of services within the practice of professional engineering to be provided under the limited licence.
 2. The applicant shall demonstrate at least eight years of experience in the practice of professional engineering that meets the criteria set out in the document titled "Guide to the Required Experience for a Limited Licence in Ontario" and dated March 2014, published by and available from the Association, with at least six years of the experience corresponding to the scope of services within the practice of professional engineering to be provided under the limited licence and at least four of those

six years' experience being acquired in a Canadian jurisdiction under the supervision of one or more persons who are legally authorized to engage in the practice of professional engineering in a Canadian jurisdiction.

3. The applicant shall pass the Professional Practice Examination.
4. The applicant shall demonstrate that he or she is of good character.
5. The applicant shall submit to the Registrar a completed application in the form titled "Limited Licence Application", dated November 2013 and available from the Association.
6. The applicant shall pay the applicable fees prescribed by this Regulation.

- (2) This section, as it read immediately before the day section 16 of Ontario Regulation 71/15 comes into force, continues to apply in respect of every application for a limited licence that is made but not finally dealt with before that day. O. Reg. 71/15, s. 16.

46.0.1 (1) The engineering technologist class of limited licence is established. O. Reg. 71/15, s. 17.

- (2) The Registrar shall issue an engineering technologist class of limited licence to any person who, in addition to meeting the requirements for a limited licence set out in section 46, demonstrates that he or she is a certified member in good standing with the Ontario Association of Certified Engineering Technicians and Technologists and holds a Certified Engineering Technologist title with that body. O. Reg. 71/15, s. 17
- (3) A reference in this Regulation to the holder of a limited licence includes reference to the holder of an engineering technologist class of limited licence, unless the context requires otherwise. O. Reg. 71/15, s. 17
- (4) If the holder of an engineering technologist class of limited licence indicates in an annual renewal form under section 50 or a notice of a change under section 50.1 that he or she is no longer a certified member in good standing with the Ontario Association of Certified Engineering Technicians

and Technologists and no longer holds a Certified Engineering Technologist title with that body, the Registrar shall reissue the holder's engineering technologist class of limited licence as a limited licence. O. Reg. 71/15, s. 17

- (5) If the Registrar otherwise discovers that the holder of an engineering technologist class of limited licence is no longer a certified member in good standing with the Ontario Association of Certified Engineering Technicians and Technologists and no longer holds a Certified Engineering Technologist title with that body, the Registrar shall, after giving 60 days notice to the holder, reissue the holder's engineering technologist class of limited licence as a limited licence. O. Reg. 71/15, s. 17
- (6) No fee is payable by the holder for the reissuance of a limited licence under this section. O. Reg. 71/15, s. 17
- (7) The holder of a limited licence issued under this section shall forthwith deliver to the Registrar his or her engineering technologist class of limited licence, together with the related seal. O. Reg. 71/15, s. 17
- (8) The Registrar shall reissue a limited licence issued under this section as an engineering technologist class of limited licence, if the holder,
 - (a) demonstrates that he or she has been reinstated as a certified member in good standing with the Ontario Association of Certified Engineering Technicians and Technologists and holds a Certified Engineering Technologist title with that body; and
 - (b) pays the fee prescribed by this Regulation for the issuance of the seal described in subsection 52(5). O. Reg. 71/15, s. 17
- (9) Subsections (4), (5) and (8) apply only if the holder continues to meet the requirements for a limited licence. O. Reg. 17/15, s. 17.

46.1 (1) The Registrar shall designate as a "fee remission limited licence holder" every holder of a limited licence who meets the following requirements:

1. The holder is not engaged in the practice of professional engineering because he or she,

- i. is retired from the practice of professional engineering,
 - ii. is enrolled in a post-graduate program,
 - iii. is on maternity, paternity or other family leave,
 - iv. is unemployed, or
 - v. has a long-term health condition or physical impairment that prevents the holder from engaging in the practice of professional engineering.
 - 2. The holder gives to the Registrar a written request for the designation stating that he or she is not engaged in the practice of professional engineering and the reason why he or she is not engaged in that practice. O. Reg. 205/09, s. 4.
 - (2) Subsections 41.1(2) to (6) apply with necessary modifications with respect to a designation under subsection (1). O. Reg. 205/09, s. 4.
- 47.** The following are prescribed as requirements and qualifications for the issuance of a certificate of authorization:
- 1. The applicant shall designate as the person or persons who will assume responsibility for and supervise the services within the practice of professional engineering to be provided under the certificate of authorization one or more holders of,
 - i. a licence,
 - ii. a temporary licence, or
 - iii. a limited licence, if the application for the limited licence was made on or after the day section 16 of Ontario Regulation 71/15 came into force.
 - 2. The applicant shall submit to the Registrar a completed application in the form titled "Application for Certificate of Authorization", dated November 2013 and available from the Association.
- 3. The applicant shall pay the application fee and the annual fee prescribed by this Regulation. O. Reg. 71/15, s. 18.
- 48.** Every certificate of authorization that is issued by the Registrar shall contain a description of any terms and conditions to which it is subject under the Act. O. Reg. 71/15, s. 18.
- 49. (1)** If a holder of a temporary licence is the only person assuming responsibility for and supervising the services within the practice of professional engineering to be provided under a certificate of authorization, the certificate of authorization expires on the date on which the holder's temporary licence expires. O. Reg. 71/15, s. 18
- (2) If two or more holders of a temporary licence are the only persons assuming responsibility for and supervising the services within the practice of professional engineering to be provided under a certificate of authorization, the certificate of authorization expires on the date on which the last of the temporary licences expires. O. Reg. 71/15, s. 18.
- 50.** Every year, every holder of a certificate of authorization shall, on or before the anniversary of the date on which the certificate was issued,
- (a) submit to the Registrar a completed annual renewal form, provided by the Association for the purpose, indicating whether the information contained in the registers in respect of the certificate is current and correct and providing information respecting any necessary changes or corrections; and
 - (b) pay the annual fee prescribed by this Regulation. O. Reg. 71/15, s. 18.
- 50.1 (1)** Every holder of a licence, temporary licence, provisional licence, limited licence or certificate of authorization shall give to the Registrar notice, in the form provided by the Association for the purpose, of any change in the information contained in the registers relating to the holder. O. Reg. 71/15, s. 18.
- (2) The notice of a change shall indicate the date on which the change occurred and be submitted no later than 30 days after that date. O. Reg. 71/15, s. 18.

51. (1) Subject to subsection (2), the following qualifications and requirements are prescribed for the reinstatement of the licence of a Member who resigned:

1. Payment of the fees owing by the applicant for reinstatement to the Association at the time the applicant resigned, if any, and of the fees for the current year.
2. Payment of a reinstatement fee of \$230.
3. Production of evidence of good character.
O. Reg. 143/08, s. 7; O. Reg. 205/09, s. 5(1).

(2) If at the time the applicant resigned he or she was designated as a fee remission Member, the fees for the current year that are required to be paid under paragraph 1 of subsection (1) are the fees that are applicable to a person designated as a fee remission Member. O. Reg. 205/09, s. 5(2).

(3) Any term, condition or limitation that applied to a licence when a Member resigns continues to apply to the reinstated licence and, for greater certainty, a Member who at the time that he or she resigned was designated as a fee remission Member continues to be so designated on the reinstatement of his or her licence. O. Reg. 205/09, s. 5(2).

51.1 Subject to subsection (2), the following qualifications and requirements are prescribed for the reinstatement of a licence or limited licence that was cancelled for non-payment of fees:

- (1) 1. Payment of the fees owing by the applicant for reinstatement to the Association at the time his or her licence or limited licence was cancelled and of the fees for the current year.
2. Payment of a reinstatement fee of,
 - i. \$50, if the payments referred to in paragraph 1 are made in full within 90 days after the cancellation,
 - ii. \$230, if the payments referred to in paragraph 1 are made in full more than 90 days and within two years after the cancellation, and

- iii. \$460, if the payments referred to in paragraph 1 are made in full more than two years after the cancellation.

3. Production of evidence of good character, if the payments referred to in paragraph 1 are made in full more than one year after the cancellation.
4. Successful completion of an assessment by the Experience Requirements Committee that the applicant has sufficient knowledge and understanding of the current laws and standards governing the practice of professional engineering, if the payments referred to in paragraph 1 are made in full more than two years after the cancellation. O. Reg. 143/08, s. 7; O. Reg. 205/09, s. 6(1).

(2) If at the time the applicant's licence or limited licence was cancelled for non-payment of fees the applicant was designated as a fee remission Member or fee remission limited licence holder, as the case may be, the following qualifications and requirements are prescribed for the reinstatement of his or her licence or limited licence:

1. Payment of the fees owing by the applicant for reinstatement to the Association at the time his or her licence or limited licence was cancelled and of the fees for the current year that are applicable to a person designated as a fee remission Member or fee remission limited licence holder, as the case may be.
2. Payment of a reinstatement fee of,
 - i. \$50, if the payments referred to in paragraph 1 are made in full within two years after the cancellation, and
 - ii. \$460, if the payments referred to in paragraph 1 are made in full more than two years after the cancellation.
3. Production of evidence of good character, if the payments referred to in paragraph 1 are made in full more than one year after the cancellation.

4. Successful completion of an assessment by the Experience Requirements Committee that the applicant has sufficient knowledge and understanding of the current laws and standards governing the practice of professional engineering, if the payments referred to in paragraph 1 are made in full more than two years after the cancellation. O. Reg. 205/09, s. 6(2).
- (3) Any term, condition or limitation that applied to a licence or limited licence that was cancelled for non-payment of fees continues to apply to the reinstated licence or limited licence and, for greater certainty, a person who at the time that his or her licence or limited licence was cancelled was designated as a fee remission Member or fee remission limited licence holder, as the case may be, continues to be so designated on the reinstatement of his or her licence or limited licence. O. Reg. 250/09, s. 6(2).
- 52.** (1) Every Member shall have a seal of a design approved by the Council, the impression of which shall include,
- (a) the surname and initials or given names of the Member;
 - (b) the words “Licensed Professional Engineer” and “Ontario”; and
 - (c) the licence number. R.R.O. 1990, Reg. 941, s. 52(1); O. Reg. 13/03, s. 15(1).
- (1.1) If a Member’s seal was issued before February 28, 2003, clause (1)(c) does not apply. O. Reg. 13/03, s. 15(2); O. Reg. 81/06, s. 2
 - (2) Where a Member’s seal was issued prior to the 1st day of September, 1984, the word “Registered” may appear in place of the word “Licensed” on the seal. R.R.O. 1990, Reg. 941, s. 52(2).
 - (3) Every holder of a temporary licence shall have a seal of a design approved by the Council, the impression of which shall include,
 - (a) the surname and initials of the holder of the temporary licence;
 - (b) the words “Temporary Licensee” and “Association of Professional Engineers of Ontario”;
 - (c) the temporary licence number;
 - (d) the date of expiry; and
 - (e) a statement of the limitations on the temporary licence that may affect the public. R.R.O. 1990, Reg. 941, s. 52(3).
- (3.1) Every holder of a provisional licence shall have a seal of a design approved by the Council, the impression of which shall include,
 - (a) the surname and initials of the holder of the provisional licence;
 - (b) the words “Provisional Licensee” and “Association of Professional Engineers of Ontario”;
 - (c) the provisional licence number;
 - (d) the date of expiry; and
 - (e) a statement that the holder is entitled to practise professional engineering only under the supervision of a professional engineer, and shall not issue a final drawing, specification, plan, report or other document unless the supervising professional engineer also signs and dates it and affixes his or her seal to it. O. Reg. 13/03, s. 15(2).
 - (4) Subject to subsection 5, every holder of a limited licence shall have a seal of a design approved by the Council, the impression of which shall include,
 - (a) the surname and initials of the holder of the limited licence;
 - (b) the words “Association of Professional Engineers of Ontario” and one or more of the following:
 - (i) “Limited Engineering Licensee”,
 - (ii) “titulaire de permis restreint d’ingénieur”,
 - (iii) “LEL”,
 - (iv) “PRI”; O. Reg. 71/15, s. 19(2)
 - (c) the limited licence number;
 - (d) a statement that the limited licence is limited to the services within the practice of profes-

sional engineering mentioned in the limited licence; and

- (e) Revoked: O. Reg. 13/03, s. 15(3).
- (f) a statement of the limitations on the limited licence that may affect the public. R.R.O. 1990, Reg. 941, s. 52(4); O. Reg. 13/03, s. 15(3); O.Reg. 71/15, s. 19(3).

- (5) In the case of a holder of an engineering technologist class of limited licence, clause (4)(b) does not apply, and the holder's seal shall instead include the words "Association of Professional Engineers of Ontario" and one or more of the following:

- 1. "Licensed Engineering Technologist".
- 2. "technologue en ingénierie titulaire de permis".
- 3. "LET".
- 4. "TITP". O. Reg. 71/15, s. 19(4).

- 53. Every holder of a licence, temporary licence, provisional licence or limited licence who provides to the public a service that is within the practice of professional engineering shall sign, date and affix the holder's seal to every final drawing, specification, plan, report or other document prepared or checked by the holder as part of the service before it is issued. R.R.O. 1990, Reg. 941, s. 53; O. Reg. 13/03, s. 16.

- 54. Every person whose licence, temporary licence, provisional licence, limited licence or certificate of authorization is suspended or revoked and every partnership whose certificate of authorization is suspended or revoked shall forthwith deliver it to the Registrar together with the person's or partnership's related seal and the certificate, if any, designating the person as a specialist or a consulting engineer. R.R.O. 1990, Reg. 941, s. 54; O. Reg. 13/03, s. 17.

- 55. Every person who resigns from the Association and every person or partnership who surrenders a temporary licence, provisional licence, limited licence or certificate of authorization shall forthwith deliver to the Registrar the person's or partnership's licence, temporary licence, provisional licence, limited licence or certificate of authorization together with the related seal and

the certificate, if any, designating the person as a specialist or a consulting engineer. R.R.O. 1990, Reg. 941, s. 55; O. Reg. 13/03, s. 18.

- 55.1 (1) The following are the titles and abbreviations that may be used in the practice of professional engineering by the holder of a licence or temporary licence:

- 1. "Professional engineer", "engineer" or "ingénieur".
- 2. "P.Eng." or "ing.". O. Reg. 205/09, s. 7.

- (2) The following are the titles and abbreviations that may be used in the practice of professional engineering by the holder of a limited licence:

- 1. "Limited Engineering Licensee" or "titulaire de permis restreint d'ingénieur".
- 2. "LEL" or "PRI". O. Reg. 205/09, s. 7.

- (3) The following are the titles and abbreviations that may be used in the practice of professional engineering by the holder of an engineering technologist class of limited licence:

- 1. "Licensed Engineering Technologist" or "technologue en ingénierie titulaire de permis".
- 2. "LET" OR "TITP". O. Reg. 71/15, s. 20.

- 56. (1) The Council shall designate as a consulting engineer every applicant for the designation who,

- (a) is a Member;
- (b) is currently engaged, and has been continuously engaged, for not less than two years or such lesser period as may be approved by the Council, in the independent practice of professional engineering in Canada;
- (c) has, since becoming a Member, had five or more years of professional engineering experience that is satisfactory to the Council;
- (d) has passed the examinations prescribed by the Council or has been exempted therefrom, pursuant to subsection (2). R.R.O. 1990, Reg. 941, s. 56(1); O.Reg. 402/07, s. 1.

- (2) The Council may exempt an applicant from any of the examinations mentioned in clause (1)(d) where the Council is of the opinion that the applicant has appropriate qualifications. R.R.O. 1990, Reg. 941, s. 56(2).
- 57.** (1) Designation as a consulting engineer expires five years from the date of issuance of notice of the designation. R.R.O. 1990, Reg. 941, s. 57(1).
- (2) The Council shall redesignate as a consulting engineer every applicant who,
- is a Member;
 - is currently engaged in the independent practice of professional engineering in Canada; and
 - has, during the five years since the date of issue of the applicant's most recent designation as a consulting engineer, had professional engineering experience satisfactory to the Council. R.R.O. 1990, Reg. 941, s. 57(2); O.Reg. 402/07, s. 2.
- 58.** The Registrar, upon the granting or refusing of an application for a designation or redesignation shall mail or send electronically forthwith to the applicant a notice stating,
- that the applicant has or has not been granted a designation or redesignation as a consulting engineer, as the case may be; and
 - in the case of a refusal to grant the designation or redesignation, the reasons therefor. R.R.O. 1990, Reg. 941, s. 58; O. Reg. 71/15, s. 21.
- 59.** A Member who has been designated or redesignated as a consulting engineer may use the title "consulting engineer" or a variation thereof approved by Council from time to time so long as the Member is in the independent practice of professional engineering and the designation or redesignation is valid. R.R.O. 1990, Reg. 941, s. 59.
- 60.** For the purpose of this Regulation, a Member shall be deemed to be in the independent practice of professional engineering if the Member,
- holds a certificate of authorization and is primarily engaged in offering or providing services within the practice of professional engineering to the public; or
 - is a partner in or employee of a holder of a certificate of authorization, is designated in the application for the certificate as a person who will assume responsibility for and supervise the services of the holder that are within the practice of professional engineering and is primarily engaged in offering or providing, on behalf of the holder, services within the practice of professional engineering to the public. R.R.O. 1990, Reg. 941, s. 60.
- 61.** (1) The Consulting Engineer Designation Committee is continued. R.R.O. 1990, Reg. 941, s. 61(1).
- (2) The Consulting Engineer Designation Committee may make recommendations to the Council in respect of all matters relating to applications for designation as a consulting engineer including, without limitation,
- the standards to be applied;
 - procedures for and the form and content of examinations;
 - the qualifications of applicants;
 - the exemption of applicants from examinations; and
 - the length of time engaged in independent practice required. R.R.O. 1990, Reg. 941, s. 61(2).
- 62.** (1) The Consulting Engineer Designation Committee shall consist of a chair, vice-chair and such other Members as are appointed by the Council. R.R.O. 1990, Reg. 941, s. 62(1).
- (2) A majority of the members of the Consulting Engineer Designation Committee must be designated consulting engineers. R.R.O. 1990, Reg. 941, s. 62(2).
- (3) The Consulting Engineer Designation Committee may, from time to time, appoint one or more subcommittees to assist it in carrying out any of its functions and to make recommendations to it with respect thereto. R.R.O. 1990, Reg. 941, s. 62(3).

- (4) The majority of the members of a subcommittee of the Consulting Engineer Designation Committee must be designated consulting engineers. R.R.O. 1990, Reg. 941, s. 62(4).
 - (5) The chair of a subcommittee of the Consulting Engineer Designation Committee must be a member of the Consulting Engineer Designation Committee. R.R.O. 1990, Reg. 941, s. 62(5).
- 63.** An applicant for designation as a consulting engineer shall, if requested, appear personally before the Council or the Consulting Engineer Designation Committee or a subcommittee thereof. R.R.O. 1990, Reg. 941, s. 63.
- 64.** (1) Where the Council has refused an application for designation as a consulting engineer, the applicant may, within thirty days of the date of receipt of notice of the refusal, request that the Council reconsider the application together with such additional information as is submitted by the applicant. R.R.O. 1990, Reg. 941, s. 64(1).
- (2) Upon receipt of a request from an applicant pursuant to subsection (1), the Council shall reconsider the application, taking into account the additional information, if any, submitted by the applicant with the request. R.R.O. 1990, Reg. 941, s. 64(2).
- (3) Upon the reconsideration, the Council may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent persons in the conduct of their own affairs and may refer the matter to and accept recommendations from such holders of licences or committee of holders of licences as it considers appropriate in the circumstances. R.R.O. 1990, Reg. 941, s. 64(3).
- 65.** The Registrar upon the granting or refusing of an application for reconsideration of an application for designation or redesignation shall mail or send electronically forthwith to the applicant a notice stating,
- (a) that the prior refusal of designation or redesignation as a consulting engineer has been confirmed or that the application for designation or redesignation as a consulting engineer has been granted, as the case may be; and
 - (b) in the case of a confirmation of a refusal to grant the designation or redesignation, the reasons therefor. R.R.O. 1990, Reg. 941, s. 65; O. Reg. 71/15, s. 22.
- 66.** An applicant for designation or redesignation as a consulting engineer who has been refused the designation by Council is not entitled to reapply therefor for a period of twelve months after,
- (a) the date of receipt of notice of the refusal of the Council; or
 - (b) in the case of a reconsideration by the Council, the date of receipt of notice of the refusal of the Council upon the reconsideration. R.R.O. 1990, Reg. 941, s. 66.
- 67.** Only a Member designated by the Council may use the title “consulting engineer” or a variation thereof approved by the Council from time to time. R.R.O. 1990, Reg. 941, s. 67.
- 68.** A holder of a certificate of authorization who is primarily engaged in offering to the public services within the practice of professional engineering and who satisfies the Council that the practice of professional engineering by the holder is and will be carried on under the responsibility and supervision of a designated consulting engineer named in the application for the certificate of authorization or in a related notice of change filed with the Registrar may use the title “consulting engineers” or a variation approved by Council from time to time. R.R.O. 1990, Reg. 941, s. 68.
- 69.** A holder of a certificate of authorization ceases to be entitled to use the title “consulting engineer” or a variation thereof approved by the Council when there ceases to be a designated consulting engineer who assumes responsibility for and supervises the practice of professional engineering provided by the holder of the certificate of authorization or when the holder ceases to be primarily engaged in offering to the public services within the practice

- of professional engineering. R.R.O. 1990, Reg. 941, s. 69.
70. A designated consulting engineer who ceases to be responsible for and to supervise the practice of professional engineering by a partnership or a corporation shall give notice of the cessation forthwith to the Registrar. R.R.O. 1990, Reg. 941, s. 70.
71. The Council may cause to be published from time to time a listing of Members designated as consulting engineers and of holders of certificates of authorization entitled to use the title “consulting engineers” or a variation thereof. R.R.O. 1990, Reg. 941, s. 71.
72. (1) In this section,
- “harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known as unwelcome and that might reasonably be regarded as interfering in a professional engineering relationship;
- “negligence” means an act or an omission in the carrying out of the work of a practitioner that constitutes a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances. R.R.O. 1990, Reg. 941, s. 72(1); O. Reg. 657/00, s. 1(1).
- (2) For the purposes of the Act and this Regulation,
- “professional misconduct” means,
- (a) negligence,
 - (b) failure to make reasonable provision for the safeguarding of life, health or property of a person who may be affected by the work for which the practitioner is responsible,
 - (c) failure to act to correct or report a situation that the practitioner believes may endanger the safety or the welfare of the public,
 - (d) failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner,
 - (e) signing or sealing a final drawing, specification, plan, report or other document not actually prepared or checked by the practitioner,
 - (f) failure of a practitioner to present clearly to the practitioner’s employer the consequences to be expected from a deviation proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work,
 - (g) breach of the Act or regulations, other than an action that is solely a breach of the code of ethics,
 - (h) undertaking work the practitioner is not competent to perform by virtue of the practitioner’s training and experience,
 - (i) failure to make prompt, voluntary and complete disclosure of an interest, direct or indirect, that might in any way be, or be construed as, prejudicial to the professional judgment of the practitioner in rendering service to the public, to an employer or to a client, and in particular, without limiting the generality of the foregoing, carrying out any of the following acts without making such a prior disclosure:
 1. Accepting compensation in any form for a particular service from more than one party.
 2. Submitting a tender or acting as a contractor in respect of work upon which the practitioner may be performing as a professional engineer.
 3. Participating in the supply of material or equipment to be used by the employer or client of the practitioner.
 4. Contracting in the practitioner’s own right to perform professional engineering services for other than the practitioner’s employer.

5. Expressing opinions or making statements concerning matters within the practice of professional engineering of public interest where the opinions or statements are inspired or paid for by other interests,
 - (j) conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional,
 - (k) failure by a practitioner to abide by the terms, conditions or limitations of the practitioner's licence, provisional licence, limited licence, temporary licence or certificate,
 - (l) failure to supply documents or information requested by an investigator acting under section 33 of the Act,
 - (m) permitting, counselling or assisting a person who is not a practitioner to engage in the practice of professional engineering except as provided for in the Act or the regulations,
 - (n) harassment. R.R.O. 1990, Reg. 941, s. 72(2); O. Reg. 657/00, s. 1(2); O. Reg. 13/03, s. 19.
- 73.** Documents, other than decisions, of the Discipline Committee may be signed by the Registrar or a deputy registrar on behalf of the Committee. R.R.O. 1990, Reg. 941, s. 73.
- 74. (1)** Subject to subsection (2), a holder of a certificate of authorization must be insured against professional liability under a policy of professional liability insurance which complies with the following minimum requirements:
1. A policy limit for each single claim of not less than \$250,000 and either an aggregate policy limit for all claims of not less than \$500,000 per year or an automatic policy limit reinstatement feature.
 2. A maximum deductible amount under the policy of the greater of \$5,000 or 5 per cent of the annual fees the holder billed in the twelve months immediately before the issuance of the policy.
3. Coverage for liability for errors, omissions and negligent acts arising out of the performance of all services within the practice of professional engineering offered or provided to the public by the insured subject to such exclusions and conditions and otherwise on such terms as are consistent with normal insurance industry practice from time to time.
 4. A provision that neither party may cancel or amend the policy of insurance in a way that results in non-compliance with this Regulation without first giving the other party at least forty-five days written notice or, in the event of non-payment of premiums, fifteen days written notice.
 5. The insurance must be placed with an insurer with an aggregate capital and surplus of at least \$20,000,000 or an underwriter or syndicate of underwriters operating on the plan known as Lloyds. R.R.O. 1990, Reg. 941, s. 74(1).
- (2)** A holder of a certificate of authorization is not required to be insured against professional liability under subsection (1) if,
- (a) the holder is participating in the Indemnity Plan of the Ontario Association of Architects and the holder's practice is limited to professional activities covered by that Plan;
 - (b) substantially all claims arising out of the service performed within the practice of professional engineering would be covered by other insurance whose terms of coverage are not materially less than the minimum requirements under subsection (1);
 - (c) the professional liability insurance would be in respect of pollution hazards, nuclear hazards, aviation hazards or shipping hazards; or
 - (d) before entering into an agreement to provide professional engineering services, the holder notifies each person to whom the holder

- intends to provide professional engineering services that the holder is not insured in accordance with the minimum requirements of this section and receives from each such person written authority to provide these services without that insurance. R.R.O. 1990, Reg. 941, s. 74(2).
- (3) The notice under clause (2)(d) shall be in the form provided by the Association for the purpose, and shall be signed by,
- (a) in the case of a holder who is a natural person, the person;
 - (b) in the case of a holder that is a corporation, an officer or director of the corporation;
 - (c) in the case of a holder that is a partnership, a partner in the partnership; or
 - (d) in the case of a holder that is a partnership of corporations, an officer or director of a partner in the partnership. O. Reg. 71/15, s. 23.
- 75.** A Member or holder of a temporary licence, a provisional licence, a limited licence or a certificate of authorization may advertise only,
- (a) in a professional and dignified manner;
 - (b) in a factual manner without exaggeration;
 - (c) in a manner that does not directly or indirectly criticize a Member or holder or an employer of a Member or holder; and
 - (d) without reference to or use of the professional seal of the Member or holder or the seal of the Association. R.R.O. 1990, Reg. 941, s. 75; O. Reg. 13/03, s. 20.
- 76.** (1) Where the Council establishes a committee to prepare or assigns to a committee the preparation of a schedule of suggested fees, the committee must be composed of approximately equal numbers of Members involved in providing engineering services to the public and Members involved in purchasing such services. R.R.O. 1990, Reg. 941, s. 76(1).
- (2) The committee shall prepare and recommend to the Council a schedule of suggested fees for professional engineering services. R.R.O. 1990, Reg. 941, s. 76(2).
- (3) A schedule of suggested fees that is approved by the Council shall be published by the Association. R.R.O. 1990, Reg. 941, s. 76(3).
- (4) A schedule of suggested fees that is approved by the Council shall be reviewed annually by the committee and amendments to the schedule that are recommended by the committee and approved by the Council shall be published by the Association. R.R.O. 1990, Reg. 941, s. 76(4).
- (5) The committee shall receive and consider recommendations submitted to it by Members and by the public and may consider salary surveys conducted from time to time by the Association or others. R.R.O. 1990, Reg. 941, s. 76(5).
- 77.** The following is the Code of Ethics of the Association:
1. It is the duty of a practitioner to the public, to the practitioner's employer, to the practitioner's clients, to other members of the practitioner's profession, and to the practitioner to act at all times with,
 - i. fairness and loyalty to the practitioner's associates, employer, clients, subordinates and employees,
 - ii. fidelity to public needs,
 - iii. devotion to high ideals of personal honour and professional integrity,
 - iv. knowledge of developments in the area of professional engineering relevant to any services that are undertaken, and
 - v. competence in the performance of any professional engineering services that are undertaken.
 2. A practitioner shall,
 - i. regard the practitioner's duty to public welfare as paramount,

- ii. endeavour at all times to enhance the public regard for the practitioner's profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering,
 - iii. not express publicly, or while the practitioner is serving as a witness before a court, commission or other tribunal, opinions on professional engineering matters that are not founded on adequate knowledge and honest conviction,
 - iv. endeavour to keep the practitioner's licence, temporary licence, provisional licence, limited licence or certificate of authorization, as the case may be, permanently displayed in the practitioner's place of business.
 - 3. A practitioner shall act in professional engineering matters for the practitioner's employer as a faithful agent or trustee and shall regard as confidential information obtained by the practitioner as to the business affairs, technical methods or processes of an employer and avoid or disclose a conflict of interest that might influence the practitioner's actions or judgment.
 - 4. A practitioner must disclose immediately to the practitioner's client any interest, direct or indirect, that might be construed as prejudicial in any way to the professional judgment of the practitioner in rendering service to the client.
 - 5. A practitioner who is an employee-engineer and is contracting in the practitioner's own name to perform professional engineering work for other than the practitioner's employer, must provide the practitioner's client with a written statement of the nature of the practitioner's status as an employee and the attendant limitations on the practitioner's services to the client, must satisfy the practitioner that the work will not conflict with the practitioner's duty to the practitioner's employer, and must inform the practitioner's employer of the work.
 - 6. A practitioner must cooperate in working with other professionals engaged on a project.
 - 7. A practitioner shall,
 - i. act towards other practitioners with courtesy and good faith,
 - ii. not accept an engagement to review the work of another practitioner for the same employer except with the knowledge of the other practitioner or except where the connection of the other practitioner with the work has been terminated,
 - iii. not maliciously injure the reputation or business of another practitioner,
 - iv. not attempt to gain an advantage over other practitioners by paying or accepting a commission in securing professional engineering work, and
 - v. give proper credit for engineering work, uphold the principle of adequate compensation for engineering work, provide opportunity for professional development and advancement of the practitioner's associates and subordinates, and extend the effectiveness of the profession through the interchange of engineering information and experience.
 - 8. A practitioner shall maintain the honour and integrity of the practitioner's profession and without fear or favour expose before the proper tribunals unprofessional, dishonest or unethical conduct by any other practitioner. R.R.O. 1990, Reg. 941, s. 77; O. Reg. 48/92, s. 1; O. Reg. 13/03, s. 21; O. Reg. 71/15, s. 24.
- 78.** Revoked: O. Reg. 258/08, s. 1.
- 78.1** The Registrar, if informed of a situation that may endanger life, health, property or the public welfare, may take such action as is reasonably necessary to serve or protect the public interest. O. Reg. 46/92, s. 1.

- 78.2** If a document is submitted under this Regulation to the Registrar on-line through the Association's website, a statement or information contained in the document that is required to be certified as true and correct by a person is deemed to have been so certified once the application is submitted. O. Reg. 71/15, s. 25.
- 79.** In the event of an interruption in postal service or electronic communication, the Council may take such steps as it considers appropriate including, without limitation,
- (a) the extension, for such periods as it considers reasonable in the circumstances, of any time periods set forth in this Regulation; and
 - (b) the use of such alternate means of communication as it considers appropriate in the circumstances. R.R.O. 1990, Reg. 941, s. 79; O. Reg. 157/07, s. 13.
- 79.1** The fee for membership in the engineering intern class is \$75 for every year or part of a year during which a person is a member of the class. O. Reg. 205/09, s. 8; O. Reg. 480/09, s. 1.
- 80.** (1) The application fee for registration as a holder of a licence is \$300. O. Reg. 631/92, s. 1; O. Reg. 81/06, s. 4(1); O. Reg. 480/09, s. 2(1).
- (2) The registration fee for an applicant for registration as a holder of a licence whose application is accepted is \$250. O. Reg. 143/08, s. 8; O. Reg. 480/09, s. 2(2).
- 81.** REVOKED: O. Reg. 205/09, s. 9.
- 82.** The application fee for registration as a holder of a temporary licence is \$650. O. Reg. 143/08, s. 9; O. Reg. 480/09, s. 3.
- 82.1** The registration fee for an applicant for registration as a holder of a provisional licence is \$250. O. Reg. 13/03, s. 22; O. Reg. 81/06, s. 7; O. Reg. 480/09, s. 4.
- 83.** (1) The application fee for registration as a holder of a limited licence is \$300. O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 8(1); O. Reg. 480/09, s. 5(1).
- (2) The registration fee for an applicant for registration as a holder of a limited licence whose application is accepted is \$250. O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 8(2); O. Reg. 480/09, s. 5(2).
- (3) Subject to subsection (4), the annual fee for a limited licence is \$220. O. Reg. 205/09, s. 10; O. Reg. 480/09, s. 5(3).
- (4) In the case of a holder of a limited licence who is designated as a fee remission limited licence holder, the annual fee for the limited licence is \$55. O. Reg. 205/09, s. 10; O. Reg. 480/09, s. 5(4).
- 84.** (1) The application fee for registration as a holder of a certificate of authorization is \$330. O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 9(1).
- (2) The annual fee for a certificate of authorization is \$330; O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 9(2).
- (3) The fee for each replacement certificate of authorization issued is \$50. O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 9(3).
- 85.** (1) The fees for writing examinations required in respect of each application are as follows:
- 1. The examination fee for the first examination written by an applicant, other than the Professional Practice Examination, is \$580.
 - 2. The examination fee for each subsequent examination and the rewriting of an examination previously failed is \$165.
 - 3. The fee to be paid upon submission of a thesis is \$300.
 - 4. The fee for writing or rewriting the Professional Practice Examination is \$165. O. Reg. 631/92, s. 4; O. Reg. 81/06, s. 10; O. Reg. 480/09, s. 6.
- (2) The fees in subsection (1) are non-returnable. O. Reg. 631/92, s. 4.
- 85.1** The fees for the issuance of a seal are,
- (a) \$25 for a rubber seal; and
 - (b) \$68 for a metal seal. O. Reg. 480/09, s. 7.

- 86.** (1) The application fee for designation as a consulting engineer is \$220. O. Reg. 631/92, s. 5; O. Reg. 81/06, s. 11(1); O. Reg. 480/09, s. 8(1).
- (2) The fee for designation as a consulting engineer is \$220 for the period of designation. O. Reg. 631/92, s. 5; O. Reg. 81/06, s. 11(2); O. Reg. 480/09, s. 8(2).
- (3) The application fee for redesignation as a consulting engineer is \$220. O. Reg. 631/92, s. 5; O. Reg. 81/06, s. 11(3); O. Reg. 480/09, s. 8(3).
- (4) The fee for each examination required in support of an application for designation as a consulting engineer is \$165. O. Reg. 631/92, s. 5; O. Reg. 81/06, s. 11(4); O. Reg. 480/09, s. 8(4).
- (5) The application fee for permission to use the term “consulting engineers” is \$45. O. Reg. 631/92, s. 5; O. Reg. 81/06, s. 11(5); O. Reg. 480/09, s. 8(5).
- 87.** The Council may from time to time determine and establish the dates on which fees payable to the Association are due. R.R.O. 1990, Reg. 941, s. 87.
- 88.** (1) In this section,
“industrial exemption repeal date” means the day subsection 5(17) of Schedule 2 to the *Open for Business Act, 2010* comes into force. O. Reg. 26/13, s. 1.
- (2) The Act does not apply to any act done on or after the industrial exemption repeal date by a person who is not the holder of a licence, a temporary licence, a provisional licence or a limited licence that is within the practice of professional engineering in relation to machinery or equipment, other than equipment of a structural nature, for use in the facilities of the person’s employer in the production of products by the person’s employer, if, before the industrial exemption repeal date,
- (a) the person applies for a licence, temporary licence or limited licence;
- (b) the person’s employer files a document with the Registrar containing the information set out in subsection (3), in the form provided by the Association, and the document is approved in writing by the Registrar; and
- (c) the person is a person named in the document under clause (3)(b). O. Reg. 26/13, s. 1.
- (3) The document shall contain,
- (a) a statement by the person’s employer that the employer is employing or will employ persons who,
- (i) are not holders of a licence, a temporary licence, a provisional licence or a limited licence, and
- (ii) do acts described in subsection (2);
- (b) the names of the persons referred to in clause (a); and
- (c) a statement by the person’s employer that the employer and each of the persons referred to in clause (a) are taking and shall take all necessary measures to ensure that any act described in subsection (2) that is done by that person on or after the industrial exemption repeal date by virtue of the exemption in subsection (2) shall be done in a manner that safeguards life, health, property, economic interests, the public welfare and the environment. O. Reg. 26/13, s. 1.
- (4) Subsection (2) does not apply to acts done by a person if the person’s employer knowingly makes a false statement in the document. O. Reg. 26/13, s. 1.
- (5) If the person’s application for a licence, temporary licence or limited licence is refused by the Registrar or withdrawn, subsection (2) ceases to apply to acts done by the person on and after the date of the refusal or withdrawal. O. Reg. 26/13, s. 1.
- (6) If the Registrar discovers that the person is failing or has failed to meet the obligation described in clause (3)(c), subsection (2) ceases to apply to acts done by the person on and after the first day on which the failure occurred. O. Reg. 26/13, s. 1.
- (7) If the Registrar discovers that an employer is failing or has failed to meet the obligation described in clause (3)(c), subsection (2) ceases to apply to acts

done by any of the persons named by the employer under clause (3)(b) on and after the first day on which the failure occurred. O. Reg. 26/13, s. 1.

- (8) The Registrar shall give notice of a cessation under subsection (6) or (7) to each of the affected persons and to his or her employer, and the Registrar shall indicate in the notice the date of and reason for the cessation. O. Reg. 26/13, s. 1.

Note: On the first anniversary of the day subsection 5(17) of Schedule 2 to the *Open for Business Act, 2010* comes into force, section 88 is revoked.
(See: O. Reg. 26/13, ss. 2, 3(2))

Table 1 REVOKED: O. Reg. 71/15, s. 26.

Schedule REVOKED: O. Reg. 143/08, s. 10.

SCHEDULE 1

1. The Western Region includes that part of Ontario lying south and west of a line drawn as follows:

Beginning at the Canada-United States border at the Town of Fort Erie on the Niagara River, north along the Niagara River to the Town of Niagara-on-the-Lake on the shoreline of Lake Ontario; then west along the shoreline of Lake Ontario to the boundary between the City of Burlington and the Town of Oakville; then north along that boundary to its northern end; continuing north along the same line to Highway 407; then west on Highway 407 to Halton Regional Road 5; continuing west along Halton Regional Road 5 to the western boundary of The Regional Municipality of Halton; then north along that boundary to Highway 401; then east on Highway 401 to Halton Regional Road 25; then north on Halton Regional Road 25, which becomes Wellington County Road 125, to Wellington County Road 124; then west on Wellington County Road 124 to Wellington County Road 26; then north on Wellington County Road 26 to Wellington County Road 18; then east on Wellington County Road 18, which becomes Dufferin County Road 3, to Dufferin County Road 24; then north on Dufferin County Road 24 to Dufferin County Road 109; then west on Dufferin County Road 109 to Dufferin County Road 25; then north on Dufferin County Road 25 to Highway 89; then east on Highway 89 to Dufferin County Road 124; then north on Dufferin County Road 124 to the northern boundary of the County of Dufferin; then north along the eastern boundary of the County of Grey to Grey County Road 19; then northwest on Grey County Road 19 to Nottawasaga Bay.

2. The West Central Region includes that part of Ontario lying within a line drawn as follows:

Beginning at Lake Ontario at the boundary between the City of Burlington and the Town of Oakville, north along that boundary to its northern end; continuing north along the same line to Highway 407; then west on Highway 407 to Halton Regional Road 5; continuing west along Halton Regional Road 5 to the western boundary of The Regional Municipality of Halton; then north along that boundary to Highway 401; then east on Highway 401 to Halton Regional Road 25; then north on Halton Regional Road 25, which becomes Wellington County Road 125, to Wellington County Road 124; then west on Wellington County Road 124 to Wellington County Road 26; then north on Wellington County Road 26 to Wellington County Road 18; then east on Wellington County Road 18, which becomes Dufferin County Road 3, to Dufferin County Road 24; then north on Dufferin County Road 24 to Dufferin County Road 109; then west on Dufferin County Road 109 to Dufferin County Road 25; then north on Dufferin County Road 25 to Highway 89; then east on Highway 89 to Dufferin County Road 124; then north on Dufferin County Road 124 to the northern boundary of the County of Dufferin; then east along the northern boundary of the County of Dufferin to its eastern boundary; then south along the eastern boundary of the County of Dufferin to the northern boundary of The Regional Municipality of Peel; then east on the northern boundary of The Regional Municipality of Peel to the eastern boundary of The Regional Municipality of Peel; then south along the eastern boundary of The Regional Municipality of Peel to the southern boundary of The Regional Municipality of York; then east along the southern boundary of The Regional Municipality of York to the West Don River; then south and southeast along the West Don River to Yonge Street; then south on Yonge Street to Yorkville Avenue; then west on Yorkville Avenue to Bay Street; then south on Bay Street to College Street; then east on College Street to Yonge Street; then south on Yonge Street to Lake Ontario then west along the shoreline of Lake Ontario, but including the Toronto Islands, to the boundary between the City of Burlington and the Town of Oakville.

3. The East Central Region includes that part of Ontario lying within a line drawn as follows:

Beginning at Georgian Bay at the eastern end of the northern boundary of The District Municipality of Muskoka, east along that boundary to the western boundary of Algonquin Provincial Park; then south along the western boundary of Algonquin Provincial Park to the northern boundary of the County of Haliburton; then west and then south and then west and then south along the northern boundary of the County of Haliburton to the central portion of the northern boundary of the City of Kawartha Lakes; then west and then south and then west and then south along the northern boundary of the City of Kawartha Lakes to the northern boundary of The Regional Municipality of Durham; then west along the northern boundary of The Regional Municipality of Durham to its western boundary; then south along the western boundary of The Regional Municipality of Durham to York Regional Road 32; then northeast following a line to the junction where Highway 7 and Highway 12 meet; then east on Highway 7 to the western boundary of the City of Kawartha Lakes; then south and then east and then south along the western boundary of the City of Kawartha Lakes to the northern boundary of The Regional Municipality of Durham; then east along the northern boundary of The Regional Municipality of Durham to its eastern boundary; then south along the eastern boundary of The Regional Municipality of Durham to Lake Ontario; then west along the shoreline of Lake Ontario to Yonge Street; then north on Yonge Street to College Street; then west on College Street to Bay Street; then north on Bay Street to Yorkville Avenue; then east on Yorkville Avenue to Yonge Street; then north on Yonge Street to the West Don River; then north and northwest along the West Don River to the southern boundary of The Regional Municipality of York; then west along the southern boundary of The Regional Municipality of York to its western boundary; then north along the western boundary of The Regional Municipality of York to the southern boundary of the County of Simcoe; then west and then north and then west and then north along the western boundary of the County of Simcoe to Grey County Road 19; then northwest on Grey County Road 19 to Nottawasaga Bay.

4. The Eastern Region includes that part of Ontario lying within a line drawn as follows:

Beginning at Lake Ontario at the western boundary of the County of Northumberland, north along that boundary to the southern boundary of the City of Kawartha Lakes; then west along the southern boundary of the City of Kawartha Lakes to its western boundary; then north and then west and then north along the western boundary of the City of Kawartha Lakes to Highway 7; then west on Highway 7 to the junction where Highway 7 and Highway 12 meet; then southwest following a line to the eastern end of York Regional Road 32; then north along the western boundary of The Regional Municipality of Durham to its northern boundary; then east along the northern boundary of The Regional Municipality of Durham to the western boundary of the City of Kawartha Lakes; then north and then east and then north and then east along the western boundary of the City of Kawartha Lakes to the western boundary of the County of Haliburton; then north and then east and then north and then east along the northern boundary of the County of Haliburton to the western boundary of Algonquin Provincial Park; then north along the western boundary of Algonquin Provincial Park to its northern boundary; then east along the northern boundary of Algonquin Provincial Park to the western boundary of the County of Renfrew; then north along the western boundary of the County of Renfrew to the Ottawa River.

5. The Northern Region includes that part of Ontario lying north of a line drawn as follows:

Beginning at the Ottawa River at the western boundary of the County of Renfrew, south along that boundary to the northern boundary of Algonquin Provincial Park; then west along the northern boundary of Algonquin Provincial Park to its western boundary; then south along the western boundary of Algonquin Provincial Park to the southern boundary of the Territorial District of Parry Sound; then west along the southern boundary of the Territorial District of Parry Sound to Georgian Bay; then northwest following a line through Georgian Bay to the mid-point in the main channel between the Bruce Peninsula and Manitoulin Island; then west following a line to the Canada-United States border.

O. Reg. 71/15, s. 27.



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Professional Engineers Act

Ontario Regulation 260/08

Amended to O. Reg. 29/16

Performance Standards

This Regulation is made in English only.

PART 1

PERFORMANCE STANDARDS FOR BUILDING CONSTRUCTION, ENLARGEMENT, ALTERATION AND DEMOLITION

Definitions

1. In this part,
“building” means a building as defined in the *Building Code Act, 1992*;

“building code” means Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*. O. Reg. 91/14, s. 1, 4; O. Reg. 29/16, s. 1,2.

Design of certain buildings

- 1.1 The following are prescribed as performance standards with respect to the preparation and provision by a professional engineer of a design for the construction, enlargement or alteration of a building described in paragraph 2 of subsection 12(6) of the act:

1. In preparing the design, the professional engineer shall provide information about the building’s compliance with the building code. The information shall be organized in a table and shall be listed under the following headings:
 - i. Project description (new, addition, alteration, change of use).
 - ii. Major occupancy or occupancies.
 - iii. Importance category.
 - iv. Building area.
 - v. Gross area of building.
 - vi. Number of storeys above and below grade.
 - vii. Building height.
 - viii. Number of streets and access routes.
 - ix. Building classification.
 - x. Sprinkler system proposal.
 - xi. Standpipe requirements.
 - xii. Fire alarm requirements.

- xiii. Adequacy of water service or supply for fire fighting purposes.
 - xiv. Whether the building is a high building.
 - xv. Construction restrictions (combustible, non-combustible or both).
 - xvi. Mezzanine information (number, area, locations).
 - xvii. Occupancy load per floor and method of determination.
 - xviii. Provision of barrier-free design.
 - xix. Presence of hazardous materials in the building.
 - xx. Requirements respecting fire resistance rating of horizontal assemblies and supporting members.
 - xxi. Exterior wall construction type and requirements respecting spatial separations.
 - xxii. Plumbing fixture requirements.
2. The professional engineer shall ensure that the table is affixed to the topmost sheet of the drawings that he or she prepares as part of the application for a building permit for the building’s construction, enlargement or alteration, or is included in the drawings in a similarly prominent location.
 3. The professional engineer shall provide a copy of the table to any other person who the professional engineer knows to be responsible, for the purposes of the building code, for any portion of the design of the construction, enlargement or alteration of the building. 2014, O. Reg. 91/14, s. 2.

Construction of a building

- 2.(1) In this section,

“construct” and “construction” have the same meaning as in the *Building Code Act, 1992*;

“plans and specifications” means a plan or other document which formed the basis for the issuance of a building permit and includes any changes to the plan or other document that are authorized by the chief building official as defined in the *Building Code Act, 1992*.

- (2) The following are prescribed as performance standards with respect to the general review of the construction of a building by a professional engineer as provided for in the building code:
1. The professional engineer, with respect to the matters that are governed by the building code, shall,
 - i. make periodic visits to the construction site to determine, on a rational sampling basis, whether the work is in general conformity with the plans and specifications for the building,
 - ii. record deficiencies found during site visits and provide the client, the contractor and the owner with written reports of the deficiencies and the actions that must be taken to rectify the deficiencies,
 - iii. review the reports of independent inspection and testing companies called for in the plans and specifications and which pertain directly to the work being reviewed,
 - iv. interpret plans and specifications in writing when requested to do so by the client, the contractor or the owner, and
 - v. review shop drawings and samples submitted by the contractor for consistency with the intent of the plans and specifications.
 2. The professional engineer may delegate one or more of the functions or requirements described in paragraph 1 to another person if it is consistent with prudent engineering practice to do so and the functions or requirements are performed under the supervision of the professional engineer.
- (3) Subsection (2) applies with necessary modifications to a limited licence holder, if the holder undertakes a general review of the construction of a building.

Demolition

3. (1) In this section,

“demolish” means to do anything in the removal of a building or structure, as the case may be, or of any material part of a building or structure;

“demolition plan” means a plan or other document prepared by a professional engineer, limited licence holder or provisional licence holder in accordance with subsection (3) with respect to the demolition of a building or structure, and includes any changes to the plan or other document that are made by a professional engineer, limited licence holder or provisional licence holder;

“methodology” means a detailed description of the systematic and sequential procedure for cutting, destroying, removing or otherwise demolishing a building or structure in a manner that does not endanger the health or safety of any persons or negatively affect the integrity of any other buildings, structures, buried or above ground utilities or any other real property;

“structure” means any permanent structure other than a building, including a bridge, dam or lock.

- (2) The following are prescribed as performance standards with respect to the general review of the demolition of a building by a professional engineer as provided for in the building code:
1. The professional engineer shall not undertake a general review of the demolition of a building unless,
 - i. the professional engineer has satisfied himself or herself that a permit for the demolition has been issued under the *Building Code Act, 1992*, and
 - ii. a demolition plan has been prepared with respect to the demolition.
 2. The professional engineer shall,
 - i. make periodic visits to the demolition site to determine whether the demolition is proceeding in general conformity with the demolition plan,
 - ii. record any material deviation from the demolition plan found during a site visit and as soon as reasonably possible notify the client, the contractor and the owner in writing of the deviation and of the professional engineer’s opinion on the impact the deviation may have on the health or safety of any person or the integrity of any other

- building, structure, buried or above ground utility or any other real property,
- iii. record any site condition or other issue relating to the demolition identified during a site visit that may endanger the health or safety of any person or the integrity of any other building, structure, buried or above ground utility or any other real property and as soon as reasonably possible notify the client, the contractor and the owner in writing of the condition or other issue,
- iv. notify the client, the contractor and the owner in writing about any site condition or other issue that requires the demolition plan to be changed,
- v. review the reports of any independent inspection and testing companies called for in the demolition plan and which pertain directly to the work being reviewed, and
- vi. interpret the demolition plan in writing when requested to do so by the client, the contractor or the owner.

(3) The following are prescribed as performance standards with respect to the preparation of a demolition plan:

1. The professional engineer, limited licence holder or provisional licence holder shall, before preparing a demolition plan with respect to the demolition of a building or structure,
 - i. visit and examine the demolition site in order to assess site limitations and adjacent conditions that may affect the content of the demolition plan, and
 - ii. verify the structural characteristics and condition of the building or structure by conducting one or more inspections of the building or structure and by reviewing any existing drawings or specifications relating to the building or structure.
2. The professional engineer, limited licence holder or provisional licence holder shall include in a demolition plan made with respect to the demolition of a building or structure,
 - i. a description of the structural characteristics and condition of the building or structure as verified by the professional

engineer, limited licence holder or provisional licence holder under subparagraph 1ii,

- ii. the methodology a contractor should follow in demolishing the building or structure,
- iii. a description of the measures necessary to ensure that the health or safety of any person, including an occupant of a building being demolished if the building is not vacated before the demolition commences as permitted by the building code, is not endangered as a result of the demolition,
- iv. a description of the measures necessary to ensure that the integrity of any other buildings, structures, buried or above ground utilities or any other real property is not negatively affected as a result of the demolition,
- v. identification of all buried or above ground utilities under or at the demolition site and a description of the requirements for their safe disconnection, removal or protection before the commencement of the demolition,
- vi. a description of any environmental hazard that would or could arise as a result of the demolition, and of the measures necessary to address the hazard, with reference to the applicable municipal, provincial or federal statutes, regulations, rules, by-laws, codes, standards or other legislation, and
- vii. identification of any inspection or testing to be carried out by an independent company during the demolition.

(4) A professional engineer may delegate one or more of the functions or requirements described in subsection (2) to another person if it is consistent with prudent engineering practice to do so and the functions or requirements are performed under the supervision of the professional engineer.

(5) A professional engineer or limited licence holder may delegate one or more of the functions or requirements described in subsection (3) to another person if it is consistent with prudent engineering practice

to do so and the functions or requirements are performed under the supervision of the professional engineer or limited licence holder.

- (6) Subsections (2) and (4) apply with necessary modifications to a limited licence holder, if the holder undertakes a general review of the demolition of a building.

PART II

PERFORMANCE STANDARDS FOR DRINKING WATER SYSTEM EVALUATIONS

Engineering evaluation reports under *Safe Drinking Water Act, 2002* (drinking water systems)

4. (1) In this section,

“available” means, in reference to a document, that it is present at or immediately accessible from the site of a drinking water system, whether in paper or electronic format;

“distribution system”, “drinking water system”, “raw water” and “raw water supply” have the same meaning as in the *Safe Drinking Water Act, 2002*;

“Drinking Water Systems Regulation” means Ontario Regulation 170/03 (drinking water systems) made under the *Safe Drinking Water Act, 2002*;

“operational check equipment” means equipment installed in a drinking water system, or portable equipment present at the site of a drinking water system, for the purpose of carrying out,

- (a) operational checks, sampling and testing under Schedule 6 to the Drinking Water Systems Regulation, and
- (b) the maintenance and operational checks under Schedules 8 and 9 to that regulation.

O. Reg. 91/14, s. 3; O. Reg. 29/16, s. 3.

- (2) The following are prescribed as performance standards with respect to the assessment of a drinking water system and the preparation of an engineering evaluation report on a drinking water system under

Schedule 21 to the Drinking Water Systems Regulation by a holder of a licence, temporary licence or limited licence:

1. Subject to paragraph 17, the holder shall complete and deliver the report in a timely manner that gives the owner of the drinking water system a reasonable opportunity to meet the timing requirements set out in Schedule 21 to the Drinking Water Systems Regulation.
2. The holder shall ensure that the report contains all of the information that section 21-5 of Schedule 21 to the Drinking Water Systems Regulation requires in order for the report to comply with that section.
3. The information and opinions that the holder provides in the report shall be based on observations made during one or more visits to the drinking water system by the holder or by a person under his or her supervision, and the holder shall include in the report,
 - i. the date of every visit to the drinking water system for the purposes of preparing the report by the holder or by a person under his or her supervision,
 - ii. in each case, the name of the person who visited the drinking water system, and
 - iii. in the case of a visit by a person under the holder’s supervision, the person’s title and relationship to the holder.
4. The holder shall determine and identify the location of the raw water supply for the drinking water system and shall provide as part of the report,
 - i. an indication as to whether the source of the raw water supply is ground water, surface water, or a combination of the two,
 - ii. a site plan showing,
 - A. the boundary of the drinking water system, any significant topographic features within those boundaries, and an indication of site grading that may impact on the source of the raw water supply,

- B. the location of all parts of the drinking water system used for the collection, storage and treatment of raw water, and
 - C. the distribution system used for distributing treated water to users of the drinking water system, and
- iii. the information described in paragraph 5 or 6 or both, as the circumstances require.
- 5. If any part of the source of the raw water supply is ground water, the holder shall,
 - i. include in the site plan the location of any wells that form part of the drinking water system and the location of any known water courses, drains, septic tanks, tile fields and any other structures that may affect the quality of the well water, and
 - ii. include in the site plan a description of the physical characteristics of each well that forms part of the drinking water system including, if available, a copy of the well record, and an indication of whether any of the wells obtains water from a raw water supply that was determined for the purposes of section 2 of the Drinking Water Systems Regulation to be ground water that is under the direct influence of surface water. O. Reg. 29/16, s. 4.
- 6. If any part of the source of the raw water supply is surface water, the holder shall state the name of the surface water body.
- 7. The holder shall provide in the report a description of the drinking water system, which shall include, at a minimum,
 - i. an estimate of the number of persons served by the drinking water system,
 - ii. a schematic diagram of any treatment process used in the drinking water system for the purpose of meeting the requirements of Schedule 2 to the Drinking Water Systems Regulation, and
 - iii. a list of all water treatment equipment and operational check equipment installed in the drinking water system.
- 8. The opinion that the holder provides for the purposes of subclause 21-5 (b)(i) of Schedule 21 to the Drinking Water Systems Regulation respecting whether all equipment required in order to ensure compliance with Schedule 2 to that regulation is being provided, shall be with respect to all expected flow conditions and quality variations.
- 9. In addition to the opinions required to be included in the report by section 21-5 of Schedule 21 to the Drinking Water Systems Regulation, the holder shall provide in the report his or her opinion regarding,
 - i. the reliability of the water treatment equipment and operational check equipment listed under subparagraph 7 iii and whether there are any redundancies in or observable problems with it, and
 - ii. the operating conditions that must be maintained for the water treatment equipment listed under subparagraph 7 iii in order to ensure that the requirements of Schedule 2 to the Drinking Water Systems Regulation are met.
- 10. The holder shall,
 - i. list in the report all equipment installed or used at the drinking water system, including water treatment equipment and operational check equipment listed under subparagraph 7 iii, that requires periodic maintenance, and
 - ii. review the relevant maintenance records and maintenance schedules that are available for the equipment listed under subparagraph i, and give his or her opinion as to,
 - A. whether the equipment has been inspected, tested, replaced and calibrated at the frequency recommended by the equipment manufacturer,
 - B. if the equipment manufacturer does not recommend a maintenance schedule, whether the existing maintenance schedule for inspection, testing, replacement and calibration of the equipment would provide for reliable operation of the drinking water system, and
 - C. whether the equipment is being inspected, tested, replaced and

calibrated so that the drinking water system is in compliance with the applicable requirements set out in Schedules 2, 6, 8 and 9 to the Drinking Water Systems Regulation.

11. The holder shall provide reasons for the opinions required to be provided by paragraphs 8, 9 and 10, along with the technical and other information he or she relied on in reaching those opinions.
12. The holder shall attach to the report,
 - i. a list of all available manuals and similar information relevant to the operation and maintenance of the water treatment equipment and operational check equipment listed under subparagraph 10 i, and
 - ii. a list of the water treatment equipment and operational check equipment listed under that subparagraph for which such manuals or information are not available.
13. In preparing the maintenance schedule referred to under clause 21-5 (d) of Schedule 21 to the Drinking Water Systems Regulation, the holder shall, subject to paragraph 14, base the maintenance schedule on the applicable maintenance schedules contained in the manuals and information referred to in subparagraph 12 i.
14. If a maintenance schedule for a piece of equipment is not available, or if the holder is of the opinion that the available maintenance schedule would not provide for the reliable operation of the drinking water system or ensure compliance with the applicable requirements of Schedules 2, 6, 8 and 9 to the Drinking Water Systems Regulation, the holder shall develop a maintenance schedule for the equipment that would, if followed, provide for such operation and compliance.
15. If the holder determines that water treatment equipment or operational check equipment at a drinking water system may be bypassed, or discovers any other problem with the drinking water system that, in his or her opinion, may lead to improperly treated water being delivered to users of the drinking water system but does not constitute a failure to comply with Schedule 2, 6, 8 or 9 to the Drinking Water Systems Regulation, he or she shall include in the report a description of the problem, together with recommendations that would rectify the problem or mitigate risks associated with it.
16. If at any time during the assessment of the drinking water system or the preparation of the report the holder determines that the drinking water system does not comply with a requirement in Schedule 2, 6, 8 or 9 to the Drinking Water Systems Regulation and that the lack of compliance may lead to improperly treated water being delivered to users of the drinking water system, he or she shall immediately inform the owner of the drinking water system in writing of the fact, identifying those provisions of the Drinking Water Systems Regulation with which the drinking water system does not comply and the problems that need to be resolved, and recommending changes that would bring the drinking water system into compliance.
17. If the holder makes the determination described in paragraph 16, the holder shall not complete the report, subject to paragraph 18.
18. If the owner of the drinking water system notifies the holder in writing that the changes recommended under paragraph 16 have been made, the holder shall review the changes, and if, in the holder's opinion, the altered drinking water system is in compliance with Schedules 2, 6, 8 and 9 to the Drinking Water Systems Regulation, the holder shall complete the report.
19. On completing a report, the holder shall promptly sign and give to the owner of the drinking water system a declaration, in the form provided for the purpose by the Ministry of the Environment, containing the opinion of the holder that is required to be provided for the purposes of clause 21-5 (b) of Schedule 21 to the Drinking Water Systems Regulation.

O. Reg. 91/14, s. 3.

PART III

PERFORMANCE STANDARDS FOR ENVIRONMENTAL SITE ASSESSMENT REPORTS

Environmental site assessment reports

5. (1) In this section,

“environmental site assessment” means an investigation in relation to land to determine the environmental condition of property, and includes a phase one environmental site assessment or a phase two environmental site assessment under Ontario Regulation 153/04 (Records of Site Condition—Part XV.1 of the act) made under the *Environmental Protection Act*. O. Reg. 91/14, s. 3; O. Reg. 29/16, s. 5.

(2) A holder of a licence, temporary licence or limited licence who prepares or supervises the preparation of a report as part of an environmental site assessment shall ensure that the following is included on the signature page of the report:

1. In the case of a report for a phase one environmental site assessment or a phase two environmental site assessment under Ontario Regulation 153/04 (Records of Site Condition—Part XV.1 of the act), a statement that the objectives and requirements set out in that regulation for a phase one environmental site assessment or a phase two environmental site assessment, as the case may be, were applied in carrying out the environmental site assessment and preparing the report.
2. In any other case, a statement specifying which objectives, requirements or standards were applied in carrying out the environmental site assessment and preparing the report. O. Reg. 91/14, s. 3.

PART IV

PERFORMANCE STANDARDS FOR TOWER CRANE INSPECTIONS

Tower crane performance standards

6. The performance standards for inspecting a tower crane in accordance with sections 158 and 159 of Ontario Regulation 213/91 (Construction Projects) made under the *Occupational Health and Safety Act* are prescribed as being set out in the document entitled “review of Tower Cranes as Required by the *Occupational Health and Safety Act*” and dated November 20, 2015, published by the Association and available on its website. O. Reg. 29/16, s. 6.

Notes

Notes



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**Professional Engineers
Ontario**

By - Law No . 1

A by-law relating to the administrative and domestic affairs of the Association of Professional Engineers of Ontario as approved by Council on June 25, 1984, and subsequently amended in March 1993, February 1999, February 2000, February 2002, February 2004, February 2005, February 2006, February 2007, February 2008, February 2009, March 2010, November 2010, February 2011, June 2013, February 2018 and June 2018.

June 2018

Contents

Interpretation 3

Chapters..... 3

Regional Congress 4

Meetings of the Council..... 4

Meetings of Members of the Association..... 5

General Provisions as to Meetings..... 5

Duties of Members of Council 6

Committees 7

Remuneration of Members of the Council and Others 7

Officials and Employees..... 7

Indemnification of Staff, Councillors and Committee Members..... 8

Other Organizations 8

Fees General 8

Application of Funds and Administration of Property..... 10

Fiscal Year 11

Financial Statements 11

Auditor 12

Seal and Other Insignia 12

Amendments to Regulations and By-Laws 12

BE IT ENACTED

as a by-law of the Association of Professional Engineers of Ontario
(hereinafter called the “association”) as follows:

Interpretation

1. In this by-law and all other by-laws of the association hereinafter passed, unless the context otherwise requires:

- (a) “Act” means the *Professional Engineers Act*, R.S.O. 1990, Chapter P.28;
- (b) “by-laws” means this By-law No. I and all other by-laws which may be passed under the provisions of Section 8 of the Act;
- (c) “regulations” means regulations passed under Section 7 of the Act;
- (d) “senior regional councillor” means that one of the two regional councillors from a region who is serving the second year of a two-year term of office;
- (e) “junior regional councillor” means that one of the two regional councillors from a region who is serving the first year of a two-year term of office;
- (f) expressions used herein, unless the contrary intention appears, have the same meanings as in the Act;
- (g) wherever reference is made to any statute or section thereof, such reference shall be deemed to extend and apply to any amendment to or any re-enactment of such statute or section as the case may be;
- (h) words importing singular number shall include the plural number as the case may be and vice versa.

Chapters

2. There shall be chapters of the association constituted in accordance with the by-laws. There shall be a chapter area for each chapter defined as provided by by-law. Members of the association whose residence addresses are within a chapter area shall be members of that chapter.

3. The chapters in existence when this by-law comes into force are continued as chapters of the association with areas constituted by their present boundaries until the Council shall determine otherwise and the constitution and by-laws of each such chapter in effect at the date when this by-law comes into force shall continue in effect until rescinded or

amended in accordance with the provisions for rescission or amendment contained in such constitution or by-laws.

4. The council may from time to time:

- (a) establish chapters in addition to those referred to in Section 3 and define the boundaries of the areas of such chapters;
- (b) alter the boundaries of the areas of chapters heretofore or hereafter established;
- (c) direct that two or more chapters shall be combined and continued as one chapter and define the boundaries of such continuing chapter;
- (d) declare any chapter inactive and suspend its operation or dissolve any chapter and provide for the transfer of the members and assets of any such chapter to another chapter or chapters.

5. (Revoked February 2, 2018)

6. The Council may establish from time to time standard rules and procedures governing the operating of chapters and the conduct of their affairs.

7. Subject to the provisions of the Act, the by-laws and any standard rules and procedures established under Section 6, each chapter may pass by-laws governing its operations and respecting the conduct of its affairs, including provisions for amendment of such by-laws. A copy of all such by-laws and amendments thereto shall be filed with the registrar.

8. (1) Subject to Section 8(2), none of the governing body of a chapter, the officers of a chapter or the members of a chapter shall have any power or authority as such to contract in the name of the association or to assume any obligations on behalf of the association.

- (2) A chapter shall be entitled to enter into a contract on behalf of the association provided that:
- (i) the chapter is named in the contract;
 - (ii) the contract only pertains to, or is required by, the chapter's annual business plan as approved by the Regional Councillors Committee for
 - (iii) the contract does not require the expenditure of any money by the chapter other than in accordance with its Business Plan; and
 - (iv) such contract is executed by any one of the Chair, Vice Chair, Secretary or Treasurer of the chapter who have signing authority under the chapter by-law and who are members.

9. If a chapter shall be dissolved or shall cease to exist for any other reason or shall be declared inactive by the Council, all assets of that chapter, unless otherwise directed by the Council, shall revert to the association and shall be delivered over by the governing body of the chapter to the director, finance of the association forthwith on demand. (Amended February 2, 2018)

Regional Congress

10. The Council may establish, in each region, a committee of chapters to be known as the "Regional Congress", and, in connection with the establishment of a Regional Congress, may provide standard rules and procedures governing the operations of the Regional Congress and the conduct of its affairs.

Meetings of the Council

11. There shall be not less than four meetings of the Council in each year.

12. Meetings of the Council may be called by the president, the Executive Committee or, subject to section 13.1, by members of Council.

13. Notice of the meetings of the Council shall be given by the Registrar on the direction of the president, the Executive Committee or, subject to section 13.1, by members of Council, and shall be delivered, mailed, emailed or sent by other form of telecommunication to each member of the Council not less than seven days before the meeting is to take place. No formal notice of any such meeting shall be necessary if all members of the Council are present or if those absent have consented in writing to the meeting.

13.1 Upon the written request to the Registrar by no fewer than two-thirds of the members of Council, the Registrar shall call a meeting of Council by giving notice to all members of Council no less than 28 days before the meeting is to take place. Such notice shall be delivered, mailed, emailed or sent by other form of telecommunication to each member of the Council. No formal notice of any such meeting shall be necessary if all members of the Council are present or if those absent have consented in writing to the meeting.

14. The order of business at meetings of the Council shall be such as the Council may establish from time to time.

15. (1) In this section, "committee" means any advisory or other committee or subcommittee or other entity composed of Members or members of Council; "meeting" means any regular, special or other meeting of the Council or a committee or subcommittee thereof.

(2) Except as provided for in this section and the regulations, all meetings shall be open to the public.

(3) The Chair of any meeting may expel any person for improper conduct at a meeting.

(4) The meeting or part of a meeting may be closed to the public by the Chair of the meeting at his or her discretion if the subject matter being considered concerns:

- (a) the security of the property of the association;
- (b) personal matters about an identifiable individual;
- (c) the proposed or pending acquisition of assets by the association;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals affecting the association or a Member;
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- (g) any other matter which the Council determines.

(5) Before holding a meeting or part of a meeting that is to be closed to the public, the Council or the committee of Council shall state by resolution the

fact of the holding of the closed meeting or part of the meeting.

16. The transactions of the Council or of any committee are valid notwithstanding the disqualification of members thereof through any defect or irregularity in their election or appointment. No error or omission in giving notice for a meeting of Council shall invalidate such meeting and any member of the Council may at any time waive notice of any such meeting and may ratify and approve of any or all of the proceedings taken or had thereat.

Meetings of Members of the Association

17. An annual general meeting of the members of the association shall be called by Council and shall be held at such place and at such time as shall be determined by Council for the purpose of laying before the members the reports of the Council and committees of the association and of informing members of matters relating to the affairs of the association and for the purpose of ascertaining the views of the members present at the meeting on such matters, and other general meetings of the members of the association may be held for the same purposes.

18. Election of those officers and councillors to be elected by the members shall be conducted by letter ballot or electronic means as provided in the regulations and the Council may submit other matters to the members to be voted upon by letter ballot or electronic means in order to secure the approval of or an expression of opinion on such matters.

19. Other general meetings of the association may be called by the Council and shall be held at such place and at such time as shall be determined by the Council.

20. Notice of the time, place and purpose of the annual meeting or of any other general meeting of the members of the association shall be given by the registrar to each member of the association:

- i) by sending the notice of such meeting by mail at least 10 days but not more than 90 days before the time fixed for the holding of the meeting or by distributing the notice by electronic means at least 10 days but not more than 90 days before the time fixed for the meeting, or
- ii) by publishing the notice of the meeting in the official publication of the association, a copy of which

publication shall be sent by mail to each member at least 10 days but not more than 90 days before the time fixed for the meeting.

All notices required to be given to members of the association shall be deemed to have been regularly given if such notice, or the official publication of the association in which such notice is published, is (i) mailed, postage prepaid, addressed to each member at the last address appearing on the register at the time of such mailing, or (ii) if distributed by electronic means at the last electronic address appearing on the register at the time of such distribution, or (iii) if given by some combination of mailing and electronic distribution, so long as the notices have been distributed to each member of the association in the manner set out in (i) or (ii) above.

21. A statutory declaration by the registrar or by any person acting on behalf of the registrar shall be conclusive evidence of the mailing of notices of meetings of members or of the publishing thereof and the mailing of the publication containing such notice.

22. The order of business at annual meetings of the members of the association shall be:

- (a) adoption of minutes of the previous meeting;
- (b) business arising out of the minutes;
- (c) receipt of the annual financial statements of the association;
- (d) appointment of auditors;
- (e) considering reports from the Council and from committees;
- (f) such other business, if any, as may properly come before the meeting.

The order of business at other general meetings of the members shall be determined by the Council or, if not so determined by the Council, by the meeting's chair. The validity of actions taken at annual meetings of members of the association shall not be invalid solely by reason of failure to adhere to the order of business set forth in this Section 22.

23. Those members present in person shall constitute a quorum for any meeting of members.

General Provisions as to Meetings

24. In the absence of proof to the contrary, minutes of any meeting of the Association or of the Council or of

a committee purporting to be signed by the chair of council and by the corporate secretary or, in the case of a committee, by the committee chair shall be deemed to be a correct record of the proceedings of the meeting.

25. (1) The procedure at all meetings of the association and of Council shall be governed by the rules laid down in *Wainberg's Society Meetings* (most recent edition) except as required by law and except as amended by the by-laws of the association. These rules may be amended by Council with respect to meetings of Council and committees of Council by passing Special Rules of Order to supersede *Wainberg's Society Meetings*. No action of the association or of Council or its committees shall be invalid by reason only of an inadvertent failure to adhere to such rules.
- (2) Special Rules of Order or any amendments to *Wainberg's Society Meetings* shall remain in effect at all meetings of the association, Council and its committees from the time and date of their enactment to the close of business at the Annual General Meeting of the association next following the date of the enactment or until such time as they are duly rescinded, whichever comes first. Special Rules of Order enacted at the Annual General Meeting of the association shall remain in effect until the close of business at that meeting.
- (3) At the first meeting of Council following the Annual General Meeting of the association, all Special Rules of Order which were in force immediately before the close of business of the aforementioned Annual General Meeting of the association shall be presented to Council and Council may adopt or amend any part or all of those Special Rules of Order.
- (4) Voting at meetings of members and of Council or any properly constituted committee of Council may be conducted by (i) voice vote; (ii) consensus; (iii) show of hands; (iv) roll call; (v) paper ballot or (vi) use of electronic voting devices in accordance with *Wainberg's Society Meetings* and Special Rules of Order. The chair shall determine the method of voting on a question brought before a meeting as set out above.

26. Council or any properly constituted committee of Council (with the exception of the Registration Committee, the Complaints Committee, the Discipline Committee, the Academic Requirements Committee or the Experience Requirements Committee or any other committee in a proceeding in respect of a licence, certificate of authorization, temporary licence, limited licence, or provisional licence) may hold meetings with the prior consent of a majority of the Council members or Committee members, by means of telephone conference, electronic or other communications facilities provided all persons participating in the meeting can communicate adequately with each other; any meetings held by means of telephone conference, electronic or other communications facilities shall be conducted in accordance with any guidelines or other requirements respecting such meetings which have been approved by Council, from time to time. With the prior consent of a majority of the Council members or Committee members, any Council or Committee member who is permitted to participate in a meeting may participate in a meeting of the Council or Committee by means of telephone conference, electronic or other communications facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously.

27. Council or any properly constituted committee thereof (with the exception of the Registration Committee, the Complaints Committee, the Discipline Committee, the Academic Requirements Committee or the Experience Requirements Committee or any other committee in a proceeding in respect of a licence, certificate of authorization, temporary licence, provisional licence or limited licence) may take action by a signed resolution of all the members of the Council or Committee, as the case may be.

Duties of Members of Council

28. All elected members of the Council and all appointed members of the Council shall comply with the provisions of the Act, the regulations and the by-laws and shall exercise the powers and discharge the duties of their offices honestly in good faith and in furtherance of the objects of the association in order that the public interest may be served and protected. All elected members of the Council and all appointed members of the Council shall:

- (a) endeavour to take part in the committee work of the association and serve actively during their terms

of office on any committees to which they have been appointed;

- (b) endeavour to take part in chapter affairs including appearance before chapters during their terms of office as a panelist, speaker or representative of the Council;
- (c) endeavour to be present at and participate in the annual meeting of the members of the association;
- (d) perform such duties on behalf of the officers of the association as may be requested, including attendance at local functions as representatives of the association;
- (e) serve on the committees which the Council may appoint under the provisions of the Act with respect to hearings on membership and disciplinary matters;
- (f) ensure that confidential matters coming to their attention as members of the Council are not disclosed by them except as required for the performance of their duties or as may be directed by the Council or by the president; and
- (g) disclose any interest they may have, other than as members of Council, in any matter coming before Council and shall not be counted in the quorum in respect of such matter.

29. All elected members of the Council and all appointed members of the Council shall familiarize themselves with the Act, the regulations, the by-laws and code of ethics and with such other records and documents as may be necessary as background knowledge for the purpose of performance of the duties of their office.

Committees

30. (1) In addition to the committees prescribed by the Act, the Council may also from time to time appoint such other committees as it considers desirable to assist it in the management of the affairs of the association including, but not limited to:

- (a) Legislation Committee;
- (b) Professional Standards Committee;
- (c) Finance Committee.

- (2) The membership of all committees appointed under this Section 30 may include one or more members of the Council and such members of the association as the Council shall consider desirable (having regard to the need for continuity in the affairs of the association) and each committee shall perform such duties as Council may from time to time prescribe.
- (3) The president and the president-elect shall be ex-officio members of all committees established under this Section 30.
- (4) Subject to the provisions of the Act, the regulations and the by-laws, each committee shall determine the manner in which meetings of the committee shall be convened and the procedure at such meetings.
- (5) Members of Council may attend meetings of committees appointed under this Section 30 as observers.

Remuneration of Members of the Council and Others

31. No member of the Council, whether elected or appointed, shall receive any remuneration from the association for acting as such, but members of the Council may receive reimbursement for expenses as provided in Section 32.

32. The Council may authorize or provide for:

- (a) payment of reasonable traveling and other expenses properly incurred by members of the Council or of committees appointed by the Council in connection with the affairs of the association;
- (b) payment of reasonable traveling and other expenses of representatives of chapters when required to attend meetings of the Council, of committees appointed by the Council or of members of the association; and
- (c) payment of reasonable traveling and other expenses of any members of the association appointed by the Council to act on behalf of the association as a representative of the association on boards and committees of other organizations or performing tasks on behalf of the association upon the direc-

tion of officers, councillors or members of the staff of the association.

33. The remuneration to be paid to the members of committees of the association shall be such as the Council shall from time to time authorize or provide for.

Officials and Employees

34. The registrar, any deputy registrars, the director, finance and such other officials as may be appointed by the Council under Section 3(8) of the Act shall have such duties as the Council may determine from time to time and shall hold office in accordance with the terms of any contract of service between the association and such official approved by the Council or in the absence of such contract shall hold office at the pleasure of the Council. (Amended February 2, 2018)

35. The Council may employ, or may authorize the registrar or other officials of the association to employ, such other persons as may be considered necessary or desirable for the carrying out of the operations of the association and the conduct of its affairs.

36. The association may enter into contracts of employment with any official appointed by the Council providing for such remuneration, such term of employment and such other matters as may be approved by the Council and may enter into such contracts of employment with other employees of the association as shall be approved by the Council or, if authorized for such purpose by the Council, as shall be approved by the registrar or by such other official as shall be designated by the Council. (Amended February 2, 2018)

Indemnification of Staff, Councillors and Committee Members

37. (1) The association may indemnify and save harmless any member of Council, member of a committee of the association or officer or employee of the association from and against:

- (a) costs, charges and expenses that the person sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against the person, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by the person, in or about the execution of the duties of the person's office; and

- (b) other costs, charges and expenses that the person sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by the person's own willful neglect or default.

Other Organizations

38. The Council may authorize participation by the association in the activities of Engineers Canada as a constituent association thereof, the Ontario Society of Professional Engineers, or other organizations with functions that are not inconsistent with and are complementary to those of the association. (Amended February 2, 2018)

Fees General (Amended February 2, 2018)

39. (1) Unless otherwise stated, fees including applicable taxes shall be paid on the date specified by the Council.

Licence Fees

- (2) An applicant for a licence shall pay an application fee of \$300.
- (3) A person whose application for a licence has been accepted shall pay a registration fee of \$250.
- (4) Subject to Section 39(5), a holder of a licence shall pay an annual fee of \$220 payable upon registration and on or before each anniversary of registration.
- (5) Every Member who has been a President of the association shall be designated as a "Life Member" and is exempt from the requirement to pay the annual fee referred to in Section 39(4). (Amended June 22, 2018)

Limited Licence Fees

- (6) An applicant for a limited licence shall pay an application fee of \$300.
- (7) A person whose application for a limited licence has been accepted shall pay a registration fee of \$250.
- (8) A holder of a limited licence shall pay an annual fee of \$220 payable upon registration and on or before each anniversary of registration. However, a former holder of the engineering technology class of limited licence class is not required to pay an additional fee for reissuing the engineering technology class of limited licence.

Provisional Licence Fees

- (9) An applicant for a licence who is issued a provisional licence shall pay a registration fee of \$250.

Temporary Licence Fees

- (10) An applicant for a temporary licence shall pay an application fee of \$650.

Engineering Intern Fees

- (11) An applicant for a licence shall pay a fee of \$75 upon becoming an engineering intern and shall pay an annual fee of \$75 on or before each anniversary of becoming an engineering intern.

Reinstatement Fees

- (12) A member who resigned from the association shall pay the following fees before their licence may be reinstated:
- a reinstatement fee of \$230;
 - the fees owing by the person to the association at the time the member resigned, if any; and
 - the fees payable for the current year and, if at the time of resignation the member's annual fee was reduced in accordance with Section 39(14) (Fee Remission), the member shall pay a reduced annual fee of \$55.
- (13) A person whose licence or limited licence was cancelled for non-payment of fees shall pay the following fees before their licence or limited licence may be reinstated:
- the fees owing by the person to the association at the time the licence or limited licence was cancelled;
 - the annual fee payable for the current year and, if at the time of cancellation the person's annual fee was reduced in accordance with Section 39(14) (Fee Remission), the person shall pay a reduced annual fee of \$55; and
 - subject to Section d, a reinstatement fee of,
 - \$50, if the payments referred to in paragraphs (a) and (b) are made in full within 90 days after the cancellation,
 - \$230, if the payments referred to in paragraphs (a) and (b) are made in full more than 90 days and within two years after the cancellation, and

- \$460, if the payments referred to in paragraphs (a) and (b) are made in full more than two years after the cancellation;
- If the person's fees were reduced in accordance with Section 39(14) (Fee Remission) at the time the licence or limited licence was cancelled, the reinstatement fee referred to in paragraph (c) is as follows:
 - \$50, if the payments referred to in paragraphs (a) and (b) are made in full within two years after the cancellation, and
 - \$460, if the payments referred to in paragraphs (a) and (b) are made in full more than two years after the cancellation.

Fee Remission

- (14) The Registrar shall reduce part of the annual fee, to the amount set out in Section 39(15) of a holder of a licence or a limited licence who meets the conditions of Section 41.1 of Regulation 941
- (15) The reduced annual fee referred to in Section 39(14) is \$55.00 for licence holders and limited licence holders.
- (16) If a person no longer meets the requirements of Section 41.1 of Regulation 941, the person shall immediately pay the following fees:
- any fees owed to the association;
 - the difference, if any, between the amount required to be paid by the licence or limited licence holder as an annual fee for the current year and the amount required to be paid as an annual fee for a person who pays a reduced fee in accordance with Section 39(15) for that year; and
 - a fee of \$50.00.

Consulting Engineer Fees

- (17) A person who applies for designation or re-designation as a consulting engineer shall pay an application fee of \$220.
- (18) A person who applies for permission to use the term "consulting engineers" shall pay an application fee of \$45.

- (19) A consulting engineer shall pay a registration fee of \$220 for each five year period of designation.

Certificate of Authorization Fee

- (20) A person who applies for a certificate of authorization shall pay an application fee of \$330.
- (21) A holder of a certificate of authorization shall pay:
- a. an annual fee of \$330 payable upon acceptance of the application and on or before each anniversary of the acceptance; and
 - b. for each replaced certificate of authorization, a fee of \$50.

Examination Fees

- (22) A person shall pay the following fees in relation to examinations, which are non-refundable except for the fee set out in Section e.:
- a. To write or rewrite the Professional Practice Examination, \$165;
 - b. To write the first licensing examination other than the Professional Practice Examination, \$580;
 - c. To write or rewrite any other licensing examination other than the Professional Practice Examination, \$165;
 - d. Upon submission of a thesis, \$300; and
 - e. To write each examination required in support of an application for designation as a consulting engineer, \$165.

Seal Fees

- (23) A person shall pay the following fees for the issuance of a seal:
- a. \$25 for a rubber seal; and
 - b. \$68 for a metal seal.

Application of Funds and Administration of Property

40. The Council may approve, or may authorize or provide for the application of the funds of the association in payment of all expenses properly incurred in the conduct of the affairs of the association including, without limiting the generality of the foregoing:

- (a) payment of all expenses incurred in connection with duties imposed on the association under the Act, including expenses in connection with applica-

tions for licences, recording of engineering interns, applications for temporary or limited licences, granting of certificates of authorization, maintaining of registers by the registrar, hearings under the Act and appeals therefrom, and proceedings with respect to offences under the Act (Amended February 2, 2018);

- (b) payment of remuneration of officials and employees of the association and payment of all other expenses, including the cost of maintenance of premises, incurred in the operation of the headquarters of the association;
- (c) payment of expenses incurred in the conduct and provision of such incidental services to encourage and assist members in the development of their professional competence and conduct and in carrying on the practice of professional engineering as are approved by the Council and as are consistent with the service and protection of the public interest in accordance with the objects of the association, including salary surveys and information, employment and career counselling, continuing education, education counselling, consulting practice services, publication of a journal and other material and liaison with government and industry with respect to the foregoing; and
- (d) provision of continuing financial support to an organization or organizations defined under Section 38 by way of annual grants, non-recurring grants for start-up and other purposes, or other specific grants for interim assistance.

41. All money received by or on behalf of the association shall be deposited in the name of the association in one or more chartered banks or trust companies designated by the Council. All payments from the funds of the association shall be authorized by the most senior person in the department or the division of the association from whose budget the funds are being paid. Where the most senior person in the department or division of the association is not available, he or she, or failing that, the registrar may designate another person to authorize payments. The payments shall be processed by the director, finance or his or her designate. (Amended February 2, 2018)

42. Funds of the association not immediately required may be invested and re-invested in any investments that may from time to time be authorized investments for joint stock insurance companies and cash mutual insurance corporations under the *Corporations Act* (Revised Statutes of Ontario, 1990, Ch. C.38).

43. All shares and securities owned by the association shall be registered in the name of the association and shall be lodged with a chartered bank or trust company or in a safety deposit box subject to access only by the president, the president-elect or the past president accompanied by the director, finance or such person as shall be authorized by the Council. (Amended February 2, 2018)

44. Without in any way derogating from the powers otherwise conferred upon the Council, the Council is expressly empowered from time to time to purchase, lease or otherwise acquire, sell, exchange or otherwise dispose of shares, stocks, rights, warrants, options and other securities, lands, buildings and other property, moveable or immoveable, real or personal, or any interest therein owned by the association for such consideration and upon such terms and conditions as the Council may deem advisable.

45. (a) Subject to Section 8(1) and subject to Section 45(b), deeds, transfers, contracts and other instruments requiring the signature of the association may be signed by one of the president, president-elect, or the past president and either the registrar or the director, finance. (Amended February 2, 2018)

(b) deeds, transfers, contracts and other instruments requiring the signature of the association and which have an aggregate expenditure there under of less than \$20,000 may be signed by any two of the registrar; director, finance; deputy registrar, licensing and registration; deputy registrar, standards and tribunals; deputy registrar, regulatory compliance; director, communications; chief administrative officer; or director, information and technology services. (Amended February 2, 2018)

46. The association shall purchase insurance coverage for acts of dishonesty, disappearance and destruction by any employee or any volunteer signing officer and in such amounts as may be approved or determined by the

Council. The cost of all such insurance shall be paid by the association.

47. The Council may from time to time:

- (a) borrow money upon the credit of the association by obtaining loans or advances or by way of overdraft or otherwise;
- (b) sell or pledge any securities owned by the association, including bonds, debentures or debenture stock, for such sums on such terms and at such prices as they may deem expedient;
- (c) assign, transfer, convey, hypothecate, mortgage, pledge, charge or give security in any manner, upon all or any of the real or personal, moveable or immoveable property, rights, powers, choses in action, or other assets, present or future, of the association to secure any such securities or other securities of the association, or any money borrowed or to be borrowed or any obligations or liabilities as aforesaid or otherwise of the association heretofore, now or hereafter made or incurred directly or indirectly, or otherwise.

48. Any or all of the powers set forth in Section 47 may from time to time be delegated by the Council to any two or more of the councillors, officers or officials of the association.

49. The provisions of Section 46 and Section 47 shall remain in force and be binding upon the association as regards any person acting on the faith thereof until such person has received written notification from the association and that such provisions have been repealed or replaced.

Fiscal Year

50. The fiscal year of the association shall be the calendar year.

Financial Statements

51. The Council shall lay before each Annual Meeting of the members a financial statement prepared in accordance with generally accepted accounting principles for the previous fiscal year of the association (made up of a balance sheet as at the end of such fiscal year and statements of revenue and expenditure and changes in net assets for such fiscal year) together with the report of the association's auditors on the financial statement. The financial statement with (a summary of) the auditor's report shall be published

in the official publication of the association after its approval by the Council. (Amended February 2, 2018)

Auditor

52. The members at each annual meeting shall appoint one or more auditors who shall be chartered accountants to hold office until the next annual meeting and if an appointment is not so made, the auditor in office shall continue in office until a successor is appointed.

53. The auditor shall examine the financial or other records of the association for the current year and prepare a statement of account and report to the members.

Seal and Other Insignia

54. The seal of the association shall be of such design as approved by Council and, when used on official documents, shall be authenticated by the signature of the president, the president-elect or the past president and the registrar or the director, finance. A printed facsimile of the seal may be used to designate official pronouncements or decisions of Council when such is authorized by the registrar. (Amended February 2, 2018)

55. Council may adopt other insignia from time to time and provide for their use.

Amendments to Regulations and By-laws

56. The regulations may be altered or revoked and new regulations may be passed by the Council from time to time in accordance with and subject to the provisions of section 7 of the Act.

57. The by-laws may be altered or revoked and new by-laws may be passed by the Council from time to time in accordance with and subject to the provisions of section 8 of the Act.

58. In accordance with section 8(3) of the Act, Council shall determine the manner in which a by-law is to be confirmed by a majority of the members of the association who vote on the by-law. (Amended February 2, 2018)

59. Council shall seek confirmation by the members of the association of a by-law passed by the Council pursuant to the Act pertaining only to annual fees for licence holders.

60. Proposals for alteration of the regulations or by-laws may,

- (a) originate in the Council,
- (b) be submitted to the Council in writing by a majority in number of the chapters, or
- (c) be submitted to the Council in writing by a petition signed by not fewer than 50 members.

The Council shall consider all petitions received as provided in clauses (b) and (c) and, if the Council does not pass regulations and by-laws or amendments thereto giving effect to such proposals, the Council shall return the proposals to the petitioners with a statement of the Council's reasons for rejection.

Notes



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Email: enforcement@peo.on.ca

2018-2020
STRATEGIC PLAN

PROTECT
ENGAGE
ADVANCE



Professional Engineers
Ontario

PEO's 2018-2020 STRATEGIC PLAN

This plan builds on the success of its predecessor and provides the direction for PEO Council to set policies and goals to guide the association. The three focus areas and nine strategic objectives set by this plan will determine the priorities for our programs and activities, and assist PEO staff and volunteers in their implementation.

CONTENTS

3

Our Identity

4

Strategic Planning Process

5

Focus Areas

6

Strategic Objectives

7

Strategy Map





PEO 2017-2018 Council Executive Committee members (left to right): Bob Dony, PhD, P.Eng., FIEE, FEC, President; George Comrie, MEng, P.Eng., CMC, FEC, Past President; and David W. Brown, P.Eng., BDS, C.E.T., MCSCE, President-elect.

OUR IDENTITY

Our Mandate

Established on June 14, 1922, PEO is the licensing and regulating body for professional engineering in the province. PEO operates under the authority of the *Professional Engineers Act* to serve and protect the public interest by setting and upholding high academic, experience and professional practice standards for the engineering profession.

Individuals licensed by PEO are the only people permitted by law to undertake and assume responsibility for engineering work in Ontario.

Our Mission

Regulate and advance the practice of engineering to protect the public interest.

Our Vision

The trusted leader in professional self-regulation.

Our Core Values

PEO's core values are intended to inform the behaviour of its members, staff, and volunteer leaders.

- Accountability
- Respect
- Integrity
- Professionalism
- Teamwork

STRATEGIC PLANNING PROCESS

Development of PEO's 2018-2020 Strategic Plan began early in 2015 and concluded with the approval of the final plan by Council in the fall of 2017. Along the way, numerous consultation sessions were held with stakeholders—including PEO volunteers, staff, government ministries and our partners in the engineering community.

EMERGENT THEMES



Public awareness of what PEO does (and does not do)



Communication to public and members



Consistency, clarity and efficiency in regulatory processes and decisions



Proactive and widespread enforcement activities



Transparency and public accountability about complaints and discipline processes



Government relations



Breadth and quality of stakeholder engagement



Use of technology across the organization

-THE PLAN- BY THE NUMBERS

3
year plan

28
consultation
sessions

Over
400
strategic
objectives
proposed

3
final focus
areas

9
final strategic
objectives

FOCUS AREAS

Our 2018-2020 Strategic Plan is the result of three years of research, collaboration and engagement to ensure we remain relevant and responsive to our stakeholders. The plan has three areas of focus.

Protecting the Public Interest

PEO will focus its resources on regulatory functions that help protect the public interest. We will strive for excellence by rigorously and objectively reviewing the effectiveness and efficiency of all our regulatory instruments and operations in the public interest.

Engaging Stakeholders

PEO will communicate with stakeholders to identify current and emerging regulatory issues, gain a better understanding of professional practice issues and those who play a part in them, and seek collaborative solutions.

Advancing PEO's Mission

PEO will continuously monitor and research relevant changes in government, professional regulation and engineering practice to anticipate, plan for, and adapt to changes.



STRATEGIC OBJECTIVES

The nine strategic objectives identified under three focus areas in the plan summarize what we want to achieve as an organization over the next three years. These objectives were selected and prioritized through a lens of relevance and value added.

PROTECTING THE PUBLIC INTEREST

1. Refine the delivery of the PEAK program—PEO's Practice Evaluation and Knowledge (PEAK) program will be continually refined through increased outreach efforts and streamlining to ensure all licence holders participate.

2. Heighten delivery and awareness of PEO's enforcement efforts—PEO will better understand where, how and by whom professional engineering is being performed in Ontario, and under what conditions.

ENGAGING STAKEHOLDERS

3. Enhance PEO's public image—PEO will be commonly recognized as the regulator of professional engineering in Ontario.

4. Engage chapters as a valuable regulatory resource—PEO chapters will operate as "branch offices" for delivery of regulatory outreach programs.

5. Increase influence in matters regarding the regulation of the profession—PEO will establish a co-regulator relationship with key provincial government ministries to collaboratively advance public safety protection, and will clearly define the circumstances under which an engineering licence is required.

ADVANCING PEO'S MISSION

6. Augment the applicant and licence holder experience—PEO will address any perceived barriers and friction points between itself and its applicants and licence holders, and build "customer satisfaction" into all its regulatory processes and initiatives.

7. Redefine the volunteer leadership framework—PEO-specific leadership values will be consistently practiced by volunteers, and promoted through recruitment, training, mentorship, term limits, succession planning and evaluation.

8. Create a seamless transition from student member to EIT to licence holder—PEO will establish coordinated and integrated systems and outreach programs to allow engineering students to seamlessly proceed through the licensure process.

9. Enhance corporate culture—PEO will consistently evaluate and review the presence of its core values in the performance of staff and volunteer activities, as well as regulatory decisions.

A yellow lightbulb filled with various business and financial icons and charts, symbolizing ideas and analysis. The icons include line graphs, bar charts, pie charts, and mathematical symbols like percentages and dollar signs. The lightbulb is set against a dark background.

Regulate and advance the practice of engineering to protect the public interest.

The trusted leader
in professional
self-regulation.

Accountability, Respect,
Integrity, Professionalism,
Teamwork

STRATEGIC OBJECTIVES

- Refine the PEAK program
- Heighten delivery and awareness of PEO's enforcement efforts

- Enhance PEO's public image
- Engage chapters as a valuable regulatory resource
- Increase influence in matters regarding the regulation of the profession

- Augment the applicant and licence holder experience
- Redefine the volunteer leadership framework
- Create a seamless transition from student member to EIT to licence holder
- Enhance corporate culture



Professional Engineers

Professional Engineers

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Accessibility Policy (AODA Customer Service Standard)	Approval Date: November 2015
	Approved by: Senior Management Team
	Review Date:

POLICY STATEMENT	PEO is committed to excellence in serving all customers. PEO strives at all times to provide its services and programs in a way that respects the dignity and independence of people with disabilities. PEO is committed to giving people with disabilities the same opportunity to access our services and programs, and to enabling them to benefit from the same services, in the same place and in a similar way as other customers.
PURPOSE	The purpose of this policy is to outline responsibilities of employees, volunteers and others who deal with the public and other third parties on behalf of PEO in providing goods and services to people with disabilities in compliance with the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> .
APPLICATION AND SCOPE	This policy applies to all employees, volunteers and others who deal with the public or other third parties on PEO's behalf.
GENERAL	<p><u>Providing services to people with disabilities</u></p> <ol style="list-style-type: none">1. Communication PEO communicates with people with disabilities in ways that take into account their disability. We train staff to communicate with customers on how to interact and communicate with people with various types of disabilities.2. Telephone services We train staff to communicate with customers over the telephone in clear and plain language and to speak clearly and slowly. PEO is committed to providing fully accessible telephone service to our customers.3. Assistive devices PEO is committed to serving people with disabilities who use assistive devices to obtain, use or benefit from our services and programs. We ensure that our staff is trained and familiar with various assistive devices that may be used by people with disabilities while accessing our services.4. Billing PEO is committed to providing accessible invoices. Invoices will be

	<p>provided in alternative formats upon request. We will answer questions any person may have about the content of the invoice in person, by telephone or email.</p> <p>5. Use of service animals and support persons</p> <p>PEO is committed to welcoming people with disabilities who are accompanied by a service animal in the areas of our premises that are open to the public and other third parties. We will also ensure that all staff, volunteers and others dealing with the public are properly trained in how to interact with people with disabilities who are accompanied by a service animal. Every attempt will be made to ensure that any offsite event venues are compliant with PEO's commitment regarding service animals.</p> <p>PEO is committed to welcoming people with disabilities who are accompanied by a support person. Any person with a disability who is accompanied by a support person will be allowed to enter PEO's premises or offsite event venues with his or her support person. At no time will a person with a disability who is accompanied by a support person be prevented from having access to his or her support person while on our premises or premises operated by PEO for event purposes.</p> <p><u>Notice of temporary disruption</u></p> <p>PEO provides customers with notice in the event of a planned or unexpected disruption in the facilities or services usually used by people with disabilities. This notice will include information about the reason for the disruption, its anticipated duration, and a description of alternative facilities or services, if available.</p>
PROCEDURE	<p><u>Training for staff</u></p> <p>PEO provides training to all employees, volunteers and others who deal with the public or other third parties on our behalf. Training is developed and delivered in various formats.</p> <p>Training includes the following:</p> <ul style="list-style-type: none"> • the purposes of the <i>Accessibility for Ontarians with Disabilities Act</i>, 2005 and the requirements of the customer service standard; • how to interact and communicate with people with various types of disabilities; • how to interact with people with disabilities who use an assistive device or require the assistance of a service animal or a support person;

	<ul style="list-style-type: none"> • how to learn about the use of various assistive devices; • what to do if a person with a disability is having difficulty in accessing PEO's services and programs; and • PEO's policies, practices and procedures relating to the customer service standard. <p>All staff will be trained on policies, practices and procedures that affect the way services and programs are provided to people with disabilities. Staff will also be trained on an ongoing basis when changes are made to these policies, practices and procedures.</p> <p><u>Feedback process</u></p> <p>The ultimate goal of PEO is to meet and exceed customer expectations while serving customers with disabilities. Comments on our services regarding how well these expectations are being met are welcome and appreciated. All feedback will be directed to the Director, People Development. Customers can expect to hear back within 10 business days.</p> <p><u>Modifications to this or other policies</u></p> <p>PEO is committed to developing customer service policies that respect and promote the dignity and independence of people with disabilities. All PEO policies and procedures will be developed or updated in such a manner as to respect and promote the dignity and independence of people with disabilities.</p> <p>This policy is available in alternative formats upon request.</p>
RESPONSIBILITY	The Director, People Development has administrative responsibility for this policy.



PEO POLICY NUMBER: *Policy numbers will be assigned after Policy and Procedures Manual is completed.*

PEO Anti-Workplace Violence and Harassment Policy

Date of Policy: February 7, 2014

Approved by: Council

Review Date: February, 2016

Policy Statement

- Professional Engineers Ontario (PEO) believes that all employees, volunteers, licence holders, engineering interns, applicants and visitors deserve to be treated with dignity and respect.
- PEO is committed to providing a safe work environment free from violence for all employees and volunteers.
- PEO is committed to providing a work environment that encourages inclusiveness and will not tolerate harassment and/or discrimination based on race, ancestry, place of origin, colour, religion, ethnic origin, citizenship, creed, sex, sexual orientation, disability, age, marital status, family status, pardoned criminal offenses or any other legally-protected characteristic.

Purpose

The purpose of this policy is:

1. to provide a framework for identifying and responding to any risks or incidents of violence in the workplace;
2. to establish a procedure for reporting incidents of violence and for making and responding to complaints of violence in the workplace;
3. to outline responsibilities of PEO employees and volunteers with respect to incidents of violence or harassment in the workplace;
4. to establish a framework to eliminate inappropriate conduct at the earliest possible stage;
5. to establish a procedure for making and responding to complaints of harassment or any other inappropriate behavior that could be considered harassment or discrimination.
6. to meet the requirements of the Ontario *Occupation Health and Safety Act, 1990 (OHS Act)*. Part III.0.1 – Violence and Harassment s.32.

Application and Scope

This policy applies to all employees and volunteers of PEO whether they are at PEO offices, away on PEO business, attending PEO-sponsored events or similar activities connected with their engagement with PEO.

This policy prohibits acts of violence and/or behavior that is or could be construed to be harassment and/or discrimination toward PEO employees, volunteers, licence holders, engineering interns, applicants and visitors.

<p>Definitions</p>	<p>Bullying – can include such tactics as verbal, nonverbal, psychological, physical abuse and humiliation. Bullying typically involves repeated incidents or a pattern of behavior that is intimidating, offensive, degrading or humiliating for a particular person or group of people.</p> <p>Councillor – refers to any current member of Council, elected or appointed.</p> <p>Discrimination – means a deliberate action or decision to exclude a person or group from equal access to employment opportunities based on a characteristic protected by law, such as sex, race, colour, ancestry, national origin, sexual orientation, age, disability, or marital status.</p> <p>Employee – refers to any person on staff at PEO, including temporary and contract personnel</p> <p>Harassment – engaging in a course of vexatious comment or conduct that is known, or ought to be known, to be unwelcome. For the purpose of this policy, harassment shall also include sexual harassment, discrimination and bullying as defined below.</p> <p>Sexual harassment – unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature when:</p> <ol style="list-style-type: none"> submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions, or of securing a volunteer position, or such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an associate’s work performance by creating an intimidating, hostile, humiliating, or sexually offensive environment. This definition applies to males and females, whether they are of the same or opposite sex. <p>Volunteer – refers to any member serving on a PEO committee or task force and all Chapter volunteers.</p> <p>Workplace violence – The Ontario Occupational Health and Safety Act defines workplace violence as:</p> <ul style="list-style-type: none"> the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or, a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker. <p>Some of the types of violence that workers could experience in the workplace include hitting, pushing, physical assault, sexual assault, stalking, criminal harassment, robbery, or threats of violence.</p> <p>For the purpose of this policy, workplace violence also includes but is not limited to:</p> <ul style="list-style-type: none"> Shoving, bullying, stalking or standing in a manner that is intended to intimidate; Yelling at someone, name calling and swearing; Veiled and/or open threats of harm;
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	<ul style="list-style-type: none"> • Aggressive or threatening hand gestures; • Displaying objects in a manner that suggests it will be used as a weapon; • Throwing objects; • Damaging property or utilizing property (such as a vehicle) in an aggressive and dangerous manner; • Threats of vandalism, sabotage and/or arson; <p>Inappropriate references to violent world events.</p>
Controlling risks of workplace violence	<p>PEO will make every effort to assess and mitigate the risks of workplace violence as follows:</p> <ul style="list-style-type: none"> • PEO will provide for safe work procedures. • PEO will ensure safety in the physical environment or employees' workplace. • PEO will put procedures in place for informing or advising workers and tenants of potentially violent situations or people. • PEO employees will be trained on the workplace violence policy. • PEO will provide contact information for reporting incidents of violence. • PEO will have emergency procedures in place.
Workplace Violence - General	<p>PEO prohibits acts or threats of violence in the workplace or in other settings in which PEO employees, volunteers, licence holders, engineering interns, applicants and visitors find themselves in connection with their engagement with PEO. Such acts or threats will not be tolerated on PEO premises at any time. Firearms, weapons and explosives of any kind are strictly prohibited.</p> <p>PEO will intervene in all situations involving workplace violence. PEO will take prompt action, up to and including termination, against any employee or volunteer who engages in any threatening behavior or acts of violence or who uses obscene, abusive or threatening language or gestures, while conducting PEO business on or off PEO property at any time.</p> <p>When dealing with employees, volunteers, licence holders, engineering interns, applicants, and visitors to PEO facilities, PEO will take appropriate action to help prevent violence and/or threats of violence from occurring in the PEO workplace. Such action may include, but is not limited to, notifying the police or other law enforcement personnel and prosecuting violators, where appropriate.</p> <p>Every manager responsible for the management or supervision of other staff and Councillors, Chapter Executives, Committee, Task Force and Working Group Chairs responsible for the leadership of a group of volunteers is accountable for maintaining a work environment that is free from violence. This accountability includes:</p> <ul style="list-style-type: none"> • Communicating this policy to all employees and volunteers. • Refraining from threatening, implicitly or explicitly, any kind of violence or perceived violence under any and all circumstances. • In addition to the legal requirement to report violent behavior or

	incidents, managers, Councillors, Chapter Executives, Committee, Task Force and Working Group Chairs who receive a complaint, observe a violent incident or are otherwise aware of violent behavior are required to notify the Director, People Development immediately.
Domestic Violence	If PEO becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose an employee to physical injury may occur in the workplace, PEO shall take every precaution reasonable in the circumstances for the protection of the worker. (<i>OHSA s.32.0.4</i>)
Workplace Harassment - General	<p>PEO prohibits harassment in the workplace or in other settings in which employees and volunteers find themselves in connection with their engagement with PEO. PEO will not tolerate harassment by or towards employees or volunteers who are on PEO premises at any time.</p> <p>PEO will address all incidents of harassment that occur on PEO premises or at PEO-sponsored events. PEO will take prompt action, up to and including termination or, in the case of licence holders, the Complaints and Discipline Process under the <i>Professional Engineers Act</i>, against any employee or volunteer who engages in the harassment of others, while conducting PEO business on or off PEO property at any time.</p> <p>When dealing with employees, volunteers, licence holders, engineering interns, applicants, and visitors to PEO facilities, PEO will take appropriate action to help prevent situations of harassment from occurring in the PEO workplace. Such action may include, but is not limited to prosecuting violators, where appropriate.</p> <p>Every manager responsible for the management or supervision of staff and Councillors, Chapter Executives, Committee, Task Force and Working Group Chairs responsible for the leadership of a group of volunteers is accountable for maintaining a work environment that is free from harassment. This accountability includes:</p> <ul style="list-style-type: none"> • Communicating this policy to all employees and volunteers and assuring that they are not subjected to insulting, degrading, or exploitive treatment. • Refraining from any deliberate action or decision to exclude from or deny access to any person or group equal access to employment opportunities or benefits or volunteer appointments, based on sex, race, colour, ancestry, national origin, sexual orientation, age, disability, or marital status. • Refraining from threatening or insinuating, implicitly or explicitly, that an employee's or volunteer's submission to sexual or other similar or related advances will positively or negatively impact the employee/volunteer's performance evaluation, wages, advancement potential, assigned duties, hours worked or any other conditions of employment, career development or volunteering. • Refraining from establishing or encouraging inappropriate personal

	<p>relationships with subordinates, which may result in a real or perceived impact on the subordinate's employment relationship.</p> <ul style="list-style-type: none"> • In addition to the legal requirement to report, managers, Councillors, Chapter Executives, Committee, Task Force and Working Group Chairs who receive a complaint, observe inappropriate behavior or are otherwise aware of inappropriate behavior are required to notify the Director, People Development immediately.
Procedures	<p>This policy includes the following procedures:</p> <ul style="list-style-type: none"> • Appendix A – PEO Anti-Workplace Violence Program: Procedures for dealing with an employee • Appendix B – PEO Anti-Workplace Violence Program: Procedures for dealing with a volunteer. • Appendix C – PEO Anti-Workplace Violence Program: Council Conduct Review Procedure. • Appendix D – PEO Anti-Workplace Harassment Program: Procedures for dealing with an employee. • Appendix E – PEO Anti-Workplace Harassment Program: Procedures for dealing with a volunteer. • Appendix F – PEO Anti-Workplace Harassment Program: Council Conduct Review Procedure.
Paramountcy	<p>This policy is required under the Ontario <i>Occupation Health and Safety Act</i>, 1990 (<i>OHSA</i>). Part III.0.1 – Violence and Harassment s.32. and is paramount over all other PEO policies.</p>
Responsibility	<ul style="list-style-type: none"> • The Registrar and the Director, People Development have administrative and functional responsibility for the maintenance and implementation of this policy. • Compliance with this policy is the responsibility of all PEO employees and volunteers. It is expected that employees and volunteers who are aware of incidents harassment will report such incidents to the Director, People Development or the Registrar.
Legal Recourse	<p>No part of this policy will at any time prevent a victim of workplace harassment or discrimination from taking legal action with regard to the incident.</p>

APPENDIX A: PEO Anti-Workplace Violence Program	
Procedures for dealing with an Employee	
Summoning Assistance	<ul style="list-style-type: none"> • PEO will provide contact information of who to notify in case of witnessing a violent incident. • Anyone witnessing a violent incident taking place must assess whether there is a need to contact law enforcement officials for immediate assistance. • PEO will have emergency procedures in place.
Reporting incidents of workplace violence	<ul style="list-style-type: none"> • Employees shall advise their direct manager and/or the Director, People Development of any and all incidents of workplace violence which they witness, or of which they have knowledge. • Employees are urged to advise their direct manager and/or the Director, People Development of any and all incidents of workplace violence in which they are involved. • If necessary, law enforcement officials will be contacted. • If the complaint is resolvable between the employee and the alleged wrongdoer, the Director, People Development will help to facilitate the resolution if possible. • For violent behavior by staff against PEO employees, volunteers, licence holders, engineering interns, applicants and visitors to PEO; any unresolvable complaint must be reported to the Registrar. • Where required by law, all incidents of violence will be reported to law enforcement authorities.
Filing a complaint	<ul style="list-style-type: none"> • Any employee who has been or feels they are at risk of being the victim of workplace violence, is encouraged to file a complaint with PEO. The complaint may be filed with the employee's direct manager, with the Director, People Development or with the Registrar. • Any employee who has witnessed an incident of workplace violence against PEO employees, volunteers, licence holders, engineering interns, applicants and visitors to PEO, must report the incident to PEO. The complaint may be filed with the employee's direct manager, with the Director, People Development or with the Registrar. • Employees who have been victims of workplace violence are urged not to confront the alleged wrongdoer. • Employees who have been victims of workplace violence have the option to press charges against the alleged wrongdoer in addition to reporting the incident to the responsible people identified above. • If an employee feels that they are at risk of violence being done to them by another employee or volunteer, they are encouraged to report this concern to their direct manager, the PEO Director, People Development, or to the Registrar. Each of these individuals is required to act on any report received.

Investigation Process	<p>All managers, supervisors, Directors, Deputy Registrars and the Chief Administrative Officer, Councillors, Committee and Chapter Chairs are required to report any concerns or issues brought to their attention regarding the risk of workplace violence. In the case that the complaint is against a PEO employee:</p> <ul style="list-style-type: none"> • All allegations of violence will be investigated in as timely and as fairly a manner as possible. • Confidentiality will be maintained as much as possible. • Where the Registrar believes on reasonable and probable grounds that an employee has committed an act of violence, the Registrar may appoint an independent investigator to investigate the matter. • The appointed investigator will report all findings to the Registrar. • For the purposes relevant to the subject matter of an investigation under this policy, the person appointed to make the investigation may inquire into and examine all relevant records relevant to the investigation. • No person shall obstruct a person appointed to make an investigation under this policy or withhold any information or records relevant to the investigation. • Investigations may include interviews with individuals filing the complaint; witnesses of the event and with the alleged wrongdoer. • Employees and volunteers who are asked to participate in an investigation are expected to cooperate, unless doing so would increase the risk of the alleged violence. • Decisions will be made based on consideration of all relevant facts and evidence. • Decisions will be made based on PEO policies and with the intent of assuring a work environment free from violence for all PEO employees, volunteers, licence holders, engineering interns, applicants and visitors. • If necessary, PEO will not hesitate to seek the assistance of law enforcement officials or of legal counsel. • The outcomes of all PEO investigations of harassment in the workplace must be reported to the individual(s) against whom the harassment was committed; and to the alleged wrongdoer(s) and, if required, to all affected PEO employees and volunteers. If either party is a volunteer, the report for the volunteer will be provided by the Human Resources Committee. If either party is an employee, the report for the employee will be provided by the Registrar. • Should the matter be reported to law enforcement officials, PEO will not implement an investigation that will in any way be prejudicial to any ongoing legal investigation. • An employee may refuse to work if he/she has reason to believe that the work environment is not safe and puts him/her at risk of workplace violence.
Disciplinary Action	<ul style="list-style-type: none"> • When an employee has been found to have been engaged in conduct that violates this policy, PEO will take all warranted disciplinary and/or

	<p>corrective action. This action may include but is not limited to: Counselling; progressive discipline up to and including termination of employment; other forms of action that PEO deems appropriate or that are required by law, including the PEO Complaints and Discipline process under the <i>Professional Engineers Act</i> for employees who are licence holders.</p> <ul style="list-style-type: none"> • Any employee who brings forth a complaint in bad faith will be subject to discipline, up to and including termination of employment and including the PEO Complaints and Discipline process under the <i>Professional Engineers Act</i> for employees who are licence holders. • Any employee, who fails to take appropriate action when made aware of violence in the workplace, including reporting their knowledge of such delay, will be subject to discipline, up to and including termination of employment including the PEO Complaints and Discipline process under the <i>Professional Engineers Act</i> for employees who are licence holders. • Any employee in the possession of weapons including, but not limited to guns, knives, explosives and other objects that could cause bodily harm will be subject to immediate dismissal, expulsion from the premises and notification of law enforcement officials, and will also be subject to the PEO Complaints and Discipline Process under the <i>Professional Engineers Act</i> for employees who are licence holders. <p><u>NOTE:</u> Employees should never attempt to intervene directly in physically dangerous or violent situation or altercations, however, such situations should be immediately reported to management and co-operation in a subsequent investigation process will be expected.</p>
False Claims and non-reporting	<p>PEO will take all warranted disciplinary or corrective action against any employee who deliberately makes false and/or malicious allegations of violence against another individual, up to and including termination of employment and/or the Complaints and Discipline Process under the <i>Professional Engineers Act</i> for employees who are licence holders.</p> <p>PEO will take all warranted disciplinary or corrective action against any employee who has witnessed incidents of workplace violence against another individual at PEO and does not report the incident.</p>
Training	<p>Employees will be trained to make them familiar with this policy and program. It is a requirement of employment for employees to successfully complete the training provided within three months of their start date.</p>

APPENDIX B: PEO Anti-Workplace Violence Program	
Procedures for dealing with a volunteer	
Summoning Assistance	<ul style="list-style-type: none"> • PEO will provide contact information of who to notify in case of witnessing a violent incident. • Anyone witnessing a violent incident taking place must assess whether there is a need to contact law enforcement officials for immediate assistance. • PEO will have emergency procedures in place.
Reporting incidents of workplace violence	<ul style="list-style-type: none"> • Volunteers must advise their Committee Chair, Chapter Chair and/or the Director, People Development and/or the Registrar of any and all incidents of violence at PEO of which they have knowledge; which they witness or in which they are involved. • The Director, People Development and the Registrar must report to Council any and all incidents of violence committed by or against any volunteer. • Where required by law, all incidents of violence will be reported to law enforcement authorities.
Filing a complaint	<ul style="list-style-type: none"> • Any volunteer who has been or feels they are at risk of being the victim of workplace violence, is encouraged to file a complaint with PEO. The complaint may be filed with an employee's direct manager, with the Director, People Development or with the Registrar or with a Committee Chair or Councillor. • Any volunteer who has witnessed an incident of workplace violence against PEO employees, volunteers, licence holders, engineering interns, applicants and visitors to PEO, must report the incident to PEO. The complaint may be filed with an employee's direct manager, with the Director, People Development or with the Registrar or with a Committee Chair or Councillor. • Volunteers who have been victims of workplace violence have the option to press charges against the alleged wrongdoer in addition to reporting the incident to the responsible people identified above. • If a volunteer feels that they are at risk of violence being done to them by an employee or another volunteer, they are encouraged to report this concern to the PEO Director, People Development, or to the Registrar. Each of these individuals is required to act on any report received.
Investigation Process	<p>All incidents of workplace violence, whether experienced or witnessed, must be reported.</p> <p>All managers, supervisors, Directors, Deputy Registrars and the Chief Administrative Officer, volunteers, Chapter Chairs, Committee Chairs and Councillors are required to report any concerns or issues brought to their</p>

	<p>attention regarding the risk of workplace violence. In the case that the complaint is against a PEO volunteer:</p> <ul style="list-style-type: none"> • All allegations of violence will be investigated in as timely and as fairly a manner as possible. • Confidentiality will be maintained as much as possible. • Where the Registrar believes on reasonable and probable grounds that a volunteer has committed an act of violence, the Registrar may appoint an independent investigator to investigate the matter. • The appointed investigator will report all findings to the Registrar. • For the purposes relevant to the subject matter of an investigation under this policy, the person appointed to make the investigation may inquire into and examine all relevant records relevant to the investigation. • No person shall obstruct a person appointed to make an investigation under this policy or withhold any information or records relevant to the investigation. • Investigations may include interviews with individuals filing the complaint; witnesses of the event and with the alleged wrongdoer. • PEO employees, volunteers, licence holders, engineering interns, applicants and visitors who are asked to participate in an investigation are expected to cooperate, unless doing so would increase the risk of the alleged violence. • Decisions will be made based on consideration of all relevant facts and evidence. • Decisions will be made based on PEO policies and with the intent of assuring a work environment free from violence for all PEO employees, volunteers, licence holders, engineering interns, applicants and visitors. • If necessary, PEO will not hesitate to seek the assistance of law enforcement officials or legal counsel. • The outcomes of all PEO investigations of violence in the workplace must be reported to the individual(s) against whom the violence was committed; and to the alleged wrongdoer(s) and, if required, to all affected PEO employees and volunteers. If either party is a volunteer, the report for the volunteer will be provided by the Human Resources Committee. If either party is an employee, the report for the employee will be provided by the Registrar. • Should the matter be reported to law enforcement officials, PEO will not implement an investigation that will in any way be prejudicial to any ongoing legal investigation. • Findings of any investigations of volunteers under this policy shall be reported to Council and the Registrar.
Disciplinary Action	<ul style="list-style-type: none"> • Any volunteer found to have been engaged in conduct that violates this policy will be subject to discipline, up to and including termination of volunteer appointment and/or the Complaints and Discipline Process under the <i>Professional Engineers Act</i> for volunteers who are licence holders.

	<ul style="list-style-type: none"> Any volunteer who brings forth a complaint in bad faith will be subject to discipline, up to and including termination of volunteer appointment and/or the Complaints and Discipline Process under the <i>Professional Engineers Act</i> for volunteers who are licence holders. Any volunteer, who fails to take appropriate action when made aware of violence in the workplace, including reporting their knowledge of such delay, will be subject to discipline, up to and including termination of volunteer appointment and/or the Complaints and Discipline Process under the <i>Professional Engineers Act</i> for volunteers who are licence holders. Any volunteer in the possession of weapons including, but not limited to guns, knives, explosives and other objects that could cause bodily harm will be subject to immediate termination of volunteer appointment, expulsion from the premises and the authorities will be notified and the Complaints and Discipline Process under the <i>Professional Engineers Act</i> for volunteers who are licence holders. <p>NOTE: Volunteers should never attempt to intervene directly in physically dangerous or violent situation or altercations, however, such situations should be immediately reported to management and co-operation in a subsequent investigation process will be expected.</p>
False Claims and non-reporting	<p>PEO will take all warranted disciplinary or corrective action against any volunteer who deliberately makes false and/or malicious allegations of violence against another individual, up to and including termination of volunteer appointment and/or the Complaints and Discipline Process under the <i>Professional Engineers Act</i> for volunteers who are licence holders.</p> <p>PEO will take all warranted disciplinary or corrective action against any volunteer who has witnessed incidents of workplace violence against another individual at PEO and does not report the incident.</p>
Training	<p>Volunteers will be trained to make them familiar with this policy and program. It is a requirement of engagement for a volunteer position that all volunteers must successfully complete the training provided, within three months of their appointment. Current volunteers will be required to successfully complete training provided within six months of offering the training.</p>

APPENDIX C:	PEO Anti-Workplace Violence Program
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COUNCIL CONDUCT REVIEW PROCEDURE

Council will have a standing item on its in-camera agenda to deal with conduct concerns to deal with issues where it is reported that a member of Council may have violated PEO's workplace harassment and workplace violence policies.

Procedure

1. The Chair will ask Councillors and the Registrar if anyone has any matters related to the conduct of a Councillor related to the workplace harassment and workplace violence policies that he/she wishes to discuss.
2. The Councillor and/or Registrar will report the specific conduct that is alleged to violate the policy. The supporting material for review by members of Council may be provided at the meeting or in advance of the meeting.
3. The Councillor, who is subject to the concern, will be provided with an opportunity to provide his/her comments.
4. If the breach was minor and the Councillor agrees that his/her conduct was out of line a simple apology to members of Council and the offended parties along with a commitment to try to avoid a repeat of such inappropriate conduct ends the matter.
 - a. To be appropriate, the Councillor and/or Registrar raising the issue will be asked if he/she accepts the apology and is prepared to move on.
5. Should the Councillor disagree that his/her conduct was out of line, the Councillor raising the concern may:
 - a. Accept the explanation and thank the Councillor for the clarification, or
 - b. Identify that he/she still finds the conduct to be inappropriate and ask Council to vote if it found the conduct to be inappropriate.
6. Council will then reflect on the discussion and materials to ensure that they are fair and that its decision is either reasonably supported by the evidence or a reasonable application of Council's expected standard in the circumstances. If the majority of Council finds the conduct:
 - a. to violate either of the workplace harassment and workplace violence policies, the offending member of Council will be subject to discipline, up to and including disqualification from Council¹ or other forms of action that PEO deems appropriate or that may be required by law.
 - b. to not violate either of the workplace harassment and workplace violence policies, the matter is concluded. However, should Council determine that the employee or volunteer brought forth a complaint in bad faith, that person may be subject to discipline, up to and including termination of employment or volunteer appointment or other forms of action that PEO deems appropriate or that may be required by law.

Note: Nothing in the above procedure prevents a member of Council from pursuing other remedies regarding the matter.

¹ Subject to the approval of an amendment to Regulation 941.

APPENDIX D: PEO Anti-Workplace Harassment Program	
Procedures for dealing with and employee	
Filing a complaint	<p>Any employee who feels that they have been the victim of harassment and/or discrimination is encouraged to file a complaint with PEO. Any employee who has witnessed harassment and/or discrimination against PEO employees, volunteers, licence holders, engineering interns, applicants and visitors must file a report of the incident with PEO. The complaint may be made or the incident reported to the employee's direct manager, with the Director, People Development or the Registrar.</p> <p>If an employee is comfortable, he/she may confront the alleged wrongdoer directly and advise that the behavior is objectionable, unwelcome and must cease immediately.</p> <p>In all cases, the employee making the complaint must report the behavior to:</p> <ul style="list-style-type: none"> • their supervisor/chair or any other member of management with whom they feel comfortable; • Director, People Development; • Registrar <p>The contacts listed above are also available to discuss any concerns the employee may have and to provide them with information about the policy or complaint process.</p>
	<p>Investigation Process</p> <p>All managers, supervisors, Directors, Deputy Registrars and the Chief Administrative Officer, Councillors, Committee and Chapter Chairs are required to report any concerns or issues brought to their attention regarding the workplace harassment and/or discrimination to the Director, People Development and the Registrar. In the case that the complaint is against a PEO employee (for volunteers see Appendix B):</p> <ul style="list-style-type: none"> • All allegations of harassment/discrimination will be investigated in a timely and as fairly a manner as possible. • Confidentiality will be maintained as much as possible. • Where the Registrar believes on reasonable and probable grounds that an employee has committed an act of harassment/discrimination, the Registrar may appoint an independent investigator to investigate the matter. • The appointed investigator will report all findings to the Registrar. • For the purposes relevant to the subject matter of an investigation under this policy, the person appointed to make the investigation may inquire into and examine all relevant records relevant to the investigation. • No person shall obstruct a person appointed to make an investigation

	<p>under this policy or withhold any information or records relevant to the investigation.</p> <ul style="list-style-type: none"> • Investigations may include interviews with individuals filing the complaint; witnesses of the event and with the alleged wrongdoer. • Employees and volunteers who are asked to participate in an investigation are expected to cooperate, unless doing so would increase the risk of the alleged harassment/discrimination. • Decisions will be made based on consideration of all relevant facts and evidence. • Decisions will be made based on PEO policies and with the intent of assuring a work environment free from harassment/discrimination for all PEO employees, volunteers, licence holders, engineering interns, applicants and visitors. • Outcomes of PEO investigations of workplace harassment/discrimination will be reported to the individual(s) against whom the harassment/discrimination was committed; to the alleged wrongdoer(s) and, if required, to all affected PEO employees and volunteers by the Registrar and/or the Director, People Development. If either party is a volunteer, outcomes will be reported to them by the Human Resources Committee. • Should the matter be reported to law enforcement officials, PEO will not implement an investigation that will in any way be prejudicial to any ongoing legal investigation.
Disciplinary Action	<p>When it has been determined by an investigation that an employee has engaged in inappropriate conduct, PEO will take all warranted disciplinary and/or corrective action. This action may include but is not limited to:</p> <ul style="list-style-type: none"> • Counselling; • Progressive discipline up to and including termination of employment. • Other forms of action that PEO deems appropriate or that are required by law including, in the case of employees who are licence holders, the Complaints and Discipline Process under the <i>Professional Engineers Act</i>.
False Claims and non-reporting	<p>PEO will take all warranted disciplinary or corrective action against any employees who deliberately make false and/or malicious allegations of harassment and/or discrimination against another individual.</p> <p>PEO will take all warranted disciplinary or corrective action against any employees who has witnessed incidents of harassment and/or discrimination against another individual at PEO and do not report the incident.</p>
Training	<p>Employees will be trained to make them familiar with this policy and program. It is a requirement of employment for employees to successfully complete the training provided within three months of their start date.</p>

APPENDIX E:	PEO Anti-Workplace Harassment Program
Procedures for dealing with a volunteer	
Filing a complaint	<p>Any volunteer who feels that they have been the victim of harassment and/or discrimination, is encouraged to file a complaint with PEO. Any volunteer who has observed harassment and/or discrimination against PEO employees, volunteers, licence holders, engineering interns, applicants and visitors is required to report the incident to PEO. The complaint may be made or the incident reported to the volunteers' Committee Chair and/or the Director, People Development and/or the Registrar</p> <p>If a volunteer is comfortable, he/she may confront the alleged wrongdoer directly and advise that the behavior is objectionable, unwelcome and must cease immediately.</p> <p>In all cases, the volunteer making the complaint must report the behavior to:</p> <ul style="list-style-type: none"> • the supervisor/chair or any other member of management with whom the volunteer feels comfortable; • Director, People Development; • Registrar <p>The contacts listed above are also available to discuss any concerns the volunteers may have and to provide information to the volunteer about the policy or complaint process.</p>
Investigation Process	<p>All managers, supervisors, Directors, Deputy Registrars and the Chief Administrative Officer, Councillors, Committee and Chapter Chairs are required to report any concerns or issues brought to their attention regarding the workplace harassment and/or discrimination to the Director, People Development and the Registrar. In the case that the complaint is against a PEO volunteer (for employees see Appendix A):</p> <ul style="list-style-type: none"> • The Registrar will forward the complaint to the Human Resources Committee. • All allegations of harassment/discrimination will be investigated in as timely and as fairly as possible. • Confidentiality will be maintained as much as possible. • Where the Registrar believes on reasonable and probable grounds that a volunteer has committed an act of harassment/discrimination, the Registrar may appoint an independent investigator to investigate the matter. • The appointed investigator will report all findings to the Registrar. • For the purposes relevant to the subject matter of an investigation under this policy, the person appointed to make the investigation may inquire into and examine all relevant records relevant to the investigation. • No person shall obstruct a person appointed to make an investigation

	<p>under this policy or withhold any information or records relevant to the investigation.</p> <ul style="list-style-type: none"> • Investigations may include interviews with individuals filing the complaint; witnesses of the event and with the alleged wrongdoer. • Employees and volunteers who are asked to participate in an investigation are expected to cooperate, unless doing so would increase the risk of the alleged harassment/discrimination. • Decisions will be made based on consideration of all relevant facts and evidence. • Decisions will be made based on PEO policies and with the intent of assuring a work environment free from harassment/discrimination for all PEO employees, volunteers, visitors and applicants. • Outcomes of PEO investigations of workplace harassment/ discrimination will be reported to the individual(s) against whom the harassment/discrimination was committed; to the alleged wrongdoer(s) and, if required, to all affected PEO employees and volunteers by the Human Resources Committee. If either party is a employee outcomes will be reported to them by the Registrar and/or the Director, People Development. • Should the matter be reported to law enforcement officials, PEO will not implement an investigation that will in any way be prejudicial to any ongoing legal investigation.
Disciplinary Action	<p>When it has been determined by an investigation that a volunteer has engaged in inappropriate conduct, PEO will take all warranted disciplinary and/or corrective action. This action may include but is not limited to:</p> <ul style="list-style-type: none"> • Counselling; • Termination of volunteer appointment. • Other forms of action that PEO deems appropriate, including the Complaints and Discipline process under the <i>Professional Engineers Act</i> for volunteers who are licence holders. • Other forms of action that may be required by law.
False Claims and non-reporting	<p>PEO will take all warranted disciplinary or corrective action against any volunteer who deliberately makes false and/or malicious allegations of harassment and/or discrimination against another individual.</p> <p>PEO will take all warranted disciplinary or corrective action against any volunteer who has witnessed incidents of harassment and/or discrimination against another individual at PEO and does not report the incident.</p>
Training	<p>Volunteers will be trained to make them familiar with this policy and program. It is a requirement of engagement for a volunteer position that all volunteers must successfully complete the training provided, within three months of their appointment. Current volunteers will be required to successfully complete training provided within six months of offering the training.</p>

APPENDIX F:	PEO Anti-Workplace Harassment Program
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COUNCIL CONDUCT REVIEW PROCEDURE

Council will have a standing item on its in-camera agenda to deal with concerns where it is reported that a member of Council may have violated PEO's anti-workplace harassment and anti-workplace violence policies.

Procedure

7. The Chair will ask Councillors and the Registrar if anyone has any matters related to the conduct of a Councillor related to the workplace harassment and workplace violence policies that he/she wishes to discuss.
8. The Councillor and/or Registrar will report the specific conduct that is alleged to violate the policy. The supporting material for review by members of Council may be provided at the meeting or in advance of the meeting.
9. The Councillor, who is subject to the concern, will be provided with an opportunity to provide his/her comments.
10. If the breach was minor and the Councillor agrees that his/her conduct was out of line a simple apology to members of Council and the offended parties along with a commitment to try to avoid a repeat of such inappropriate conduct ends the matter.
 - b. To be appropriate, the Councillor and/or Registrar raising the issue will be asked if he/she accepts the apology and is prepared to move on.
11. Should the Councillor disagree that his/her conduct was out of line, the Councillor raising the concern may:
 - a. Accept the explanation and thank the Councillor for the clarification, or
 - b. Identify that he/she still finds the conduct to be inappropriate and ask Council to vote if it found the conduct to be inappropriate.
12. Council will then reflect on the discussion and materials to ensure that they are fair and that its decision is either reasonably supported by the evidence or a reasonable application of Council's expected standard in the circumstances. If the majority of Council finds the conduct:
 - a. to violate either of the workplace harassment and workplace violence policies, the offending member of Council will be subject to discipline, up to and including disqualification from Council² or other forms of action that PEO deems appropriate or that may be required by law.
 - b. to not violate either of the workplace harassment and workplace violence policies, the matter is concluded. However, should Council determine that the employee or volunteer brought forth a complaint in bad faith, that person may be subject to discipline, up to and including termination of employment or volunteer appointment or other forms of action that PEO deems appropriate or that may be required by law.

Note: Nothing in the above procedure prevents a member of Council from pursuing other remedies regarding the matter.

² Subject to the approval of an amendment to Regulation 941.

Committees & Task Forces Policy

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Review by: Council

Note: Revisions are identified by italics and asterisk () followed by the date of the revision.*

Policy Statements	<ol style="list-style-type: none"> 1. Committees/task forces are instruments to assist Council and the Registrar in the operation of PEO. 2. Committees/task forces operate within their approved mandates and terms of reference. 3. Committees/task forces manage their work and output within the Act, Regulation 941, By-law No. 1, PEO core values and PEO policy. 4. PEO recognizes the importance of making effective use of its volunteer members' knowledge and time. 5. Committees/task forces provide for the broad engagement and participation of PEO members supporting the development of future PEO leaders. 6. Committees/task forces encourage the participation and engagement of non-members' expertise (e.g. teacher, lawyers, accountants) in support of committee, task force and PEO objectives. 7. Communication of committee plans, activities and accomplishments to Council, PEO volunteers, members and staff is essential.
Rationale for the Policy	<p>This policy is intended to:</p> <ol style="list-style-type: none"> 1. Ensure that both Council and committees are held directly accountable for outcomes and honour their obligations and expectations to each other, members and the public. 2. Ensure that committees have the flexibility to directly manage their affairs within a framework of accountability. 3. Ensure that committees facilitate ongoing volunteer learning and leadership development. 4. Ensure that there is a direct, two-way communication link between Council and its committees.
Definitions	<p>Mandate – The functional scope of the committee/task force approved by Council.</p> <p>Committee – a body of persons appointed by Council to assist in fulfilling PEO's Principal and Additional Objects under the Act.</p> <p>Subcommittee: – A group appointed by a committee to assist a committee in completing its work. For the purpose of this policy Chapters are standing subcommittees of the Regional Councillors Committee.</p> <p>Task force – For the purposes of this policy, a task force is a committee operating for a defined period with a specific task.</p> <p>Terms of Reference – The document that describes the purpose and scope of a committee/task force.</p> <p>The complete Terms of Reference for a committee/task force are developed by completing the Terms of Reference template.</p> <p>The Terms of Reference should be relatively stable and not require</p>

Committees & Task Forces Policy

	<p>revisions or changes every year. Council approves initial and subsequent revisions to a committee's Terms of Reference.</p> <p>Workplan – Briefly describes specific tasks to be undertaken during the year by a committee/task force and the deliverables expected upon completion of the tasks. Workplans are to be developed each year using the workplan template and submitted to Council for approval.</p> <p>Human Resources Plan – Identifies the staff and volunteer resource needs and skill/experience sets to accomplish the committee'/task force's workplan, including committee/task force composition, qualifications and training/development resources to be provided for new members.</p>
Role of Council	<ol style="list-style-type: none"> 1. <i>Appoint and provide direct oversight to all committees/task forces.*</i> 2. Approve committee/task force mandates, Terms of Reference, annual workplans, and annual human resources plans. 3. Appoint the chairs of task forces and approve the committee elected chair. 4. Approve the annual roster of committee members. Council delegates authority to make <i>interim</i> appointments to committees during the year to the Registrar, <i>subject to Council confirmation at the next scheduled meeting</i>. (Note: Anyone appointed by PEO is covered by its Errors and Omissions policy.)* 5. Assign a liaison to <i>improve</i> a two-way communications link between a committee/task force and Council.* 6. Ensure the provision of appropriate training for committee/task force chairs and members. 7. Conduct an annual review of committee/task force performance. <p><small>*February 18, 2011</small></p>
Role of Advisory Committee on Volunteers	<ol style="list-style-type: none"> 1. Assist committees/task forces in the preparation of mandates, Terms of Reference, annual workplans, and human resources plans. 2. Maintain and provide tools and training, develop templates and guidelines for terms of reference, workplans, human resource plans. 3. Provide means to recognize volunteers and their employers. 4. Host annual meeting of committee/task force chairs and committee advisors. 5. Review and provide recommendation to Council on revisions to mandates, Terms of Reference, annual workplans, and human resources plans. 6. Assist committee/task forces with preparation of the annual roster of committee members.

Committees & Task Forces Policy

Committee/Task Force Operations	<ol style="list-style-type: none"> 1. Committees operate on the calendar year. In the case of task forces, they operate with a defined period. 2. Committees/task forces determine and operate within their specific Terms of Reference, annual workplan, annual human resources plan, and PEO core values. 3. By September 30 each year, each committee/task force shall prepare an annual work plan and human resources plan for the following year. 4. <i>By January 31</i> each year, committees shall elect a chair for approval by Council <i>at its first meeting of the year**</i>. Council shall appoint all task force chairs. 5. <i>By January 31</i> each year, committees/task forces shall elect a vice chair. 6. Committees, through their Council-approved terms of reference, <i>will</i> determine the duration and limits on the number of years members of the committee can serve, including any limits on consecutive terms in the same position. Task force members are appointed for the duration of the task force.* 7. Committees/task forces shall conduct an annual review of their performance. 8. In November of each year, committees/task forces shall present a roster of members for Council's approval and submit in-year changes to the roster to the Registrar for approval, <i>subject to Council confirmation at the next scheduled meeting.*</i> 9. Committees/task forces shall ensure their members are adequately trained to undertake their work. 10. Committees/task forces shall work effectively with the liaison assigned by Council. 11. Committees/task forces shall make suggestions to improve PEO processes, and work/consult with other committees/task forces to identify and address policy issues. 12. Committees may appoint subcommittees to assist in completing their work. Subcommittees operate to the spirit of this policy under the guidance of the committee chair. Rosters of subcommittee members shall be maintained in accordance with this policy. 13. During the year, on the recommendation of a two-third majority of the committee/task force members, a committee/task force may recommend to Council the replacement of the chair with a new chair. 14. During the year, on the recommendation of a two-third majority of the committee/task force members, a committee/task force may recommend to Council that a member be removed from a committee/task force. <p style="font-size: small; margin-top: 10px;"> *February 18, 2011 **September 23, 2016 </p>
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Committees & Task Forces Policy

Role of the Committee/Task Force Chair	<ol style="list-style-type: none"> 1. Lead the committee/task force in completing its duties and responsibilities. 2. Make effective use of committee/task force members' knowledge and time. 3. Prepare a meeting schedule. 4. Arrange for a formal agenda to be sent to committee/task force members in advance of every committee/task force meeting, together with any supporting material, minutes, etc. 5. Work with the Director, People Development to carry out the committee's/task force's human resources plan. 6. Communicate the committee/task force recommendations to Council in writing. 7. Make submissions or presentations to Council as required. 8. Work effectively with the committee advisor. 9. <i>Shall make recommendation to Council for the removal of a Committee/Task Force member if the member misses three consecutive scheduled meetings without providing valid reasons to the Chair or Committee Advisor, or misses more than 50% of the committee/task force annual scheduled meetings without providing valid reasons to the Chair or Committee Advisor. Valid reasons include, but are not limited to, unexpected work commitments; unexpected personal obligations; health reasons; hazardous weather conditions or emergencies*.</i> <p><small>*September 21, 2012</small></p>
Role of Committee/Task Force Members	<ol style="list-style-type: none"> 1. Respect the role of the chair, colleagues, liaison and the committee advisor. 2. Participate actively. 3. Come prepared for meetings. 4. Agree to the expectations of effort and intention of committee membership. 5. Resign from the committee/task force if unable to dedicate the required effort.
Role of the Council-appointed Liaison	<ol style="list-style-type: none"> 1. Provide an effective communication link between a committee/task force and Council, but do not speak for the committee/task force. 2. <i>Relay</i> relevant Council matters affecting the committee/task force to the committee/task force.* <p><small>*February 18, 2011</small></p>

Committees & Task Forces Policy

Role of the Registrar	<ol style="list-style-type: none"> 1. Assign a committee advisor and resources to each committee/task force commensurate with the approved committee/task force mandate and workplan. 2. Deal with committee advisor performance issues. 3. Ensure that a link exists between the committee/task force workplan, human resources plan and PEO's operations. 4. Approve the recommended in-year additions/deletions to the committee/task force membership. 5. Maintain a complete record of committee/task force members. 6. <i>Provide updates to staff on relevant committee/task force issues.*</i> 7. <i>Act as custodian of the Committees and Task Forces Policy and Reference Guide.*</i> <p><small>*February 18, 2011</small></p>
Role of the Committee Advisor	<ol style="list-style-type: none"> 1. Participate as an advisor, supporting committee/task force operations. 2. Advise the committee/task force of related activities within PEO that may affect, conflict with and/or support the activities of the committee/task force, and of the requirements of the <i>Professional Engineers Act</i>, Regulation 941 and By-law No. 1, PEO core values, and PEO policy. 3. Make meeting arrangements, assist the chair in preparing meeting agendas, and producing and distributing materials. 4. Ensure that written minutes of each committee/task force meeting are recorded, issued, communicated and filed appropriately. 5. Maintain a web page of each committee's/task force's membership, terms of reference, workplan, approved meeting minutes, meeting schedule and update the progress on the workplan within two weeks after each committee meeting.
Role of the Director, People Development	<ol style="list-style-type: none"> 1. Work with the committee/task force chairs to resource their approved human resources plan. 2. <i>Work with committees/task forces to determine and arrange for training per approved plans.*</i> 3. <i>Seek Council's approval of the additions/deletions of committee/task force members and the interim approval of the Registrar.*</i> 4. <i>Submit to Council the annual roster.*</i> 5. Act as committee advisor to the Advisory Committee on Volunteers. 6. <i>Maintain a pool of volunteers. Recruit, screen and recommend volunteer placements to committee/task force chairs based on the HR Plan needs.*</i> 7. Work with the Advisory Committee on Volunteers to provide tools and training, develop templates and guidelines for terms of reference, workplans, human resource plans; provide means to recognize volunteers and their employers; host an annual meeting of committee/task force chairs and committee advisors. 8. Arrange for training and development of committee advisors. 9. Arrange periodic meetings of committee advisors. <p><small>*February 18, 2011</small></p>

Committees & Task Forces Policy

Speaking or Acting for PEO	Committees/task forces or members of a committee/task force may not speak or act for PEO, except when formally given such authority for specific and/or time-limited purposes.
Establishment of Subcommittees and Panels	<p>A committee/task force may create subcommittees to execute its terms of reference within the prescribed budget. The committee/task force shall ratify all actions and recommendations of its subcommittees.</p> <p>Legislative committees may create panels in accordance with the Professional Engineers Act and Regulations (i.e. Discipline Committee, Registration Committee).</p>
Commitment of Funds	<p>Except as defined in the written terms of reference and incorporated in the budget, no committee/task force has authority to commit the funds or resources of PEO.</p> <p>Committees/task forces operate on the calendar year and shall submit budget information as requested.</p>

COMMITTEES AND TASK FORCES POLICY- REFERENCE GUIDE

Approved by Council - March 31, 2009

1st revision – February 18, 2011
2nd revision – September 21, 2012
3rd revision – November 22, 2013
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6th revision – September 2016
7th revision – September 2017
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COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Table of Contents

Introduction	3
Section 1: Role of Council	4
Section 2: Role of Advisory Committee on Volunteers (ACV)	6
Section 3: Committee and Task Force Operations	8
Section 4: Role of the Committee/Task Force Chair	12
Section 5: Role of Committee/Task Force Members.....	15
Section 6: Role of the Council-appointed Liaison	17
Section 7: Role of the Registrar.....	18
Section 8: Role of the Committee Advisor	19
Section 9: Role of the Director, People Development.....	21
APPENDICES	23
Appendix A - Templates	
Annual Reporting Dates for Committee Operations	24
Terms of Reference Template	24
Work Plan Template – EDC version	28
Human Resources Plan Template.....	29
Preparing your Human Resources Plan.....	30
Developing Core Competencies	31
Background Information.....	33
Procedure for a New Committee/Task Force.....	Error! Bookmark not defined.
Committee advisor's Committee/Task Force Meeting Checklist	37
Meeting Agenda Template	38
Committee Self Evaluation	39
Committee/Task Force Meeting Minutes Template.....	41
Appendix B – Procedures	
Procedures for Appointing Councillors to Board Committees	42
Procedures for Appointing Committee / Task Force Chairs	44
Procedures for Appointing Council Liaison to Committees	45
Process for Managing Volunteer Conduct	46

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

Introduction

At the 453rd meeting of Council, held on November 14, 2008, Council approved the revised Committees and Task Forces Policy.

The revised policy has four major objectives:

- **Improving Council/Committee Accountability:** Ensuring that both Council and committees are held directly accountable for outcomes and honour their obligations and expectations to each other, members and the public.
- **Rationalizing Committee Governance:** Ensuring that committees have the flexibility to directly manage their affairs within a framework of accountability.
- **Broadening Volunteer Engagement:** Ensuring that committees facilitate ongoing volunteer learning and leadership development.
- **Improving Council/Committee Communication Links:** Ensuring that there is a direct, two-way communication link between Council and its committees.

This reference guide provides additional details and clarifications for the respective roles of Council, committees, volunteers and staff on the Committees and Task Forces Policy. The guide is intended to provide best practices and recommendations for committees and task forces, in accordance with the Committees and Task Forces Policy.

The following document contains the Policy statement (in bold, italics) followed by the accompanying reference guide.

Suggested amendments to or updates should be sent to the Advisory Committee on Volunteers (ACV), care of Fern Goncalves, Director, People Development and ACV Committee Advisor (fgoncalves@peo.on.ca).

Section 1: Role of Council

1.1 Appoint and provide direct oversight to all committees/task forces.

PEO accomplishes much of its regulatory work through committees and task forces composed of volunteers. Some committees are established under provisions of the *Professional Engineers Act*, Regulations or By-law No.1, while others are created by Council directly. The Mandates of all committees and task forces are recorded in their Terms of Reference document.

Only Council may create a new committee or task force. Council should direct the development of a new committee or task force Terms of Reference and the Human Resources Plan to an appropriate group or individual (i.e.: Registrar, ACV, Executive Committee, etc.) only where it has determined that the work cannot be completed by an existing committee or a new subcommittee of an existing committee. A Terms of Reference template and a Human Resources Plan template are appended to this Guide. A general procedure for the establishment of a new committee/task force is also appended.

Committees and task forces can develop their annual Work and Human Resources Plans as they begin to operate, however the plans should be presented to Council in accordance with section 2 below.

Council should review the Terms of Reference for each committee every three years. The Secretariat will establish a schedule for these reviews for all committees.

Note: There is a distinction of Council oversight between the overall policies/operating procedures of committees and specific files. For example, as the main activity of certain committees (ARC, ERC, Registration, Complaints, and Discipline) is to review applicant or member files, Council does not have legislative authority to interfere in or give any input into the decisions of these committees on individual cases. However, Council does have the authority over the general operating policies and procedures of the committees.

1.2 Approve committee/task force Mandates, Terms of Reference, annual Work Plans, and annual Human Resources Plans.

It is recommended that the committee/task force Chair and committee advisor attend the Council meeting where these documents are presented to answer any questions. Council may approve or modify the document(s).

1.3 Appoint the chairs of task forces and approve the committee-elected chair.

Committee chairs are elected by their committee members using the method outlined in Section 3, item 3.4. Elected committee chairs must be approved by Council prior to their officially taking office as chair. Chairs elected, but not confirmed by Council, may act as chair-designate in order for the work of the committee to continue.

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

In approving the elected committee chair, Council might give consideration to the following:

- the committee has followed its own election procedures;
- the elected chair has the necessary knowledge and experience to run the committee;
- the chair, if a P.Eng., is a member in good standing and is not in a conflict of interest.

Task force chairs are appointed by Council, based on their skill and experience related to the specified task(s).

1.4 Approve the annual roster of committee members. Council delegates authority to make interim appointments to committees during the year to the Registrar, subject to Council confirmation at the next scheduled meeting. (Note: Anyone appointed by PEO is covered by its Errors and Omissions policy.)

The annual roster of committee/task force members prepared by the committee/task force should match both the Human Resources Plan and the annual Work Plan. P.Engs who are members of a committee or task force should be members in good standing. This will be identified on the roster supplied by the Director, People Development. Council may modify the annual roster.

As required by the Professional Engineers Act, members of PEO regulatory committees (Academic Requirements, Experience Requirements, Complaints, Discipline and Registration Committees) are appointed by Council.

Members of Board Committees are annually appointed by Council.

PEO provides Errors and Omissions insurance coverage for all committee and task force members.

1.5 Assign a liaison to improve a two-way communications link between a committee/task force and Council.

One liaison is to be appointed by Council for each committee and task force each year, taking into consideration input from the committees/task forces and the appointees.

Councillors who are also members of the committee/task force for which they are the assigned liaison should not disclose confidential Council matters when serving on the committee/task force. Where the committee/task force is entirely composed of Councillors (for example, the Regional Councillors Committee, Executive Committee, or the Human Resources and Compensation Committee) the chair of the committee is also its Council-appointed liaison.

The *Professional Engineers Act* avoids potential conflicts of interest by excluding members of the Complaints Committee from also sitting on the Discipline Committee (and vice versa) and by excluding members of the Academic Requirements or

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

Experience Requirements committees from sitting on the Registration Committee (and vice versa). These membership restrictions should also be applied to the Council-appointed liaison. For example, the liaison for the Discipline Committee should not also be a member of the Complaints Committee.

Appointments of liaisons are for one year, but may be renewed.

1.6 Ensure the provision of appropriate training for committee/task force chairs and members.

Council shall ensure the availability of appropriate training, as identified in the committee/task force's Human Resources Plan. Council may also identify training needs to the Registrar, and receive advice from the Advisory Committee on Volunteers and the Director, People Development.

1.7 Conduct an annual review of committee/task force performance.

Council should review annually how well each committee/task force performed compared to its approved annual Work Plan.

Section 2: Role of Advisory Committee on Volunteers (ACV)

2.1 Assist committees/task forces in the preparation of Mandates, Terms of Reference, annual Work Plans, and Human Resources Plans.

ACV is available to assist any committee in the preparation or review of these documents if requested.

2.2 Maintain and provide tools and training, develop templates and guidelines for Terms of Reference, Work Plans, Human Resource Plans.

ACV is tasked with supporting the training needs of PEO Volunteers in accordance with the Human Resources plans developed by and for committees/task forces. The Human Resources plans identify the desirable skill sets including core competencies and experience that PEO volunteers need to support the work of the committees/task forces.

ACV responsibility includes:

- Identifying general knowledge and skills that all PEO volunteers need in support of their volunteer work with PEO.
- Support committees/task forces with specific or specialized training as required
- Develop a plan and procurement strategy to provide identified training, in cooperation with Council, committees/task forces and staff.

In addition, ACV is responsible for the development of the standardized templates and guidelines for the preparation of committee Terms of Reference (TOR), Work Plans (WP), and Human Resources (HR) plans.

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

2.3 *Provide means to recognize volunteers and their employers.*

ACV's responsibility is to develop recognition programs for PEO volunteers that demonstrate Council's appreciation for their contribution. Elements of the program will recognize the contribution that our volunteers' employers make as well.

2.4 *Host annual meeting of committee/task force chairs and committee advisors*

ACV hosts an annual meeting of Committee chairs and committee advisors. This meeting brings the committee representative together for discussion of common issues and in support of members' development and training.

2.5 *Review and provide recommendation to Council on revisions to Mandates, Terms of Reference, annual Work Plans, and Human Resources Plans.*

If a committee or Council requests, ACV can review a committee's annual Work Plan and Human Resources Plan for consistency with the policy and the committee's annual report. Based on its review of the above, ACV can provide recommendations for improvement.

The review would look at the committees' documents and operation for compliance with the templates and guidelines and whether the committee operation supports the philosophy of the policy.

When a committee/task force proposes changes to the Mandate and/or Terms of Reference, the committee shall first forward the draft document to the ACV for comments and then submit it to Council for approval. ACV may provide recommendation to Council whether the revisions are acceptable or need further consideration/improvement.

2.6 *Assist committee/task forces with preparation of the annual roster of committee members.*

ACV is available to assist committees/task forces, if requested, with the preparation of the annual roster of committee members in accordance with their prepared Human Resources plan and in support of their Work Plan.

Committees/task forces are responsible for preparing membership roster according to their Human Resources plan. The Director, People Development nominates potential individuals from existing committee/task force members, Chapter Executives, Council and the general membership based on the skills, knowledge and diversity requirements documented in the Human Resources plan. Committees/task forces endorse individual selections and submit the roster to Council for approval.

Section 3: Committee and Task Force Operations

3.1 Committees operate on the calendar year. In the case of task forces, they operate with a defined period.

Most committees and task forces operate on the calendar year. Certain committees, however, (Executive, Audit, Finance, Human Resources, Legislation, OSPE-PEO Joint Relations, Regional Councillors) follow the Council year because membership on these committees is determined by Council elections. The year for these committees begins with the first Council meeting following the PEO Annual General Meeting. Task forces should operate for their defined term; term extensions are to be approved by Council.

3.2 Committees/task forces determine and operate within their specific Terms of Reference, annual Work Plan, annual Human Resources Plan, and PEO core values.

PEO committees/task forces are to operate only within their approved Terms of Reference, annual Work Plan, Human Resources Plan and PEO core values.

If a committee/task force needs to change its Mandate or any other component of its Terms of Reference, all changes are to be approved by Council before they are adopted. The committee/task force shall first forward the draft document to the ACV for comments and then submit it to Council for approval.

3.3 By September 30 each year, each committee/task force shall prepare an annual Work and Human Resources Plan for the following year.

All committees/task forces should prepare their annual Work and Human Resources Plans using the templates appended to this Guide. Work Plans are to be used to assist the committee/task force in meeting its objectives. Human Resources Plans are to be used to identify necessary training, skills and experience to successfully carry out the committee's/task force's Work Plan, and to assign work to specific volunteers.

Once the committee/task force has accepted the draft plans, the chair may send the draft annual Work Plan and Human Resources Plan to ACV for review. The committee/task force chair should review ACV's comments and forward a final draft to the Secretariat in time for the November Council meeting. Committees that operate on a Council year schedule should submit in time for the March Council meeting.

It is recommended that the committee/task force chair and committee advisor attend the Council meeting where these documents are presented to answer any questions. Council will approve or modify the document(s).

3.4 By January 31 each year, committees shall elect a chair for approval by Council at its first meeting of the year. Council shall appoint all task force chairs.

Each committee will develop a method for electing its chair, which should be recorded in the Terms of Reference. There are a variety of acceptable methods for electing

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

committee chairs – by consensus or by voting (simple majority of attendees, secret ballot or hand ballot). Committees should consider how they might choose between multiple candidates – by using a “first-past-the-post” (highest number automatically wins) or run-off elections (a series of ballots, with the candidate receiving the least votes being eliminated from the contest until one candidate receives a majority of the votes cast).

Committees should also consider the necessary experience qualifications, whether the chair should be a P.Eng. (and therefore a member in good standing), the notice period for nominations, quorum requirements for the election, appointment of an elections officer to oversee the elections, and methods to break any tie votes. Quorum and notice requirements should match those used for regular committee decisions. Whichever method is chosen, it should be documented in the committee’s Terms of Reference to be approved by Council. PEO’s Secretariat may be consulted for acceptable election methods.

If the committee does not have a meeting in January, the election of Chair may take place in the months of November or December (or at the last committee meeting of the preceding year).

Once a chair has been elected, the committee advisor should advise Council through the Secretariat. The new chair officially takes office immediately upon Council’s approval. Chairs elected but not confirmed by Council may act as Chair-designate in order for the work of the committee to continue.

Task Force chairs are appointed directly by Council for the duration of the task force’s Mandate. If the chair wishes to resign, he or she must notify Council and his/her respective task force. The Task Force is then responsible for electing a new Chair.

Note: For committees that operate on the Council year, elections should occur at the first committee meeting following the Annual General Meeting.

3.5 By January 31 each year, committees/task forces shall elect a vice chair.

Each committee/task force will develop an acceptable method for electing a vice chair, similar to that used for electing the chair (see section 3.4 above).

The new vice chair takes office immediately following the committee/task force’s election and does not require Council’s approval.

If the committee does not have a meeting in January, the election of Vice Chair may take place in the months of November or December (or at the last committee meeting of the preceding year).

3.6 Committees, through their Council-approved Terms of Reference, will determine, the duration and limits on the number of years members of the committee can serve, including any limits on consecutive terms in the same position. Task force members are appointed for the duration of the task force.

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Term limits for the chair, vice chair and members must be specified in the Terms of Reference and the Human Resources Plan.

3.7 *Committees/task forces shall conduct an annual review of their performance*

The annual review of the committee's/task force's overall performance should be based on the evaluation metrics in the annual Work Plan for that committee/task force, as approved by Council.

A generic Committee/Task Force self evaluation form is appended to this Guide. This can be used to guide the annual review of performance and to develop goals for the next year's Work Plan and Human Resources Plan.

3.8 *In November of each year, committees/task forces shall present a roster of members for Council's approval and submit in-year changes to the roster to the Registrar for approval, subject to Council confirmation at the next scheduled meeting.*

The Human Resources Plan should flow from the Terms of Reference and annual Work Plan, and should address the required skill sets/experience/constituencies. Committees/Task Forces submit individual Committee/Task Force rosters to the Director, People Development who combines them and submits them for Council's Consideration. The annual roster should match individuals with the required skills and experience. New members should be highlighted in the annual roster. The Registrar should inform Council of any in-year changes.

After Council has approved the annual roster, committees/task forces may change members without Council approval; however, the changes must be approved by the Registrar.

3.9 *Committees/task forces shall ensure their members are adequately trained to undertake their work.*

Working with the Director, People Development, each committee/task force should determine its training needs and establish its own specific orientation/training program for all members. The training components should be reflected in the annual Work Plan and the Human Resources Plan, and included in the People Development budget. Support for the identified training needs is provided through the ACV who develop a plan and procurement strategy to provide general knowledge and specialized training, in cooperation with Council, committees/task forces and staff.

3.10 *Committees/task forces shall work effectively with the liaison assigned by Council.*

Committees and Task Forces should work cooperatively and collaboratively with their Council-appointed liaison, by regularly providing information (mostly via the chair) and inviting the liaison to attend meetings.

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

The liaison's role is to be a committee's/task force's communication link at Council, to identify potential concerns for the committee/task force, and provide feedback to the committee/task force on Council decisions and directions as well as provide general information as it relates to Council deliberations on the committee/task force's activities.

3.11 Committees/task forces shall make suggestions to improve PEO processes, and work/consult with other committees/task forces to identify and address policy issues.

Through the annual Work Plan, each committee/task force should consider setting goals for suggesting improvements to PEO processes and working/consulting with other committees and task forces to identify and address policy issues. For example, since systemic issues arising from a review of Complaints or Discipline Committee cases could suggest a need for interpretive practice or performance guidelines or standards to be developed by the Professional Standards Committee, regular feedback across these committees could be beneficial.

Inter-committee cooperation can be facilitated by regular dialogue between chairs and/or committee advisors, the sharing of committee/task force minutes, the holding of joint meetings, invitations to other committee/task force chairs to attend and speak at a committee/task force meeting, and participation in the committee advisors' group meetings or the annual chairs' meeting hosted by the Advisory Committee on Volunteers.

Matters proceeding to Council must follow PEO's Policy Development Process, and Peer Review requirements, which includes stakeholder consultation, before a proposal is finalized.

3.12 Committees may appoint subcommittees to assist in completing their work. Subcommittees operate to the spirit of this policy under the guidance of the committee chair. Rosters of subcommittee members shall be maintained in accordance with this policy.

Where possible, Terms of Reference for the subcommittee should be drafted and approved by the committee prior to the subcommittee's start. The Terms of Reference should include the scope of work, membership, budget, accountability to the committee and duration.

Subcommittee members do not have to be members of the full committee/task force, or even members of PEO; however, the subcommittee chair should normally be a member of the committee/task force to ensure continuity and a communication link. The committee's/task force's annual roster should also contain a list of subcommittee members; the committee/task force should notify the Registrar of any in-year changes to ensure appropriate insurance coverage.

3.13 During the year, on the recommendation of a two-thirds majority of the committee/task force members, a committee/ task force may recommend to Council the replacement of the chair with a new chair.

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

The notice of a committee/task force meeting to vote on the issue to remove a chair should be the same as the notice requirements for a regularly scheduled committee/task force meeting. The new chair will be appointed by Council in accordance with the policy in Section 1, item 1. Once Council approves the committee/task force's recommendation to remove the sitting chair, the committee will elect a new chair. In the case of a Task Force, Council will appoint a new chair.

3.14 During the year, on the recommendation of a two-thirds majority of the members, a committee/task force may recommend to Council that a member be removed from a committee/task force.

The notice of a committee/task force meeting to vote on the issue to remove a committee member should be the same as the advance notice requirements for a regularly scheduled committee/task force meeting. Once Council approves the committee/task force's recommendation, the member will no longer be on the committee/task force.

A list of annual reporting dates is appended to this document.

Section 4: Role of the Committee/Task Force Chair

4.1 Lead the committee/task force in completing its duties and responsibilities.

To be effective in their roles, committee and task force chairs and vice chairs should have experience in project management, team leadership and meeting management. The chair and vice chair should be familiar with the *Professional Engineers Act* as it relates to the committee/task force and have some experience in or knowledge of the issues or work to be addressed by the committee/task force.

The chair should speak with one, unified, representative voice on behalf of the committee/task force, respecting the democratic decisions of the committee/task force.

The Chair should set goals/objectives to be achieved within their term that are aligned with the Committee/Task Force Mandate and Terms of Reference. These goals and objectives should then be operationalized through the annual works plans. The Chair should also clearly outline what is expected of the Committee/Task Force members in terms of achieving these goals/objectives.

To assist them in their roles, PEO will provide resources and opportunities for development to all committee and task force chairs.

4.2 Make effective use of committee/task force members' knowledge and time.

To make the best use of committee/task force members' knowledge, experience and time, committee/task force chairs should ensure the following documents are prepared and submitted for approval on time and are adhered to, and that all committee/task force members are familiar with and have copies of the latest version of:

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

- Committee/Task Force Terms of Reference;
- Committee/Task Force Annual Work Plan;
- Committee/Task Force Annual Human Resources Plan.

Committee/task force chairs should ensure that the business of the committee/task force is planned and conducted in a timely manner to achieve the desired results of their annual Work Plan.

Teleconference participation at meetings is available for those unable to attend in person at PEO. Other committee/task force work should be accomplished in parallel to and in between meetings. PEO's systems allow for on-line external access to documents for collaboration on projects. The committee advisor is able to provide access to resources to support meeting planning.

Subcommittee and individual work assignments, timeframes, and expectations should be discussed with each committee/task force member in advance. Consideration should be given to individual time commitments and workload. Every effort should be made to distribute workloads fairly and appropriately, according to available time, level of desired commitment and areas of expertise and/or experience.

Committee/task force chairs should encourage communication among committee/task force members in between meetings.

Committee/task force chairs should discuss with each member any area where training is required or developmental opportunities are identified.

Committee/task force chairs should address work delays, budget issues, or potential areas of conflict as soon as they are identified.

4.3 Prepare a meeting schedule.

Committee/task force chairs should set dates for several meetings in advance to facilitate meeting planning, travel and accommodation booking, and individual schedules.

Meeting schedules should be planned taking into consideration:

- the volume of the work – taking into consideration the requirement for such administrative work as budget planning, human resources and work planning, scheduling, etc.;
- the availability of the members, staff resources, consultants, experts, etc.;
- the availability of venues, accommodation and travel; and
- deadlines for committee/task force deliverables in the annual Work Plan.

4.4 Arrange for a formal agenda to be sent to committee/task force members in advance of every committee/task force meeting, together with any supporting material, minutes, etc.

Working with the committee advisor, agendas and supporting materials should be distributed to all members in a timely manner. The committee/task force should determine for itself a suitable lead time for the distribution of materials. As a best

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

practice, a committee/task force chair should avoid adding or accepting proposals at the meeting for last-minute items the entire committee/task force is unprepared to discuss, unless the item is urgent. Committee/task force meeting minutes should be approved by the committee/task force.

The committee/task force chair should ensure that the committee/task force addresses only issues that fall within the Mandate of the committee/task force.

Under By-Law No.1, section 25(i), PEO Council and its committees/task forces are to use *Wainberg's Society Meetings including Rules of Order* and special rules approved by Council. The committee advisor can provide copies.

Committee/task force meeting time should be set aside regularly for review of overall committee/task force performance. It is also recommended that some portion of each committee/task force meeting be devoted to the Council Liaison and committee advisor's feedback on recent PEO activities that may have some impact on the committee/task force.

Templates for a meeting agenda and meeting minutes are appended to this guide.

4.5 Work with the Director, People Development to carry out the committee's/task force's Human Resources Plan.

Committee/task force chairs should work with the Director, People Development to ensure the committee/task force has an adequate number of members with the appropriate skills. A template for the Human Resources Plan is appended to this guide.

Committee/task force chairs should work with the Director, People Development to understand the Work Plan and the deliverables and other expectations of the committee/task force, including identifying the skills required for the tasks, an estimate of the time needed and other expectations to be placed on the committee/task force members

4.6 Communicate the committee/task force recommendations to Council in writing.

Committees and task forces may submit a report to Council at any time for their information by requesting (directly or through the committee advisor) that an item be added to the Council agenda, and should be prepared to present their progress or status at the invitation of Council. The deadline for adding items to the Council agenda is three weeks prior to the Council meeting date. The committee advisor should provide the chair with a list of upcoming Council meeting dates.

The committee advisor will make available templates for briefing notes and, as required, assist the committee/task force chairs with their completion. Briefing notes should accompany all reports.

4.7 Make submissions or presentations to Council as required.

Submissions or presentations to Council should be scheduled based on the deliverables stated in the committee's/task force's annual Work Plan; however, Council may, at any time, invite a committee/task force to provide a submission or presentation to Council.

A committee/task force may, at any time, request an opportunity to make a presentation or submission to Council.

Submissions or presentations shall be in accordance with the time and format agreed to by Council and the committee/task force at the time of the invitation or request. Presentations or submissions shall be made in accordance with Council's agenda management requirements.

4.8 Work effectively with the committee advisor.

The committee advisor is available to assist the chair in meeting planning and preparation. The committee advisor is also a resource for advice or recommendations on operational and/or regulatory issues, and for assistance in developing committee/task force Terms of Reference, Work Plans, Human Resources Plans and budgets.

In rare instances, when the performance of the committee advisor is unsatisfactory for the committee's needs, the committee chair should consult with the committee advisor on corrective actions. If this approach proves ineffective, the committee chair can then escalate the issue with the Registrar as required.

Likewise, the committee chair should also acknowledge and inform the Registrar when the committee advisor demonstrates exemplary performance as part of the annual performance assessment.

4.9 Shall make recommendation to Council for the removal of a Committee/Task Force member if the member misses three consecutive scheduled meetings without providing valid reasons to the Chair or Committee Advisor, or misses more than 50% of the committee/task force annual scheduled meetings without providing valid reasons to the Chair or Committee Advisor. Valid reasons include, but are not limited to, unexpected work commitments; unexpected personal obligations; health reasons; hazardous weather conditions or emergencies.

If a volunteer serving on a committee/task force is unable to participate in the activities of the committee/task force, the Chair shall address the attendance issue of that volunteer. The Policy is intended to assist the Chair in building the committee roster with members who can attend meetings and support the committee's work plan and not inhibit the committee's ability to achieve quorum. Members who do not attend committee meetings to the extent identified in the above Policy statement will be challenged and, subsequently, removed from the committee roster in a formal manner.

The Chair may undertake the following steps before initiating the removal of a member: (1) Contact the member who missed two consecutive meetings; (2) Review the

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

attendance/participation mid-year with appropriate notification to members who have missed meetings; and (3) Complete a final assessment of attendance when confirming the annual roster of members.

The Chair may approve a leave of absence from a committee/task force in case the member's work or personal circumstances change during his/her annual appointment to the committee/task force.

Section 5: Role of Committee/Task Force Members

5.1 Respect the role of the chair, colleagues, liaison and the committee advisor.

Committees/task forces are meant to function as teams established to do PEO's work. Committee/task force members should be familiar with:

- the Terms of Reference and the Mandate of the committee/task force;
- the roles of the chair, vice chair, Council-appointed liaison, committee advisor and their colleagues and respect these roles;
- what is expected of each committee/task force member in the context of the particular committee/task force;
- the *Professional Engineers Act* and Regulations as they relate to the committee/task force; and
- PEO's Mandate, and understand their committee's/task force's role within the Mandate.
- Members should respect the democratic decisions of the committee/task force.
- Members should refrain from speaking on behalf of the committee/task force which is the responsibility of the chair.

5.2 Participate actively.

The success of the committee/task force depends on its members' commitment to the committee's/task force's overall work. Members should attend meetings, contribute freely and build on the strengths of the committee/task force members.

PEO will make available to committee/task force members training and other resources to support their committee/task force work as recommended by the chair or at the request of the member commensurate with the HR Plan.

Committee/task force chairs should clearly define and outline what is expected of committee/task force members. Any changes should be agreed to by both the chair and the committee/task force member.

If a committee/task force member is unable to meet his or her commitments to the committee/task force, he or she should bring it to the attention of the chair at the earliest opportunity to find a solution.

5.3 Come prepared for meetings.

Committee/task force members should arrive at the meeting having familiarized themselves with the agenda, previous minutes and all materials provided prior to the meeting. Committee/task force chairs should allow sufficient advance time for review of the material(s), as agreed to by the committee/task force.

5.4 Agree to the expectations of effort and intention of committee/task force membership.

Committee/task force members should be committed to fulfilling their roles and obligations to the committee/task force. Committee/task force members should be advised of and agree to their roles and what is expected of them overall. Expectations of what the committee/task force and individual committee/task force members are expected to do should be described in the committee's/task force's annual Work Plan.

If workloads and time commitments exceed what was agreed to for individual members, the chair should review and discuss the expectations with the member. Workloads can then be reassigned, and deadlines can be extended.

5.5 Resign from the committee/task force if unable to dedicate the required effort.

Depending on the reason for their resignation, committee/task force members should give the chair as much notice as possible. Ideally, notice should be given two meetings in advance of the resignation. As much as possible, committee/task force members should complete the work they have been assigned. If committee/task force members have outstanding work they are unable to complete, the work and any relevant background material should be transferred by the chair to another committee/task force member.

The resignation is effective the date identified by the member. The Committee Advisor is responsible for confirming the receipt of the resignation and forwarding a copy of the resignation letter to People Development.

Section 6: Role of the Council-appointed Liaison

6.1 Provide an effective communication link between a committee/task force and Council, but do not speak for the committee/task force.

The Council Liaison should obtain information about the committee/task force's Mandate and operations from the Terms of Reference, annual Work Plan and Human Resources Plan, in addition to material provided by the committee advisor and chair. If liaisons are not already members of their assigned committee/task force, when appointed by Council as a Council Liaison, they become full voting members of the committee/task force. The Council Liaison appointment is in addition to the committee membership, as identified in their respective Terms of Reference. When the Council Liaison's term on Council ends, s/he will no longer be a member of the committee, unless so appointed by Council, and a new Council Liaison will be appointed to the role. The liaison should communicate to

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

the committee/task force chair overall Council directions, and strategic advice with respect to future proposals, insofar as they are relevant to the work of the committee/task force.

At Council meetings, the liaison does not speak for the committee/task force as the chair is the official spokesperson. Rather, they can provide a general update on the committee/task force, or identify for Council that their assigned committee/task force should be consulted on an issue under deliberation or consideration by Council. At a minimum, some follow-up communication should take place at/after every committee/task force meeting and as required after Council meetings.

6.2 *Relay relevant Council matters affecting the committee/task force to the committee/task force.*

A liaison who is also a member of Council may not divulge to the chair or committee/task force the contents of *in-camera* items that were not brought into open session at Council.

A liaison can divulge Council decisions to the committee/task force chair as directed by Council at the in-camera session.

Section 7: Role of the Registrar

7.1 *Assign a committee advisor and resources to each committee/task force commensurate with the approved committee/task force Mandate and Work Plan.*

The Registrar, working through the Deputy Registrar or Director of the department with operational responsibility for the committee/task force, assigns adequate resources and the most appropriate person as committee advisor, using the Terms of Reference and/or annual Work Plan for guidance.

7.2 *Deal with committee advisor performance issues.*

The Registrar's supervision of committee advisor performance is delegated to Deputy Registrars and Department Directors. Committee advisors report for their performance to their immediate supervisors. Supervisor should deal with any committee advisor performance issues in accordance with PEO's employment practices.

The Registrar may consult with committee/task force chairs for feedback, both positive and needs improvements, as required.

7.3 *Ensure that a link exists between the committee/task force Work Plan, Human Resources Plan and PEO's operations.*

The annual Work Plan should flow from the Terms of Reference document and be consistent with the contents of the Human Resources Plan. The chair may draft the plans with the committee/task force or direct the committee advisor to draft them. The Registrar (or his/her designate) will review the draft plans to ensure consistency between the Terms of Reference, the Work Plan and the Human Resources Plan, and PEO operational policies and resources, prior to Council approval. The draft Human

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

Resources Plans should also be forwarded to the Director, People Development to provide feedback and to assess resource capacities.

7.4 Approve the recommended in-year additions/deletions to the committee/task force membership.

Requests for in-year changes to committee/task force membership may be raised by the chair and committee advisor with the Director, People Development. Council approval of in-year membership changes (other than the replacement of the chair) is delegated to the Registrar (refer to Section 3.8), with the exception of PEO regulatory committees (Academic Requirements, Experience Requirements, Complaints, Discipline and Registration Committees), as the *Professional Engineers Act* specifies appointment by Council. For issues relating to the removal of a chair or member, see Committee and Task Force Operations, items 13 and 14 respectively.

7.5 Maintain a complete record of committee/task force members.

The Registrar delegates the maintenance of the complete historical record of committee/task force members to the Director, People Development, who is responsible for recruiting new members to committees and task forces per the HR Plan and recommendations of the committee/task force chair.

7.6 Provide updates to staff on relevant committee/task forces issues.

The Registrar will keep all staff informed of pertinent committee/task force issues as they relate to PEO and committee/task force operations, and for consistency in communications.

7.7 Act as custodian of the Committee and Task Forces Policy and Reference Guide.

The Registrar and/or his/her designate is responsible for maintaining this policy and reference guide, reviewing its contents periodically and revising as needed, and ensuring that the latest version is distributed to committee/task force chairs, members and advisors.

Section 8: Role of the Committee Advisor

8.1 Participate as an advisor, supporting committee/task force operations.

The role of a committee advisor is multi-functional and includes the following as required:

- **Administrative support:** Arrange meetings, including scheduling, project planning and tracking, other resourcing, taking and distributing minutes, agenda, supporting materials, works on content/deliverables as directed, drafts the annual Work Plan and human resource plan, reports and briefing notes to Council, provides administration and continuity for the committee/task force, maintains the committee/task force website content if required, drafts and monitors budget, gathers information as directed; and performs other duties as specified in the Work Plan.

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

- **Resource:** Act as the Registrar's delegate, providing corporate memory and access to PEO policies and practices, and the *Professional Engineers Act/Regulations/By-law* as it affects the committee/task force. The committee advisor should seek legal clarification where required.
- **Advisor/consultant:** Advise the chair and members on policy, processes and practices, provides advice and guidance, organizes orientation and training as required, and endeavours to stay informed of Council, PEO corporate actions and other related committees'/task forces' activities. Committee advisors should be familiar with this Reference Guide.
- **Communications:** corresponds with the chair, committee members. Other committees, external stakeholders, etc. in accordance with PEO policies, respecting confidentiality of sensitive matters and in-camera sessions.
- **Research:** undertakes research as directed.

Committee advisors are not members of committees/task forces and do not have any voting rights on decisions. They may participate in discussions where necessary to fulfill their duties to advise the committee/task force.

The committee advisor may also arrange for other necessary staff resources (e.g. legal, policy, research, financial, practice advisory) through the Deputy Registrar or Director of the appropriate department.

Committee advisors and committee/task force chairs should meet at the beginning of a new operational year, or upon the election of a new chair, to review their respective roles.

At the request of the committee/task force chair, committee advisors are to notify the Director, People Development of any requests for new committee/task force members or resignations as soon as possible, so the central list can be updated and recruitment of new committee members can be undertaken if necessary. The committee advisor should encourage members to submit names of candidates to the Director, People Development.

In the event that the committee should exceed the bounds of its Mandate, the committee advisor should consult with their direct supervisor on the issue. The committee advisor should also discuss the situation with the chair to resolve the issue. Only when the issue cannot be resolved should the Committee Advisor consult with their direct supervisor on the issue.

8.2 Advise the committee/task force of related activities within PEO that may affect, conflict with and/or support the activities of the committee/task force, and of the requirements of the Professional Engineers Act, Regulation 941 and By-law No. 1, PEO core values, and PEO policy.

Committee advisors should stay informed of Council, PEO corporate and other committee's/ task forces' activities. They can become informed by attending Council

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

meetings as applicable, reading the Council briefing notes, draft disposition of motions and approved minutes, other committee/task force minutes, the Registrar's Report to Council and Council Reports in Engineering Dimensions; attending the Committee Advisors Group meetings; and through discussions with other committee advisors. It is recommended that some portion of each committee/task force meeting be devoted to a committee advisor's summary of recent PEO activities that may have an impact on the committee/task force.

8.3 Make meeting arrangements; assist the chair in preparing meeting agendas, and producing and distributing materials.

A checklist for committee advisors to use in making meeting arrangements is appended to this guide. A template for meeting agendas is also attached in the appendix.

8.4 Ensure that written minutes of each committee/task force meeting are recorded, issued, communicated and filed appropriately.

Minutes of committee/task force meetings are intended to summarize discussions, decisions and required actions; they are not intended as transcripts of the proceedings. Draft minutes should be prepared as per PEO's Minutes of Meetings Policy within 14 business days of the meeting and sent to all members of the committee/task force for verification. A standardized Minutes format has been appended to this guide.

Once minutes have been approved by the committee/task force (at the next meeting), they may be shared with the Council-appointed liaison, other related committees/task forces and Council, and posted on the committee/task forces' website.

All committee/task force records are to be kept by the committee advisor as per the Records Retention Policy to ensure operational continuity and historical accuracy.

8.5 Maintain a web page of each committee's/task force's membership, Terms of Reference, Work Plan, approved meeting minutes, meeting schedule and update the progress on the Work Plan within two weeks after each committee meeting.

Each committee/task force has been given its own website for posting read-only versions of the Terms of Reference, annual Work Plan, approved meeting minutes, meeting schedule, progress reports, and membership. This is to allow for collaboration and broad member engagement, and to promote transparency.

PEO's Information & Technology Services department will maintain the website platforms and architecture, and provide training and support to committee advisors for uploading and maintaining the website content. Committee advisors are responsible for ensuring the website's content is accurate and up-to-date.

Section 9: Role of the Director, People Development

9.1 Work with the committee/task force chairs to resource their approved Human Resources Plan.

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

- 9.2 *Work with committees/task forces to determine and arrange for training per approved HR plans.***
- 9.3 *Seek Council's approval of the additions/deletions of committee/task force members and the interim approval of the Registrar.***
- 9.4 *Submit to Council the annual roster.***
- 9.5 *Act as committee advisor to the Advisory Committee on Volunteers.***
- 9.6 *Maintain a pool of volunteers. Recruit, screen and recommend volunteer placements to committee/task force chairs based on their HR Plan needs.***
- 9.7 *Work with the Advisory Committee on Volunteers to provide tools and training, develop templates and guidelines for Terms of Reference, Work Plans, human resource plans; provide means to recognize volunteers and their employers; host an annual meeting of committee/task force chairs and committee advisors.***
- 9.8 *Arrange for training and development of committee advisors.***
- 9.9 *Arrange periodic meetings of committee advisors.***

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

APPENDICES

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Appendix A - Templates

Annual Reporting Dates for Committee Operations

Policy Reference	Committee Operations	Timeframes
Section 3: Committee and Task Force Operations <i>Item 3</i>	<i>Each committee/task force shall prepare an annual Work Plan and Human Resources Plan for the following year.</i> <u>Note:</u> <i>Final drafts should be forwarded to People Development in time for the November Council meeting. Committees that operate on a Council year schedule should submit in time for the March Council meeting.</i>	<i>By September 30 each year</i>
Section 3: Committee and Task Force Operations <i>Item 4</i>	<i>Committees shall elect a chair for approval by Council. Council shall appoint all task force chairs.</i> <u>Note:</u> <i>For committees that operate on the Council year, elections should occur at the first committee meeting following the Annual General Meeting (AGM).</i>	<i>In January each year</i>
Section 3: Committee and Task Force Operations <i>Item 5</i>	<i>Committees/task forces shall elect a vice chair.</i> <u>Note:</u> <i>For committees that operate on the Council year, elections should occur at the first committee meeting following the AGM.</i>	<i>In January each year</i>
Section 3: Committee and Task Force Operations <i>Item 8</i>	<i>Committees/task forces shall present a roster of members for Council's approval and submit in-year changes to the roster to the Registrar for approval.</i> <u>Note:</u> <i>Annual Roster is coordinated by People Development Department and submitted to Council for approval.</i>	<i>In November each year</i>
Other committee/task forces operations during a calendar year:		
Section 3: Committee and Task Force Operations <i>Item 7</i>	<i>Committees/task forces shall conduct an annual review of their performance, including the performance of the chair and members, and provide feedback to individuals as may be needed.</i>	<i>Annually</i>

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Terms of Reference Template

Issue Date:
Approved by:

Review Date:
Review by:

Legislated and other Mandate approved by Council	<i>Record verbatim any specific powers listed in the Act, Regulations or By-Law No.1, along with the committee's or task force's other Mandates</i> <i>Mandate is defined by the Committees & Task Forces Policy as "the functional scope of the committee approved by Council" [DATE APPROVED BY COUNCIL]</i>
Key Duties and Responsibilities	<i>Indicate the most critical duties and responsibilities of the committee or task force that support the Mandate's achievement – focus on what the committee/task force alone can do. Regular liaison and/or consultation with other committees/task forces should be identified. All policy proposals and documents must be brought to Council for approval; the committee/task force is responsible for developing the proposal and implementing Council's decision.</i> <i>Indicate those policies for which this committee/task force is responsible for developing and maintaining.</i>
Constituency, Number & Qualifications of Committee/Task Force Members	<i>Indicate the minimum and maximum number of required committee/task force members.</i> <i>Indicate how the committee or task force is to be composed – are there positions that are to be filled according to legislation and/or committee practices? Is representation from particular sectors, stakeholder organizations or regions/chapters required? What specific skill sets or experience is required for members? How are subcommittees or task groups to be set up or maintained?</i>
Qualifications and election of the Chair	<i>Indicate any specific qualifications (academic, experience, skills, etc.) required to be the chair of this committee.</i> <i>Indicate what method(s) are to be used for electing the chair each year, including nomination periods, what quorum of the committee membership is required for the election, and if there are consecutive term limits</i>
Qualifications and election of the Vice Chair(s)	<i>Indicate any specific qualifications (academic, experience, skills, etc.) required to be the vice chair of this committee/task force.</i> <i>Indicate what method(s) are to be used for electing the vice chair each year, including nomination periods.</i>
Duties of Vice Chair(s)	<i>Indicate the specific duties of the vice chair(s) (for example, chairing meetings in the chair's absence, providing orientation and training for new members, etc.)</i>
Term Limits for Committee Chair and Vice Chair	<i>The Chair and Vice Chair are elected annually for a one-year term, from [insert January to December for general committees or Annual General Meeting to Annual General Meeting for Board Committees]. The Chair and Vice Chair may be re-elected to their positions to serve a maximum of three (3) consecutive years. To ensure continuity, it is desirable that the Vice Chair moves to the Chair's position, once the Chair's term of service is expired. Once the Chair and/or Vice Chair have served for the maximum term for their respective positions, they are not eligible for reappointment to those positions. The Chair, once</i>

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

	<p>having served as Chair, may only serve as a general committee member thereafter to the maximum ten (10) years of cumulative committee service.</p> <p>Note: <i>The term limits for Chair and Vice Chair apply to all committees.</i></p> <p>Note: <i>Under exceptional circumstances, the committee may request the Advisory Committee on Volunteers (ACV) to consider a temporary exemption of the term limits provision. If deemed appropriate, the ACV may make a recommendation to Council on behalf of the committee for temporary relief from this provision. Such relief to be not more than one (1) term in duration.</i></p>
Term Limits for Committee Members	<p>Committee members are appointed for a one-year term, from [insert January to December for general committees or Annual General Meeting to Annual General Meeting for Board Committees]. Committee members may be re-appointed, but shall retire from the committee for at least six (6) years after ten (10) years of cumulative committee service.</p> <p>Note: <i>Given the statutory mandate of the Academic Requirements Committee (ARC), Complaints Committee (COC), Discipline Committee (DIC), Experience Requirements Committee (ERC), Fees Mediation Committee (FMC) and Registration Committee (REC) as well as the reliance on the expertise and experience of their members in order to carry out their legislated mandates, there is no term limit imposed on the general membership of these committees.</i></p> <p>Note: <i>To allow for a smooth transition to new membership under the ten (10) years of cumulative committee service term limit, the following transition process will apply:</i></p> <ul style="list-style-type: none"> • <i>33% of committee members whose years of service exceeds the ten (10) years of cumulative committee service term limit as of December 31, 2017, shall retire from the committee and not be re-appointed to the committee for the 2018 term. Committee members with the longest years of committee service will be selected first for retirement from the committee.</i> • <i>33% of committee members whose years of service exceeds the ten (10) years of cumulative committee service term limit as of December 31, 2018, shall retire from the committee and not be re-appointed to the committee for the 2019 term. Committee members with the longest years of committee service will be selected first for retirement from the committee.</i> • <i>All committee members whose years of service exceeds the ten (10) years of cumulative committee service term limit as of December 31, 2019, shall retire from the committee and not be re-appointed to the committee for the 2020 term.</i> <p><i>This transition process does not apply to the Academic Requirements Committee (ARC), Complaints Committee (COC), Discipline Committee (DIC), Experience Requirements Committee (ERC), Fees Mediation Committee (FMC) and Registration Committee (REC) as there is no term limit imposed on the general membership of these committees.</i></p> <p>Note: <i>Under exceptional circumstances, the committee may request the Advisory Committee on Volunteers (ACV) to consider a temporary exemption of the term limits provision. If deemed appropriate, the ACV may make a recommendation to Council on behalf of the committee for temporary relief from this provision. Such relief to be not more than one (1) term in duration.</i></p>
Succession Planning	<p>Note: All committees must have a succession plan, approved by Council, to ensure the orderly transition of the position of chair and vice chair as well as provide for the renewal of the committee's membership and on-boarding of new committee members.</p>
Quorum	<p><i>In accordance with Wainberg's Society Meetings Including Rules of Order and section 25(i) of By-Law No. 1, quorum for the purpose of having the meeting's decisions be considered</i></p>

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

	<i>binding is at least 50 per cent of the committee's/task force's membership present at the meeting. This threshold applies to all committee/task force decisions.</i>
Meeting Frequency & Time Commitment	<i>Indicate how often the committee or task force is to meet during the year, whether face-to-face or by teleconference. What is the expected duration of the meeting(s), and the total time commitment expected (including outside of formal meetings) for preparation and review of documents.</i>
Operational year time frame	<i>Indicate when the committee's/task force's operational year starts and finishes (usually January-December, but some exceptions – the Council year - from the first meeting after the Annual General Meeting of members to the end of the next Annual General meeting.</i>
Committee Advisor	<i>Indicate the committee's or task force's primary committee advisor – by position, department, and name.</i>

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Work Plan Template
<<NAME OF COMMITTEE/TASK FORCE>>
WORK PLAN FOR <<<YEAR>>>

Approved by Committee: [DATE]		Review Date: [DATE]	
Approved by Council: [DATE]		Approved Budget: [AMOUNT] [DATE]	
Mandate [as approved by Council]:	Record verbatim any specific powers listed in the Act, Regulations or By-Law No. 1, along with the committee's or task force's other Mandates. Mandate is defined by the Committees & Task Forces Policy as "the functional scope of the committee approved by Council" [DATE APPROVED BY COUNCIL]		
Equity and Diversity Awareness	1. Was the E & D module reviewed in order to have tasks and activities align with the E&D Policies? YES/NO 2. Is each task/activity being done in an equitable manner and engaging diverse groups? 3. Are there any barriers to information dissemination, human resources, physical space, and cultural differences? 4.		
Tasks, Outcomes and Success Measures:	Task/Activities [as per Terms of Reference – Key Duties]:	Outcomes Success measures	Due date:
	Briefly describe specific tasks related to the committee/task force Terms of Reference to be undertaken during the year and the deliverables expected upon completion of the tasks. Answer questions 2 and 3.	For each task, identify its outcomes and related success measures.	Include dates for deliverables.
	For example: Host Annual workshop of Chairs and Committee Advisors. Q2: The multi-cultural calendar was considered when scheduling the workshop date. Q3: Persons with disabilities and food allergies were appropriately accommodated.		November, 2009
Inter-committee collaboration:	Indicate with which other PEO committees/task forces the committee/task force will consult and/or collaborate over the next year (e.g. joint meetings, chairs' meetings, contacts between committee advisors, sharing minutes and draft proposals, consulting on proposals, etc.).		
Stakeholders:	Indicate which external government departments, associations, organizations or individuals the committee/task force should regularly engage in dialogue with, particularly in relation to its policy proposals.		

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Human Resources (HR) Plan Template

HR Plan for Committee <<<Name of Committee/Task Force>>>

Committee:	Date Developed:
Committee Review Date:	Date Council Approved:

	Currently in Place	Required in 12 months (Identified “Gap” for each Core Competency)	Required in 2 to 5 years
Core Competencies <ul style="list-style-type: none"> • Skills • Abilities • Expertise • Knowledge 	<i>List key objectives and core competencies.</i>		
Volunteer Development Plans <ul style="list-style-type: none"> • List potential development opportunities 	<i>List advancement and development opportunities.</i>		
Committee Membership	<i>List total number of committee members.</i>		
Broad Engagement <ul style="list-style-type: none"> • Career Stage • Disciplines • Experience Level • Gender / Diversity • Geographic Representation • CEAB Grads / Non-CEAB Grads • Licensed / Non-licensed 	<i>List</i> <ul style="list-style-type: none"> • Career stage (i.e. early/mid/late/retired) • Disciplines • Experience level (ie. Class A – F) • Gender/diversity • Regions (i.e. Eastern) • Total CEAB & non-CEAB • Licensing requirements 		
Succession Planning <ul style="list-style-type: none"> • List the members 	<i>Identify length of member service on committee</i>		
Term of Office <ul style="list-style-type: none"> • Chair • Committee members 	<ul style="list-style-type: none"> • Identify the maximum term of office specified in the Terms of Reference • Identify preferred turnover 		

Preparing your Human Resources Plan

The vision of the association's Committee Human Resources Plans is:

- To achieve excellence in committee operations through a professional volunteer/staff that delivers the highest quality and value for the association;
- To achieve a dynamic volunteer/work environment that promotes innovation, learning and results, and
- To involve passionate people who take pride in making a difference for the association and the engineering profession.

Step 1: Determine your Work Plan Outcomes and Activities

Each committee will prepare its annual Work Plan using the Work Plan template found in the Committees & Task Forces Policy – Interpretive Guideline document.

Step 2: Scan your current committee environment

- Analysis of Your Committee's Overall Requirements
 - What are the core competencies needed to achieve your committee's Work Plan outcomes
 - What are the key positions and duties that are required on your committee to achieve its outcomes
 - What are the "broad engagement" principles that are important to the operation of your committee (i.e.: Diversity, Gender/Equity, Geographic representation, licensed vs. non-licensed, consulting vs. manufacturing vs. academic vs. utilities etc.)
 - What overall volunteer development and succession planning efforts would benefit the current and future ability of your committee to achieve its goals.

At this stage, committees should be focusing on what overall knowledge and skills need to be present within the committee for it to do its work (its core competencies, internal functions and structure it currently has, or plans to create). Committees should not be considering individual volunteer members at this point. This will be done in the next step.

- Analysis of Your Current Volunteer Membership
 - What are the current core competencies within your committee/sub-committee membership?
 - Currently, what are the key positions and duties of the members on your committee?
 - What "broad engagement" principles are currently exhibited by your committee?
 - What current volunteer development plans do you have for your committee?
 - What succession planning efforts do you currently have in place?

At this stage, the committee focuses on each individual volunteer member currently on the committee, determining what knowledge and skills they cover, how the committee meets the policy principle of broad engagement, and what the committee can do to put

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

into place some development/training for these members. Here the committee also starts to consider matters of succession planning and turnover for its current members.

- Analysis of Future Competencies volunteer membership requirements
 - Short-term (1 year)
 - Long-term (2-5 years)

At this stage, the committee looks at what competencies (knowledge, skills and expertise) it will need in the short- and long-term.

Step 3: Conduct a gap analysis

- Summarize the gap analysis between your current volunteer membership resources, future volunteer membership resources and your work plan goals and objectives
- Prepare potential strategies to meet the gap

At this stage, the committee determines the “gaps” it has in the people, core competencies, and in the broad engagement requirements. The committee begins to strategize ways to bridge the identified gap(s). (i.e.: developing volunteer descriptions, working with the Volunteer Manager on recruitment issues).

Step 4: Set HR priorities to help achieve work plan goals and objectives

- Taking into consideration the gap analysis of Step 3, this step summarizes your strategies linked to the gap analysis and work plan goals and can be considered as an action plan to move forward to develop a “volunteer staffing” plan
- Prepare a ‘volunteer staffing’ plan

Step 5: Measure, monitor and report on progress

- Measuring the progress against your priorities
- Performance reporting and performance management agreement

Developing Core Competencies

Core competencies:

By using the idea of core competencies, you can make the very most of the opportunities open to your committee by:

- Focusing efforts so that you develop a unique (for your committee) level of expertise that really matters to your objectives
- Building the skills of your committee members in a way that complements your committee’s core competencies. By building the skills and abilities that your committee most values.

The starting point for understanding core competencies is an understanding that your committee must have something that is of unique value to your committee.

The question is where this uniqueness comes from, and how it can be sustained.

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

Core competencies are some of the most important sources of this uniqueness. These are the things (objectives, activities) that a specific committee is mandated to do. It does them uniquely well, and no-one can copy quickly.

Committees need to focus on their core competencies and continually work to build and reinforce them (succession planning, etc)

Possible tests to see whether they are true core competencies:

1. **Relevance:** the competence must give your committee something (skills, abilities, expertise, and knowledge) that strongly influences the ability of your committee to achieve its mandate. If it does not (say it is not represented in your current membership) then it has no effect on your capability to fulfill your objectives and is not a core competency;
2. **Difficulty of imitation:** The core competency should be difficult to imitate (again looking toward the uniqueness of abilities and away from the 'generalist' volunteer);
3. **Breadth of application:** It should be something that opens up a good number of markets (Meaning that it should be able to look/influence the committee's future challenges, etc.

For example: you might consider strong industry knowledge and expertise to be a core competence in serving your committee. However, if you do not connect the "uniqueness" of that particular expertise – as it relates to fulfilling your committee's objectives – then that expertise could be applied on other committees (generally) with those who have similar/equivalent expertise, then this is not a core competence.

Steps in identifying core competences:

- Brainstorm the factors that are important for your committee, or you believe are important to PEO. In the context of your committee, brainstorm the factors that Council will use in assessing your performance.
- Dig into these factors and identify the competences that lie behind them
- Brainstorm your existing competences and the things you do well
- Screen these competences against the tests of relevance, difficulty of imitation and breadth of application to determine whether they are, indeed, core competences

If you have identified core competences that you already have, then great! Work on them and make sure that you build them as far as sensibly possible.

If you have no core competences, then look at ones you can develop, and work to build those.

Background Information – Human Resources Planning

Introduction

Council approved the current Committees and Task Forces policy at its 453rd meeting September 19, 2008. The policy has established that each year, committees will prepare an annual Human Resources Plan which formally identifies the human resources (volunteer skills, expertise and development) needed for each committee to fulfill its current Work plan.

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

Committees will be provided with the necessary Human Resources Plan documentation and guidance, developed and maintained by the Advisory Committee on Volunteers (ACV). It will be the responsibility of each Committee Chair to complete the Plan by the September 30th annual deadline and submit it, along with its Work plan, to Council for approval.

Human Resources Planning - Definition

For the purposes of this Committees and Task Forces Policy:

Human Resources Planning is a process that:

- ***identifies the current and future human resources each PEO Committee/Task Force/Task Group requires to achieve the goals outlined in its approved Terms of Reference and annual Work plan, and***
- ***develops the necessary strategies required to meet these human resources requirements***
- ***develops the necessary strategies required for succession planning***

Thus, for each committee, HR Planning has two distinct stages:

1. Based on the approved Terms of Reference and the outcomes/activities identified in its proposed annual work plan, the committee performs a gap analysis between the volunteer resources (core competencies which currently exist on the committee and the additional resources/competencies, the committee will require over the near- and longer- term to maintain the ability to do its assigned work.
2. Targeted strategies are then developed to address the identified gap. These may involve a combination of the following (or other) strategies:
 - a. recruitment and orientation of new volunteer members (i.e. resources of Volunteer Management group, tools developed through the ACV, etc);
 - b. the further development and upgrading of the current skills and abilities of the committee members continuing on the committee;
 - c. the retirement of volunteer members from the committee and ensure there is a minimum percentage of new volunteers every year;
 - d. the establishment of additional work groups/sub-committees to help ensure a broader engagement of the membership in the work of the committee;
 - e. provide for specific terms for the chair, thereby allowing other members of the committee to develop the skills to chair a meeting and take on that challenge; and
 - f. identify members who would be appropriate for other committees and council and they develop their volunteer skills, knowledge of PEO and contribution to the profession.

Committees & Task Forces Policy - (See Interpretive Guideline for the Policy)

The Policy has four major objectives:

a) Improving Council/Committee Accountability: Ensuring that both Council and committees are held directly accountable for outcomes and honour their obligations and expectations to each other, members and the public

Council's expectations of its committees are outlined for each committee in the approval of the terms of reference, annual work plan, annual Human Resources Plan, and in the

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

annual committee roster of volunteer members that emerges from these documents. The annual work plan states the outcomes (and the activities aligned to those outcomes), while the Human Resources Plan identifies the current and additional volunteer competencies required by each committee to achieve these outcomes.

b) Rationalizing Committee Governance: Ensuring that committees have the flexibility to directly manage their affairs within a framework of accountability.

It is the responsibility of each committee to identify which competencies are aligned with each individual volunteer member currently on committee's roster, and those competencies which are not. Committees determine how they plan to operate within their specific terms of reference, annual work plan, annual human resources plan, and PEO core values. Council agrees to support this activity by approving these operational plans, providing the necessary resources and administrative processes to allow its committees to achieve these plans, and conducting annual reviews of committee performance.

c) Broadening Volunteer Engagement: Ensuring that committees facilitate ongoing volunteer learning and leadership development.

In developing its annual volunteer staffing program, the committee will want to consider the principles of succession planning for its current committee roster and strategize on ways the committee can add new skills to its current members and engage the active participation of a broader group of volunteers. This may mean establishing developmental plans for individual committee members, removing those volunteers not participating, or not contributing, and creating sub-committees or task groups to involve additional volunteers with needed competencies.

The principles and values to consider and to help guide your volunteer staffing activities:

- Define a well-crafted volunteer job description for committee members'
- Define your core competencies (skills, abilities, expertise, knowledge) that strongly influence the ability of your committee to achieve its goals,
- Determine any preferences for licensed P.Engs, vs. non-engineers (including EITs),
- Consider the need for geographical/regional representation vs. proximity to GTA and PEO offices,
- Consider diversity/gender representation of your volunteer committee make-up,
- Consider the need for representation from different disciplines and different work experience: i.e. consulting vs manufacturing vs academic vs utilities
- Consider how to assess volunteer participation and determine how to help develop/train your volunteer members.

d) Improving Council/Committee Communications Links: Ensuring that there is a direct, two-way communication link between Council and its committees.

The addition of a Councillor Liaison appointee and at least one Councillor as a core member to each PEO Committee and Task Force (May and June 2009 Council), are two recent examples of ways Council-Committee communications is being addressed and improved. It is important that Council has an on-going awareness of the activities, progress and needs of all its committees. It is equally important that committees have a

COMMITTEES AND TASK FORCES POLICY REFERENCE GUIDE

direct communications link with Council. A committee's Human Resources Plan, linked to a committee's work plan, enhances both Council's and a committee's awareness in the area of volunteer utilization and resources.

HR Planning can be very sophisticated (demographic studies, research, trend analysis, etc) or it can also be relatively simple with the committee addressing a few high level questions:

- What is our committee's overall direction, as reflected in our approved Terms of Reference?
- What are our committee's short-term (1 year) and long-term (2-5 years) goals/outcomes?
- What skills do we need to complete our planned activities to successfully deliver our goals/outcomes?
- What current skills, expertise – and volunteer commitment - exist within the committee? What skills/people exist (potentially), outside the committee that we can tap into?
- What is the gap between these two? and
- What actions can we take fill this gap?
- What PEO resources (committees, staff functions) can we use to help?

Quality HR planning across the committee system will not occur overnight. The Committees and Task Forces Policy sets the foundation for the renewed volunteer staffing systems for all PEO committees. But it will take several years of concerted effort, rebuilding capacity, trial and error, etc before we have a rigorous process consistently applied across all committees.

Templates and/or worksheets have been created to follow a 5-step approach preparing a Human Resources Plan aligned to the committee's work plan. The 5-step approach is a guide. As you proceed through the process, you may find that some steps can be worked on concurrently or in a different order than what is indicated.

All templates and worksheets will be supported by a list of suggested Considerations, Documents to consult and Roles and Responsibilities. Templates and worksheets will be developed, likely in Excel.]

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Committee advisor's Committee/Task Force Meeting Checklist

Before the meeting:

- ☐ Request meeting space and time via meetings@peo.on.ca and secure confirmation.
- ☐ Notify the members of the location, date and times, and request confirmations and any specific dietary needs.
- ☐ Request catering, including final numbers of guests and any special dietary needs (see Catering Form) at least three days prior to meeting.
- ☐ Request audiovisual equipment (laptop, projector, printer, teleconference device, flip charts etc.) and room set up configuration through Administrative Services.
- ☐ Identify dates in sufficient advance time to facilitate members' advance bookings for transportation (e.g. airline) and accommodation (Novotel North York – PEO code).
- ☐ Provide members with procedures for accommodations bookings.
- ☐ Work with chair to set the meeting agenda and prepare supporting materials.
- ☐ Distribute proposed agenda, draft minutes and other supporting materials in advance (via regular or email) as agreed to by the committee/task force.
- ☐ If more than one member participating by telephone, provide dial-in teleconference number to member(s); if only one, ensure you have his/her contact information.
- ☐ Notify reception/security of who is attending and what room they should be directed to.
- ☐ Ensure beforehand that all necessary equipment and room set up has been arranged.
- ☐ Prepare extra copies of materials distributed previously.
- ☐ Lay out all materials (agenda, minutes, supporting materials, note pads, pens etc.).
- ☐ Confirm menu and serving time with caterer one day before.
- ☐ Prepare volunteer expense forms (with pre-printed committee/task force name and budget codes).

At the meeting:

- ☐ Hand out materials and expense forms.
- ☐ Take minutes.
- ☐ Operate any equipment if required (e.g. laptop, projector).
- ☐ Assist chair as required.
- ☐ Ensure prior meeting minutes are verified (including amendments).
- ☐ Ensure next meeting date(s) are set.
- ☐ Clean up and remove materials.

After the meeting:

- ☐ Draft minutes (within one week) and send to chair for confirmation.
- ☐ Process and sign volunteer expense claims, send to Administrative Services.
- ☐ Process any other invoices – e.g. catering, copying.

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Meeting Agenda Template

<<Name of Committee / Task Force>>
<< Date of Meeting>>
<<Meeting Venue (or indicate if it is a teleconference)>>

Item	Agenda Item	Action	(Optional): Time
1.	Introduction:	<i>Call meeting to order; introduction of any guests; report on attendance (indicate who is unable to attend)</i>	
2.	Verification of Minutes	<i>Verification of minutes of previous meeting(s)</i>	
3.	Agenda:	<i>Approval of agenda; business arising from minutes</i>	
4.	Presentations/ Reports	<i>Presentation and discussion of reports – List reports to be presented at the meeting and who will be presenting</i>	
5.	New Business (1)	<i>Provide opportunity for discussion of any new business for which due prior notice has been given – list each item of new business on the agenda.</i>	
6.	New Business (2)	<i>Provide opportunity for discussion of any new business for which prior notice is not required.</i>	
7.	Next Meeting	<i>Set next meeting date, time and location</i>	
8.	Adjournment	<i>Adjourn meeting – note time</i>	

Note: Committee and Task Force meetings should be conducted in accordance with Wainberg's Society Meetings including Rules of Order.

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Committee Self Evaluation

Committee Self Evaluation Form			
Committee: _____		Date: _____	
Please respond to each questions with one of the following: Always, Sometimes or Never			
	Rating		
Committee and Task Force Operations			
	Always	Sometimes	Never
1. Did the committee/task force operate within the specific Terms of Reference, annual Work Plan, Human Resources Plan and PEO core values?			
2. Did the committee/task force adequately meet the training needs of committee/task force members where required?			
3. Did the committee/task force work effectively with the Council-appointed liaison?			
4. Did the committee/task force suggest improvements to PEO processes?			
5. Did the committee/task force consult with other committees/task forces to identify and address policy issues?			
Additional comments to the above:			
Role of the Committee / Task Force Chair	Rating		
	Always	Sometimes	Never
6. Did the chair effectively lead the committee/task force in completing its duties and responsibilities?			
7. Did the chair make effective use of committee/task force members' knowledge and time?			
8. Did the chair arrange for the preparation and distribution of a formal agenda in advance of each meeting, including any required supporting material?			
9. Did the chair provide committee/task force members with a meeting schedule?			
10. Did the chair work effectively with the committee advisor?			
Additional comments to the above:			
Role of Committee/Task Force Members	Rating		
	Always	Sometimes	Never

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Committee Self Evaluation Form			
Committee: _____		Date: _____	
11. Were committee/task force members respectful of the roles of the chair, their colleagues, the liaison and the committee advisor?			
12. Did committee/task force members participate actively?			
13. Did committee/task force members come to meetings prepared?			
14. Were committee/task force members given the opportunity to agree to the expectations of effort and intention of committee/task force membership prior to accepting a role on the committee/task force?			
15. Did committee/task force members dedicate the required time to the work of the committee/task force?			
Additional comments to the above:			
Committee Performance Metrics (from the annual Work Plan)			
Metric #1 <insert> Metric #2 <insert> Cont'd		Assessment of results: Assessment of results:	

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

Committee/Task Force Meeting Minutes Template

<<Name of Committee / Task Force>>
<<Minutes of meeting held *Date and time of Meeting*>>
<<Meeting Venue (or indicate if it is a teleconference)>>

Committee and Task Force meetings should be conducted in accordance with *Wainberg's Society Meetings including Rules of Order*.

Present:	<i>List committee/task force members present – included committee advisors, guests, etc. (note those participating by teleconference?)</i>
Regrets:	<i>List those who were unable to attend</i>
Agenda:	<i>Review agenda, noting if changes were made</i>
Minutes of Previous Meeting:	<i>Review and verify or correct meetings from previous meeting. Adopt minutes (by majority vote?).</i>
<i>Discussion of Issues:</i>	
Issue #1	<i>Note main points of discussion – record decision – if a formal motion is put forward, record the motion and whether the motion was carried or defeated – future action(s) required, who is responsible for it and by when</i>
Issue #2	<i>Note main points of discussion – record decision – if a formal motion is put forward, record the motion and whether the motion was carried or defeated – future action(s) required, who is responsible for it and by when</i>
<i>Continue as many issues as there are to discuss</i>	
Next meeting	<i>Record date of next meeting</i>
Adjournment	<i>Record time of adjournment</i>

APPENDIX B - PROCEDURES

Procedure for a New Committee/Task Force

1. Council creates a new committee/task force, including Mandate, duration (if applicable), Terms of Reference, membership and annual budget.
2. Registrar appoints a committee advisor. Committee advisor reviews Committees and Task Forces Policy – Reference Guide.
3. Appointed committee advisor contacts committee/task force members, providing all foundation documents and sets up initial meeting.
4. Committee/task force meets to review its Mandate, Terms of Reference, budget (if established by Council) and to elect a chair (committees only) and vice-chair(s). Committee/task force may identify additional volunteer and other resources to the Director, People Development through their committee advisor.
5. Committee/task force designates liaison and makes recommendation to Council for appointment. Committee/task force continues to draft its annual Work Plan, membership, and budget and presents to Council for approval. Committees draft annual Human Resources Plan.
6. Once Council approves annual Work Plan, budget (and Human Resources Plan where applicable), committee/task force commences its work accordingly. Committee advisor orients Chair to their duties and the Committees and Task Forces Policy – Reference Guide.

Procedures for Appointing Councillors to Board Committees

Notes:

Board Committees:

- a) operate on a Council year basis (i.e. annual general meeting (AGM) to AGM – i.e. all members of all board committees, including non-Councillors, are to be appointed or re-appointed at this time);
- b) have the majority of its members as sitting members of Council
- c) members are selected by Council either by position or election at the Council meeting immediately following the AGM.

Process

1. Following the results of the annual Council elections, all Councillors will be provided with a list of board committees, their mandates and other relevant information.
2. Councillors will be appointed to board committees in accordance with PEO's Special Rules (section 4 and 5).
3. *Members are not automatically re-appointed to board committees.*

Procedures for Appointing Committee / Task Force Chairs

Notes:

1. Board Committees:
 - a) operate on a Council year basis (i.e. annual general meeting (AGM) to AGM – i.e. all members of all board committees are to be appointed or re-appointed at this time);
 - b) have the majority of its members as sitting members of Council
 - c) members are selected by Council either by position or election at the Council meeting immediately following the AGM.
2. Non-board Committees:
 - a) operate on a calendar year basis, i.e. all members of non-board committees are to be appointed or re-appointed, effective January 1st each year);
 - b) may or may not have members of Council as committee members;
 - c) members are selected by committees and submitted to Council for ratification.

Process

1. At the first meeting following the annual appointment of committee membership, the committee will appoint a chair (and vice chair) and inform People Development of the chair appointment so that the appropriate item may be added to the next Council meeting. Such appointments would take place:
 - a. With respect to board committees, at the first committee meeting held following the Council meeting immediately following the AGM. *Chairs of board committees are not automatically re-appointed.*
 - b. With respect to non-board committees, at the first meeting held in the calendar year. *Chairs of non-board committees are not automatically re-appointed.*
2. Council will appoint a chair of task forces at the time the task force is appointed.

Procedures for Appointing Council Liaisons to Committees / Task Forces

Annually, following Council elections:

1. The Human Resources Committee (HRC) reviews the Committees and Task Forces Membership Roster to ensure committees have at least one Councillor to act as a Council Liaison
 - For those committees/task forces where a Councillor(s) is a member of the committee or task force, HRC will designate the Council Liaison
 - For Board committees, there is no need to designate a Council Liaison as the committee is composed mainly of Councillors
 - For those committees with no Councillor, Councillors will be asked to submit a Liaison participation preference and HRC will assign a Council Liaison
2. HRC will present its recommendations at the AGM Council meeting for approval.
3. Council will assign a Council Liaison for task forces at the time the task force is appointed.

Process for Managing Volunteer Conduct

Volunteers are an integral part of Professional Engineers Ontario (PEO) and help the association to reach its operational and legislative objectives. As part of the screening and training process, volunteers receive PEO's Core Values and the Volunteer Information Package. PEO's Core Values are intended to inform members, volunteers and staff of behaviour expectations. Moreover, the Core Values empower members, volunteers and staff to challenge others when their attitudes, words, or behaviour are inconsistent with the Core Values.

It is PEO's policy that all volunteers conduct themselves in a professional and cooperative manner in accordance with the Core Values. Committee/Task Force/Chapter Chairs are responsible for both the prevention and expeditious resolution of disruptive behaviour by volunteers. The ability to minimize and effectively manage disruptive behaviour is facilitated on a foundation of supporting policies, procedures and structures put in place by PEO Council. The People Development staff, in coordination with Committee/Task Force/Chapter Chairs, will carry forth the following responsibilities:

- Distribute, communicate and educate every volunteer on the appropriate policies and procedures on disruptive behaviour.
- Review all allegations and complaints seeking to identify patterns in order to minimize disruptive behaviour.
- Update all policies and procedures.

If a volunteer fails to conduct himself or herself appropriately, Committee/Task Force/Chapter Chairs are encouraged to discuss concerns with the appropriate Committee Advisor, fellow committee/task force members or with the People Development team. A procedure to resolve conduct issues is helpful to the proper and successful functioning of PEO committees/task forces and exists to ensure that all individuals are treated fairly. The procedure applies to all volunteers and volunteers would be given an opportunity to state their case at each stage of the procedure.

PROCEDURE

1. Identify Inappropriate Conduct

Where a volunteer's conduct is identified as inappropriate and brought to the attention of the Committee/Task Force/Chapter Chair, and the Chair believes the conduct is inappropriate, the following process can be utilized.

2. Counselling Interview

The Committee/Task Force/Chapter Chair should arrange to have an information discussion with the volunteer to review PEO's Core Values and committee/task force

COMMITTEES AND TASK FORCES POLICY
REFERENCE GUIDE

expectations. This interview will be completely informal, although a note that it has taken place will be forwarded to the Director, People Development.

3. Committee/Task Force Action

If the counselling interview has not improved the volunteer's conduct or performance, the Chair should call a formal meeting of the committee/ task force to discuss the volunteer's behaviour. In accordance with the Committees and Task Forces Policy, a committee/task force may recommend to Council that a member be removed from a committee/task force.

Where Council approves the committee/task force/Chapter recommendation to remove a volunteer, the details resulting in the decision shall be provided to the Director, People Development. Should the volunteer submit an application for future volunteer opportunities on other PEO committees/task forces/Chapter, the Director, People Development will impart the volunteer record to the Committee/Task Force/Chapter Chair so that such behaviour is taken under advisement.

The President, on behalf of Council, will write to the volunteer stating the reasons for removal from the Committee/Task Force/Chapter and will inform the Committee/Task Force/Chapter Chair.

Note: If the Committee/Task Force/Chapter Chair believes the behaviour is professional misconduct, the Chair may make a complaint through PEO's complaints and discipline process.



EQUITY AND DIVERSITY POLICY

Purpose

The objective of this policy is that PEO's environment is one in which all stakeholders are treated equitably and where members of diverse groups are recognized, welcomed and valued.

Application

This policy applies to all PEO staff, including full-time, part-time, and temporary employees, summer students, individuals acting on behalf of the association, including, volunteers, licence holders (members), and applicants. It guides the expectations of values held by consultants, contractors, as well as other stakeholders in the communities served by PEO.

There are Guidelines for the interpretation of this Policy to clarify the scope and intent. These Guidelines include mechanisms for Complaints and Redress.

Policy Statements

1. That PEO Council demonstrate leadership regarding equity and diversity, including review of its own processes and training programs and seek new ways for PEO to strive to be responsible and answerable to its members, staff and stakeholders on these matters.
2. That PEO deliver ongoing information, training and resource support to help all staff, volunteers, committee and board members develop capacity to address equity and diversity issues and understand their rights and responsibilities. That such training be a fundamental part of orientation for new volunteers and staff.
3. That PEO provide guidance to staff and volunteers about their roles in implementing this policy. That PEO develop ways to support committees and task forces in incorporating specific, measurable equity and diversity provisions into their annual work and human resources plan.
4. That plans for outreach to prospective licensees be analysed for sensitivity to the diversity of Ontario's culture as defined by the Ontario Human Rights Code. That such activities be reported on in annual program reviews.
5. That PEO actively solicit viewpoints from diverse groups (as defined by the OHRC) within PEO and in the communities it serves and seeks to serve.
6. That PEO's activities in recruitment and retention of staff and volunteers have a focus on achieving equity and increasing diversity within the engineering profession.
7. That PEO seek to identify and work to remove barriers that limit access to its services and programs in areas such as information dissemination, human resources, physical space, and cultural difference.

Definitions

For purposes of this policy, the following definitions apply:

Equity

Equity is the result of a comprehensive pro-active strategy designed to ensure that all members of society have fair and equal access to opportunities. Equity initiatives may include removing or neutralizing barriers that might limit the participation of individual stakeholders in PEO processes, procedures or activities.

Diversity

Diversity refers to characteristics that makes people different from each other. As listed in the Ontario Human Rights Code, these differences include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability. Where this policy applies to employees of PEO, the additional difference of record of offences is included.



PEO POLICY NUMBER: *Policy numbers will be assigned after Policy and Procedures Manual is completed.*

Expense Reimbursement Policy	Approval Date: June 9, 2014
	Approved by: Council (C-494-4.3)
	Review Date: June 30, 2016

POLICY STATEMENT	Professional Engineers Ontario (PEO) will reimburse PEO Councillors, PEO volunteers and PEO staff for all reasonable expenses on travel, accommodation, meal and other miscellaneous expenses incurred while conducting PEO business.
PURPOSE	To set out rules and principles for the reimbursement of expenses incurred while conducting PEO business to ensure fair and reasonable practices and to provide a framework of accountability to guide the effective use of PEO resources in the reimbursement of expenses.
APPLICATION AND SCOPE	<p>This policy sets out the rules for managing travel, accommodation, meals and other miscellaneous expenses for:</p> <ul style="list-style-type: none">• all current members of PEO Council;• all current members of PEO committees and task forces;• all current members of PEO chapter executives except as otherwise specified in Appendix F;• all PEO staff; <p>The policy includes the following:</p> <ul style="list-style-type: none">• Appendix A : Travel Expense Reimbursement• Appendix B : Accommodation Expense Reimbursement• Appendix C: Meals Expense Reimbursement• Appendix D: Other / Miscellaneous Expense Reimbursement• Appendix E: Expense Claims Appeals Procedures• Appendix F: Chapter Specific Policies <p>Payment of expenses is limited to covering out-of-pocket expenses actually incurred and is subject to the limits outlined in this Expense Reimbursement Policy.</p>

	Where the Ontario Government pays expenses for LGA Councillors, PEO will reimburse any incremental difference between the actual expense incurred subject to the limits in the Policy and the Ontario Government reimbursement rates.
DEFINITIONS	<p>The following definitions apply for the purpose of this Expense Reimbursement Policy:</p> <p>Accommodation Expense – refers to hotel expenses incurred only for approved attendance at PEO meetings or events where overnight stays are necessary.</p> <p>Approver - refers to the person with the authority to approve expense claims submitted under this policy (refer to approval authority section).</p> <p>Authorized External Event – refers to any meeting or event not organized or hosted by PEO and for which prior approval for attendance on PEO’s behalf has been provided, including but not limited to Engineers Canada meetings or events or those of Engineers Canada’s constituent members; PEO approved political provincial fundraisers or other events for which prior approval to attend on PEO’s behalf has been given.</p> <p>Chapter Executive – refers to any sitting member of the executive of any of PEO’s chapters.</p> <p>Claimant – refers to any person making an expense claim under this policy.</p> <p>Councillor – refers to any elected or appointed current member of PEO Council.</p> <p>Meals – includes restaurant meals required only while travelling to and from or during approved attendance at PEO meetings or events where the meal is not already provided by the event host.</p> <p>PEO Meeting or Event – unless otherwise specified, refers to any event or meeting hosted or organized by PEO, including PEO</p>

	<p>Council, PEO committees/task forces meetings or PEO training sessions, conferences or workshops.</p> <p>Travel – refers to direct travel by car, train, bus or airplane to and from the home or work location of a PEO Councillor, PEO volunteer or PEO staff member for approved attendance at a PEO event</p> <p>Volunteer – refers to any volunteer, except for a Councillor who is currently a member of a PEO committee, task force or chapter executive who is duly elected or appointed and who is not an employee of PEO.</p> <p>Volunteer Expense Claim Appeal Subcommittee of the Audit Committee – refers to a sub-committee of the Audit Committee established by the Audit Committee to resolve expense claims appeals by volunteers.</p>
ALLOWABLE EXPENSES	<p>Expenses for attendance at defined PEO meetings or events shall be reimbursed as follows:</p> <p><u>Travel</u>: All reasonable expenses for travel shall be reimbursed in accordance with Appendix A.</p> <p><u>Accommodation</u>: All reasonable expenses for accommodation shall be reimbursed in accordance with Appendix B.</p> <p><u>Meals</u>: All reasonable expenses for meals that are not included in the transportation or provided by the event host shall be reimbursed in accordance with Appendix C.</p> <p><u>Other/Miscellaneous</u>: Other reasonable expenses for goods and services related to attendance at meetings or events shall be reimbursed in accordance with Appendix D.</p> <p><u>Expenses for Authorized External Meetings or Events</u>: Authorization for expenses for attendance at authorized external events must be obtained prior to attending the event.</p> <p>The President and the Registrar or their designated representative</p>

	may, on occasion, incur expenses which exceed prescribed spending limits due to the requirements of their positions and their roles as official representatives of PEO.
APPROVAL AUTHORITY	<p>Approvers must provide approval only for expenses that were incurred in the performance of PEO business and only for claims that include all appropriate information and supporting documentation.</p> <p>Approvers will ensure that all charges/expenses are reasonable and within the guidelines of this policy.</p> <p>Approvers must not approve their own expenses.</p> <p><u>Event approval:</u> Expenses will be reimbursed for attendance at PEO events provided attendance at such events is in accordance with the Attendance at PEO Meetings and Events Policy. Approval of expenses for attendance at Authorized External Events must be obtained from the appropriate approver (see below) <u>prior to attending the event and is subject to budgetary availability.</u></p> <p><u>Staff</u> expense reports must include receipts and the appropriate general ledger number, and must be signed off by the staff person who incurred the expense and approved by the appropriate approver.</p> <p><u>Volunteer</u> expense reports must include receipts and must be approved by the appropriate committee advisor before submission to Financial Services Department for reimbursement. Claims must include the appropriate general ledger number. Committee advisors will assist volunteers to complete the expense report when necessary.</p> <p><u>LGA Councillors'</u> expense reports are to be approved by the Chief Administrative Officer. Expenses in excess of those to which LGA Councillors are entitled under Management Board of Cabinet directives on government appointees or as specifically approved by the Management Board of Cabinet, are to be approved by PEO's Manager - Secretariat or the Chief Administrative Officer.</p>

	<p><u>Councillor</u> expenses, with the exception of the President's Expenses, shall be approved by the Manager - Secretariat or the Chief Administrative Officer.</p> <p><u>The Registrar's</u> expenses are to be approved by the President.</p> <p><u>The President's</u> expenses are to be approved by the President Elect.</p>
SUBMISSION OF EXPENSES	<p><u>Supporting documentation:</u></p> <ul style="list-style-type: none"> • All expense claims must be submitted using the approved PEO expense reimbursement claim form. • All appropriate approvals must be obtained before incurring expenses; if no prior approval was obtained, a written explanation indicating why approval was not obtained prior to incurring the expense must be submitted with the claim; • All original, itemized receipts must be submitted with all claims (credit card statements are not sufficient). When submitting an expense claim electronically, an electronic copy of receipts in Portable Document Format (PDF) is acceptable. It is recommended that original receipts be kept until reimbursement is received. • If there is no itemized receipt accompanying an expense claim, a written explanation itemizing the expense along with the reason for the missing receipt/s must be submitted. <p><u>Submission Process:</u></p> <ul style="list-style-type: none"> • ALL volunteer expense claims must be filled out in the standard PEO Volunteer Expense claim form and along with all relevant receipts and supporting documentation be either handed over to the concerned staff advisor or preferably, emailed to volunteerexpenses@peo.on.ca <p><u>Limitation Period:</u></p> <ul style="list-style-type: none"> • Expense claims shall be submitted within three (3) months of incurring the expense. • All expenses incurred after October 15 must be submitted no later than January 15th of the following year to meet year-end deadlines. • An approver is not authorized to process claims for expenses

	<p>submitted more than three (3) months after the expense was incurred; or, that are submitted after the 15th of January for any expense incurred in the previous year.</p> <p><u>Exceptions:</u> Claims for expenses that are submitted after the set deadlines or are exceptions to, or are outside of this policy, are to be submitted for review and final decision as follows:</p> <ul style="list-style-type: none"> • For volunteers, claims shall be submitted to the Volunteer Expense Claim Appeal Subcommittee of the Audit Committee at VolunteerExpenseAppeals@peo.on.ca; • For staff, claims shall be submitted to the Registrar.
NON-REIMBURSABLE EXPENSES	<p>Non-reimbursable expenses include but are not limited to:</p> <ul style="list-style-type: none"> • Clothing and formal wear • Home internet and telephone service • Computer equipment or peripherals • Personal mobile telephone plans • Air travel insurance coverage • Entertainment expenses • Hotel room mini-bar • Spa charges • Laundry services except as outlined in Appendix D. • In-room movies or games • Telephone, photocopy, paper and ink cartridge charges except as outlined in Appendix D. • Personal items (e.g. toothbrush, cosmetics, medication, mouthwash, etc.) • Personal provisions (e.g. groceries) • Alcohol (except as outlined in Appendix C) • Parking or traffic infractions • Pet care • Professional Services fees
APPEAL PROCEDURES	<ul style="list-style-type: none"> • Claims over the maximum allowable limits will be adjusted to the maximum allowable levels unless excepted in the Appendices. • Adjustments that are questioned by the claimant will be

	<p>referred to the Controller for verification.</p> <ul style="list-style-type: none"> • Volunteer claims appeals will be referred to the Volunteer Expense Claim Appeal Subcommittee of the Audit Committee for decision in accordance with Appendix E. • Staff claims appeals will be referred to the Registrar for decision. • Decisions resulting from the appeals process are final.
RELATED PEO POLICIES	The Expense Reimbursement Policy is a component of PEO's Internal Control Policies and Procedures.
RESPONSIBILITY	<p>The PEO Finance Department has responsibility for the administration, implementation and communication of all Internal Control Policies including the Expense Reimbursement Policy.</p> <p>All PEO Volunteers and PEO staff should be aware of the policy.</p>

Appendix A: Travel Expense Reimbursement

Travel arrangements shall be made well ahead of time, using the most cost effective mode of transportation.

Air travel

Air travel is permitted if it is the most practical and economical way to travel.

Economy (coach) class is the standard option for airline ticket purchase. Travellers are encouraged to book 7- to 14-days in advance to minimize costs. Should an event be rescheduled or cancelled, ticket change fees will be covered.

Travel by other than economy class must have the prior approval of the President in the case of Councillors or volunteers, or the Registrar in the case of staff, and may be considered only for flights of a duration of more than six consecutive hours.

Train or Bus travel

Travel by train or bus is permitted when it is the most practical and economic way to travel.

Automobile travel

PEO will reimburse expenses incurred through the use of a personal vehicle only by paying the kilometric rate (see below) in effect at the time of the travel.

When road transportation is the most practical, economical way to travel, the order of preference is:

1. Personal vehicle

- It is the responsibility of the owner/user of the personal vehicle to carry relevant vehicular insurance and to comply with prevailing vehicle related laws.
- PEO will not reimburse any personal vehicle maintenance or repair costs.
- Gas usage for personal vehicles shall not be reimbursed.

2. Rental vehicle:

- Only mid-sized models or smaller are permitted.
- Luxury and sports vehicles are prohibited.
- Any exceptions to the above should be documented prior to the rental if possible; and guided by the principle that the rental vehicle is the most economical and

practical size, taking into account the business purpose, number of occupants and safety (including weather) conditions.

- Rental cars must be refueled before returning to avoid extra charges. PEO will not reimburse refueling charges.

All PEO volunteers and staff are covered for bodily injury under PEO's travel accident insurance. The purchase of motor vehicle liability insurance for rental vehicles may be authorized.

Vehicle Accident reporting

All accidents must be reported immediately to local law enforcement authorities and, in the case of staff, to the immediate supervisor. In *addition*:

- In the case of a rental vehicle, advise the rental car agency and contact the motor vehicle liability insurance provider to initiate the claims process.

Kilometric rate

Kilometric rate will be reimbursed at the maximum rate allowable by the Government of Canada, Department of Finance policy as communicated by the Minister of Finance at the beginning of each year and as published by PEO.

PEO does not pay mileage rates for rental vehicles.

Expense claims must be submitted with distances indicated in kilometers.

PEO may, from time to time, request proof of mileage travelled. Printouts from Google Maps, MapQuest or the like are acceptable as proof of mileage. Mileage above the norm will require explanation in order to be reimbursed. In the absence of an explanation, PEO will not reimburse mileage claims in excess of the norm.

Parking and Tolls

Reimbursement is provided for necessary and reasonable expenditures on parking, as well as tolls for bridges, ferries, and highways, when necessary.

Parking and toll claims will be reimbursed when accompanied by original receipts.

There is no reimbursement for traffic or parking violations or related legal fees.

Taxis

Prior approval to use a taxi should be obtained whenever possible.

Taxis may be justified in cases where:

- group travel by cab is more economical than the total cost of having individuals travel separately by public transit, shuttle or personal vehicle; or
- taking a cab allows for the meeting of an unusually tight meeting schedule.

Taxis may not be used to commute between home and PEO, except under exceptional circumstances; for instance:

- health or safety considerations indicate it is the best, appropriate option; or
- transport of work-related baggage or parcels is required.

Public Transit

Local public transportation including hotel/airport shuttles should be used whenever possible.

Appendix B: Accommodation Expense Reimbursement

Hotel Accommodation

PEO will reimburse expenses for hotel accommodations only up to the preferred rate at the hotel designated for the meeting or event. Whenever possible room bookings at hotels where PEO has preferred rates is required.

Penalties incurred for non-cancellation of guaranteed hotel reservations are the claimant's responsibility and may be reimbursed only in exceptional circumstances.

Appendix C: Meals Expense Reimbursement

Meals

Only meals that are necessitated by travel schedule will be reimbursed, within the following limits:

- Breakfast \$20.00 per person
- Lunch \$30.00 per person
- Dinner \$50.00 per person

Limits include taxes and gratuities. Expenses exceeding these limits will not be reimbursed.

Alcohol will be reimbursed only as part of a meal expense and that falls within the meal limit.

Original itemized receipts for meals must be submitted for reimbursement. Grocery receipts are not acceptable as a legitimate meal expense.

Reimbursement will not be provided for meals consumed at home or included in the cost of transportation, accommodation, seminars or conferences.

Enroute meals will only be reimbursed as is necessitated by travel schedule.

Exceptions may be made for reasonable meal expenses incurred for approved attendance at Authorized External Events.

Appendix D: Other / Miscellaneous Expense Reimbursement

Reasonable incidental expenses for goods and services related to attendance at approved meetings or events on behalf of PEO, and which are required in order to conduct PEO business, shall be reimbursed up to a maximum of \$1,000 per year per person.

Incidentals

Itemized receipts are required for all incidentals while travelling on PEO business.

Exceptions to the requirement for itemized receipts are:

- Bus fare between hotel and airport, train station, etc.
- One long distance call within Canada of reasonable length per day.
- Reasonable gratuities for porter, hotel room services, and taxis. Keep a record of gratuities paid.

The following incidentals will be covered with itemized receipts in the following circumstances:

- If traveling on business for four consecutive nights or more, reimbursement is allowed within reasonable limits for laundry, dry cleaning, and other hotel services such as pressing, steaming, shoe polishing.
- Internet connections, hotel business center access charges, computer access charges, facsimile transmissions, word processing or photocopy services required to conduct urgent PEO business that cannot wait.

Entertainment

In the event that it is necessary and desirable for a PEO President or Registrar to host and entertain others in connection with PEO business, PEO will reimburse expenses directly incurred, provided all items are appropriately claimed with an accompanying itemized receipt and the expenses are made with reasonable discretion.

In all instances of hosting, it must be clearly indicated on the expenses claim the names and affiliations of the individuals hosted and the purpose of the hosting activity. Prior approval for such meetings or events must be approved by the President for the Registrar and by the President Elect for the President.

Partner Expenses

Where partners have been invited by the PEO President or Registrar to attend a PEO meeting or event or authorized external event, PEO will pay reasonable travel and other expenses, in accordance with this policy, for partners of Councillors, volunteers and staff, and invited guests of the President or of the Registrar.

In-hotel child care services will be reimbursed for events where partners have been invited.

PEO will not reimburse travel, meal or accommodation expenses for any additional guests.

Appendix E: Expense Claim Appeals Procedures

- Any volunteer denied a claim for reimbursement for expenses, may make a written submission to the Volunteer Expense Claim Appeal Subcommittee of the Audit Committee, within 20 days of the notification of denial of the claim, outlining the grounds for appeal. A copy of the denied expense report must be attached.

The Volunteer Expense Claim Appeal Subcommittee of the Audit Committee will review the appeal and provide a written decision. All subcommittee decisions are final and binding.

- Staff expense claims that are denied may be submitted to the Registrar for decision.

The Registrar will review the expense claim and provide a decision within 30 days of receiving the appeal. The decision of the Registrar is final and binding.

- The foregoing shall not prevent a partial payment upon request for items that are in compliance with the policy.

Appendix F: Chapter Specific Policies

Definitions:

Chapter and Chapter related meetings – this includes Regional Congresses, RCC meetings and any working group meeting as authorized by RCC

Partner/Spouse – refers to any person accompanying the delegate other than another Chapter delegate, unless they are living at the same address.

Approval Authority:

Chapter Volunteer Expenses that are to be reimbursed by PEO (rather than the Chapter) are to be approved by the Chief Administrative Officer or Chapter Manager or their designate.

REGIONAL COUNCILLORS

Regional Councillor's expenses for travel to/meals/attendance at events hosted by Regional Councillor's home chapters will not be reimbursed if travelling less than 30 km one way.

Air, train or bus travel

Air, train or bus travel expenses for a partner/guest travelling with a delegate to a chapter or chapter related event including RCC meetings shall be reimbursed up to a maximum of twice a year for each chapter.

Kilometric rate will be reimbursed for a partner/spouse that must travel separately from the delegate on PEO Business once per year.

Hotel Accommodation

Regional Congress delegates hotel accommodations policy

- Hotel room blocks for Regional Congresses are centrally handled by the Chapter Office for best rates.
- It is important that all delegates inform the Chapter Office Administrative Assistant if accommodation is NOT required to avoid no show penalties.
- East Central and West Central Regional Congresses are usually held locally where local delegates can travel to the meeting location, meet, and go home on the same day. Prior approval should be obtained from the Chapter Office in special circumstances where overnight accommodation is required.

- For Eastern, Western and Northern Regional Congresses, hotel accommodations for out-of-town congress delegates will be provided for one night
- Hotel accommodation is not provided for delegates from the local hosting chapter unless approved by the Chapter Office.
- Second night accommodation is not offered as it is assumed that all delegates leave after the congress. Additional night of accommodation may be provided by PEO in special cases and with prior approval from the Chapter Office.

Meal Expenses

Partner expenses of en-route meals that are necessitated by separate travel, partner/spouse group meals and meals in lieu of non-group meals are reimbursable.

Where partners are authorized to attend an event within the scope of this policy, all meal expenses are subject to the same limitations as registered delegates.

Partner Expenses

For Regional Congresses and RCC meetings, it is customary for spouse/partner to accompany the delegate, volunteer or staff. Spouse/partner travel by air or train is restricted to once per year per delegate per chapter (as per above) for RCC meetings.



**Professional Engineers
Ontario**

- All volunteer and staff expenses must comply with the new expense policy approved by Council in June 2014. A Copy of this policy may be obtained by contacting your committee advisor.
- Completed Expense Forms along with the receipts must be submitted to volunteereexpenses@peo.on.ca.
- Volunteers whose expenses are denied may appeal to the Volunteer Expense Appeal Subcommittee by sending an email to: VolunteerExpenseAppeals@peo.on.ca.

101-40 Sheppard Avenue West, Toronto, Ontario M2N 6K9

Page ____ of ____

Volunteer Expense Report (Please also fill in the details on the reverse side)

Name _____ Address: _____

Essential Purpose/Meeting Attended: _____ Meeting Location: **PEO Offices**

Item			Date	Date	Date	Date	Resource					EP/Cost Obj/Activity							Total Amount	HST (For Financial Services Use Only)
1. Mileage (KM)			15	30	0	0	For Staff Use Only													
KM Allowance	\$0.59		\$8.85	\$17.70	\$0.00	\$0.00	4	4	1	0	0							\$26.55		
2. Accommodation							4	4	1	0	1							\$0.00		
3. Meals (enroute/spouse)			\$50.00				4	4	1	0	2							\$50.00		
4. Air Fare/ Rail Fare							4	4	1	0	3							\$0.00		
5. Bus/Car Rental/Taxi							4	4	1	0	4							\$0.00		
6. Parking							4	4	1	0	5							\$0.00		
7.																		\$0.00		
8.																		\$0.00		
9.																		\$0.00		
10. HST Recoverable							2	4	2	9	0	0	0	0	0	0	0	\$0.00		
Total Expenses (\$)			\$58.85	\$17.70	\$0.00	\$0.00												\$76.55		
Less Advances			Receipts for Hotel, Meals, Transportation, etc, must be attached																	
Net Expenses																		\$76.55		

Date Submitted _____ Signature: _____ Approved by: _____ Date Approved: _____

For PEO Financial Services Use Only:

Due Date
Vendor #
Batch#

(M/D/Y) Terms Code
Voucher #
Bank Code

Reference#

Checked by: _____ Approved by: _____ Entered by: _____ Date of Entry: _____

COLOUR SCHEME:		Cell excluded in summation value
		Calculated field

[The personal information on this form is protected by PEO's Privacy Policy. The immediate purpose for collecting this information is primarily to reimburse volunteers for their expenses. For more information, see PEO's Privacy Policy at \[www.peo.on.ca\]\(http://www.peo.on.ca\) or contact PEO's Privacy Office at \(416\) 224-1100.](#)

Expense Details

Transport

Date	From	To	Mode of Transport	Purpose

Meals/Beverage

Date	Attendees	Location	Purpose

Other

Date	Item	Purpose

COLOUR SCHEME:		Cell excluded in summation value
		Calculated field



Professional Engineers
Ontario

PEO Privacy Policy

November 20, 2015

TABLE OF CONTENTS

	Page
PEO Privacy Policy (Unabridged)	1
Privacy Sub-Policy No. 1: Local Chapters Privacy Policy	12
Privacy Sub-Policy No. 2: PEO Internet Privacy Policy	16
Privacy Sub-Policy No. 3: Access and Correction Request Procedure	19
Privacy Sub-Policy No. 4: Privacy Safeguards	21
Privacy Sub-Policy No. 5: Records Retention Policy	26
Privacy Sub-Policy No. 6: Privacy Complaints Procedure	27
Privacy Sub-Policy No. 7: Privacy Brochure	29
Privacy Sub-Policy No. 8: Commercial Tenant Privacy Policy	32

PEO Privacy Policy (Unabridged)
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CONTENTS

Introduction

Definitions

PEO Privacy Policy Principles

Principle 1- Accountability

Principle 2 - Identifying Purposes for Collection of Personal Information

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

Principle 4 - Limiting Collection of Personal Information

Principle 5 - Limiting Use, Disclosure and Retention of Personal Information

Principle 6 - Accuracy of Personal Information

Principle 7 - Safeguards

Principle 8 - Openness Concerning Privacy Policies and Practices

Principle 9 - Access to Personal Information

Principle 10 - Challenging Compliance

Introduction

Professional Engineers Ontario (PEO) regulates the practice of professional engineering in the public interest under the *Professional Engineers Act*. Its public interest regulatory mandate is set out in section 2 of the *Professional Engineers Act*. More information about PEO and its governing legislation can be found on PEO's website at www.peo.on.ca.

PEO is committed to maintaining the accuracy, confidentiality, security and privacy of an individual's personal information. This is reflected in existing privacy and confidentiality provisions found in various PEO policies and practices. It is also reflected in the high regard and trust with which individuals view the management of personal information by PEO. Under section 38 of the *Professional Engineers Act* PEO is legally obliged to keep all of its information confidential unless the regulatory mandate of PEO requires disclosure.

PEO's Privacy Policy is a statement of the principles and guidelines for the minimum required protection of personal information collected, used or disclosed by PEO. The objective of PEO's Privacy Policy is responsible and transparent practices in the management of personal information, in accordance with contemporary privacy expectations. PEO's Privacy Policy also provides guidance as to how it interprets its ability to disclose information "as may be required in connection with the administration" of the legislation as set out in section 38 of the *Professional Engineers Act*.

PEO does not engage in commercial activities. Thus it is not covered by the provisions of Part 1 of the *Personal Information Protection and Electronic Documents Act*. However, PEO has chosen to follow the 10 principles of the Canadian Standards Association (CSA) Model Code for the Protection of Personal Information with necessary modifications to reflect that it is a regulatory body that has to sometimes collect, use and disclose personal information without consent in order to serve and protect the public interest.

Personal information about PEO staff is not covered by this Privacy Policy. While PEO does treat personal information about its staff with an appropriate degree of sensitivity and respect, that information is governed by different considerations than the type of personal information described below.

Definitions

Practitioner—means a holder from PEO of a licence, a temporary licence, a limited licence, a provisional licence, a certificate of authorization, a consulting engineer designation, engineer in training, student, or similar person.

Professional Engineers Act—means the *Professional Engineers Act*, R.S.O. 1990, Chapter P-28 as amended and includes the regulations and by-laws made under it unless the context indicates otherwise. The term may also include, in some contexts, other legislation imposing regulatory duties on PEO.

Chief Privacy Officer—means the person designated as the Chief Privacy Officer under this Privacy Policy and any delegate acting on his or her behalf.

Collection—means the act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

Consent—means voluntary agreement for the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied and can be provided directly by the individual, by his or her legal guardian or by a person having power of attorney for the individual. Express consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of PEO. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

Disclosure—means making personal information available to a third party.

PEO—means the Association of Professional Engineers of Ontario, as defined by ss. 2(1) of the *Professional Engineers Act*, as well as Council, Councillors, members, employees, volunteers and agents acting on behalf of PEO.

Personal information—means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization.

Privacy Review Councillor—means the Complaints Review Councillor appointed under s. 25 of the *Professional Engineers Act* who is given the additional responsibility of reviewing the treatment of access and correction requests and privacy complaints made to the Chief Privacy Officer in the same way he or she would review treatment of complaints under the *Professional Engineers Act*.

Third party—means an individual other than the subject individual or his or her respective agent, or an organization other than PEO and its agents.

Use—means the treatment, handling, and management of personal information by and within PEO.

PEO Privacy Policy Principles

Principle 1 - Accountability

PEO is responsible for personal information under its control and designates at least one person to be accountable for its compliance with the principles outlined in this Privacy Policy.

Responsibility for ensuring compliance with the provisions of PEO's Privacy Policy rests with the senior management of PEO, which designates at least one person to be

accountable for compliance with the Policy. Other individuals within PEO may be delegated to act on behalf of the designated person(s) or to take responsibility for the day-to-day collection, use and disclosure of personal information.

PEO has designated a Chief Privacy Officer to oversee compliance with PEO's Privacy Policy. The Chief Privacy Officer can be contacted at:

Chief Privacy Officer
101-40 Sheppard Avenue West
Toronto, ON M2N 6K9
email: privacy@peo.on.ca
telephone: (416) 224-1100 or (800) 339-3716
fax: (416) 224-8168 or (800) 268-0496

Principle 2 - Identifying Purposes for Collection of Personal Information

PEO collects personal information for the purpose of administering and enforcing the *Professional Engineers Act*. In addition PEO may, in a few circumstances, have obligations under other Acts for which it collects personal information. The principle types of personal information collected and the primary purposes for PEO collecting that personal information are as follows.

About Applicants

PEO collects personal information about students, applicants for a licence / reinstatement, temporary licence, limited licence, provisional licence, certificate of authorization, consulting engineering designation, and similar persons. It collects this information in order to assess whether the applicants meet the requirements for the licence, etc. and to hear appeals, to communicate with them, to process their payments, to obtain baseline information for subsequent regulatory activities (e.g., demographic profile and human resources planning for the profession), to confirm attendance at the P.Eng. Licence certificate presentation ceremonies and to grant examination awards and related purposes. Examples of the type of information collected for these purposes include: name, contact information, gender, academic qualifications, examination achievements, experience obtained, references, good character and past conduct, liability insurance coverage, immigration status, date of birth and banking or credit card information.

About Practitioners

PEO collects personal information about practitioners for a number of regulatory purposes including to communicate with them, to maintain current registers and directories, to renew licences and similar statutes, to investigate allegations or complaints of professional misconduct or incompetence, to investigate unlawful practice of engineering or unlawful holding out as an engineer by an unlicensed person, to investigate complaints about PEO operations, to ascertain liability insurance status, to provide documentation, certificates, seals, signs and educational materials, to process

payments / donations, to process resignations, to recruit volunteers, to operate the awards program and to consult with the profession. Examples of the type of information collected for these purposes include: name, contact information, age, conduct and practice information, liability insurance status, views and opinions, educational, professional or personal achievements and banking or credit card information.

About Volunteers

PEO prides itself on the number of volunteers, primarily engineers, who assist it in carrying out its regulatory mandate. Volunteers serve on Council, committees, task forces / task groups and in local Chapters (see the discussion about local Chapters below). To support the volunteer structure, PEO collects personal information for the following purposes:

- to communicate with volunteers
- for recruitment and assessment of their suitability to serve
- to conduct elections
- to accommodate their preferences (e.g., where they would like to serve, dietary requirements)
- to avoid conflicts of interest
- for recognition of service
- to record their opinions, votes and decisions
- to produce PEO publications
- to make travel arrangements and to reimburse their expenses.

Examples of the type of information collected for these purposes include: names, contact information, qualifications and willingness of potential volunteers, preferences, performance, travel arrangements, expenses, photographs, achievements and opinions and views of volunteers.

About Members of the Public

PEO has contact with members of the public in a variety of contexts, which involves collecting personal information about them. Examples of some of the variety of purposes and personal information collected include the following:

- to provide information about PEO and engineers requested by a member of the public (e.g., subscription to PEO's publication, Engineering Dimensions)
- to obtain references and views about applicants to PEO (e.g., their good character) or existing practitioners of PEO (e.g., about an allegation or complaint)
- to investigate the unlawful practice of engineering or the unlawful holding out as an engineer by an unlicensed person
- to facilitate attendance at a public meeting at PEO (e.g., Council meeting, discipline hearing)
- to obtain opinions and views about engineering and regulatory issues
- to advocate effectively with government and other organizations

- to identify and recruit lay volunteers
- for engineering competitions and community events (e.g., science fair prizes) and other awards or nomination for prestigious appointments
- to select consultants and service providers for PEO and
- for security and accommodation planning purposes (e.g., sign-in sheets).

Electronic Collection of Personal Information

PEO has the usual electronic equipment for an organization of its nature and size. The use of this equipment results in the routine collection of personal information. PEO strives to ensure that this collection is reasonable and obvious. Most of the collection is known by the individual at the time of collection (e.g., voice mail systems, emails sent to PEO, court reporters at hearings, website forms filled out by visitors). Other forms of electronic collection are made known at the time (e.g., people are advised if the meeting room cameras are in use for recording or an audio tape is made of a meeting, and PEO's electronic cookies policy is posted on its website). Other forms of electronic collection are made known in this Privacy Policy or upon request and are likely assumed by most individuals having contact with PEO (e.g., PEO has call display on some telephones, an automatic attendant at the switchboard, security cards given to staff and some volunteers and consultants record their use, PEO's long distance service provider details long distance calls made by PEO, PEO cell phones may have automatic records of call details).

The purposes of this electronic collection of information include: ensuring the security of PEO's premises and information, assisting in the efficiency of PEO's staff, accurate recording of important information and facilitating navigation and the appropriate use of PEO's website.

PEO strives to use its electronic equipment in a manner that would be generally accepted as being appropriate and reasonable. Anyone having questions or concerns about PEO's electronic collection of information should contact PEO's Chief Privacy Officer for clarification.

PEO's Local Chapters

PEO has 38 local Chapters of practitioners. The local Chapters are critical in helping PEO to achieve its mandate at the local level. They engage in activities that welcome new practitioners, educate practitioners and reach out into the community. Because local Chapters are fairly autonomous in their operations, a separate Privacy Policy for them has been developed. Copies can be obtained from PEO's website or PEO's Chief Privacy Officer.

* * * * *

PEO does not collect personal information for commercial purposes.

Where possible, PEO will make a reasonable effort to advise individuals from whom personal information is collected of the primary purpose for collection unless to do so would interfere with the regulatory purpose. PEO strives to do this at the time of collection or as soon after that time as possible. PEO tries to state the purpose in reasonably understandable language.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

As noted above, PEO collects personal information for purposes related to the proper administration and enforcement of the *Professional Engineers Act* and for other related regulatory purposes.

Obtaining consent of the individuals would, in many cases, defeat the purposes of PEO's collecting, using and disclosing the personal information. Personal information will only be collected, used and disclosed without the knowledge and consent of the individual for the purpose of the administration and enforcement of the *Professional Engineers Act* and related legislation and in accordance with any applicable provisions of the legislation. For example, PEO has an obligation to verify applications for licences, etc., regardless as to whether the applicant consents or not. Similarly, when PEO investigates allegations or complaints it often cannot obtain consent. Sometimes PEO cannot even state the purpose for collection without jeopardizing the investigation or disclosing inappropriate information about the practitioner.

PEO may also use or disclose personal information without knowledge and consent in the case of an emergency where the life, health or security of an individual is threatened. PEO may also disclose personal information without knowledge and consent to a lawyer representing PEO, to collect a debt, to comply with a subpoena, warrant or other court order or as may be otherwise required or authorized by law.

However, in many other contexts, PEO is able to obtain consent prior to the collection, use or disclosure of personal information. For example, PEO generally does not collect personal information from an applicant, other than possibly contact information, until the applicant has submitted the application form. Practitioners have a choice before completing member interest surveys. Volunteers can choose not to provide personal details to their staff support persons or to be the subject of a "profile" article in the publication *Engineering Dimensions*.

In obtaining consent, PEO uses reasonable efforts to ensure that an individual is advised of the identified purposes for which personal information will be used or disclosed. Purposes will be stated in a manner that can be reasonably understood by the individual.

Generally, PEO seeks consent to use and disclose personal information at the same time it collects the information. However, PEO may seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.

PEO will not, as a condition of licensure, the supply of a product or service, require individuals to consent to the collection, use or disclosure of personal information beyond that required to fulfill PEO's regulatory mandate.

In determining the appropriate form of consent, PEO takes into account the sensitivity of the personal information and the reasonable expectations of individuals. For example, PEO believes that potential volunteers and awards recipients would agree to being considered without express consent. Similarly, PEO believes that express consent is not required for taking or publishing pictures of adults attending public PEO and local Chapter functions and events. However detailed descriptions of volunteers on PEO's website or in the Association Operations Directory or annual report normally will occur after consent has first been obtained.

PEO also does not obtain consent from members of the public prior to considering them for awards or for nomination for prestigious appointments.

An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice unless a valid regulatory purpose would be compromised. Individuals may contact PEO for more information regarding the implications of withdrawing consent.

Principle 4 - Limiting Collection of Personal Information

PEO limits the collection of personal information to what is necessary for its identified purposes. PEO collects personal information by fair and lawful means.

PEO tries to collect personal information directly from individuals unless there is a regulatory reason to collect the personal information from others.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

PEO does not use or disclose personal information for purposes other than those for which it was collected, except to fulfill its regulatory mandate, with the consent of the individual, or as permitted or required by law.

Part of PEO's regulatory mandate is to make available to the public certain information about its practitioners. PEO therefore maintains registers and directories of such information. PEO is constantly exploring additional means of making such information reasonably accessible to the public. In 2006 PEO, implemented a model of public access to information about practitioners that will enable members of the public (including clients and employers) to choose, contact and hold accountable practitioners for their professional conduct and services. The most significant information is available from the PEO website or by telephone and in writing. More sensitive information has to be requested in writing, identifying the requester and stating an acceptable reason for the request.

Exceptions to public access to even this information (including information on the PEO website in rare circumstances) are permitted in appropriate circumstances.

PEO is also required to maintain a high degree of transparency of its regulatory processes. For example, its Council and Executive Committee meetings are open to the public. Discipline hearings are also public. Personal information will sometimes be disclosed in the course of maintaining this transparency.

PEO retains personal information only as long as is necessary to fulfill its purposes and has a records retention policy to facilitate this goal. Depending on the circumstances, where personal information has been used to make a decision about an individual, PEO retains, for a period of time that is reasonably sufficient to allow for access by the individual, either the actual information or the rationale for making the decision. PEO monitors the retention practices of its staff and volunteers.

PEO shares relevant applicant / practitioner information with other regulators without obtaining consent as this activity is in the public interest and fosters a reciprocal sharing of information with PEO. For example, sharing of information with other professional engineering regulators for the purpose of discipline and enforcement is governed by the Memorandum of Understanding on Discipline and Enforcement for Associations / Ordre of Professional Engineers in Canada. Similarly, sharing of information with other professional engineering regulators for the purpose of licensing or registration is governed by the Agreement on Mobility of Professional Engineers within Canada.

PEO does not disclose applicant or licence holder personal information to third parties for commercial purposes and will not do so without obtaining the express written consent of the licence holder or EIT. Except for reasons indicated in the foregoing paragraph, PEO will not provide bulk data transfers to a third party for non-regulatory purposes.

PEO discloses information concerning the death of a member to protect the public by assisting those who may have dealt with him or her professionally in the past, who are looking to work with the deceased member, to prevent others from misrepresenting themselves in respect of the deceased member and to recognize and honour the deceased member's contribution to the profession.

Principle 6 - Accuracy of Personal Information

It is in the best interest of the public that PEO collect, use and disclose accurate personal information in regulating the profession. PEO therefore exerts its best effort to ensure that information collected, used and disclosed is accurate. However, in order to be accountable for its collection, use and disclosure of information, PEO sometimes makes corrections to information without obliterating the original entry.

PEO updates personal information about individuals as and when necessary to fulfill its regulatory purposes or upon notification by the individual. PEO requires practitioners to routinely update their personal information.

Principle 7 - Safeguards

PEO protects personal information through the use of security safeguards appropriate to the sensitivity of the information. These safeguards include physical measures (e.g., locked cabinets and offices, use of security personnel), technological measures (e.g., password protection for computers, security cameras) and organizational measures (e.g., a need-to-know policy for staff and volunteers' access to personal information). PEO protects the information regardless of the format in which it is held.

PEO protects personal information transferred to its agents, consultants and service providers (e.g., PEO's lawyers, accountants, IT consultants, external storage services) by obtaining appropriate privacy assurances stipulating or confirming the safeguarding of the information and restricting the purposes for which it is to be used in all contractual agreements.

Detailed staff and volunteer policies are in writing and are monitored by PEO's Chief Privacy Officer.

Principle 8 - Openness Concerning Privacy Policies and Practices

PEO's Privacy Policy and subordinate policies are available upon request. Staff are trained to respond positively to any such request. PEO's more significant Privacy Policies are available on its website and in printed form at its office.

Principle 9 - Access to Personal Information

Where PEO holds personal information about an individual, upon written request, PEO shall allow access to the information to that individual, unless providing access could reasonably be expected to interfere with the administration or enforcement of the *Professional Engineers Act* or it is impracticable or impossible for PEO to retrieve the information.

PEO shall correct or complete any personal information found to be inaccurate or incomplete without obliterating the original entry, unless to do so would interfere with the administration or enforcement of the *Professional Engineers Act* or the information relates to observations made or opinions reached by PEO staff, volunteers or agents. Any unresolved differences are noted in the individual's file. Unless inappropriate to do so, PEO transmits to third parties who have had access to the personal information in the past twelve months any corrected information or the existence of any unresolved differences.

Individuals may obtain their personal information or seek access to their individual files by contacting PEO's Chief Privacy Officer. If the individual is not satisfied with the Chief Privacy Officer's response to their request for access and / or correction, he or she may have the decision reviewed by the Privacy Review Councillor in accordance with

Principle 10. A detailed written procedure on how to make a request for access and / or correction is available from the Chief Privacy Officer upon request.

Principle 10 - Challenging Compliance

Questions or concerns about PEO's compliance with this Privacy Policy should be directed to the Chief Privacy Officer who can be reached at:

Chief Privacy Officer
101-40 Sheppard Avenue West
Toronto, ON, M2N 6K9
email: privacy@peo.on.ca
telephone: (416) 224-1100 or (800) 339-3716
fax: (416) 224-8168 or (800) 268-0496

The Chief Privacy Officer will assign the appropriate PEO staff person to try to resolve the question or concern.

If PEO cannot satisfactorily resolve a question or concern, PEO has a formal privacy complaints procedure which includes:

- acknowledgement of the complaint;
- investigation of the complaint by PEO's Chief Privacy Officer or his or her delegate;
- providing a written decision and reasons for decision to the complainant;
- taking appropriate measures where the complaint is substantiated; and
- a process for the independent review of the treatment of the complaint by the Privacy Review Councillor.

A detailed written description of the complaints procedure is available from the Chief Privacy Officer upon request.

Please note that there is a different process for handling complaints about the conduct or actions of a practitioner. Please contact PEO's Registrar if you wish to file a complaint about the conduct or actions of a practitioner.

Principle 11 - Notification of Members

PEO shall take the necessary steps to notify members in a timely manner should their private information in the register be accessed or compromised through unauthorized and unlawful means.

Privacy Sub-Policy No. 1

Local Chapters Privacy Policy

Introduction

PEO's Chapters are a part of PEO. They are not separate legal entities. They further the mandate of PEO. Their mandate, objectives and essential purpose are as follows:

Mandate

PEO Chapters are the local presence for Professional Engineers Ontario and are tasked with the responsibilities of assisting PEO in meeting the objectives of the PEO organization.

Objectives

Through local presence and activities, PEO Chapters:

- Facilitate participation and training of licence holders in the governance, succession planning for PEO leadership, and statutory duties of the profession;
- Work to identify the value of the profession to future licence holders;
- Promote and enhance the understanding within society of the self regulated engineering profession and the importance of licensure; and
- Actively participate in policy development of the PEO.

Essential Purpose

The essential purpose of Chapters is Policy and Communications through the following initiatives.

1. Enhance a local presence for the engineering profession throughout Ontario.
2. Provide an introduction and training for professional engineers who want to participate in the statutory functions of the profession.
3. Provide timely and current information to licence holders.
4. Provide an active communication link between the membership and Council with regards to:
 - a. PEO Policy Development;
 - b. Succession planning for PEO Leadership; and
 - c. PEO and Chapter Budget planning.
5. Provide a forum for the local discussion of professional and civic affairs.
6. Enhance the professional development, competency, and social responsibility of professional engineers.
7. Serve as an information resource for professional engineers, the public and society.

8. Promote public awareness of the engineering profession in the local community.
9. Provide a local point of contact for the community to access information on the profession and Engineering.
10. Promote participation of licence holders in Chapter activities and PEO committees.
11. Promote recognition of individuals or firms for their support of the profession.

The major activities of the Chapters are: licence presentation ceremonies, tours (many of which are educational in nature) and the holding of seminars and arranging for speakers. These activities would generally be operated on a cost recovery basis. Except for the public awareness activities of the Chapters, these activities are directed towards local practitioners and their families and friends.

Since the Chapters are part of PEO, the general PEO Privacy Policy applies to the local Chapters except for the specific modifications set out below. However, since Chapters are fairly autonomous in their structure and activities, they have distinct privacy challenges. Some of the unique features of the Privacy Policy for the Chapters are set out below.

Principle 1 - Accountability

The Secretary or the Executive of each local Chapter, or alternatively, any other Executive member of the local Chapter as selected by the Executive Committee of the Chapter, is the Chapter Privacy Officer. He or she is responsible for ensuring that PEO's Privacy Policies are applied to the personal information collected, used or disclosed by the Chapter.

The Senior Regional Councillors are the Regional Privacy Officers. They are responsible for ensuring the Chapter Privacy Officers understand and comply with their privacy obligations.

The Chapter Privacy Officer has the assistance of the Regional Privacy Officers. Both the Chapter Privacy Officer and the Regional Privacy Officers have the assistance of the Chief Privacy Officer of PEO.

The Chief Privacy Officer or his or her delegate reviews with each of the Regional Privacy Officer at least once a year the privacy responsibilities of the Chapters. The Chief Privacy Officer or his or her delegate and the Regional Privacy Officer will review at least twice a year (once shortly after selection and once at the end of the term) the privacy responsibilities of the Chapter Privacy Officer of each Chapter.

The Chief Privacy Officer can be reached at:

Chief Privacy Officer
101-40 Sheppard Avenue West

Toronto, ON, M2N 6K9
email: privacy@peo.on.ca
telephone: (416) 224-1100 or (800) 339-3716
fax: (416) 224-8168 or (800) 268-0496

Principle 2 - Identifying Purposes for Collection of Personal Information

The Chapter Privacy Officer shall ensure that the purpose of any collection of personal information is identified at the time of collection unless there is a good regulatory reason for not doing so. Ordinarily the purpose will be obvious (e.g., registration and payment for a dinner, tour or speech). However, where the purpose may not be obvious (e.g., collecting home contact information from a member of the public) the Chapter Privacy Officer will ensure that the purpose is identified and consent is obtained.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

Generally consent is obtained for the collection, use and disclosure of personal information by Chapters. The consent may be implied where the purpose is obvious (e.g., sign up sheets for receipt of email notices of future events). However, where the purpose may not be obvious (e.g., collecting home contact information from a member of the public) the Chapter Privacy Officer will ensure that consent is obtained.

Express consent is not obtained for the collection of practitioners' contact information from PEO head office. However, if a practitioner wishes to be removed from a mailing list, the Chapter Privacy Officer will ensure that this is done and inform PEO head office. Similarly express consent is not obtained for the initial screening for awards or recruitment for volunteer positions. However, before any award is presented or selection made for a volunteer position, the individual is consulted and given an opportunity to decline.

Principle 4 - Limiting Collection of Personal Information

The Chapter Privacy Officer will ensure that the minimum collection of personal information to reasonably achieve the purpose is obtained.

Principle 5 - Limiting Use, Disclosure and Retention of Personal Information

The Chapter Privacy Officer will ensure that personal information is used, disclosed and retained only for the purpose for which it was collected, for similar related uses, disclosure and retention that reasonably flow from them, for regulatory uses for which consent is not reasonable and for new uses, disclosure or retention for which a separate consent has been obtained.

The Chapter Privacy Officer will go through the Chapter records once a year to securely destroy or return to PEO head office any personal information that is no longer necessary to keep for its purpose.

Principle 6 - Accuracy of Personal Information

The Chapter Privacy Officer will take reasonable steps to ensure that the personal information is accurate. This is generally simple since most of it is self-reported by the affected individual and is updated regularly if needed on an on-going basis by the individual.

Principle 7 - Safeguards

The Chapter Privacy Officer will take reasonable steps to safeguard the personal information held by the Chapter in a manner consistent with PEO's Privacy Sub-Policy on Privacy Safeguards. Generally the personal information will be kept under lock and key (e.g., locked cabinet) and once a year be pruned and the discarded information will either be shredded or couriered to the Chief Privacy Officer for shredding.

Personal information in electronic format will normally be stored on disk secured in a locked area at the Chapter Privacy Officer's home or office (e.g., locked cabinet) rather than on the hard drive of the Chapter Privacy Officer's work or home computer. The Chapter Privacy Officer will endeavour to encourage all Chapter Executive members to delete emails containing personal information immediately after use and generally keep any other electronic information on a disk stored with the Chapter Privacy Officer in a locked area after use.

Principle 8 - Openness Concerning Privacy Policies and Practices

PEO's general Privacy Policy and this Local Chapters Privacy Policy is available on PEO's website and in paper form upon request from the Chapter Privacy Officer, the Regional Privacy Officer or the Chief Privacy Officer.

Principle 9 - Access to Personal Information

The Chapter Privacy Officer, with the assistance of the Regional Privacy Officers, will handle simple requests for access to the personal information and any resulting correction requests locally in accordance with the principles of PEO's Privacy Policy. If the request raises any issues of concern (e.g., the personal information also relates to another individual, such as a reference relating to recruitment for a volunteer position), the Chapter Privacy Officer shall immediately refer the request to the Chief Privacy Officer and work with the Chief Privacy Officer, in conjunction with the Regional Privacy Officer, to process the request appropriately.

Principle 10 - Challenging Compliance

The Chapter Privacy Officer, with the assistance of the Regional Privacy Officers, will try to resolve any simple concerns expressed about the handling of personal information locally in accordance with the principles of PEO's Privacy Policy. However, if the concern is complex and not easily resolvable by the Chapter Privacy Officer's explanation to the individual, the Chapter Privacy Officer shall immediately refer the request to the Chief Privacy Officer and work with the Chief Privacy Officer, in conjunction with the Regional Privacy Officer, to process the concern appropriately.

Privacy Sub-Policy No. 2

PEO Internet Privacy Policy

We respect and are committed to protecting your privacy. That is why Professional Engineers Ontario has adopted this Privacy Policy. This Privacy Policy lets you know how your personal information is processed and used. We promise that we will take steps to use your personal information only in ways that are compatible with this Privacy Policy. The following policies apply to PEO's websites (including entire PEO network), future newsletters, opt-in mailing lists owned and operated by PEO.

What information does PEO collect and how do we collect it?

Every computer connected to the Internet is given a domain name and a set of numbers, that serve as that computer's "Internet Protocol" (IP address). When a visitor requests a page from any website within PEO's network, our web servers automatically recognize that visitor's domain name and IP address. The domain name and IP address reveal nothing personal about you other than the IP address from which you have accessed our site. We use this information to examine our traffic in aggregate, and to investigate misuse of our network or to cooperate with law enforcement. We do not collect and evaluate this information for specific individuals. Our web servers do not automatically record email addresses of the visitors.

What are cookies?

From time to time, PEO may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. A cookie cannot read data from your computer's hard disk or read cookie files created by other websites. Cookies do not damage your system. We use cookies to identify which areas of PEO's network you have visited or customized, so the next time you visit, those pages may be readily accessible. You can choose whether to accept cookies by changing the settings of your Internet browser. You can reset your browser to refuse all cookies, or allow your browser to show you when a cookie is being sent. If you choose not to accept these cookies, your experience at our site and other websites may be diminished and some features may not work as intended.

How does Professional Engineers Ontario protect my privacy?

When you are on a Professional Engineers Ontario website and are asked for personal information, you are sharing that information with Professional Engineers Ontario alone. Professional Engineers Ontario will not disclose any of your personally identifiable information except under special circumstances, such as when we believe in good faith that the law requires such a disclosure. Professional Engineers Ontario does not share personal information you provide to us with other companies. For more details about how PEO uses personal information, see the general PEO Privacy Policy described below.

What other information do we request?

We may also request your email address or mailing address for the purposes of conducting a survey or to provide additional services (for example, event registration confirmation, subscriptions to email newsletters, announcement lists or information about conferences and trade shows). Whenever we request the identity of a visitor, we will clearly indicate the purpose of the inquiry before the information is requested. We maintain a strict "No-Spam" policy that means that we do not sell, rent, or otherwise give your email address to a third party, without your consent or as permitted by PEO's Privacy Policy.

When practitioners update their general records on PEO's website (e.g., licence or renewal of licence information), that information is entered into PEO's general database for practitioners. The information is used for PEO's general regulatory purposes. For more details about how PEO uses personal information about practitioners, see the general PEO Privacy Policy described below.

When you sign up for PEO's Forum, your name or alias is recorded solely for purposes of maintaining your own account within the Forum.

Will PEO disclose the information collected to outside third parties?

PEO will disclose personal information and / or an IP address, when required by law or in the good-faith belief that such action is necessary to:

- 1) Cooperate with the investigations of purported unlawful activities and conform to the law or comply with legal process served on PEO,
- 2) Protect and defend the rights or property of PEO's network of sites and related properties, or visitors to PEO's network of sites and related properties, and / or
- 3) Identify persons who may be violating the law, (for more details see the Professional Engineers Ontario Website Terms of Use and Legal Restrictions notice), or otherwise misusing PEO's network or its related properties.
- 4) PEO will not disclose personal information to third parties for commercial purposes.

What else should I know about my privacy when online?

PEO's web site contains many hyperlinks to third party websites. PEO is not responsible for the privacy practices or the content of such third party websites or portals. PEO does not share any of the individual personal information you provide us with the third parties to which PEO links.

Please keep in mind that whenever you voluntarily disclose personal information online - for example through email, discussion lists, or elsewhere - that information can be collected and used by others. In short, if you post personal information online that is accessible to the public, you may receive unsolicited messages from other parties in return. Ultimately, you are solely responsible for maintaining the privacy of your personal information. Please be careful and responsible whenever you are online.

Your consent to this agreement

By using PEO's Internet network, you consent to the collection and use of information by PEO as specified above. If we decide to change our Privacy Policy, we will post those changes on this page so that you are always aware of what information we collect, how we use it, and under what circumstances we disclose it.

Please send any questions about PEO's Internet Privacy Policy to: webmaster@peo.on.ca
Please note that your use of PEO's network of websites is governed by our [Legal Notice](#).

PEO's general Privacy Policy

PEO's Internet Privacy Policy is a sub-policy of the general PEO Privacy Policy. For more information on PEO's Privacy Policy, see www.peo.on.ca or contact the Chief Privacy Officer who can be reached at:

Chief Privacy Officer
101-40 Sheppard Avenue West
Toronto, ON, M2N 6K9
email: privacy@peo.on.ca
telephone: (416) 224-1100 or (800) 339-3716
fax: (416) 224-8168 or (800) 268-0496

Privacy Sub-Policy No. 3

Access and Correction Request Procedure

Where PEO holds personal information about an individual, upon written request, PEO shall allow access to the information to that individual, unless providing access could reasonably be expected to interfere with the administration or enforcement of the *Professional Engineers Act* or it is impracticable or impossible for PEO to retrieve the information.

In some situations access may be obtainable by making an informal request to the appropriate PEO staff person. Otherwise, individuals may obtain their personal information or seek access to their individual files by making a written request to PEO's Chief Privacy Officer.

For example, PEO may decline to provide access to personal information where granting access could reasonably be expected to interfere with the regulatory activities of PEO, including:

- a. access may reasonably interfere with a regulatory process of PEO including an inquiry, investigation or hearing;
- b. access may reasonably reveal a confidential source of information or otherwise breach a confidence that is reasonably necessary for PEO to protect;
- c. access may reasonably reveal personal information about another person that cannot be severed and who has not consented to the access;
- d. access may reasonably interfere with the regulatory or enforcement activities of another statutory regulatory body or a law enforcement agency;
- e. access may reasonably place the health or safety of a person at risk;
- f. access is reasonably available from another, more appropriate source;
- g. access may reasonably reveal legally privileged information; or
- h. access is prohibited by another Act.

PEO shall permit an individual who has access to personal information to have PEO correct statements of fact in records of the personal information about the individual that are inaccurate or incomplete, unless making corrections could reasonably be expected to interfere with the administration or enforcement of the *Professional Engineers Act*. For example, PEO may decline to correct personal information where correcting the personal information could reasonably be expected to interfere with the regulatory activities of PEO, including:

- a. the person requesting the correction does not provide sufficient information to enable PEO to assess the request to make the correction;
- b. the fact that the statement was made, whether it is correct or not, is relevant to the regulatory activities of PEO;
- c. correction may reasonably interfere with a regulatory process of PEO including an inquiry, investigation or hearing;
- d. correction may reasonably interfere with the regulatory or enforcement activities of another statutory regulatory body or a law enforcement agency;
- e. correction may alter an original document that belongs to someone else and will eventually be returned to that person; or
- f. correction is prohibited by another Act.

Where PEO agrees to correct a record of personal information, the correction shall be made so as not to obliterate the original entry.

Where PEO agrees to correct a record of personal information, PEO shall provide written notice to every third party to whom the original record was provided within the previous 12 months unless to do so is impractical (e.g., website access) or would reasonably interfere with the regulatory activities of PEO.

Where PEO declines a request to correct a record of personal information, it shall file any statement of disagreement provided by the individual to whom the information relates of less than 500 words with the record unless to do so is impractical or would reasonably interfere with the regulatory activities of PEO.

An individual is not entitled to have PEO make a correction if PEO determines that it does not have sufficient knowledge, expertise or authority to make the correction.

If the individual is not satisfied with the Chief Privacy Officer's response to the access or correction request, he or she may have the decision reviewed by the Privacy Review Councillor in accordance with Principle 10 of PEO's Privacy Policy.

Privacy Sub-Policy No. 4

Privacy Safeguards

PEO shall take reasonable steps to ensure that personal information in its custody or under its control is protected against unauthorized access, use or disclosure and to ensure that the records containing the information are protected against unauthorized copying, modification or destruction. What constitutes reasonable steps shall be determined in light of all the circumstances, including the sensitivity of the information, the amount of information and the format in which it is stored. These measures shall include the following:

Organizational Measures

The following are policies with which PEO expects PEO staff and volunteers to comply.

Human Resources shall provide all staff and volunteers with a copy of PEO's Privacy Policy and relevant Privacy Sub-Policies upon hiring, retainer, selection or appointment.

Human Resources shall obtain from all staff and volunteers a signed confidentiality agreement upon their hiring, retainer, selection, election or appointment as follows, or other Council approved form:

Confidentiality Agreement

I acknowledge that I have access to personal and other confidential information on behalf of PEO. I also acknowledge receiving and reviewing PEO's Privacy Policy and its Privacy Sub-Policy on Privacy Safeguards. I also acknowledge reviewing the confidentiality provision for PEO found at s. 38 of the *Professional Engineers Act*. I appreciate the importance of privacy to PEO. I understand and agree to comply with s. 38 and PEO's Privacy Policy and Privacy Sub-Policy on Privacy Safeguards. I understand that failure to comply with this confidentiality agreement can result in action against me up to and including termination from my position.

Date:

Signature:

The Chief Privacy Officer or his or her delegate provides training in privacy issues to new staff and appropriate volunteers at least once a year.

Staff and volunteers shall only have access to personal information on a need-to-know basis.

Staff and volunteers shall deliver paper information or physical electronic information containers (e.g., a computer disk or CD) to others through sealed, addressed envelopes or boxes by Canada Post or by a reputable courier company. Sensitive personal information shall be marked “private and confidential”. Courier deliveries of sensitive personal information shall require a signature for delivery.

When sending a fax containing personal information, staff or volunteers shall use caution in ensuring that the recipient’s fax number is accurate and that the recipient fax machine is secure or that the recipient has established safeguards to the sending of the fax to an unsecured machine. All faxes containing personal information shall have a fax cover sheet that states as follows:

IF THERE IS A PROBLEM WITH THE TRANSMISSION OF THIS
FAX, PLEASE CALL PROFESSIONAL ENGINEERS ONTARIO AT
(416) 224-1100 EXT. 0 AS SOON AS POSSIBLE.

Warning: This facsimile is directed in confidence and is intended for use only by the individual or entity to which it is specifically addressed. Any other distribution, copying or disclosure is strictly prohibited. The contents of this facsimile may also be subject to privilege and all rights to that privilege are expressly claimed and not waived. If you have received this facsimile in error, please notify us immediately by telephone, and return the original transmission to us by mail, without making a copy. Thank you for your cooperation.

Staff and volunteers do not discard paper containing personal information in the garbage or a blue box for recycling. Even hand-ripping paper containing personal information is not considered secure. Rather such paper is to be securely shredded. To facilitate shredding, locked boxes with a slot for the depositing of personal information are distributed at strategic locations throughout PEO’s office. Volunteers shall deliver paper containing personal information to PEO’s office for shredding.

Staff and volunteers shall report any security breach (e.g., the theft or loss of a paper or electronic file) to the Chief Privacy Officer immediately upon discovery.

If staff or volunteers transport personal information (whether in paper or electronic format), the personal information shall either be in the possession of the staff person or volunteer or be locked out of sight (e.g., in the trunk of a car). At home the personal information shall be locked in a desk, a cabinet or a room to which only the person and, in rare cases, a trusted cohabiting person, have a key. PEO believes that too many visitors come to most homes to treat the entire home as secure.

PEO uses many agents, consultants and service providers (e.g., PEO’s lawyers, accountants, IT consultants, external storage services, telecommunications firms) to help it process personal information or achieve PEO’s regulatory goals. PEO protects the personal information by obtaining appropriate privacy assurances stipulating or

confirming the safeguarding of the information and restricting the purposes for which it is to be used. The preferred privacy assurance is a written statement from the agent, consultant or service provider worded similarly to the following:

The Firm is covered by the *Personal Information Protection and Electronic Documents Act* in respect of any personal information that it collects, uses and discloses. The Firm will only use the personal information transferred to it by PEO (including an indirect transfer by incidental access to the personal information) for the purpose for which it was transferred. The Firm will maintain the security of the information. The Firm will either return the personal information to PEO or the Firm will destroy it in a secure manner as soon as the purpose for which it was transferred is complete. The Firm will not disclose the personal information to anyone outside of its organization without the prior consent of PEO unless required to do so by law. The Firm will obtain a similar privacy assurance if anyone is provided access to the personal information to assist the Firm in the performance of its duties for PEO.

However, some agents, consultants or service providers may be unwilling to provide an individualized written privacy assurance to PEO (e.g., a large telecommunications firm for which PEO is a relatively minor client). PEO may still continue to use those agents, consultants or service providers if it receives an adequate oral privacy assurance from one of its representatives or if the agent, consultant or service provider has an appropriate published privacy policy.

Physical Measures

During business hours personal information is protected by requiring all visitors to sign in, wear badges and, if not a provider of a privacy assurance (see organizational measures above) being continuously and personally accompanied by PEO staff. Even with these safeguards PEO staff and volunteers shall keep particularly sensitive personal information locked in a cabinet or room or under the direct supervision of another PEO staff person if leaving personal information unattended.

Outside of office hours, PEO staff shall lock personal information in an office or a cabinet. Generally only senior PEO staff have a key for entering the premises outside of office hours. A very limited number of volunteers and agents who have an established relationship with PEO have their own keys. Keys are electronic and their use is recorded. Security staff patrol the premises during evening hours.

Technological Measures

Computers are protected by passwords for logging on and by automatic screen savers with password protection.

Staff and volunteers shall not discuss personal information on a cell phone on an analogue setting. Even when using a cell phone on a digital setting, staff and volunteers shall attempt not to use names or other identifying information when discussing sensitive personal information.

Staff and volunteers are discouraged from using non-PEO computers for processing personal information. Where it is necessary to use a non-PEO computer, the personal information shall be used on a disk only and not stored on the hard drive of the computer. When not in use, the disk shall be locked away. It is impossible to ensure the security of non-PEO computers outside of PEO's office.

PEO laptop computers are password protected for logging on and have an automatic screensaver that is also password protected. When not in use and while outside of PEO's office, laptop computers shall be locked away.

PEO does not treat unencrypted email as secure. Staff and volunteers shall adopt at least one of the following safeguards for sensitive personal information:

- a. the information must be anonymized
- b. the consent of all identifiable individuals whose personal information is contained in the email (including attachments) must be obtained or
- c. appropriate encryption must be used.

As an added precaution, PEO staff and volunteers communicating on PEO matters shall use the following warning in their email messages:

This message, including any attachments, is privileged and may contain confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify me immediately by reply email and permanently delete the original transmission from me, including any attachments, without making a copy. Thank you.

Electronic storage media (e.g., disks, CD's, hard drives) are either physically destroyed or securely reformatted in accordance with PEO IT protocols when PEO no longer needs it.

PEO's information technology services have written policies on the various aspects of its information technology systems to ensure that they are sound. For example, PEO has written policies in respect of its major operational systems, protective programs and systems, back up of databases and information, password policies, internet, software updating, remote access and user account removal. The policies and the underlying systems and practices are periodically reviewed and audited.

Privacy Sub-Policy No. 5

Records Retention Policy

[Because of its size, this Sub-Policy is provided separately.]

Privacy Sub-Policy No. 6**Privacy Complaints Procedure**

Questions or concerns about PEO's compliance with its Privacy Policy should be directed to the Chief Privacy Officer who can be reached at:

Chief Privacy Officer
101-40 Sheppard Avenue West
Toronto, ON, M2N 6K9
email: privacy@peo.on.ca
telephone: (416) 224-1100 or (800) 339-3716
fax: (416) 224-8168 or (800) 268-0496

The Chief Privacy Officer will assign the appropriate PEO staff person to try to resolve the question or concern.

If PEO cannot satisfactorily resolve a question or concern, the individual can make a formal complaint to the Chief Privacy Officer. The Chief Privacy Officer shall receive and ensure the timely investigation of the complaint. The complaints process shall be as follows:

- (a) The Privacy Office shall acknowledge receipt of the complaint in writing and provide the individual with a copy of this Privacy Complaints Procedure.
- (b) The Privacy Office shall investigate the complaint, including obtaining the pertinent documents, taking a statement from relevant witnesses and conducting any necessary research. The Privacy Office shall then prepare a written report of the findings and provide it to the person making the complaint.
- (c) The report shall be provided within 30 days of the complaint. If the Privacy Office is unable to complete the report within 30 days, the Privacy Office shall advise the person making the complaint of the delay and the anticipated date of completion of the report.
- (d) Where the complaint is substantiated the Privacy Office shall implement appropriate changes to PEO's Privacy Policy and practices to ensure compliance in the future.
- (e) If the person making the complaint disagrees with the report, he or she can ask the Privacy Review Councillor to review the treatment of the complaint by filing a written request setting out the grounds for the request with the Privacy Review Councillor and the Privacy Office within 30 days of the Privacy Office's report. The Privacy Office shall have 30 days to provide to the Privacy Review Councillor and the person making the request a written

response to the request. The Privacy Review Councillor shall review the written submissions, make any other inquiries he or she deems appropriate and shall make a report to the person making the request and the Privacy Office. Where the report contains recommendations for improvement of PEO's Privacy Policy and practices, the Privacy Review Councillor will also transmit a copy of the report to the Council.

Privacy Sub-Policy No. 7

Privacy Brochure

To Be Formatted Into a Three Panel Folded Over Brochure

PEO Privacy Policy

PEO is committed to responsible behaviour when collecting, using and disclosing personal information about practitioners and others. It has established a detailed Privacy Policy and a Privacy Office to achieve this goal. While PEO is not covered by privacy legislation (since it does not engage in commercial activities), it has chosen to meet contemporary privacy expectations.

PEO Collects Personal Information

Personal information means any information about an identifiable individual other than business contact information. PEO collects personal information about applicants, practitioners and others in order to regulate the profession and practice of professional engineering in the public interest. Examples include:

- qualifications and good character information of applicants for licences
- contact and practice information about practitioners
- evidence about complaints or other concerns about practitioners
- the suitability and support needs of volunteers
- references about applicants and practitioners
- unlawful practice by unlicensed persons
- opinions about how PEO can better serve practitioners and the public
- for the security of visitors and information at PEO's office

Why PEO Collects Personal Information

PEO collects, uses and discloses personal information in order to regulate the profession and practice of professional engineering. The purpose of collection is usually fairly obvious (see the examples listed above). For instance, PEO needs to:

- communicate with applicants and practitioners
- assess their qualifications
- provide educational information
- investigate complaints
- recruit volunteers
- prevent unlawful practice
- consult with stakeholders
- provide information to the public about practitioners
- secure confidential information

PEO Safeguards Personal Information

PEO recognizes that personal information is sensitive. It must be protected against unauthorized access, use, disclosure, copying, modification or destruction. PEO safeguards personal information by:

- **Organizational Measures**
 - Access on a need-to-know basis
 - Confidentiality agreements signed by staff and volunteers
 - Defined retention periods
 - Strict rules for information removed from office
 - Fax, courier and mail protocols
 - Privacy training
 - Privacy assurances from PEO's suppliers
- **Physical Measures**
 - Visitors must sign in and are accompanied by staff
 - Sensitive files are locked away
 - Shredding of discarded files
- **Technological Measures**
 - Password protection of computers
 - Virus and firewall protection for network
 - Secure website
 - Unencrypted email treated as insecure
 - Written and audited policies and procedures

Access and Correction of Personal Information

PEO allows access to personal information held about an individual unless it would reasonably be expected to interfere with the enforcement of the *Professional Engineers Act* or the administration of PEO. For example, a person under investigation cannot see the evidence gathered if it will jeopardize the integrity of the investigation.

An individual having access can correct any factual errors in the information. If there is disagreement the individual can file a statement of disagreement.

PEO has a Privacy Officer

Questions, concerns or formal complaints about PEO's privacy practices should be directed to the Chief Privacy Officer who can be reached at:

Chief Privacy Officer
101-40 Sheppard Avenue West
Toronto, ON, M2N 6K9
email: privacy@peo.on.ca

telephone: (416) 224-1100 or (800) 339-3716
fax: (416) 224-8168 or (800) 268-0496

For More Information

The full Privacy Policy can be obtained at PEO's website at www.peo.on.ca or by calling or writing the Chief Privacy Officer.

Privacy Sub-Policy No. 8

Commercial Tenant Privacy Policy

Introduction

PEO's Facilities Group (Facilities) for 40 Sheppard Avenue West, Toronto, ON, M2N 6K9

(the Building) is a part of PEO. They are not separate legal entities. They further the mandate of PEO. Their mandate, objectives and essential purpose are as follows:

Mandate

Facilities is the representative of Professional Engineers Ontario at the Building and is tasked with the responsibilities of assisting PEO in meeting the objectives of the PEO organization and its real estate interests.

Objectives

Through building presence and activities, Facilities will:

- Assist with the on-going relationship with PEO's Property Management (PM) service provider;
- Work to identify adherence to the PM contract;
- Promote and enhance the image of PEO; and
- Actively participate in all aspects of operational issues of the Building.

Essential Purpose

The essential purpose of Facilities is through the following initiatives.

12. Enhance the professional image of PEO through constant improvements to the Building.
13. Over site of the Master Services Agreement (MSA)
14. Provide guidance and input to PM service provider in order to have them fully understand PEO's vision for the Building.
15. Provide timely and current information to all stakeholders.
16. Provide an active communication link between the PEO stakeholders and the PM service provider with regards to:
 - a. PEO Building Vision;
 - b. The Building budget planning and overseeing the budget.
17. Provide guidance and direction to the Leasing Group.

The major activities of Facilities are: over site of the MSA, and to provide guidance and instruction to the PM and Leasing Groups. These activities would generally be operated on a cost recovery basis.

Since Facilities is a part of PEO, the general PEO Privacy Policy applies to Facilities except for the specific modifications set out below. However, since Facilities is fairly autonomous in its structure and activities, it has distinct privacy challenges. Some of the unique features of the Privacy Policy for Facilities are set out below.

Principle 1 - Accountability

The Manager, Building Operations, is the Facilities Privacy Officer. He or she is responsible for ensuring that PEO's Privacy Policies are applied to the personal information collected, used or disclosed by Facilities.

The Facilities Privacy Officer has the assistance of the Chief Privacy Officer of PEO.

The Chief Privacy Officer or his or her delegate reviews with the Facilities Privacy Officer at least once a year the privacy responsibilities of Facilities.

The Chief Privacy Officer can be reached at:

Chief Privacy Officer
101-40 Sheppard Avenue West
Toronto, ON, M2N 6K9
email: privacy@peo.on.ca
telephone: (416) 224-1100 or (800) 339-3716
fax: (416) 224-8168 or (800) 268-0496

Principle 2 - Identifying Purposes for Collection of Corporate Information

The Facilities Privacy Officer shall ensure that the purpose of any collection of Corporate information is identified at the time of collection. Ordinarily the purpose will be obvious (e.g., lease negotiations, rent collection, banking information, credit reports, etc.). However, where the purpose may not be obvious (e.g., collecting home contact information from a lessee) the Facilities Privacy Officer will ensure that the purpose is identified and consent is obtained.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Corporate Information

Generally consent is obtained for the collection, use and disclosure of Corporate information by Facilities. The consent may be implied where the purpose is obvious (e.g., sign up sheets for receipt of email notices of future communications). However, where the purpose may not be obvious (e.g., collecting home contact information from a Lessee) the Facilities Privacy Officer will ensure that consent is obtained.

Principle 4 - Limiting Collection of Personal Information

The Facilities Privacy Officer will ensure that the minimum collection of Corporate information to reasonably achieve the purpose is obtained.

Principle 5 - Limiting Use, Disclosure and Retention of Corporate Information

The Facilities Privacy Officer will ensure that Corporate information is used, disclosed and retained only for the purpose for which it was collected, for similar related uses, disclosure and retention that reasonably flow from them, for regulatory uses for which consent is not reasonable and for new uses, disclosure or retention for which a separate consent has been obtained.

The Facilities Privacy Officer will go through Facilities records once a year to securely destroy or return to PEO head office any Corporate information that is no longer necessary to keep for its purpose.

Principle 6 - Accuracy of Corporate Information

The Facilities Privacy Officer will take reasonable steps to ensure that the Corporate information is accurate. This is generally simple since most of it is self-reported by the affected Corporation and is updated regularly if needed on an on-going basis by the Corporation.

Principle 7 - Safeguards

The Facilities Privacy Officer will take reasonable steps to safeguard the Corporate information held by Facilities in a manner consistent with PEO's Privacy Sub-Policy on Privacy Safeguards. Generally, the Corporate information will be kept under lock and key (e.g., locked cabinet) and once a year be pruned and the discarded information will either be shredded or couriered to the Chief Privacy Officer for shredding.

The Facilities Privacy Officer will endeavour to encourage all Facilities members to delete emails containing Corporate information immediately after use and generally keep any other electronic information on a disk stored with the Facilities Privacy Officer in a locked area after use.

Principle 8 - Openness Concerning Privacy Policies and Practices

PEO's general Privacy Policy and this Facilities Privacy Policy is available on PEO's website and in paper form upon request from the Facilities Privacy Officer or the Chief Privacy Officer.

Principle 9 - Access to Corporate Information

The Facilities Privacy Officer will handle simple requests for access to the Corporate information and any resulting correction requests locally in accordance with the principles of PEO's Privacy Policy. If the request raises any issues of concern the Facilities Privacy Officer shall immediately refer the request to the Chief Privacy Officer and work with the Chief Privacy Officer to process the request appropriately.

Principle 10 - Challenging Compliance

The Facilities Privacy Officer will try to resolve any simple concerns expressed about the handling of Corporate information locally in accordance with the principles of PEO's Privacy Policy. However, if the concern is complex and not easily resolvable by the Facilities Privacy Officer's explanation to the individual, the Facilities Privacy Officer shall immediately refer the request to the Chief Privacy Officer and work with the Chief Privacy Officer to process the concern appropriately.

Publicly Available Information

In order for PEO uphold the Principal Object of the *Professional Engineers Act* and to maintain transparency and openness in its regulatory activities, Council has determined that the following information should be available to the public.

#	Data Element	Public ¹	Rationale for Public Disclosure
	Licence Holder (P.Eng., TL, PL, LL)		
1	Name (official name in PEO files)	Yes	<ul style="list-style-type: none"> Required under s. 21 of the <i>Professional Engineers Act</i>, (Registers) Important for the public to have access to the information - Identification of practitioner
2	Gender	No	<ul style="list-style-type: none"> As a result of member consultation, it was determined that this sensitive information should not be made public
3	Type of licence	Yes	<ul style="list-style-type: none"> Required under s. 21 of the <i>Professional Engineers Act</i>, (Registers) Important for the public to have access to the information - Facilitates public safety
4	Licence status and date of change in status	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Required under s. 21 of the <i>Professional Engineers Act</i>, (Registers) Important for the public to have access to the information – Facilitates public safety and PEO enforcement activities
5	Home address	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy

¹ In determining whether information should be on the website, Council balanced the following considerations:

1. The requirements under s. 2(3) and 2(4) of the *Professional Engineers Act*, (Principal Object and Additional Objects)
2. The requirements under s. 21 of the *Professional Engineers Act*, (Registers)
3. The requirements under s. 38 of the *Professional Engineers Act*, (Confidentiality)
4. Compliance with PEO's Privacy Policy
5. The sensitivity of the information
6. The importance of the public having access to the information
7. The potential for misuse the information.
8. PEO's jurisdiction under the *Professional Engineers Act*.

#	Data Element	Public ¹	Rationale for Public Disclosure
6	Home telephone number	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy
7	Home e-mail address	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy
8	Work address (including city and province) ^{2 3}	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Identification of practitioner
9	Work telephone number ⁴	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Identification of practitioner
10	Work facsimile number	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality)
11	Work e-mail address	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy Sensitivity of information – Privacy Commissioner deemed personal information
12	Employer's name ⁵	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Identification of practitioner Important for the public to have access to the information - Facilitates public safety
13	Degree(s) at the time of registration	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Identification of practitioner Important for the public to have access to the information - Facilitates public safety
14	Institution granting the degree(s)	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Identification of practitioner Important for the public to have access to the information - Facilitates public safety
15	Year of graduation	Yes	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy Sensitivity of information – Privacy Commissioner deemed personal information

² In the event that the work address and the home address are the same, neither address will be made public.

³ Work address means the work address and does not include preferred mailing address if it is different from the mailing address. Some practitioners prefer to receive their PEO mailings at home rather than work, but that choice should not result in their home address being posted on PEO's website.

⁴ In the event that the work phone number and the home phone number are the same, neither phone number will be made public.

⁵ The employer's name will be disclosed only if it is available from the PEO database.

#	Data Element	Public ¹	Rationale for Public Disclosure
16	Discipline of degree(s)	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the Professional Engineers Act, (Principal Object) Important for the public to have access to the information - Identification of practitioner Important for the public to have access to the information - Facilitates public safety
17	Licence number	Yes	<ul style="list-style-type: none"> Consistent with the requirements under s. 21 of the <i>Professional Engineers Act</i> Important for the public to have access to the information - Identification of practitioner
18	Certificate of authorization number of employer	Yes	<ul style="list-style-type: none"> Consistent with the requirements under s. 21 of the <i>Professional Engineers Act</i> Important for the public to have access to the information - Facilitates public safety
19	Specializations (self-reported)	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Facilitates public safety
20	Designation granted by PEO (e.g., consulting engineer, building design specialist)	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Facilitates public safety (Permitted under s. 71 of Regulation 941 re: consulting engineer designation)
21	Date of birth	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy Sensitivity of information – Privacy Commissioner deemed personal information
22	Year of birth	No	<ul style="list-style-type: none"> As a result of member consultation, it was determined that this sensitive information should not be made public.
23	Continuing education	Yes	<ul style="list-style-type: none"> Important for the public to have access to the information - Facilitates public safety (may be a proxy for professional experience).
24	Area of practice	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Facilitates public safety
25	Date first licensed with PEO	Yes	<ul style="list-style-type: none"> Important for the public to have access to the information - Facilitates public safety (may be a proxy for professional experience)
26	PEO awards granted	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(4) of the <i>Professional Engineers Act</i>, (Additional Object)
27	Other recognitions (self-reported)	Yes	<ul style="list-style-type: none"> Compliance with PEO's Privacy Policy – implied consent
28	Allegations of professional misconduct or incompetence referred to discipline but not yet decided, once hearing is	Yes	<ul style="list-style-type: none"> Fosters transparency and accountability of PEO to public for regulatory action Provides information on practitioner's past conduct Consistent with Council motion: That the PEO website and each edition of Gazette include a schedule of Discipline Committee hearings, indicating the name of the licence holder and/or

#	Data Element	Public ¹	Rationale for Public Disclosure
	scheduled		Certificate of Authorization holder facing disciplinary action and the date of the hearing as indicated in Option 1 in C-461-2.2, Appendix A.
29	PEO enforcement register information such as revocations, suspensions, terms, conditions and limitations and findings the Discipline Committee directed be published with the practitioner's name. Similar information from other Canadian engineering regulatory bodies.	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Required under s. 21 of the <i>Professional Engineers Act</i> Important for the public to have access to the information – Facilitates public safety and PEO enforcement activities (s. 28(4)(i) <i>Professional Engineers Act</i>)
30	Chapter Affiliation and Region	Yes	<ul style="list-style-type: none"> Assists candidates in meeting requirements under Regulation for obtaining nominations during the Council election process. Approved by Council C-468 February 18, 2011
31	Deceased	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information – Identification of
	Certificates of Authorization		
32	Name of organization (including alternative names)	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Required under s. 21 of the <i>Professional Engineers Act</i> Important for the public to have access to the information – Facilitates public safety and PEO enforcement activities
33	Names and business addresses of sole practitioner, partners, or officers and directors of the applicant for C of A	Yes	<ul style="list-style-type: none"> Required under s. 21 of the <i>Professional Engineers Act</i> (s. 48 of Regulation 941) Important for the public to have access to the information – Facilitates public safety and PEO enforcement activities

34	Names of sole practitioner, partners, or employees who hold licences (e.g., P.Eng.) or temporary licences and who will assume responsibility for and supervise the services provided that are within the practice of professional engineering	Yes	<ul style="list-style-type: none"> Required under s. 21 of the <i>Professional Engineers Act</i> (s. 48 of Regulation 941) Important for the public to have access to the information – Facilitates public safety and PEO enforcement activities
35	Certificate of a person certifying (i) information in the application is true and correct and (ii) primary function of the applicant for general C of A is or will be to provide services in the practice of professional engineering to the public	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy Sensitivity of information – Privacy Commissioner deemed personal information
36	Type of organization (e.g., sole practitioner, partnership, or corporation)	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality)
37	Total number of P.Eng.'s and employees on staff	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality)
38	Description of professional services offered and major areas of engineering activity	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information – Facilitates public safety and PEO enforcement activities
39	Permission to use consulting engineer designation	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object). Important for the public to have access to the information - Identification of practitioner (s. 71 of Regulation 941)
40	Liability insurance coverage or mandatory disclosure of non-coverage (including level of insurance for BDS specialists)	Yes	<ul style="list-style-type: none"> Important for the public to have access to the information – Facilitates public safety
41	PEO enforcement register	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object)

#	Data Element	Public ¹	Rationale for Public Disclosure
	information such as revocations, suspensions, terms, conditions and limitations and findings the Discipline Committee directed be published with the practitioner's name. Similar information from other Canadian engineering regulatory bodies.		<ul style="list-style-type: none"> Required under s. 21 of the <i>Professional Engineers Act</i> Important for the public to have access to the information – Facilitates public safety and PEO enforcement activities (s. 28(4)(i) <i>Professional Engineers Act</i>)
	Consulting Engineer Designation		
42	Employer's name	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object)
43	Employee's position title	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object)
44	Employer's address ⁶	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object)
45	Employer's phone number	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object)
46	PEO enforcement register information such as revocations, suspensions, terms, conditions and limitations and findings the Discipline Committee directed be published with the practitioner's name. Similar information from other Canadian engineering	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Required under s. 21 of the <i>Professional Engineers Act</i> Important for the public to have access to the information – Facilitates public safety and PEO enforcement activities (s. 28(4)(i) <i>Professional Engineers Act</i>)

⁶ Employer's address means the employer's address and does not include preferred mailing address if it is different from the mailing address. Some practitioners prefer to receive their PEO mailings at home rather than work, but that choice should not result in their home address being posted on PEO's website.

#	Data Element	Public ¹	Rationale for Public Disclosure
	regulatory bodies.		
47	Membership in professional engineering licencing associations (e.g., name, year accepted, present status, registration number)	Yes	<ul style="list-style-type: none"> • Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) • Important for the public to have access to the information – Facilitates public safety
48	Engineering experience provided on the application (e.g., location, client name, completion date, duties)	No	<ul style="list-style-type: none"> • Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) • Compliance with PEO's Privacy Policy • Sensitivity of information – Privacy Commissioner deemed personal information
49	P.Eng. references provided on the application (e.g., company name and address, position, consulting engineer designation)	No	<ul style="list-style-type: none"> • Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) • Compliance with PEO's Privacy Policy
50	Client references provided on the application (e.g., business name and address, position)	No	<ul style="list-style-type: none"> • Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) • Compliance with PEO's Privacy Policy • Sensitivity of information – Privacy Commissioner deemed personal information
51	Employment history provided on the application	No	<ul style="list-style-type: none"> • Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) • Compliance with PEO's Privacy Policy • Sensitivity of information – Privacy Commissioner deemed personal information
52	Intended area of practice provided on the application	No	<ul style="list-style-type: none"> • Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) • Compliance with PEO's Privacy Policy
	Engineering Interns (EIT)⁷		
53	Name	Yes	<ul style="list-style-type: none"> • Key to retrieving information • Public has right to know with whom they are dealing

⁷ PEO does not have regulatory jurisdiction over EITs. For example, PEO cannot discipline an EIT as their work is done under the supervision of a licensed professional engineer who takes responsibility for their work. The public has a need to know who the responsible professional engineer is, but not necessarily the EIT.

#	Data Element	Public ¹	Rationale for Public Disclosure
			<ul style="list-style-type: none"> Permitted under s. 81 of the regulation
54	Gender	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy
55	Immigration status	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy
56	EIT program status	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information – Facilitates public safety Important for the public to have access to the information - Identification of EIT
57	Home address	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy Sensitivity of information – Privacy Commissioner deemed personal information
58	Home telephone number	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy Sensitivity of information – Privacy Commissioner deemed personal information
59	Home e-mail address	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy Sensitivity of information – Privacy Commissioner deemed personal information
60	Work address (including city and province) ⁸	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy While EITs are important stakeholders of PEO, they are not licence holders. As such, PEO does not have the same jurisdiction with them as with licence holders. Also, since a professional engineer takes responsibility for his/her work, it is important that the public is able to identify and contact the professional engineer rather than the EIT.
61	Work telephone number	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy While EITs are important stakeholders of PEO, they are not licence holders. As such, PEO

⁸ Work address means the work address and does not include preferred mailing address if it is different from the mailing address. Some interns prefer to receive their PEO mailings at home rather than work, but that choice should not result in their home address being posted on PEO's website.

#	Data Element	Public ¹	Rationale for Public Disclosure
			does not have the same jurisdiction with them as with licence holders. Also, since a professional engineer takes responsibility for his/her work, it is important that the public is able to identify and contact the professional engineer rather than the EIT.
62	Work facsimile number	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy While EITs are important stakeholders of PEO, they are not licence holders. As such, PEO does not have the same jurisdiction with them as with licence holders. Also, since a professional engineer takes responsibility for his/her work, it is important that the public is able to identify and contact the professional engineer rather than the EIT.
63	Work e-mail address	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy Sensitivity of information – Privacy Commissioner deemed personal information
64	Employer's name	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy
65	Degree(s) at the time of registration	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Identification of practitioner Important for the public to have access to the information - Facilitates public safety
66	Institution granting degree(s)	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Identification of practitioner Important for the public to have access to the information - Facilitates public safety
67	Year of graduation	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Identification of practitioner Important for the public to have access to the information - Facilitates public safety
68	Discipline of degree(s)	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information - Identification of practitioner Important for the public to have access to the information - Facilitates public safety
69	File number	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information – Facilitates public safety and PEO enforcement activities (s. 28(4)(i) <i>Professional Engineers Act</i>)
70	Date of birth	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy

#	Data Element	Public ¹	Rationale for Public Disclosure
71	Date registered (e.g., stage in the application process, not date of licensure, which comes later)	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(3) of the <i>Professional Engineers Act</i>, (Principal Object) Important for the public to have access to the information – Facilitates public safety and PEO enforcement activities (s. 28(4)(i) <i>Professional Engineers Act</i>)
72	Number of years registered with EIT program	No	<ul style="list-style-type: none"> Required under s. 38 of the <i>Professional Engineers Act</i>, (Confidentiality) Compliance with PEO's Privacy Policy
73	PEO awards granted	Yes	<ul style="list-style-type: none"> Upholds the requirements under s. 2(4) of the <i>Professional Engineers Act</i>, (Additional Object)
74	Other recognitions (self-reported)	Yes	<ul style="list-style-type: none"> Compliance with PEO's Privacy Policy – implied consent
	Engineering Students (SMP)		
75	Since students are not licence holders and PEO has no regulatory jurisdiction over them their personal information is not collected for regulatory purposes. All information in SMP database, therefore, must remain confidential.		

Professional Engineers Act

R.S.O. 1990, CHAPTER P.28

Last amendment: 2010, c. 16, Sched. 2, s. 5.

Confidentiality

38.(1) Every person engaged in the administration of this Act, including any person making an examination or review under section 26 or an investigation under section 33, shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties, employment, examination, review or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of,
 - (i) this Act and the regulations and by-laws, or
 - (ii) the *Architects Act*, and the regulations and by-laws under that Act, or any proceedings under,
 - (iii) this Act or the regulations, or
 - (iv) the *Architects Act*, or the regulations under that Act;
- (b) to his or her counsel; or
- (c) with the consent of the person to whom the information relates. R.S.O. 1990, c. P.28, s. 38 (1).

Testimony in civil action

(2) No person to whom subsection (1) applies shall be required to give testimony or to produce any book, record, document or thing in any action or proceeding with regard to information obtained in the course of his or her duties, employment, examination, review or investigation except in a proceeding under this Act or the regulations or by-laws or a proceeding under the *Architects Act* or the regulations or by-laws under that Act. R.S.O. 1990, c. P.28, s. 38 (2).

Offence, penalty

(3) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 2001, c. 9, Sched. B, s. 11 (58).

Limitation

(4) No proceeding shall be commenced in respect of an offence under subsection (1) after the expiration of two years after the date on which the offence was, or is alleged to have been, committed. 2001, c. 9, Sched. B, s. 11 (58).



CONFIDENTIALITY AGREEMENT

Professional Engineers Ontario

I, , acknowledge that I may have access to personal and other confidential information on behalf of PEO. I also acknowledge receiving and reviewing PEO's Privacy Policy and its Privacy Sub-Policy on Privacy Safeguards.

I further acknowledge reviewing the confidentiality provisions found at section 38 of the *Professional Engineers Act*.

I appreciate the importance of privacy to PEO. I understand and agree to comply with section 38 of the *Professional Engineers Act* and PEO's Privacy Policy and Privacy Sub-Policy on Privacy Safeguards.

Print Name: _____

I volunteer on: ☐ PEO Council ☐ Chapter ☐ Committee/Task Force

Signature: _____

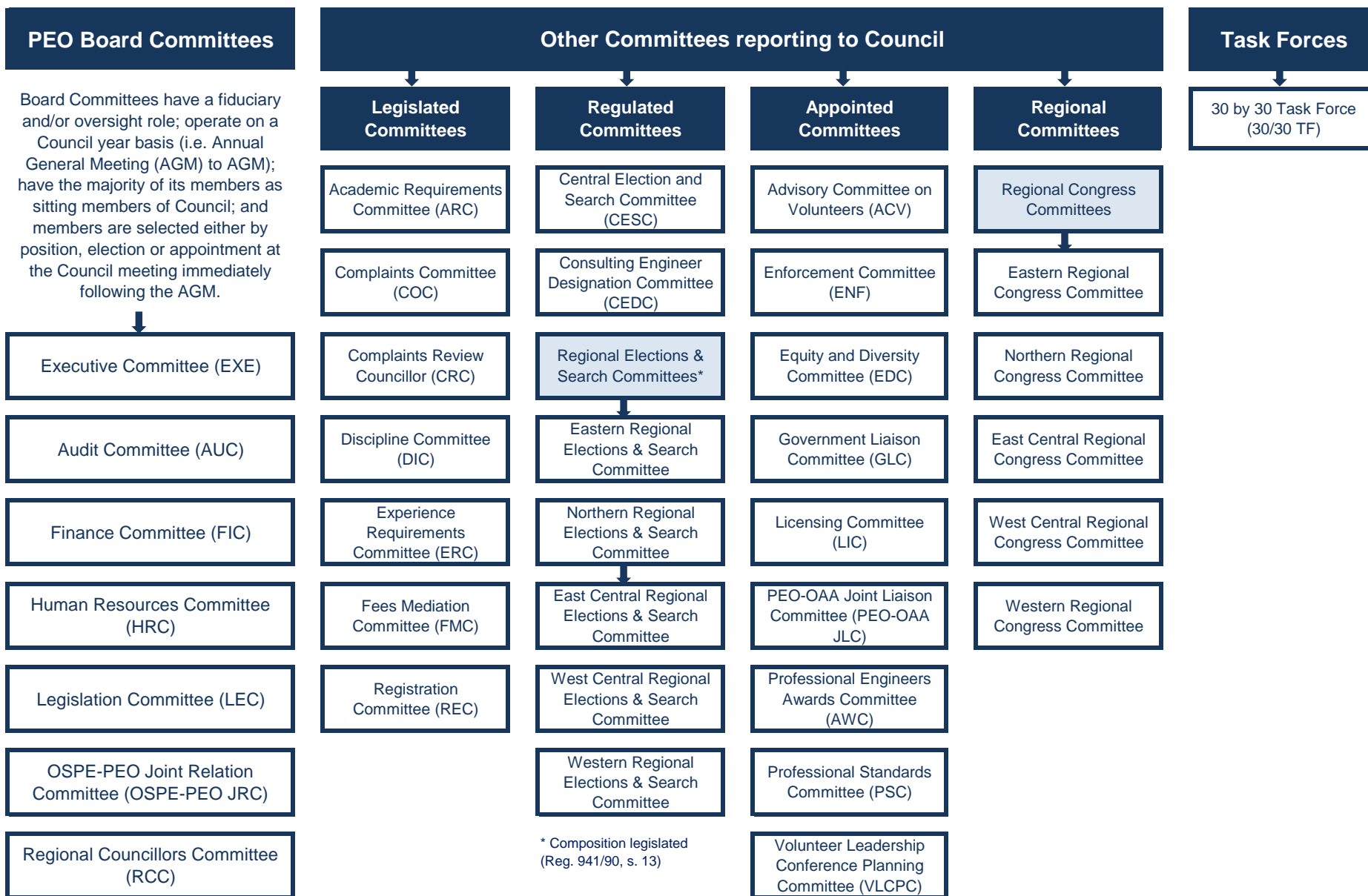
Date: _____

Witness: _____

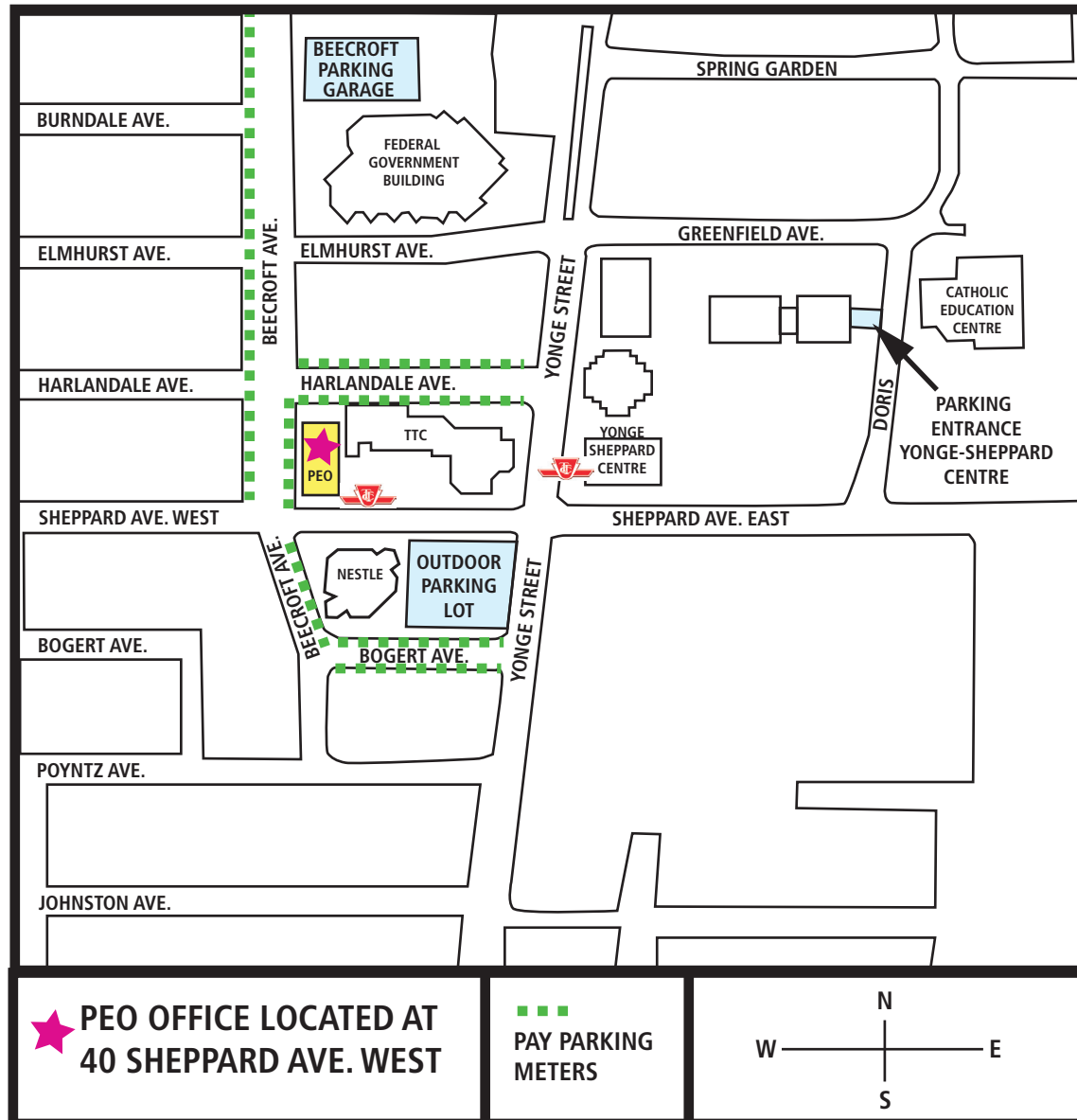
Please return signed Agreement to: volunteering@peo.on.ca

–or– by mail to: Professional Engineers Ontario, Corporate Services Division,
101 – 40 Sheppard Avenue West, Toronto, ON M2N 6K9

2020 PEO Committees and Task Forces



ALTERNATIVE PARKING





Dear Volunteer,

In an effort to simplify and expedite volunteer expense reimbursements, PEO would like to offer you use of our Certify expense management software.

Certify is a web-based tool that allows users to take pictures of receipts and submit expenses within minutes via the software's mobile app. PEO has been using Certify since 2016 and we've received positive feedback from both staff and volunteers as it greatly simplifies the expense reimbursement process.

Using Certify is easy and intuitive and can speed up reimbursement times by more than 30 per cent. Should you be interested in signing up for Certify, please send us an email request at peoapcertify@peo.on.ca and someone from the Finance team will reach out to you within the next 3-5 business days on the next steps. We look forward to hearing from you.

Best Regards,

The PEO Finance team

Association of Professional Engineers of Ontario



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Acknowledgement of Understanding

Volunteer Name (please print): _____

Committee Name (please print): _____

I acknowledge that I have received and carefully reviewed the policies and procedures applicable to volunteers of the Association of Professional Engineers Ontario (PEO), as set out in the Volunteer Manual, which has been made available to me online and, if requested, in hard copy form.

The policies that include volunteers in their scope are:

- ✓ PEO Accessibility Policy (AODA)
- ✓ PEO Anti-Workplace Violence & Harassment Policy
- ✓ PEO Committee and Task Force Policy & its Reference Guide
- ✓ PEO Equity and Diversity Policy
- ✓ PEO's Expense Reimbursement Policy
- ✓ PEO's Privacy Policy and sub-policy on privacy safeguards, Expanded Public Information Model (EPIM) and Section 38 of the *PE Act*.

I further acknowledge that I have been provided with an electronic copy of Volunteer Manual and understand the implications for my role as a volunteer. I understand the policies and other information described in the Manual.

Further, I accept my responsibility and accountability for adhering to those policies concerning my conduct, while volunteering with the Association. I am also aware that violations of these policies can lead to disciplinary action up to and including termination of my volunteer role.

I understand and agree that the Association has the right to amend the policies and procedures set out in the Manual from time to time, in its sole discretion, without notice to me.

I agree to promptly review any changes to the policies and procedures, which are brought to my attention by the Association.

Date: _____

Signature: _____

Note to volunteer: Please send the original signed version of this document to
volunteering@peo.on.ca.