



Minutes

LEGISLATION COMMITTEE MEETING

Friday, July 26, 2019 - 11:00 a.m.

PEO Offices - Room 1B

Members:

Lisa MacCumber, P. Eng. (Chair)

Leila Notash, P. Eng. (Vice-Chair)

Sandra Ausma, P. Eng.

Gary Houghton, P. Eng.

Staff:

Jordan Max, Manager, Policy

Andrew Tapp, Policy Analyst

Regrets:

Nancy Hill, P. Eng. (President, Ex-Officio Member)

Arthur Sinclair, P. Eng.

Marisa Sterling, P. Eng. (President-Elect, Ex-Officio Member)

1. PROCEDURAL

1.1 Introduction

The Chair called the meeting to order at 11:03 a.m. and welcomed everyone.

1.2 Approval of Agenda

The members were asked if there were any additions or changes to the agenda. No additions or changes were provided.

A motion was made to approve the agenda as written.

Moved by: L. Notash Seconded by: G. Houghton CARRIED

1.3 Approval of Minutes of May 24, 2019 Meeting

The members were asked if there were any additions or changes to the Minutes.

L. Notash noted that, in Item 3.2, the Academic Requirements Committee was referred to as the “Academic Requirements Experience Committee”, and that Item 4 on the agenda was labelled as Item 5 in the Minutes.

A motion was made to approve the Minutes as amended.

Moved by: L. Notash Seconded by: G. Houghton CARRIED

1.4 Action Items Update from May 24, 2019 Meeting

J. Max reviewed the action items presented, as follows:

Acting Chair’s Remarks and Orientation for New Members

Develop a guide for Ministries and regulatory partners detailing the language that should be used when referencing professional engineers. [Completed]

J. Max reported this item as completed. [See Item 3.3]

Monthly Meeting Schedule for Committee Year 2019-2020

L. MacCumber to forward her work schedule to staff. [Completed]

J. Max reported this item as completed.

Forward Legislation Committee meeting schedule to staff. [Completed]

J. Max reported this item as completed.

Prepare a draft meeting schedule for the 2019-2020 Legislation Committee year for the next meeting. [Completed]

J. Max reported this item as completed.

Schedule next meeting for July 26, 2019. [Completed]

J. Max reported this item as completed. [See Item 2.2]

Additional Fees to be Added to By-Law No. 1

Amend the Briefing Note, as directed, and submit it to Council for the June 2019 meeting. [Completed]

J. Max reported this item as completed. [See Item 2.1]

Research best practices in By-Law organization and the practices of other regulators in this regard, and present findings for discussion at the next meeting. [Completed]

J. Max reported this item as completed. [See Item 3.2]

Legislation Committee Work Plan

Draft a Work Plan for 2019-2020, with the above additions, and present it at the next meeting. [Completed]

J. Max reported this item as completed. [See Item 2.3]

2. FOR DECISION

2.1 *By-Law No. 1 Changes - Additional 2019 Fee Increases*

The Committee discussed the most recent set of proposed changes to By-Law No. 1 concerning the 2019 Council-mandated fee increases. J. Max presented the proposed wording of these changes to the Committee, as drafted by Richard Steinecke, and the Committee discussed three key issues relating to them.

The first issue discussed was that of fee remission for Engineering Interns (EITs). In practice, PEO provides fee remission for EITs who are undertaking education, on family leave, unemployed, or suffering from ill health, but this practice has until now not been put into the legislation or By-Laws. The suggested By-Law No. 1 changes would add this fee remission to By-Law No. 1, but Richard Steinecke noted that, as this fee remission was not covered by the Regulations, it could not stand by itself in a By-Law without the Registrar receiving undertakings from the EITs that they would not practice engineering while on fee remission, even under the supervision of a P.Eng.

J. Max noted that the Legislation Committee had four options for resolving this issue:

- 1) Continue providing fee remission for EITs without noting it in legislation and, instead, providing EITs receiving fee remission with an undertaking.
- 2) Include EIT fee remission in By-Law No. 1, as drafted.
- 3) Amend Regulation 941 to provide regulatory support for EIT fee remission, as well as the fee amounts in By-Law No. 1.
- 4) Ask Council to rescind their motion authorizing EIT fee remission.

The Chair asked how many EITs made use of the fee remission, and J. Max replied that only 171 out of approximately 15,000 EITs requested fee remission. S. Ausma asked if experience gained during fee remission would count toward an EIT's experience requirement and it was concluded that, while that experience would not technically count, the Committee could not say if this discrepancy would be detected in practice. The Chair also noted that it was unknown if the EIT status would be affected by the external review implementation plan, and S. Ausma noted that becoming an EIT was not required in order to obtain an engineering licence.

The Committee agreed that the first two options presented were not feasible, and further agreed to prepare a Briefing Note for Council that would inform them about Options 3 and 4 above, and ask Council to choose between them. Several members of the Committee were favorable toward Option 4, but wanted to know more about the purpose of the EIT designation before committing to a decision.

Action: Staff to discuss the EIT Fee Remission Policy with the Finance Department and Licensing and Registration Department on the origin of the policy and its operation.

Staff to draft a Briefing Note that will give Council the option to either: 1) amend the Regulation, as well as the By-Law, to support EIT fee remission; or 2) rescind the Council motion authorizing EIT fee remission. This Briefing Note will also include additional information regarding the original purpose of the EIT designation and subsequent Fee Remission Policy to assist Council in this decision.

The second key issue discussed was the inclusion in By-Law No. 1 of a \$500 fee currently charged by the Academic Requirements Committee. If an applicant's academic credentials are found to not meet PEO's requirements for licensure,

they are given the option of either taking technical exams, applying to have their exams waived by the Experience Requirements Committee, or taking courses in lieu of exams. This fee is charged to the applicant for the first course they take in lieu of an exam. J. Max also noted that PEO has had a policy in place since 2013 to not charge this fee, but that the policy has been applied inconsistently, and five applicants have paid the fee in the last two years.

Moody Farag had volunteered to attend the meeting to provide additional information, however, was not available. The Committee was not comfortable making a decision without more information, and asked staff to research the rationale, authority and history of this fee, and report back at the next Committee meeting.

Action: Staff to research the rationale, authority and history of and statistics relevant to the \$500 fee charged to applicants who choose to take a course in lieu of a technical exam. Staff will report back to the Committee at the next meeting.

The Committee also discussed the inclusion of the fee in By-Law No. 1 for the print version of *“Engineering Dimensions”*. It was agreed that this fee was not regulatory in nature and that the Committee would recommend that it not be included in the By-Law changes.

Action: Staff to modify the Briefing Note to include the Committee’s recommendation to not include the fee in By-Law No. 1 for the print edition of *“Engineering Dimensions”*.

2.2 2019-2020 Legislation Committee Meeting Schedule

The Committee discussed the draft 2019-2020 Legislation Committee meeting schedule. It was noted that the schedule had meetings scheduled for a start-time 10:00 a.m. rather than 11:00 a.m. as previously agreed. The Committee accepted the schedule and directed staff to amend the start time to 11:00 a.m.

Action: Staff to amend the 2019-2020 Legislation Committee meeting schedule to note a start time of 11:00 a.m. and distribute to the Legislation Committee members.

2.3 2019-2020 Legislation Committee Work Plan

The Committee discussed the draft 2019-2020 Legislation Committee Work Plan. J. Max took the Committee through the Work Plan item-by-item, explaining that they had been ranked on the basis of which items were most in the control of the Committee, and that it may be possible to make desired changes to the

Professional Engineers Act this year. J. Max also noted that that the section of the Work Plan regarding the implementation of Act changes relating to the *Not-for-Profit Corporations Act, 2010* would likely disappear; unless the government proclaims that Act by the end of 2019, the Act and all changes to the Act that are not proclaimed by the end of the year will be removed.

A motion was made that the Legislation Committee add to the Work Plan any potential Act changes that could result from the recent regulatory review. The phrase “LEC had been dormant for some time” should be deleted from the Mandate section. Staff should also confirm the Committee members’ dietary restrictions.

Moved by: S. Ausma

Seconded by: G. Houghton

CARRIED

Action: Staff to amend the 2019-2020 Legislation Committee Work Plan as directed and submit to the People Development Department.

3. FOR DISCUSSION

3.1 White Paper - Articling Engineer Certificate

L. Notash presented her White Paper on the proposed Articling Engineering Certificate to the Committee. This White Paper reiterates the first proposal of the Academic Requirements Committee that was submitted as a possible strategic project in 2018 regarding Goal #6 (augment the applicant and licence holder experience) Goal #8 (create a seamless transition from student member to EIT licence holder) of the 2018-2020 Strategic Plan. The White Paper proposes creating a digital certificate and title for engineering applicants who have completed all academic requirements and passed the Professional Practice Exam, but who have not yet finished their work experience requirement. It would allow these “articling engineers” to practice engineering without supervision.

J. Max reminded the Committee that its role in reviewing this White Paper was to determine if PEO had the legal authority in the Act to implement it, and not on the merits of the proposal itself. He stated that PEO had the authority in the Act to create classes of licence and classes of persons. The intended controls or limitations on individuals would have to be specified.

The Committee recommended that this White Paper’s proposal would be better discussed as part of PEO’s approach to Recommendation #6 (“PEO should review and revise all its current licensing categories and designation and eliminate those that do not directly contribute to protection of the public/serving the public interest”) of the external review. They also advised that the paper should more

clearly articulate the connection between the proposal and the identified problems it would address.

3.2 By-Law Structure Environmental Scan

A. Tapp presented the By-Law Structure Environmental Scan to the Committee. This information was received by the Committee, and a typo was noted.

3.3 Guide to Use of Engineering in Legislation

A. Tapp presented the document “Good and Poor References to Engineers in Ontario Legislation” to the Committee. This information was received by the Committee, and some formatting errors were noted. G. Houghton noted that the introductory section should include whether PEO would prosecute its licence holders for failing to comply with the provisions of the Ministry statute if the work performed was, in fact, engineering. The Committee also agreed that all reference to “good” examples should be changed to “proper” examples.

Action: Staff to revise the Guide to Use of Engineering in Legislation, as per the Committee’s comments, share it with the Professional Standards and Complaints Committees, and subsequently bring it back to a future meeting.

3.4 Regional Councillors Committee (RCC) Responses on By-Law Changes for Chapters

The Committee discussed the RCC’s latest responses to the Committee comments on the RCC’s requested By-Law changes. The Chair stated that, while many items could wait until the external review, Item 1, which states that Engineering Interns can serve on Chapter boards in all positions with no limitations, needed to be implemented immediately. Staff were directed to review the RCC recommendations to identify amendments that could be made to current By-Laws and discuss what should be included in a standardized Chapter Terms of Reference to implement Item 1. Future matters could be reviewed in the context of Recommendation #3 in the External Regulatory Review.

Action: Staff to review the RCC recommendations to identify amendments that could be made to current By-Laws and discuss what should be included in a standardized Chapter Terms of Reference to implement Item 1.

4. NEXT MEETING AND ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 2:10 p.m.

The next meeting is scheduled for Friday, August 23, 2019, from 11:00 a.m. to 2:00 p.m.