



Minutes

The seventy-ninth meeting of the Enforcement Committee held on
Tuesday, July 19, 2016 at 1:30 p.m., PEO Offices

- Present: Peter Broad, P.Eng. (Chair)
Roger Barker, P.Eng. (Vice-Chair)
Gary Houghton, P.Eng.
William Jackson, P.Eng.
Joe Adams, P.Eng. (Via teleconference, from Item 7)
Edward Poon, P.Eng.
Stephen Georgas, LLB., P.Eng.
Solomon Ko, P.Eng.
Ajai Varma, P.Eng.
- Council Liaison: Ewald Kuczera, 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: Don Marston, P.Eng.
Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)

1. Welcome and Call To Order

The Chair, Mr. Broad, called the meeting to order at 1:35 p.m. with a quorum of 10 and welcomed everyone.

2. Approval of Agenda

Motion #1: That the Enforcement Committee agenda dated July 19, 2016 be approved.
Moved by Solomon Ko, P.Eng., seconded by Stephen Georgas, P.Eng.

CARRIED

3. Verification of Minutes

Motion #2: That the Enforcement Committee Minutes dated May 17, 2016 be approved.
Moved by Stephen Georgas, P.Eng., seconded by Roger Barker, P.Eng.

CARRIED

Minutes

4. Business Arising from Minutes

Mr. Knox advised that all business arising from the previous meeting is addressed in the agenda items for the current meeting.

5. Council Liaison Update

Mr. Kuczera provided an update from the June 24th Council meeting.

Mr. Ko asked about the motion regarding the Non-Practicing Declaration Form. Members will complete the form if they wish to be designated as non-practicing for the purposes of the proposed Continuing Professional Development Program. Mr. Kuczera explained that once the form is put into use its effectiveness will be reviewed by the CP² Task Force.

Mr. Barker asked about the rationale for the motion regarding composition of Discipline Panels. Mr. Kuczera explained that the wording of current requirements was not intended to impede the appointment of panels, but places an undue burden on councilors

6. Staff Update

Mr. Haddock gave an update on litigation in process:

1. PEO obtained an order against Mr. de Guzman to prevent him from calling his corporation a registered professional engineering company. He has not taken steps to comply with the order and PEO is seeking further prosecution under the PE Act.
2. Mr. Jowhari was elected as Member of Parliament for Richmond Hill and represented himself as a professional engineer during a political debate during the election campaign.
3. A Subway restaurant owner who allegedly forged a seal on a document and forwarded it to the City of Hamilton Building Department.

Mr. Knox gave an update and commented on the following:

1. Nipigon River Bridge: no details to release at this time; MTO made a public statement that they will not be releasing any reports on their investigation until the fall.
2. Wall collapse during LRT Project: awaiting results from the Ministry of Labour investigation so we can determine if there is any action to take on this matter.
3. OSPE proposal to change their by-laws and rename one of their membership grades to "Engineering Professional member" has created some controversy.
4. Process change for incorrect use of titles by licence applicants: First warning letter to come from Licensing group and second letter from Enforcement group.



Minutes

7. Repeal of Industrial Exception Research Project – Final Report

Mr. Knox gave a presentation on the results from the research project.

Mr. Knox noted that Ministry of Labour (MOL) prosecutions under *Occupational Health and Safety Act* the between 2005 and 2015 were reviewed as part of the research. Based on press releases for successful prosecutions, the research identified 360 incidents that involved a manufacturing site, including 89 incidents where the Industrial Exception might apply.

The research did not identify a clear causal link between the Industrial Exception and workplace safety. There are 11 cases that require additional information to determine whether the associated engineering work was done by an unlicensed person. The report recommended that PEO work more closely with MOL to enhance existing requirements for Pre-Start Health and Safety Reviews and notification on matters discovered by one organization to be brought to the attention of the other organization.

Mr. Adams asked if there was merit in looking at the TSSA Risk Assessment Model as follow-on research.

8. Work plan – Policy Issue A: Enforcement Reporting

Mr. Ko commented that the subcommittee is waiting for staff input to prepare an activity report.

Mr. Knox commented that Steven would be talking to the committee on preparing an activity report and that staff is working on final draft for the enforcement reporting guide. The revised draft of the reporting guide is expected to be completed for the committee's September meeting.

9. Work plan – Policy Issue E: Impact of Counterfeit Seals

Mr. Jackson commented that the subcommittee's report has been completed and it is waiting for comment from PSC.

Mr. Knox commented that there are outstanding action items and progress on one item.

1. Mr. Knox has an action to prepare some questions to help develop the public protection case for the Policy Development group.
2. Ms. Latham brought the matter to the National Discipline Enforcement Officials meeting in June. The Committee is keen for PEO to adopt electronic seal technology, but is unsure whether applications offered by private enterprises (e.g., Notarius) can achieve what may be required. The requirements for a digital seal need to be defined so that it has the physical appearance of an engineer's seal and an encrypted digital metafile that is authenticated by a centrally controlled registry.

Mr. Jackson commented that PEO could take the lead in the development of a national standard.



Minutes

Action #1: Staff to prepare questions to generate background information for the Professional Standards Committee (and Policy Development staff). [Assigned at May meeting]

Action #2: Staff to contact the Standards Council of Canada to see if authenticated digital seals are an emerging issue for them. [Assigned at May meeting]

10. Work plan – Policy Issue F: Enforcement of Business Names

Mr. Haddock reported that the subcommittee recommended a two prong strategy to both engage the government and raise public awareness of the restrictions on business names. Discussion has been started with the Ministry of Government and Consumer Services on ways to streamline both the initial registration and name challenge processes. The subcommittee suggested developing an internal strategy for targeted outreach and to get costing for a consultant to determine whether to move forward with this.

Mr. Adams requested clarification on the “Status Quo” alternative referenced in the subcommittee minutes. It was noted that status quo is not an option for enforcement relating to business names.

Mr. Broad commented that the intent is to work with government to resolve PEO’s issues with the current process.

11. Member Satisfaction Survey

Mr. Knox gave a breakdown of the survey responses relevant to Enforcement and commented on actions that can be taken to change mistaken opinions or view points.

12. 2017 Work Plan

Mr. Knox identified items from the current work plan that have been, or will be, completed this year, along with items that will carry over into next year (counterfeit seals, business names).

Potential work plan items for 2017 include:

1. OSPE’s use of the term “Engineering Professional”;
2. Enhanced enforcement in manufacturing;
3. Outreach strategy.

Mr. Barker proposed discussing the role of the Committee, and whether it should be assigned specific powers in the legislation.

Mr. Broad proposed that enforcement should play a role in what is enforceable under the *Occupational Health and Safety Act*.



Minutes

13. Other Business

No other Business brought forward

14. Attendance

Linda Latham absent with reason

15. Next Meeting

September 22nd, November 15th

16. Adjournment

Motion # 3: To adjourn at 4:10 pm.

CARRIED

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

P. Broad, P.Eng. - Chair

M. Iannone - Secretary

Date