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# Minutes

## **NATIONAL FRAMEWORK TASK FORCE MEETING**

Friday, October 18, 2013 - 9:00 a.m.

Via Teleconference and Adobe Connect

### **Members:**

Diane Freeman, P. Eng. (Chair)  
Christian Bellini, P. Eng. (Vice-Chair)  
Roydon Fraser, P. Eng.  
Ross Judd, P. Eng.

### **Regrets:**

Tony Cecutti, P. Eng.  
Santosh Gupta, P. Eng.  
Kathryn Sutherland, P. Eng.

### **Guests:**

Ravi Gupta, P. Eng. (designate for Santosh Gupta, P. Eng.)  
Christina Comeau, Engineers Canada [*until 10:30 a.m.*]

### **Staff:**

Josie D'Aluisio  
Bernie Ennis, P. Eng.  
Johnny Zuccon, P. Eng.

## **1. Opening Remarks**

The Chair opened the meeting at 9:10 a.m.

## 2. Approval of Agenda

The Chair asked if there were any changes to the agenda. No changes were provided.

**Moved by: C. Bellini                      Seconded by: R. Judd                      CARRIED**

## 3. Approval of Minutes of September 10, 2013 Meeting

The Chair asked if there were any changes to the Minutes. No changes were provided.

**Moved by: C. Bellini                      Seconded by: R. Fraser                      CARRIED**

## 4. Action Items Update from September 10, 2013 Meeting

The Chair referred to the Actions Items Update document included in the agenda package and advised that all items had been carried out, with the exception of Action Item 1 with regard to the NFTF recommending to Council that the membership of the Task Force be expanded to include members of other committees, namely, the Professional Standards, Discipline and Complaints Committees, which would have expertise in areas covered by the various elements in the proposed Canadian Framework for Licensure (“CFL”).

Task Force members were advised that the President thought it best that this item regarding amendment to the Task Force membership should be dealt with through a Terms of Reference change, which would be resubmitted to Council for approval at its November 2013 meeting. As the Chair would not be attending the November 2013 Council meeting, R. Fraser agreed to speak to this item in the Chair’s absence.

**Action:**                      Staff to draft the revised Terms of Reference and accompanying Briefing Note to Council regarding alteration to the composition of the Task Force membership and submit to Council for approval its November 2013 meeting.

## 5. Review of CFL Elements and Consultation Responses

### 5.1 Enforcement Practices

The Chair referred to the concurrence document included in the agenda package. After review, the Task Force members had no further changes to this element.

A motion was made to recommend the CFL Enforcement Practices element for concurrence and submit to Council for approval at its November 2013 meeting.

**Moved by: R. Judd**

**Seconded by: R. Fraser**

**CARRIED**

**Action:** Staff to draft the Briefing Note to Council and forward to the Task Force members for approval.

*[Editorial: From a time perspective, the Chair suggested that the Task Force review Item 5.3 before Item 5.2.]*

### **5.3 Titles, Rights and Responsibilities**

The Chair referred to the concurrence document included in the agenda package. The Task Force reviewed this document, as well as the CEO group's comments on the PEO feedback on this element. Discussion ensued, and the following comments were provided:

- CEO group did not accept/incorporate many of the Task Force's changes, and no rationale was provided as to why changes were accepted or not accepted. Task Force requires some rationale as, similarly, they would need to provide this information to Council.
- Some of the changes made by the Task Force were strictly for purposes of consistency and terminology.
- Task Force does not have to recommend concurrence; can leave this one out there. In this particular case, it is very probable that the rest of the provinces would ratify this element and PEO would not.
- The one change which requires rationale to be provided is with regard to the issue of accountability as the Task Force believes the changes were made to ensure that work is held accountable through the licence, as this is the critical aspect to this element.
- Engineers Canada have bolded out membership rights throughout the document. PEO does not define classes of membership, but has classes of licences.
- CEO group did not change Key Consideration #2 since the suggested change to add scope does not fit for professional engineers who do not have an assigned scope.

- C. Comeau of Engineers Canada advised that the CFL was not intended to be a reflection of the current state of affairs in any association, but more a collective view of an ideal future that people could move toward at some future point.
- It was suggested that the Chair send this element back to Engineers Canada, asking them to provide rationale as to why some of the obvious changes were not accepted.
- Task Force could take the current draft and rework it, and then send it back to Engineers Canada, advising them the only way that PEO could seek concurrence was for them, at minimum, to review the Task Force's suggested changes.

In light of the above, the Task Force was not ready to recommend concurrence of this element to Council.

A motion was made to task staff to take the current draft that Engineers Canada provided; rework it and show suggested changes highlighted in the current draft, and send back to Engineers Canada, asking them for further rationale.

**Moved by: R. Judd**

**Seconded by: R. Fraser**

**CARRIED**

**Action:** Staff to rework the current draft document, highlighting suggested changes, and circulate to the Task Force members for review and finalization of their comments.

## **5.2 Code of Ethics**

The Chair referred to the concurrence document included in the agenda package. The Task Force reviewed this document, as well as the CEO group's comments on the PEO feedback on this element. Discussion ensued, and the following comments were provided:

- CEO group agreed to changes to Key Consideration 1. In this particular case, the CEO group feels that the document should be enforceable.
- Other jurisdictions have had cases where they enforced solely on the basis of the Code of Ethics.
- Difficulty in enforcing the Code of Ethics is the issue of getting into aspirational goal ethics.

- PEO has a section in their regulations that defines misconduct, as well as having a Code of Ethics. In Ontario, the government has decided that professional misconduct is defined as specific acts a professional cannot do, and then there is a Code of Ethics which provides the lofty aspirations.
- The other provinces do not have this; they have only a Code of Ethics which is what they discipline on.
- C. Comeau clarified that, when the CEO group first looked at the Code of Ethics, it was identified that there were very specific types of behaviour that would, in most cases, constitute misconduct that are not in the Code of Ethics and, therefore, there was a new CFL element being produced that would be going out for your review in the near future on a rules of professional behavior or a code of conduct, and that this Code of Ethics element would be complemented by a second CFL element on rules of professional conduct.
- Code of Ethics element should be focused strictly on Code of Ethics and that it be the lofty ethical goal, and that two other elements be created, namely, professional conduct and ethical conduct, and they be the tools by which enforcement is ensured.
- Is enforcing the Code of Ethics synonymous with defining it as also professional misconduct if it is breached, and was this taken into consideration with this element?
- Feedback to Engineers Canada should be that, while Task Forces agrees that ethical conduct should be enforceable, they believe this element should be very much focused on the aspirational goals.

In summary, the Task Force acknowledges that there are three elements: (1) Code of Ethics, which are the aspirational goals of the profession; (2) professional standards, which are the minimum expected code of conduct; and (3) definition of misconduct for discipline purposes. The issue of enforceability, from the Task Force's view, is not synonymous with just professional misconduct.

In light of the above, the Task Force was not ready to recommend concurrence of this element to Council.

A motion was made to task staff to draft feedback to Engineers Canada that the Task Force is not prepared to concur with the current wording of the document as they understand that there are other elements; that the Code of Ethics should reflect the lofty, ethical goals; and that an element regarding professional

conduct should be created that's enforceable, and an element around ethical conduct and minimum professional standards be crafted and be enforceable.

**Moved by: R. Fraser**

**Seconded by: R. Judd**

**CARRIED**

**Action:** Staff to summarize the comments regarding this element and circulate to the Task Force members for review.

## **6. Other**

Chair asked Task Force members if there was any other business they wanted to cover. None was provided.

In summary, the Chair provided as follows:

- Task Force would be forwarding the Enforcement Practices element to Council for concurrence at its November 2013 meeting.
- Task Force was not ready to recommend concurrence of the Code of Ethics element, and would be providing further feedback to Engineers Canada.
- Task Force was not ready to recommend concurrence of the Titles, Rights and Responsibilities element, and would be providing further feedback to Engineers Canada.
- Revised Terms of Reference would be going back to Council at its November 2013 meeting.

## **7. Next Meeting**

The Chair mentioned a preference in holding the Task Force meetings via teleconference and Adobe Connect, rather than face-to-face meetings, particularly, in the interest of saving travel time.

The next meeting date was left open pending receipt of new elements for review.

A motion was made to adjourn the meeting.

**Moved by: R. Fraser**

**CARRIED**

The meeting adjourned at 10:50 a.m.