

## ARE PRACTICE REVIEWS MANDATORY IN ONTARIO?

A practice review of an engineering workplace assesses if the policies and procedures in place are consistent with the profession's standards.

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Consider this scenario: Mariam is a mechanical engineer hired by Engineering Firm ABC. Mariam notices that there are no fundamental policies and procedures in place for how the practice of engineering is conducted and to ensure the public and clients receive highly professional service. Mariam explains to the employer that documented policies are essential to clearly communicate to staff and clients, as appropriate.

Mariam suggests conducting a practice review of the workplace to identify, review and assess whether the processes and procedures for carrying out professional engineering activities are in place and, if so, if they are consistent with the profession's standards.

Mariam clarifies with the employer that practice reviews are not intended to determine if all staff are following the procedures but rather to determine that all staff are aware of the procedures, and steps are being taken to ensure procedures are followed. The intent is that reviewees exhibit good operating and management practices in providing their services to their clients.

The employer questions whether the practice review is mandatory in Ontario. Unlike other provincial engineering regulators, PEO does not require a practice review in Ontario; it is a voluntary initiative to ensure the acceptable manner of operating and managing a professional engineering practice.

### THE ROLE OF A REVIEWER

The employer is concerned that the practice review might negatively impact the company's reputation. Mariam explains that reviewers sometimes need to report negatively on aspects of the policies and practices in place by another professional engineer—that is their role. However, reviewers should ensure that the way negative assessments are reported is consistent with the sections in the Code of Ethics under Regulation 941 describing an engineer's duties to other engineers. These duties are outlined in section 77.7, which states:

"A practitioner [engineer] shall,

- i. act towards other practitioners with courtesy and good faith,...
- iii. not maliciously injure the reputation or business of another practitioner."

Furthermore, according to section 77.1.i of the Code of Ethics, engineers have a duty "to act at all times with fairness" to their associates, including other members of

the profession. Reviewers must not make statements or allow publication of all or any part of their summary review reports in a manner that might be considered detrimental to the reputation, professional status or financial interests of reviewees for malicious reasons. Reviewers must not participate in any such activity unless the publication of a report is required by freedom of information or other legislation.

Furthermore, reviewers may need to communicate with various parties while undertaking reviews. A reviewer must always adhere to the requirements of confidentiality (section 77.3 of O. Reg. 941). The reviewer must obtain approval from the reviewee, preferably in writing, to communicate with others. Any information received from the reviewee, especially such proprietary information as trade secrets, must be treated as confidential disclosures.

### WHAT IS REVIEWED

The employer questions Mariam about the topics that would be reviewed in the workplace. Mariam explains that the extent of a practice review is subject to a reviewer's reasonable discretion and dependent on judgments about how best to undertake the assignment adequately.

Reviewers should forward the agenda of the practice review and the practice review checklist to reviewees at least two months before the review meeting so reviewees can appropriately prepare for the meeting. This includes the gathering of policies, procedures and other files to show how the items in the practice review checklist are addressed and implemented. A practice review will undertake to determine that a reviewee has the following documents, policies and processes in place:

#### 1. Proposals/contracts

All such documents must clearly stipulate the work that will be provided to the client by the reviewee and the fees that will be charged for such work. Additionally, the documents must clearly state the involvement of any third parties in the work and the scope and degree to which they will be involved.

#### 2. Subconsultants/subcontractors

If any subcontractors or subconsultants have been engaged, reviewees should confirm that they are capable of providing the services for which they have been retained. A written contract should be in place with subconsultants and contractors, which clearly identifies responsibilities.

#### 3. Document management and project-related correspondence

Document management is an integral part of providing engineering services. Retrieving and reproducing documents is important to meeting client needs. Documents would include, but not be limited to, drawings, supporting calculations, specifications, field notes and figures. Reviewers should ensure documents are maintained in a retrievable manner. Reviewees must demonstrate that project-related correspondence with clients is professional and precise.



#### 4. Project management

A practice review will determine that a reviewee has project management processes and procedures in place to ensure the public and clients receive highly professional service. Project management should commence at the beginning of a project and continue until project closeout. Some focus areas for tracking include scope, cost control, schedule, staffing, risk management, communication plans and procurement management.

#### 5. Use of up-to-date information, programs, equipment

Access to and use of appropriate information, including guidelines, codes, standards, programs and equipment, is imperative. If outdated codes are referenced or uncalibrated equipment is used, the results can have serious consequences. Proper and up-to-date information should be available and used.

#### 6. Health and safety

The review of health and safety procedures will need to be adjusted to suit the size of the company being reviewed. Reviewers and reviewees should be aware of the applicable provincial, federal and municipal health and safety requirements that could impact their work.

#### 7. Employment relations

The review of employment relations is to be adjusted to suit the size of the company being reviewed. Though not directly related to engineering, it does relate to areas of practice that should be considered. Employment relations includes things like complaints resolution, claims investigation procedures, discrimination policies, hiring and promotion policies, harassment policies and education programs for staff.

#### 8. Quality control and quality assurance

Formal or informal quality assurance programs are essential to all practising engineers. The absence of these programs could impact public safety due to improper design or calculations. Establishing, implementing and monitoring a quality assurance program or plan would typically be a strong indicator of the commitment to providing good quality services.

#### 9. Competency maintenance

The review of how competence is maintained should be adjusted to suit the company's size. The procedures for a company with one to 10 staff will differ from a company with a staff of 100. Maintaining and continuing qualifications and competence is critical for engineers because it constitutes professional misconduct for engineers to undertake work for which they are not competent to perform by virtue of their training and experience. Having a system in place that demonstrates that a company monitors staff competence would be an indication of dedication to maintaining competence.

After a review is completed, a reviewee would receive a summary review report. The report may identify deficiencies or problems in practices that need to be corrected and should state the conclusions of the review as follows:

- a. No further action required;
- b. Areas for improvement are minor in nature; or
- c. Areas for improvement are significant.

Decisions to make changes to their practices must be left to reviewees. Reviewers cannot compel reviewees to make changes to their practices they are not willing to accept. If a reviewee agrees to make changes suggested by a reviewer, it should be noted in writing in the summary review report or addendum.

If, during the practice review, the reviewer finds work of such unprofessional quality that the reviewer believes the reviewee is practising professional engineering in a manner that is not conducive to the public interest, reviewers have ethical obligations under the *Professional Engineers Act*, such as the duty to report. Engineers have a duty to report or correct a situation that may endanger the public's safety or welfare.

For more information on practice reviews, practitioners may refer to PEO's *Conducting a Practice Review* guideline.

PEO's practice advisory team is available by email at [practice-standards@peo.on.ca](mailto:practice-standards@peo.on.ca) for practitioners seeking information on their obligations. For legal issues, practitioners should consult their lawyers. [e](#)

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