



## **MINUTES**

### **LICENSING COMMITTEE – January 17, 2019**

#### **Members in attendance:**

Barna Szabados, Chair  
Santosh Gupta, Vice-Chair  
Christian Bellini  
David Kiguel  
George Comrie (via teleconference)  
Lola Hidalgo Salgado (via teleconference)  
Roydon Fraser (via teleconference)  
Mohinder Grover (via teleconference)

**Observer:** Changiz Sadr

**Regrets:** Gregory Wowchuk

**Staff:** Michael Price, Deputy Registrar  
Claire Riley, Administrative Assistant

#### **1. Call to Order and Chair's Remarks**

The Chair, Barna Szabados, called the meeting to order at 3:10 PM.

- He commented that when PEO committees are working together on matters, written communications should stay between committee chairs and not through intermediary staff. If staff members wish to give their input on committee-related issues, it would be preferable to convey their input through the chairs.
- The Chair remarked that there was room for improvement with regard to the Chapters participating more in understanding and learning about the varying aspects of licensure. He believes that there is need for better communication between the Chapters and the LIC to encourage Chapters' interest in the process. LIC member Lola Hidalgo Salgado, the Regional Councillors Committee (RCC) Representative, agreed to share his feedback with the RCC.

## 2. Approval of the Agenda

### MOTION

It was **moved by** Santosh Gupta and **seconded by** David Kiguel to approve the agenda as distributed.

**CARRIED**

## 3. Approval of the November 22, 2018 Minutes

### MOTION

It was **moved by** and **seconded by** Christian Bellini that the November 22, 2018 minutes be approved.

**CARRIED**

## 4. Business Arising from the November 22, 2018 Minutes

No items were reported.

## 5. Office of the Fairness Commissioner (OFC) - Update

Deputy Registrar Michael Price reported the following:

- The November 13, 2018 OFC letter was discussed at the last LIC meeting on November 22, 2018. This was followed by a meeting with OFC staff on December 3, 2018. PEO submitted additional information on December 11 and OFC provided its response to information submitted and to what was discussed at the meeting on December 28, 2018.
- Of the 4 OFC recommendations discussed at the November 2018 LIC meeting, ***Engage a psychometrician to review PEO's Professional Practice Exam (PPE) to confirm its validity*** is the closest to completion. PEO advised the OFC that it signed a contract and a consultant is currently evaluating the PPE. A final report is expected at the end of January 2019. Once reviewed by PEO, a copy will be sent to the OFC, as requested.
- Regarding ***Internal Reviews or Appeals***, the OFC staff did not think the PEO documentation was clear enough for a layperson to understand. As for an applicant requesting an Academic Requirements Committee (ARC) reassessment with new information, the OFC was fine with the file going back to the same assessor.
- When there is no additional information presented for a reassessment, PEO explained that if an assessor in the same discipline was not available, PEO presented the ARC document that discusses the ARC Chair or Vice-Chair looking at the file, then bringing it to the full ARC for ratification. At the discussions, the OFC found this acceptable. However, in their December 2018 reply, the remedial action identified for PEO to come into compliance is:

- To adopt a policy and procedure, applicable to all committee members and staff, that internal reviews of applicant files are not completed by the same assessor who completed the initial review.

**Or**

- Amend the Appeal of Academic Assessments Procedures Manual of the Academic Requirements Committee to state: if new information is received after the Notice of Assessment (NOA) is issued, the file is to be evaluated by someone other than the original assessor.
- He remarked that this response was contrary to what PEO understood at the December 2018 meeting which was that it would be acceptable to use the original assessor if there was new information. This presents a predicament for PEO as the OFC states that PEO is not compliant with respect to Part III, s.9 (5) of the *Fair Access to Regulated Professions and Compulsory Trades Act* (FARPACTA). As a result, PEO engaged external legal counsel in order to respond.
- The third OFC recommendation is: ***Implement guidelines for decision-makers that include clear direction on what to do if they find themselves in a situation of potential bias.*** And the remedial action to be taken by PEO to come into compliance is:
  - To record what constitutes bias, types of bias and the need to avoid bias in appropriate policy documents and training manuals.
  - To explain procedures to be followed where potential for bias is identified.
- PEO is uncertain as to the different types of bias the OFC is referring to. Is this systemic bias, or something beyond the Ontario Human Rights Code? PEO asked the OFC to provide examples of the policies of other regulatory bodies that it considers acceptable. The Deputy Registrar opined that the list the OFC provided was quite exhaustive. PEO asked the same external legal counsel to review this matter as well, and to draft a document that will lead to a policy that will meet the OFC requirements. In turn, the document will be presented to Council.
- The last recommendation is still outstanding: Develop and articulate timelines for responding to applicant's inquiries and requests. PEO indicated what its standards are to respond to applicants' email. The OFC finds the response acceptable but wants PEO to implement a formalized monitoring and enforcement procedure to PEO's internal policy. The original recommendation was based on PEO moving forward with an online licensing system. Despite being aware of PEO's IT limitations, the OFC indicated that it still wants PEO to implement a response monitoring system to provide written responses to applicants within a reasonable time. To meet this recommendation, PEO has been in talks with Aptify (its current database management system provider) to see what technology is available and the associated costs.

## 6. Reports from Other Committees/Deputy Registrar Update / ERC

Deputy Registrar Michael Price reported the following:

- In September 2018, Council approved an external regulatory performance review for PEO to be conducted by Harry Cayton, formerly with the UK Professional Standards Authority. The Chair delegated Vice-Chair Santosh Gupta and member George Comrie to attend an interview with the consultant on his behalf as he would not be available on the specific dates. Member David Kiguel, as ERC Chair, was also invited to an interview.
- At its February 2019 meeting, Council will look at the by-laws for pending fee changes. However, from what he understands, Council will not be voting on a final version of the by-laws at this meeting.
- At its March 2019 meeting, as part of its budget discussions, Council will review modifications to PEO's Financial Credit Program (FCP) by considering making the FCP a credit at the end of the licensing process. As well, Council will consider charging a fee for Experience Requirements Committee (ERC) interviews.

Experience Requirements Committee (ERC) Chair David Kiguel reported the following:

- In August 2018. He and Pauline Lebel, Manager, Licensure, wrote a briefing note outlining changes to the Guide to Required Experience for Licensing [the Guide] to remove the required physical presence of the monitor at the engineer-in-training (EIT)'s workplace for 30 hours monthly. The proposed changes were approved by both the ERC and LIC, and then submitted to Council for approval at its September 2018 meeting. However, the briefing note was not included on Council's agenda and he was directed to seek peer review by the Professional Standards Committee (PSC).
- He wrote a letter to the PSC Chair in September 2018 requesting a review of the briefing note. A response was received from the PSC in December 2018 and it concluded that further information regarding regulatory objectives was necessary to complete its review of the proposed change to the Guide and the PSC requested the following information:
  - the original documents which outline the purpose of the monitor process;
  - the original legal review obtained by the ERC regarding whether the current legislative framework permits PEO to explore such policy alternatives as the monitor process.
- In response, he wrote a letter to the PSC Chair pointing out that the current wording in the corresponding section 2.5.2 of the Guide – Role of the Monitor as Referee – was drafted by the PSC and approved by Council in 2013. The ERC proposal is not to eliminate the physical presence of the monitor but to remove the requirement of 30 hours per month and replace this stipulation with a

mutually agreed number of monthly hours amongst the monitor, EIT and his or her employer.

- He asked that President Brown add the briefing note to Council's February 2019 agenda.
- LIC members engaged in discussion and agreed that the matter of the monitor, with its current implementation, is unsustainable. Members agree that the issue must be arbitrated by Council and the committee opined that no amount of work by the ERC or PSC would solve the problem. In this case, LIC's role is to present the policy to Council so that it may address the obvious gaps in the monitor policy.
- He confirmed that the word "appeal" which related to applicants who wished to dispute their ERC interview results was changed to "dispute resolution." The *ERC Interview Results Dispute Resolution Process* was approved by the ERC at its October 2018 meeting. The final version was distributed to LIC members prior to the day's meeting.
- He also informed the committee that current disputes dealt with by PEO's Licensure staff will be reviewed by a newly formed ERC Interview Results Dispute Resolution Board (IRDRB).

## 7. Independent Review of Academic Assessments – Briefing Note

LIC Chair Szabados reported the following:

- In reference to the briefing note regarding an independent review of academic assessments, which was prepared for Council, the Chair received two letters in response to his request for comments and peer review.
  - From the Registration Committee in July 2018, in part: "The Registration Committee is not bound by determinations made by the ARC or ERC. It may choose to accept none, in part or all of the determinations made by or on behalf of the Registrar."
  - From the Legislation Committee (LEC) in August 2018, in part: "On the face of it, it would appear that the ARC does not have the legal authority to institute an internal appeal. Internal reviews and appeals may trigger certain rights and obligations on both the applicant and PEO, with consistent usage, and thus careful legal review is advised." Further, the LEC stated its concern whether the LIC's proposal would infringe or be limited by the Act or Regulation 41.
- The Chair sent a revised copy of the briefing note to Deputy Registrar Michael Price for review stating that it did not require Council's approval as it was an internal process. The Deputy Registrar reiterated that ***Internal Reviews of Appeals*** was one of the OFC recommendations being reviewed by external counsel. He opined that the external counsel would consider whether the ARC is indeed making registration decisions in terms of internal independent reviews of

academic assessments (in our opinion ARC only makes decisions on meeting one of the 5 requirements for licensure). Depending on that answer, it would reflect on what the legal counsel would recommend and what the LIC can or cannot do with regard to reviews.

- At the conclusion to the discussion, the Chair confirmed that he removed the Stage 3 (Internal Independent Review; that Stages 1 (Review with New Information) and 2 (Internal Review) would remain as they are the same as the current pre-Notice of Assessment stages; and that will be updated in the Red Book needing no Council decision since it is an internal process. The LIC would wait for the decision of the external legal counsel either to proceed with the proposal of an external reviewer, or not.

## **8. Recommended Changes to Reinstatements – Update**

ERC Chair David Kiguel reported the following:

- The ERC approved the recommended changes to reinstatements at its December 2018 business meeting. The updated proposal was distributed to LIC members in the meeting materials. Changes to the process do not require changes to the Regulations. The proposal relates to applicants whose licences were cancelled because of non-payment of dues, and that more than two years have lapsed since cancellation.
- The ERC asked that all reference to PEO's non-compulsory Practice Evaluation and Knowledge (PEAK) Program be eliminated from the reinstatement document. Rather, the applicant is required to provide a brief Professional Development Report (PDR) of how he or she has maintained their knowledge of current laws, codes, and standards pertaining to their area of practice.
- If a PDR is judged to be insufficient, the applicant will be required to submit a Professional Development Plan (PDP) specifying their engineering events and number of hours of learning activities.
- The following updates to the recommended changes to reinstatements were prepared by ERC Chair David Kiguel, ERC Vice-Chair Changiz Sadr and PEO's Manager, Registration: a) updates to the instructions to applicants; b) updates to the introductory remarks at an ERC interview and; c) updates to the information to be included in the ERC manual.

## **9. Review of Action Items Log**

Members reviewed the log and identified items to add and the items that were completed. The log will be updated and presented at the next meeting.

## **10. 2019 LIC Meeting Schedule**

The dates of the remaining LIC meetings in 2019 are at 3:00 PM on Thursdays, immediately preceding the ARC meetings.

- March 14
- May 16
- August 15
- October 17
- December 5

The Chair noted that if an emergency meeting was necessary, the committee would consider the request.

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

There was no other business to discuss.

#### **12. Adjournment**

Meeting adjourned at 5:20 PM

**Next Meeting: Thursday, March 14, 2019**