



Professional Engineers  
Ontario

LICENSING PROCESS  
TASK FORCE  
(LPTF)

**FINAL REPORT TO COUNCIL**

SEPTEMBER 15, 2007

## CHAIR'S PREFACE

*This report represents several thousand hours of work by a dedicated group of people. That group includes not only the members of the Licensing Process Task Force itself, but countless other PEO volunteers and staff, including members of the standing committees on academic and experience requirements (ARC and ERC). They took time to review and comment on several versions of this report as it evolved, and to offer criticisms and suggestions. They provided alternative points of view on several issues, pointed out errors and omissions, and helped us to understand better some of the intricacies of PEO's current licensing system and the rationale behind them. We owe them a big vote of thanks. The responsibility for any factual errors, misunderstandings, or misrepresentations that remain in the report are mine alone, as chief editor.*

*Born out of conflict over the Registrar's review of the licensing process, the Task Force has taken almost three years to reach its final conclusions. Building consensus among the Task Force members and stakeholders has not been easy. Several of its earlier recommendations have been revisited during the course of its work, and some have been abandoned or reversed. In the end, however, we are presenting a set of recommendations that enjoys unanimous support of the Task Force members with the exception of Recommendations 17 (2 dissenters) and 51 (1 dissenter).*

*The fact that it took so long to complete this work is a reflection of two main factors: (i) the sophistication of PEOs existing licensing system, that handles very well an extremely divergent set of applicant circumstances, and (ii) the high level of commitment to and ownership of that system on the part of those volunteers and staff who make it work day in and day out. Although these factors make change difficult, I see them as signs of health and vitality in the organization.*

*The good news is, "PEO's licensing system is not broken or in need of major repair." There is, however, opportunity for improvement – as witnessed by our 50+ recommendations. That should not be a surprise to anyone. I believe PEO should adopt the Japanese concept of "kaizen" – continuous improvement of its services and processes to meet changing conditions. There will always be opportunities to improve this most important function within PEO's core mandate to serve the public interest.*

*In this spirit, the work of the Licensing Process Task Force is not done. The recommendations that Council approves must still be implemented in the manner in which they were intended, and the new licensing process should be monitored to ensure that everything is working smoothly. Furthermore, I urge Council to continue to pursue the important matters of defining essential competencies to be assessed through work experience, strengthening internship, and making the transition from engineering student to intern to licensee more seamless. All of these measures can add significant value and public confidence to PEO's licenses and designations.*



George R. Comrie, P.Eng., CMC  
Chair, Licensing Process Task Force

25 September 2007

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## EXECUTIVE SUMMARY

### Introduction

Licensing is arguably the most important thing PEO does. Approximately one quarter of its operating budget and one third of its staff are devoted to this core regulatory function. If a regulator licenses only competent, responsible practitioners, its disciplinary workload should be light, and the public well served.

PEO's licensing criteria and processes have evolved considerably over the past three decades as the scope, complexity, and size of the profession has grown. In addition, its applicant population has changed from one that was fairly homogeneous (mainly individuals trained in Canadian engineering schools) to one that is highly diverse in terms country of origin, academic background, and work experience. Finally, the environment in which Canadian professional regulators operate has changed, bringing greater external expectations of fairness, consistency, transparency, and flexibility.

Among professional regulators, PEO is considered to have done well in adapting to these changes. The current Licensing Process Task Force (LPTF) has been preceded by three other task forces in the past ten years that have dealt with various aspects of the admissions process. Yet this is the first time in many years that PEO has undertaken a thorough, fundamental review of its licensing criteria and processes.

*The ultimate goal of the LPTF's work has been to maximize the effectiveness of PEO's licensing function against its objective of licensing all those applicants, and only those applicants, who will serve the public interest by practising competently and responsibly.*

It is crucial that this fundamental objective of the licensing process be kept clearly in view when considering any changes to it. It is understatement to say that PEO's licensing procedures are complex. The Task Force spent most of its first six meetings familiarizing members with various aspects of the admissions process. Even then, as our work progressed, we continued to require further clarification of many criteria and procedures. Once one becomes immersed in the details of the process, it is easy to lose sight of the fundamental objective that a particular detail is intended to serve.

The Task Force has examined a wide range of issues / concerns / opportunities for improvement with the current licensing process. In considering these issues and possible solutions, it has adhered to the guiding principles established by its predecessor task forces, which include fairness, objectivity, transparency, consistency, and accountability – all with the overriding objective of ensuring competence. In addition, the Task Force considers that PEO's admissions criteria and practices should reflect its established core values, and should embody the principle of *independent peer review* which is fundamental to our concept of professional self-regulation.

The Task Force has taken the position that PEO's enabling legislation (the Professional Engineers Act and Regulation 941) is not perfect and should therefore not be considered sacrosanct. This conclusion was reached independently of any legal opinion. Instead, it has tried to work with a clean slate – considering what admission criteria should be applied and how applicants can best be measured against them, and only then considering any changes to

enabling legislation that might be necessary to implement them. In the end, the Task Force is recommending very little fundamental change to PEO's existing licensing criteria or processes, one change to the Professional Engineers Act when it is next revised, and numerous immediate changes to the Regulation. This outcome is fortunate given that Regulation changes are much more readily obtained than Act changes.

In simplest terms, the three fundamental criteria for someone to practice any profession with competence and responsibility are *knowledge*, *skill*, and *character* or attitude. It is easy to see that all three of these attributes must be present; the absence of any one renders an individual unsuitable for professional practice. In deciding who to license or not to license, PEO attempts to assess each applicant against these fundamental criteria, in order to come to a level of confidence that the applicant possesses the necessary professional skills and attributes to be entrusted with a licence to practise independently. There will always be some subjective judgment in such a decision-making process. No matter how rigorous our assessments are, a licensee can still fail to practice competently and/or responsibly, as witnessed by complaints and discipline cases. Complaint and discipline rates can therefore not be used as the primary measure of effectiveness of a licensing process.

PEO's assessments of applicants against these fundamental criteria are further complicated by the fact that we currently do not, in general, measure them directly. That is, we do not assess knowledge through comprehensive examinations, or skill through apprenticeship or internship, as some other professions do. Instead, we accept certain academic credentials as evidence of knowledge, and a certain amount of appropriate, documented, work experience as evidence of practice skill. In some cases, we supplement these assessments with technical examinations and/or interviews. These elements of PEO's current licensing process have evolved to maximize the fairness and flexibility of its assessments in the face of an extremely diverse applicant pool. They do, however, pose challenges in terms of objectivity, clarity, and consistency of process.

The most highly developed assessment regime in PEO's licensing process is that of academic credentials. This is a reflection of engineering admissions practices across Canada, which historically have relied heavily on academic preparation to develop competent, responsible, professional engineers. The fact that the majority of PEO's applicants for licensure have not been educated in an accredited Canadian engineering program has necessitated the development of sophisticated approaches to academic assessment. The Task Force has concluded that the current academic assessment procedures are sound and should be retained. It is further advocating that a university degree in engineering or applied science from a program with appropriate breadth and depth of study be established as the minimum academic standard for licensure.

The Task Force believes that greater emphasis should be placed on assessments of practice skill / competence and character. While there is little evidence to suggest that PEO has been licensing persons lacking in competence or integrity, public protection demands due diligence in assessing these attributes rigorously. To accomplish this objective, it would be advantageous to all parties involved (applicants, supervisors, referees, experience monitors and assessors, and ultimately the public) to define more precisely the competencies that must be demonstrated through practical experience / internship, so that they can be assessed consistently for purposes of licensure. The Task Force recommends that the existing tools and procedures of PEO's Experience Requirements Committee (ERC) – in which applicant interviews figure prominently - be maintained, and that the Committee be challenged to continue to refine them to the next level of precision.

## **Objectives of this Report**

This report is intended to accomplish the following objectives:

- To document for posterity the work of the Task Force, including matters it considered that did not result in recommendations. Some of these are presented in detail in the expectation that they may be revisited in the future, and in the hope that PEO may yet benefit from the time and energy the Task Force spent considering them.
- To document thoroughly PEO's existing licensing criteria and processes as of the date of the report (September, 2007).
- To identify and qualify the issues that have been raised with respect to PEO's licensing system.
- To present the guiding principles and fundamental assertions that the Task Force believes should underlie PEO's licensing system (or any other profession's, for that matter).
- To present recommendations for consideration by Council to strengthen PEO's licensing criteria and processes by addressing issues that have been raised with its current system. These are documented in sufficient detail for decision makers to understand the rationale behind each recommendation and the implications of adopting it.
- To provide an analysis of the issues raised in the legal opinions received from Richard Steinecke in the Fall of 2004, and how those issues have been addressed by the Task Force's recommendations.
- To include (generally in appendices) relevant background material to assist readers in obtaining a fuller understanding of some aspects of the Task Force's work.

## **Positive Findings and Conclusions**

This report contains most of the issues and concerns that have been raised with PEO's licensing system (criteria and processes). In that context, it may be useful to point out some of the elements of that system that the Task Force considers to be of significant value, and therefore worthy of protection and enhancement. These include:

- **The national system of accreditation of engineering programs by the Canadian Engineering Accreditation Board (CEAB)**

Canada's engineering accreditation system is the envy of the rest of the world. Many other countries are now in the process of establishing accreditation systems for their engineering and technology programs, and CEAB volunteers and staff are frequently called upon to advise and assist them by virtue of Canada's acknowledged expertise in this area.

There can be no question that CEAB accreditation is a significant factor in the consistently high quality of Canadian engineering programs. It has often been observed that Canada enjoys much less variability in the quality of its engineering programs and in the breadth of

academic preparation of its engineering graduates than other countries with no accreditation or less prescriptive accreditation.

The Task Force therefore acknowledges and supports the important role of CEAB accreditation in the formation of licensed professional engineers.

- **Strong academic / knowledge standards**

The core bodies of knowledge defined in syllabi that originate with both the Canadian Engineering Accreditation Board and PEO itself are important to the high standards of competence of PEO licensees. Prescriptive academic standards that insist on both breadth and depth of preparation ensure that licensees understand the scientific and engineering principles that underlie their work, and how to apply them broadly. This constitutes a major distinction between the study of engineering, on the one hand, and the study of either science or technology, on the other hand.

The Task Force agrees on the importance of maintaining high academic standards for licensure, and of continuing to assess applicants rigorously against those standards.

- **Flexibility in Assessment of Applicant Qualifications**

A significant feature of PEO's current licensing system is its flexibility in the assessment of applicant qualifications against requirements for licensure. In many cases, applicants are provided with multiple means of demonstrating compliance with the requirements. Examples of this flexibility are the interviews afforded applicants who would otherwise be required to pass confirmatory examinations, and the opportunity for applicants to obtain credit towards the requirement for 12 months of Canadian experience while working on projects outside Canada under the supervision of a Canadian professional engineer.

Established in the interest of fairness and inclusivity, these features of PEO's licensing system are unparalleled in most other senior professions.

The Task Force believes that this flexibility should be maintained and encouraged wherever it is practical to do so without compromising consistency of licensing process or outcomes.

- **Volunteer involvement in the assessment of applicant qualifications**

The underlying principle of independent peer review is presented in Section 3.5 of this report and is the subject of Recommendation 4. It is a key feature and core value of our Canadian system of professional self-regulation.

Volunteer involvement in the assessment of applicant qualifications against established requirements accomplishes a level of fairness and flexibility in dealing with diverse applicant backgrounds that could not be accomplished by any other means. No regulator could afford to maintain the body of academic and professional expertise represented by PEO's Academic and Experience Requirements Committees (ARC and ERC) were it not for the fact that these members volunteer their time without remuneration for the benefit of the profession and society at large. Over time, these groups have developed sophisticated internal guidelines and operating procedures to ensure fairness and consistency of outcome.

Many PEO members contribute to licensure in other ways, such as supervising professional practice examinations, mentoring and monitoring of engineering students and interns, providing applicant references, and serving as accreditation visitors.

- **The dedication and diligence of PEO staff involved in licensing and registration**  
Task Force members have been quick to commend the staff of PEO's Licensing & Registration Department for their commitment to fairness in the treatment of applicants and for their diligence in ensuring that applicants meet all of the established requirements for licensure.

There is ample evidence that staff and the members of the two standing committees that assess applicant qualifications work together harmoniously and effectively.

### **Overview of Recommendations**

The Task Force is making a total of fifty-six separate recommendations for Council's consideration, grouped under the following headings for ease of consideration by Council:

- Guiding Principles (4)
- Academic Requirements [for P.Eng. licence] (3)
- Examination Requirements [for P.Eng. licence] (6)
- Experience Requirements for [P.Eng. licence] (2)
- Good Character Requirements [for all licences] (1)
- Assessment of Academic Qualifications [for P.Eng. licence] (4)
- Assessment of Experience Qualifications [for P.Eng. licence] (2)
- Assessment of Character (3)
- Transfers from Other Jurisdictions (1)
- Review of Determinations (2)
- Timing of Professional Practice Examinations (1)
- Experience Credits (2)
- Currency of Academic Credentials (1)
- Time Standards for Making Determinations (1)
- Time Standards for Meeting Requirements (3)
- Cost of Examinations (2)
- Other Licence Types (5)
- Legal Issues (11)
- Implementation (1)

The most significant recommendations in terms of change from current practice are:

- Recommendations 6 and 13, that propose to eliminate the examination route to licensure;
- Recommendation 8, that would redefine the academic requirement in terms of depth and breadth of academic study, instead of in terms of an accredited Canadian engineering degree or "equivalent" (Note: this has no effect on graduates of accredited Canadian engineering programs, since they would continue to be exempted from confirmatory examinations);

- Recommendation 9, that would make passing confirmatory examinations a requirement for licensure unless the applicant is exempted from them by belonging to an exempt class of applicant such as graduates of accredited Canadian engineering programs, or by determination of the Academic Requirements Committee;
- Recommendation 17, that would require each applicant for any licence to furnish the results of a Canadian criminal record check or a local police records check with his or her application;
- Recommendation 23, that recommends strengthening of the experience requirements and on-the-job assessments in terms of specific practice skills and competencies that must be demonstrated;
- Recommendation 29, that would establish an independent determination review process;
- Recommendation 33, that proposes to limit automatic exemption from confirmatory examinations to applicants whose degrees were awarded not more than six years prior to the date of application.

The remaining recommendations deal with important but relatively non-controversial matters of interpretation or process refinement, or with issues related to PEO's enabling legislation underlying licensure (primarily the Regulations).

The Task Force's fifty-six recommendations are summarized in the table at the end of this Executive Summary.

### **Legal Matters**

When the Task Force turned its attention to the matters raised in the legal opinions obtained in conjunction with the Registrar's review of the licensing process, it found that many of the concerns raised by Richard Steinecke had been addressed by recommendations already agreed to by the Task Force. Nevertheless, with the assistance of PEO's General Counsel Mark Baruzzi, the Task Force proceeded to analyze carefully the opinions and make additional recommendations necessary to address the issues raised.

As many of the Task Force's recommendations would require changes to the Regulations (Ontario Regulation 941, relevant parts of which are reproduced in Appendix D), the Chair attempted a "first redraft" of the relevant sections (shown in Appendix E) to assist Task Force members and other interested stakeholders to envision how the recommendations, taken together, would affect the Regulations. This redrafting exercise proved to be useful in identifying unseen implications of the recommendations, as well as other anomalies in the current Regulations that had not come up previously. As a result, the Task Force took advantage of the opportunity to "clean up" several minor anomalies and anachronisms in the Regulations by proposing a couple of additional recommendations.

*In connection with Appendix E, it should be noted that this revised draft is for information only and is not subject to approval. Once Council has approved the associated recommendations, PEO's legal counsel will work with Legislative Counsel in the Attorney General's office to produce a final set of Regulation changes for Council approval at a subsequent meeting.*

When this process was complete, the Chair and Mark Baruzzi consulted with Richard Steinecke to ascertain if the Task Force's recommendations adequately addressed the concerns raised in his opinions. He replied in the affirmative, and indicated that all of the relevant issues could be addressed by redrafting of the Regulation as the Task Force had proposed.

It is significant to note that no changes to the Professional Engineers Act itself are required to address the issues raised in the legal opinions. Only two of the Task Force's recommendations, Nos. 44 and 51, would result in Act changes. These recommendations are not time-sensitive in any way, and if approved by Council, will be put on a list of proposed revisions to be brought forward when the Act is next scheduled to be amended.

### **Acknowledgments**

The Task Force wishes to acknowledge the support of the PEO staff members who supported and provided input into its work. They include (in alphabetical order):

- Kim Allen, P.Eng. - CEO / Registrar
- Roger Barker, P.Eng. – Deputy Registrar, Discipline & Enforcement
- Mark Baruzzi, LLB – General Counsel
- Noreen Calderbank, P.Eng. – Manager, Pre-Licensing Programs
- Moody Farag, P.Eng. – Manager, Admissions
- Richard Furst, P.Eng. – Manager, Licensure
- Steven Haddock, LLB – Standards & Regulations
- Brian MacEwan, P.Eng. – Manager, Registration
- Connie Mucklestone, Director, Communications & Chapters
- Evelyn Nasho - Administrative Assistant, Licensing & Registration
- Michael Price, P.Eng. – Deputy Registrar, Licensing & Registration
- Johnny Zuccon, P.Eng. – Deputy Registrar, Standards & Regulations

The Task Force also wishes to thank the many individuals from within the following stakeholder groups who responded to the Task Force's progress reports with comments, criticisms, and suggestions:

- PEO's Academic Requirements Committee (ARC)
- PEO's Experience Requirements Committee (ERC)
- PEO's Seamless Transition Task Force
- The Canadian Council of Professional Engineers (now Engineers Canada) and its Constituent Members in the other provinces / territories
- The Canadian Engineering Accreditation Board (CEAB)
- The Canadian Engineering Qualifications Board (CEQB)
- The Council of Ontario Deans of Engineering (CODE)
- The Ontario Society of Professional Engineers (OSPE)
- The Committee for Access to Professional Engineering (CAPE)
- PEO members and chapter executives
- Engineers For Engineers (EFE)

## Table of Recommendations

Note that entries in the Report Section column are hyperlinks to the relevant sections of the report.

Rec. No.	Report Section	Recommendation
1	<a href="#">5.</a>	That the report of the Licensing Process Task Force be received and its recommendations considered.
		<u>Re Guiding Principles</u>
2	<a href="#">5.1</a>	That Council endorse the guiding principles espoused by the Evolution of Engineering Admissions (E <sup>2</sup> A) Task Force, as adapted from those of the Task Force on Admissions, Complaints, Discipline, and Enforcement (ACDE), and documented in Section 3.1 of the Report.
3	<a href="#">5.1</a>	That Council acknowledge PEO's duty as a regulated profession under Part II, Section 5 of the <i>Fair Access to Regulated Professions Act - 2006</i> to provide registration practices that are transparent, objective, impartial, and fair.
4	<a href="#">5.1</a>	That Council endorse the central role of independent peer review in PEO's licensing process, as defined in Section 3.5 of the Report.
5	<a href="#">5.1</a>	That Council endorse the following statement of principle with respect to documentation of PEO's admissions policies and practices. <i>All documented information related to requirements, policies, and processes for licensure must:</i> <ul style="list-style-type: none"> <li>• <i>be applicant-centric;</i></li> <li>• <i>be transparent, objective, impartial and fair;</i></li> <li>• <i>align closely with the fundamental requirements for licensure (i.e., knowledge, skill, and character);</i></li> <li>• <i>specify clearly how and when the applicant can or must meet each requirement;</i></li> <li>• <i>specify clearly the assessment tools that will be used to assess whether an applicant meets the requirement; and</i></li> <li>• <i>indicate how PEO relies on independent peer review in its assessments of applicant qualifications.</i></li> </ul>
		<u>Re Academic Requirements</u>
6	<a href="#">5.2.1</a>	That a university degree in engineering or applied science be established as the minimum academic standard for licensure as a P.Eng., thereby eliminating the examination route to licensure.
7	<a href="#">5.2.1</a>	That applicants who do not meet the academic requirement for licensure as a P.Eng. be given the option of being considered for a Limited Licence without the need to reapply or pay an additional application fee.

Rec. No.	Report Section	Recommendation
8	<a href="#">5.2.1</a>	That the academic requirement for licensure be redefined in the Regulation in terms of academic breadth and depth, with reference to the PEO Syllabi as the standard for academic breadth, and with the objective definition of academic depth stated in Section 5.2.1 of this report.
		<b>Re Examination Requirements</b>
9	<a href="#">5.2.2</a>	<p>That a new regulation be added requiring all applicants for a licence to demonstrate that they meet the academic depth requirement by passing confirmatory examinations, unless exempted by the regulation, and establishing:</p> <ul style="list-style-type: none"> <li>• The normal confirmatory examination program for applicants who fully meet the academic breadth requirement;</li> <li>• The directed confirmatory examination program for applicants who do not fully meet the academic breadth requirement;</li> <li>• Exemptions for good performance on examinations;</li> <li>• Additional requirements for poor performance on examinations.</li> </ul>
10	<a href="#">5.2.2</a>	<p>That the following classes of applicant who have met PEO's academic breadth requirement be exempted in the Regulations from writing the confirmatory examinations:</p> <ul style="list-style-type: none"> <li>• Graduates of CEAB-accredited programs in the six (6) years preceding the date of application;</li> <li>• Applicants with bachelor's degrees in engineering programs that have been approved for academic depth by Council resolution;</li> <li>• Applicants who have satisfied the Academic Requirements Committee that they meet the academic depth requirement.</li> </ul>
11	<a href="#">5.2.2</a>	<p>That the current practice whereby an applicant with good performance on the first few confirmatory examinations may reduce the number of confirmatory examinations be enshrined in the Regulations as follows:</p> <p>(a) If an applicant writes two technical exams at his/her first sitting and achieves a minimum average of 65% with no mark below 60%, the applicant is exempt from writing the remaining two required exams;</p> <p>(b) If after the second exam sitting the applicant has passed three technical exams with no mark below 60%, the applicant is exempt from writing the Complementary Studies Exam;</p> <p>(c) If the applicant fails one technical exam on his/her first sitting, then passes the failed exam with a mark of 70% or higher and achieves 60% or higher on the previously unwritten technical exam attempted at the second sitting, the applicant is exempt from writing the Complementary Studies Exam.</p>
12	<a href="#">5.2.2</a>	<p>That the current practices related to poor performance on confirmatory examinations be retained and enshrined in the Regulations as follows:</p> <p>(a) If an applicant fails a confirmatory examination, he or she must retake and pass the failed examination;</p> <p>(b) If an applicant fails the same confirmatory examination twice or fails two different confirmatory examinations, he or she must retake and pass the</p>

Rec. No.	Report Section	Recommendation
		<p>failed examinations and will be assigned an additional confirmatory examination for each failed examination;</p> <p>(c) If an applicant fails the same confirmatory examination thrice or fails to achieve an average of at least 55% on three technical examinations, he or she will be deemed to not meet the academic requirement.</p>
13	<a href="#">5.2.2</a>	That the maximum number of different technical examinations that may be required of or attempted by any applicant be limited to nine (9).
14	<a href="#">5.2.2</a>	That Council place in regulations the objective test for exemption from confirmatory examinations before becoming a party to a mutual recognition agreement with any jurisdiction.
		<u>Re Experience Requirements</u>
15	<a href="#">5.2.3</a>	That Council approve the criteria and rules to apply the criteria listed in PEO's <i>Guide to the Required Experience for Licensing as a Professional Engineer in Ontario</i> , which defines the skills and attributes that must be acquired and demonstrated through experience.
16	<a href="#">5.2.3</a>	That the experience requirements in the Regulations be amended to reference PEO's <i>Guide to the Required Experience for Licensing as a Professional Engineer in Ontario</i> .
		<u>Re Good Character Requirement</u>
17	<a href="#">5.2.4</a>	That either a Canadian criminal record check or a local police records check, at the discretion of the applicant, be required of each applicant for licensure, to be obtained by the applicant at his or her own expense.
		<u>Re Assessment of Applicant Qualifications – Academics</u>
18	<a href="#">5.3.1</a>	<p>That all applicants whose academic credentials do not meet an objective criterion set out in the Regulations or established by Council resolution be referred by the Registrar to the Academic Requirements Committee (ARC) for assessment as to whether or not they meet PEO's academic breadth and depth requirements for licensure. The following objective criteria should be placed in the Regulations:</p> <ul style="list-style-type: none"> <li>• Graduates of a CEAB-accredited engineering program;</li> <li>• Applicants who qualify under the CCPE Inter-Association Mobility Agreement (IAMA).</li> </ul> <p>The following objective criteria should be established by Council resolution:</p> <ul style="list-style-type: none"> <li>• Graduates of academic programs for whom a standard treatment has been approved by Council resolution.</li> </ul>
19	<a href="#">5.3.1</a>	<p>That the current practices and assessment tools of the Academic Requirements Committee (ARC) in performing academic assessments of applicants be retained, including:</p> <ul style="list-style-type: none"> <li>• Requiring applicants to confirm their academic depth by passing a set of examinations chosen by the applicant from the set of examinations based</li> </ul>

Rec. No.	Report Section	Recommendation
		<p>on the applicable PEO Syllabus (<i>confirmatory examinations</i>);</p> <ul style="list-style-type: none"> <li>• Requiring applicants to confirm their academic depth in specific subject areas in which they are deemed deficient by passing examinations based on the applicable PEO Syllabus (<i>directed confirmatory examinations</i>);</li> <li>• Referring applicants to the Experience Requirements Committee (ERC) for an assessment interview to determine if they can demonstrate that they meet PEO's academic breadth and depth requirements without sitting technical examinations;</li> </ul> <p>and that the Regulations be amended as required to clearly support these practices.</p>
20	<a href="#">5.3.1</a>	<p>That applicants who are determined by the ARC to lack the necessary academic breadth be provided with an opportunity to demonstrate they have the knowledge specified in the PEO Syllabus by either:</p> <ul style="list-style-type: none"> <li>• Passing one or more ARC-specified technical examinations, or</li> <li>• Successfully completing ARC-approved / ARC-specified course(s) of study that include knowledge assessments.</li> </ul>
21	<a href="#">5.3.1</a>	<p>That PEO encourage Ontario's engineering schools to develop cost-effective programs of study and delivery methods for courses designed to address applicant knowledge gaps, and support universities' efforts to receive funding from the Ontario Government for such programs.</p>
<b><u>Re Assessment of Applicant Qualifications – Experience</u></b>		
22	<a href="#">5.3.2</a>	<p>That the current practices and assessment tools of the Experience Requirements Committee (ERC) in assessing the engineering experience of applicants be retained.</p>
23	<a href="#">5.3.2</a>	<p>That PEO's experience assessment criteria and procedures be strengthened to include:</p> <ul style="list-style-type: none"> <li>• the required professional practice skills and attributes;</li> <li>• appropriate attitudes towards professional practice, including the core values of integrity, respect, accountability, professionalism, and teamwork;</li> <li>• the ability to communicate in the English language; and</li> <li>• the ability to work in the Canadian engineering and business culture and environment;</li> </ul> <p>and that they be communicated clearly to applicants, supervisors, experience monitors / reviewers, and referees.</p>
<b><u>Re Assessment of Applicant Qualifications – Character</u></b>		
24	<a href="#">5.3.3</a>	<p>That the Registrar check each applicant against the National Database maintained by Engineers Canada once it becomes available, regardless of his or her responses to the "good character" questions on the application.</p>

<b>Rec. No.</b>	<b>Report Section</b>	<b>Recommendation</b>
25	<a href="#">5.3.3</a>	That the Registrar verify each applicant's declarations with respect to licensure in another jurisdiction wherever it is practical to do so.
26	<a href="#">5.3.3</a>	That Council establish criteria for how the Registrar should deal with "negative" responses (i.e., responses that raise concern) to each of the character-related questions on the application, and to issues raised by an applicant's supervisor, referee, or experience monitor.
		<u>Re Transfers From Other Jurisdictions</u>
27	<a href="#">5.4</a>	That a new regulation be added to cover licensing of applicants already registered in another jurisdiction with which PEO has in place a mobility agreement, by which such applicants will be deemed to meet all requirements for licensure except for the <i>good character</i> requirement with the following provisions: <ul style="list-style-type: none"> <li>(a) The applicant has successfully passed a Professional Practice Examination in a Canadian jurisdiction, or has been licensed to practise professional engineering in a Canadian jurisdiction for at least five (5) years; and</li> <li>(b) The applicant has provided satisfactory evidence of having at least twelve (12) months of Canadian experience that meets the requirements of subsection 33. (3) 3. of this Regulation; and</li> <li>(c) The applicant has not previously applied to the Association for a licence and been deemed to not meet the academic requirements.</li> </ul>
		<u>Re Review of Determinations</u>
28	<a href="#">5.5</a>	That the Academic Requirements Committee (ARC) and the Experience Requirements Committee (ERC) continue to conduct informal, internal reviews of their assessments before a Notice of Determination (NOD) is issued.
29	<a href="#">5.5</a>	Recommendation 29: That Council authorize the creation of an independent determination review mechanism involving independent NOD review panels, as detailed in Section 5.5 of this report.
		<u>Re Timing of Professional Practice Examinations</u>
30	<a href="#">5.6</a>	That Section 37. of the Regulations be revised to provide that an applicant may write the Professional Practice Examination(s) any time they are offered.
		<u>Re Experience Credits</u>
31	<a href="#">5.7</a>	That Section 33.(1) 3. of the Regulations be amended to provide that up to 12 months of the required practical experience may be acquired once the applicant is deemed by ARC to have successfully completed the Basic Studies and Group A Professional subjects from the relevant PEO Syllabus, and that the balance of the required practical experience must be acquired after the academic requirement in Section 33.(1) 1. has been fully met.

<b>Rec. No.</b>	<b>Report Section</b>	<b>Recommendation</b>
32	<a href="#">5.7</a>	That, for purposes of accumulating experience towards licensure, applicants who substantially meet the <i>academic breadth</i> requirement (i.e., whose transcripts match the PEO Syllabus with no more than two gaps) be deemed to have met PEO's academic requirements on the date of their engineering degree.
		<u>Re Currency of Academic Credentials</u>
33	<a href="#">5.8</a>	That the Regulations be amended to provide that applicants with accredited degrees that were awarded more than six (6) years prior to the date of application will be assessed against the current applicable PEO Syllabus for academic breadth.
		<u>Re Time Standard for Making Determinations</u>
34	<a href="#">5.9</a>	That Council establish and publish a time standard for making a determination, once an applicant has declared, and Licensing & Registration staff have confirmed, that he/she has provided all required / relevant information, taking into account the various legitimate circumstances that can influence turn-around time, such as whether or not the applicant is referred to ERC for an interview.
		<u>Re Time Limits for Meeting Requirements</u>
35	<a href="#">5.10.1</a>	That an applicant's file be kept open for a maximum of eight (8) years from the date of application.
36	<a href="#">5.10.2</a>	That the Regulations be amended to remove provisions related to timing of examinations and academic year.
37	<a href="#">5.10.2</a>	That PEO continue to administer technical examinations, and that consideration be given to offering all examinations at least twice a year.
		<u>Re Cost of Examinations</u>
38	<a href="#">5.11</a>	That Regulation 85(1) be revised to reflect that the fee for sitting each examination of any type / purpose is \$150.
39	<a href="#">5.11</a>	That a new section be added to Regulation 85(1) to reflect that the cost of establishing and monitoring a gap examination program is \$370.
		<u>Re Other Licence Types</u>
40	<a href="#">5.12.1</a>	That definition of academic and experience requirements for the Limited Licence be reviewed for consistency in philosophy and approach with those of the P.Eng. licence.
41	<a href="#">5.12.1</a>	That Section 46. of the Regulation be revised along the lines proposed for Section 33. to address the issues raised in the legal opinions.
42	<a href="#">5.12.1</a>	That all applications for a Limited Licence (LL) or a Licensed Engineering Technologist (LET) designation (when approved) be referred to the

Rec. No.	Report Section	Recommendation
		Experience Requirements Committee for a determination as to whether or not the applicant has met the experience requirements prescribed by the regulations for the issuance of the LL or LET.
43	<a href="#">5.12.1</a>	That previous recommendations dealing with good character and with the licensing process itself apply to all types of licence.
44	<a href="#">5.12.2</a>	That the Provisional Licence as presently defined be phased out, and replaced with a certificate of application status available on demand and at no cost to an applicant for any type of licence.
		<u>Re Legal Issues</u>
45	<a href="#">6.2</a>	That Sections 34 through 36 of the Regulations be deleted as they are primarily operating procedures.
46	<a href="#">6.2</a>	That a new Regulation be added to provide for an applicant's file to be closed by the Registrar in the event that the applicant does not make satisfactory progress towards demonstrating compliance with the academic requirements by passing technical examinations specified by ARC, along the following lines: <i>Where an applicant has chosen to attempt technical examinations specified by the Academic Requirements Committee as a means of demonstrating compliance with the academic requirements pursuant to Section 34., and</i> <i>(i) fails to pass at least one examination within two years of notice of the determination made under Section 40.(2), or</i> <i>(ii) fails to pass all of the specified examinations within eight (8) years of receiving notice of the determination made under Section 40.(2),</i> <i>the Registrar may withdraw the applicant's application for a licence unless the applicant submits to the Registrar in writing reasonable justification for the failure to attempt or pass the examinations.</i>
47	<a href="#">6.3.1</a>	That Section 40.(2) (c) of the Regulation be amended to reflect: <i>in the event that the Committee determines that the applicant has not demonstrated that he or she meets the academic requirements specified in 33.(1), [the Committee shall] advise the Registrar of the applicant's deficiencies with respect to the academic requirements and identify alternative means, if any, by which the applicant may demonstrate compliance with the requirements.</i>
48	<a href="#">6.3.2</a>	That Section 40.(3) (c) of the Regulations be amended to reflect: <i>[The Academic Requirements Committee] may refer the experience of an applicant to the Experience Requirements Committee for an assessment and recommendation as to how such experience should be taken into account in demonstrating that he or she has met the academic requirements specified in 33.(1).</i>

<b>Rec. No.</b>	<b>Report Section</b>	<b>Recommendation</b>
49	<a href="#">6.3.2</a>	That the following provision at Subsection 40.(3) (d) of the Regulations be moved to a new section, for example 40.(4), as it does not relate to ARC “carrying out its duties in Subsection (2)”: <i>The Academic Requirements Committee shall consider and decide upon the form and content of examinations recommended, and the results of such examinations.</i>
50	<a href="#">6.3.2</a>	That all references in the Regulations to “thesis” except that in Section 85 (that set out the fee payable on submission) be deleted, as this is an element within the PEO syllabi.
51	<a href="#">6.3.3</a>	That Section 14. (1) (c) of the Professional Engineers Act be amended when the Act is next revised to remove the provision that Council can waive academic and examination requirements.
52	<a href="#">6.3.3</a>	That Section 33.(1) 4. of the Regulations be amended by deleting the last sentence that reads: <i>However, the Council may vary or waive this requirement in circumstances in which it considers it to be in the public interest to do so.</i>
53	<a href="#">6.4.2</a>	That Council approve annually, or more often if required, the list of academic programs that are accredited (by CEAB) and that meet the intent of Section 33.(1) 1. i. of the Regulations (Section 33. (2) 3. (a) of the draft revised Regulations).
54	<a href="#">6.4.5</a>	That Section 33. (1) 2. of the Regulations be amended to reflect: <i>The applicant shall demonstrate that he or she has had forty-eight (48) months of experience in the practice of engineering that meets the criteria approved by Council resolution and published in the Association’s Guide to the Required Experience for Licensing as a Professional Engineer in Ontario in effect at the time of application.</i>
55	<a href="#">6.4.7</a>	That the words “in the Council’s opinion” be deleted from Section 33.(2) (b) of the Regulations.
		<b><u>Re Implementation</u></b>
56	<a href="#">8.1</a>	That the Registrar, in consultation with the Licensing Process Task Force, be authorized to prepare an implementation plan for the above recommendations as approved by Council, and to finalize the necessary amendments to the Regulations, for approval by Council.



## 1. TASK FORCE MANDATE AND TERMS OF REFERENCE

### 1.1 Constitution

At its meeting on January 21<sup>st</sup>, 2005, PEO Council established the Licensing Process Task Force (LPTF) through the following motion:

*That Council:*

- a) *establish a Licensing Process Task Force to review the licensing issues raised in the Registrar's Licensing Review and to make recommendations to Council on how to deal with the licensing review issues, whose membership shall consist of five members of Council to be appointed by the Executive Committee at its February 15, 2005 meeting; and*
- b) *provide staff support sufficient to enable the LPTF to complete a preliminary report within six months of its first meeting, and its mandate within one year.*

### 1.2 Membership

The members of the Task Force appointed by the Executive Committee and confirmed by Council on March 4<sup>th</sup>, 2005 are:

- George Comrie, P.Eng. – Past President & Chair
- Bob Goodings, P.Eng. – President
- Ravi Gupta, P.Eng. – Chair, ERC
- James Lee, P.Eng. – Chair, ARC
- Allen Lucas, P.Eng. – Vice President
- Laurier Proulx, C.E.T. – Lay Councillor
- Barna Szabados, P.Eng – Member ARC
- Richard Weldon, P.Eng. – Councillor at Large

Support Staff:

- Kim Allen, P.Eng. – CEO / Registrar
- Connie Mucklestone – Director, Communications & Chapters
- Michael Price, P.Eng. – Deputy Registrar, Licensure & Registration
- Johnny Zuccon, P.Eng. – Deputy Registrar, Standards & Regulation

Laurier Proulx demitted from the Task Force when his term as an LGA appointee on Council ended in December of 2005.

Commencing late in 2006, PEO's General Counsel, Mark Baruzzi, LLB, supported the Task Force in its analysis of the legal opinions, and has been involved with its work ever since.

### 1.3 Terms of Reference

The Task Force's first item of business was to develop more detailed terms of reference and a workplan to accomplish its mandate. They agreed to review PEO's licensing practices with a view to:

- their effectiveness in protecting the public,
- their fairness to all classes of applicant, and
- their timeliness and operational efficiency.

An essential part of the Task Force's mandate was to consider the fundamental criteria that should be used to determine an applicant's suitability to receive a license to practise engineering independently, and how those criteria can best be measured.

The Task Force agreed to build on the work of previous licensing-related committees and task forces including:

- the Task Force on Admissions, Complaints, Discipline, and Enforcement (ACDE),
- the Admissions Appeal Process Task Group (AAPTG), and
- the Evolution of Engineering Admissions (E<sup>2</sup>A) Task Force.

Finally, the Task Force was to recommend any changes necessary to PEO's enabling legislation (the Professional Engineers Act and Ontario Regulation 941) and its current admissions processes and procedures to bring them into line with the recommended admission philosophy.

The terms of reference at Appendix A, as agreed upon by the Task Force, were presented to Council for information on June 24<sup>th</sup>, 2005 and formally approved by Council on December 2<sup>nd</sup>, 2005.

## 2. WORK COMPLETED

### 2.1 Meetings and Work Completed

The LPTF held its first meeting on March 28<sup>th</sup>, 2005 and met regularly every two-four weeks from that time on until September 5<sup>th</sup>, 2007. In total, 36 face-to-face meetings were held at PEO Headquarters, beginning at 5:30 p.m. with a light supper, and ending after 9:30 p.m. Thus, the Task Force's efforts represent some 1,150 person-hours of work in meeting time alone.

The Task Force's total non-labour expenses as of August 31st, 2007 total **\$ 39,592.**

The first several meetings were taken up with information sessions to bring all members of the Task Force up to speed on the work of previous admissions-related committees and task forces, including:

- The Task Force on Admissions, Complaints, Discipline, and Enforcement (ACDE, 1999)
- The Admissions Appeal Process Task Group (AAPTG, 2002)
- The Task Force on Evolution of Engineering Admissions (E<sup>2</sup>A, 2004)

and on the details of PEO's current admissions process, including:

- Current admission requirements
- Existing policies, guidelines, and forms
- The CEAB accreditation process and criteria
- The CEQB syllabi
- Assessment of academic requirements by the ARC
- Assessments of experience by the ERC
- Assessment of good character
- Appeals, and the role of the Registration Committee
- Numbers of applicants for each branch of the process flowchart
- PEO's Pre-Licensing Programs

The current Admissions criteria, measurements, and process are summarized in Section 4.

The Task Force also reviewed the documents associated with the Registrar's Review of the Licensing Process, which had been presented in November of 2004, including the legal opinions of Richard Steinecke.

At the outset of the Task Force's work, CEO / Registrar Kim Allen compiled in a spreadsheet (the "Admissions Issues Spreadsheet") all the known issues that had been raised with respect to admissions. The Task Force intends to revisit this spreadsheet to ensure that all significant items have been addressed and noted in its final report.

Dr. Monique Taylor of PEO's Policy group researched the Admissions practices specified in the legislation of other [engineering and other professions] professional regulators in Canada, and compiled two Research Reports on her findings (one on academic requirements and the other on experience requirements), which were presented to the Task Force in May of 2005. They are summarized in Appendix C.

The Task Force provided its first interim report to Council on September 23<sup>rd</sup>, 2005. In discussion at that time, some Councillors raised the concern that PEO might have exposure since it had received a legal opinion that some of its admissions practices may not be consistent with its enabling legislation, which legislation in and of itself may be inconsistent with established principles of administrative law, and/or lacking the specificity necessary to defend it if challenged. In the end, however, Council agreed with the Task Force's recommendation that it should be allowed to complete its planned work program and deal with legal considerations as a last step.

Late in 2005, to evaluate applicant satisfaction with PEO's current licensing process, PEO's Policy group conducted an on-line survey of P.Eng.s licensed between January 1<sup>st</sup>, 2004 and November 1<sup>st</sup>, 2005 (~3,000 members with valid e-mail addresses out of a population of 3,665). 994 survey responses were received (a 33% response rate), with about 150 respondents providing additional comments / suggestions. In general, the responses were highly favourable. The analysis compared CEAB graduates (48%) against internationally trained (52%). PEO's Manager – Policy, Jordan Max, presented a summary of the findings of this survey to the Task Force on February 13<sup>th</sup>, 2006.

The Task Force also considered the November, 2005 report submitted to the Ontario Minister of Citizenship and Immigration by Justice George M. Thomson entitled *Review of Appeal Processes From Registration Decisions in Ontario's Regulated Professions*, in terms of the potential impact of its recommendations on PEO's processes for review of admission determinations and decisions. An extract dealing with fair registration practices from the Executive Summary of his report is included in Appendix B.

On June 8<sup>th</sup>, 2006 the Minister of Citizenship and Immigration introduced Bill 124 – The Fair Access To Regulated Professions Act, 2006 – in the Ontario legislature. A backgrounder on this legislation from the Ministry's website is included in Appendix B. This bill proposed to implement major recommendations of the Thompson report, including audit of regulators' registration practices through the office of a new "Fairness Commissioner", but excluding the independent, external review tribunal Thomson had proposed to hear appeals of registration decisions. Sections 3 and 4 of the LPTF's report were updated to reflect aspects of this new legislation, which was passed into law on December 13<sup>th</sup>, 2006.

The LPTF Chair met on multiple occasions with the Academic Requirements Committee and Experience Requirements Committee to explain aspects of matters being considered or proposed by the Task Force and to receive questions and comments from members of those standing committees. He also presented the Task Force's findings and recommendations to both the Canadian Engineering Qualifications Board (CEQB) and the Canadian Engineering Accreditation Board (CEAB) in September, 2007.

In addition, several members of PEO provided written submissions to the Task Force on various aspects of the Licensing process. These and other documents reviewed and/or produced by the Task Force are maintained on PEO's Sharepoint extranet in the LPTF section.

LPTF members participated in a Council Workshop held May 13<sup>th</sup>, 2006 at Horseshoe Valley Resort, at which Councillors discussed the Task Force's findings and recommendations and provided feedback. Although broad support was evident in this meeting for most of the recommendations, some ARC and ERC members continued to express concerns about certain aspects of the report. As a result, some recommendations were dropped, and a simplified version of the report consisting of an expanded *Executive Summary and Recommendations* was developed to facilitate ongoing discussions. This version became the base for further refinement during the Fall of 2006 and the Spring of 2007.

At its June 23<sup>rd</sup>, 2006 meeting, in response to Councillor's concerns regarding the outstanding legal opinions received late in 2004, Council authorized then President Quinn to "deal with the Steinecke opinion with respect to PEO's licensing process". The expectation of some was that a second legal opinion would be sought to either confirm or counter the Steinecke opinion; however, this was not done. The Task Force had previously considered the advisability of obtaining a second legal opinion, and had concluded that it would not materially affect the work of the Task Force or the decisions to be made by Council.

Late in 2006, the Task Force did turn its attention to the legal opinions of Richard Steinecke received in the Fall of 2004. With the assistance of PEO's General Counsel, Mark Baruzzi, the Task Force worked through the matters raised in the opinions and assessed how they had been addressed by recommendations finalized to date. Additional recommendations were then developed to address outstanding legal issues, and added to the report. Richard Steinecke was consulted informally, and advised the Task Force that he was satisfied with the way in which the recommendations addressed the issues he had raised.

Council was kept abreast of the Task Force's work by means of presentations and briefing notes. At its March, 2007 and June, 2007 meetings, Council considered and adopted licensure-related motions dealing with (i) licensing of academic teaching staff, (ii) fee incentives for registrants in the EIT program, and (iii) reinstatement of licensees. A fourth set of motions to approve implementation of a licensed internship was defeated in March. The Task Force did not propose these motions, but commented on them.

On August 14<sup>th</sup>, 2007 the Task Force conducted a general session for stakeholders to answer questions and receive feedback on its *Executive Summary with Recommendations*, which had been circulated for comment on May 7<sup>th</sup>. At this session, the Chair presented background on the work of the Task Force and its recommendations, then led attendees through the recommendations one by one.

Based on stakeholder feedback and a final review by the Task Force, this *Final Report* has been prepared for consideration by Council at its November 15<sup>th</sup>, 2007 meeting.

## 2.2 Major Topics of Discussion

The Task Force's deliberations and proposals were reported regularly to PEO's Academic Requirements Committee (ARC) and Experience Requirements Committee (ERC) by their respective Chairs (Drs. Lee and Gupta), who then brought back to the Task Force the concerns and recommendation of their committees. In this way, the two standing committees most heavily involved in admissions were made a part of the work of the Task Force.

Over the course of the Task Force's meetings, significant amounts of meeting time were spent considering the following issues (in no particular order):

- **Whether or not each admission criterion could / should be a prerequisite to apply for a licence**  
*Each of the seven current criteria was examined to see if it could be applied as a "pre-filter" at the front end of the admissions process (i.e., if the applicant did not meet it, his/her application would be rejected immediately, along with the application fee), and if so, if making the criterion a prerequisite would enhance the licensure process. PEO's current legislation establishes these criteria as criteria for **issuing a licence**, not applying for a licence. Only the application fee itself can be considered a prerequisite.*
- **Whether or not to impose a minimum academic standard to apply**  
*Many other self-regulating professions require an acceptable academic degree (i.e., from an approved list) in order **to apply**; applications from individuals lacking such degree are refused, and the refusal is not generally subject to appeal. PEO's current Licensing Guide states:  
"The minimum academic requirement for professional engineering licensure consideration is graduation from a three-year engineering technology program or a three-year university science program in a relevant field, or academic qualifications deemed by PEO to be equivalent to the academic programs mentioned herein."  
However, this requirement is not enshrined in PEO's enabling legislation, and in practice, almost all applications are accepted and processed. The practice in place since October, 2004 has been to issue to applicants who are deemed not to meet this minimum standard a notice of proposal to refuse to issue a licence (NOP). In theory, the applicant could then request a review of that administrative decision by the Registration Committee.*

- **Whether or not to impose a time limit on academic credentials**  
*There is currently no “expiry date” on academic credentials in PEO’s Admissions process. The Task Force considered if it was reasonable to accept academic credentials that might be more than 20 years old, especially if the applicant has not been practicing engineering since graduation under a licence.*
- **Whether or not to eliminate the examination route to licensure**  
*Members of the Task Force agreed unanimously that independent studies and passing assigned technical examinations do not constitute an equivalent formation process to that provided by an engineering education program from a reputable university. Initially, in a split decision, the Task Force chose to recommend retaining the examination route to licensure; however, on revisiting the subject in June, 2007 during consideration of the role of technical examinations in licensure, it was decided to recommend that it be discontinued, and that the number of technical examinations that may be attempted by any applicant be limited.*
- **The role and limitations of the Registration Committee (REC)**  
*A presentation on this subject by Deputy Registrar Roger Barker and LPTF member Laurier Proulx (who sits on REC) highlighted that the registration hearing as previously contemplated had not been fully implemented in the most recent Act change, and that some aspects of registration hearings held to date were problematic.*
- **Whether or not it would be better to go to a staged licence process in which the applicant must proceed stage-by-stage**  
*(i.e., successfully completing each stage before proceeding to the next, as opposed to the current single stage process in which the criteria for licensure are evaluated more or less in parallel)*
- **How the *good character* admissions criterion is applied, and how it might be assessed more rigorously**
- **Classes of applicant by academic background**  
*How PEO’s total applicants are distributed over the various classes of academic background, how they get routed through the Admissions process, and where they end up, in what timeframes*
- **Whether or not to impose a time limit on the accumulation of experience for licensure**  
*Once an applicant has satisfied the academic requirements for licensure and passed the PPE, there is no effective limit on how long he/she can take to satisfy the experience requirements. The Task Force considered the desirability of imposing such a time limit as a means of reducing the large number of inactive application files in the licensing process.*

- **When to issue Notices of Determination (NODs) and Notices of Proposal To Refuse to Issue a Licence (NOPs)**  
*The timing of issuance of these notices can pose problems for both PEO and the applicant. Since the 2003 Act change, determinations of ARC and ERC are no longer final, but only a NOP can trigger a Registration hearing.*
- **What opportunities an applicant should have for redress of an administrative decision (e.g., a Notice of Determination or a Notice of Proposal to Refuse a Licence)**
- **How the Admissions process could be made more consistent with the concept of a “seamless transition” from engineering student to intern to licensee**  
*Currently, PEO’s Student Membership Program (SMP) and Engineer-In-Training (EIT) program are completely independent of each other and of the P.Eng. licensing process. A separate Task Force has been established by Council to bring recommendations on how the transition from engineering student to intern to P.Eng. licensee could be more tightly integrated.*
- **How to deal with engineering graduates seeking experience for licensure who do not have access to a P.Eng. supervisor / experience monitor at their place of work**
- **How to deal with academic staff at our engineering schools seeking licensure to meet CEAB criteria but lacking engineering academic backgrounds and/or experience**
- **How best to use PEO’s regulation-making powers under the Professional Engineers Act with respect to admissions / licensure**
- **The results of the Task Force’s survey of recent licensees**
- **The role and legal status of [technical] examinations in PEO’s licensing process**  
*Some applicants are required to pass examinations corresponding to subject areas in PEO’s syllabi in order to demonstrate that they meet the academic requirements for licensure. Examinations may be assigned because either (i) the applicant’s academic record shows gaps in required subject matter, or (ii) the depth of the applicant’s academic preparation is in question, or both. The Task Force debated whether or not there was a fundamental difference between so-called “gap” or “directed confirmatory” examinations and “confirmatory” examinations on the basis of their intent, and whether or not they should be established as a requirement for licensure in the Regulations.*
- **The legal opinions received from Richard Steinecke on October 18<sup>th</sup> and November 18<sup>th</sup>, 2004 concerning PEO’s licensing criteria and processes**

### 3. GUIDING PRINCIPLES

#### 3.1 E<sup>2</sup>A Guiding Principles

The Task Force endorses the guiding principles espoused by the Evolution of Engineering Admissions (E<sup>2</sup>A) Task Force, which in turn reflect those adopted by the Task Force on Admissions, Complaints, Discipline, and Enforcement (ACDE). These are:

##### 3.1.1 Overriding Principles

- *Protect and serve the public interest* (PEO's fundamental mandate)
- *Assure Competency: only qualified practitioners shall be licensed*

##### 3.1.2 Primary Principles

- *Fairness*
- *Transparency*

##### 3.1.3 Subordinate Principles

- *Adaptiveness of Process*
- *Consistency of Process and Outcome*
- *Relevance of Process*
- *Clarity of Process*
- *Dispatch*
- *Elimination of Subjectivity and Discretion*
- *Maintain Current Standards*
- *Mobility of Licensee*
- *Non-Discrimination*
- *Predictability*
- *Clear Delineation of Roles*
- *Economy of Process*
- *Simplicity*

#### 3.2 Principles From Ontario Regulators For Access

In February of 2004, PEO Council approved the following *Guiding Principles For Regulators* proposed by Ontario Regulators for Access, an informal coalition of professional regulatory bodies in Ontario:

- *Fairness*
- *Objectivity*
- *Transparency*
- *Accountability*
- *Collaboration*

These principles, which are described in more detail at Appendix B, are designed to guide regulators as they evaluate their policies, practices, and approaches in relation to internationally educated / trained candidates.

### 3.3 Principles From Fair Access to Regulated Professions Act

On June 8<sup>th</sup>, 2006 Ontario's Minister of Citizenship and Immigration introduced in the Ontario Legislature the *Fair Access to Regulated Professions Act, 2006* (Bill 124, commonly known as "FARPA"). A backgrounder to this legislation, the first of its kind in Canada, is included here in Appendix B. The Act was passed into law on December 13<sup>th</sup>, 2006, and is now in the process of being implemented. Part II of this legislation sets out the general duty of regulators thus:

5. *A regulated profession has a duty to provide registration practices that are transparent, objective, impartial, and fair.*

These principles are consistent with those endorsed by the LPTF and its predecessor task Forces.

Part III of the legislation further defines specific duties of regulators which impact the Task Force's problem definition and recommendations, including:

6. *A regulated profession shall provide information to individuals applying or intending to apply for registration by the regulated profession and, without limiting the generality of the foregoing, it shall provide,*
  - (a) *information about its registration practices,*
  - (b) *information about the amount of time that the registration process usually takes,*
  - (c) *objective requirements for registration by the regulated profession together with a statement of which requirements may be satisfied through alternatives that are acceptable to the regulated profession, and*
  - (d) *a fee scale related to registrations.*
7. *A regulated profession shall,*
  - (a) *ensure that it makes registration decisions within a reasonable time,*
  - (b) *provide written responses to applicants within a reasonable time, and*
  - (c) *provide written reasons to applicants within a reasonable time in respect of all registration decisions and internal review or appeal decisions.*
8.
  - (1) *A regulated profession shall provide an internal review of or appeal from its registration decisions within a reasonable time.*
  - (2) *A regulated profession shall provide an applicant for registration an opportunity to make submissions with respect to any internal review or appeal.*
  - (3) *A regulated profession may specify whether submissions in respect of an internal review or appeal are to be submitted orally, in writing, or by electronic means.*
  - (4) *No one who participated in a registration decision shall participate in the internal review of or appeal from that decision.*

### 3.4 PEO Core Values

PEO's licensing criteria and processes should reflect its core values, as outlined below. These core values are a key component of PEO's corporate ethos. They are intended to inform the thoughts, attitudes, and behaviour of PEO members, volunteers, and staff towards one another and towards the public, and to influence all PEO policies and decisions. They were developed collaboratively by staff and volunteers using a facilitated "grass roots" process, and were adopted by Council in 2005.

They are:

- **Integrity**
  - *Doing the right thing regardless of consequences*
  - *Fairness*
  - *Honesty*
  - *Openness, transparency*
  - *Walking our talk*
  - *Obeying the law*
- **Accountability**
  - *Willingness to take responsibility for our actions*
  - *Willingness to be held accountable for outcomes*
  - *Delivering what we promise*
  - *Accepting good and bad outcomes*
  - *Owning up to our shortcomings and mistakes*
  - *Honouring requirements, obligations, and expectations*
- **Respect**
  - *Treating each other with respect and dignity*
  - *Accepting each person for who he or she is and what he or she represents*
  - *Practising inclusiveness*
  - *Applying the golden rule*
  - *Valuing diversity*
  - *Recognizing and affirming others*
  - *Seeking first to understand, then to be understood*
- **Professionalism**
  - *Competence*
  - *Consistently performing to a high standard*
  - *Positive attitude*
  - *Reliability*
  - *Understanding the impact of our decisions*
  - *Excellence – striving to be and do the best*
  - *Completing our work in a manner consistent with our core values*

- **Teamwork**
  - *Collaboration*
  - *Alignment of the team with the common goal*
  - *Flexibility*
  - *Taking initiative*
  - *Taking responsibility for our share of the work*
  - *Fully and voluntarily contributing our knowledge and expertise*

### 3.5 Independent Peer Review

PEO's licensing processes should continue to embody the time-honoured practice of *independent peer review* that is a hallmark of the self-regulating profession.

Independent Peer Review brings the following important benefits to our Canadian model of professional self-regulation:

- Access to professional expertise in the full range of technical disciplines and scopes of practice at manageable cost through the use of volunteers;
- Independence of judgment, impartiality, and freedom from bias;
- Flexibility in considering all relevant factors in the case to be determined;
- Sensitivity to the circumstances of the individual involved;
- Fairness and reasonableness, based on the collective wisdom and shared values of the profession.

In the context of professional engineering licensure, independent peer review is conducted by one or more volunteers who are professional engineers in the engineering discipline of the applicant and who are empowered to make a determination as to whether or not the applicant has met a specific registration requirement (i.e., academics, experience, character) prescribed by the regulations for the issuance of the licence, temporary licence, provisional licence, or limited licence.

Reviewers must not have any conflict of interest that could compromise their unbiased judgment. A conflict of interest exists whenever private interests or personal considerations might affect a reviewer's judgement and cause him or her not to act solely in the best interest of PEO and the public it protects. It includes using an individual's position, confidential information, or corporate time, material or facilities in the expectation of personal gain or advancement. A conflict may occur when an interest benefits any member of the individual's family, friends, or business associates. With this in mind, peer reviewers normally recuse themselves from reviewing the file of an applicant who is known to them personally outside of a purely professional context.

The Task Force believes that PEO members (licensees) in good standing should continue to be engaged in activities to assess applicant qualifications for licensure, by such means as:

- Participating in academic reviews and interviews as part of the Academic Requirements Committee (ARC)

- Participating in experience reviews and interviews as part of the Experience Requirements Committee (ERC)
- Participating in registration hearings as part of the Registration Committee (REC)
- Assisting in the setting, administration, and marking of Professional Practice Examinations (PPEs) and other technical examinations
- Acting as referees for applicants for licensure
- Acting as supervisors, experience monitors, and referees for engineering interns
- Acting as members of visiting teams for CEAB accreditation visits

### 3.6 Authority of Enabling Legislation

PEO's enabling legislation consists of:

- The Professional Engineers Act, Revised Statutes of Ontario (RSO) 1990, Chapter P-28, as amended from time to time (**the Act**);
- Ontario regulation 941, General Revised Regulations of Ontario (RRO) 1990, amended to Ontario Regulation 13/03, together with such amendments and other regulations as may be made from time to time pursuant to the Act (**the Regulations**);
- By-Law No. 1 of the Association of Professional Engineers of Ontario, as approved by Council on June 25, 1984 and amended from time to time (**the By-Laws**).

The Sections of the Act and Regulation dealing with admissions are reproduced in Appendix D. The By-Law does not deal with admissions.

According to principles of administrative law established by precedent, the Act is superseded in terms of authority by the Canadian Charter of Rights and Freedoms (Federal legislation) and by any provincial legislation that specifically takes precedence over other Provincial acts, such as the Statutory Power Procedures Act. The Act, in turn, has precedence over the Regulations and By-Laws, since the latter are made by authority of the Act pursuant to sections 7 and 8 respectively.

The Act and Regulations delegate certain specific duties and responsibilities to PEO's Registrar who, as head of a delegated authority, is obligated to direct its affairs in accordance with their provisions. It is clear that PEO Council has ultimate authority to determine policy and procedures, but these must be consistent with its enabling legislation; otherwise the Registrar is placed in an untenable position. Should such a situation arise, as it did in the Fall of 2004, Council must either direct the Registrar to interpret the enabling legislation in a particular way, and thereby indemnify him from the consequences of any failure to comply with it, or it must seek to amend the enabling legislation to conform to its desired policies and procedures. Clearly, the desired situation is that all of PEO's operational policies and procedures are unequivocally supported by and consistent with its enabling legislation.

The Task Force recognizes that PEO's enabling legislation is problematic in several areas, in many cases as a result of changes introduced at various stages in its evolution that were not implemented cleanly, completely, and consistently in law. As a result, it agreed that it would not treat the enabling legislation, or any specific interpretation thereof, as infallible or sacrosanct.

Rather, the Task Force agreed that it would consider PEO's admissions criteria and processes initially without regard to whether or not they were supported by PEO's enabling legislation (particularly since the consistency of that legislation with the principles of administrative law had been called into question), make recommendations as to how those criteria and processes should be modified to best serve the public interest and satisfy the guiding principles, and only then consider what changes to the enabling legislation might be necessary to implement its recommendations. In other words, they agreed to take the approach of recommending changes to the enabling legislation as necessary to facilitate the desired criteria and process, as opposed to modifying the criteria and process to fit the existing legislation.

In considering possible changes to PEO's enabling legislation, the Task Force recognized that Regulation changes are much easier and quicker to accomplish than Act changes, by virtue of the legislative process involved. PEO Council is empowered to make regulations by Section 7 of the Act. Once a regulation or regulation change has been approved by Council, it is forwarded to the Attorney General of Ontario for final approval by Cabinet and proclamation by order in council. Unless the Attorney General's office or the Cabinet take issue with the regulation or amendment, this process can be completed normally within ninety days. An Act change, on the other hand, must be fit into the legislative calendar for a particular session of the Legislature. Unless the legislature agrees that it can be fast-tracked under a "red tape" or "good government" procedure, a legislative bill must be introduced and go through three readings and debate. On many occasions, PEO has been advised that it cannot expect an Act change within the current term of the Government, due to its other legislative priorities.

### 3.7 Fundamental Licensing Criteria

In its analysis of the fundamental requirements for licensure as a Professional Engineer, the Task Force attempted to work from first principles. It asserted that the overriding objective of PEO's licensing process is to make good licensing decisions from the point of view of public service and protection - in other words, it is to license only those individuals for whom it has confidence that they will practise both *competently* and *responsibly*. As a former Council colleague put it, "*PEO is in the competence assurance business.*"

While the desired outcome of any licensing process is clear, in practice it remains difficult to assess accurately the consistency of that outcome. It is sometimes argued that a low rate of complaints and discipline cases (PEO's rates per capita based on membership are lower than those of the legal and medical professions) is evidence that admissions criteria and processes are working well; however, that is not a valid argument for maintaining the status quo. If there are

weaknesses in a licensing regime, by the time they show up in elevated rates of complaints and discipline it may be too late to correct the situation.

In any case, it is necessary in licensing to break down competence and responsibility into their subcomponents - fundamental attributes of the would-be professional engineer that can be assessed practically, reliably, fairly, and efficiently. The Task Force determined that the three most fundamental criteria for licensure as a professional engineer are:

### **3.7.1 Knowledge (as opposed to academic record)**

Candidates for licensure must be able to demonstrate sufficient scientific, technical, and practical knowledge to be competent in their chosen area(s) of practice. Such knowledge must include a thorough grounding in the scientific and engineering principles underlying that practice, along with the technical and practical aspects of that practice, including applicable tools, codes and standards. It must also include sufficient breadth to enable the licensee to understand the relevance to his/her practice of other relevant technical, human, and social domains so that the practitioner will know when he/she is out of his/her domain of competence and needs to involve another specialist.

Knowledge is usually demonstrated by some combination of formal academic preparation and examinations in specific subject areas.

### **3.7.2 Skill (as opposed to experience)**

Candidates for licensure must be able to demonstrate skill at applying their scientific, technical, and practical knowledge to real-world problems and design tasks. Such skill includes familiarity with accepted approaches to common problems and design tasks. It is generally acquired and demonstrated through practical, on-the-job experience.

In addition, licensees are expected to possess non-technical personal and social skills necessary to engage in professional practice. These include communication, presentation, teamwork, task / project management, and so on.

### **3.7.3 Character (or attitude, or values, but not ethics)**

The essence of a professional can be found in the taking of personal responsibility for his/her work and its effects on the world and on society. This attribute is perhaps more important even than the attributes of knowledge and skill. A practitioner with less than adequate knowledge and/or skill will compensate for those shortcomings by getting help from others, providing he/she has personal responsibility and integrity. But no amount of knowledge or skill can compensate for irresponsibility - for not caring about the consequences of one's actions, or for acting dishonestly or unethically.

Note that this criterion is not the same as *ethics*, although it includes a commitment to adhere to the profession's code of conduct (defined at Section 77 of the Regulations as "the code of ethics of the Association"). Ethics deals with how one behaves in situations in which the correct course of action is not prescribed, and the individual must determine for himself or herself how to act based on core beliefs and value systems.

Candidates for licensure must be able to demonstrate that they have not behaved in a manner that would lead the licensing body to believe that they will not practice with competence and integrity. In other words, we measure the character attribute negatively; i.e., by testing for evidence of bad character.

### 3.8 Documentation of Licensing Criteria and Processes

The Task Force endorses the following statement of principle with respect to all components of PEO's licensing policy.

*Documented information related to requirements, policies, and processes for licensure must:*

- *be applicant-centric;*
- *be transparent, objective, impartial and fair;*
- *align closely with the fundamental requirements for licensure (i.e., knowledge, skill, and character);*
- *clearly specify how and when the applicant can or must meet each requirement;*
- *clearly specify the assessment tools that will be used to assess whether an applicant meets the requirement; and*
- *indicate the flexibility PEO applies through its reliance on peer review assessments.*

## 4. ANALYSIS OF CURRENT LICENSING SYSTEM

### 4.1 Generic Licence Types

As described in Section 4.2 below, PEO currently has five licensing instruments, including the Certificate of Authorization, plus two ancillary membership classes (the Student Member and Engineer-In-Training). These have evolved over time from the original P.Eng. (or “member”) licence in response to specific regulatory needs. However, there are only three generic types of licence.

#### 4.1.1 General Engineering Licence

This licence gives the holder the ability to engage in the practice of professional engineering, and to hold himself / herself out as engaging in the practice of professional engineering, under the supervision of a professional engineering licence holder.

Currently, Provisional Licence holders and Engineers-In-Training (EITs) belong in this category. The Engineering Internship Licence considered by the Task Force would have been another instance of the General Engineering Licence.

Currently, holders of this type of licence are not treated as members of PEO for governance purposes, but they are permitted to participate in PEO chapters activities and to hold positions on PEO chapter executives. They are not entitled to hold Certificates of Authorization. Their fees are specified in Regulations.

It is argued that this class of licence is not really a *license* in the sense that it does not permit the holder to do anything that anyone else cannot do without the licence; i.e., it is not associated with any restricted right to practise. (Note that Section 12. (3) (b) of the Professional Engineers Act permits anyone to do “*an act that is within the practice of professional engineering where a professional engineer assumes responsibility for the services within the practice of professional engineering to which the act is related*”. This is part of the so-called *industrial exception*. It might therefore be more appropriate to refer to the Provisional Licence and the EIT as *reserved designations*.)

#### 4.1.2 Non-Member Professional Engineering Licence

This licence gives the holder the ability to engage in the practice of professional engineering, and to hold himself / herself out as engaging in the practice of professional engineering, with certain restrictions or limitations. In addition, they are permitted to offer professional engineering services to the public, and to assume responsibility for those services under a Certificate of Authorization.

Current PEO licences in this category include:

- The Limited Licence: a scope restricted licence
- The Temporary Licence: a non-resident licence
- The Licensed Engineering Technologist (LET): a special instance of scope-limited licence (not yet implemented, pending Government approval)

Holder of these licences are not considered members of PEO for governance purposes. They are not entitled to use the P.Eng. designation. Their licence fees are specified in Regulations.

#### 4.1.3 Professional Engineering Licence

The P.Eng. licence affords the holder the ability to engage in the practice of professional engineering without supervision and to hold himself / herself out as engaging in the practice of professional engineering. In addition, it includes the ability to assume responsibility for providing services within the practice of professional engineering to the public and be the responsible holder on a Certificate of Authorization.

Professional Engineering Licence Holders are members of PEO who are able to participate fully in the governance of PEO and all functions supported by PEO. Their annual fees / membership dues are specified in the By-Law.

## 4.2 Specific Licensing Instruments

The Professional Engineers Act currently provides for the following types of licence:

#### 4.2.1 P.Eng. Licence (referred to in the Act as “a licence”)

- PEO member as per Act Section 5.(1): *“Every person who holds a licence is a member of the Association ....”*
- High-level requirements defined in Act Section 14.(1): *“The Registrar shall issue a licence .....”*
- Detailed requirements defined at Reg. Section 33.: *“Each applicant for a licence shall comply with the following rules: ...”*

#### 4.2.2 Temporary Licence

- High-level requirements defined in Act Section 18.(1): *“The Registrar shall issue a temporary licence, a provisional licence, or a limited licence .....”*
- Detailed requirements defined at Reg. Sections 42., 43., and 44.
- Timeframe limited to 1 year maximum as per Reg. Section 42.(1) (d)
- Not a PEO member as per Act Section 18.(5): *“A holder of a temporary or limited licence is not a member of the Association.”*
- No residency requirement as per Act Section 18.(1)

#### 4.2.3 Provisional Licence

- High-level requirements defined in Act Section 14.(7): *“The Registrar shall issue a provisional licence ...”*
- Referred to in Act Section 18.(1): *“The Registrar shall issue ....”*
- Detailed requirements defined in Reg. Section 44.1
- Valid for one year but may be renewed, as per Reg. Section 44.1(2)(1.)

#### 4.2.4 Limited Licence

- High-level requirements defined in Act Section 18.(1): *“The Registrar shall issue a temporary licence, a provisional licence, or a limited licence .....”*
- Not a PEO member as per Act Section 18.(5): *“A holder of a temporary or limited licence is not a member of the Association.”*
- Limitations defined in Reg. Section 45.
- Detailed requirements defined in Reg. Section 46.

#### 4.2.5 Certificate of Authorization

- High-level requirements defined in Act Sections 15-17. Section 15. (1) provides: *“The Registrar shall issue a certificate of authorization to a natural person, a partnership, or a corporation that applies therefore in accordance with the regulations if the requirements and qualifications for issuance of the certificate of authorization set out in the regulations are met.”*
- More detailed requirements are set out in Sections 47-49 of the Regulations.
- This instrument authorizes the offering of engineering services to the public, and is required of all business enterprises engaged in offering or providing such services. It is not required of individuals performing engineering work for a single employer, or of companies that perform engineering work in the design and manufacture of products.
- Requirements for supervision of work under a certificate of authorization are set out in Act Section 17.

Note: The Task Force did not consider or make recommendations concerning the certificate of authorization.

### 4.3 Requirements for the P.Eng. Licence

Currently, candidates for licensure must meet the following seven criteria to be issued a P.Eng. licence:

- Be at least eighteen years of age, as per Act Section 14.(1) (b);
- Be a citizen of Canada or have the status of a permanent resident of Canada (landed immigrant status) as per Act Section 14.(1) (a);
- Be of good character, as per Act Section 14.(1) (e);
- Satisfy academic criteria, i.e., have graduated from a CEAB-accredited engineering program, or have equivalent education and experience as determined by ARC, as per Act Section 14.(1) (c) and Reg. Section 33.(1) 1.;

- Have a minimum of four years of satisfactory engineering experience, at least one year of which must be in Canada under the supervision of a P.Eng., as per Act Section 14.(1) (d) and Reg. Sections 33.(1) 2., 3. and 4.;
- Have successfully passed both parts of the Professional Practice Examination (PPE) as per Reg. Section 33.(1) 5.;
- Have paid the application fee (formerly \$175., now \$230., as per Reg. Section 80.(1))

These requirements are discussed in further detail in the following subsections.

#### **4.3.1 Age**

One must be at least 18 years old at the time the licence (any licence) is issued, but not necessarily at the time of application for the licence. No change was considered to this criterion.

#### **4.3.2 Residency**

This requirement applies to all licences except the Temporary Licence, which was designed for non-resident practitioners. It cannot be used as a pre-filter since, as a matter of policy, applications are accepted from persons who have not yet immigrated to Canada, and the outcome of their application may have a bearing on whether or not they choose to immigrate. This requirement is problematic, as discussed in Section 7.7

#### **4.3.3 Good Character**

The question here is “Does PEO believe that the applicant is ready to practice engineering in his/her chosen field independently (i.e., without supervision), and will do so with honesty, with integrity, and with due concern for health, safety, environmental sustainability, and public welfare?”

Our key measurements of this criterion are:

- The absence of evidence of past bad character or behaviour,
- References by supervisors, including at least one P.Eng., and
- The passing of our Professional Practice Examinations covering engineering law and ethics.

These assessments usually take place at or near the end of the Admissions process. They could be moved up earlier in the process, since there is little point assessing an applicant’s knowledge or skill if we are going to refuse him/her a licence on grounds of questionable character.

An Applicant’s character is assessed initially upon receipt of an application by PEO staff, who look into any irregularities reported in the applicant’s self-declarations. It is revisited once again when the reported experience and references are checked, generally towards the end of the licensing process. The main assessment instruments are:

- The applicant's self declarations on the required application form and their verification by PEO Admissions staff;
- Applicant provided references;
- ARC and/or ERC interviews, where applicable;
- The Professional Practice Examination (PPE).

It is important to note that any improper act by an applicant at any stage of the admission process may call his/her character into question and provide grounds for a notice of proposal or refusal to issue a licence by the Registrar. Improper acts which could bring into question if the applicant will engage in the practice of professional engineering, or in the business of providing services that are within the practice of professional engineering, with competence and integrity could include:

- Misrepresentation, falsehood, or lying in any document (including applicant's self declarations) or interview;
- Cheating on any examination;
- Commission of any criminal act in any jurisdiction, or any act that would be criminal if committed in Canada;
- Previous acts of bad character;
- Refusal of another licensing body to issue a licence on the grounds of bad or questionable character.

#### 4.3.4 Academic Requirements

There exists a core body of knowledge that is a requisite to practice in any given field of engineering. This body of knowledge is best defined by PEO's syllabi, which for the most part are identical to the national CEQB syllabi. De facto, it is also defined by the content and delivery process of a CEAB-accredited engineering program, since we automatically accept graduates of such programs as meeting the academic criteria for licensure.

The CEAB-accredited engineering program represents our "gold standard" for formation of a professional engineer. These programs do much more by way of formation than simply impart the requisite knowledge; they impart essential practice skills and attitudes. In short, they are designed to provide a "conditioning process" in which the student acquires knowledge, skills, experience, and attitudes appropriate for professional practice in Canada, where we have self-regulating professions.

For non-CEAB graduates, and in particular foreign-trained engineers, it is impossible to ensure an equivalent formation to that of the CEAB graduate. Most foreign countries, even countries like the United States and Great Britain, do not have self-regulating [engineering] professions, let alone accredited engineering programs. For these applicants, we therefore end up measuring something else, namely their academic record. From this we can tell what they studied and (hopefully, perhaps with the help of confirmatory examinations) what knowledge they

acquired, but we have little information concerning the professional context in which it was acquired.

The Task Force has found it helpful to distinguish between *knowledge* (the fundamental admission criterion) and *academic record* (what we commonly use to measure the criterion for all applicants). In general, a candidate's satisfaction of this criterion must continue to be assessed as part of the Admissions process. However, there exists a minimum level of academic achievement below which we need not accept or consider the application – this *Minimum Academic Qualifications To Apply* (which is presently stated but not enforced) could be applied as a pre-filter, as is the practice in many other professions.

Applicants' knowledge is assessed at various stages in the admissions process, but primarily at the beginning with the academic assessment, and towards the end with the Professional Practice Examination.

The main assessment instruments are:

- Review of academic background (transcripts)
- Technical knowledge examinations (may be waived)
- ARC assessment
- ERC assessment
- Professional Practice Examination (PPE)

Applicants who currently meet the PEO Syllabus requirements (i.e., who are able to demonstrate the academic depth equivalent to that of graduates of CEAB accredited programs) include:

- CEAB program graduates;
- Applicants who have met the PEO syllabus requirements and have satisfied ARC (including referrals to ERC) that they have attained the equivalent depth as CEAB accredited programs;
- B.Eng. graduates from programs where PEO is a party to a mutual recognition agreement;
- B.Eng. graduates who have an M.Eng. or PhD from a Canadian university;
- B.Eng. graduates who have an M.Eng. or PhD from programs where PEO is a party to a mutual recognition agreement.

#### 4.3.5 Experience Requirements

Besides having mastered the requisite body of scientific and engineering knowledge, a professional engineer must have developed skill at applying that knowledge, and at performing engineering design and problem solving. Accurately and completely defining the task to be accomplished or the problem to be solved, as well as the external constraints and factors that must be considered in the design or solution, is paramount here. This skill is generally acquired through a combination of (i) practice during the education process, and (ii) "real world" experience, generally on-the-job.

For CEAB graduates, we can assume that their training has included some significant practice skill development. This assumption may or may not be valid for non-CEAB applicants. In any case, we rely heavily on practical (on-the-job) experience, most of which must be acquired post graduation (i.e., after acquisition of the requisite body of knowledge), to assess skill.

This criterion is not applied as a pre-filter, since applicants are encouraged to apply to PEO even before they have satisfied all necessary experience requirements.

Like their knowledge, applicants' skill is also assessed, at least indirectly, at all stages of the Admissions process, but primarily after the academic requirements are deemed to have been met. The main assessment instruments are:

- Any skill assessments included as part of the engineering education;
- Review of minimum three (3) years' experience reported by applicant;
- Review of applicant's experience references;
- ERC assessment by interview.

#### **4.3.6 Professional Practice Examination (PPE)**

The Professional Practice Examination is in two parts, covering:

- Engineering Law
- Professional Ethics

In essence, it measures the applicant's knowledge of these subjects, and not necessarily his/her intent to apply it in practice.

#### **4.3.7 Application Fee**

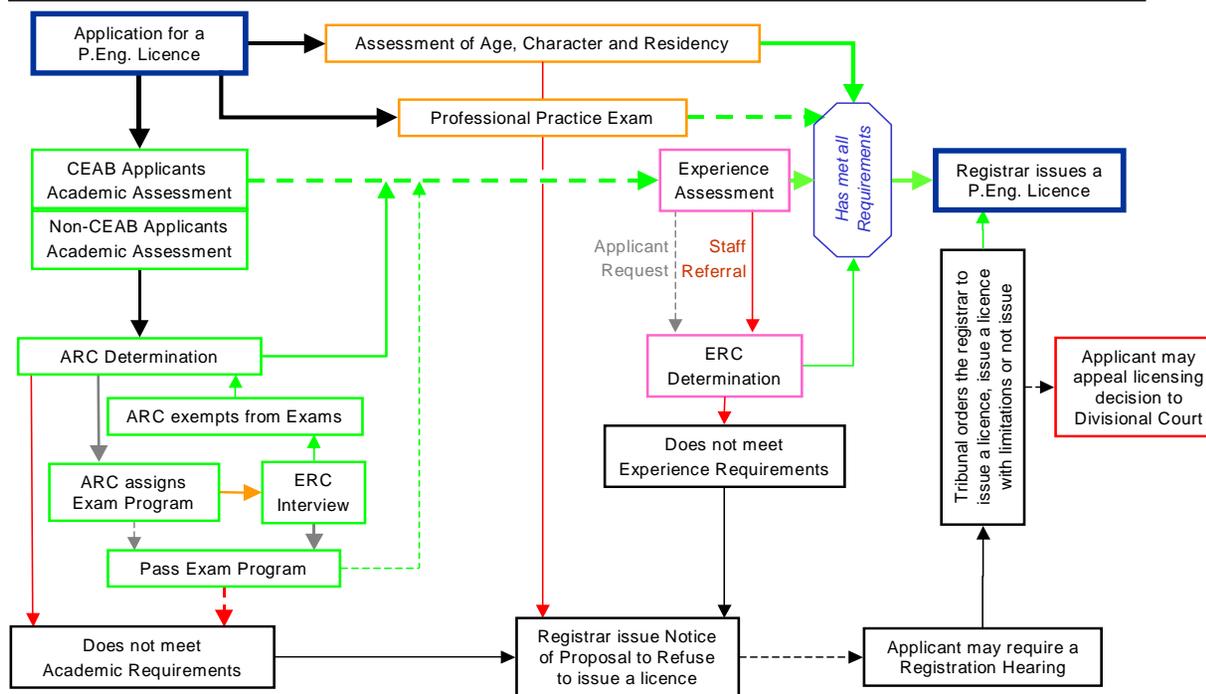
This remains an up-front criterion; i.e., PEO won't consider an application without an application fee. The actual amount of the fee was adjusted upward for inflation in March of 2007.

#### **4.3.8 English Language Proficiency**

English language proficiency is clearly a requirement to practise engineering in Ontario, but it is not explicitly stated as such in either the Act or the Regulation. However, Section 41.(4) of O. Reg. 941 states:

*The Committee (ERC) shall interview the applicant if there is a question raised with respect to the ability of the applicant to communicate adequately in the English language.*

It is recognized anecdotally that some applicants are unable to pass the Professional Practice Examination because of their lack of English proficiency.



•Figure 4-1

1

## 4.4 Current Licensing Process

The diagram on the preceding page, Figure 4-1, depicts PEO's current licensing process.

### 4.4.1 Academic Assessment

#### CEAB Graduates

Graduates of CEAB-accredited Canadian engineering programs are automatically deemed to meet PEO's academic requirements as set out in Section 33. (1) 1. (i) of the Regulations. As such, their applications are not referred for assessment to the Academic Requirements Committee (ARC). The rationale for this automatic acceptance of credentials is that PEO has in place, through the Canadian Engineering Accreditation Board, a "quality assurance" mechanism for academic breadth and depth of Canadian engineering programs. In addition, it is a requirement for CEAB accreditation that all graduates of a program must at least meet the minimum path through the program on which it was accredited.

#### Non-CEAB Graduates

Under authority of Section 14. (3) (a) of the Act and Section 40. of the Regulations, most other applications are referred to the ARC for assessment to determine whether or not they meet the requirement of Regulation Section 33. (1) 1. (ii); i.e., they are "equivalent" in both breadth and depth of study to a CEAB-accredited program. The following procedures constitute the quality assurance mechanism for non-CEAB applicants.

#### Breadth Assessment Against PEO Syllabi

Applications are assessed first for *academic breadth* by comparing the applicant's academic transcripts against the relevant PEO Syllabus for his or her discipline of study. Each Syllabus contains course descriptions for subjects that are considered to constitute the body of knowledge required for that particular discipline, organized under the following headings:

- Basic Studies
- Professional Studies – Group A (mandatory)
- Professional Studies – Group B (electives, of which three are generally required)
- Complementary Studies
- Engineering Report (commonly referred to as "Thesis")

#### Gap Examinations

Applicants lacking the required academic breadth may "fill gaps" in academic background (i.e., demonstrate their knowledge in subject areas required by the Syllabus, which are missing from their academic transcripts) by passing examinations specified by the Academic Requirements Committee (ARC). These are commonly referred to as "*gap examinations*".

#### ERC Interview

Applicants with gaps in their academic background who have at least ten years of post graduation experience and are not missing subjects in the *Basic Studies* portion of the Syllabus are normally offered the option of an interview with an Experience Requirements Committee (ERC) panel with a view to convincing the panel (and through the panel, ARC) that they

possess the requisite knowledge in question, and should therefore not be required to sit the examination(s) assigned.

<b>Courses in Lieu</b>	Occasionally, applicants obtain permission from ARC to successfully complete academic courses in lieu of passing PEO's examinations.
<b>Depth Assessment</b>	Applications which meet the academic breadth requirement are then assessed for <i>academic depth</i> . If the applicant's degree is from an institution that is subject to accreditation by an accreditation body that Engineers Canada recognizes (e.g., through the Washington Accord or a mutual recognition agreement), its academic depth may be accepted without further validation. Some other Canadian jurisdictions automatically accept such applicants as meeting their academic requirements (i.e., exempt them from any technical examinations); however, PEO assesses their transcripts for academic breadth and assigns examinations as ARC deems necessary. PEO is not a party to most mutual recognition agreements negotiated by CCPE.
<b>Mutual Recognition Agreements: Looking to Exempt</b>	
<b>Confirmatory Examinations</b>	In other cases, the ARC may assign <i>confirmatory examinations</i> to be passed by the applicant as a means of verifying academic depth. The usual confirmatory examination program consists of two technical examinations from Section A, one technical examination from Section B, and one examination from the Complementary Studies section of the applicable PEO syllabus (i.e., the syllabus that most closely matches the applicant's degree). The applicant is normally, but not always, permitted to choose which examinations to write within the above requirements.
<b>Directed Confirmatory Examinations</b>	Specific examinations may be assigned where gaps have been identified in the transcript – these are known as <i>directed confirmatory exams</i> .
<b>Good Performance</b>	Applicants who pass the first two examinations attempted with an average of at least 65% and no mark below 60% are normally deemed to meet the academic depth requirement and are not required to sit the remaining examinations. If an applicant passes three technical examinations with no mark below 60%, he or she is exempted from writing the Complementary Studies examination. Any failures in examinations attempted raise the bar on exemptions for good performance.
<b>Examination Failures</b>	Pursuant to Section 36. (5) of the Regulations, applicants who fail any examination assigned for any purpose (gap, confirmatory, or PPE) require the permission of the ARC to retry it, failing which their applications may be withdrawn (closed) by the Registrar (i.e., they would receive a notice of proposal to refuse a licence).
<b>Poor Performance</b>	Under ARC's operating procedures, applicants who fail an examination are normally required to retake and pass the failed examination, and in addition are assigned at least one additional examination over and above their original assignment.
<b>ERC Interview</b>	Applicants assigned confirmatory examinations who have accumulated five or more years of engineering experience may be referred by the ARC

to the ERC for an interview to determine if they can demonstrate the requisite depth of knowledge without sitting the confirmatory examinations. The ERC interview panel recommends to ARC whether or not the confirmatory examinations should be waived; however, ARC is not obliged to accept their recommendation. This referral procedure is supported by Sections 40. (3) (c) and (d) of the Regulations. Of the applicants who submit to such interviews, approximately two thirds (2/3) end up having their examinations waived.

**Examination  
Route to  
Licensure**

Another distinct class of applicant includes individuals who do not possess a bachelor's degree in engineering (from anywhere) but who have some combination of technical education (say, a diploma in engineering technology) and experience. Such applicants are permitted to pursue the so-called *examination route to licensure* (sometimes referred to as "PEO U"). The ARC assigns these applicants as many as eighteen technical examinations, plus a thesis.

**Standard  
Treatment  
of B.Tech.  
Graduates**

Also in this class are applicants who have graduated from *Bachelor of Technology* or similar programs such as those offered by M<sup>c</sup>Master University in association with Mohawk College, or those formerly offered by Ryerson Polytechnic Institute. For these classes of applicant, PEO has sufficient detailed information about the academic program to devise a "standard" program of technical examinations. Once the treatment of such a class of applicants has been proposed by ARC and approved by Council, their examination programs are assigned and managed by Licensing & Registration staff without recourse to ARC unless anomalies are detected in their transcripts.

**Graduates of  
Unaccredited  
Canadian  
Engineering  
Programs**

Finally, there is a class of applicants who have graduated from unaccredited Canadian engineering programs such as those currently offered by York University. Once again, PEO has sufficient information about such programs to devise a standard treatment for their graduates in terms of required technical examinations.

**Awards for  
Examination  
Route  
Applicants**

Council issues the following two awards annually at PEO's AGM:  
*The V. G. Smith Award* for the member licensed in the preceding year via the examination route who achieved the highest overall standing on the examinations.  
*The S.E. Wolfe Thesis Award* for the best thesis presented during the preceding year by a newly licensed member who has passed at least one technical examination.

**Examination  
Fees**

Fees to write examinations are set out in Section 85. of the Regulations. No distinction is made between confirmatory and gap examinations in this section. There is a distinct fee specified for the Professional Practice Examination, and for evaluation of a thesis.

**Completion  
Rate**

It is worth noting that, of those applicants assigned or recommended technical examinations, only 20-30% actually complete all required examinations; the rest do not complete the licensing process.

**Determinations** Pursuant to Section 14. (6) of the Act, applicants referred to ARC receive a Notice of Determination (NOD) from the Registrar indicating whether or not they are deemed to meet PEO's academic requirements, and if not, what the deficiencies in their academic background are and how those deficiencies may be addressed. However, the NOD is currently not issued until the applicant has completed the entire process outlined above, or has confirmed that he or she does not intend to complete it. Thus, an applicant's file may remain open for a protracted period of time (several years in the case of applicants writing technical examinations) before a determination is made and the notice issued.

#### 4.4.2 Experience Assessment

**Total Required Experience** According to Section 33. (1) 2. of the Regulations, each applicant is required to demonstrate that he or she has obtained *48 months of experience in the practice of professional engineering that, in the Council's opinion, provides sufficient experience to enable him or her to meet the generally accepted standards of practical skill required to engage in the practice of professional engineering.*

**Pre-Graduation Experience** Subsection 3. of the same section permits up to 12 months of that experience to be acquired before the applicant has completed his or her academic studies. This provision gives rise to some ambiguity concerning when the "clock starts ticking" on accumulation of experience for applicants in different circumstances, particularly those taking PEO examinations. (See Section 2.6 of this report and Recommendations 22 and 23).

**Canadian Experience** Subsection 4. of the same section provides that 12 of the 48 months of experience must be obtained *in a Canadian jurisdiction, under the supervision of one or more persons legally authorized to engage in the practice of professional engineering in that jurisdiction.*

**Experience Referees** Experience is assessed primarily through three referees, two of whom must be P.Eng.s, named by the applicant. In some cases these referees may not be fully conversant with the experience requirements for licensure and, because they are providing the reference "after the fact" (i.e., after the experience has been acquired), may not have assessed the applicant deliberately and specifically against them.

**ERC Interview** When there is a question as to whether or not an applicant meets the experience requirement for licensure, the applicant may be referred (at either the Registrar's request or the applicant's) to the Experience Requirements Committee (ERC) for a determination, pursuant to Section 14. (3) (b) and (c) of the Act and Section 41. of the Regulations. In such cases, a panel of two ERC members from the applicant's field of specialization (experience) interviews the applicant in an effort to determine whether or not his or her experience meets the requirements

**Experience Guide** as documented in PEO's *Guide to the Required Experience for Licensing as a Professional Engineer in Ontario*.

#### 4.4.3 Character Assessment

**Good Character Requirement**

Section 14. (1) (e) of the Act establishes the requirement that a licensee be of *good character*, and Section 14. (2) empowers the Registrar to *refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for the belief that the applicant will not engage in the practice of professional engineering with honesty and integrity.*

The good character requirement is not further defined in the Regulations.

**Character Declarations**

The applicant's declarations in response to the twelve character-related questions on the application for licence are assessed.

**Questions re Licensure**

The questions ask if the applicant has ever

- applied,
- been licensed,
- been refused a licence,
- had a licence revoked or suspended,
- been subject to a finding of professional misconduct or incompetence,
- been convicted of an offence under a professional engineers act or regulation,

or is currently being investigated for any violation under a professional engineers act or regulation, in Canada or anywhere else in the world. Answers to these questions could be verified through the licensing body in question.

**Other Character Questions**

The questions also ask if the applicant

- has an alcohol or drug dependency,
  - suffers from any other medical condition that might render him or her incapable of fulfilling the duties of a professional engineer, or
  - has ever been found guilty or been subject to a judgment against him or her in any civil or criminal proceeding,
- in Canada or anywhere else in the world.

**Verification of Responses**

PEO does not verify any of these self-declarations unless they are cause for concern (e.g., the applicant admits to a criminal record, or to having been refused licensure elsewhere). Licensing & Registration staff do, however, check all applicants against PEO's [LicenseEase] database to ascertain if PEO has ever had dealings with them, and if so, pull and review the appropriate files. If an applicant indicates that he or she has applied to or been licensed by another Canadian jurisdiction, Admission staff routinely consult with the regulator in question to verify details. Foreign (including U.S.) regulators are only consulted if the applicant

indicates that he or she was refused a licence, had a licence revoked, or was subject to discipline.

**Untruthful Responses**

Incomplete or untruthful responses to the good character questions are considered evidence of lack of integrity on the part of the applicant. Some applicants have failed to declare previous applications or licensure in the hopes that PEO would not discover some negative finding regarding their past. Applicants have also been known to “shop around” among the Canadian engineering regulators in an attempt to find the jurisdiction with the shortest path to licensure, knowing that once licensed in one jurisdiction they can readily transfer to another jurisdiction under the Inter-Association Mobility Agreement (IAMA).

When confronted with an untruth in their declarations, some applicants have claimed that they misunderstood the question or its intent, or that they did not consider it carefully before answering. Such situations may not constitute grounds for refusal to license on the basis of character, but they do call into question the applicant’s command of working English, or the applicant’s attention to detail (a requisite for professional practice), or both.

**National Database**

A national database of applicants and licensees in all Canadian jurisdictions is currently being developed under the auspices of Engineers Canada. Once this database is accessible (possibly by the end of 2007), PEO Licensing & Registration staff should be able to verify easily and quickly all of the questions related to licensure in Canada.

**References**

Referees for the applicant are also asked to comment on the suitability of the applicant’s character for professional practice, and in some cases, they raise concerns.

**Dealing with Character Concerns**

There are no Council-approved guidelines on how to deal with applications where character is of concern. Licensing & Registration staff consult informally with Regulatory Compliance staff for advice on how to deal with some situations.

**4.4.4 Transfers From Other Jurisdictions**

PEO is a signatory to an Inter-Association Mobility Agreement (IAMA) developed under the auspices of the Canadian Council of Professional Engineers (now Engineers Canada). In summary, this agreement provides for “automatic” licensure by the Constituent Members of Engineers Canada (like PEO) of individuals who are already licensed and in good standing in another Canadian jurisdiction. For automatic recognition, PEO requires that the applicant has been licensed for the preceding five years and has remained in good standing in the other jurisdiction. Applications from applicants who have been licensed more recently (i.e., for fewer than 5 years) are reviewed in the same manner as first-time applicants, and may be referred for academic or experience assessment.

Some other Canadian jurisdictions are in the process of developing similar "full mobility" agreements with neighbouring jurisdictions in the United States.

PEO's current enabling legislation does not contemplate or authorize such mobility or reciprocity agreements.

## 4.5 Opportunities for Improvement

As the Task Force proceeded through its deliberations, the following issues emerged as the major ones to be addressed in recommendations:

### 4.5.1 Imbalance Between Major Licensing Criteria

There exists currently a relative imbalance between PEO's three major licensing criteria (knowledge, skill, and character) in terms of the rigour with which applicants are assessed against them. PEO's knowledge requirements are defined more precisely (mainly in terms of academic requirements) and assessed more thoroughly than either its experience or character requirements. At present, PEO does not interview all applicants to determine if they have met the experience requirements, and does not verify applicant self-declarations unless they indicate some cause for concern.

This imbalance needs to be corrected because:

- Skill and character are as important as knowledge in determining who will practice competently and with integrity;
- Academic preparation by itself does not impart all of the knowledge necessary for competent engineering practice;
- PEO can no longer rely on its "gold standard" system for formation of professional engineers (the CEAB-accredited program + some years of documented experience) to satisfy most of its criteria, even for CEAB graduates (who are in now in the minority of applicants in any case).

Engineering is out of step with most other regulated professions in not having a formal internship during which the applicant must demonstrate the professional skills and attributes necessary for independent practice. The opportunity exists for PEO to have greater involvement in the formation of its licensees, as the other senior professions such as law, medicine, accounting, and architecture do.

- The Task Force is not suggesting that PEO relax its assessment of academic credentials – especially since for most applicants we rely solely on academic background for most of the technical knowledge requirement (i.e., we do not administer technical examinations). Rather, it is suggesting that the assessment of professional practice

skills and character attributes be “beefed up” to more closely match that of the knowledge attribute. This could be accomplished by measures such as:

- Developing and administering more comprehensive (than the existing PPE) professional practice examinations for all applicants;
- Interviewing all applicants to assess their experience; practice skills; and attitudes towards professional practice;
- Implementing a formal engineering internship;
- Conducting more thorough background checks on all applicants.

#### 4.5.2 Definition of Major Licensing Criteria

As defined in its enabling legislation (the Professional Engineers Act and Regulation), PEO’s major admission criteria lack transparency, objectivity, and precision.

First, they are predominantly defined in terms of *process* (e.g., graduation from an acceptable academic program, so many years of acceptable practical experience), rather than *outcome* (demonstration of requisite knowledge and practice skills). This does not imply that there are no guidelines for interpreting these criteria in practice. However, in many cases, what PEO is assessing / measuring does not precisely match the “real” requirement (i.e., knowledge, skill, or character).

Second, they are defined in very general terms. There may be a problem with the degree of subjectivity of interpretation of phrases such as:

“equivalent engineering education qualifications *recognized by the Council*” (O.Reg. 941, s33.(1) 1. ii), and

“48 months of experience in the practice of engineering that, *in the Council’s opinion*, provides .....” (O.Reg. 941, s33.(1) 2.).

especially when Council is given the power to vary or waive these requirements.

The Thompson Report *Review of Appeal Processes from Registration Decisions in Ontario’s Regulated Professions* recommended that there be:

“published criteria for deciding whether entry-to-practice requirements have been met and examples of when exemptible requirements could be exempted”.

On December 13<sup>th</sup>, 2006, the Ontario Legislature passed “fair access” legislation (see Appendix B) that requires regulators to have “objective requirements for registration”.

The opportunity exists to specify PEO’s requirements for licensure, and their associated assessments / measurements, more precisely and objectively by reference to the guidelines / standards currently used (e.g., the *PEO Syllabi* and the *Guide to the Required Experience for Licensing as a Professional Engineer in Ontario*).

### 4.5.3 Registration Committee Hearings

Registration hearings, as implemented in the Professional Engineers Act, are not able to accomplish their full intended objective within PEO's licensing process, because of the way in which the powers of the Registration Committee (REC) are defined.

Applicants should have a mechanism to "appeal" determinations of academics, experience, or character (or any other single licensing requirement) before they have satisfied all other requirements so that they can make reasonable decisions about proceeding to satisfy the remaining requirements for licensure.

The Registration Committee was contrived as an internal (to the regulator) "first-instance tribunal" to hear applicants' "appeals" of negative registration decisions (i.e., decisions to deny them the licence sought). The way PEO's enabling legislation is crafted, a registration hearing is triggered by the applicant (or by PEO) following a notice of proposal (NOP) to refuse a licence on the basis that the applicant does not meet one or more of the requirements for licensure. Since the NOP is required to detail the deficiencies in the application (e.g., applicants has not met specific academic requirements, applicant has not acquired 48 months acceptable engineering experience with 12 months under the supervision of a licensed Canadian professional engineer, applicant has demonstrated a significant character flaw, applicant is not a Canadian citizen or landed immigrant, etc.), the hearing provides an opportunity for the applicant to submit evidence and/or counter arguments to support a finding by the panel that he/she does, in fact, meet the requirements, or should be exempted from them.

The Task Force was advised that PEO's experience to date with registration hearings has been less than satisfactory because:

- Registration panel members may lack in-depth knowledge of PEO's licensing criteria and assessment processes;
- The applicant may not have an adequate understanding of the nature of his/her deemed deficiencies prior to the hearing to enable him/her to make an informed decision on proceeding with the hearing;
- Since the Registration panel can only either (i) uphold the Registrar's decision to refuse the licence or (ii) order the Registrar to issue the licence, it cannot adjudicate on individual determinations with respect to knowledge, skill, or character, unless the applicant has already met all other requirements for licensure but the one in question;
- Most commonly the applicant would like a review of the determination with respect to academics, but until an NOP has been issued, the applicant has no access to a registration hearing. (NOPs are not generally issued while an applicant is in the sometimes protracted process of demonstrating, by passing technical examinations, that he/she meets the knowledge requirements.

The initial explanation given to the Task Force for this situation is the failure to include in the most recent Act amendment (2003) a new Section 19.1 that had been drafted at the behest of the AAPTG to augment the powers of the Registration Committee. On further examination, however, the proposed Section 19.1 appears to create yet another problem by allowing a Registration panel to refer back to the determining committee (ARC or ERC) for review one of its own determinations. This would be inconsistent both with the principles of administrative law, and with the intent of the recent fairness legislation.

Alternative approaches considered by the Task Force to dealing with this issue include:

- Amending the legislation (correctly) to redefine the powers of the Registration panels (note that an Act change is required – PEO has been advised by Legislative Counsel that this cannot be accomplished in Regulations);
- Creating a separate internship licence and application, so that knowledge determinations can be reviewed independently by the Registration Committee;
- Creating an independent determination review panel to review determinations with respect to academics and experience.

*Note that, in any case, it is necessary to issue a Notice of Determination (NOP) whenever an applicant is deemed not to meet any requirement, rather than holding the application open without a determination while the applicant attempts to meet the requirement.*

Based on recent experience, formal Registration Committee hearings would become too onerous (time consuming and costly) for PEO if any significant number of applicants were to take advantage of them.

In addition, they could be too onerous for the applicant if all he/she needs is a paper review of a determination.

Options for addressing this latter issue include:

- Amending PEO's enabling legislation to support "paper hearings", as originally contemplated by AAPTG;
- Ensuring that PEO's Registration hearings are conducted in a manner consistent with the Statutory Power Procedures Act, and taking advantage of the provisions of the latter superior legislation to enable paper reviews.

#### **4.5.4 Inadequate Status of Student Members and EITs Within PEO**

The status of student members and Engineers-In-Training (EITs) is inadequately defined in PEO's enabling legislation. PEO currently lacks the authority to establish and maintain standards of knowledge, skill, or character (ethics) for students and EITs, or to hold them accountable to

those standards. Strictly speaking, PEO has no powers to admit or govern them, since the student member and the EIT are not officially recognized in the Act or Regulation as members of PEO.

This reinforces the "all-or-nothing" syndrome, and works against having a seamless transition from student to intern to licensee. As matters now stand, there is minimal incentive for graduates to apply for a licence until they perceive they need one for employment, and many do not see the EIT program as a logical continuation of their formation as a professional engineer.

It is important for PEO to be able to govern engineering interns – those who are in the process of acquiring and demonstrating practice skills and attributes. Although they are not permitted by law to take responsibility for professional engineering work, they are expected to behave in all other respects as members of the profession. In particular, they are expected to perform their work as if they were taking personal responsibility for it, and to place the public interest above their own. PEO's admissions processes have always attempted to ascertain each applicant's preparedness to do so. It is therefore desirable that they be subject to the obligations and expectations of PEO members, including PEO's code of conduct, and to the disciplinary powers of the regulator.

Since PEO has the ability to create classes of licence by regulation, one mechanism to incorporate these groups - for whom PEO has a legitimate regulatory interest - into its regulatory fabric is to admit them to special classes of limited or temporary licence defined in the Regulations. Another mechanism might be to establish them in the Regulations as "*classes of persons whose interests are related to those of the Association*", together with their privileges and obligations, pursuant to Section 7. (1) 8. of the Act. Otherwise, it would be necessary to define their obligations and privileges in greater detail in the Act itself, as other professional regulators like the Law Society of Upper Canada have done.

#### **4.5.5 Some Admissions Practices May Be Inconsistent With PEO's Enabling Legislation**

Some of PEO's long-standing admissions practices, such as using confirmatory examinations as an assessment tool when they are not set out in the Regulation as a requirement, or waiving them on the basis of an experience interview, or automatically accepting applicants licensed in another Canadian jurisdiction pursuant to the Inter-Association Mobility Agreement (IAMA) may not be consistent with its enabling legislation. PEO's enabling legislation may not even be consistent with accepted principles of administrative law, by today's legal standards. (controversy around this legal opinion is what caused the Licensing Process Task Force to be created in the first place.)

The Task Force is in agreement that, for the most part, we should try to fix the legislation rather than bend our processes to fit what may be a narrow interpretation of it, but these concerns still need to be addressed

in a concrete way. Failure to do so risks having some part of P:EO's licensing process declared invalid as a result of a legal challenge.

At the very least, Council should formally approve the intended procedures so that they cannot be deemed to have evolved without authority. To provide greater assurance of their unassailability, legislative changes could be prepared that clearly authorize all intended elements of the process.

#### **4.5.6 Difference Between CEAB and Non-CEAB Academic Requirements**

The Task Force recognized that it is impossible to treat CEAB and non-CEAB applicants identically in the admissions process, particularly with respect to academic assessment. PEO does not have the same influence over foreign engineering programs or non-engineering programs offered anywhere that it does over accredited Canadian engineering programs; even where the subject matter studied is equivalent, there is no equivalence of the formation process between the two admission streams.

There is an inherent inconsistency in using examinations, which measure knowledge, to validate an academic conditioning process.

The opportunity exists, nonetheless, to have a common set of *knowledge* requirements specified in the legislation, with multiple means of satisfying or demonstrating all or parts of them, including:

- completing a CEAB-accredited engineering program, or one deemed to be “substantially equivalent” to a CEAB-accredited program;
- passing written examinations set by PEO;
- passing oral examinations by an interview panel.

#### **4.5.7 Mutual Recognition Agreements (MRAs) and Washington Accord**

PEO's position to date has been to not accept mutual recognition agreements (MRAs) negotiated by Engineers Canada (CCPE). However, all other CCPE Constituent Members do recognize these agreements, and PEO is party to the Inter Association Mobility Agreement (IAMA). This means that, if an applicant has been licensed in another Canadian jurisdiction for at least five years, PEO will issue its licence without further assessment or verification, as per the IAMA. If the applicant has been licensed in the other Canadian jurisdiction for fewer than five years, the application is processed and the qualifications assessed in the same manner as any other unlicensed applicant. This can result in ARC refusing to accept the applicant's academic credentials at face value, and possibly assigning technical examinations.

PEO does follow CCPE guidelines that recommend “looking to exempt”, but not blanket exemption, from examinations for applicants from accredited engineering programs in Washington Accord countries, the list

of which is constantly growing. CCPE is currently creating an International Institution Degree Database (IIDB) as a support tool for admissions. Deputy Registrar Michael Price is a member of the steering committee for this project. The Task Force still needs to address these concerns and use of these tools.

#### **4.5.8 [Timing of] Professional Practice Examinations (PPE)**

Section 37 of O. Reg. 941 specifies that the PPE must be passed within two years after the later of (i) the date of application for the [P.Eng.] licence, or (ii) the date on which the academic requirements are deemed to have been met. This time limitation originated when the experience requirement was two years, not four years as at present. It has been perceived to constrain some applicants unreasonably, especially those who have difficulty passing the PPE on the first attempt.

In addition, some licensees in other jurisdictions (e.g., New Brunswick) pass their PPEs as part of their undergraduate engineering education. PEO treats such applicants under the “notwithstanding” provision of the IAMA (i.e., we do not accept that they have passed a PPE) if they have been licensed in the other jurisdiction for fewer than five years.

#### **4.5.9 Low Completion Rate for Examination Programs**

AT present, approximately one third of non-CEAB applicants for licensure are assigned technical examinations by the ARC. And approximately ninety percent (90%) of those assigned examinations (for all reasons, and which examinations are not waived by ARC following an ERC interview) fail to complete their assigned examination program. Possible reasons for this low completion rate include:

- The applicant assumes, perhaps correctly, that he/she is not licensable, perhaps after attempting the first examination;
- The applicant objects to having to prove his/her academic background;
- The applicant discovers he/she does not need a licence to gain acceptable employment, or does not care enough about licensure to go to the trouble of studying for and writing the examinations.

Where the latter reason applies, the possibility exists that the applicant (who has withdrawn or abandoned his/her application) may, in fact, be practising engineering without a licence, in contravention of the Act. It may be desirable to establish a link to enforcement in such cases.

#### **4.5.10 Experience Credits – When Does the Clock Start Ticking?**

A potential inconsistency has been identified in PEO's admissions practices with respect to when applicants who are assigned examinations or course work begin accumulating experience towards the experience

requirement. There are several different cases to be considered here, including:

- Applicants assigned gap examinations outside of their main (sub)discipline;
- Applicants assigned confirmatory examinations who fail those examinations;
- Applicants pursuing the [full] examination route to licensure (e.g., technologists).

According to Section 33 of the Regulation, 48 months of engineering experience are required for licensure. At least 36 months of that experience, including the 12 months of experience *in a Canadian jurisdiction under the supervision of one or more persons legally authorized to engage in the practice of professional engineering in that jurisdiction*, must be acquired after the applicant has obtained a bachelor of engineering degree or equivalent educational qualifications.

In the case of applicants that have completed a gap technical examination program, an issue arises as to how to determine when the 36 month period commences, especially for applicants with many years of engineering experience and/or from emerging disciplines. It has been interpreted since at least 1996 that the period commences when the applicant has completed the technical exams required for his/her area of employment.

This matter needs to be clarified for the sake of consistency.

#### **4.5.11 No Time Limit on Academic Credentials**

The Task Force raised concern over the fact that there is presently no time limit on academic credentials; i.e., it doesn't matter when an applicant graduated from a CEAB-accredited or equivalent engineering program – he/she is deemed to meet the academic requirements for licensure. This might be a defensible assumption if the applicant has been engaged in the practice of engineering since graduation; otherwise, it is suspect.

This assumption also gives rise to an inequity; since applicants who are assigned technical examinations are examined according to current syllabi, not those in effect when they graduated. This inequity can be hard to explain to any applicant, but especially to one who graduated from an accredited engineering program in a Washington Accord jurisdiction, but is assigned confirmatory examinations (or an interview to waive confirmatory examinations) because he/she graduated before the Accord was signed or before the jurisdiction in question was admitted to the Accord.

#### 4.5.12 No Time Limit on Acquiring the Experience for Licensure

Under PEO's current admission process, once an applicant has met the academic requirements for licensure and passed the PPE, there is no limit on how long he/she can take to meet the experience requirements.

At the end of 2005, PEO had about 12,600 open files for P. Eng. licensure. Of these files about 8,200 are active and 4,400 are inactive. Almost 1,900 of the inactive files are applicants that have met the academic requirements for licensure and passed the Professional Practice Exam in 2004 or earlier but have no time limit under the Regulations to acquire the 48 months of professional engineering experience required for licensure. The only means to close these files is to issue a Notice of Proposal to the applicant, which runs the risk of an inactive applicant requesting a Registration Hearing.

#### 4.6 Issues Spreadsheet

Despite the significant amount of attention that has been paid to PEO's admissions policies and practices over the past several years, a number of issues remain. At the outset of the Task Force's work, CEO / Registrar Kim Allen compiled all known licensing issues in a spreadsheet, which may be found on Sharepoint under LPTF. (In the interest of conserving trees, this spreadsheet is not reproduced here.) He grouped the 300+ items under the following fourteen headings:

- Criteria for Applying for a P.Eng. Licence
- Academic Standards and Equivalents
- Academic Assessments by ARC
- Academic Assessments by PEO Staff
- Professional Practice Examination(s)
- Experience Standards and Equivalents
- Experience Assessments by ERC
- Experience Assessments by PEO Staff
- Correspondence and Communication
- Registration Hearings
- Pre-Licensing Programs
- Process, Quality Control, and Measurements
- Other Licences
- Other Issues

Before completing its work, the Task Force intends to revisit this list of issues to ensure that all significant items have been dealt with.



## 5. RECOMMENDATIONS FOR IMPROVEMENT

In this section, the Task Force presents its recommendations to PEO Council to improve PEO's licensing criteria and process.

Recommendations are grouped together for ease of consideration. Where dependencies between recommendations exist, they are noted.

**Recommendation 1: That the report of the Licensing Process Task Force be received and its recommendations considered.**

### 5.1 Guiding Principles

***There is a need to enshrine as policy the underlying principles established by the LPTF and its predecessor task forces.***

The Task Force has examined a wide range of issues/concerns/opportunities for improvement with the current licensing process. In considering these issues and possible solutions, it adhered to the guiding principles established by its predecessor task forces, which include fairness, objectivity, transparency, consistency, and accountability – all with the overriding objective of ensuring licence requirements are met in order to serve and protect the public interest. In addition, the Task Force believes PEO's licensing criteria and practices should reflect its established core values, and embody the principle of independent peer review, which is fundamental to our concept of professional self-regulation.

**Recommendation 2: That Council endorse the guiding principles espoused by the Evolution of Engineering Admissions (E<sup>2</sup>A) Task Force, as adapted from those of the Task Force on Admissions, Complaints, Discipline, and Enforcement (ACDE), and documented in Section 3.1 of the Report.**

**Recommendation 3: That Council acknowledge PEO's duty as a regulated profession under Part II, Section 5 of the *Fair Access to Regulated Professions Act - 2006* to provide registration practices that are transparent, objective, impartial, and fair.**

**Recommendation 4: That Council endorse the central role of independent peer review in PEO's licensing process, as defined in Section 3.5 of the Report.**

**Recommendation 5:** That Council endorse the following statement of principle with respect to documentation of PEO's admissions policies and practices.

*All documented information related to requirements, policies, and processes for licensure must:*

- *be applicant-centric;*
- *be transparent, objective, impartial and fair;*
- *align closely with the fundamental requirements for licensure (i.e., knowledge, skill, and character);*
- *specify clearly how and when the applicant can or must meet each requirement;*
- *specify clearly the assessment tools that will be used to assess whether an applicant meets the requirement; and*
- *indicate how PEO relies on independent peer review in its assessments of applicant qualifications.*

## 5.2 Definition of Requirements for [P.Eng.] Licensure

*There is a need to enhance the definition of the major requirements for P.Eng. licensure in the Regulations and in PEO's associated licensing documentation, so as to make them more specific and objective, and so that they more closely match how applicant qualifications are assessed against them. Addressing this need would provide additional clarity to applicants and bodies involved in independent review (i.e., Registration Committee and Divisional Court), and would improve PEO's transparency.*

### Current Practice

Licensing criteria are broadly defined: e.g., graduation from an "acceptable" academic program; so many years of "acceptable" practical experience.

No distinction is made between *breadth* and *depth* of academic preparation, nor between *confirmatory* and *gap* examinations. The role of technical examinations in determining whether or not an applicant meets the academic requirements is unclear.

### Recommended Policy

- Enhance in the Regulations the specificity of the requirements for licensure by reference to the guidelines / standards currently used.
- Redefine the academic requirement for licensure in terms of both *breadth* and *depth* of study.
- Clarify the role of technical examinations in relation to the academic requirements for licensure.

### 5.2.1 Academic Requirement

***There is a need to redefine the academic requirement for licensure in terms of a university degree in engineering or applied science with appropriate breadth and depth of study. This would help eliminate any potential ambiguity or contention associated with determining equivalence of foreign engineering programs to accredited Canadian engineering programs.***

#### Current Practice

Section 33. (1) of the Regulations defines the academic requirement as either (i) *a bachelor's degree in an engineering program from a Canadian university that is accredited to the Council's satisfaction, or (ii) equivalent engineering educational qualifications recognized by the Council.*

Applicants who satisfy criterion (i) – that is, graduates of CEAB-accredited engineering programs – are automatically deemed to meet the academic requirement and undergo no further academic assessment. All other applicants have their academic transcripts assessed for breadth and depth of study by the Academic Requirements Committee (ARC). The standard against which they are assessed for academic breadth is the PEO Syllabus for the applicant's chosen discipline. It is relatively straightforward to determine from the transcript if the applicant has studied the necessary subject matter. It is less straightforward to determine if he or she has studied that subject matter at an appropriate level of depth. The standard for academic depth is the CEAB-accredited program, but in many cases the ARC has little information about the academic institution in question; so establishing equivalency is impossible. In such situations, the applicant is assigned a program of confirmatory examinations.

Although Section 33. (1) of the Regulations and PEO's Licensing Guide and Application for Licence imply that the minimum academic qualification for [P.Eng.] licensure is a university engineering degree, applicants who do not meet this requirement are permitted to sit up to 18 examinations and submit a thesis in lieu of this qualification (the so-called examination route to licensure).

#### Recommended Policy

- Establish a university degree in engineering or applied science as the minimum academic standard for licensure as a P.Eng. This will effectively eliminate the examination route to licensure.
- Applicants who do not qualify for the P.Eng. licence under this criterion should have the option of being considered for a Limited Licence without the need to reapply or pay an additional application fee.

- Redefine the academic requirements for licensure in the Regulations in terms of both breadth and depth of study / mastery, referencing the PEO Syllabi as the standard for academic breadth, and including the following objective definition of academic depth.

Proposed Definition of Academic Requirement

1. *The applicant shall have a bachelor's or higher degree in a university engineering or applied science program that:*
  - (a) *meets or exceeds the applicable Syllabus of the Association in breadth of study, and*
  - (b) *entails sufficient depth of study to prepare the graduate for independent professional practice.*
2. *The applicable Syllabus referred to in paragraph 1. is the Syllabus selected by the applicant from among the Syllabi of the Association that have been approved by Council resolution and are in effect on the date of application.*
3. *To be deemed to have sufficient depth of study, an academic program must include:*
  - (a) *both derivation and application of the relevant theory from mathematics and basic sciences; and*
  - (b) *integration of mathematics, basic sciences, engineering sciences, and complementary studies in developing elements, systems, and processes to meet specific needs; and*
  - (c) *creative, iterative, and open-ended design processes that are subject to economic, health and safety, environmental, social, sustainability, and other constraints.*

**Recommendation 6: That a university degree in engineering or applied science be established as the minimum academic standard for licensure as a P.Eng., thereby eliminating the examination route to licensure.**

**Recommendation 7: That applicants who do not meet the academic requirement for licensure as a P.Eng. be given the option of being considered for a Limited Licence without the need to reapply or pay an additional application fee.**

**Recommendation 8: That the academic requirement for licensure be redefined in the Regulation in terms of academic breadth and depth, with reference to the PEO Syllabi as the standard for academic breadth, and with the objective definition of academic depth stated in Section 5.2.1 of this report.**

### Implementation Considerations

See Sections 33. (2) 7. and 33. (1) 1. - 3. in the draft revised regulations in Appendix E for the suggested implementation of Recommendations 6 and 8 respectively.

Note that the limit of nine technical examinations proposed by Recommendation 13 effectively eliminates the examination route to licensure. There is therefore a dependency relationship between Recommendations 6 and 13. If Council decides to retain the examination route to licensure (i.e., rejects Recommendation 6), then it must also reject Recommendation 13.

It should also be noted that adoption of Recommendations 6 and 13 will render obsolete the current V.G. Smith Award and S.E. Wolfe Thesis Award documented in Section 4.4.1, as these apply solely to applicants pursuing the examination route to licensure. Although these are named awards, they are not endowed. They are Council's awards, and can be discontinued or given revised criteria by Council at its discretion.

## 5.2.2 Examination Requirement

***There is a need to clarify both the intent of and the legal authority for technical examinations within PEO's Licensing process.***

### Current Practice

Sections 34. - 36. and 38. – 39. of the Regulations deal with technical examinations. (Section 37. deals with when an applicant must pass the Professional Practice Examination, the requirement for which is established in Section 33. (1) 5.)

Technical examinations are assigned by the Academic Requirements Committee pursuant to Section 40. of the Regulations. Technical (confirmatory and/or gap) examinations are not set out as a requirement for licensure, but are used as a means for an applicant to demonstrate that he or she meets the "equivalent" academic requirement of Section 33. (1) 1. (ii).

Section 4.4.1. of this report details how applicants are assessed against PEO's academic requirements for licensure, and how examinations are assigned in different circumstances.

The academic assessment may identify two dimensions of insufficiency in an applicant's academic background (transcripts):

- Insufficient breadth (i.e., the applicant has apparent "gaps" in his or her academic background as compared to the relevant PEO Syllabus); and/or

- Insufficient depth (i.e., PEO lacks evidence that the applicant's studies have been completed at a sufficient theoretical level for independent professional practice).

These insufficiencies are not mutually exclusive; i.e., an applicant's academic background may lack both breadth and depth to varying degrees. In extreme cases, the applicant may be informed that he or she does not meet PEO's academic requirements, and advised to complete a CEAB-accredited engineering program and then reapply.

If the applicant meets the academic breadth requirement with the exception of just a few subject areas, he or she will be permitted to sit the technical examinations in those subject areas as a means of demonstrating the requisite knowledge, which presumably has been acquired through self study or work experience. Applicants who have at least 5 years of relevant experience are permitted to take what amounts to an oral examination with an ERC interview panel as an alternative means of demonstrating that they possess the requisite knowledge. Another permitted means of demonstrating the requisite knowledge is to complete an approved course of study covering the missing subject area(s).

The following classes of applicant are normally deemed to meet the academic depth requirement without further verification:

- CEAB program graduates;
- applicants who have satisfied ARC (including referrals to ERC for an interview) that they have attained the equivalent depth as CEAB accredited programs;
- graduates with bachelors degrees from engineering programs where Engineers Canada is a party to a mutual recognition agreement (including Washington Accord countries);
- graduates who have a masters or doctorate degree in engineering from a Canadian University in the same discipline as their undergraduate degree.

Other applicants not included in the above groups must pass confirmatory technical examinations to verify their academic depth. The usual confirmatory examination program consists of the following examinations from the applicable current PEO syllabus:

- two examinations chosen by the applicant from Section A;
- one examination chosen by the applicant from Section B; and
- one examination from the Complementary Studies section.

The ARC's "Red Book" contains "Good Performance" criteria which may reduce the number of confirmatory exams an applicant has to write, as well as "Bad Performance" criteria which increase the number of examinations the applicant must write.

In cases where the applicant has been identified as having one or two material gaps in academic breadth, specific examinations may be

required instead of leaving the choice to the applicant. These are referred to as *directed confirmatory* examination programs, successful completion of which confirms the applicant's academic breadth and depth.

Since passing a PEO technical examination confirms depth of knowledge in the subject area of the examination, an applicant whose academic background is seriously deficient may be assigned as many as 18 examinations. Such programs are referred to as *the examination route to licensure* or "*PEO U*".

PEO implies to applicants that both gap and confirmatory examinations are licensing requirements that can be assigned and waived. Sections 34., 36., 40.(2) (c), 40.(3) (c), and 40. (3) (d) of the Regulations support this interpretation.

Note that, for purposes of this discussion, the term *technical examinations* includes all examinations listed on the PEO Syllabi, including those in the *Complementary Studies* section, as well as the *Engineering Report* or *Thesis* (which may be considered a take-home examination). In addition, the interviews conducted (by ERC panels) for the purpose of determining if an applicant should be exempted from writing confirmatory examinations may be considered *oral examinations*.

#### Recommended Policy

Confirmatory examinations are a licensing requirement that all applicants must pass unless they are exempted by conditions specified in the Regulations by which the applicant can demonstrate that he or she meets the academic depth requirement.

Council must be prepared to amend further the list of exempt applicant classes in the Regulations before PEO becomes a party to a mutual recognition agreement (MRA) with any jurisdiction.

Eliminate the examination route to licensure by limiting the number of technical examinations that may be written by an applicant. (Note that it should still be possible for an applicant with gaps in his or her academic record when compared against the applicable Syllabus to demonstrate the necessary breadth of knowledge by passing a limited number of technical examinations.

#### Recommended Components of the New Policy

- Amend the Regulations to include:
  - the requirement to pass confirmatory examinations;
  - the classes of applicant who will be deemed to meet the academic depth requirement without passing confirmatory examinations; and
  - the "good performance" criteria which can reduce the number of confirmatory examinations that must be passed.

- Continue current practices with respect to standard confirmatory programs, including provisions for good performance and failures
- Continue to support directed confirmatory programs for cases where a few gaps exist in an applicant's academic background
- Limit the number of examinations that may be required to address gaps to nine (9), thereby eliminating the examination route to licensure.
- Revise language used in the Guideline and correspondence to reflect this policy. Communicate to all applicants that technical examinations are a requirement for licensure that can only be waived when PEO has other evidence that the applicant's academic background meets the academic breadth and depth requirements.

Implementation Considerations

See Section 33. (2) of the draft revised Regulations in Appendix E for a suggested implementation of these recommendations.

**Recommendation 9: That a new regulation be added requiring all applicants for a licence to demonstrate that they meet the academic depth requirement by passing confirmatory examinations, unless exempted by the regulation, and establishing:**

- The normal confirmatory examination program for applicants who fully meet the academic breadth requirement;
- The directed confirmatory examination program for applicants who do not fully meet the academic breadth requirement;
- Exemptions for good performance on examinations;
- Additional requirements for poor performance on examinations.

**Recommendation 10: That the following classes of applicant who have met PEO's academic breadth requirement be exempted in the Regulations from writing the confirmatory examinations:**

- Graduates of CEAB-accredited programs in the six (6) years preceding the date of application;
- Applicants with bachelor's degrees in engineering programs that have been approved for academic depth by Council resolution;
- Applicants who have satisfied the Academic Requirements Committee that they meet the academic depth requirement.

**Recommendation 11:** That the current practice whereby an applicant with good performance on the first few confirmatory examinations may reduce the number of confirmatory examinations be enshrined in the Regulations as follows:

- (a) If an applicant writes two technical exams at his/her first sitting and achieves a minimum average of 65% with no mark below 60%, the applicant is exempt from writing the remaining two required exams;
- (b) If after the second exam sitting the applicant has passed three technical exams with no mark below 60%, the applicant is exempt from writing the Complementary Studies Exam;
- (c) If the applicant fails one technical exam on his/her first sitting, then passes the failed exam with a mark of 70% or higher and achieves 60% or higher on the previously unwritten technical exam attempted at the second sitting, the applicant is exempt from writing the Complementary Studies Exam.

**Recommendation 12:** That the current practices related to poor performance on confirmatory examinations be retained and enshrined in the Regulations as follows:

- (a) If an applicant fails a confirmatory examination, he or she must retake and pass the failed examination;
- (b) If an applicant fails the same confirmatory examination twice or fails two different confirmatory examinations, he or she must retake and pass the failed examinations and will be assigned an additional confirmatory examination for each failed examination;
- (c) If an applicant fails the same confirmatory examination thrice or fails to achieve an average of at least 55% on three technical examinations, he or she will be deemed to not meet the academic requirement for licensure.

**Recommendation 13:** That the maximum number of different technical examinations that may be required of or attempted by any applicant be limited to nine (9).

**Recommendation 14:** That Council place in regulations the objective test for exemption from confirmatory examinations before becoming a party to a mutual recognition agreement with any jurisdiction.

### 5.2.3 Experience Requirement

*There is a need to strengthen the experience requirement in terms of specificity and objectivity. Ultimately, it should be expressed in terms of specific practice skills or competencies that the applicant is required to demonstrate “on the job”.*

### Current Practice

Sections 33. (1) paragraphs 2. – 4. and subsection (2) of the Regulations define the experience requirement. It is defined in terms of numbers of months of “*experience in the practice of professional engineering that ... provides sufficient experience to enable [the applicant] to meet the generally accepted standards of practical skill required to engage in the practice of professional engineering*”.

### Recommended Policy

Continue to require of all applicants for licensure 48 months of engineering experience, including 12 months of Canadian Experience under the supervision of a P.Eng.

Approve the current *Guide to the Required Experience for Licensing as a Professional Engineer in Ontario* to give it status. (This has never been done by Council.) Formatted: Bullets and Numbering

Redefine the experience requirements for licensure in the Regulations so that they reference PEO's *Guide to the Required Experience for Licensing as a Professional Engineer in Ontario*. Formatted: Bullets and Numbering

Begin the process of redefining the experience requirement for licensure in terms of common and discipline-specific competencies.

### Rationale

Practice skill (as assessed through experience) is as important as technical knowledge (as assessed through academics) as a requirement for licensure. The current emphasis on *quantity* (length) of experience is less defensible as a requirement for licensure than *quality* of experience in terms of requisite practice skills and professional attributes demonstrated by the applicant in a work environment. These professional practice skills and attributes can be more clearly defined for the benefit of the applicant, the assessors, and any review panels or tribunals, and can be more precisely measured.

**Recommendation 15: That Council approve the criteria and rules to apply the criteria listed in PEO's *Guide to the Required Experience for Licensing as a Professional Engineer in Ontario*, which defines the skills and attributes that must be acquired and demonstrated through experience.**

**Recommendation 16: That the experience requirements in the Regulations be amended to reference PEO's *Guide to the Required Experience for Licensing as a Professional Engineer in Ontario*.**

#### 5.2.4 Good Character Requirement

***There is a need to strengthen the good character requirement by requiring applicants to provide evidence that they do not have a criminal history.***

##### Current Practice

*Good character* is set out in Section 14. (1) (e) of the Act as a requirement for licensure, but is not elaborated upon in the Regulations. It appears to be defined in terms of an absence of prior bad acts. Section 14. (2) of the Act provides grounds for the Registrar to refuse to license an applicant if “*the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity*”. Similarly, Sections 15. (8) (a) and 18. (2) (a) authorize the Registrar to refuse or revoke a certificate of authorization or a temporary / provisional / limited licence, respectively, on the same grounds.

##### Recommended Policy

Require each applicant for a licence to submit satisfactory evidence that he or she does not possess a criminal history.

**Recommendation 17: That either a Canadian criminal record check or a local police records check, at the discretion of the applicant, be required of each applicant for licensure, to be obtained by the applicant at his or her own expense.**

##### Implementation Consideration: Police / Criminal Records Checks

This requirement would need to be placed in the Regulations - see Section 33. (5) 1. of the draft revised Regulations in Appendix E.

Recommendation 17 would require each applicant to obtain, at his or her trouble and expense, either a *certified criminal record check* or a *local police records check*. The distinction between the two is as follows:

A *certified criminal record check* (see [http://www.rcmp.ca/crimrec/finger\\_e.htm](http://www.rcmp.ca/crimrec/finger_e.htm)):

- includes a check of the CPIC database for Canadian criminal record, outstanding warrants, etc.,
- is performed by the RCMP,
- requires a full fingerprint series to be submitted by the applicant, at his/her expense and trouble, which are used to verify independently the identity of the subject,
- costs \$25.,
- takes up to 120 days to complete,
- is required of all immigrants to Canada.

*A local police records check:*

- includes a check of the CPIC database for Canadian criminal record, outstanding warrants, etc.,
- also includes checks of other databases accessible to the local police force,
  - is performed by any local police detachment / division,
  - does not involve fingerprints (i.e., checks are by name and date of birth only),
  - costs \$35.,
  - takes just a few days,
- is required by most organizations of volunteers who will be working with vulnerable people (e.g., volunteers in schools, scout leaders, etc.).

Because immigrants to Canada will already have obtained a certified criminal record check prior to being issued landed immigrant status, the Task Force is recommending that applicants be given a choice as to which check to submit.

### 5.3 Assessment of Applicant Qualifications

***There is a need to ensure that the assessment of applicant qualifications against academics, experience and character licensing requirements is uniformly rigorous. By addressing this need, PEO will strengthen its already robust licensing process.***

After an extensive review of the current policies and procedures of the existing licensing process, the Task Force agrees that:

- The current practices and assessment tools of the Academic Requirements Committee (ARC) in performing academic assessments of applicants should be retained, including:
  - Assigning and waiving technical examinations (gap and confirmatory examinations) based on PEO's syllabi;
  - Referring applicants to the Experience Requirements Committee (ERC) for an assessment interview to see if knowledge acquired through engineering experience can be demonstrated satisfactorily;
- The current practices and assessment tools of the Experience Requirements Committee (ERC) in assessing the engineering experience of applicants should be retained.

The Task Force believes that much useful work has been done over many years by both Committees to develop their assessment guidelines and tools, and that these should be retained. While their ongoing refinement is expected and encouraged, no major changes are being recommended. As a consequence, it may be necessary or at least desirable to make regulation changes to more clearly support some current practices.

The Task Force believes that a clear distinction should be made between interviews conducted for the purpose of confirming academic depth and interviews conducted for the purpose of assessment against the experience requirements. In particular, interviews for the purpose of assessing *basic* technical knowledge must be conducted more like oral examinations, since basics cannot generally be acquired through experience. It may be desirable for ARC to conduct such interviews itself instead of referring them to ERC. (Note that ARC already has the authority to interview applicants.) If an applicant is found to be lacking in basic knowledge, a notice of determination (NOD) that he/she does not meet the academic requirements should be issued.

### 5.3.1 Academics

#### Current Practice

See detailed description of academic assessment in Section 4.4.1.

#### Recommended Policy

Continue to refer all non-CEAB, non IAMA, applicants to the ARC for assessment of their academic credentials unless they belong to a class of applicant for which Council has approved a standard treatment that can be executed by Licensing & Registration Staff.

Maintain the practices of ARC and ERC outlined in Section 4.4.1 in assessing academic credentials of non-CEAB, non IAMA, applicants against the academic requirements for licensure.

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Encourage the offering of academic courses of study in lieu of passing gap examinations.

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Issue the Notice of Determination after the academic assessment by ARC, including any interview to determine if confirmatory and/or gap examinations will be required / recommended, but before any technical examinations are attempted.

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#### Rationale

Recommendations 20 and 21 are based on the assertion that a typical academic program of study with an instructor, lectures, laboratories / tutorials, assignments, and tests is a superior means of acquiring knowledge and of demonstrating mastery of that knowledge than the completion of a program of independent study and the passing of a single examination.

In this connection, it worth noting the Internationally-Educated Engineers Qualification Bridging (IEEQB) Program, a new program offered by the Faculty of Engineering, Architecture and Science at Ryerson University, in cooperation with PEO. Funded by the Ontario Government and the

Government of Canada, this program has been developed for international engineering graduates (IEGs) to provide them with an opportunity to meet the academic requirements for professional engineering licensure in Ontario.

**Recommendation 18:** That all applicants whose academic credentials do not meet an objective criterion set out in the Regulations or established by Council resolution be referred by the Registrar to the Academic Requirements Committee (ARC) for assessment as to whether or not they meet PEO's academic breadth and depth requirements for licensure. The following objective criteria should be placed in the Regulations:

- Graduates of a CEAB-accredited engineering program;
- Applicants who qualify under the CCPE Inter-Association Mobility Agreement (IAMA).

The following objective criteria should be established by Council resolution:

- Graduates of academic programs for whom a standard treatment has been approved by Council resolution.

**Recommendation 19:** That the current practices and assessment tools of the Academic Requirements Committee (ARC) in performing academic assessments of applicants be retained, including:

- Requiring applicants to confirm their academic depth by passing a set of examinations chosen by the applicant from the set of examinations based on the applicable PEO Syllabus (*confirmatory examinations*);
- Requiring applicants to confirm their academic depth in specific subject areas in which they are deemed deficient by passing examinations based on the applicable PEO Syllabus (*directed confirmatory examinations*);
- Referring applicants to the Experience Requirements Committee (ERC) for an assessment interview to determine if they can demonstrate that they meet PEO's academic breadth and depth requirements without sitting technical examinations;

and that the Regulations be amended as required to clearly support these practices.

**Recommendation 20:** That applicants who are determined by the ARC to lack the necessary academic breadth be provided with an opportunity to demonstrate they have the knowledge specified in the PEO Syllabus by either:

- Passing one or more ARC-specified technical examinations, or
- Successfully completing ARC-approved / ARC-specified course(s) of study that include knowledge assessments.

**Recommendation 21: That PEO encourage Ontario's engineering schools to develop cost-effective programs of study and delivery methods for courses designed to address applicant knowledge gaps, and support universities' efforts to receive funding from the Ontario Government for such programs.**

### 5.3.2 Experience

#### Current Practice

See detailed description in Section 4.4.2.

#### Recommended Policy

Maintain the practices of ERC outlined in Report Section 4.4.2. in assessing the experience credentials of applicants against the experience requirements for licensure. ← --- Formatted: Bullets and Numbering

Strengthen PEO's assessment of experience by reviewing the Guide and assessment practices to ensure that they include: ← --- Formatted: Bullets and Numbering  
the required professional practice skills and attributes,  
appropriate attitudes towards professional practice,  
the ability to communicate in the English language, and  
the ability to work in the Canadian engineering and business culture and environment; ← --- Formatted: Bullets and Numbering  
and by ensuring that they are made clear to all stakeholders (applicants, supervisors, experience monitors / reviewers, and referees).

**Recommendation 22: That the current practices and assessment tools of the Experience Requirements Committee (ERC) in assessing the engineering experience of applicants be retained.**

**Recommendation 23: That PEO's experience assessment criteria and procedures be strengthened to include:**

- the required professional practice skills and attributes;
  - appropriate attitudes towards professional practice, including the core values of integrity, respect, accountability, professionalism, and teamwork;
  - the ability to communicate in the English language; and
  - the ability to work in the Canadian engineering and business culture and environment;
- and that they be communicated clearly to applicants, supervisors, experience monitors / reviewers, and referees.**

### Implementation Consideration

Recommendation 23 is intended to begin the process of formalizing PEO's experience requirements and the assessment of applicants' experience against them. Further work will be required to complete this task – see Section 8.3 of the report.

#### **5.3.3 Character**

##### Current Practice

See detailed description in Section 4.4.3.

##### Recommended Policy

- Verify applicant self-declarations wherever it is practical to do so.
- Conduct more thorough background checks on all applicants.
- Establish uniform policy on how to deal with negative character issues.

**Recommendation 24: That the Registrar check each applicant against the National Database maintained by Engineers Canada once it becomes available, regardless of his or her responses to the “good character” questions on the application.**

**Recommendation 25: That the Registrar verify each applicant's declarations with respect to licensure in another jurisdiction wherever it is practical to do so.**

**Recommendation 26: That Council establish criteria for how the Registrar should deal with “negative” responses (i.e., responses that raise concern) to each of the character-related questions on the application, and to issues raised by an applicant's supervisor, referee, or experience monitor.**

##### Rationale

Good character is as important as knowledge and skill as a requirement for professional licensure, yet it receives less attention than the other criteria in PEO's current process. Additional attention to character-related self declarations will underscore the importance of responsibility and integrity in professional engineering practice.

With introduction of the Engineers Canada national database of licensees and applicants, it will become possible for PEO to verify independently a much higher proportion of applicant responses to the character-related questions on the application form. This practice will make it easier to detect dishonest applicants.

While there is no evidence to suggest that licensure of professional engineers with criminal records has been a problem, requiring a check of police records for criminal history would serve to reinforce the need for absolute honesty on the part of members of the profession, and would eliminate any temptation for an applicant to try to disguise criminal history. Other professional licensing bodies such as the College of Physicians and Surgeons of Ontario require police records checks.

Council-approved guidelines for treatment of applications where character is of concern will contribute to fairness and consistency in PEO's licensing process.

## 5.4 Transfers From Other Jurisdictions

### Current Practice

PEO is a signatory to an Inter-Association Mobility Agreement (IAMA) developed under the auspices of the Canadian Council of Professional Engineers (now Engineers Canada). In summary, this agreement provides for "automatic" licensure by the Constituent Members of Engineers Canada (like PEO) of individuals who are already licensed and in good standing in another Canadian jurisdiction. For automatic recognition, PEO requires that the applicant has been licensed for the preceding five years and has remained in good standing in the other jurisdiction. Applications from applicants who have been licensed more recently (i.e., for fewer than 5 years) are reviewed in the same manner as first-time applicants, and may be referred for academic or experience assessment.

Some other Canadian jurisdictions are in the process of developing similar "full mobility" agreements with neighbouring jurisdictions in the United States.

PEO's current enabling legislation does not contemplate or authorize such mobility or reciprocity agreements.

### Recommended Policy

Add a regulation to cover admission of applicants already registered in another jurisdiction with which PEO has in place a mobility agreement.

### Implementation Consideration

See Section 34. of the revised draft Regulations in Appendix E.

**Recommendation 27:** That a new regulation be added to cover licensing of applicants already registered in another jurisdiction with which PEO has in place a mobility agreement, by which such applicants will be deemed to meet all requirements for licensure except for the *good character* requirement with the following provisions:

- (a) The applicant has successfully passed a Professional Practice Examination in a Canadian jurisdiction, or has been licensed to practise professional engineering in a Canadian jurisdiction for at least five (5) years; and
- (b) The applicant has provided satisfactory evidence of having at least twelve (12) months of Canadian experience that meets the requirements of subsection 33. (3) 3. of this Regulation; and
- (c) The applicant has not previously applied to the Association for a licence and been deemed to not meet the academic requirements.

## 5.5 Review of Determinations

***There is a need to provide a mechanism for timely and independent reviews of negative Notices of Determination (NODs). Addressing this need would provide the applicant with more timely feedback to determine if he/she should continue to seek licensure. It would also avoid applicants seeking Registration hearings to “appeal” a determination.***

### Current Practice

Both the Academic Requirements Committee (ARC) and the Experience Requirements Committee (ERC) provide for informal, internal reviews of their assessments by the same committee before a Notice of Determination (NOD) is issued.

The only recourse for applicants wishing to “appeal” a determination with respect to academics or experience is to request a review by the Registration Committee. However, the Registration Committee as currently empowered cannot deal effectively with such requests since it can only direct the Registrar to issue or not issue the licence, and in most cases the applicant will not have met some of the other criteria for licensure (e.g., passed the PPE, accumulated the 12 months of acceptable Canadian experience).

### Recommended Policy

Create a new determination review mechanism involving an independent review panel.

### Rationale

Implementation of the proposed determination review mechanism will complete the “internal appeal” process recommended by the Admissions Appeal Process

Task Group (AAPTG), but in a more efficient way. It will serve the principles of natural justice by providing applicants with a second, independent review of PEO's most common administrative decisions, as contemplated by the drafters of FARPA.

It should also serve to eliminate any existing incentive for applicants to request Registration Committee hearings in order to deal with determinations re academics and experience. This change will serve natural justice, since applicants cannot reasonably obtain reviews of such determinations from REC. It should further serve to reduce costs for both PEO and the applicant, and to remove from REC the need to deal with matters (determinations) for which it may be ill-equipped in terms of its members' knowledge and experience.

It should be noted that the proposed independent determination review process remains an independent peer review process.

#### Implementation Considerations

- The licensing process should be augmented by a formal review step positioned in between a notice of determination (NOD) *with respect to academics or experience (but not character)* and the Registrar's notice of proposal (NOP) to deny a licence. Reviews of character-related determinations would continue to be handled by the Registration Committee (REC) following the NOP.
- The purpose of the review should be to provide the applicant an opportunity to provide reasons why the determination that he/she does not meet the academic or experience requirements for licensure, and/or the means suggested for the applicant to meet those requirements, should be reversed or modified.
- The focus of the review should be *technical* as opposed to *procedural*; i.e., the applicant's credentials will be re-assessed against the academic and experience requirements for licensure. Challenges to determinations on procedural grounds would remain the purview of REC.
- The reviewing body should be an "*arms-length*", *discipline-specific* panel consisting of three members with domain knowledge in the applicant's area of study / practice who are thoroughly familiar with the licensing process and in particular the practices of the ARC and ERC. "Arms length" means that the panel members should not have been previously involved in assessing the applicants qualifications; i.e., it should be a "fresh" panel. It is suggested that former ARC and ERC members would be ideal panel members.
- The review panel's role and authority is to hear the applicant's arguments and provide a fresh determination, either confirming or reversing / altering the previous determination. In the event that it affirms the earlier determination of ARC or ERC, it may assist in explaining the decision to the applicant.

- The review panel should not consider new information that was not available to ARC or ERC when they made their original determination. Any such new information should already have been solicited from the applicant, and fed back to the ARC or ERC for informal reconsideration. In the event that relevant new information is provided by the applicant at the time of the hearing, his/her application should be referred back to ARC or ERC for reassessment and possibly a new determination.
- In the Registrar's letter advising the applicant of a determination, he/she should be advised of the possibility of the review and given a finite time period (say, 30 days) to indicate if he/she wants to take advantage of that opportunity. If so, the applicant may request either (i) a paper review of his/her file by the panel without the applicant present, or (ii) a hearing at which he/she may appear in person to present his/her case to the panel.
- Any such hearings will be informal in nature. The applicant may not be accompanied by witnesses, supporters, or legal counsel.
- An applicant will not be able to appeal a given determination more than once within a single application (i.e., "only one kick at the can").
- All decisions of the review panels will be reported back, with reasons, to ARC and/or ERC so that the committees will know when and why their determinations are being upheld or changed.
- Addition of this review step should have the desirable effect of limiting Registration hearings to requests to waive (exempt the applicant from) requirements, most notably the *good character* requirement).
- The Task Force noted that this proposal does not appear to conflict with PEO's existing enabling legislation, and should therefore be able to be implemented by resolution of Council.
- It also noted that the new review process would need to be clearly documented so that all applicants would understand their options.

**Recommendation 28: That the Academic Requirements Committee (ARC) and the Experience Requirements Committee (ERC) continue to conduct informal, internal reviews of their assessments before a Notice of Determination (NOD) is issued.**

**Recommendation 29: That Council authorize the creation of an independent determination review mechanism involving independent NOD review panels, as detailed in Section 5.5 of this report.**

## 5.6 Timing of Professional Practice Examinations

***There is a need to eliminate the restrictive timing of Professional Practice Examinations (PPE). Addressing this need would provide applicants with additional flexibility, while maintaining current admission standards.***

### Current Practice

Section 37. of O. Reg. 941 specifies that the PPE must be passed within two years after the later of (i) the date of application for the [P.Eng.] licence, or (ii) the date on which the academic requirements are deemed to have been met. This provision is a carry-over from the days when the experience requirement was two years instead of four.

PEO's guidelines suggest applicants should not write the PPE until they have met the academic requirements; however, this suggestion is not supported by the regulations.

### Recommended Policy

Remove the current restriction so that applicants may write the PPE at any time.

**Recommendation 30: That Section 37. of the Regulations be revised to provide that an applicant may write the Professional Practice Examination(s) any time they are offered.**

## 5.7 Experience Credits

***There is a need to address the inconsistency between admission practice and the Regulations as to when applicants writing examinations begin acquiring experience for licensure. Addressing this need would ensure that admission practices are consistent with the Regulations.***

### Current Practice

48 months of engineering experience is required for licensure. At least 36 months of that experience, including the 12 months of experience in a Canadian jurisdiction under the supervision of one or more people legally authorized to engage in the practice of professional engineering in that jurisdiction, must be acquired after the applicant has obtained a bachelor of engineering degree or equivalent educational qualifications. Since at least 1996, it has been interpreted that the period commences when the applicant has completed the technical exams required for his/her area of employment.

### Recommended Policy

Council to approve and publish a policy regarding when experience starts counting for:

- applicants who meet the academic breadth requirement (i.e., whose academic transcripts match the PEO Syllabus);
- applicants provided the opportunity to pass gap examinations outside of their main (sub)discipline in order to meet the *academic breadth* requirement;
- applicants pursuing the examination route to licensure (e.g., technologists), so long as this option remains in force.

**Recommendation 31: That Section 33.(1) 3. of the Regulations be amended to provide that up to 12 months of the required practical experience may be acquired once the applicant is deemed by ARC to have successfully completed the Basic Studies and Group A Professional subjects from the relevant PEO Syllabus, and that the balance of the required practical experience must be acquired after the academic requirement in Section 33.(1) 1. has been fully met.**

**Recommendation 32: That, for purposes of accumulating experience towards licensure, applicants who substantially meet the *academic breadth* requirement (i.e., whose transcripts match the PEO Syllabus with no more than two gaps) be deemed to have met PEO's academic requirements on the date of their engineering degree.**

#### Rationale

The Task Force supports the principle that *the theoretical basis for practice must be established before experience can be counted towards licensure*.

It considers that the theoretical basis for practice has been established once the applicant has completed the basic studies portion of the syllabus. An applicant who has not completed this basic studies portion of the syllabus will be deemed to not meet the academic requirement and will not be permitted to demonstrate compliance by passing technical examinations.

Recommendation 32 is intended to apply to applicants who are subject to (i.e., are not exempted from) confirmatory or directed confirmatory examinations. In this way, they will not be held up from accumulating experience toward licensure while they sit the confirmatory exams. However, should they fail to confirm, they will be deemed to not meet the academic requirement, and will receive credit for no more than 12 months of experience until such time as they do meet the academic requirement.

## 5.8 Currency of Academic Credentials

***There is a need to address the fact that there is no time limit on academic credentials for those who have graduated from an accredited engineering program, whereas the academic backgrounds of graduates of unaccredited programs must meet the current PEO syllabus. Addressing this need would provide an opportunity for PEO to improve the consistency and fairness of its academic requirement for licensure.***

### Current Practice

Non-CEAB applicants are assessed against, and may be offered (gap) or assigned (confirmatory) technical examinations based on current syllabi, not those in effect when they graduated.

### Recommended Policy

Assess all non-CEAB applicants, and CEAB applicants whose degree is more than six (6) years old, against the current approved PEO syllabus.

If an applicant's accredited degree was acquired more than six (6) years before the date of application, the application would be referred to ARC for a determination as to whether or not it meets the academic requirements.

**Recommendation 33: That the Regulations be amended to provide that applicants with accredited degrees that were awarded more than six (6) years prior to the date of application will be assessed against the current applicable PEO Syllabus for academic breadth.**

### Rationale

The choice of six (6) years for the limit on currency of a qualifying degree is based on the maximum length of accreditation provided by the Canadian Engineering Accreditation Board (CEAB) and the frequency of revision of syllabi by the Canadian Engineering Qualifications Board (CEQB), both of which are six years.

### Implementation Consideration

See Section 33. (2) 3. (a) of the revised draft Regulation in Appendix E.

## 5.9 Time Standards for Making Determinations

***There is a need to establish time standards for making a determination, once an applicant has provided all required information. Addressing this need would provide the opportunity for PEO to demonstrate to applicants, government, and the public that it processes applications for licensure and gives administrative decisions in a reasonable time, and to publish expected processing times.***

### Current Practice

- No time standard exists for making a determination.
- Applications remain open without a determination while the applicant attempts to demonstrate compliance with the requirement.
- In some cases, there is a lengthy period of correspondence “back and forth” between PEO Licensing & Registration staff and the applicant while the applicant attempts to provide all of the necessary information for his or her application to be processed.

### Recommended Policy

Create a time standard for making a determination, once an applicant has declared he/she has provided all required / relevant information.

The policy will need to take into account the various legitimate circumstances that can influence turn-around time, such as whether or not the applicant is referred to ERC for an interview.

**Recommendation 34: That Council establish and publish a time standard for making a determination, once an applicant has declared, and Licensing & Registration staff have confirmed, that he/she has provided all required / relevant information, taking into account the various legitimate circumstances that can influence turn-around time, such as whether or not the applicant is referred to ERC for an interview.**

### Rationale

The onus must remain on the applicant to advise PEO when he/she has provided all available information in support of the application, at which point the clock “starts ticking” on the time to determination.

## 5.10 Time Limits On Meeting Requirements

*There is a need to establish reasonable time limits for applicants to demonstrate compliance with academic and experience requirements for licensure. Addressing this need would enable PEO to ensure it is dealing with current applications, and avoids the situation where an application remains open for a prolonged period of time during which the applicant is making little or no progress towards fulfilling the requirements for licensure.*

### 5.10.1 Experience Time Limit

#### Current Practice

Once an applicant has met the academic requirements for licensure and passed the PPE, there is no limit on how long he/she can take to meet the experience requirements. Applications are kept open until all requirements are met unless the applicant notifies PEO that he/she is no longer pursuing licensure.

#### Recommended Policy

Assess applications within a defined time period.

**Recommendation 35: That an applicant's file be kept open for a maximum of eight (8) years from the date of application.**

#### Rationale

This provides a means for PEO to administratively close files of applicants who have not met all requirements within a defined time period. Eight (8) years provides ample time for an applicant to fill in all gaps that may exist at the time of his/her application. Should the applicant require more time, he or she may reapply at any time to obtain a new assessment as to whether or not he or she meets the requirements.

### 5.10.2 Examination Time Limit

#### Current Practice

Section 36. of the Regulations specifies the timing of examinations, which are tied to the academic year.

#### Recommended Policy

- Remove timing of examinations as a barrier for applicants, and change academic year to a 12-month period.

- Examine the feasibility of offering all examinations at least twice each year.

**Recommendation 36: That the Regulations be amended to remove provisions related to timing of examinations and academic year.**

**Recommendation 37: That PEO continue to administer technical examinations, and that consideration be given to offering all examinations at least twice a year.**

*Implementation Consideration*

Note that Recommendation 45, which seeks to remove Sections 34 through 36 of the Regulations in their entirety, accomplishes the intent of Recommendation 36.

*Rationale for Recommendation 37*

With time limits in place to meet requirements, applicants with academic gaps need to be provided with reasonable access to the examinations.

## 5.11 Cost of Examinations

***There is a need to rationalize the various fees charged to applicants for sitting examinations that are specified at Section 85 of the Regulations. Addressing this need will increase the consistency and fairness of the examination fees.***

*Current Practice*

Section 85 (1) of the Regulations prescribes the cost of examinations as follows:

*The fees for writing examinations required in respect of each application are as follows:*

- 1. The examination fee for the first examination written by an applicant, other than the Professional Practice Examination, is \$520.*
- 2. The examination fee for each subsequent examination and the rewriting of an examination previously failed is \$150.*
- 3. The fee to be paid upon submission of a thesis is \$300.*
- 4. The fee for writing or rewriting the Professional Practice Examination is \$130.*

The rationale for the cost of the first exam being \$370, higher than that of subsequent examinations was to recover the additional cost of establishing and monitoring an examination program for the applicant.

### Recommended Policy

- That the fee for establishing and monitoring a gap examination program should be separate from that charged for individual examinations.
- That there be no cost for establishing and monitoring a confirmatory examination program, since confirmatory examinations will now be a requirement for licensure.
- That the fee for sitting all examinations, including technical examinations and the Professional Practice Examinations, be unified at \$150.

**Recommendation 38: That Regulation 85(1) be revised to reflect that the fee for sitting each examination of any type / purpose is \$150.**

**Recommendation 39: That a new section be added to Regulation 85(1) to reflect that the cost of establishing and monitoring a gap examination program is \$370.**

## 5.12 Other Licence Types

***There is a need to consider how the preceding recommendations, particularly those dealing with definition of licensing criteria in the regulations and with assessment of applicant qualifications, may be applicable to the other existing licence types, namely the limited licence, the provisional license, and the temporary licence.***

### 5.12.1 Limited Licence

#### Current Practice

The limitations and requirements associated with the Limited Licence are set out in Sections 45 and 46 of the Regulations. The requirements for issuance of the Limited Licence parallel those for the P.Eng. licence with the following main differences:

- The academic requirement is less stringent: a 3-year diploma in engineering technology, a Bachelor of Technology degree, or a 4-year honours science degree (or equivalent qualifications);
- Thirteen (13) years (including the time spent acquiring the academic background) of acceptable experience are required, one year of which must be in Canada under the supervision of a licensed professional engineer, and the last two years of which must be in the field of practice to be covered by the limited licence.

Several of the concerns raised in the legal opinion by Richard Steinecke with respect to the P.Eng. licence also apply to the Limited Licence. For example, Section 46. of the Regulation contains the words “approved by the Council”, “accepted by the Council”, or “acceptable to the Council” in multiple places. This is problematic since (i) it delegates to Council a power that should be set out in the Regulation, and (ii) PEO Council is not involved in assessment of individual applicant qualifications and has not approved specific academic preparations nor defined what constitutes acceptable experience with respect to the Limited Licence.

Section 18. (3) of the Act provides for applications for Limited (and Temporary) Licences to be referred to the Academic and Experience Requirements Committees (ARC and ERC). In practice, very few applications for the Limited Licence are referred to ARC for assessment of academics; however, the majority are referred to ERC for assessment of experience. As a rule, Limited Licence applicants are not assigned technical examinations.

A special subset of Limited Licence holders are the soon to be introduced Licensed Engineering Technologists (LETs) covered under an agreement between PEO and the Ontario Association of Certified Engineering Technicians and Technologists (OACETT). These individuals will be permitted to use the LET reserved designation while retaining membership in OACETT. They will also be permitted to hold a PEO Certificate of Authorization to offer engineering services to the public within the restricted scope of practice of their limited licences.

As of the date of this report, the Regulation changes necessary to implement the LET class (of Temporary Licence) have not been approved by the Government; therefore, there are no such licences yet in existence.)

PEO's current Register contains relatively few Limited Licence holders: 28 as of December 31<sup>st</sup>, 2006. Historically, only about 5 new Limited Licences have been issued each year. However, recent months have seen an increase in the number of applications for Limited Licences on the part of OACETT members, partly in anticipation of the introduction of the LET designation. Roughly 50% of applicants for the Limited Licence meet the requirements for its issuance.

#### Recommended Policy

Definition of academic and experience requirements for the Limited Licence should be reviewed for consistency in philosophy and approach with those of the P.Eng. licence.

Section 46. of the Regulation should be revised along the lines proposed for Section 33., as reflected in Appendix F. Further discussion is required to finalize the appropriate changes.

In addition, recommendations related to the licensing process itself such as:

- Recommendations 24 through 26 dealing with Good Character,
- Recommendations 28 and 29 dealing with reviews of determinations,
- Recommendation 30 dealing with the Professional Practice Examination,
- Recommendation 34 dealing with time standards for making determinations,
- Recommendation 35 dealing with how long an applicant's file may be kept open,

should apply all types of licence, including the Limited Licence.

#### Rationale

Like the P.Eng. licence, the Limited Licence entitles its holder to practise professional engineering independently, and to take responsibility for professional engineering services offered under a Certificate of Authorization, albeit within a restricted scope of practice stated on the licence. The same concerns for ensuring that the licensee will practise competently and responsibly that apply to the P.Eng licence therefore apply to the Limited Licence as well.

The fundamental difference between the two licences is that:

- In the case of the P.Eng. licence, the licensee is expected to have a broad enough background in basic and engineering science to self-manage his or her scope of practice; while,
- In the case of the Limited licence, the licensee's scope of practice is limited by the licence itself.

Translating this principle into academic requirements, we can conclude that the *academic breadth* requirement for the Limited Licence is narrower than that for the P.Eng. licence, while the *academic depth* requirement is the same within the narrower body of knowledge required for the limited scope of practice. Technical examinations could therefore be used to verify academic depth in the subject areas related to the applicant's intended scope(s) of practice, if necessary.

As to experience requirements, there should be no difference in the level of practice skill that must be demonstrated to acquire either a P.Eng. or a Limited licence. In both cases, the scope of the acceptable experience will be limited to the applicant's intended field(s) of specialization.

**Recommendation 40: That definition of academic and experience requirements for the Limited Licence be reviewed for consistency in philosophy and approach with those of the P.Eng. licence.**

**Recommendation 41: That Section 46. of the Regulation be revised along the lines proposed for Section 33. to address the issues raised in the legal opinions.**

**Recommendation 42:** That all applications for a Limited Licence (LL) or a Licensed Engineering Technologist (LET) designation (when approved) be referred to the Experience Requirements Committee for a determination as to whether or not the applicant has met the experience requirements prescribed by the regulations for the issuance of the LL or LET.

**Recommendation 43:** That previous recommendations dealing with good character and with the licensing process itself apply to all types of licence.

### 5.12.2 Provisional Licence

#### Current Practice

A recommendation of the ACDE Task Force, the Provisional Licence was created in the 2003 Act change mainly to provide recognition in the employment market for immigrant applicants who have met all requirements for issuance of the P.Eng licence except for the 12 months of supervised Canadian experience required by Section 33. (1) 4. of the Regulations. It is established by Section 14. (7) of the Act and further defined under Section 44.1 of the Regulations, which sets out the terms of its issuance, renewal, and use.

It is noteworthy that:

- The Act implies that the Registrar must [automatically] issue the Provisional Licence to applicants who qualify for it, while the Reg. inconsistently makes its issuance discretionary;
- The Provisional Licence holder is subject to the obligations of the licence and therefore to discipline, but does not enjoy the benefits of PEO membership; and
- A special seal is issued with the Provisional Licence as per Section 52. (3.1) of the Regulation.

This licence has never been met with much acceptance among its target population – PEO issues only about 70 per year. Possible reasons for this low acceptance include:

- The Provisional Licence is not really a licence to do anything that anyone without a licence of any kind can do, namely work under the supervision of a licensed professional engineer (i.e., it is not associated with any meaningful right to practice).
- The Provisional Licence is intended to last for just one year, with a possible renewal for a second term if additional time is required to acquire the required acceptable Canadian experience; however, some applicants experience significant difficulty securing the continuous employment necessary to accomplish this.
- The Provisional Licence has not been consistently advertised or promoted by PEO among applicants and employers.
- The cost of the Provisional Licence (currently \$175. as per Section 82.1 of the Regulations) may outweigh its benefit to the applicant in terms of employment credentials.

That said, both applicants and employers continue to advise PEO that there is a need for an official document from the regulator to certify that a job applicant has met all the requirements for licensure except for the supervised Canadian experience. When presented with such a certificate, a potential employer would know with certainty that, if it provides the necessary supervised work experience, it will end up with a licensed employee. Many employers who require licensed professional engineers (such as consulting engineering firms and firms in demand-side-regulated industries) have established engineering internship programs designed to meet PEO's requirements for licensure. But they are reluctant to hire an applicant into their internship program without some assurance that the applicant will be licensable once he or she has completed the program.

#### Recommended Policy

Replace the Provisional Licence in practice with a certificate, available to the applicant (for any type of licence) on demand and at no cost, indicating which requirements for licensure the applicant has and has not met as of the date of issuance of the certificate.

Such a certificate could be made available in the short term without any change to enabling legislation as part of a status information system for applicants. The existing provisions in the Act and Regulation (cited above) establishing the Provisional Licence could then be either:

- (i) rescinded when the Act is next amended, or
- (ii) (with minor modification) used to support a mandatory formalized internship.

#### Rationale

As presently constituted and implemented, the Provisional Licence is not accomplishing the objectives intended by its proponents, and is providing minimal value to applicants, employers, the public, or the profession. As contemplated by the ACDE Task Force, it could serve a useful purpose as a vehicle to support a mandatory formalized internship and/or a transition to independent practice for immigrant practitioners (a model followed by the Ontario College of Physicians and Surgeons).

Applicants for licenses should have on-line access to information on the status of their applications. At any time during the Admission process they should be able to request an official PEO certificate giving the status of their application. It is not reasonable to require them to pay a fee or apply for a separate type of licence to obtain such certification, given that they have already paid an application fee for the [P.Eng., Limited, or Temporary] licence they are seeking.

**Recommendation 44: That the Provisional Licence as presently defined be phased out, and replaced with a certificate of application status available on demand and at no cost to an applicant for any type of licence.**

### Implementation Considerations

The proposed *certificate of application status* is seen as one feature of an on-line, web-based application that would enable applicants to track the status of their applications and determine (i) any pending requirements such as a document, reference, or examination mark that remain outstanding, and (ii) if “the ball is in PEO’s court”, when the result, determination, or licence can be expected. It therefore implies much more than the letters that are currently forwarded to applicants on completion of the various phases of the licensing process.

Once implemented, the certificate would effectively replace - and render obsolete - the existing Provisional Licence. What actually becomes of the references to it in the Act (Section 18.1 and elsewhere) and the Regulations (Section 44.1) should depend on further developments around internship licensing. There is no particular pressure to remove this licence type from PEO’s rubric; indeed, it may one day serve a useful purpose as an enabler of internship. However, the present construction serves no useful purpose, and could eventually be removed if formalized internship ends up being supported another way.

### **5.12.3 Temporary Licence**

#### Current Practice

The requirements associated with the Temporary Licence are set out in Sections 42. through 44. of the Regulations. Section 18. of the Act excludes the Temporary Licence applicant from the requirement to be a Canadian citizen or landed immigrant that applies to all other licence types.

This licence type is intended to apply to foreign residents wishing to practise temporarily in Ontario. It is specific to a single engagement, and carries with it the requirement to collaborate with a P.Eng licence holder unless exempted. It is also limited in terms of the scope of work that can be performed.

On average, PEO issues about 100 Temporary Licences per year, roughly half of which are renewals.

Applications for Temporary Licences are dealt with by Licensing & Registration staff on a case-by-case basis; most of the licensing process discussed in this report does not apply to them.

#### Proposed Policy

As the Task Force did not consider this licence type in detail, no changes are proposed other than those applicable to all licence types.

## 6. ISSUES RAISED IN THE LEGAL OPINIONS

The recommendations of the preceding section address many of the issues raised in the Registrar's Review of the Licensing Process that was presented to Council in November, 2004. As the last major task in its work program, the Task Force reviewed the legal opinions provided by Richard Steinecke on October 18<sup>th</sup> and November 18<sup>th</sup>, 2004 with a view to identifying any other changes to PEO's enabling legislation that might be required to address the issues raised. The Task Force was assisted in this work by PEO's General Counsel, Mark Baruzzi, LLB.

The issues raised in the opinion concerned the validity of sections of the registration provisions of Ontario Regulation 941 ("the Regulations") made under the Professional Engineers Act ("PEA").

The opinion discussed the hierarchy of laws / statutes established in common law. The Professional Engineers Act is the enabling statute for PEO. It determines what should be in the Regulations, how it should be set out, and who should perform the matters therein. So the powers set out / granted (and our interpretation thereof) in the Regulations must be authorized by its enabling statute (PEA) to be valid.

The following is a summary of the issues raised in the opinion, the Regulation sections and/or PEO policies affected by each, and the recommended policy and Regulation amendments required to address each issue.

### 6.1 Specificity

#### Issue Raised in Opinions

- Regulations must specify the academic, experience, and examination requirements.
- They must be objective standards that one can see / determine from reading the Regulations.
- This is necessary so that the Registration Committee, Divisional Court, etc. can refer to the same objective criteria as the ARC and ERC, and can point to those criteria in the Regulations.
- Currently there is little guidance in the Regulations as to how to determine these requirements.
- Sections at issue: 33 to 41

#### Legal Authority

- The PEA states that these requirements must be *specified* and *prescribed* in the Regulations
  - Sections 14.(1) (c) and (d): "specified"
  - Sections 14.(3) (a) and (b): "prescribed"
- Dictionary meaning of *prescribed* means "dictated or set out" and *specified* means to name or mention expressly.
- It is also how it is used in other statutes.
- Case law supports authority - that *prescribed* or *set out* means prescribed or set out *in the Regulations*

### Recommended Policy

Applicants require formal schooling to meet the academic requirements. That schooling is expected to impart a body of knowledge appropriate in both depth and breadth to the applicant's intended area of practice, and to be delivered in a manner appropriate for formation of a professional practitioner. The current reference standard for such schooling is the CEAB-accredited engineering program. The current reference standards for body of knowledge (academic breadth) are the PEO Syllabi. Where an applicant does not have a CEAB-accredited degree, PEO validates academic depth as specified in Recommendations 9 and 10.

It is recommended that the academic requirement for licensure be recast in terms of academic breadth and depth, with reference to the PEO Syllabi. This has already been dealt with by Recommendations 6 and 8.

## 6.2 Definition of "Academics"

### Issue Raised in Opinions

- *Academics* means schooling, not examinations.
- Sections at issue: none
- Policy at issue:  
It is PEO's policy to assign examinations as a means of making up for gaps in an applicant's academic background (gap exams) or to verify the depth of his/her schooling (confirmatory exams). ARC can only assess schooling, and if the applicant doesn't meet the requirements, more schooling is required, not exams. In such case, ARC's only authority is to determine the deficiency and to notify the Registrar of this, who in turn is required to notify the applicant by Notice of Determination that he/she does not meet the academic requirements.

### Legal Authority

- Accepted definition: Black's Law dictionary, Oxford dictionary
- PEA Section 14(c) refers to *academic requirements and exams*
- PEA Section 7(1)(9)(ii) refers to *curricula and standards of professional training programs*
- Case law supports this opinion: Memorial University case; McKee case; McDonald case

### Recommended Policy

Applicants who meet the academic breadth requirement (i.e., whose academic transcripts match the applicable PEO syllabus) must have the depth of their education validated as per Recommendation 9.

Applicants who do not meet the academic breadth requirement are provided with options to demonstrate that they meet PEO's academic breadth requirements.

Note: If the Academic Requirements Committee determines that the applicant's formal schooling does not meet the academic requirements, they advise the Registrar to issue a Notice of Determination, and detail the deficiencies and specific requirements that the applicant must meet, pursuant to Reg. Section 40.(2)(c).

Ultimately, the academic requirement in the Act and Regulations should be restated in terms of the mastery of the appropriate body of knowledge.

**Recommendation 45: That Sections 34 through 36 of the Regulations be deleted as they are primarily operating procedures.**

**Recommendation 46: That a new Regulation be added to provide for an applicant's file to be closed by the Registrar in the event that the applicant does not make satisfactory progress towards demonstrating compliance with the academic requirements by passing technical examinations specified by ARC, along the following lines:**

***Where an applicant has chosen to attempt technical examinations specified by the Academic Requirements Committee as a means of demonstrating compliance with the academic requirements pursuant to Section 34., and***

- (i) fails to pass at least one examination within two years of notice of the determination made under Section 40.(2), or***
- (ii) fails to pass all of the specified examinations within eight (8) years of receiving notice of the determination made under Section 40.(2),***

***the Registrar may withdraw the applicant's application for a licence unless the applicant submits to the Registrar in writing reasonable justification for the failure to attempt or pass the examinations.***

## **6.3 Authority**

If the PEA grants power to a specific body, the Regulations cannot grant this power to another body.

### 6.3.1 Issue Raised in Opinions

- ARC cannot require applicants to take exams to make up for deficiencies (gap exams) even if the Regulations says so...it must follow the PEA.
- Sections at issue: 34; 36(5); 36(7); 40(2)(c)

#### Legal Authority

- The PEA only gives Council this authority to set/require exams
- PEA Sections 7(1)(9); 14(1)(c)

**Recommendation 47: That Section 40.(2) (c) of the Regulation be amended to reflect:**

***in the event that the Committee determines that the applicant has not demonstrated that he or she meets the academic requirements specified in 33.(1), [the Committee shall] advise the Registrar of the applicant's deficiencies with respect to the academic requirements and identify alternative means, if any, by which the applicant may demonstrate compliance with the requirements.***

### 6.3.2 Issue Raised in Opinions

- ARC cannot require a thesis or refer applicants to ERC to help determine which exams to assign
- As discussed above, ARC can only assess schooling; so it can't require a thesis to make up or confirm schooling, and since it does not have authority to give exams, ARC can't refer the matter to ERC in order to help determine which exams to give (ERC does not have the authority to set exams either).
- Sections at issue: 36(6); 40(3)(c); 40(3)(d)

#### Legal Authority

- See 3.2 and 3.3.1 above

#### Recommended Policy

Peer assessment is a valid means for an applicant to demonstrate that he/she meets the academic requirements. For example:

- Can the applicant demonstrate through his or her experience the requisite academic depth in terms of derivation and application of theory?

- Can the applicant demonstrate through his or her experience adequate exposure to the engineering methodologies of analysis, synthesis, design, problem solving, and dealing with practical constraints.

If ARC refers an applicant to ERC for an interview to help ARC determine whether or not the applicant meets the academic requirement and, if not, what deficiencies exist, it must give direction to the ERC panel as to what knowledge should be examined in the interview, especially if specific gaps been identified in the applicant's academic breadth that are to be assessed in the interview.

**Recommendation 48: That Section 40.(3) (c) of the Regulations be amended to reflect:**

*[The Academic Requirements Committee] may refer the experience of an applicant to the Experience Requirements Committee for an assessment and recommendation as to how such experience should be taken into account in demonstrating that he or she has met the academic requirements specified in 33.(1).*

**Recommendation 49: That the following provision at Subsection 40.(3) (d) of the Regulations be moved to a new section, for example 40.(4), as it does not relate to ARC "carrying out its duties in Subsection (2)":**

*The Academic Requirements Committee shall consider and decide upon the form and content of examinations recommended, and the results of such examinations.*

**Recommendation 50: That all references in the Regulations to "thesis" except that in Section 85 (that set out the fee payable on submission) be deleted, as this is an element within the PEO syllabi.**

#### Implementation Consideration

### 6.3.3 Issue Raised in Opinions

- Neither the Registrar nor the ARC nor ERC have the authority to grant exemptions from Registration Requirements.

*Note that Section 14.(1)(c) of the Act implies that Council may exempt an applicant from the academic requirements, and Section 33.(1) 4. of the Regulations permits Council to waive or vary the requirement that at least 12 months of the required experience be obtained in Canada under the supervision of a licensee.*

- The PEA grants the right to exempt an applicant from any requirement only to the Registration Committee.

- Sections at issue: None
- Policy at issue: In the past, the Registrar, ARC, and ERC have from time to time implicitly / effectively exempted applicants from one or more Registration requirements.

Legal Authority

- PEA Section 19.(7)(b)(ii) gives the Registration Committee the authority to “*exempt the applicant from any requirement of this Act and the regulations...*”.

Recommended Policy

Only the Registration Committee may exempt an applicant from a requirement for licensure.

**Recommendation 51: That Section 14. (1) (c) of the Professional Engineers Act be amended when the Act is next revised to remove the provision that Council can waive academic and examination requirements.**

**Recommendation 52: That Section 33.(1) 4. of the Regulations be amended by deleting the last sentence that reads:  
*However, the Council may vary or waive this requirement in circumstances in which it considers it to be in the public interest to do so.***

## 6.4 Sub-Delegation

### 6.4.1 Issue Raised in Opinions

If the PEA requires that the Regulations specify or prescribe something (objectively), for example an academic requirement, the Regulations cannot then grant authority to a body to determine such requirement subjectively. This would constitute an improper sub-delegation to such body to determine something which the PEA says should be spelled out in the Regulations. Note that this is true even if the PEA gives a power to Council to set something out in the Regulations; the Regulations can't then give Council the power to decide it in a discretionary fashion - this would be an improper sub-delegation to oneself).

Also if the PEA grants to a specific a body an authority do something and the Regulations grant this authority to another body, this constitutes an improper sub-delegation (in essence the same issue as lack of authority discussed above).

#### Legal Authority

- Common law
- Case law supports this opinion
- See Peralta case; Brant Dairy case; Normand case

#### Sections or policy at issue

- Regulation Sections 33(1)5. and 37. that establish the requirement to pass the Professional Practice Examination (PPE) are OK as the PPE is specified and based on objective criteria.

### **6.4.2 Issue Raised in Opinions**

Reference in Regulation Section 33(1).1 to “an engineering program ... that is accredited *to the Council’s satisfaction*”. This is a requirement that should be prescribed, but instead is left to Council to determine. It therefore constitutes an improper sub-delegation to Council.

#### Recommended Policy

Make it clear that there is a list of accredited programs published annually and approved by Council.

**Recommendation 53: That Council approve annually, or more often if required, the list of academic programs that are accredited (by CEAB) and that meet the intent of Section 33.(1) 1. i. of the Regulations (Section 33. (2) 3. (a) of the draft revised Regulations).**

### **6.4.3 Issue Raised in Opinions**

Regulation Section 33(1) 1.(ii) refers to “equivalent engineering qualifications *recognized by the Council*”.

#### Recommended Policy / Key Components of Policy

Already dealt with under 3.1 above

### **6.4.4 Issue Raised in Opinions**

- Regulation sections referring to examinations *required by ARC* confer powers not authorized by the PEA, and therefore constitute an improper sub-delegation.

- Sections at issue: 34, 36(4-7), 40(2)(c), 40(3)(c)(d)

Recommended Policy / Key Components of Policy

Already dealt with under 3.2 and 3.3 above

#### 6.4.5 Issue Raised in Opinions

Regulation Section 33(1).2 refers to “48 months of experience ..... that *in the Council’s Opinion...* “. This is a requirement that should be prescribed but instead is left to Council to determine, which constitutes an improper sub-delegation to Council.

Recommended Policy

Council approve the *Association’s Guide to the Required Experience for Licensing as a Professional Engineer in Ontario* and reference it regulations.

**Recommendation 54: That Section 33. (1) 2. of the Regulations be amended to reflect:**

***The applicant shall demonstrate that he or she has had forty-eight (48) months of experience in the practice of engineering that meets the criteria approved by Council resolution and published in the Association’s Guide to the Required Experience for Licensing as a Professional Engineer in Ontario in effect at the time of application.***

#### 6.4.6 Issue Raised in Opinions

The provision in Regulation Section 33.(1) 4. permitting Council to vary or waive the requirement for 12 months of Canadian experience under supervision of a licensee constitutes improper sub-delegation.

Legal Authority

Only the Registration Committee has this authority per Section 19(7) of the PEA

Recommended Policy

Ensure that the Registration Committee is the only body within PEO varying or waiving requirement defined in regulations.

Key Components of Policy

Remove the last sentence of Regulation Section 33.(1) 4. that reads:

*However, the Council may vary or waive this requirement in circumstances in which it considers it to be in the public interest to do so.*

#### **6.4.7 Issue Raised in Opinions**

The words “*in the Council’s opinion*” in Section 33.(2)(b) of the Regulation in reference to experience acquired outside Canada constitutes Improper sub- delegation to Council.

**Recommendation 55: That the words “*in the Council’s opinion*” be deleted from Section 33.(2) (b) of the Regulations.**

### **6.5 Inequitability of Regulation**

#### *Issue Raised in Opinions*

A regulation (or part thereof) can be invalid if it is discriminatory.

Section at issue: 33.(1) 3. which provides that no more than 12 months (of the required 48 months) practical experience can be acquired before the academic qualifications have been met in their entirety.

#### *Recommended Policy*

Amend to provide objective criteria that are consistent for all applicants. See Recommendation 22.

*Note that the Task Force was unable to see how the existing provision in question could be discriminatory. However, as noted elsewhere in its report, there is potential for uncertainty and inconsistency as to when one can begin accumulating the required experience for licensure (i.e., when “the clock starts ticking” on experience).*

## 7. CHANGES CONSIDERED BUT NOT RECOMMENDED

The following changes to PEO's admissions criteria and processes were considered in depth for recommendation by the Task Force, but ultimately rejected for the reasons given. They are included here for future reference in the expectation that Council may want to revisit them in the future.

### 7.1 Formalize Engineering Internship

The Task Force considered a proposal that the twelve months of Canadian experience currently required by sections 33.(1) (4) and 33.(2) of the Regulation be formalized as an engineering internship, to be undertaken under a new class of Limited Licence to be called an *Engineering Internship Licence*.

The basic concept behind this proposal is that each applicant for the P.Eng. licence must demonstrate specific professional practice skills and attributes, some of which will be related to his/her intended area of practice. For greater clarity, objectivity, and consistency, these skills and attributes should be defined in regulations. The Engineering Intern would be required to maintain an experience log that would be verified by one or more licensed professional engineers who have agreed to supervise the intern's work and/or to monitor and assess his or her professional skills and attributes.

This monitored internship would last at least twelve (12) months (not necessarily contiguous), and would continue until all defined skills / attributes have been demonstrated to the satisfaction of the supervisor / monitor and the independent reviewer(s), all of whom must be professional engineers licensed to practise in the Canadian jurisdiction where the internship takes place, as presently required by the Regulation.

Note that this recommended change would apply to all applicants for P.Eng. licensure, both CEAB and non-CEAB.

PEO's current Engineer-In-Training (EIT) program would be replaced by the new formalized engineering internship.

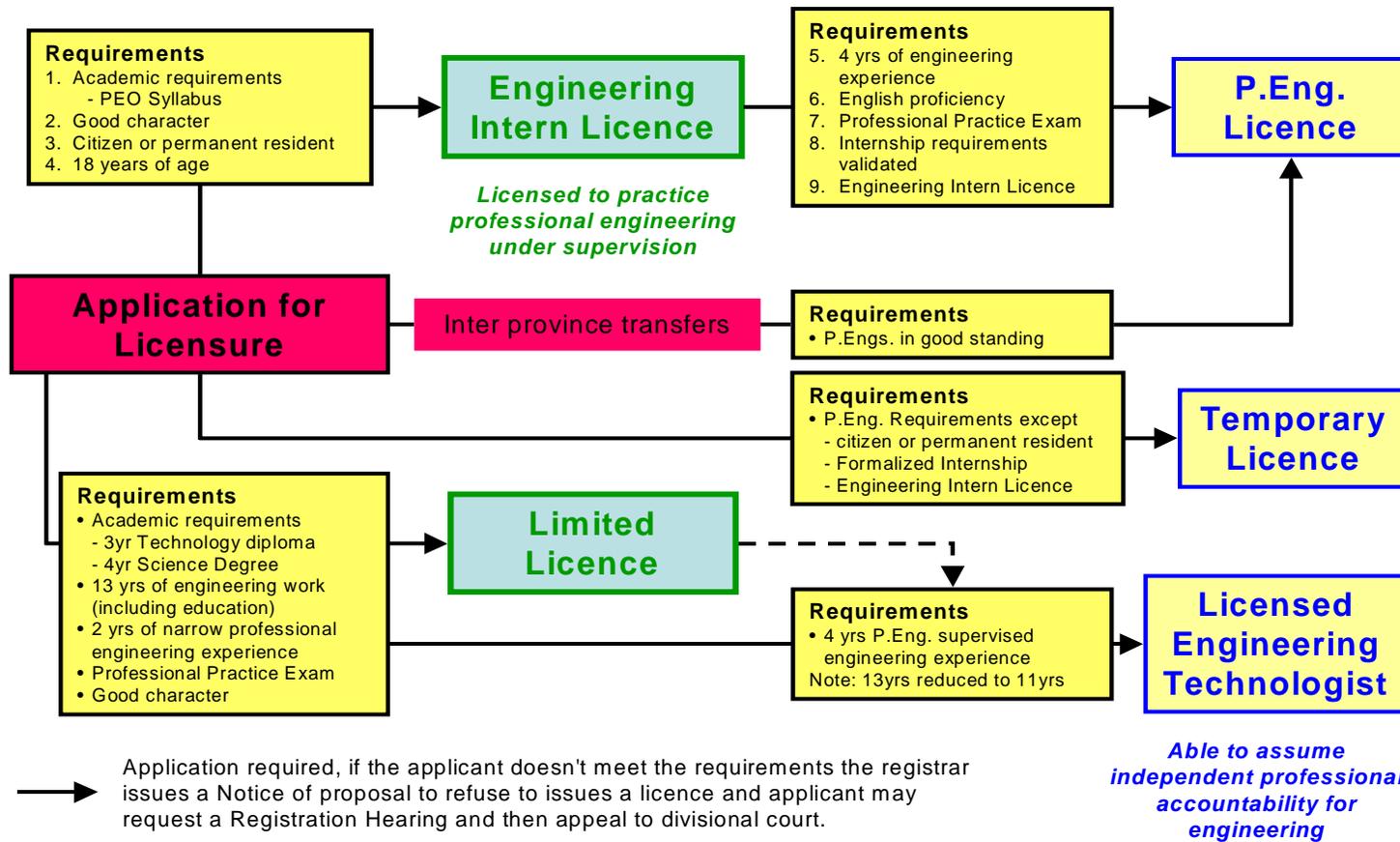
Internship for limited licence holders and LETs was not considered by the Task Force.

PEO's requirements and assessment tools for the P.Eng. licence with the proposed change are depicted in Figure 7-1 on the next page. PEO's licensing process with the proposed change is depicted in Figure 7-2 on the following page.

Figure 7-1: PEO Licensing Requirements and Assessment Tools for the P.Eng. Licence

<div style="border: 1px solid black; padding: 5px; text-align: center;"> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 5px; text-align: center;">Formal Engineering Education</div> <div style="font-size: 2em;">→</div> <div style="border: 1px solid black; padding: 5px; text-align: center;">Engineering Intern Licence</div> <div style="font-size: 2em;">→</div> <div style="border: 1px solid black; padding: 5px; text-align: center;">P.Eng. Licence</div> </div> </div>		
<i>Requirements to obtain licence</i>	<ul style="list-style-type: none"> <li>• Academic requirements               <ul style="list-style-type: none"> <li>• CEAB graduate</li> <li>• PEO Syllabus</li> </ul> </li> <li>• Is of good character</li> <li>• Is a citizen of Canada or has the status of a permanent resident of Canada;</li> <li>• is not less than 18 years of age;</li> </ul>	<ul style="list-style-type: none"> <li>• Holder of an Engineering Intern Licence</li> <li>• 4 years of engineering experience, 1 year can be after completing 50% of academic requirement</li> <li>• Completion of 1 year Internship Agreement obligations</li> <li>• Professional attributes</li> <li>• English proficiency</li> <li>• Is of good character</li> <li>• Passed the Professional Practice Exam</li> <li>• Is a citizen of Canada or has the status of a permanent resident of Canada</li> </ul>
<i>Assessment tools</i>	<ul style="list-style-type: none"> <li>• File review</li> <li>• ARC determination</li> <li>• Confirmatory Exams</li> <li>• Character Questionnaire</li> </ul>	<ul style="list-style-type: none"> <li>• P.Eng. Supervisor reports</li> <li>• Skills assessment – ERC interview</li> <li>• File review to ensure all requirements have been met</li> <li>• Professional Practice Exam</li> </ul>
<i>Application Fee Annual Fee</i>		
<i>Title</i>	<ul style="list-style-type: none"> <li>• Engineering Intern</li> </ul>	<ul style="list-style-type: none"> <li>• Professional Engineer</li> </ul>

Figure 2  
Proposed Licensing System to Practice Professional Engineering



### 7.1.1 Highlights of Proposed Change

Important aspects of this proposal that represent departures from current practice include:

- Engineering Internship Licensing

The intern would be issued an *Engineering Internship Licence*, which would permit PEO to govern him/her. The license requirements would be academics, age, good character, and residency.

The Engineering Intern would be expected to sign a PEO Internship Agreement which would set out the requirements of the Internship in terms of experience logging and verification, reporting to PEO, etc.

Only licensed Engineering Interns would be eligible to write the PPE(s).

- Definition of Professional Practice Skills and Attributes

An essential part of this recommendation is the definition of the professional practice skills and attributes that are to be demonstrated during the internship. Some of these are generic to all disciplines, while others are specific to the intended scope of practice of the Intern. The Task Force recognizes that significant committee work with volunteer input will be required to accomplish this task. However, we believe that this work must be undertaken anyway as PEO develops its professional practice standards.

The intent here is to increase the specificity of what PEO is looking for when it assesses character and skill in the work environment. This will make it easier for everyone involved in the assessments evaluations, including the Intern. It will also increase the objectivity and consistency of the outcomes of the assessments.

The requirements to be demonstrated during the engineering internship would be defined in the Regulation in terms of generic skills and attributes, rather than in terms of an elapsed period of time as they are presently. More work is required to define these requirements, but it may be insightful to consider them in the light of a *practice standard* that would exist for the Engineering Intern's area of practice. This standard would address the following questions:

- What does the practitioner need to **know** to practice competently in the area, including any applicable codes and standards?
- What does the practitioner need to **do** to carry out the work in question? (i.e., what steps need to be followed?)
- What does the practitioner need to **consider** in carrying out the work in terms of risks, safety considerations, reliability, maintainability, sustainability, etc.?

The (five) classes of engineering experience defined by CEQB and currently assessed by Admissions staff and in ERC interviews, as well as the (six) categories of engineering work described in the definition of “professional engineering” in the Act, need to be considered in formulating the new Internship requirements. It would also be necessary to include the “social” aspects of engineering such as safety and sustainability. Reference should be made to Sections 72 (misconduct) and 77 (code of ethics) in Regulation 941. Clearly, more work is required in this area.

Another significant departure from present practice is that the skills and attributes to be measured in each stage of the internship would be established and agreed upon (by the Intern, the supervisor(s) and/or experience monitor(s), and PEO) **up front** at the start of the Internship, as opposed to after the fact as they are presently.

- Obligations of P.Eng. Supervisors / Experience Monitors

PEO would issue a performance standard for members signing off on character and experience. This standard would apply to all refereed experience, whether obtained inside or outside of the formal internship.

Supervisors / monitors who are not PEO members (i.e., are licensed in another Canadian jurisdiction) in signing off on experience would have to attest that they are aware of and are complying with the performance standard.

One related issue that remains to be addressed is how to make this work in situations where there is no licensed professional engineer on the staff of the company employing the Intern. Hopefully, this situation can be covered in the performance standard by providing a means for an “external” experience monitor to verify the Intern’s demonstration of the required practice skills and professional attributes, under a [formal] agreement between the Intern, the employer, and the P.Eng. experience monitor. The Task Force notes that PEO’s current informal practices in this regard may condone violations of the Act that it would otherwise enforce against.

- Timing

This recommendation would have the effect of preventing an applicant for the P.Eng. licence (who is not already licensed in another Canadian jurisdiction and, therefore covered under the IAMA) from being deemed to meet the 12-month Canadian experience requirement **retroactively** upon application. Potential applicants (i.e., persons who are working in engineering and may want to pursue licensure eventually) would therefore have a strong incentive to apply for and start their internship at the earliest possible time, so as to avoid the future situation in which they need a licence to practice independently, but must wait at least 12 months to complete the internship.

This timing issue would not affect immigrant applicants (IEGs), who must obtain the 12 months Canadian experience regardless of how much experience they may have accumulated abroad, but it would affect CEAB graduates who delay application to PEO for a licence until they perceive they really need or want it, then expect it to be issued more or less immediately based on their work experience.

### 7.1.2 Benefits of Proposed Change

Issues resolved by the proposed change, and other ancillary benefits, include:

- More rigorous and consistent evaluation by P.Eng.s of the applicant skills and attributes necessary for independent professional practice
- Provides formal recognition that the applicant has met the academic requirements for licensure and will be able to become a P.Eng. once he/she has obtained the necessary work experience and has demonstrated the necessary practice skills and professional attributes
- Internationally trained applicants can meet all the requirements except residency while abroad, and be issued the Engineering Internship licence upon arrival in Canada (*side benefit for International Engineering Graduates*)
- Provides a route for the applicant to the Registration Committee for academics only, without the need for an Act amendment
- Gives PEO the ability to govern the *Intern*
- For potential engineering employers in Canada, serves as a means of screening potential job applicants for academic qualifications acceptable to PEO (*side benefit for employers, Engineering Interns, and PEO in terms of enforcement*)
- Employer knows more clearly what is required to move from Intern to P.Eng., and what the licence means - should engender greater respect for licensure on the part of the employer (*side benefit for employers, Engineering Interns, and PEO in terms of enforcement*)
- Increases commitment on the part of both employee and employer to complete the requirements for the P.Eng. licence (*side benefit for both Engineering Interns and PEO*)
- Eliminates the need for (the virtually unused) Provisional Licence (*operational side benefit*)

- Provides for automatic closing of a file if the applicant loses interest in becoming licensed (i.e., does not renew the Internship Licence) (*operational side benefit*)
- Greater engagement of PEO members in the licensing process and in the formation of future members of the profession (*side benefit for PEO*)
- *Constitutes a common process that both CEAB and non-CEAB graduates must follow to obtain a licence*

### 7.1.3 Aspects That Would Not Change

This proposal does not represent any change to the following aspects of the current experience requirement for licensure:

- Need for Canadian Experience

The requirements in the Regulation at Sections 33.(1)(4) and 33.(2) for at least 12 months' experience to be acquired in a Canadian jurisdiction would remain. This requirement is necessary to ensure that the licensee is familiar with Canadian codes and standards of practice, and with the business and professional environment in which engineering takes place in Canada. It is also desirable for consistency with other licensing jurisdictions across Canada (Inter-Association Mobility).

- Need To Find Suitable Employment

It should be noted that the applicant / licensed intern would continue to be responsible for finding and maintaining suitable employment for purposes of satisfying the requirements of the internship. The Task Force is not minimizing the difficulty this requirement poses for some applicants, however, this represents no change from the current situation.

PEO cannot commit to assist in finding employment. It can, however, encourage, and perhaps even incent, its members to accept their responsibilities for assisting in the formation of future members of the profession by acting as supervisors, experience monitors, and mentors to engineering interns. PEO's chapter system could be engaged to assist in finding and training experience monitors and mentors.

- Need for 48 Months Total Experience

This proposed change would not affect the requirement at Section 33.(2) of the Regulation for a total of 48 months of valid professional engineering experience, or the provision at Section 33.(3) that up to

12 months of that total experience may be accumulated after half of the academic requirement has been met.

#### 7.1.4 Implementation

Implementation of this proposal would require:

- Operational changes within PEO, especially within the Pre-Licensing Programs group. Additional staff would likely be required;
- Regulation changes to implement the internship requirement for licensure, the *Engineering Intern* class of associated persons, and the *Engineering Intern* class of Licence (if any);
- Cooperation of employers in ensuring that Engineering Interns in their employ are given reasonable opportunity to demonstrate the required competencies;
- A performance standard for Professional Engineers acting as supervisors and experience monitors for Engineering Interns;
- A pool of volunteer members in a broad range of disciplines and scopes of practice to act as experience monitors for the Engineering Interns without P.Eng. supervisors.
- A draft 3-party agreement for members volunteering to act as experience monitors.

#### 7.1.5 Reasons For Exclusion from Recommendations

The main reasons for the proposal to formalize internship under a licence being excluded from the Task Force's recommendations are:

- Concern was expressed about creating a licence [class] that does not permit the holder to do anything that a non-holder could not do, namely perform engineering work under the supervision of a Professional Engineer. PEO already has one such licence type – the Provisional Licence – which has been criticized on the same grounds.
- Concern was expressed that the proposal would increase the burden on applicants seeking suitable employment for purposes of accumulating acceptable experience towards licensure. Under the proposal, the employer would necessarily have to be engaged in and supportive of the internship process. Many engineering graduates work for organizations that might be unable or unwilling to meet this requirement; some have difficulty even finding a licensed professional engineer to act as an experience monitor under our present requirements. In order for this proposal to be mandatory, it would be necessary to establish a program utilizing volunteers within the profession as experience monitors.

- The program would have significant resource implications, that would require further study to determine. The Task Force felt that priority should be given to defining the practice skills and competencies to be demonstrated through experience / internship as a prerequisite to further consideration.

## 7.2 Interview All Applicants for Licensure

The Task Force considered a proposal endorsed by the Experience Requirements Committee to interview all applicants at least once during the licensing process. Engineering associations in other jurisdictions such as the United Kingdom, Australia, and South Africa interview all applicants for certification as *Chartered Engineers*.

This so-called *professional interview* would focus on the practice skills and professional attributes that are required to be demonstrated during through practical experience (or during internship), as well as the applicant's ability to communicate in the English language, and the applicant's understanding of the Canadian engineering and business culture and environment. For applicants who had not previously been interviewed for academics or experience, it would be the final step in the process before issuing the licence.

It was suggested that the professional interview be made a requirement for licensure (in the Regulations) analogous to that of examinations to confirm academic depth, with multiple means / opportunities for an applicant to satisfy the requirement.

Failure to satisfy the interview panel's validation could thus result in a Notice of Determination to refuse the licence (NOD).

The interview would provide an initial connection between the applicant and the local professional engineering community where the applicant resides and/or works.

### 7.2.1 Benefits / Issues Resolved

- All applicants for the P.Eng. licence (except possibly those applying under IAMA) will have been interviewed. This would address the perceived imbalance between major licensing criteria and the perceived inequity in treatment of CEAB and non-CEAB applicants.
- Interviews for all applicants would reinforce knowledge and character as criteria for licensure.
- Interviews for all applicants would achieve greater uniformity and consistency in handling of experience across all applicants;

- Interviews for all applicants would emphasize the value of independent peer review in PEO's licensing process.

### 7.2.2 Implementation Considerations

Council would need to consider carefully what PEO is trying to do in terms of its legislative mandate. There is some risk that certain stakeholders might see this as an additional barrier to licensure; so its purpose and benefits to the public must be clearly articulated.

Presumably, what we are proposed is that the Registrar exercise **in all cases** his prerogative under Section 14.(3) (b) of the Act to refer applications "*to the Experience Requirements Committee for a determination as to whether or not the applicant has met the experience requirements prescribed by the regulations for the issuance of the licence*". (Thus, if supported by Council, this recommendation could be implemented by administrative policy using PEO's existing enabling legislation, assuming of course that it would be accomplished through an expanded ERC. If Council wanted some other group do it, an Act change might be required.)

For such as policy to be defensible, it would need to be very clear exactly what skills / attributes / competencies are being measured in the interviews and how. I am not convinced that we have the necessary clarity and rigour on this as of yet, although I believe we could (and should) work towards establishing it.

It must also be kept in mind that, under this proposal, the ERC would be making a determination, which would be subject to review.

Another possible wrinkle could come if the interview panel were to find that an applicant does not meet the **character** requirement for licensure. It is not clear that perceived weaknesses in attitude, character, or other professional attributes constitute defensible grounds for a negative determination on experience, although they probably should. (The same concern does not apply to lack of proficiency in the English Language as grounds for a negative determination, by virtue of Regulation Section 41.(4).)

Finally, it would be necessary to clearly separate experience interviews conducted for the purpose of assessing against the experience requirements for licensure from those conducted for the purpose of assessing against the academic requirements (i.e., referrals from ARC for "waiving" of examinations). It would be difficult to defend the latter type of interview as satisfying both requirements, which means that applicants referred for ERC interviews from ARC would have to undergo two separate interviews.

Implementation of this proposal would require:

- **Refinement of Interview Guidelines**  
PEO would need to determine what exactly it is we are trying to measure for each scope of practice, and how we are going to measure it. We would also need to develop pass / fail guidelines that are as objective as possible given the wide variety in scopes of practice / experience that may be presented.  
  
(This is clearly a non-trivial exercise, requiring substantial volunteer input; however, it is seen as an essential task, whether or not we end up interviewing every applicant.)
- **Recruitment of Additional ERC Panel Members Across Ontario**  
This proposal would require interviewers and interview sites to be established across Ontario, possibly in conjunction with PEO chapters. The first step in this task would be to analyze applicant statistics to determine how many additional interviewers are required, and where geographically. Next, PEO would need to engage Chapters to assist in finding the additional volunteers, and in hosting their initial training.
- **Training of ERC Panel Members**  
There is a clear requirement under the fairness legislation to provide training for all interviewers (as is ERC's current practice). In addition, PEO should likely mandate recurrent training, or at least participation in periodic workshops for ERC panel members where experiences and best practices can be shared.
- **Additional Admissions Staff to Coordinate Interviews**  
Additional permanent PEO staff would be required to coordinate interviews.
- **Revisions to PEO Publications**  
PEO publications dealing with admissions would need to be updated to reflect the new procedures and to assist applicants in preparing for their experience interviews.
- **Phasing In**  
Consideration must be given to how the new requirement would be introduced over time. Presumably there would be a notice period before it becomes mandatory. Alternatively, it could be initiated as a pilot project and phased in over time, with feedback from the early stages used to refine the criteria and process before it becomes mandatory.
- **Quality Assurance**  
A quality assurance process would need to be established to ensure objectivity, consistency, and fairness.

### 7.2.3 Reasons for Exclusion from Recommendations

The main reasons for the proposal to interview all applicants being excluded from the Task Force's recommendations are:

- Concern was expressed that it would be difficult to defend this proposal in the absence of clearer guidelines on the competencies to be measured in the interview, and how they would be assessed. The Task Force felt that priority should be given to defining the practice skills and competencies to be demonstrated through experience / internship as a prerequisite to further consideration.
- The program would have significant resource implications in terms of both volunteers and staff, that would require further study to determine. Its cost-effectiveness would need to be assessed in terms of its benefits to the licensing process.

### 7.3 Establish Minimum Academic Requirement to Apply

In some professions (like engineering), the first step to licensure is an application to the regulatory body. In others like architecture, accounting, law, and medicine, specified pre-application requirements must be met before an application for registration will be accepted and considered. Many professions use an external assessment organization (possibly national) to assess academic credentials. Applicants whose academic credentials do not meet the minimum standard cannot apply to the regulator, and therefore cannot appeal the regulator's treatment of their application.

The LPTF considered each of the seven basic requirements for licensure to see if there would be any advantage to making that criterion a minimum standard to apply. The only criterion given serious consideration in this regard was academic background, since most disputes by applicants (and most Registration hearings) relate to academic assessments. In the end, only the application fee itself was considered a prerequisite.

Although the Regulation (O. Reg. 941, ss 33, 46) and PEO's Admissions Guidelines specify minimum academic qualifications to apply for the [P.Eng.] licence and limited licence, as a practical matter, no application is refused. Applications that do not meet the minimum academic standard are still referred to the ARC for assessment (and likely rejection).

In the end, the Task Force decided not to recommend any change to either the enabling legislation or the current practice, on the grounds that:

- It would have minimal effect on workload for Admissions staff, ARC, and REC, as the number of applicants who obviously (to PEO front line staff) do not meet the minimum academic requirements would be minimal (<10 per year);
- Referring applications with questionable academic credentials to ARC for assessment maximizes fairness, since ARC has established a comprehensive methodology for assessing the academic credentials of internationally trained engineers;

- PEO might be subject to public criticism because it might appear to be raising the bar for foreign trained applicants.

*Note: Justice Thomson recommended that applicants for professional registration should be able to appeal the following decisions to an independent appeal body:*

- *Decisions to deny registration;*
- *Decisions to deny provisional, limited, or conditional registration;*
- *Lack of a registration decision within a reasonable timeframe;*
- *Refusals to accept or process applications.*

*PEO's current practice of the Registrar issuing a notice of proposal to refuse to issue a licence provides the applicant with a route to appeal.*

#### **7.4 Mandatory 4-Year EIT Program**

Designed to make the experience requirements more rigorous, this proposal would simply have made PEO's existing EIT program mandatory for applicants who are gaining the required experience towards licensure. Some other CCPE Constituent Member associations have significantly strengthened their EIT programs, but few have actually made them mandatory.

It was rejected because:

- It would require all applicants to be in the process for four years, and would not accommodate applicants who may have met at least part of the experience requirements elsewhere;
- It would constitute a barrier to inter-association mobility, unless all other CCPE Constituent Members were to follow suit;
- PEO does not have the ability to govern EITs (PEO can govern only licence holders);
- A route to appeal would be difficult to achieve, as the principle of "natural justice" applies to livelihood matters.

#### **7.5 Multiple Staged Licences**

The LPTF considered a 4-stage process proposed by the CEO / Registrar for an applicant to obtain a P.Eng. licence, with a separate licence issued at each stage, as follows :

- Pre-graduation Engineering Licence – to recognize up to 12 months of experience that can be achieved pre-graduation
- Engineering Experience Licence – to recognize up to 3 years of engineering experience post-graduation
- Professional Engineering Internship Licence – final stage with a mandatory internship
- P.Eng. Licence

Under this scheme, the typical CEAB graduate would apply after second year. PEO would have the ability to govern such applicants throughout their

“apprenticeship” and as a full [P.Eng.] member, thereby achieving a seamless transition from engineering student to licensee.

The concept was to provide a vehicle to recognize engineering experience under a licence. The responsibility would rest with the applicant to demonstrate that the engineering experience requirements have been met to the satisfaction of PEO. An applicant who had met requirements elsewhere could apply directly for any licence, however he/she would need to meet all requirements associated with that licence before it would be issued. An application would be required for each licence. If the applicant failed to meet any requirement, the Registrar would be obliged to issue a Notice of Proposal to refuse the licence (NOP), whereupon the applicant could request a Registration Hearing (and if not satisfied with the outcome of the hearing, could appeal to Divisional Court). The application and registration fees associated with the current process would have been spread over the four licences (i.e., there would be no increased costs to the applicant associated with this proposal, other than the annual registration fees associated with a particular licence if the applicant remained in an intermediate stage for a protracted period of time).

This proposal was seen as unnecessarily complicated by the Task Force; however, it was agreed to recommend the last two stages of the proposed process including the formal, supervised internship.

## **7.6 Amend Section 19 of the Professional Engineers Act to Complete Implementation of AAPTG Recommendations**

The Admissions Appeal Process Task Group (AAPTG) reported to PEO Council in February of 2002 with recommendations to implement a mechanism for reviews of admissions decisions using the Registration Committee (REC) as a first instance tribunal. Their recommendations were adopted by Council, and led to the repeal of Section 14(4) of the Professional Engineers Act in February of 2003, which made determinations of ARC and ERC no longer binding. A further Act change at Section 19(7) had been drafted to give the Registration Committee greater flexibility in its powers, as recommended by the AAPTG; however, this change was never enacted due to the fall of the government. As a result, the Registration Committee can only either (i) order the Registrar to issue a licence, with or without conditions, or (ii) uphold the Registrar’s decision not to issue a licence. This limitation effectively prevents an applicant from obtaining a formal review of his/her academic or experience assessment unless all other requirements for licensure have been met.

The Task Group had recommended that both paper reviews and formal hearings should be offered to an applicant who is the subject of a NOP from the Registrar; however, to date, only formal REC hearings have been held pursuant to the Act. The option of paper reviews can be implemented without any further legislative change, under authority of the Statutory Powers Procedure Act.

The LPTF considered recommending the originally drafted Act change at Section 19; however, this change would no longer be necessary to accomplish the intent of the APPTG if the recommendation to implement an independent determination

review mechanism (see Recommendation 29, Section 5.5) is adopted. Nonetheless, it may still be desirable to clean up Section 19(7); this item should therefore remain on the list of potential revisions to the Act.

## 7.7 Remove Residency Requirement

The so-called “residency” requirement, which requires an applicant for any licence other than a temporary licence to prove Canadian citizenship or landed immigrant status, is applied only at the time of admission. Although this may not have been the intent of the legislation, once one has obtained the licence, one is free to reside anywhere in the world, and can retain the license solely by paying the annual dues, without maintaining the Canadian citizenship or landed immigrant status.

At the 398<sup>th</sup> Council meeting held on January 11-12, 2001, the following motion was carried:

*That the Professional Engineers Act be revised by removing the Clause 14(1)(a) and the citizenship / residency requirement in Clause 18(1).*

At the September 11-12, 2002 Council meeting, the International Mobility Task Force (IMTF) report containing nine recommendations was debated. Recommendation #8 was looking to have Council reconsider its previous decision to remove section 14(1)(a) from the Act. Council rejected this recommendation.

The Act, however, has never been amended to reflect these decisions.

The LPTF is concerned that Council's decisions in 2001 and 2002 to lift the residency requirement for licensure may not be in the public interest, as it may prove difficult for PEO to govern non-resident licensees. However, this is not strictly an admissions issue, and should be dealt with separately by Council. If Council agrees that residency is necessary for all licenses except the temporary licence, then the requirement should be extended to apply to licence renewals as well. If Council believes that residency should not be a requirement for licensure, then the Act amendments previously contemplated can be implemented at the first available opportunity.

It is worth noting in this connection that virtually all applicants will have been resident in Canada for at least the one year in which they acquired their 12 months of Canadian experience.

## 8. IMPLEMENTATION OF RECOMMENDATIONS

### 8.1 Implementation Plan

A detailed implementation plan will be required for those recommendations ultimately approved by Council. The plan must identify timings, resource requirements, and external constraints for each recommendation.

The Licensing Process Task Force is recommending that it remain active until the implementation plan and Regulation changes are prepared for Council approval, in order to assist Council and staff in ensuring that these products accurately reflect the Task Force's recommendations as approved by Council.

Alternatively, Council may wish to create a separate (from the Task Force) project team consisting of staff and Councillors to steer the implementation, as it has with other Strategic Plan initiatives, in which case the LPTF may be stood down late in 2007.

**Recommendation 56: That the Registrar, in consultation with the Licensing Process Task Force, be authorized to prepare an implementation plan for the above recommendations as approved by Council, and to finalize the necessary amendments to the Regulations, for approval by Council.**

### 8.2 Transition Plan

A transition plan for applicants in the process will have to be established once the new requirements are established. The transition plan will include a re-write of guidelines and the application packages.

Applicants currently in the Admissions process should be allowed to complete it under the existing rules within a specified timeframe.

Other Constituent Members of Engineers Canada will also require notification that of the changes to PEO's admissions requirements and process so that they can inform their members and applicants who may intend to seek registration in Ontario.

### 8.3 Further Work Required

Perhaps the Task Force's most important recommendation, Recommendation 29 contemplates a development task of significant magnitude and complexity, namely the definition of sets of required competencies that must be demonstrated through experience. This task, and the rationale behind it, is described in more detail in Section 7.1.1

There is a national interest among Canadian engineering regulators in this endeavour. It is widely recognized that we need to formalize the experience requirement in terms of both common (core) and scope-of-practice-specific engineering competencies that must be demonstrated before licensure. In the interest of common licensing standard across Canada and national mobility, it is appropriate that this task be undertaken at the national level through Engineers Canada.

The Canadian Engineering Qualifications Board has recently received approval for funding from Human Resources and Skills Development Canada (HRSDC) for a pilot project to undertake some of the necessary development work. HRSDC's interest is in having greater clarity and consistency around professional engineering internship requirements so that it can advise and incent both immigrants and prospective employers appropriately. However, all applicants for licensure (not just immigrants), and the licensing bodies themselves, will benefit equally from this work. PEO volunteers will be expected to take a lead role in the project.

In the meantime, PEO's Experience Requirements Committee may wish to consider some interim refinements to its own criteria and assessment procedures to move them in the desired direction.

## APPENDIX A: TASK FORCE TERMS OF REFERENCE

### *PEO LICENSING PROCESS TASK FORCE (LPTF)*

#### TERMS OF REFERENCE

May 25, 2005

#### 1) **Mandate / Authority**

The PEO Licensing Process Task Force (LPTF) derives its mandate and authority from the PEO Council meeting of January 21, 2005 at which the following Motion was approved:

*“That Council:*

- a) *establish a Licensing Process Task Force (LPTF) to review the licensing issues raised in the Registrar's Licensing Review to make recommendations to Council on how to deal with the licensing review issues and whose membership shall consist of five members of Council to be appointed by the Executive Committee at its February 15, 2005 meeting; and*
- b) *provide staff support sufficient to enable the LPTF to complete a preliminary report within six months of its first meeting, and its mandate within one year.”*

Council also approved a Motion to continue the licensing process in effect as of November 2004, without modification, until Council has made its decision on the recommendations of the LPTF.

#### 2) **Membership**

Subsequently, at their meeting of February 15, 2005, the Executive Committee approved the following membership of LPTF:

- George Comrie (President 2004-05; Chair)
- Bob Goodings (President 2005-06)
- Allan Lucas (Elected Vice President)
- Laurier Proulx (LGA Councillor & Member of Registration Committee)
- Richard Weldon (Councillor-At-Large)
- James Lee (ARC Vice Chair)
- Ravi Gupta (LGA Councillor & ERC Chair)
- Barna Szabados (ARC member, former CEAB member)

Staff support will be provided by Deputy Registrars Michael Price and Johnny Zuccon.

### 3) Goal / Purpose

The goal of the LPTF in terms of “what success will look like” is to ensure that PEO’s admissions criteria and licensing processes are:

- Clear, consistent, and defensible in terms of what is necessary to protect the public;
- Compatible with licensing processes across Canada, to allow continued mobility of licensees under the Inter-Association Mobility Agreement (IAMA);
- Compatible with the guiding principles and fundamental philosophies of the E<sup>2</sup>A Task Force Report;
- Supported by legally sound and clearly articulated legislation (the existing legislation will be reviewed by the LPTF);
- Implemented in a logical and efficient manner;
- Founded upon peer review as is appropriate for a self-regulating profession; and
- Containing an appropriate appeals process that reflects the need for fair and natural justice.

### 4) Scope

It is intended that the LPTF conduct a thorough and comprehensive review of PEO’s existing Admissions criteria and process, and their legislative underpinnings in the Professional Engineers Act and Regulations, and make recommendations to Council on any changes or improvements necessary.

The review should include all recent prior work that has been done on this subject, in particular that of:

- The Admissions Task Force Report – February, 1993
- The Admissions, Complaints, Discipline, and Enforcement (ACDE) Task Force – December, 1999
- The Admissions Appeal Process Task Group (AAPTG) – February, 2002
- The Registrar’s Licensing Review – December, 2004
- The Evolution of Engineering Admissions (E<sup>2</sup>A) Task Force – January, 2005

In addition, it should include all existing policies, procedures, operational manuals, guidelines, board sheets, information leaflets, computer databases and tools, registration committee hearings process, etc. These will be assembled for access on PEO’s extranet via Sharepoint.

Admission to all types of licence will be considered.

### 5) Methodology

At a minimum, the following activities will need to be undertaken by the LPTF:

- Familiarize Task Force members with the existing admissions criteria and licensing processes, including those of CEAB (including mutual recognition agreements and various international agreements), CEQB, ARC, ERC, REC, the Inter-Association

Mobility Agreement (IAMA), etc. This may entail presentations by “subject experts” on the current admissions process and the roles of these various groups.

- Review the existing admissions process and associated documentation to determine where it is working well and where improvements can / should be made. This is the “problem definition” stage.
- Capture and agree on the guiding principles and fundamental philosophies contained in the E<sup>2</sup>A Report of January 2005.
- Review the recommendations of the ACDE and E<sup>2</sup>A Reports.
- Review the Registration Committee Hearings process and the need to implement the intended appeals process recommended in the ACDE report (Recommendations number 4.3.1 and 4.3.2, and the recommendations approved by Council in March, 2002).
- Comparison with Canadian provincial and territorial professional engineering licensing regulators
- Make recommendations for improvements (additions / changes) to the admissions process and/or the enabling legislation to achieve the stated goals.
- Review the existing Professional Engineers Act and Regulation to ensure clarity of language and meaning to support the Admissions process and improvements.

## 6) Deliverables and Schedule

The LPTF is mandated to submit:

- A preliminary report to Council within six months of its first meeting; i.e., for the September 2005 meeting of Council;
- A final report with recommendations within one year; i.e., for the January 2006 meeting of Council.

The reports will detail the findings, conclusions, and options considered by the Task Force, along with any recommendations.

Recommendations may include:

- Changes to admissions criteria;
- Changes to methods of measuring applicants against those criteria;
- Changes to the admissions process;
- Changes to the enabling legislation;
- A phased implementation plan to introduce the recommended changes.

## APPENDIX B: FAIRNESS PRINCIPLES



### Access to Professions by International Candidates -Proposed Guiding Principles for Regulators

Regulators of Ontario's self-regulated professions protect the public by ensuring practitioners are qualified in accordance with established standards. The following overarching principles are designed to guide regulators as they evaluate their policies, practices and approaches in relation to internationally trained or educated candidates.

- **Fairness**
- **Objectivity**
- **Transparency**
- **Accountability**
- **Collaboration**

The indicators listed below have been designed to assist professional regulatory bodies in assessing whether their policies and practices are consistent with the principles.

#### 1. **Fairness**

- Access to the profession is available to all qualified candidates.
- Processes and decisions on entry to the profession are free of discrimination, whether personal or systemic.
- Candidates have access to an appeal process that is arm's length in that the persons who decide the appeal are not the same persons who made the original decision.
- Fees are reasonable and commensurate with the services provided.

#### 2. **Objectivity**

- There are objective, consistently applied standards of competence for entry to the profession.
- Standards are well defined, clear, relevant, and communicated to candidates.

### 3. Transparency

- Information on requirements and processes for licensure and professional designation is readily available.
- Regulators identify candidates' gaps and suggest possible ways to fill them through courses, skills training, and work placements offered by educational institutions, employers or others.

### 4. Accountability

- Regulators demonstrate accountability by reporting on progress regarding access for internationally trained or educated candidates through annual reports, statistics, and other vehicles.

### 5. Collaboration

- Regulators collaborate with other bodies to improve access for internationally trained or educated candidates while respecting each other's unique roles and mandates.

### Notes

1. These guiding principles are proposed by the Steering Committee of Ontario Regulators for Access and have not necessarily been endorsed by individual regulatory bodies.
2. For further ideas on how to translate the principles into practice, see the *Regulators Guide for Promoting Access to Professions by International Candidates* at [www.regulators4access.ca](http://www.regulators4access.ca)

December 13, 2006

UNPRECEDENTED LEGISLATION BREAKS DOWN BARRIERS FOR NEWCOMERS  
Bill 124, Fair Access to Regulated Professions Act, 2006, Passes

QUEEN'S PARK – Legislation to break down barriers so that internationally trained professionals can work in their fields sooner was passed late yesterday in the Ontario Legislature, Ontario Citizenship and Immigration Minister Mike Colle announced today.

"This legislation is long overdue," said Colle. "It will go a long way to ensure that newcomers are a brain gain for Ontario, not a brain waste."

The Fair Access to Regulated Professions Act, 2006, the first legislation of its kind in Canada, would require Ontario's regulated professions to ensure their licensing process is fair, clear and open. They would also be required to assess credentials more quickly.

"This bill represents one of the boldest attempts by a provincial government to address inequities that confront newcomers," said Madina Wasuge, Executive Director of the Hamilton's Centre for Civic Inclusion.

The Fair Access to Regulated Professions Act, 2006, would:

- Require 34 regulated professions in Ontario to have a licensing process that has fair, open and timely assessment of credentials of foreign trained professionals.
- Establish the Office of the Fairness Commissioner who would be responsible for assessing registration and licensing practices, and ensure compliance.
- Create an "Access Centre" for Internationally Trained Individuals, a new one-stop resource centre that would help people navigate through the complex systems when seeking to enter regulated professions, and promote internships and mentoring programs.

Breaking Down Barriers: Ontario's Comprehensive Plan for Newcomers

The Fair Access to Regulated Professions Act, 2006, is a key component of the McGuinty government's comprehensive plan, Breaking Down Barriers, for newcomers to integrate successfully into Ontario's economy.

## APPENDIX C: ADMISSIONS REQUIREMENTS OF OTHER REGULATORS

### *COMPARISON OF LEGISLATION REGARDING ACADEMIC AND EXPERIENCE REQUIREMENTS WITH OTHER ENGINEERING REGULATORS AND OTHER SELF-REGULATED PROFESSIONS*

Summarized by Dr. James Lee, P.Eng. – February, 2006

Research was undertaken by the Policy and Communications department to determine the education and experience requirements for licensure for engineers in all Canadian provincial jurisdictions and for a sample group of other self-regulated professions in Ontario.

#### **C.1 Academic Requirements**

The Acts and Regulations governing all of the provincial engineering associations are very consistent and generally contain minimal specificity regarding the academic requirements. In all cases, the Acts only state that it is an obligation of Council to set the academic requirements. The Regulations of all of the provincial engineering associations also contain minimal specificity regarding the academic requirements. All associations require university degrees or the equivalent as recognized by Council for licensure.

The Acts and Regulations governing other self-regulatory bodies contain different degrees of detail about academic requirements. In most cases (such as the Ontario Association of Architects), the Acts only state that it is an obligation of Council to set the education requirements. Some of the associations or colleges are similar to the engineering regulators in having limited specificity of the academic requirements in the Regulations. Other regulators only specify in slightly greater detail what must be included as part of the educational program. For example, the College of Physicians and Surgeons specifies the quantity of clinical practice hours that must be a component of the medical degree.

Virtually all self-regulated professions require university degrees for licensure.

#### **C.2 Experience Requirements**

The Acts and Regulations governing all of the provincial engineering associations generally contain minimal specificity regarding the experience requirements. In all cases, the Acts only state that it is an obligation of Council to set the experience requirements. The Regulations of all of the provincial engineering associations also contain minimal specificity regarding the experience requirements.

The Acts and Regulations governing other self-regulatory bodies contain different degrees of detail about experience requirements. In most cases, the Acts only state that it is an obligation of Council to set the experience requirements - often in the bylaws or regulations of the Association.

For some professions, the experience requirements form a component of the education requirement and therefore there are no post-graduation experience requirements for licensure. There is usually a post-graduation examination requirement in these cases. For example, in the case of the regulated health professions, much of the experience requirements are met through the clinical components of the required education. Post-graduation completion of the Bar Admissions Course, which includes course work and ten months of articling, is required for lawyers by the Upper Canada Law Society.

The regulated professionals in Ontario to whom the licensure requirements for engineers most readily compares are the architects. In its regulations, the OAA requires 5,600 hours of practical experience “that meets the Intern Architect Program requirements.” There is also a required Canadian component of 2,780 hours with the added requirement that 940 of those hours must be under the supervision of an Ontario architect.

The only professional regulatory body that has the required post-graduation experience specified to any degree in the legislation is the Association of Ontario Land Surveyors who state the number of hours that must be spent in the field and the number of hours that must be spent in management and administration.

## **APPENDIX D: PEO'S EXISTING LEGISLATION SUPPORTING LICENSURE**

This appendix contains excerpts from the Professional Engineers Act and Regulations in force on the date of the report that pertain to licensure. Sections referenced in the report and recommendations are highlighted. For up-to-date versions of the Act and Regulations, consult PEO's website at <http://www.peo.on.ca/> or the Government of Ontario's legislation website at <http://www.e-laws.gov.on.ca/>

# Professional Engineers Act

R.S.O. 1990, CHAPTER P-28

Amended by: 1997, c. 26, Sched.; 1999, c. 12, Sched. B, s. 13; 2000, c. 26, Sched. A, s. 12;  
2001, c. 9, Sched. B, s. 11; 2002, C. 24, Sched. B, s. 25.

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### **Definitions**

#### **1.** In this Act,

- “**Academic Requirements Committee**” means the academic requirements committee appointed pursuant to the regulations; (“comité de vérification des diplômes”)
- “**architect**” means a person who is licensed or who holds a certificate of practice or a temporary licence under the Architects Act; (“architecte”)
- “**Association**” means the Association of Professional Engineers of Ontario; (“Ordre”)
- “**by-laws**” means by-laws made under this Act; (“règlements administratifs”)
- “certificate of authorization” means a certificate of authorization issued under this Act to engage in the business of providing services that are within the practice of professional engineering; (“certificat d’autorisation”)
- “**Complaints Review Councillor**” means the complaints review councillor appointed under this Act; (“conseiller médiateur”)
- “**Council**” means the Council of the Association; (“Conseil”)
- “**Experience Requirements Committee**” means the experience requirements committee appointed pursuant to the regulations; (“comité de vérification de l’expérience”)
- “**Joint Practice Board**” means the Joint Practice Board established under the Architects Act; (“Conseil professionnel mixte”)
- “**licence**” means a licence to engage in the practice of professional engineering issued under this Act; (“permis”)
- “**limited licence**” means a limited licence to engage in the practice of professional engineering issued under this Act; (“permis restreint”)
- “**Minister**” means the Attorney General or such other member of the Executive Council as is designated by the Lieutenant Governor in Council; (“ministre”)
- “**practice of professional engineering**” means any act of designing, composing, evaluating, advising, reporting, directing or supervising wherein the safeguarding of life, health, property or the public welfare is concerned and that requires the application of engineering principles, but does not include practising as a natural scientist; (“exercice de la profession d’ingénieur”)
- “**professional engineer**” means a person who holds a licence or a temporary licence; (“ingénieur”)
- “**provisional licence**” means a provisional licence to engage in the practice of professional engineering issued under subsection 14(7); (“permis provisoire”)
- “**Registrar**” means the Registrar of the Association; (“registrator”)
- “**regulations**” means the regulations made under this Act; (“règlements”)
- “**temporary licence**” means a temporary licence to engage in the practice of professional engineering issued under this Act. (“permis temporaire”)

R.S.O. 1990, c. P.28, s. 1; 1999, c. 12, Sched. B, s. 13; 2001, c. 9, Sched. B, s. 11(1).

### **Association**

- #### **2.** (1) The Association of Professional Engineers of the Province of Ontario, a body corporate, is continued as a corporation without share capital under the name of Association of Professional Engineers of Ontario in English and Ordre des ingénieurs de l’Ontario in French.

R.S.O. 1990, c. P.28, s. 2(1).

### **Head office**

(2) The head office of the Association shall be in the City of Toronto.

R.S.O. 1990, c. P.28, s. 2(2); 1997, c. 26, Sched.

### **Principal object**

(3) The principal object of the Association is to regulate the practice of professional engineering and to govern its members, holders of certificates of authorization, holders of temporary licences, holders of provisional licences and holders of limited licences in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

R.S.O. 1990, c. P.28, s. 2(3); 2001, c. 9, Sched. B, s. 11(2).

### **Additional objects**

(4) For the purpose of carrying out its principal object, the Association has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.
2. To establish, maintain and develop standards of qualification and standards of practice for the practice of professional engineering.
3. To establish, maintain and develop standards of professional ethics among its members.
4. To promote public awareness of the role of the Association.
5. To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act.

R.S.O. 1990, c. P.28, s. 2(4).

### **Capacity and powers of Association**

(5) For the purpose of carrying out its objects, the Association has the capacity and the powers of a natural person.

R.S.O.(. 1990, c. P.28, s. 2(5).

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### **Regulations**

7. (1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,
1. fixing the number of members to be elected to the Council under clause 3(2)(a) and defining constituencies, and prescribing the number of representatives;
  2. respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and controverted elections;
  3. prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;
  4. prescribing positions of officers of the Association and providing for their election or appointment;
  5. respecting the composition of the committees required by this Act, other than the Complaints Committee and the Discipline Committee, the mechanism of the appointment of members of the committees and procedures ancillary to those specified in this Act in respect of any committee;
  6. respecting matters of practice and procedure before committees required under this Act that do not conflict with the Statutory Powers Procedure Act;
  7. prescribing the quorums of the committees required by this Act other than the Complaints Committee and the Discipline Committee;
  8. prescribing classes of persons whose interests are related to those of the Association and the privileges of members of the classes in relation to the Association;

9. respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences, certificates of authorization, temporary licences, provisional licences and limited licences, including but not limited to regulations respecting,
  - i. the scope, standards and conduct of any examination set or approved by the Council as a licensing requirement,
  - ii. the curricula and standards of professional training programs offered by the Council,
  - iii. the academic, experience and other requirements for admission into professional training programs,
  - iv. classes of licences,
  - v. the academic and experience requirements for the issuance of a licence or any class of licence, and
  - vi. classes of certificates of authorization, temporary licences, provisional licences and limited licences, including prescribing requirements and qualifications for the issuance of specified classes of certificates of authorization, temporary licences, provisional licences and limited licences, and terms and conditions that shall apply to specified classes of certificates of authorization, temporary licences, provisional licences and limited licences;
10. prescribing forms of applications for licences, certificates of authorization, temporary licences, provisional licences and limited licences and requiring their use;
11. requiring the making of returns of information in respect of the holdings of shares and the officers and directors of corporations that apply for or hold certificates of authorization and in respect of the interests of partners that apply for or hold certificates of authorization and prescribing and requiring the use of forms of such returns;
12. requiring and governing the signing and sealing of documents and designs by members of the Association, holders of temporary licences and holders of limited licences, specifying the forms of seals and respecting the issuance and ownership of seals;
13. requiring the making of returns of information by members of the Association and holders of certificates of authorization, temporary licences, provisional licences and limited licences in respect of names, addresses, telephone numbers, professional associates, partners, employees and professional liability insurance, and prescribing and requiring the use of forms of such returns;
14. requiring and governing the disclosure of the identity of holders of certificates of authorization on documents and designs involving the practice of professional engineering issued by such holders and specifying the form and manner of such disclosure;
15. governing the use of names and designations in the practice of professional engineering by members of the Association and holders of certificates of authorization, temporary licences, provisional licences and limited licences;
16. providing for the maintenance and inspection of registers of members of the Association, holders of temporary licences, holders of limited licences, holders of provisional licences and holders of certificates of authorization;
17. prescribing and governing standards of practice and performance standards for the profession;
18. providing for the setting of schedules of suggested fees for professional engineering services and for the publication of the schedules;
19. respecting the advertising of the practice of professional engineering;
20. prescribing a code of ethics;
21. defining professional misconduct for the purposes of this Act;
22. providing for the designation of members of the Association and holders of temporary licences as specialists, prescribing the qualifications and requirements for designation as a specialist, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;
23. providing for the designation of members of the Association as consulting engineers, prescribing the qualifications and requirements for designation as a consulting engineer, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use

- of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;
24. prescribing the minimum requirements for professional liability insurance, requiring the delivery to the Registrar of proof of such insurance and prescribing the form of such proof and the manner and time of the delivery;
  25. prescribing the amount of and requiring the payment of annual fees by holders of certificates of authorization, temporary, provisional and limited licences and by students and members of related classes recognized by the Association, and fees for temporary licences, provisional licences, limited licences, certification, registration, designations, examinations and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;
  26. providing for the entering into of arrangements by the Association for its members and holders of certificates of authorization, temporary licences, provisional and limited licences respecting indemnity for professional liability and requiring the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members and holders of certificates of authorization, temporary licences, provisional and limited licences in respect of such indemnity for professional liability;
  27. providing for continuing education of members;
  28. respecting the duties and authority of the Registrar;
  29. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, certificate of authorization, temporary licence or limited licence that was cancelled by the Registrar;
  30. classifying and exempting any class of holders of licences, certificates of authorization, temporary licences or limited licences from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable;
  31. exempting any act within the practice of professional engineering from the application of this Act;
  32. specifying acts within the practice of professional engineering that are exempt from the application of this Act when performed or provided by a member of a prescribed class of persons, and prescribing classes of persons for the purpose of the exemption;
  32. despite anything else in this Act, providing for the payment of start-up funding to the Ontario Society of Professional Engineers during the three-year period that begins on the day the Red Tape Reduction Act, 2000 receives Royal Assent, and specifying the amounts to be paid, the time and manner of payment, and the conditions to be met before each payment is made.

R.S.O. 1990, c. P.28, s. 7(1);2000, c. 26, Sched. A, s. 12; 2001, c. 9, Sched. B, s.11(5-12).

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### **Establishment of committees**

10. (1) The Council shall establish and appoint the following committees:
- (a) Executive Committee;
  - (b) Academic Requirements Committee;
  - (c) Experience Requirements Committee;
  - (d) Registration Committee;
  - (e) Complaints Committee;
  - (f) Discipline Committee;
  - (g) Fees Mediation Committee,
- and may establish such other committees as the Council from time to time considers necessary.

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**When licences or certificates required:****Licensing requirement**

12. (1) No person shall engage in the practice of professional engineering or hold himself, herself or itself out as engaging in the practice of professional engineering unless the person is the holder of a licence, a temporary licence, a provisional licence or a limited licence.  
R.S.O. 1990, c. P.28, s. 12(1); 2001, c. 9, Sched. B, s. 11(16).

**Certificate of authorization**

- (2) No person shall offer to the public or engage in the business of providing to the public services that are within the practice of professional engineering except under and in accordance with a certificate of authorization.  
R.S.O. 1990, c. P.28, s. 12(2).

**Exceptions**

- (3) Subsections (1) and (2) do not apply to prevent a person,
- (a) from doing an act that is within the practice of professional engineering in relation to machinery or equipment, other than equipment of a structural nature, for use in the facilities of the person's employer in the production of products by the person's employer;
  - (b) from doing an act that is within the practice of professional engineering where a professional engineer assumes responsibility for the services within the practice of professional engineering to which the act is related;
  - (c) from designing or providing tools and dies;
  - (d) from doing an act that is within the practice of professional engineering but that is exempt from the application of this Act when performed or provided by a member of a class of persons prescribed by the regulations for the purpose of the exemption, if the person is a member of the class;
  - (e) from doing an act that is exempt by the regulations from the application of this Act;
  - (f) from using the title "engineer" or an abbreviation of that title in a manner that is authorized or required by an Act or regulation.
- R.S.O. 1990, c. P.28, s. 12(3); 2001, c. 9, Sched. B, s. 11(17).

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**Corporation**

13. A corporation that holds a certificate of authorization may provide services that are within the practice of professional engineering.  
R.S.O. 1990, c. P.28, s. 13.

**Issuance of licence**

14. (1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and,
- (a) is a citizen of Canada or has the status of a permanent resident of Canada;
  - (b) is not less than eighteen years of age;
  - (c) has complied with the academic requirements specified in the regulations for the issuance of the licence and has passed such examinations as the Council has set or approved in accordance with the regulations or is exempted therefrom by the Council;
  - (d) has complied with the experience requirements specified in the regulations for the issuance of the licence; and
  - (e) is of good character.

R.S.O. 1990, c. P.28, s. 14(1).

**Grounds for refusal to issue licence**

- (2) The Registrar may refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity.

R.S.O. 1990, c. P.28, s. 14(2).

**Referral to committee**

- (3) The Registrar, on his or her own initiative, may refer and on the request of an applicant shall refer the application of the applicant for the issuance of a licence,
- (a) to the Academic Requirements Committee for a determination as to whether or not the applicant has met the academic requirements prescribed by the regulations for the issuance of the licence;
  - (b) to the Experience Requirements Committee for a determination as to whether or not the applicant has met the experience requirements prescribed by the regulations for the issuance of the licence; or
  - (c) first to the Academic Requirements Committee and then to the Experience Requirements Committee for determinations under clauses (a) and (b).

R.S.O. 1990, c. P.28, s. 14(3).

- (4) REPEALED: 2001, c. 9, Sched. B, s. 11(18).

**Hearing**

- (5) A committee shall receive written representations from an applicant but is not required to hold or to afford to any person a hearing or an opportunity to make oral submissions before making a determination under subsection (3).

R.S.O. 1990, c. P.28, s. 14(5).

**Notice of determination**

- (6) The Registrar shall give notice to the applicant of a determination by a committee under subsection (3) and, if the applicant is rejected, the notice shall detail the specific requirements that the applicant must meet.

R.S.O. 1990, c. P.28, s. 14(6).

**Provisional licence**

- (7) The Registrar shall issue a provisional licence, to be valid for one year, to a natural person who has applied for a licence in accordance with the regulations and has complied with all the requirements of subsection (1) except the Canadian experience requirement set out in paragraph 4 of section 33 of Regulation 941 of the Revised Regulations of Ontario, 1990. 2001, c. 9, Sched. B, s. 11(19).

**Issuance of certificate of authorization**

15. (1) The Registrar shall issue a certificate of authorization to a natural person, a partnership or a corporation that applies therefor in accordance with the regulations if the requirements and qualifications for the issuance of the certificate of authorization set out in the regulations are met.

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**Issuance of licence or certificate of authorization on direction of Council**

16. The Registrar shall issue a licence or a certificate of authorization upon a direction of the Council made in accordance with a recommendation by the Joint Practice Board.

R.S.O. 1990, c. P.28, s. 16.

**Supervision by professional engineer**

17. (1) It is a condition of every certificate of authorization that the holder of the certificate shall provide services that are within the practice of professional engineering only under the personal supervision and direction of a member of the Association or the holder of a temporary licence.

#### **Professional responsibility of supervising professional engineer**

(2) A member of the Association or a holder of a temporary licence who personally supervises and directs the providing of services within the practice of professional engineering by a holder of a certificate of authorization or who assumes responsibility for and supervises the practice of professional engineering related to the providing of services by a holder of a certificate of authorization is subject to the same standards of professional conduct and competence in respect of the services and the related practice of professional engineering as if the services were provided or the practice of professional engineering was engaged in by the member of the Association or the holder of the temporary licence.

R.S.O. 1990, c. P.28, s. 17.

#### **Issuance of temporary, provisional or limited licence**

18. (1) The Registrar shall issue a temporary licence, a provisional licence or a limited licence to a natural person who applies therefor in accordance with the regulations and who meets the requirements and qualifications for the issuance of the temporary licence, the provisional licence or the limited licence set out in the regulations, provided that, in the case of a limited or provisional licence, the applicant is a Canadian citizen or has the status of a permanent resident of Canada.

2001, c. 9, Sched. B, s. 11(20).

#### **Grounds for refusal, suspension or revocation**

(2) The Registrar may refuse to issue or may suspend or revoke a temporary licence, a provisional licence or a limited licence where the Registrar is of the opinion, upon reasonable and probable grounds,

- (a) that the past conduct of the applicant for or the holder of the temporary licence, the provisional licence or the limited licence affords grounds for the belief that the applicant or holder will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity;
- (b) that the holder of the temporary licence, the provisional licence or the limited licence does not meet the requirements or the qualifications for the issuance of the temporary licence, the provisional licence or the limited licence set out in the regulations; or
- (c) that there has been a breach of a condition of the temporary licence, the provisional licence or the limited licence.

R.S.O. 1990, c. P.28, s. 18(2); 2001, c. 9, Sched. B, s. 11(21).

#### **Referral to committee**

(3) Subsections 14 (3) to (6) (which relate to the Academic Requirements Committee and the Experience Requirements Committee) apply with necessary modifications in respect of an applicant for a temporary licence or a limited licence.

R.S.O. 1990, c. P.28, s. 18(3).

#### **Application of subs. (1)**

(4) Subsection (1) does not apply in respect of a member of the Association or a holder of a certificate of authorization.

R.S.O. 1990, c. P.28, s. 18(4).

#### **Membership**

(5) A holder of a temporary licence or a limited licence is not a member of the Association.

R.S.O. 1990, c. P.28, s. 18(5).

#### **Notice of proposal to revoke or refuse to renew**

- 19.** (1) Where the Registrar proposes,
- (a) to refuse to issue a licence; or
  - (b) to refuse to issue, to suspend or to revoke a temporary licence, a provisional licence, a limited licence or a certificate of authorization, the Registrar shall serve notice of the proposal, together with written reasons therefor, on the applicant.
- R.S.O. 1990, c. P.28, s. 19(1); 2001, c. 9, Sched. B, s. 11(22).

#### **Exception**

- (2) Subsection (1) does not apply in respect of a proposal to refuse to issue a licence, a temporary licence, a provisional licence or a limited licence where the applicant previously held a licence, a certificate of authorization, a temporary licence, a provisional licence or a limited licence that was suspended or revoked as a result of a decision of the Discipline Committee.
- 2001, c. 9, Sched. B, s. 11(23).

#### **Notice**

- (3) A notice under subsection (1) shall state that the applicant is entitled to a hearing by the Registration Committee if the applicant mails or delivers, within thirty days after the notice under subsection (1) is served on the applicant, notice in writing requiring a hearing by the Registration Committee and the applicant may so require such a hearing.

R.S.O. 1990, c. P.28, s. 19(3).

#### **Power of Registrar where no hearing**

- (4) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3), the Registrar may carry out the proposal stated in the notice under subsection (1).
- R.S.O. 1990, c. P.28, s. 19(4).

#### **Hearing by Registration Committee**

- (5) Where an applicant requires a hearing by the Registration Committee in accordance with subsection (3), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing.
- R.S.O. 1990, c. P.28, s. 19(5).

#### **Continuation on expiry of committee membership**

- (6) Where a proceeding is commenced before the Registration Committee and the term of office on the Council or on the committee of a member sitting for the hearing expires or is terminated other than for cause before the proceeding is disposed of but after evidence is heard, the member shall be deemed to remain a member of the Registration Committee for the purpose of completing the disposition of the proceeding in the same manner as if the member's term of office had not expired or been terminated.

R.S.O. 1990, c. P.28, s. 19(6).

#### **Powers of Registration Committee**

- (7) Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order,
- (a) where the committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity, direct the Registrar to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, as the case may be, to the applicant;
  - (b) where the committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations,

- (i) direct the Registrar to refuse to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, or to suspend or revoke the certificate of authorization issued to the applicant, as the case may be, or
- (ii) where the committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of professional engineering with competence and integrity, exempt the applicant from any of the requirements of this Act and the regulations and direct the Registrar to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, as the case may be; or
- (c) where the committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity, direct the Registrar to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, as the case may be, subject to such terms, conditions or limitations as the Registration Committee specifies.

R.S.O. 1990, c. P.28, s. 19(7); 2001, c. 9, Sched. B, s. 11(24).

#### **Extension of time for requiring hearing**

- (8) The Registration Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section before or after the expiration of such time where it is satisfied that there are apparent grounds for granting relief to the applicant following upon a hearing and that there are reasonable grounds for applying for the extension, and the Registration Committee may give such directions as it considers proper consequent upon the extension.

R.S.O. 1990, c. P.28, s. 19(8).

#### **Parties**

- (9) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section.

R.S.O. 1990, c. P.28, s. 19(9).

#### **Opportunity to show compliance**

- (10) The applicant shall be given a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue of the licence, the certificate of authorization, the temporary licence, the provisional licence or the limited licence.

R.S.O. 1990, c. P.28, s. 19(10); 2001, c. 9, Sched. B, s. 11(25).

#### **Examination of documentary evidence**

- (11) A party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

R.S.O. 1990, c. P.28, s. 19(11).

#### **Members holding hearing not to have taken part in investigation, etc.**

- (12) Members of the Registration Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or representative of a party except upon notice to and opportunity for all parties to participate, but the Registration Committee may seek legal advice from an adviser independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

R.S.O. 1990, c. P.28, s. 19(12).

**Recording of evidence**

- (13) The oral evidence taken before the Registration Committee at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Superior Court of Justice.

R.S.O. 1990, c. P.28, s. 19(13); 2001, c. 9, Sched. B, s. 11(66).

**Only members at hearing to participate in decision**

- (14) No member of the Registration Committee shall participate in a decision of the Registration Committee following upon a hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties.

R.S.O. 1990, c. P.28, s. 19(14).

**Release of documentary evidence**

- (15) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person by the Registration Committee within a reasonable time after the matter in issue has been finally determined.

R.S.O. 1990, c. P.28, s. 19(15).

**Applicant**

- (16) In this section, "applicant" means applicant for a licence or applicant for or holder of a temporary licence, a provisional licence, a limited licence or a certificate of authorization.

R.S.O. 1990, c. P.28, s. 19(16); 2001, c. 9, Sched. B, s. 1(26).

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**Cancellation for default of fees**

- 22.** (1) The Registrar may cancel a licence, certificate of authorization, temporary licence, provisional licence or limited licence for non-payment of any fee prescribed by the regulations or the by-laws after giving the member or the holder of the certificate of authorization, temporary licence, provisional licence or limited licence at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of the person's professional conduct while a member or holder.

R.S.O. 1990, c. P.28, s. 22(1); 2001, c. 9, Sched. B, s. 11(28).

**Reinstatement**

- (2) A person who was a member of the Association or a holder of a certificate of authorization, temporary licence, provisional licence or limited licence whose licence, certificate of authorization, temporary licence, provisional licence or limited licence was cancelled by the Registrar under subsection (1) is entitled to have the licence, certificate of authorization, temporary licence, provisional licence or limited licence reinstated upon compliance with the requirements and qualifications prescribed by the regulations.

R.S.O. 1990, c. P.28, s. 22(2); 2001, c. 9, Sched. B, s. 11(29).

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**Surrender of revoked licence or certificate**

- 36.** Where a licence, certificate of authorization, temporary licence, provisional licence or limited licence is revoked or cancelled, the former holder thereof shall forthwith deliver the licence, certificate of authorization, temporary licence, provisional licence or limited licence and related seal to the Registrar.

R.S.O. 1990, c. P.28, s. 36; 2001, c. 9, Sched. B, s. 11(54).

**Application after revocation or suspension:**

**Application for licence, etc., after revocation**

37. (1) A person whose licence, certificate of authorization, temporary licence, provisional licence or limited licence has been revoked for cause under this Act, or whose membership has been cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence, certificate of authorization, temporary licence, provisional licence or limited licence, but such application shall not be made sooner than two years after the revocation.

R.S.O. 1990, c. P.28, s. 37(1); 2001, c. 9, Sched. B, s. 11(55).

**Removal of suspension**

(2) A person whose licence, certificate of authorization, temporary licence, provisional licence or limited licence has been suspended for cause under this Act, or whose membership has been suspended for cause under a predecessor of this Act, may apply in writing to the Registrar for the removal of the suspension, but, where the suspension is for more than one year, the application shall not be made sooner than one year after the commencement of the suspension.

R.S.O. 1990, c. P.28, s. 37(2); 2001, c. 9, Sched. B, s. 11(56).

**Reference to Discipline Committee**

(3) The Registrar shall refer an application under subsection (1) or (2) in respect of a licence or a certificate of authorization, a temporary licence, a provisional licence or a limited licence to the Discipline Committee which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and the applicant.

R.S.O. 1990, c. P.28, s. 37(3); 2001, c. 9, Sched. B, s. 11(57).

**Procedures**

(4) The provisions of this Act applying to hearings by the Registration Committee, except section 31, apply with necessary modifications to proceedings of the Discipline Committee or the Registration Committee under this section.

R.S.O. 1990, c. P.28, s. 37(4).

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**Penalties**

40. (1) Every person who contravenes section 12 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$25,000 and for each subsequent offence to a fine of not more than \$50,000.

R.S.O. 1990, c. P.28, s. 40(1).

**Idem, use of term “professional engineer”, etc.**

(2) Every person who is not a holder of a licence or a temporary licence and who,

- (a) uses the title “professional engineer” or “ingénieur” or an abbreviation or variation thereof as an occupational or business designation;
- (a.1) uses the title “engineer” or an abbreviation of that title in a manner that will lead to the belief that the person may engage in the practice of professional engineering;
- (b) uses a term, title or description that will lead to the belief that the person may engage in the practice of professional engineering; or
- (c) uses a seal that will lead to the belief that the person is a professional engineer, is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine of not more than \$25,000.

R.S.O. 1990, c. P.28, s. 40(2); 2001, c. 9, Sched. B, s. 11(59).

**Onus of proof**

- (2.1) In a proceeding for an alleged contravention of clause (2)(a.1), the burden of proving that the use of the title or abbreviation will not lead to the belief referred to is on the defendant, unless the defendant's use of the title or abbreviation is authorized or required by an Act or regulation.  
2001, c. 9, Sched. B, s. 11(60).

**Idem, services of professional engineer**

- (3) Every person who is not acting under and in accordance with a certificate of authorization and who,
- (a) uses a term, title or description that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering; or
  - (b) uses a seal that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering,
- is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine of not more than \$25,000.  
R.S.O. 1990, c. P.28, s. 40(3).

**Idem**

- (4) Any person who obstructs a person appointed to make an investigation under section 33 in the course of his or her duties is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.  
R.S.O. 1990, c. P.28, s. 40(4).

**Idem, director or officer of corporation**

- (5) Where a corporation is guilty of an offence under subsection (1), (2), (3) or (4), every director or officer of the corporation who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than \$50,000.  
R.S.O. 1990, c. P.28, s. 40(5).

**Idem, partner**

- (6) Where a person who is guilty of an offence under subsection (1), (2), (3) or (4) is a member or an employee of a partnership, every member of the partnership who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than \$50,000.  
R.S.O. 1990, c. P.28, s. 40(6).

**Limitation**

- (7) Proceedings shall not be commenced in respect of an offence under subsection (1), (2), (3), (4), (5) or (6) after two years after the date on which the offence was, or is alleged to have been, committed.  
R.S.O. 1990, c. P.28, s. 40(7).

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**Onus of proof respecting licensing**

42. Where licensing or the holding of a certificate of authorization, a temporary licence, a provisional licence or a limited licence or acting under and in accordance with a certificate of authorization under this Act is required to permit the lawful doing of an act or thing, if in any prosecution it is proven that the defendant has done the act or thing, the burden of proving that the defendant was so licensed or that the defendant held a subsisting certificate of authorization, temporary licence, provisional licence or limited licence or that the defendant acted under and in accordance with a certificate of authorization under this Act rests upon the defendant.

R.S.O. 1990, c. P.28, s. 42; 2001, c. 9, Sched. B, s. 11(64).

**Professional Engineers Act  
Loi sur les ingénieurs**

**R.R.O. 1990, REGULATION 941**

*Amended to O. Reg. 81/06*

**GENERAL**

***This Regulation is made in English only.***

**1.** In this Regulation,

“Chapter” means a chapter established pursuant to the by-laws;

“general secretary” means the general secretary appointed by the Council;

“Junior Regional Councillor” means that one of the two regional councillors from a region who is serving his or her first year of a two-year term of office;

“Member” means a member of the Association;

“practitioner” means holder of a licence, a temporary licence, a provisional licence, a limited licence or a certificate of authorization, as the case requires;

“Professional Practice Examination” means the examination in respect of professional ethics, engineering law and such other general matters as are approved by the Council from time to time;

“Region” means a region established by this Regulation. R.R.O. 1990, Reg. 941, s. 1; O. Reg. 13/03, s. 1.

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**32.** (1) The Registration Committee is continued and shall be composed of,

(a) not less than two members of the Council appointed by the Lieutenant Governor in Council; and

(b) not less than three additional Members appointed by the Council. R.R.O. 1990, Reg. 941, s. 32 (1).

(2) Three members of the Registration Committee, of whom at least one is a member of Council appointed by the Lieutenant Governor in Council, constitute a quorum. R.R.O. 1990, Reg. 941, s. 32 (2).

**33.** (1) Each applicant for a licence shall comply with the following rules:

1. The applicant shall demonstrate that he or she has obtained,

i. a bachelor's degree in an engineering program from a Canadian university that is accredited to the Council's satisfaction, or

ii. equivalent engineering educational qualifications recognized by the Council.

2. The applicant shall demonstrate that he or she has had 48 months of experience in the practice of professional engineering that, in the Council's opinion, provides sufficient experience to enable him or her to meet the generally accepted standards of practical skill required to engage in the practice of professional engineering.

3. Up to 12 months of the practical experience referred to in paragraph 2 may be acquired after the applicant has completed one-half of the classroom component of the degree or equivalent educational qualifications. The balance shall be acquired after the degree or equivalent educational qualifications are obtained.

4. At least 12 months of the balance referred to in paragraph 3 shall be acquired in a Canadian jurisdiction, under the supervision of one or more persons legally authorized to engage in the practice of professional engineering in that jurisdiction. However, the Council may vary or waive this requirement in circumstances in which it considers it to be in the public interest to do so.

5. The applicant shall successfully complete the Professional Practice Examination. O. Reg. 286/99, s. 1.

(2) Experience acquired outside Canada satisfies the requirements of paragraph 4 of subsection (1) if,

(a) it is obtained while the applicant is,

(i) employed by an employer whose head office is located in Canada, and

(ii) supervised by one or more persons who are legally authorized to engage in the practice of professional engineering in a Canadian jurisdiction; and

(b) in the Council's opinion, the experience provides the applicant with,

(i) the necessary practical skill for the practice of professional engineering, and

(ii) sufficient familiarity with the applicable Canadian codes, regulations and standards for the practice of professional engineering. O. Reg. 13/03, s. 11.

**34.** Examinations required by the Academic Requirements Committee shall be held prior to the 1st day of June in each year and at such other times, if any, and at such place or places, as the Council may from time to time determine. R.R.O. 1990, Reg. 941, s. 34.

**35.** The Registrar is responsible for arranging for the holding of examinations, including the selection of time and examination centres. R.R.O. 1990, Reg. 941, s. 35.

**36.** (1) In this section,

"academic year" means the period commencing the 1st day of September in a year and ending the 31st day of August in the next following year. R.R.O. 1990, Reg. 941, s. 36 (1).

(2) An applicant for a licence shall write the examination, if only one, or the first examination, if more than one, within the two academic years immediately following the date of issue of the notice to the applicant by the Registrar setting forth the examination requirements that the applicant is required to satisfy. R.R.O. 1990, Reg. 941, s. 36 (2).

(3) All examinations must be successfully completed within eight academic years after the date of notification referred to in subsection (2). R.R.O. 1990, Reg. 941, s. 36 (3).

(4) If an applicant for a licence,

(a) fails to appear at the time and place set for an examination without reasonable justification submitted in writing; or

(b) fails to satisfy all examination requirements within the times referred to in subsections (2) and (3),

the applicant's application for a licence shall be withdrawn by the Registrar. R.R.O. 1990, Reg. 941, s. 36 (4).

(5) An applicant who has failed to successfully complete an examination set or approved by the Council is not entitled, except with the permission of the Academic Requirements Committee, to take the examination again and the applicant's application for a licence shall be withdrawn by the Registrar. R.R.O. 1990, Reg. 941, s. 36 (5).

(6) A thesis, if required to be submitted by an applicant for a licence, shall be written and submitted not later than two years following the date of completion of all examinations other than the Professional Practice Examination required to be fulfilled by the applicant. R.R.O. 1990, Reg. 941, s. 36 (6).

(7) Where an applicant who is required by the Academic Requirements Committee to take and pass more than one examination fails to take at least one examination in each academic year after taking the first of such examinations, the Registrar shall withdraw the applicant's application for a licence unless the applicant submits to the Registrar reasonable justification in writing for the failure to take the examination. R.R.O. 1990, Reg. 941, s. 36 (7).

**37.** An applicant for a licence must pass the Professional Practice Examination not later than two years following the later of,

(a) the date of submission of the application for membership by the applicant to the Registrar; and

(b) the date of successful completion of all other examination requirements (other than the writing of a thesis, if required) or the final determination that no examination or thesis is required. R.R.O. 1990, Reg. 941, s. 37.

**38.** (1) All examinations, other than the Professional Practice Examination, shall be marked on a percentage basis by examiners appointed by the Registrar in accordance with policies established from time to time by the Council. R.R.O. 1990, Reg. 941, s. 38 (1).

(2) In no event shall a passing mark be determined to be less than 50 per cent. R.R.O. 1990, Reg. 941, s. 38 (2).

(3) The Professional Practice Examination may be marked on a pass or fail basis and shall be marked by examiners appointed by the Registrar in accordance with policies established from time to time by the Council. R.R.O. 1990, Reg. 941, s. 38 (3).

**39.** The results of each examination shall be mailed not later than forty-five working days following the writing of the examination to each candidate who wrote the examination. R.R.O. 1990, Reg. 941, s. 39.

**40.** (1) The Academic Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council and three members of the Committee constitute a quorum. R.R.O. 1990, Reg. 941, s. 40 (1).

(2) Where an application for the issuance of a licence, temporary licence or limited licence is referred to the Academic Requirements Committee pursuant to the Act, the Committee shall,

- (a) assess the academic qualifications of the applicant;
- (b) determine whether the applicant meets the academic qualifications prescribed by this Regulation and so advise the Registrar; and
- (c) make such recommendations to the Registrar as it considers necessary in respect of examinations and any other academic requirements which must be completed by the applicant in the event that the Committee determines that the applicant does not meet the prescribed academic qualifications. R.R.O. 1990, Reg. 941, s. 40 (2).

(3) For the purpose of carrying out its duties in subsection (2), the Academic Requirements Committee,

- (a) shall review the education, experience and other qualifications of the applicant in the light of the academic standards established for the issuance of licences, temporary licences or limited licences, as the case requires, at the time of such review;
- (b) may, in the discretion of the Committee and on its own initiative, interview the applicant;
- (c) may refer the experience of an applicant to the Experience Requirements Committee for an assessment and recommendation as to how such experience should be taken into account in assigning examinations to the applicant; and
- (d) shall consider and decide upon the form and content of examinations recommended and the results of such examinations. R.R.O. 1990, Reg. 941, s. 40 (3).

**41.** (1) The Experience Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council, and three members of the Committee constitute a quorum. R.R.O. 1990, Reg. 941, s. 41 (1).

(2) Where an application for the issuance of a licence, temporary licence or limited licence is referred to the Experience Requirements Committee pursuant to the Act, the Committee shall,

- (a) assess the experience qualifications of the applicant; and
- (b) determine whether the applicant meets the experience requirements prescribed by this Regulation and so advise the Registrar. R.R.O. 1990, Reg. 941, s. 41 (2).

(3) For the purpose of carrying out its duties, the Experience Requirements Committee may, in the discretion of the Committee and on its own initiative, interview the applicant. R.R.O. 1990, Reg. 941, s. 41 (3).

(4) The Committee shall interview the applicant if there is a question raised with respect to the ability of the applicant to communicate adequately in the English language. R.R.O. 1990, Reg. 941, s. 41 (4).

**42.** (1) Every temporary licence must specify,

- (a) the works, facilities, machinery, equipment or other property in Ontario to which the temporary licence relates;
- (b) the name of the person, firm or corporation by whom the holder of the temporary licence is employed or engaged to perform services in Ontario within the practice of professional engineering;
- (c) the name of the Member, if any, with whom collaboration is required under this Regulation; and

(d) the period of time, not exceeding twelve months, for which the temporary licence has been issued. R.R.O. 1990, Reg. 941, s. 42 (1).

(2) It is a condition of every temporary licence that the services within the practice of professional engineering that may be provided by the holder of the temporary licence are limited to the services specified in the temporary licence. R.R.O. 1990, Reg. 941, s. 42 (2).

**43.** The requirements and qualifications for the issuance of a temporary licence are payment of the fee for the temporary licence and one of the following:

1. Residence in a province or territory of Canada other than Ontario and membership in an association of professional engineers in another province or territory of Canada that has objects similar to the objects of the Association and that requires qualifications for membership at least equal to the qualifications required for the issuance of a licence to engage in the practice of professional engineering in Ontario.

2. Qualifications at least equal to the qualifications required for the issuance of a licence to engage in the practice of professional engineering in Ontario.

3. Wide recognition in the field of the practice of professional engineering in respect of which the work to be undertaken under the temporary licence relates and not less than ten years experience in such field. R.R.O. 1990, Reg. 941, s. 43.

**44.** (1) It is a term and condition of every temporary licence that the holder of the temporary licence must collaborate with a Member in the practice of professional engineering in respect of the work undertaken under the temporary licence unless the holder,

(a) is a member of an association of professional engineers in another province or territory of Canada that has objects similar to the objects of the Association and that requires qualifications for membership at least equal to the qualifications required for the issuance of a licence under this Act;

(b) provides evidence that the holder has qualifications at least equal to the qualifications required for the issuance of a licence under this Act and that the holder is knowledgeable about all codes, standards and laws relevant to the work undertaken under the temporary licence;

(c) provides evidence of wide recognition in the field of the practice of professional engineering relevant to the work undertaken under the temporary licence and that the holder is knowledgeable about all codes, standards and laws relevant to the work undertaken under the temporary licence; or

(d) is performing the work outside Ontario and that work is undertaken under the temporary licence to satisfy a requirement under an Act of Ontario other than the *Professional Engineers Act*. R.R.O. 1990, Reg. 941, s. 44 (1).

(2) It is a term and condition of every temporary licence held by a person who must collaborate with a Member that the holder of the temporary licence must not issue a final drawing, specification, plan, report or other document unless the Member has signed, dated and affixed the Member's seal thereto. R.R.O. 1990, Reg. 941, s. 44 (2).

**44.1** (1) The Registrar may grant a provisional licence to an applicant who complies with the requirements of paragraphs 1, 2, 3 and 5 of subsection 33 (1). O. Reg. 13/03, s. 12.

(2) The following conditions apply to every provisional licence:

1. The provisional licence is valid for 12 months from the date of issue. It may be renewed once for up to 12 months if the Registrar is of the opinion that renewal is necessary to enable the applicant to acquire the experience required by paragraph 4 of subsection 33 (1).

2. The holder of the provisional licence is entitled to practise professional engineering only under the supervision of a professional engineer, and shall not issue a final drawing, specification, plan, report or other document unless the supervising professional engineer also signs and dates it and affixes his or her seal to it. O. Reg. 13/03, s. 12.

**45. The following conditions apply to every limited licence:**

1. The practice of professional engineering by the holder of the limited licence must be limited to the services specified in the limited licence.

2. When the holder of the limited licence ceases to provide the services specified in the limited licence, the holder must notify the Registrar and return to the Registrar the limited licence and the seal issued to the holder. O. Reg. 13/03, s. 13.

**46. The requirements and qualifications for the issuance of a limited licence are:**

1. One or more of the following:

i. A three-year diploma in engineering technology or a Bachelor of Technology degree in engineering technology from an institution approved by the Council.

ii. A four-year honours science degree in a discipline and from a university approved by the Council.

iii. Academic qualifications accepted by the Council as equivalent to a diploma or degree mentioned in subparagraph i or ii.

2. Thirteen years of experience in engineering work acceptable to the Council, including the years spent in obtaining the post-secondary academic training referred to in paragraph 1 with at least one year of such experience under the supervision and direction of a Member or Members or under the supervision of a person authorized to practice professional engineering in the province or territory in Canada in which the experience was acquired and at least the last two years of the experience in the services within the practice of professional engineering with respect to which the limited licence is to apply.

3. Payment of the fee prescribed by this Regulation for a limited licence.

4. Successful completion of the Professional Practice Examination.

5. Good character.

6. A holder of a limited licence who returns the limited licence and related seal to the Registrar and afterwards proposes to resume providing the services specified in the limited licence is entitled to be issued a new limited licence and related seal limited to the services specified in the previous limited licence.

7. Revoked: O. Reg. 13/03, s. 14.

R.R.O. 1990, Reg. 941, s. 46; O. Reg. 13/03, s. 14.

**47. The requirements and qualifications for the issuance of a certificate of authorization are:**

1. The applicant must designate, as the person or persons who will assume responsibility for and supervise the services to be provided by the applicant within the practice of professional engineering, one or more Members or holders of temporary licences each of whom has at least five years of professional engineering experience following the conferral of a degree described in subparagraph 1 i of subsection 33 (1) or the completion of an equivalent engineering education.

2. The application for the certificate of authorization must state that the persons named in paragraph 1 are,

- i. the applicant for the certificate of authorization,
- ii. employees of the applicant,
- iii. partners in the applicant, or
- iv. employees of partners in the applicant,

and will devote sufficient time to the work of the applicant to carry out the responsibilities set out in paragraph 1.

3. The applicant must certify in a form that will be supplied by the Registrar that,

- i. the applicant is insured against professional liability in accordance with subsection 74 (1),
- ii. the applicant is participating in the Indemnity Plan of the Ontario Association of Architects in accordance with clause 74 (2) (a) and the applicant's practice is limited to professional activities covered by that Plan,
- iii. the applicant has other insurance in accordance with clause 74 (2) (b),
- iv. the applicant is not required to have professional liability insurance because any such insurance would be in respect of pollution hazards, nuclear hazards, aviation hazards or shipping hazards, or
- v. the applicant will comply with section 74 in the manner provided by that section by notifying each person to whom the applicant intends to provide professional engineering services that the applicant is not insured in accordance with the minimum requirements of that section. R.R.O. 1990, Reg. 941, s. 47; O. Reg. 81/06, s. 1.

**48.** (1) A natural person, partnership or corporation that desires a certificate of authorization shall submit an application in the form that shall be provided by the Registrar containing,

- (a) the names and addresses of the natural person, all partners, or all officers and directors, as the case may be, of the applicant;
- (b) the names of the natural person, partners or employees, as the case may be, who hold licences or temporary licences and who will assume responsibility for and supervise the services provided that are within the practice of professional engineering on its behalf;
- (c) the certificate of a person named in clause (b) certifying,
  - (i) that the information contained in the application is true and correct, and
  - (ii) in the case of an application for a general certificate of authorization, that the primary function of the applicant is or will be to provide services in the practice of professional engineering to the public. R.R.O. 1990, Reg. 941, s. 48 (1).

(2) The information listed in subsection (1) shall be noted on the registers maintained by the Registrar. R.R.O. 1990, Reg. 941, s. 48 (2).

(3) The Council may publish the information referred to in subsection (2) from time to time. R.R.O. 1990, Reg. 941, s. 48 (3).

**49.** (1) Subject to earlier expiry under subsection (2), a certificate of authorization,

(a) is valid from the date of issue and expires one year after the last day of the month in which the certificate was issued; and

(b) is renewable on the date of expiry, subject to subsection 15 (8) of the Act. R.R.O. 1990, Reg. 941, s. 49 (1).

(2) Where the natural person, partners or employees named in an application for a certificate of authorization are all holders of temporary licences, a certificate of authorization issued in respect of the application expires on the latest date of expiry of the last to expire of such temporary licences. R.R.O. 1990, Reg. 941, s. 49 (2).

**50.** (1) Every practitioner shall give to the Registrar written notice of any change in the information set out in the application for the licence, temporary licence, limited licence or certificate of authorization held by the practitioner or set out in any notice previously given to the Registrar by the practitioner. R.R.O. 1990, Reg. 941, s. 50 (1).

(2) The notice mentioned in subsection (1) must be given to the Registrar within thirty days after the change occurs. R.R.O. 1990, Reg. 941, s. 50 (2).

(3) Where a notice of change is filed by a holder of a certificate of authorization, a person who is named in the application for the certificate of authorization or in a notice of change related thereto as a person who assumed responsibility shall certify that the information contained in the notice of change last filed is true and correct. R.R.O. 1990, Reg. 941, s. 50 (3).

**51.** The following qualifications and requirements are prescribed for the reinstatement of a licence or limited licence that was cancelled for non-payment of fees or for the reinstatement of the licence of a Member who resigned:

1. Payment of fees owing by the applicant to the Association at the time the applicant ceased to be a licensee or limited licensee and payment of the fees for the current year together with the additional fees payable with respect to the reinstatement.

2. Production of evidence of good character. R.R.O. 1990, Reg. 941, s. 51.

**52.** (1) Every Member shall have a seal of a design approved by the Council, the impression of which shall include,

(a) the surname and initials or given names of the Member;

(b) the words "Licensed Professional Engineer" and "Ontario"; and

(c) the licence number. R.R.O. 1990, Reg. 941, s. 52 (1); O. Reg. 13/03, s. 15 (1).

(1.1) If a Member's seal was issued before February 28, 2003, clause (1) (c) does not apply. O. Reg. 13/03, s. 15 (2); O. Reg. 81/06, s. 2.

(2) Where a Member's seal was issued prior to the 1st day of September, 1984, the word "Registered" may appear in place of the word "Licensed" on the seal. R.R.O. 1990, Reg. 941, s. 52 (2).

(3) Every holder of a temporary licence shall have a seal of a design approved by the Council, the impression of which shall include,

- (a) the surname and initials of the holder of the temporary licence;
- (b) the words “Temporary Licensee” and “Association of Professional Engineers of Ontario”;
- (c) the temporary licence number;
- (d) the date of expiry; and
- (e) a statement of the limitations on the temporary licence that may affect the public. R.R.O. 1990, Reg. 941, s. 52 (3).

(3.1) Every holder of a provisional licence shall have a seal of a design approved by the Council, the impression of which shall include,

- (a) the surname and initials of the holder of the provisional licence;
- (b) the words “Provisional Licensee” and “Association of Professional Engineers of Ontario”;
- (c) the provisional licence number;
- (d) the date of expiry; and
- (e) a statement that the holder is entitled to practise professional engineering only under the supervision of a professional engineer, and shall not issue a final drawing, specification, plan, report or other document unless the supervising professional engineer also signs and dates it and affixes his or her seal to it. O. Reg. 13/03, s. 15 (2).

(4) Every holder of a limited licence shall have a seal of a design approved by the Council, the impression of which shall include,

- (a) the surname and initials of the holder of the limited licence;
- (b) the words “Limited Licensee” and “Association of Professional Engineers of Ontario”;
- (c) the limited licence number;
- (d) a statement that the licence is limited to the services within the practice of professional engineering mentioned in the limited licence; and
- (e) Revoked: O. Reg. 13/03, s. 15 (3).
- (f) a statement of the limitations on the limited licence that may affect the public. R.R.O. 1990, Reg. 941, s. 52 (4); O. Reg. 13/03, s. 15 (3).

**53.** Every holder of a licence, temporary licence, provisional licence or limited licence who provides to the public a service that is within the practice of professional engineering shall sign, date and affix the holder’s seal to every final drawing, specification, plan, report or other document prepared or checked by the holder as part of the service before it is issued. R.R.O. 1990, Reg. 941, s. 53; O. Reg. 13/03, s. 16.

**54.** Every person whose licence, temporary licence, provisional licence, limited licence or certificate of authorization is suspended or revoked and every partnership whose certificate of authorization is suspended or revoked shall forthwith deliver it to the Registrar together with the person’s or partnership’s related seal and the certificate, if any, designating the person as a specialist or a consulting engineer. R.R.O. 1990, Reg. 941, s. 54; O. Reg. 13/03, s. 17.

**55.** Every person who resigns from the Association and every person or partnership who surrenders a temporary licence, provisional licence, limited licence or certificate of authorization shall

forthwith deliver to the Registrar the person's or partnership's licence, temporary licence, provisional licence, limited licence or certificate of authorization together with the related seal and the certificate, if any, designating the person as a specialist or a consulting engineer. R.R.O. 1990, Reg. 941, s. 55; O. Reg. 13/03, s. 18.

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**72.** (1) In this section,

“harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known as unwelcome and that might reasonably be regarded as interfering in a professional engineering relationship;

“negligence” means an act or an omission in the carrying out of the work of a practitioner that constitutes a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances. R.R.O. 1990, Reg. 941, s. 72 (1); O. Reg. 657/00, s. 1 (1).

(2) For the purposes of the Act and this Regulation,

“professional misconduct” means,

- (a) negligence,
- (b) failure to make reasonable provision for the safeguarding of life, health or property of a person who may be affected by the work for which the practitioner is responsible,
- (c) failure to act to correct or report a situation that the practitioner believes may endanger the safety or the welfare of the public,
- (d) failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner,
- (e) signing or sealing a final drawing, specification, plan, report or other document not actually prepared or checked by the practitioner,
- (f) failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work,
- (g) breach of the Act or regulations, other than an action that is solely a breach of the code of ethics,
- (h) undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience,
- (i) failure to make prompt, voluntary and complete disclosure of an interest, direct or indirect, that might in any way be, or be construed as, prejudicial to the professional judgment of the practitioner in rendering service to the public, to an employer or to a client, and in particular, without limiting the generality of the foregoing, carrying out any of the following acts without making such a prior disclosure:
  - 1. Accepting compensation in any form for a particular service from more than one party.

2. Submitting a tender or acting as a contractor in respect of work upon which the practitioner may be performing as a professional engineer.
  3. Participating in the supply of material or equipment to be used by the employer or client of the practitioner.
  4. Contracting in the practitioner's own right to perform professional engineering services for other than the practitioner's employer.
  5. Expressing opinions or making statements concerning matters within the practice of professional engineering of public interest where the opinions or statements are inspired or paid for by other interests,
- (j) conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional,
- (k) failure by a practitioner to abide by the terms, conditions or limitations of the practitioner's licence, provisional licence, limited licence, temporary licence or certificate,
- (l) failure to supply documents or information requested by an investigator acting under section 33 of the Act,
- (m) permitting, counselling or assisting a person who is not a practitioner to engage in the practice of professional engineering except as provided for in the Act or the regulations,
- (n) harassment. R.R.O. 1990, Reg. 941, s. 72 (2); O. Reg. 657/00, s. 1 (2); O. Reg. 13/03, s. 19.

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**77.** The following is the Code of Ethics of the Association:

1. It is the duty of a practitioner to the public, to the practitioner's employer, to the practitioner's clients, to other members of the practitioner's profession, and to the practitioner to act at all times with,
  - i. fairness and loyalty to the practitioner's associates, employers, clients, subordinates and employees,
  - ii. fidelity to public needs,
  - iii. devotion to high ideals of personal honour and professional integrity,
  - iv. knowledge of developments in the area of professional engineering relevant to any services that are undertaken, and
  - v. competence in the performance of any professional engineering services that are undertaken.
2. A practitioner shall,
  - i. regard the practitioner's duty to public welfare as paramount,
  - ii. endeavour at all times to enhance the public regard for the practitioner's profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering,

- iii. not express publicly, or while the practitioner is serving as a witness before a court, commission or other tribunal, opinions on professional engineering matters that are not founded on adequate knowledge and honest conviction,
  - iv. endeavour to keep the practitioner's licence, temporary licence, provisional licence, limited licence or certificate of authorization, as the case may be, permanently displayed in the practitioner's place of business.
3. A practitioner shall act in professional engineering matters for each employer as a faithful agent or trustee and shall regard as confidential information obtained by the practitioner as to the business affairs, technical methods or processes of an employer and avoid or disclose a conflict of interest that might influence the practitioner's actions or judgment.
4. A practitioner must disclose immediately to the practitioner's client any interest, direct or indirect, that might be construed as prejudicial in any way to the professional judgment of the practitioner in rendering service to the client.
5. A practitioner who is an employee-engineer and is contracting in the practitioner's own name to perform professional engineering work for other than the practitioner's employer, must provide the practitioner's client with a written statement of the nature of the practitioner's status as an employee and the attendant limitations on the practitioner's services to the client, must satisfy the practitioner that the work will not conflict with the practitioner's duty to the practitioner's employer, and must inform the practitioner's employer of the work.
6. A practitioner must co-operate in working with other professionals engaged on a project.
7. A practitioner shall,
- i. act towards other practitioners with courtesy and good faith,
  - ii. not accept an engagement to review the work of another practitioner for the same employer except with the knowledge of the other practitioner or except where the connection of the other practitioner with the work has been terminated,
  - iii. not maliciously injure the reputation or business of another practitioner,
  - iv. not attempt to gain an advantage over other practitioners by paying or accepting a commission in securing professional engineering work, and
  - v. give proper credit for engineering work, uphold the principle of adequate compensation for engineering work, provide opportunity for professional development and advancement of the practitioner's associates and subordinates, and extend the effectiveness of the profession through the interchange of engineering information and experience.
8. A practitioner shall maintain the honour and integrity of the practitioner's profession and without fear or favour expose before the proper tribunals unprofessional, dishonest or unethical conduct by any other practitioner. R.R.O. 1990, Reg. 941, s. 77; O. Reg. 48/92, s. 1; O. Reg. 13/03, s. 21.

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**80.** (1) The application fee for registration as a holder of a licence is \$230. O. Reg. 631/92, s. 1; O. Reg. 81/06, s. 4 (1).

(2) The registration fee for applicants or applicants for reinstatement whose application is accepted is \$230. O. Reg. 631/92, s. 1; O. Reg. 81/06, s. 4 (2).

**81.** The fee for an engineer-in-training to be recorded in the register is \$70 for each year or part thereof while so recorded. R.R.O. 1990, Reg. 941, s. 81; O. Reg. 81/06, s. 5.

**82.** (1) The application fee for registration as a holder of a temporary licence is \$590 for an applicant applying under paragraph 1 of section 43. O. Reg. 631/92, s. 2; O. Reg. 81/06, s. 6 (1).

(2) The application fee for registration as a holder of a temporary licence is \$590 for an applicant applying under paragraph 2 or 3 of section 43. O. Reg. 631/92, s. 2; O. Reg. 81/06, s. 6 (2).

**82.1** The registration fee for an applicant for registration as a holder of a provisional licence is \$230. O. Reg. 13/03, s. 22; O. Reg. 81/06, s. 7.

**83.** (1) The application fee for registration as a holder of a limited licence is \$230. O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 8 (1).

(2) The registration fee for an applicant for registration as a holder of a limited licence whose application is accepted is \$230. O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 8 (2).

(3) The annual fee for a limited licence is \$160. O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 8 (3).

**84.** (1) The application fee for registration as a holder of a certificate of authorization is \$330. O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 9 (1).

(2) The annual fee for a certificate of authorization is \$330. O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 9 (2).

(3) The fee for each replacement certificate of authorization issued is \$50. O. Reg. 631/92, s. 3; O. Reg. 81/06, s. 9 (3).

**85.** (1) The fees for writing examinations required in respect of each application are as follows:

1. The examination fee for the first examination written by an applicant, other than the Professional Practice Examination, is \$520.

2. The examination fee for each subsequent examination and the rewriting of an examination previously failed is \$150.

3. The fee to be paid upon submission of a thesis is \$300.

4. The fee for writing or rewriting the Professional Practice Examination is \$130. O. Reg. 631/92, s. 4; O. Reg. 81/06, s. 10.

(2) The fees in subsection (1) are non-returnable. O. Reg. 631/92, s. 4.

**86.** (1) The application fee for designation as a consulting engineer is \$200. O. Reg. 631/92, s. 5; O. Reg. 81/06, s. 11 (1).

(2) The fee for designation as a consulting engineer is \$200 for the period of designation. O. Reg. 631/92, s. 5; O. Reg. 81/06, s. 11 (2).

(3) The application fee for redesignation as a consulting engineer is \$200. O. Reg. 631/92, s. 5; O. Reg. 81/06, s. 11 (3).

(4) The fee for each examination required in support of an application for designation as a consulting engineer is \$130. O. Reg. 631/92, s. 5; O. Reg. 81/06, s. 11 (4).

(5) The application fee for permission to use the term “consulting engineers” is \$40. O. Reg. 631/92, s. 5; O. Reg. 81/06, s. 11 (5).

**87.** The Council may from time to time determine and establish the dates on which fees payable to the Association are due. R.R.O. 1990, Reg. 941, s. 87.



**APPENDIX E: SUMMARY OF PROPOSED CHANGES TO  
ONTARIO REGULATION 941  
made under the Professional Engineers Act**

Section 33 would be deleted in its entirety and replaced by:

**33. Each applicant for a licence<sup>1</sup> shall demonstrate that he or she has met the following requirements:**

- (1) **Academic Requirements**
1. The applicant shall have a bachelor's or higher degree in a university engineering or applied science program that:
    - (a) meets or exceeds the applicable Syllabus of the Association in breadth of study, and
    - (b) entails sufficient depth of study to prepare the graduate for independent professional practice.
  2. The applicable Syllabus referred to in paragraph 1. is the Syllabus selected by the applicant from among the Syllabi of the Association that have been approved by Council resolution and are in effect on the date of application.
  3. To be deemed to have sufficient depth of study, an academic program must include:
    - (a) both derivation and application of the relevant theory from mathematics and basic sciences; and
    - (b) integration of mathematics, basic sciences, engineering sciences, and complementary studies in developing elements, systems, and processes to meet specific needs; and
    - (c) creative, iterative, and open-ended design processes that are subject to economic, health and safety, environmental, social, sustainability, and other constraints.
  4. An applicant whose academic credentials have been determined not to meet the academic breadth requirement of the applicable Syllabus in no more than nine (9) subject areas may demonstrate that he or she has obtained the knowledge specified in the Syllabus by:
    - (a) passing one or more examinations specified by the Academic Requirements Committee; or

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<sup>1</sup> The term "licence" is defined in the *Definitions* Section 1. of the Act to mean the [full P.Eng.] licence to engage in the practice of professional engineering issued under this Act. The terms "limited licence", "provisional licence", and "temporary licence" are also defined in the same section.



- (b) successfully completing one or more courses of study approved by the Academic Requirements Committee that include knowledge assessments.
  
- (2) Examination Requirements To Confirm Academic Depth
  - 1. Unless exempted herein in whole or in part from this requirement, the applicant shall demonstrate that his or her degree matches the applicable Syllabus in depth of study by passing the following examinations from the then current set of examinations approved by Council resolution for the applicable PEO Syllabus:
    - (a) two (2) technical examinations from Section A; and
    - (b) one (1) technical examination from Section B; and
    - (c) one (1) examination from the Complementary Studies Section.
  
  - 2.
    - (a) An applicant who is deemed to meet the academic breadth requirement set out in paragraph 1 of subsection 1 will be permitted to choose which examinations to sit from within each section of the applicable Syllabus as provided in paragraph 1.
    - (b) An applicant who is deemed to not meet the academic breadth requirement set out in paragraph 1 of subsection 1 may be required to pass specific examinations related to deficiencies in the breadth of his or her academic qualifications as assigned by the Academic Requirements Committee from the then current set of examinations approved by Council resolution for the applicable PEO Syllabus.
  
  - 3. An applicant who meets one or more of the following criteria will be deemed to meet the academic requirements of subsection (1) and will be exempted from the requirement of this subsection to pass examinations:
    - (a) the applicant holds a bachelors degree awarded in the six (6) years preceding the date of application from a Canadian university engineering program whose accreditation has been approved by Council resolution;
    - (b) the applicant holds a bachelor's degree from an engineering program approved by Council resolution for academic depth for the graduating year in which the degree was awarded;
    - (c) the applicant is deemed by the Academic Requirements Committee to meet the academic depth requirement upon review of the applicant's academic credentials and/or as a result of an oral assessment of the applicant conducted by or on behalf of the Committee pursuant to Section 40. (3) of this regulation.



4. The number of examinations that must be passed under this subsection may be reduced as follows: **(good performance criteria)**
    - (a) If an applicant writes two (2) examinations at his or her first sitting and achieves an average mark of at least 65% with no mark below 60%, the applicant shall be exempted from sitting the remaining two examinations;
    - (b) If, after the second examination sitting, an applicant has passed three examinations with no mark below 60%, the applicant shall be exempted from sitting the Complementary Studies examination.
    - (c) If the applicant fails one examination on the first sitting, but passes the failed examination with a mark of at least 70% and achieves a mark of at least 60% on the previously unwritten examination at the second sitting, the applicant shall be exempted from writing the Complementary Studies examination.
  5. An applicant who fails any examination taken pursuant to paragraph 1 shall be required to retake and pass the failed examination.
  6. The number of examinations that must be passed under this subsection may be increased as follows: **(poor performance criteria)**
    - (a) If the applicant fails any two examinations taken pursuant to paragraph 1, or fails the same examination twice, or fails to obtain an average of at least 55% on the three technical examinations attempted, he or she shall be required to retake and pass any failed examination(s), and shall also be required to pass one additional examination assigned by the Academic Requirements Committee for each failed examination over and above those specified in paragraph 1.
    - (b) If the applicant's academic credentials are determined to not meet the academic breadth requirements, the applicant may be required to pass additional examinations assigned by the Academic Requirements Committee to address the identified subject deficiencies.
  7. The maximum number of examinations that will be assigned to an applicant hereunder is nine (9).
- (3) Experience Requirements
1. The applicant shall demonstrate that he or she has had forty-eight (48) months of experience in the practice of engineering that meets the criteria approved by Council resolution and published in the Association's *Guide to the Required Experience for Licensing as a Professional Engineer in Ontario* in effect on the date of application.
  2. Up to twelve (12) months of the practical experience referred to in paragraph 1 may be acquired after the applicant has successfully



completed the Basic Studies portion of the applicable PEO syllabus, as determined by the Academic Requirements Committee pursuant to Section 40. (2) (d) of this Regulation. The balance of the practical experience shall be acquired after the academic breadth requirement of Section 33. (1) 1. has been fully met.

3. At least twelve (12) months of the balance referred to in paragraph 2 shall be acquired in a Canadian jurisdiction, under the direct supervision of one or more persons legally authorized to engage in the practice of professional engineering in that jurisdiction.
4. Experience acquired outside Canada satisfies the requirement of paragraph 3 if:
  - (a) it is obtained while the applicant is supervised by one or more persons who are legally authorized to engage in the practice of professional engineering in a Canadian jurisdiction, and
  - (b) the applicant demonstrates sufficient familiarity with the applicable Canadian codes, regulations, and standards applicable to the applicant's chosen scope(s) of practice, as determined by the Experience Requirements Committee.

**(4) Professional Practice Examination Requirements** (moved from Section 37.)

1. The applicant shall successfully complete the Professional Practice Examination approved from time to time by Council resolution and in effect at the time of sitting the examination.
2. The applicant may sit the Professional Practice Examination any time it is offered.

**(5) Good Character Requirements** (new)

1. The applicant shall submit with his or her application the results of either a certified Canadian criminal record check or a local police records check, at the applicant's discretion, to be obtained at the applicant's own request and expense.

34. Rescinded and replaced by **new provision**: Applicants Under Inter-Association Mobility Agreement

1. An applicant who, on the date of application, has been licensed to practice professional engineering and is in good standing within another Canadian jurisdiction shall be deemed to meet all of the requirements for licensure set out in Section 33, with the exception of the good character requirement, without further evidence provided that:
  - (a) The applicant has successfully passed a Professional Practice Examination in a Canadian jurisdiction, or has



been licensed to practise professional engineering in a Canadian jurisdiction for at least five (5) years; and

- (b) The applicant has provided satisfactory evidence of having at least twelve (12) months of Canadian experience that meets the requirements of subsection 33. (3) 3. of this Regulation; and
- (c) The applicant has not previously applied to the Association for a licence and been deemed to not meet the academic requirements.

35. Rescinded and replaced by: Provisional Licence (moved here from Section 44.1)

- (1) The Registrar may grant a provisional licence to an applicant who complies with all of the requirements of Section 33 except for the twelve (12) months of supervised Canadian experience required under Subsection (3), paragraph 3.
- (2) The following conditions apply to every provisional licence:
  - 1. The provisional licence is valid for twelve (12) months from the date of issue. It may be renewed for an additional period of up to twelve (12) months if the Registrar is of the opinion that renewal is necessary to enable the applicant to acquire the experience required by paragraph 3 of subsection 33. (3). (limit of one renewal removed; reference revised)
  - 2. The holder of the provisional licence is entitled to practise professional engineering only under the supervision of a professional engineer, and shall not issue a final drawing, specification, plan, report, or other document unless the supervising professional engineer also signs and dates it and affixes his or her seal to it. (unchanged from current section 44.1 (2) 2.)

36. Rescinded and replaced by:

- (1) The applicant shall demonstrate that he or she has met all requirements for the issuance of a licence within eight (8) years of the date of application; otherwise the Registrar may withdraw the application with notice to the applicant.
- (2) The Registrar may withdraw the application of an applicant who has failed more than once to pass any examination required pursuant to Section 33 of this regulation.

37. Rescinded - requirement to pass PPE moved to subsection 33. (4)



38. As is – no change. Marking of Examinations
39. As is – no change. Results of Examinations
40. Academic Requirements Committee
- (1) As is – no change. ARC Continued
- (2) As is – no change. Duties of ARC
- (a) As is – no change. Assess academic qualifications
- (b) As is – no change. Make determination
- (c) Advise Registrar of applicant deficiencies **(wording revised)**  
**in the event that the Committee determines that the applicant has not demonstrated that he or she meets the academic breadth and depth requirements specified in Section 33. (1) of this regulation, advise the Registrar of the applicant's deficiencies with respect to the academic requirements and identify alternative means, if any, by which the applicant may demonstrate compliance with the requirements;**
- (d) Advise Registrar when experience clock starts ticking **(new provision)**  
**advise the Registrar as to when the applicant should be deemed to have:**
- (i) **completed the Basic Studies component of the applicable Syllabus, and**
- (ii) **met the full academic breadth requirement, for purposes of accumulating experience towards meeting the experience requirement for licensure pursuant to Section 33. (3) 2. of this regulation; and**
- (e) Advise Registrar if applicant meets academic requirements for limited licence **(new provision)**  
**advise the Registrar if the applicant meets the academic requirements for the issuance of a limited licence pursuant to Section 46.**
- (3) As is – no change Powers of ARC re academic assessment
- (a) As is – no change. Review applicant qualifications
- (b) As is – no change. Interview Applicant
- (c) Refer applicant to ERC **(reworded)**  
**may refer the experience of an applicant to the Experience Requirements Committee for an assessment and recommendation**



as to how such experience should be taken into account in demonstrating that he or she has met the academic requirements specified in Section 33. (1).

(d) Rescinded - moved to 40. (4) as it is not part of academic assessment

(4) The Academic Requirements Committee shall consider and recommend to Council for approval the form, content, and grading of examinations required under Section 33. (2) of this regulation. (moved from Section 40. (3) (d) to this separate subsection)

- 41. As is - no change. Experience Requirements Committee
  - 42. As is – no change. Intent and Characteristics of Temporary Licence
  - 43. As is – no change. Requirements for Temporary Licence
  - 44. As is – no change. Conditions on Temporary Licence
  - 44.1 Rescinded Provisional Licence (moved to Section 35. and amended slightly)
  - 45. As is – no change. Conditions of Limited Licence
- 
- 46. Requirements for Limited Licence (revised substantively as per Section 33.)

Each applicant for a limited licence shall demonstrate that he or she has met the following requirements:

**(1) Academic Requirements**

- 1. The applicant shall have a degree or diploma from an engineering, technology, or science program of at least three (3) years duration in a discipline that corresponds to his or her intended scope of practice under the limited licence.
- 2. The applicant shall possess the requisite knowledge to engage competently in the practice of engineering within his or her intended scope of practice under the limited licence, as determined by:
  - (a) Graduation from a program of studies approved by resolution of Council as meeting the academic requirements for the limited licence; or
  - (b) The Academic Requirements Committee, if the application is referred thereto for a determination pursuant to the Act.

**(2) Experience Requirements**



As is – no change.

(3) Rescinded. **(Required fees are specified in Section 83.)**

**(4) Professional Practice Examination Requirements**

1. The applicant shall successfully complete the Professional Practice Examination approved from time to time by Council resolution and in effect at the time of sitting the examination.
2. The applicant may sit the Professional Practice Examination any time it is offered.

**(5) Good Character Requirements**

1. The applicant shall submit with his or her application the results of either a certified Canadian criminal record check or a local police records check, at the applicant's discretion, to be obtained at the applicant's own request and expense.

(6) As is – no change. Reinstatement

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85. (1) The fees for writing examinations required in respect of each application are as follows:

1. The examination fee for each examination written by an applicant, including the Professional Practice Examination, is \$150.
2. The fee for setting up and monitoring a program of technical examinations on behalf of an applicant to address deficiencies in academic breadth of the applicant's credentials is \$370.
3. The fee to be paid upon submission of a thesis or engineering report if required to meet the applicable Syllabus is \$300.

(2) As is – no change.

## APPENDIX F: GLOSSARY OF TERMS AND ACRONYMS

### Glossary

| Term                                        | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Act                                         | The Professional Engineers Act - R.S.O. 1990, Chapter P-28, as amended                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Administrative decision                     | A decision made by the Registrar that the Applicant has or has not met a particular licensing requirement.<br>A determination made by the ARC or ERC.                                                                                                                                                                                                                                                                                                                                                                                              |
| Appeal - Registration                       | The judicial process by which either the Registrar or an Applicant contests a licensing decision of the Registration Committee before the Divisional Court pursuant to Section 31. of the Act.                                                                                                                                                                                                                                                                                                                                                     |
| Constituent Member                          | One of the twelve Canadian provincial / territorial regulators of engineering who make up the Canadian Council of Professional Engineers (CCPE)                                                                                                                                                                                                                                                                                                                                                                                                    |
| Determination                               | An administrative decision on a particular licensing criterion that is issued by the ARC or ERC.                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Exemption                                   | The process whereby an Applicant who does not meet a licensing criterion requests the Registration Committee to make a licensing decision that incorporates an exemption of particular licensing criteria.                                                                                                                                                                                                                                                                                                                                         |
| Inter-Association Mobility Agreement (IAMA) | An agreement among the Constituent Members of CCPE to automatically accept for licensure applicants who are already licensed by another Constituent Member                                                                                                                                                                                                                                                                                                                                                                                         |
| Judicial Review                             | A judicial process available to the Applicant at common law to contest alleged illegalities that occur at any time during the administrative process stages and that cannot be dealt with via the quasi-judicial registration process or via an Appeal.                                                                                                                                                                                                                                                                                            |
| Licensing Decision                          | <ol style="list-style-type: none"> <li>1. An administrative decision made by the Registrar to issue a licence based on the assessment that the Applicant has met all of the licensing requirements.</li> <li>2. A quasi - judicial decision made by the Registration Committee as to whether or not to order the Registrar to issue a licence</li> </ol>                                                                                                                                                                                           |
| Mutual Recognition Agreement (MRA)          | An agreement between CCPE and a corresponding body in another country to recognize at least the academic credentials of each other's engineering graduates and certificants / licensees. Examples of MRAs currently in place are those with Le Commission des Titres d'Ingénieur (CTI) in France and the Hong Kong Institute of Engineers (HKIE). PEO treats applicants from MRA organizations as "looking to exempt" from confirmatory examinations, but does not currently accept reciprocity of licensure with any jurisdiction outside Canada. |
| Notice of Determination (NOD)               | A document issued by the Registrar which presents determination by ARC or ERC and, if the determination is that the applicant has not met the requirements, the notice details the specific requirements that the applicant must meet.                                                                                                                                                                                                                                                                                                             |
| Notice of Hearing - Registration            | A document issued by the Registration Committee advising the Registrar and the Applicant of the date and time that has been set aside to adjudicate a licensing matter brought before it                                                                                                                                                                                                                                                                                                                                                           |

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Notice of Proposal [to refuse a licence] (NOP)</p> | <p>A document issued to an Applicant by the Registrar which presents the proposal to refuse to issue a particular licence and instructs the Applicant on his/her right to request a hearing. Under the Act, this is a trigger that requires the Applicant to respond within thirty days; otherwise the proposal becomes a final decision.</p>                                                                                                                                                                 |
| <p>Referrals to the ARC or ERC</p>                    | <p>The process whereby the Registrar, on his own initiative or at the request of an Applicant, refers an application to the ARC or ERC to make a Determination as to whether or not the applicant meets certain licensing criteria</p>                                                                                                                                                                                                                                                                        |
| <p>Regulation(s)</p>                                  | <p>Ontario Regulation 941 – R.R.O. 1990, amended to O. Reg. 13/03</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>Washington Accord</p>                              | <p>An agreement between countries that have in place systems for accreditation of academic programs in engineering to accept each others' accreditations. Signatories to the Washington Accord include Australia, Canada, Ireland, Japan, New Zealand, South Africa, the U.S.A., and the U.K. PEO does not automatically accept the academic credentials of applicants from accredited programs in Washington Accord countries, but does "look to exempt" such applicants from confirmatory examinations.</p> |

## Acronyms

| Acronym          | Definition                                                                |
|------------------|---------------------------------------------------------------------------|
| AAPTG            | Admissions Appeal Process Task Group, 2002                                |
| ABET             | Accreditation Board of Engineers and Technologists (USA)                  |
| ACDE             | Task Force on Admission, Complaints, Discipline, and Enforcement, 1999    |
| ARC              | Academic Requirements Committee                                           |
| C of A           | Certificate of Authorization                                              |
| CCPE             | Canadian Council of Professional Engineers (now <i>Engineers Canada</i> ) |
| CEAB             | Canadian Engineering Accreditation Board (CCPE)                           |
| CEQB             | Canadian Engineering Qualifications Board (CCPE)                          |
| CODE             | Council of Ontario Deans of Engineering                                   |
| E <sup>2</sup> A | Evolution of Engineering Admissions Task Force, 2003                      |
| EIT              | Engineer In Training                                                      |
| ERC              | Experience Requirements Committee                                         |
| FARPA            | The Fair Access to Regulated Professions Act, 2006                        |
| HKIE             | Hong Kong Institute of Engineers                                          |
| HRSDC            | Human Resources and Skills Development Canada (Federal Government)        |
| IAMA             | Inter Association Mobility Agreement (CCPE)                               |
| IEG              | International Engineering Graduate                                        |
| LET              | Licensed Engineering Technologist Licence and Designation                 |
| LL               | Limited Licence                                                           |
| LPTF             | Licensing Process Task Force, 2004                                        |
| MRA              | Mutual Recognition Agreement (CCPE)                                       |
| NCDEAS           | National Council of Deans of Engineering and Applied Science              |
| NCEES            | National Council of Examiners in Engineering and Surveying (USA)          |
| NOD              | Notice of Determination                                                   |
| NOP              | Notice of Proposal to refuse to issue a licence                           |

|        |                                               |
|--------|-----------------------------------------------|
| P.Eng. | Professional Engineer Licence and Designation |
| PEA    | Professional Engineers Act                    |
| PPE    | Professional Practice Examination(s)          |
| REC    | Registration Committee                        |
| SMP    | Student Membership Program                    |
| TL     | Temporary Licence                             |

Note: Unless otherwise indicated, acronyms are peculiar to PEO.