



Minutes

The Eighty-Seventh meeting of the Enforcement Committee held on Wednesday February 7, 2018 at 1:30 p.m., PEO Offices

- Present: Roger Barker, P.Eng. (Chair)
Stephen Georgas, LLB., P.Eng. (Vice-Chair)
Peter Broad, P.Eng.
Joe Adams, P.Eng. (Teleconference)
Ajai Varma, P.Eng.
Don Marston, P.Eng.
- Staff: Cliff Knox, P.Eng. (Manager, Enforcement)
Steven Haddock (Enforcement and Advisory Officer)
Ashley Gismondi (Enforcement and Outreach Officer)
Maria Iannone (Administrative Assistant)
- Regrets : Gary Houghton, P. Eng. (Council Liaison)
Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)
Edward Poon, P.Eng.

1. Welcome and Call to Order

The Chair, Mr. Barker, called the meeting to order at 1:47 p.m. with a quorum of six (6) and welcomed everyone.

2. Approval of Agenda

Motion #1: That the Enforcement Committee agenda dated February 7, 2018 be approved.

Moved by Steven Georgas, P.Eng., seconded by Peter Broad, P.Eng.

CARRIED

3. Report from Chair

1) Meetings held to discuss the future of Enforcement Committee are to be discussed under agenda item 9.

One recommendation from this discussion was to have a consent agenda that would streamline the process of receiving or approving documents. Mr. Barker explained that corrections and clarifications to documents can be discussed during approval of the consent agenda, but that the content of specific documents would be discussed under the respective agenda items.



Mr. Adams asked about the appropriate time to ask questions about documents not referenced in the main agenda, such as the disposition of Council motions. Mr. Barker responded that this would be a clarification question as part of the consent agenda discussion.

2) There has been progress in evaluating the applications for committee volunteers which will be reported in agenda item 11.

4. Consent Agenda

Mr. Adams asked about Council's rationale to defeat a motion to hire additional licensing staff. Mr. Knox commented that although the motion was defeated, Council passed a motion at its last meeting to approve a resiliency plan to address an identified shortfall of staff in key departments. Under the plan, PEO would hire additional staff by the middle of 2018 which should address the shortfall in Licensing and Registration.

Mr. Marston requested that the minutes be corrected to show that he was present at the last meeting and he did not teleconference in as originally planned.

Motion #2: Items addressed by the Consent Agenda:

- 1. That the Enforcement Committee Minutes dated November 21, 2017 be approved as amended.**
- 2. That the revised 2018 Human Resources Plan be approved.**
- 3. That the following items are received for consideration by the committee:**
 - a. 2017 Committee Self-Evaluation Summary**
 - b. Letter to Roger Barker dated January 17, 2018**
 - c. Subcommittee 2017-A Report**
 - d. Subcommittee 2017-B Reports**
 - e. Subcommittee 2017-C Reports**
 - f. Chair's Subcommittee Reports**
- 4. That the following items are received for information:**
 - a. Business Arising Memo dated January 9, 2018**
 - b. Terms of Reference as amended for approval by Council**
 - c. 515th Council Disposition of Motions**
 - d. 2018-2020 Strategic Plan – Final**

Moved by Ajai Varma, P.Eng., seconded by Peter Broad, P.Eng.

CARRIED

5. Volunteer Recognition

Mr. Barker presented service awards of a 20-year pin to Peter Broad, P.Eng. and a Fellow of Engineers Canada pin to Ajai Varma, P.Eng. for 10 years of service. Service awards will be presented for Ed Poon, Gary Houghton and Don Marston at the earliest opportunity.

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

Ms. Gismondi discussed two recent presentations she made to test of the content that had been developed by the subcommittee: "Introduction to PEO, Professionalism & Ethics" for early year students, and "The Legal Responsibilities of an Engineer" for upper year students and EITs.



Mr. Varma asked whether granting permission to use “engineer” or “engineering” in a business name was deemed to be enforcement. Mr. Haddock explained that the Enforcement group keeps track of who has been given permission and enforces against companies that use the terms without PEO’s permission.

Mr. Broad commented that the message often given by PEO on why someone should become a P.Eng. is that it may be required by law. Due to exceptions in the *Professional Engineers Act*, and various demand-side legislation, there are multiple sources that state when one must be a professional engineer. There is a feeling that enforcement should initiate a change to stronger language and ask other sections of PEO to put out the same message.

Mr. Knox noted that this would be dependent on what messaging comes from the public information campaign, but that there has been no communication from the task force about the content of messaging for enforcement. Mr. Knox suggested sending a memo to the task force to ask what it has considered regarding messaging about enforcement. The general concern is that any messaging is consistent; that the content is accurate and doesn’t contain misleading or confusing terminology.

Mr. Haddock commented that PEO should avoid using certain language that gives an incorrect impression on which titles may be used. The messages need to be consistent with how PEO enforces matters like title protection. Mr. Varma suggested to ask Council to direct that the use of use-consistent language be used in communication from various departments.

Mr. Broad commented that PEO has an onus to show that a person is doing engineering work, but if an individual calls himself an engineer without having a licence, then the onus is on him to prove it’s not engineering and why they are using an engineering title. Mr. Marston suggested that the topic of shifting the burden of proof should not be raised in the presentation materials. Mr. Georgas commented that burden of proof is something that is determined by a court and that PEO doesn’t determine this.

Mr. Adams noted that the intent was to deliver a common theme and to use the presentations across the province by head office, regional offices, etc. He suggested that Council be asked to endorse the presentations to be used across the province as common theme materials. He further commented that an issue that came up during development of the presentations was that materials used by regional offices were different from those used by head office.

Mr. Barker summarized that the committee needs to first approve the content of the presentations and then the subcommittee can share them with other groups at PEO. Ms. Gismondi noted that the early years presentation would need to be reviewed by the EIT and Student programs group for agreement on the content.

Motion #3: That of the content of the presentations for early year students and upper year students is approved.
Moved by Peter Broad, P.Eng., seconded by Joe Adams, P.Eng. **CARRIED**

Action #1: Mr. Knox is to prepare a memo to the Public Information Campaign Task Force about the committee’s concerns with respect to messaging and to share the content of the presentations developed by the subcommittee.

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

Mr. Broad asked if enforcement should look at the IP address of companies in addition to the postal address when contacting respondents. Mr. Haddock explained that it is sometimes difficult to associate an IP address or a domain



name with a specific company and that some companies use anonymous registries. PEO's challenge is to associate an IP address with specific individual who can be held accountable.

Mr. Broad also expressed concern about web pages based outside Ontario referring to work being done in Ontario, and vice versa. Possibly PEO should look at having a stronger definition of how it defines work that's done in Ontario.

Mr. Knox noted that these issues are broader than the issue of enhanced enforcement in manufacturing.

Mr. Barker asked about the ideas generated from the December meeting of the subcommittee, specifically the idea to purchase subscriber lists from trade publications. Mr. Broad commented that some work has been done to create a list of trade publications to be contacted. Mr. Knox commented that we need to ask about the conditions on the use of subscriber lists and determine if it is feasible to purchase one or more lists.

Mr. Barker asked whether the partial list was sufficient for staff to look into purchasing one or more lists. Mr. Knox commented that staff could work from a partial list, but that he had not seen the working list at this time.

Action #2: The subcommittee is to further develop or refine the list of publications for staff to work on the purchase of individual subscriber lists.

8. Work Plan – Policy Issue 2017-C: PSHR Performance Standard Proposal

Mr. Knox gave the current status on the memo that was sent to the Professional Standards Committee (PSC). He was informed that PSC will be sending a memo to comment on the Enforcement Committee's input and to indicate what action they will take. Mr. Knox suggested that the subcommittee will have to wait for the memo from PSC before it can take further action.

Mr. Varma commented that the issue could be taken to Council if it is not addressed by PSC.

9. Chair's Subcommittee: Future of Enforcement Committee

Mr. Barker explained that a subcommittee was formed following an email he had received from Bill Jackson that gave some thoughts on how to make the enforcement committee more effective. The subcommittee determined that there were opportunities to improve the committee's effectiveness, including reducing time spent on administrative and information items at its meetings. The outcome was the proposal document that was included in the materials for this meeting.

Mr. Broad commented that it was felt that Council didn't give enough guidance on what it wanted the committee to do. Possibly the committee should set up subcommittees to look at issues like [the regulation of] Systems Engineering or enforcement issues at the earlier stages for emerging disciplines. These could engage the core committee and then bring in outside experts as needed to work on specific issues.

Mr. Georgas commented that it wasn't clear whether the issues being worked on by the enforcement committee are accepted by Council or even considered once the work is done. The challenge is how to get Council to advise the committee on what it wants us to do. Mr. Varma suggested that we submit a list of proposed activities for Council to review and if there is no response, to remind Council of the strategic objective regarding enforcement. Mr. Barker agreed that the committee should be suggesting items to Council to seek their approval and endorsement.



Mr. Knox commented that the subcommittee discussion resulted in a set of directives for how the committee could run more effectively. This includes making sure that work plan items are both valid and endorsed by Council.

Mr. Adams asked for clarification on the proposed number of regular meetings. Mr. Barker explained that these would be similar to current meetings, and may be supplemented as needed with teleconference meetings.

Mr. Broad noted that there is currently no clear reporting of annual enforcement spending by PEO.

Mr. Adams asked how the committee would go about engaging outside experts to work on specific work plan items. Mr. Barker explained that the committee might recruit experts from the Experience Requirements Committee, but that it's important to make sure that the work plan item has value to PEO and is making good use of the experts' involvement.

Motion #4: To ratify the subcommittee's resolution for improving the Enforcement Committee's effectiveness.

Moved by Stephen Georgas, P.Eng., seconded by Peter Broad, P.Eng.

CARRIED

Action #3: Mr. Knox is to further develop a framework or protocol for proposing meaningful work plan items.

10. Work Plan Discussion

Mr. Barker suggested to form a subcommittee to work on the strategic objective to heighten delivery and awareness of PEO's enforcement efforts. The subcommittee would need to provide recommendations for specific strategies to Council by the end of June.

Mr. Barker commented that a communications plan is a key way to heighten awareness. PEO could engage Chapters to help get the message out. We could also recommend a public communication exercise to make that stakeholder segment more aware of what we do. The specific message and target audience needs to be defined.

Mr. Marston asked what is meant by "measurable strategies". There was consensus that it is important to define any measurement so that it is easily understood and meaningful to stakeholders. Mr. Barker noted that over 15 years ago PEO did opinion polls of members and the public to measure awareness of PEO's activities.

Mr. Adams questioned whether what was asked in the president's letter aligns with the strategic plan. Mr. Knox noted that the statement meant to expand on the strategic objective seems to have no connection to the objective. It's not clear how it would improve awareness of enforcement efforts to know who should be doing engineering in Ontario. A subcommittee might begin by reviewing the Strategic Plan document and provide its understanding of the requested task, pointing out any discrepancies that would hinder the task.

Mr. Barker recommended to move forward with a subcommittee and its members will be: Mr. Barker, Mr. Broad, Mr. Varma, Mr. Georgas, Mr. Marston and Mr. Adams, with staff support from Mr. Knox.

Action #4: Mr. Barker will distill the comments from the discussion and distribute his summary to the subcommittee.

Action #5: Mr. Knox will set up bi-weekly teleconference meetings for the subcommittee.



11. New Member Recruitment

Mr. Knox informed the committee that the posting for new members closed on January 26th and the package of all applications was forwarded to him on January 31st. Thirty-one applications were received for the three vacancies and seven applicants were selected to be interviewed.

Mr. Varma asked whether the applicants who are not selected could be asked to work on subcommittees, or to fill subsequent vacancies on the committee. Mr. Knox confirmed that this was a possibility.

12. Other Business

Mr. Barker noted that the new agenda format did not have a standing item for a staff update, and asked if there were any items from staff.

Mr. Knox informed the committee that Gerard McDonald had resigned as Registrar to take a position at Engineers Canada, and that his last day was February 6th. Deputy Registrar Johnny Zuccon has been appointed as interim Registrar and will hold the position until a permanent Registrar is appointed. Mr. Knox provided a brief overview of the process that will be followed to recruit and select the new Registrar.

Mr. Haddock commented that staff are currently working on four matters for prosecution by PEO.

13. Attendance

Regrets:

Gary Houghton, P. Eng. (Council Liaison)
Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)
Edward Poon, P.Eng.

14. Next Meeting

Mr. Knox suggested that the next meeting would be postponed until the Strategy Development subcommittee has held two or three meetings. The subcommittee is scheduled to hold its first meeting on February 20, 2018 at 3 PM.

15. Adjournment

Motion #6: To adjourn at 4:15 pm.

Moved by Steven Georgas, P.Eng.

R. Barker, P.Eng. - Chair



Date April 26, 2018

M. Iannone – Secretary



Date April 26, 2018