



## Minutes

### Licensing Committee (LIC)

**October 18, 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 October 18, 2018 commencing at 3:10 PM.

#### **In attendance: Licensing Committee Members:**

Barna Szabados, Chair  
Christian Bellini  
David Kiguel  
George Comrie  
Ravi Gupta  
Lola Hidalgo Salgado (joined via teleconference at 3:40 PM)

**Regrets:** Santosh Gupta, Vice-Chair  
Roydon Fraser

**Observer:** Changiz Sadr

**Staff:** Michael Price, Deputy Registrar  
Moody Farag, Manager, Admissions  
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:

- a) Bruce Power wrote a letter of complaint to PEO Interim Registrar Johnny Zuccon, in August 2018, claiming that many of their EITs and applicants have not been accepted. An LIC member wanted to bring this matter to the attention of the LIC, however, the Chair responded saying that the LIC is not empowered to review experience requirements. The only thing the LIC can do is verify the process to make sure the process is being followed. If the process is followed, then the matter of acceptable experience must be referred to the Experience Requirements Committee (ERC) for the final determination and not the LIC.

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- b) On October 17, 2018, PEO's President David Brown, Interim Registrar Johnny Zuccon, Deputy Registrar Michael Price and Manager, Licensure Pauline Lebel participated in a conference call with Bruce Power Executive Vice-President Gary Newman and the Director, Human Resources Tara Crawford. PEO shared the number of Bruce Power licensed members over the past 2 years, as well as the number of applications still in progress, and the Executive Vice-President was satisfied with those numbers. They agreed that Pauline Lebel would visit Bruce Power to make a presentation to existing and prospective applicants. The arrangements and details will be worked on between Pauline Lebel and Tara Crawford. Bruce Power considers this as a very positive initiative.
- c) On the topic of experience review, the ERC Chair David Kiguel explained that when staff reviewing the experience record determines that the applicant's experience meets the requirements, the experience is accepted. If staff have any concerns with respect to the applicant's experience, these applicants are invited to an ERC interview. The communication to the applicant is not that they cannot obtain a licence, but rather that their experience at the time of assessment does not appear to meet PEO's criteria for licensure.
- d) Michael Price commented that staff either approve a file or refer it. Staff does not reject a file as rejections are decided by committees. However, staff may ask the applicant for additional information for clarification as part of PEO's decision-making in terms of deciding to approve or refer the applicant. This applies to both academics and experience.

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

The Chair added two items to the agenda:

- 8.1 – Recommended Changes to Reinstatements – Status Update
- 8.2 – Changes to Monitor Requirements – Briefing Note to Council

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

**CARRIED**

## 3. **Approval of the Minutes of Previous September 27, 2018 Meeting**

The Chair requested the following corrections to be made:

- Page 2 - Item 1.3.a: PEO committee member was changed to LIC committee member.
- Page 6, Item C was changed to read: 30 by 30 Task Force came back to Council with some amended Terms of Reference and work plan which were accepted.

It was **moved by** George Comrie and **seconded by** David Kiguel that the minutes of the September 27, 2018 meeting be approved as amended.

**CARRIED**

**4. Business Arising from the Minutes of September 27, 2018**

No items were reported.

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

The ERC Chair David Kiguel reported the following:

- a) The ERC held their business meeting on October 12, 2018 and there was a very extensive agenda. One matter of concern is member attendance at the meetings, although, a quorum for the ERC requires three members. In the past year, attendance has been down, and he would like to see meeting attendance numbers increase. He will bring the matter to the next ERC Subcommittee meeting to discuss ways to encourage more members to attend ERC business meeting. A member commented that the ERC only needs a committed, core group of members to address policy issues.
- b) The ERC's new Council Liaison Vice-President Marisa Sterling joined the meeting via teleconference.
- c) There was a motion passed at the ERC October meeting whereby he was delegated to write a letter to Bernard Ennis, PEO's Director, Policy and Professional Practice. Considering all the time ERC members spend conducting interviews, the ERC is suggesting that these hours be accepted as continuing knowledge activities accredited through PEO's Practice Evaluation and Knowledge Program (PEAK). To prepare for ERC interviews, the members consistently keep up to date with engineering codes and standards and they maintain competencies throughout the process of project reviews. As of his reporting, he had not received a response to his letter.
- d) ERC Vice-Chair Changiz Sadr commented further on the consideration of ERC interview hours potentially being accredited by the PEAK Program. He said that he is certified by Certified Information Systems Security Professionals (CISSP). To maintain his certification, he must acquire 80 hours of Continuing Professional Development (CPD) annually. In 2017, he submitted his ERC interview hours toward certification and they were accepted because of the technicality of the interviews.
- e) David Kiguel referred to recent reporting to the ERC, ARC and LIC Committees by Moody Farag on the Ontario Fairness Commissioner's (OFC) change in approach with respect to PEO. The OFC is not limiting its jurisdictional reach to recommendations, but it may potentially audit PEO's performance. A member commented that this approach seems to be a quantum leap from what the

OFC's role has been in the past to what it now proposes to do in the future. This could have an impact on PEO standards and should be well thought out to give PEO and its committees the opportunity to respond to this new direction.

- f) Michael Price recalled that there was an OFC audit of PEO around 2009, however, PEO was required to provide its own auditor who sent a report to the OFC based on established auditing guidelines.

## 6. Internal Independent Review of Academic Assessments – LEC Response

The Internal Independent Review of Academic Assessments Briefing Note (BN) draft was distributed to members by the Chair prior to the meeting. Revisions were made to the briefing note based on the Legislation Committee (LEC) peer review memorandum addressed to the LIC, dated August 3, 2018.

The following comments were noted and discussed upon the BN draft review:

- The LEC pointed out that section 40 of Regulation 941 does not make use of the term “appeal” and advised the LIC to employ another reference term to avoid confusion. The Chair reworded the BN to omit “appeal” throughout the document.
- The Chair referred to pages 6 and 7 of the draft – Stage 3: Internal Independent Review. He commented that neither the *Act* nor Regulation 941 stipulates clearly that there can be an “external” person as a decision-maker. As Council has the authority to appoint task forces and panels, the Chair proposes to submit an Academic Requirements Committee (ARC) review panel to Council for approval; with its terms of reference, the credentials of the expert proposed and the statement of the applicant’s claim. If Council appoints that panel, then that panel becomes an “independent ARC panel.” Therefore, it would not infringe upon section 40 of Regulation 941. Upon Council’s appointment of the panel, the expert shall be asked to conduct an independent assessment based on the applicant’s submission of all relevant documents and to conduct the assessment within the process described in the ARC Procedure Manual.
- The discussion also focused on the flow chart included in the BN draft. The LEC memorandum requested that the LIC amend the flow chart to include referrals to the ERC. In response to this request, the Chair reiterated that the ERC interview is reflected in the Examination Program Assigned section of the chart.
- Once the Notice of Assessment (NOA) has gone out – unless the file is closed and reopened – it cannot go back to the ARC.
- A member asked whether an applicant can question the ARC assigned exams *before* the ERC interview takes place. The Chair affirmed that this is taken into account in the reconsideration phase of Stage 1 – Review with New Information.

- Regarding Stage 3 of the process – Internal Independent Review— there was ample discussion on the definition of a “frivolous” case brought forward by an applicant. Who determines when a case is “frivolous” or valid? Some mechanism has to be put in place regarding the determination of deeming a case as frivolous – staff can make the case but, ultimately, the ARC decides.
- Also, regarding Stage 3, there was discussion as to clarification on an “independent person” to assess the merit of the claim based on the process that was followed. The Chair explained that the independent person verifies that every step in the review process, the intent of the process is followed to ensure that the applicant has the opportunity to fully present their case. If the independent person deems that the process was not followed, completed properly, then the claim will go back to the ARC. This portion of the process should be indicated clearly on the flow chart.
- Ample discussion was focused on whether the “expert panel member” would be a unique appointment on a case-by-case basis or from an actual roster of experts to draw upon as needed. An expert in the field and/or licensure? It was suggested to indicate this in the briefing note.
- A member asked the Chair for clarification as to what constitutes an “independent member” on the review panel. He responded that it refers to anyone who was not involved with, part of the first issuance of the applicant’s NOA.

## **MOTION**

**That the LIC approve the Internal Independent Review of Academic Assessments briefing note, as amended, and to submit it to Council at its February 2019 meeting.**

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

**CARRIED**

## **7. Competency Report**

David Kiguel reported that:

- The List of *Key Competencies & Generic Indicators* was distributed to the Committee in the material package.
- This particular list was introduced by Engineers and Geoscientist British Columbia (EGBC) the ERC August 17, 2018 business meeting.
- Upon further review, the ERC Subcommittee determined that the competency approach was fine for the EGBC, which is mostly based on an applicant’s self-assessment, rated on a scale of 1-5.

- The ERC Subcommittee has developed its own list of competencies and indicators – along the same lines as those of the EGBC – which were approved by the Subcommittee and will be incorporated into the training program of ERC members in December 2018. These competencies will be used by ERC members in assessing the ERC interviews.
- The Chair recommended inviting Pauline Lebel to the next meeting to present the EGBC Competency-Based Assessment Project to the Committee.

**Related comments:**

- There is value in having a process to introduce a set of competencies to provide structure to the interview process.
- The Chair remarked that it is not LIC's mandate to implement competencies; however, it is LIC's mandate to look at the assessment process. What does PEO want to assess, how to assess competencies? It was suggested that the LIC look at what it wants the licensing system to be concerning the experience; define what PEO wants; rethink what the competency framework is – not to take away from the generic competencies ERC has at this time. There was also discussion around the measurement of experience based on PEO's present 4-year period.
- There have been various approaches to assessing competencies over the years. The engineering profession is much more than a list of generic competencies; it is a qualitative approach. It is important to ask whether the applicant has demonstrated the skills needed for their scope of practice. The interview itself is a verification.
- Applicants have different ways of interpreting what is expected of them regarding experience. This can present a problem as the competencies are very generic. If the applicants do not interpret the experience as the panel does, they may not be considered.
- As there are several scopes of practice, a pilot project could be implemented whereby there are some identified disciplines – new or traditional. Take specific domains and interns; put them through the process to see if the person demonstrates competence by identifying specific skills. It may make it easier for the referee, the applicant and PEO.
- PEO's Deputy Registrar noted that, in 2017, there was more than a 20% increase in licences issued. And in 2018, the number of licences issued is 10% more than last year. PEO is licensing more individuals. He further commented that about 50% of Canadian Engineering Accreditation Board (CEAB) graduates apply for licensing. About 70% of the CEAB graduates who do apply eventually get licensed once they start the process.

## 8.1 Recommended Changes to Reinstatements – Status Update

David Kiguel reported that at the September 27, 2018 LIC meeting, the proposal regarding the recommended changes to reinstatements was approved by the Committee. He was given direction to present the proposal to the ERC for approval and implementation. The item was added to the ERC October 12, 2018 agenda, however, there was not enough time to address it and the proposal was deferred to the ERC December 13, 2018 business meeting.

## 8.2 Changes to Monitor Requirements – Briefing Note to Council

- David Kiguel reported that the document regarding a proposed change to the *Guide to the Required Experience for Licensing as a Professional Engineer in Ontario* includes removing the requirement for the physical presence of a monitor for 30 hours per month at an engineer-in-training (EIT) or provisional licence holder's workplace. The document was included in the Committee's meeting material package.
- The proposed change references the Professional Standards Committee's (PSC) *Assuming Responsibility and Supervising Engineering Work Guideline* (posted on the PEO website February 2018), as well as indicating that the three-party agreement will need to specify the correct number of hours.
- The proposal was approved by both the LIC and the ERC and a briefing note was prepared and sent to the PEO Secretariat. However, following the submission, the ERC received notification that President David Brown decided to remove the proposal from the Council's September 2018 agenda and directed the ERC to seek further peer review by the PSC.
- In response, D. Kiguel wrote a letter to the PSC Chair requesting an endorsement of the proposal. As of his reporting, he had not received a reply. On October 5, 2018, he wrote to President Brown asking for his assistance in following up with the PSC regarding endorsement of the proposal. In addition, LIC Council Lola Liaison Hildago Salgado suggested that she speak with PSC Council Liaison Lisa MacCumber to enquire about the status of the PSC peer review of the proposal.
- D. Kiguel drafted a response to the President Brown reiterating that there are no conflicts between the change proposed by the ERC and the PSC's *Assuming Responsibility and Supervising Engineering Work Guideline*. He makes specific reference to the Guide, saying that the monitor must comply with all the obligations outlined therein. Concluding the discussion, the Committee approved, by consensus, that D. Kiguel proceed with sending this most recent response to the President.

## 9. Review Action Items Log

- The log year was corrected: 2017 to 2018.
- Request for additional information for the Financial Credit Program was added as an ongoing item – delegated to George Comrie.

#### 10. Other Business

David Kiguel reported that the ERC approved its implementation of the Interview Results Informal Review Process. Changiz Sadr was the chief architect of the entire process up to implementation.

#### 11. Adjournment

Meeting adjourned at 6:10 PM

**Next Meeting: November 22, 2018**