



Minutes

LEGISLATION COMMITTEE MEETING

Friday, July 24, 2020 - 11:00 a.m.

[Meeting held via Zoom]

Members:

Lisa MacCumber, P. Eng. (Chair) *[joined at 12:15 p.m.]*
Christian Bellini, P. Eng. (President-Elect, Ex-Officio Member)
Chantal Chiddle, P. Eng.
Wayne Kershaw, P. Eng.
Marisa Sterling, P. Eng. (President, Ex-Officio Member)
Sherlock Sung

Staff:

Dan Abrahams, LL.B., General Counsel
Jordan Max, Manager, Policy, Committee Advisor
Andrew Tapp, Policy Analyst
Johnny Zuccon, Registrar/CEO

Regrets:

Sandra Ausma, P. Eng. (Vice-Chair)

1. PROCEDURAL

1.1 Introduction

C. Bellini called the meeting to order as acting Chair at 11:05 a.m. and welcomed everyone.

1.2 Approval of Agenda

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

A motion was made to approve the agenda as written.

Moved by: S. Sung Seconded by: C. Chiddle CARRIED

1.3 Approval of Minutes of June 12, 2020 Meeting

The members were asked if there were any additions or changes to the Minutes of the June 12, 2020 meeting. No additions or changes were provided.

A motion was made to approve the Minutes as written.

Moved by: S. Sung Seconded by: C. Chiddle CARRIED

1.4 Action Items Update from June 12, 2020 Meeting

J. Max reviewed the action items presented, as follows:

Chair's Remarks and Orientation for Members

Update the Regulation Change Request Log to the proper date. [Completed]

J. Max reported this item as completed.

By-Law No. 1 Amendment - Electronic Meetings

Submit the Briefing Note to Council for its June 19, 2020 meeting. [Completed]

J. Max reported this item as completed.

Monthly Meeting Schedule for Committee Year 2020-2021

Ask Committee members regarding cultural holidays, disabilities and food allergies. [Completed]

J. Max reported this item as completed.

Create a draft meeting schedule for 2020-2021 and distribute it to the Committee members for approval at the next meeting. [Completed]

J. Max reported this item as completed. This Item was discussed and confirmed as Item 2.5 in the agenda.

2019-2020 Legislation Committee Work Plan

Make the requested changes to the 2019-2020 Legislation Committee Work Plan and distribute it to the Committee members for approval at the next meeting. [Completed]

J. Max reported this item as completed.

2. FOR DECISION

2.1 Housekeeping Amendments - PRIA Approval

The Committee discussed the Preliminary Regulatory Impact Assessment (PRIA) for several housekeeping amendments to Regulation 941. The amendments will ensure that EITs can serve on a Chapter's executive, regardless of a Chapter's by-laws, change the reference to the "Professional Practice Examination" in Section 37 to the "National Professional Practice Exam", and replace the term "membership" in Section 37(a) with either "a licence or limited licence" or "licensure".

President Sterling noted that PEO was still using gendered language in its legislation and asked if either PEO or the government had any plans to switch to gender-neutral language. J. Max stated that PEO had not heard from the Ministry of the Attorney General of any initiative to implement gender-neutral language across all legislation, and W. Kershaw and C. Chiddle also expressed concern with gendered language in PEO's legislation. J. Zuccon noted that PEO could either go to the government now or go to the government with a directive from Council that it wanted its legislation to be rewritten using gender-neutral language. President Sterling noted that this was an anti-discrimination issue and that the government had already provided some guidance and noted that this should be brought to Council. President Sterling also shared a document from the federal government on using gender-neutral language (along with documents from the City of Toronto and the Ontario Human Rights Commission), and D. Abrahams stated that he would look for a provincial equivalent.

A motion was made to accept the PRIA and to send it to the Ministry of the Attorney General.

Moved by: S. Sung Seconded by: C. Chiddle CARRIED

Action: Staff to forward the PRIA to the Ministry of the Attorney General.

Action: D. Abrahams will attempt to determine if there are precedents or other guidance in provincial legislation, or policies regarding the use of gender-neutral language.

2.2 Not-for-Profit Corporations Act Regulation Changes

D. Abrahams reviewed several proposed provisions in the *Ontario Not-for-Profit Corporations Act, 2010* (ONCA) that might be made applicable to PEO by regulation. These provisions would be in lieu of those enumerated in Section 49 of the *Professional Engineers Act*, which references certain provisions in the *Ontario Corporations Act* (OCA). It will be repealed and replaced when ONCA is proclaimed, as currently expected, in the Fall of 2020. D. Abrahams had obtained input from external legal counsel with specialized ONCA expertise. To assist in prioritizing them, the proposed ONCA provisions related to PEO were presented in two groups. Those in the first group (“Part One recommendations”) essentially correspond to those in the OCA to which PEO is currently subject pursuant to Section 49 of the *Professional Engineers Act*. Those in the other group (“Part Two recommendations”) are additional provisions from ONCA that external counsel recommends PEO consider including.

The Committee discussed the Part One recommendations, and a motion was made to accept them.

Moved by: W. Kershaw Seconded by: C. Chiddle CARRIED

Action: Staff to forward Part One of the changes to the Ministry of the Attorney General for drafting into the Regulations.

The Committee discussed the Part Two recommendations, and agreed on the following actions:

Action: Staff to refer to external counsel regarding the Ontario *Not-for-Profit Corporations Act, 2010* Section 26(1) (director removal) and the *Ontario Not-for-Profit Corporations Act, 2010* Section 46 (indemnification), and seek clarification as to why their inclusion was necessary.

Action: Staff to submit the *Ontario Not-for-Profit Corporations Act, 2010* Section 41 (disclosure of conflict of interest), Section 45 (directors' registering of dissent), and Section 60 (members requisitioning meetings) to the Executive Committee and to the governance advisor to be considered as part of the governance review.

A motion was made to send the Part Two recommendations to the to the governance advisor and to Executive Committee for consideration as part of the governance review.

Moved by: W. Kershaw Seconded by: S. Sung CARRIED

Action: Staff to forward the Part Two recommendations to the Executive Committee and the governance advisor.

2.3 Proposed Regulations List

J. Max presented to the Committee a list of proposed Regulation changes for the Fall 2020 package. President Sterling asked what would happen if a Council election candidate did not complete the training as proposed Section 10.1 requires, and D. Abrahams responded that this might result in PEO being in breach of the *Accessibility for Ontarians with Disabilities Act* (AODA), which requires volunteers, including Councillors, to undergo such training. President Sterling also asked if the change from "university" to "academic institution" in Section 33(1)1i was correct, as the Ontario Deans of Engineering were using the term Higher Education Institutions (HEIs). Staff were asked to investigate this.

Action: Staff to investigate if "academic institutions" is the correct term and, if not, to determine the correct one.

S. Sung asked about the absence in the Fall package of any Regulation changes relating to the Coroner's Inquest into the death of Scott Johnson, and J. Max stated that the implementation of the inquest's recommendation to institute mandatory reporting required an Act change that was still being developed, and that the Act and Regulation changes stemming from the inquest's recommendations would be ideally presented at the same time.

2.4 2020-2021 Legislation Committee Work Plan

The Committee discussed the proposed 2020-2021 Legislation Committee Work Plan, and a motion was made to accept it.

Moved by: S. Sung Seconded by: C. Chiddle CARRIED

2.5 2020 Legislation Committee Meeting Schedule

The Committee discussed the proposed 2020 Legislation Committee Meeting Schedule from July to December 2020 (the 2021 Council meeting dates have not been set, and the Legislation Committee wanted to hold its meetings at least two weeks prior to each). W. Kershaw noted that he had a conflict with the meeting scheduled on December 4, 2020, and President Sterling noted that Council meetings for the Fall may be later by a week than what is scheduled. It was decided to change the December 4, 2020 meeting to December 11, 2020.

Action: Staff to change the scheduled December 4, 2020 Legislation Committee meeting to December 11, 2020.

A motion was made to accept the schedule as amended.

Moved by: C. Chiddle Seconded by: W. Kershaw CARRIED

2.6 Appointment of Legislation Committee Representative to Licensing Committee

The Committee discussed the appointment of a Legislation Committee representative to the Licensing Committee to replace Leila Notash who was its Legislation Committee representative last year, but who was no longer on the Legislation Committee. C. Chiddle noted that she was already the Licensing Committee representative from the Regional Councillors Committee and volunteered to be the Legislation Committee representative as well, but J. Max noted that the rules did not permit this. A motion was made to nominate W. Kershaw as the representative.

Moved by: C. Chiddle Seconded by: W. Kershaw CARRIED

3. FOR DISCUSSION

3.1 Future Act Changes

J. Max and D. Abrahams led the Committee in a discussion of proposed future changes to the *Professional Engineers Act*. J. Max noted that there was no change opportunity for the Act at present, but that this list had been developed in case such an opportunity arose. S. Sung asked, concerning the desired change to the Act that added limited licence holders to provisions delineating the roles of architects and engineers, if the Ontario Association of Architects had indicated that they would be willing to allow this change to proceed. J. Max stated that the joint PEO/OAA Committee had not met in 10 years and that there was still friction

between these two organizations over the Building Code, and L. MacCumber confirmed that there was no ongoing joint development.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 1:33 p.m.

The next meeting is scheduled for Friday, August 28, 2020, from 11:00 a.m. to 1:00 p.m.