



Minutes

The 529th MEETING of the COUNCIL of PROFESSIONAL ENGINEERS ONTARIO (PEO) was held at PEO Offices, 40 Sheppard Avenue West, Toronto, Ontario on Friday, September 20, 2019 at 9:00 a.m.

- Present: N. Hill, P.Eng., President and Council Chair
D. Brown, P.Eng., Past President [minutes 12157 to 12181 only]
M. Sterling, P.Eng., President-elect
C. Bellini, P.Eng., Vice-President (Elected)
T. Olukiyesi, P.Eng., Vice-President (Appointed)
A. Arenja, P.Eng., Lieutenant Governor-In-Council Appointee
S. Ausma, P.Eng., Councillor at Large
V. Banday, P.Eng., Lieutenant Governor-In-Council Appointee
G. Boone, P.Eng., Eastern Regional Councillor
L. Cutler, P.Eng., Lieutenant Governor-In-Council Appointee
G. Houghton, P.Eng., Western Regional Councillor
Q. C. Jackson, Barrister & Solicitor, Lieutenant Governor-In-Council Appointee
W. Kershaw, P.Eng., Western Regional Councillor
L. MacCumber, P.Eng., West Central Regional Councillor
L. Notash, P.Eng., Councillor at Large
S. Robert, P.Eng., Northern Regional Councillor
A. Sinclair, P.Eng., East Central Regional Councillor
M. Spink, P.Eng., Lieutenant Governor-In-Council Appointee
R. Subramanian, P.Eng., Northern Regional Councillor
S. Sung, Lieutenant Governor-In-Council Appointee
K. Torabi, P.Eng., East Central Regional Councillor
W. Turnbull, P.Eng., Western Regional Councillor
R. Walker, P.Eng., Eastern Regional Councillor
G. P. Wowchuk, P.Eng., Councillor at Large
- Regrets: N. Rush, C.E.T., Lieutenant Governor-In-Council Appointee
- Staff: J. Zuccon, P.Eng., Registrar
L. Latham, P.Eng., Deputy Registrar, Regulatory Compliance
D. Smith, Director, Communications
M. Wehrle, Director, Information Technology
D. Abrahams, General Counsel
B. Ennis, P.Eng., Director, Policy and Professional Affairs
J. Chau, P.Eng., Manager, Government Liaison Programs
J. Max, Manager, Policy
C. Knox, P.Eng., Manager, Enforcement, Regulatory Compliance [minutes 12157 to 12167 only]
K. Slack, P.Eng., Manager, Complaints and Investigations [minutes 12157 to 12167 only]
R. Martin, Manager, Secretariat
D. Power, Secretariat Administrator
E. Chor, Research Analyst, Secretariat
B. St. Jean, Senior Executive Assistant

- Guests:
- A. Bergeron, PEO Director, Engineers Canada [minutes 12157 to 12182 only]
 - H. Brown, Brown & Cohen [minutes 12157 to 12182 only]
 - D. Chui, P.Eng., PEO Director, Engineers Canada [minutes 12157 to 12182 only]
 - B. Matthews, P.Eng., CEO, Consulting Engineers of Ontario [minutes 12157 to 12182 only]
 - S. Perruzza, P.Eng., CEO, Ontario Society of Professional Engineers (OSPE) [minutes 12157 to 12182 only]
 - K. Reid, P.Eng., PEO Director, Engineers Canada [via teleconference, minutes 12157 to 12182 only]
 - C. Sadr, P. Eng., PEO Director, Engineers Canada [minutes 12157 to 12182 only]
 - D. L. Brown, Governance Solutions Inc. (GSI)
 - S. Cornish, Office of the Attorney General [minutes 12157 to 12182 only]
 - G. Comrie, Past President [minutes 12157 to 12172 only]
 - P. DeVita, AGM submission [minutes 12157 to 12172 only]
 - P. Green, AGM submission [minutes 12157 to 12167 only]
 - J. Harrington, Succession Planning Task Force [minutes 12157 to 12182 only]
 - T. Kirkby, Former Lieutenant Governor-In-Council Appointee [minutes 12157 to 12182 only]
 - R. Linseman, AGM submission [minutes 12157 to 12182 only]
 - L. Lukinuk, Governance Solutions Inc.
 - V. Raponi, AGM submission [minute 12167 only]
 - T. Tariq, Office of the Fairness Commissioner [minutes 12157 to 12167 only]
 - M. Van Der Paelt, AGM submission [minutes 12157 to 12167 only]
 - J. Vieth (Plenary session only)
 - R. Willson, Succession Planning Task Force [minutes 12157 to 12182 only]

On Thursday evening, Council received a Discipline Committee (DIC) report, an update on governance and the proposed action plan in response to the Cayton Report (external regulatory performance review).

Council convened at 9:00 a.m. on Friday, September 20, 2019.

CALL TO ORDER

Notice having been given and a quorum being present, the Chair called the meeting to order at 9:00 a.m.

President Hill asked if there were any conflicts to declare before proceeding with the agenda. There were none.

Registrar Zuccon introduced new General Counsel Dan Abrahams who joined PEO in August.

12157 APPROVAL OF AGENDA

The Chair removed item “2.16 Acknowledgement of Europeans’ contribution to Ontario today” from the agenda since it is not in the public interest.

Moved by Councillor Arenja, seconded by Councillor Turnbull:

That:
the agenda, as presented to the meeting at C-529-1.1, Appendix A be approved as amended; and
The Chair be authorized to suspend the regular order of business.

CARRIED

**12158
CAYTON REPORT – ACTION PLAN**

At its June 21, 2019 meeting, Council unanimously passed the following motion:

“That Council direct the Registrar to develop a high-level action plan related to the 15 recommendations contained in the April 2019 report A review of the regulatory performance of Professional Engineers Ontario from Harry Cayton, Kate Webb and Deanna Williams for consideration at the September 2019 Council meeting.”

The action plan proposed by staff to address the above motion was presented to Council for consideration. This action plan outlined the organizational transformation required to improve PEO’s performance in its core regulatory areas (licensing and registration, complaints and discipline, compliance, enforcement, and practice standards).

The action plan directly addresses the “Protecting the Public Interest” Area of Focus in the 2018-2020 Strategic Plan: “PEO will focus its resources on regulatory functions that help protect the public interest. We will strive for excellence by rigorously and objectively reviewing the effectiveness and efficiency of all our regulatory instruments and operations in the public interest.”

Moved by Past President Brown, seconded by President-elect Sterling:

That Council approves the action plan to implement the recommendations from the 2019 report, A review of the regulatory performance of Professional Engineers Ontario, as set out in C-529-2.1, Appendix A.

CARRIED

Past President Brown congratulated the Registrar and staff who were involved in the creation of the action plan for doing a fantastic job.

**12159
2020 OPERATING BUDGET**

In accordance with the Council approved PEO business planning cycle, the draft operating budget was provided to Council for review. Council’s feedback at this meeting will be incorporated into the final 2020 operating budget which will be presented at the November 2019 meeting for approval.

Councillor Cutler provided an overview.

Councillor Notash referred to Briefing Note C-529-2.2 noting that the second sentence in the second paragraph should be amended by replacing “expenses” with “revenues” and “revenues” with “expenses” so that the sentence reads “ Total revenues in 2020 are budgeted at \$31.8m and total expenses are budgeted at \$28.9m resulting in an

excess of revenues over expenses of \$2.9m.” Also, the third paragraph, last sentence, be amended by removing “Apart from the fee increase” so that the sentence reads “The main factors contributing to the increase in revenues are:”

It was suggested that the Finance Committee look at long term budget planning, separate operational work from strategic work and in the spirit of transparency provide committees, prior to the November Council meeting, with budget content.

Responding to a query regarding risk contingency Registrar Zuccon advised that the Finance Committee would be looking at a more robust budgeting process.

During further discussion it was suggested that the Finance Committee work with staff regarding the effect of demographic changes due to aging membership, etc., and how this will affect the revenue stream.

Registrar Zuccon anticipated that there would be a more detailed discussion at the November Council meeting relating to the action plan resulting from the external review; however, further work is necessary before there is a sense of what the budget numbers will be.

Additional items raised for consideration was concern regarding the decrease in the IT budget vs. increases in Chapter items, volunteer expenses and the capital budget and spending not related to PEO’s core regulatory function and protecting the public interest that were put on hold in 2019 being reinstated without Council input.

**12160
2020 CAPITAL BUDGET**

In accordance with the Council approved PEO business planning cycle, the draft capital budget was provided to Council for review and feedback.

Councillor Cutler advised that the capital budget is significantly reduced for 2020. The big-ticket item in 2019 was the replacement of the generator. There are no big items scheduled in 2020. Responding to a query regarding the structural study for the roof and one of the floors, C. Mehta advised that this was based on the recommendation from the company that manages the building, BGIS, following their inspection.

**12161
ADDITIONAL FEE CHANGES**

At the June 2019 Council Meeting, Council approved the motion presented by the Legislation Committee, to promote transparency by including all licensing fees currently charged (at the May 2019 rates) in By-Law No. 1. As well, Council passed a motion to change the title of Registrar to CEO/Registrar throughout By-Law No. 1. It is necessary to reflect this title change in By-Law No. 1 as soon as possible, as it applies to Association business and contracts (but not regulatory functions required in the Act or Regulations).

Staff contracted a lawyer, Richard Steinecke at SML Law, to draft the required changes to By-Law No. 1 and submitted it to the Legislation Committee for an initial evaluation. The Legislation Committee reviewed the draft, noting three issues for Council decision. The Committee requested that Council approve the draft by-law changes, with the exception of three current fees; Academic Course taken in Lieu of a First Examination, EIT Fee Remission, and Subscription for print versions of *Engineering Dimensions* as explained below.

Academic Course Taken in Lieu of a First Examination

- This suggested By-Law No. 1 change would add a fee for an academic course taken in lieu of a first technical examination assigned to an applicant by the Academic Requirements Committee. PEO began offering the option for applicants who had been assigned technical exams to options to take course in lieu of exams sometime in the 1970s. The 'In Lieu' fee charged to those applicants who are taking courses is meant to replace the initial 'exam file' fee that is charged to those applicants who take technical exams. When an applicant takes their first technical exam, they are charged a fee of \$700, which is a combination of the exam file fee and the fee for the exam itself. As applicants who are taking courses are not taking the exam, they are charged the \$500 file fee on its own. Thus, the fee only applies to course taken in place of the first technical exam, as any applicant who had taken a course after taking an exam would have already paid the \$500 file fee. There have only been 5 applicants who have been charged this fee since 2017. As the Legislation Committee is not a policy-making committee, it is proposing that the appropriateness of the \$500 academic course fee in lieu of the first examination be referred to the Finance Committee for recommendation to Council.

EIT Fee Remission

- This suggested By-Law No. 1 change would add the EIT fee remission previously authorized by a 2009 Council motion for EIT members. However, in drafting the By-Law changes, it became apparent that the fee could not stand by itself in a by-law, since the requirement for fee remission for EITs is not authorized by the Regulation, including the Registrar receiving an undertaking from the EIT that they would not practice engineering while on fee remission, even under the supervision of a P.Eng. To best resolve this, LEC proposes that Council reconsider the EIT Fee Remission Policy at its November 2019 meeting.

Subscription to Print edition of Engineering Dimensions

- The Committee also discussed the inclusion in the By-Law No. 1 of the annual subscription fee for the printed edition of *Engineering*

Dimensions for people not currently licensed by PEO or EITs. While this fee was included in the Briefing Note that was sent to Council in June 2019 and approved for inclusion in By-Law No. 1, in drafting the by-law, this fee was flagged as being “more of a cost of a product than a fee” and the Committee decided that this was not a regulatory fee and is recommending that it be excluded from By-Law No. 1.

Moved by Councillor MacCumber, seconded by Councillor Ausma:

That the word “registrar” be replaced with “CEO/registrar” throughout By-Law No. 1 except where the phrase “deputy registrar” is used.

2. That section 39 of By-Law No. 1 be amended as follows:

- a) Section 39(1) is repealed and replaced with the attached revised wording in C-529-2.4, Appendix A.
- b) Section 39(4.1) is inserted with the attached wording in C-529-2.4, Appendix A.
- c) Section 39(10.1) is inserted with the attached wording in C-529-2.4, Appendix A.
- d) Section 39(23)(b) is renumbered as section 39(23)(c) and a new section 39(23)(b) is inserted with the attached wording in C-529-2.4, Appendix A.

3. That Council accepts the Legislation Committee’s recommendation to not include in By-Law No. 1 the annual fee for the print edition of *Engineering Dimensions*.

4. That the current \$500 fee applied for an academic course taken in lieu of the first assigned examination be referred to the Finance Committee for review.

5. That Council agrees to reconsider PEO’s EIT Fee Remission policy at the November Council Meeting.

CARRIED

**12162
VOLUNTEER CODE OF CONDUCT**

On March 23rd, 2018, Council passed a motion to direct the RCC to develop a process to ensure the safety and security of volunteers and participants who engage with PEO’s various outreach activities.

The Chapter Office submitted the PEO Volunteer Code of Conduct for approval to Council in June 2019 at which time the following motion was passed:

“That the PEO Volunteer Code of Conduct be referred to Human Resources for further work and brought back to Council for consideration at its September 2019 Council meeting.”

As directed by Council, People Development revised the Code of Conduct for PEO Volunteers. The amended document was peer-reviewed by Councillor MacCumber and the Advisory Committee on Volunteers (ACV) at its August 15, 2019 meeting.

It was moved by Councillor Spink, seconded by Councillor Kershaw:

That the Code of Conduct for PEO Volunteers be approved as presented to the meeting at C-529-2.5, Appendix A with the understanding that it will be reviewed annually and updated to maintain compliance with applicable legislation.

CARRIED

It was suggested that the Code of Conduct policy be expanded to include the process for investigation, opportunity to appeal and outcomes regarding education, proactive steps, consequences, timelines, etc., and that there should be an opportunity to report observed breaches as well. Other suggestions included special wording for volunteers who serve on any board, including Council and more specificity regarding termination of a volunteer and a process for this. The policy should be expanded to include respectful behaviour towards other volunteers and staff. The wording “unlawful conduct” is too vague.

Councillors who have not yet completed mandatory training such as Accessibility for Ontarians with Disabilities Act (AODA) and Equity and Diversity were reminded to do so. It was suggested that reminders be sent out with updated links and FAQ’s to guide Councillors through the process. It was noted that the accompanying videos are long and repetitious.

It was requested that an update regarding completion percentages be provided at the November Council meeting.

**12163
APPOINTMENT OF COUNCILLORS TO
BOARD COMMITTEES**

Opportunities to serve on PEO board committees opened due to the retirement of three LGA Councillors on May 16 and June 6, 2019, including a position on the Audit Committee (AUC) due to the retirement of Lew Lederman, QC and a position on the Finance Committee (FIC) due to the retirement of Tim Kirkby, P.Eng.

A call for expressions of interest was sent out to all Council members with a submission deadline of July 31, 2019. The Human Resources Committee (HRC) met on August 26, 2019 to review the submissions according to Process for Board Committee appointments, the Decision Criteria Matrix and the Special Rules approved at the June 2019 Council meeting.

HRC matched Councillor’s first choice with their respective backgrounds and experience relevant to the work of the committee and made recommendations for Council consideration, taking into consideration the need to balance committee continuity with succession planning, Councillor workloads, Councillor involvement with other committees and external appointments as well as committee terms of reference.

Councillors Arenja and Sung recused themselves for this item.

It was moved by Councillor Boone, seconded by Councillor Kershaw:

1. **That, as recommended by the Human Resources Committee, Sherlock Sung be appointed as a member to the Audit Committee for the 2019-2020 Council year.**
2. **That, as recommended by the Human Resources Committee, Arjan Arenja, P.Eng. be appointed as a member to the Finance Committee for the 2019-2020 Council year.**

CARRIED

Councillors Arenja and Sung rejoined the meeting.

**12164
LEGISLATION COMMITTEE 2019-2020
WORK PLAN**

Under the Committees and Task Forces Policy (Committees/Task Forces Operations, Item 3), each committee / task force is to prepare an annual work plan and human resources plan for the following year by September 30 each year.

One of the roles of Council, as identified in the Committees and Task Forces Policy (Role of Council, Item 3), is to approve committee/task force mandates, Terms of Reference, annual work plans, and annual human resources plans. The Legislation Committee (LEC) submitted its work plan for Council approval.

It was moved by Vice-President Bellini, seconded by Councillor Turnbull:

That Council approve the Legislation Committee work plan for 2019-2020 as presented to the meeting at C-529-2.7, Appendix A.

CARRIED

**12165
2019 AGM SUBMISSION – BARRIERS TO
LICENSURE**

At the 2019 Annual General Meeting, the following submission was proposed and accepted by those in attendance:

“That PEO Council form a task force to assess and report on barriers for licensure in emerging/non-traditional disciplines and develop an equitable and sustainable process for EITs and IEGs including those who are not directly supervised by a licensed Professional Engineer to satisfy the Canadian work experience requirement defined in the *Professional Engineers Act*, Regulation 941, Section 33.4. The report and recommendations should be presented to Council for approval no later than the end of 2020.”

PEO currently has a Licensing Committee (LIC) and its Terms of Reference give the LIC the following duties and responsibilities:

1. Identify the need for, and prioritize, enhancements to PEO’s licensing policies, criteria, and processes.

2. Propose to Council the creation of subcommittees / task groups to develop licensing policy in specific policy areas, including their population and terms of reference.
3. Coordinate the development of proposals for Council approval to enhance PEO's licensing criteria and processes, including appropriate peer review.

Consequently, Council was asked to consider whether LIC should be tasked with reviewing the need for changes to policies to deal with any potential barriers to licensure and recommendations about a task force to deal with this issue.

- The Experience Requirements Committee has been engaged in developing options for dealing with the issue of satisfying the Canadian work experience requirement for EITs and IEGs who are not directly supervised by a licensed Professional Engineer. If a Task Force is assigned this responsibility, Council should ensure that ERC and this new Task Force are not duplicating work.
- Staff recommended that Council should consider this submission in the context of the External Regulatory Review Action Plan for Recommendation #6 of the Cayton Report:

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. *(A review of the regulatory performance of Professional Engineers Ontario, Professional Standards Authority, April 2019, p 62)*

- One of the guiding principles of the External Regulatory Review Action Plan is the imposition of a moratorium on the creation of Task Forces and committees that would deal with issues that are covered by the recommendations in the Cayton Report. This proposed task force falls within the scope of that moratorium; therefore, staff recommend that Council defer any decision on the creation of a Barriers to Licensure Task Force and, instead, direct the Registrar to include review of the identified issues in the action plan for Recommendation #6.

M. Van Der Paelt and P. Green, AGM submitters, introduced and discussed the motion that was presented. She noted that the briefing note refers to recommendation #6 of the Action Plan from the external regulatory review but that recommendation #5 is more applicable since it refers to the process for application for a professional engineering license being simplified and speeded up, the discriminatory aspects of written examinations, a Canadian year of experience and face to face interviews being discarded.

It was moved by Councillor Notash, seconded by Councillor Boone:

That Council refer the Barriers to Licensure submission to the Registrar for review of the identified issues as part of the applicable Action Plan recommendations from the External Regulatory Review.

CARRIED

**12166
2019 AGM SUBMISSION – EVOLUTION OF
ONTARIO ENGINEERS TASK FORCE**

At the 2019 Annual General Meeting, the following submission was proposed and accepted by those in attendance. It read.
Technology is changing at a rapid pace, with new scientific discoveries frequently being made. These two factors will have an impact on the evolution of the engineering profession, and its regulation, licensing and governance.

THEREFORE BE IT SUBMITTED THAT, PEO Council create a Task Force with some urgency, to explore the implications of the accelerating pace of technological change and new scientific discoveries on the regulation, licensing and governing of engineers and applied scientists in Ontario; and, That PEO convene a general meeting of the member forthwith to determine a course of action that the profession may consider as a result of the Task Force’s considerations.

Staff recommend that the Registrar should consider this submission in the context of the External Regulatory Review Action Plan for Recommendation #6 which states, “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” (*A review of the regulatory performance of Professional Engineers Ontario*, Professional Standards Authority, April 2019, p 62)

P. DeVita, AGM submitter, introduced and discussed the motion regarding the evolution of Ontario Engineers.

It was moved by Councillor Boone, seconded by Councillor Kershaw:

That Council:

- 1. Create a task force examining the impact of fast-paced technological change and new scientific discoveries on the regulation, licensing and governing of engineers and applied scientists in Ontario, for a maximum duration of one year.**
- 2. In consultation with the Registrar, the task force will prepare a report of its findings and a recommendation for a general meeting of the members to be approved at a subsequent meeting of Council.**

Required a 2/3 majority of votes cast to carry.

Moved by Councillor MacCumber, seconded by Councillor Spink:

That the 2019 AGM submission – Evolution of Ontario Engineers be referred to the Registrar and tabled as part of the Action Plan regarding

the review of the regulatory performance of Professional Engineers Ontario.

CARRIED

**12167
2019 AGM SUBMISSION – EIT RIGHT TO
VOTE IN COUNCIL ELECTIONS**

A Member Submission was passed at the 2019 PEO Annual General Meeting that PEO allow EIT's to vote in PEO Council elections commencing in the calendar year 2019 or in the calendar year as soon thereafter as can be implemented by PEO, and in all subsequent PEO council elections

V. Raponi introduced and discussed the motion regarding EIT right to vote in Council elections.

Moved by Councillor Sinclair, seconded by Councillor Kershaw:

That Council direct the Registrar to provide a policy intent briefing note for an Act Change to allow engineering interns to vote in Council elections, using PEO's Act Change Protocol.

Moved by Councillor MacCumber, seconded by Councillor Spink:

That the 2019 AGM submission – EIT Right to Vote in Council Elections, be referred to the Registrar and tabled as part of the Action Plan regarding the review of the regulatory performance of Professional Engineers Ontario.

DEFEATED

That the ruling of the Chair to allow the re-consideration of the referral motion regarding the 2019 AGM submission – EIT right to vote in Council elections be sustained.

**CARRIED
Recorded Vote**

For

A. Arenja
S. Ausma
C. Bellini
D. Brown
G. Houghton
Q. Jackson
L. MacCumber
L. Notash
S. Robert
A. Sinclair
M. Spink
M. Sterling
R. Subramanian
W. Turnbull

Against

V. Banday
G. Boone
L. Cutler
W. Kershaw
T. Olukiyesi
S. Sung
K. Torabi
R. Walker
G. Wowchuk

Moved by Councillor Jackson Kouakou, seconded by Councillor Ausma:

That the 2019 AGM submission – EIT right to vote in Council elections be referred to the Registrar and tabled as part of the Action Plan regarding the review of the regulatory performance of Professional Engineers Ontario.

MOTION WITHDRAWN

Moved by Councillor Kershaw, seconded by Past President Brown:

That the motion regarding the 2019 AGM submission – EIT right to vote in Council elections be withdrawn.

CARRIED

President Hill presented former LGA Councillor Tim Kirkby with a Certificate of Appreciation for his service to PEO as a Lieutenant Governor Appointee from 2016 to 2019 as well as serving on various committees and task forces.

**12168
2019 AGM SUBMISSION – CHAPTER
WEBMAIL ACCOUNTS**

Currently there are 36 generic email accounts addressed to Chapter Chairs, Vice-Chairs, and Treasures, forwarded to the volunteer's personal email account.

The current submission is that volunteers are made to use the PEO email system and the email accounts created for chapters. The main benefit outlined in the submission is that the webmail account will allow users of the email system access to PEO's global address book (GAL) which would facilitate searching for email addresses for anyone associated with PEO – Council, Committee members, staff, chapter staff, chapter volunteers, etc. to facilitate easier communications. The GAL is the directory that contains the information on mailboxes and email distribution lists at PEO.

Converting alias email accounts to mailboxes will not increase visibility to the name of the volunteer within the role at the Chapter. For example, in the GAL when searching for the Algoma Chapter information the following would be displayed: Algoma Chapter, Algoma Chapter Treasurer, Algoma Chapter Vice Chair. The details of the Algoma Chapter Vice Chair mailbox would show: algomachaptervicechair@peo.on.ca

R. Linseman, AGM submitter, introduced and discussed the motion regarding Chapter webmail accounts. He clarified that the request was to provide each chapter with a PEO email account that is accessible by webmail.

Moved by Councillor Houghton, seconded by Vice-President Olukiyesi:

That Council approve the change of the 36 generic chapter email addresses that are an "alias" address to a PEO Webmail account accessible via webmail and to provide the password to the relevant chapter chairs and to have the appropriate PEO staff provide self-

training information in a document to be stored on www.chapters.PEO.on.ca.

Councillor Spink objected to the consideration of the motion based on the higher priorities in place as a result of the External Performance Review Action Plan and the fact that generic chapter emails have no bearing on the public interest. Since a two-thirds vote was not achieved, the motion was considered

Council then voted on the main motion.

That Council approve the change of the 36 generic chapter email addresses that are an “alias” address to a PEO Webmail account accessible via webmail and to provide the password to the relevant chapter chairs and to have the appropriate PEO staff provide self-training information in a document to be stored on www.chapters.PEO.on.ca.

DEFEATED

**12169
WHITE PAPER – ARTICLING ENGINEER
CERTIFICATE/DESIGNATION**

The application process for a P.Eng. includes several phases. To empower the applicants and facilitate a sense of moving ahead as the applicants fulfil each requirement, these phases could be branded and a certificate could be issued once the applicants fulfil the academics and pass the professional practice examination (PPE).

The certificate could bring the entrepreneurs (including those in emerging disciplines) under the PEO umbrella while pursuing engineering related work towards their experience with no P.Eng. supervision.

The certificate will alleviate some of the concerns regarding the required one-year Canadian engineering experience for the International Engineering graduates and applicants/EITs with no P.Eng. in their workplace. Similar concerns have been raised by the Ontario Fairness Commission.

The certificate/designation will be an indication of the applicants' familiarity with the engineering ethics and law, and their commitment to the profession.

The certificate could further improve the communications with applicants since it will facilitate a sense of moving ahead as the applicants fulfil each requirement.

Moved by Councillor Notash, seconded by Councillor Boone:

That Council direct the Registrar to prepare a staff report on the White Paper- Articling Engineer Certificate/Designation proposal and present that report to Council at its February 7, 2020 meeting.

DEFEATED

12170
WHITE PAPER – CHAPTER REFORM

PEO Chapters need to evolve with the times, to be equipped and structured for the essential purposes of a World Class Engineering Regulatory Body, Professional Engineers Ontario. The White Paper on Chapter Reform is in concurrence with 2018-2020 Strategic Plan Objective #4, and with greater sense of urgency as a result of Recommendation #3 in the Clayton “PEO Regulatory Performance Review” Report.

Moved by Councillor Boone, seconded by Councillor Kershaw:

That PEO Council create a task force with representatives of Council, RCC, Committees, Chapters & Staff to implement “Chapter Reform” changes & advancements to enable & transform Chapters for vital delivery of Regulatory Outreach programs.

Moved by Councillor Kershaw, seconded by Councillor Bandy:

That the motion to create a task force on Chapter Reform be referred to the Regional Councillors’ Committee (RCC).

DEFEATED

Council then voted on the main motion.

That PEO Council create a task force with representatives of Council, RCC, Committees, Chapters & Staff to implement “Chapter Reform” changes & advancements to enable & transform Chapters for vital delivery of Regulatory Outreach programs.

DEFEATED

12171
**MODERNIZING THE INDUSTRIAL
EXCEPTION CLAUSE TO EXCLUDE
NUCLEAR INDUSTRY**

At the 525th Council Meeting plenary held on March 21, 2019, all Councillors present agreed by a show of hands to pursue the White Paper on the need for a modernization of the Industrial Exception, submitted by Eastern Central Region Councillor Keivan Torabi, PhD, P.Eng. and Councillor-at-Large Gregory Wowchuk, P.Eng.

More specifically, the white paper proposed that PEO staff prepare a report detailing how certain industries, particularly the nuclear industry, must not be allowed to take undue advantage of the Industrial Exception clause, and that PEO should prepare both a report and updated clauses for the Act, limiting and clarifying the scope of the Industrial Exception, focusing on the issue where the consequences of industrial accidents would spill over to the public domain.

The Industrial Exception refers to Section 12(3)(a) of the Professional Engineers Act (PEA), which permits unlicensed persons to perform

engineering “in relation to ***machinery or equipment***, other than equipment of a structural nature, for use in the facilities of the person’s employer in the production of products by the person’s employer”.

PEO has investigated the **repeal** of the Industrial Exception and an Act change was passed as part of the government’s *Open for Business Act, 2010* that would remove that clause from the *Professional Engineers Act*. The Act change was scheduled to be proclaimed in 2013, but the government of the day chose to postpone the proclamation indefinitely. After consultation with various stakeholders, the government passed subsequent legislation to repeal the previously approved Act change as part of the *Burden Reduction Act, 2017*, despite objections from PEO.

The proponents have identified a concern that multiple employers may be abusing and/or exploiting the Industrial Exception, and that this clause of the Act needs to be modernized to prevent this. There are also concerns about the extent and applicability of Professional Engineers Ontario’s public mandate. According to the proponents, the Industrial Exception may interfere with the effective regulation of the practice of professional engineering within the nuclear industry.

The nuclear industry in New Brunswick and Quebec do comply with their provincial professional engineering acts and requirements. The Industrial Exception is only created for Ontario.

This is an extremely important issue with direct public’s interest. A nuclear accident could have incalculable effect on Ontarians’ health and economy, and PEO could undoubtedly suffer major criticism for failing to act. Therefore, any plan of action Council considers regarding this issue should be accompanied by relevant, timely, and accurate information.

When policy development is completed, staff will make a report to Council in June 2020 for a decision on how the Industrial Exception could be modernized with respect to the nuclear industry. Any resulting proposal for Act changes would require using PEO’s Act Change Protocol.

This initiative will support Goal 5 (“Increase influence in matters regarding the regulation of the profession”) of PEO’s 2018-2020 Strategic Plan.

Moved by Councillor Torabi, seconded by Councillor Wowchuk:

That Council directs the Registrar to draft a report and recommendations for Council’s decision, by June 2020, regarding a need to modernize the Industrial Exception, narrow its scope, and with specific reference to its application to the nuclear industry.

Moved by Councillor Kershaw, seconded by Councillor Boone:

That the motion regarding modernizing the Industrial Exception Clause be amended by removing reference to the nuclear industry.

DEFEATED

Council then voted on the main motion.

That Council directs the Registrar to draft a report and recommendations for Council’s decision, by June 2020, regarding a need to modernize the Industrial Exception, narrow its scope, and with specific reference to its application to the nuclear industry.

**CARRIED
Recorded Vote**

| <u>For</u> | <u>Against</u> |
|----------------|----------------|
| V. Banday | A. Arenja |
| G. Boone | S. Ausma |
| W. Kershaw | C. Bellini |
| Q. Jackson | D. Brown |
| L. Notash | L. Cutler |
| T. Olukiyesi | G. Houghton |
| M. Sterling | L. MacCumber |
| R. Subramanian | S. Robert |
| S. Sung | A. Sinclair |
| K. Torabi | M. Spink |
| R. Walker | W. Turnbull |
| G. Wowchuk | |

**12172
MEMBERSHIP REFERENDUM ON PEAK**

To date, immense amounts of work have been performed and budget spent on advancing the “PEAK” program, notwithstanding the fact that Council has never secured the profession’s members’ approval to proceed with this colossal and fundamental change to the licensing regime. A full-time PEAK “co-ordinator” has been hired. It is clear that a huge amount of human effort and budget at PEO already is being spent on this program, even though it has not yet been adopted formally and made obligatory. Council cannot claim a mandate for this program, as virtually no candidates declared their support for it in their election platforms.

The extremely low participation rate in the PEAK program to date indicates that the members do not perceive value and utility in the program. A referendum is needed to determine the members’ will on the issue.

That a referendum of PEO members on the “PEAK” program be conducted concurrent with the 2020 council elections, and that the will of the majority so polled be executed by Council. An article outlining the “pro” and “con” positions shall be published in Engineering Dimensions and on the PEO website when the candidates’ statements are published. The choices offered to members in the referendum shall be: (1) Continuation of PEAK and enforcing member participation, (2) Continuation of PEAK and making participation voluntary, and (3) Termination of PEAK and investigation of effective alternatives.

Past President Brown objected to the consideration of the motion because it

was premature in light of the Cayton Report.

That Council consider the motion on a Membership Referendum on PEAK.

**DEFEATED
Recorded Vote**

For

V. Bandy
G. Boone
W. Kershaw
K. Torabi
G. Wowchuk

Against

A. Arenja
S. Ausma
C. Bellini
D. Brown
L. Cutler
G. Houghton
Q. Jackson
L. MacCumber
L. Notash
T. Olukiyesi
S. Robert
A. Sinclair
M. Spink
M. Sterling
R. Subramanian
S. Sung
W. Turnbull
R. Walker

**12173
COC RESPONSE TO EXTERNAL REVIEW
REPORT**

Council was informed of the position and response of the Complaints Committee (COC) to the external regulatory review report by the Professional Standards Authority.

At its meeting of August 1, 2019, the Complaints Committee¹ reviewed and discussed the contents and recommendations of the report prepared by the Professional Standards Authority (PSA) titled, "A Review of the Regulatory Performance of Professional Engineers Ontario," dated April 2019.

The Committee unanimously passed a motion that the Chair formally notify Council of the following position of the Complaints Committee with respect to the Report:

1. That the Complaints Committee is very supportive of the thrust and intent behind the recommendations contained in the PSA report.
2. That PEO, as an organization, urgently needs to make significant organizational and structural changes that shift sharply towards fulfilling its core regulatory mandate, and away from all non-

regulatory activities.

3. That Council needs to focus its time, energy, attention, and the organization's full resources on the core work of regulation, and on the implementation of the PSA Report recommendations.
4. That PEO, led by Council, must undergo a significant cultural and behavioral change from its current focus and activities that are, often-times, more suited to a member's interest-driven organization, to purely and solely that of a regulator acting in the public interest.

**12174
TECHNOLOGY USE POLICY**

The Violations section of the Technology Use Policy (Council) were adjusted after a review of what allowable actions are able to enforce the policy under the ACT, Regulations and Bylaws.

**12175
CONSENT AGENDA**

Moved by Councillor Kershaw, seconded by Councillor Subramanian:

That the Consent Agenda be approved as amended.

CARRIED

Included on the consent agenda:

- 3.1 Minutes – 528TH Council meeting – June 20-21, 2019 – as amended
- 3.2 Approval of CEDC Applications
- 3.3 Changes to the 2019 PEO Committees and Task Forces Membership Roster
- 3.4 Standing Down the Governance Working Group Phase 1
- 3.5 Council Action Log

[Note: minutes 12176 to 12180 reflect the motions provided in the briefing notes presented to the meeting.]

**12176
MINUTES – 525th COUNCIL MEETING –
JUNE 20-21, 2019**

That the minutes of the 528th meeting of Council, held June 20-21, 2019, as presented to the meeting at C-529-3.1, Appendix A, accurately reflect the business transacted at that meeting.

CARRIED

**12177
APPROVAL OF CEDC APPLICATIONS**

1. That Council approve the exemption from examinations and the applications for designation as Consulting Engineer as presented to the meeting at C-529-3.2, Appendix A, Section 1.

2. That Council approve the applications for re-designation as Consulting Engineer as presented to the meeting at C-529-3.2, Appendix A, Section 2.

3. That Council grant permission to use the title “Consulting Engineers” (or variations thereof) to the firms as presented to the meeting at C-529-3.2, Appendix A, Section 3.

CARRIED

**12178
CHANGES TO THE 2019 PEO COMMITTEES
AND TASK FORCES MEMBERSHIP ROSTER**

That Council approve changes to the 2019 PEO Committees and Task Forces Membership Roster as presented to the meeting at C-529-3.3, Appendix A.

CARRIED

The membership roster should include a column with number of years a volunteer has served on each committee.

**12179
STANDING DOWN THE GOVERNANCE
WORKING GROUP PHASE 1 (GWGP1)**

That Council stand down the Governance Working Group Phase 1 with thanks.

CARRIED

**12180
COUNCIL ACTION LOG**

There were no questions.

**12181
REGULATORY RISK REGISTER**

It was noted there is nothing on operational risks and this should be considered.

**12182
COUNCILLOR ITEMS**

a. Staff Recognition

Councillor Boone asked for an update regarding his proposal that former PEO staff who gave significantly to the profession be recognized. Registrar Zuccon advised that this is an operational item and that he will share the results of the environmental scan from similar organizations once received.

b. Communication

Councillor Wowchuk suggested that Engineering Dimensions provide more comprehensive coverage of Council meetings so that the membership is better informed. D. Smith advised that the material included in Engineering Dimensions regarding Council meetings was never intended to be a wholesome review since the minutes are available on the PEO website. Nonetheless, he noted that this would be reviewed.

Moved by Councillor Turnbull, seconded by Councillor Arenja:

That Council move in-camera.

CARRIED

**12183
IN-CAMERA SESSION**

While in-camera, Council:

- a. verified the in-camera minutes from the 528th meeting of Council held June 20-21, 2019;
- b. discussed the TD Meloche Monnex Affinity Program;
- c. received an HRC update;
- d. received decisions and reasons of the Discipline Committee
- e. received a legal update on legal actions in which PEO is involved
- f. noted there were no issues reported regarding PEO's Anti-Workplace and Violence Policy

g. received an update from the Complaints Review Councillor (CRC)

These minutes consist of twenty pages and minutes 12157 to 12183 inclusive.

N. Hill, P.Eng., Chair

R. Martin, Corporate Secretary