



# Minutes

## Licensing Committee (LIC)

**September 27, 2018**

Minutes of a meeting of the Licensing Committee (LIC) held in the offices of the association, 40 Sheppard Avenue West, North York, Ontario, on September 27, 2018 commencing at 3:10 pm.

### In attendance:

#### Licensing Committee Members:

Barna Szabados, Chair  
Santosh Gupta, Vice-Chair  
Ravi Gupta  
George Comrie  
David Kiguel  
Christian Bellini (via teleconference 3:10 – 3:55; in-person 4-6:30 PM)  
Roydon Fraser (via teleconference 4:20 – 6:30 PM)

**Regrets:** Lola Hidalgo Salgado

**Staff:** Moody Farag, Acting Deputy Registrar  
Faris Georgis, Manager Registration  
Pauline Lebel, Manager Licensure  
Claire Riley, Administrative Assistant

### 1. Call to Order and Chair's Remarks

The Chair, Barna Szabados, called the meeting to order at 3:10 PM.

He remarked on the following:

#### 1.1 Committee Chairs Workshop – October 26, 2018 at PEO

The Chair asked member Ravi Gupta to attend the meeting on behalf of the LIC as he is unable to attend, and the member agreed.

## 1.2 LIC Response to the 2018-2020 PEO Strategic Plan

The Chair received a letter from the PEO President supporting the LIC submission. The Executive Committee will decide which proposals to accept before presenting them to Council. The LIC submissions were to be discussed at the September 2018 Council meeting but its agenda did not allow for time to bring the LIC proposals to the table for discussion.

Moody Farag informed the members that the Senior Management Team (SMT) compiled all PEO committees' recommendations. The SMT reviewed close to a hundred recommendations followed by a session to rate them which resulted in narrowing them down to 12 and, subsequently, budget figures were attached. The SMT will present these 12 proposals and all of the other recommendations to Council at its November 2018 meeting.

## 1.3 Western Regional Meeting

- a) The Chair attended the Western Region Conference June 2018 meeting in Sarnia, ON. Chairs, Vice-Chairs, Chapter Executives and LIC member Roydon Fraser were in attendance.
- b) He spent considerable time speaking with the attendees and received quite a bit of feedback regarding the need for Chapters to have more knowledge about the licensing process as there seems to be notable misunderstanding and, at times, misinformation about the process itself.
- c) The Chair suggested that LIC present a series of workshops. He informed the members that he and the Brantford Chapter are setting up events in Hamilton to share pertinent information about the licensing process. The Chair commented that most of the problems are not at the academic requirements level but, rather, the experience requirement level.
- d) The Chair wrote to the PEO President about this matter and the President agreed that the proposed events are a good idea and the workshops will not require a budget. And both Brantford and Hamilton Chapters have joint sessions. The Chair also received requests for workshops from the Georgian Bay Chapter as well as the London Chapter.
- e) The Chair will conduct the workshops, a combination of instructing on the key points of licensure and interactive teaching. He invited members to attend. Pauline Lebel and Santosh Gupta volunteered; David Kiguel offered to forward the Chair the ERC PowerPoint presentation. Dates for the initial workshop dates have yet to be established.

#### 1.4 Four Items for the LIC to Examine

##### 1. The Good Character Item

The Chair suggested that the Good Character Item be referred to as “*The Suitability to Practice*” as cited in documents circulated by member George Comrie. However, *Suitability to Practice* has to be defined.

##### 2. Communications

The fastest way to improve communications is to make use of the referees. The Chair suggested that the referees attend one of the licensing workshops and to share what is expected of them.

##### 3. Take Responsibility

What does it mean? The Chair commented that 90% of engineers today do not use their stamps/seals, with the exception of Civil and Mechanical engineers. Times have changed, with group work being more of the present-day trend. The *Act* is decades-old, so updates may need to be considered with regard to licensing; to go back to the first principles; to make it adaptable to modern society. PEO Council just recently approved a review of the entire licensing process to start in January 2019, with a subsequent recommendations report expected in November 2019.

##### 4. Assessment of Experience

It was suggested that the LIC consider discussions as to what the licensing system could look like. The ARC, ERC and LIC are the three committees to do the groundwork and to look at new ideas. If the LIC is to work on experience assessment, there will be a need for monthly meetings in 2019, except for one summer month.

## 2. **Approval of the Agenda**

There were two items added to the agenda as part of Item 5:

- An update on the Regulation 941 amendments;
- Report on ERC Recommended Changes to Reinstatements.

It was **moved by** Santosh Gupta and **seconded by** David Kiguel to approve the agenda as amended.

**CARRIED**

### 3. Approval of the Minutes of Previous June 14, 2018 Meeting

The following three corrections were noted:

- Page 1 - The Chair's remarks: the acronym OUIT was changed to UOIT [University of Ontario Institute of Technology];
- Page 2 - Item 4: Add a heading to the second paragraph: (b) Appeal of Academic Assessment;
- Page 4 – Item 8 Motion: The name of David Kiguel was changed correctly to David Brown.

It was **moved by** George Comrie and **seconded by** Santosh Gupta that the minutes of the June 14, 2018 meeting be approved as amended.

**CARRIED**

### 4. Business Arising from the Minutes

There were no items to report.

### 5. Reports from Other Committees/Acting Deputy Registrar Update/EC

Acting Deputy Registrar Moody Farag reported on the following items:

#### 1. Institute for Canadian Citizenship (ICC)

Last year, the ICC released a report on the legal profession; this year, their report focused on the engineering profession. On September 26, 2018, within their 6 Degrees Conference at the Ontario Art Gallery, the ICC launched their 2018 report: *Closed Shops: Making Canada's engineering profession more inclusive of international engineers*.

The report is based on information compiled by a consultant, gathered from engineering regulatory bodies across the country, Engineers Canada and other stakeholders. He and Interim Registrar Johnny Zuccon attended the report launch. In addition, he sat on a panel and answered audience questions about the report and PEO processes. In summary, the report list 20 recommendations, divided into three sections:

- Improving the immigration process;
- Improving the licensure process; and
- Improving the employment process.

The 10 recommendations that relate to licensure are carried out by PEO, including bridging programs with some consideration to the Washington Accord. Prior to the LIC meeting, he instructed the administrative assistant to provide members with a link to the full ICC report.

2. Office of the Fairness Commissioner (OFC)

On September 12, 2018, the OFC held a meeting with members of the 36 regulated professions in Ontario. Bernard Ennis, Director, Policy & Professional Affairs, Tribunals and Regulatory Affairs attended on behalf of Johnny Zucco. The Commissioner identified 5 areas of concern that the OFC will be focusing on.

(a) *The use of third-party assessment organizations like the World Education Services (WES)*

Professions are responsible for ensuring that third-party assessors they rely on are compliant with *Fair Access to Regulated Professions and Compulsory Trades Act* (FARPACTA). PEO does not use third-party assessors.

(b) *Canadian Experience Requirements*

Thirteen professions in Ontario still have Canadian experience requirements and the OFC wants this experience to be replaced by competency requirements.

(c) *French Language Services Provided by Regulators*

Regulators will need to publish French materials and have the ability to communicate with and assess the applicants in French. He remarked that the *Professional Engineers Act* was already translated, as approved by Council. As well, PEO received a recent request for a French questionnaire from a referee who was providing references for an applicant. The questionnaire was translated and forwarded to the referee.

(d) *Anti-Bias Surveys*

The OFC will be conducting anti-bias surveys as to whether there are any inadvertent biases incorporated into statutes and processes.

(e) *Diversity of Councils and Committees*

The OFC will be asking for more data from the regulators, specifically information about how long applicants take to go through the licensing process, time to achieve specific milestones, and the number of drop-outs at different stages through the process. They will be urging regulators to adopt recognition conventions. In the past, the OFC did not respond to complaints filed with their office by applicants. However, the OFC has reconsidered the legislation and found that, although the Commissioner cannot intervene with registration decisions, it can intervene regarding complaints about the process.

In the future, the OFC will be advocating for applicants who believe the registration process was unfair.

The OFC conducts cycle assessments. From an OFC email, Moody Farag read the following: The OFC noted that Cycle 3 of Assessment of Professional Regulators was recently completed, and this will be the last. The Commissioner has determined that the assessments were ineffective, and he noted that many regulations are not meeting standards for registration processes. The OFC will no longer make recommendations for improvement but, instead, the office will be issuing compliance orders.

The Commissioner also said that the previous OFC assessment process was not consistent with good standards for registration processes and was inadequate. The OFC plans to replace the assessment process with compliance audits. To this end, the OFC will be developing standards and certifying auditors to carry out audits at the regulators.

### 3. Council Meeting Update – September 20-21, 2018

- Council approved three Non-CEAB McMaster University B.Tech. programs and also approved the ARC recommendation to assign specified exams.
- With regard to the Council has requested that staff provide more information about the increase of fees and possibly charging for the ERC interviews for academics. However, fees may be waived for the first exam.

Christian Bellini was also asked to report on the Council meeting and he noted the following:

- (a) The first item discussed was that Council approved a professional profile to initiate the process of engaging a new Registrar. This was discussed in a closed plenary session.
- (b) The external regulatory performance review was approved.
- (c) The 30 by 30 Task Force came back to Council with some amended Terms of Reference and work plan which were accepted.
- (d) The Engineer in Residence Program, is a PEO program that's been around for some time. It connects engineers with classroom groups, so they can talk to students. Until recently, the program has been contracted out to Engineers Without Borders (EWB) to carry out the program on behalf of PEO. Engineers Without Borders communicated to PEO that they are changing their focus and no longer wish to participate in the program.

There is another group called Engineers of Tomorrow that has been involved in this initiative and was previously a program of EWB that encompassed the engineering education outreach division of EWB. Engineers of Tomorrow is willing to undertake overseeing PEO's Engineer in Residence Program. Council agreed to transition ownership of the program to Engineers of Tomorrow and will give the group the remaining of what was originally allocated in the 2018 budget for them to launch the program since school has already started. Council requested that Engineers of Tomorrow develop and a business strategy for its approval.

- (e) Council approved more funds for the next upgrade of the PEO licensing database Aptify – from version 5.5 to 6, the most current version.
- (f) Council had an in-camera session in which a motion was carried to appoint Ramesh Subramanian – effective immediately – as the PEO Representative on the Canadian Engineering Accreditation Board (CEAB) in place of Bob Dony who will take on the role of the CEAB Chair, effective September 2019. Council also appointed members to the Succession Planning Task Force.
- (g) The September 20<sup>th</sup> agenda was quite full, and Council ended up postponing a few items because the budget was before Council for consultations. There was a deficit reported that does not include the money that was identified to execute the 2018-2010 PEO Strategic Plan items. No decisions were made but direction was given to the Finance Committee regarding which cuts may or may not be considered.

#### 4. Amendments to Regulation 941

Last year, the LIC passed motions to amend Regulation 941 and these were approved by Council in March 2017. The drafter from the Ministry of the Attorney General's office (MAG) informed PEO the week of September 16, 2018 that they started to work on 5 items that were approved.

1. The accredited engineering programs from community colleges needs to be added to the regulation. At present, a "university" program is only noted.
2. Replace the term "thesis" with "engineering report."
3. Restrict when an applicant may write the Professional Practice Examination (PPE) to only after the academic requirements have been met.
4. Allow PEO more administrative flexibility on when to offer technical exams and recognize that engineering students may acquire their degree requirements in different academic time periods. The current regulation defines an academic year from September through June.

5. Allow PEO to close application files after 8 years of not meeting all non-academic licensure requirements. The questions are: When will this take effect, when will the clock start? How will this affect applicants currently in the system? How will applicants be notified? Will grandfathering apply or not?

Since 2015, Admissions and Registration was given a directive to include a request in the PPE passing letter for the applicant to provide additional information concerning their engineering experience records (whether they reached the 48 months of experience), summary page and referee list within 90 days of receipt of the passing letter, otherwise their file would be closed.

A member proposed that the change be made immediately; to address those applicants who walked away from the process; and to address the inactive files. The drafter wants to know when the change will take effect. The Chair suggested to share the intent with the drafter that the 8 years is firm, but people already in the system will have to be notified. Allow the drafter to write the wording.

**MOTION:**

**That the LIC advise the Legislative Counsel of the Ontario Ministry of the Attorney General that the LIC wishes the regulation to take effect when passed and that there is no need for grandfathering of the provision.**

**NOTE:** It is not the intent of the Registrar to close active files, only inactive files. The 8-year clock starts from the time PEO has determined that the applicant has implicitly met the academic requirements for licensure.

It was **moved by** George Comrie and **seconded by** Christian Bellini.

**CARRIED**

The Academic Requirements Committee (ARC) Update

The LIC Chair reported that there is now an ARC Distance Education (DE) Sub-Committee. The Sub-Committee is working hard on distance education in order to be on par with modern times.

The Experience Requirements Committee (ERC) Update

The ERC Chair reported on the following:



1. On September 21, 2018, Council appointed an ERC Liaison – Marisa Sterling. Her term as ERC Liaison will be until she ceases to be a Council member.
2. The ERC Sub-Committee met on September 17, 2018 and completed the formalization of the appeal process which was developed to be used together with the ARC appeal process. The process will be presented at the October 12, 2018 ERC Business Meeting for approval.
3. The requirement of the 30 hours of physical presence of the monitor at the EIT's workplace was discussed and approved by both the ERC and the LIC. It was submitted to Council for approval in a Briefing Note; however, President Brown removed it from the agenda and directed the ERC and LIC to obtain further peer review by the Professional Standards Committee (PSC). He sent an email/letter to the PSC Vice-Chair and it was forwarded to the PSC Chair. The ERC and LIC are currently awaiting the PSC response as to when the proposal will be included in the PSC agenda.
4. Recommended Changes to Reinstatements

There were concerns expressed by the ERC about the processing of applicants for reinstatement. The LIC delegated the ERC Chair and Faris Georgis to develop a proposal to present to the LIC. This report will only deal with possible interim measures that can be implemented without changes being required to the Regulations.

The ERC suggests that the following questions should be considered:

1. Should resignations and cancellations for non-payment be treated differently?
2. Is the consideration of lapsed time relevant?
3. Is knowledge of current laws and standards pertaining to the engineering profession the proper assessment criterion?
4. Is an ERC assessment the appropriate method?
5. Should the 2-year lapsed period consideration be revised?
6. What interim changes can be made without amendments to the Regulations?

#### **RECOMMENDATIONS:**

It is recommended that the following process is put in place to ensure that the ERC members involved in the assessment have the necessary information to recommend an appropriate course of action. In addition to requiring the applicant to provide a brief report and resume, add that the applicant be also required to submit additional information with respect to their Professional Development through a report/record (PDR) of how the applicant has maintained his/her knowledge of current laws, codes, and standards pertaining to the engineering profession.

If a PDR is lacking or judged to be insufficient, the applicant will be required to prepare and submit a Professional Development Plan (PDP) that aligns with the continuing knowledge element of PEO's Practice Evaluation and Knowledge

(PEAK) program. The PDP must specify the events and number of hours of learning activities that will address areas of professional development that the applicant needs to become current in with a focus on their knowledge of laws, codes, and standards pertaining to the engineering profession. The PDP will be submitted to the ERC for review and approval for reinstatement.

**MOTION:**

- A. **The LIC received the proposed reinstatement process by the ERC and directs the ERC to formalize it by approval of the whole Committee as an internal process.**
- B. **The LIC will continue to work with the ERC on the required changes to the Regulations.**

It was **moved by** Santosh Gupta and **seconded by** David Kiguel.

**CARRIED**

Regarding the flow chart on page 4 of the ERC document Recommended Changes to Reinstatements, a member pointed out that there were revisions to be made in the flow of the Reinstatement Process.

The LIC Chair instructed that the Recommended Changes to Reinstatements be included as a permanent item (# 8) on the LIC agenda until the matter is resolved.

**6. 2019 Work and HR Plan**

- Christian Bellini agreed to serve another 2-year term.
- The LIC Member-at-Large position is still open.
- ERC Vice-Chair Changiz Sadr is invited as an Observer at LIC meetings and should be included in the distribution of invites and email.
- Roydon Fraser's term expires in December 2018. The Chair noted that he would bring his LIC reappointment to the table during his LIC Report update at the September 28, 2018 ARC meeting.

**7. Competency Report**

The item was deferred to a later date.

**8. Internal Independent Review of Academic Assessments – Briefing Note with Responses**

The Internal Independent Review of Academic Assessments briefing note was distributed to members in the material package. Changes, upon review by the Registration Committee (REC), were modified accordingly as noted in the margins. Major changes were: Page 1: a pilot project of 24 months as opposed to 12 months; Page 11: a paragraph was removed as per the memorandum received from the Registration Committee (REC) Chair. Also circulated was a Registration hearing case result which the Committee discussed.

**9. Provisional Licence – August 13, 2018 – LEC Request**

The Chair will respond to the August 13, 2018 memorandum from the Legislation Committee to say that the LIC is in agreeance.

**10. Review Action Items**

Referred to the next meeting.

**11. Other Business**

No items to report.

**12. Adjournment**

Meeting adjourned at 6:30 PM  
Next Meeting: October 18, 2018