

Briefing Note – Confirmation

C-542-1.1

CONFIRMATION OF NOTICE AND QUORUM

Purpose: Secretariat to confirm notice and quorum of the meeting.

Prepared by: Dale Power, Secretariat Administrator

Briefing Note - Decision

APPROVAL OF AGENDA

Purpose: To approve the agenda for the meeting.

Motion(s) to consider: (requires a simple majority of votes cast to carry)

That:

- a) the agenda, as presented to the meeting at C-542-1.2, Appendix A be approved; and*
- b) the Chair be authorized to suspend the regular order of business.*

Prepared by: Dale Power – Secretariat Administrator

Appendices:

- Appendix A – 542nd Council meeting agenda

Agenda

C-542-1.2
Appendix A

**542nd Meeting of the Council
Professional Engineers Ontario
Videoconference**

Date: Friday, June 25, 2021
Time: 10:00 am – 3:00 pm
Lunch: 12:00-12:30

Friday, June 25 – 10:00 am to 3:00 pm				
10:00 a.m.		CALL TO ORDER – Formal Public Meeting Begins		
1.	<u>CALL TO ORDER</u>	Spokesperson/ Moved by	Type	Time
1.1	CONFIRMATION OF NOTICE AND QUORUM	Secretariat	Confirmation	10:00
1.2	APPROVAL OF AGENDA	Chair	Decision	10:05
1.3	CONFLICTS OF INTEREST: Do any Councillors have a conflict to disclose	Chair	Exception	10:10
2.	<u>LEADERSHIP REPORTS</u>	Spokesperson/ Moved by	Type	Time
2.1	PRESIDENT'S REPORT	Chair	Information	10:15
2.2	CEO/REGISTRAR'S REPORT	CEO/Registrar Zuccon	Information	10:30
	<u>STANDING ITEMS</u>	Spokesperson/ Moved by	Type	Time
2.3	2021 CESC ISSUES REPORT	Past President Sterling	Information	10:45
2.4	CESSC 2022 RECOMMENDATIONS	Past President Sterling	Decision	10:55
	<u>REGULATORY AND GOVERNANCE ITEMS</u>	Spokesperson/ Moved by	Type	Time
Regulatory Items				
2.5	PRACTICE GUIDELINE CONDO AUDITS – APPROVAL FOR PUBLICATION	Councillor MacCumber	Decision	11:20
2.6	ENGINEERS CANADA DIRECTORS REPORT	Danny Chui	Information	11:30
Governance Items				

2.7	30 by 30 TASK FORCE RESEARCH – GENDER AUDIT STUDY	President Bellini	Decision	11:40
LUNCH (12:00 – 12:30)				
2.8	ANTI-RACISM AND ANTI-DISCRIMINATION EXPLORATORY WORKING GROUP (AREWG) REPORT	Councillor Cushman	Decision	12.30
3.	<u>CONSENT AGENDA</u>	Spokesperson/ Moved by	Type	Time
3.1	MINUTES – 540 and 541 COUNCIL MEETINGS	Chair	Decision	2:30
3.2	HUMAN RESOURCES AND COMPENSATION COMMITTEE	Councillor Arenja	Decision	
Regulatory Items				
3.3	CONSULTING ENGINEER DESIGNATION APPLICATIONS	President-elect Colucci	Decision	
3.4	RECONSIDERATION OF CONSULTING ENGINEER REDESIGNATION APPLICATION	President-elect Colucci	Decision	
Governance Items				
3.5	CHANGES TO THE 2021 COMMITTEE AND TASK FORCES MEMBERSHIP ROSTER	Councillor Chan	Decision	
3.6	APPOINTMENT TO THE COMPLAINTS COMMITTEE	Councillor MacCumber	Decision	
3.7	APPOINTMENT OF THE ADDITIONAL MEMBERS OF THE 2021-2022 CENTRAL ELECTION AND SEARCH COMMITTEE	Past President Sterling	Decision	
Formal Public Meeting Ends – 2:40 pm				

Please note that in order to streamline the agenda, Committee reports are not included in the agenda package. Committee Chairs are asked to submit their written reports to the Secretariat for posting on the Council SharePoint site prior to each Council meeting. These reports can be discussed at the meeting if a Councillor asks to address a specific item contained within the written report. Reports submitted as of June 11th were as follows:

- RCC Report
- Stats

Councillors Code of Conduct

Council expects of itself and its members ethical, business-like and lawful conduct. This includes fiduciary responsibility, proper use of authority and appropriate decorum when acting as Council members or as external representatives of the association. Council expects its members to treat one another and staff members with respect, cooperation and a willingness to deal openly on all matters.

PEO is committed that its operations and business will be conducted in an ethical and legal manner. Each participant (volunteer) is expected to be familiar with, and to adhere to, this code as a condition of their involvement in PEO business. Each participant shall conduct PEO business with honesty, integrity and fairness and in accordance with the applicable laws. The Code of Conduct is intended to provide the terms and/or spirit upon which acceptable/unacceptable conduct is determined and addressed.

At its September 2006 meeting, Council determined that PEO volunteers should meet the same obligations and standards regarding conduct when engaged in PEO activities as they are when engaged in business activities as professional engineers.

[s. 2.4 of the Council Manual]

Briefing Note – Exception

C-542-1.3

CONFLICTS OF INTEREST

Purpose: Councillors are required to identify any real or perceived conflicts of interest that exist or may exist related to the open Council agenda.

No motion required

Prepared by: Dale Power, Secretariat Administrator

Councillors are to declare and refrain from participating in any Council matters where they might have a real or perceived conflict of interest

The Council Chair is responsible for ruling on whether a conflict exists if there is a dispute.

The Councillor with a conflict of interest will be required to leave the Council meeting for the duration of the agenda item, including for any respective votes.

If a Councillor wishes guidance on how to identify any conflicts of interest, the following 9-minute video can be referred to:
https://www.youtube.com/watch?v=fjebnky_j6M

Attached is the link to the “Eliminating Bias in the Registration Process Policy” which references Conflict of Interest.
<https://www.peo.on.ca/sites/default/files/2021-03/policy-eliminating-bias.pdf>

Briefing Note – Discussion

C-542-2.1

PRESIDENT'S REPORT

Purpose: To inform Council of the recent activities of the President.

Motion(s) to consider:

none required

President Bellini will provide a report on his recent PEO activities, followed by discussion.

CEO/REGISTRAR'S REPORT

Purpose: CEO/Registrar Zuccon will present the CEO/Registrar's Report.

No motion required.

Prepared by: Dale Power, Secretariat Administrator

Please see attached report.

CEO/Registrar Update

Johnny Zuccon, P.Eng., FEC, CEO/Registrar
Prepared for PEO Council, June 25, 2021

Action Plan

Progress Report

Please refer to the progress report provided to Council at its February meeting for a fulsome review of the work related to the Action Plan to address the 15 recommendations from PEO's external regulatory performance review. The plan is available at <https://peo.on.ca/sites/default/files/2019-10/PEOActionPlan.pdf>.

Organizational Review

I am pleased to announce the completion of PEO's redesigned operating groups. Further to our organizational review, LM² Collective, with the support of our Organizational Transformation Team, has created a new structure based on validated design criteria, including the introduction of new capabilities and functionality and flexibility for ongoing change. Adapted design thinking sessions were also held to provide additional insights into the needs of PEO stakeholders and to ensure any competency gaps were addressed.

This new structure will create efficiencies through the consolidation of core regulatory operations with a shared services model. It includes the following divisions:

- **Governance**—Established in January 2021 to complement Council's commitment to the multi-year Governance Roadmap;
- **Legislation and Policy**—To ensure PEO advances strategy and stays ahead of regulatory policy;
- **Regulatory Operations**—To lead the multi-year transformation of our regulatory processes to ensure they are technology-enabled, secure, defensible and coordinated;
- **Organizational Effectiveness**—To ensure effective deployment of PEO enabling functions through a shared services model; and
- **Human Resources**—To ensure a culture of engagement in which wellness, diversity and inclusion lead to a high level of employee well-being, productivity and retention.

The foundation of the new structure includes distinct mandates with collective accountability for developing cascading operating plans aligned to ongoing strategic priorities. Further, the realignment has allowed us to redeploy internal resources to provide the necessary leadership. Specifically: Dan Abrahams, LLB, has been promoted to VP Legislation and Policy; Linda Latham, P.Eng., has been promoted to VP Regulatory Operations/Deputy Registrar; and Liz Maier has assumed the role of VP Organizational Effectiveness on an interim basis, in addition to her continuing role in Governance. Lolita Holden, CHRL, will continue to provide strategic support as Director, Human Resources.

Operations

Licensing

ARC and ERC Reviews

PEO has experienced significant challenges related to modifying its previously paper-based processes for academic assessments, and previously in-person experience interviews. The process for ARC to complete academic assessments online was initially launched in February. However, PEO's recent SharePoint software upgrade and migration as well as a migration to Microsoft Office 365 has caused a further two-month disruption to staff and ARC's ability to process files. Modifications to the software to allow ARC access to files since the migration are currently underway.

Since the launch of the paperless workflow in February, approximately 500 files have been processed. With the current state, we have the capacity to process 250-300 files per month, assuming the ARC SharePoint workflow solution is delivered (anticipated July 2021).

As of mid-June, the backlog for ARC assessment is over 2700 files, the oldest of which dates back approximately 10 months. In addition, we are witnessing an unexpected surge in the number of non-CEAB applications compared to the same periods in 2019 and 2020. Assuming current state and ARC workload, there is a risk that non-CEAB applicants will experience unprecedented delays.

ERC virtual interviews commenced in March after completing two rounds of mock interviews using the Zoom platform. As of June 24, 79 ERC members have been trained to conduct virtual interviews (55% of the ERC roster) and a total of 94 interviews have been completed. There are approximately 250 files in queue for interviews and it is expected that there will be capacity by the fall to complete 50 interviews per month. It is anticipated that as the ARC works through its backlog, the files in queue to the ERC will continue to grow, which would also result in extended processing times.

Technical Exams

As previously reported, PEO has partnered with EGBC and APEGA to deliver online technical exams using remote proctoring, and these are currently underway as planned. The current exams use two Canadian vendors – one to provide the online platform for delivery of the exams, and the other to provide remote proctoring by live proctors for each exam. The scheduling constraints made it necessary to extend the exam period from the last week of May to the last week of August to accommodate 900 PEO exam registrants. PEO is planning to continue the partnership with EGBC and APEGA for online delivery and proctoring of the December technical exams.

Information Discovery and Digitization Capacity Project

Project activities resumed on June 8 following removal of the stay-at-home order, with contract staff being added to the rotation of PEO staff assigned to the project, as distancing requirements would allow.

Figure 1. Breakdown of P.Eng. licence applications received, January-May 2020 and 2021

Year	Applications Received Jan-May 2020					Applications Received Jan-May 2021					% change
Gender	Female		Male		Totals	Female		Male		Totals	Totals
	(#)	(%)	(#)	(%)	(#)	(#)	(%)	(#)	(%)	(#)	
CEAB	148	23%	507	77%	655	51	5%	966	95%	1017	55%
Non-CEAB	117	18%	524	82%	641	541	23%	1812	77%	2353	267%
Totals	265	20%	1031	80%	1296	592	18%	2778	82%	3370	160%

Figure 2. Breakdown of P.Eng. licence applications approved, January-May 2020 and 2021

Year	P.Eng. Licences Approved Jan-May 2020					P.Eng. Licences Approved Jan-May 2021					% change
Gender	Female		Male		Totals	Female		Male		Totals	Totals
	(#)	(%)	(#)	(%)	(#)	(#)	(%)	(#)	(%)	(#)	
CEAB	116	21%	443	79%	559	200	19%	826	81%	1026	84%
Non-CEAB	61	18%	282	82%	343	95	17%	468	83%	563	64%
Totals	177	20%	725	80%	902	295	19%	1294	81%	1589	76%

Figure 3. Average process times for P.Eng. licence approvals, January-May 2020 and 2021

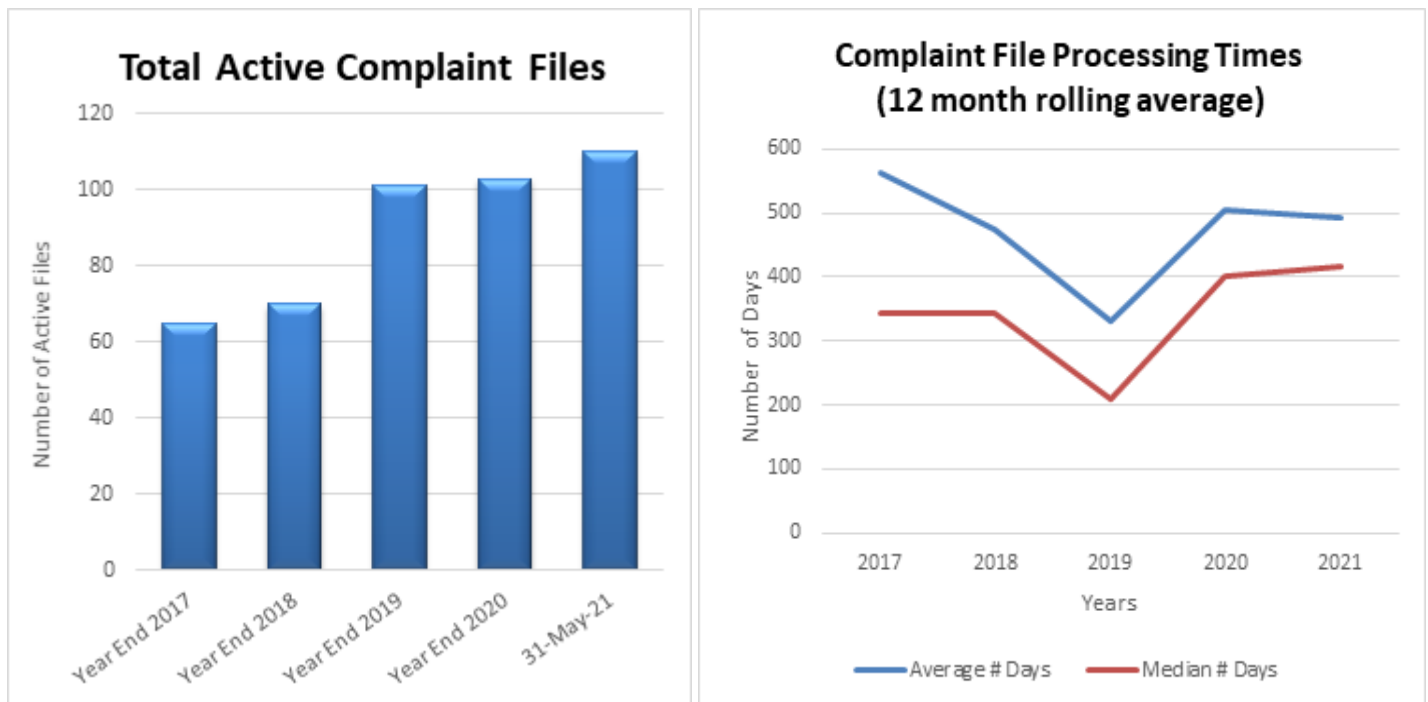
	P.Eng. Licences Approved Jan-May 2020		P.Eng. Licences Approved Jan-Dec 2020		P.Eng. Licences Approved Jan-May 2021		% change
	# Applicants	Average licensing time	# Applicants	Average licensing time	# Applicants	Average licensing time	
CEAB applicants	436	1251 days	1543	1256 days	758	1305 days	9%
Non-CEAB applicants	215	995 days	696	1054 days	323	1077 days	18%
Confirmatory exam program	39	1683 days	128	1707 days	60	1616 days	-7%
Specific exam program	21	2482 days	68	2415 days	16	2330 days	14%
Interprovincial Transfers	167	42 days	597	85 days	390	128 days	236%
Reinstatements	24	49 days	78	44 days	42	101 days	63%

Regulatory Compliance

Complaints

While investigations and committee operations are able to occur 100% virtually, and the Complaints Committee has successfully been holding virtual meetings every two months since May 2020, the length of time required to fully investigate and gather investigation documents has increased as a result of COVID-related shutdowns and the resulting additional time that it is taking complainants, respondents and third parties to gather documents and respond to information requests. Complaint file processing times have trended upwards as a result, and also because of a legal counsel staff vacancy in the Regulatory Compliance department since August 2020. This has had a productivity impact on staff operations and file processing times. The number of open active complaint files remains generally consistent with previous years.

Figure 4. Complaints and Investigation Statistics (as at May 31, 2021)

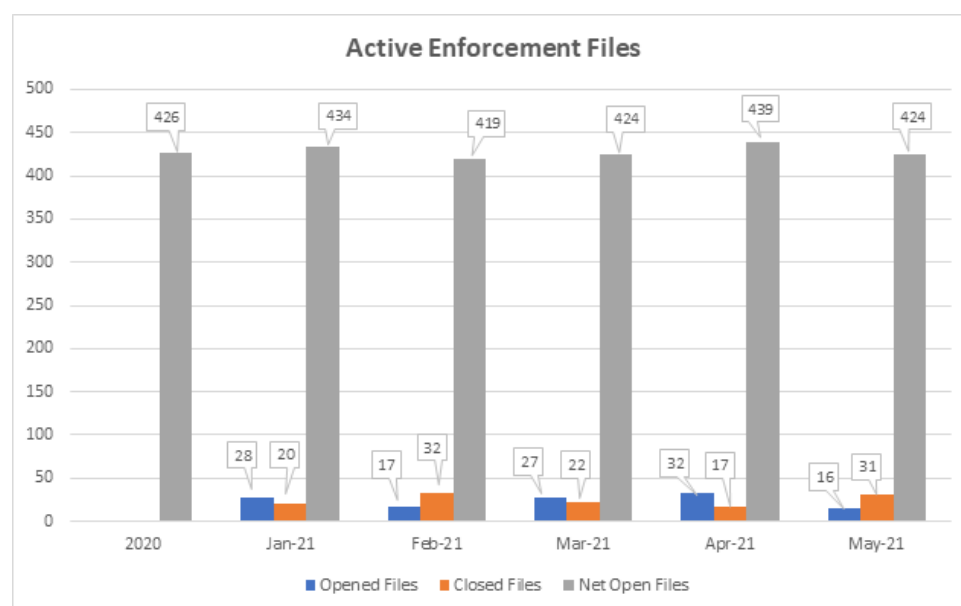


Enforcement

The net enforcement case load for the first 5 months of 2021 has remained stable at approximately 25% higher, on average, than the same period for 2020. The sustained closure of PEO offices and reduced access to supporting services continues to extend timelines to close reported violations.

On average, the number of newly reported matters is 60% of the volume for the same period in 2020.

Figure 5. Active Enforcement Files



Finance

Update

For the four months ending April 30, 2021, revenues earned were \$10.7m and expenses incurred were \$7.8m, resulting in an excess of revenues over expenses of \$2.9m, as shown in Figure 6. The increase in revenues in comparison to budget by \$0.2m is due to higher than expected P.Eng. revenue and investment income. This was offset by lower application, registration and examination fees, and a reduction in building operations revenue.

There were \$7.8m in total expenses in the first four months of 2021 versus a budgeted spend of \$9.9m resulting in a favourable variance of \$2.1m. This is due to the lower than expected spend on full-time staff salaries, purchased services, chapter expenses, volunteer expenses and legal expenses. Expenses continue to trend lower due the restrictions of the COVID-19 pandemic.

As shown in Figure 7, PEO has cash reserves of \$7.5m and an investment portfolio of \$19.4m as of April 30, 2021. The value of the investment portfolio has increased by about \$370k in the first four months of 2021 due to its well-diversified asset mix with approximately 70% invested in high quality, fixed-income instruments that have helped in insulating the portfolio from the volatility of equity markets.

Figure 6. Revenues and expenses as of April 30, 2021

	2021 Actual	2021 Budget	Variance Act vs Bud
Revenues	\$10,697,967	\$10,487,984	\$209,983
Expenses	\$7,836,725	\$9,936,491	\$2,099,766
Excess of Rev over Exp	\$2,861,242	\$551,493	\$2,309,749

Figure 7. Assets and liabilities as of April 30, 2021

	2021 Actual	2020 Actual	Variance (Fav / Unfav)
Cash	\$7,452,674	\$5,728,890	\$4,641,410
Other current assets	\$1,033,440	\$866,769	\$163,671
Marketable securities	\$19,409,335	\$11,352,900	\$8,056,435
Capital assets	\$30,693,063	\$32,635,078	-\$1,942,015
Total assets	\$58,585,512	\$50,638,335	\$7,947,177
Current liabilities	\$14,450,931	\$13,958,816	-\$492,115
Long term debt	\$2,177,564	\$3,266,360	\$1,088,796
Employee future benefits	\$13,596,032	\$6,775,000	\$6,821,032
Net assets	\$28,360,984	\$26,638,159	\$1,722,825
Total liabilities & net assets	\$58,585,512	\$50,638,335	\$7,947,177

Impact of COVID-19 on membership requests for reduced fees

As shown in Figures 8 and 9, the total number of remission requests as of April 30, 2021, is 1,140 versus 864 in 2020, showing an increase in the number of members seeking fee remission in 2021.

Impact of COVID-19 on membership resignations and overall membership numbers

From Figures 8 and 9, it can be seen that the average number of resignation requests received as of April 30, 2021, is 83 versus 65 for all of 2020, which shows the average number of resignations in 2021 is trending higher than in 2020 by 18 per month. As of April 30, 2021, there has been a net increase in P.Eng. membership of 1,117. As of April 30, 2021, the total number of P.Eng. members is 85,659 versus 84,542 at the end of 2020. This increase in membership is positive for 2021 despite the increase in resignation requests.

Figure 8. Remissions stats for 2021

Remission Type	Jan	Feb	Mar	Apr	Total	Monthly Ave.
Parental leave	18	20	19	11	66	17
Post grad	9	10	10	8	38	9
Unemployment	220	135	158	140	651	163
Temp health	3	4	6	4	18	4
Permanent health	4	4	3	3	14	4
Retired	105	99	74	73	352	88
Total	359	272	270	239	1140	285
Cumm. Total	359	631	901	1140		
Resignations					331	83

Figure 9. Remissions stats for 2020

Remission Type	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Monthly Ave.
Parental leave	20	13	8	18	14	15	12	10	13	14	14	14	165	14
Post grad	14	7	2	9	6	7	3	4	6	9	10	5	82	6
Unemployment	141	111	106	107	104	109	90	132	152	162	140	102	1456	117
Temporary health	5	4	1	4	2	1	2	3	2	4	2	0	30	3
Permanent health	3	4	4	2	2	3	3	5	2	4	2	2	36	3
Retired	67	93	87	34	59	68	49	67	80	73	75	73	825	67
Total	250	232	208	174	187	203	159	221	255	266	243	196	2594	210
Cumm. Total	250	482	690	864	1051	1254	1413	1634	1889	2155	2298	2594		
Resignations													664	65

Information Technology

Update

As a result of a recent cybersecurity incident we employed an external consultant to conduct an investigation that determined that no PEO systems were compromised. As indicated in our previous communications to Council, we implemented the cybersecurity emergency response plan. This involved multiple security actions including implementing a multi-factor authentication for accessing internet-based services like SharePoint and email.

Human Resources

Update

In conjunction with the IT group, the HR team has implemented a new Human Capital Management system (Ceridian Dayforce), which adds automation to our operations.

Our focus on equity, diversity and inclusion as a core value continues, with further staff training planned for 2021.

Briefing Note – Information

C-542-2.3

2020-2021 Central Election and Search Committee (CESC) Issues Report

Purpose: For Council to receive the 2020-2021 CESC Issues Report

No motion required

Prepared by: Ralph Martin, Manager, Secretariat

1. Status Update

Members of Council are to be elected annually in accordance with sections 2 through 26 of Regulation 941 under the *Professional Engineers Act*.

In accordance with the Protocol for Annual Review of Election Procedures, the Central Election and Search Committee (CESC) undertook a review of the procedures for the conduct of the 2021 Council Elections. The Issues Report with recommendations is presented to Council.

2. Background

Members of Council are to be elected annually in accordance with sections 2 through 26 of Regulation 941 under the *Professional Engineers Act*.

In accordance with the Protocol for Annual Review of Election Procedures, the Central Election and Search Committee (CESC) undertook a review of the procedures for the conduct of the 2020 Council Elections. PEO convention requires that Council approve voting procedures and election publicity procedures, which form part of the voting procedures, for its annual elections. All recommendations approved by the CESC have been incorporated into the Voting and Election Procedures and the 2021 Council Elections Guide, as the case may be, and will be amended, if required, as per Council's decisions at the meeting.

S. 13(1) and 13(2) of Regulation 941 requires Council to appoint a Regional Election and Search Committee (RESC) for each Region composed of the Chair of each Chapter in the Region and appoint the Junior Regional Councillor in each Region as the Chair of the RESC for that Region.

Appendices – Appendix A - 2020-2021 Issues Report

Central Elections and Search Committee
2021 Council Elections Issues Report

Item	Issue	Background	Recommendation
1	Complaints from members were received about a candidate including fundraising requests to their PEO election publicity material	<p>One candidate had added a request to support them in a fundraising effort for a specific charity.</p> <p>There is nothing in the Election Publicity Procedures to prohibit such a request, although there have been several voters who have questioned the practice as being unrelated to the PEO Council elections and PEO's regulatory mandate.</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. To disallow requests for fundraising in election material. 2. To disallow links to any non-PEO websites or social media accounts in election material. <p>Rationale for recommendation #1: To uphold the consent PEO has with members to communicate with them on PEO regulatory matters. An individual's fundraising efforts are outside of PEO's mandate.</p> <p>Rational for recommendation #2: To eliminate PEO's exposure to potential risks associated with content published on sites not authorized by PEO, such as a candidate's personal website and/or social media accounts.</p>
2	Some candidates were confused that the peovote.ca site automatically redirected to peo.on.ca site.		<p>Recommendation: To determine if there is a way, technologically, to eliminate the redirect and, if that is not possible, to add an explanatory note on the <i>peovote.ca</i> website as to why the voter is being redirected to the <i>peo.on.ca</i> website.</p> <p>Rationale: To reduce confusion for voters.</p>
3	Does PEO still need a 5-week election period? Can this timeline be shortened?	The five-week voting period was established when voting was by paper ballot to allow sufficient time for election material to be sent and returned through the post office.	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. To move towards an all-electronic (e-voting) election as soon as possible while maintaining

Item	Issue	Background	Recommendation
		<p>Engineering regulators and other associations across the country have introduced a requirement that all eligible voters have an email address.</p> <p>Communicating with voters via email only has reduced their voting period to between two to three weeks.</p>	<p>accessibility of access until evoting is finalized; and</p> <p>2. To reduce the voting period to three weeks when an all-electronic election is in place.</p> <p>Rationale for recommendation #1: E-voting reduces PEO's costs, e.g. paper, labour, postage.</p> <p>Rationale for recommendation #2: Five weeks will no longer be needed for all e-voting, and a shorter time period will hopefully bring more momentum to the election thus encouraging voting</p>
4	What is the role of Returning Officers in electronic elections?	<p>The Returning Officers position was created (see Regulation below) to oversee the counting of paper ballots.</p> <p>The Returning Officers now simply confirm with the Official Elections Agent there are zero votes cast just before voting for the Council election begins and review the data provided by the Agent a week after voting closes.</p> <p>Currently, the results are provided by the Agent approximately 30 minutes following the close of voting and are deemed 'Unofficial'. The results are only 'Official' one week later when the Returning Officers meet with the Agent to review the data.</p> <p>Removing the Returning Officers from the process would make the results made available minutes after voting closes 'Official'.</p> <p>Regulation 20 of the PEA 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.</p>	<p>Recommendation: To amend the Regulations to eliminate the requirement for returning officers.</p> <p>Rationale: Without paper ballots to review, Returning Officers are left to confirm only data provided by PEO's third-party supplier, the Official Election Agent.</p>

Item	Issue	Background	Recommendation
		Regulation 21 of the PEA The returning officers shall, <ol style="list-style-type: none"> 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; Review rejected ballots; Re-process rejected ballots found to be valid; Approve the final count of ballots; Make such other investigation and inquiry as they consider necessary or desirable for the purpose of supervising the counting of the vote; and 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. 	
6	Candidates have six days after the deadline to remedy any inconsistencies with material-prescribed requirements. This places undue pressure on PEO's Communications department to prepare the submissions to meet the <i>Engineering Dimensions</i> publication deadline.	Election Publicity Procedures "20. The chief elections officer is responsible for ensuring that all candidate material (whether for <i>Engineering Dimensions</i> , PEO's website or eblasts) complies with these procedures. Where it is deemed the material does not satisfy these procedures, the chief elections officer will, within three full business days from receipt of the material by the association, notify the candidate or an appointed alternate, who is expected to be available during this period by telephone or email. The candidate or appointed alternate will have a further three full business days to advise the chief elections officer of the amendment. Candidates are responsible for meeting this deadline. Should a candidate fail to re-submit material with the three-business day period, the candidate's material will be published with a notion explaining any necessary amendments made by staff." This procedure has been in place since before candidates had complete control over the content of their material when misstatements were requested to be corrected. This no longer applies.	Recommendation: To reduce the number of days a candidate has to remedy any inconsistencies to their election material from six days to two business days (excluding the date of the notice). Should a candidate fail to re-submit material within two business days, the candidate's material will be published with a notation explaining any necessary amendments made by staff (e.g. – photo not included because it was either too small or too large; only material that will fit within the border would be included and the remainder excluded) Rationale: 1. Inconsistencies in material submissions from requirements have recently been remedied within a day or two of being advised that a change is necessary to comply with the

Item	Issue	Background	Recommendation
		Issues that arise today are usually over the size/quality of photos provided (less than 300 KB or greater than 2 MB) and/or the material is too large to fit within the border specification.	procedures (e.g. submission of a properly-sized photo, font size to be changed so that material fits within prescribed border); and 2. Allows PEO's Communications department more time to prepare the material in order to meet the tight <i>Engineering Dimensions</i> publication deadline.
7	As apparent from some candidates statements, they do not understand the roles and responsibilities of Council nor its primary mandate as that of a regulator.	Currently, there is no pre-election education provided to candidates on the role of PEO and of PEO Council	Recommendation: To include a requirement that potential candidates for Council must first complete an education component on the roles and responsibilities of Council in order to be eligible to run in the election when considering a restructuring of the election process. Rationale: To help ensure that all potential candidates are fully aware of the roles and responsibilities of, and time commitment for, serving on Council prior to submitting nomination papers.
8	There is confusion regarding who may, or may not, run for Vice President and when - i.e. 1. Can an <i>appointed</i> Vice President run for the <i>elected</i> Vice President position within 10 years? 2. Can a former <i>elected</i> Vice President, once elected to Council, be eligible for <i>appointment</i> to the Vice President position?	The Regulations are silent on these items. Applicable sections of the Regulations, under the heading "Council Elections". [The italics and underlining are for emphasis.] "2. Fifteen members shall be <u>elected</u> 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 as regional councillors by and from	Recommendation: To confirm that an appointed Vice President is permitted to be a candidate for elected Vice President while serving as a Councillor. Rationale: In the absence of anything to the contrary, and given that the position of Vice President, both elected and appointed, are found in the "elections" section of the Regulations, and as a matter of policy until the elections process has been reviewed, the above recommendation will

Item	Issue	Background	Recommendation
		<p>among the Members in each of the five Regions.</p> <p>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; O. Reg. 35/18, s. 1.</p> <p>3. (1) There shall be the following additional officers of the Association:</p> <p>1. The president, who is a Member and who was president-elect in the immediately preceding year.</p> <p>2. A vice-president, who shall be <u>appointed</u> annually by Council <u>from among its members elected or appointed</u> under clause 3 (2) (a) or 3 (2) (b) of the Act [LGA appointments] 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.</p> <p>(7) After a Member has served as vice-president for one term, the Member is not eligible to serve as vice-president again until the day of the tenth annual meeting of Members held following the Member's last day of service as vice-president. O. Reg. 35/18, s. 2."</p>	provide clarity to potential candidates and the members at large.
9	None of the Councillor-at-Large candidates attended the PEO official head office All Candidates Meeting	Attendance by any candidate to their respective All Candidates video meeting at PEO head office is voluntary. There is no mandatory requirement for them to do so.	<p>Recommendation: To mandate that all election candidates be required to attend their respective All Candidates Meetings at PEO's head office, either in person or virtually.</p> <p>Rationale: So that all voters may get to know the candidates better as they are likely unknown to members outside their own regions.</p>

Briefing Note – Decision

C-542-2.4

CECSC 2022 RECOMMENDATIONS

Purpose: To approve the recommendations of the 2021 Central Election and Search Committee (CECSC) and to approve various procedures and documents related to the conduct of the 2022 Council Elections

Motions to consider: (requires a simple majority of votes cast to carry)

That Council, with respect to the 2022 Council election:

- a) approve the recommendations contained in the 2021 Central Election and Search Committee Issues Report as presented to the meeting at C-542-2.3;
- b) Stand down the 2020-2021 Central Election and Search Committee with thanks;
- c) approve the 2022 Voting Procedures, as presented to the meeting at C-542-2.4, Appendix B;
- d) approve the 2022 Election Publicity Procedures, as presented to the meeting at C-542-2.4, Appendix C;
- e) approve the 2022 Nomination Form as presented to the meeting at C-542-2.4, Appendix D;
- f) approve the 2022 Nomination Acceptance Forms for President-Elect, Vice-President, Councillor-at-Large and Regional Councillor as presented to the meeting at C-542-2.4, Appendix E;
- g) appoint the Regional Election and Search Committees (RESC) for each Region;
- h) appoint the Junior Regional Councillor in each Region (Ramesh Subramanian, P.Eng., Randy Walker, P.Eng., Christopher Chahine, P.Eng., Susan MacFarlane, P.Eng., Jim Chisholm P.Eng.) as Chair of the RESC for their Region.

Prepared by: Ralph Martin – Manager, Secretariat

Moved by: Marisa Sterling, P. Eng., Past President

1. Need for PEO Action

Members of Council are to be elected annually in accordance with sections 2 through 26 of Regulation 941 under the *Professional Engineers Act*.

In accordance with the Protocol for Annual Review of Election Procedures, the Central Election and Search Committee (CECSC) undertook a review of the procedures for the conduct of the 2020 Council Elections. PEO convention requires that Council approve voting procedures and election publicity procedures, which form part of the voting procedures, for its annual elections. All recommendations approved by the CESC have been incorporated into the Voting and Election Procedures and the 2021 Council Elections Guide, as the case may be, and will be amended, if required, as per Council's decisions at the meeting.

S. 13(1) and 13(2) of Regulation 941 requires Council to appoint a Regional Election and Search Committee (RESC) for each Region composed of the Chair of each Chapter in the Region and appoint the Junior Regional Councillor in each Region as the Chair of the RESC for that Region.

2. Proposed Action / Recommendation

That Council approve the motions noted above.

3. Next Steps (if motion approved)

The approved 2022 Voting Procedures and 2022 Election Publicity Procedures would be published on PEO's website and in the September/October issue of *Engineering Dimensions*. The 2022 Council Elections Guide will be updated reflecting the Council approved changes to the Voting and Publicity procedures.

4. Financial Impact on PEO Budgets (for five years)

	Operating	Capital	Explanation
Current to Year End	\$0	\$0	
2 nd	\$	\$	
3 rd	\$	\$	
4 th	\$	\$	
5 th	\$	\$	

5. Peer Review

Comments were collected from stakeholders such as the, Chief Elections Officer, Returning Officers, the Official Elections Agent, voters and staff during the Council election and are reflected in the Issues Report.

7. Appendices

- Appendix A – Central Election and Search Committee Issues Report
- Appendix B – Draft 2022 Voting Procedures
- Appendix C – Draft 2022 Election Publicity Procedures
- Appendix D – Nomination Form
- Appendix E – i) – Nomination Acceptance Form – President-Elect
 ii) – Nomination Acceptance Form – Vice-President
 iii) – Nomination Acceptance Form - Councillor-at-Large
 iv) – Nomination Acceptance Form – Regional Councillor

Central Elections and Search Committee
2021 Council Elections Issues Report

Item	Issue	Background	Recommendation
1	Complaints from members were received about a candidate including fundraising requests to their PEO election publicity material	<p>One candidate had added a request to support them in a fundraising effort for a specific charity.</p> <p>There is nothing in the Election Publicity Procedures to prohibit such a request, although there have been several voters who have questioned the practice as being unrelated to the PEO Council elections and PEO's regulatory mandate.</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. To disallow requests for fundraising in election material. 2. To disallow links to any non-PEO websites or social media accounts in election material. <p>Rationale for recommendation #1: To uphold the consent PEO has with members to communicate with them on PEO regulatory matters. An individual's fundraising efforts are outside of PEO's mandate.</p> <p>Rational for recommendation #2: To eliminate PEO's exposure to potential risks associated with content published on sites not authorized by PEO, such as a candidate's personal website and/or social media accounts.</p>
2	Some candidates were confused that the peovote.ca site automatically redirected to peo.on.ca site.		<p>Recommendation: To determine if there is a way, technologically, to eliminate the redirect and, if that is not possible, to add an explanatory note on the <i>peovote.ca</i> website as to why the voter is being redirected to the <i>peo.on.ca</i> website.</p> <p>Rationale: To reduce confusion for voters.</p>
3	Does PEO still need a 5-week election period? Can this timeline be shortened?	The five-week voting period was established when voting was by paper ballot to allow sufficient time for election material to be sent and returned through the post office.	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. To move towards an all-electronic (e-voting) election as soon as possible while maintaining

Item	Issue	Background	Recommendation
		<p>Engineering regulators and other associations across the country have introduced a requirement that all eligible voters have an email address.</p> <p>Communicating with voters via email only has reduced their voting period to between two to three weeks.</p>	<p>accessibility of access until evoting is finalized; and</p> <p>2. To reduce the voting period to three weeks when an all-electronic election is in place.</p> <p>Rationale for recommendation #1: E-voting reduces PEO's costs, e.g. paper, labour, postage.</p> <p>Rationale for recommendation #2: Five weeks will no longer be needed for all e-voting, and a shorter time period will hopefully bring more momentum to the election thus encouraging voting</p>
4	What is the role of Returning Officers in electronic elections?	<p>The Returning Officers position was created (see Regulation below) to oversee the counting of paper ballots.</p> <p>The Returning Officers now simply confirm with the Official Elections Agent there are zero votes cast just before voting for the Council election begins and review the data provided by the Agent a week after voting closes.</p> <p>Currently, the results are provided by the Agent approximately 30 minutes following the close of voting and are deemed 'Unofficial'. The results are only 'Official' one week later when the Returning Officers meet with the Agent to review the data.</p> <p>Removing the Returning Officers from the process would make the results made available minutes after voting closes 'Official'.</p> <p>Regulation 20 of the PEA 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.</p>	<p>Recommendation: To amend the Regulations to eliminate the requirement for returning officers.</p> <p>Rationale: Without paper ballots to review, Returning Officers are left to confirm only data provided by PEO's third-party supplier, the Official Election Agent.</p>

Item	Issue	Background	Recommendation
		<p>Regulation 21 of the PEA The returning officers shall,</p> <ul style="list-style-type: none"> 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. 	
6	Candidates have six days after the deadline to remedy any inconsistencies with material-prescribed requirements. This places undue pressure on PEO's Communications department to prepare the submissions to meet the <i>Engineering Dimensions</i> publication deadline.	<p>Election Publicity Procedures "20. The chief elections officer is responsible for ensuring that all candidate material (whether for <i>Engineering Dimensions</i>, PEO's website or eblasts) complies with these procedures. Where it is deemed the material does not satisfy these procedures, the chief elections officer will, within three full business days from receipt of the material by the association, notify the candidate or an appointed alternate, who is expected to be available during this period by telephone or email. The candidate or appointed alternate will have a further three full business days to advise the chief elections officer of the amendment. Candidates are responsible for meeting this deadline. Should a candidate fail to re-submit material with the three-business day period, the candidate's material will be published with a notion explaining any necessary amendments made by staff." This procedure has been in place since before candidates had complete control over the content of their material when misstatements were requested to be corrected. This no longer applies.</p>	<p>Recommendation: To reduce the number of days a candidate has to remedy any inconsistencies to their election material from six days to two business days (excluding the date of the notice).</p> <p>Should a candidate fail to re-submit material within two business days, the candidate's material will be published with a notation explaining any necessary amendments made by staff (e.g. – photo not included because it was either too small or too large; only material that will fit within the border would be included and the remainder excluded)</p> <p>Rationale:</p> <ol style="list-style-type: none"> 1. Inconsistencies in material submissions from requirements have recently been remedied within a day or two of being advised that a change is necessary to comply with the

Item	Issue	Background	Recommendation
		Issues that arise today are usually over the size/quality of photos provided (less than 300 KB or greater than 2 MB) and/or the material is too large to fit within the border specification.	procedures (e.g. submission of a properly-sized photo, font size to be changed so that material fits within prescribed border); and 2. Allows PEO's Communications department more time to prepare the material in order to meet the tight <i>Engineering Dimensions</i> publication deadline.
7	As apparent from some candidates statements, they do not understand the roles and responsibilities of Council nor its primary mandate as that of a regulator.	Currently, there is no pre-election education provided to candidates on the role of PEO and of PEO Council	Recommendation: To include a requirement that potential candidates for Council must first complete an education component on the roles and responsibilities of Council in order to be eligible to run in the election when considering a restructuring of the election process. Rationale: To help ensure that all potential candidates are fully aware of the roles and responsibilities of, and time commitment for, serving on Council prior to submitting nomination papers.
8	There is confusion regarding who may, or may not, run for Vice President and when - i.e. 1. Can an <i>appointed</i> Vice President run for the <i>elected</i> Vice President position within 10 years? 2. Can a former <i>elected</i> Vice President, once elected to Council, be eligible for <i>appointment</i> to the Vice President position?	The Regulations are silent on these items. Applicable sections of the Regulations, under the heading "Council Elections". [The italics and underlining are for emphasis.] "2. Fifteen members shall be <u>elected</u> 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 as regional councillors by and from	Recommendation: To confirm that an appointed Vice President is permitted to be a candidate for elected Vice President while serving as a Councillor. Rationale: In the absence of anything to the contrary, and given that the position of Vice President, both elected and appointed, are found in the "elections" section of the Regulations, and as a matter of policy until the elections process has been reviewed, the above recommendation will

Item	Issue	Background	Recommendation
		<p>among the Members in each of the five Regions.</p> <p>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; O. Reg. 35/18, s. 1.</p> <p>3. (1) There shall be the following additional officers of the Association:</p> <p>1. The president, who is a Member and who was president-elect in the immediately preceding year.</p> <p>2. A vice-president, who shall be <u>appointed</u> annually by Council <u>from among its members elected or appointed</u> under clause 3 (2) (a) or 3 (2) (b) of the Act [LGA appointments] 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.</p> <p>(7) After a Member has served as vice-president for one term, the Member is not eligible to serve as vice-president again until the day of the tenth annual meeting of Members held following the Member's last day of service as vice-president. O. Reg. 35/18, s. 2."</p>	provide clarity to potential candidates and the members at large.
9	None of the Councillor-at-Large candidates attended the PEO official head office All Candidates Meeting	Attendance by any candidate to their respective All Candidates video meeting at PEO head office is voluntary. There is no mandatory requirement for them to do so.	<p>Recommendation: To mandate that all election candidates be required to attend their respective All Candidates Meetings at PEO's head office, either in person or virtually.</p> <p>Rationale: So that all voters may get to know the candidates better as they are likely unknown to members outside their own regions.</p>

**C-542-2.4
Appendix B**

**2022 Voting Procedures
for Election to the 2022-2023 Council of the
Association of Professional Engineers Ontario (PEO)**

The 2022 voting and election publicity procedures were approved by the Council of PEO in June 25, 2021. Candidates are responsible for familiarizing themselves with these procedures. Any deviation could result in a nomination being considered invalid. Candidates are urged to submit nominations and election material well in advance of published deadlines so that any irregularities may be corrected before the established deadlines. Nominees' names are made available on PEO's website as received; all other election material is considered confidential until published by PEO.

1. The schedule for the elections to the 2022–2023 Council is as follows:

Date nominations open	October 18, 2021
Date nominations close	4 p.m., November 26, 2021
Date PEO's membership roster will be closed for the purposes of members eligible to automatically receive election material ¹	January 7, 2022
Date a list of candidates and voting instructions will be sent to members	no later than January 14, 2022
Date voting will commence	on the date that the voting packages are sent to members, no later than January 14, 2022
Date voting closes	4 p.m., February 18, 2022

All times noted in these procedures are Eastern Time.

¹ Members licensed after this date may call in and request that election information be mailed to them by regular mail, or, upon prior written consent by the member for use of his/her email address, via email, or via telephone.

2. Candidates' names will be listed in alphabetical sequence by position on the list of candidates sent to members and on PEO's website. However, the order of their names will be randomized when voters sign in to the voting site to vote.
3. A person may be nominated for only one position.

4. A nomination, once withdrawn, may not be re-instated.
5. Nomination papers are to be submitted only by email for tracking purposes. Forms will not be accepted by any other format (e.g. personal delivery, courier, fax or regular mail).
6. Only nomination acceptance and nomination petition forms completed in all respects, without amendment in any way whatsoever, will be accepted.
7. Signatures on nomination forms may be hand-signed or electronic.
8. Signatures on nomination petition forms do not serve as confirmation that a member is formally endorsing a candidate.
9. In the event a candidate changes his or her mind on a position and decides to run for a different position after submitting nomination forms, a newly-completed nomination petition form, in addition to a new nomination acceptance form, will be required.
10. Candidates should allow sufficient time for their emails to go through the system to ensure that the completed papers are, in fact, received by the chief elections officer by 4 p.m. on November 26, 2021. In the event of a dispute as to when the forms were sent vs received, a candidate can provide the chief elections officer with a copy of his or her email to PEO that would indicate the time the nomination forms were sent from his/her computer.
11. Council has appointed a Central Election and Search Committee to:
 - encourage members to seek nomination for election to the Council as president-elect, vice president or a councillor-at-large;
 - assist the chief elections officer as may be required by him or her;
 - receive and respond to complaints regarding the procedures for nominating, electing and voting for members to the Council;
 - conduct an annual review of the elections process and report to the June 2022 Council meeting.
12. Candidates will be advised when a member of the Central Election and Search Committee has declared a conflict of interest should an issue arise that requires the consideration of the committee.
13. Council has appointed a Regional Election and Search Committee for each region to encourage members residing in each region to seek nomination for election to the Council as a regional councillor.
14. Council has appointed an independent chief elections officer to oversee the election process and to ensure that the nomination, election and voting are conducted in accordance with the procedures approved by Council.
15. The chief elections officer will be available to answer questions and complaints regarding the procedures for nominating, electing and voting for members to the Council. Any such complaints or matters that the chief elections officer cannot resolve will be forwarded by the chief elections officer to the Central Election and Search Committee for final resolution. Staff is explicitly prohibited from handling and resolving complaints and questions, other than for administrative purposes (e.g. forwarding a received complaint or question to the chief elections officer).

16. Voting will be by electronic means only (internet and telephone). Voting by electronic means will be open at the same time the electronic election packages are sent out.
17. An independent agency has been appointed by Council to receive, control, process and report on all cast ballots. This "official elections agent" will be identified to the members with the voting material.
18. If a candidate withdraws his or her nomination for election to PEO Council prior to the preparation of the voting site, the chief elections officer shall not place the candidate's name on the voting site of the official elections agent or on the list of candidates sent to members and shall communicate to members that the candidate has withdrawn from the election. If the candidate withdraws from the election after the electronic voting site has been prepared, the chief elections officer will instruct the official elections agent to adjust the voting site to reflect the candidate's withdrawal.
19. All voting instructions, a list of candidates and their election publicity material will be sent to members by the official elections agent. All voters will be provided with detailed voting instructions on how to vote electronically. Control numbers or other access control systems will be sent to members by email after the election package has been sent out. The official elections agent will send out an eblast with the control numbers (PINs) every Monday during the election period.
20. Election material sent to members electronically or by mail will contain information related to the All Candidates Meetings.
21. If the official elections agent is notified that an elector has not received a complete election information package, the official elections agent shall verify the identity of the elector and may either provide a complete duplicate election information package to the elector, which is to be marked "duplicate," by regular mail or email or provide the voter's unique control number to the voter and offer assistance via telephone. In order to receive such information via email, the elector must provide prior written consent to the use of his or her email address for this purpose.
22. Elections staff shall respond to any requests for new packages as usual - i.e. if the member advises that he/she has moved and has not received a package, the member is to be directed to the appropriate section on the PEO website where the member may update his/her information with Document Management Centre (DMC).
23. DMC staff shall advise elections staff when the member information has been updated; only then shall the elections staff request the official elections agent to issue a replacement package with the same control number.
24. Verification of eligibility, validity or entitlement of all votes received will be required by the official elections agent. Verification by the official elections agent will be by unique control number to be provided to voters with detailed instructions on how to vote by internet and by telephone.
25. Voters need not vote in each category to make the vote valid.
26. PEO will post total votes cast in the election on the PEO website on each Friday of the voting period and will post final vote totals by candidate after voting has closed. No other information related to vote totals will be made available.

27. The official elections agent shall not disclose individual voter preferences.
28. The official elections agent shall keep a running total of the electronic ballot count and shall report the unofficial results to the chief elections officer, who will provide the candidates with the unofficial results as soon as practically possible.
29. There shall be an automatic recount of the ballots for a given candidate category for election to Council or bylaw confirmation where the vote total on any candidate category for election to Council between the candidate receiving the highest number of votes cast and the candidate receiving the next highest number of votes cast is 25 votes or less for that candidate category or where the votes cast between confirming the bylaw and rejecting the bylaw is 25 votes or less.
30. Certification of all data will be done by the official elections agent.
31. On or before the close of nominations on November 26, 2021, the president will appoint three members or councillors, who are not running in the election, as returning officers to:
 - approve the final count of ballots;
 - make any investigation and inquiry as they consider necessary or desirable for the purpose of ensuring the integrity of the counting of the vote and report the results of the vote to the registrar not later than March 11, 2022.
32. Returning officers shall receive a per diem of \$250, plus reasonable expenses to exercise the duties outlined above.
33. Reporting of the final vote counts, including ballots cast for candidates that may have withdrawn their candidacy after the opening of voting to PEO, will be done by the returning officers to the registrar, who will advise the candidates and Council in writing at the earliest opportunity.
34. Upon the direction of the Council following receipt of the election results, the official elections agent will be instructed to remove the electronic voting sites from its records.
35. Election envelopes that are returned to PEO as undeliverable are to remain unopened and stored in a locked cabinet in the Document Management Centre (DMC) without contacting the member until such time as the election results are finalized and no longer in dispute.
36. Elections staff are not to have access to, or control of, returned envelopes.
37. After the election results are finalized and no longer in dispute, the chief elections officer shall authorize the DMC to unlock the cabinet containing the unopened returned ballot envelopes so that it may contact members in an effort to obtain current information.
38. After the DMC has determined that it has contacted as many members whose envelopes were returned as possible to obtain current information or determine that no further action can be taken to obtain this information, it shall notify the elections staff accordingly and destroy the returned elections envelopes.
39. In the event a chapter holds an All Candidates Meeting, the chapter must invite to the meeting all candidates for whom voters in that region are eligible to vote.

40. Candidates for PEO Council may submit expense claims. The travel allowance to enable candidates to travel to chapter events during the period from the close of nominations to the close of voting will be based on the distance between chapters and the number of chapters in each region. Such travel expenses are reimbursed only in accordance with PEO's expense policy.

41. These procedures may only be amended if approved by the current Council.

42. All questions from, and replies to, candidates are to be addressed to the chief elections officer:

By email: elections@peo.on.ca

By letter mail: Chief elections officer
c/o Professional Engineers Ontario
101-40 Sheppard Avenue West
Toronto, ON M2N 6K9

**C-542-2.4
Appendix C**

**2022 Election Publicity Procedures
for Election to the 2022-2023 Council of the
Association of Professional Engineers Ontario (PEO)**

Important Dates to Remember

Deadline for receipt of publicity materials for publication in <i>Engineering Dimensions</i> and on the PEO website, including URLs to candidates' own websites	4 p.m., December 10, 2021
Deadline for submission of candidate material to eblast to members	1. January 10, 2022—1st eblast 2. January 24, 2022—2nd eblast 3. February 7, 2022—3rd eblast
Dates of eblasts to members	1. January 17, 2022 2. January 31, 2022 3. February 14, 2022
Date of posting period	January 14, 2022 to February 18, 2022
Dates of voting period	12 p.m., January 14, 2022 to 4 p.m., February 18, 2022
Dates of All Candidates Meetings	The week of January 3, 2022

Note: All times indicated in these procedures are Eastern Time.

- Names of nominated candidates will be published on PEO's website as soon as their nomination is verified.
- Names of all nominated candidates will be forwarded to members of Council, chapter chairs and committee chairs and published on PEO's website by November 29, 2021.
- Should a candidate wish to withdraw from the election, their name will remain on the website and the word "withdrawn" will appear beside their name on the PEO website.
- Candidates will have complete control over the content of all their campaign material, including material for publication in *Engineering Dimensions*, on their additional material on PEO's website, and on their own websites.
- Candidate material is readily available to the public and should be in keeping with the dignity of the profession at all times. Material will be published with a disclaimer. The chief elections officer may seek a legal opinion prior to publishing/posting of any material if the chief elections

officer believes campaign material could be deemed libelous. The chief elections officer has the authority to reject the campaign material if so advised by legal counsel.

6. Candidate material may contain personal endorsements provided there is a clear disclaimer indicating that the endorsements are personal and do not reflect or represent the endorsement of PEO Council, a PEO chapter or committee or any organization with which an individual providing an endorsement is affiliated.
7. Candidate material for publication in *Engineering Dimensions* and any additional material they wish to publish on the website must be forwarded to the chief elections officer via email at elections@peo.on.ca no later than 4 p.m. on December 10, 2021, and **must be in accordance with these procedures and Schedule A attached.**
8. Candidates have the option of using one of two templates to present their election material in *Engineering Dimensions*. Both templates are included in Schedule A of these procedures. The size of both templates is the equivalent of one-half page, including border, in *Engineering Dimensions*.
 - a. Option 1: Candidates using the blank template will have discretion over the presentation of their material, including but not limited to font style, size and effects. Candidates using the blank template will be permitted to include their portrait within the template.
 - b. Option 2: Candidates using the fillable template must provide responses to the questions provided in the allotted space. The presentation of the fillable template is fixed and no modifications will be permitted. Candidates using the fillable template must submit their portrait separately for insertion into the designated location by PEO staff.
9. Candidates shall not use the PEO logo in their election material.
- ~~10. Candidates may include links to PEO publications but not a URL link to a third party in their material on PEO's website. Links to PEO publications are not considered to be to a third party. For clarity, besides links to PEO publications, the only URL link that may be included in a candidate's material on PEO's website is a URL link to the candidate's own website.~~
11. If campaign material is submitted by a candidate without identifying information, PEO staff are authorized to contact the candidate and ask if he or she wishes to resubmit material. If campaign material is received by the chief elections officer and returned to the candidate for amendment to comply with the Election Publicity Procedures, and the amended material is not returned within the prescribed time, staff will publish the material with a notation explaining any necessary amendments by staff.
12. The chief elections officer is responsible for ensuring that all candidate material (whether for *Engineering Dimensions*, PEO's website or eblasts) complies with these procedures. Where it is deemed the material does not satisfy these procedures, the chief elections officer will, within **one** full business days from receipt of the material by the chief elections officer, notify the candidate, who is expected to be available during this period by telephone or email. The candidate will have a further **two** full business days to advise the chief elections officer of the amendment. Candidates are responsible for meeting this deadline. Should a candidate fail to re-submit material within the **two**-business-day period, the candidate's material will be published with a notation explaining any necessary amendments by staff.

13. Candidate publicity material will be published as a separate insert in the January/February 2022 issue of *Engineering Dimensions* and to PEO's website in January 2022, and included in any hardcopy mailing to eligible voters with voting instructions. ~~Links to candidate material on PEO's website will be included in any electronic mailing to eligible voters.~~
14. Candidate material will be considered confidential and will be restricted to staff members required to arrange for publication until published on PEO's website. All candidates' material will be published to PEO's website at the same time.
15. Candidates may submit updates to their material on PEO's website once during the posting period. Any amendments to a candidate's name/designations are to be considered part of the one-time update permitted to their material during the posting period.
16. Candidates may post more comprehensive material on their own websites, which will be linked from PEO's website during the posting period. ~~Candidates may include active links to their social media accounts (Facebook, Twitter, LinkedIn, etc.) in material appearing in *Engineering Dimensions*, published on PEO's election site (i.e. the 1000 word additional information candidates may submit), or included in an eblast of candidate material.~~
17. PEO will provide three group email distributions to members of candidate publicity material beyond the material published in *Engineering Dimensions*. Material to be included in an eblast must be submitted to the chief elections officer at elections@peo.on.ca in accordance with Schedule A. In the event of a dispute as to when the material was sent vs received, the material will be accepted only if a candidate can provide the chief elections officer with a copy of his or her email to PEO sent from from his or her computer indicating a sent time before the deadline.
18. All material for the eblast messages must be submitted in a Word document only and must not be included as part of the message in the transmission email. Where the email message is received in a font size or style that is different from the specifications, but otherwise meets all the requirements, the chief elections officer may authorize staff to change only the size and font of the material so it conforms to specifications. Staff are prohibited from amending material in any way except with the written permission of the candidate.
19. Candidates are responsible for responding to replies or questions generated by their email message.
20. PEO will provide candidates the opportunity to participate in All Candidate Meetings, which will be held at PEO offices during the week of January 3, 2022. The All Candidate Meetings will be video recorded for posting on PEO's website. On the day of the first All Candidates Meeting, an eblast will be sent to members announcing that these video recordings will be posted on the PEO website within two business days.
21. Candidate materials from previous elections will remain on PEO's database as part of the record of the election.
22. Caution is to be exercised in determining the content of issues of membership publications published during the voting period, including chapter newsletters. Editors are to ensure that no candidate is given additional publicity or opportunities to express viewpoints in issues of membership publications distributed during the voting period from January 14, 2022 until the

close of voting on February 18, 2022, beyond his/her candidate material published in the January/February issue of *Engineering Dimensions*, and on the PEO website. This includes photos (with or without captions), references to, or quotes or commentary by, candidates in articles, letters to the editor and opinion pieces. PEO's communications vehicles should be, and should be seen to be, non-partisan. The above does not prevent a PEO publication from including photos of candidates taken during normal PEO activities (e.g. licensing ceremonies, school activities, GLP events, etc.) provided there is no expression of viewpoints. For greater clarity, no election-specific or election-related articles, including Letters to the Editor and President's Message, are to be included in *Engineering Dimensions* during the voting period. *Engineering Dimensions* or other PEO publications may contain articles on why voting is important.

23. Chapters may not endorse candidates, or expressly *not* endorse candidates, in print, on their websites or through their list servers, or at their membership meetings or activities during the voting period. Where published material does not comply with these procedures, the chief elections officer will cause the offending material to be removed if agreement cannot be reached with the chapter within the time available.
24. Councillors may use their positions to encourage candidates to stand for PEO office and members to participate in the election process but may not endorse candidates for PEO election.
25. Candidates may attend chapter annual general meetings and network during the informal portion of the meeting. Candidates are permitted to attend chapter functions in their current official capacity but are prohibited from campaigning while operating in their official capacity.
26. The Central Election and Search Committee is authorized to interpret the voting and election publicity guidelines and procedures and to rule on candidates' questions and concerns relating to them.

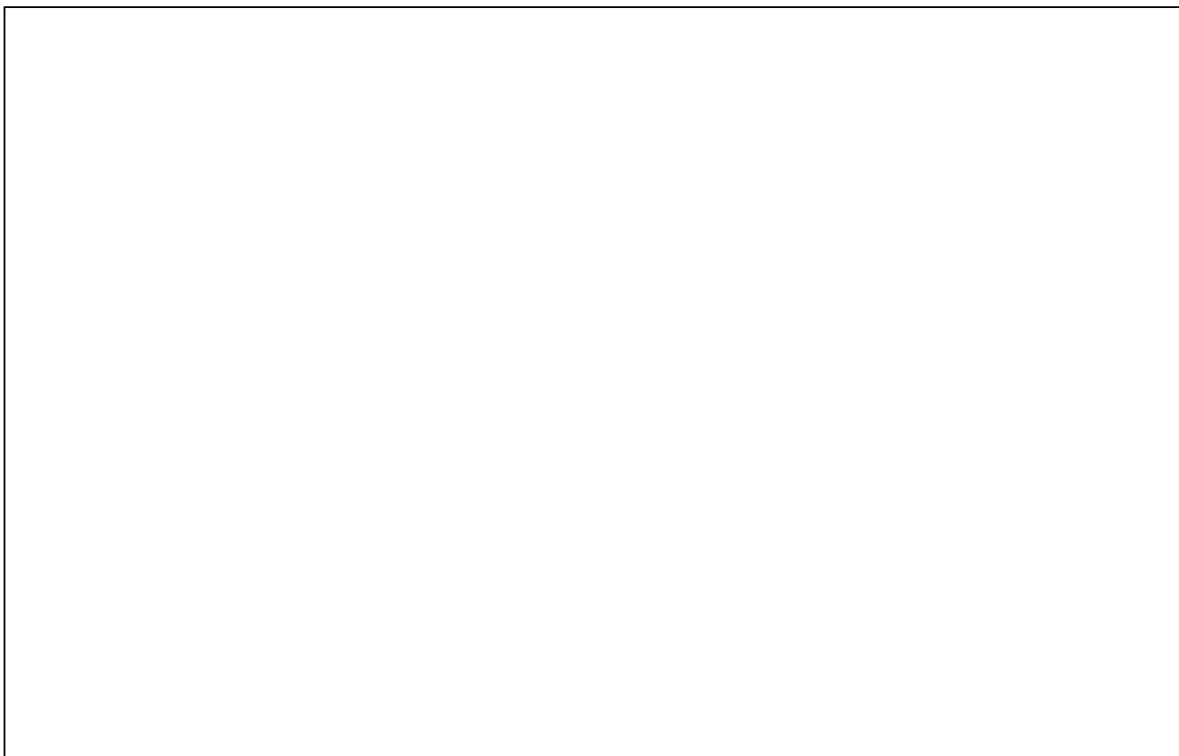
These Election Publicity Procedures form part of the Voting Procedures.

Schedule A - 2022 Elections Publicity Procedures**Specifications for Candidate Materials**

<p>Format for Candidate statements in <i>Engineering Dimensions</i></p>	<p>All submissions will be published with a border. If submissions are received without a border, one will be added as shown on the templates. If submissions do not fit within the chosen template, they will be mechanically reduced to fit.</p> <p>Option 1: Blank template</p> <p>Candidates using the blank template to present their material for publication in <i>Engineering Dimensions</i> must ensure the content fits in the bordered template provided at the end of these specifications. The template dimensions are 6.531 inches wide and 4.125 inches in height</p> <p>All material for publication must be submitted as a PDF document, with images in place for reference, <u>and</u> in Word format only, showing where images are to be placed. No other formats will be accepted.</p> <p>Portraits must also be submitted as specified in the next section.</p> <p>The publications staff needs both a PDF file and Word file of candidate material so they will know how candidates intend their material to look. If there are no difficulties with the material, the PDF file will be used. The Word file is required in case something isn't correct with the submission (just a bit off on measurement, for example), as it will enable publications staff to fix the problem, if possible. A hard and/or digital copy of a candidate's portrait is required for the same reason and for use on the PEO election website.</p> <p>Option 2: Fillable template</p> <p>Candidates using the fillable template must provide responses to the questions provided in the allotted space. The completed template must be submitted as a PDF document.</p> <p>Portraits must be submitted separately, as specified in the portraits section below, and will be added to the template by PEO staff.</p> <p>The presentation of the fillable template is fixed and no modifications will be permitted.</p>
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	<p>The profile template will be available on PEO's elections website, www.peovote.ca</p> <p>A hard and/or digital copy of a candidate's portrait is also required for use on the PEO Elections website.</p>
Portraits/Photographs	<p>Photographs must be at least 5" x 7" in size if submitted in hard copy form so that they are suitable for scanning ("snapshots" or passport photographs are not suitable).</p> <p>Only pictures taken in the last five years will be accepted.</p> <p>If submitted in digital form, photographs must be JPEG-format files of at least 300 KB but no more than 2MB.</p> <p>Candidates can submit a digital photo at the specifications noted, or hard copy as noted, and preferably both. In case the digital file is corrupted or not saved at a sufficiently high resolution, publications staff can rescan the photo (hard copy) to ensure it prints correctly, as indicated on the PDF.</p>
PEO Website (candidates' additional information)	<p>Candidates may publish additional information on PEO's website by submitting a Word or Word-compatible file of no more than 1,000 words, and no more than three non-animated graphics in JPEG or GIF format. Graphics may not contain embedded material.</p> <p>Candidates may post additional material on their own websites. No link will be provided to candidates own websites, which will be linked from PEO's website. URLs for candidates' websites must be active by December 9, 2019.</p> <p>Candidates may include links to PEO publications but not a URL link to a third party in their material that is to be posted on PEO's website. Links to PEO publications are not considered to be to a third party. For clarity, the only URL link that may be included in a candidate's material on PEO's website is the URL to the candidate's own website. Candidates may include active links to their social media accounts (Facebook, Twitter, LinkedIn, etc.)</p> <p>[Update based on Issues Report item 13]</p>
Eblast material	<p>Candidates are permitted a maximum of 300 words for email messages. Messages are to be provided in 11 pt. Arial font; graphics are not permitted. For clarity, a "graphic" is an image that is either drawn or captured by a camera.</p>
Help	<p>Candidates should contact the chief elections officer (elections@peo.on.ca) if they have questions about requirements for publicity materials.</p>

Option 1: Blank template



Option 2: Fillable template

	Name:	Candidate statement:
	Employer and position:	
	Degree(s), school(s) attended, year(s) of graduation:	
	Employment history:	
	Participation on PEO Council, committee/task forces, chapters:	
	Other professional affiliations and community service:	
Years of registration in Ontario:		



Professional Engineers
Ontario

**C-542-2.4
Appendix D**

101-40 Sheppard Ave. W.,
Toronto, ON M2N 6K9
T: 416 224-1100 800 339-3716
www.peo.on.ca

NOMINATION FORM

I, the undersigned, being a member of Professional Engineers Ontario (PEO), do hereby nominate <name of candidate> as a candidate for the position of <Council office> in the 2022 PEO Council elections.

It is my understanding that the candidate I am nominating is a Canadian citizen or has the status of a permanent resident of Canada, is currently living in Ontario, and in the case of nomination for the position of Regional Councillor also resides in the region in which he/she is being nominated, and is willing to serve if elected.

I further attest that:

- (i) I have reviewed the roles and responsibilities for the position of <Council office> as published on PEO's website;
- (ii) On the basis of personal experience of the candidate, I believe he/she possesses the desired attributes of a PEO Councillor in the position of <Council position>.

Name of Nominator _____
(as it appears in PEO's Register)

Nominator's PEO Licence Number _____

Nominator's Address _____

Nominator's Region _____

Nominator's Signature _____



C-542-2.4
Appendix E.i

101-40 Sheppard Ave. W.,
 Toronto, ON M2N 6K9
 T: 416 224-1100 800 339-3716
 www.peo.on.ca

NOMINATION ACCEPTANCE FORM

President-elect

THIS FORM MUST BE COMPLETED AND SUBMITTED BY NOVEMBER 26, 2021 AT 4:00PM

I, _____, hereby agree to stand as a candidate for election as **President-Elect** in the 2022 elections for Council of Professional Engineers Ontario (PEO), and not to withdraw my candidacy except under exceptional circumstances. If elected, I further agree to serve on Council for a three-year term (2022-2025). I am a Canadian citizen or have the status of a permanent resident of Canada, and am currently residing in Ontario.

I declare that the information in this nomination acceptance form and in all other information provided to PEO in support of my nomination and election to PEO Council is true and complete to the best of my knowledge. I understand that a false statement or misrepresentation could result in disciplinary action under the *Professional Engineers Act*.

I declare that I have read and understand Sections 1 and 2 of the *Council Manual*, as published on PEO's website, in particular Sections 1.4 – PEO's Core Values, 2.2 - Duties and Responsibilities of Councillors at Law; 2.3 - Duties Under By-Law No. 1; and 2.4 – Councillors' Code of Conduct, and agree to act in accordance with these sections in carrying out my duties as a Councillor if elected to PEO Council.

I declare that I have familiarized myself with the roles and responsibilities of the office of President-elect, and that I am adequately prepared to serve in that capacity.

I hereby agree to accept the results of the election as verified by PEO's Returning Officers.

Signature: _____ Date: _____

PLEASE PRINT OR TYPE YOUR NAME AND DESIGNATIONS AS YOU WISH THEM TO APPEAR ON PEO'S WEBSITE AND IN PRINT

NAME AND DESIGNATIONS: _____

PEO LICENCE NO. _____

PREFERRED MAILING ADDRESS: _____

TELEPHONE: BUS: _____ HOME: _____

FAX: BUS: _____ HOME: _____

PUBLIC E-MAIL ADDRESS: _____

Candidates are required to provide an e-mail address to be used and made public for election purposes only.



C-542-2.4
Appendix E.ii

101-40 Sheppard Ave. W.,
 Toronto, ON M2N 6K9
 T: 416 224-1100 800 339-3716
 www.peo.on.ca

NOMINATION ACCEPTANCE FORM

Vice President

THIS FORM MUST BE COMPLETED AND SUBMITTED BY NOVEMBER 26, 2021 AT 4:00PM

I, _____, hereby agree to stand as a candidate for election as **Vice President** in the 2022 elections for Council of Professional Engineers Ontario (PEO), and not to withdraw my candidacy except under exceptional circumstances. If elected, I further agree to serve on Council for a one-year term (2022-2023). I am a Canadian citizen or have the status of a permanent resident of Canada, and am currently residing in Ontario.

I declare that the information in this nomination acceptance form and in all other information provided to PEO in support of my nomination and election to PEO Council is true and complete to the best of my knowledge. I understand that a false statement or misrepresentation could result in disciplinary action under the *Professional Engineers Act*.

I declare that I have read and understand Sections 1 and 2 of the *Council Manual*, as published on PEO's website, in particular Sections 1.4 – PEO's Core Values, 2.2 - Duties and Responsibilities of Councillors at Law; 2.3 - Duties Under By-Law No. 1; and 2.4 – Councillors' Code of Conduct, and agree to act in accordance with these sections in carrying out my duties as a Councillor if elected to PEO Council.

I declare that I have familiarized myself with the roles and responsibilities of the office of Vice President, and that I am adequately prepared to serve in that capacity.

I hereby agree to accept the results of the election as verified by PEO's Returning Officers.

Signature: _____ Date: _____

PLEASE PRINT OR TYPE YOUR NAME AND DESIGNATIONS AS YOU WISH THEM TO APPEAR ON PEO'S WEBSITE AND IN PRINT

NAME AND DESIGNATIONS: _____

PEO LICENCE NO. _____

PREFERRED MAILING ADDRESS: _____

TELEPHONE: BUS: _____ HOME: _____

FAX: BUS: _____ HOME: _____

PUBLIC E-MAIL ADDRESS: _____

Candidates are required to provide an e-mail address to be used and made public for election purposes only.



C-542-2.4
Appendix E.iii

101-40 Sheppard Ave. W.,
 Toronto, ON M2N 6K9
 T: 416 224-1100 800 339-3716
 www.peo.on.ca

NOMINATION ACCEPTANCE FORM

Councillor at Large

THIS FORM MUST BE COMPLETED AND SUBMITTED BY NOVEMBER 26, 2021 AT 4:00PM

I, _____, hereby agree to stand as a candidate for election as **Councillor at Large** in the 2022 elections for Council of Professional Engineers Ontario (PEO), and not to withdraw my candidacy except under exceptional circumstances. If elected, I further agree to serve on Council for a two-year term (2022-2024). I am a Canadian citizen or have the status of a permanent resident of Canada, and am currently residing in Ontario.

I declare that the information in this nomination acceptance form and in all other information provided to PEO in support of my nomination and election to PEO Council is true and complete to the best of my knowledge. I understand that a false statement or misrepresentation could result in disciplinary action under the *Professional Engineers Act*.

I declare that I have read and understand Sections 1 and 2 of the *Council Manual*, as published on PEO's website, in particular Sections 1.4 – PEO's Core Values, 2.2 - Duties and Responsibilities of Councillors at Law; 2.3 - Duties Under By-Law No. 1; and 2.4 – Councillors' Code of Conduct, and agree to act in accordance with these sections in carrying out my duties as a Councillor if elected to PEO Council.

I declare that I have familiarized myself with the roles and responsibilities of the office of Councillor at Large, and that I am adequately prepared to serve in that capacity.

I hereby agree to accept the results of the election as verified by PEO's Returning Officers.

Signature: _____ Date: _____

PLEASE PRINT OR TYPE YOUR NAME AND DESIGNATIONS AS YOU WISH THEM TO APPEAR ON PEO'S WEBSITE AND IN PRINT

NAME AND DESIGNATIONS: _____

PEO LICENCE NO. _____

PREFERRED MAILING ADDRESS: _____

TELEPHONE: BUS: _____ HOME: _____

FAX: BUS: _____ HOME: _____

PUBLIC E-MAIL ADDRESS: _____

Candidates are required to provide an e-mail address to be used and made public for election purposes only.



C-542-2.4
Appendix E.iv

101-40 Sheppard Ave. W.,
 Toronto, ON M2N 6K9
 T: 416 224-1100 800 339-3716
 www.peo.on.ca

NOMINATION ACCEPTANCE FORM

Regional Councillor

THIS FORM MUST BE COMPLETED AND SUBMITTED BY NOVEMBER 26, 2021 AT 4:00PM

I, _____, hereby agree to stand as a candidate for election as

_____ **Regional Councillor** in the 2022 elections for Council of Professional Engineers Ontario (PEO), and not to withdraw my candidacy except under exceptional circumstances. If elected, I further agree to serve on Council for a two-year term (2022-2024). I am a Canadian citizen or have the status of a permanent resident of Canada, and am currently residing in Ontario in the region in which I stand for election.

I declare that the information in this nomination acceptance form and in all other information provided to PEO in support of my nomination and election to PEO Council is true and complete to the best of my knowledge. I understand that a false statement or misrepresentation could result in disciplinary action under the *Professional Engineers Act*.

I declare that I have read and understand Sections 1 and 2 of the *Council Manual*, as published on PEO's website, in particular Sections 1.4 – PEO's Core Values, 2.2 - Duties and Responsibilities of Councillors at Law; 2.3 - Duties Under By-Law No. 1; and 2.4 – Councillors' Code of Conduct, and agree to act in accordance with these sections in carrying out my duties as a Councillor if elected to PEO Council.

I declare that I have familiarized myself with the roles and responsibilities of the office of Regional Councillor, and that I am adequately prepared to serve in that capacity.

I hereby agree to accept the results of the election as verified by PEO's Returning Officers.

Signature: _____ Date: _____

PLEASE PRINT OR TYPE YOUR NAME AND DESIGNATIONS AS YOU WISH THEM TO APPEAR ON PEO'S WEBSITE AND IN PRINT

NAME AND DESIGNATIONS: _____

PEO LICENCE NO. _____

PREFERRED MAILING ADDRESS: _____

TELEPHONE: BUS: _____ HOME: _____

FAX: BUS: _____ HOME: _____

PUBLIC E-MAIL ADDRESS: _____

Candidates are required to provide an e-mail address to be used and made public for election purposes only.

Briefing Note – Decision

C-542-2.5

Guideline – Professional Engineers Conducting Performance Audits and Reserve Fund Studies

Purpose: Council approval of the listed guideline is required to authorize its publication.

Motions to consider: (requires a simple majority of votes cast to carry)

That Council:

1. Approve the publication of the guideline *Professional Engineers Conducting Performance Audits and Reserve Fund Studies* as presented to the meeting at C-542-2.5, Appendix C;
2. Direct the Registrar to publish the guideline and notify members and the public of its publication through usual PEO communications; and
3. Stand down the PSC subcommittee which prepared the *Professional Engineers Conducting Performance Audits and Reserve Fund Studies* guideline.

Prepared by: José Vera, P. Eng. – *Manager Practice Advisory* on behalf of Neil Kennedy, P. Eng. – *Chair of the PSC*

Moved by: Lisa MacCumber, P.Eng.

1. Need for PEO Action

Professional Standards Committee (PSC) was instructed by Council to proceed with the development of a *Professional Engineers Conducting Performance Audits and Reserve Fund Studies* guideline as per the following motion:

- 480th Council meeting on July 19, 2012:
That Professional Standards Committee be instructed to proceed with the development of a Guideline for Performance Audits and Reserve Fund Studies for Condominiums in accordance with the Terms of Reference set out in C-480-2.12, Appendix A.

2. Proposed Action / Recommendation

- The PSC recommends that Council approve the *Conducting Performance Audits and Reserve Fund Studies* guideline for publication, since it meets the objectives laid out in its approved Terms of Reference (Appendix A).

3. Next Steps (if motion approved)

- Manager, Practice Advisory will collaborate with PEO Communications Department to prepare the draft document for publication as a PEO Guideline;
- Practice Article will be published in the PEO Engineering Dimensions and notices posted on the website to notify PEO members about the publication of this document; and
- The Conducting Performance Audits and Reserve Fund Studies subcommittee will be stood down.

4. Policy or Program contribution to the Strategic Plan

- Strategy 1.7 Develop practice guideline for *Conducting Performance Audits and Reserve Fund Studies*.

5. Financial Impact on PEO Budgets (for five years)

	Operating	Capital	Explanation
Current to Year End	\$	\$	Funded from existing PSC budget
2 nd	\$	\$	Not Applicable, since the guideline should be published this year.

6. Peer Review & Process Followed

Process Followed	<p>Outline the Policy Development Process followed.</p> <ul style="list-style-type: none"> • Draft document was posted on the PEO website for member and stakeholder consultation (May 2, 2016 - September 30, 2016). The following stakeholders were directly invited to the public consultation: <ul style="list-style-type: none"> ➤ Taron warranty corporation ➤ Ministry of Government and Consumer Services (MCS) ➤ Consulting Engineers of Ontario (CEO) ➤ Ontario Society of Professional Engineers (OSPE) • Draft document was revised where warranted based on recommendations received from members and stakeholders during consultation. • In 2017 the project went on hold due to proposed amendments to the Condominium Act (Appendix B). • The project resumed in 2020 when the MCS did not have a date for implementing the amendments. • An informal consultation with the original participants was held to ensure the guideline was current. • Draft document was reviewed and approved by PSC (June 8, 2021).
Council Identified Review	Not applicable
Actual Motion Review	Not applicable

7. Appendices

- Appendix A – Terms of Reference Subcommittee - *Guideline for Performance Audits and Reserve Fund Studies for Condominiums*
- Appendix B – Extract of 516 Council minutes
- Appendix C – Practice Guideline - *Professional Engineers Conducting Performance Audits and Reserve Fund Studies*



Professional Engineers
Ontario

Terms of Reference

Guideline for Performance Audits and Reserve Fund Studies for Condominiums Subcommittee (July 2, 2012)

OBJECTIVES

The Guideline for Performance Audits and Reserve Fund Studies for Condominiums Subcommittee is directed by the Professional Standards Committee (PSC) to provide input as subject matter experts for the preparation of a guideline to be used by professional engineers performing these audits and studies for condominium corporations.

BACKGROUND

The *Condominium Act* requires a condominium corporation to retain professional engineers, or others as described in O. Reg. 48/01, to carry out certain prescribed reviews of the property or portions of the property. There are three categories of these reviews:

1. Inspection of a building containing rental residential units that is being considered for conversion to a condominium building.
2. Performance audits of a recently designated condominium building
3. Periodic reserve fund studies of the common elements of a condominium property

According to the *Condominium Act* Item 2 must be carried out by professional engineers or architects. Items 1 and 3 must be carried out by professional engineers, architects or other qualified persons. The inspections and audits required by Items 1 and 2 are technical; that is, the practitioners are required to assess the condition of the material assets of the property. Though these audits and reviews cannot be considered activities that fall within the practice of professional engineering, practitioners must carry out this work in a professional manner consistent with their obligations under the *Professional Engineers Act*. It is PEO policy that the association's role in governing the actions and conduct of its members is not limited to the practice of professional engineering. Licensed professional engineers are expected to uphold the minimum applicable standards associated with any kind of work that will reflect on the profession.

The purpose of the performance audit is to find any deficiencies with respect to deficiencies or violations with respect to the provincial building and fire codes, material defects and workmanship in the common elements of the condo before the end of the one year time frame for submitting a warranty claim under the Ontario New Home Warranty Program. Similar audits for specific deficiencies may also be done at the end of the second year and seventh year.

The study in Item 3 is an assessment of the financial demands over the next thirty years required for the major repair and replacement of the common elements and assets of the corporation. A Reserve Fund Study assists the Condominium's Board of Directors in determining if the amount of money currently in the reserve fund and the amount of contributions collected for the reserve fund are adequate to provide for the expected costs.

The proposed guideline is intended to describe best practices for carrying out these various property reviews that are consistent with the ethical and professional obligations of the practitioner.

MANDATE (Specific Tasks)

This subcommittee is expected to provide information that will aid in preparing a practice guideline for professional engineers retained to provide these audit and review services. The guideline will provide information on how the reviewer should carry out these activities in a professional manner. Subtasks that the subcommittee should consider as useful to this process are:

- a) identify the appropriate scope of work for each type of service
- b) identify best practices for conducting performance audits
- c) identify best practices for conducting reserve fund studies
- d) identify and address questions about the nature of the studies such as:
 - should study consider compliance with municipal by-laws in addition to the provincial building code?
- e) identify the non-engineering skills, such as financial forecasting, that may be required in order to carry out this work
- f) recommend procedures for delegating portions of the work such as financial analysis to non-engineers where necessary
- g) identify best practices for collecting, documenting and retaining information including, but not limited to, written records, test data, material samples, photographs, video recordings
- h) identify ethical and legal obligations to designers of item under investigation
- i) provide recommendations for content and format of reports for each type of service including the development of standard forms if applicable.
- j) prepare practice guideline.

MEMBERSHIP

The subcommittee should be comprised of 4-6 professional engineers engaged in the practice of conducting performance audits and reserve fund studies of condominiums.

DELIVERABLES

The Subcommittee will provide the Professional Standards Committee with a draft Table of Contents for the guideline no later than November 2012. The Subcommittee will present the completed guideline to the Professional Standards Committee no later than December 31, 2013. The subcommittee will provide quarterly progress reports to PSC.

Meeting Schedule: At discretion of the Subcommittee members
Completion Date: December 31, 2013

Minutes

C-542-2.5
Appendix B

The 516th MEETING of the COUNCIL of PROFESSIONAL ENGINEERS ONTARIO (PEO) was held at PEO Offices, 40 Sheppard Avenue West, Toronto, Ontario on Friday, February 2, 2018 at 9:00 a.m.

11926
STATUS UPDATE FOR GUIDELINE FOR
PERFORMANCE AUDIT AND RESERVE
FUND STUDIES FOR CONDOMINIUMS

Both Performance Audit and Reserve Fund Studies requirements will be changed in the new Condominium Act. These changes will affect the proposed PEO guideline. Therefore, the subcommittee will wait for proposed draft regulations to be available before completing this guideline.

Professional Engineers Ontario

Professional Engineers Conducting Performance Audits and Reserve Fund Studies

For Council approval, June 8, 2021

Hitesh Doshi, P. Eng.
Henry Jansen, P. Eng.
Dale Kerr, P. Eng.
Edgar Vargas, P. Eng.
Sally Thompson, P. Eng.

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Abstract

The purpose of this guideline is to define best practices for engineers carrying out Reserve Fund Studies and Performance Audits for condominium corporations, with special emphasis on their duties to their employers, clients, and the public. This guideline applies to Reserve Fund Studies and Performance Audits for all condominium types (standard, leasehold, vacant land, commercial, industrial, and common element) and all building styles (high-rise, mid-rise, low-rise, and townhouse).

1. Purpose of PEO Guidelines

Professional Engineers Ontario (PEO) produces guidelines to educate licensees and the public on best practices.

For more information on PEO's guideline and development process, including PEO's standard form for proposing revisions to guidelines, please refer to the Guideline Development and Maintenance Processes document, available at <https://peo.on.ca/sites/default/files/2020-03/guideline-dev-maintenance-process.pdf>.

To view other PEO guidelines, please visit the Practice Advice Resources and Guidelines section of the PEO website: <https://peo.on.ca/index.php/knowledge-centre/practice-advice-resources-and-guidelines>.

2. Preface

Publication of this Guideline was initially delayed pending the anticipated enactment of new Regulations to the Condominium Act. However, due to the change of Provincial government in late 2018, publication of the new regulations has been delayed. Therefore, this Guideline is being published based on the current Condominium Act and Regulations. Some of the changes that are anticipated in the new Regulations are outlined in the Guideline; such anticipated changes are clearly indicated as such. Readers are cautioned, however, that such changes are the "best guess" of the authors of this Guideline and are provided simply to give a "heads up" to users of this Guideline as to changes that may occur. A new version of this Guideline will be published once the new regulations are published.

3. Purpose and Scope of this Guideline

The purpose of this guideline is to define best practices for engineers responsible for Reserve Fund Studies and Performance Audits for condominium corporations. The Condominium Act, 1998, S.O. 1998, c. 19 (Act) and the associated Ontario Regulation 48/01 (Regulation) defines the minimum requirements for Reserve Fund Studies and Performance Audits for Ontario condominiums.

In addition, engineers responsible for Performance Audits are expected to be familiar with the requirements of the following:

- Ontario New Home Warranties Plan Act, R.S.O. 1990, c. O.31 and the association regulations, RRO 1990, 892, O.Reg. 522/17 and 520/17.

The expectation is that readers of this guideline have familiarized themselves with the requirements of the Condominium Act and Regulations, and the Ontario New Home Warranties Plan Act and Regulations, and

have determined that they have the skills and general knowledge of the subject matter and key factors upon which future results depend to competently provide the required services.

At the time of writing of this guideline, the Condominium Act was in the midst of amendments, with many not yet proclaimed, and the Ontario New Home Warranties Plan Act appeared slated for replacement by the "Protection for Owners and Purchasers of New Homes Act, 2017" and the "New Home Construction Licensing Act, 2017". These also had not yet been proclaimed. Once proclaimed, the Practitioner should become familiar with these documents. They may change the recommendations of this guideline.

Other documents with which the engineer responsible for a Reserve Fund Study or a Performance Audit should be familiar include:

- The Building Code Act and the Building Code applicable to the construction;
- Various standards referenced under the Building Code;
- Various municipal standards and codes applicable to the construction of buildings; and
- Tarion's *"Common Element Construction Performance Guidelines"* and *"Construction Performance Guidelines for Freehold Homes and Condominium Units"*.

Readers are also directed to the bibliography of recommended reading in Appendix A to this guideline.

This guideline is not intended to replicate the requirements in the Condominium Act and Regulation, but rather to provide engineers who provide these services with some guidance with respect to reasonable expectations for service delivery, as well as Enhanced Practices. It is also hoped that this guideline will be read by condominium boards of directors and condominium property managers so they understand the services they should expect to receive from engineers responsible for providing Performance Audit and Reserve Fund Study work.

In some cases, an "Enhanced Practice" is described. An Enhanced Practice is a task that might not normally be considered part of a Reserve Fund Study or Performance Audit but is a service that may be added by an engineering firm. In most cases, there will probably be additional expense to the condominium corporation involved.

4. Professional Responsibility and Liability

Engineers are expected to exercise due diligence in the execution of their work. That expectation includes practicing in accordance with federal, provincial, and municipal laws, established standards, and the code of ethics of the association through which they are licensed. Engineers are also expected to restrict their practice to areas of personal expertise. At all times, the primary duty of engineers is to hold paramount the safety, health and welfare of the public, the protection of the environment, and to promote health and safety within the workplace.

Conducting Performance Audits is deemed to fall within the practice of professional engineering and architecture since they are: 1) acts of evaluating, advising and reporting; 2) wherein the safeguarding of life, health, property or the public welfare is concerned; and 3) require the application of engineering and architecture principles. As per PEO's "Assuming Responsibility and Supervising Engineering Work

Guideline”¹, a non-engineer may be involved in the work of a Performance Audit when properly supervised by an engineer.

While the regulations in force at the time of publication of this document allow non-engineers to conduct Reserve Fund Studies, it is the position of the Professional Standards Committee that under the following circumstances, a Comprehensive Reserve Fund Study or a Reserve Fund Study with a Site Visit should be conducted by an engineer within the meaning of the Professional Engineers Act:

- Buildings four or more storeys in height;
- Buildings with suspended structural slabs that support parking, driveways, or landscaping²;
- Buildings with balconies, other than wood balconies that are fully exposed³;
- Post-tensioned structures; and
- Other high-risk structures⁴

Anticipated Change to the Condominium Regulations: *As part of the regulation development under Bill 106, it is anticipated that the Ministry may shorten the list of individuals qualified to conduct a Reserve Fund Study.*

Engineers must bear in mind that their duty to protect the public welfare is their highest duty. This duty could involve not following a direction from the client, where the direction would conflict with the duty to protect the public welfare.

In this document, the term, “engineer”, is used to refer to a holder of a license, temporary license or limited license who is practicing under a Certificate of Authorization. The term, “Practitioner”, is used to refer to the individual conducting the Performance Audit or Reserve Fund Study who may be either an engineer or someone working under the supervision of an engineer. The term, “client”, is used to refer to the condominium corporation or an agent acting on behalf of the condominium corporation, such as the property manager.

5. Performance Audits

A Performance Audit is conducted during the first year after a condominium with at least one residential unit is registered. The main purpose of the Performance Audit, as per the Condominium Act, is to develop a list of deficiencies in the performance of the Common Elements that may give rise to a claim for payment under the Ontario New Home Warranties Plan Act. The first-year warranty: 1) requires the Common Elements to be constructed in a workmanlike manner and free from defects in material; 2) requires the Common Elements to be fit for habitation; 3) protects against Ontario Building Code violations; and 4) protects against unauthorized substitutions. The builder of the condominium is expected to rectify

¹ Professional Engineering Ontario, “Assuming Responsibility and Supervising Engineering Work Guideline”, February 2018, 7 pages.

² This includes parking structures either above or below-ground.

³ Engineers should also be engaged for townhouse complexes that include wood balconies with finished soffits that conceal the structure, for example.

⁴ Reference can be made to the “Report of the Building Safety Technical Advisory Panel (BSTAP)” for a discussion of high-risk structures (see Appendix A for the full bibliographic reference).

identified deficiencies. However, Tarion will get involved if the builder fails to do so. The Performance Audit deals only with Common Element issues; Unit owners are responsible for filing their own warranty claim for deficiencies in their personal Units.

In addition to the one-year warranty, Tarion also offers a two-year warranty that covers: 1) water penetration; 2) defects in work or materials of the electrical, plumbing, and heating delivery and distribution systems; 3) deficiencies in the building cladding that result in detachment, displacement or deterioration; 4) violations of the Ontario Building Code affecting health and safety; and, 4) major structural defects. Tarion also has a seven-year major structural defect warranty. The Practitioner who conducts the Performance Audit is not expected to include a two-year or a seven-year warranty observation in their scope of work for the Performance Audit. However, as Enhanced Practice, the Practitioner should make mention of these additional warranty periods in the Performance Audit report. These services may also be offered as part of the Performance Audit proposal as Enhanced Practice. However, the review for the second-year or seven-year warranties are not mandated in the Condominium Act and are not specifically covered in this Guideline.

Enhanced Practice: *The Performance Audit proposal may include a fee for conducting the second-year warranty review and filing the claim, if necessary. The Performance Audit report should make mention of the additional warranty periods.*

The Condominium Act requires that the following be included in the scope of work of a Performance Audit:

- Owner survey;
- Review of documents; and,
- Physical observations

Each of the above are discussed in further detail below.

In addition, there are a number of optional services that a Practitioner may offer in the course of conducting the Performance Audit. These are also discussed in further detail below.

Owner Survey

The Condominium Act requires that the Practitioner conduct a survey of the Unit owners regarding deficiencies they have noticed in their Exclusive-Use Common Elements or damage to their Units that was caused by defects or deficiencies in the Common Elements. Examples of Common Element issues within their Units that the owner survey should identify include:

- Water leakage through windows, doors, walls or roofs;
- Windows that are difficult to operate or that experience excessive air leakage or condensation;
- Balconies with loose railings or material deterioration;
- Balcony or unit exterior doors that are difficult to operate or experience excessive air leakage;
- Suite entry doors that are difficult to operate;
- Problems with heating, ventilation, air-conditioning or electrical systems that relate to the Common Element portions of these systems.
- Noise and odour transfer.

The owner survey is not intended to identify deficiencies in their Units not caused by a defect or Deficiency in the Common Elements. This fact must be made clear to the Unit owners in the instructions to the survey so that they do not assume that completing the survey will address their Unit deficiencies or constitute a warranty claim to Tarion under their Unit warranty.

The manner in which the owner survey is conducted is left to the Practitioner. The survey can be prepared on paper and distributed to the owners, it can be an on-line survey, or the Practitioner could conduct a door-to-door survey. In determining the way in which to administer the survey, consideration should be given to the clientele in the building. For example, if a majority of the residents do not have English as their first language, an English-language written survey may not be ideal.

Enhanced Practice: *At a condominium where the majority of residents do not have English as their first language, the Practitioner may offer translation of the Unit owner survey as an additional service.*

It is preferable that the results of the survey be evaluated before the physical observation of the building by the Practitioner. The survey results are critical in that they may indicate a systemic problem throughout the building that should be examined during the physical observation. The survey may also identify a specific suite that should be physically observed by the Practitioner.

A copy of the survey and a summary of the results must be included in the Performance Audit report.

Review of Documents

The Performance Audit includes a physical observation of the condominium property. It is recommended that the Practitioner complete a review of documents and the survey of owners prior to conducting the physical observation.

The Regulations specify the documents that are to be reviewed in conducting a Reserve Fund Study but do not specify which documents are required to be reviewed for a Performance Audit, other than all final reports of inspections that were carried out during the construction of the property (i.e., Tarion Builder Bulletin 19 reports). The list of Turn-Over documents identified in Section 43 of the Condominium Act contains many of the documents that a Practitioner might review. The Practitioner has full discretion in selecting documents to be reviewed. One of the powers of a person conducting a Performance Audit is to require any person to produce any drawings, specifications or information that may, on reasonable grounds, be relevant to the audit. Most Practitioners typically have a list of documents they expect to see; an example list can be found in Appendix B.

Reviewing the Declarations and Descriptions for the condominium corporation is critical to identifying the Unit boundaries, which in turn defines the Common Elements. In most cases, the Declaration is readily available from the condominium corporation. In some cases, the condominium corporation may not have the Description (survey drawings). The survey drawings are needed to help understand the limits of the condominium corporation, particularly in the case of a Shared Facility. In cases where the condominium corporation does not have the survey drawings, the Practitioner should request that the condominium corporation obtain these drawings; the drawings should be readily available, as they are registered on title.

Enhanced Practice: *The Practitioner completing the study could offer, as an additional service, to obtain the survey drawings by downloading them from ONLAND, the Ontario Land Registry Access website at: <https://www.onland.ca/ui>*

The building design drawings are typically used to understand the various constructions and systems that make up the building. The as-built drawings should be reviewed. As-built drawings are those marked up by the contractor during construction of the project and upon which the actual locations of the building Components and changes to the original contract documents are documented⁵.

Enhanced Practice: *The as-built drawings must be turned over to the condominium corporation within 30 days of Turn-Over. If as-built drawings are not provided, the Practitioner could notify the client and advise them of the remedies provided to them under Section 43(8) of the Condominium Act, which allows them to make an application to the Superior Court of Justice for an order to comply.*

It is recommended that the Bulletin 19 reports be reviewed prior to the site observations as the reports will provide an indication of problem areas during construction that should then be a focus of the Performance Audit observations. A final Bulletin 19 report that lists no deficiencies that required correction during construction should be viewed with skepticism and should not be grounds for assuming less vigilance is required in the Performance Audit observations. The firm that conducted the Bulletin 19 reviews is restricted from also preparing the Performance Audit by Tarion's Builder Bulletin 19R.

The one-year Tarion warranty protects against unauthorized substitutions made during the construction. Substitutions may be made, but the substituted Component must be of equivalent or better quality. For example, a substituted boiler must be of equal or better efficiency. An example of a lesser-quality substitution would be a sealant in a garage expansion joint instead of the specified preformed rubber gland joint seal. Therefore, it is important to review the specifications prior to the site observations to identify where lesser-quality substitutions have been made.

Some substitutions or other warranty claims may require testing to confirm the substitution, such as a membrane being thinner than specified⁶, or water velocity in pipes being higher than specified. This testing would typically only be called for by the Practitioner in the event that there is physical evidence of a problem (for example, leakage due to an inadequate membrane, or premature pinhole leaks in the case of the water velocity). There is no expectation that the Practitioner will complete an exhaustive series of tests when there is no visible or anecdotal evidence of a concern. Even where there is a concern, the Performance Audit can be submitted based on the performance concerns alone, without having done the testing to determine the cause of the concern; however, as an Enhanced Practice, the claim may be clearer and more likely to be successful, if these tests are completed in time to be submitted with the audit.

Enhanced Practice: *If there is visible or anecdotal evidence of a potentially warrantable deficiency, additional testing may be conducted for confirmation, as an additional service.*

A Performance Audit is not intended to be a design review, although design deficiencies may be identified in the course of conducting the Performance Audit. If a Code Deficiency is noted, it should be included in the Performance Audit report, even if it is built according to the design drawings, as the one-year warranty covers Ontario Building Code violations even if they are according to the design.

⁵ Care should be taken in use of the as-built drawings in case they do not reflect all changes made during construction. Reference may be made to PEO Guideline, "Preparing As-Built and Record Documents", March 2020, 9 pages, for an understanding of the difference between as-built drawings and record drawings.

⁶ Making a test cut in a waterproofing membrane may invalidate the warranty. If a test cut is required, it is recommended that the contractor that originally installed the membrane be retained to complete and repair the test cut to maintain the warranty.

Physical Observations

The physical observations of the property must include the landscaped areas of the property and all the major Components of the buildings on the property, including the foundations, parking garage, wall construction, air and vapour barriers, windows, doors, elevators, roofing, mechanical system, electrical system, fire protection system, sprinkler system, elevators, and any other Components that may be prescribed in the regulations to the *Condominium Act*. The physical observations are expected to identify symptoms representative of a Deficiency in design or construction; in conducting a Performance Audit, the Practitioner is not expected to determine the cause of the Deficiency, nor to formulate corrective options. Responsibility for correction of warrantable issues remains with the builder. However, following completion of the Performance Audit, the condominium corporation often retains the services of the Performance Audit Practitioner to act as their agent in dealing with the builder to ensure the deficiencies are corrected. The Performance Audit Practitioner will also typically be retained by the condominium corporation to liaise with Tarion and to ensure Tarion's Performance Audit Tracking System (PATs) is kept up to date⁷.

The physical observations must be sufficient, on a rational sampling basis, that the Practitioner is satisfied that they have a thorough understanding of the building construction and its deficiencies. This means that 100% of some Components will be observed, while a lesser number of other Components will be observed. A Performance Audit should clearly indicate the extent of sampling that was completed.

The Components in the building that pose a greater risk should they fail should be subject to a higher standard of care, and therefore, will typically require more sampling. It is recommended that 100% of the garage, service rooms and central heating plant be observed. It is also recommended to observe as much of the cladding as possible, from the ground using binoculars or other optical devices, from roofs or accessed terraces, from accessed balconies, and from interior windows; it is understood that not every part of the cladding will be observed with the same clarity.

For widespread Components, such as balconies, a Practitioner might observe only a sample of the balconies on a building. If no deficiencies are identified on the balconies observed, the Practitioner may be satisfied that there are no material issues with respect to the balcony construction. If, however, deficiencies are found on some of the balconies observed, the Practitioner must use his or her professional judgement to determine what, if any, additional observation is necessary to determine the extent of the issues. The Practitioner should proceed in a way that a reasonably prudent peer would under similar circumstances with respect to the extent of the physical observation. The Practitioner is advised to contact Tarion to get their advice as to the number of Components that need to be observed to ensure coverage. This is especially important if the Deficiency is concealed and requires destructive testing to determine its extent.

A Performance Audit should specifically identify, and describe the locations of all identified deficiencies to allow the builder to locate the deficiencies so that they can be rectified. In cases where the Practitioner suspects that a Deficiency is systemic throughout the building, it may not be practical to identify each specific Deficiency, but the Practitioner should clearly state that they believe the issue to be systemic and the reasons why they believe this. Example locations should be identified so they can be readily located.

The client should be made aware that any sampling or testing over and above that anticipated in the Performance Audit proposal will incur additional fees; for this reason, the Performance Audit proposal

⁷ The Performance Audit Tracking Summary (PATs) is a tool that vendors, owners and Tarion use to track the status and resolution of warranty claims documented in a Performance Audit Under Tarion's Builder Bulletin 49 (BB49), a completed PATs is required to be submitted with every Performance Audit.

should be specific with respect to the sampling that will be conducted. If the client does not approve fees related to the additional work, the report should clearly state the limitations of the observations.

It is important that the physical observations be conducted by an individual with sufficient experience examining buildings so that there is a reasonable likelihood that all critical deficiencies are identified. In some cases, the Practitioner may be able to obtain valuable information from service contractors familiar with the building. Alternatively, a subconsultant Practitioner may be retained to observe specific Components. The Act specifically requires that the elevators be observed, which requires the services of an elevator subconsultant licensed by the Technical Standards and Safety Authority (TSSA), as they are the only parties allowed to access the hoist way, car tops and pits. The Performance Audit report should state clearly the part of the work that was completed by or under the supervision of another Practitioner; the subconsultant Practitioner retains responsibility for their part of the services.

Optional Services

A number of optional investigative services may be proposed to the condominium client as part of the Performance Audit, including the following:

- A thermographic scan of the electrical system;
- A thermographic scan of the roof or exterior walls;
- Measurement of the force required to open exit doors in an emergency situation;
- Measurement of the force required to open doors within barrier-free paths of travel;
- Test cuts in roofs to verify construction;
- Test cuts in walls and ceilings to verify construction, such as exterior walls, interior walls and fire stopping⁸;
- Test pits in the landscaping to verify the overburden and waterproofing on the roof of an underground garage or similar buried space;
- Investigation of noise complaints by a specialist consultant;
- Measurement of light levels in hallways and the underground parking garage;
- Investigation of odour transfer complaints; and
- Specialist review of suspended access systems (roof anchors), mechanical systems, electrical systems, life safety systems etc.

The Practitioner should clearly outline the purpose of such additional services and should provide their advice as to the necessity of such additional services for the client's condominium. If the client elects not to proceed, this should be noted in the report.

Shared Facilities

⁸ *The Condominium Act requires review of air and vapour barriers, which are generally not visible without wall openings. This is generally seen as a holdover from the time when the Act was first drafted and air barriers were new to the Ontario Building Code. Currently these do not tend to give rise to claims. Some Practitioners, therefore, treat wall openings as mandatory scope items. Others treat them as an optional service. If not included, the report should indicate that only visible portions of these elements were observed.*

Many condominium properties incorporate facilities, such as a parking garage or recreation complex, that are shared with one or more other entities. For the purpose of the Performance Audit, any Shared Facilities constructed within the property boundaries of the corporation carry the same warranty as the Common Elements. As such, they should be included in the same report, and are typically resolved by that condominium corporation. A Practitioner may elect to provide a separate report for the Shared Facilities but must take care to understand where the property boundaries lie, so that the claims for each area are made within the appropriate warranty periods.

Performance Audit Report

The final Performance Audit report must be submitted by the Practitioner to both the condominium corporation and to Tarion before the expiry of the one-year warranty. The Condominium Act is specific with respect to the information to be included in the Performance Audit report and when it is to be submitted. Practitioners are reminded that they are required to include in the report a copy of their Certificate of Authorization, a statement by the responsible engineer that all materials required to be observed by the Condominium Act have been observed, a copy of the condominium's Declaration and Description, and the Unit owner survey. The Performance Audit should include a list of all observed deficiencies that may have warranty coverage.

For protection of the engineer, the Performance Audit report must clearly state any limitations encountered in performing the Performance Audit, such as:

- assumptions about the extent of the Common Elements, and possibly the extent of a Shared Facility;
- that the observations are visual in nature and that hidden elements could not be observed, except where sampled via testing;
- the Unit numbers of the Units that were accessed to observe the Exclusive-Use Common Elements;
- a statement that not every instance of a Component was observed;
- a statement if the client refused additional services that were offered.

The final Performance Audit report must be signed and sealed by the engineer responsible for the work. The final report can include reports prepared by other Practitioners; such other Practitioners maintain professional responsibility for their work.

A Common Elements Performance Audit Tracking Summary (CE PATS) must be submitted to Tarion in addition to the Performance Audit.

The work of the Performance Audit is complete once the report is submitted to the client and to Tarion. Unless the Practitioner proposed additional services in the Performance Audit proposal, such as follow up with the builder or Tarion, or conducting a second-year warranty review, the Practitioner's services are complete when the report is submitted.

The *Ontario New Home Warranties Plan Act* requires the final Performance Audit to be submitted by the first anniversary of the registration of the declaration. On the other hand, the *Condominium Act* requires that the Performance Audit Report be submitted before the end of the 11th month following registration of the declaration. Practitioners should seek to take full advantage of the 12-month warranty while staying in compliance with the *Condominium Act*. As such, they either submit a report by the end of the 11th month, with an addendum at the end of the 12th month, or a placeholder report at the end of the 11th month,

replaced by a full report at the end of the 12th month.

Anticipated Change to the Condominium Act: *When proclaimed, Subsection 44(9) will remove the 11-month requirement and specify that a Performance Audit shall be submitted before the first anniversary of the date of registration of the declaration*

Condominium Conversions

A condominium conversion is the development of an existing non-residential building, such as a church, factory, or warehouse, and converting it into a condominium. Tarion provides some warranty coverage for conversion projects; however, the process involved in establishing warrantability is complex and beyond the scope of this document. Readers are referred to Tarion's Builder Bulletin 51.

6. Reserve Fund Studies

A Reserve Fund is a separate fund, or funds, to be used solely for the purposes of paying for the Major Repair/Replacement of the Common Elements and Assets of the condominium corporation. The intent of putting away funds for Major Repair/Replacement is to distribute the burden of such Major Repair/Replacement costs over all condominium owners - past, present, and future. The fact that no wear may be exhibited in the first few years after a condominium is built does not mean that the usage in those years has not contributed to deterioration that will become more evident in later years.

6.1. Eligible Reserve Fund Expenditures

It is sometimes difficult to delineate between repairs which would be considered Maintenance paid from Operating Funds from Major Repairs/Replacements that can be paid for using Reserve Funds. The condominium's Operating Funds should cover Maintenance expenditures that will generally repeat on an annual basis or more frequently. The Reserve Fund, therefore, should cover other expenses that would not be considered Maintenance. For example, changing filters in an air handling unit would be considered Maintenance, whereas replacing the heating coil in the same air handling unit after fifteen years of service would be considered a Reserve Fund project. That being said, there is some Maintenance, such as cleaning make-up air shafts, which occurs less frequently than every year, but which clearly does not constitute a Major Repair/Replacement. As another example, cleaning aluminum siding every few years to remove dirt would be considered Maintenance, while repainting faded siding would be considered a valid Reserve Fund expenditure.

Additions, alterations, and improvements cannot generally be made to a condominium without the notification and/or approval of the owners. The general consensus in the industry at the time of writing this guideline is that even the owner's approval of an addition, alteration or improvement does not make the expenditure an eligible Reserve Fund expenditure. This is a logical conclusion, because no funds have accumulated in the Reserve Fund to cover such a cost. So, for example, the Reserve Fund cannot be used to add features to the Common Elements (such as installing a new tennis court), even with proper approval by the owners. However, the Reserve Fund can be used to pay for the future Major Repair/Replacement of the addition, alteration, or improvement after it exists. Section 97(1) of the Condominium Act notes that a Major Repair/Replacement that differs from the existing Component is not an addition, alteration, or improvement provided that the new equipment is current construction standard. Therefore, for example,

changing an atmospheric boiler to a mid-efficiency boiler would be considered an eligible Reserve Fund expense. For controversial Components, where the corporation and the Practitioner are unsure if an expenditure is reserve eligible, the corporation may need to be asked to have their auditor and/or legal counsel provide an opinion.

Warrantable deficiencies described in the Performance Audit are typically assumed to be rectified by the Builder, so the cost of repair should not be budgeted in the first reserve fund study.

6.2. Purpose and Types of Studies

The purpose of a Reserve Fund Study is to determine the amount of money required in the Reserve Fund to meet the estimated costs of the anticipated Major Repair/Replacement of the Common Elements and Assets of the condominium corporation throughout the Study Period. In its essence, a Reserve Fund Study requires the Practitioner to gain sufficient knowledge of the Common Elements and Assets of a condominium corporation to be able to provide forecasts of the projects likely to be charged to the Reserve Fund over the term of the study. This knowledge comes from a variety of sources, including a documentation review, interview(s) of individuals who are knowledgeable about the property, site observations, and the Practitioner's own knowledge of the service lives and failure mechanisms likely to drive the Major Repair/Replacement of the Common Elements and Assets.

There are three types of Reserve Fund Studies:

- Comprehensive Study;
- Updated Study with a Site Inspection; and
- Updated Study without a Site Inspection.

Although these studies are often referred to as Class 1, 2, 3, respectively, practitioners should avoid this nomenclature and provide more clarity by referring to the type of study by its name.

The first study undertaken for a condominium corporation after Registration is the Comprehensive Study, which involves a thorough review of documents and a site visit. After the first study, Updated Studies are undertaken, alternating every three years between an Updated Study without a Site Inspection and an Updated Study with a Site Inspection.

When a Practitioner completes a study for a corporation but did not prepare the prior study, the nomenclature "Updated Study" is misleading, as the new report author typically has no reliance on the previous study and must start anew. As such, they are not updating, but rather authoring a new report. The new study is effectively a new Comprehensive study; however, the definition of a Comprehensive study in the *Condominium Act* refers to the first study undertaken after registration. Practitioners might simply use "Reserve Fund Study based on a Site Review" as appropriate terminology.

6.3. Component Inventory

The starting place in a Reserve Fund Study is to develop an understanding of the Components that form the Common Elements and Assets of the condominium corporation. The list of the Common Elements and Assets of the condominium corporation that will require replacement over the life of the condominium is referred to as the Component Inventory. The Condominium Act specifies that the Component Inventory

shall include all the Common Elements and Assets of the condominium corporation that require or are expected to require Major Repair/Replacement within at least 30 years of the date of the Reserve Fund Study where the estimated cost of replacement is not less than \$500. This \$500 threshold is practically too low for all but the smallest condominiums, so most clients agree to use a higher threshold. For example, replacement of failed insulating glass units might be considered to be a Maintenance cost by one client, but a Reserve Fund cost for another client, depending on the annual estimated cost and their reserve threshold.

The Practitioner completing the Reserve Fund Study must be assured that all Major Repair/Replacements are covered by the study. While a Board may choose to pay for reserve-eligible, above reserve-threshold work using operating funds, this should not influence the Component Inventory going forward, as future boards may make different decisions.

The full picture of the Component Inventory is assembled by combining information from a variety of sources.

Development of the Component Inventory should start with a review of the Declaration and Description (survey plans) that define both the Unit boundaries and the repair and maintenance obligations of the condominium corporation. This will help the Practitioner determine the extent of the Units; building elements that are not included in the Units are the Common Elements that must be considered in the Reserve Fund Study. Some Declarations require the corporation to repair or replace some Components even though they form part of the Unit. An example might be, in some circumstances, the windows, or the HVAC units that are located within the boundaries of the residential units. Under the current Act, the corporation should not really be paying for these replacements from the Reserve Fund; however, as a practical matter, this is the easiest way for them to plan for and fund these expenditures. As such, there are typically no objections from lawyers or auditors if this type of expenditure is covered by the corporation's Reserve Fund Study. The proposed amendments to the Act, when proclaimed, will clarify this point, allowing the study to cover Major Repair/Replacement of the units, where the corporation has the obligation to repair something in the Units.

Anticipated Change to the Condominium Act: When proclaimed, Subsection 93(2) will specify that a Reserve Fund "shall be used solely for (a) the purpose of major repair **of a unit**, the common elements or assets, if any, of the corporation, if the corporation has the obligation to repair in that regard under this act..."

As noted previously in the discussion of Performance Audits, if the Declaration and Description are not provided by the client, the condominium should be advised to get this information, or the Practitioner could offer to coordinate this service as an Enhanced Practice. Working without this information risks errors in the study.

For a Comprehensive Study or an Updated Study with a Site Visit, site observations are used to supplement this knowledge and to help identify deviations from the drawings. Site observation also permits an inventory of the Assets that will not be shown on the building drawings, such as furnishings and equipment.

Developing a complete Component Inventory is an important step in the Reserve Fund Study process and one which requires professional judgment; missing Components is one of the most common mistakes made when completing a Reserve Fund Study.

The building must be broken down into a sufficient number of Components that allow future Major Repair/Replacement costs and timing to be reasonably predicted but must not be broken down into so

many Components, that the Component Inventory becomes unwieldy. For example, carrying the electrical system as a single Component in the Component Inventory would not be appropriate, as there are many parts of the electrical system with different life expectancies. However, carrying each panel board as a separate Component would also not be practical, as there could be dozens of panel boards in a large condominium, each with the same Life Expectancy and similar unit cost.

It is recommended that the Component Inventory be developed as a hierarchical list, such that the Components are grouped according to the major systems and subsystems in the building. The manner in which the Components are broken out can be adapted to suit each particular property and should consider the following:

- The extent of an anticipated Major Repair/Replacement. Some Major Repairs/Replacements may naturally involve several building Components and so they should logically be grouped together. For example, replacement of a boiler would probably need to include Components that might otherwise be considered immaterial, for example, new valves, piping, controls, etc.; all such Components could be considered one Component within the Reserve Fund Study.
- Parts of the same Component may have different life expectancies. For example, the waterproofing on an underground parking garage roof typically has a shorter Life Expectancy under paved areas versus under landscaped areas, so the waterproofing may be carried in the Reserve Fund Study as two separate Components.
- The total estimated cost of the Major Repair/Replacement. As the Reserve Fund is intended to be used for Major Repairs/Replacements rather than Maintenance, it may be reasonable to establish a minimum cost, below which the Component would be excluded from the Component Inventory. The Regulations only establish a minimum threshold for Major Repair/Replacement costs below which Components must not be included in the Reserve Fund. However, the Practitioner must ensure that the condominium understands that Major Repair/Replacement of all Components that are estimated to cost less than the established threshold will need to be paid for from their Operating Funds.
- The size of the building. A larger building may have more Components than a small townhouse complex. A larger condominium may also establish a higher dollar threshold before Components are included in the Reserve Fund.
- The frequency of the Major Repair/Replacement of the Component. The replacement of a Component on a regular basis, such as annually, should be considered Maintenance rather than a Reserve Fund requirement. An exception would be a Component that lasts for a number of years before partial repairs or replacements are required on a regular basis. Replacement of failed insulated glass units is a good example of such a Component; individual units often fail and require replacement before all windows are due to be replaced. The total annual amount spent on these replacements can be significant and can reasonably be charged to the Reserve Fund.
- The Life Expectancy of a Component. Where there are a number of Components with the same Life Expectancy, the Components may be grouped together. For example, where a building has pumps for circulating domestic hot water and for circulating hydronic heating hot water, "pumps" could be considered one Component. Conversely, similar Components with different life expectancies should be kept separate. For example, a wood fence and a metal fence at a townhouse complex would likely be considered separate Components.
- How a Major Repair/Replacement is likely to be carried out. If two or more Components will be repaired or replaced as part of the same project, even though their normal life expectancies are

different, they could be combined as one line item in the Component Inventory. For example, a concrete sidewalk may need to be replaced if it is over the waterproofing membrane on an underground garage roof slab that is being replaced.

- Components that would be considered immaterial individually but which, if purchased as a group of multiple Components would, in the aggregate, constitute a material expenditure. For example, replacement of the door hardware on an individual suite would not normally be considered as a Reserve Fund Component. However, replacement of the door hardware on every suite door at the same time would constitute a Major Repair/Replacement.

The Component Inventory may be augmented by including multiple Major Repair/Replacement “projects” for a Component. For example, asphalt pavement may be listed as a Component, but separate “projects” may be included in the Component Inventory for work that is required at different times during its Life Expectancy, such as major asphalt repair, asphalt overlays, and complete replacement of the asphalt pavement.

Depending on the scope of a Major Repair/Replacement anticipated in the Reserve Fund Study, some work may be phased over one or more years. For example, on a large multi-story building, or in a large townhouse development, a window replacement project may require many months to complete. It may be practical to split the work up and have it completed over more than one year. This may also help with cash flow. The total cost of a phased project may sometimes be higher due to the need for the contractor to mobilize more than once. This will need to be considered when phasing a Major Repair/Replacement project.

The Condominium Act states that the Component Inventory must include Components that will require Major Repair/Replacement within *at least* 30 years of the date of the Reserve Fund Study. In many cases, there are Major Repairs/Replacements that will fall outside that 30-year time span. If such costs are not included in the Reserve Fund Study, the current owners benefit from the use of those building elements without incurring any of the long-term Major Repair/Replacement costs, which is against the basic premise of Reserve Fund planning, which is to ensure that all owners – past, present and future – share in the long-term upkeep of the property. Therefore, it is expected that a Reserve Fund Study will consider a longer term as required to include all Components that will require Major Repair/Replacement within the life of the condominium.

Some building Components might be considered “lifetime” Components. An example would be the internal building structure, like the interior portions of the wood frame in a townhouse complex or the interior portions of the concrete structure in a multi-story building. These Components are expected to last the life of the building without requiring replacement. However, there may be occasion that a “lifetime” Component requires repair, such as where a roof leak leads to deterioration of the roof framing of townhouse complex, or the concrete of an exposed shear wall on a multi-story building requires crack repair. It is recommended that even “lifetime” Components be carried in the Component Inventory and that, if deemed appropriate by the Practitioner, that a repair Allowance or Contingency be carried for their repair. It is not appropriate to assume a finite “lifetime” for a condominium, such as 50 or 100 years; as the Condominium Act requires that the condominium be regularly maintained and renewed, the basic premise is the expectation that a condominium building will last indefinitely.

Major Repair/Replacement projects often require thorough “preparatory work”, such as condition surveys, engineering investigations, and/or repair designs done by the appropriate discipline, prior to the work being undertaken. Such “preparatory work” should be included as a cost in the Reserve Fund, in advance of the

required work. Some of the projects where preparatory engineering costs should be carried in a Reserve Fund Study include: balcony repairs, balcony railing replacements, pipe replacements, window replacements, parking garage repairs, asphalt replacements; roof replacements; and retaining wall repair or replacement. Engineering or other design fees related to the implementation of Reserve Fund eligible projects are Reserve Fund eligible. They can be budgeted within each project budget or as a separate cost.

The cost of conducting a Reserve Fund Study is considered a valid Reserve Fund expense.

Appendix C provides a sample Component Inventory for a townhouse complex and Appendix D provides a sample Component Inventory for a multi-story building. These Component Inventories can be used as guidance, but should not be assumed to cover all Components that might be found in a given condominium corporation.

6.4. Document Review

The regulations specify the documents that are to be reviewed in conducting a Reserve Fund Study, such as the as-built drawings. The importance of reviewing the Declaration and Description was covered in the previous section. The Act indicates that the service contracts for the building should be reviewed. It seems to imply that this is done to avoid duplication of costs. However, most industry participants understand that a service contract typically has a 60-day cancellation policy and that there is no guarantee that the next contract will cover similar terms. As such, it seems prudent to always budget for the Major Repairs/Replacements in the Reserve Fund Study, in spite of the wording of the service contracts. A review of Maintenance records, such as those for generators and fire alarm systems that are mandated by code, can also provide valuable information about the condition of those building elements. It is not practical, nor enlightening to review all service records, so the Practitioner needs to use their judgement to determine which they deem material to the evaluation.

Sometimes major Components may be leased or rented. Such Components, even if a Major Repair/Replacement cost does not need to be carried in the Reserve Fund Study, should still be listed in the Reserve Fund Study Component Inventory to ensure that the condominium corporation is aware of the Component and as evidence that the Component was not missed in performing the study. Some leases have a buy-out after a period of time. The study should cover the Major Repairs/Replacements of the bought-out equipment after the lease term.

The Regulation requires that, among other specifics, a Comprehensive Study or Updated Study with a Site Inspection shall be "based on ... a verification of records of the condominium corporation". The Regulation is not specific as to what records need to be verified, nor how the verification is to be accomplished. However, it is generally understood in the industry that this requirement refers to financial records and that receipt of such records prepared and signed by an accountant is sufficient verification.

6.5. Condition Evaluation and Time to Major Repair/Replacement

A Comprehensive Reserve Fund Study and an Updated Study with a Site Inspection both require the Practitioner to develop an opinion of the current condition of the Common Elements and Assets through visual observation, and use this information to forecast the Major Repair/Replacement projects that are likely to be required and when those projects will be required. There are no prescriptive requirements in the Condominium Act defining the level of detail of site observation needed to evaluate the condition of the Components covered by the study. The Practitioner is, therefore, required to use their professional

judgement to arrive at a level of evaluation that will provide an opinion of the likely timing and estimated cost of the forecasted projects.

Practitioners are expected to restrict their practice to areas of personal expertise. This does not limit, for example, a Practitioner from observing the mechanical systems, provided the Practitioner has sufficient expertise to evaluate the condition, remaining Life Expectancy and estimated cost to repair the systems. While a Reserve Fund Study requires knowledge of repair and replacement techniques, a Reserve Fund Study does not extend to the actual design of repair or replacement projects. In some instances, when the Practitioner's personal experience is insufficient, a subconsultant will need to be retained. It must be made clear in the final report when the Practitioner is relying on a subconsultant's report.

In some instances, one hundred percent of a given Component can be readily observed (e.g., the central plant equipment) and in other instances, the Practitioner can only reasonably observe a sample (e.g., distributed heat pumps). In some cases, very little, if any, of a Component can be seen (e.g., domestic water piping, or drainage piping), and the Practitioner may be limited to isolated views and anecdotal reports related to past repairs. The Practitioner has to use their judgement to gather the information required to permit an opinion to be formed, and describe limitations on that opinion, if pertinent.

While the site observation is intended to be entirely visual with no intrusive observation, minimally intrusive observation may be undertaken, such as removal of a suspended ceiling tile to observe the type of piping installed.⁹

If a Major Repair/Replacement project is not expected for many years, then the degree of refinement of the opinion of the likely cost can be less than if the project is anticipated in the near term. If, in the Practitioner's opinion, a visual observation alone provides insufficient understanding to refine the budget of a near-term project, then additional evaluation should be recommended to the client as an optional service. An example where additional evaluation might be required is where important elements are hidden from view, such as balcony slabs that are covered by soffits and slab edge covers. Examples of additional evaluations include a garage condition survey, a balcony survey, destructive test cuts and/or thermographic scans of roofs, suspended access wall test openings, etc. Ideally, the refined budget developed through the additional evaluation will be integrated into the study; however, timing sometimes dictates that the Reserve Fund Study must be finalized before the further evaluation is completed. In this case, the forecasted repairs should be clearly identified as a "placeholder budget" until the additional evaluation is complete, and a refined budget is established.

Enhanced Practice: Additional evaluations, such as a garage condition survey, a balcony survey, destructive test cuts, thermographic scan, suspended access wall test openings, etc., may be offered as an additional service to provide a better estimate of repair extent and timing than can be provided by visual observations alone.

The site observation is not intended to provide a review of health and safety issues. However, if a health or safety concern is noticed, the client should be made aware of the issue. If the issue is of an immediate safety concern, such as flammable materials stored too close to a transformer, the client should be notified immediately, followed up by written confirmation.

Except in the case of a newer Component, the opinion of the remaining life of a Component should not be based solely on the age of the Component; wherever possible, the remaining life should be based on the observed condition. However, in many instances, the age of the equipment and reports provided during

⁹ Opening electrical panels to observe their components is not recommended due to the possibility of stray current.

interviews (of site personnel, Unit owners or service Practitioners) may need to be used to develop the opinion. For example, a Practitioner cannot develop much insight into the condition of an inverted roof through site observation only. Therefore, their prediction of the time to next Major Repair/Replacement will more likely be determined based on the age of the roof, and reports regarding the number of incidences of leakage, and perhaps the conditions seen during prior repairs.

Prior year financial statements can provide information regarding when past expenditures from a Reserve Fund were made. For an older building where the current age of a Component may not be equal to the age of the building, getting financial statements as far back as possible can help identify when Major Repair/Replacements were last completed to help in predicting the time to the next Major Repair/Replacement. If the age of a Component is given in the Reserve Fund Study and the date the Component was installed or replaced is not known, the age should be stated as estimated.

Components may not always have a predictable life, nor may it always be possible to predict the extent of repair required. In such cases, it is acceptable to provide an Allowance or Contingency in the Reserve Fund Study for full or partial repair or replacement. An Allowance is typically used when the time range for a Major Repair/Replacement can reasonably be predicted, but the extent of the repair or replacement cannot and therefore, the future cost cannot be reasonably estimated. An example is repair of a brick wall. A Contingency is used for unanticipated costs.

The study can include an overall Contingency, perhaps determined as a percentage of the anticipated costs for the year or based on the history of past "Contingency-type" spending. In this case, the Contingency is not associated with a particular Component in the Component Inventory. Individual project budgets can also include Contingencies related to that project.

If some Common Elements are accessible only from the suites, then suite access should be included in the scope of work. This will permit observation of windows, balconies, and terraces only accessible from the suite, as well as permitting observation, in some instances, of the exterior wall elements surrounding the balcony. Sample size is not dictated by the Condominium Act, so the number of suites accessed should be sufficient, on a rational sampling basis, to provide the Practitioner a realistic sense of the current condition to allow estimation of the time to replacement and the extent of work required (cost). In some instances, it may be necessary to access more suites than originally anticipated in the Reserve Fund Study proposal. Such a situation may arise if the conditions observed vary significantly between suites and a larger sample is required to assess whether the condition is widespread or localized. In such a situation, the Practitioner should offer to review additional suites as an enhanced service. Should the client not approve the review of additional suites, the Reserve Fund Study report should indicate that further review of the element in question is recommended.

Enhanced Service: *Where it is necessary to enter more suites than anticipated at the proposal stage to evaluate Common Element Components only visible from within the suites, the Practitioner may offer to access additional suites for an additional fee.*

Where information obtained from visual observations does not provide sufficient understanding to allow forecasting of future Major Repair/Replacement needs, conversations with people familiar with the performance of the building may provide key information. This might include the property manager, the building superintendent and major service contractors (HVAC, fire, plumbing, generator, elevator, etc.). The relevant people might vary by building, as sometimes the Practitioner might encounter a building with a new property manager and a new superintendent, in which case, discussions with a board member or other long-standing Unit owner may help fill in the missing information gaps.

Defining the time to the next Major Repair/Replacement of aesthetic elements, such as corridor painting or carpet replacement, is rarely an engineering decision. An exception may be where a parking garage requires painting to improve safety or where a carpet presents a tripping hazard due to tears. Therefore, the Practitioner may take direction from the client regarding the Life Expectancy or time to next replacement for aesthetic Components. It should be stated in the report if the client has specified a Life Expectancy to be used. Clients may sometimes suggest that the Practitioner extend the time to next replacement of a building element in an effort to minimize the required Contributions to the Reserve Fund. The Practitioner must resist taking unreasonable direction from the client with respect to Major Repair/Replacement timing of non-aesthetic building elements, particularly those that relate to health and life safety as doing so could constitute professional misconduct.

Enhanced Practice: *Contact with major service contractors (HVAC, fire, plumbing, generator, elevator, etc.) can provide additional information about the condition and history of some of the major building Components. While contacting all such service contractors is considered Enhanced Practice, the practitioner must still exercise his/her judgment of the condition of the Components and anticipated timing and estimated cost of Major Repairs/Replacements.*

A site visit should always be included in the scope of work the first time a Practitioner conducts a Reserve Fund Study for a client. Providing an update to another Practitioner's Reserve Fund Study is not recommended, because generally the practitioner does not have legal reliance on the report. However, prior Reserve Fund studies can provide useful information about the timing of past Major Repairs/Replacements and other history.

6.6. Opinion of Likely Cost

Forming opinions of the likely cost of forecasted Major Repairs/Replacements requires both an understanding of the likely scope of work and the cost-basis for the work. This may require involvement from multiple disciplines.

The cost-basis for the work varies by Component and project type. In some instances, a simple count of equipment along with sizing information is needed (for example, two 1,500,000 Btu boilers, or 48 townhouse garage doors). In other instances, the Practitioner will need to estimate the affected area (for example, square metres of roof replacement or asphalt driveway replacement). In still other instances, other cost bases may be appropriate (for example, the estimated cost to remove loose concrete from the walls of a building, or to complete minor masonry repairs may be more related to the number of suspended stage drops and the time likely to be spent on each drop). How the costing is done is left to the Practitioner's professional judgment.

In all instances, the Practitioner must consider all costs related to the projects, including soft costs. These include costs such as engineering or other designer involvement (specifications and tendering, construction observation, contract administration, and project management), contractor mobilization costs, access costs, and other costs which may apply depending on the type of project (such as permits, bonding, hoisting, site/overhead protection, power line protection and building modifications needed to permit access to make the replacement). If appropriate, engineering costs for design, specifications and tendering may need to be included in the year preceding the repair work. Estimated costs should allow for removal and disposal of existing equipment prior to replacement.

In residential condominiums, the budgets should include HST in the forecasted costs. In commercial condominiums or other situations where the flow through of HST is a consideration, the Practitioner should obtain guidance from the client as to whether HST should be included in forecasted budgets.

In many instances, the scope of work budgeted will be the Practitioner's opinion of the likely work to be undertaken, selected from a group of possible options. This is a serious limitation of a Reserve Fund Study. To illustrate this point, consider a deteriorated parking garage. A range of repair options may be available to the client: they could complete local concrete repair and patch the waterproofing; they could complete full top-side removal and replacement; or they could completely replace the full depth of the slab. When an engineer completes a garage condition survey, this range of options, the related forecasted budgets, and the pros and cons of each option would typically be presented to the client for their consideration. However, when developing the Reserve Fund Study, the Practitioner essentially pre-selects from amongst these options and carries the single project budget. When the project is expected to happen far into the future, any strategy changes can be accommodated during future study updates. If, however, the project is expected in the near-term, the strategy becomes more critical to current funding levels. In these cases, the Practitioner should recommend the more detailed garage condition survey and consideration of options. If the Reserve Fund Study must be completed before this decision-making is completed, then the assumptions used must be clearly noted in the study, as well as a warning that alternate strategies may be selected that might impact the required Contributions; the estimate cost in the Reserve Fund Study should be noted as a "placeholder" budget.

Enhanced Practice: *Detailed repair recommendations are not generally provided in a Reserve Fund Study, except to the extent necessary to describe the option considered in predicting a future cost where multiply options are possible. As Enhanced Practice, Practitioners may provide more detailed repair recommendations; however, such an additional service would typically involve additional fees.*

Cost information is typically obtained from a variety of sources. Practitioners can use published cost data, cost data they track themselves from similar work they tendered, or from the records of the same or other condominiums who have completed similar work. In some instances, the Practitioner may feel it is prudent to speak to specialty contractors who might be able to help quantify likely costs.

6.7. Cash Flow Analysis

The purpose of the Cash Flow Analysis is to predict the balance of the Reserve Fund for each year of the study considering anticipated expenditures, Contributions, and interest earned on the fund. As per the Condominium Act and Regulations in effect at the time this document was published, the minimum Study Period for a Reserve Fund Study is 30 years. However, limiting the Study Period to 30 years often results in the estimated costs of some Components in the Component Inventory having no impact on the required Contributions to the Reserve Fund. This can result in underfunding, especially if the missed costs are substantial. As a minimum, therefore, the Study Period should be long enough to include all Components that will require Major Repair/Replacement at any time in the future; a Study Period of 45 years is often used.

Anticipated Change to the Condominium Regulations: *As part of the regulation development under Bill 106, it is anticipated that the Ministry will require the Study Period of a Reserve Fund Study to be a minimum of 45 years.*

For each forecasted Major Repair/Replacement project, the Practitioner will predict the year of first occurrence of the project, the number of years between subsequent occurrences, and any limitations on the number of occurrences that should be planned. Simplistically, one could call the number of years between subsequent occurrences the "Normal Service Life", which is the language used in the Condominium Act; however, in many instances, this poorly defines what is really being communicated to the client.

For example, a study may include an annual budget for replacement of insulated glazing units and ultimately for full replacement of the same windows, including the window frames. The insulated glazing unit replacement project will have a year of first occurrence (usually some time after the windows were initially installed), a number of years between occurrences (typically one year) and a limitation (replacement stops when the windows are fully replaced). One cannot say that one year is the Normal Service Life, because different windows are being replaced each year. In an instance such as roof replacement, the time between occurrences will indeed be the Normal Service Life for the roof.

Using the year of first occurrence, the number of years between occurrences, and any limitations on the number of occurrences, the Practitioner inflates the estimated cost of each of the Major Repairs/Replacements into the future year when they are expected to occur, permitting the total forecasted expenditure budget for each year in the Study Period to be determined.

The total forecasted expenditure budget feeds into the Cash Flow Analysis; this tabular analysis is well defined by the Condominium Act, which specifies the required headings as follows:

- the estimated cost of Major Repairs/Replacements of the Common Elements for the year in which the study is conducted, typically referred to as Current Cost;
- the estimated cost of Major Repairs/Replacements of the Common Elements at the estimated time of the Major Repair/Replacement based on an assumed annual inflation rate (future or inflated costs);
- the annual inflation rate used for estimating future costs;
- the opening balance of the Reserve Fund;
- the recommended amount of Contributions to the Reserve Fund, determined on a cash flow basis, that are required to offset adequately the expected cost in the year of the expected Major Repair/Replacement of each Component in the Component Inventory;
- the estimated interest that will be earned on the Reserve Fund based on an assumed annual Interest Rate;
- the annual Interest Rate used to determine the interest earned on the Reserve Fund;
- the sum of the Contributions and interest earned;
- the percentage annual increase in the recommended amount of Contributions to the Reserve Fund over the recommended amount of Contributions for the immediately preceding year; and,
- the estimated closing balance of the Reserve Fund.

6.7.1. Inflation

The forecasted expenditures in the cash flow table must be inflated to the year in which they are expected to occur. There are no published indices that relate directly to the estimated cost of restoration of existing buildings and the Condominium Act does not provide guidance regarding which index should be used. The

Practitioner should use their judgement and knowledge of the marketplace in selecting an inflation rate. Use of the Statscan Building Construction Price Index for Residential Buildings may be deemed reasonable, recognizing that this reflects new construction, rather than the restoration work involved in a Reserve Fund Study. Both rely on the same materials, but use different trades, methods and means.

6.7.2. Opening Balance

The opening balance in every year but the first year is equal to the closing balance of the immediately previous year; the closing balance for each year is determined by adding in any Contributions made, adding interest earned and deducting expenditures. The opening balance in the first year, which is the current fiscal year of the condominium corporation, should be taken from the financial statements of the condominium corporation. These are typically audited statements, except in the case of some small condominiums who have waived the requirement for an audit. In some cases, the audited financial statements may not be available at the time the Reserve Fund Study is being prepared and the opening balance may need to be estimated. The report should state if the opening balance has been estimated. However, if at all possible, the opening balance from financial statements should be obtained prior to finalization of the study.

6.7.3. Interest

The Condominium Act specifies that interest or other income earned from the investment of money in the Reserve Fund becomes part of the Reserve Fund. Therefore, it is necessary to predict the amount of interest income that might be earned in the Reserve Fund using assumed interest rates. The interest rate to be used in the Reserve Fund Study needs to consider that there are limitations on the types of investments that the condominium corporation can make, based on the restrictions imposed by Section 115 of the Condominium Act.

In the near term, the interest-earned assumptions should be based on the current level of interest being earned on the condominium corporation's investments. This can be calculated using the condominium corporation's financial statements. Further out in the analysis, it may be reasonable to use a different assumption for interest earned. The use of Bank of Canada historical interest rates is recommended. However, factors that should be considered in establishing the Interest Rate to be used include the predicted balances in the fund, and when the money is being spent. For example, a condominium corporation that has several million dollars in the fund that are not earmarked to be spent in the near term is likely to earn a higher interest rate than a condominium corporation that is spending almost everything they contribute and not gathering a significant balance.

While Contributions to the Reserve Fund should be made on a monthly basis, it is reasonable for the amount of interest likely to be earned to be calculated on an annual basis. Each year's interest should be calculated using the opening balance for the year, with allowances made for Contributions and expenditures for that year. Some Practitioners use the average balance for a given year to calculate the amount of interest likely to be earned. Practitioners should use their best judgment in determining how to calculate the interest likely to be earned on the Reserve Fund based on the fund balance and the expenditures expected.

Anticipated Change to the Condominium Regulations: As part of the regulation development under Bill 106, it is anticipated that the Ministry will define the method to be used to calculate the interest earned in each year.

6.7.4. Adequate Funding and Minimum Balance

While the Condominium Act requires that the amount of money in the Reserve Fund be “adequate” to cover anticipated future costs, the Condominium Act has not clearly defined what adequate means, leaving Practitioners free to provide clients with a variety of cash flow scenarios. However, it is generally accepted in the industry that the goal of an ideal Reserve Fund Study is that the rate of escalation of Contributions should not exceed the assumed rate of inflation used in the study. Where this is not possible because the change between the current Contribution and the required Contribution is too much to implement in one step, it is reasonable to inflate Contributions at a greater rate than the rate of inflation for the period of time until the next study will be completed (three years), after which time the Contribution Rate should match the rate of inflation.

For new condominiums, the first-year contribution to reserve is often set at 10% of the operating budget which is typically too low by a factor of two or three. As such, for new condominiums, the phase-in period might reasonably be extended to as long as six years. Longer phase-ins for new condominiums are not advised.

Anticipated Change to the Condominium Regulations: *It is anticipated that the Ministry will provide a definition of “adequate funding”.*

In some cases, the Condominium Board may elect to use a Special Assessment or loan to ensure adequate funds are available for work required in the immediate to near future. However, Special Assessments should not be planned more than three years in the future unless there are extreme extenuating financial reasons; planning a Special Assessment much past three years places an additional burden on future owners, which is contrary to the key tenet of Reserve Fund planning, that the cost of Major Repairs/Replacements should be shared fairly by all owners – past, present and future.

The client has an inherent bias in favour of a study that minimizes current Contributions. This often results in a situation where the Practitioner is threatened with loss of future business if a longer phase-in or longer than normal service life assumptions are not accommodated upon the request of the client. Longer phase-in periods and longer service life assumptions are detrimental to the long-term financial well-being of the condominium and should be avoided. Ideally this concept will be enshrined in the amended legislation. Until then, the intent of the Act must be interpreted, and Practitioners should use best efforts to explain to their client that the interest of future owners must be considered, in addition to the interests of current owners.

The concept of adequate funding also encompasses the concept of maintaining a Minimum Balance in the Reserve Fund as a factor of safety against the need for unexpected Major Repairs/Replacements. The Minimum Balance is the lowest level to which the closing balance in any year of the cash flow is permitted to drop. It is typically approved by the client but recommended by the Practitioner. In providing this guidance, the Practitioner should consider when the Minimum Balance year (or Critical Year) occurs. If it is in the very near term, then the Minimum Balance should be set relatively high (perhaps 25% of the highest annual expenditure year in the next five years). If the Critical Year is distant, say 25 years out, then the Minimum Balance becomes much less critical, as many study updates will be completed before that time. In the middle term, judgement must be used on the part of the Practitioner and the client to arrive at a Minimum Balance that makes the client comfortable. Other factors that might affect the target Minimum Balance are the number of Units, the type of condominium, the expenditures that create the Minimum Balance, the maximum expenditure year, and the age of the condominium.

6.7.5. Recommended Contributions

It is anticipated that Practitioners will utilize a customized spreadsheet to calculate the recommended Contributions to the Reserve Fund that will ensure the Minimum Balance is maintained over the Study Period, considering the opening balance, interest and inflation rates, and necessary expenditures. It is fully expected that the Cash Flow Analysis and recommended Contributions will vary between Practitioners, even for the same building. Generation of the Cash Flow Analysis involves many assumptions about future events. It is inevitable that Practitioners will not make all the same assumptions regarding Major Repair/Replacement needs and timing, and inflation and interest rates. However, to help minimize variations between Reserve Fund Studies done by different Practitioners, all Practitioners should follow the same general calculation method – the Cash Flow Method¹⁰ – in generating the Cash Flow Plan.

The Cash Flow Method assumes that money required for Major Repair/Replacement of all the Components is pooled together, such that the money in the Reserve Fund can be used for expenses related to any Component, even a specific Component that requires Major Repair/Replacement sooner than anticipated in the Reserve Fund Study. The Cash Flow Method involves an iterative approach to determine the Contribution and the Contribution Escalation Rate necessary to ensure the Minimum Balance is maintained throughout the Study Period.

The Funding Plan must show the percentage increase of the Contributions year over year. As noted previously, to be “adequately funded”, the Contribution Escalation Rate should not be greater than the cost inflation rate assumed in the study after the fourth year of the study. Following a critical year, the contribution escalation rate may have to decrease to avoid future over-funding of the reserve fund.

6.7.6. Loans to Cover Reserve Fund Expenditures

In some cases, condominium corporations may need to incur loans to cover immediate Major Repairs/Replacements where the Reserve Fund does not have a sufficient balance. The accounting for the loan can be handled in different ways, including considering the loan as a Contribution to the Reserve Fund. If handled in this way, then a line item must be added to the Component Inventory to recognize the loan repayment amounts that will need to be made from the Reserve Fund. Most accountants will not permit

¹⁰ There are some Reserve Fund Study planners that do not use the Cash Flow Method but rather use a straight-line approach to Reserve Fund planning, sometimes also referred to as the component method. The straight-line approach should NOT be used as it typically over-estimates, sometimes significantly, the required Contribution levels. Over-estimating contribution levels creates an unfair burden on current owners. Further, the Condominium Act specifically states in Article 29.3(b)(v) that the Funding Plan shall show for each projected year, “the recommended amount of Contributions to the Reserve Fund, determined on a *cash flow basis*, that are required to offset adequately the expected cost in the year of the expected Major Repair/Replacement of each Component in the component inventory”. Using the straight-line approach, required funding is calculated for each individual element. For example, if townhouse windows have a 30-year Life Expectancy with a current replacement cost of \$900,000, then this method determines that \$30,000 should be allocated to the Reserve Fund each year for the windows. Using this approach for all Components in the component inventory, the total required Reserve Fund balance is determined for each year. The ratio of the balance in the fund to the calculated required amount is expressed as the “percent funded”; reference to a “percent funded calculation” is a signal that the Reserve Fund Study planner is inappropriately using the straight-line method for the Cash Flow Analysis.

the interest portion of the payment to be paid from reserve. Alternatively, if the loan is not considered as a Contribution to the Reserve Fund, but is instead handled via a separate fund, then payments for the Major Repair/Replacement project that the loan is covering should not be made from the Reserve Fund. Adjustments will need to be made to the Reserve Fund Study to reflect how the loan has been handled. The Practitioner is not expected to advise the condominium corporation how to account for a loan; the condominium corporation should consult their accountant in this matter.

6.8. Financial Updates – Updated Studies Without a Site Inspection

An Updated Study without a Site Inspection is primarily a financial update, including interviews with the client (including directors, officers, employees, and agents) as considered appropriate by the Practitioner. Such updates are typically completed after a Comprehensive Study and between Updated Studies with a Site Inspection. A Practitioner should not undertake an Updated Study without a Site Inspection unless the same Practitioner prepared the previous Reserve Fund Study.

A financial update should recognize any expenditures from the Reserve Fund and any Contributions to the Reserve Fund that have occurred since the last Reserve Fund Study was completed. The timing of planned work should be adjusted to reflect the time that has passed since the previous study was completed and changes to the underlying unit costs. There are different approaches that can be taken to updating the costs.

The simplest method of updating costs is simply to inflate costs calculated in a prior study using an assumed inflation rate. While it is tempting to use such a simple method to update costs, it is unlikely that all costs inflate at the same rate. For example, a major hurricane in the southern United States may disrupt oil production, which in turn has a disproportionate effect on petroleum-based products, such as roofing and waterproofing materials. The result is that the rate of inflation on a roofing project is higher than the average rate of inflation. Therefore, the Practitioner should consider the underlying unit costs that drive the most significant Major Repair/Replacement projects (e.g., those that have an estimated cost over approximately \$50,000 or that represent more than 10% of the Reserve Fund) and Major Repair or Replacement projects that are required in the near future (e.g., within six years) and update these to Current Costs at the time of the update.

Enhanced Practice: *As an Enhanced Practice, when conducting an Updated Study Without a Site Inspection, rather than simply inflating the estimated costs used in a financial update, new costs should be used for all Components in the Component Inventory. Such costs should reflect the Practitioner's best estimates of Current Costs based on recent experience or up-to-date published cost data.*

6.9. Updated Studies with a Site Inspection

When conducting an Updated Study with a Site Inspection, the costs should not simply be inflated from a previous study, as is sometimes done for an Updated Study Without a Site Inspection. It is anticipated that Reserve Fund Practitioners maintain a database of costs that is regularly updated to reflect current economic conditions. Such current costs should be used when completing an Updated Study with a Site Inspection. However, if a cost in the Practitioners database has not recently been updated, consideration may be given to the materiality of the Component with respect to the overall analysis. Where the cost of a Major Repair/Replacement is not material to the overall cash flow analysis, it may be acceptable to simply inflate

an older cost to the current time. If, however, the cost will be material to the overall cash flow analysis, it is recommended that the cost be re-estimated, including confirming the cost basis (e.g., the area of repair)¹¹.

6.10. Shared Facilities

In addition to wholly owned Common Elements and Assets, the condominium corporation will need to consider the need for Major Repair/Replacement of Shared Facilities. The Practitioner must review the Shared Facility Agreement(s), or Reciprocal Agreement(s), to understand how the shared facilities are funded; the Practitioner should not prepare a study simply based on hearsay information about the sharing obligations. In some instances, there is an independent Reserve Fund Study for the shared facilities. In other instances, each corporation collects funds towards their shared obligations in their own Reserve Fund, either based on their independent Component Inventory or based on a common Component Inventory prepared for the Shared Facilities. Some corporations participate in both sorts of sharing. Some Shared Facility Agreements are inordinately complex, unclear, or missing Components, and assumptions may need to be made. All assumptions must be stated, and the Practitioner may recommend that the client obtain legal advice if sharing is too unclear. The corporation's percentage obligation for shared components should be identified in the report.

6.11. The Reserve Fund Study Report

The format of the Reserve Fund Report is left to the Practitioner, but it must be written using language that the client will understand. It is recommended that the report include a statement of limitations, similar to those in the Performance Audit report. The report should also include a statement regarding the interest and inflation rates used for the Study Period (these may vary with time).

A description of the Components in the Component Inventory, such as the number and size of boilers, or window material and operation style, should be included in the report. In addition, it is recommended that a description be provided of all Major Repair/Replacement projects of a significant nature, as well as detailed descriptions of all projects required within the next six years.

It is recommended that the engineer(s) stamp all reserve fund study reports. However, if the Reserve Fund Study involves any of the following, the engineer(s) must stamp the reports, as per the *Use of the Professional Engineer's Seal* practice guideline:

- Buildings four or more storeys in height;
- Buildings with suspended structural slabs that support parking, driveways, or landscaping;
- Buildings with balconies, other than wood balconies that are fully exposed;
- Post-tensioned structures; and
- Other high-risk structure.

¹¹ Even where a Practitioner completed a previous Comprehensive Study or Updated Study With a Site Inspection for a client, it is a good idea to re-check all calculations previously made to reduce the risk of errors that might be carried forward.

6.12. Finalizing the Reserve Fund Study

Before the cash flow plan is finalized, submitting a draft to the client is recommended. This gives the client the opportunity to identify any changes that should be made, such as correcting the year a Component was last replaced, or to comment on the Minimum Balance, interest, or inflation assumptions. If the client is concerned about the rate of escalation of the Contributions, it is sometimes possible to adjust the timing of Major Repairs/Replacements. As the Life Expectancy and time to next replacement are estimates, this is an acceptable practice, provided:

1. The timing on the Major Repair/Replacement is not adjusted more than a few years;
2. Delaying the Major Repair/Replacement of the Component would not constitute a health or safety issue; and
3. Consideration is given to how far into the future the adjusted Major Repair/Replacement occurs (estimating the time to next Major Repair/Replacement is more precise for Components needing repair or replacement in the immediate or near future than in the far future).
4. Consideration should be given to whether or not repair programs need to be added in order to defer a replacement. For example, a roof or waterproofing can often be deferred provided money is available to complete repairs prior to replacement.

Ultimately, the client is responsible for deciding how much money will be contributed to the Reserve Fund. The plan decided upon by the client (the Condominium Board of Directors) is the "Funding Plan" and it must indicate if the plan adopts or does not adopt the recommendations of the reserve fund study. After the Funding Plan is finalized, the Condominium Act requires that a "Notice of Future Funding of the Reserve Fund" be prepared for distribution to all Unit owners.

Enhanced Practice: While preparation and distribution of the notice of future funding is the responsibility of the client, as Enhanced Practice, the Practitioner can prepare the document for the client. The format for the Notice of Future Funding is prescribed in the Regulations; a copy of the form is provided on the Government of Ontario web site:

https://files.ontario.ca/notice_of_future_funding_of_the_reserve_fund_under_subsection_94_9_of_the_condominium_act_1998.pdf

The client typically desires to keep the increase in the Reserve Fund Contributions to a minimum and may ask the Practitioner to prepare a Funding Plan that the Practitioner feels is inadequate to cover anticipated future Major Repair/Replacement costs or which places an unreasonable burden on future owners by delaying contributions to future years. Under no circumstances should the Practitioner agree to prepare a such a financial plan, even if the plan is accompanied by a caveat that the Practitioner does not agree with the plan and considers it inadequate.

The Practitioner is not responsible for monitoring or ensuring that the client follows either the plan the Practitioner prepared or the plan the client decided to adopt as the Funding Plan. When the client decides on a Funding Plan that does not match the plan recommended by the Practitioner, the Condominium Act, requires a statement in the Notice of Future Funding that the plan does not match the plan provided by the Reserve Fund Study Practitioner.

7. Definitions:

Act: See Condominium Act.

Allowance: An amount of cash carried in the Reserve Fund Study for a future Major Repair/Replacement where the need for the work can be predicted with some certainty, but the extent of the work cannot be predicted with any certainty.

Assets: Non-fixed Components owned by the condominium corporation not shown on building drawings, for example, exercise equipment or furniture.

Bulletin 19 Report: A summary of the third-party inspections carried out during construction as required by Taron for all condominiums enrolled under the Ontario New Home Warranties Plan Act.

Cash Flow Analysis: A prediction of the changes in the amount of cash in the Reserve Fund based on anticipated expenditures, recommended Contributions and interest earned.

Common Elements: All of the property except the Units. See also Exclusive-Use Common Element.

Component: A part of the Common Elements and Assets of the corporation that can be repaired or replaced independently.

Component Inventory: A list of the Common Elements and Assets of the corporation that requires or is expected to require Major Repair/Replacement at some time in the future.

Condominium Act: For the purpose of preparing a Performance Audit or a Reserve Fund Study, reference to the Condominium Act or Act means the most current Condominium Act and its Regulations in place at the time of the study.

Contingency: An amount of cash carried in the Reserve Fund for a future Major Repair/Replacements that cannot be predicted.

Contribution: The amount that the condominium corporation contributes to the Reserve Fund from funds received from the Unit owners as part of their monthly fees. Used as a positive item of cash flow in the Cash Flow Analysis.

Contribution Escalation Rate: The annual percentage change in the Contributions to the Reserve Fund.

Critical Year: A year in which the Cash Flow Analysis predicts that the Reserve Fund balance falls to the Minimum Balance.

Current Cost: The Major Repair/Replacement cost for a Component as of the date the Reserve Fund Study is conducted, in Canadian Dollars.

Declaration: The legal document that establishes the condominium corporation.

Deficiency: A defect in the design, materials, or workmanship of a Component.

Description: The legal document that defines the physical boundaries of the condominium corporation and defines the boundaries of the Units.

Engineer: For the purpose of this document, the term “engineer” applies equally to professional engineers, temporary license holders, provisional licenses holders, and limited license holders.

Enhanced Practice: A task that might not normally be considered part of a Reserve Fund Study or Performance Audit but is a service that may be added by an engineering firm.

Exclusive-Use Common Element: Part of the Common Elements that, per the Declaration and Description, is for the use of a single Unit or group of Units.

Funding Plan: The amount of Contributions to be made to the Reserve Fund formalized through the Notice of Future Funding of the Reserve Fund.

Interest Rate: The rate used in the Cash Flow Analysis to determine the income on the unused balance of the Reserve Fund, stated as a percent.

Life Expectancy: The number of years a Component is expected to perform before requiring Major Repair/Replacement.

Maintenance: Upkeep to the Common Elements and Assets that is completed on a regular basis and that is paid for using Operating Funds.

Major Repair/Replacement: Any intervention to a Component that is not considered to be Maintenance, an addition, an alteration, or an improvement.

Minimum Balance: The lowest level to which the closing balance in any year of the Study Period is permitted to drop, reported in Canadian dollars (See Also Critical Year).

Normal Life Expectancy: See Life Expectancy.

Notice of Future Funding of the Reserve Fund: A document required by the Condominium Act to be prepared by the Condominium Board of Directors that outlines that the Contributions that will be made to the Reserve Fund in the current year and the increase in Contributions over the next three years.

Operating Funds: The monies used for the day-to-day running of the condominium corporation that is not part of the Reserve Fund.

Practitioner: The individual conducting a Performance Audit or Reserve Fund Study who may be either an Engineer or someone working under the supervision of an Engineer.

Reciprocal Agreement: See Shared Facility Agreement.

Registration: The date the Condominium Corporation is formed by the filing of paperwork at the Land Registry Office.

Regulation: The General Regulation under the most current Condominium Act in place at the time of the study.

Reserve Fund: A fund to be used solely for the purposes of paying for the Major Repair/Replacement of the Common Elements and Assets of the Corporation.

Shared Facility: Property shared by two or more Condominium Corporations or legal entities, for example, a recreation centre or a parking garage.

Shared Facility Agreement: A legal document that allocates the use, and the financial responsibilities for Maintenance and Major Repair/Replacement, of a Shared Facility. Also referred to as a Reciprocal Agreement.

Site Inspection: A visual review of the Common Elements and Assets of the condominium corporation, and/or the shared facilities for which the corporation is responsible.

Special Assessment: A demand for Unit owners to pay a lump-sum additional contribution to the common expenses over and above their regular monthly contributions.

Study Period: The number of years over which the Cash Flow Analysis is projected.

Turn-over: The transfer of management of the condominium from the developer-controlled Board of Directors to an elected Board of Directors.

Unit: That part of a condominium owned by an individual(s) and as defined in the Description.

Appendix A: References of Interest

Note that this list is provided for information only and should not be considered a comprehensive list. This list in no way limits the responsibility of an engineer or the scope of this guideline. Further, the hyperlinks provided were valid only at the time of publication and may change over time. These references are presented in no particular order.

- Structural Condition Assessments of Existing Buildings and Designated Structures. PEO, 2016, 24 pp.
<https://www.peo.on.ca/sites/default/files/2019-11/structuralconditionassessmentsofexistingbuildingsanddesignatedstructuresguideline.pdf>
- Report of the Building Safety Technical Advisory Panel (BSTAP), January 27, 2016, 54 pp.
<http://www.mah.gov.on.ca/AssetFactory.aspx?did=14963>
- Construction Performance Guidelines (CPG) for Freehold Homes and Condominium Units, Tarion, June 1, 2019, 303 pp.
https://www.tarion.com/sites/default/files/2019-06/CPG_Freehold_June1_2019.pdf
- Construction Performance Guidelines for Common Elements of Residential Condominiums (CE CPG), Tarion, October 9, 2012, 140 pp.
https://www.tarion.com/sites/default/files/2019-09/CE_CPG_09_19_0.pdf
- ASTM E1557-09(2020)e1, Standard Classification for Building Elements and Related Sitework – Uniformat II.
- Uniformat, A Uniform Classification of Construction Systems and Assemblies, The Construction Specification Institute and Construction Specifications Canada, 2010, 196 pp.
- ASTM E2018-15, Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process.
- CSA S478:19, "Durability in Buildings".
- Assuming Responsibility and Supervising Engineering Work Guideline, Professional Engineers Ontario, February 2018, 7 pp.
<https://peo.on.ca/sites/default/files/2019-11/Assumingresponsibilityandsupervisingengineeringworkguideline.pdf>
- Builder Bulletin 19R, Condominium Projects Design and Field Review Reporting, Tarion, January 1, 2017, 71 pp.
https://www.tarion.com/sites/default/files/2018-01/Builder-Bulletin-19R-D5-Dec-19-2017_0.pdf
- Builder Bulletin 49, Claims Process - Condominium Common Elements, Tarion, June 2010, 12 pp.
<https://www.tarion.com/sites/default/files/2017-08/BB49-Claims-Process-Condominium-Common-Elements.pdf>
- Builder Bulletin 51, Residential Condominium Conversion Projects, Tarion, January 1, 2018, 37 pp.

<https://www.tarion.com/sites/default/files/inline-files/Draft-BB51-Residential-Condo-Conversion-Projects.pdf>.

Appendix B: List of Documents That May Be Reviewed During a Performance Audit

Item	Rec'd
Declaration	
Survey Drawings (aka the "Description")	
By-laws	
As-built Drawings and As-Built Specifications <ul style="list-style-type: none"> • Architectural • Structural • Mechanical • Electrical • Plumbing • Interior Design • Landscaping • Site Servicing 	
Equipment Manuals <ul style="list-style-type: none"> • Mechanical and Maintenance Manuals • Electrical and Maintenance Manuals • Plumbing and Maintenance Manuals 	
All existing plans of television, radio, or other communications services	
Proof of enrollment with Tarion	
Letters from the design team <ul style="list-style-type: none"> • Confirmation from the structural engineer that the structure including elements such as parapets, has been designed to withstand loads applied by the suspended access system when deployed. This should be part of the roof anchor logbook. • Confirmation from the mechanical engineer of the smoke control measures used, that they comply with code and outlining the specific devices on site and the maintenance/testing requirements with the frequency for each system. 	
Construction shop drawings: <ul style="list-style-type: none"> • Window Systems • Precast Concrete • Balcony Guards • Ramp Heating Cable Layouts 	
TSSA inspection and acceptance of the Boilers, Chillers, Generators and Elevators	
Roof Anchor / Suspended Access drawings	
Fire Alarm System Verification	
Balancing reports (Air handling units make-up air units, other fans, and domestic water)	
Commissioning reports	
Agreements Binding the Corporation (that might be relevant to the audit – such as storm water discharge, other monitoring agreements)	
Servicing reports for the site (Functional Servicing Report, Storm Water Management Report, initial water quality testing)	
Warranties and Guarantees for all equipment, fixtures, chattels, etc.	
Certificate of Compliance with Model National Energy Code (ASHRAE 90.1)	
Bulletin 19 Final Report which should include: <ul style="list-style-type: none"> • All milestone reports • Design certificates • Field review declaration • Design team final clearances 	

Item	Rec'd
<p>Other documents required by Bulletin 19 (which should have been provided by the builder within 30 days of turn-over):</p> <ul style="list-style-type: none">• Window test report• Balcony guard load test• TSSA approvals• Acoustic test report	

Appendix C: Sample Component Inventory for Townhouse Complex

	Building Element	Notes
1.	Site	
1. 1	Curbs	
1. 2	Interlock/Unit Paving/Concrete Paving	Note the practitioner may want to differentiate paving on grade from paving located over a buried roof deck as related repairs are likely to differ.
1. 3	Asphalt Paving	
1. 4	Fencing	Note the practitioner may need to differentiate fencing types due to different service lives.
1. 5	Retaining Walls (Concrete, precast, timber, stone etc.)	Note the practitioner may need to differentiate retaining wall types due to different service lives.
1. 6	Planters	
1. 7	Site Stairs - Concrete, Wood, Steel.	Note: include garage exit stairs under Site or Parking Garage. Some stairs may incorporate snow melting system which must be considered.
1. 8	Site Railings (stairs, ramp edges etc.)	
1. 9	Site/Street Furnishings (benches, tables and chairs, BBQ etc.)	
1. 10	Wood Decking	
1. 11	Signage	
1. 12	Vehicles and Site Equipment	Note: some corporations own buses, tractors etc.
1. 13	Trees	
1. 14	Soft Landscaping	Note: periodically sites require landscape renewal of a scale greater than normal maintenance, such as renewal of shrubs
1. 15	Tennis/Basketball/Shuffleboard etc. Courts	
1. 16	Playground Equipment	
1. 17	Outdoor Pool/Whirlpool	
1. 18	Outdoor Pool mechanical equipment (boilers, heaters, heat exchangers, pumps, filters, brominators etc.) and piping	
1. 19	Gazebos/Pergolas/Trellises	
1. 20	Gatehouses, Sheds and Outbuildings	
1. 21	Fountains	
1. 22	Gate arms	

	Building Element	Notes
1. 23	Hydro Vault	Note: these are often buried rooms that house transformers, and are the responsibility of the corporation to maintain. Practitioners should consider what structural and waterproofing repairs the vault will need over its service life. The corporation may also own the transformers, in which case they should be covered as electrical components.
2.	STRUCTURAL ELEMENTS	
2. 1	Foundation walls	Note: In many cases, the buried walls are in the garage of a Highrise, but townhouses and some buildings have foundation walls as walls of occupied basements
2. 2	Foundations - Footings, caissons, raft slabs, tie-down anchors etc.	Note: most building foundations don't require renewal. Some specialty systems might.
2. 3	Structural Frame/Building Structure	
2. 4	Special structural systems (post-tensioning)	
2. 5	Waterproofing on structural slabs (garbage rooms, mechanical rooms)	
3.	Balconies, Decks and Other Structural Elements Exposed to the Weather	
3. 1	Balcony Slab/Deck/Sub-structure	
3. 2	Guards/Railings/Dividers	
3. 3	Balcony/Deck Waterproofing/Sealer	
3. 4	Balcony Finishes - painted soffits, slab edges, balustrades	
3. 5	Exposed Shear Walls and Exposed Floor Slab Edges	
3. 5	Parapets	
3. 6	Balcony/Exposed Structural Element Condition Survey	
4.	Parking Garage	
4. 1	Garage Condition Survey	
4. 2	Walls	Note: see also foundation walls under Structural Elements. Painting of garage

	Building Element	Notes
		walls and parking stall stripes should be considered.
4. 3	Suspended Slab	
4. 4	Suspended Slab - Waterproofing/Traffic Surface	
4. 5	Garage Roof Slab	Note: some occupied basement areas may also have buried roof decks.
4. 6	Garage Roof Deck Waterproofing and Overburden	Note: the Practitioner may choose to separate waterproofing under paving from waterproofing under soft landscaping as these often have different service lives.
4. 7	Ramp slab	
4. 8	Ramp Waterproofing/Traffic Surfacing and Snow-melt System - I'd include slab in here too?	
4. 9	Garage Drainage (area drains, catch basins, trench drains, piping)	
4. 10	Slab on grade	
4. 11	Expansion Joint Seals	
4. 12	Soffit (T-bar, drywall, faced insulation etc.)	
4. 13	Garage Exit Stairs	Note: include garage exit stairs under Site or Parking Garage
5.	Walls and Sealants	
5. 1	Wall Condition Survey	
5. 2	Cladding (Precast, masonry, stucco, EIFS, etc.).	Note: different cladding systems usually have different service lives and repair needs.
5. 3	Sealants/Caulking	
5. 4	Soffits (under overhanging spaces)	
6.	Doors	
6. 1	Public entrance doors	
6. 2	Service doors	
6. 3	Balcony/Patio Doors	
6. 4	Overhead doors	
7.	Glazing Systems	
7. 1	Windows/Window wall/Glazed Curtainwall systems	Note: the Practitioner should consider if the system will require interim repairs such as metal-to-metal joint sealing, or frame painting, as well as replacement.
7. 2	Glazing (Insulated Glass Unit Replacement)	
7. 3	Weatherstripping and window hardware	
8.	Roofing	
8. 1	Roof Condition Survey	

	Building Element	Notes
8. 2	Sloped roofing (asphalt shingles, metal, tile, soffit, fascia, eavestrough, downspouts etc.)	
8. 3	Low Slope/Flat roofing (including drains, membranes, counter flashings, insulation, ballast, hatches etc.).	Note: consider if the substrate might require repair (examples: steel deck exposed to phenolic foam insulation, aerated concrete, wood decking with rot etc.). Terrace roofing should be considered.
8. 4	Skylights	
8. 5	Rooftop walkways	
8. 6	Ladders	
8. 7	Canopies	
9.	Suspended Access Equipment	
9. 1	Tie-back Anchors, Rope Guides, Tie-back Buttons, Static Lines, Monorails etc.	
9. 2	Outriggers, Davit arms and bases	
9. 3	Cranes and stages	
10.	Plumbing Systems	
10. 1	Irrigation systems	Note: often irrigation systems are replaced when garage roof deck waterproofing is replaced.
10. 2	Water mains (domestic and fire), wells, filtration, backflow prevention	
10. 3	Buried Sewers, Catch Basins, Manholes	
10. 4	Fire Hydrants	
10. 5	Septic Systems, Water Treatment Plants	
10. 6	Drainage Piping System (Sanitary, Storm) - piping, clean-outs, heat tracing etc.	
10. 7	Storm water cisterns, grey water recovery	
10. 8	Sumps, sump pumps, discharge meters	
10. 8	DHW Boilers, Heater Tanks, Heat Exchangers	
10. 9	DHW Storage Tanks	
10. 10	Domestic Water Pumps (booster, circulating, recirculating)	
10. 11	Domestic Water Piping (hot supply, recirculation, cold supply)	Note: different usages and pipe types may result in different service lives. In copper systems, recirculation pipes typically have a shorter service life than hot water. Hot water piping typically has a shorter service life than cold water.
10. 13	Pressure reducing stations	
10. 12	Mixing Valves	

	Building Element	Notes
11.	Heating and Cooling	
11. 1	Heating Boilers, Heat Exchangers	
11. 2	Chiller, refrigerant detection system	
11. 3	Cooling Tower	
11. 4	Terminal Units (fan coils, heat pumps, baseboard heaters, cabinet heaters, radiators, unit heaters, split AC, air handling units, etc.)	Note: suite HVAC equipment is typically unit-owned, but may be common element
11. 5	Packaged Rooftop Unit	
11. 5	HVAC distribution piping systems (piping, valves, expansion tanks, chemical treatment etc.)	
11. 6	Circulating Pumps (building pumps, condenser pumps etc.)	
11. 7	Solar Panels and related equipment (tanks, pumps)	Note: these may belong under Domestic Water, Heating or Electrical, depending on usage and type
11. 8	In-floor radiant heating (hydronic or electric)	
11. 9	Electric baseboard heaters	
11. 10	Chimneys/flues	
11. 11	Building Automation System	
12.	Ventilation	
12. 1	Make-up Air Units, Air Handling Units	
12. 2	Central Exhaust Fans	
12. 3	Parking Garage Exhaust Fans	
12. 4	CO/NO Detection Systems for fan control	
12. 5	Pressurization Fans (smoke control)	Note: these could be reported here or under Fire and Life Safety
12. 6	Kitchen and Bathroom Exhaust Fans, Suite ERV/HRV	Note: suite HVAC equipment is typically unit-owned, but may be common element
12. 7	Humidification / Dehumidification Systems	Note: these systems are often used in pool areas
12. 8	Ductwork (including diffusers/grilles/balancing louvers, fire dampers)	
13.	Waste Disposal	
13. 1	Garbage Compactor/Sorter	
13. 2	Garbage Chute, Chute Doors, Chute Controls	
13. 3	Disposal Bins, Bin Puller	
14.	Electrical Systems	
14. 1	Electrical System Condition Survey	
14. 1	Main Building Transformer	Note: these are often utility-owned, but not always
14. 3	Main Panel/Switch Gear	
14. 2	Interior Transformers	

	Building Element	Notes
14. 3	Power Distribution (wiring, bus ducts, tap boxes, distribution panels, disconnects)	
14. 6	Motor Control Centers (MCC)	
14. 4	Suite Electrical Panels	Note: suite panels are typically unit-owned, but may be common element
14. 5	Interior lighting	Note: interior lighting can often be included in refurbishment budgets
14. 6	Exterior lighting (poles, bollards, wall- or soffit-mounted etc.)	Note: could be considered a site component
14. 7	Garage Lighting	Note: could be considered a parking garage component
15.	Security/Access Control	
15. 1	Intercom System	
15. 2	Enterphone/Video Concierge	
15. 3	Access Control System (fob readers, card readers and related head end equipment)	
15. 4	CCTV (cameras, wiring, head-end equipment)	
15. 5	Suite Security System (wiring, head-end equipment)	Note: suite panels are typically unit-owned, but may be common element
16.	Fire and Life Safety Systems	
16. 1	Fire Alarm Head-end Equipment (main panels, annunciators, fire fighters handsets, voice communication, fan controls etc.)	
16. 2	Fire Alarm Wiring and Devices (detectors, speakers/horns, end-of-line devices, pull stations, valve monitoring etc.)	
16. 3	Automatic Electronic Defibrillator (AED)	
16. 4	Suppression Systems (main header, fire pump, fire water storage tanks, fire hose cabinets and related heat tracing, fire sprinkler heads, piping, valves, standpipes, compressors, fire department connections etc.)	Note: dry systems typically require replacement sooner than wet systems, so are often separated out.
16. 5	Generator and Related Fuel Systems (tanks, fill stations, pumps)	
16. 6	Invertor and Related Batteries	
16. 7	Battery-pack Emergency Lighting Systems	
16. 8	Exit Signs	
16. 9	Automatic Transfer Switches	
16. 10	Co-generation Equipment (turbines, batteries, and related storage cabinets, wiring to building electrical system etc.)	Note: practitioner to clarify where other related equipment (distribution panels, domestic water preheat equipment, batteries etc.) are covered if not covered here.

	Building Element	Notes
17.	Elevators, Lifts and Escalators	
17. 1	Elevator Condition Survey	
17. 2	Elevator Cab Finishes	
17. 3	Elevator Equipment (controls, drives, call buttons, motors, machines, etc.)	
17. 4	Door Safeties/Door Operators/Door Catches	
17. 5	Elevator Hydraulic Cylinders	
17. 6	Lifts (wheelchair lift, waste lift etc.)	
17. 7	Escalator Equipment (stairs, handrails, skirt panels, brushes, controls etc.	
18.	Finishes, Furnishing and Equipment	
18. 1	Lobby FF&E	
18. 2	Above-grade Corridor FF&E	
18. 3	Interior Doors (suite doors, electrical closets, stairwells, garbage chute room etc.)	
18. 4	Interior Door Hardware (power door operators, closers, hinges, locksets for suite doors, electrical closets, stairwells, garbage chute room etc.)	
18. 5	Garbage Chute Room FF&E	
18. 6	Stairwell FF&E	
18. 7	Below-grade Corridor/Elevator Lobby FF&E	
18. 8	Service Room FF&E	
18. 9	Exercise Equipment	
18. 10	Office Equipment (computers, printers etc.)	
18. 11	Amenity Room FF&E	Note: in some cases, all amenity rooms are refurbished at one time, in which case one project may suffice. More commonly, they are handled separately, in which case one line item per room may be needed. Amenity rooms might include party room, billiards, library, golf, laundry, theatre etc.
18. 12	Guest Suite/Superintendent Suite FF&E	
18. 13	Court FF&E (squash, basketball, etc.)	
18. 13	Common Area Washroom FF&E	
18. 14	Indoor Pool Shell, Deck, and related FF&E	Note: Change rooms are sometimes completed with the pool area, or sometimes separated out. Similar for saunas and steam rooms.

	Building Element	Notes
18. 15	Indoor pool mechanical equipment (boilers, heaters, heat exchangers, filters, pumps, chlorinator/brominator) and piping - I like indoor pool under amenities, and outdoor pool under site, but could be its own section like this (but then put outdoor pools here too). Perhaps fountains too?	
18.	Consulting	
18. 1	Reserve Fund Studies	
18. 2	Other Consulting	Note: consulting costs related to reserve fund projects can be built into the individual projects, or carried as a separate line item.
19.	Other Costs	
19. 1	Contingency for other reserve-eligible work	
19. 2	Current Year Spending	Note: the report will need to cover current year spending that it not itemized in another item above in order for the closing balance for the current year to align with the financial statements.

Appendix D: Sample Component Inventory for a Multi-Storey Building

	Building Element	Notes
1.	Site	
1. 1	Curbs	
1. 2	Interlock/Unit Paving/Concrete Paving	Note the practitioner may want to differentiate paving on grade from paving located over a buried roof deck as related repairs are likely to differ.
1. 3	Asphalt Paving	
1. 4	Fencing	Note the practitioner may need to differentiate fencing types due to different service lives.
1. 5	Retaining Walls (Concrete, precast, timber, stone etc.)	Note the practitioner may need to differentiate retaining wall types due to different service lives.
1. 6	Planters	
1. 7	Site Stairs - Concrete, Wood, Steel.	Note: include garage exit stairs under Site or Parking Garage. Some stairs may incorporate snow melting system which must be considered.
1. 8	Site Railings (stairs, ramp edges etc.)	
1. 9	Site/Street Furnishings (benches, tables and chairs, BBQ etc.)	
1. 10	Wood Decking	
1. 11	Signage	
1. 12	Vehicles and Site Equipment	Note: some corporations own buses, tractors etc.
1. 13	Trees	
1. 14	Soft Landscaping	Note: periodically sites require landscape renewal of a scale greater than normal maintenance, such as renewal of shrubs
1. 15	Tennis/Basketball/Shuffleboard etc. Courts	
1. 16	Playground Equipment	
1. 17	Outdoor Pool/Whirlpool	
1. 18	Outdoor Pool mechanical equipment (boilers, heaters, heat exchangers, pumps, filters, brominators etc.) and piping	
1. 19	Gazebos/Pergolas/Trellises	
1. 20	Gatehouses, Sheds and Outbuildings	

	Building Element	Notes
1. 21	Fountains	
1. 22	Gate arms	
1. 23	Hydro Vault	Note: these are often buried rooms that house transformers, and are the responsibility of the corporation to maintain. Practitioners should consider what structural and waterproofing repairs the vault will need over its service life. The corporation may also own the transformers, in which case they should be covered as electrical components.
2.	STRUCTURAL ELEMENTS	
2. 1	Foundation walls	Note: In many cases, the buried walls are in the garage of a high-rise, but townhouses and some buildings have foundation walls as walls of occupied basements
2. 2	Foundations - Footings, caissons, raft slabs, tie-down anchors etc.	Note: most building foundations don't require renewal. Some specialty systems might.
2. 3	Structural Frame/Building Structure	
2. 4	Special structural systems (post-tensioning)	
2. 5	Waterproofing on structural slabs (garbage rooms, mechanical rooms)	
3.	Balconies, Decks and Other Structural Elements Exposed to the Weather	
3. 1	Balcony Slab/Deck/Sub-structure	
3. 2	Guards/Railings/Dividers	
3. 3	Balcony/Deck Waterproofing/Sealer	
3. 4	Balcony Finishes - painted soffits, slab edges, balustrades	
3. 5	Exposed Shear Walls and Exposed Floor Slab Edges	
3. 6	Parapets	
3. 7	Balcony/Exposed Structural Element Condition Survey	
4.	Parking Garage	
4. 1	Garage Condition Survey	

	Building Element	Notes
4. 2	Walls	Note: see also foundation walls under Structural Elements. Painting of garage walls and parking stall stripes should be considered.
4. 3	Suspended Slab	
4. 4	Suspended Slab - Waterproofing/Traffic Surface	
4. 5	Garage Roof Slab	Note: some occupied basement areas may also have buried roof decks.
4. 6	Garage Roof Deck Waterproofing and Overburden	Note: the practitioner may choose to separate waterproofing under paving from waterproofing under soft landscaping as these often have different service lives.
4. 7	Ramp Waterproofing/Traffic Surfacing, Ramp Slab and Snow-melt System	
4. 8	Garage Drainage (area drains, catch basins, trench drains, piping)	
4. 9	Slab on grade	
4. 10	Expansion Joint Seals	
4. 11	Soffit (T-bar, drywall, faced insulation etc.)	
4. 12	Garage Exit Stairs	Note: include garage exit stairs under Site or Parking Garage
5.	Walls and Sealants	
5. 1	Wall Condition Survey	
5. 2	Cladding (Precast, masonry, stucco, EIFS, etc.).	Note: different cladding systems usually have different service lives and repair needs.
5. 3	Sealants/Caulking	
5. 4	Soffits (under overhanging spaces)	
6.	Doors	
6. 1	Public entrance doors	
6. 2	Service doors	
6. 3	Balcony/Patio Doors	
6. 4	Overhead doors	
7.	Glazing Systems	
7. 1	Windows/Window wall/Glazed Curtainwall systems	Note: the practitioner should consider if the system will require interim repairs such as metal-to-metal joint sealing, or frame painting, as well as replacement.
7. 2	Glazing (Insulated Glass Unit Replacement)	
7. 3	Weatherstripping and window hardware	
8.	Roofing	

	Building Element	Notes
8. 1	Roof Condition Survey	
8. 2	Sloped roofing (asphalt shingles, metal, tile, soffit, fascia, eavestrough, downspouts etc.)	
8. 3	Low Slope/Flat roofing (including drains, membranes, counter flashings, insulation, ballast, hatches etc.).	Note: consider if the substrate might require repair (examples: steel deck exposed to phenolic foam insulation, aerated concrete, wood decking with rot etc.). Terrace roofing should be considered.
8. 4	Skylights	
8. 5	Rooftop walkways	
8. 6	Ladders	
8. 7	Canopies	
9.	Suspended Access Equipment	
9. 1	Tie-back Anchors, Rope Guides, Tie-back Buttons, Static Lines, Monorails etc.	
9. 2	Outriggers, Davit arms and bases	
9. 3	Cranes and stages	
10.	Plumbing Systems	
10. 1	Irrigation systems	Note: often irrigation systems are replaced when garage roof deck waterproofing is replaced.
10. 2	Water mains (domestic and fire), wells, filtration, backflow prevention	
10. 3	Buried Sewers, Catch Basins, Manholes	
10. 4	Fire Hydrants	
10. 5	Septic Systems, Water Treatment Plants	
10. 6	Drainage Piping System (Sanitary, Storm) - piping, clean-outs, heat tracing etc.	
10. 7	Storm water cisterns, grey water recovery	
10. 8	Sumps, sump pumps, discharge meters	
10. 9	DHW Boilers, Heater Tanks, Heat Exchangers	
10. 10	DHW Storage Tanks	
10. 11	Domestic Water Pumps (booster, circulating, recirculating)	
10. 12	Domestic Water Piping (hot supply, recirculation, cold supply)	Note: different usages and pipe types may result in different service lives. In copper systems, recirculation pipes typically have a shorter service life than hot water. Hot water piping typically has a shorter service life than cold water.

	Building Element	Notes
10. 13	Pressure reducing stations	
10. 14	Mixing Valves	
11.	Heating and Cooling	
11. 1	Heating Boilers, Heat Exchangers	
11. 2	Chiller, refrigerant detection system	
11. 3	Cooling Tower	
11. 4	Terminal Units (fan coils, heat pumps, baseboard heaters, cabinet heaters, radiators, unit heaters, split AC, air handling units, etc.)	Note: suite HVAC equipment is typically unit-owned, but may be common element
11. 5	Packaged Rooftop Unit	
11. 6	HVAC distribution piping systems (piping, valves, expansion tanks, chemical treatment etc.)	
11. 7	Circulating Pumps (building pumps, condenser pumps etc.)	
11. 8	Solar Panels and related equipment (tanks, pumps)	Note: these may belong under Domestic Water, Heating or Electrical, depending on usage and type
11. 9	In-floor radiant heating (hydronic or electric)	
11. 10	Electric baseboard heaters	
11. 11	Chimneys/flues	
11. 12	Building Automation System	
12.	Ventilation	
12. 1	Make-up Air Units, Air Handling Units	
12. 2	Central Exhaust Fans	
12. 3	Parking Garage Exhaust Fans	
12. 4	CO/NO Detection Systems for fan control	
12. 5	Pressurization Fans (smoke control)	Note: these could be reported here or under Fire and Life Safety
12. 6	Kitchen and Bathroom Exhaust Fans, Suite ERV/HRV	Note: suite HVAC equipment is typically unit-owned, but may be common element
12. 7	Humidification / Dehumidification Systems	Note: these systems are often used in pool areas
12. 8	Ductwork (including diffusers/grilles/balancing louvers, fire dampers)	
13.	Waste Disposal	
13. 1	Garbage Compactor/Sorter	
13. 2	Garbage Chute, Chute Doors, Chute Controls	
13. 3	Disposal Bins, Bin Puller	
14.	Electrical Systems	
14. 1	Electrical System Condition Survey	

	Building Element	Notes
14. 2	Main Building Transformer	Note: these are often utility-owned, but not always
14. 3	Main Panel/Switch Gear	
14. 4	Interior Transformers	
14. 5	Power Distribution (wiring, bus ducts, tap boxes, distribution panels, disconnects)	
14. 6	Motor Control Centers (MCC)	
14. 7	Suite Electrical Panels	Note: suite panels are typically unit-owned, but may be common element
14. 8	Interior lighting	Note: interior lighting can often be included in refurbishment budgets
14. 9	Exterior lighting (poles, bollards, wall- or soffit-mounted etc.)	Note: could be considered a site component
14. 10	Garage Lighting	Note: could be considered a parking garage component
15.	Security/Access Control	
15. 1	Intercom System	
15. 2	Enterphone/Video Concierge	
15. 3	Access Control System (fob readers, card readers and related head end equipment)	
15. 4	CCTV (cameras, wiring, head-end equipment)	
15. 5	Suite Security System (wiring, head-end equipment)	Note: suite panels are typically unit-owned, but may be common element
16.	Fire and Life Safety Systems	
16. 1	Fire Alarm Head-end Equipment (main panels, annunciators, fire fighters' handsets, voice communication, fan controls etc.)	
16. 2	Fire Alarm Wiring and Devices (detectors, speakers/horns, end-of-line devices, pull stations, valve monitoring etc.)	
16. 3	Automatic Electronic Defibrillator (AED)	
16. 4	Suppression Systems (main header, fire pump, fire water storage tanks, fire hose cabinets and related heat tracing, fire sprinkler heads, piping, valves, standpipes, compressors, fire department connections etc.)	Note: dry systems typically require replacement sooner than wet systems, so are often separated out.
16. 5	Generator and Related Fuel Systems (tanks, fill stations, pumps)	
16. 6	Invertor and Related Batteries	
16. 7	Battery-pack Emergency Lighting Systems	
16. 8	Exit Signs	

	Building Element	Notes
16. 9	Automatic Transfer Switches	
16. 10	Co-generation Equipment (turbines, batteries, and related storage cabinets, wiring to building electrical system etc.)	Note: practitioner to clarify where other related equipment (distribution panels, domestic water preheat equipment, batteries etc.) are covered if not covered here.
17.	Elevators, Lifts and Escalators	
17. 1	Elevator Condition Survey	
17. 2	Elevator Cab Finishes	
17. 3	Elevator Equipment (controls, drives, call buttons, motors, machines, etc.)	
17. 4	Door Safeties/Door Operators/Door Catches	
17. 5	Elevator Hydraulic Cylinders	
17. 6	Lifts (wheelchair lift, waste lift etc.)	
17. 7	Escalator Equipment (stairs, handrails, skirt panels, brushes, controls etc.)	
18.	Finishes, Furnishing and Equipment	
18. 1	Lobby FF&E	
18. 2	Above-grade Corridor FF&E	
18. 3	Interior Doors (suite doors, electrical closets, stairwells, garbage chute room etc.)	
18. 4	Interior Door Hardware (power door operators, closers, hinges, locksets for suite doors, electrical closets, stairwells, garbage chute room etc.)	
18. 5	Garbage Chute Room FF&E	
18. 6	Stairwell FF&E	
18. 7	Below-grade Corridor/Elevator Lobby FF&E	
18. 8	Service Room FF&E	
18. 9	Exercise Equipment	
18. 10	Office Equipment (computers, printers etc.)	
18. 11	Amenity Room FF&E	Note: in some cases, all amenity rooms are refurbished at one time, in which case one project may suffice. More commonly, they are handled separately, in which case one line item per room may be needed. Amenity rooms might include party room, billiards, library, golf, laundry, theatre etc.
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18. 1	Reserve Fund Studies	
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19.	Other Costs	
19. 1	Contingency for other reserve-eligible work	
19. 2	Current Year Spending	Note: the report will need to cover current year spending that is not itemized in another item above in order for the closing balance for the current year to align with the financial statements.

Briefing Note – Decision

C-542-2.6

ENGINEERS CANADA DIRECTORS REPORT

Purpose: To provide an update on the activities of Engineers Canada.

An update on the Engineers Canada activities that would be of interest to the mandate of PEO will be provided at the meeting.

Briefing Note – Decision

C-542-2.7

PEO'S 30 BY 30 ACTION PLAN - GENDER AUDIT

Purpose: To approve a gender audit of PEO's licensure process.

Motions to consider: (requires a simple majority of votes cast to carry)

1. **That Council approves a gender audit of PEO's licensure process conducted by University of Toronto's Rotman School of Management.**

Prepared by: Tracey Caruana, P.Eng., Manager, Engineering Intern Programs

Moved by: President, Christian Bellini, Vice Chair, PEO 30 by 30 Task Force

1. Need for PEO Action

In 2020, as part of the PEO 30 by 30 Action Plan, the 30 by 30 Task Force requested that PEO move forward with participating in a gender audit research study of its licensing process and internal operations. The study will be conducted through Dr. Sonia Kang, Associate Professor of Organizational Behaviour and Canada Research Chair in Identity, Diversity and Inclusion, and PhD Candidate, Joyce He, of the University of Toronto's Rotman School of Management.

The study will be initiated by PEO's 30 by 30 Task Force under its term, but then overseen by the Manager of the Engineering Intern Programs on behalf of the Registrar.

The main focus of the joint research project will be on the examination of PEO's existing licensure process for potential gender biases and any unintentional barriers or disadvantages that may impede women from getting licensed. This research will be directly in line with PEO's 30 by 30 initiative. The three goals for this project include:

1. Examine PEO's licensing process to investigate whether systemic bias may exist in the current licensure process.
2. Building on these insights, offer actionable suggestions for changes to be incorporated into PEO's licensing process if bias or disparities are identified.
3. Help PEO test the effectiveness of suggested changes.

Council is being asked to approve the research study to help PEO understand if a gender gap exists in the licensing process, and if so, identify where the barriers are, why they exist and what may be done to address them.

2. Proposed Action / Recommendation

It is recommended that Council approve the following motion:

1. *That Council approves a Gender Audit of PEO's licensure process conducted by University of Toronto's Rotman School of Management.*

3. Next Steps (if motion approved)

Upon approval of the above motions, the Researchers will request PEO's involvement to conduct their studies as they:

- Undertake the steps identified in their proposal under the oversight of the Manager of the Engineering Intern Programs, as delegated by the Registrar – planned start date of July 2021
- In conducting the study, review licensing documentation, assess pertinent data and interview applicants, staff and volunteers involved in the licensing process
- Depending on the outcome of the research, work with the Registrar and PEO staff to conduct a pilot on suggested interventions – planned start date of April 2022
- Analyse the findings of the pilot and examine effectiveness – planned start date of July 2022
- Present all final results to the Registrar who will decide the next steps – planned date of August 2022

4. Financial Impact on PEO Budgets (for five years)

There is no financial cost associated with the research. The research will be mutually beneficial to PEO and the researchers.

5. Peer Review & Process Followed

Process Followed	<ul style="list-style-type: none"> • 2020: Task Force requested that the audit be considered by PEO. • January 2021: Registrar agreed to the proposal in principle. • April 2021: Registrar agreed to proceed with the proposal with the proviso of a review by PEO's Legal Counsel.
Council Identified Review	<ul style="list-style-type: none"> • Registrar requested that PEO's Legal Counsel review the proposal. • PEO's Legal Counsel reviewed the proposal for compliance with confidentiality, access to information and other legal matters. • Deputy Registrar reviewed the proposal for impact on resources and no issues were identified.
Actual Motion Review	<ul style="list-style-type: none"> • Briefing note was reviewed by VP, Governance.

6. Appendices

Briefing Note – Decision

C-542-2.8

ANTI-RACISM & ANTI-DISCRIMINATION EXPLORATORY WORKING GROUP (AREWG)

Purpose: To accept the report, entitled “Anti-Racism and Anti-Discrimination: A Bridge to PEO’s More Successful Future” generated by the AREWG and its consultants, Patricia DeGuire and Shashu Clacken (the “Report”), and to decide next steps.

Motion to consider: (requires a simple majority of votes cast to carry)

That

- (a) Council formally accepts and confirms a decision to make public and circulate the Report attached as Appendix A;
- (b) Council accepts in principle all of the recommendations contained in the Report; and
- (c) Council continues the Anti-Racism and Anti-Discrimination Exploratory Working Group (AREWG) with its current membership and tasks it, with the allocation of appropriate resources, to develop an implementation plan for the recommendations contained in the Report, for Council’s consideration at the September 2021 Council meeting.

Briefing Note prepared by: Dan Abrahams, LL.B., Vice President, Legislation and Policy

Moved by: Peter Cushman, P.Eng., Chair, AREWG

Seconded by: Lisa MacCumber, P.Eng., Vice-Chair, AREWG

1. Need for PEO action

Partly in response to broader societal concerns, Council moved to establish an Anti-Racism and Anti-Discrimination Exploratory Working Group (AREWG), composed of Councillors P. Cushman (Chair), L. MacCumber and Q. Jackson and then-Councillor W. Kershaw, at its meeting on November 20, 2020. The mandate of AREWG, as set out in the motion, included the following:

That Council task the AREWG ... with scoping vulnerabilities to systemic racism and discrimination within the engineering profession and in particular within the range of activities overseen by PEO, and with proposing best-practice methodologies for identifying, studying and addressing any such vulnerabilities that exist.

It was envisioned at the time AREWG was established that its work would be supported by a consultant who had significant expertise in the area of anti-racism and anti-discrimination. The role of the consultant was to explore vulnerabilities and provide recommendations on how best to address those vulnerabilities, with appropriate Council oversight.

The working group was to present its report to Council prior to the 2021 AGM. In April 2021, however, the AREWG mandate was extended to give it time to finalize and present the report prepared by a consultant it had retained. In addition, the term of Mr. Kershaw as a member of the working group was extended, to ensure continuity.

The expert consultants, Patricia DeGuire and Shashu Clacken, have now produced a report, entitled “Anti-Racism and Anti-Discrimination: A Bridge to PEO’s More Successful Future”. In the interests of transparency and consistency with other reports presented to Council on previous occasions (notably the 2019 External Regulatory Review), Council is asked to confirm that the Report should be made public and its recommendations debated in open session. In particular it is anticipated that the Report will be shared with both the Office of the Fairness Commissioner and the Attorney General for Ontario, who will be invited to comment on the Report’s contents.

As part of its fiduciary and legal obligations Council must demonstrate PEO’s commitment to addressing risks that have been identified in the context of anti-racism and anti-discrimination. Some of the numerous potential risks outlined in the Report include the following:

- *The lack of a strategic focus on anti-racism and anti-discrimination.* Failing to address racism as one of PEO’s strategic priorities and policy actions risks perpetuating any individual or systemic racism that might exist. This in turn poses a potential risk of intervention by entities such as the Ontario Human Rights Commission or its tribunal, the OHRT. Such a failure also is inconsistent with PEO’s statutory obligation to protect and serve the public interest.
- *The individual experiences of applicants, licence holders, employees, volunteers and others.* Reported experiences and perceptions are valid, even if anecdotal. They provide important context for the evaluation of PEO’s regulations, rules, policies, processes, and practices. This in turn helps to assess whether they contribute to or perpetuate barriers facing marginalized groups.
- *The severity of how PEO’s approach is perceived.* During the exploratory work of the AREWG consultants, and through the anecdotal reporting, strong themes emerged regarding, among other things, perceived exclusion, lack of cultural sensitivity and EDI competency, elitism, fear and undervaluing Black persons, Indigenous persons and Persons of Colour.
- *The lack of race-based data.* PEO is not yet in keeping with the prevailing views in Canada about disaggregated race-based data.
- *The potentially harmful impact, especially as seen through an anti-discrimination and anti-racism lens, of further delays to reforming the licensing process.* There has not yet been material progress in reforming the licensing process. Failing to implement licensing reform (eg., with respect to Canadian experience) is detrimental to PEO’s image and the public’s trust in it as the self-regulator of the practice of professional engineering.
- *PEO’s apparent failure to behave appropriately, in the context of a matter of serious public importance, as the repository of delegated authority from the Ontario government.* PEO’s exercise of its authority has immense impact on the lives of over 87,000 licensees and thousands of applicants. It also impacts staff and countless members of the public. A public organization must prioritize responding to serious public interest issues, including the growing awareness of systemic racism.
- *Other legal and institutional risks.* The Report strongly suggests that Council might not be adequately fulfilling its duties concerning human rights and the public interest. It has identified notable omissions, silences and gaps that are

untenable. These gaps are associated with significant vulnerabilities, leading to reputational, financial and legal risks to the organization, as well as a generally detrimental impact on organizational culture.

The consultants have made six key recommendations, all of which are detailed in the Report itself:

- 1) Create a Board Committee to Embed Anti-racism in Council's Policy and Strategy Function
- 2) Publicly Commit to Anti-racism
- 3) Ensure Adequate Resourcing, Expertise and Consultations to Support the SARG
- 4) Develop an Anti-Racism Strategy, Aligned with the Organizational Strategy and Transformation
- 5) Achieve Quick Wins for the Strategic Plan, and
- 6) Commit to key components in principle for the strategy.

Council is asked to endorse all of the Report's recommendations in principle. At the same time, AREWG also recognizes the importance of implementing the recommendations (or modifying them as needed) in a planned, deliberate and informed manner. The consultants have conducted a thorough review of various aspects of PEO's work. AREWG strongly supports their findings. AREWG also recognizes, however, that the report is not yet accompanied by a comprehensive implementation plan. Such a plan would address operational, governance and structural considerations. The aim is to ensure that implementation of the recommendations achieves the desired outcomes and addresses the risks which the Report identifies.

It also must be acknowledged that the current governance "roadmap" adopted in 2020 did not incorporate anti-racism and anti-discrimination. This is an obvious deficiency which, in the view of the working group, must now be addressed.

Rather than immediately strike a new committee, AREWG believes it would be desirable to first give the working group a new, time-limited mandate, to develop and refine various aspects of the recommendations and to explore various options for implementation. The members of AREWG, which include one former Councillor, would continue in their current roles, to help ensure that this task can be completed before the September 2021 Council meeting.

2. Appendices

- A.** Report: "Anti-Racism and Anti-Discrimination: A Bridge to PEO's More Successful Future" (P. DeGuire and S. Clacken)



ANTI-RACISM & ANTI-DISCRIMINATION:

A Bridge To PEO's
More Successful Future

April 2021

PATRICIA DeGUIRE
SHASHU CLACKEN

About this Report

This report focuses primarily on whether Professional Engineers Ontario (PEO) has risks regarding racism and discrimination. As a basis for the assessment, this report uses the “Policy and Guidelines on Racism and Racial Discrimination” published by the Ontario Human Rights Commission (OHRC). The OHRC is the authority that was established as an arm’s length agency of government in 1961 to prevent discrimination and to advance human rights in Ontario. As a benchmark for the assessment, this report also uses the current state of anti-racism initiatives by the Law Society of Ontario (LSO). The LSO is the self-governing regulator for lawyers and paralegals in Ontario. The authors observe that the LSO is closer to best practices for a modern professional regulator.

The assessment was conducted by Patricia DeGuire and Shashu Clacken, independent consultants with collective expertise in human rights and civil liberties, anti-racism, diversity and inclusion, organizational transformation, and strategic planning. Both were called to the bar in Ontario, with background in constitutional law, administrative law, statutory interpretation, and direct experience with the LSO’s equity initiatives.

DISCLAIMER:

As consultants – not currently practising lawyers – DeGuire and Clacken do not currently provide legal advice. Nothing in this report should be relied upon as legal advice.

The consultants and their related companies assume no responsibility or liability connected to the information contained in this report. Any steps that the PEO or its stakeholders may take further to this report will be strictly at their own risk.



Science can amuse and fascinate us all, but it is
engineering that changes the world.

ISAAC ASIMOV

Dreams do come true, but not without the help of others,
a good education, a strong work ethic, and the courage to lean in.

URSULA BURNS

Letter to the PEO's Board and its AREWG

May 3, 2021

Dear PEO Councillors,

We enclose our report, providing our assessment whether the PEO has risks in relation to racism and discrimination. We were selected as independent consultants to support PEO's Council working group – the Anti-Racism & Anti-Discrimination Exploratory Working Group (AREWG) – to “develop recommendations for Council to enable PEO to identify, study and address any issues of systemic racism and discrimination which fall within PEO's mandate.”

Specifically, the scope of the assessment was: “scoping vulnerabilities to systemic racism and discrimination within the engineering profession and, in particular, within the range of activities overseen by PEO” and “proposing best-practice methodologies for identifying, studying and addressing any such vulnerabilities that exist.” This scope was authorized by Motion 2.9, passed at the PEO's Council meeting on November 20, 2020.

Pursuant to the terms of reference approved for the AREWG, Council tasked the AREWG to work “with a qualified consultant to be recruited by the CEO/Registrar, with final vetting by the working group” to “examine and ultimately report to [Council] regarding:

- What potential vulnerabilities exist for PEO in relation to systemic racism and discrimination, in all major areas of PEO's operations and its role as regulator of the practice of professional engineering and governor of the engineering profession?
- What best practice methodologies are available to identify, study and produce recommendations on how to address any issues of systemic racism and/or discrimination that exist?
- What options are preferred and recommended, based on the Working Group's (and consultant's) understanding of PEO and the environment in which it operates?
- What mechanisms (e.g., a further working group, additional consultants, surveys, interviews, focus groups, etc.) are required in order to oversee and pursue the recommended options?
- Any other foundational or background information that Council needs in order to address these issues.”

We were the successful bidders in the PEO's RFP process. Our bid included our written response to RFP and, upon becoming a finalist bidder, delivery of a virtual presentation to the AREWG, the CEO/Registrar and the Director, Human Resources. We commend the PEO for the considered and merit-based approach it took to this procurement process. We appreciate the PEO's decision to have selected us to conduct this assessment.

Thanks to various staff members for their considerable work gathering documents we requested and participating in interviews. We also thank the various committee members, volunteers, Council members, individual engineers, and external stakeholders who participated in interviews. All were generous with their time and treated the matter with seriousness and respect. We recognize that racism is not easy to discuss, but that it is critical to do so to make progress for the benefit of all. We commend all interviewees for their willingness to engage. Given the sensitivity of the topic, we observe strict anonymity to protect the identity of the interviewees. Comments are not attributed to any individual.

From our review of the interviews and considerable documentary evidence, we have identified various risks and offered recommendations to assist the PEO.

In **Section 1**, we level-set on contextual information that readers must keep in mind to properly appreciate the significance of the noted risks and recommendations. This contextual information includes an explanation of the PEO's regulatory duties regarding anti-racism, and core concepts regarding racism.

In **Section 2**, we briefly describe our methodology. We also discuss the risks identified in our assessment and relate them to the OHRC's Policy and Guidelines on Racism and Racial Discrimination to help the PEO understand the risks in context.

In **Section 3**, we provide recommendations in a workplan format, pursuant to the terms of our engagement.

Our analysis and our recommendations are entirely our own, even though they are based in part on what we saw and heard from others. We trust they may be of assistance to the PEO. We wish you success in embedding anti-racism and anti-discrimination within your wider commendable transformation.

Sincerely,



Patricia DeGuire



Shashu Clacken

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Executive Summary

As highlights from our assessment, below we include summary responses to the questions from the Terms of Reference that framed the AREWG's work and this engagement. It is necessary to review our full report to adequately understand these points. (Where abbreviations are not defined in the body of this report, their definitions are set out in **Appendix D**.)

Question 1: What potential vulnerabilities exist for PEO in relation to systemic racism and discrimination in all major areas of PEO's operations and its role as regulator of the practice of professional engineering and governor of the engineering profession?

Our assessment identified various vulnerabilities to systemic racism and discrimination in relation to:

- inadequate engagement with stakeholders, particularly outside PEO;
- PEO's emphasis on "Canadian experience" and the risk that it perpetuates disadvantage of marginalized groups;
- recurring stories alleging exclusionary conduct within the engineering profession, impacting racialized persons, most notably Black and Indigenous persons;
- PEO not yet following best practices regarding disaggregated race-based data;
- recurring stories alleging exclusionary conduct at several of the PEO's chapters, within the PEO's elections (at all levels), and impacting the overall organizational culture;
- insufficient knowledge-sharing, learnings, or understanding regarding racism and anti-racism;
- allegations of unfair conduct in the PEO's discipline processes in relation to racialized Councillors and licensees;
- allegations of exclusionary or unfair practices in some of the PEO's procurement processes;
- the PEO not yet implementing the various recommendations from several commentators over several years in respect of the PEO's licensing process and practices;
- notable gaps in resourcing and support for the PEO's equality-promoting initiatives;
- perceived significant underrepresentation of Black persons and Indigenous persons in the PEO's Council, staff, and committees, and in the wider profession;
- the PEO not yet prioritizing anti-racism and anti-discrimination in its strategic planning, transformation, or 'tone from the top'; and
- notable gaps in the PEO's policies, procedures, and processes regarding protections for persons impacted by discrimination.

Question 2: What best practice methodologies are available to identify, study and produce recommendations on how to address any issues of systemic racism and/or discrimination that exist?

Question 3: What options are preferred and recommended, based on the Working Group's (and consultant's) understanding of PEO and the environment in which it operates?

Question 4: What mechanisms (e.g., a further working group, additional consultants, surveys, interviews, focus groups, etc.) are required in order to oversee and pursue the recommended options?

Our assessment identified six (6) categories of recommendations, with several sub-components each. These recommendations are set out in **Section 3**, located at pages 49 to 63 of this report. We encourage readers to review the recommendations in detail. Highlights include:

- Utilizing the mechanism of a Board Committee (the Strategic Anti-Racism Group (SARG)) to perform the legwork on Council's behalf in developing and overseeing an anti-racism strategy.
- Publicly affirming the PEO's commitment to anti-racism, and making this report's recommendations and related reporting publicly available.
- Utilizing project methodologies and continuing to engage anti-racism and anti-discrimination consultants ("ARD Consultants") to benefit from subject-matter expertise, independence, and work-load assistance.
- Engaging stakeholders via ARD Consultants (utilizing qualitative methods such as interviews, surveys, focus groups, and/or receiving submissions).
- Adequately funding anti-racism and anti-discrimination initiatives.
- Ensuring alignment, integration, and coherence between the prospective anti-racism strategy and the wider organizational strategy and transformation.
- Pursuing 'quick wins' in the interim to be proactive about some of the top risks identified. These 'quick wins' include starting a mentorship program, and applying an anti-racism lens to enhance PEO's efforts to date regarding top issues raised. The top issues relate to developing alternatives to the "Canadian experience" requirement; the PEO's elections procedures and practices; and the PEO's discipline processes and practices applicable to Councillors.
- Committing to embedding within the PEO's anti-racism strategy certain key components in keeping with anti-racism norms and aspirations in Canada. This sets the tone for developments by the SARG, by the PEO's operational team, and within the wider profession.

Question 5: Any other foundational or background information that Council needs in order to address these issues.

In **Section 1** below, we outline foundational information that is essential to adequately appreciate the risks and recommendations identified in this report and to address them in turn. This contextual information concerns the proper role for modern professional regulators regarding anti-racism, and key considerations about racism.

At a summary level, it suffices to note that anti-racism falls squarely within the regulatory mandate of professional regulators, and that the PEO is bound by human rights laws that require it to address racism in all areas that it governs. Notably, the Ontario *Human Rights Code* (the "*Code*") is quasi-constitutional. This means that it is almost as important as the constitution, and that it takes precedence and priority. The PEO must therefore "comply with the *Code* before other laws, unless there is a specific exception."¹ Also, the PEO's functions constitute "government action" and must comply with the *Canadian Charter of Rights and Freedoms* (the "*Charter*").

Opening Remarks

Engineering is a noble and essential profession and the PEO's mandate is critical for the posterity of society. The PEO exists to uphold the profession's duty to public welfare in regulating the practice of professional engineering in Ontario.

To echo Isaac Asimov, it is engineering that can change the world. The year 2020 brought global respect and compassion for helping others achieve their goals. We are fortunate to be living in this historic time of global awakening and opportunity to shape a more equitable and successful society.

Organizations are now poised to seize the rare opportunity to effect transformational changes that make them more successful. We commend the PEO for taking this first step towards identifying and addressing vulnerabilities to racism. The possibilities are endless if society's members – from all races, ethnicities, gender identities, sexual orientations, abilities, income levels, religious or faith identifies, immigration statuses or other identities – have fair opportunity to become and succeed as engineers.

Racism, and in particular anti-Black racism, has been revealed as one of the most pernicious and intractable social ills that pervades Canadian society. No space is immune. Addressing this problem also yields benefits to other equity-seeking identities.

The most effective barrier removal strategies prioritize solutions that reach the most marginalized groups. The solutions in turn generally reach persons in between the most marginalized and the least marginalized. If PEO takes an inverse approach, it will rarely reach the most marginalized. Instead, it will likely perpetuate their marginalization and thereby breach the *Code* and the *Charter*.

Additionally, anti-racism wins provide precedents and learnings that may be leveraged to specifically address other forms of inequality and discrimination. These areas were directly not in scope for this engagement. Once the PEO builds its anti-racism strategy as a necessary priority, it must continuously expand its focus and efforts to target all remaining forms of inequality.

Ultimately, when the PEO is further along its anti-racism journey, it and its stakeholders will be more successful. They will demonstrate greater contributions to society.

Section 1: Key Context to Understanding the Report

A) PEO becoming a modern regulator, and current state

1.1 The PEO is on a commendable journey to becoming a modern professional regulator. It is responsible for self-governance of the engineering profession to protect the public. This is delegated authority from the government. The PEO effectively exercises governmental authority, bound by the *Code* and the *Charter*. The delegation of authority is based on trust that the profession can govern itself in a manner that is demonstrably appropriate. The PEO's viability as a self-governing authority therefore turns on public confidence in its effectiveness. The PEO is alive to this reality and is taking steps to understand and address its risks and future-proof the organization. A significant step in this regard was the regulatory review that the PEO commissioned in 2019, as performed by Mr. Harry Cayton (the "Cayton Report").

1.2 The Cayton Report involved a comprehensive review of how well the PEO is performing its regulatory functions. To achieve efficiencies and maximize value for the PEO's resources, we did not duplicate Mr. Cayton's work. Instead, we built on the Cayton Report to the extent of its account of:

- the applicable legislative and operational frameworks (including licensing requirements, processes, and practices; complaints and discipline processes; and the relevance of FARPACTA (the *Fair Access to Regulated Professions and Compulsory Trades Act 2006*, to which PEO is subject); and
- the PEO's organization and structure (notably, the structure and functions of its Council, staff, chapters, and volunteers).

We encourage any readers who lack familiarity with the PEO to read the Cayton Report for a better understanding of some matters foundational to this report.

1.3 We also had regard to the factual findings of the Cayton Report. We accepted as a tentative "current state" description all Cayton Report findings relevant to this engagement. We assessed whether interviewees or documents signaled any material updates or corrections. We specifically probed interviewees if they disagreed with any factual findings in the Cayton Report. We heard very little disagreement on the facts. We also heard that there have been a few developments from the PEO's action plan that responded to the Cayton Report. Overall, we accept the Cayton Report's findings on certain points as being relevant to this engagement. They underscore certain risks that we separately identified. We cross-reference some relevant Cayton Report findings in **Appendix C**.

1.4 One Cayton Report finding that is particularly important to the present assessment is the observation that there is inadequate focus on the public interest and ethics. The Cayton Report noted that opportunity exists for the PEO's Council to remain "constantly cognizant of key present and future engineering risks that its activities should be directed to prevent."²

B) Anti-racism is central to a professional regulator's duties

1.5 In its transformation objectives, the PEO is committed to ensuring primary focus on its regulatory function. What falls within its regulatory function is a topic of significant discussion and may not yet be fully clear to all PEO policy-makers and leaders. It is therefore worth recognizing that anti-racism and anti-discrimination are critical dimensions of the PEO's regulatory duty to protect the public interest; promote and ensure ethics of the profession; and comply with its public duties.

1.6 We note that PEO got this question right in its 2020 RFP for this engagement, which states:

"The problem of widespread systemic racism has been a major focus of international public attention, in particular in the past year. As a regulator in the public interest, [the PEO] is required to identify and address any such concerns as they relate to its mandate and activities."

This is correct and must be kept squarely in mind, for reasons explained below.

1.7 We also note that the PEO was on the right path in the message that its CEO/Registrar issued in August 2020 in response to the global developments. The CEO/Registrar's message is reproduced at **Appendix B**.³ It is imperative that the PEO honours and builds on this public message. Our report identifies risks relevant to areas that the CEO/Registrar rightly identified in his message as being key. We identify opportunity gaps and further areas requiring a robust response. As the CEO/Registrar noted, "there is much more work still to be done". The public will be interested in this anti-racism report, and in the steps that the PEO takes next. Robust assessments and robust responding measures are essential to protecting the public interest.

1.8 A professional regulator's purpose to govern in the public interest necessarily also means upholding human rights laws. The Law Society of Ontario's statements are edifying. (The Law Society is a professional regulator in Ontario, which we observe to be further along in best practices for modern regulators). In launching the Law Society's anti-racism strategy, its working group stated on its behalf that:

- "...the Law Society must take a leadership role... to bringing about lasting culture change. The Working Group has concluded that prescribing minimum standards of equality, diversity and inclusion are consistent with the human rights responsibilities of the profession – **obligations already required by... the Human Rights Code**. Reform in addressing barriers faced by racialized licensees is an **essential component of ensuring a healthy and successful legal profession, and to advancement of the public interest** – goals that we all share and must achieve."
- The Law Society "has a **duty to... protect the public interest**. Furthermore, the Law Society is committed to **adhering to its obligations under the Human Rights Code**. In fulfilling its mandate, the Law Society integrates equality and diversity values and principles into all of its policies, practices and programs."⁴ (emphasis added)

1.9 The PEO is equally bound by the Ontario Human Rights Code (the "Code"). Moreover, as the OHRC notes, *Code* obligations take precedence over other obligations:

"The Supreme Court of Canada has said that human rights legislation such as the *Code* is not like other laws. It should not be treated the same as other pieces of provincial legislation because **it is almost as important as the constitution, or "quasi-constitutional."** **This means that you must comply with the Code before other laws, unless there is a specific exception.** The requirements in other legislation may be considered to be minimum standards that can be exceeded to comply with the *Code*."⁵ (emphasis added)

1.10 The OHRC's Policy and Guidelines on Racism and Racial Discrimination ("OHRC Anti-Racism Policy") are clear about the related responsibilities. As this document is key to our assessment, we include a link in-text: [OHRC Anti-Racism Policy](#). We encourage readers to study this policy. We note key excerpts relevant to the PEO's responsibilities:

- "all organizations, institutions and levels of government should take steps to address historical disadvantage. This expectation is even higher for public bodies as they are more likely to have contributed to the causes of historical disadvantage in the first place and because government has an enhanced responsibility to ensure that everyone can benefit equally from its services."
- "we all have a shared responsibility for addressing historical disadvantage."

- “organizations and institutions have an obligation to be aware of whether their practices, policies and programs are having an adverse impact or resulting in systemic discrimination vis-à-vis racialized persons or groups. It is not acceptable from a human rights perspective to choose to remain unaware of the potential existence of discrimination or harassment, to ignore or to fail to act to address human rights matters, whether or not a complaint has been made.”
- “An organization violates the *Code* where it directly or indirectly, intentionally or unintentionally infringes the *Code* or does not directly infringe the *Code* but rather authorizes, condones, adopts or ratifies behaviour that is contrary to the *Code*.”⁶

1.11 A reputable authority on governance for professional regulators, Richard Steinecke, also makes it patently clear that:

- perhaps the most important work a professional regulator’s Board can do is “clearly identifying its mission, setting priorities and developing a plan to achieve those priorities”;
- this is part of the regulator’s governance function; and
- priorities such as “reconciliation with indigenous peoples and promoting equity, diversity and inclusion [are] being emphasized” by many professional regulators as part of their duty to ensure ethics to further the public interest.⁷

1.12 It is therefore unequivocal that anti-racism, and anti-discrimination, is central to the regulatory duties of a professional regulator.

1.13 With the shift in consciousness around the globe since the death of George Floyd, the public has entered a new era where it is widely perceived that “silence is violence” on the subject of racial inequality. To maintain public confidence, it is therefore imperative that modern professional regulators pursue and sustain an effective anti-racism and anti-discrimination strategy.

1.14 The PEO may take cues from the Law Society’s anti-racism strategy. We offer recommendations that are compatible with the Law Society’s strategy, and are tailored and enhanced to fit the PEO’s unique reality, objectives, and current transformational journey.

C) Understanding racism: key considerations

1.15 To understand the significance of the risks noted in this report, it is essential to have a working understanding of racism. While this report lacks scope to offer comprehensive education about racism, it notes some key pointers. We encourage each PEO Councillor to start or continue an anti-racism education journey to further their understanding and preparedness to address the risks identified. Below are key extracts from the OHRC Anti-Racism Policy:⁸

- Race is a social construct that was created to justify slavery and other forms of “European imperial domination of nations and peoples deemed “non-white” and was used to establish a classification of peoples.”

-
- The process of social construction of race is termed “racialization”. The term “racialized person” expresses race as a social construct rather than as a description based on false perceptions of biological traits.
 - Racism is “perpetuated through socialization, stereotypes, fear, protectionism, bias” and it “can be more deeply rooted in attitudes, values and stereotypical beliefs.” In some cases, these beliefs are “unconsciously maintained by individuals and have become deeply embedded in systems and institutions that have evolved over time.”
 - Racism persists today and there is “continuing impact of the historical legacy of racism, such as the effect of colonialism and slavery, including the trans-Atlantic slave trade”, post-colonialism and perpetuation of disadvantage affecting “indigenous persons, persons of African descent and persons of Asian descent.”
 - “Racism operates at several levels, including individual, systemic or institutional, and societal:
 - Racial discrimination can be impacted by related *Code* grounds such as colour, ethnic origin, place of origin, ancestry and creed. In addition, race can overlap or intersect with other grounds such as sex, disability, sexual orientation, age, and family status to create unique or compounded experiences of discrimination.
 - Racial discrimination can occur through stereotyping and overt prejudice or in more subconscious, subtle and subversive ways.
 - Racial discrimination also occurs in significant measure on a systemic or institutional level. Policies, practices, decision-making processes and organizational culture can create or perpetuate a position of relative disadvantage for racialized persons.”
 - “It is no coincidence that communities which historically experienced racial discrimination continue to be placed on the lowest rungs of the social, economic, political and cultural ladder in Canada. The legacy of racism in Canada has profoundly and lastingly permeated our systems and structures. As such, it must be acknowledged in any policy statement, particularly when considering such matters as institutional or systemic discrimination, inclusive design, barrier removal and methods to respond to racism.”

1.16 Countering anti-Black racism and Indigenous marginalization warrants special focus. This is being acknowledged world-wide in the new era. It is now well-documented in Canada and globally that Black and Indigenous communities face the harshest realities. The OHRC Anti-Racism Policy endorses:⁹

- Emphasizing the “particular and extreme marginalization” of Black and Indigenous people; the unique issues raised in relation to legacies of the trans-Atlantic slave trade, slavery, and post-colonialism; and treaties, land disputes, and Indian Act issues.
- Understanding of the context of racism and racial discrimination in Canada, which requires understanding barriers constricting the opportunities of most Canadians of African ancestry, notably:

- “African Canadians were excluded from schools, churches, restaurants, hospitals and public transportation.
 - They were restricted to menial, low-paying and exhausting labour.
 - Many African Canadians lived in segregated communities in Ontario, Nova Scotia, and New Brunswick.
 - In addition, residential segregation was perpetuated through racially restrictive covenants attached to deeds and leases.
 - The Ontario legislature established segregated schools, and legal challenges to these failed.
 - The legislation remained on books as late as 1964.”
- “The experience of other racialized Canadians is similarly tainted by a history and perpetuation of racism”. For example, a “contemporary and emerging form of racism in Canada has been termed ‘Islamophobia’.” This involves discrimination against persons from countries with a large Muslim population, such as countries in the Middle East.
 - “At various times, Canada’s immigration policies and practices have either directly or indirectly made it easier for some groups (such as northern and western Europeans), and more difficult for racialized groups, to gain entry.”

1.17 It is therefore important for the PEO to understand racism in the noted context of exclusion from opportunities, with extreme impact on Black and Indigenous persons, and impact on all racialized persons, including contemporary impact on Muslims and persons from places like the Middle East.

1.18 Notably, the Supreme Court of Canada has made clear that “the principles applied under the Human Rights Acts are equally applicable to questions of discrimination under s.15” – i.e., the equality guarantee in the *Charter*.¹⁰ We encourage the PEO’s leadership to read the Supreme Court of Canada’s decision in *Andrews v. Law Society of British Columbia*¹¹ which involved a British citizen who successfully challenged the citizenship requirement for admission to the British Columbia bar. Some would argue that there are parallels, for example, to the PEO’s requirement for Canadian experience and other practices and policies, and that these perceived parallels have a high risk of being found to create a distinction on an analogous ground. Some would argue that such a distinction creates additional burdens that are unlikely to be justifiable as rationally connected or minimally impairing, given a high risk that alternatives may be deemed less infringing of equality rights. We do not offer any legal opinion in this regard. We make these comments to highlight the risks and likely public perceptions that the PEO must evaluate and address.

1.19 We also provide below some instructive excerpts from Supreme Court of Canada equality decisions.¹² Again, we do not offer these excerpts as legal advice. We illuminate for the PEO how Canada’s top court reasons on related matters, so that this reasoning may inform how the PEO understands and assesses matters concerning racism and discrimination:

- “The approach to s. 15 was most recently set out in *Quebec (Attorney General) v. A*, [2013] 1 S.C.R. 61, at paras. 319-47. It requires a flexible and contextual inquiry into whether a distinction has the effect of perpetuating arbitrary disadvantage on the claimant because of his

or her membership in an enumerated or analogous group. **It is an approach which recognizes that persistent systemic disadvantages have operated to limit the opportunities available to members of certain groups in society and seeks to prevent conduct that perpetuates those disadvantages.** The focus of s. 15 is on laws that draw *discriminatory* distinctions – that is, distinctions that have the effect of perpetuating arbitrary disadvantage based on an individual’s membership in an enumerated or analogous group. The s. 15(1) analysis is accordingly concerned with substantive equality.”

- “Non-citizens are a group of persons who are relatively powerless politically and whose interests are likely to be compromised by legislative decisions.”
- “Relative to citizens, non-citizens are **a group lacking in political power and as such vulnerable to having their interests overlooked** and their rights to equal concern and respect violated. They are among “those groups in society to whose needs and wishes elected officials have no apparent interest in attending”: ... Non-citizens, to take only the most obvious example, do not have the right to vote. **Their vulnerability to becoming a disadvantaged group in our society is ... that “in the absence of its natural defenders, the interests of the excluded is always in danger of being overlooked...”** I would conclude therefore that non-citizens **fall into an analogous category** to those specifically enumerated in s. 15. I emphasize, moreover, that this is a determination which is not to be made only in the context of the law which is subject to challenge but rather **in the context of the place of the group in the entire social, political and legal fabric of our society.** While legislatures must inevitably draw distinctions among the governed, such **distinctions should not bring about or reinforce the disadvantage** of certain groups and individuals by denying them the rights freely accorded to others.”
- “...**facially neutral qualifications like education requirements may well be a proxy for, or mask, a discriminatory impact**”, “disparate impact on members of an enumerated or analogous group.”
- “...whether the impugned law **fails to respond to the actual capacities and needs of the members** of the group and instead imposes burdens or denies a benefit in a manner that **has the effect of reinforcing, perpetuating or exacerbating their disadvantage:**

The root of s. 15 is our awareness that certain groups have been historically discriminated against, and that the **perpetuation** of such discrimination **should be curtailed. If the state conduct widens the gap** between the historically disadvantaged group and the rest of society rather than narrowing it, **then it is discriminatory.**”

- “The **effect of this facially neutral requirement was to disproportionately exclude** African Americans from positions in the plant... practices, procedures, or tests **neutral on their face,** and even neutral in terms of intent, **cannot be maintained if they operate to “freeze” the status quo of prior discriminatory** employment practices... employment requirements that are unrelated to measuring job capability can operate as “built-in headwinds” for minority groups, and will therefore be discriminatory.” (emphasis added)

Section 2: Methodology and Risks Identified

A) Approach to the assessment

2.1 We performed this assessment between February 2021 and April 2021. Given the pandemic, we conducted all meetings by video and audio conferencing. We requested and reviewed substantial documentary evidence provided by the PEO. We also obtained and reviewed considerable documentation available publicly. This included information from certain other engineering regulators and organizations relevant to professional regulation.

2.2 To ensure an adequate overview, we identified categories of interviewees necessary to offer a cross-section of stakeholder perspectives. To identify individual interviewees, we then reviewed organizational charts, committee listings, and publicly available information regarding stakeholders. We also received some requests to participate. All contact information shared to us was either generally available, obtained by the AREWG on consent of those seeking to participate, or otherwise obtained on consent. We sent all interviewees the same invitation letter, which set out the high-level subject matter and anonymity terms and related information. Given the sensitivity of the subject matter, as indicated to the interviewees, their names and specific roles are kept confidential. Information shared is not attributed to any individual.

2.3 As the present task is to scope vulnerabilities, all information is valuable to as helping to identify potential risks. We make no findings whether details alleged in fact constitute racism. The information received is not relied upon for the truth of the contents. Instead, we identify areas where the information engages material risks or vulnerabilities to racism, which warrant further study and appropriate action. This said, the consistency of various stories and recurring themes lend weight to the information heard. This underscores a pressing need for adequate attention by the PEO.

2.4 We interviewed well over fifteen (15) interviewees, being the number we proposed in our response to the PEO's RFP for this project. The AREWG welcomed the increase.

2.5 We interviewed a cross-section of stakeholders from the following categories:

- PEO policymakers / Council members;
- Volunteers;
- Members of committees that we identified – based on the Cayton Report's account of committees – as likely having the most relevance to anti-racism;
- Staff;
- Individual engineers;
- Officials outside the PEO with sophisticated direct knowledge of matters relevant to the engineering profession and professional regulation; and
- With the world's heartbeat centred on anti-Black racism, in particular, we were sure to include some Black interviewees and probe specifically about this area.

2.6 The documentation we reviewed included: relevant sections of the governing *Professional Engineers Act* and Regulation; a sampling of the PEO's processes, policies, procedures and practices

in various areas (notably, anti-bias, code of conduct, licensing, complaints, discipline, elections, Council, procurement); sample Council meeting recordings; sample ERC interviews (where applicants were successful and unsuccessful in interview);¹³ sample human rights complaints and informal complaint communications; the PEO's latest financial statements; the OHRC's policy regarding Canadian experience;¹⁴ documentation between Ontario's OFC and the PEO regarding the PEO's Canadian experience requirement, and related materials; documentation from the website of the PEO's equivalent in British Columbia regarding competency based assessments and Canadian experience;¹⁵ some of the PEO's governance transformation roadmap documentation; and others.

2.7 The information we received covered a wide range of matters in all major areas of PEO's functions. It was sufficient to enable a meaningful scoping assessment to identify vulnerabilities to racism. While deeper study and actions are needed, this report positions the PEO well for next steps.

B) Risks identified

2.8 We provide below an account of the risks identified through our thematic analysis and synthesis of the interview responses and documentary evidence. We also relate them to the OHRC Anti-Racism Policy to aid further understanding.

2.9 This is a non-exhaustive listing of vulnerabilities to racism and discrimination that may be present within the PEO's scope. It, however, offers as holistic a view as possible from a scoping engagement.

2.10 The risks identified are discussed in the following order: going from matters in the wider profession to matters at the PEO's centre, all within scope of the regulator. Below each heading, we first set out examples of information shared to us. We then comment on the significance of the risks, based on the guidance from the OHRC Anti-Racism Policy and related contextual information.

1. Stakeholder engagement including the public

2.11 One of the three key considerations that the OHRC notes for identifying and addressing systemic discrimination is an organization's decision-making processes / practices / policies.¹⁶

2.12 Several interviewees, inside and outside the PEO, indicated that the PEO's decision-making, practices and policies are not informed by strong engagement with key stakeholders or external events. The perceived gaps relate to employers or industry representatives; organizations of equality-seeking groups; other members of the public; the Black Lives Matter wave of events since mid-2020; among other things.

2.13 Some interviewees indicated that there is some engagement with organizations like Engineers Canada and its CEAB; OSPE; universities; and other engineering regulators. However, some interviewees within the PEO demonstrated limited awareness of these stakeholders' developments and practices that are relevant to this assessment. For example, some senior PEO interviewees demonstrated limited familiarity with the details of the competency-based assessment approach, and alternatives to "Canadian experience", as used by some engineering regulators in Canada.

2.14 Several interviewees stated that the PEO has limited visibility into what goes on in the industry. For example, they told us there is no formal reporting by industry participants regarding

adherence to ethical practices, notably non-discriminatory practices. Several interviewees also noted that there is little to no awareness-building in the industry to help reduce systemic barriers. For example, on one hand, the PEO created the provisional license category, which essentially means the license holder meets all PEO licensing requirements except the Canadian experience requirement. On the other hand, this license category is not well-known or well-understood in the industry or even within the PEO, some interviewees said.

2.15 Some interviewees perceived that the PEO has been largely silent throughout the 2020-to-present global reckoning regarding racism. They stated that some sister regulators and related groups issued statements. They said the PEO's voice has been lacking.

- Some other interviewees acknowledged that there was a message sent from the PEO's CEO/Registrar to staff, Council, and licensees, and posted as a blog on the PEO's website. They said it was not clear to them whether this message was also endorsed by the PEO's Council, as they said Council has been largely silent on the subject to date.

2.16 Some interviewees asserted that there is little engagement with schools to promote equitable knowledge sharing of critical information like the need for grade 12 Physics if students may wish to pursue engineering in the future. They stated that female and Black students are often not adequately informed, for example.

2.17 Several interviewees indicated that: lay-person representation in Council and on committees is inadequate; there is no coordinated approach to connecting with equity-seeking groups; and there is no centrally-coordinated mentorship or outreach.

2.18 Several interviewees also noted insufficient clarity or coordination with OSPE regarding role definition and which organization owns what. Of note, it has been debated where initiatives like '30 by 30' should belong. (30 by 30 aims to raise the percentage of newly licensed female engineers to 30 per cent by 2030.)¹⁷ Some interviewees also noted a lack of clarity and coordination regarding government liaising. Notably, some interviewees stated that there is no communication or coordination with the federal government that recruits engineers from around the world. They lamented that there are significant disconnects in the criteria used by the federal government and the criteria used by the provincial regulator. They felt the PEO should seek to close this gap.

2.19 One interviewee stated that there is little to no public consultation before changing the governing Act or Regulations, or regarding significant transformation affecting the profession. In the documents we reviewed, we did not see reference to public consultations. We also did not hear from any interviewees that public consultation is part of the PEO's change strategy.

2.20 Item B1 Risks: if these perceptions are valid, the reported lack of awareness, collaboration and coordination would be a material risk for the PEO and the profession in multiple dimensions. Of relevance to a racism and discrimination dimension:

- (i) Lack of visibility into, or failure to shape, conduct in the industry presents significant vulnerabilities to racism and discrimination. In any profession, it is in everyday work and service that employees, clients and stakeholders most frequently face the impact of discrimination and barriers. Engineering is a regulated profession because of the

heightened impact its professionals can have. The PEO is ultimately accountable for the conduct within its profession.

- (ii) We also reviewed the PEO's Regulation and Codes of Conduct. A significant opportunity gap is evident regarding ethical rules, training requirements, and reporting requirements that reinforce the professional obligations of all licensees to uphold equitable and non-discriminatory principles in keeping with human rights norms and public expectations. There is also a significant opportunity gap regarding appropriate mechanisms for complaints, compliance, and disciplinary measures related to racism and discrimination.
- (iii) In the new era of anti-racism priorities where "silence is violence", silence or inaction in this area is a significant risk. It is a risk in terms of public perception and confidence. It is also a risk regarding potential lawsuits and/or negative press. Applicants and licensees are more sensitized to racism issues in the new era. Even one bad case can be very costly to the PEO. Costs may include high legal fees; a drain on Council's and senior management's time; high burnout rates; and reputational damage. The ripple effects can include a depressed ability to attract top talent and top industry players in the future. Top talent and leading businesses are attracted to environments seen as winning, leading, or cutting-edge.
- (iv) There is a significant racism and discrimination risk associated with a professional regulator's failure to adequately engage stakeholders when setting priorities, determining strategy, or undertaking transformation (legislative or operational). This is especially so if equality-seeking groups are excluded or omitted during the design processes. Below are some risks, if the PEO does not adequately engage relevant stakeholders:
 - It risks missing unintended consequences that increase or perpetuate barriers facing marginalized groups, which would breach the PEO's human rights duties.
 - It also misses the rich and valuable perspectives that diversity offers as the PEO looks to design a future state to future-proof the organization and profession.
 - Notably, we reviewed the new governance structure to which the PEO's committees are transitioning. We note that the plans for the governance and regulatory structures and organs do not refer to all to anti-racism, anti-discrimination, or EDI. Specifically:
 - The Transitional Committees Chart indicates, under the PEO's policy-making role, that several current committees will transition to the future Regulatory Policy and Legislation Committee (RPLC).
 - The committees listed as transitioning to the RPLC include: the 30 by 30 initiative (aimed at licensing more female engineers), Consulting Engineer Designation Committee (CEDC), ARC, ERC, LIC and others.

- However, no placeholder for a successor to the AREWG is listed under any policymaking or governance function. The Equity & Diversity Committee (EDC) is also absent.
 - Overall, there is no reference to anti-racism and anti-discrimination as part of any governance or regulatory function.
 - This is a material omission with racism and discrimination risk.
 - As explained in **Section 1(B)** above, a professional regulator that fails to address racism in its strategic priorities and policy actions risks perpetuating racism. This risks breaching human rights obligations. Ultimately, it risks failing in the duty to ensure ethics in the profession to protect the public interest.
- (v) Inadequate coordination with relevant organizations and initiatives (like OSPE, Engineers Canada, Engineering Connections¹⁸ and others) risks: (a) working at cross purposes; (b) wasting resources and missing opportunities; (c) being or being perceived by the public to be “out of touch”, which erodes public confidence; or (d) dropping the ball on key priorities. For example, if the anti-racism agenda item gets tossed back and forth, it is likely to get dropped if the catcher fails to see that they are responsible to catch it. Ultimately, failures in the PEO’s public interest function carry material risks.

2. Title, employment impact, and conduct in the profession

2.21 In exploring the context in which the PEO’s practices operate, we heard accounts of several racialized interviewees’ experiences with perceived barriers. Several interviewees also described situations where they perceived barriers facing persons from disadvantaged or vulnerable groups.

2.22 Notably, the accounts reveal common stories regarding immigrants, particularly from Africa, the Caribbean, and the Middle East. Interviewees perceived that these immigrant groups face unfair treatment in the PEO’s licensing process. They were also said to face barriers in the job market, as exacerbated by the licensing process. The interviewees described the detrimental impacts they perceived. These included financial, emotional, psychological, reputational, and vocational costs. They told us of grave impacts to the well-being of the engineers and ultimately their families. Anecdotes from the stories are set out below:

- i. The need for “Canadian experience”, as promoted by the PEO, was said to detrimentally impact employment prospects. One Black engineer described their path to licensure and employment as an engineer. They said that:
 - Like many others they have encountered, they were an immigrant and highly qualified. They were top performers in their cohort. Their family members were also engineers, medical doctors, or other highly accomplished professionals.
 - On arrival in Canada, they got more interviews in the first two weeks than in their remaining several years in the job market. They said it became evident to them that the

interviews dwindled to zero because their experience was acquired in an African country. The interviewers would ask “where was that experience obtained”, “where was the factory”. Upon giving the name of their African home country, the interviewer would become awkward, surprised, or uncomfortable. The interviewer would quickly end the interview, saying “we will call you”. The interviewee received no call back. They said this happened multiple times.

- They resorted to taking any job they could get. They worked retail at the cash register. They worked entry-level jobs at a factory. They resorted to persuading a manager to allow them to work for free in an engineering role. They concluded this was the only way they could obtain the “Canadian experience” needed for licensure. They worked multiple minimum-wage jobs just to put food on the table.
- ii. One Black engineer who emigrated from an African country described that: they obtained their Canadian permanent residency before they landed in Canada; their engineering credentials were also reviewed before they came to Canada and they were told it was equivalent to what is in Canada; they had to pay for this evaluation in their home country. When they got to Canada, they discovered that this evaluation had no relationship to the evaluation required to practice in the province where they landed. Further, they said:
- “After establishing that your degree is equivalent, you must then show that you have very specific work experience: the ability to design and use principles of engineering... You must show it, and one of these years must be in Canada... The biggest struggle is to get the “Canadian experience”. You face discrimination as a foreigner, especially as a Black immigrant from Africa.
- When you are a foreigner, they want you to have a P. Eng. Only years later, I realised that if you are White, there are many who do not have a P. Eng. You are able to get jobs through your networks... In all the years that I've been working in Canada, I do not know any Black people who have gotten an engineering job in this way and without a P. Eng.”
- iii. One engineer who emigrated from a Middle Eastern country described experiencing over 10 years of perceived unfair hurdles trying to get licensed. They said they were a managing director in engineering in their home country and graduated from a world-renowned institution. They recounted facing a lot of difficulties trying to get an engineering job during the years that they were also navigating challenges in the licensing process. They said they managed to get a job because someone from their home country was able to vouch for them at a company where that person had worked. They said, but for this, “it would be impossible to get hired in an engineering role without a P.Eng.” They said they have seen other immigrants affected by the problem.
- iv. Another engineer expressed a similar view as the foregoing accounts. They also stated that it cost “two months’ gross salary” to pay for our Canadian governments’ evaluation, which turned out unrelated to working in the province, they said.
- v. One official outside the PEO, who has direct sophisticated knowledge of the workings between engineering regulators and governments, said that there is little to no communication or collaboration between the PEO and our Canadian government to try to achieve alignment in the vetting requirements. They also told us it is common for foreigners to be recruited as skilled immigrants in engineering and have their engineering credentials

evaluated as equivalent, but upon arrival in Canada to learn that evaluation is entirely unrelated to the evaluation by the provincial regulator.

- vi. One PEO interviewee made a similar comment, stating that this disconnect was flagged at the PEO's chapter level some 15 years ago.
- vii. Several interviewees inside and outside of the PEO described the process as creating a "Catch 22" situation for immigrants in Ontario. They said immigrants generally cannot get engineering work without a license and they cannot get the license without "Canadian experience". Some interviewees within the PEO also noted that despite the presence of the provisional license category, employers generally will not hire based on a provisional licence. (A provisional license is where one meets all licensing requirements except the "Canadian experience" requirement.) These PEO interviewees acknowledged that the PEO has not taken steps to improve education, awareness, or acceptance in the industry concerning provisional licenses.

- viii. One interviewee said:

"only about 10% of engineering graduates get an engineering job, even among Canadians. It is therefore very difficult for international people to compete for these same jobs to get the Canadian experience that licensure requires. And once you get the experience recognized finally, and this is hard enough to do, then you have to do the equivalency interview. The process is a little unfair...

That test is highly technical. The average Canadian graduate couldn't answer these questions. This is unfair. Then you need one year on the ground; how will an international graduate even get this experience? And why, having seen graduates repeatedly from certain schools, there is still the need to continually assess equivalency; there are international agreements like the Washington Accord."

One official outside the PEO expressed remarkably similar sentiments.

- ix. One interviewee said persons who come from Europe and the US "of course" receive a different (better) experience than those coming from places like Africa. A related perspective was expressed by an official outside the PEO, who has direct sophisticated knowledge of provincial engineering licensure. They said, "it is easier for Europeans to become licensed."
- x. One engineer from the Middle East told us they resorted to changing their last name to improve employment prospects. They said they were expressly told they would not get hired with their original last name. They got hired after the name change, they said.
- xi. One interviewee recounted witnessing a situation where a female engineer, who was wearing a hijab, attended a job hiring location. They said she was told, "What are you doing here? You are not going to be hired here. Go back to where you came from."
- xii. One racialized interviewee told us, at the beginning of the interview, that they had not seen or experienced racism. However, they later volunteered in the interview: "All our supervisors were White. Immigrants would get hired, but would never get promoted. We were just happy to finally get certified and to have a job. You keep your head down... I'm just trying to survive." ... "Honestly, being able to tell you was like a therapy session."

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- xiii. One Black engineer said, “there are lots of Black engineers, but they can't get jobs.” They said they joined an organization that was recently formed by Black engineers precisely to try to assist these Black engineer jobseekers. The interviewee said “99.5% of Black engineers have to struggle. They all have the stories.”
 - xiv. One interviewee said “the White female engineers had a hard time. For example, the Montreal Massacre. That is real. But EDI doesn't even get to Black people, because you have to be a P. Eng. first” to even be in the environment to face individual discrimination.
 - xv. Several interviewees within the PEO stated that there are very few Black or Indigenous persons hired by the PEO. They said this has been the status quo since the PEO was established. As discussed in **Sub-sections 2.B5** and **B9** below, several interviewees made similar statements regarding the PEO's committees and Council. Some interviewees also stated that when inquiries are made within the PEO about a “lack of diversity” or the absence of Black or Indigenous peoples, they are often summarily dismissed. They said the response is generally along the following lines: “no, we had one, remember?”; “no, there are lots.”
 - xvi. One interviewee told us of a Black engineer they know who had to move to a different province to work in a mine because the PEO required them to demonstrate remarkably detailed experience to become licensed. The interviewee said this applicant “had to take a pay cut just to get this design experience, whereas they saw that their White colleagues were able to progress without the P. Eng.”

xvii. One interviewee said:

“It also impacts the ability to innovate. The lack of ability to progress means that some of these engineers are not making the best of their contributions and the state of our art and our economy is impacted. Protectionism does not work in a global economy. If we do not maximize our talent, multinationals go elsewhere... Our economy isn't as advanced because the talent is being wasted... Multinationals are moving elsewhere partly for talent reasons...”

For example, in trying to find solutions to fight COVID, I know an immigrant who is highly qualified, with sophisticated knowledge, training and expertise that would help address the COVID problem, but she can't get a foot in the door... Canada attracts a rich talent pool and squanders it...

It is inevitable that in the global economy, the government may one day change the Act to better allow free movement. Once that happens, PEO will be extinct if they do not modernize.”

2.23 Item B2 Risks: these reported experiences and perceptions provide important context within which the PEO's regulations, rules, policies, processes, and practices must be evaluated in assessing whether they contribute to or perpetuate barriers facing marginalized groups:

- i. We keep in mind the Supreme Court of Canada's reasoning as outlined in **Section 1(C)** above. Some would argue that the PEO's requirement for Canadian experience "has the effect of reinforcing, perpetuating or exacerbating disadvantage" faced by already marginalized immigrant groups, notably those from Africa, the Caribbean, and the Middle East. Some would argue that the PEO's requirements have a disparate and detrimental impact on the licensing and job prospects of these groups. They would also argue that the reported negative reactions by recruiters in the industry flow from the example that the PEO sets in elevating "Canadian experience" as a key standard for competence. Ultimately, there is a high risk that the PEO's practices may be seen to "widen the gap" between these vulnerable groups and others in society and in engineering.
- ii. Notably, a recurring theme was that – given networks and not having to face racism barriers – engineers who are White may be able to gain employment and promotions in engineering without a P. Eng. By contrast, a recurring theme was that engineers who are not White may not have the same opportunities. This was observed particularly regarding those who, the OHRC noted, are on "the lowest rungs of the social, economic, political or cultural ladders in Canada." These include Black persons, Indigenous persons and, in contemporary times, some persons who appear to be Muslims.
- iii. This is important context for assessing the "disparate impact" that a prolonged, complicated, and difficult licensing experience has on immigrants. Further, when the "Catch 22" of the Canadian experience requirement is added to the equation, the disparate impact is multiplied. The OHRC Anti-Racism Policy is again instructive:

"Systemic or institutional discrimination is a major barrier to racialized groups, particularly in the **employment context, in education** and in the criminal justice system. The impacts of systemic racial discrimination can be experienced differently based on intersection with other grounds of discrimination such as ... place of origin, etc. For example, in a workplace that relies heavily on culturally and gender specific sporting activities to build informal networks, which, in turn, lead to promotions... **A man who has recently emigrated from Africa may face similar barriers in networking and ultimately advancing in this organization.** Therefore, addressing systemic discrimination requires **sensitivity to the interacting and cumulative effects** of discrimination on multiple grounds." (emphasis added)
- iv. The stories also indicate a high risk that the pattern of exclusion that taints Canadian history, continues in the engineering profession. There is a high risk that the status quo also continues "particular and extreme marginalization" of Black and Indigenous peoples, to use OHRC's words. This signals the gravity of the risk that the PEO must address as falling within its mandate.
- v. The perceived underrepresentation of Black persons and Indigenous persons in the profession and in the PEO is a red flag. The underrepresentation of racialized

persons in the PEO's management is equally a clear warning sign. As the OHRC Anti-Racism Policy notes:

"Numerical data that demonstrates that members of racialized groups are disproportionately represented may be an indicator of systemic or institutional racism. Numerical data can be evidence of the consequences of a discriminatory system in the following ways: • **Underrepresentation... suggests systemic discrimination in hiring practices** or may be indicative of **on-the-job discrimination** resulting in a failure to retain racialized persons. • Unequal distribution of racialized persons in an organization (for example, high concentration in entry-level positions and **low representation in managerial positions**) may demonstrate inequitable training and promotion practices. ...[This] **will constitute strong circumstantial evidence of the existence of inequitable practices.**" (emphasis added)

While the OHRC Anti-Racism Policy refers to numerical data, we note that the PEO does not track disaggregated race-based data. This is a notable risk that is addressed next.

We also note that, while the OHRC indicates that an organization can seek to counter the circumstantial evidence of racism by demonstrating a non-discriminatory reason for disproportional representation, there is a high risk that the PEO would not succeed in demonstrating non-discriminatory reasons.

3. Race-based data

2.24 Numerical data is one of the three key considerations that the OHRC notes for identifying and addressing systemic discrimination.¹⁹

2.25 Several interviewees within the PEO's Council, committees, and staff indicated that the PEO does not track disaggregated race-based data.

2.26 Disaggregated demographical data involves a breakdown of statistics to show representation based on equity-seeking subgroups. The [Anti-Racism Data Standards](#) (ARDS) issued by the Government of Ontario include the following definition:

"Disaggregated data is broken down into component parts or smaller units of data for statistical analysis. In the context of race-based data, this means breaking down the composite (aggregate) "racialized" category into its component parts such as Black, South Asian, East/Southeast Asian, Latino, Middle Eastern, White, etc."

The ARDS sets out applicable standards and underscores the OHRC's guidance that disaggregated race-based data should be collected as part of an organization's anti-racism efforts.²⁰

2.27 A few interviewees said they have previously raised a concern within the PEO that race-based data should be tracked and reported.

2.28 One interviewee said the PEO responded that it does not consider race when looking at qualifications. They said one concern was that asking applicants to identify their race may invite complaints that any lack of success in the process is based on racial discrimination.

2.29 This interviewee also told us:

“but it is generally not hard to tell if an applicant is not White. You see their name. You see their past experiences, activities, locations. So evaluators generally can tell if they are not White. It is important to see, then, if unconscious biases are translating to underrepresentation in the numbers.”

2.30 Some interviewees told us of their perceptions that racialized persons are over-represented among: (i) unsuccessful applicants; (ii) applicants who are assigned the highest number of exams; (iii) applicants whose licensure experience takes unduly long; and (iv) licensees who face discipline, among other perceived denials of benefits or impositions of burdens. They said they rely on anecdotes because the PEO does not track demographical data and statistics that measure matters like the foregoing. One interviewee said, “it is vital that PEO should start to collect race-based data in order to have proper metrics to ensure equity and diversity within its committees, volunteers and also employees.”

2.31 Item B3 Risks: It is a risk to public confidence that the PEO is not yet in keeping with the prevailing views in Canada about disaggregated race-based data. As the Canadian Centre for Diversity and Inclusion (CCDI) notes, gathering and reporting on such data is “widely considered a basic practice for organizations truly dedicated to diversity and inclusion”.²¹ The corollary to this is that it must be done in a manner consistent with best practices to protect applicants, licensees, and employees from harm that could result from reporting their demographical information.

- i. As CCDI notes, “understanding the demographic makeup is an instrumental first step in identifying gaps in representation, and determining inclusion issues and barriers to advancement.”²²
- ii. If the PEO is unaware of the demographical breakdown of its applicants, licensees, staff, and volunteers, it will not know whether the above-noted perceptions are true; how far from inclusive the current state is; or where focus may be needed.
- iii. Gathering and reporting data may sometimes show that there is better representation than perceived.
- iv. Further, the data can also be leveraged for strategic planning that is beneficial to the PEO and Ontario. For example, it may reveal the distribution of certain expertise that may be leveraged or bolstered within different communities and for unique community needs.

- v. As CIDC notes, “what gets measured can help organizations understand how effective their programs and policies are; where they have issues; and what relevant and reasonable goals they can establish to improve performance.”²³
- vi. A modern regulator must utilize data accordingly. This positions it to identify priority areas, set goals, tailor appropriate initiatives, and track and report on outcomes.
- vii. The PEO has a duty to serve the public interest by ensuring inclusive processes and outcomes, and being transparent about this. The PEO must therefore measure its progress. Tracking disaggregated data is key to this end.
- viii. The PEO must gather the data needed to know the demographic breakdown of how different peoples are faring. This is important because discrimination, systemic or otherwise, operates in Canada with disparate impact. Serving the public interest requires monitoring whether, and if yes where, the disparate impact continues.
- ix. The PEO must undertake measurements in all key areas and phases. These include, without limitation, a breakdown by key identities regarding: who are governed and managed; who are seeking entry; who are unsuccessful or delayed in the licensing process; who are the subjects of complaints; who are the recipients of disciplinary sanctions; and who are the recipients of key opportunities. Only then can the PEO deliver appropriate responses that serve the public interest.

4. Chapters and elections

2.32 In looking at the organization’s practices, we heard from several interviewees, inside and outside of the PEO, that there are significant issues of exclusion at several of the PEO’s chapters. They also reported similar issues within the PEO’s election processes at all levels. These matters also impact organizational culture, which is the third key consideration that OHRC notes for identifying and addressing systemic discrimination. Culture is discussed further in **Sub-section 2.B5**, below.

2.33 The exclusiveness was described as: an “old boys club”; “country clubs”; “exclusive little clubs”; “exclusive club”; “mini clubs”; “club system”; “uncontrolled clubs”; “cliques in the larger chapters”; “perhaps 12 of the 36 chapters have clique issues”; and “people not wanting to give up what they have nurtured for the last 20 years”. The reported experiences and perceptions included:

- i. Several interviewees said that in the PEO’s elections at all levels, BIPOC candidates have been excluded from meetings and from running. This, they said, included elections that determine the Council that governs the profession.
- ii. One interviewee stated that the PEO receives about 80 complaints per year alleging poor conduct by chapter members and candidates, with acts of exclusion and ‘in-fighting’.

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- iii. A male interviewee told us he had personally seen evidence of racism and sexism at a chapter and is aware an investigation was done. He said:
- “gender for sure is an issue regarding getting into the chapter executives... There are guys cliques where they go to fancy restaurants and women are excluded... women couldn't rise in the chapter executive. And among the men there are also ethnicity issues. It is not pretty at all.”
- iv. One interviewee said, “Black, Indigenous, and Persons of Colour would have trouble to rise in the chapters, as it is hard to break through the cliques.” This was regarding the dominant culture. He also added, “And where there are a couple enclaves with cliques from a particular ethnic nationality, it is difficult for Black, Indigenous, or other Persons of Colour to rise.” A similar view was expressed by another interviewee.
- v. One interviewee said, “You can only run in the chapter where you normally reside and the BIPOC are generally residing in the metropolitan areas where there are the largest chapters. Those are the chapters where there are the most clique issues.”
- vi. One interviewee of colour said that they faced exclusionary tactics in a chapter Board context. They said, “if there are disagreements, instead of resolving the matters, they make it difficult for you personally. They pull the supports and introduce roadblocks... It is difficult for new persons to navigate. There are close existing relationships. This discourages people from participating.”
- vii. One interviewee told us of physical violence against a female engineer at a chapter event. They said she was “shoved, yelled at, and belittled”. The interviewee is aware that there was an investigation, but they believe there is no process to remove volunteers for misconduct.
- a. Incidentally, one PEO interviewee told us it is possible to have individuals removed via a harassment complaint. They said this process was “recently used to ban a volunteer from volunteering within the PEO.” As a few interviewees stated that it is “virtually impossible” to remove individuals, it is unclear if these processes are prominent, well-distributed, accessible, transparent, and consistently applied. The Cayton Report found deficiencies in this regard (see Cayton Report paras. 4.113 and 4.114).
- viii. One interviewee said that the content of some campaigning is quite concerning and that it has the effect of discouraging newcomers (including persons from equality-seeking groups) from running.
- ix. One interviewee said that the “PEO lacks visibility into its chapters and this makes things ripe for misconduct including racism.” Another interviewee expressed a similar view and added that chapters receive significant funding and “there is no visibility or accountability with what is done with the money”. We observed in the PEO’s financial statements that chapters receive approximately one million dollars in funding annually.
- x. One interviewee stated that some candidates of colour have alleged irregularities, tampering, and lack of transparency in respect of elections, and that the alleged misconduct operates to favour candidates who are White.

- xi. One interviewee also stated that the election procedures were changed to introduce requirements that have the effect of increasing barriers facing immigrants. For example, they said nomination requirements were changed to require nomination by fifteen nominees who are professional engineers and who have known the candidate for at least two years. The interviewee said the addition of the two-year requirement is a significant barrier to newcomers.
- xii. One interviewee stated, “it is very difficult to be elected to Council if you never served on a chapter executive prior. Unless you work for a very large employer that actively encourages their employees to vote.” They saw this as a barrier to newcomers.

2.34 Item B4 Risks: If even some of these perceptions are valid, it is a great risk for the PEO in several dimensions, including racism or discrimination. Notably, some may argue that chapter members and volunteers, acting under the PEO’s umbrella, are agents for the organization, and that the PEO may be liable if they engage in misconduct. The overlay of elections affairs increases this risk, as dynamics may be particularly heated with participants who may have the will, skill, resources and/or access that may pose significant costs to the PEO, whether in publicity, legal affairs, or otherwise. The PEO’s mandate to govern the profession and ensure ethical conduct necessarily encompasses conduct within its chapters and concerning volunteers. A few component risks are worth noting:

- i. Having regard to systemic racism, if the PEO’s elections processes are tainted by exclusionary practices and other misconduct that has the effect of disproportionately “limiting the opportunities available” to persons from historically disadvantaged or vulnerable groups, this would breach the PEO’s human rights duties. This is the case even where misconduct is carried out by other members of disadvantaged or vulnerable groups (see OHRC’s Anti-Racism Policy).²⁴
- ii. The risk in the PEO’s elections processes is particularly serious. The PEO’s elections determine the highest level of leadership of the organization and profession. It is paramount to the public interest that the elections processes are transparent, demonstrably fair, accessible, inclusive, and in keeping with all ethical expectations for the profession.
- iii. Regarding the question of resourcing, it is not within our scope to comment in detail on spending within the chapters. It is sufficient to note that activities funded by the PEO must conform to equitable, inclusive, and ethical expectations. This is so whether the activities involve restaurant outings, or other social activities. Serving the public interest also requires ensuring that resources are appropriately utilized. This is especially true because the PEO’s finances are heavily sourced through the applicants’ fees. Applicants are members of the public.

5. Culture

2.35 **Subsections 2.B2 and B4** above touched on culture and it is worth elaborating on this dimension. Organizational culture is one of the three key considerations that the OHRC notes for identifying and addressing systemic discrimination.

2.36 The OHRC Anti-Racism Policy describes organizational culture as “shared patterns of informal social behaviour, such as communication, decision-making, and interpersonal relationships, that are the evidence of deeply held and largely unconscious values, assumptions and behavioural norms. **An organizational culture that is not inclusive can marginalize or exclude racialized persons.**”²⁵ (emphasis added)

2.37 We heard from several interviewees about their perception of the unconscious values, assumptions, and norms in the engineering profession and at the PEO.

2.38 One interviewee said:

“People like me don't exist in engineering... I'm accustomed to being the only one in the room... I don't believe I have felt bias against me based on race, accent, or gender. The issue is how they do things. That is, the old guard. It is like a private Country Club. They feel they have a sense of ownership. Older folks feel they had to pay their dues, so you should have to do the same... The face of the PEO comes across as White, male-dominated, and of a social economic class that is different from the average person. They're living the good life. And they've been living the good life for a long time. They're very traditionalist... If you come from an elite background, you will fit in. Scholarship kids would find it daunting. People can be put off... I think there may be unconscious bias and that there is correlation with class, but I do not think it is about race.”

2.39 Several female interviewees said that over the years there has been some progress with women. However, they also said:

many women leave engineering roles “because of the treatment they are getting”; “some people don't believe women are competent”; “arrogant men”; “many women take a business course and exit”; “it is difficult for women to navigate the profession because of its maleness”; “it is still an old boys club; I am sure other groups are facing the same challenge”; “people are enjoying their privilege; they won't give this up easily”; “there is arrogance... there is the sense that engineering is different... things are done without malice, but also without humility.”

2.40 Several other interviewees spoke about perceived “arrogance” and insularity, which they believe negatively impacts inclusiveness and effectiveness:

- “there is the sense that the dominant group does not have time to make accommodations that would be required by OHRC”
- “there's a sense that they are uncomfortable and that the onus is on BIPOC to make them feel comfortable”

- “they see no value of Black persons; they don't have to interact with them at all”
- “there is a false perception that we are doing well because a large percentage are foreign-trained. However, when you look within that percentage, Blacks and Indigenous, for example, are severely underrepresented. But no one thinks there is a problem.”

2.41 Some interviewees revealed insufficient understanding of what constitutes racism or widely understood concepts relevant to equity, diversity and inclusion (EDI). The revelations were either from their perceptions or from indications of their own knowledge levels:

- “People lack understanding. EDI training is limited and not well-embedded”
- “The EDI policy is not well-distributed. The HR department is new”
- “Some have exited because things were dysfunctional in terms of EDI efforts”
- “There is a lack of understanding of how racism works and how [people] contribute to it. The sense is that / am not biased, without looking at the systemic impacts”
- One PEO interviewee said, “There is no systemic discrimination. There is nothing built into the system.” However, they went on to say, “the licensing process itself is discriminatory. It makes it difficult for certain people... people not Canadian-trained... It creates unfair differences ... unfair tracks”
- “There is a lack of understanding of *bias*. People see it only as *conflict of interest*. When they think of ethical rules about being free from bias, they do not turn their minds to things like racial bias”
- Several interviewees mentioned an EDI web training module. It was not evident how well learnings are being embedded through this module. For example, one interviewee who, like many other committee members, has been active in licensing-related committees for over 20 years expressed the following:
 - “I learned nothing new... these trainings are good for the workforce, but maybe not for PEO. We have always been in the correct frame of mind. At the committees, it is almost overdone. Everyone is very respectful.”
 - He also said he had not seen any gender discrimination or racial discrimination in the decades serving on several licensing-related committees.
 - When asked about his understanding of the term “microaggression” he said, “it is if you lose your temper on a specific item; if you overreact.”

2.42 Another committee member who has been active in licensing-related committees for over 20 years also made noteworthy comments.

- He said, “everyone is doing a good job.”

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- He told us he does not share the views expressed in the Cayton Report: “Cayton had no experience with engineering in Canada. The selection of Cayton was a mismatch.”
 - He referred to Mr. Cayton's female colleague as “the lady assistant”.
 - He said he has not seen any racism in panels and that he has participated on many panels very frequently.
 - Regarding the current global attention surrounding racism, including in Canada with Black Lives Matter, he said,

“if people are saying these things, there must be some facts, but I don’t know what those facts are. Things have improved a lot. There were systemic issues back when, but it is different now. There is some discrimination against Black folks in California.”
 - This interviewee also said he had not heard of any issues regarding the chapters:

“It is the easiest thing to get in and be included. It is also the easiest thing to get involved in committees. You simply send an email and show interest.”
 - He stated that he had not heard of any discrimination at all at the PEO, including no gender discrimination.
 - He concluded, “PEO is leading in EDI”.

2.43 By contrast, several interviewees expressed opposite views, some of which are indicated earlier in this report. Additional views expressed by different committee members and others include:

- Some applicants face challenges and applicants are from all races. When asked if they had observed any pattern, they said, “it is Blacks and Browns. Who are we kidding?”
- One interviewee of colour said, “it is not clear how one gets on to committees. I sent many applications over years and got no response.”
- One PEO interviewee explained that as a check-and-balance, if persons are thought to have an agenda, “we prevent them from getting on to committees.”
- One committee member said, “it’s who likes you, versus what your skills are... it’s who you know... there are inherent biases.”
- One interviewee’s comments suggested that perspectives will differ based on differential experiences: “...each chapter is different. Some have very low engagement and will gladly accept any volunteer, while others have more volunteers than they know what to do with.”
- Several interviewees, including various committee members, indicated that there are very few Black persons or Indigenous persons in key committees. These committees include academic requirements (ARC), experience requirements (ERC), discipline, licensing, and registration committees.

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- One committee member said they had heard of many cases where applicants feel other committees, notably the ERC, discriminated against them.
 - One committee member noted they had experienced a lot of covert racism particularly in industry and added: “Persons of Colour are seen as incompetent”.
 - One committee member told us that there are committee-selection discussions where candidates are excluded because of their accent. One example concerned a candidate of East Asian descent who a committee member said “didn’t even speak English”. This, the interviewee told us, was not true; the person speaks English fluently and with “good grammar”. The person had a strong accent. The interviewee told us that they were uncomfortable and did not challenge the exclusion. They told us no one challenged the exclusion and that no one else looked uncomfortable.
 - One interviewee said, “consulting engineering is the epitome of the old boys club... they advocate against anything to open it up.”
 - One committee member noted that some Council members of colour allege that they are: frequently interrupted during meetings; not given the same opportunity to speak as their peers who are White; and spoken to in a dismissive or irritated tone or in a condescending manner. We reviewed sample Council meeting recordings and observed a Council member of colour voicing similar concerns repeatedly.
 - One racialized interviewee said they were told by someone, who was a PEO Councillor at the time and who is White, that “EDI...is not for [the then Councillor] to bring up”, because he is “a White guy.” They said his tone was “slightly condescending” and he suggested that EDI was more for racialized persons to address.
 - One interviewee said that it is a “big issue at PEO” where racialized persons who do not participate in activities for cultural reasons are viewed as not fitting with the team and they lose out on opportunities.
 - One interviewee told us that they have previously “mentioned equity and diversity and anti-discrimination” when asked at a PEO meeting what was important for the organization to consider. They said “there was no further discussion” about this.

2.44 In assessing discrimination vulnerabilities from a culture standpoint, it is also noteworthy that, despite their candour, almost all interviewees demonstrated a degree of fear, or we sensed this, in relation to speaking about their perceptions and experiences. In advance of the interviews, all interviewees received our interview invitation letter which promised anonymity. Each interviewee consented to being interviewed on that basis. Despite this, almost every interviewee urged us at their interview, sometimes multiple times, for assurances of anonymity. Some expressly told us they were afraid speaking might adversely impact their role or standing. Some expressed relief and gratitude at the end of the interview for being able to speak to us. For example, one person said, “it is nice being able to talk to someone about this; and you are not even PEO”.

2.45 Several interviewees also stated that:

- “there is systemic lack of inclusion, but people are afraid to report the behaviour”

- “some are afraid to raise questions because they are worried”
- “fear is also evident in licensing where applicants are afraid to [raise questions about] what they feel is an unfair assessment”
- “Council members are afraid to touch difficult subjects like anti-racism because no one wants to say something unpopular. It will cost them in the elections. The base still has inclusivity issues.”

2.46 Item B5 Risks: recognizing that committees, chapters, and meetings are part of the organization, most interviewees expressed views that indicate concerns about the culture in the organization and the profession for which it is responsible. If these perceptions are valid, they represent serious vulnerabilities to racism and discrimination. As the OHRC notes:

a culture that is not inclusive can marginalize or exclude racialized persons. In addition to practices and data, it is culture that the OHRC assesses as a key consideration in determining whether systemic discrimination exists in an organization. Further, the OHRC, “expects organizations and institutions to use these three considerations as a basis for proactively monitoring for and, if found to exist, addressing systemic discrimination internally.”²⁶

The various accounts shared in this Section 2(B) suggest that the PEO is at risk, as illuminated by the following OHRC examples of systemic racism in organizational culture:

- “A White woman’s straightforward communication style leads co-workers to appreciate her as a “straight talker.” An African Canadian woman’s similar style results in her being characterized as “abrupt.”
- “A Pakistani Canadian man was not given a teaching job for which he was the most qualified candidate because a White woman was perceived to be more enthusiastic and to have greater potential to motivate students. In fact, the Pakistani Canadian man was extremely enthusiastic about teaching and had great potential to motivate students but demonstrated this in a different manner. The Tribunal found discrimination because of the employer’s failure to take into account cultural differences.”
- “The Tribunal found that “visible minorities” were viewed by senior management as culturally different and not considered suitable for managerial positions.”
- “A related issue can be an organization’s tendency to undervalue the strengths and contributions of racialized employees. Example: A Chinese Canadian teacher was placed on a surplus list because the school principal took a narrow view of what types of activities qualified as “extra-curricular.” Activities that for cultural reasons

Chinese immigrants would be unlikely to undertake were included while legitimate activities that they would be more disposed to engage in were excluded.”

- “Social relationships and networks are also an important part of organizational culture. These networks can allow some people to know what is required for success in an organization, with others being excluded from this critical knowledge. In addition, social relationships can result in perceptions about whether a person “fits” within an organization or is seen as an outsider. Example: A company emphasizes evening social events outside of the workplace as an important part of team building. Racialized employees who do not participate for cultural or religious reasons are seen as not being team players and miss out on significant networking opportunities.”²⁷

2.47 Ultimately, from most interviews conducted, strong themes emerged regarding perceived exclusion, insularity, lack of humility, lack of cultural sensitivity and EDI competency, elitism, fear, and undervaluing Black persons, Indigenous persons, and Persons of Colour. This critical risk warrants significant attention and an adequate institutional response.

2.48 Notably, while a recurring perception was that elitism, classism, arrogance, and insularity are root causes (and not racism *per se*), this is unfortunately misguided. The OHRC explains the impact of intersectionality, such as the relationship between low-income and historical disadvantage. The question is always whether the prevailing norms and practices perpetuate racial disadvantage. Some would argue that stories like the foregoing are indicative of systemic racism, and that the Human Rights Tribunal would likely reach a similar conclusion. The following excerpts from the OHRC Anti-Racism Policy are instructive:

- “The **significance of these decisions from a racial discrimination perspective** lies mainly in their recognition of **the link between socio-economic status and race**. They represent a successful challenge of a policy that affected low-income individuals because of the **relationship between poverty and historical disadvantage experienced by racialized groups**.”
- “The issue of access to professions and trades is of significant concern to foreign-educated and trained persons who seek to practice their profession or trade after their arrival in Ontario. While it is an issue that is based primarily on the ground of “place of origin” it also has intersectional implications for racialized persons. The **intersection of “place of origin” with race, colour or ethnic origin appears to compound the barriers to employment integration and intensify economic and social vulnerability for foreign educated and trained persons**.”²⁸

2.49 Overall, it is a significant risk to public confidence that so many interviewees inside and outside the organization perceive the profession’s culture as sorely lacking in inclusivity. It is also a material risk if people are afraid to communicate their concerns honestly to the PEO. Without the benefit of the honest views and insights, the PEO may have significant blind-spots and remain ill-equipped to mitigate growing risks.

6. Discipline and rewards

2.50 Another dimension of culture and practices that was raised in some interviews is the PEO's approach to disciplining licensees, including Councillors.

2.51 We heard allegations of a differential approach to discipline regarding Council members and other licensees. The difference was alleged to split along racial lines. Some interviewees told us about incidents where they perceived that:

- Councillors who are White received leniency and/or their misconduct was overlooked or justified.
- The disciplinary process was abused in a retaliatory manner, and legal action was unduly threatened, against Councillors of colour who had raised concerns, or it was used to settle personal vendettas.
- There was a lack of consistency in the application of rules, standards, principles of procedural fairness, and consequences.
- Some respondents who did not have the means to afford an adequate defence accepted or received undue consequences as a result.

2.52 We have also reviewed some written comments that expressed similar concerns from other engineers. For example, similar concerns have been published in the PEO's bimonthly magazine (*Engineering Dimensions*) distributed to all PEO licensed professional engineers. Similar concerns have also been communicated by emails to a wide audience of officials inside and outside of the PEO.

2.53 Regarding the discipline process in relation to licensees in general, we heard allegations consistent with the findings in the Cayton Report. One such allegation is that the discipline committee and its hearing panels do not adequately represent the diversity of the profession or Ontario's society. We were also told:

- No disaggregated demographical data is tracked regarding: matters referred to discipline; the matters where respondents were sanctioned; the kinds of discipline in relation to kinds of misconduct; or which matters are publicly reported.
- Most decisions are anonymized when it would better serve the public interest if they were all public.
- There are serious deficiencies regarding selection criteria; training requirements; training; competency assessments; performance appraisal; and ability to remove discipline committee members. Incidentally, we heard similar views from various interviewees concerning various committees.
- Certain requirements in the Regulation operate to create disproportionate barriers facing immigrants and BIPOC persons. For example, committee members must have 10 years' minimum experience as a professional engineer; and there are certain 'quorum' requirements.

These requirements were seen as unnecessary. They were also seen to have a disparate impact on racialized persons who are less represented in the specified groupings.

2.54 We also heard concern that the discipline committee is comprised of too many retired engineers who are not trained in principles of procedural fairness. We read similar concerns in some of the public comments in the PEO's *Engineering Dimensions* magazine. The sentiment expressed is that it is a brand of 'peer justice' that is outdated and not in keeping with modern standards for a regulator's discipline process.

2.55 On the other side of the coin, regarding rewards, some interviewees alleged notable conflicts of interest in the PEO's procurement processes. They stated that some contracts are "awarded without a clear process" and some contracts are awarded within the "old boys club".

2.56 Item B6 Risks: if even some of these perceptions are valid, it is a notable risk for the PEO in several dimensions, including racism or discrimination. All comments under item B4 above are equally applicable to this item B6. Irrespective of the merits of any of the allegations, it is critical for the PEO as a professional regulator to demonstrably uphold all standards of propriety, ethics, and fairness when imposing burdens, denying benefits, or allocating opportunities. Any failure to do so would go to the heart of the definition of discrimination and would be a serious breach of human rights and ethical duties. It is noteworthy that concerns have been published widely and raised at all levels, which means this question is on the radar of many in the profession, the public, and public bodies. Public confidence in the PEO as a regulator will turn on how it handles these high-profile issues.

7. Licensing

2.57 We have reviewed several previous assessments of the PEO's licensing process. This subject has been extensively reviewed for over ten years, including by various consultants retained by the PEO. Significant concerns have been identified and solutions have been proposed. We will not repeat them. We will instead note the significance of failing to implement the recommendations to date.

2.58 Of greatest significance, we note that Ontario's Office of the Fairness Commissioner (OFC) has raised concerns, over a 13-year period, about the PEO's Canadian experience requirement. There has been extensive back-and-forth between the PEO and the OFC on this subject. The OFC concluded²⁹ that the PEO's requirement is:

- discriminatory (citing also the OHRC's opinion that a strict requirement for Canadian experience is discrimination on its face and can only be used in very limited circumstances);
- breaches human rights laws; and
- breaches the PEO's fair registration practices duties under the *Fair Access to Regulated Professions and Compulsory Trades Act* (FARPACTA) to which PEO is subject.

The OFC also noted that the PEO's rationales for the requirement do not demonstrate that the requirement is a *bona fide* requirement.

2.59 It is evident that the OFC has been taking a progressively stronger stance on this subject given the passage of many years and as no corrective action has been taken. While the OFC has not yet resorted to issuing a compliance order against the PEO, it is well within its powers to do so. There is a high risk that this is inevitable, if the PEO does not take corrective action.

2.60 It is also noteworthy that during this same period, other provinces have already proactively taken reformatory action. This was led by British Columbia's initiative in reaction to the OFC's concerns about the PEO's requirement. They have managed to not only develop alternative approaches, but also to have already implemented them. They are communicating positive outcomes, positive feedback from applicants and licensees, and no increased risk.

2.61 Of note, the OFC commented that the PEO's participation in British Columbia's pilot, which launched in 2014, did not lead to any change ("demonstrated results") in Ontario.³⁰

2.62 It is also noteworthy that several PEO interviewees were unable to tell us details of the PEO's work to develop an alternative, or to comment on details of the alternatives in other provinces. Several PEO interviewees indicated that they lacked awareness, understanding, or current information specific to the Canadian experience requirement, and regarding competency-based assessments.

2.63 Some PEO interviewees asserted that they are impeded by barriers to changing the Canadian experience requirement. They asserted that these include: the "archaic" and complex governing Act, and risk-averse opinions from lawyers. However, when we commented that we see the Canadian experience requirement in the Regulations – not the Act – and that the Regulations are within the power of the PEO to change readily, the interviewees expressed surprise.

2.64 Leaving aside the Canadian experience requirement, the various assessments regarding the PEO's licensing process have offered solutions for concerns about subjectivity, inconsistency, bias, vagueness, lack of transparency, unreasonable thresholds, unreasonable assignments, undue barriers, unfairness, and a host of other concerns.

2.65 Our review of some ERC interviews – and various statements by persons we interviewed during this project – provided further indications that there are material risks in the PEO's licensing processes. These risks relate to fairness, reliability, and integrity of the processes.

2.66 Notably, several PEO interviewees revealed that they do not consider the Canadian experience requirement to be necessary or helpful. They revealed that they were not personally persuaded by the rationales the PEO has previously given for this requirement. Several PEO interviewees articulated why each of the rationales given was non-sequitur or in the words of one interviewee, "red herrings". Notwithstanding these comments, only a few of the PEO interviewees demonstrated a desire or will to move away from Canadian-centric requirements. Below are examples of some final comments on the subject, notwithstanding the foregoing revelations:

- "It still does not hurt to have someone in Canada validate their experience."
- "But tell me what alternative there is? How will we know they have the stated experience if a Canadian cannot validate it?"

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- “How can we trust that the experience was what was stated by the international validator or referee?”
 - When asked about the possible disparate impact of certain facially-neutral requirements like “Canadian experience”, one PEO interviewee responded,

“I do not know what obligation a regulator has or should have to assist people on their paths to licensure... the issue seems to be that the licensure process has become so complicated that people need help to navigate it... this is what should be solved for.”

2.67 By contrast, when we posed similar questions to an official outside the PEO, who has sophisticated knowledge of engineering licensing across Canada and outside of Canada, they noted that:

- “Many applicants are far along in their experience and would have a hard time passing these exams... even Canadians at that equivalent stage in their careers would have the same difficulty passing these University curriculum exams.”
- “Ontario does attract a lot of talent, but many people are not getting the licenses, so it limits their employment prospects... There is also likely a limit to the contribution they can make if they can't get a license as it limits their advancement within employment; some positions require a P. Eng. to stamp.”
- Canada competes with Australia for international talent and Australia has no similar ‘Australian experience requirement’. “Australia simply uses a competency-based assessment and references.”
- Relying on a person to assess equivalent experience is subjective. It often expresses itself in looking for the same experience that the assessor had, “which is not the standard.”
- Relying solely on Canadian supervisors, “presupposes that the Canadian-licensed person doing the assessment is practising in accordance with expected norms and codes of conduct, when there is actually no oversight regarding what they're doing.”
- “Just because a supervisor is Canadian-licensed doesn't automatically mean they act properly. And just because an international validator isn't Canadian-licensed doesn't mean they cannot be trusted.”

2.68 Leaving aside the “Canadian experience” question, several of the PEO interviewees also expressed concern about subjectivity, lack of consistency, unreasonably high bars for some, and unfairness in the licensing process. Below are examples of comments we received from some PEO interviewees. Several expressed all these sentiments:

- “Assessing based on Canadian university curriculum is not an effective approach... and even Canadian graduates would not likely pass the interviews.”
- “Some of the exams are highly unfair”, “they are quite the stretch”

- “It is unfair”; “unfair differences”; “unfair tracks”; “subjectivity in who is required to do exams and how many exams”; “it is like when female engineers were assigned many exams in past”; “archaic like hiring from a textbook”; “duck test”
- “The process is discriminatory. They can't complain to the Registration Committee without a formal decision and tonnes of times that they can't get a decision.” “There is no real right of appeal.”
- Without legal authority, the licensing-related committees have “developed many unclear rules and policy documents that ... applicants are [not] aware of and [these requirements are] not clear in the published guideline[s]”.

2.69 One interviewee also stated that:

“there are ‘consultants’ that sit on these committees that provide ‘training’ to pass the requirements... or [they] translate... academic documents. [If you engage these consultants,] you will not have any issues [getting licensed]... This appears to reveal unfair, biased, and discriminatory practices, in my opinion. [This] should be a focus for [the PEO] to fix.”

2.70 Incidentally, given the challenges that are well-documented and discussed about access to and the journey to licensure, we asked some PEO interviewees about access-promoting initiatives like the Licensure Assistance Program (LAP) and the Financial Credit Program, which are mentioned on PEO’s website. These interviewees conveyed that they did not know or remember many details about these initiatives. A few committee members shared information to the effect of the following:

- The LAP “requires better coordination and support. Currently, there is little oversight, little consistency, and little accountability. While this is a program that should be run by the PEO, there are risks in how it is currently being run and this is likely affecting some of the more marginalized communities.”
- The LAP “currently relies on volunteers in the chapters, with a PEO Staff coordinator [providing some support]. Volunteers receive a very small training.”
- “There is a lot of misinformation that is not intentional. The people running [the LAP] know the rules only partially. When something happens, they don't know how to react to it. People complain about this. Every chapter has a different version. The idea is that the chapters were trying to help applicants prove their academic background, help them know what to present, showing them an example of how to write a report.” However, members of the licensing-related committees “could not believe their eyes” regarding what was being taught, for example, suggesting it “should be like a master’s thesis”. They concluded:

“This is not at all what we want. You end up having a situation where the applicant has gone through this assistance program and received a lot of guidance only to be rejected on the basis of following such guidance.”

- Other members within the organization were unclear or could not speak in detail about what the LAP is about. However, they told us they know that it is being run through the chapters and that it is not clear whether it is well aligned to the actual expectations.

- Nearly all interviewees indicated that the licensing process is extremely complicated and cumbersome. Some noted that it took a consultant some 250 pages to document the process. The Cayton Report similarly found that the “current licensing and registration process is lengthy, complex and difficult to follow.”³¹
- One committee member said, “there is a sense that we are bending over backwards to help people through this cumbersome process.” They told us that there was a short version of a document that a committee had prepared that set out the licensing expectations and the committee had recommended that it be made public. It appears this was not implemented.

2.71 Item B7 Risks: it is surprising and striking that there is not yet material progress in reforming the licensing process, given the considerable attention, time, resources, and recommendations that have been dedicated to this area. While the solutions are undoubtedly large undertakings, failing to implement them promptly is detrimental to many things, including the PEO’s image and the public’s trust in engineering as an effective self-governing profession. Public attention to matters such as these is growing in contemporary times, and the PEO is in an untenable position in this area. This is a major risk requiring attention. A few elements are particularly noteworthy for purposes of this engagement:

- i. If inaction continues, it appears inevitable that an OFC compliance order will ultimately be issued. This would be devastating to the PEO’s credibility as a self-regulator. The risk is also high that the government, in turn, would be prompted to step in and relieve the PEO of certain self-governing authority.
- ii. There is precedent in Canada for alternative models to professional regulation. For example, the introduction of a Superintendent (see for example in British Columbia: [Superintendent chosen for professional governance office | BC Gov News](#)).³² Even in alternative models, varying degrees of autonomy may be allowed or denied depending on the level of trust earned and maintained.
- iii. It is unclear the reasons progress has not yet been made after about 13 years. A range of perceived causes were asserted: the Act is archaic; the PEO has been consumed with governance transformation and pandemic challenges in the past year; alternative models are unknown; and Canadian validators are needed. Leaving aside the last reason stated, all other *perceived* causes were not *actual* barriers in recent pre-pandemic years and are not barriers going forward. We therefore deduce that the perceived need for “Canadian validators” may be a root cause of inertia. It also appears possible that the perceived need is based, perhaps unconsciously, in a lack of trust regarding international validators.
- iv. It is appropriate that safeguards are included in any system that validates credentials and experiences. Additional measures can also be introduced to monitor or mitigate risk. However, it would be inherently and deeply problematic from a systemic racism and discrimination perspective if implicit assumptions, stereotypes, or fears that are not evidence-based or rationally connected are among the reasons underlying the continuation of barriers. This is especially true where the barriers significantly impact the life chances of persons from historically oppressed backgrounds. While this may be

unconscious, it would go to the heart of the matters discussed in **Section 1(C)**, above. Each person must search within themselves for any unconscious bias and root this out.

- v. In unpacking the potential for unconscious bias, we encourage each decision-maker to ask themselves:
 - Why has there been a need for so many justifications, and changing justifications, that even some PEO persons see as 'red herrings'?
 - What does it mask; why is there a need for a mask?
 - What is the harm sought to be prevented and does the requirement actually prevent that harm?
 - Is the fear valid, as being based in evidence and rationally connected to such evidence?
 - If the fear is valid, are there less discriminatory ways to address the fear?
 - Does the requirement introduce harms, not only to immigrant applicants but also to Ontarian engineers? Think of reciprocity agreements and the barriers Ontarian engineers will face as other signatories increasingly resort to sanctions.
 - Would reputational damage and related detrimental impacts to Ontario's future ability to attract top engineering talent and top industry participants outweigh the harm sought to be prevented? Do you think these costs would follow if Ontario is seen as backward?
 - Would the cost of losing self-governing delegated authority, whether fully or in part, outweigh the harm sought to be prevented?
- vi. On the question of trusting international validators, it is noteworthy that various professional regulators in Canada accept validation of experience by international professionals. For example:
 - The Law Society of Ontario has three simple validation requirements for international lawyers licensed to practice law in a common law jurisdiction and who have practised as a lawyer for a minimum of certain number of months:
 1. Candidate Letter
 2. Referee Letter(s) which may be from the candidate's jurisdiction
 3. Certificate of Standing sent directly from the issuing jurisdiction.³³
 - British Columbia's engineering regulator also relies on reference letters. On the face of the requirements, they contemplate that referees may be from outside Canada or the US:

“All candidates are required to nominate four or more Canadian and/or US referees. All should be professional engineers with first-hand knowledge of the candidate’s work. At least two of the referees should have directly supervised the candidate and at least one professional engineer familiar with the candidate’s work from outside his or her company should be nominated if possible. **If experience outside Canada/United States must be verified, additional referees are required.** A separate letter is required to explain if the candidate cannot nominate the required referees. Professional engineers with indirect knowledge of the candidate’s work may be nominated if absolutely necessary. Please refer to the reference forms for more information.”³⁴ (emphasis added)

- vii. We offer comments regarding the question whether it is the duty or role of a professional regulator to assist applicants on their paths to licensure. The answer is that professional regulators have a duty to: ensure fair and equal access to their profession; and to remove barriers to access, particularly those that have a disparate impact and perpetuate disadvantage. The PEO has created and sustained practices that, many say, operate as barriers to persons from BIPOC or equity-seeking groups. These perceived barriers continue notwithstanding various assessments and recommendations about how to effectively remove them without compromising the regulator’s mandate. The assessments have documented that there is unequal access. It is unclear what if any corrective steps are being taken. The Licensure Assistance Program and the Financial Credit Program are in principle some of the kinds of initiatives that are appropriate as barrier removal initiatives. These programs require proper attention, resourcing, support, and delivery. There is significant vulnerability to exacerbating systemic racism if facially ameliorative programs operate to sustain or increase disadvantage.

8. Adequacy of efforts

2.72 The previous sub-sections commented on the adequacy of some measures and initiatives by the PEO in fulfilling its duty to protect the public interest as it concerns anti-racism and anti-discrimination. There are notable vulnerabilities to racism and discrimination, as discussed above.

2.73 There is also risk that in a human rights lawsuit, the organization may be found deficient in meeting its responsibilities. The OHRC lists the following factors as considerations for determining whether an organization met its responsibilities: procedures in place at the time to deal with discrimination and harassment; the promptness of the institutional response; the seriousness with which the matter was treated; resources made available; whether the organization provided a healthy work environment; and the degree to which the action taken was communicated to complainants.³⁵

2.74 In addition to the items discussed above, we also note the following in relation to the factors that the OHRC lists:

- (a) **Policies, procedures, processes, and training.** Comments above indicated that there are risks related to the adequacy of EDI information. This concerned accessibility, distribution, prominence, emphasis, and the extent of learnings embedded. We have also reviewed the

PEO's policies that are relevant to discrimination. We observed that PEO persons gathering these documents had some difficulty identifying or locating all the relevant policies. PEO persons advised that some of these documents are in the process of being updated. On reviewing the policies, we saw opportunity for these policies and procedures to be updated to better address racism and discrimination. We also noted opportunity gaps related to the absence of processes that offer sufficient protections for complainants of discrimination. PEO interviewees and others told us there are no ombudsperson, whistleblower, workplace investigation, or other complaints processes that are independent of the complaints process designed to address professional incompetence.

(b) Resourcing. Comments above indicated risks related to the adequacy of resourcing and support for the EDI committee and for other facially ameliorative initiatives like the Licensure Assistance Program and Financial Credit Program. We also note the following:

1. Looking at the PEO's publicly available financial documents, there is only modest funding allocated to anti-discrimination initiatives:
 - As a reference point, we observe that the PEO budgets approximately \$800,000 yearly for volunteer expenses. Based on the PEO's statements in its 2020 financial documents, these expenses appear to be primarily for meals, travel, and accommodation. The PEO declared that it saved "\$504,976" of the volunteer expenses budget in the 2020 pandemic year, "largely due to reduced travel costs for accommodation, meals, mileage, air/train fare, bus/car/taxi, and parking for events".
 - Looking at the PEO's anti-discrimination line items:
 - i. In 2019, the PEO spent \$22,819 on the 30 by 30 Taskforce. This represents less than 3% of the above-noted spending on certain meals and travel.
 - ii. In 2020, the AREWG's budget was \$50,000. This represents roughly 6% of the above-noted spending on certain meals and travel.
 - iii. The budget for the current anti-racism assessment is 1/5th of the PEO's spending on its 2019 regulatory assessment. To deliver an adequate report relative to the PEO's RFP, our engagement team dedicated a great deal of pro bono hours to this project.
 - The PEO is fortunate to receive extensive voluntary hours from many stakeholders. This said, it is not sustainable or effective to rely on pro bono work, particularly in the absence of adequate coordination and coherence, to fulfil PEO's legal duties.
 - It would also be more cost-effective to allocate resources to the appropriate level of expertise upfront, than to incur significant incidental costs that may be associated with donated work. The Cayton Report makes some similar observations at its paragraph 3.38.
 - Ultimately, the risks we identify engage the PEO's obligations under Ontario's *Human Rights Code* and accountability rests with its Council. Council must ensure

a coordinated and coherent response, supported by the requisite expertise and resourcing.

2. To elaborate on the resourcing and other concerns raised in respect of the EDI committee:
 - Several members of the organization stated that the EDC has had limited effectiveness.
 - We were told that: there are only four members of the committee; the committee meets only a few times per year; there have been no material outputs other than things like some social events; the terms of reference were flagged as requiring an update and this is underway; and there has not yet been an effort from the organization to increase the profile of the EDC or recruit more members or support.
 - Regarding a topic that emerged in 2020 whether the PEO would develop formal land acknowledgements and begin efforts to better engage Indigenous communities, one EDC member said “this is a huge amount of work. This is an enormous task. We do not have the expertise. We are volunteers.”
3. One interviewee also said that the EDC’s focus was originally on licensing and that:

“since the Montreal Massacre, gender equality has been the overriding issue... There is much less talk about other media issues like racism.”
4. One interviewee also told us that the EDC’s report presentations to the Council are very infrequent, with several years elapsing in between. They said the EDC reported to Council that “we are at more than 50% foreign trained engineers so we’re doing well.” This, they said, was notwithstanding the EDC’s awareness of more robust performance evaluation approaches being followed by other professional regulators like the Law Society of Ontario.

(c) Promptness of the institutional response, and the work environment. In considering these factors in relation to concerns raised – about “Canadian experience”; disaggregated data; resourcing issues; inclusivity issues at chapters and in elections; deficiencies in the licensing and discipline processes, among other things – the following should be noted in addition to comments discussed earlier:

1. Several interviewees told us that one reason for delays and gaps in responses is that the organization lost several staff members who occupied key roles needed to fulfil the PEO’s regulatory function. They said vacancies have not been filled in more than a year, because the organization is awaiting the redesign of roles and structures as it undergoes transformation to becoming a modern regulator.
2. Several interviewees said some key staff members are “stretched thin” as some are serving in two or three large roles.
3. We also noted the various comments in the Cayton Report regarding lack of role clarity and accountability as between staff and volunteers, with various challenging dynamics; working at cross purposes; focusing on distracting matters at the expense of essential

matters; confusion; and strain. Several employees and volunteers also told us similar views and conveyed the sense of a particularly challenging work environment. One staff member noted that there is a positive dynamic among senior staff despite the wider challenges.

2.75 Item B8 Risks: As it is self-explanatory that the inadequacies noted present considerable risks in relation to racism, discrimination, and the organization’s exposure to claims, no further elaboration on risk is offered regarding most of the factors. However, one factor that warrants elaboration is the question of the organizational transformation and related stalled changes:

- i. One may empathize with staff and volunteers who may be occupying roles that are under-resourced and/or lacking in other needed supports, role clarity, or other necessary enablers. However, these challenges would not be a justifiable reason for failings in the institutional response.
- ii. Ultimately, the organization exercises authority delegated from the government, and which authority has immense impact on the lives of over 87,000 licensees and thousands of applicants. It also impacts staff and countless members of the public. This public organization must prioritize responding to serious public interest issues like systemic racism risks.

9. The role of Council

2.76 The PEO’s Council is ultimately responsible for the proper exercise of the regulatory authority delegated to the PEO. This delegated power cannot be further delegated. Notably, it is ultimately the Council’s responsibility to ensure regulatory performance that adheres to human rights laws and public expectations.

2.77 As Steinecke (a reputable authority on governance for professional regulators) makes clear:³⁶

- (a) The Council acts through the CEO/Registrar in *implementing* its strategic plan and policy directions. However, the Council must determine the organization’s mission, goals, priorities, policy directions, and strategy. The Council must also ensure effective ways to oversee the performance of the regulator, including the CEO/Registrar’s performance in implementation.
- (b) The CEO/Registrar in turn must “act within the public interest mandate of the regulator”. They are responsible to ensure “staff perform the necessary operational functions of the regulator such as managing...human resources activities, and finances”. They also ensure “compliance with the requirements of the enabling statute and other legislation such as employment standards, occupational health and safety, and human rights”, among other things.

2.78 In our assessment, among other things, we reviewed the PEO’s strategic plan, some transformation planning documents, and several Council documents including some Council meeting recordings and minutes. We also interviewed some Councillors and others about related matters. It

appears there is nothing to date in the goals, priorities, policy direction, or strategy set by the Council that addresses racism. This is a significant omission.

2.79 We commend the Council for starting to look at this question by commissioning this scoping engagement. Significant work remains to be done by the Council further to its *Code* obligations.

2.80 To help to prepare the Council for next steps, our review identified examples of risks and gaps regarding the PEO's performance at the policy or strategic level in relation to its human rights duties:

1. As mentioned earlier, several interviewees told us that the PEO has not issued a formal anti-racism public statement at the policy or strategic level. The CEO/Registrar's August 2020 email, and blog message that was publicly posted, was a good start. There is an opportunity gap regarding a policy statement endorsed by the Council.
2. The PEO's strategic plan and governance transformation plan appear largely devoid of any anti-racism strategy, and minimal resources have been allocated to anti-racism and anti-discrimination to date.
3. There are no performance measures, whether tied to the CEO's performance or otherwise established, to evaluate the regulator's performance regarding anti-racism or other *Code* obligations.
4. Anti-racism is not a priority that is discussed at Council meetings. A small exception involved brief discussions at two recent Council meetings regarding the motion a Councillor brought to seek this engagement. Concerning that motion, it is noteworthy that:
 - i. On one hand, there were challenges getting the motion heard and supported the first time it was raised in Council.
 - ii. On the other hand, the matter was taken away and the mover of the motion collaborated with senior staff, and a few other Councillors. An updated motion was brought back to the Council. It received unanimous support. This is positive.
5. Other than some steps by a few leaders (examples below), the evidence suggests a significant gap regarding the "tone from the top" and robust anti-racism and anti-discrimination efforts.
6. The positive preliminary steps we heard about included:
 - i. The efforts by the Councillor, and a few who assisted him, to bring the AREWG motion and get it approved.
 - ii. That a racialized Councillor has on some occasions asked at the Council about anti-discrimination, raised "the race issue", and informed the Council about initiatives by other prominent professional regulators that are intentionally addressing challenges faced by racialized licensees and applicants. (However, interviewees told us that the response by a few other Councillors was that, "they don't know if there is an issue".)
 - iii. That a few female Councillors incorporate EDI language in their comments at Council.

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- iv. That Council has discussed whether to do Aboriginal Land Acknowledgements, and that some Councillors suggested a more robust approach. (Additional details are provided below.)
 - v. That the CEO/Registrar has communicated commitment to EDI.
7. While these points are positive, the noted gap remains.
8. There has also been some conduct at the Council that some interviewees perceived as retaliatory or counter to anti-racism:
- They told us that there was an attempt to bring a motion to recognize European Heritage and Europeans' contribution to engineering. They said this attempt followed an earlier discussion about Aboriginal Land Acknowledgements. The "European motion" was removed from the Council agenda as not being in the public interest.
 - It is unclear what if any other steps the organization took to monitor or address the risk of retaliatory conduct in the organization or profession. Given the global climate regarding anti-racism since mid-2020, and retaliation to these efforts, leading organizations implement safeguards. We did not hear of any additional steps by the organization.
 - We also did not hear of any follow-up regarding education, training, or other focused response following the "European motion".
9. In addition to the perceived concerns noted earlier regarding the PEO's elections, some interviewees told us that they perceived a closed network approach to the Council's elections that operates as a barrier to newcomers and racialized candidates:
- One interviewee told us there seems to be "a correlation" between "who wins and who is a part of the group".
 - One interviewee told us of a group called "Engineers for Democracy" that is perceived to be involved in a closed-circle approach to elections.
 - One interviewee said there is a closed group that supports candidates for elections and that their members include engineers with a Consulting Engineers license. The interviewee perceived an "agenda" to keep "the Consulting Engineers license exclusive."
10. Regarding the motion that was previously brought at the Council to implement Aboriginal Land Acknowledgements, this motion did not pass. The reasons most Councillors did not support the motion are unclear:
- Interviewees stated that a few Councillors opposed the motion on the basis that it did not go far enough and risked being 'tokenism'.
 - One interviewee told us that:

"several Councillors stated that they felt it would have been preferable to mandate cultural competency training for staff, Council and volunteers, and engage an expert consultant to assist with land acknowledgements. ... The requirement for cultural competency training was part of the Truth and Reconciliation recommendations and

has been implemented by other regulatory bodies for a few years now, such as in the Ontario Public Service.”

- One interviewee told us that:

some Councillors were “not convinced that only doing a land acknowledgement prior to every meeting would satisfy the recommendations (over 100 if [they recalled] correctly)” and that they thought the PEO should consider “a broader strategy and policy to deal with the recommendations.”

- One interviewee recounted that:

a Councillor requested that Council “look into training for all of Council”. They said, “when Council transitions every year, these types of items get forgotten, especially with the lack of staff resources available.”

11. In pursuing anti-racism and anti-discrimination, it is important to ensure a robust response. It is appropriate to consider whether the approaches amount to, or may be perceived by the public, to be ‘tokenism’.
12. This said, even considering any risk regarding ‘tokenism’, it is noteworthy that the Council did not pursue any next steps regarding the Indigenous affairs raised. While we heard that some Councillors raised the need for a more robust approach, the Council did not follow up on this. This is concerning.
13. Regarding “diversity at the top”, we observe that the diversity in the PEO’s volunteer base does not extend to the top of the organization, whether in the composition of Council or senior staff. There are no measures to actively seek to correct the BIPOC underrepresentation. Notably, several interviewees, including several Council members also told us that:
 - Since the PEO was established, “all but one of the Presidents have been White.” The exception was a man of East-Asian descent.
 - “There is only one Black member of Council, and they were appointed by the Lieutenant Governor.”
 - “There is only one Indigenous Council member, who may or may not self-identify.”
 - The HRC, where “all the power lies”, ... “is always White” and racialized candidates are “never selected”. (We were told that there has been one racialized member of the HRC, and that she is not an immigrant and does not have an accent.)
 - “There are only two Black members of staff.”
14. Finally, we see a large opportunity gap regarding oversight and accountability measures by the Council. The various gaps, delays and risks discussed all point to this conclusion. For example, several of the risks have previously been flagged to the Council and time continues to pass without robust responses.

2.81 Item B9 Risks: from our review of the interview comments and various Council documents, we see high risk that the PEO's Council is not adequately fulfilling its duties concerning human rights and the public interest. There are notable omissions, silences, and gaps that are untenable. These gaps are associated with significant vulnerabilities to racism, with related reputational, financial, legal, and cultural risks to the organization.

2.82 Without a robust policy direction, strategy, and accountability measures, all risks identified in this report are, unfortunately, attributable to the Council. If the Council is seen to fail in these critical areas, with uncontrolled risks to the organization and within the profession, the PEO's viability as a self-regulator will likely also be at risk.

2.83 Admittedly, yearly changes in the Council's composition and other transformation issues do present a challenge. However, there is an existential risk if the Council does not prioritize rising above these challenges. It is critical that the Council effectively addresses the risks that significantly engage its paramount human rights duties.

2.84 It is therefore imperative that the Council further examines the noted risks and determines an anti-racism strategy to be operationalized by the CEO/Registrar, together with stakeholders. The Council must oversee the implementation, progress, and performance of the strategy. The Council retains ultimate accountability for its outcomes.

Section 3: Recommendations

3.1 Based on the risks we identified, we offer the recommendations in the tables below. We have prepared the recommendations in the form of a workplan for ease of the Council's adoption, should the Council wish to proceed with the recommended next steps.

Recommendation 1 Create a Board Committee to Embed Anti-racism in Council's Policy and Strategy Function	Implementation Timeline: By July 2021
<p>a) PEO's Council will authorize the creation of a standing Board Committee (the Strategic Anti-Racism Group (SARG)) to continue work started by the Anti-racism and Anti-discrimination Exploratory Working group (AREWG).</p> <p>i) The SARG will be a governance committee, an organ of Council, focused on policy-making and strategy using an anti-racism lens. This strategic work will be embedded within and aligned with the PEO's broader strategic planning and transformation endeavours.</p> <p>b) The SARG will be well integrated with all the PEO's other governance committees and will be enabled annually with adequate resourcing and information flow.</p> <p>i) In particular, the SARG will collaborate regularly with the (former, or as transformed) Executive Committee (EXE); Human Resources Committee (HRC); elections committees; academic and experience requirements committees (ARC and ERC); discipline and complaints committees; Equity & Diversity Committee (EDC); 30 by 30 gender initiative; Consulting Engineers Designation Committee (CEDC), and other committees of high relevance to anti-racism.</p> <p>c) The SARG will perform the legwork on Council's behalf in developing and overseeing a robust anti-racism strategy, policy-direction, goals, and prioritization.</p> <p>i) The SARG's mandate involves applying an anti-racism lens within Council's strategy-making and policy-setting function regarding:</p> <ul style="list-style-type: none"> • the PEO's statutory and regulatory role; • the PEO's governance structure; 	<p><u>Methodology will include:</u></p> <ul style="list-style-type: none"> ▪ Standing Council (Board) Committee ▪ Standing Council meeting agenda item at regular intervals ▪ Regular meetings of the SARG, including with resources, stakeholders, and collaborators as needed (e.g. anti-racism consultants and HR) ▪ Periodic 'alignment meetings' between liaisons of key committees. Timing and frequency as needed, depending on subjects in focus ▪ Future state: collaborative work between the SARG and operations to design accountability measures and mechanisms

- the performance accountability mechanisms applicable to Council, the CEO, and other areas within Council's direct responsibility;
- the PEO's budgeting and procurement practices;
- the PEO's elections and committees' selection practices at all levels;
- stakeholder engagement; and
- anti-racism policies, processes, education, and culture.

- ii) Based on collaboration and consultations, the SARG will develop recommendations and draft documents, for approval by Council, in building out the PEO's anti-racism strategy.

d) The SARG will liaise with senior staff on Council's behalf, in helping to perform Council's oversight function.

- i) The SARG will collaborate with staff to help ensure alignment and desired outcomes, as operations implements the strategy over time.

e) The SARG will have regular segments of Council meetings dedicated to discussing anti-racism matters.

- i) The frequency of these segments will be determined by Council, on recommendation from the SARG.

f) For continuity and to bring forward learnings from this anti-racism assessment, the AREWG's members will become members of the SARG for the initial 1-year term. For inclusivity, one or two additional positions will be open to other Councillors.

- i) Going forward, selection of Councillors to serve on the SARG will be merit-based, where merit in this context means a demonstrated interest in, understanding of, and/or commitment to anti-racism, with value placed on the lived experiences of candidates who

are members of equality-seeking groups. Interested Councillors will submit to Council brief statements expressing their interest and indicating their relevant track-record, knowledge-base, experience, and/or commitment. Councillors will vote, via “recorded votes”, based on the submissions, and will seek to select Councillors that best qualify for the role, based on merit as defined above. All materials in this selection process will be made available to the public.

g) With the support of external anti-racism and anti-discrimination consultants, Council will determine the SARG’s Terms of Reference in conformity with the details from these recommendations, plus other needed details.

- i) Selection of the external consultants will be merit-based, where merit is defined to be consistent with the definition in recommendation 1(f), above. External anti-racism and anti-discrimination consultants selected in this merit-based manner, and in a fair and transparent manner, are referred to in these recommendations as “**ARD Consultants**”).
- ii) In designing the Terms of Reference, Council will not be limited by any rules that are within Council’s power to change. Any rule changes must serve substantive equality objectives.
- iii) The SARG’s Terms of Reference will incorporate nuanced processes that serve substantive equality objectives.

Commentary to Reco. #1

1. We are aware of the PEO’s current Governance Direction not to create new committees during the PEO’s current period of transition, “except to the extent that [developments] coincide with the governance initiative itself.”³⁷ This direction has commendable objectives in seeking to stabilize affairs and to modernize and streamline the PEO’s committee structure.
2. As we noted earlier, the absence of anti-racism from the PEO’s strategic planning and transformation is a notable gap with existential risks for the organization. It is appropriate and necessary for Council to create the SARG as a Board Committee to “coincide with the governance initiative itself”. Recommendation 1 will achieve this end.

3. To ensure adequate time, attention, resources, and skillsets are dedicated to developing and overseeing an anti-racism strategy, Council must establish a Board Committee that can seamlessly continue the work that its AREWG started.
4. The reasons the AREWG was created are the same reasons a dedicated organ of Council is necessary. These reasons include the following:
 - a. As this work must be done at the policy-making and strategic level for Council, a Board Committee is imperative. Once the strategy is developed and approved, it will be over to operations to implement, and Council will retain responsibility to oversee the performance of the strategy.
 - b. Existing committees are not well calibrated to an anti-racism purpose. For example, the HRC is concerned primarily with the performance of the CEO/Registrar; the EDC is not a Board Committee; and 30 by 30 is dedicated purely to gender affairs.
5. While the PEO is on a journey to reduce unnecessary committees, it must continue or create committees that are critical to its duties as a regulator. As this report makes clear, anti-racism is one such area and it must have primacy.
6. Continuity in the transition from the AREWG to the SARG is important to achieve alignment with the work done to date and to effectively leverage the learnings for the organization's benefit. We opine that the AREWG members meet the merit-based selection criteria that applies to the SARG going forward. This is based on their demonstrated leadership in: establishing the first anti-racism initiative in the PEO's history; developing the AREWG's terms of reference in collaboration with others; commissioning the work of external experts; and dedicating their time and attention to ensuring this engagement meets the PEO's expectations per the authorizing Motion 2.9 passed at the PEO's Council meeting on November 20, 2020.
7. To enable the SARG to be agile and to enable a sufficiently deep dive into matters that are inherently complex and potentially contentious, the SARG must be right-sized. We recommend an optimal size of 5 members. It is also essential that the SARG has adequate continuity from year to year and effective succession planning, so that its initiatives do not stall or get dropped.
8. A "recorded vote" means that Councillors' names and how they voted (in favour, against, or abstained) are listed in the public records.
9. The scope of this assessment is about racism and racial discrimination. This is clear from the surrounding contextual information: (i) CEO/Registrar's August 2020 message; (ii) Council recordings and minutes regarding the AREWG motion; (iii) the briefing note to the AREWG motion; (iv) the AREWG's Terms of Reference; (v) the related RFP; and (vi) the consulting contract.
10. Other areas relevant to discrimination were not explored in any depth during this assessment. It remains for the PEO to address these other areas. As explained throughout this report, a top priority focus must remain on anti-racism, and on its most pernicious forms (anti-Black racism, Indigenous marginalization, and contemporary Islamophobia).

Recommendation 2 Publicly Commit to Anti-Racism	Implementation Timeline: By August 2021
<p>a) The PEO’s Council will issue a public statement expressing:</p> <ul style="list-style-type: none"> i. the PEO’s commitment to anti-racism, with Black and Indigenous affairs as lead priorities; ii. that the PEO accepts all recommendations of this report; iii. that the PEO has established the SARG to lead Council’s strategy development and oversight in this area; and iv. that the PEO will publicly report annually on its progress against these recommendations and will conduct reassessments at the 3-year and 5-year marks. <p>b) The PEO will make this report’s recommendations publicly available and prominently noted.</p>	<p><u>Methodology will include:</u></p> <ul style="list-style-type: none"> ▪ Press release ▪ Posting prominently on PEO’s website ▪ Prominent publication in <i>Engineering Dimensions</i> and in other communications to the profession
<p>Commentary to Reco. #2</p> <ol style="list-style-type: none"> Given the issues that have surrounded Council’s perceived silence regarding anti-racism, it is important for Council to declare its commitment promptly and openly. Transparency regarding the issues under study, and the approach the PEO will take in response, best serves the public interest. The selection of the lead priority areas noted (Black and Indigenous affairs) is based on the focus needed to ensure that those who face the ‘harshest realities’ are not overlooked. The OHRC Anti-Racism Policy endorses special attention to these areas. Our assessment also identified high risk that Black persons and Indigenous persons face heightened barriers in the engineering profession and its regulatory processes. 	

Recommendation 3 Ensure Adequate Resourcing, Expertise, and Consultations to Support the SARG	Implementation Timeline: By July 2021
<ul style="list-style-type: none"> a) Council will continue to engage ARD Consultants to benefit from expertise and independence to inform the SARG’s anti-racism strategy development. b) Council will ensure adequate engagement of a fair cross-section of relevant stakeholders as it builds out and oversees its strategy. The SARG will utilize assistance from ARD Consultants in this regard. c) The PEO will allocate ample funding annually to enable the work of the SARG, including retaining ARD Consultants, engaging stakeholders, and financing Council-approved programs or initiatives. The PEO will value the SARG’s recommendations regarding funding required, and will ensure equitable funding, commensurate with fair market norms and with practices of organizations leading in EDI in Canada. 	<p><u>Methodology will include:</u></p> <ul style="list-style-type: none"> ▪ ARD Consultants retained on discrete project bases, with a specified scope of work per project. Project methodology and project management to be utilized. ▪ Calling for input from stakeholder organizations and interested persons. ARD Consultants will be utilized to allow anonymity where participants prefer. ▪ Various qualitative methods, like surveys and focus groups, may be used. ▪ Funding proposals and recommendations to be submitted to Council by the SARG, with the assistance of PEO staff as appropriate.
<p>Commentary to Reco. #3</p> <ol style="list-style-type: none"> 1. These steps will help to ensure a well-informed and robust strategy. They will equally help to address concerns about the PEO’s degree of engagement with the public. 2. Continuing to utilize ARD Consultants, as in the present engagement, offers the benefit of subject matter expertise and independent professional viewpoints. This reduces the risk of blind-spots and may foster greater public confidence in the SARG’s outputs. 3. Adequate funding is an imperative for sustainability. It will also send a strong message about the importance the PEO is placing on anti-racism. It is well understood in Canada that where an organization invests funding is indicative of what it deems important. 4. These steps also set the tone for the developments in the profession. The changes required to address the risks identified in this report are significant and require impetus for a culture shift. As the governor of the profession, the PEO will lead this culture shift. 	

Recommendation 4

Develop an Anti-Racism Strategy, Aligned with the Organizational Strategy and Transformation

Implementation Timeline:
By December 2021

- a) **With the assistance of ARD Consultants, the SARG will develop a holistic 3 to 5-year anti-racism strategy, integrated with the PEO's wider strategic plan and transformation:**
- i. **To ensure coherence and alignment, the team will review and propose to Council improvements to the existing (or as amended) strategic and transformational plans, using an anti-racism lens.**
 - ii. **The team will also propose to Council additional measures which, without limitation, may relate to:**
 - race-based data; updated policies and procedures; updated training plans; recommended amendments to the governing Regulation; reinforcing professional obligations as requiring non-discriminatory practices;
 - stakeholder engagement and relations; mentorship, sponsorship and talent-pipeline support; showcasing BIPOC talent and achievements; recognition of anti-racism champions;
 - process improvements and design (re licensing, complaints, discipline, elections, selection practices (re committees, panels, Council groups), committee performance appraisal, procurement, hiring, and advancement);
 - key performance indicators; accountability measures and mechanisms; ameliorative programs; whistleblower and other protections for complainants of discrimination; and culture and belonging.
- b) **To embed anti-racism in all PEO policies, practices, programs, and changes going**

Methodology will include:

- The SARG, assisted by ARD Consultants, will receive and review documentation that outlines details of all PEO strategy and transformation plans, and provide written recommendations.
- The Council's delegate, assisted by ARD Consultants, will draft the SARG's terms of reference and submit it to Council for approval. They will also propose a recommended interaction model and SLAs applicable to the SARG's review of existing planning documents.
- ARD Consultants will be retained on a project basis to advise the SARG in developing the integrated anti-racism strategy, including prioritization and target timelines for initiatives. ARD Consultants will also be utilized to draft proposals and updated documents, in collaboration with the SARG and staff.

forward, the SARG will be engaged to review all future strategy or transformation plans with an anti-racism lens. The SARG will recommend improvements and will do so on a timely basis.

- c) To promote efficiency and reduce the potential for bottlenecks, Council will agree on standard timeline expectations for review and comment by the SARG. The SARG will provide comments to Council in written form. To promote transparency of the regulator, the SARG will generally recommend that its official comments be made publicly available.**

Commentary to Reco. #4

1. As this report identifies, there are significant risks in failing to achieve coherence among the organization's strategic and transformational endeavours. This includes evident gaps in the transformation plan having regard to anti-racism. The risks also relate to working at cross-purposes, which undermines the efficiency, effectiveness, and image of the regulator.
2. The PEO is on a highly commendable transformation journey. *Now* is therefore the opportune time to embed anti-racism into the changes being made. The cost to redesign later would be high. A disjointed redesign effort may stall or derail the 'benefits realization' related to current transformational changes. Identified risks would grow. The organization would also lose momentum in consensus-building.
3. With the PEO's governance transformation in progress, improvements can be readily embedded mid-course, sparing the need for costly redesign later.
4. It is a best practice to make major design changes before or during the implementation phase of significant transformation. It is also a best practice to ensure continuous improvement after implementation. The SARG's role should be understood in this light. The PEO will modernize and continuously improve with the benefit of ongoing feedback from the SARG, which will leverage insights from stakeholders and ARD Consultants.
5. There will be an initial period of adjustment concerning the SARG's involvement. However, the interaction model may quickly progress to a lean and smooth state, if participants focus on optimization for the organization. These are necessary 'growing pains'. The alternative is an unmitigated existential risk for the organization and stifled growth.
6. It will be essential for Council to establish efficient and fair expectations regarding the turn-around times for the SARG's input. It will be equally essential that adequate information is provided to the SARG in a timely manner. To promote transparency of the regulator, the SARG's comments on adequacy and timeliness of information should be publicly available.

Recommendation 5

Achieve Quick Wins for the Strategic Plan

Implementation Timeline:

Initiatives implemented by
March 2022 | Public report
by **June 2022**

a) **In anticipation of the holistic anti-racism strategy, Council will direct the immediate pursuit of the following steps which will form part of the strategy:**

i. **The SARG will collaborate with stakeholders and ensure the launch of the first wave of a Mentorship and Sponsorship program. This Wave 1 will focus on Black and Indigenous engineers.**

- Wave 1 will start small and, based on learnings, will be enhanced.
- Wave 2 will incorporate Muslim and Middle-Eastern engineers.
- The end state will be a robust program open to racialized engineers / applicants of all identities.
- The end state will facilitate mentorship at all stages within the PEO's mandate, including licensing, engineering practice, and professional development.
- OSPE, equality-seeking groups, and others will be among the stakeholders engaged.

ii. **Using an anti-racism lens, the SARG will perform a deep-dive study, and offer recommendations for improvement, regarding:**

- the PEO's efforts to develop an alternative to "Canadian experience";
- the PEO's elections procedures and practices at all levels; and

Methodology will include:

- The SARG, assisted by ARD Consultants, will receive and review documentation and provide written recommendations. The documentation will include all outputs or in-progress drafts prepared by the PEO's staff, volunteers, or consultants in connection with assessing alternatives to "Canadian experience".
- A similar approach will apply to the elections and Councillor-discipline subject matters, except that confidential interviews will also be utilized to obtain richer context.
- The mentorship and sponsorship Wave 1 efforts will be built in collaboration with volunteers from equality-seeking groups, as facilitated by ARD Consultants.

- the PEO's disciplinary processes and practices applicable to Councillors.

(b) The PEO will publicly report by June 2022 on the progress of the foregoing "quick wins".

Commentary to Reco. #5

1. These items are selected as 'quick wins' because they stood out during our assessment as being:
 - a. top of mind for many interviewees;
 - b. at the center of various criticisms by consultants, PEO representatives, members of the profession, and persons seeking entry;
 - c. of significant potential for high favourable impact regarding the anti-racism issues identified, and regarding the PEO's standing in relation to concerned parties;
 - d. objectively of importance from an anti-racism perspective, given the potential impacts on how 'burdens' and 'benefits' are distributed. This is central to the definition of discrimination. The items selected have significant impact on the opportunities, life chances, livelihood, advancement prospects, reputation, and overall well-being of persons impacted. The PEO must ensure that the status quo does not operate to perpetuate disadvantage for members of historically disadvantaged or contemporarily vulnerable groups.
2. The PEO must start and achieve key 'quick wins' to signal to concerned parties and the public that it is committed to improvement. The noted quick wins will also build momentum and morale while there is optimism with this engagement. They also mitigate the risk of matters later exploding. As the year 2020 laid bare to the world, there can be great costs from leaving racism matters to get to a boiling point.
3. The selection of identities for Wave 1 and Wave 2 mentorship and sponsorship efforts (Black, Indigenous, Muslim, and Middle Eastern) is based on these groups generally facing "the harshest realities" in Canada, as explained in the OHRC Anti-Racism Policy. Among them, Black and Indigenous peoples face the harshest realities and must be in the first prioritization. This said, Islamophobia is a contemporary notable challenge, as the OHRC highlighted, and warrants focus.
4. It must also be noted that the Supreme Court of Canada has made clear that ameliorative initiatives are justifiable and they promote substantive equality.³⁸ We see the above-noted focused mentorship efforts as ameliorative. The PEO must also be vigilant and act appropriately to contain any retaliatory conduct that could possibly follow the introduction of ameliorative initiatives.³⁹

Recommendation 6 Commit to key components in principle for the strategy	Implementation Timeline: By July 2021
<p>a) Although the details of the anti-racism strategy will be fleshed out via a robust process led by the SARG, the PEO commits to embedding the following components in its anti-racism strategy and will make this known publicly. Council will retain oversight to ensure the strategy is developed and implemented accordingly.</p> <ul style="list-style-type: none"> i. Gathering and reporting disaggregated race-based data in conformity with statutory, equitable, and secure best practices, and anti-racism norms. Stakeholders will be consulted in developing this strategy. The PEO contemplates that the scope will include, without limitation, statistics related to applicants, licensees, and employees, and may also relate to their experiences with: academic assessments and experience assessments; interviews; complaints processes; discipline processes; PEO elections; hiring; promotions; dismissals; selection for committees, Council, and management; among other things. ii. Robust regulations, policies, procedures, and training that conform to anti-racism and anti-discrimination norms and aspirations, and further substantive equality. iii. Fair practices, using an anti-racism lens, concerning selection, retention, and advancement regarding BIPOC inclusion in committees, Council, staff, management, and other opportunities. iv. Increasing access, inclusiveness, and representation regarding Black persons, Indigenous persons, and Persons of Colour in relation to opportunities. 	<p><u>Methodology will include:</u></p> <ul style="list-style-type: none"> ▪ Council will express its commitment by publicly reporting that the PEO accepts this report's recommendations and by making them prominently and publicly available. The publication methods will include: press release; prominent publication on the PEO's website; and prominent publication in <i>Engineering Dimensions</i>. ▪ Council will instruct the SARG to ensure that the listed components are embedded in the anti-racism strategy. ▪ Council will establish requirements applicable to the SARG for reporting to Council at regular intervals regarding the progress of the strategy development. ▪ Future state: Council will establish monitoring, measurement, public reporting, and accountability mechanisms regarding the implementation, performance, and

- v. **Quantitatively tracking and publicly reporting the progress** regarding access and representation.
- vi. **Qualitatively assessing and publicly reporting the progress.** Qualitative assessments will include surveys, focus groups, and/or other forms of feedback from an adequate sample of Black persons, Indigenous persons, and Persons of Colour.
- vii. **Embedding equity, diversity, and inclusion learnings throughout the organization and including time-bound requirements to gain and maintain competency** in these matters to serve in any PEO capacity, with greater emphasis in more senior or impactful roles.
- viii. **Achieving process improvements that adequately address the risks identified in this report**, including those related to: licensing, complaints, discipline, elections, selection practices (re committees, panels, Council groups), committee performance appraisal, procurement, hiring, advancement, among others.
- ix. **Establishing effective accountability measures and mechanisms, and publicly reporting on them** to promote and sustain the changes that address the risks identified in this report. Accountability measures will be determined through a collaborative process where impacted stakeholders are adequately consulted during the design, implementation, and post-implementation phases.
- x. **Creating a specialized team and processes to address complaints of discrimination**, which creations will conform to anti-racism norms and aspirations. They will also ensure best practices as protections for complainants.
- xi. **Enhancing education and oversight of the profession to promote anti-racism norms.** This will involve making clear that any instances of racism or discrimination are

sustainment of the strategy over time. In developing these mechanisms, Council will rely on recommendations from the SARG, based on insights it formed through collaboration with ARD Consultants, staff and stakeholders.

breaches of professional ethical duties and that sanctions may follow.

- xii. **Leading a culture shift in the organization and profession to trigger developments that increase and track BIPOC representation, inclusion, and belonging.**
- xiii. **Enhancing collaboration with and for affected communities.** This will include mentorship, sponsorship, and other outreach to BIPOC communities; coordination with engineering organizations; and collaboration with industry participants, among others. The purpose of this collaboration is to increase BIPOC representation, inclusion, and belonging.
- xiv. **Continuously nurturing an anti-racism culture in all the PEO's activities and interactions with the profession and the public.** This will include, without limitation:
 - showcasing BIPOC talent and achievements, and recognizing anti-racism champions and allies; and
 - fostering a culture of belonging. This requires investing in resources that enable racialized persons to achieve an equitable degree of comfort, connection, and contribution.
- xv. **Periodically reporting publicly on the PEO's anti-racism efforts, and performing robust periodic reassessments over time to identify and address areas that still require solutions.**

Commentary to Reco. #6

1. The details of the anti-racism strategy that Council will commission, vet, and approve need to be built out via a robust process with adequate engagement of stakeholders and the support of external expertise. This said, the PEO must promptly commit to embedding into its anti-racism strategy key components that are in keeping with anti-racism norms and aspirations. These components must also address matters that this report identified as having material vulnerabilities to racism.

-
2. This sets the stage for how the anti-racism strategy must be developed and serves as a framework of expectations to inform the SARG's strategy work.
 3. It also serves transparency and public interest goals. Notably, it helps to inform stakeholders who may wish to participate in the strategy-building consultations.
 4. It also provides leadership and direction as expectations to inform the work of the operational teams that will be responsible to implement various aspects of the strategy.

Closing Remarks

The PEO is undergoing significant transformation in a sincere and laborious effort to improve the organization and performance of its duties as a regulator. It is led by a Council of representatives who passionately seek to serve the profession. The Council has yearly elections, with some annual changes in its composition, and with continuity by some Council members. Its staff do extensive work to support and carry out the directions of Council and the range of the PEO's operational activities. Its volunteers give generously of their time in commitment to what they understand to be the regulator's purpose and their role as volunteers. The tasks in the last year have been monumental for Council and staff – and volunteers have also been impacted – given historic organizational transformation, human resourcing vacancies, and a global pandemic. The PEO's representatives have understandably been consumed with these matters.

At the same time, it remains that the PEO is the governor of a key profession in society. One that literally and metaphorically builds foundational structures that enable society to function and progress. The PEO, in exercising delegated governmental authority, must ensure that it governs this profession, and access to this profession, in a manner that is demonstrably fair and effective. This report identifies various areas in which there is considerable risk that the PEO is not adequately fulfilling its public interest duties. Specifically, it identifies areas where the status quo presents significant vulnerabilities to racism.

The PEO's transformation is coinciding with transformation around the world, as global citizens awaken to the appalling reality of the insidious disease, called racism, that plagues nations including Canada. Public confidence in the PEO as a regulator – and in turn engineering's viability as a self-governing profession – turns on how well the PEO wears the mantle of serving the public interest. This necessarily requires serving the objectives of equity, diversity, and inclusion. The world's focus remains on one of society's greatest ills – racism, and anti-Black racism as one of its most pernicious manifestations. Ontarians will watch with hopeful anticipation that engineers will do what they do best; that is, engineer effective solutions. Engineers will design and build a sturdy anti-racism bridge to a more successful future.

Engineering will again change the world.

* * *

Appendix A – Consultants' Profiles



- ADJUDICATOR
- ARBITRATOR
- MEDIATOR

Osgoode Hall Law
- LL.M.

Called to the Bar –
Ontario, 1993

Articling – Ministry of the
Attorney General

Osgoode Hall Law
- J.D.

Fellow Chartered
Insurance Professional,
1988

PATRICIA DeGUIRE

LL.M., J.D., F.C.I.P.

DeGuire brings the value of a personal and professional lifelong commitment to public service, over 25 years of experience in anti-racism, anti-discrimination, and understanding systemic barriers to equity. Her deep and rich perspectives carry learnings from a range of relevant areas including creating policy, processes, adjudication, and mediation in constitutional law and human rights; pay equity, labour and employment; and immigration appeals. She has extensive experience founding and leading organizations and initiatives that promote access and contributions by racialized and gendered individuals in Canada, and abroad.

DeGuire also brings valuable learnings from her extensive work with the governing bodies for lawyers in Ontario, the Law Society of Ontario (LSO) and Legal Aid Ontario (LAO). She has served for many years, including serving on Committees helping to further regulatory and constitutional mandates; and assisting in matters concerning internationally trained lawyers. She is a mentor-extraordinaire: she influences, guides, and directs the personal and professional growth of many youths, professionals, or those seeking to become professionals. She has used this experience in corporate spaces, e.g., the OBA, the CBA, CABL and the LSO to develop or maintain their mentorship programs.

DeGuire is a recognised leader in the legal and broader communities. She braids her extensive experience, knowledge, and skills to transform public and corporate spaces. In serving her clients, DeGuire leverages skills from her proven track record as an adjudicator, arbitrator, mediator, barrister, and solicitor, and leader. She has dealt with processes, policies, procedures, and practices from every angle, and relating to a range of affairs including licensing, enforcement, complaints, discipline, and other matters.

DeGuire's leaderships skills and excellence have been recognized by various awards. She is the recipient of the Canadian Bar Association's Touchstone Award 2020; OBA's Distinguished Service Award, 2012; LSO's Lincoln Alexander Award, 2006; LAO's Gem Award; and various others.



CN Consulting
www.cnconsulting.ca



University of York, U.K.,

- Masters in Management:
Strategic Management
- * Top graduate*

Called to ON Bar, 2007

Osgoode Hall Law

- LL.B. / J.D.
- * Top tier graduate*

York University

- Business & Society:
Economics & Poli. Sci.
- * Distinction*

Bay Street Trained

- Commercial Law
- Constitutional Law
- * Top tier firm*

SHASHU CLACKEN

TRANSFORMATION STRATEGIST

Clacken transformed from being a lawyer at a leading Bay Street business law firm to being an organizational strategist and management consultant. Her strategic management master's education and track record of successfully leading large transformational projects bring valued expertise to her clients.

She has consistently received the highest honours, which span over 20 years of awards for academic and business excellence, leadership, people engagement, and community contributions. Her expertise (with multimillion-dollar savings annually) is in strategic planning, organizational transformation, cost management, and policies & procedures. She has also led racial diversity initiatives for years.

Clacken also leverages skills from her legal background to the benefit of her clients. She developed at the right hand of Canada's pre-eminent Constitutional Law scholar, the late Professor Peter W. Hogg. She has appeared before the Supreme Court of Canada in four matters, and participated in the Ashley Smith inquest, concerning civil liberties. She was one of three lawyers from Canada who journeyed to southern Africa in an unprecedented effort by a Stephen Lewis organization towards building an international human rights case against Robert Mugabe.

Her awards include: Osgoode Law Dean's Gold Key; Excellence Award from Canada's top insurer, and several awards for exceptional performance.

Appendix B – Registrar’s Anti-Racism Message August 2020

A message from PEO’s CEO/Registrar: Supporting positive culture change

BLOG Monday, August 10, 2020

I hope this message finds you and your loved ones safe and healthy.

In my recent columns in Engineering Dimensions, I have shared the progress being made on revising PEO processes and protocols as a result of the COVID-19 pandemic and the need to create a remote work environment. The successes we’ve achieved on these fronts have been the result of the dedication and perseverance of all our staff and volunteers. I’m grateful to be surrounded by such a devoted group committed to fulfilling PEO’s mandate of protecting the public interest.

Despite the trials and tribulations that we’ve encountered along this journey, and the attention required to overcome the obstacles in our path, PEO has not lost sight of the more serious issues affecting society at large.

As the engineering regulator in the Province of Ontario, and as an employer, PEO is acutely conscious of, and sensitive to, the strong and compelling public interest that has recently developed regarding issues of race and discrimination, in particular with respect to the treatment of Black and Indigenous people. As the regulator of a diverse profession in a diverse province, we are committed to doing our part to help eliminate racism and racial bias. We do this by actively promoting equity, diversity and inclusion in all the endeavours and activities with which we are associated. (emphasis added)

As an employer, PEO has developed strong anti-discrimination policies related to hiring and employment, as well as to the involvement of our volunteers. These policies continue to evolve to promote equity and diversity and to reflect best practices. We continually review our policies and ensure these are communicated so as to provide clarity and transparency, and are being followed appropriately.

As a regulator, PEO will continue to monitor our licensing processes so that instances of bias or discrimination are addressed promptly and effectively whenever they arise. PEO will also continue to assess and, as necessary, amend our policies and processes to ensure that they do not reflect any unconscious or systemic bias. In addition, we will respond vigorously to any regulatory complaints against licensed engineering professionals or holders of certificates of authorization that raise issues of bias, prejudice or discrimination based on race or any other prohibited ground.

PEO also acknowledges the important work of its Equity and Diversity Committee. Since its establishment in 2007, this committee has been exploring ideas and initiatives that will make the engineering profession and the practice of professional engineering more reflective of the public which it serves. This work is continuing, and will ultimately be reported on with recommendations to PEO’s Council.

PEO is proud to have this strong foundation of progressive policies and initiatives in place, even as we acknowledge that there is much more work still to be done. As an organization charged with regulating in the public interest, we are committed to providing an open, dynamic, and highly inclusive culture in our own organization and to doing our part to support meaningful and sustained change in society as a whole.

Sincerely,
Johnny Zuccon, P.Eng., FEC | CEO/Registrar

Appendix C – Cayton Report Cross-references

Much of the information shared by interviewees was consistent with some of the findings in the Cayton Report. We encourage readers to see the relevant Cayton Report findings for additional context. References below are to the relevant paragraph numbers in the Cayton Report. They lend further weight to the risks noted in our report. They further highlight to the Council the need for prompt and adequate attention, action, and sustainment.

Paragraph No.	Cayton Report Finding
3.23 – 3.25	“Only rarely is there mention of protecting the public or improving regulation of engineers... volunteers are not appraised in relation to their performance...The relationship between staff and volunteers is unclear. The Council should create strategy, measure performance, ensure financial probity. Staff should deliver operations and be held to account for doing so.”
3.37	“The language which PEO uses to describe people reveals a strong hierarchy. Professional engineers are ‘members’ not ‘licence holders’. Anyone who is not a professional engineer is defined by what they are not rather than by what they are: public members of the Council are ‘non-engineers’, professional members of staff are ‘non-practising P.Eng.’ International graduates are ‘non-Canadian’. There is a strong sense in the culture of PEO that to be a P.Eng. is to be a person apart and above others. The staff of PEO who hold P.Eng. licences are subject to professional discipline in relation to performance complaints whereas to other professionals working for the association are not.”
3.38	“It is sometimes suggested that running an organization through volunteers is cost-effective. This is by no means necessarily the case. PEO states proudly that it has over 1000 volunteers. Volunteering is often thought to be an inexpensive way of providing services but volunteers have travel and accommodation expenses to be met and meals to be provided. We were told that over 8000 meals a year are provided in the dining room. According to the accounts for 2018 PEO spent \$817,000 supporting the Chapters, \$726,000 on volunteer expenses and \$141,000 on awards.”
4.14, 4.18, 4.19, 4.27, 5.7, 5.10	“Notwithstanding efforts that staff have made to improve the interview and review processes, we find the current ARC and ERC reviews to be subjective in nature and we find no evidence to demonstrate how decision-making by interviewers/reviewers or amongst assessments is analysed or how inter-rater and assessment reliability is assured. We heard that although staff make every effort to ensure consistency in decision-making, it is difficult to achieve it. We were told by numerous sources that outcomes can differ greatly from one assessor to another and in some cases, even the same assessor could reach a different conclusion for two applicants with similar academic backgrounds. We were told of one occasion where assessors were observed discussing and anticipating their decision before the interview. Failure to adequately address and manage personal bias gives rise to high risk, and we fail to find evidence that sufficient steps are being taken to manage and minimize these risks to a fair process.”

	<p>“As previously noted, we find that the ARC reviews and its determinations of academic equivalency and qualifications are subjective in nature. Notwithstanding evidence of training that has been offered to members of the ARC, we were unable to determine at the time of this review, how potential risks associated with personal biases amongst decision-makers are mitigated or addressed. We were given a copy of a Policy on Eliminating Bias in the Registration Process of the PEO which was approved by Council in February 2019 but the policy has not yet been implemented.”</p> <p>“The ERC’s personal interviews with applicants are also subjective in nature and we found no evidence that personal biases or conflicts are avoided. We find no evidence to show that PEO conducts appropriate post interview analysis and then revises ongoing training to assure inter-rater reliability amongst its ERC interviewers/assessors. If an applicant complains the recording of the interview is reviewed and another interview may be offered. The PEO staff told us that the ERC will be working towards a quality assurance framework with a view to addressing concerns that the ERC’s decision-making processes are not currently founded on principles that support consistency and fairness.”</p> <p>“The current licensing process relies heavily on the individual and personal assessment of each applicant’s file. Any positive impact of these individual assessments however is diminished in the subjective process which includes numerous volunteers with varying levels of skill in conducting assessments. We found no evidence that rigorous measures are in place to address variation and to produce reliable results.”</p> <p>“PEO’s processes for awarding licences to engineers have come in for a great deal of criticism from a wide range of informants: applicants, engineers, PEO staff, council and committee members, employers and the OFC. There is no doubt that the staff and volunteers working on the process are working hard and diligently but they are working with a massively over complicated set of procedures, with too many options, too little objectivity and some built-in discriminatory practices. For example, the requirement for a year’s practice in Canada has no objective engineering justification. When we asked why it was necessary we received different answers: you have to understand the geology of Canada, you have to understand Canadian culture, it gives people a chance to acclimatize. Similarly, the use of face-to-face interviews with no ethnic or gender balance of panels and no compulsory annual training for panelists is deeply unsatisfactory.”</p> <p>“We are concerned in particular about the inherent unfairness of the licensing process, its potential for bias and PEO’s slow response to criticism from the OFC.”</p>
4.16	<p>“The current licensing and registration process is lengthy, complex and difficult to follow. It includes many different processes that are dependent on numerous volunteers, each of whom possess varying levels of experience and expertise. Each volunteer assessor or interviewer brings their own personal style and experience to the academic and experience reviews and the OFC and many whom we spoke with in our interview process raised 37 concerns that personal biases are not adequately managed or addressed currently by PEO.”</p>
4.20 – 4.22	<p>Unsuccessful applicant must “request the Registrar to issue a Notice of Proposal to Refuse a Licence (NoP) in order to obtain an appeal hearing before the Registration Committee. We consider that this latter requirement, that applicants must request that the Registrar issue a NoP in order to obtain an appeal hearing before the Registration Committee, is not aligned with the principle of fairness and appears to be in contravention of section 19(1) of the Act, which places the onus on the Registrar to</p>

	<p>issue a NoP where an applicant is not considered to meet requirements for licensure. The number of Registration hearings is relatively low and we were told that PEO rarely issues NoPs for this purpose. Staff also told us that if applicant requests to issue NoPs were not required the number of requests for hearings could significantly increase and would be difficult to manage. Notwithstanding, we find this policy by PEO acts as a potential deterrent to applicants who are unhappy with decisions made at the ERC and that changes to remove this requirement should be pursued.</p> <p>“In four letters throughout 2018, the OFC identified key areas where it considered PEO was not compliant with requirements under the FARPACTA. The expressed concerns were: the current requirement that applicants possess at least one year of Canadian experience is not aligned with requirements across Canada and is deemed unreasonable... the current process to addressing bias was not viewed as satisfactory or adequate; and finally, there was a need for timelines for response to applicants’ inquiries or requests to be developed and articulated... At the time of our review, the Council had not yet managed to satisfactorily address all of the issues identified by the OFC and we found the delay in responding troubling.”</p>
4.23, 4.24	<p>“The Registration Committee hears registration appeals. We found that panels conducting Registration Committee hearings and those conducting ERC interviews are not required to include at least one member who is representative (in gender, race, background) of the applicant who is appealing or being interviewed. We observed a hearing involving an international applicant where not one member of the panel, the expert witness or PEO legal counsel were themselves of an ethnic minority background and find this apparent disregard for equality concerning.”</p> <p>“PEO staff told us that panels are constituted primarily on the basis of volunteer availability, and this largely influences panel composition. Although female members make up approximately 15% of the PEO register, we confirmed that female applicants are usually interviewed by panels that do not include a female member. PEO staff told us that it would be very difficult to arrange interviews with female ERC members with similar work experience without causing delays. We find that the process is not as fair as it should or could be.”</p>
4.25	<p>“We question why PEO does not follow examples of regulated professions and occupations in other provinces and the USA in replacing the interviews with alternate assessment methods, such as Prior Learning Assessment Reviews (PLARs) or competency-based assessments, both of which are commonly used across Canada to facilitate for inter-provincial and inter-continental mobility.”</p>
4.69	<p>“Members of the public or the profession who wish to file a complaint must complete a Complaints Form. Among the questions that must be answered is one that asks, ‘What is the public interest relating to your complaint?’ which appears to put the onus on a complainant to demonstrate that their complaint is being made in the public interest and may act as a deterrent to making a complaint. We understand that this was introduced to deter trivial or vexatious complaints but this is not the right way to solve that problem. Notwithstanding the fact that public interest is included on the complaints form, it was our observation at the COC meeting we observed that it did not consider the public interest in its deliberations, but primarily focused on whether or not an engineer had breached a standard.”</p>

4.82	“PEO commits significant human and financial resources to its Enforcement process, and encourages members of the profession to identify and ‘turn in’ persons who are not authorized to practice. The numbers of reports received from professional members far outweigh those received from the public and we believe, in the absence of evidence related to public ‘harm’, that the amount of resources committed to the current enforcement process is non-proportionate to any evidence or risk of public harm”
4.92	“With respect to Discipline, a number of sources expressed a lack of confidence in the DIC decision-making processes... It is a widely held view among those who provided evidence to us, ...that the DIC generally puts the interests of the members and PEO before that of the public. We do not know if this widely held view is justified...”
4.110	“Ethical standards and guidance do not appear to receive the same attention [of the PSC] as technical engineering issues do”
4.113, 4.114	<p>“The document ‘Making a Complaint a public information guide’ takes a potential complainant through the process but says nothing in plain English about what would be a valid complaint. It includes two extracts from the Regulation: the Code of Ethics and Definition of Professional Misconduct. These are hardly accessible to a member of the public or engineering client.”</p> <p>“The standards and guidance are published but not in accessible formats. It is not easy to find them and although there is guidance on how to make a complaint there is little help on what to a person can complain about. It would be helpful if the Standards, Guidance and Code of Ethics were accessible together in a single place on the website.”</p>
5.6	“a much greater focus on the public interest is necessary”
5.17	“Our consideration of council meeting agendas and our observation of meetings suggest that the majority of time is taken up with the internal affairs of PEO, with fees and finance, chapters and volunteers, awards and recognition and less with the broader public interest, with the standards and safety of engineering or with the ethics of the profession”
5.18	“We also did not find that the Council had addressed and was constantly cognizant of key present and future engineering risks that its activities should be directed to prevent”
5.19	Council “will need to redirect its resources very substantially towards professionalizing its regulatory processes”... “This change of focus will require courage to challenge the existing culture and established ways of working.”
Reco. 11	“pay more regard to professional conduct and ethics, as breaches of these bring the profession and its regulator into disrepute (4.56– 4.57)”

Appendix D – Abbreviations

ARC	Academic Requirements Committee
AREWG	Anti-Racism and Anti-Discrimination Exploratory Working Group
BIPOC	Black persons, Indigenous persons, and Persons of Colour
CEAB	Canadian Engineering Accreditation Board
CEDC	Consulting Engineers Designation Committee
EDC	Equity and Diversity Committee
ERC	Experience Requirements Committee
EXE	Executive Committee
FARPACTA	Fair Access to Regulated Professions and Compulsory Trades Act 2006
HRC	Human Resources Committee
LIC	Licensing Committee
LSO	Law Society of Ontario
OFC	Office of the Fairness Commissioner of Ontario
OHRC	Ontario Human Rights Commission
OHRC Anti-Racism Policy	Policy and Guidelines on Racism and Racial Discrimination issued by the Ontario Human Rights Commission
OPSE	Ontario Society of Professional Engineers
P.Eng.	Professional Engineer
PEO	Professional Engineers Ontario
PSC	Professional Standards Committee
RFP	Request for Proposal
SLAs	Service Level Agreements
The Regulation	Ontario Regulation 941

¹ See Ontario Human Rights Commission, online: <http://www.ohrc.on.ca/en/ii-introducing-ontario-human-rights-code/2-code-prevails-over-other-laws> [“Supremacy of the Code”].

² See Professional Standards Authority, A Review of the Regulatory Performance of Professional Engineers Ontario (April 2019), online: <https://www.peo.on.ca/sites/default/files/2019-10/PEOReviewReport.pdf> [the “Cayton Report”] at para. 5.18.

³ The CEO/Registrar indicated that his message was sent “by email to all PEO staff... by email to PEO Council... via e-blast to all PEO members” and was “posted on the PEO’s website (online at: <https://www.peo.on.ca/latest-news/message-peos->

[ceoregistrar-supporting-positive-culture-change](#)) and posted on the PEO's social media accounts (Twitter, Facebook, LinkedIn)." This is positive and Council's strategy must honour and build on these promises made publicly.

⁴ See Law Society of Ontario, Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Professions, online: <http://lawsocietyontario.azureedge.net/media/iso/media/legacy/pdf/w/working-together-for-change-strategies-to-address-issues-of-systemic-racism-in-the-legal-professions-final-report.pdf> [the "LSO Anti-Racism Strategy"] at 11-12.

⁵ See Supremacy of the Code, above.

⁶ See Ontario Human Rights Commission, Policy and Guidelines on Racism and Racial Discrimination, online: http://www3.ohrc.on.ca/sites/default/files/attachments/Policy_and_guidelines_on_racism_and_racial_discrimination.pdf [the "OHRC Anti-racism Policy"] at 37, 38, 40.

⁷ Richard Steinecke, Governance for Regulators, online: <https://www.sml-law.com/wp-content/uploads/2020/07/Governance-for-Regulators.pdf> ["Steinecke"] at 8-10.

⁸ OHRC Anti-racism Policy at 6,7,8,12,13.

⁹ OHRC Anti-racism Policy at 7, 9.

¹⁰ See e.g. *Andrews v. Law Society of British Columbia*, [1989] 1 S.C.R. 143, online: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/407/index.do> ["SCC Andrews Decision"].

¹¹ See SCC Andrews Decision.

¹² See SCC Andrews Decision; see also *Kahkewistahaw First Nation v. Taypotat*, 2015 SCC 30, online: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/15383/index.do> at paras. 15, 23.

¹³ Interviews by the PEO's Experience Requirements Committee (ERC) are recorded. We requested and reviewed the recordings from: the five most recent interviews where candidates were successful, and the five most recent interviews where candidates were unsuccessful.

¹⁴ Ontario Human Rights Commission, Policy on Removing the "Canadian experience" Barrier, online: <http://www.ohrc.on.ca/en/policy-removing-%E2%80%9CCanadian-experience%E2%80%9D-barrier>.

¹⁵ We refer to British Columbia's (BC) developments, as they were the leader across Canadian provinces and territories in developing alternatives to the Canadian experience requirement and in implementing competency-based assessments. Various other provinces have followed BC's lead. We confirmed this information in interviews with officials who have sophisticated knowledge of affairs at engineering regulators across Canada, and by reviewing sample information from various related websites.

¹⁶ OHRC Anti-racism Policy at 31.

¹⁷ The PEO adopted the 30 by 30 initiative, further to Engineers Canada's lead. The initiative's goal is to raise "the percentage of newly licensed engineers who are women to 30 per cent by the year 2030". See Engineers Canada, online: <https://engineerscanada.ca/diversity/women-in-engineering/30-by-30>.

¹⁸ Engineering Connections is a program provided by ACCES Employment that is aimed at supporting internationally-trained engineers to succeed in the Canadian labour market. See ACCES Employment, online: <https://acesemployment.ca/programs/bridging-and-sector-specific-programs/engineering-connections>.

¹⁹ OHRC Anti-racism Policy at 31.

²⁰ Online: <https://www.ontario.ca/page/anti-racism-data-standards-order-council-8972018>. See also the

²¹ Canadian Centre for Diversity and Inclusion, What Gets Measured Gets Done: Measuring the Return on Investment of Diversity and Inclusion, online: <https://ccdi.ca/media/1071/ccdi-report-what-gets-measured-gets-done.pdf> ["CCDI Report"] at 12.

²² CCDI Report at 14.

²³ CCDI Report at 14.

²⁴ OHRC Anti-racism Policy at 24.

²⁵ OHRC Anti-racism Policy at 35.

²⁶ OHRC Anti-racism Policy at 32.

²⁷ OHRC Anti-racism Policy at 34.

²⁸ OHRC Anti-racism Policy at 36.

²⁹ Letter from the Office of the Fairness Commissioner for Ontario to PEO dated March 15, 2018 ["OFC 2018 Letter"].

³⁰ OFC 2018 Letter.

³¹ Cayton Report at para. 4.16.

³² See example in British Columbia where the Office of the Superintendent of Professional Governance (OSPG) was introduced as a new oversight body for engineering and certain other professions. "The new superintendent's office will bring independent oversight and help restore public trust in qualified professionals by ensuring transparent and consistent best practices regarding qualifications, continuing education and potential conflicts of interest. With this new approach, we can support responsible resource development and the good jobs that result. ... The superintendent's office will have the power to issue guidelines and directives to regulators to ensure compliance and enforcement of best practices and high professional and ethical standards. Staff will be able to investigate potential breaches of whistleblower protections and administer penalties...", online: <https://news.gov.bc.ca/releases/2019ENV0075-001265#:~:text=The%20Government%20of%20British%20Columbia,acting%20in%20the%20public%20interest.>

³³ See Law Society of Ontario, Application for Exemption from the Experiential Training Program, online: <https://lawsocietyontario.azureedge.net/media/iso/media/becoming-licensed/ar08-exemption.pdf>.

³⁴ See Professional Engineers and Geoscientists of BC, Satisfactory Engineering Experience, online: <https://www.egbc.ca/getmedia/c721f7d8-1fbf-4a6c-a06d-16d9227c4c13/APEGBC-Guidelines-for-Satisfactory-Experience-in-Engineering.pdf.aspx> at 4.

³⁵ OHRC Anti-racism Policy at 37-39.

³⁶ Steinecke at 23-25.

³⁷ See the governance transformation deck presented at the PEO's Council meeting on March 26, 2021.

³⁸ See e.g., *R. v. Kapp*, 2008 SCC 41, online: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/5696/index.do> at para. 3.

³⁹ The need to monitor and guard against retaliatory conduct is relevant to the PEO's duty under section 8 of the *Code* to protect people from reprisal.

Briefing Note – Decision

C-542-3.0

CONSENT AGENDA

Purpose: To approve the items contained in the consent agenda

Motion(s) to consider: (requires a simple majority of votes cast to carry)

That the consent agenda be approved.

Prepared by: Dale Power, Secretariat Administrator

Routine agenda items that may be approved without debate are included in a consent agenda and may be moved in a single motion. However, the minutes of the meeting will reflect each item as if it was dealt with separately. Including routine items on a consent agenda expedites the meeting.

Items included on the consent agenda may be removed and dealt with separately if they contain issues or matters that require review.

Please review the minutes ahead of time for errors or omissions and advise Dale Power (416-224-1100, extension 1130 or dpower@peo.on.ca) if there are any required revisions prior to the meeting so that the minutes, when presented, may be considered within the consent agenda.

The following items are contained in the consent agenda:

- 3.1 Minutes – 540th Council meeting – April 30, 2021 and 541st Council meeting – May 20, 2021
- 3.2 Human Resources and Compensation Committee – Appointment of Additional Councillor to HRCC
- 3.3 Consulting Engineer Designation Applications
- 3.4 Reconsideration of Consulting Engineer Redesignation Applications
- 3.5 Changes to the 2021 Committee and Task Forces Membership Roster
- 3.6 Appointment to the Complaints Committee
- 3.7 Appointment of the Additional Members of the 2021-2022 Central Election and Search Committee

Briefing Note - Decision

C-542-3.1

OPEN SESSION MINUTES – 540th Council Meeting – April 30, 2021 and 541st Council Meeting – May 20, 2021

Purpose: To record that the minutes of the open sessions of the 540th and 541st meetings of Council accurately reflect the business transacted at those meetings.

Motion to consider: (requires a simple majority of votes cast to carry)

That the minutes of the 540th meeting of Council, held April 30, 2021 and 541st meeting of Council, held May 20, 2021, as presented to the meeting at C-542-3.1, Appendix A and B, accurately reflect the business transacted at that meeting.

Prepared by: Dale Power, Secretariat Administrator

1. Need for PEO Action

In accordance with best business practices, Council should record that minutes of an open session of a meeting of Council accurately reflect the business transacted at a meeting.

2. Current Policy

Chapter X Minutes, Section 211 Approval of minutes of previous meeting, of Nathan and Goldfarb's Company Meetings states under Comment that, "There does not appear to be any obligation to have minutes signed to be valid or approved, but it is considered good practice. The motion does not by itself ratify or adopt the business transacted; it merely approves the minutes."

3. Appendices

- Appendix A - Minutes – 540th Council open session meetings – April 30, 2021
- Appendix B – Minutes – 541st Council open session meeting – May 20, 2021

Minutes

C-542-3.1
Appendix A

The 540th MEETING of the COUNCIL of PROFESSIONAL ENGINEERS ONTARIO (PEO) was held via ZOOM Videoconference on Friday, April 30, 2021, at 9:30 a.m.

- Present:**
- M. Sterling, P.Eng., President and Council Chair
 - N. Hill, P.Eng., Past President
 - C. Bellini, P.Eng., President-Elect
 - D. Campbell, P.Eng., Vice President
 - A. Sinclair, P.Eng., East Central Region Councillor/Vice-President Appointed
 - 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
 - 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
 - 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:**
- J. Zuccon, P.Eng., CEO and Registrar
 - D. Abrahams, Senior Legal Counsel
 - L. Latham, P.Eng., Deputy Registrar, Regulatory Compliance
 - L. Maier, Vice President, Governance
 - B. Ennis, P.Eng., Director, Policy and Professional Affairs
 - L. Holden, Director, Human Resources
 - C. Mehta, Director, Finance
 - D. Smith, Director, Communications
 - M. Wehrle, Director, Information Technology
 - J. Chau, P.Eng., Manager, Government Liaison Programs
 - C. Knox, P.Eng., Manager, Enforcement, Regulatory Compliance
 - R. Martin, Manager, Secretariat
 - J. Max, Manager, Policy
 - E. Chor, Research Analyst, Secretariat
 - D. Power, Secretariat Administrator

M. Feres, Supervisor, Council Operations
B. St. Jean, Senior Executive Assistant
N. Axworthy, Editor, Engineering Dimensions

Guests: M. Bazallo, Compliance Analyst, Office of the Fairness Commissioner
D.A. Brown, Governance Solutions Inc.
D.L. Brown, Governance Solutions Inc.
H. Brown, CEO, Brown & Cohen
C. Chahine, Incoming East Central Region Councillor
J. Chisholm, Incoming West Central Region Councillor
D. Chui, P.Eng., PEO Director, Engineers Canada
N. Colucci, Incoming President-Elect
L. Lukinuk, Parliamentary Services
S. MacFarlane, Incoming Western Region Councillor
B. Matthews, Consulting Engineers of Ontario
D. McComiskey, Governance Solutions Inc.
S. Perruzza, Ontario Society for Professional Engineers
K. Reid, P.Eng., PEO Director, Engineers Canada
M. Spink, Incoming Vice President (Elected)

CALL TO ORDER

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

Secretariat confirmed quorum.

Councillors, guests and staff were welcomed and acknowledged.

President Sterling reviewed the virtual meeting logistics.

President Sterling then noted some dates of significance as follows:

National Day of Mourning (April 28)

- Appreciation of healthcare and front-line workers
- Reflecting on worker safety gaps with the industrial exception

Earth Month

- Engineers have a professional obligation to protect the environment and the public

National Volunteer Week (April 18-24)

- PEO values the time, talents and knowledge of its volunteers
- PEO thanks its over 600 volunteers (engineers, EITs, others)
- Our volunteers are helping REIMAGINE PEO TOGETHER
- THANK YOU!

12314

APPROVAL OF AGENDA

The agenda was presented.

Moved by Councillor Kershaw, seconded by Councillor Dryland:

That:

a) the agenda, as presented to the meeting at C-540-1.2, Appendix A be approved; and

b) the Chair be authorized to suspend the regular order of business.

Moved by Councillor MacCumber, seconded by Councillor Chiddle:

That item 2.4 Mandatory Continuing Professional Development Program be removed from the agenda.

CARRIED
Unanimous Recorded Vote

For: 24

Against: 0

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

Council then voted on the main motion as amended.

That:

a) the agenda, as presented to the meeting at C-540-1.2, Appendix A be approved as amended by removing agenda item 2.4 Mandatory Continuing Professional Development Program; and

b) the Chair be authorized to suspend the regular order of business.

AMENDED MOTION CARRIED

Councillor Notash requested that the C-539 open session minutes be removed from the consent agenda. The Chair stated that these minutes would be removed from the consent agenda in order for discussion to take place.

**12315
CONFLICTS OF INTEREST**

Councillor MacCumber declared a conflict of interest regarding agenda item 2.3 Providing Engineering Services Under O. Reg. 1/17 and Part ii.2 of the EPA.

**12316
PRESIDENT'S REPORT**

President Sterling thanked PEO's Councillors, volunteer, CEO/Registrar and staff for perserving through the personal and professional challenges brought on by the pandemic. She stated that she was pleased to see that in May, Ontarians age 18 and up will start to have access to vaccines.

Regulatory Gains

Under the stewardship of CEO/Registrar Zuccon:

- This past year, PEO processed and approved more than 3112 new licences, reviewed 58 complaints filed, opened 485 enforcement files and prosecuted 8 licensees for professional misconduct
- PEO amended the Act to recognized accredited engineering programs at institutions beyond universities as part of the qualifications for licence; permitted EITs to hold chapter executive positions
- PEO issued three guidelines and one practice advisory notice on obligations of professional engineers during the pandemic
- PEO joined Notarius program to provide digital seal service to licensees

Governance Improvements

- Amended PEO by-law to legally permit digital, virtual meetings and regulator proceedings
- Updated Rules of Order to a more current version
- Council is focused on more strategic issues
- Council is using a culture change model of dialogue and education at Strategic Conversation monthly sessions, stewardship by the Executive Committee, then bring actions for decisions to Council

Foundational Changes

- Governance renewal stewarded by the Executive Committee, 4 phase roadmap: phase 1 clarified Council's regulatory mandate

and outputs as a direction and control board; phase 2 looks to create a committee structure for Council to help it focus on regulatory, fiduciary, human resources and governance policy

- Continuing Professional Development will be implemented as mandatory program, as outlined in the 2019 Action Plan, responding to public inquiries and ensuring Ontario engineers can participate in national and international mobility agreements beyond 2025

Advancing a More Inclusive Culture

- Councillors have undertaken professional development to ask more effective governance questions and foster constructive details
- The CEO/Registrar joined President Sterling on December 6th to mark the 31st anniversary of the Montreal Massacre with a video
- Ontario's Attorney General acknowledged and committed to help PEO Council further diversity by prioritizing women in future public appointments
- The 30by30 task force continues to be a priority regulatory initiative to remove barriers for women to become licensed by 2030
- The Anti-Racism and Anti-Discrimination Exploratory Working Group of Council have been working since January and will be making recommendations
- President Sterling provided her bi-monthly President's Message in Engineering Dimensions in French to recognize PEO's bilingual membership and public

Internal/External Relations

- This has not been the year of past presidents; however, President Sterling has stayed connected via online events
- The President created *Ask Marisa* virtual sessions after Council meetings to keep committee and chapter members informed
- Attended Engineers Canada board meeting and conferred with the PEO directors in advance on topics of interest to PEO
- Attended APEGA and APEGS virtual AGMs and professional development conference
- Provided remarks on behalf of PEO for virtual OPEA
- Gave opening remarks at York Chapter Engineering Awards ceremony
- Gave governance update to ERC
- Served on CESC, HRC

In closing, President Sterling advised that she was looking forward to supporting incoming President Christian Bellini, incoming President-Elect Nick Colucci and Councillors into the next Council

term. She will support work on a new strategic plan as Council desires as well as work on licensing modernization as Council desires.

President Sterling thanked her employer, the University of Toronto Faculty of Applied Science and Engineering, and Engineering Dean Chris Yip, PhD., P.Eng., for their support, believing in the values of professional development and professional duty, and accommodating the close to 1200 volunteers hours contributed to PEO. She stated that it has been an honour to serve PEO and the public.

12317

CEO/REGISTRAR'S REPORT

CEO/Registrar Zuccon referred to his report that was included in the agenda package. He noted that there has been a significant surge in applications for the first three months of 2021. He also noted that the digitization project had to be postponed due to the extended COVID-19 lockdown. This project will resume once staff are able to return to the office in a safe environment.

During discussion the following issues were raised:

- The surge in non-CEAB grads and applications and concerns from a process point of view which was set up when non-CEAB was a small fraction of the applicants. **Response:** Resources are being adjusted. Applications will be triaged since they come in at different levels of readiness. This is being monitored.
- Looking at Figure 3 in the CEO/Registrar report "average process times for P.Eng. licence approvals". Not sure this is a meaningful number when trying to monitor how quickly PEO is responding. How are the average days being managed? **Response:** Agreed, these metrics only indicate average time but are not a good starting point. PEO is analyzing some of the data and will be doing a comprehensive review in order to develop regulatory policy changes.
- Would like more clarification on the estimated time for clearing the backlog regarding ARC and ERC files. These files are growing expeditiously. It would be helpful to know how this backlog will be cleared. **Response:** This is duly noted. None of the processes have been changed, it is getting ARC and ERC functional again and making sure that everyone is trained virtually. This will test the capabilities of ARC right now. If the numbers continue to grow it will be impossible to manage. This is the output from the systems perspective. PEO is overdue in looking at the system from the front end. The CEO/Registrar will continue to report as time goes on.
- How can the licencing process be improved? How will metrics be measured on how well PEO is performing? **Response:** Electronic receipt of applications makes it easier

to conduct data analysis. This bodes well to move forward with a plan.

- There is value to seeing the numbers which help to understand current bottlenecks and predict future ones. Further to the ratio of male vs. female and CEAB vs. non-CEAB, women in Canada can be encouraged to go into engineering but there is no control over those outside the borders (immigrant process). **Response:** These are the facts. We cannot control who comes through our front door.
- PEO's role as a regulator is to make sure there is no bias in the system. It's other role is to make sure that it is well understood that engineering work requires a licence. Once someone becomes an EIT PEO has done as much as it can and the clock should stop. Once the EIT has gained their four years experience the clock should start running again.
- How close is PEO toward issuing a licence within 90 days of an EIT finishing all of the licencing requirements?
Response: PEO can determine the stages of an application so that it provides a more reliable number. Following a review, of the 21,000 files, close to 80% were waiting for action from the applicants. This was a point of discussion with the office of the Fairness Commissioner. When all of the requirements have been met, the target is 90 days. The Deputy Registrar will monitor this.

**12318
PROVIDING ENGINEERING SERVICES
UNDER O. REG. 1/17 AND PART II.2 OF
THE EPA**

Councillor MacCumber recused herself for this agenda item.

Councillor Ausma introduced the motion advising that the Ministry of the Environment, Conservation and Parks (MECP) requires applicants for air permits to prepare technical reports prepared by qualified professionals. Formerly these reports were reviewed by Ministry engineers before permit issuance through the modernization of approvals processes and through government regulatory burden reduction commitments, a self-registration process was introduced under O. Reg. 1/17 for defined facilities and/or types of emissions. This process does not require ministry oversight, but technical reports must be prepared by a licenced engineering practitioner as defined under the *Professional Engineers Act*. There has always been a challenge with the quality of some of the technical reports and with the move to a self registration process, this became more of an issue. The MECP approached PEO, as the co-regulator, to produce engineering service practice guidelines.

The practice guidelines, entitled Guideline for Providing Engineers Services under O. Reg. 1/17 and Part 11.2 of the EPA is the result of that work which was delegated to the Professional Standards

Committee.

Staff responded to a question about the length of time it took for the guideline to be developed by advising that the guidelines are developed by a committee that only meets once a month for two hours. Most organizations have dedicated staff preparing guidelines or hire consultants since it is a long, complicated process for a committee to do this work. Guidelines are always put out for legal review. Responding to a request to have this on the agenda for the Regulatory Policy and Legislation Committee to change the current process, the Chair advised that this was pre-emptive because this committee was not yet formed but that the request would be noted.

Moved by Councillor Ausma, seconded by Councillor Kershaw:

That Council:

- 1. Approve the publication of the Providing Engineering Services Under O. Reg. 1/17 and Part II.2 of the EPA; and**
- 2. Direct the Registrar to publish the guideline and notify members and the public of its publication through usual PEO communications.**

CARRIED

Councillor MacCumber returned to the meeting.

**12319
MANDATORY CONTINUING
PROFESSIONAL DEVELOPMENT
PROGRAM**

This item was removed from the agenda. The implementation of the mandatory continuing professional development program is part of the Registrar's Action Plan unanimously approved by Council and therefore deemed operational.

**12320
ENGINEERS CANADA DIRECTORS REPORT**

D. Chui provided the following report:

On Tuesday March 30, the CEAB's Policies and Procedures Committee (P&P) and Dean's Liaison Committee (DLC) of the Engineering Deans Canada held a joint meeting. Their agenda topics included updates on CEAB actions related to EDC accreditation system concerns. The group also discussed a draft paper on international student exchanges and accreditation criteria, exploring the EDC's proposal to reduce barriers to students going on exchange and the CEAB's analysis on the proposal. The outcome of this work will be shared with the CEO Group in July.

On Wednesday March 31, the CEQB Task Force on Alternative Methods of Academic Assessment for Non-CEAB Candidates began the work on the task force's terms of reference. The group will host a virtual national workshop with all regulators in order to gather key information from them. This information will then guide the formulation of a feasibility study on the alternative methods of

academic assessment for the non-CEAB Candidates.

On Tuesday April 6, the CEAB (required-visit-materials) working group launched a consultation meeting on their recommended changes to the materials that a university program is required to submit for accreditation purposes. The working group was struck (to envisage how the required materials could be amended) to respond to the feedbacks from the HEIs (who note the significant work effort to collect and present materials) and as well as from the CEAB visiting team members (who require information in order to adequately assess the curriculum content and quality). This consultation will close on June 4.

On Wednesday April 7, the Engineers Canada Board met to approve the 2020 audited financial statements and adopt a new corporate risk profile. At the meeting, the Board also confirmed to hold the strategic workshop virtually in June (14 and 15th).

On Friday, April 9, (as part of our work on Strategic Priority 3 (SP3): Recruitment, retention and professional development of women in engineering), EC staff (Jeanette Southwood, Cassandra Polyzou and Dany Chui) met with Engineers Geoscientists Manitoba (EGM) to discuss the 30 by 30 scorecard and discovery report (that was developed as part of the 'Gender-based analysis (GBA+) of national engineering licensure assistance and employer awareness programs. EGM provided feedback on the use of the report data, updates its own 30 by 30 strategy and tactics, as well as expressed a desire to implement the scorecard. Meetings with all regulators on this topic are ongoing. PEO had this meeting on April 23.

From April 13 to 15, the National Admissions Officials Group met virtually for the first time this year. The group:

- 1) discussed the (challenge and opportunities with) competency-based assessments program and the virtual technical exams;
- 2) received a presentation from OIQ about their new process for assessing non-CEAB applicants for licensure;
- 3) presented a demo of the new International Institutions and Degrees Database program (IIDD);
- 4) heard updates from the CEAB and CEQB including a consultation on the CEQB's proposed 2022 work plan priorities;) and
- 5) also participated in a (requirements gathering) workshop for the revised National Membership Database (NMDB).

During the week of April 12 -16, the accreditation team circulated a call to all regulators requesting General Visitors for the 2021/2022

accreditation visit cycle. (Note that these visits will occur virtually). Due to the potential impact of the pandemic on volunteer availability, regulators may wish to consider appointing qualified staff to serve as General Visitors this year.

On April 23 EC Staff (Jeanette Southwood, Cassandra Polyzou and Danny Chui) met with PEO to discuss the 30 by 30 scorecard and discovery report that was developed as part of the “Gender-based analysis (GBA+) of national engineering licensure assistance and employer awareness programs” project. Other meetings with regulators have been scheduled as well.

President-elect Bellini provided an overview as follows:

What Executive Had:

- Governance directions accepted by Council
- Commitment to four governance committees of Council
- Possible names and charters (now “mandates”) for committees
- Input from March 2021 Council discussion (formal) and April 2021 strategic conversation (informal)
- Mandates for EDTF and SPTF as well as governance roadmap, assigned in March 2020

What Executive Needed to Do:

- Review and refine committee charters – now “mandates”
- Confirm names and composition for new governance committees
- Deal with overlapping mandates of existing board committees
- Recommend how to deal with governance roadmap, SPTF and EDTF items currently assigned to EXE
- Determine how best to formalize new committees (e.g. by-law change, now or later)

What Executive is Recommending:

- Adoption of initial mandates and proposed composition for four governance committees, as specified
- Means to address composition, selection and continuity
- Transfer governance and SPTF mandates to Governance and Nominating Committee
- Transfer EDTF mandate to Regulatory Policy and Legislation Committee
- Develop by-law changes to formalize new governance committees
- Stand down AUC, FIC, LEC and current HRC

Next steps:

- Committees and chairs to be appointed at May 20 Council

**12321
EXECUTIVE COMMITTEE REPORT**

“kick-off” meeting

- Committees to review mandates, establish workplans and resolve inconsistencies or gaps in existing committee terms of reference
- Committees whose role currently includes regulatory policy work (eg. ENF, LIC) may continue in-progress work during a one-year transition period, reporting to Council through RPLC
- EXE to be populated but meet only as Council requires
- Staff to prepare by-law changes for consideration (by 2022 AGM)

Moved by President Elect Bellini, seconded by Vice President Campbell:

1. That, effective as of the 2021 AGM, Council formally adopts the following as board governance committees, based in principle on the draft mandates appended to this Briefing Note:

(a) Governance and Nominating Committee;

(b) Regulatory Policy and Legislation Committee;

(c) Human Resources and Compensation Committee; and

(d) Audit and Finance Committee.

2. That, effective as of the 2021 AGM, Council hereby stands down the existing Legislation Committee, Finance Committee, Audit Committee, Human Resources Committee as presently constituted, and those committees and any subcommittees thereof will transfer their outputs to the appropriate board committee listed in motion 1 above.

3. That, following the 2021 AGM, responsibility for stewardship of the Governance Roadmap approved in March 2020 be transferred from the Executive Committee to the Governance and Nominating Committee.

4. That, following the 2021 AGM, responsibility for addressing the report of the Succession Planning Task Force be transferred from the Executive Committee to the Governance and Nominating Committee.

5. That, following the 2021 AGM, responsibility for addressing the report of the Emerging Disciplines Task Force be transferred from the Executive Committee to the Regulatory Policy and Legislation Committee.

6. That Council directs the CEO/Registrar in consultation with the affected committees to develop by-law amendments for Council’s

future consideration to govern the roles and functions of these board governance committees.

CARRIED

12322

FINANCE AND AUDIT REPORT

The Chair noted that on March 26, 2021 this item was deferred to the April 30th meeting in order to ensure alignment between the Audit and Finance Committees as well as the governance work and some of the Council policies that are being looked at.

Councillor Sung advised that the Expense Reimbursement policy came before the Finance and Audit committees several years ago. The committees have conducted due diligence in reviewing the expense policy, taking into consideration feedback from staff and Councillors who have populated these respective committees over the past few years. Councillor Sung indicated that some of the key changes are noted in the briefing note and include ride-sharing as a sign of the times and increasing limits for breakfast, lunch and dinner to reflect the new financial realities. He further noted that there was some inconsistency with the Delegation of Authority Charter passed by Council in March 2021 so the committees took a second look at the policy with governance specialist GSI who have vetted the Expense Reimbursement Policy and have no reservations. The pathway forward would be to amend the Delegation of Authority Charter at a future time so everything will be considered in the near future.

Councillor Cutler added that the main reason the policy was not approved related to the approval of the CEO/Registrar's and President's expenses. As noted in the briefing note, significant consideration was given to the recommended change to the approval process of the CEO/Registrar's expenses, considering best practices in governance. The recommendation to have the Director, Finance approve expenses of the CEO/Registrar was discussed and ultimately taken up by the joint FIC/AUC committees at their meetings on March 10 2021 and April 19 2021 (the latter meeting with David and Debra Brown of GSI present for discussion and future reconciliation with the Delegation of Authority Charter).

The objectives of the changes are to be easy for staff to administer, to support PEO's new governance model, and to ensure there are protections in the system.

Moved by Councillor Sung, seconded by Councillor Cutler:

That Council approves the revised Expense Reimbursement Policy as presented to the meeting at C-540-2.7, Appendix A and to be effective as of the May 15, 2021 Annual General Meeting.

Moved by Councillor Kershaw, seconded by Councillor Schelske:

Motion to strike from C-540-2.7, Appendix A (subset Appendix C – Meals Expense Reimbursement) "at home or" from the sentence *'Reimbursement will not be provided for meals consumed at home or when included in the cost of transportation, accommodation, seminars or conferences.'*

Following substantial discussion Councillor Notash suggested that the entire item be referred back to the Audit and Finance Committees including all comments brought forward at the April 30th Council meeting.

Moved by Councillor Notash, seconded by Councillor Cushman:

That item 2.7 Expense Reimbursement Policy be referred back to the Audit and Finance Committee.

There were some objections to this motion given the amount of time and work already spent by the Audit and Finance Committees on revising this policy.

L. Lukinuk, Parliamentarian, advised that Council could not vote on the main motion and amendment because there was a motion to commit on the floor. In light of this, Councillor Notash withdrew her motion.

Council then voted on the amended motion.

Motion to strike from C-540-2.7, Appendix A (subset Appendix C – Meals Expense Reimbursement) "at home or" from the sentence *'Reimbursement will not be provided for meals consumed at home or when included in the cost of transportation, accommodation, seminars or conferences.'*

CARRIED

Moved by Councillor Kershaw, seconded by Councillor Schelske:

Motion to strike from C-540-2.7, Appendix A (subset Appendix C – Meals Expense Reimbursement) "Cost for alcohol will not be reimbursed as part of any meal expense".

DEFEATED

Council then voted on the main motion as amended

That Council approves the revised Expense Reimbursement Policy as presented to the meeting at C-540-2.7, Appendix A as amended by striking from C-540-2.7, Appendix A (subset Appendix C – Meals Expense Reimbursement) "at home or" from the sentence

'Reimbursement will not be provided for meals consumed at home or when included in the cost of transportation, accommodation, seminars or conferences' and to be effective as of the May 15, 2021 Annual General Meeting.

MAIN MOTION AS AMENDED CARRIED

12323

**NOMINATION OF PEO REPRESENTATIVE
TO ENGINEERS CANADA BOARD**

President Sterling transferred the gavel to Past President Hill.

Past President Hill advised that Changiz Sadr P.Eng. had resigned as an Ontario Director as of March 26, 2021 and this had created a vacancy. Although Mr. Sadr's three-year term was to expire in 2022, Engineers Canada advised that the vacancy could be filled for a three year term, commencing after the Engineers Canada Annual General Meeting in May 2021. Therefore, Council was asked to nominate one PEO representative to the Board of Directors of Engineers Canada.

There were four candidates who put their name forward for the position of PEO representative to the Engineers Canada Board.

The four candidates, Christian Bellini, Peter Cushman, Marilyn Spink and Marisa Sterling were given two minutes to speak to their candidacy. A vote was then conducted. Following the vote it was announced that Marisa Sterling was the successful candidate.

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

That Council ratifies the online vote via the ElectionRunner application to nominate Marisa Sterling, P.Eng., FEC as a PEO Director to the Engineers Canada Board of Directors for a three-year term effective as of the 2021 Engineers Canada Annual General meeting.

CARRIED

Past President Hill returned the gavel to President Sterling.

12324

**ANTI-RACISM & ANTI-DISCRIMINATION
EXPLORATORY WORKING GROUP
(AREWG)**

Councillor Cushman introduced the motion by advising that in November 2020, Council made an unprecedented move by creating an anti-racism and anti-discrimination exploratory working group, also known as AREWG. This working group strives to produce a report that will address vulnerabilities related to systemic racism and discrimination within PEO. The working group wishes to ensure that the report prepared for Council is of the highest quality. The working group therefore requested an extension to the timing required to complete the report the Council. The AREWG is composed of Councillors MacCumber, Jackson Kouakou, Kershaw and Cushman. In order to ensure continuity with the work already

completed, the AREWG requests Council approval to have Wayne Kershaw remain as a member of the working group until it is stood down. The AREWG will continue its work with the Registrar and Council Chair to present a report to Council as soon as possible. There is no anticipated budgetary impact for this change.

Moved by Councillor Cushman, seconded by Councillor Chiddle:

That the motion previously adopted by Council on November 20, 2020, be amended as follows:

(a) in part 1 of the motion, by adding, following the phrase “from amongst Council’s members” the phrase “but who, irrespective of any term of office, shall continue to serve until the working group is stood down or they are replaced, and”;

(b) in part 4 of the motion, by adding, following the phrase “before the 2021 AGM,” the phrase “or as soon thereafter as is practicable for the working group to conclude its work”; and

(c) by revising the Terms of Reference referred to in part 2 of the motion in order to give effect to the foregoing,

so that the motion *as amended* would read:

1. That Council appoint a four-member working group from amongst Council’s members, *but who, irrespective of any term of office, shall continue to serve until the working group is stood down or they are replaced, and comprised of the following:*

- Councillors P. Cushman and L. MacCumber, who shall serve, respectively, as Chair and Vice-Chair of the Anti-Racism and Discrimination Exploratory Working Group (AREWG)
- Two (2) additional Councillors, to be randomly selected from amongst Councillors who volunteer. (In the case of a tie vote, the chair would have the casting vote.)

2. That Council task the AREWG (in accordance with the proposed Terms of Reference attached as Appendix A) with scoping vulnerabilities to systemic racism and discrimination within the engineering profession and in particular within the range of activities overseen by PEO, and with proposing best practice methodologies for identifying, studying and addressing any such vulnerabilities that exist.

3. The Council instruct the CEO/Registrar to recruit, via a Request for Proposals (RFP), a qualified consultant skilled in equity,

diversity and inclusion, to help guide and support the work of the AREWG.

4. That Council mandate the AREWG, aided by the consultant, to report to Council with specific recommendations on how to identify, study and address vulnerabilities related to systemic racism and discrimination, before the 2021 AGM, or as soon thereafter as is practicable for the working group to conclude its work.

5. That Council approves a maximum budget of \$50,000 for the work of the AREWG, including the work of the Consultant.

CARRIED

Councillor Cushman advised that work is progressing on the report as planned. The working group is currently waiting for the consultants to do their job by providing a comprehensive report.

**12325
OPEN SESSION MINUTES OF THE 539TH
MEETING OF COUNCIL**

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

That the minutes of the 538th meeting of Council, held March 26, 2021 as presented to the meeting at C-539-3.1, Appendix A, accurately reflect the business transacted at that meeting.

Councillor Notash requested that her comments regarding item 2.5 be included in the March 26, 2021 open session minutes.

That the minutes of the 539th meeting of Council, held March 26, 2021, as amended to the meeting at C-540-3.1, Appendix A, accurately reflects the business transacted at the meeting by including the following on pages 15 and 16, agenda item 2.5
"Councillor Notash asserted that the main motion was not in compliance with the Professional Engineers Act and that since the motion to withdraw was defeated, the motion should be tabled pending possible review by the Attorney General's office.

The Chair thanked Councillor Notash for her comments noting that Council had already received advice from PEO's Senior Legal Counsel on this matter."

Council then voted on the main motion as amended.

That the minutes of the 538th meeting of Council, held March 26, 2021 as presented to the meeting at C-539-3.1, Appendix A, and amended accurately reflect the business transacted at that meeting.

AMENDED MOTION CARRIED

**12326
CONFIRMATION OF ELECTRONIC,
VIRTUAL AGM**

Ontario continues to be in the midst of a global pandemic which makes in-person gatherings of appreciable size either illegal or inadvisable.

PEO is required to have an annual meeting of members of the Association (or "AGM") pursuant to section 4 of the Professional Engineers Act. The by-law makes provision for meetings of Council and committees to be held electronically at the discretion of the meeting chair. It does not specifically refer to the AGM in this context. Regardless, an electronic AGM was held in 2020 at Council's motion, and the same mechanism can be used to make the 2021 AGM electronic (virtual) as well, provided all other conditions set out in the Act, by-law and regulations are satisfied.

Moved by Councillor Jackson Kouakou, seconded by Councillor Arenja:

That PEO'S 2021 AGM be held as an electronic, virtual meeting on May 15, 2021.

CARRIED

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

That Council move in-camera.

CARRIED

The guests left the meeting at 2:35 pm.

**12325
IN-CAMERA**

Councillors discussed items on the in-camera agenda.

**a) Changes to the 2021 Committee
and Task Forces Membership Roster**

This item was brought before Council in-camera to approve changes to Section 2 (Other Committees Reporting to Council) of the 2021 PEO Committees and Task Forces Membership Roster.

Moved by President-elect Bellini, seconded by Councillor MacCumber:

That Council approve changes to the 2021 PEO Committees and Task Forces Membership Roster as presented to the meeting at C-540-4.5, Appendix A.

Council directs that the decision to appoint the following Committee and Task Force members be recorded in the minutes of the public session:

- **Stephen Georgas, P.Eng., LL.B (Complaints Committee)**
- **Fanny Wong, P.Eng. (Complaints Committee)**
- **Saleha Hussain, P.Eng. (Professional Standards Committee)**

and that the decision to appoint any members subject to the approval of the Attorney General be made public once approval is obtained.

CARRIED

Following the conclusion of the in-camera agenda Council returned to open session as noted in the in-camera minutes.

There being no further business, the meeting concluded at 2:35 pm.

These minutes consist of eighteen pages and Items 12315 to 12325 inclusive.

M. Sterling, P.Eng., FEC, Chair

R. Martin, Manager, Secretariat

Minutes

C-542-3.1
Appendix B

The 541st MEETING of the COUNCIL of PROFESSIONAL ENGINEERS ONTARIO (PEO) was held via ZOOM Videoconference on Thursday, May 20, 2021, at 10:00 a.m.

Present:

- C. Bellini, P.Eng., President and Council Chair
- M. Sterling, P.Eng., Past President
- N. Colucci, P.Eng., President-Elect
- M. Spink, P.Eng., Vice President Elected
- A. Arenja, P.Eng., Lieutenant Governor-in-Council Appointee
- P. Broad, P.Eng., Western Region Councillor
- R. Brunet, P.Eng., Lieutenant Governor-in-Council Appointee [minutes 12332-12326 only]
- T. Bruyere, P.Eng., Lieutenant Governor-in-Council Appointee
- C. Chahine, P.Eng., East Central Region Councillor
- M. Chan, P.Eng., Councillor-at-Large
- J. Chisholm, P.Eng., West Central Region Councillor
- 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
- Q. C. Jackson Kouakou, Barrister and Solicitor, Lieutenant Governor-in-Council Appointee
- L. MacCumber, P.Eng., West Central Region Councillor
- S. MacFarlane, P.Eng., Western Region Councillor
- L. Notash, P.Eng., Councillor-at-Large
- P. Quinn, P.Eng., Councillor-at-Large
- L. Roberge, P.Eng., North Region Councillor
- S. Schelske, P.Eng., Lieutenant Governor-in-Council Appointee
- R. Subramanian, P.Eng., Northern Region Councillor
- S. Sung, Lieutenant Governor-in-Council Appointee
- R. Walker, P.Eng., Eastern Region Councillor

Staff:

- J. Zuccon, P.Eng., CEO and Registrar
- D. Abrahams, Senior Legal Counsel
- L. Latham, P.Eng., Deputy Registrar, Regulatory Compliance
- L. Maier, Vice President, Governance
- B. Ennis, P.Eng., Director, Policy and Professional Affairs
- L. Holden, Director, Human Resources
- C. Mehta, Director, Finance
- D. Smith, Director, Communications
- M. Wehrle, Director, Information Technology
- J. Chau, P.Eng., Manager, Government Liaison Programs
- C. Knox, P.Eng., Manager, Enforcement, Regulatory Compliance
- R. Martin, Manager, Secretariat
- J. Max, Manager, Policy
- E. Chor, Research Analyst, Secretariat

D. Power, Secretariat Administrator
M. Feres, Supervisor, Council Operations
B. St. Jean, Senior Executive Assistant
N. Axworthy, Editor, Engineering Dimensions

Guests: M. Barzallo, Compliance Analyst, Office of the Fairness Commissioner
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
B. Matthews, Consulting Engineers of Ontario
D. McComiskey, Governance Solutions Inc.
S. Perruzza, Ontario Society for Professional Engineers

Council convened at 10:00 a.m. on Saturday, May 20, 2021.

CALL TO ORDER

Notice having been given and a quorum being present, Past President Sterling called the meeting to order at 10:00 a.m.

**12326
APPROVAL OF AGENDA**

Moved by Councillor Chisholm, seconded by Councillor Subramanian:

That:

- a) The agenda, as presented to the meeting at C-541-1, Appendix A, be approved as presented; and**
- b) The Chair be authorized to suspend the regular order of business.**

CARRIED

**12327
CONFLICTS OF INTEREST**

There were no conflicts of interest declared.

**12328
SPECIAL RULES OF ORDER**

Special Rules are rules that are adopted to modify or supplement an organization's adopted parliamentary authority. Pursuant to By-Law No. 1, the adopted parliamentary authority for the Association of Professional Engineers of Ontario is Nathan & Goldfarb's Company Meetings, 12th Edition. Section 25(3) of By-Law No. 1 requires that, at the first meeting of Council following the Annual General Meeting, all Special Rules which were in force immediately before the close of business at the Annual General Meeting are to be presented to Council for adoption and/or amendment, if it so wishes. Council is therefore asked to approve amended Special Rules for the next Council year at this time. In particular, the proposed amended Special Rules detail the process for making appointments, including to the new governance committees.

Moved by Councillor Chiddle, seconded by Councillor Chan:

That the proposed Special Rules of Order, as presented to the meeting at C-541-4, Appendix A, be approved effective immediately and remain in effect until the close of business at the 2022 Annual General Meeting.

Moved by Councillor Quinn, seconded by Councillor Broad:

That Section 3 of the Special Rules state that “Speakers may yield their two minutes to another speaker to allow that speaker a maximum of six (6) minutes.”

Following discussion Councillor Chiddle called for a vote. There were no objections.

DEFEATED

Councillor Quinn brought this motion forward noting that under the present rules it would be possible to have six LGA’s on one committee which would be inappropriate.

Moved by Councillor Quinn, seconded by Councillor Broad:

Motion to add to Section 6.2 “There shall be at least one and no more than two LGA’s on each of the four Governance committees.”

CARRIED

Councillor Quinn noted that the committees should select their own Chairs, not Council. It was noted that such an amendment would cause Council to be in conflict with the governance committee mandates approved at the April 30, 2021 Council meeting wherein these mandates state that the chairs of all four governance committees will be selected by Council.

L. Lukinuk, Parliamentarian noted that Special Rules are in place to override Council’s parliamentary authority which is currently Nathan and Goldfarb’s and any other procedures in place but it is not to override decisions made by Council.

Moved by Councillor Quinn, seconded by Councillor Broad:

Motion to amend Section 6.6 by striking “Council will choose a chair for each committee using the election process set out above for the Council Meeting Chair, Vice-President and other Council appointments, with necessary modifications” and add “to confirm the committee’s confidence in its Chair, the committees will elect

their Chair in a fashion that determines a majority in favour.”

DEFEATED

Councillor Quinn questioned the role of the parliamentarian in that she seemed to have free reign and that this was a conflict of interest. Councillor Broad referred to Nathan and Goldfarb's Chapter II, Article 27 Observers, advisors and other participants whereas it states "*observers and advisors do not have discretion or control of management, which remains with the directors.*" The Chair overruled this advising that the parliamentarian has been part of Council for the past two years providing assistance in functioning in accordance to the rules and did not see any point of order that having the parliamentarian was affecting the running of Council meetings and that the meeting would continue. Councillor Cushman challenged the Chair's decision that the parliamentarian has a role in Council meetings as advisor to the Chair. This was followed by a vote with 7 in favour of the challenge and 16 against.

Moved by Councillor Notash, seconded by Councillor Schelske:

Motion to amend Section 6.4 to read "If the number of members asking to serve on a Committee exceeds its target membership, and no Councillor wishes to change their preference, the number of members on the committee shall be reduced by the Chair. . ."

CARRIED

A request was made to re-consider the motion to limit the number of LGA's on the Governance Committees since this creates two classes of Council members and that capping the number of LGA's on committees restricts how LGA's function on those committees whereas these restrictions are not imposed on non-LGA's. The concern was that this could create a precedence toward a two-tiered Council.

Moved by Councillor Cutler, seconded by Councillor Brunet:

Motion to rescind the above addition to Section 6.2 "There shall be at least one and no more than two LGA's on each of the four Governance committees." and refer the matter to the Governance and Nominating Committee.

2/3 majority of votes cast required to carry

CARRIED

Councillor Notash requested an amendment to the Special Rules that the Chair does not vote in order to maintain impartiality of the Chair. When consulted by the Chair, the parliamentarian indicated that in most organizations the Chair should not cast a vote unless

their vote will make a difference; that is to create a tie, to have a motion lose or to break a tie.

Moved by Councillor Notash, seconded by Councillor Cushman:

Motion to amend the Special Rules so that the Chair does not vote on Council motions, and maintains their impartiality, unless to break a tie.

DEFEATED

Moved by Councillor Cushman, seconded by Councillor Notash:

Motion to amend the Special Rules so that the Chair does not vote on Council motions, and maintains their impartiality, unless to make a difference.

DEFEATED

Council then voted on the original motion as amended:

That the proposed Special Rules of Order, as presented to the meeting at C-541-4, Appendix A, and amended by revising Section 6.4 to read "If the number of members asking to serve on a Committee exceeds its target membership, and no Councillor wishes to change their preference, the number of members on the committee shall be reduced by the Chair. . .", be approved effective immediately and remain in effect until the close of business at the 2022 Annual General Meeting.

2/3 majority of votes cast required to carry

CARRIED

**12329
APPOINTMENT OF COUNCIL MEETING
CHAIR**

Past President Sterling advised that three names were submitted. President-elect Colucci and Councillor Cushman withdrew their name. President Bellini indicated his willingness to serve as Council Meeting Chair. Past President Sterling then asked for further nominations. None being received, she declared nominations closed.

Moved by Councillor Subramanian, seconded by Councillor Spink:

That Council approve the acclaimed appointment of President C. Bellini, P.Eng., as Council Meeting Chair for the 2020-2021 Council year or until his successor is appointed.

CARRIED

Past President Sterling turned the gavel over to President Bellini, the newly elected Council Meeting Chair.

President Bellini thanked Council for their vote of confidence.

12330
APPOINTMENT OF REGIONAL
COUNCILLORS COMMITTEE CHAIR

The Regional Councillors Committee (RCC) has been designated as a board committee. The Terms of Reference for the RCC prescribe that the Committee be composed of the ten elected members from each of the five regions. Because of the composition, its membership and operations are aligned to the Council year. The Terms of Reference also require that the chair is to be elected by and from among members of the RCC for a one-year term. The Committees and Task Forces Policy requires that chairs of committees be ratified by Council.

The RCC historically has met immediately following the Annual General Meeting for the purpose of appointing a Chair for the ensuing Council year. The appointment is ratified by Council at the first meeting following the Annual General Meeting prior to the appointment of the appointed Vice President and election of Councillors to the Executive Committee. Council was therefore asked to confirm the appointment of the Chair of the Regional Councillors Committee.

Councillor Roberge advised that following a vote by the Regional Councillors Committee the outcome of the vote was Lisa MacCumber as Chair and Luc Roberge as Vice-Chair. It was noted that while it has traditionally been the practice to only confirm the appointment of the RCC Chair, confirming the appointment of the Vice-Chair was not outside the scope of Council.

Moved by Councillor Roberge, seconded by Councillor Walker:

That Lisa MacCumber, P.Eng., be appointed as Chair and Luc Roberge, P.Eng., be appointed as Vice-Chair of the Regional Councillors Committee, effective immediately and to hold office until the close of business at the 2022 Annual General meeting.

CARRIED

12330
APPOINTMENT OF VICE PRESIDENT

Clause 3(1)2 of Regulation 941 under the *Professional Engineers Act* requires that Council appoint a Vice President from among the Councillors who are members of the Association - that is either elected by the members under s.3(2)(a) of the Act or appointed by the Lieutenant Governor in Council under section 3(2)(b) of the Act. Those wishing to put their name forward for the position of Vice President-appointed submitted their names before the meeting. In addition, at the meeting, the Chair asked for additional nominations. Non-member lieutenant governor-in-council appointees are ineligible to serve as vice president under this regulation.

President Bellini asked if those who had submitted their name if they still wished to serve as Vice President (appointed). Councillors Arenja, Brunet and Quinn withdrew their names. President Bellini then asked for further nominations. None being received, he declared nominations closed. Upon receiving confirmation that the remaining candidates wished to serve as Vice-President appointed, Councillors Chan, Chiddle, Cushman and Cutler were asked to address the meeting.

An electronic vote was then conducted to select the Vice President (appointed).

Moved by Councillor Notash, seconded by Councillor Subramanian:

That Chantal Chiddle, P.Eng., be appointed as Vice President for the 2021-2022 Council year.

**CARRIED
1 abstained**

**12331
APPOINTMENT OF COUNCILLORS TO
GOVERNANCE COMMITTEES FOR 2021-
22**

At its meeting on April 30, 2021, Council formally approved the establishment and initial mandates of four (4) new governance committees as specified above. Each Councillor is expected to serve on one such committee, optimally for the duration of their term on Council. The mandates for the four committees were appended to the briefing note for this item.

Councillors were invited to specify their first and second preferences for serving on governance committees. Since there was more interest expressed in some committees than others, Councillors volunteered to adjust their preferences in order to adequately populate the four governance committees.

Moved by Councillor Chahine, seconded by Councillor Chiddle:

- 1. That the Audit and Finance Committee be composed of Council members Rob Brunet, P.Eng., Lorne Cutler, P.Eng., Marilyn Spink, P.Eng., Sherlock Sung, and Randy Walker, P.Eng., appointed for the 2021-2022 Council year.**
- 2. That the Governance and Nominating Committee be composed of Council members, Arjan Arenja, P.Eng., Christian Bellini, P.Eng., Peter Cushman, P.Eng., Ramesh Subramanian, P.Eng., Luc Roberge, P.Eng., Lorne Cutler, P.Eng., Michael Chan, P.Eng., and Susan MacFarlane, P.Eng., appointed for the 2021-2022 Council year.**
- 3. That the Human Resources and Compensation Committee be composed of Council members, Andy Dryland, C.E.T., Pat**

Quinn, P.Eng., Luc Roberge, P.Eng., Scott Schelske, P.Eng., Nick Colucci, P.Eng., and Susan MacFarlane, P.Eng., appointed for the 2021-2022 Council year.

- 4. That the Regulatory Policy and Legislation Committee be composed of Council members Peter Broad, P.Eng., Todd Bruyere, P.Eng., Christopher Chahine, P.Eng., Chantal Chiddle, P.Eng., Jim Chisholm, P.Eng., Lisa MacCumber, P.Eng., Leila Notash, P.Eng., and Marisa Sterling P.Eng., appointed for the 2021-2022 Council year.**

CARRIED

**12332
APPOINTMENT OF GOVERNANCE
COMMITTEE CHAIRS**

At its meeting on April 30, 2021, Council formally approved the establishment and initial mandates of four (4) new governance committees as specified above. As set out in each committee's mandate, and as specified in the governance directions approved by Council in March 2020, Council appoints the Chairs for each of the four governance committees.

Those wishing to put their name forward for the Committee Chair positions for the 2021-22 term submitted their names before the meeting.

Prior to the meeting, President Bellini and Councillors Arenja and Cushman submitted their name for consideration as Chair of the Governance and Nominating Committee (GNC). President Bellini withdrew his name. There were no nominations from the floor. The remaining candidates, Councillors Arenja and Cushman, then addressed the meeting.

Prior to the meeting, Councillors Quinn and Roberge submitted their name for consideration as Chair of the Human Resources Compensation Committee (HRCC). Councillor Roberge withdrew his name. President Bellini then asked for further nominations. None being received, he declared nominations closed. Since Councillor Quinn was the only candidate, the position of HRCC Chair was acclaimed.

Prior to the meeting, Councillors Cutler, Spink and Walker submitted their name for consideration as Chair of the Finance and Audit Committee (FAC). There were no nominations from the floor. Councillors Cutler, Spink and Walker then addressed the meeting.

Prior to the meeting, Councillors Broad, MacCumber and Notash and Past President Sterling submitted their name for consideration as Chair of the Regulatory Policy and Legislation Committee (RPLC). Past President Sterling withdrew her name. There were no nominations from the floor. Councillors Broad, MacCumber and

Notash then addressed the meeting.

Electronic votes were conducted to select the Committee Chairs for the Audit and Finance Committee, the Governance and Nominating Committee, Human Resources Compensation Committee and the Regulatory Policy and Legislation Committee.

Moved by Councillor Arenja, seconded by Councillor Chahine:

1. That Lorne Cutler, P.Eng., be appointed the Audit and Finance Committee Chair for the 2021-2022 Council year or until his successor is appointed.

2. That Arjan Arenja, P.Eng., be appointed the Governance and Nominating Committee Chair for the 2021-2022 Council year or until his successor is appointed.

3. That Pat Quinn, P.Eng., be appointed the Human Resources and Compensation Committee Chair for the 2021-2022 Council year or until his successor is appointed.

4. That Lisa MacCumber, P.Eng., be appointed the Regulatory Policy and Legislation Committee Chair for the 2021-2022 Council year or until her successor is appointed.

CARRIED

**12333
APPOINTMENT OF COUNCILLORS TO
EXECUTIVE COMMITTEE**

Annually, Council appoints the requisite number of Councillors to board committees and representatives to the OSPE-PEO joint relations committee.

Appointments are to be made in accordance with the process approved by Council at its September 2016 meeting for Board Committee appointments and the Special Rules. The human resources committee met and made its recommendations, which were provided to Council. In determining its recommendations, the human resources committee reviewed the submitted board committee preferences of Councillors, their respective backgrounds, the need to balance committee continuity with succession planning, Councillor workloads, Councillor involvement with other committees and external appointments, as well as committee terms of reference.

President Bellini stated that ideally all of PEO's governance type work would be handled by one of the four governance committees which means leaving the Executive Committee without a specific role; however, since the Executive Committee is in the statute it needs to be populated.

Moved by Past President Sterling, seconded by Councillor Broad:

That the number of Executive positions to be appointed from amongst the members of Council under s.28(1)(e) of Regulation 941 be fixed at two (2).

CARRIED

Councillors Arenja, Brunet, Bruyere and Cutler withdrew their name. Councillors Quinn and Schelske indicated their willingness to serve on the Executive Committee. There being no nominations for the floor President Bellini declared nominations closed.

Moved by Councillor Chiddle, seconded by Councillor Roberge:

That Scott Schelske, P.Eng. (LGA), and Pat Quinn, P.Eng., be appointed as members of the Executive Committee for the 2021-2022 Council year, in accordance with ss.28(1)(e) and 28(1.1) of Regulation 941.

**CARRIED
1 opposed**

**12334
APPOINTMENTS TO JOINT RELATIONS
COMMITTEE (JRC)**

The express purpose of the OSPE-PEO Joint Relations Committee (JRC) is to:

- a) Build relationships between the leaders of the two organizations to strengthen regulation, service and advocacy for the profession;
- b) Facilitate the exchange of information between the two organizations;
- c) Identify issues and facilitate cooperation between the two organizations in areas of mutual interest/concern; and
- d) Provide a forum for the discussion and informal resolution of potential areas of opportunity or conflict between the two organizations.

Further, the Guiding Principles for the relationship between PEO and OSPE are to:

- i. support each other in the interest of advancing the engineering profession; and
- ii. find synergies to avoid competing with one another

Councillor Spink declared a perceived conflict of interest since her husband is employed by OSPE.

Councillors Arenja and Roberge indicated their willingness to serve on the OSPE-PEO Joint Relations Committee.

Moved by Councillor Chiddle, seconded by Councillor MacCumber:

That Arjan Arenja, P.Eng., and Luc Roberge, P.Eng., be appointed to the OSPE-PEO Joint Relations Committee for the 2021-2022 Council year.

CARRIED

**12335
CHANGES TO THE 2021 COMMITTEES
AND TASK FORCES MEMBERSHIP
ROSTER**

Moved by Councillor Chan, seconded by Councillor Subramanian:

That Council approve changes to the 2021 PEO Committees and Task Forces Membership Roster to the meeting at C-541-12, Appendix A.

Moved by Councillor Chiddle, seconded by Councillor Roberge:

That the Roster be amended to remove approval of Jordan Max as staff advisor to the Licensing Committee.

CARRIED

Council then voted on the original motion as amended:

That Council approve changes to the 2021 PEO Committees and Task Forces Membership Roster as presented to the meeting, and amended, at C-541-12, Appendix A.

CARRIED

**12336
COUNCIL SCHEDULE AND GOVERNANCE
ROADMAP**

President Bellini discussed the 2021/22 Council meeting schedule advising that in addition to the May 20th Kick Off meeting, there would be four formal business meetings of Council as well as a Close Off meeting. There will also be three plenaries, one in August, October and January. These plenaries will be scheduled approximately one month before the Council meeting so that discussions can be processed and put into a format that is suitable for Council. Although only Councillors will participate, these plenary sessions will be open to anyone wishing to join as an observer.

**12337
COUNCIL WORKSHOP**

President Bellini discussed the May 26th social event as well as the three workshops scheduled May 31, June 2 and June 9.

Moved by Councillor Roberge, seconded by Councillor Subramanian:

That Council move in-camera.

CARRIED

There being no further business, the meeting concluded.

These minutes consist of twelve pages and minutes 12326 to 12337 inclusive.

C. Bellini, P.Eng., Chair

R. Martin, Manager, Secretariat

DRAFT

Briefing Note – Decision

APPOINTMENT OF MEMBER TO HUMAN RESOURCES AND COMPENSATION COMMITTEE

Purpose: To appoint an additional member of Council's Human Resources and Compensation Committee (HRCC).

Motions to consider: (requires a simple majority of votes cast to carry)

1. That Past-president Marisa Sterling, P.Eng., be appointed to serve as a member of the Human Resources and Compensation Committee until the 2022 Annual General Meeting.

Prepared by: Dan Abrahams, LL.B., Senior Legal Counsel

Moved by: Arjan Arenja, P.Eng., Chair, Governance and Nominating Committee

1. Need for PEO Action

At its meeting on May 20, 2021, Council appointed members to its four new governance committees. PEO's immediate Past-president was appointed to the Regulatory Policy and Legislation Committee, which was her preference. She was not, however, appointed to the Human Resources and Compensation Committee. This was not consistent with the approach signalled to Council in the April 2021 briefing note, in support of the motion which formally established the new committees. As was stated in the briefing note:

The President, President-elect are ex-officio and the Past-president will also serve on the Human Resources and Compensation Committee as a continuation of the structure of the HRC that this committee will be replacing. Those individuals have direct experience working with Council's one employee, the CEO/Registrar. ... (emphasis added)

Since the Past-president is not ex-officio pursuant to By-Law No. 1, it is necessary to appoint her to the HRCC (in addition to the RPLC) in order to conform to the spirit and intent of the April 2021 briefing note and Council decision.

The governance directions do not prohibit Council from appointing a member of Council to more than one governance committee, if circumstances require this.

Briefing Note – Decision

CONSULTING ENGINEER DESIGNATION APPLICATIONS

Purpose: Pursuant to subsection 61(2) of Regulation 941 under the *Professional Engineers Act*, the Consulting Engineer Designation Committee (CEDC) may make recommendations to Council in respect of all matters relating to application for designation as a consulting engineer. The CEDC makes the following recommendations.

Motion for Council to consider: (requires a simple majority of votes cast to carry)

- 1. That Council approve the exemption from examinations and the applications for designation as Consulting Engineer as set out in, C-542-3.3, Appendix A, Section 1.**
- 2. That Council approve the applications for redesignation as Consulting Engineer as set out in C-542-3.3, Appendix A, Section 2.**
- 3. That Council grant permission to use the title “Consulting Engineers” (or variations thereof) to the firms as set out in C-542-3.3, Appendix A, Section 3.**

Prepared by: Cliff Knox, P.Eng, Division Manager, Licensing & Registration; and Imelda Suarez, Staff Support

Moved by: Nick Colucci, P.Eng.

1. Need for PEO Action

Pursuant to subsection 61(2) of Regulation 941, the Consulting Engineers Designation Committee may make recommendations to Council on all matters related to the designation, as described in the Regulation. Decisions are made by Council itself.

Council is asked to accept the recommendations of the Consulting Engineer Designation Committee (CEDC) as set out above.

Examinations

With respect to initial applications for designation, clause 56(1)(d) of the Regulation refers to a requirement for applicants to pass examinations prescribed by Council or to have been exempted from such exams. There are currently no examinations set for this purpose. The request to exempt from examinations is hence a formality required by the wording of the Regulation.

The Regulation does not reference any examination requirement for redesignation as a consulting engineer.

Designation Requirements

Subsection 56(1) of the Regulation sets out the criteria for an applicant’s initial designation as a consulting engineer. Failure to meet one or more of these criteria are grounds for denying the application.

The designation or redesignation expires five years from the date it is issued and the criteria for redesignation are set out in subsection 57(2) of the Regulation. Failure to

meet one or more of the criteria are grounds for denying the application for redesignation.

Permission to Use the Title

Section 68 of the Regulation sets out the conditions for granting permission for a holder of a certificate of authorization to use the title “consulting engineer” or an approved variation in its business style. Failure to meet the conditions is a basis for denying a request for permission to use the title in connection with the applicant’s Certificate of Authorization.

2. Next Steps (if motion approved)

The applicants will be informed by the CEO/Registrar of Council's decision, in accordance with section 58 of the Regulation.

Where an applicant has been denied the designation or redesignation, the reasons for denying the application shall be provided in the notification.

Pursuant to subsection 64(1) of the Regulation, a refused applicant has thirty days from the date they receive the notice of refusal to request reconsideration of the decision and to provide additional information to support the request. The process for reconsideration is set out in sections 64 and 65 of the Regulation.

Pursuant to section 66 of the Regulation, a refused applicant may not re-apply for at least twelve months following either receipt of the notice of refusal or notice of refusal upon reconsideration of the application.

3. Peer Review & Process Followed

Process Followed	All applications were reviewed by PEO staff, the Regional Subcommittees of CEDC and later approved by CEDC on May 20, 2021.
Council Identified Review	Not applicable. Required by Regulation.
Actual Motion Review	As stated under above process.

4. Appendices

- Appendix A – Report of the Consulting Engineer Designation Committee, Part 1
- Appendix B – Legal Implications

**C-542-3.3
Appendix A**

To the 542nd Meeting of the Council of
Professional Engineers Ontario

REPORT OF THE CONSULTING ENGINEER DESIGNATION COMMITTEE, PART 1

Chair: Steve van der Woerd, P.Eng.

- 1. The Committee has reviewed the following applications for DESIGNATION and recommends to Council that these 8 applicants be exempted from examinations pursuant to Section 56(2) of O.Reg.941 and that they be considered for DESIGNATION AS CONSULTING ENGINEER, having met the requirements pursuant to Section 56(1) of O.Reg.941:**

#	P.Eng.	Company Name	Address	Licence #
1.1	Appuhamy, Ganihi (Ernest)	exp Services Inc.	1266 South Service Rd, Unit C1-1, Stoney Creek ON, L8E 5R9	100058639
1.2	Ghazizahedi, Abdoreza	Alma Engineering Inc.	550 Highway 7 East, Richmond Hill ON, L4B 3Z4	100119304
1.3	Marchese, Tommaso	True Milestones Inc.	39 Brownsville Crt, Schomberg ON, L0G 1T0	90480625
1.4	Omri, Karim	Komri Engineering	201-1414 Lasalle Blvd, Sudbury ON, P3A 1Z6	100186454
1.5	Rankin, Thomas	Rankin Construction Inc.	20 Corporate Park Dr, Unit 100-101, St Catharines ON, L2S 3W2	38120010
1.6	Raponi, Tommaso (Rob)	TR Raponi Consulting Ltd.	15-223 Rebecca St, Oakville ON, L6K 3Y2	90225970
1.7	Sinclair, David	The HIDI Group Inc.	200-155 Gordon Baker Rd, North York ON, M2H 3N5	100144883
1.8	Winn, Peter	Tetra Tech Canada Inc.	6835 Century Ave, Mississauga ON, L5N 2L2	90456419

- 2. The Committee has reviewed the following applications for REDESIGNATION and recommends to Council that these 49 applicants be granted REDESIGNATION AS CONSULTING ENGINEER, having met the requirements pursuant to Section 57(2) of O.Reg.941:**

#	P.Eng.	Company Name	Address	Licence #
2.1	Aleo, Vincent	Aleo Associates Inc.	325 Devonshire Rd, Windsor ON, N8Y 2L3	517508
2.2	Bann, Francis	Goodkey, Weedmark & Associates Limited	1688 Woodward Dr, Ottawa ON, K2C 3R8	90395575
2.3	Banoub, Adly	Epcat Engineering Inc.	5132 Rothesay Crt, Mississauga ON, L5M 4Y3	2266302
2.4	Barillaro, Filippo	Oakhill Environmental Inc.	16 Walnut St, St Catharines ON, L2T 1H3	90462870
2.5	Bonavota, Domenico	Mulvey & Banani Ltd.	500-90 Sheppard Ave. E, Toronto ON, M2N 3A1	90560004
2.6	Chung, Norman	Poulos & Chung Ltd.	535 Bur Oak Ave, Markham ON, L6C 2S5	90289158
2.7	Cooke, John	John G. Cooke & Associates Ltd.	523 Sandgate Ridge, Nepean ON, K2J 0L8	9231507
2.8	Cullen, Sandra	Stephenson Engineering Ltd.	602-2550 Victoria Park Ave, North York ON, M2J 5A9	10096014
2.9	Cunliffe, Richard	Cunliffe & Associates Inc.	200-1550 Carling Ave, Ottawa ON, K1Z 8S8	90230178
2.10	Day, William	Daycore Engineering Inc.	17 Maple Cres., Oro- Medonte, L0L 1T0	10870012
2.11	Fahmi, Adel	Electrical Engineering Group	179 Dianawood Rdg, Woodbridge ON, L4L 6X2	100058112
2.12	Feng, Hui (Bill)	Sola Engineering Inc.	25-390 Edgeley Blvd, Vaughan ON, L4K 3Z6	100050651
2.13	Frankovich, Steven	S. Llewellyn & Associates Limited	3228 South Service Rd, Burlington ON, L7N 3G8	90405374
2.14	Gama, Nuno Da	C.F. Crozier & Associates	100-2800 High Point Dr, Milton ON, L9T 6P4	100022664
2.15	Ganabi, Haqi	Canadian Engineering Group	802-1240 Bay St, Toronto ON, M5R 3N7	90554429
2.16	Graf, John	J.L. Richards & Associates Limited	864 Lady Ellen Pl, Ottawa ON, K1Z 5M2	16813305
2.17	Habash, Mazen	Origin and Cause Inc.	8-120 Watline Ave, Mississauga ON, L4Z 2C1	17703109
2.18	Johansen, Tonny	Candevcon Limited	9358 Goreway Dr, Brampton ON, L6P 0M7	22140016
2.19	Kondratas, Harry	Kondratas Kisil Consulting Inc.	1608-45 Wynford Heights Cres, Toronto ON, M3C 1L3	24393506
2.20	Kula, Peter	Konsolidated Structural	815 Forks of the Credit Rd, Belfountain ON, L7K 0E7	100025781

2.21	Lacey, Clive	Crossey Engineering Ltd.	2255 Sheppard Ave E, Suite E331, Toronto ON, M2J 4Y1	25172503
2.22	Laplane, Roy	RDL Engineering Services Ltd.	20 Parkdale Dr, Sault Ste Marie ON, P6A 4C8	25617309
2.23	Liscio, Rocco	Davroc & Associates Ltd.	21-2051 Williams Pkwy, Brampton ON, L6S 5T4	27032408
2.24	Louras, George	Ausenco Engineering Canada Inc.	1016B Sutton Dr, Burlington ON, L7L 6B8	27450303
2.25	Marshall, Jeffrey	J. Marshall Engineering	2067 Millwood Rd, Severn ON, L3V 0V6	29240702
2.26	Marshall, Vanessa	Pinchin Ltd.	1-225 Labrador Dr, Waterloo ON, N2K 4M8	100079066
2.27	Mazzone, Rocco	RocMar Engineering Inc.	22-5155 Spectrum Way, Mississauga ON, L4W 5A1	100129792
2.28	McCullough, Ian	ICM Engineering Ltd.	40 Alcorn Dr, Lindsay ON, K9V 0M7	90270182
2.29	Moore, Bernard	Candec Engineering Consultants Inc.	11-25 West Beaver Creek Rd, Richmond Hill ON, L4B 1K2	32433203
2.30	Mullan, Joseph	Ainley & Associates Limited	280 Pretty River Pky, Collingwood ON, L9Y 4J5	90351024
2.31	Nasiruddin, Mohammed	Nasiruddin Engineering Ltd.	6033 Shawson Dr, Mississauga ON, L5T 1H8	33572017
2.32	Nuessler, Guenter	Progressive Engineering Services Ltd.	2043 Hidden Valley Cres, Kitchener ON, N2C 2R2	34389015
2.33	O'Dwyer, Thomas	Soil & Materials Engineering Inc.	2000 Legacy Park Dr, Windsor ON, N8W 5S6	34563502
2.34	Poisson, Robert	R.E. Poisson Engineering Inc.	200-55 Cork St E, Guelph ON, N1H 2W7	90277542
2.35	Pollock, Stephen	F.H. Theakson Environmental Control Inc.	596 Glengarry Cr, Fergus ON, N1M 3E2	37044500
2.36	Poon, Edward	HKA	202-1599 Hurontario St, Mississauga ON, L5G 4S1	100090662
2.37	Popa, Laurentiu	Optimex Engineering Ltd.	4-45 Lancing Dr, Hamilton ON, L8W 2Z9	37104015
2.38	Rappolt, Robert	Maple Rock Consulting Inc.	1024 Village Rd, Cambridge ON, N1R 5S7	90251653
2.39	Ravens, Alena	Ravens Engineering Inc.	201-1061 Eglinton Avenue W, Toronto ON, M6C 2C9	38240503
2.40	Ringis, Walter	JT Donald Consultants Ltd	10-340 Don Park Rd, Markham ON, L3R 1C5	39000013
2.41	Sabatini, Antonio	Ferro Anchors Ltd	1435 Sprucewood Terr, Oakville ON, L6M 2P9	90445008
2.42	Schaefer, Stephen	SCS Consulting Group	100-30 Centurian Dr, Markham ON, L3R 8B8	90256611
2.43	Skribbe, Leanne	Durham Energy Specialist Ltd.	106-209 Dundas St E, Whitby ON, L1N 7H8	100019800
2.44	Tersigni, Loreto	Candevcon Ltd.	9358 Goreway Dr, Brampton ON, L6P 0M7	90214081

2.45	Vallee, John	G. Douglas Vallee Ltd.	2 Talbot St N, Simcoe ON, N3Y 3W4	90229709
2.46	VanGroll, Raymond	Atkins + Van Groll Inc.	101-130 Bridgeland Ave, North York ON, M6A 1Z4	47734207
2.47	VonEppinghoven, Armin	Quasar Consulting Group	250 Rowntree Dairy Rd, Woodbridge ON, L4L 9J7	48300305
2.48	Wedding, Rene	REW Associates	1235 Ioco Rd, Port Moody BC, V3H 2W9	49289010
2.49	Zapata, Juan	Ingesuelos Group Inc.	1486 Derby County Cres, Oakville ON, L6M 4N9	100056739

3. The Committee recommends to Council that the following **8 FIRMS** be granted **PERMISSION TO USE THE TITLE “CONSULTING ENGINEERS”** (or variations thereof), having met the requirements pursuant to Section 68 of O.Reg.941:

#	Company Name	Address	Designated Consulting Engineer(s)
3.1	2201256 Ontario Limited (o/a) Spline Group	15-7015 Tranmere Dr, Mississauga ON, L5S 1T7	Abhijit Bhogal, P.Eng.
3.2	Forward Engineering & Associates Inc.	15-244 Brockport Dr, Toronto ON, M9W 6X9	George Semaan, P.Eng.
3.3	GRIT Engineering Inc.	3425 Road 108A	Montana Wilson, P.Eng.
3.4	HLV2K Engineering Limited	4-2179 Dunwin Dr, Mississauga ON, L5L 1X2	Irfan Khokhar, P.Eng.
3.5	IN Engineering Ltd.	205-51 King Street E, Brockville ON, K6V 1A8	Andrew Melchers, P.Eng.
3.6	Planview Utility Services Limited	201-7270 Woodbine Ave, Markham ON, L3R 4B9	Robert (Scott) Staffen, P.Eng.
3.7	The Consulting Engineers Group, Inc.	16302 Pleasantville Rd, Suite 100, San Antonio TX, 78233	Meiling Chen, P.Eng.
3.8	Vanderwesten & Rutherford Associates Inc.	PO Box 1149, Lambeth Station, London ON, N6P 1R2	Evan Chase, P.Eng., Vasile Tudor, P.Eng., Isabelle Fernandez, P.Eng., and Sharon Barr, P.Eng.

**C-542-3.3
Appendix B**

CONSULTING ENGINEER DESIGNATION APPLICATIONS

Legal Implications/Authority

1. Pursuant to Section 56(2), Council has the authority to exempt an applicant from any of the examinations required by section 56(1) to be taken by an applicant for a Consulting Engineer Designation if Council is satisfied that the applicant has appropriate qualifications.

Pursuant to Section 56(1) Council **shall** designate as a Consulting Engineer every applicant for the Designation who meets the requirements set out in Section 56(1)(a-d). As a result, there does not appear to be any discretion for Council to refuse applicants who meet the requirements.

2. Pursuant to Section 57(2) Council **shall** redesignate as a consulting engineer every applicant who meets the requirements of section 57(2) (a-c). As a result, there does not appear to be any discretion for Council to refuse applicants who meet the requirements.

Briefing Note – Decision

RECONSIDERATION OF CONSULTING ENGINEER REDESIGNATION APPLICATION

Purpose: Pursuant to subsection 61(2) of Regulation 941 under the *Professional Engineers Act*, the Consulting Engineer Designation Committee (CEDC) may make recommendations to Council in respect of all matters relating to applications for designation as a consulting engineer. The CEDC makes the following recommendation:

Motion(s) for Council to consider: (requires a simple majority of votes cast to carry)

That Council confirm its refusal to grant the redesignation as a Consulting Engineer to the applicant as set out in C-542-3.4, Appendix A.

Prepared by: Cliff Knox, P.Eng, Division Manager, Licensing & Registration; and Imelda Suarez, Staff Support

Moved by: Nick Colucci, P.Eng.

1. Need for PEO Action

Pursuant to subsection 61(2) of Regulation 941, the Consulting Engineers Designation Committee may make recommendations to Council on all matters related to the designation, as described in the Regulation. Decisions are made by Council itself.

Council is asked to accept the recommendation of the Consulting Engineer Designation Committee (CEDC) as set out above.

Redesignation Requirements

Subsection 57(2) of the Regulation sets out the criteria for an applicant's redesignation as a consulting engineer. Failure to meet one or more of these criteria are grounds for denying the application for redesignation.

Reconsideration of Notice of Refusal

Subsection 64(1) of the Regulation permits the applicant to request reconsideration of a refusal to grant his/her redesignation as a consulting engineer. The associated process for reconsideration is set out in subsections 64(2) and 64(3) of the Regulation.

2. Next Steps (if motion approved)

The applicant will be informed by the CEO/Registrar of Council's decision with respect to reconsideration, in accordance with section 65 of the Regulation.

Where the refusal to grant redesignation as a consulting engineer is confirmed, the reasons for confirming the refusal shall be provided in the notification.

Pursuant to section 66 of the Regulation, a refused applicant may not re-apply for at least twelve months following either receipt of the notice of refusal or notice of refusal upon reconsideration of the application.

3. Peer Review & Process Followed

Process Followed	The request for reconsideration was reviewed by PEO staff and the Toronto Subcommittee of CEDC, and later approved by CEDC on May 20, 2021.
Council Identified Review	Not applicable. Required by Regulation.
Actual Motion Review	As stated under above process.

4. Appendices

- Appendix A – Report of the Consulting Engineer Designation Committee, Part 2
- Appendix B – Legal Implications

To the 542nd Meeting of the Council of
Professional Engineers Ontario

REPORT OF THE CONSULTING ENGINEER DESIGNATION COMMITTEE, PART 2

Chair: Steve van der Woerd, P.Eng.

1. The Committee has reviewed the request for reconsideration of the refusal for redesignation as a consulting engineer and recommends to Council that the prior refusal be **CONFIRMED** and to issue the required notice pursuant to subsection 65(b) of O.Reg. 941.

The applicant is identified as:

#	P.Eng.	Company Name	Address	Licence #
1.1	John Conforzi	JP Conforzi & Associates Ltd.	238 Gerrard St E, Toronto ON, M5A 2E8	9079013

The applicant's initial Consulting Engineer registration pre-dates the 1990 Revised Regulation 941, and he maintained his designation continuously from that time. His last redesignation was approved in 2016, with an expiry date of March 31, 2021.

The applicant reported an insufficient number of projects for the latest redesignation period to satisfy the criteria set out in subsection 57(2) of the Regulation.

Council passed a motion on March 26, 2021 to decline the applicant's application for redesignation as a Consulting Engineer, and the Registrar issued a Notice of Refusal to grant the applicant's redesignation on April 8, 2021.

A written request to reconsider the refusal of the application was submitted on behalf of the applicant on May 3, 2021, along with additional information to be taken into account. The committee carefully reviewed the additional information submitted on behalf of the applicant. In the view of the committee it did not meet the minimum requirements as set out in the regulation to qualify for redesignation.

The designation is intended for professional engineers who are engaged in full-time practice. The applicant has indicated that he wishes to maintain the designation, despite not being actively engaged in full-time practice. The Regulation does not currently envision a Retired status for designated Consulting Engineers.

C-542-3.4
Appendix B

CONSULTING ENGINEER DESIGNATION APPLICATIONS

Legal Implications/Authority

1. Pursuant to Section 56(2), Council has the authority to exempt an applicant from any of the examinations required by section 56(1) to be taken by an applicant for a Consulting Engineer Designation if Council is satisfied that the applicant has appropriate qualifications.

Pursuant to Section 56(1) Council **shall** designate as a Consulting Engineer every applicant for the Designation who meets the requirements set out in Section 56(1)(a-d). As a result, there does not appear to be any discretion for Council to refuse applicants who meet the requirements.

2. Pursuant to Section 57(2) Council **shall** redesignate as a consulting engineer every applicant who meets the requirements of section 57(2) (a-c). As a result, there does not appear to be any discretion for Council to refuse applicants who meet the requirements.

Briefing Note – Decision

C-542-3.5
CHANGES TO THE 2021 COMMITTEES AND TASK FORCES MEMBERSHIP ROSTER

Purpose: To approve the in-year changes to the *2021 PEO Committees and Task Forces Membership Roster*.

Motion(s) to consider: (requires a simple majority of votes cast to carry)

That Council approve changes to the *2021 PEO Committees and Task Forces Membership Roster* as presented to the meeting at C-542-3.5, Appendix A.

Prepared by: Viktoria Aleksandrova – Committee Coordinator

Moved by: Councillor Chan, P.Eng.

1. Need for PEO Action

It is the role of Council to approve annual rosters of committee members under the *Committees and Task Forces Policy* (Role of Council, Item 4) and authorize the membership of those volunteers who formally participate on its behalf through membership on committees and task forces. Furthermore, Council is asked to approve volunteer members of committees and task forces in accordance with PEO's insurance policy requirements.

Under Section 7.4 of the *Policy*, it is the role of the CEO/Registrar to approve the recommended in-year additions/deletions to the committee/task force membership.

The *2021 PEO Committees and Task Forces Membership Roster* was approved by Council on November 20, 2020. *Appendix A* sets out the in-year changes to the roster approved by the CEO/Registrar, subject to Council confirmation at the next scheduled meeting.

2. Proposed Action / Recommendation

Approve the in-year changes to the *2021 PEO Committees and Task Forces Membership Roster*.

3. Next Steps (if motion approved)

- 2021 Roster will be updated accordingly.
- Committee chairs and members will be notified of the change.
- Resigned member will receive Thank you letters and Certificates of Appreciation.

4. Financial Impact on PEO Budgets (for five years)

N/a

5. Peer Review & Process Followed

Process Followed	Committees and Task Forces Policy – Role of Council Item 4: Approve the annual roster of committee members.
Actual Motion Review	

6. Appendix

- Appendix A – Changes to the *2021 PEO Committees and Task Forces Membership Roster*.

**Changes to the 2021 PEO Committees and
Task Forces Membership Roster**

542nd Council Meeting

C-542-3.5 Appendix A

Changes to the Roster:

First/Last Name	Service Dates	Committee / Task Force
Wanda Juricic, P.Eng.	June 1 – Dec 31, 2021	Awards Committee (AWC) member
Bhavin Shukla, P.Eng.	June 1 – Dec 31, 2021	Awards Committee (AWC) member
Fanny Wong, P.Eng.	June 1 – Dec 31, 2021	Awards Committee (AWC) member
Tracy Garner, P.Eng.	June 1 – Dec 31, 2021	Government Liaison (GLC) member
Sardar Asif Khan, P.Eng.	June 1 – Dec 31, 2021	Government Liaison (GLC) member
Reda Fayek, P.Eng.	1-year term [1 st term / full compliance]	Experience Requirements Committee (ERC) Vice Chair

Committee and Task Force Resignations/Retirements:

First/Last Name	Service Dates	Committee / Task Force
Christian Bellini, P.Eng.	2013 – AGM 2021	Advisory Committee on Volunteers (ACV)
	2005 – AGM 2021	Experience Requirements Committee (ERC)

Briefing Note – Decision

C-542-3.6

APPOINTMENT TO COMPLAINTS COMMITTEE

Purpose: To appoint one member to the Complaints Committee.

Motion(s) to consider: (requires a simple majority of votes cast to carry)

That Marianne Lee, P.Eng. be appointed as a member of the Complaints Committee pursuant to s.23(1) 2 of the *Professional Engineers Act*.

Prepared by: Viktoria Aleksandrova – Committee Coordinator

Moved by: Lisa MacCumber, P.Eng

1. Need for PEO Action

Subsection 23(1) of the *Professional Engineers Act* requires that the Complaints Committee be composed of the following persons appointed by 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..

Marianne Lee, P.Eng. is a member of the Association. The Chair of the Complaints Committee is recommending that she be appointed for a term from June to December 2021, with the potential for reappointment by Council thereafter, as per the applicable policy.

Ms. Lee has completed the required mandatory training for PEO volunteers.

2. Next Steps

The name of the approved member will be added to the Complaints Committee membership roster.

Appendix – Resume of M. Lee, P.Eng.



Marianne Lee



P. Eng., ing., LEED® AP

**Principal
Senior Manager, Mechanical**

Marianne is a Principal of the firm and a Senior Manager in HH Angus' Health Division. She has experience coordinating various aspects of mechanical design, working with architects, specialty consultants, electrical and structural engineers. As a project manager, Marianne provides mechanical representation for HH Angus at project design and management meetings and acts as the primary contact for the firm for her projects. She joined HH Angus in 1999.

PROJECT EXPERIENCE

Healthcare

Royal Columbian Hospital, New Westminster BC: Redevelopment project; Compliance Team Project Manager and Mechanical Lead responsible for preparing indicative design, engaging with users to understand their requirements, developing design and construction specifications, evaluating RFP technical submissions

Centre hospitalier de l'Université de Montréal (CHUM): a multi-phased 334,000 m2 redevelopment of the CHUM St. Luc site; LEED® Silver-targeted facility; One of the largest P3 projects in North America; Facility replaces 3 hospitals and includes 20 storey acute care block, 772 beds, 39 operating rooms, full cancer centre. Project Manager and mechanical Co-Lead, responsible for all aspects of mechanical design from pursuit phase through project implementation

Royal Jubilee Hospital, Patient Care Centre: Victoria, BC - New 500-bed, 37,000 m2 patient tower; Public Private Partnership (P3); LEED® Gold certified. Mechanical Project Manager responsible for all aspects of design from pursuit phase through implementation

Southlake Regional Cancer Centre: Newmarket, ON - \$47-million, 90,000 ft2 facility including a chemotherapy unit, outpatient clinics and radiation bunkers featuring green roofs

West Parry Sound Health Centre: 288,000 ft2 replacement hospital including acute care, long term care and full kitchen and laundry facilities

Southlake Regional Health Centre: Newmarket - \$107-million redevelopment Project - renovation of existing facility and 190,000 ft2 addition; Cart Washer Replacement and ADC Ventilation Renovation; Level 3 East Renovation

Sunnybrook Health Sciences Centre: Toronto, ON - K-Wing Renovations; Bronchobiliary suite; S-Wing Tunnel Washer Replacement; M-Wing Vertical Expansion; M-Wing PACS Room A/C; F-Wing Elevator Room A/C; D-Wing/C-Wing Nursing Station Renovations; Women's College Archives Renovation; Women's College Library Renovation; L-Wing Food Services Upgrades

The Scarborough Hospital: Grace Division - Cart washer replacement; Replacement of natural gas lines

Tillsonburg District Memorial Hospital: Fire code retrofit - expansion of fire protection system and associated life protection works; Sprinkler system expansion consists of phased installation of approximately 70,000 ft2 of new sprinklers within an existing, fully operating building



Marianne Lee

Commercial

Southlake Regional Health Centre: 6 storey 180,000 ft² parking garage serving Southlake Regional Cancer Centre

Seneca College, Newnham Campus, Toronto: Annex Building, HVAC retrofit

Art Gallery of Ontario: 2004 Expansion, including additions and renovations, budget \$140 Million

Toronto South Detention Centre: Existing Facilities Assessment; LEED® cost benefit analysis

Bell Trinity Square, Toronto: Tank liner investigation

Bolsover Street: London UK - Redevelopment,

Cadillac Fairview: TD Tower 1, Ventilation study

EDUCATION AND PROFESSIONAL AFFILIATIONS

University of Toronto, B.A.Sc. (Mechanical Engineering), 1999

Professional Engineers Ontario (PEO)

Ordre des ingénieurs du Québec (OIQ)

Canada Green Building Council, Leadership in Energy and Environmental Design Accredited Professional (LEED® AP)

Engineers and Geoscientists BC (EGBC)

Canadian Healthcare Engineering Society (CHES)

Chair of Canadian Standards Association, Technical Subcommittee - CSA Z317.1 Special requirements for plumbing installations in healthcare facilities

CSA Technical Committee on Health Care Facilities

Briefing Note – Decision

APPOINTMENT OF ADDITIONAL MEMBERS TO 2021-2022 CENTRAL ELECTION AND SEARCH COMMITTEE

Purpose: To appoint two additional members to the 2021-2022 Central Election and Search Committee

Motion(s) to consider: (requires a simple majority of votes cast to carry)

That:

- a) Leila Azimian, P.Eng., Oliver Xiao, P.Eng. be appointed as the the additional members to the 2021-2022 Central Election and Search Committee;
- b) that the 2020-2021 Central Election and Search Committee be stood down with thanks at the close of this Council meeting;
- c) and that the 2021-2022 Central Election and Search Committee be constituted at the close of this Council meeting.

Prepared by: Ralph Martin – Manager, Governance

Moved by: Marisa Sterling, P.Eng., Past President

1. Need for PEO Action

Section 12(1) of Regulation 941 requires that Council appoint a Central Election and Search Committee (CESC) each year, to be composed of (a) the penultimate past-president; (b) the immediate past-president; (c) the president; and (d) two or more other Members. A notice for the additional positions was posted PEO's website. Thirteen applications were received and vetted by the Penultimate Past-President, Immediate Past-President and President.

An eblast calling for applications to the 2021-2022 CESC was sent out on April 19, 2021 with a deadline for applications set for May 10, 2021. Members of the CESC, Nancy Hill (Chair) Marisa Sterling and Christian Bellini reviewed the applications on May 17, 2021.

With concensus, the reviewers are recommending that Leila Azimian, P.Eng. and Oliver Xiao, P.Eng. be appointed as two additional members of the 2021-2022 CESC.

2. Proposed Action / Recommendation

It is being recommended that Council approve the recommendations made by the Penultimate Past- President, Immediate Past-President and President.

3. Next Steps

The CESC will encourage members to seek nomination for election to Council for the President-Elect, Vice-President and the Councillor at-large positions.

4. Financial Impact on PEO Budgets (for five years)

	Operating	Capital	Explanation
Current to Year End	\$0	\$0	Funded from Surplus Fund (Council discretionary funds)
2 nd	\$0	\$0	

3 rd	\$	\$	
4 th	\$	\$	
5 th	\$	\$	

6. Peer Review & Process Followed

Process Followed	<ul style="list-style-type: none"> A notice calling for applications for positions on the CESC was posted on the PEO website on April 19, 2021 with a closing date of May 10, 2021 Three applications were received and reviewed by the Penultimate Past-President, Immediate Past President and President.
Council Identified Review	<ul style="list-style-type: none"> Section 12(1) of Regulation 941 requires that Council appoint the CESC each year, to be composed of (a) the penultimate past-president; (b) the immediate past-president; (c) the president; and (d) two or more other Members.
Actual Motion Review	<ul style="list-style-type: none"> PEO Council appoints additional members of the CESC each year (at the June meeting) as part of setting direction for the upcoming Council Elections.

Appendices: Appendix A – CESC Applications



C-542-3.7
Appendix A

101-40 Sheppard Avenue West
Toronto, ON M2N 6K9
Tel: 416 224-1100 800 339-3716
www.peo.on.ca

PEO VOLUNTEER APPLICATION FORM

CANDIDATE INFORMATION

☒ I hereby confirm that I have completed the [Occupational Health & Safety, Human Rights and Accessibility training](#).

Applications submitted prior to completion of the mandatory training will not be processed.

Volunteer position(s) you are applying for:	AWC Member
First/last name:	Leila Azimian
PEO membership#:	100190037
Engineering discipline / area of practice:	PhD Chemical & biochemical Engineer
Chapter affiliation:	
Preferred contact (email/phone):	
Preferred mailing address:	
Current employer:	Trent University, University of Toronto
Current position:	Research associate at U of T Lecturer at U of Tren
Business contact info:	Currently I work remote
References (at least one reference by a P.Eng.)	1. Dr Lidan You

Please return the completed Volunteer Application Form along with your current resume to:
volunteering@peo.on.ca

PEO encourages the involvement of members in good standing, and reserves the right to make further inquiries as required.

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SKILLS AND COMPETENCIES

1. What skills, competencies and experience do you have that are relevant to the volunteer position you are applying for? (up to 200 words)

Skills: Public speaking, Project management, training and development, Quality management

I received 5 different award and proposal funding. therefore, I am aware of detail of award assessment.

Participated in international seminars and conferences in area of chemical engineering and water treatment as a lecturer

President of running weekly seminar for graduate chemical engineering at Western University for one year.

Teaching in Fanshawe College, Western University and Trent University

2. How will you contribute to this volunteer role? (up to 100 words)

- Review and make recommendations for appropriate categories and recognition through Awards Programs.
- Monitor and review past award recipients and other award programs to identify persons deserving further recognition through upgrades or other awards.

3. Please tell us about your previous volunteer experience:

- Graduate engineering student's counselor - (2017 –2018) Western University, London, ON, Canada
- President of Chemical & Biochemical Engineering Graduate Students (CBEGS)- (2017-2018) Western University, London, ON, Canada
- Science Rendezvous Fair for youth - (2017 1d) Western University, London, ON, Canada
- Go ENG Girl workshop for youth (2017 1 d) Western University, London, ON, Canada
- Reforest London planting (2016 1 d) London Park, London, Ontario Canada
- VON (Victorian Order of Nurses) (Summer 2015) London, Ontario Canada

SIGNATURE (electronic signature is acceptable):

DATE:

RESET

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LEILA AZIMIAN

PROFILE
Canadian Citizen

Experienced wastewater treatment as biochemical/Environmental engineer with designation to practice as a Professional environmental engineer in Ontario with proven ability to deliver innovative solutions requiring multi-disciplinary approaches in teamwork, client and industry relationships, coaching, and regulatory agency consultation.

LinkedIn: [linkedin.com/in/leila-a-50ab4854](https://www.linkedin.com/in/leila-a-50ab4854)

SUMMARY OF QUALIFICATIONS

- Strong communication, coaching and excellence analytical skills for explaining technical concepts to a variety of audiences.
- Experience in project execution, continuous improvement with scientific experience in Oil & gas contamination removal
- Understanding of client expectations, budgeting, proposal writing, and producing high quality deliverables
- Strong knowledge of math, statistics science, environmental wastewater treatment processes
- Strong computer skills & knowledge of MS Office (PowerPoint, Word, Excel), MS Project, SAP, Minitab, SPSS

EDUCATION

Ph.D., Chemical/Biochemical Engineering-Environmental, Western University, London, ON Feb 2020

Dissertation Title: Bioremediation of Refinery Desalter Effluent using *Debaryomyces hansenii* & *Parachlorella kessleri*

MEng., Chemical/Biochemical Engineering-Environmental, Western University, London, ON 2015

MEng final project: Preparation of Advanced Membranes for Water Purification and Recycling

(Courses: Advanced Statistical Process Analysis, Advanced Heat Transfer, Project Management (PMBOK), L-L separation (Staged Operation), Business Acumen, Leadership characteristics, Biochemical Engineering, Microalgae and biotechnology)

MBA, (Management of Business Administration), Tehran University, Tehran, Iran 2012

MBA final project: Key factors in the success of remote working in IKCO (car manufacturing company)

BSc, Chemical Engineering, University of Science and Technology, Iran

B.Sc. final project: Design of A Biogas Reactor for Refinement of Residential Complexes Wastewater (ranked 1st)

CERTIFICATES

- | | |
|--|------|
| • Project management | 2021 |
| • WHMIS (Workplace Hazardous Materials Information System), Biosafety | 2020 |
| • Certificate in "Curriculum, Teaching, and Learning in the STEM Disciplines" | 2019 |
| • ISO 9000 & 9001 | 2004 |
| • OHSAS 18001(Occupational Health and Safety Assessment), ISO 14000 (Environmental Management) | 2004 |

WORK HISTORY

University of Toronto, Toronto, ON

(Jan 2021-Present)

Project manager-Postdoc

- Lead Product life-cycle design for business development and industrialization of new product as an alternative supplement drug or medicine of Metformin
- Lead project by applying test methods for licensed products to assure commercializing a new partner's new product in the grant with biopharmaceuticals manufacturing
- Laboratory tested, statistical analysis to find biological effects of Ceylon cinnamon compare to the first-line drug therapy in Canada, metformin to evaluate robust, compliant, and efficient processes and test methods for stakeholder.

Fanshaw College, London, ON, Canada

Sep-Dec 2020

Adjunct Professor-Part time

- Coach introductory to environmental technology and hydrology to 3rd year engineering students -Remote (GEOL 3001)

Terraprobe Inc., Brampton, ON

2020- Mar 2020

Environmental Engineering in training, Environmental consulting Engineer

- Reported to senior specialists, accountable for preparing environmental Site Assessment (ESA) reports based on geological soil sampling and hydrological investigation that are submitted to governmental authorities.
- Prepared ten assessment reports for residential and commercial development sites.
- Detected site contamination supervised site remediation by removal of hazardous soil and tree

Western University- Imperial Oil Company, London, ON

2015 – Oct 2019

Research Engineer, Chemical Engineering Laboratory

- Reported to Professional Leader/ senior specialists, responsible for development & execution of the research and organizational project portfolio for stakeholder, Imperial Oil, to provide support, leadership in wastewater treatment development and resolve unconformity with regulators using biological nutrient removal technology
- Developed a novel process, protocols using a microbiological process and scheduled to treat contaminated refinery effluent. Pollutants were removed, so that wastewater complied with Canadian environmental standards.
- Constructed laboratory prototype independently to enable empirical testing of process performance. Process segregated water discharge from petroleum pollutants, so that pollutants could be refined and produced additional biofuel.
- Proposed process with required resources and performed to reduce wastewater pollutants parameters and provide an extra revenue stream for Imperial Oil. Results were documented in scientific reports and presentation at international conferences. Methods and Instrumental analysis were applied for this project:
- Interpreted data and mathematical Modelling inhibitory of yeast cell growth kinetics equation using MATLAB
- Conceptualized, executed and scaled unit operations, empirical modelling building relationship between variables (Statistical data analysis), Design of experiment (DOE), Replicate to increase reliability, collect data (Design Expert Software)
- Worked on cultivation yeast and algae and cell culture, media development, Cell counting (Microscope, Ultraviolet-visible spectroscopy), Wastewater treatment quality (HACH, spectroscopy, Spectrophotometer, UV/Vis, TOC), Lipid extraction (biofuel) from biomass, Benzene identification (GC, HPLC)
- Set up and design of CSTR bioreactor to find the best dilution rate for bioremediation of desalter effluent

IKCO Car Manufacturing, Tehran, Iran, (www.ikco.ir/en) Renault & Peugeot Products

2004 – Dec 2013

Chemical Process Engineer/ Quality System Engineer

- Reported to senior specialist in production, accountable for maintaining paint production efficiency, quality standard and Environmental Compliance Approvals
- Established and executed environmental standards within environmental programs including OHSAS 18001, and ISO 14000 standards, Hazardous Waste Management, Spills Management, as well as Health & Safety requirements, in the paint modules (air, waste, water)
- Developed, sustained, executed and integrated quality system standards ISO 9000, ISO 9001, parameters and procedures for application across the company
- Prepared written communication (letters/reports) on environmental matters for stakeholders and regulators
- Worked with senior specialist and leading meetings with technical teams and suppliers to negotiate strategies development, quality and environmental project, capital budget/cost control, report preparation, technical direction and review, for execution and supporting environmental compliance and
- Identified possible opportunities for improvement during commission of two newly established paint line, developed strategies for corrective and predictive actions implementation and solutions of environmental matters to ensure compliance with regulations and present recommendations to project teams and managers for decision on development of remedial and/or risk management options
- Participate in development of career of new staff including coaching and mentoring junior and intermediate engineers and technical support staff

TEACHING EXPERIENCE

Trent University, Peterborough, ON/ Western University, London, On

Sep-Dec 2020

Lab Demonstrator/Tutor

- Co-instructor and mentoring undergraduate students Remote
- Statistics courses: Stat 2141, Stats Psych 2810, Stat 2035, Stats 2810, Stats 1024, Stats 2141A
- Math courses: Calculus 1500, Math 1600, Math 1228, Math Phys 2150H, Calculus 1000, Non-Calculus Statistics

Western University, London, Ontario

2015 – Oct 2019

Tutor/Assistant in training and coaching

Reported to course professors, accountable for providing assistant in training for tutorials, and grading assignments.

- **Undergraduate Courses:** Intro to Plant Eng. Design & Innovation (ES 1050), Engineering Communications (ES 2211), Plant design and safety (CBE 3319), Applied math (AM1413), Statistics (Stat2141), Calculus 1000, Chemical Process calculations (CBE 2220)
- **Graduate Courses:** Risk assessment and management (CBE 9185)



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Volunteer position(s) you are applying for:	
First/last name:	
PEO membership#:	
Engineering discipline / area of practice:	
Chapter affiliation:	
Preferred contact (email/phone):	
Preferred mailing address:	
Current employer:	
Current position:	
Business contact info:	
References (at least one reference by a P.Eng.)	1. 2.

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Bio-data of Santosh K. Gupta



Education:

- **B.Sc. (Eng.), M. Eng.** (I. I.T. Roorkee), **Ph.D.** (Univ. Of Waterloo).

Work Experience:

- Consulting Firms and Universities in Canada and abroad, Ontario Hydro/HydroOne (Management and Professional Engineering positions).
- Retired from HydroOne in April 2000.

Committees Experience:

PEO Council/Committees:

- Chair, Vice-Chair & Member, ERC , PEO
- Councilor- Lt. Governor Appointee.
- Councilor, East Central Region.
- Board of Executives, Director, Vice-Chair and Chair of Govt. Liaison Committee, Volunteer management Committee, Scarborough Chapter, PEO.
- Member, Discipline Committee (2002 - 2018).
- Vice-Chair, Licensing Committee.
- Member, Audit Committee.
- Member, Consulting Engineers Designation Committee and Toronto sub-Committee, PEO
- Councilor Liaison, Consulting Engineers Designation Committee, PEO
- Executive Secretary-Council of Ontario Deans of Engineering – Since 2002

Other quasi-Govt. Committees:

- Past Member, Ottawa River Regulation Planning Board.
- Past Member Ottawa River Operating Committee.
- Past Member, Sub-committee, Hydrometric Gauges, Ottawa River watershed.
- Past Member, Flood Risk Management Task Force, Ottawa/Montreal Region..
- Past Alt. Member, Operations Advisory Group – St. Lawrence River.

CEAB Experience:

Member of Accreditation teams (E.g. Ottawa, Ryerson, Carleton, McMaster, Windsor, Western, Guelph etc) for engineering programs.

Professional Associations and Societies Affiliation:

- Member, Professional Engineers Ontario, since 1976
- Member, Ontario Society of Professional Engineers – since OSPE was established.
- Member, Ordre des Ingineurs Quebec, 1976-81
- Associate Member of Institution of Engineers (India), 1961-70.
- Fellow of EngineersCanada.



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Appendix A

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Volunteer position(s) you are applying for:	Central Election and Search Committee
First/last name:	Oliver Xiao
PEO membership#:	100505413
Engineering discipline / area of practice:	Civil/materials engineering
Chapter affiliation:	York
Preferred contact (email/phone):	
Preferred mailing address:	
Current employer:	RMCAO
Current position:	Technical Services Engineer
Business contact info:	416-709-2380
References (at least one reference by a P.Eng.)	1. Gordon Ip, P.Eng., FEC 2. Lui Tai, P.Eng.

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Oliver Xiao, P.Eng.

Summary of Qualifications

- Innovative and passionate professional engineer
- Over 7 years' experience in mid-large construction and civil engineering projects
- Experienced in project management, field operations and building materials
- Solid code and standard knowledge, and government outreach skills
- Excellent organizational, multi-tasking, analytical and problem solving skills
- Strong sense of professionalism and customer focus
- Proven excellent interpersonal and teamwork skills
- Fluently Bilingual
- Bachelor of Applied Science, Civil Engineering from University of Ottawa

Selected Achievements

- **Proven strong networking skills with contractors, government agencies, consultants and suppliers**
- **Reduced project cost using creative and practical approaches**
- **Proven excellent planning, coordinating and problem solving skills**
- **Received several innovation and safety awards**

Work Experience

Technical Services Engineer

2019-Present

Concrete Ontario

- Lead the Municipal Outreach Program to support municipalities on specification updates and construction best practices
- Manage the Ontario ready mixed concrete production facility and delivery equipment certification program (AQP)
- Run education events, technical seminars and certification courses such as ACI and NRMCA Certifications
- Participate in various industry committees and task forces
- Provide technical resources and supports to members and the industry
- Advocate concrete construction best practices to members, contractors, consultants and municipalities

Operations Coordinator

2017-2019

Dufferin Concrete

- Ensured project delivery, job site operations and problem solving
- Led project quality and progress control

- Provided technical support for site application of specialized concrete products
- Conducted field inspection, workflow monitoring and resource planning for municipal and MTO projects
- Carried out technical analysis on project requirements and specifications to support project bidding
- Provided technical and innovative solutions to customers
- Worked on cost analysis and project control

Technical Service Coordinator

2015-2018

CRH Canada Group Inc.

- Led and coordinated commercial and research projects with clients, contractors, consultants, institutions and universities
- Carried out technical analysis on special project requirements
- Provided viable technical and innovative solutions to different business units within the company and to the customers
- Provided technical support for site application of specialized concrete products
- Assisted in cost analysis and project control
- Led advanced projects and conducted feasibility studies using research literature and code standards (CSA, ASTM, AASTHOO, OPSS, etc.) to implement on the development and optimization of new building materials and technologies
- Successfully planned and executed laboratory and field application trials to validate product design for commercialization
- Led advanced research on structural application of UHPC

Project/Construction Coordinator

2013-2015

Independent Contractor

- Successfully delivered various residential renovation and rehabilitation projects
- Maintained excellent relationship with clients and subcontractors
- Completed all projects on time and on budget
- Efficiently provided professional solutions to problems occurred on the job site
- Greatly increased worker's safety awareness
- Significantly improved work procedures and reduced project cost

Education

Bachelor in Applied Science, Civil Engineering

2009-2014

University of Ottawa, ON

Reference upon request.