



## GLP Info Notes 19.0 - PEO as a co-regulator

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**For GLP info only. No action required**

PEO's goal is to be respected by the provincial government as a co-regulator in providing oversight to the regulation of professional engineering in the public interest.

As confirmed in the Association of Professional Engineers of Ontario v. Ontario (Municipal Affairs and Housing), Superior Court ruling (2007 CanLII 17629) ON SCDC, (<https://canlii.ca/t/1rj98>), **PEO has exclusive jurisdiction** under the *Professional Engineers Act*, a statute of Ontario to regulate the practice of professional engineering in Ontario to serve and protect the public interest.

For PEO, "co-regulation" means a **participation in a relationship such that the engineering regulator (PEO) and the Government of Ontario** and other self-regulatory authorities, work collaboratively during the development of policies that will impact the practice of professional engineering in the public interest.

This is expressed in a partnership approach to establishing policies, whereby **PEO is invited to work with Ministries or self-regulatory authorities during their policy development stages**, not as a stakeholder to be consulted after the development of a proposed regulation.

In a similar way, **PEO would invite Ministries to provide input into the development of or revisions to PEO**

**policies**, such as professional engineering practice guidelines and standards.

**Examples of recent co-regulatory actions:**

### 1) Demountable Event Structures

The process of developing the Guideline for Demountable Event Structures had observers from the Ministry of Municipal Affairs and Housing.

The Ministry has received recommendations for its Expert Advisory Panel on Outdoor Temporary Stages that included **actions to be taken by professional engineers**.

### 2) Health and Safety Reviews

Revising the Guideline for Engineers Performing Pre-Start Health and Safety Reviews (PSR) had **observers from the Ministry of Labour**.

The Ministry has recently revised the PSR regulations.

### 3) Emission Summary

Developing a guideline for Emission Summary and Dispersion Modelling had **observers from the Ministry of Environment, Conservation and Parks**.

### 4) Mineral Projects

The Guideline for Professional Engineers Providing Reports on Mineral Projects had **staff from the Ontario Securities Commission** as observers.

### 5) Electrical Safety Authority

There is an observer from the Electrical

**Safety Authority on the Use of Seal subcommittee** because of concerns that electrical plans are not sealed in accordance with the *Professional Engineers Act*.

#### 6) PEO Staff

PEO has **provided staff to working groups developing policies for Ministries**.

They are able to provide technical expertise, or advise the group on the positions of government, industry or association.

**Examples include:**

##### a) Tower Crane Group

PEO was a **member of the Tower Crane Working Group** for several years. They were tasked with reviewing and revising the tower crane section of O. Regulation 213/91, Construction Projects under the Occupational Health and Safety Act.

The PEO Professional Standards Committee (PSC) developed guidelines for tower crane review, that would integrate with the proposed changes to the Construction Projects amendments.

##### b) Glass Panels

PEO participated in the **Advisory Panel on Glass Panels** in Balcony Guards that recommended changes to the Ontario Building Code to deal with the problem of falling glass.

##### c) Ontario Building Code

PEO participated in **preliminary discussions aimed at modernizing the Ontario Building Code**. In addition to participation in policy development working groups, co-regulation can include involving Ministries at other stages.

##### d) Acoustic Engineering Services

The **PSC invites Ministries to participate in developing Terms of Reference** for proposed guidelines and standard working groups.

For example, the Ministry of Environment, Conservation and Parks helped develop the Terms of Reference on the revisions to the Guideline for Professional Engineers Providing Acoustical Engineering Services in Land-Use Planning.

#### e) Use of Seal

Recently, the Ministry of Transportation was a key participant in the consultation on proposed amendments to the Use of Seal Regulations.

#### Why is co-regulation important?

- It gives government access to the knowledge and understanding that PEO experts have in important areas of public policy
- PEO can be an early source for information, before legislation is introduced.
- PEO wants to be a partner with the government, not an adversary or a stakeholder.

These are some examples of how PEO has co-regulated with the government to create policy in the public interest.

#### Key Talking Points:

- Our (PEO's) goal is to be seen as a co-regulator with the provincial government.
- Co-regulation means a participation in a relationship such that PEO and the Government of Ontario should work collaboratively during the development of policies that will impact the practice of professional engineering
- There are several examples of PEO working as a co-regulator with various Ministries