

Donald H. Grandy, P.Eng., has been described as the backbone of the Toronto Humber Chapter, having been a member of its executive for over 15 years, including two in which he chaired it, and faithfully serving as its treasurer since 1991.

Grandy has also sought further recognition of the chapters as vehicles for meeting PEO goals through active participation on PEO's Annual Conference Committee, Engineering Week Steering Committee and Engineering Action (now Innovation) Forum.

Past PEO Presidents have called Rohinton S. Nicholson, P.Eng., "Mr. Scarborough" for his tireless support of his chapter's activities over the past 20 years. During this time, he has served the chapter in many capacities, including as treasurer, secretary, vice chair and chair.

During a period of inactivity for the chapter in the mid 1990s, Nicholson was asked to return as chair, establishing a chain of leadership that revitalized the chapter and rebuilt it into a dynamic force.

As a member of the North Bay Chapter executive for nearly 20 years, John G.B. Severino, P.Eng., has actively promoted the engineering profession in his community.

As chair in 1991-1992, and working with his counterparts in other chapters, he helped amend chapter bylaws to encourage participation of women in engineering and to enable community service activities on behalf of the profession. Severino is perhaps best known for his dedicated and continuing leadership in organizing Students' Night, a tradition in North Bay.

During many years of service to the Etobicoke Chapter, including two terms as its chair, L. Paul Short, P.Eng., has introduced engineering to high school students by participating in the Engineering-in-the-Classroom speaking program coordinated by the National Engineering Week Ontario Steering Committee.

As a professor of engineering, Short has been a concerned and caring mentor and role model of professional involvement for many of his students. He has also set and marked PEO technical examinations, which are important in ensuring the accessibility of licensing to those who are not graduates of accredited engineering programs.

## Alberta case thrown out: debate continues on software titles

BY SHARON ASCHAIK

A court action brought by the Association of Professional Engineers, Geologists and Geophysicists of Alberta (APEGGA) over the use of the words "system engineer" or "system engineer representative" by a software professional has been dismissed.

APEGGA launched the action against Raymond Merhej, an Apple

Canada-certified systems engineer, in 2000 over his adding the word engineer to his title on his website.

The Alberta Court of Appeal rejected the APEGGA move on grounds that Merhej's action presented no injury to the public. The Court stated that such prosecutions involve questions of fact, and that each case turns on the merits of the evidence

presented before the trial judge. “We find that in this case the use by the respondent of the title ‘system engineer’ or ‘system engineer representative’ does not violate section 3 of the [Alberta professional engineers] Act,” the court said.

It is believed the Alberta ruling will not have any impact on use of the term engineer in Ontario. Sal Guerriero, P.Eng., manager of legal and regulatory affairs for Professional Engineers Ontario (PEO), said the ruling is not precedent-setting because professional engineering legislation is different in each province and territory.

Meanwhile, PEO is working cooperatively with the information technology (IT) community on increasing awareness of P.Eng. licensing requirements, and the sanctions under the Act for improper use of reserved titles.

“PEO is also trying to explain to software professionals that we have the mechanisms to validate their experience and evaluate their education to ensure they meet the requirement for licensure,” says Guerriero. They can write assigned exams to fill in any identified gaps in their required knowledge, or may be able to take courses in lieu of writing assigned exams.

If a software professional’s practice is in a relatively narrow, highly specialized area of engineering, he or she may be eligible to apply for a limited licence to practise engineering in that limited area. To obtain a limited licence, individuals must have obtained a three-year diploma in engineering technology or a bachelor of technology degree, a four-year honours science degree, or have equivalent academic qualifications, and have at least 13 years of proven experience in their limited area of engineering practice.

“As the regulator of the engineering profession, we have a statutory duty under the Act to ensure that people practising engineering have the required experience and academic credentials, in order to protect the public from harm,” Guerriero said.

The IT industry began incorporating the word “engineer” into job titles and designations in the 1960s, and the prac-

## Oak Ridges MP honoured by chapter



Photo courtesy of Eric Nejat, P.Eng.

On February 7, 2004, PEO’s York Chapter presented a Certificate of Appreciation to Oak Ridges MP Bryon Wilfert, in recognition of his 15 years of dedicated support to the profession. Mr. Wilfert has been involved with the Chapter’s Annual Environmental Forum, serving as a panelist on two occasions, and has provided ongoing support to the “Engineering on the Hill” program in Ottawa. Shown are, from left to right, former Chapter Chair Eric Nejat, P.Eng., Chapter Chair Jeff Mark, P.Eng., former PEO president Peter DeVita, P.Eng., Bryon Wilfert, and PEO CEO/Registrar Kim Allen, P.Eng.

tice became popularized by such major players as Microsoft and IBM. But it has been over only the last several years that use of the title has become contentious.

One of the biggest sore points has been the Microsoft Certified Systems Engineer designation. In May 2001, Microsoft Canada struck an agreement with Canadian engineering regulatory bodies to advise Canadian holders of the MCSE designation not to call themselves engineers. But in July 2002, apparently bowing to pressure from Canadian MCSE holders and training facilities that grant the designation, Microsoft reversed its position.

Paul Bassett of the Canadian Information Processing Society (CIPS) lauds the efforts of PEO to educate the IT community about proper usage of the “engineer” title, but says that since the title

has been used in the IT industry for decades, barring its usage would cause confusion internationally. “When you have IT professionals coming from the rest of world using the title, they don’t understand its restriction here,” Bassett said.

Bassett chairs CIPS’ Committee on Software Engineering Issues, which aims to ensure only “licence” holders can use a title that commonly contains the word “engineer.” He is also collaborating with Guerriero on brochures that explain to his members the requirements of the *Professional Engineers Act*.

“We want to educate members on what PEO’s role is, and what are the possible consequences of conviction for violating the title provisions of the Act,” Bassett said.

In Alberta, APEGGA is now seeking an amendment to its legislation “so that it’s

clear what the responsibilities of our organization are, and who can use protected titles,” said Neil Windsor, P.Eng., executive director and registrar. The organization will also explore creating new categories of registration for IT professionals. In 1999, it created a regulated professional technologist designation, which today is held by about 100 members who can practise in a specific area of engineering under the supervision of a professional engineer.

In Quebec, the Ordre des ingénieurs du Québec (OIQ) has for years been taking legal action to enforce the title and

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practice provisions of its act. Between April 1, 2002, and March 31, 2003, it successfully sued 33 individuals for either unlawful use of the title or unlawful practice. Last June, the OIQ successfully prosecuted an individual for using the term “engineer” followed by a title or job description, in this case, “Adv. Systems Engineer”. The Court of Quebec found the individual guilty of breaching that province’s engineering act and professional code.

“Individuals are not permitted to use the engineer title if they’re not a member of the organization,” said Denis Leblanc, ing., secretary and executive director of OIQ. “We do this for protection of the public, and to make sure the profession is credible in the eyes of the public.”

Guerriero said the Quebec legislation is more definitive than Alberta’s in the use of reserved titles such as engineer. Nonetheless, neither the Alberta nor Quebec case is binding in Ontario. He

added that PEO has yet to prosecute a case involving a “systems” or “software” engineer not licensed by PEO. “PEO has in the past successfully prosecuted unlicensed individuals for representing to the public that they were engineers,” Guerriero said. “PEO looks to a victim who has been misled and/or harmed as the criteria before enforcing the important public policy set by the Ontario legislature in the *Professional Engineers Act*.”

For its part, the Canadian Council of Professional Engineers (CCPE) maintains

that the setback in Alberta changes little. While it advocates as a first choice PEO’s route of raising awareness within the IT community, it maintains that the provincial licensing bodies must enforce their acts.

“We all agree that it’s better to be able to work together [with IT professionals] and build awareness and educate,” says Marie Lemay, P.Eng., CCPE CEO. “But at the end of the day, the 12 provincial regulatory bodies have no choice but to enforce the law.”

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