



# Minutes

## The Ninety-third meeting of the Enforcement Committee held on Tuesday April 9, 2019 at 1:30 p.m., PEO Offices

- Present: Stephen Georgas, LLB., P.Eng. (Chair)  
Joe Adams, P.Eng. (Vice-Chair)  
Tomiwa Olukiyesi, P.Eng. (Council Liaison)  
Gordon Ip, P.Eng.  
Indra Maharjan, P.Eng. (Teleconference)  
Juwairia Obaid, P.Eng.  
Peter Broad, P.Eng.  
Roger Barker, P.Eng.  
Tommy Sin, P.Eng.
- Staff: Cliff Knox, P.Eng. (Manager, Enforcement)  
Steven Haddock (Enforcement and Advisory Officer)  
Ashley Gismond (Enforcement and Outreach Officer)  
Maria Iannone (Administrative Assistant)
- Regrets: Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)  
Edward Poon, P.Eng.  
Tyler Ing, P.Eng.

### 1. Welcome and Call to Order

Mr. Georgas, called the meeting to order at 1:35 p.m. with a quorum of nine (9) and welcomed everyone.

### 2. Approval of Agenda

**Motion #1: That the Enforcement Committee Agenda dated April 9, 2019 be approved.**

Moved by Gordon Ip, P.Eng., seconded by Roger Barker, P.Eng.

**CARRIED**

### 3. Report from Chair

Mr. Georgas commented about the regulatory review being completed by an external consultant, As discussed at the last meeting, the review is looking at PEO's performance with respect to three regulatory functions. He noted that the Disposition of Motions from the February Council meeting contained a motion to extend the scope of the review to include governance.



Mr. Barker asked whether the report on the external review would be discussed later in the meeting. He noted a concern that the motion called for Council to adopt the recommendations made in the regulatory and governance reviews when the contents of these reports were as yet unknown.

Mr. Knox provided clarification that the Disposition of Motions reflects that Council voted to have the original motion withdrawn. An alternate motion was made to prepare an RFP to conduct an external governance review, which was tabled until the report from the current governance review is received by Council.

Mr. Georgas commented that Mr. Knox prepared the committee's Annual Report, which was reviewed and approved by himself and Mr. Adams, and will be submitted as part of the Committees and Task Forces report for the PEO AGM.

Mr. Georgas reminded committee members about mandatory training for PEO volunteers on Occupational Health and Safety and Accessibility. There are three on-line modules to be completed by everyone by December 31<sup>st</sup>. Mr. Georgas circulated a recent Toronto Star article about bullying and harassment complaints made to the College of Dentists. He noted that the on-line training is intended to ensure that a similar situation doesn't happen at PEO.

Mr. Broad asked why the training was only for volunteers rather than all PEO members. Mr. Knox explained that this was a prescribed requirement for staff and volunteers that might interact with the public or with fellow members as part of PEO's regular operations.

#### 4. Consent Agenda

Mr. Georgas asked for a motion on the Consent Agenda.

**Motion #2: That the contents of the consent agenda be received as submitted.**

Moved by Roger Barker, P.Eng., seconded by Peter Broad, P.Eng.

**CARRIED**

Mr. Knox noted that the Disposition of Motions for the 525<sup>th</sup> Council meeting should be part of the Consent Agenda and he confirmed that a copy was provided in the printed agenda package.

Mr. Broad asked about the Disposition of Motions for the 523<sup>rd</sup> Council meeting. Mr. Knox replied that the meeting appears to have been skipped as there was no information to indicate that a meeting was held.

Mr. Ip asked about the requested exemption from term limits. Mr. Knox explained that this was a request from the Consulting Engineer Designation Committee to accommodate a request for some long-standing members to remain on the committee, but this was not granted by Council.

Mr. Barker commented on an error on page 3 of the draft minutes from the last meeting. Mr. Georgas suggested that he would initial the change in the signed copy of the minutes.

**Motion #3: That the Enforcement Committee Minutes dated January 22, 2019 are approved as amended.**

Moved by Juwairia Obaid, P.Eng., seconded by Roger Barker, P.Eng.

**CARRIED**

#### 5. Staff Update

Mr. Knox commented that he and Mr. Haddock met with the external consultants for the regulatory review and are awaiting feedback on the information provided to them. PEO's program lead has a draft of their report for review and this is expected to be shared with Council at their annual workshop.



Mr. Ip asked about the information that was provided to the reviewers. Mr. Knox commented that it related to the three areas of operation discussed at the last ENF meeting. He noted that he could not comment on the information provided by other departments, but that enforcement was well-represented and transparent about its processes.

Mr. Barker asked about the Council motion to adopt the recommendations made in reports from the independent regulatory review. Councillor Olukiyesi commented that this was part of a motion brought forward by Consulting Engineers Ontario (CEO) and the Ontario Society of Professional Engineers (OSPE) relating to concerns about PEO's governance and mandate. The motion that was passed was that the motion from CEO and OSPE be withdrawn.

Mr. Broad asked about what action was taken following the letters sent by CEO and OSPE to the Attorney General (AG). Mr. Knox explained that there has been ongoing correspondence with CEO, OSPE and the AG's office that resulted in direction that the parties work on a joint solution to address the concerns. Ms. Obaid asked why the concerns were not raised with the PEO-OSPE Joint Relations Committee (JRC) prior to sending letters to the AG. Councillor Olukiyesi commented that the letters were written independent of JRC activities.

Mr. Knox commented on the successful prosecution of Cosimo Polidoro, who was found guilty breaching section 40(2)(a) of the *Professional Engineers Act* and fined \$10,000 for the illegal use of the P.Eng. title. It will also be noted in the press release that Mr. Polidoro was previously fined \$6,000 for similar offences. Mr. Georgas asked whether he had ever been a member of PEO; Mr. Knox replied that he has never been licensed by PEO.

Mr. Ip asked how PEO became aware of the violation; Mr. Haddock replied that PEO was informed by TTC employees who received emails from Mr. Polidoro, who later became suspicious of his credentials. A number of committee members asked about further sanctions that could be issued against this individual and Mr. Haddock reviewed the options for further action. Mr. Sin asked whether the outcome of the prosecution will be disclosed; Mr. Knox noted that there will be a media release that is also posted on the PEO website and published in the Gazette section of *Engineering Dimensions*.

#### **6. Work Plan – Policy Issue 2017-A: Guidance for Outreach**

Ms. Gismondi reported that she was in Ottawa last week to film a lecture at Carleton University along with Tracey Caruana, Manager EIT and Student Programs. The lecture will initially be shown to roughly 1300 first year students as part of a series on an introduction to the engineering profession.

The subcommittee met on March 1<sup>st</sup> to discuss the topics outlined in the memo provided in the agenda package.

One of the topics was a Social Media strategy and Ms. Gismondi is to set up a meeting with our new Communications Coordinator to explore where we can focus our efforts. Now that Michelle Lui has come on board, Ms. Gismondi plans to set up a meeting for the end of this month or early May.

Mr. Adams commented that the current task started as ideas for Chapter outreach, which led to development of an information memo on enforcement. The subcommittee was then asked to extend this to a more general outreach to individuals and other organizations in addition to Chapters.

Ms. Gismondi remarked that she met with PEAK Coordinator, Arden Heerah in January. There will be a new learning module released in the summer and they looked at including some material on enforcement. The subcommittee gave feedback that this content should reinforce PEO's status as a self-regulating profession and encourage reporting and

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enforcement of the Act. Arden mentioned that this should be tied in with Sections 12 and 40 of the Act. There could also be a plug for the Enforcement Reporting Guide and link to it could be included in the module.

Mr. Georgas commented that there is still a misconception about the distinction between discipline and enforcement among PEO members. Councillor Olukiyesi asked if there was a hotline for complaints to triage matters for referral to Discipline or Enforcement based on who committed the offence. There was some discussion among the committee about a reporting hotline and Mr. Knox clarified that there is only an enforcement hotline.

Mr. Maharjan suggested adding a box on the PEO website with a link to report an enforcement matter or to make a complaint. He noted that some people may be hesitant to submit an online complaint which may be tracked to their IP address. Mr. Maharjan suggested that a phone number should also be provided. Mr. Knox reminded the committee that Communications is working on a web site update and the goal is to ensure that it's user friendly and intuitive.

Mr. Georgas asked if PEO should take the position that if members or the public see something wrong, report it and we will sort out whether it is a complaint or an enforcement matter. Mr. Knox noted that there is statutory language that requires the Complaints Committee is to consider all complaints based on the submission of a written complaint. Mr. Adams commented that most members may understand a discipline issue, but enforcement is a gray area.

Ms. Gismondi requested the committee to give input on what might be included in a PEAK module so that she can bring it forward to Arden.

Ms. Obaid asked about providing the reporting guide and other information to new licensees. Ms. Gismondi replied that she has drafted a frequently asked questions document (FAQ) for that could be included in a package for newly licensed engineers. Mr. Adams commented that the FAQ document is a first draft and the subcommittee is looking for feedback. If the committee endorses the FAQ document, the next step would be to determine how to distribute the information. Ms. Gismondi commented that the FAQ would also need to be reviewed by Communications before it is released.

Mr. Barker suggested that the presentation information should be updated to include 2018 statistics. Mr. Maharjan asked about including case studies in communication materials. There was agreement that this was helpful and that it is important to include examples from current cases.

Mr. Sin asked about the use of restricted terms and titles in other languages. Mr. Knox suggested that this is a topic that could be addressed by the subcommittee that is looking at regulatory gaps; the Act does not explicitly address this issue and does not contemplate terms in other than English and French. The interpretation of "engineer" and "engineering" in other languages is a gap that can affect various stakeholders.

Mr. Georgas suggested that the committee be given one week to provide feedback and suggestions for additional content to M. Gismondi. Mr. Adams summarized that the subcommittee is looking for feedback on ideas for social media, content for a PEAK module, and enhancements to the FAQ document.

**Action #1:** Members to forward feedback and content suggestions to Ms. Gismondi by next week.

Councillor Olukiyesi asked if a summary of the committee's activity could be provided as a Council Update. She noted that the committee is doing important work and Council should be informed. There was agreement that an update be prepared for the June Council meeting. Mr. Adams and Mr. Georgas will prepare summaries for the subcommittees for Outreach and Regulatory Gaps, respectively. Mr. Knox will consolidate the summaries for all subcommittees into an overall report to Council.



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**Action #2:** Subcommittees will provide information to Mr. Knox, who will prepare the consolidated report for Council.

**7. Work Plan – Policy Issue 2017-B: Enhanced Enforcement for Industry**

Mr. Knox commented that he is waiting for feedback from PEO's Communications department about an agreement on how members can be engaged to subscribe to the Annex Business Media publications. Annex has not yet provided any of the requested subscriber information and Mr. Knox is reluctant to follow up without an incentive for Annex to share the information.

**8. Work Plan – Policy Issue 2018-A: Examples of Engineering Practice**

Mr. Knox commented that the subcommittee met via teleconference last Wednesday and Mr. Adams agreed to be the Chair. The subcommittee talked about developing an example for the practice of Structural engineering and using it as a template for other practice examples. It was proposed to also look at software and environmental engineering.

The subcommittee chose to look at the associated tasks for a simple bridge design project to develop an initial practice example. The group will identify the engineering activities and show how these relate to the definition of the practice professional engineering. Mr. Adams commented that this example could be used as a template to develop similar examples for other practice areas. He further noted that the examples might be something that could be used as part of the Outreach materials that are being developed.

Mr. Ip indicated that he can provide information to develop an example for software engineering and Ms. Obaid and Mr. Maharjan offered to provide input for an environmental engineering example. Ms. Olukiyesi commented that the goal is to use this as an educational tool.

Mr. Ip commented that the criteria for protection of the public must be made clear in the examples. He noted that it is sometimes difficult to articulate how a specific engineering task is protecting the public.

Mr. Knox noted that the subcommittee needs to have a boundary as to where its work stops. The current commitment is to develop three practice examples. When this is completed, the results can be evaluated so that a decision can be made to develop more examples or hand it off for development by another group.

**9. Work Plan – Policy Issue 2018-B: Regulatory Gaps to Enforcement**

Mr. Georgas commented that the subcommittee has had two conference calls and prepared two memoranda: one on legislative gaps to enforcement, and a second on gaps in subsections 12(4) and 12(5) of the Act.

Ms. Obaid commented that this does not address any policy gaps, only gaps in regulation under the Act.

Mr. Haddock's memo discussed the exceptions on the overlap in the duties of engineers and architects for a building that's safe and serviceable. Mr. Georgas suggested that the memo have a conclusion or recommendation on page one. Mr. Knox commented that a fundamental issue is whether there should be a solution in the *Professional Engineers Act* to a problem created in another piece of legislation. Not sure if we can rely on provisions in the *Provincial Offences Act* to correct the deficiencies on our legislation. Mr. Knox commented that we need to deal with the root of the problem rather than its symptoms.

Ms. Obaid commented that it's a gap that PEO can't put onus on employers to ensure that employees have a P.Eng. when it is needed to do the work. We would need a clause in the Act to enable PEO to take action against employers.

Mr. Adams suggested that as an outcome, PEO should prepare a red-lined version of the Act and Regulation to show the changes we would like the government to make. Mr. Knox commented that this red-lined version would typically go to the Legislation Committee for review prior to approval by Council.

#### **10. Work Plan – Policy Issue 2018-C: Position on Split Registration**

Mr. Broad reported that the subcommittee had held one meeting by teleconference. Mr. Knox noted that Mr. Broad had volunteered to chair the subcommittee.

Mr. Broad commented that PEO currently has a fee remission available to members who have retired or are not in active practice due to health or employment issues. The member can retain his or her title but is not permitted to practise while on remission. The subcommittee will be looking at the impact of separate registrations for practice and title, and who would benefit from this separation.

The committee discussed how to address members who practice engineering while on fee remission, or when their licence has lapsed or been suspended.

Mr. Broad invited members of the committee to provide input to the subcommittee.

Mr. Broad asked about the timeline to complete this task. Mr. Knox commented that the issue may become more relevant as the recent fee increase is implemented and that the goal would be to have a draft position paper for the fall. The task should therefore be completed by the end of this year.

#### **11. Other Business**

Mr. Ip suggested that the email from Mr. Jackson, regarding the commoditization of engineering services, be discussed at the next meeting of the committee.

Mr. Barker asked about the motion regarding the industrial exception and the nuclear industry. Mr. Knox explained that this was a plenary session item at the last Council meeting and there was associated no motion. An action was taken to assign this to the Policy Group for further development.

Mr. Georgas commented that the first step is to determine whether it is a federal or provincial jurisdiction. We would need to find out whether the federal legislation is paramount. Mr. Knox commented that some federal legislation will defer to provincial regulation for engineering activities and we must check for similar provisions in the nuclear sector.

Mr. Adams commented that the code of construction requires professional engineers to be involved in the design of the equipment. For a Class 1 facility, two professional engineers must conclude on the same level of safety using two different methodologies. There is a high level of oversight to ensure safety is a priority.

Mr. Knox commented that Councilor Torabi has suggested that we look at the wording of the industrial exception and start excluding sectors of Industry that might be abusing the exception. Mr. Knox commented it's not clear that there is a problem that can be solved by changing the Act. We are awaiting further updates from the policy group.



Mr. Knox commented on the Technology Professionals of Canada proposal to gain practice rights for technologists. PEO's position is that we already have the Limited License as a mechanism for registering technologists under our Act and there is no need to have specific practice rights.

Mr. Knox commented that minutes from the recent Professional Standards Committee meetings indicate that there is no specific direction on whether to implement a performance standard for Pre-Start Health and Safety Reviews. There is a note for there to be communicate verbally to this committee, but Mr. Knox suggests that we insist on a written response.

**13. Attendance**

**Regrets:**

Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance), Tyler Ing, P.Eng., Edward Poon, P.Eng.

**14. Next Meeting**

Mr. Broad commented that the Doodle Poll is not effective. There was some consensus that it could be used, but should do polls for multiple meetings.

**Action #3:** Maria to send out a Doodle poll for availability on meeting dates for June and September 2019.

**15. Adjournment**

**Motion #4: To adjourn at 4:24 pm.**

Moved by Roger Barker, P.Eng.

S. Georgas, P.Eng. - Chair



Date June 25/19

M. Iannone - Secretary



Date June 25/19