



Minutes

LICENSING COMMITTEE MEETING

June 23, 2020

Virtual Meeting via Zoom

Members:

Barna Szabados, P. Eng. (Chair)
Santosh Gupta, P. Eng. (Vice-Chair)
Christian Bellini, P. Eng.
George Comrie, P. Eng.
Roydon Fraser, P. Eng.
Mohinder Grover, P. Eng.
Lola Hidalgo, P. Eng.
David Kiguel, P. Eng.
Leila Notash, P. Eng.

Guests/Observers:

Guy Boone, P. Eng.
Changiz Sadr, P. Eng.

Staff:

Bernie Ennis, P. Eng., Director, Policy and Professional Affairs

1. CALL TO ORDER AND CHAIR'S REMARKS

The meeting opened at 4:37 p.m.

The Chair invited Changiz Sadr to be a permanent observer on the Committee.

2. APPROVAL OF THE AGENDA

A motion was made to approve the agenda.

Moved by: C. Bellini Seconded by: S. Gupta CARRIED

3. APPROVAL OF THE MARCH 12, 2020 MINUTES

A motion was made to approve the Minutes of the March 12, 2020 meeting.

Moved by: M. Grover Seconded by: L. Notash CARRIED

5. REVIEW OF ACTION ITEMS FROM LAST MEETING

There was no discussion on this item.

6. MATTERS ARISING FROM THE MINUTES

There were no matters arising from the Minutes.

7. ONTARIO FAIRNESS COMMISSIONER (OFC) UPDATE

No verbal report was provided by B. Ennis. The following is provided for information.

PEO staff participated in a teleconference with the OFC on May 7, 2020 to discuss issues of concern to the Commission; specifically, the processing of licence applications during the COVID-19 emergency and the move to a psychometrically validated professional practice exam. PEO reported that some licences were issued to approximately 100 applicants whose applications had been fully assessed prior to the introduction of pandemic restrictions. As the admission process is heavily paper-based, PEO was unable to carry out assessment of the applications stored in file cabinets at the office. Also, new applications could not be accepted as the only way to submit an application was by mail or hand delivery. PEO also reported on the Council decision to move to the NPPE, and that an initial sitting of the exam would be held on June 8-10, 2020 for approximately 1,200 applicants. The OFC also asked about the status of technical exams, and PEO reported that the summer sitting of these exams was cancelled and rescheduled to December 2020. Overall, there were significant operational obstacles that were delaying the licensing process for applicants.

Since that meeting, some process changes have been made. Corporate laptops have

been provided to nearly all Licensing Department staff so that they can access Aptify from home in order to process application information stored on the database. Application files are being digitized and stored on-line. An on-line application process was implemented last week and, so far, 101 complete applications have been received.

8. INSPECTION PROCESS FOR EXPERIENCE REQUIREMENTS

B. Szabados: Noted that he is not aware of what PEO is trying to determine through the experience requirement.

G. Comrie: Referred to the Licensing Process Task Force (LPTF) report that this problem, that there is no criteria for the experience assessment, has never been addressed. The problem is not 12 months of Canadian experience. The nomenclature should be changed to identify the criteria for licensing that is the basis of this requirement. Need to look at the big picture for a solution. Has wanted to provide a presentation to the Licensing Committee on a revised competency model. Stated that he has never suggested that the Canadian experience requirement should be rejected; the criteria for assessing this experience needs to be revised.

R. Fraser: Suggested that certain aspects of experience, specifically ethical character, could be ascertained by persons other than professional engineers. Using the assessment of police officers as an example, he pointed to the way character is evaluated by background checks and psychological testing. In his opinion, Canadian experience is applied ethics, applied professional conduct and applied codes. Could ask this by appropriate questioning.

B. Szabados: Says this is checked at the ERC level.

R. Fraser: Should change Regulations if this is necessary to remove the requirement for supervision by an engineer.

C. Bellini: Cannot rely on practicing engineers to make these types of psychological and ethical evaluations.

R. Fraser: Does not need a psychologist to do this; could ask simple observational questions; could use a psychological evaluation examination.

C. Bellini: What is the right level of rigor needed in this assessment?

- R. Fraser: Three ways to measure experience: time based (this seems to work); competency based (bigger hurdles than the time based); and challenge for credit. Competency does not solve the problem of applicants being stuck in the process.
- C. Bellini: Not everyone goes through the ERC; the issue of codes and standards being part of the experience requirement is a red herring; should not be a hurdle for initial assessment of an applicant.
- G. Comrie: Agrees; trusting that experience will automatically give us knowledge of codes and standards is mistaken. If needed, there could be an examination on codes and standards, but not suggesting that we should do that. The other issue is that this is a one-time only assessment; there is no future assessment. To check licence holders on an ongoing basis would be a better approach.
- L. Hidalgo: Noted that not every industry uses Canadian standards.
- B. Szabados: It is not necessary to check for codes and standards - just that codes and standards (if applicable in the project presented) be followed properly.
- R. Fraser: Codes and standards are a distraction. Need to focus on behavior and ethics. Ongoing measures - that is an entirely different and more difficult issue. Get rid of PEAK as it does not measure a person's ethical character.
- B. Szabados: Is an ethical measurement implementable?
- R. Fraser: Yes, use a gamification type of evaluation.
- S. Gupta: How would an ethical requirement be legally implemented?
- B. Szabados: What does supervision under a P.Eng. mean?
- G. Comrie: Need a P.Eng. to take responsibility for the work product. The admission system is expected to be an apprentice system. Rely on the supervisor to be in a better position to tell PEO that the applicant is ready to act independently.
- B. Szabados: Most engineering activities do NOT involve a "product". More and more people are working on their own doing outstanding work that PEO will not issue them a licence for. The current model just does not work. PEO needs to be flexible.

- R. Fraser: The Act is inconsistent. Imagine the apprentice system: a person is supposed to practice professional engineering, but the Act does not allow this without a licence. Section 12(3)c specifically allows this when done under the supervision of a P.Eng. The Act does not anticipate entrepreneurs. The Act is not clear about what the practice of professional engineering is.
- C. Bellini: The problem is that the work is cross-disciplinary.
- R. Fraser: Need to focus on what is delivered to the public.
- B. Szabados: Need to define “the public”.
- R. Fraser: The public is not restricted to just everything outside the company; can include the company itself.
- C. Bellini: PEO’s whole process, the Act and all its tools are based around individuals, protecting the public from individuals, not things, and the focus is becoming on protecting the public from things. Is it necessary to change PEO to regulate things, or just focus on regulating individuals?
- R. Fraser: With globalization, the need is to regulate things.
- G. Comrie: Society tries to protect the public by regulating the people who do the work. Many of the emerging areas are not regulated in any way. If these areas were regulated, the public would be protected because practitioners would be ethical and responsible for their work.
- B. Szabados: The Act does not define what “being responsible for” means, or who the practitioner is responsible to. PEO needs to have criteria for “being responsible for” or “ethical”.
- R. Fraser: The only thing that matters is a practitioner’s ethics; should not be limited in who is licensed by PEO. Practitioners just need to be ethical. To be comfortable, PEO needs to expect that.
- R. Fraser: The most important thing that Greg Pope stated was that he would not use a multiple-choice exam for evaluating ethical behaviour. He never stated the methods he would use.
- R. Fraser: Staff will not change their evaluation rules unless Council changes the rules.

B. Szabados: Does the Licensing Committee need another meeting on this? What should the Committee do between this meeting and the next?

There was a discussion regarding the need for an action plan.

D. Kiguel: What can PEO do in the short-term to assist those applicants who do not have a P.Eng. supervisor? This would probably take advantage of Council's authority to waive this requirement.

B. Szabados: Need to clarify the attributes.

R. Fraser suggested the following action items:

- (1) Every Committee member to provide a one-sentence statement that can explain the supervision problem or what people think the problem is.
- (2) Draft definition of Canadian experience and draft/initial brainstorming of attributes of Canadian experience.
- (3) What knowledge does the Licensing Committee need that it does not have (e.g. psychologist)? What questions are not answerable by the Committee?
- (4) Record any ideas for solutions and metrics that need to be measured by the experience requirement and retain for future resource.
- (5) Short definition of "being responsible".

Action: B. Ennis to create a blank document with columns for each question, place it on SharePoint, and provide Licensing Committee members with link to the document.

Action: All Licensing Committee members to provide their answers to the questions.

G. Comrie: What is Council's opinion on what the problems are and what are their expectations of how the problems will be addressed? What is Council's plan?

C. Bellini: There are number of factors that are occupying Council. First, there is the action plan that is being worked on mostly by staff and, concurrently, the complications of the governance study. Also, the pandemic restrictions have prevented a Council Workshop, which would normally have been held by now. Disparate ideas around the table, have not had an opportunity to get Councillors to agree and

focus on specific issues. Placing this on Council's table right now would lead to this being lost.

L. Notash: Most Councillors do not understand the licensing process; their only knowledge of licensing comes from the Cayton report.

11. ADJOURNMENT

Action: Staff to send a doodle poll for the next meeting approximately one month from today's meeting from 4:00 p.m. to 6:00 p.m.

A motion was made to adjourn the meeting.

Moved by: D. Kiguel

CARRIED

The meeting was adjourned at 6:43 p.m.