



# Minutes

## The Eighty-Fifth meeting of the Enforcement Committee held on Monday July 17, 2017 at 1:30 p.m., PEO Offices

- Present: Roger Barker, P.Eng. (Chair)  
Stephen Georgas, LLB., P.Eng. (Vice-Chair)  
Gary Houghton, P. Eng. (Council Liaison)  
Peter Broad, P.Eng.  
William Jackson, P.Eng.  
Joe Adams, P.Eng.  
Ajai Varma, P.Eng.  
Solomon Ko, P.Eng.  
Don Marston, P.Eng. (via Teleconference)
- Staff: Cliff Knox, P.Eng. (Manager, Enforcement)  
Steven Haddock (Enforcement and Advisory Officer)  
Ashley Gismondi (Enforcement and Outreach Officer)  
Maria Iannone (Administrative Assistant)
- Regrets: 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 1:35 p.m. with a quorum of eight (8) and welcomed everyone.

### 2. Approval of Agenda

**Motion #1: That the Enforcement Committee agenda dated July 17, 2017 be approved.**

Moved by Solomon Ko, P.Eng., seconded by William Jackson, P.Eng.

**CARRIED**

### 3. Verification of Minutes

Mr. Barker asked the Committee for any changes to the draft minutes. Mr. Ko requested to amend his remarks under new business as being the result of the enforcement committee chair's presentation to council.

**Motion #2: That the amended Enforcement Committee Minutes dated May 23, 2017 be approved.**

Moved by Solomon Ko, P.Eng., seconded by Stephen Georgas, P. Eng.

**CARRIED**



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#### **4. Business Arising from Minutes**

Mr. Knox reported that the direction from People Development was to make a request to the Advisory Committee for Volunteers regarding adding associate members to the committee or inviting new councillors to attend meetings.

Mr. Barker asked if Mr. Houghton wanted to serve as both a committee member and Council Liaison. Mr. Houghton agreed to step down as a member to create a vacancy on the committee. Mr. Barker suggested for the Committee to start the process to recruit to fill the vacant position.

#### **5. Report from Chair**

Mr. Barker referred to the request to submit 3 major challenges facing the committee for potential use as case studies for the next Committee Chair's workshop. Mr. Barker thanked the committee for its feedback and noted that this was submitted to Volunteer Management staff at the end of May.

Mr. Barker called attention to an email he received about a July 25<sup>th</sup> webinar on the Use of Seal guidelines for anyone who was interested.

#### **6. Council Liaison Update**

Mr. Houghton noted two items from the June Council meeting disposition of motions from that might be pertinent to the committee.

Mr. Houghton reported that Council passed a motion to approve the policy, PEO Appeal of Discipline Committee Decisions. He noted that the policy was primarily to meet legislative time lines for appeals.

Mr. Houghton further reported that Council defeated a motion to adopt a proposed Discipline Framework.

Mr. Houghton also noted that there was significant discussion on Council term limits, and that recommendations from the Council Term Limits Task Force were approved.

#### **7. Staff Update**

Mr. Knox reported that a working group has been established to update the PEO website. Mr. Knox and Mr. Haddock were asked to participate in a focus group to comment on current deficiencies and potential improvements.

Mr. Haddock gave an update on current legal actions, including charges that have been laid for two major cases and five title abuse cases. The major cases are expected to proceed by the end of July and the charges for the title abuse cases have since been withdrawn due to voluntary compliance by the respondents.

Mr. Knox informed the committee that LifeSize teleconferencing service has been discontinued following completion of its trial use for committee meetings.

#### **8. Enforcement Policy Update**

Mr. Knox commented on the proposed changes to the Enforcement Policy.

Mr. Knox noted that the legal remedies available under the *Professional Engineers Act* were updated to include section 41 of the Act. This section relates to falsification of documents and is relevant to some current offences. Mr. Haddock commented that this has also led to issuing a Registrar's Certificate instead of Letter of Status to confirm a licence or



certificate of authorization. There is no remedy in the Act for forging a Letter of Status, but section 41 can be applied for a forgery of a Registrar's Certificate, which is punishable by a fine.

Mr. Knox noted that the "Procedures" section was updated to reflect current staff activities, and that excerpts from the Act were updated to reflect the 2010 changes made under the *Open for Business Act*. Mr. Knox further noted that parts of subsection 12(6) regarding services that may be provided by an architect, and section 41 on offences for falsified documents, were added to the policy.

Next steps are approval by the Deputy Registrar, and forwarding the revised policy to Council for approval.

Mr. Broad asked about moving the fine amounts to a schedule that could be referenced by the Act. Mr. Knox commented that such a change would require an Act change.

Mr. Barker asked for consensus from the committee on whether more study or review was required before the policy is forwarded to Council. There was general agreement that no additional review needed, and Mr. Barker called for a motion from the committee.

**Motion #3:** The revised Enforcement Policy document be forwarded to Council for approval.

Moved by Peter Broad, P. Eng., seconded by William Jackson, P.Eng.

**CARRIED**

#### **9. Work Plan – Policy Issue A: Enforcement Reporting (S. Ko, D. Marston)**

The committee reviewed the draft guideline prepared by staff to incorporate earlier input from the committee.

Mr. Ko commented that the additions to the guideline make it more informative. Mr. Ko asked whether the guide would be made available on-line and how it would be formatted.

Mr. Knox responded that the intent was to have it available as both a web-based document and a print on demand document. He explained that the guide will go to PEO's Communications department for review and they may make changes to suit these needs.

Mr. Marston suggested that the percentages relating to enforcement outcomes should be left out in the final draft. There was general agreement from the committee on this, and that the percentages were useful as internal metrics.

Mr. Broad suggested a change in wording under title violations from "... do not hold a full or temporary licence in Ontario ..." to "... do not hold a full or temporary Ontario licence."

Mr. Adams suggested that the 3<sup>rd</sup> and 4<sup>th</sup> paragraphs be reversed to emphasize that the guide relates to enforcement rather than discipline.

Mr. Georgas provided some suggested changes in a separate attachment. He noted that his intent was to underscore the differences between discipline and enforcement. He also suggested to add unauthorized trade mark applications and registrations to the table of reportable offences. Mr. Haddock commented that all of PEO's trade mark work is done through Engineers Canada.

Mr. Knox suggested to make the introductory section of the guide simple and brief. Mr. Knox proposed that he will review the committee's feedback with Ms. Latham and forward a revised draft to Communications to prepare the final publication draft. He further proposed that the guide be implemented soon after this, and that its impact is reviewed after six months.



Mr. Barker suggested that further changes be left to staff, and agreed that there can be a review in six months.

**Action #1:** Mr. Knox to make changes and forward to PEO's Communications department for final publication.

**10. Work Plan – Policy Issue F: Enforcement of Business Names (W.Jackson, S. Georgas, P. Broad)**

Mr. Haddock commented that he has no update at the present time.

**11. Work Plan – Policy Issue 2017-A: Guidance for Outreach (J.Adams, E.Poon, D.Marston, W.Jackson, P.Broad)**

Ms. Gismondi reviewed the attachment on Student Engagement Topics. The subcommittee seeks approval of the topics and agreement to reach out to other PEO departments for potential collaboration on outreach.

Mr. Barker asked the committee if they agree with the topics and if there is anything they would like to add.

Mr. Barker suggested that it's important for fourth year students and new graduates to understand what activities fall within the practice of professional engineering and he would like to see clarification of this in the message.

Mr. Varma commented that the message should encourage students to get a licence after completing their studies.

Mr. Marston suggested that the message could highlight the leadership positions held by engineers.

Ms. Gismondi commented that the next steps outlined in the attachment are ongoing. Mr. Barker asked if the committee was comfortable with the next steps, and there was general agreement on this.

**12. Work Plan – Policy Issue 2017-B: Enhanced Enforcement for Industry (J.Adams, D.Marston, R.Barker, P.Broad, A.Varma, S.Georgas)**

Mr. Knox commented that the Ministry of Labour (MOL) has assigned a regional engineer to review engineering reports that relate to accidents involving production equipment for engineering issues. The Ministry reports are not stored in a searchable format and there is difficulty in accessing information that is of interest to PEO.

Mr. Varma suggested to ask MOL for a list of stop orders that identify unsafe conditions at workplaces they visited.

Mr. Varma further suggested to convince MOL to designate a competent person to determine when a Pre-Start Review (PSR) is required. He noted that there is no process that ensures this is done by industrial employers.

Mr. Knox noted that the subcommittee's task encompasses more than ensuring that PSRs are completed by industry.

Mr. Barker asked if there are issues for the subcommittee to address or if there is a need for additional feedback from MOL. Mr. Knox commented that staff needs to provide direction to the subcommittee on what can be worked on. He indicated that the MOL information may not identify issues to work on, and some effort is needed to identify other possibilities for enforcement activity.

**13. Work Plan – Policy Issue 2017-C: PSHR Performance Standard Proposal (P.Broad, J.Adams, A.Varma)**

Mr. Broad commented on some strengths and weaknesses that would support the development of a performance standard for engineers completing a PSR. He suggested to look at recent changes to the MOL guideline and how these might impact the subcommittee report.



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Mr. Knox referred to the SWOT document that was forwarded to the subcommittee members and commented that it might not be applicable since development of a standard is effectively an opportunity that was identified by the repeal research. Mr. Knox suggested that the subcommittee's task was to make the case for development of a performance standard and communicate it for consideration by the Professional Standards Committee (PSC).

Mr. Knox proposed that he will prepare a draft memo to be reviewed by the subcommittee prior to being sent to PSC.

**Action #2:** Mr. Knox to draft a memo for consideration by the subcommittee.

**14. Other Business**

No other business

**15. Attendance**

**Regrets:** Edward Poon, P.Eng.

**16. Next Meeting**

The date of the next meeting was confirmed for September 19<sup>th</sup>.

The date for the November meeting is to be confirmed based on the availability of committee members.

**Action #3:** Maria will send out a Doodle poll on dates for the November meeting.

**17. Adjournment**

**Motion #4: To adjourn at 3:56 pm.**

Moved by William Jackson, P.Eng.

**CARRIED**

R. Barker, P.Eng. - Chair

M. Iannone – Secretary

Date