



Minutes

**The twelfth meeting of the Repeal of the Industrial Exception Task Force
Tuesday, January 17, 2012 at 5:00 p.m.
Room 507-A, PEO Offices, 40 Sheppard Ave. W., Toronto**

Present: Mr. Peter Broad, P.Eng. (Chair)
Mr. Duncan Blachford, P.Eng.
Mr. Clarence Klassen, P.Eng.
Mr. James Lowe, P.Eng.
Mr. Phil Smith (by teleconference)
Mr. Chirag Shah, EIT (by teleconference)
Ms. Ranee Mahalingam, P.Eng (by teleconference)
Mr. Ahmad Khadra, EIT (by teleconference)

Absent: Mr. Wayne Kershaw, P.Eng.
Ms. Stela Stevandic, P.Eng.
Mr. Chris Maltby, P.Eng. (Vice-Chair)
Mr. Thomas Chong, P.Eng.
Mr. Ken Warden, P.Eng.
Mr. Tilak Gunaratne, P.Eng.
Mr. Eduard Guerra, P.Eng.
Mr. David Adams, P.Eng.
Mr. Michael Wesa, P.Eng.
Ms. Tracy McColl-Galizia, P.Eng.
Mr. Edward Poon, P.Eng.
Mr. Julien Samson, P.Eng.

Staff: Mr. Steven Haddock (Staff advisor, Secretary)
Ms. Marisa Sterling (Staff advisor)
Ms. Maria Ianonne (Staff support)
Mr. Michael Mastromatteo (Guest)

Guest: Ms. Susan Ing., P.Eng.

1. Welcome and Call to Order

The meeting was called to order at 5:18 p.m. with Mr. Broad in the Chair.

2. Approval of Consent Agenda

It was moved by A. Khadra, EIT, seconded by R. Mahalingham, P.Eng.

That the agenda be approved.

That the minutes of the meeting of November 22, 2011 be approved.

That the communications plan be received.

That the report on the industry experts provided by CEO be received.

That the report on the budget update be received.

CARRIED

Mr. Smith arrived by teleconference at 5:26 p.m.

**3. Guest Speaker – Susan Ing., P.Eng.
Workplace Safety & Prevention Services**

Ms. Sterling introduced Ms. Ing. to speak to the need to have a professional engineer involved at the beginning of the design process rather than at the PSR stage.

Ms. Ing. spoke to the existence and role of the Workplace Safety & Prevention Services, which was created through a merger of the safety associations for industry, retail establishments and farms, and is a successor to the Industrial Accident Prevention Agency. It is primarily funded by the Workplace Safety Insurance Board, which uses part of its premium income for this purpose. There are three other similar agencies covering Northern Ontario, Public Safety and Infrastructure.

The Ministry of Labour is working on a “Road to Zero” plan to reduce workplace injuries and fatalities. At present, there are about 80-100 workplace fatalities every year, as well as 1,600 total injuries, illnesses and fatalities per week. About half of that is from chemical exposure and the Ministry has, in the last 20 years, concentrated more on industrial disease prevention.

The WSPS has several specialists in the field of guarding, racking, environmental exposures, fire prevention, microbiology, health sciences and chemical exposures. She described the services she can provide to workplaces. Most of these services are prepaid and the WSPS only charges if they have to take responsibility for signing off on compliance.

In response to a question, Ms. Ing. said that no other Canadian jurisdiction has a PSR scheme, but it does exist in some places in Europe.

The WSPS usually responds to compliance orders, worker complaints, or employer requests. However, many employers do not understand the distinction between licensed professional engineers and other

person with engineering training or even other persons who are entitled to use the title “engineer”. She suggested making it clear in our materials the difference between professional engineers and other persons entitled to use the title “engineer”.

She noted third party engineers are reluctant to provide PSR services on machinery because they have no understanding of the underlying design or whether it was built in accordance with that design. In many cases, an engineer would have to do destructive or invasive testing to confirm the suitability of the design. As a result, in some cases, the PSR report is nothing more than a checklist which could have been performed by anyone. This is of very little use to the customer, who is often driven solely by the immediate cost of the PSR.

She noted that not only do small firms often have a higher risk level than large firms, but that small firms can pose an exposure risk not only to their own workers, but to workers in adjoining workplaces.

She also noted that, in many cases, people do not feel that they need engineers due to their costs and upkeep. However, when there is a disaster, the need for engineers becomes obvious after-the-fact.

Ms. Sterling noted that the PEO will have a presence at the upcoming Health & Safety conference.

4. Compliance toolkit

Mr. Shah left the meeting at 6:37 p.m.

Mr. Khadra left the meeting at 6:37 p.m.

Ms. Sterling presented the compliance toolkit. It has already been provided to one employer in draft form, but the intention is to provide it to other employers. It would also go on our web-site. This is to help individuals and their employers to assess their compliance with the *Professional Engineers Act* once the industrial exception is repealed.

Mr. Smith left the meeting at 7:40 p.m.

It was moved by D. Blachford, P.Eng., seconded by C. Klassen, P.Eng.

That the amended compliance toolkit be approved for distribution for review by industry partners, PEO staff and PEO volunteers, and for use as an ongoing educational tool.

CARRIED

5. Transition Plan

Concerns were expressed as to whether accepting compliance plans and agreeing not to take any action would expose PEO to liability.

Mr. Haddock stressed that our goal is to get as many people into compliance as possible and noted that if the perception is that our application process is a source of leads for unlicensed practice, it will discourage people from applying.

The task force agreed that one of the problems in having exemptions is both that they tend to be interpreted too broadly and, even if properly interpreted, tend to exempt activities that most likely should be performed by professional engineers. The task force is opposed to having any additional exemptions added to the Act or the regulations.

Staff will have more concrete proposals ready for the task force at the next meeting. Task force members were encouraged to provide us with ideas in advance of the next meeting.

6. Date of Next Meeting

The next meeting was set for Tuesday, February 21, 2012 at 5:00 p.m. at the PEO offices. A hot meal will be served starting at 4:00 p.m. in the dining room.

7. Adjournment

The meeting was adjourned at 8:34 p.m.

Mr. Peter Broad, P.Eng., Chair

Mr. Steven Haddock, Secretary