



Minutes

The 536TH MEETING of the COUNCIL of PROFESSIONAL ENGINEERS ONTARIO (PEO) was held via teleconference on Friday, September 25, 2020, at 9:00 a.m.

Present:

- M. Sterling, P.Eng., President and Council Chair
- N. Hill, P.Eng., Past President
- C. Bellini, P.Eng., President-Elect
- A. Arenja, P.Eng., Lieutenant Governor-in-Council Appointee
- S. Ausma, P.Eng., Councillor-at-Large
- P. Broad, P.Eng., Western Region Councillor
- R. Brunet, P.Eng., Lieutenant Governor-in-Council Appointee
- T. Bruyere, P.Eng., Lieutenant Governor-in-Council Appointee
- D. Campbell, P.Eng., Vice President
- M. Chan, P.Eng., Councillor-at-Large
- C. Chiddle, P.Eng., Eastern Region Councillor
- P. Cushman, P.Eng., East Central Region Councillor
- L. Cutler, P.Eng., Lieutenant Governor-in-Council Appointee
- A. Dryland, CET, Lieutenant Governor-in-Council Appointee
- W. Kershaw, P.Eng., Western Region Councillor
- Q. C. Jackson Kouakou, Barrister and Solicitor, Lieutenant Governor-in-Council Appointee
- L. MacCumber, P.Eng., West Central Region Councillor
- L. Notash, P.Eng., Councillor-at-Large
- L. Roberge, P.Eng., North Region Councillor
- S. Schelske, P.Eng., Lieutenant Governor-in-Council Appointee
- A. Sinclair, P.Eng., East Central Region Councillor
- R. Subramanian, P.Eng., Northern Region Councillor
- S. Sung, Lieutenant Governor-in-Council Appointee
- W. Turnbull, P.Eng., West Central Region Councillor
- R. Walker, P.Eng., Eastern Region Councillor

Staff:

- D. Abrahams, General Counsel
- N. Axworthy, Editor, Engineering Dimensions
- J. Chau, P.Eng., Manager, Government Liaison Programs
- E. Chor, Research Analyst, Secretariat
- B. Ennis, P.Eng., Director, Policy and Professional Affairs
- C. Knox, P.Eng., Manager, Enforcement, Regulatory Compliance
- L. Latham, P.Eng., Deputy Registrar, Regulatory Compliance
- R. Martin, Manager, Secretariat
- J. Max, Manager, Policy
- C. Mehta, Director, Finance
- D. Power, Secretariat Administrator
- D. Smith, Director, Communications
- B. St. Jean, Senior Executive Assistant
- M. Wehrle, Director, Information Technology
- J. Zucco, P.Eng., CEO and Registrar

Guests: M. Bazallo, Compliance Analyst, OFC
D.A. Brown, Governance Solutions Inc.
D.L. Brown, Governance Solutions Inc.
H. Brown, CEO, Brown & Cohen
D. Chui, P.Eng., PEO Director, Engineers Canada
L. Lukinuk, Parliamentary Services
K. Reid, Engineers Canada Director
S. Perruzza, Ontario Society for Professional Engineers
C. Sadr, P.Eng., PEO Director, Engineers Canada

Council convened at 9:00 a.m. on Friday, September 25, 2020.

CALL TO ORDER

Notice having been given and a quorum being present, President Sterling called the meeting to order.

President Sterling conducted an attendance roll call, introducing the new Lieutenant Governor-in-Council appointee S. Schelske, PEO staff, and guests. The virtual meeting procedures were reviewed.

12234 APPROVAL OF AGENDA

The agenda was presented. Councillors Notash and Broad requested a discussion of the minutes of the 535th PEO Council meeting, and it was agreed that the minutes would be removed from the consent agenda.

Moved by Councillor Arenja, seconded by Councillor Kershaw:

That:

- a) **The agenda, as presented to the meeting at C-536-1.2, Appendix A, be approved as amended; and**
- b) **The Chair be authorized to suspend the regular order of business.**

CARRIED

12235 CONFLICTS OF INTEREST

No conflicts of interest were declared.

12236 PRESIDENT'S REPORT

President Sterling reported on the execution of her role in assisting Council to carry out its governance and fiduciary responsibilities to fulfill PEO's mandate.

Governance: The Executive Committee had secured a governance consultant to guide the execution of the previously approved governance roadmap. After an RFP process, Governance Solutions Inc. (GSI) had been contracted until April 2022. On September 12, 2020, the first strategic conversation session of Council was held to allow open discussion regarding PEO governance.

Visioning: Visioning work for a new PEO strategic plan began in June 2020 with a volunteer leadership conference that explored future scenarios involving the impact of digital and physical technologies. A consultation was also conducted with PEO senior management regarding the public's expectations of the engineering practice.

Relationship Between Council and the CEO/Registrar: A significant number of Council work hours had been conducted alongside the CEO/Registrar, the leadership team, and volunteer colleagues; which was indicative of the degree of transition the organization was undertaking while also navigating the pandemic.

Ex-Officio Member of Council Committees: During summer 2020, President Sterling had supported the Finance Committee, the Committee on Volunteers, the Government Liaison Committee, and the Legislation Committee.

Member Relations: A President's newsletter had been initiated following President Sterling's first 30 days in office. The 2021 annual general meeting will be held in Ottawa on May 24, 2021.

External Relations: A meeting was held with the Council of Engineering Deans of Ontario to discuss strategies for the modernization of the academic qualifications for license. President Sterling also represented PEO at various external and internal meetings and events.

**12237
CEO/REGISTRAR'S REPORT**

J. Zuccon provided an update on licensee stabilization, the digitization of the licensing process, and the building of organizational capacity through recruitment. President Sterling invited questions and comments on the CEO/Registrar's report.

Past President Hill inquired about the status of the activity filter, in particular regulatory items, the mitigation of COVID-19 risks, and the inclusivity strategy. She also requested that licensing data be reported to Council in greater detail. J. Zuccon stated that a more fulsome report on the activity filter would be provided to Council in November 2020. PEO was taking every precaution regarding COVID-19 risks at the PEO building and would consider holding disciplinary hearings virtually. L. Holden, HR Director, would be taking the lead on execution of the inclusivity strategy.

Councillor Broad asked whether the ongoing closure of the office and staffing vacancies had hindered PEO's licensing processes. J. Zuccon stated that the paper application backlog had been reviewed and a digital application process has been in place since

June.

Councillor Notash highlighted the delay in ARC gaining access to files required to review and approve licenses for non-CEAB international graduates. She also requested more information regarding the 90% National Professional Practice Exam (NPPE) success rate and the deputy registrar vacancies. J. Zuccon and L. Latham reported that a digital system for ARC members to view files remotely was close to completion.

Council requested that the CEO/Registrar provide Council with more granular licensing data and data regarding the relationship between the NPPE success rate and the Professional Practice Exam (PPE) pass rate.

**12238
EXECUTIVE COMMITTEE REPORT**

The floor was opened to discussion on the draft timed work plan for the governance roadmap, as provided to Councillors for their information. The Councillors discussed the impacts of transitioning from an intervening Board to a governance Board. Concerns were expressed that Council intervention would prevent long overdue governance changes and that it would not be possible to complete the governance roadmap in the allotted two-year period.

Council agreed that a notice of motion for the timed work plan would be presented at the November 2020 Council meeting for decision.

President Sterling will ensure that the version of the governance roadmap timed work plan presented to Council is the same as the version used in the September 12, 2020 strategic conversation session.

**12239
BYLAW CHANGE – NPPE FEE INCREASE**

President Sterling introduced a motion in follow-up to a decision of Council to administer national professional practice examination (NPPE) fees on a revenue-neutral basis. Council discussed whether specific fee amounts should be included in motions; D. Abrahams advised that this had been the practice of PEO and that the removal of specific fee amounts from the bylaws could be reviewed on a more global basis. It was confirmed that the fee amounts reflected the supplier contracts and would stand for the contract terms.

Motion required a 2/3 majority of votes cast to carry

Moved by Councillor MacCumber, seconded by Vice-President Campbell:

To amend s.39(22)a of Bylaw No. 1 as follows, effective as per the

listed dates below:

- a) For each writing of the National Professional Practice Examination or equivalent examination that is approved for this purpose,
\$225.50 as of November 1, 2020,
\$231.14 as of November 1, 2021,
\$236.92 as of November 1, 2022, and
\$242.84 as of November 1, 2023.

CARRIED

**12240
LICENSURE MODEL FOR
SELF-EMPLOYED GRADUATES**

Councillor Sterling introduced a motion brought forward by Councillor Walker to investigate the licensing complexities related to entrepreneurs or self-employed individuals.

Moved by Councillor Walker, seconded by Councillor Subramanian:

That PEO staff investigate and report back to Council by January 2021 on the extent of engineering graduates who become entrepreneurs or self-employed in Ontario, and alternative pathways to experience requirements that do not require a minimum of one-year supervision by a P. Eng.

Councillor Cutler suggested that the motion be broadened to include engineers working within a company, but not supervised by another engineer. Councillor Walker accepted the friendly amendment. President Sterling called for any objections, and an objection from Councillor Notash was noted. The floor was opened to discussion of the amendment. Following discussion, the vote was called.

Moved by Councillor Cutler, seconded by Councillor Roberge:

That the above motion be amended to insert *“and engineering graduates without P.Eng. supervision”*, between the words “self-employed” and “in Ontario.”

CARRIED

The Board resumed the discussion of the motion, as amended.

Moved by Councillor Notash, seconded by Councillor Kershaw:

To refer the main motion to the next meetings of LIC and ERC, with direction from the authors of the briefing note, and provide feedback to the following Council meeting for discussion.

Councillors Notash and Kershaw noted that the LIC and ERC were in the process of discussing the issue and should be allowed an

opportunity for peer review. Other Councillors felt that that motion referred to an operational matter and that staff could consult with the relevant committees as required. A vote was called; Councillor Notash requested that the results of the vote be recorded.

**DEFEATED
Recorded Vote**

<u>For</u>	<u>Against</u>	<u>Abstain</u>
P. Broad	A. Arenja	S. Ausma
C. Chiddle	C. Bellini	T. Bruyere
P. Cushman	R. Brunet	Q. Jackson Kouakou
W. Kershaw	D. Campbell	
L. Notash	M. Chan	
R. Subramanian	L. Cutler	
	A. Dryland	
	N. Hill	
	L. MacCumber	
	L. Roberge	
	S. Schelske	
	A. Sinclair	
	S. Sung	
	W. Turnbull	
	R. Walker	

Discussion of the main motion resumed.

Moved by Past President Hill, seconded Vice-President Campbell:

To substitute the original motion with “Council asks staff to report on the extent that a risk or opportunity exists for licensure available to engineering entrepreneurs and innovators who would be unable to satisfy the current supervised experience requirement, and their recommendations to address this risk or take advantage of this opportunity.”

DEFEATED

Moved by Councillor Walker, seconded by Councillor Subramanian:

That PEO staff investigate and report back to Council by January 2021 on the extent of engineering graduates who become entrepreneurs or self-employed or engineering graduates without P.Eng. supervision in Ontario and alternative pathways to the experience requirements that do not require a minimum of one year of supervision by a P.Eng.

MAIN MOTION AS AMENDED CARRIED

**12241
2021 OPERATING BUDGET**

President Sterling presented the operating budget as an information item, noting that the budget would be presented to

Council in November 2020 for decision. Councillor Cutler, Finance Committee Chair, spoke to the item. A \$5 million surplus was projected for 2020 due to operational changes related to COVID-19. The budget documents had been streamlined for Council review, as part of their control and oversight role.

Councillor Chan asked whether the projected \$5 million surplus for 2020 would have any tax implications. C. Mehta stated that the surplus was acceptable.

12242
2021 CAPITAL BUDGET

President Sterling presented the capital budget as an information item. Councillor Cutler noted that the capital budget of \$240,000 consisted almost exclusively of activities related to the building.

President-Elect Bellini inquired as to the status of tenant inducements for leasehold improvements to the fourth, fifth, and eighth floors of the PEO building, which were not included in the 2021 capital budget. C. Mehta advised that the fourth floor space had been completely leased; vacant space on the fifth and eighth floors would be used by PEO.

Past President Hill asked whether there would be a redesign of the office space due to COVID-19. C. Mehta stated that a consultant had been hired to provide advice on COVID-19 related office arrangements. Further information would be provided to Council in November 2020.

12243
REGISTRAR'S RECOMMENDATIONS ON
2020 AGM SUBMISSIONS

President Sterling introduced a discussion of the AGM submissions that had been reviewed by staff.

AGM Submission 1 – ISO 9001:2015 Certification: Staff recommended that the matter not be pursued at this time.

AGM Submission 2 – Regional Town Hall Meetings: Staff recommended that the matter not be pursued, pending further consultation on the content of the meetings.

AGM Submission 3 – Digital Seals for PEO Licence Holders: Councillor MacCumber stated that the standards committee had investigated the use of seals and recommended subscribing to Notarius for use by license holders on a voluntary basis. The subscription cost to PEO was minimal. Councillors asked why Notarius was selected over other providers, noting that other methodologies were available for affixing signatures digitally. B. Ennis stated that Notarius provided an additional step of linking to a database of all current license holders, that Notarius was used by all other provincial regulators, and that licence holders had requested that PEO offer the service.

Councillor Kershaw inquired as to why PEO would expose the seal to a third-party company. B. Ennis noted that incorrect usage of the seal had not been observed by PEO and was not a risk.

Moved by Councillor MacCumber, seconded by Councillor Subramanian:

That Council approve the recommendation that PEO join the Notarius program in order to provide PEO licence holders with the opportunity to subscribe to the digital certification service on a voluntary basis and direct the CEO/Registrar to take the steps necessary to implement this recommendation, including communication of this action to all PEO license holders.

CARRIED

**12244
PEO SKILLS AND ATTRIBUTES MATRIX**

Past President Hill introduced a motion to formalize the use of a skills and attributes matrix pertaining to lieutenant governor-in-council appointees, as a governance best practice. Councillors asked whether the Attorney General's office had requested or expressed interest in using such a matrix. Past President Hill and J. Chau advised that the Attorney General and the Public Appointments Secretariat's office viewed the tool in a positive manner. The tool would not be used in regard to elected members at this time.

Moved by Past President Hill, seconded by Councillor Arenja:

That Council approve the PEO skills and attributes matrix, as presented to the meeting at C-536-2.9, Appendix A.

CARRIED

**12245
ANTI-RACISM STRATEGY**

Councillor Cushman introduced the motion, stating that it responded to the broader occurrence of systematic racism and provided an opportunity to ensure PEO was protected from any such issues.

Moved by Councillor Cushman, seconded by Councillor MacCumber:

That Council authorize the creation of a racial equity monitoring committee, consisting of a minimum of five independent members of PEO who self-identify as having experienced racism in the past to study any elements of racism or discrimination within the profession and to propose appropriate remedies.

Many Councillors spoke in support of the intent of the motion. Concerns were expressed regarding the mechanism of a racial

equity monitoring committee. It was noted that there was an existing PEO equity, diversity, and inclusion committee, which had not been effective to date and may require renewal and restructuring. Others suggested that a third-party consultant would be better suited to investigate bias in the licensing and disciplinary processes.

The need for a broader investigation of systemic racism in the engineering profession in Ontario was noted; however, it was stated that that was outside of the mandate of PEO. A review of the existing PEO equity and diversity policy was also suggested.

J. Zuccon stated that he would work with Councillors Cushman and MacCumber and the HR Director to present a plan to Council.

Moved by Councillor Arenja, seconded by Councillor Turnbull:

Motion to postpone the original motion to the November 2020 Council meeting and direct the CEO/Registrar to work with the mover and seconder of the motion to investigate the problem of racism and racial inequity in PEO’s culture and operations and return to Council with a recommendation on how to proceed.

CARRIED

**12246
2020 VITAL SIGNS SURVEY REPORT**

President Sterling advised that the vital signs survey results would be relevant to the activities conducted under Phase 2 of the governance roadmap

**12247
ENGINEERS CANADA DIRECTORS REPORT**

K. Reid advised that D. Chui had been elected president-elect of Engineers Canada. Engineers Canada held a strategic planning workshop in August 2020, and that information sessions would be held with regulators for consultation purposes in fall 2020.

**12248
OPEN SESSION MINUTES OF THE 535TH
MEETING OF COUNCIL**

This item was pulled from the consent agenda and voting on separately. Council reviewed the minutes and made the following amendments:

- That Page 203 of the meeting package, referencing the public minutes, reflect that Councillor Notash had requested that the vote be recorded. That vote was 21 in favour and three against.
- That the appendix for item 3.5 “2020 PEO Annual Committees and Task Forces Membership Roster”, page 24 under mandate for the Western Regional Election and Search Committee be corrected to read “To find, motivate and act as a resource for suitable potential candidates for the election of Western Regional Councillor rather than East Central Regional Councillor.

Moved by Councillor Notash, seconded by Vice-President Campbell:

That the minutes of the 535th meeting of Council, held June 19, 2020, as presented to the meeting at C-536-3.1, Appendices A and B, accurately reflect the business transacted at that meeting, as amended.

CARRIED

**12249
CONSENT AGENDA**

Moved by Councillor Roberge, seconded by Councillor Arenja:

That the consent agenda be approved, including:

- **Minutes of the 534th open session meeting of Council**
- **Legislation Committee 2020-2021 work plan**
- **Approval of Consulting Engineer Designation applications**
- **Changes to the 2020 Committees and Task Forces Membership Roster**
- **Revised 30 by 30 Task Force end of term report**

CARRIED

**12250
OPEN SESSION MINUTES OF THE 535TH
MEETING OF COUNCIL**

That the minutes of the 534th meeting of Council, held May 30, 2020, as presented to the meeting at C-536-3.1, Appendix A, accurately reflect the business transacted at that meeting.

CARRIED

**12251
LEGISLATION COMMITTEE 2020-2021
WORKPLAN**

That Council approve the Legislation Committee 2020-21 Workplan as presented to the meeting at C-536-3.2, Appendix A.

CARRIED

**12252
CONSULTING ENGINEER DESIGNATION
APPLICATIONS**

That Council:

1. That Council approve the exemption from examinations and the applications for designation as Consulting Engineer as presented to the meeting at C-536-3.3, Appendix A, Section 1.

2. That Council approve the applications for re-designation as Consulting Engineer as presented to the meeting at C-536-3.3, Appendix A, Section 2.

3. That Council grant permission to use the title “Consulting Engineers” (or variations thereof) to the firms as presented to the meeting at C-536-3.3, Appendix A, Section 3.

CARRIED

**12253
CHANGES TO THE 2020 COMMITTEES
AND TASK FORCES MEMBERSHIP ROSTER**

That Council approve changes to the 2020 PEO Committees and Task Forces Membership Roster as presented to the meeting at C-536-3.4, Appendix A.

CARRIED

**12254
REVISED 30 X 30 TASK FORCE END OF
TERM**

That Council approves the extension of the 30 by 30 Task Force by one additional year to 31 December 2021 with funding in the amount of \$10,000.

CARRIED

**12255
NEW BUSINESS**

President Sterling invited any new business from Council.

Council Agenda: Councillor Notash recommended that briefing notes submitted to Council by a chapter or Councillor should be referred to the relevant committee for peer review. Review provided by the committee should then be attached to the briefing note for Council consideration.

Moved by Councillor Subramanian, seconded by Councillor Ausma:

That Council move in-camera.

CARRIED

The guests left the meeting.

**12256
IN-CAMERA**

While in-camera, Council:

- a. Verified the in-camera minutes from the 534th meeting of Council, held May 30, 2020, and the 535th meeting of Council, held June 19, 2020
- b. Approved a number of regulatory concerns raised over the past decade
- c. Received a report from the Discipline Committee
- d. Received legal updates, including decisions and reasons
- e. Approved the appointment of the Official Elections Agent for 2021, 2022 and 2023
- f. There were no Councillor violations of the anti-workplace harassment and anti-workplace violence policies to consider
- g. Discussed Councillor items

**12257
APPOINTMENT OF CHIEF ELECTIONS
AGENT**

[Secretariat Note: The following in-camera resolution from the September 2020 Council meeting was returned to open session:]

That Council confirm the reappointment of ClearPicture as the Official Elections Agent for the 2021, 2022 and 2023 Council elections.

CARRIED

There being no further business, the meeting concluded.

These minutes consist of twelve pages and Items 12234 to 12257 inclusive.

M. Sterling, P.Eng., Chair

R. Martin, Manager, Secretariat