



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, March 20, 2018

PEO Offices

Members:

Fanny Wong, P. Eng. (Chair)
Neil Kennedy, P. Eng. (Vice-Chair)
Denis Dixon, P. Eng.
Roger Jones, P. Eng.
Dale Kerr, P. Eng.
James Lowe, P. Eng.
Brian Ross, P. Eng.
Heather Swan, P. Eng.

Council Liaison:

Michael Wesa, P. Eng. *[via teleconference]*

Staff:

Sherin Khalil, P. Eng.
José Vera, P. Eng.

Guest:

Jordan Max, Manager, Policy

Regrets:

Jamie Catania, P. Eng.
Nicholas Pfeiffer, P. Eng.

1. OPENING OF MEETING

The Chair called the meeting to order at 6:00 p.m., with 8 members of the Committee in attendance. Consequently, quorum was attained.

1.1 Approval of Agenda

A motion was made to approve the agenda as written.

Moved by: J. Lowe Seconded by: H. Swan CARRIED

1.2 PEO 2018-2020 Strategic Plan

The Chair reported that J. Max was requested to provide information regarding what the expectation is from the PSC in response to the memo on the Strategic Plan.

J. Max provided some background on the 2018-2020 Strategic Plan, as follows.

PEO President Dony sent a letter to some Committee Chairs, asking for each Committee to develop a specific measurable strategy, or strategies, to be submitted to Council for consideration by June 30, 2018. This is to be undertaken during the plan period, and should contribute to the nine proposed strategic objectives.

J. Max provided the strategic objective assignments for the PSC, as follows:

- Focus Area: Protecting the Public Interest. Strategic Objective is #2. Heighten delivery and awareness of PEO's enforcement efforts.
- Focus Area: Engage Stakeholder. Strategic Objective is #5. Increase influence in matters regarding the regulation of the profession.

J. Max clarified the meaning of strategy as a significant change action/activity to achieve an approved strategic objective:

- What resources are necessary to achieve the strategy (knowledge, skills, budget, attitude)?
- If the PSC's candidate project requires additional funding not in their annual budget, the PSC could ask Council to fund it.

Question: Who are the stakeholders that PEO is trying to reach?

Answer: Suppliers, customers, end users and government. The main stakeholders for the PSC are practitioners.

Question: How do other professions, such as medical, create a co-regulator relationship with government?

Answer: PEO is unique in terms of Ministries as PEO has broader skills.

Question: What are the elements of a co-regulator relationship?

Answer: Part of this process is to explore what co-regulator means.

Question: What is an example of a stakeholder?

Answer: Provincial government.

The Ministry of Municipal Affairs is a good example of establishing a co-regulatory regime with PEO as the Ministry has consulted with PEO prior to a public consultation, requesting PEO's participation.

A PSC member indicated that a co-regulatory regime consists of building a network with stakeholders, and should be based on a staff-to-staff level.

The outcome of a co-regulatory regime could impact engineers.

A PSC member commented that the wording in Strategic Objective No. 5, "*increase influence in matters regarding the regulation of the profession*", is very confusing.

Question: Why is role of Ministry staff on PEO subcommittees as an observer(s), rather than a subcommittee member(s)?

Answer: Observers are not contributors; they attend to ensure consistency with Ministry requirements.

There was a discussion regarding what the most effective ways to convince Ministries to collaborate with PEO are.

A PSC member indicated that guidelines are being used by practitioners, or to support enforcement, or for educational purposes.

J. Max provided directional questions on the presentation to the assigned strategic objectives. A PSC member commented that some of the proposed directional questions were outside of the PSC's mandate.

J. Max provided next steps, as follows:

- Committee to develop and propose strategies, via their staff advisor by June 30, 2018 (Manager, Policy can assist upon request).
- Senior Management Team to review all proposed strategies using the criteria, including budget and resource allocations, and provide recommendations to Council for approval as part of the 2019 budget.
- Registrar to report progress on strategies to Council quarterly.

A PSC member reported that the Public Information Task Force is completing a report for PEO management on best messaging to major PEO stakeholders, to include employers, members, government and the public. A draft will be sent to J. Max.

2. MINUTES OF PREVIOUS MEETING

2.1 Approval of Minutes of February 13, 2018 Meeting

A correction was made on Page 3 of the Minutes as the PSC agreed to remove the checklist from the Design Evaluation of Demountable Event Structures Guideline.

A motion was made to approve the Minutes of February 13, 2018 meeting as modified.

Moved by: N. Kennedy Seconded by: B. Ross CARRIED

2.2 Action Items of February 3, 2018 Meeting

Staff reported on the status of the action items.

3. GUIDELINES

3.1 Guideline for Performance Audits and Reserve Fund Studies for Condominiums

There was nothing new to report.

3.2 Guideline for Structural Condition Assessments of Existing Buildings and Designated Structures

There was nothing new to report.

Action: Staff to follow up with the Ministry of Municipal Affairs to obtain an update regarding their proposed regulatory changes in the evaluation of parking structures.

3.3 Guideline for Design Evaluation of Demountable Event Structures

The guideline has been sent out for public consultation. The consultation will be close in May 2018. Staff will invite certain stakeholders to participate in the consultation.

3.4 Use of Seal Guideline

The subcommittee will next meet on April 5, 2018.

Staff has drafted the performance standard, which will be discussed at the next meeting.

3.5 Guideline for Professional Engineers Providing Reports on Mineral Projects

The subcommittee will next meet on March 21, 2018.

There was a new applicant who expressed interest in volunteering on this subcommittee; however, there is currently no need for new subcommittee members.

A motion was made to invite this applicant to become a member of the Review Network instead.

MOTION CARRIED

Action: Staff to contact the new applicant and recommend him to join the Review Network.

3.6 Guideline for Preparing As-Built and Record Documents

The subcommittee Chair stated that the Terms of Reference are misleading and referencing assessments, whereas the focus is to prepare record documents. The subcommittee Chair reported that the subcommittee members

recommended revising the Terms of Reference to reflect the actual mandate of the guideline.

The Terms of Reference are too broad in terms of assessment.

Engineers do not assess records; they verify documents.

A PSC member questioned whether the subcommittee should present the Terms of Reference, together with the guideline, to Council. Staff advised that it would be possible to do so.

Staff advised that the Terms of Reference were written for the purpose of sub-surfaces, but the problem definition changed to prepare record documents.

Staff provided the following options:

- 1) Subcommittee to revise the Terms of Reference and submit the revised version to Council in the near future for approval; or
- 2) Submit the final approved version of the guideline, together with the revised Terms and Reference, to Council for final approval.

Reasons to revise Terms of Reference:

- To address any type of building.
- To remove ambiguity of assessment.
- Record documents only issued when engineers perform site visits during construction.

A motion was made that the subcommittee revise the Terms of Reference and send them, together with the guideline, to the PSC members for final approval.

Moved by: R. Jones

Seconded by: N. Kennedy

CARRIED

3.7 Guideline for Environmental Site Assessment, Remediation and Management

The subcommittee Chair invited Ken Slack, PEO's Manager, Complaints and Investigations, to discuss complaints involving environmental site assessments.

The subcommittee will next meet at the end of April 2018.

3.8 MOECC - Professional Engineers Providing Engineering Reports under O. Reg. 1/17 (ESDM and AAR Reports)

The subcommittee Chair reported that the subcommittee will send a draft in the near future to the PSC members for comment. The subcommittee still has a challenge regarding the toxicologist issue, which may delay development of the guideline.

There was a discussion on the legal review of the guideline before and after the public consultation.

Staff reported that a memo will be sent from the subcommittee Chair to the PSC Chair requesting retention of a lawyer to provide a legal review on the guideline.

3.9 Coordinating Licensed Professional Joint Subcommittee

The subcommittee Chair reported that the engineer members of the subcommittee do not contribute. Staff will send a reminder requesting the engineer members of subcommittee to provide their input on the guideline.

The joint subcommittee had a discussion regarding the sealing requirements of the coordinating engineer as the current version of the Use of Seal Guideline mandates a coordinating engineer to seal for the purpose of coordination of other professionals' work. The subcommittee members do not agree that the coordinating engineer should seal, and have requested consistency with the Use of Seal Guideline.

3.10 Pre-Start Health and Safety Reports

Staff provided the responses that were received from the subject matter experts. Staff would like to avoid past mistakes by involving experts at the very early stage.

Question: Does PEO have a process to update minor changes in a guideline?

Answer: Yes, it happened when staff updated the Professional Engineering Practice Guideline.

A suggestion was made to add the expiry date on each guideline.

Staff reported that the next step would be to consider the following elements in determining whether the Pre-Start Health and Safety Review Guideline should be updated or not:

- (a) Number of members affected by practice.
- (b) Impact on the public.
- (c) Number of inquiries made to PEO regarding practice.
- (d) Required by creation or amendment of legislation.
- (e) Demonstration through the existence of disciplinary cases indicating common misconceptions of engineer responsibilities that a coherent, consistent standard of practice in a particular area is required.

Staff advised that the PSC Chair sent a memo to the Chair of the Enforcement Committee, advising that, during the review, the PSC will need to gather evidence-based data in order to make an informed decision on next steps.

Action: Staff to contact PEO's Communications Department to obtain web analytics for the Pre-Start Health and Safety Reports Guideline and all practice advice resources.

Two PSC members noted that plant processes and machinery are increasingly networked. This includes safety interlocks and security functions. Plant networks are vulnerable to security malfunctions, either accidental or malevolent; thus, Pre-Start Health and Safety Review guidelines and/or standards should include a "placeholder" for network security checking. No explicit reference to technology should be included to avoid obsoleting the guideline and/or standard too quickly. PEO's recent CIE discipline and/or the Emerging Disciplines Task Force can advise in due course.

4. OTHER BUSINESS

4.1 Council Update on PSC Related Issues

Staff reported that the PSC has previously agreed to send a report to update Council on current PSC projects. Consequently, the PSC Chair wrote a memo.

Action: Staff to send a memo to Councillor Wesa to update Council on current PSC projects.

4.2 Role of Council-Appointed Liaison

This item was for information only to inform the PSC members that Council had passed a motion to amend Section 6: Role of Council-Appointed Liaison of the

Committees and Task Forces Policy - Reference Guide, to read as follows:

If liaisons are not already members of their assigned committee/task force, when appointed by Council as a Council Liaison, they become full voting members of the committee/task force. The Council Liaison appointment is in addition to the committee membership, as identified in their respective Terms of Reference. When the Council Liaison's term on Council ends, s/he will no longer be a member of the committee, unless so appointed by Council, and a new Council Liaison will be appointed to the role.

4.3 PSC Gap Analysis

This item was for information only. Staff updated that PSC Gap Analysis chart.

4.4 PEO Annual General Meeting

The PSC Vice-Chair is unable to attend PEO's Annual General Meeting; however other PSC members may be available to attend.

Action: Staff to contact J. Catania regarding his availability to attend the PEO Annual General Meeting as a delegate for the PSC Vice-Chair; if not, R. Jones will attend.

4.5 PSC and Chapter Outreach

A Chapter Chair contacted the PSC Chair and requested the following.

PEO Chapters are looking for speakers for seminars, and have requested that the PSC and its subcommittee members provide seminars on practice guidelines to Chapters. This proposal requests presentation from experts rather than PEO staff.

The PSC members suggested that presentations on guidelines could be recorded on YouTube, and could be part of the Strategic Plan. A PSC member suggested Facebook live to record webinars.

This item will be discussed at the next PSC meeting.

4.6 Guideline Formatting Proposal

Staff proposed using a hybrid format for the Assuming Responsibility and Supervising Engineering Work Guideline and subsequent guidelines that

incorporates some design elements of the old guidelines and some design elements of the new guidelines; specifically:

- The front cover and the back cover will have graphics;
- The Table of Contents and body text will have white background and dark fonts only;
- There will be limited graphics and/or pictures inside the guideline;
- There will be no highlighted text;
- The body text will consist of two columns (width may vary);
- The PSC will review the formatted Assuming Responsibility and Supervising Engineering Work Guideline at an early stage before it is published;
- For subsequent guidelines, the subcommittee Chair will review the formatted guideline; and
- The goal of the review would be to ensure graphics, pictures, and formatting are consistent with the context of the guideline.

The PSC members agreed on the above proposal and recommended adding the following:

- The respective subcommittee should be involved in the selection process of the graphics, rather than the Communications Department. If any graphics are to be used in future guidelines, the respective subcommittee Chair should be consulted in the selection of the graphics to ensure relevancy to the content of the guideline.
- Left justification is recommended for future guidelines, as per page 10 of the Solid Waste Management Guideline.

It was agreed that the PSC members review the Assuming Responsibility and Supervising Engineering Work Guideline before it is published.

4.7 Requests for Proposals

There was nothing new to report.

Action: Staff to contact D. Kerr regarding experience requirement for requests for proposals.

5. ADJOURNMENT AND NEXT MEETING

The next meeting is scheduled for April 10, 2018.

The meeting adjourned at 7:45 p.m.