



# Minutes

## The Ninety-fourth meeting of the Enforcement Committee held on Tuesday June 25, 2019 at 1:30 p.m., PEO Offices

- Present: Stephen Georgas, LLB., P.Eng. (Chair)  
Joe Adams, P.Eng. (Vice-Chair)  
Tomiwa Olukiyesi, P.Eng. (Council Liaison) (via Teleconference to Item 6)  
Edward Poon, P.Eng.  
Gordon Ip, P.Eng.  
Indra Maharjan, P.Eng. (via Teleconference)  
Juwairia Obaid, P.Eng.  
Peter Broad, P.Eng.  
Roger Barker, P.Eng.  
Tommy Sin, P.Eng.
- Staff: Cliff Knox, P.Eng. (Manager, Enforcement)  
Steven Haddock (Enforcement and Advisory Officer)  
Ashley Gismond (Enforcement and Outreach Officer)  
Maria Iannone (Administrative Assistant)
- Regrets : Linda Latham, P.Eng. (Deputy Registrar, Regulatory Compliance)  
Tyler Ing, P.Eng.

### 1. Welcome and Call to Order

Mr. Georgas, called the meeting to order at 1:36 p.m. with a quorum of ten (10) and welcomed everyone.

### 2. Approval of Agenda

**Motion #1: That the Enforcement Committee Agenda dated June 25, 2019 be approved.**

Moved by Joe Adams, P.Eng., seconded by Edward Poon, P.Eng.

**CARRIED**

### 3. Report from Chair

Mr. Georgas reported that he was invited to attend the PEO AGM on May 3<sup>rd</sup> and 4<sup>th</sup> as Enforcement Committee Chair. At the Awards Gala on Friday evening, 13 volunteers were invested in PEO's Order of Honor and 5 of honorees were current or past members of the Enforcement Committee. He extended congratulations to Joe Adams, Peter Broad, Gordon Ip, Bill Jackson and Don Marston and he noted that the committee can be proud to be well-represented as part of the awards ceremony.



Ms. Olukiyesi encouraged committee members to forward any feedback to Mr. Knox. She noted that PEO's Senior Management Team will be preparing an Action Plan to respond to the report's recommendations, and that there will be an initial presentation to Council at its September meeting.

Ms. Obaid asked whether the reviewers had a good understanding of PEO's enforcement framework. Mr. Knox replied that only 2 of the 11 standards relate to enforcement and suggested that members review the report to determine any questions they have about the findings or the recommendations.

Mr. Knox informed the committee of a plan to make its meeting Agenda packages available on PEO's SharePoint site. All members have access to the Enforcement Committee folder in SharePoint and a document will be sent to ensure everyone knows how to access the agenda packages.

Mr. Knox reported that he and Ms. Latham met with Roger Jeffreys at the Ministry of Labor (MOL) on April 15<sup>th</sup>. This is an ongoing activity to discuss issues and concerns noted by both PEO and MOL.

Mr. Adams asked if there was information on engineering deficiencies found in the course of MOL investigations that might be relevant to the Industrial Exception. Mr. Knox explained that MOL does not look for this type of information or any specific compliance with our Act. An inspector may call in a MOL engineer to assess the technical aspects of an investigation, but they are primarily reporting on how an employer ensured the safety of its employees.

Mr. Barker asked if there was any discussion about Pre-Start Health and Safety Reviews (PSR). Mr. Knox remarked that this was not discussed at that meeting, but he understood that MOL supports the idea of having a practice standard. He noted that the Professional Standards Committee consulted with MOL about the current practice guideline but that they did not ask specifically about the merits of a practice standard.

Mr. Knox noted that he and Mr. Haddock met with Erum Afsar, Director of Enforcement at APEGA on April 10<sup>th</sup>. Her responsibilities include unlicensed practice and permits to practice, which is similar to a C of A. He and Mr. Haddock had an informal information exchange with Ms. Afsar and learned that APEGA is using Aptify much more extensively than PEO with respect to enforcement.

Mr. Knox commented that he attended the National Discipline and Enforcement Officials meeting earlier this month, along with Ms. Latham and Ken Slack, Manager for Complaints and Investigations. The meeting included an exchange of current issues and events with PEO's counterparts from the other the engineering regulators across Canada.

Mr. Knox noted that Engineers Nova Scotia plans to remove their licensing requirement for applicants to acquire 12 months of Canadian experience. This is expected to affect the number of applicants who are able to transfer their licence after obtaining a licence in that province. Mr. Barker commented that this may be a political measure to make it easier for foreign trained engineers to achieve licensure.

Mr. Knox noted that PEO will be undergoing an internal organizational review to look at its staffing structure and ways to improve its operations. Staff will be meeting next month with the consultant that was previously hired to search for PEO's new Registrar.



Ms. Gismondi reported that she had met with Communications Manager, Duff McCutcheon and new Communications Coordinator, Michelle Yiu, to discuss a Communications strategy for outreach. They provided a sample of Hootsuite software that is used to automatically push tweets and updates to Facebook and LinkedIn. This allows us to schedule releases to social media about a week in advance. PEO's LinkedIn page has the most engagement for discussions.

Ms. Gismondi reported on her meeting with Communications during a teleconference with Mr. Adams and Mr. Poon. They discussed a suggestion to create a whiteboard video or infographic for the enforcement website. The consensus was that a whiteboard video was not suitable for enforcement content, but an infographic might work to show steps to get a consent letter or how to report an enforcement concern. She noted that PEO's graphics department could do an infographic without any additional cost.

Ms. Gismondi commented that we may need a separate task force of members who regularly use with social media to develop content for this demographic. Mr. McCutcheon provided a sample communication plan document to illustrate how to promote messages. We can prepare a similar communication plan based on our needs.

Mr. Adams commented that we would should set up a task force that is dedicated to a communication plan, with two or three people working with Ms. Gismondi. This group would identify the topics to be addressed and how we want to address them.

Ms. Obaid commented that having various graphics that can be posted in a rotation is a good idea as this would help to keep the information from becoming stale.

Mr. Broad commented that we don't get the cooperation between Committees that we would like. He further noted that there has been outreach in the past on the need to report violations of the Act with limited response and that PEO needs to do something different. Mr. Georgas commented that if PEAK were to be made mandatory and there was a module on enforcement, it would then be a condition of licence renewal to be aware of the engineers' duty to report violations.

Mr. Adams commented that this next group needs to develop a communications plan and find the best way to get the message out to various stakeholders. Mr. Knox noted that what is proposed is a refresh of the subcommittee to look at this evolving direction for outreach. It would involve developing new content for the enforcement web page and targeted messaging for social media. Mr. Adams commented that the group needs to have members that are savvy with social media to develop a communication plan. There was consensus to go ahead with this next phase.

Ms. Obaid and Mr. Sin volunteered to serve on the renewed committee. Ms. Gismondi suggested that Mr. Maharjan would be interested in participating and Mr. Adams agreed to stay on for continuity.

**Action #1:** Ms. Gismondi is to setup a teleconference meeting for the renewed subcommittee.

## **7. Work Plan – Policy Issue 2017-B: Enhanced Enforcement for Industry**

Mr. Knox commented that he is waiting for feedback from Annex Business Media and Communications. He suggested that this activity be transferred for follow up by staff and when activity has resumed, we can look at reconstituting the subcommittee.

**Motion #4: This activity to be transferred to staff for follow-up.**

Moved by Gordon Ip, P.Eng., seconded by Peter Broad, P.Eng.

**CARRIED**



Mr. Knox commented that subsection 2(3) of the Act states that PEO governs its members and license holders, but it doesn't govern companies that are not authorized by PEO to provide engineering services. Unless we include a clause that specifically says that a company that is not a certificate holder is guilty of an offence for aiding and abetting an offence committed by its employee, subsection 2(3) prevents PEO from taking action against a non-certificate holder.

Mr. Ip asked for clarification on the liability of an employer that knowingly directs its unlicensed employee to perform a task that involves professional engineering. Mr. Haddock and Mr. Georgas concurred that there is no specific clause in the Act that indicates this is an offence.

Mr. Knox asked about the next steps for the subcommittee. Mr. Georgas replied that there will be another conference call and amendment to the memorandum. He noted that a legal opinion may be required regarding the accountability of employers. Mr. Haddock stated that he will check enforcement files for any prior legal opinions on this or a similar topic. Mr. Georgas cautioned that if it turns out that the employer is not an offender, then how could a corporation be found guilty of an offence under subsection 40(5) of the Act?

**Action #2:** The subcommittee is to hold a teleconference meeting to discuss amendments to its memorandum.

**Action #3:** Ms. Haddock is to check for prior legal opinions on employer liability for their employees.

Mr. Knox asked whether the subcommittee had looked at the titles for provisional licensees or limited engineering licensees, noting that these are the only titles not referenced explicitly under the offences. Mr. Georgas commented that the subcommittee has not looked at these titles. It was noted that there is nothing in the Act or Regulation 941 that specifies a title to be used by a provisional licence holder.

#### **10. Work Plan – Policy Issue 2018-C: Position on Split Registration**

Mr. Broad reported that the subcommittee was looking at whether someone can be a professional engineer without practicing. PEO has a system where a retired or unemployed engineer can keep their title but can't practice. To some extent there already is a split for practising and non-practising engineers.

The subcommittee also looked at how it works for other professions. Doctors and Lawyers have mandatory insurance requirements and if they are not practicing, they don't pay for insurance and get a lower rate. This is not applicable to PEO and Ontario appears to be the only province where engineers are not required to pay for practice insurance.

Mr. Broad remarked that one Councillor has expressed a strong opinion on social media that PEO needs to split its ability to regulate from our title as professional engineers. Mr. Broad opined that this view is supported by OSPE and he plans to look into this and how it relates to the findings from the regulatory review.

Mr. Knox commented that the subcommittee has asked staff to prepare a working document to consolidate the points that have been discussed. This would be refined at the subcommittee's next meeting and after review and approval by this committee, a final version can be issued for the September or November Council meeting.

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

Mr. Knox commented on the briefing note for the Professional Standards Committee (PSC) to form a subcommittee to update the current practice guideline for Pre-Start Health and Safety Reviews (PSR). The supporting materials included the results of initial stakeholder consultations and the second memo from this committee. The materials omitted the



Mr. Poon commented that his organization has been accepting design documents from its consultants that contain an electronic seal and signature for over ten years.

Mr. Knox remarked that a seal has three components: an image of the seal, a signature and a date. There is nothing in the proposed regulation changes to prevent someone who has access to these components from putting the it on a document. This would enable rather than restrict instances of counterfeit seal use, which is an enforcement concern. Mr. Knox suggested that committee members review the consultation document on regulation changes for use of Seal and provide any comments before the August 2, 2019 deadline.

Mr. Knox commented that PEO has been contacted by the company that provides an electronic digital signature to the other engineering regulators. The decision taken at the time was to not use their product, based on the reasoning that this digital "seal" is controlled by the vendor and PEO did not want to be tied to an exclusive vendor. Mr. Knox noted that adoption of a digital seal has negligible impact on public protection standpoint, which is achieved by the review that's completed by the engineer. How a digital seal is implemented is an operational matter.

**12. Attendance**

**Regrets:**

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

Tyler Ing, P.Eng.

**13. Next Meeting**

**Action #7:** Mr. Knox is to confirm the date for September meeting and Maria will send out a notice.

**Action #8:** Maria to resend a Doodle poll for availability in November 2019.

**14. Adjournment**


**Motion #4: To adjourn at 4:32 pm.**

Moved by Edward Poon, P.Eng.

S. Georgas, P.Eng. - Chair

M. Iannone – Secretary

  
Date Sept. 10, 2019

  
Date Sept. 10/19