



Minutes

LICENSING COMMITTEE MEETING

November 26, 2020

Virtual Meeting via Zoom

Members:

Barna Szabados, P. Eng. (Chair)
Santosh Gupta, P. Eng. (Vice-Chair)
Christian Bellini, P. Eng. [4:45 p.m. - 5:15p.m.]
George Comrie, P. Eng.
Roydon Fraser, P. Eng.
Mohinder Grover, P. Eng.
Lola Hidalgo, P. Eng.
Wayne Kershaw P.Eng.
David Kiguel, P. Eng.
Luc Roberge, P. Eng.
Changiz Sadr, P. Eng.

Guests/Observers:

Waguih ElMaraghy, P. Eng.
Ramesh Subramanian, P. Eng.

Staff:

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

Regrets:

Leila Notash, P. Eng. (Observer)

1. CALL TO ORDER AND CHAIR’S REMARKS

The meeting opened at 4:09 p.m. The Chair thanked those who provided input for the discussion on the role of referees.

2. APPROVAL OF THE AGENDA

The following changes to the agenda were requested:

- Item 6.4 should read Regional Councillors Committee, not Executive Committee.
- Add Item 6.7 - Council meeting.

A motion was made to approve the agenda as modified.

Moved by: S. Gupta

Seconded by: M. Grover

CARRIED

3. APPROVAL OF THE OCTOBER 29, 2020 MEETING MINUTES

D. Kiguel noted that there was an error on Page 3, Item 6. C. Knox’s new title is Acting Division Manager, Licensing and Registration.

A motion was made to approve the Minutes of the October 29, 2020 meeting as modified.

Moved by: L. Roberge

Seconded by: M. Grover

CARRIED

4. REVIEW OF ACTION ITEMS FROM LAST MEETING

There were no comments or questions regarding the Action Items.

5. MATTERS ARISING FROM THE MINUTES

The Chair reminded the Committee members of the process regarding election of the Chair and Vice-Chair for 2021.

6. REPORTS FROM OTHER COMMITTEES AND STAFF

6.1 Academic Requirements Committee (ARC)

R. Subramanian reported that the ARC is struggling with whether the NPPE can be written prior to academic assessment. This issue was raised during the Committee Chairs meeting by two northern Councillors that, at least during the pandemic, this should be the case; however, a permanent solution is required. This issue will be discussed, and a decision made, at the next ARC meeting. The Committee will ask the CEO/Registrar whether this is an operational issue in which case implementation of the decision will not need Council approval.

The ARC needs to consider ways of being more proactive regarding the technical exams. The Committee is not aware of who prepares or marks the exams. The Chair reported that, although most of the exams were great, he could not answer the questions in a control exam, even though he taught a similar course for five years.

During the meeting, many Committee members expressed concern that they have not been able to assess academic files since March as the files are not electronic. The Regional Councillors Committee (RCC) members are hearing complaints from applicants that their files are not being processed.

6.2 Experience Requirement Committee (ERC)

D. Kiguel reported the following:

- The ERC is going through process of election of the Chair and Vice-Chair.
- C. Sadr was elected Chair of the ERC by acclamation, and no other candidates were nominated.
- There is more than one candidate for the position of Vice-Chair, and members are voting via e-mail.
- At its meeting on November 20, 2020, Council approved changes to the ERC and ERC Subcommittee Terms of Reference.
- The ERC is working in preparing for conducting virtual interviews, but has found that minimum equipment requirements are a problem, and that not all ERC members are proficient with the use of Zoom, online whiteboard, etc.
- The Committee members have reported that they miss the social interaction with other Committee members. An idea that might be implemented in the

December 2020 meeting would be opening the Zoom platform half hour earlier in order to allow for unstructured, informal conversation.

6.3 30x30 Task Force

C. Bellini reported that the Task Force has begun meeting again following a hiatus due to the COVID-19 restrictions. Members of the Task Force have also met with representatives from several Chapters to discuss how the mandate of the Task Force would be handed to other groups, including Chapters, to carry on its work after it is stood down.

A report on the activities of the Task Force was provided to Council at its October 2020 meeting. Due to the hiatus during the pandemic, the Task Force asked Council for a one-year extension of its mandate, which was to end December 31, 2020. The request was approved by Council.

6.4 Regional Councillors Committee (RCC)

L. Roberge reported that, as of June 15, 2020, licensure applications have been accepted electronically. He also reported that staff had analyzed the inventory of applications and found that 87% of the approximately 22,000 open applications on file at PEO are waiting for action by the applicant. A copy of the presentation given to Council on this analysis is appended to the Minutes.

Action: Staff to provide information regarding how many of the applications received since June 2020 are non-CEAB, i.e. applications that require an ARC review.

Additional Note:

During his report, Councillor Roberge referred to a report on the analysis of open applications that was provided to Council but stated that he did not have it available at the Licensing Committee meeting. However, staff had a copy of the report, which is appended to the Minutes. The report is the result of an analysis of the 22,000 open application files that PEO has; that is, PEO has received over the years 22,000 applications that still have not been closed. (Applications are closed when a licence has been issued, a Notice of Proposal to Refuse has been issued or an applicant withdraws their application.) The open applications are sometimes referred to as the “Backlog” or “Inventory” of applications. As the analysis uncovered, the majority (87%) of these applications are not moving through the process as PEO is waiting for the applicant to complete part of the licensing requirements - completing assigned examinations, completing the PPE, providing additional academic information, completing experience requirements, etc. Contrary to some opinions, the applications are not held up

due to a lack of PEO resources or PEO inaction. Unfortunately, unlike all other regulators, people can make application to PEO prior to completing all the licensing requirements. Other professions will not accept applications until the applicant has completed the academic requirements specified in the regulations, completed the experience requirements, completed the relevant practice exam, etc. For instance, a potential lawyer cannot apply to the Law Society until after they have an acceptable law degree, completed articles and written the Bar Admission exam. As a result, nearly 100% of applications made to the Law Society are processed within the year of application. The same is true for every other profession in Ontario. However, PEO accepts applications from persons who have not completed all the licensure requirements and then nurses them through the process. For this reason, PEO has a huge number of open applications, some that are over 20 years old.

6.5 Legislation Committee (LEC)

W. Kershaw reported that the Legislation Committee did not meet in November 2020.

6.6 Staff Report

B. Ennis reported that PEO staff met with Office of the Fairness Commissioner staff on November 25, 2020.

The recently appointed Fairness Commissioner, Mr. Irvine Glasberg, attended the meeting. Mr. Glasberg is well-acquainted with PEO as he was, for many years, part of the Ministry of the Attorney General's Policy Department that oversaw the professions which fall within the Ministry's mandate.

Mr. Glasberg provided an overview of the approach that the modernized Office of the Fairness Commissioner will be taking in the future. As with all modernized regulators, the Office of the Fairness Commissioner will be taking a risk-informed approach to regulation. This means that the Commission will, in many ways, be less intrusive; for instance, the Commission will carry out fewer audits and request less information from the professional regulators. However, where a regulator is not moving expeditiously to deal with problematic issues, the Office of the Fairness Commissioner will be more aggressive.

Mr. Glasberg stated that he is interested in how regulators are applying anti-discrimination and anti-racism steps in licensing. He also noted that he is concerned about insistence on Canadian experience and that, when this requirement is applied in an inflexible manner, the Office of the Fairness Commissioner considers it detrimental.

The Office of the Fairness Commissioner staff asked for an update on how COVID-19 had impacted the PEO licensing process. They were informed regarding the difficulties of PEO's paper-based licensing process, the problems associated with interviews, and how PEO was taking steps to deal with these issues.

6.7 Council Report

R. Subramanian provided an update on the last Council meeting. He reported that the operational and capital budgets were approved. He also reported that Council is addressing governance issues and has approved moving to a governance board. Future governance work includes consideration of competency requirements for Council members and committee members. A decision was made that Councillors can only be on Board Committees. Some Licensing Committee members disagree with this decision, believing that this will make committees more isolated from Council.

D. Kiguel stated that he is concerned with remarks in the activity filter, noting that certain committees should not be decision-makers. He noted that the ERC and ARC do not make policy decisions. The Licensing Committee is a policy committee that advises Council; however, Council does not discuss policy. Instead, a small group of people (Executive Committee) will be making all PEO policy.

7. **TRUSTED REFEREE**

The Chair noted that the Licensing Committee would like to solve the problem associated with the regulatory requirement of having a P.Eng. supervisor for one year. Applicants need someone in Canada to observe and assess all the experience-associated attributes within the 12-month period; however, this is often impossible as situations involving those attributes may not arise within that period. This is a problem, especially for foreign trained engineers, who will only have the 12-month period within Canada. Most Canadian graduates will have 48 months of supervised experience; however, Canadian graduates that are entrepreneurs or self-employed also fall into this category.

G. Comrie noted that, if PEO refers to the Licensing Process Task Force (LPTF) discussions, the things that need to be assessed are knowledge/skill and suitability to practice. PEO does give licences to persons, even though they do not meet requirements, and is not bound slavishly to the Regulation. If the Fairness Commissioner asked the government to remove reference to Canadian experience, PEO would still require a mechanism to assess knowledge/skill and suitability to practice. As an example, he referred to the medical profession; a foreign trained applicant must demonstrate their skills in a practice-based scenario. However, engineering work is not

demonstrable in the same way that a pharmacist can demonstrate filling a prescription or a nurse can demonstrate giving an injection.

PEO needs to have a skill assessment that can take the place of the Canadian experience requirement. G. Comrie suggested that the first steps are to determine who can make the assessment and prepare a pilot project and noted that the assessment criteria should not have a time component.

S. Gupta agreed with G. Comrie's comments, however, those comments stopped short of describing how the demonstration would take place. S. Gupta suggested that monitoring would be the appropriate means for doing this assessment.

C. Sadr stated that the main question is why someone would agree to be a monitor, especially if they must take responsibility for reporting that this person would be suitable for licensure. He suggested that PEO needs to provide them with an incentive, possibly Continuing Professional Development (CPD) credits.

W. Kershaw noted that the Canadian experience requirement may be discriminatory, but it is necessary. He also noted that PEO must deal with the fact that a person doing engineering work without a P.Eng. supervisor would be in contravention of the Act.

L. Hidalgo offered the following example. Linda is a P.Eng. Bob is seeking a licence. Linda does not think that Bob has experience or character to be licensed. Bob harasses Linda. Under the suggested approach, when Linda refuses to provide a reference, Bob could just go to another engineer who is not the employer.

R. Fraser stated that he is hearing disastrous ideas. He stated that PEO should not enforce against entrepreneurs and cannot introduce hurdles as this will not solve the problem. The barrier to licensure must be presented in an inviting way. He provided suggestions that he agreed would depend on Act changes: a probationary, step licensing approach; CPD requirements as experience-building for applicants. He stated that PEO cannot go back to the old-fashioned way of saying that a person cannot do engineering unless they are licensed.

The Committee members were asked to vote on doing a small pilot project that has measurable criteria; however, the members declined as they need a focus for the project.

R. Fraser stated that PEO needs to identify what it wants to measure and know all the ways that these things can be measured. For instance, PEO could do psychological testing to assess character and look at commonalities of approaches to see if there are other items that can be handled by similar methods.

G. Comrie reminded the Committee members that he submitted a proposal for the pilot project dealing with applicants performing engineering work without a P.Eng. supervisor. He stated that the process needs to be flexible.

Action: G. Comrie to forward documents on monitoring and the pilot project to the Committee members.

Whichever proposal the Licensing Committee adopts, it must recognize that potential applicants need to know that they can apply without meeting the requirements; must tell them what PEO needs them to demonstrate; they must provide a plan on how they do this; there must be no issue of referee responsibility for the work of the applicants.

L. Hidalgo noted that there is a Council motion directing staff to collect data on the engineering graduates who are not becoming PEO applicants.

R. Fraser stated that most universities are proud of start-up, and PEO could ask the universities for a list of start-ups and check for engineering graduates in these.

C. Bellini noted that, as a regulator, PEO needs data; it cannot deal on anecdotes. The Chair disagreed, stating that PEO does not need comprehensive data; even if there is only one person seeking licensure who is without P.Eng. supervision, then PEO must accommodate them.

R. Fraser agreed and stated that Council needs to act on principle, not numbers.

8. NOMINATIONS FOR CHAIR AND VICE-CHAIR

The Committee was reminded that nominations for Chair and Vice-Chair will close at 12:00 midnight on December 20, 2020. Those interested are to e-mail nominations to both the Chair and B. Ennis. Election of Chair and Vice-Chair will be conducted via e-mail, closing on 12:00 midnight on December 30, 2020. Votes are to be sent to B. Ennis only, who will tally and send the results to the Chair.

9. ADJOURNMENT

Action: There will be no meeting scheduled for December 2020. The next meeting will be scheduled at the discretion of the next Chair.

The meeting was adjourned at 6:00 p.m.