



Minutes

The Eighty-Ninth meeting of the Enforcement Committee held on Tuesday June 12, 2018 at 1:30 p.m., PEO Offices

- Present: Roger Barker, P.Eng. (Chair)
Stephen Georgas, LLB., P.Eng. (Vice-Chair) Conferenced
Peter Broad, P.Eng.
Don Marston, P.Eng.
Ajai Varma, P.Eng.
Juwairia Obaid, P.Eng.
Tyler Ing, 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.
Joe Adams, P.Eng.
Gordon Ip, P.Eng.

1. Welcome and Call to Order

Mr. Barker, called the meeting to order at 1:45 p.m. with a quorum of seven (7) and welcomed everyone.

2. Approval of Agenda

Motion #1: That the Enforcement Committee Agenda dated April 26, 2018 be approved.

Moved by Tyler Ing, P.Eng., seconded by Juwaira Obaid, P.Eng.

CARRIED

3. Report from Chair

Mr. Barker commented that there was nothing to report at the present time.



4. Consent Agenda

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

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

- 1. The Enforcement Committee Minutes dated April 26, 2018 are approved.**
- 2. The 518th Council Disposition of Motions are received for information.**

Moved by Tyler Ing, P. Eng., seconded by Stephen Georgas, P. Eng.

CARRIED

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

Mr. Knox commented that the memo to the Public Information Campaign Task Force had not been sent. The memo was to forward the two outreach presentations as examples of current messaging to students. He was not sure if the task force is still actively meeting. It was to prepare a final report to go to Council and it's not clear if there are follow up actions for the June or September meeting. The information can still be provided to the task force, but it may not be able to act on it.

Ms. Gismondi commented that the subcommittee has been asked to shift its focus to chapters. It was suggested that the subcommittee ask for volunteers who would like to work on outreach to chapters. Next steps would be to consult with the acting manager for Chapters, and to hold an initial meeting to discuss next steps. Both Ms. Obaid and Mr. Ing volunteered to join the subcommittee for this next phase of outreach.

Mr. Knox commented that in addition to creating content for a static presentation, the subcommittee could look at delivery options and how best to engage Chapters for this outreach. Mr. Broad commented that outreach to chapters may be a way to reach foreign-trained immigrants.

Mr. Barker commented that chapters were mentioned as a potential audience, but the subcommittee may make an alternative proposal and come back to the committee for approval.

Action #1: Ashley to set up a subcommittee meeting to discuss next steps.

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

Mr. Knox reported that Annex Business Media holds a virtual monopoly on Canadian trade publications, including Canadian Consulting Engineer magazine. Their targeted sectors are manufacturing, industrial, heavy equipment and professional services. He noted that circulation numbers are available for many of their magazines.

Mr. Barker asked about the action item from the committee's last meeting to follow up with the publisher. Mr. Knox commented that he had reviewed the publisher's privacy policy, which indicates that it doesn't share its subscriber information with third parties unless there is a legitimate business need.

Mr. Georgas commented that there's an issue with using subscription lists under the federal *Personal Information Protection and Electronic Documents Act* (PIPEDA). He noted that we would require consent from the individuals for the publisher to disclose the names of its subscribers, unless the person requesting the information is going to use it to pursue a breach of contract or violation of a law.

Mr. Knox noted that PEO previously had status as an investigative body, but the latest amendment to PIPEDA removed this provision. Now a request for information must pertain to a reported violation of the *Professional Engineers Act*.



The members discussed at length how the PIPEDA rules limit the information that may be disclosed by Annex Business Media. There was some consensus that we might be able to get analytic data on the numbers of subscribers with a job title of engineer or who used the designation P. Eng. There is also the possibility of asking the publisher to send an information message to its subscribers on behalf of PEO.

Mr. Barker suggested that a meeting be set up with Annex to explore the available options to access its subscriber information.

Mr. Broad commented that PEO could ask for information regarding the numbers of subscribers using restricted titles or designations, and after discussion by the subcommittee, a message could be distributed by Annex to its subscribers to outline when and why a licence from PEO is required.

Mr. Knox commented that we can explain PEO's objective to ensure that job titles are being used correctly and ask about what information Annex can release without compromising its subscribers' private information. Mr. Georgas commented that we should be frank about respecting the privacy provisions under PIPEDA.

Action #2: Mr. Knox is to contact Annex Business Media to determine what information can be shared with PEO.

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

Mr. Barker requested an update on the memo that was sent to the Professional Standards Committee (PSC). Mr. Knox commented that he has had verbal acknowledgement that the memo was received.

Mr. Knox further commented that PSC is awaiting direct feedback from the Ministry of Labor regarding PEO's Pre-Start Review guideline. Mr. Barker asked if PSC requested MOL's feedback about whether there should be a performance standard or only about updates to the guideline. Mr. Knox opined that PSC asked for feedback on the guideline to be taken into consideration for any updates.

Mr. Knox commented that there has been no specific response as yet to the amended memo that was sent to PSC.

8. Chair's Subcommittee: Future of Enforcement Committee

Mr. Knox provided some background for new members of the committee. He explained that this subcommittee had looked at ways to make the committee more effective, and this led to an action to develop a protocol to ensure that workplan items had meaning and value to the Association. Historically only a small number of work plan items have been directly assigned by Council.

Mr. Ing asked if work plan items would be assigned as part of the Strategic Plan and objectives. Mr. Knox commented that this would depend on whether any strategic initiatives are assigned specifically to this committee. He noted that the only recent task to be assigned to the committee was to develop the strategies.

Mr. Knox summarized that the protocol for work plan is still a pending action with staff.

9. Strategy Development Subcommittee

Mr. Barker suggested that the committee discuss and vote on each strategy individually to approve that it be sent on for consideration by Council.



Ms. Obaid suggested that the strategies should be formatted in a consistent way to submit as a package to Council. Mr. Knox noted that the strategies will go first to Senior Management for review, and that group will select a subset of the strategies to be sent to Council for approval. Mr. Knox agreed to put the strategies into a consistent format and to incorporate changes to the content as identified during the discussion.

Strategy 1 – Partnering with Key Stakeholders (A. Varma and P. Broad)

Mr. Varma commented that the current draft included all points from previous discussions.

Mr. Knox commented that there was an intent to make the strategy broader so as to include the construction sector, government ministries and agencies. It was determined that the version provided in the agenda package was not the most recent version. Mr. Knox agree to incorporate comments into the most recent version of the document.

Ms. Obaid noted that the group had previously discussed adding consultants as a stakeholder.

Mr. Barker suggested that government employers could be added as a stakeholder under item #3.

Motion #3: That ENF Strategy 1 be approved as amended.

Moved by Tyler Ing, P. Eng., seconded by Don Marston, P. Eng.

CARRIED

Strategy 2 – Easily Understood Definition of Professional Engineering (J. Adams and D. Marston)

Mr. Marston suggested to change the term, “real world definition” to “a series of illustrative definitions’. He also suggested to change the term “Verification Comment” to “Rationale”, and to change the term “Associated Change” to “Expected Outcome”.

Motion #4: That ENF Strategy 2 be approved as amended.

Moved by Don Marston, P. Eng., seconded by Juwairia Obaid, P. Eng.

CARRIED

Strategy 3 – Official Marks (S. Georgas and R. Barker)

Mr. Knox suggested to simplify the wording the of the strategy statement given in the bolded paragraph.

Ms. Obaid suggested to break up the text with corresponding subtitles.

There was general agreement that the strategy was very detailed, however there was concern that the specifics of the strategy might not be understood by a broad audience.

Motion #5: That ENF Strategy 3 be approved as amended.

Moved by Peter Broad, P. Eng., seconded by Don Marston, P. Eng.

CARRIED

Strategy 4 – Broader Outreach to Key Stakeholders (J. Adams and P. Broad)

Ms. Obaid commented that the main changes were to distinguish this strategy from Strategy 1 by changing the title and making a more generic reference to the implementation cost.

Mr. Knox commented that some statements did not correspond to the associated headings, and that it would help to change the order of some of the information and to add a clear strategy statement.



Motion #6: That ENF Strategy 4 be approved as amended.

Moved by Stephen Georgas, P. Eng. and seconded by Tyler Ing, P. Eng.

CARRIED

Strategy 5 – New Ways to Collect and Analyze Data to Identify Enforcement Leads (A. Varma and S. Georgas)

Mr. Knox suggested to clarify the statement on the conversion rate for applicants to indicate that it is 20 percent for foreign trained and CEAB graduates combined.

Mr. Knox noted that the proposed evaluation of admission applications is not feasible because we don't collect data on job titles used by applicants. Mr. Haddock added that a policy decision was previously made to issue a warning letter to applicants when admissions staff became aware of a title violation. Mr. Knox suggested that PEO could look at a different set of data to determine who are the employers of members and applicants as a potential audience for outreach initiatives.

Mr. Georgas suggested to reference that internal information would be used in a way that is compliant with PIPEDA.

Motion #7: That ENF Strategy 5 be approved as amended.

Moved by Tyler Ing, P. Eng., seconded by Ajai Varma, P. Eng.

CARRIED

Strategy 6 – Protocol for Communication among Committees and Staff (C. Knox, R. Barker and P. Broad)

Mr. Knox commented that this strategy pertains to some perceived inconsistency from various outlets of information regarding approved uses of title and positions on relevant issues relating to engineering practice.

Mr. Broad commented on the view that regulatory bodies should maintain a record of each member's career history, particularly where there are findings of misconduct. Mr. Knox commented that the recent change in PEO's legislation allows for the publication of a member's discipline history. He noted that there is increasing societal pressure for regulators to be accountable to disclose information for protection of the public.

Motion #8: That ENF Strategy 6 be approved as amended.

Moved by Peter Broad, P. Eng, seconded by Juwairia Obaid, P. Eng.

CARRIED

Strategy 7 – Improve Member Reporting (T. Ing)

Mr. Ing explained an additional strategy proposal that included developing an enforcement-themed training module for the PEAK program, having a chapter volunteer trained as a local resource for enforcement matters, and promoting awareness of PEO's online directory.

Ms. Obaid asked about the annual volume of enforcement tips that come from chapters and other outside sources. Mr. Haddock commented that PEO has approximately 120 cases per year that result from outside inquiries. Mr. Knox added that outside inquiries account for roughly a third of the enforcement case load while the balance come from leads provided by staff.

Motion #9: That ENF Strategy 7 be approved as amended.

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

CARRIED



Mr. Barker thanked the group for their input that will be reflected in the final editing the strategy documents.

Action #3: Mr. Knox is to revise the strategy documents as discussed and submit them for review.

10. Other Business

Mr. Barker expressed concern about the attendance of Council Liaison, Gary Houghton. Mr. Knox commented that he has only attended 1 of 9 meetings since November 2016. Mr. Knox suggested that a memo be sent to the Human Resources Committee (HRC) to present these concerns, and to ask that they consider appointing a new liaison.

Mr. Marston commented that Marisa Sterling had expressed an interest in working with the committee and suggested that she be considered as a possible liaison. Ms. Obaid noted that Marilyn Spink has also shown interest and could be another person to consider. Mr. Broad suggested that we might consider having two councillors as liaison, given the focus on enforcement in the new Strategic Plan.

Action #4: Mr. Knox is to draft a memo to HRC for their consideration.

Mr. Knox commented that there will be 2 vacancies on the committee at the end of this year. It was suggested to post for these vacancies so that a selection can be made to have new members in place for 2019.

Mr. Barker commented that the letter from PEO to the Ministry of Labour regarding amendments to OHS Regulation 851 was provided as an information item.

11. Attendance

Regrets:

Edward Poon, P.Eng.

Joe Adams, P.Eng.

Gordon Ip, P.Eng.

Gary Houghton, P.Eng. (Council Liaison)

Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)

12. Next Meeting

Action #5: Maria to send out a Doodle poll for availability to hold a meeting in the 2nd or 3rd week of September.

14. Adjournment

Motion #10: To adjourn at 4:06 pm. (No motion to adjourn; declaration made by the Chair.)

R. Barker, P.Eng. - Chair



Date Sept 11, 2018

M. Iannone – Secretary



Date Sept. 11, 2018