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# Minutes

**The ninth meeting of the Repeal of the Industrial Exception Task Force  
Wednesday, September 21, 2011 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. Thomas Chong, P.Eng.  
Mr. Ken Warden, P.Eng.  
Mr. Phil Smith  
Mr. Tilak Gunaratne, P.Eng.  
Mr. Chirag Shah, EIT (by teleconference)

Absent: Mr. Chris Maltby, P.Eng. (Vice-Chair)  
Mr. Eduard Guerra, P.Eng.  
Mr. David Adams, P.Eng.  
Mr. Michael Wesa, P.Eng.  
Mr. James Lowe, P.Eng.  
Ms. Tracy McColl-Galizia, P.Eng.  
Mr. Edward Poon, P.Eng.  
Ms. Stela Stevandic, P.Eng.  
Mr. Wayne Kershaw, P.Eng.  
Mr. Julien Samson, P.Eng.  
Ms. Ranee Mahalingam, P.Eng.  
Mr. Ahmad Khadra, EIT

Staff: Mr. Steven Haddock (Staff advisor, Secretary)  
Ms. Maria Ianonne (Staff support)

Absent: Ms. Marisa Sterling, P.Eng. (Staff advisor)

## 1. Welcome and Call to Order

The meeting was called to order at 5:14 p.m. with Mr. Broad in the Chair. There was a short discussion regarding the rationale behind the repeal and other federal and provincial initiatives.

The new members were introduced:

Mr. Phil Smith is with OPG nuclear and has been with them and their predecessors for about 30 years. He works largely in power generation. He is a recent applicant for licensure.

Mr. Tilak Gunaratne, P.Eng., works for Thales in their railway signaling division. He is also on the Registration Committee.

Mr. Klassen arrived at the meeting at 5:29 p.m.

## **2. Approval of Agenda**

It was moved by T. Chong, P.Eng, seconded by P. Smith

**That the agenda be approved.**

**CARRIED**

## **3. Approval of minutes of July 20, 2011**

It was moved by D. Blachford, P.Eng., seconded by T. Chong, P.Eng.

**That the minutes of the meeting of July 20, 2011, be approved, adding Mr. Warden to the list of attendees.**

**CARRIED**

## **4. Approval/introduction of new members**

Mr. Haddock advised that People Development is no longer providing staff or the committee with the applications of persons wishing to serve on the task force. We will determine if a resume could be released to the task force for review of future members.

Mr. Broad will contact the new applicants for the task force to review their qualifications and ability to contribute. Mr. Haddock will determine if we can get more information for the applicants for Mr. Broad to review. We may ask applicants to release this information to the task force for its review.

## **5. Communications with industry associations**

Ms. Iannone reported on our follow up efforts with industry associations. They have recently been contacted again. We have been getting more feedback and more requests for information. The feedback is that although their constituents realize there will be short term problems, they support the long term benefits that the law will bring. They do have concerns that will have to be addressed.

Ms. Sterling is still working on the list of employers that might be affected. We have narrowed it to larger companies, which leaves about 5,000 employers. Our strategy is still to start with large employers, then start reaching out to smaller employers after seeing the results of our initial outreach

## **6. Communications Materials**

### a. Website

The website is still not up, and probably won't be active until mid-October after Ms. Sterling is scheduled to return from leave. Mr. Klassen asked for the opportunity to look at the web site before it goes live.

#### i. FAQ

The committee agreed with the general content of the FAQ, and has made suggestions on improving the wording. Mr. Blachford wanted to make it clear about the scope of what activities could require professional engineering. It was also agreed that we must insure not to narrow the range of activities too much as we could find problems later as the state-of-the-art develops.

The cost of the process to get licensed should probably go in the FAQ. Mr. Blachford noted that the application fee doesn't cover our costs of running the licensing department.

#### ii. Get it right the first time

Ms. Sterling explored this theme in an article she prepared for the CMTA magazine. It was based on feedback from meetings with members of this association. Our presentations stress that it is cheaper to get a professional engineer involved at the beginning of the process, rather than just bringing them in for a PSR at the end of the process.

#### iii. Additional material

Mr. Haddock asked the members of the task force to prepare short articles of a few hundred words for inclusion in the web site. Even ideas for content would be helpful.

Mr. Haddock will provide a copy of the review of organizational licensing to the task force.

## **7. Communications with PEO members**

We will not be communicating with our members until the web site goes live. Mr. Haddock has learned that the number of e-mail blasts to our membership has resulted in many of them being ignored by our members.

## **8. Communications with employers and employees**

### a. Power Generation Industry

This group was receptive to our message and concerns, but they have their own concerns that must be addressed. As with other industries, their main concern is how we will interpret “the practice of professional engineering”. A lot of our message is to assure them that the range of activities covered by the definition is limited.

We have also been asked to provide guidance on whether particular tasks have to be performed by a professional engineer. There may be problems in responding to a large number of inquiries. The part of the three-part test for professional engineering most of the respondents have been concentrating on is the safeguards (life, health, property, etc.) without looking at the other two parts of the test. Mr. Haddock asked for examples from the task force of activities that would obviously require a professional engineer. Mr. Klassen pointed out that given the changes in the Act, it appears that the general perception is that the number of activities that come within the practice protection provisions of the statute is growing.

One of the industry respondents suggested hiring an independent expert to give them ongoing advice. However, PEO’s policy forbids us from recommending practitioners. The task force agreed that Mr. Haddock should approach OSPE and CEO to determine if they could develop a roster of experts in this area.

#### b. Steel Industry

Mr. Haddock visited a large steel manufacturer. It appears most of their engineering only directly affects process speed and not health and safety matters and may safely be done by non-licensed persons including EITs. It appears they will not have great difficulty getting into compliance as most of their key engineering functions are already performed by professional engineers. We have provided follow-up information.

#### c. Mining Industry

Mr. Haddock visited two consolidated mining/milling/smelting companies. He thanks Mr. Guerra for his assistance with one of the presentations. The task force members who accompany staff often have a better rapport with the industry people than staff does. Both companies were very accepting of the changes, but are concerned about the impact on their particular companies.

### **9. Compliance with repeal - Paths & Hurdles**

Mr. Haddock and Ms. Sterling met with the three primary managers in Licensing – Michael Price, Brian MacEwen and Moody Farag. They can make accommodations with respect to some of their process (such as PPE locations), but cannot with others (such as ERC interviews).

We do not have an accurate estimate of how many persons will need a license, but 5,000 to 10,000 would be reasonable. In addition, they will have to be licensed on a short schedule.

It is anticipated that the number of limited license applications anticipated could not be handled by our current processes. Licensing has acknowledged that the need for limited licenses will increase.

#### **10. Implementation Plan**

Mr. Blachford presented his draft implementation plan.

It was moved by D. Blachford, P.Eng., seconded by T. Chong, P.Eng.

**That the draft implementation plan be approved by the task force and be referred to Council.**

**CARRIED**

#### **11. Budget**

The task force inquired about what kind of money we would require for direct employer outreach.

#### **12. Next Steps**

The task force reviewed the steps to be taken before the next meeting:

- Mr. Broad will be provided with the names of new task force applicants.
  - Get the web site ready for review by the task force.
  - Mr. Haddock will contact OSPE and CEO regarding availability of experts to provide advice on what is professional engineering.
  - Staff to attempt to contact MOL and WSIB for both data and to determine if they can help with enforcement.
  - Staff to attempt to contact insurance industry on how the changes in the law will impact coverage and premiums.
  - Mr. Haddock to provide the implementation plan to the task force. He will also prepare the briefing note.
- Mr. Chong agreed to sponsor the matter on the agenda.

#### **13. Date of Next Meeting**

The next meeting was set for Wednesday, October 26, 2011 at 5:00 p.m. at the PEO offices.

#### **14. Adjournment**

The meeting was adjourned at 7:24 p.m.

Mr. Peter Broad, P.Eng., Chair

Mr. Steven Haddock, Secretary