

# Briefing Note – Confirmation

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C-545-1.1

## **CONFIRMATION OF NOTICE AND QUORUM**

**Purpose:** Secretariat to confirm notice and quorum of the meeting.

**Prepared by:** Dale Power, Secretariat Administrator

# Briefing Note - Decision

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## **APPROVAL OF OPEN AGENDA**

**Purpose:** To approve the open agenda for the meeting.

**Motion(s) to consider:** (requires a simple majority of votes cast to carry)

**That:**

- a) the open agenda, as presented to the meeting at C-545-1.2, Appendix A be approved;  
and***
- b) the Chair be authorized to suspend the regular order of business.***

**Prepared by:** Dale Power – Secretariat Administrator

## **Appendices:**

- Appendix A – 545<sup>th</sup> Council meeting open agenda

**C-545-1.2  
Appendix A**

# Draft AGENDA

**545<sup>th</sup> Meeting of the Council of Professional Engineers Ontario**

**Friday, February 18, 2022 / 9:30 am – 4:00 pm – Lunch 12:00 – 12:30 pm**

**Virtual Delivery / Zoom details are provided via Outlook calendar invitation and Diligent Boards. This is a virtual meeting.**

<b><u>Friday, February 18 – 9:30 am to 4:00 pm</u></b>				
10:00 a.m.		CALL TO ORDER – Formal Public Meeting Begins		
		ACKNOWLEDGEMENT OF ATTENDEES (COUNCIL, STAFF AND GUESTS)		
<b>1. <u>OPENING</u></b>		<b>Spokesperson/ Moved by</b>	<b>Type</b>	<b>Time</b>
1.1	CONFIRMATION OF NOTICE AND QUORUM	Secretariat	Confirmation	10:00
1.2	APPROVAL OF AGENDA (OPEN SESSION)	Chair	Confirmation	10:05
1.3	DECLARATION OF CONFLICTS OF INTEREST: Do any Councillors have a conflict to disclose	Chair	Exception	10:10
<b>2. <u>EXECUTIVE REPORTS</u></b>		<b>Spokesperson/ Moved by</b>	<b>Type</b>	<b>Time</b>
2.1	PRESIDENT'S REPORT	Chair	Information	10:15
2.2	CEO/REGISTRAR'S REPORT	CEO/Registrar Zuccon	Information	10:25
<b><u>STANDING ITEMS</u></b>		<b>Spokesperson/ Moved by</b>	<b>Type</b>	<b>Time</b>
2.3	NOMINATION OF PEO DIRECTOR TO ENGINEERS CANADA BOARD	Councillor MacCumber	Approval	10:35
<b><u>REGULATORY AND GOVERNANCE ITEMS</u></b>		<b>Spokesperson/ Moved by</b>	<b>Type</b>	<b>Time</b>
2.4	ENGINEERS CANADA DIRECTORS REPORT	Danny Chui	Information	11:00
2.5	GUIDELINE – USE OF THE PROFESSIONAL ENGINEER'S SEAL	Councillor MacCumber	Decision	11:10
2.6	GOVERNANCE ROADMAP – PHASE 4	Councillor Arenja	Decision	11:20
2.7	ACT CHANGES - OPERATIONAL AND PROCEDURAL IMPROVEMENTS	Councillor MacCumber	Decision	11:35

2.8	MANDATORY CPD - REGULATION CHANGE PRELIMINARY REGULATORY IMPACT ASSESSMENT	Councillor MacCumber	Decision	11:50
2.9	ANTI-RACISM AND ANTI-DISCRIMINATION EXPLORATORY WORKING GROUP (AREWG) UPDATE	Councillor MacCumber	Information	12:05
2.10	ELECTION ISSUES		Discussion	12:10
2.11	GOVERNANCE COMMITTEE UPDATE – <ul style="list-style-type: none"> <li>• <b>Audit and Finance Committee (AFC)</b></li> <li>• <b>Governance and Nominating Committee (GNC)</b></li> <li>• <b>Human Resources and Compensation Committee (HRCC)</b></li> <li>• <b>Regulatory Policy and Legislation Committee (RPLC)</b></li> </ul>	Committee Chairs	Information	12:45
2.12	2023 – 2025 STRATEGIC PLAN	President Bellini	Information	

**LUNCH (1:00 – 1:30)**

<b>3. <u>CONSENT AGENDA</u></b>		<b>Spokesperson/ Moved by</b>	<b>Type</b>	<b>Time</b>
	Council members may request that an item be removed from the consent agenda for discussion.			
3.1	MINUTES – 544 COUNCIL MEETING	Chair	Decision	1:30
<b>Regulatory Items</b>				
<b>Governance Items</b>				
3.2	CHANGES TO THE 2022 STATUTORY AND REGULATORY COMMITTEES' MEMBERSHIP LISTS	Councillor Chan	Decision	

**Formal Public Meeting Ends – 1:35 pm**

<b>5.</b>	<b>NEXT MEETINGS</b>
	<b>Board Meetings and Plenaries</b>
	<ul style="list-style-type: none"> <li>• <b>April 8, 2022 – C-546 Council (Transition)</b></li> <li>• <b>April 30, 2022 – Annual General Meeting</b></li> </ul>
	<b>2022-2023 Committee meetings</b>

- **Audit and Finance Committee (AFC)**
  - **March 8, 2022**
- **Governance and Nominating Committee (GNC)**
  - **March 24, 2022**
- **Human Resources and Compensation Committee (HRCC)**
  - **March 1, 2022**
- **Regulatory Policy and Legislation Committee (RPLC)**
  - **March 7, 2022**

Please note that in order to streamline the agenda, Committee reports, with the exception of the governance committees, are not included in the agenda package. Those responsible for providing reports are asked to submit their written reports to the Secretariat for posting in the Diligent Boards Resource Centre. These reports can be discussed at the meeting if a Councillor asks to address a specific item contained within the written report. Reports/governance committee minutes submitted as of February 4<sup>th</sup> were as follows:

- **Audit and Finance Committee (AFC) Approved minutes**
  - **October 26, 2021**
- **Governance and Nominating Committee (GNC) Approved minutes**
  - **November 4, 2021**
  - **December 8, 2021**
  - **January 10, 2022**
- **Regulatory Policy and Legislation Committee (RPLC) Approved minutes**
  - **October 25, 2021**
  - **January 24, 2022**
- **2021 Chapters Leaders Conference (CLC) Final Report**
- **Stats**

### **Councillors Code of Conduct**

Council expects of itself and its members ethical, business-like and lawful conduct. This includes fiduciary responsibility, proper use of authority and appropriate decorum when acting as Council members or as external representatives of the association. Council expects its members to treat one another and staff members with respect, cooperation and a willingness to deal openly on all matters.

PEO is committed that its operations and business will be conducted in an ethical and legal manner. Each participant (volunteer) is expected to be familiar with, and to adhere to, this code as a condition of their involvement in PEO business. Each participant shall conduct PEO business with honesty, integrity and fairness and in accordance with the applicable laws. The Code of Conduct is intended to provide the terms and/or spirit upon which acceptable/unacceptable conduct is determined and addressed.

At its September 2006 meeting, Council determined that PEO volunteers should meet the same obligations and standards regarding conduct when engaged in PEO activities as they are when engaged in business activities as professional engineers.

[s. 2.4 of the Council Manual]

# Briefing Note – Exception

C-545-1.3

## CONFLICTS OF INTEREST

**Purpose:** Councillors are required to identify any real or perceived conflicts of interest that exist or may exist related to the open Council agenda.

**No motion required**

**Prepared by:** Dale Power, Secretariat Administrator

Councillors are to declare and refrain from participating in any Council matters where they might have a real or perceived conflict of interest

The Council Chair is responsible for ruling on whether a conflict exists if there is a dispute.

The Councillor with a conflict of interest will be required to leave the Council meeting for the duration of the agenda item, including for any respective votes.

If a Councillor wishes guidance on how to identify any conflicts of interest, the following 9-minute video can be referred to:

[https://www.youtube.com/watch?v=fjebnky\\_j6M](https://www.youtube.com/watch?v=fjebnky_j6M)

Attached is the link to the “Eliminating Bias in the Registration Process Policy” which references Conflict of Interest.

<https://www.peo.on.ca/sites/default/files/2021-03/policy-eliminating-bias.pdf>

# Briefing Note – Discussion

C-545-2.1

## **PRESIDENT'S REPORT**

**Purpose:** To inform Council of the recent activities of the President.

**Motion(s) to consider:**

none required

President Bellini will provide a report on his recent PEO activities, followed by discussion.



# Briefing Note – Discussion

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C-545-2.2

## **CEO/REGISTRAR'S REPORT**

**Purpose:** CEO/Registrar Zuccon will present the CEO/Registrar's Report.

No motion required.

**Prepared by:** Dale Power, Secretariat Administrator

The CEO/Registrar's report is attached.

# CEO/Registrar Update

C-545-2.2  
Appendix A

Johnny Zuccon, P.Eng., FEC, CEO/Registrar  
Prepared for PEO Council, February 18, 2022

## Action Plan

### Progress Report

#### FARPACTA Changes Provide Clear Direction on Licensure Processes

The *Working for Workers Act* (Bill 27), which includes significant amendments to the *Fair Access to Regulated Professions and Compulsory Trades Act* (FARPACTA), was proclaimed in force on December 2, 2021. As a result, PEO—and all other regulatory bodies and compulsory skilled trades that are subject to FARPACTA—must now take appropriate action, on a priority basis, to implement the required changes to comply with new service standards associated with registration/licensing decisions, including those related to Canadian work experience.

Although PEO has a longstanding commitment through the Council-approved Action Plan to streamlining its existing processes and reviewing its licensure model, the FARPACTA amendments now provide us with greater clarity on the specific change direction and related timeframes.

The amendments to FARPACTA will be reflected and more clearly delineated in new regulations under that legislation. The obligations will be monitored and enforced by the Office of the Fairness Commissioner (OFC) with significant oversight by the Minister of Labour, Training and Skills Development. The regulations themselves have yet to be promulgated. It is already clear, however, that FARPACTA and regulation changes will most significantly impact on how regulators implement licensing and registration practices for internationally trained applicants (ITAs).

In January 2022, PEO was invited to consultations on the content of the proposed regulations. The changes to be addressed by the new regulations include:

- **Canadian Experience**—Removal of specific requirements for Canadian experience to obtain a licence, or provision of alternative requirements that do not include a Canadian experience component. All regulators governed by FARPACTA will be required to fully comply by December 2, 2023.
- **Decision-Making Timeframes**—Reporting on processing and response times, with a requirement that the time to complete individual registration decisions with respect to a complete application is under six months, and that overall time for the complete licensing process is under 12 months. Regulators will be expected to show compliance for up to 90% of all applicants.
- **Emergency Plan**—Regulators will be required to have a documented Emergency Plan to ensure continuity of operations and processes to expedite renewals and new registrations in the event of public emergencies which may disrupt normal processes (e.g., another pandemic, natural disaster or threat to public security). Regulators will be required to submit an Emergency Plan within six months of the date that the regulation comes into effect.
- **Language Proficiency Tests**—Regulators will be required to accept language proficiency test results that are provided with respect to IRCC applications, in addition to any test results that are currently accepted.

All regulators will be required to report publicly on their FARPACTA performance metrics, particularly as they relate to ITAs.

PEO's Regulatory Policy and Legislation Committee (RPLC) will be presented in the near future with a high-level FARPACTA-driven road map from staff that outlines the necessary steps and timeframes to meet the required objectives. It is important to note that the *Professional Engineers Act* does permit PEO to meet the FARPACTA change requirements and provides Council with the necessary regulation-making authority to do so. We will continue to keep Council and RPLC informed on the new requirements and will bring items within Council's regulation-making authority to them as required to meet the requisite government-imposed deadlines.

### Mandatory Continuing Professional Development

As of January 2023, PEO will have a mandatory continuing professional development (CPD) program based on its current, optional Professional Evaluation and Knowledge (PEAK) program. At that time, all PEO licence holders (both practising and non-practising) will be required to comply with the program. The existing, voluntary PEAK program will be phased out as PEO prepares to transition to the mandatory program. The mandatory CPD program will be introduced gradually with the launch of the core elements of the program in January 2023 under the following operational conditions:

- The program will adopt one annual cycle matching the calendar year for all licence holders. The calendar cycle approach will make it easier for licence holders to remember the annual due dates and timelines for completing the program, and it will facilitate leaner program operations.
- The first year of mandatory CPD based on PEAK will be focused on education about the program and on encouraging compliance. Audits and administrative licence suspensions will begin in 2024
- Sanctions for non-compliance will be proportionate and, depending on the type of non-compliance may include status posting on the register, administrative licence suspension and referral for investigation according to the complaints process. Sanctions will not include administrative fines, removal from the register or licence cancellation/revocation (unless imposed through formal Discipline).
- Licence holders will be provided a grace period between the deadline for completing a program element and the date when tougher sanctions are applied. Licence suspensions for persistent non-compliance will be applied starting in 2024, and these suspensions will end as soon as licence holders complete their overdue elements.

Changes to the regulations under the *Professional Engineers Act* will be required to enable PEO to, among other things, specify the annual requirement of mandatory CPD, compel licence holders to participate and levy sanctions against licence holders who don't complete the annual requirements. A preliminary regulatory impact assessment (PRIA) is before Council for approval at its February 18, 2022 meeting. A PRIA is required by the provincial government to support regulatory change requests to the act. The submitted PRIA specificizes the required scope of changes to the act, complete with supporting quantitative and qualitative evidence, stakeholder feedback and potential impacts on the impending changes for individuals, businesses, governments, communities and the environment.

## Operations

### Governance

#### Council Elections

The voting period for PEO's 2022 Council elections closes at 4 p.m. on February 18. Results will be circulated and published as soon as possible thereafter.

### Licensing

#### Emerging Trends in Engineering Education

On January 17, educators and regulator representatives met online for a full-day workshop co-hosted by Engineers Canada and Engineering Deans Canada on current and emerging trends in engineering education. This workshop will contribute to the Engineering Education Task Force's report on current and emerging trends in engineering education as part of Engineers Canada's strategic priority to *Investigate and Validate the Purpose and Scope of Accreditation*. Work on this priority recognizes that accreditation is impacted by changes in engineering education, engineering regulation, and international agreements (e.g., Washington Accord). As a result, understanding current and emerging trends in engineering education is key. PEO was represented by members of the CEO/registrar-appointed advisory group. Engineers Canada is currently working on a detailed research report on engineering education with plans to distribute the final product later this year.

#### Information Discovery and Digitization Capacity Project

File digitization speed continues to increase overall. In early February, more than 7,400 of the total 21,000 paper-based in-process licence application files had been fully digitized.

#### ARC and ERC Reviews

In September, the COVID-related accumulation of applications from graduates of a non-Canadian Engineering Accreditation Board engineering program requiring Academic Requirements Committee (ARC) review and assessment was approximately 2700 files. In early February, through the efforts of the ARC and staff, this accumulation had been reduced to just over 750 accumulated files. The initiative to eliminate the accumulation completely and achieve a steady state by end of April 2022 is on track.

As of early February, and since having transitioned to virtual interviews in 2021, 88 Experience Requirements Committee (ERC) members (62% of the roster) have participated in at least one virtual interview, and approximately 43 interviews were held each month over the last three months. The pre-COVID number of interviews held per month was approximately 80. As the ARC continues to work through its accumulation of files, files in queue for ERC interview is growing proportionately. If the ERC continues at the recently demonstrated rate of virtual interviews, it will take approximately 17 months to work through the accumulation of files. If the ERC can achieve its pre-COVID rate of 80 interviews/month, it will take approximately 10 months to eliminate the accumulation.

Figure 1. Breakdown of P.Eng. licence applications received, January-December 2020 and 2021

Year	Applications Received Jan-Dec 2020							Applications Received Jan-Dec 2021							% change
Gender	Female		Male		Not Stated		Totals	Female		Male		Not Stated		Totals	Totals
	(#)	(%)	(#)	(%)	(#)	(%)	(#)	(#)	(%)	(#)	(%)	(#)	(%)	(#)	
CEAB	723	21%	2751	79%	0	0%	3483	588	20%	2301	80%	4	0.1%	2893	-17%
Non-CEAB	493	16%	2572	84%	0	0%	3065	847	17%	4063	83%	13	0.3%	4923	61%
<b>Totals</b>	<b>1225</b>	<b>19%</b>	<b>5323</b>	<b>81%</b>	<b>0</b>	<b>0%</b>	<b>6548</b>	<b>1435</b>	<b>18%</b>	<b>6364</b>	<b>81%</b>	<b>17</b>	<b>0.2%</b>	<b>7816</b>	<b>19%</b>

Figure 2. Breakdown of P.Eng. licence applications approved, January-December 2020 and 2021

Year	P.Eng. Licences Approved Jan-Dec 2020							P.Eng. Licences Approved Jan-Dec 2021							% change
Gender	Female		Male		Not Stated		Totals	Female		Male		Not Stated		Totals	Totals
	(#)	(%)	(#)	(%)	(#)	(%)	(#)	(#)	(%)	(#)	(%)	(#)	(%)	(#)	
CEAB	387	20%	1586	80%	0	0%	1973	478	20%	1867	80%	1	0.0%	2346	19%
Non-CEAB	201	18%	936	82%	0	0%	1137	182	16%	968	84%	0	0.0%	1150	1%
<b>Totals</b>	<b>588</b>	<b>19%</b>	<b>2522</b>	<b>81%</b>	<b>0</b>	<b>0%</b>	<b>3110</b>	<b>660</b>	<b>19%</b>	<b>2835</b>	<b>81%</b>	<b>1</b>	<b>0.0%</b>	<b>3496</b>	<b>12%</b>

Figure 3. Average process times for P.Eng. licence approvals, January-December 2020 and 2021

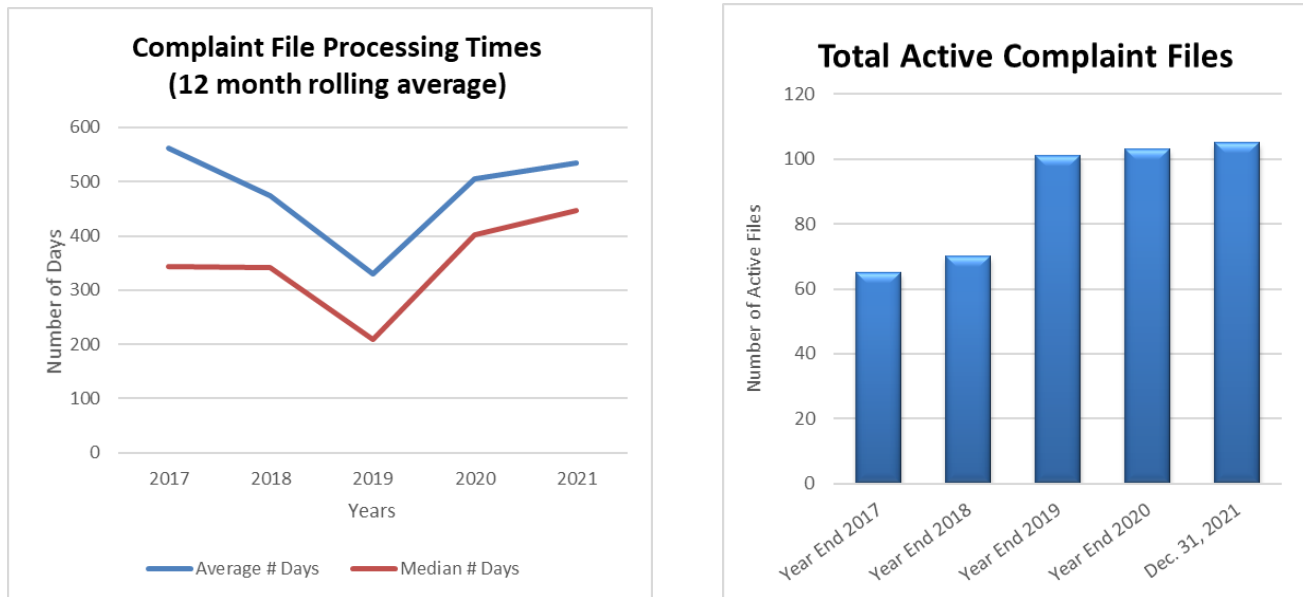
	P.Eng. Licences Approved Jan-Dec 2020		P.Eng. Licences Approved Jan-Dec 2021		% change
	# Applicants	Average licensing time	# Applicants	Average licensing time	
CEAB applicants	1543	1261 days	1795	1282 days	1.7%
Non-CEAB applicants	696	1062 days	636	1160 days	9.2%
Confirmatory exam program	128	1750 days	109	1699 days	-2.9%
Specific exam program	68	2488 days	42	2410 days	-3.1%
Interprovincial Transfers	597	61 days	798	120 days	97%
Reinstatements	78	44 days	117	77 days	75%

## Regulatory Compliance

### Complaints

Complaint file processing times have trended upwards since COVID mainly due to the related shutdowns that have increased the time for complainants, respondents and third parties to gather documents and respond to information requests, as well as because of the nature of active files over the last three years.

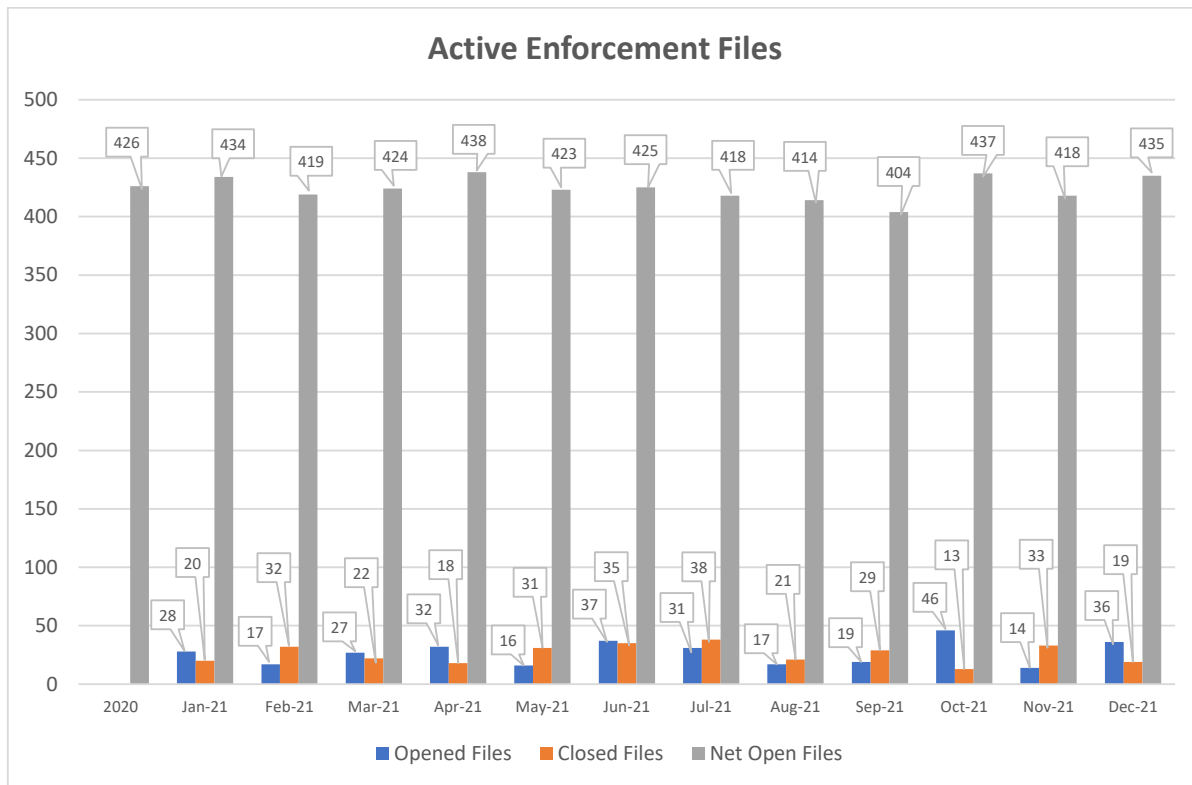
Figure 4. Complaints and Investigation Statistics (as at Dec. 31, 2021)



## Enforcement

The net enforcement case load for 2021 has remained at roughly the same level throughout the year. Ongoing remote operations due to the Covid pandemic have continued to affect nominal metrics. The number of newly reported matters is roughly 66% of the volume for the same period in 2020, and the number of file closures is approximately 81% of the number for 2020.

Figure 5. Active Enforcement Files



## Finance

### Update

Financial results provided are as of November 30, 2021, due to the ongoing year-end audit. The complete financials will be released once approved by the Audit & Finance Committee.

For the eleven months ending November 30, 2021, revenues earned were \$29.2M and expenses incurred were \$22.3M, resulting in an excess of revenue over expenses of \$6.9M, as shown in Figure 6. The increase in revenues in comparison to budget by \$582k is due to higher-than-expected P.Eng. revenues and higher investment income which were offset by lower-than-expected application, registration, examination and other fees revenue and building operations revenue.

On the expense side, there were \$22.3M in total expenses for the eleven months ending November 30, 2021 versus a budgeted spend of \$27.9 resulting in a favourable variance of \$5.6M. Expenses continue to trend lower due primarily to pandemic-related restrictions.

As shown in Figure 7, PEO has cash reserves of \$10.8M and an investment portfolio of \$19.7M as of November 30, 2021. The value of the investment portfolio has increased by about \$344k YTD for the eleven months ending November 30, 2021.

Figure 6. Revenues and expenses as of November 30, 2021

	2021 Actual	2021 Budget	Variance Act vs Bud
Revenues	\$29,223,538	\$28,641,026	\$582,512
Expenses	\$22,336,527	\$27,889,491	\$5,552,964
<b>Excess of Rev over Exp</b>	<b>\$6,887,011</b>	<b>\$751,535</b>	<b>\$6,135,477</b>

Figure 7. Assets and liabilities as of November 30, 2021

	2021 Actual	2020 Actual	Variance (Fav / Unfav)
Cash	\$10,750,344	\$10,093,056	\$657,288
Other current assets	\$922,921	\$927,142	-\$4,221
Marketable securities	\$19,668,701	\$11,960,108	\$7,708,593
Capital assets	\$29,764,059	\$31,720,645	-\$1,956,586
<b>Total assets</b>	<b>\$61,106,025</b>	<b>\$54,700,951</b>	<b>\$6,405,074</b>
Current liabilities	\$14,103,351	\$13,390,388	-\$712,963
Long term debt	\$1,542,433	\$2,631,229	\$1,088,796
Employee future benefits	\$13,865,938	\$7,125,000	-\$6,740,938
Net assets	\$31,594,303	\$31,554,334	\$39,969
<b>Total liabilities &amp; net assets</b>	<b>\$61,106,025</b>	<b>\$54,700,951</b>	<b>\$6,405,074</b>



## Remissions and Resignations

The data in Figures 8 and 9 show a year-over-year increase of 323 members seeking fee remission and an increase of 191 resignations. Despite this, as of December 31, 2021, the total number of P.Engs increased by 1,817 for the year to a total of 86,359.

Figure 8. Remissions stats for 2021

Remission Type	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Monthly Ave.
Parental leave	18	20	19	11	11	14	15	19	18	16	25	13	199	17
Post grad	9	10	10	8	4	5	3	5	7	8	6	4	79	7
Unemployment	220	135	158	140	144	106	124	130	140	125	127	94	1643	137
Temporary health	3	4	6	4	4	3	4	3	1	2	4	1	39	3
Permanent health	4	4	3	3	6	2	4	3	2	2	7	3	43	4
Retired	105	99	74	73	95	64	53	79	68	77	96	53	936	78
<b>Total</b>	<b>359</b>	<b>272</b>	<b>270</b>	<b>239</b>	<b>264</b>	<b>194</b>	<b>103</b>	<b>239</b>	<b>236</b>	<b>230</b>	<b>265</b>	<b>168</b>	<b>2939</b>	<b>245</b>
<b>Cumm. Total</b>	<b>359</b>	<b>631</b>	<b>901</b>	<b>1140</b>	<b>1404</b>	<b>1598</b>	<b>1801</b>	<b>2040</b>	<b>2276</b>	<b>2506</b>	<b>2771</b>	<b>2939</b>		
<b>Resignations</b>													<b>876</b>	<b>73</b>

Figure 9. Remissions stats for 2020

Remission Type	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Monthly Ave.
Parental leave	20	13	9	18	14	15	12	10	13	14	14	14	166	14
Post grad	14	7	2	9	6	7	3	4	6	9	10	5	82	6
Unemployment	141	112	107	107	104	109	90	132	152	162	140	102	1458	122
Temporary health	5	4	1	4	2	1	2	3	2	4	2	0	30	3
Permanent health	3	4	4	2	2	3	3	5	2	4	2	2	36	3
Retired	85	93	88	34	59	68	49	67	80	73	75	73	844	70
<b>Total</b>	<b>268</b>	<b>233</b>	<b>211</b>	<b>174</b>	<b>187</b>	<b>203</b>	<b>159</b>	<b>221</b>	<b>255</b>	<b>266</b>	<b>243</b>	<b>196</b>	<b>2616</b>	<b>219</b>
<b>Cumm. Total</b>	<b>268</b>	<b>501</b>	<b>712</b>	<b>886</b>	<b>1073</b>	<b>1276</b>	<b>1435</b>	<b>1656</b>	<b>1911</b>	<b>2177</b>	<b>2420</b>	<b>2616</b>		
<b>Resignations</b>													<b>685</b>	<b>57</b>

## **Human Resources**

### **Diversity, Equity and Inclusion**

The 30 by 30 Task force was stood down effective December 31, 2021, as per its terms of reference, with related work being incorporated into PEO operations. Staff is currently coordinating an independent gender audit of PEO's existing licensing process and internal operations being conducted by the University of Toronto's Rotman School of Management. The audit is investigating potential gender biases and any unintentional barriers that may impede women from getting licensed. The independent research team has reviewed our licensing documentation and met with staff when clarification was required. We will continue to provide the research team with de-identified data in the coming months as needed. Next steps will include data collection through interviews of internal staff and applicants. We anticipate the study will be completed in January 2023, at which time the research team will present PEO with interim results from the data analysis of existing data and interview data and provide any recommendations.

### **Recruitment**

As PEO moves through an exciting period of change, recruitment continues for several leadership positions, including:

- Controller;
- Director, External Relations;
- Director, Governance and Corporate Secretary;
- Director, Human Resources;
- Director, Investigations & Prosecution;
- Director, Licensing; and
- Director, Program Management.

### **Return-to-Office Plan**

With the province beginning to lift COVID-related restrictions on January 31, PEO staff are again permitted to access our office on a voluntary basis while adhering to all established protocols, including mandatory proof of vaccination and completing an online screening tool.

Planning is now underway to return employees back to the office on a more permanent basis. We anticipate a return to the office based on a hybrid model on or about April 4, 2022. This date is subject to government restrictions and public health guidance that may be in place at that time. We believe such a model will accommodate the desire of many employees to continue to take advantage of remote working arrangements, which promotes work-life balance. We also believe that working together in person in the office at least part of the week is essential to our operating, as a team, in the most efficient and productive manner possible.

### **Workplace Vaccination Policy**

The health and safety of our employees is a priority, and we are committed to taking every precaution reasonable in the circumstances for their protection from the hazards of COVID-19. Vaccination is a key element of this protection. As previously communicated, PEO policy allows only those who are fully vaccinated (as defined by the Province of Ontario and subject only to bona fide exemptions) to attend PEO premises. We are also committed to compliance with all applicable public and occupational health and safety, human rights, privacy and other laws in the development and implementation of this policy.

# Briefing Note – Decision

## NOMINATION OF PEO DIRECTOR TO ENGINEERS CANADA BOARD

**Purpose:** To nominate one PEO representative to serve on the Board of Directors of Engineers Canada in accordance with Council's procedures.

**Motion(s) to approve: (requires a simple majority of votes cast to carry)**

That \_\_\_\_\_, P.Eng. be nominated as a PEO Director to the Engineers Canada Board of Directors, for a three-year term effective as of the 2022 Engineers Canada Annual General Meeting.

**Prepared by:** Ralph Martin, Manager, Governance

**Moved by:** Councillor Lisa MacCumber, P.Eng.

### 1. Need for PEO Action

The term of the following PEO Director nominated to the Engineers Canada Board of Directors expires at its 2022 Engineers Canada Annual General Meeting on May 28, 2022 when the new Board of Directors will be sworn in:

Engineers Canada Director	Term Start <sup>1</sup>	Term End
Kelly Reid	May 2019	May 2022

<sup>1</sup> Engineers Canada appointments become effective at its Annual General Meeting, which is typically held in May each year

Therefore, Council is being asked to nominate one PEO representative to the Board of Directors of Engineers Canada. The names of members who expressed their interest in serving as a PEO Engineers Canada Director are detailed in Appendix A.

## COMPETENCIES REQUESTED BY ENGINEERS CANADA

The [Engineers Canada Board Policy Manual](#) – Section 4.8.3 Board competency profile outlines the required and asset competencies, as follows:

### 4.8.3.1 Desired competencies

- **Board governance experience and leadership** - Experience with board governance, preferably on a regulator Council or other governing body. Possesses a clear understanding of the distinction between the role of the board versus the role of management.
- **Business/management experience** - Experience with sound management and operational business processes and practices. Includes an understanding of topics such as managing complex projects, leveraging information technology, planning and measuring performance, and allocating resources to achieve outcomes.
- **Regulator experience** - Practical knowledge of the working of provincial/territorial engineering regulators, including such matters such as accreditation, licensure, practice issues, and discipline and enforcement.
- **Accounting/financial experience** - Understanding of accounting or financial management. Includes analyzing and interpreting financial statements, evaluating organizational budgets, and understanding financial reporting and knowledge of auditing practices.
- **Strategic planning experience** - Experience in developing strategic direction for an organization while considering broad and long-term factors. Understands how an organization must evolve in light of internal and external trends and influences. Able to identify patterns, connections, or barriers to addressing key underlying issues.

- **Risk management experience** - Experience with enterprise risk management. Includes identifying potential risks and recommending and implementing preventive measures, organizational controls, and compliance measures.
- **Demographic preferences** - The Board supports as much diversity as possible in its makeup; however, only two demographic goals have been set for active monitoring.
- **Representation of women** - In accordance with its Diversity and inclusion policy, the Board strives to include at least 30 per cent women. A long-term goal would be a female/male split representative of the Canadian population.
- **Active practitioner representation** - The Board should also attempt to ensure that at least 30% of its composition includes active engineering practitioners.

#### 4.8.3.2 Asset qualifications

The directors should possess behavioral skills conducive to working together effectively. These skills include the following:

- **Ability to present opinions** - They are able to present views clearly, frankly, constructively, and persuasively.
- **Willingness and ability to listen** - They listen attentively and respectfully and make sure they understand what they have heard.
- **Ability to ask questions** - They know how to ask questions in a way that contributes positively to debate.
- **Flexibility** - They are open to new ideas, are strategically agile, and are responsive to change.
- **Conflict resolution** - They are oriented to resolve conflict, are resilient after it occurs, and support board decisions once made.
- **Dependability** - They do their homework and attend and participate in meetings.

### COMPETENCIES AND EXPECTATIONS AS THEY RELATE TO PEO

Section 3 of the *Terms of Reference, Expectations and Appointment Process for PEO Director on Engineers Canada Board of Directors* states that directors shall provide a linkage with the regulators by communicating the views of the regulators to the Board and communicating the Board's views to the regulators. In order to do so, Directors shall:

- 3.1 Be knowledgeable of the rules, regulations, policies and procedures governing the regulator that nominated/elected them.
- 3.2 Be informed and knowledgeable about issues at their regulator by reviewing their regulator's council/board briefing books and the minutes of all council/board meetings and attending council/board meetings.
- 3.3 Advise their regulator of issues to be discussed by the Board and seek input so as to be able to communicate their regulator's position to the Board.
- 3.4 Present and explain the views and positions of their regulation to the Board on issues which impact on the activities of their regulator or the policies that guide the operation of their regulator.
- 3.5 When requested by their regulator, request that an agenda item be added and specific time be allocated at a regular meeting of the Board for the Director to present reports and, where required, present resolutions for action by the Board.
- 3.6 Inform their regulator of the activities, decisions and plans of Engineers Canada by requesting that an agenda item be added and a specific time be allocated at each regular meeting of the regulator's council/board for the Director to present reports or to receive guidance and direction.

Other expectations regarding principal activities as they relate to PEO include:

- Attend Engineers Canada meetings and report significant activities or decisions to PEO following each meeting, including a report on any special Engineers Canada projects.
- Attend PEO Council meetings. The Directors are expected to attend to the same standard to which a regular member of PEO Council is held.

- Provide a written report to Council through the Registrar in a timeframe acceptable so that it may be included in the Council meeting agenda package.
- Notify PEO's President and Registrar of any specific items for which he/she requires a decision of or guidance by, PEO Council, so that they may be included in the agenda for the next PEO Council meeting.

**Eligibility:**

To be eligible, a nominee for the position of Engineers Canada Director must be a current Councillor, recent past Councillor (no more than 2 years since last on Council), or a current Engineers Canada Director. Nominees must also be PEO and OSPE members. All nominees shall be "engineers in good standing" under Engineers Canada's Bylaw 4.1(1).

**2. Proposed Action / Recommendation**

It is recommended that Council nominate one PEO representative to the Engineers Canada Board of Directors for a three-year term to replace the Director whose term is expiring.

**3. Next Steps (if motion approved)**

Engineers Canada would be advised of PEO's approved nominee.

**4. Financial Impact on PEO Budgets (for five years)**

	Operating	Capital	Explanation
Current to Year End	\$0	\$0	Funded from Surplus Fund (Council discretionary funds)
2 <sup>nd</sup>	\$0	\$0	
3 <sup>rd</sup>	\$0	\$0	
4 <sup>th</sup>	\$0	\$0	
5 <sup>th</sup>	\$0	\$0	

**5. Peer Review Process Followed**

No peer review was required.

In accordance with the appointment process approved by PEO Council in November 2016, a memorandum was emailed to all eligible candidates, along with the terms of reference and expectations for directors, requesting members to submit their names by February 1, 2022.

**7. Appendices**

- Appendix A – Nominees for Election to Engineers Canada Board of Directors
- Appendix B – Terms of Reference, Expectations and Appointment Process for PEO Directors on Engineers Canada Board of Directors

### **Nominees for Election to Engineers Canada Board of Directors**

PEO's Process to Appoint an Engineers Canada Director, which was approved by Council on February 7, 2020, is detailed on pages 7 and 8 of Appendix B – *Terms of Reference, Expectations and Appointment Process for PEO Directors on Engineers Canada Board of Directors*.

The eligibility criteria requires that:

- A nominee must be a current Councillor, recent past Councillor (no more than 2 years since last on Council), or a current Engineers Canada Director; and
- Nominees must also be PEO and OSPE members.

The following is a list of nominees who have expressed interest in serving on the Engineers Canada Board as of February 1, 2022. The three nominees are confirmed as members of PEO and OPSE.

Christian Bellini

Darla Campbell

Nick Colucci



## **REVISED Terms of Reference, Expectations and Appointment Process for PEO Directors on Engineers Canada Board of Directors<sup>1</sup>**

### **Background:**

Engineers Canada is governed by a Board of Directors, consisting of one or more representatives from each engineering regulator. PEO nominates five representatives to be appointed to this Board of Directors.

Engineers Canada is a federation of the provincial/territorial associations whose mandate is to: to work on behalf of the provincial and territorial associations that regulate engineering practice and license the country's 300,000 members of the engineering profession.

Specifically, Engineers Canada's work is focused on 10 core purposes, as established by Engineers Canada's members, the engineering regulators:

1. Accrediting undergraduate engineering programs.
2. Facilitating and fostering working relationships between and among the regulators.
3. Providing services and tools that enable the assessment of engineering qualifications, foster excellence in engineering practice and regulation, and facilitate mobility of practitioners within Canada.
4. Offering national programs.
5. Advocating to the federal government.
6. Actively monitoring, researching, and advising on changes and advances that impact the Canadian regulatory environment and the engineering profession.
7. Managing risks and opportunities associated with mobility of work and practitioners internationally.
8. Fostering recognition of the value and contribution of the profession to society and sparking interest in the next generation of professionals.
9. Promoting diversity and inclusivity in the profession that reflects Canadian society.
10. Protecting any word(s), mark, design, slogan, or logo, or any literary, or other work, as the case may be, pertaining to the engineering profession or to its objects.

### **Role of Engineers Canada Director:**

The role and responsibilities of the Engineers Canada Board and its Directors are outlined in the [Engineers Canada Board Policy Manual](#), in particular Policy 4.1, Board Responsibilities and 4.2, Directors' Responsibilities. The latter provides in part as follows:

<sup>1</sup> Approved by resolution at the February 2020 meeting of Council. Revised to update the description of the EC Board role, based on input from Engineers Canada, April 2021.



(1) In order to fulfill their purpose as a Board, individual Directors shall:

- a) Know the business of Engineers Canada.
- b) Ensure sufficient time to fulfill their Director's duties and responsibilities.
- c) Be informed of issues affecting, or likely to affect, Engineers Canada and the Regulators.
- d) Contribute to the Board's decision-making process by:
  - i. Attending meetings on a regular and punctual basis and being properly prepared to participate;
  - ii. Discussing all matters freely and openly at Board meetings;
  - iii. Working towards achieving a consensus that respects divergent points of view;
  - iv. Supporting the legitimacy and authority of Board decisions, regardless of their personal position on the issue, and not discussing the varying opinions of individuals members;
  - v. Respecting the rights, responsibilities, and decisions of the Regulators; and,
  - vi. Participating actively in the work of the Board including by serving on Committees or Task Forces.
- e) Bring the views, concerns, and decisions of the Board to their Regulator.
- f) Seek their Regulator's input on issues to be discussed by the Board so as to be able to communicate the Regulator's position to the Board.
- g) Advise their Regulator of issues to be presented for decision by the Members.
- h) Be knowledgeable of the rules, regulations, policies, and procedures governing the Regulator that nominated/elected them.
- i) Be familiar with the incorporating documents, By-law, policies, and legislation governing Engineers Canada as well as the rules of procedure and proper conduct of meetings.
- j) Participate in Board educational activities that will assist them in carrying out their responsibilities.

(2) Each individual Director shall act in accordance with the Canada Not-for-Profit Corporations Act (the "Act") and their common law fiduciary duties, including but not limited to:

- a) Acting honestly, in good faith and at all times, in the best interests of the corporation;
- b) Being independent and impartial;
- c) Exercising, in the performance of their duties, the degree of care, diligence and skill required of a Director;
- d) Preserving the confidentiality of information obtained while acting as a Director by avoiding any advertent or inadvertent disclosure of such information;
- e) Exercising vigilance for and declaring any apparent or real personal conflict of interest in accordance with Policy 4.3, Code of Conduct; and
- f) Voicing, clearly and explicitly at the time a decision is being taken, any opposition to a

The role and responsibilities of Engineers Canada Directors are further outlined in Board Policy 4.3, *Code of Conduct*, provided, in part, as follows:

This policy is intended to provide guidance to members of the Board and Board committees in managing the affairs of Engineers Canada. It does so by setting out the principles, standards and guidelines of ethical conduct, thereby ensuring confidence, transparency and trust in the integrity, professionalism and impartiality of the decisions made by the Board and Board committees.

#### 4.3.1 Board and committee member conduct





- (1) Engineers Canada is committed to ensuring an inclusive and supportive environment. Board members and members of Committees shall, at all times, conduct themselves in an ethical, professional, and lawful manner. This includes proper use of authority and appropriate decorum.
- (2) Expected behavior for Board members and members of Board committees at in-person and/or virtual events, activities and meetings include that:
- a) They shall refrain from violent behavior, harassment, intimidation, retaliation or any form of discrimination and shall treat one another and staff members with respect, co-operation, and a willingness to deal openly on all matters, valuing a diversity of views and opinion;
  - b) They should be considerate, respectful, and collaborative with others;
  - c) They should communicate openly with respect for others, critiquing ideas rather than individuals;
  - d) They should avoid personal attacks directed toward others;
  - e) They should be mindful of their surroundings and their fellow participants; and,
  - f) They should respect the rules and policies of the meeting venue, hotels, Engineers Canada contracted facility, or any other venue.
- (3) Unacceptable behavior by Board or Board committee members includes, but is not limited to:
- a) Verbal or written comments that are not welcome and/or are personally offensive that relate to gender, sexual orientation, disability, physical appearance, body size, race, religion, national origin, or age;
  - b) Violations of federal or provincial laws that could result in fines or civil damages payable by Engineers Canada or that could otherwise significantly harm Engineers Canada's reputation or public image;
  - c) Unethical conduct and/or conduct that contravenes any Engineers Canada policies or its Code of Conduct; and
  - d) Danger to the health, safety or well-being of staff, other Board or Board committee members and/or the general public.
- (4) Board members and members of Board committees shall ensure that unethical, unprofessional or illegal activities not covered or specifically prohibited by the foregoing or any other legislation are neither encouraged nor condoned and are reported as per section 4.3.3, Compliance with Board policies.
- (5) A Board member or a member of a Board committee who is no longer holding good standing status with their provincial Regulator shall be suspended from participation in Board and Board committee activities until they return to good standing status.
- (6) A Board member or a member of a Board committee who is alleged to have violated this Code of Conduct shall be so informed. As per section 4.3.3, Compliance with Board policies, such breaches shall be investigated. (
- (7) Upon appointment, Directors shall sign the oath of office or other suitable undertaking.
- (8) Upon appointment and every year thereafter, Board members and members of Board committees shall sign an acknowledgment of Policy 4.4, Confidentiality.

#### **Expectations Regarding Principal Activities as They Relate to PEO:**

- Attend Engineers Canada meetings and, subject to confidentiality obligations, report significant activities or decisions to PEO following each meeting, including a report on any special Engineers Canada projects
- Attend PEO Council meetings. The Directors are expected to attend to the same standard to which a regular member of PEO Council is held.



- Provide a written report to Council through the Registrar in a timeframe acceptable so that it may be included in the Council meeting agenda package.
- Notify PEO's President and Registrar of any specific items for which he/she requires a decision of or guidance by, PEO Council, so that they may be included in the agenda for the next PEO Council meeting.

### **Eligibility:**

To be eligible, a nominee for the position of Engineers Canada Director must be a current Councillor, recent past Councillor (no more than 2 years since last on Council), or a current Engineers Canada Director. Nominees must also be PEO and OSPE members.

### **Term of Appointment for Directors:**

PEO Council is responsible for nominating candidates for the Engineers Canada Board. The term of appointment normally commences and ends at an annual meeting of Engineers Canada and shall be of three (3) years duration. Section 4.6 of the Engineers Canada Bylaw sets out that Directors shall be elected for a term of 3 years, and they may be elected for a second term (or a lifetime max of 6 years).

The maximum length of service as an Engineers Canada Director is 6 years, which may be extended if the nominee secures the Engineers Canada presidency.

### **Process to Appoint an Engineers Canada Director**

The following process is to be used when making Engineers Canada Director nominations:

1. A call for those who wish to be considered for nomination by PEO Council to the Engineers Canada Board of Directors will be sent to all eligible nominees.
2. The call for prospective nominees will specify the closing date and require prospective nominees to indicate their willingness to serve for a three-year term in accordance with the terms set out in the Engineers Canada Bylaw and Board Policy Manual, and the expectations of PEO's Directors on Engineers Canada Board of Directors, as noted above.
3. A name to be considered for nomination does not require a seconder.
4. No names of prospective nominees will be accepted after the deadline for submission of names or from the floor at the meeting at which such nominations are to be made.
5. At the meeting at which such nominations are to be made, the Chair shall read out the names of those members who have asked to be considered.
6. Each prospective nominee will be afforded an opportunity to make a brief (2 minute) personal introduction should they so wish. Absent prospective nominees may submit a written personal introduction. The Chair will read any comments received from absent prospective nominees.



7. Voting will be by secret ballot in accordance with By-Law No. 1, s.25(4). Where there is only one prospective nominee for a position, the Chair shall declare the prospective nominee to be nominated for appointment to the Engineers Canada Board.
8. Sitting members of Council who put their names forward to be considered for nomination to the Engineers Canada Board of Directors shall abstain from voting. However, should a Councillor's name be removed from the ballot, either through election or elimination, they may vote in any subsequent ballots.
9. If applicable, ballots cast will remain with the Secretariat until a motion to destroy the ballots has been passed by Council.

#### **Nomination of One EC Director**

Step 1: One ballot is given to each eligible voter. The voter is entitled to write or circle the name of one (1) candidate on their ballot. Ballots are collected and counted. The candidate receiving the highest number of votes is chosen.

Step 2a: If two (2) candidates receive the highest number of votes in step 1, a tie is announced and a second ballot is prepared with only the names of the two (2) tied candidates. This second ballot is given to each eligible voter. The voter is entitled to write or circle the name of one (1) candidate on their second ballot. Ballots are collected and counted. The candidate receiving the highest number of votes is chosen. If there is again a tie, a coin toss (see step 3) decides the candidate to be nominated for appointment to the Elections Canada board.

Step 2b: If three (3) or more candidates receive the highest number of votes in step 1, a tie is announced and a second ballot is prepared with only the names of the tied candidates. This second ballot is given to each eligible voter. The voter is entitled to write or circle the name of one (1) candidate on their second ballot. Ballots are collected and counted. The candidate receiving the highest number of votes is chosen. If there is again a tie of three or more candidates, step 2b is repeated until either one candidate receives the highest number of votes and is chosen, or two candidates tie for the highest number of votes and a coin toss decides the chosen candidate, whichever occurs first.

Step 3: The coin toss process starts with the two tied candidates picking a number from a bowl (containing 2 different numbers). The candidate who picks the lowest number chooses the side of the coin, heads or tails. An impartial third party flips the coin and the side that lands facing up decides the chosen candidate who chose the same side.

#### **Nomination of Two EC Directors**

Step 1: One ballot is given to each eligible voter. The voter is entitled to write or circle the name of two (2) candidates on their ballot. Ballots are collected and counted. The candidate(s) receiving the top 2 highest number of votes or 2 candidates tied for the highest number of votes are chosen, or the one candidate receiving the highest number of votes is chosen.



C-545-2.3  
Appendix B

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Step 2: If there are not two (2) chosen candidates in step 1 (such as there is a tie for second place or three (3) or more candidates receive the highest number of votes), a tie is announced and a second ballot is prepared with only the names of the tied candidates. This second ballot is given to each eligible voter. If one candidate was chosen in step 1, the voter is entitled to write or circle the name of one (1) candidate on their second ballot. If no candidate was elected in step 1, the voter is entitled to write or circle the names of two (2) candidates on their second ballot. Ballots are collected and counted. The candidate receiving the highest number of votes is chosen. If there is again a tie between three (3) or more candidate, step 2a is repeated, or if there is a tie between two (2) candidates then a coin toss (see step 3) decides the chosen candidate.

Step 3: The coin toss process starts with the two tied candidates picking a number from a bowl (containing 2 different numbers). The candidate who picks the lowest number chooses the side of the coin, heads or tails. An impartial third party flips the coin and the side that lands facing up decides the chosen candidate who chose the same side.

# Briefing Note – Decision

C-545-2.4

## **ENGINEERS CANADA DIRECTORS REPORT**

**Purpose:** To provide an update on the activities of Engineers Canada.

An update on the Engineers Canada activities that would be of interest to the mandate of PEO will be provided at the meeting.

### **Appendices:**

Appendix A – January 2022 Update – English and French Versions



## Engineers Canada directors update January 2022

### Engineers Canada Board

On December 4, Stormy Holmes resigned from her position as Director on the Engineers Canada Board. As many of you are aware, this followed her successful appointment as APEGs' new Executive Director and Registrar. While we will miss Stormy's good humour and thoughtful insights around the Board table, we look forward to continuing our working relationship with her and wish her great success in her new role.

The Engineers Canada Board met on December 13. The items discussed included: approval of the 2022 budget and confirmation of the 2024 per capita assessment fee, approval of revisions to existing policies and the proposed adoption of new policies, including a vaccination policy for in-person meetings. The Board also reviewed and approved the 2022 Board consultation plan, contents of the chair assessment questionnaires, and the CEAB and CEQB's 2022 work plans, among other things.

The Governance Committee met on November 17, where they reviewed revisions to a number of existing Board policies, considered the new 2025-2027 Strategic Planning Task Force Terms of Reference, and reviewed and discussed a required Bylaw amendment, among other things. The committee also received a presentation from staff regarding the proposed new Board management software solution and implementation plan.

The HR Committee confirmed 2022 CEO objectives and the surveys for the annual Board and individual Director assessments and oversaw the committee's reporting for Board Responsibilities 1 and 6.

The FAR Committee also met to review the audit plan, the Q3 2021 financial statements, Q3 Investment performance report and the Risk Register.

### **Strategic Priority 1.1: Investigate and validate the purpose and scope of accreditation**

On October 22, Engineers Canada kicked off work on the 2022-2024 strategic priority SP 1.1: Investigate and validate the purpose and scope of accreditation by hosting a virtual meeting for all the volunteers and regulator staff who will be supporting this work. The meeting included an overview of why the strategic priority was selected, what we hope to accomplish, and how we're going to do it. First up is work to benchmark the Canadian engineering accreditation system and the investigation of current realities in engineering education. Results from these two pieces will be available in Q1 2022.

Engineers Canada signed a contract with Higher Education and Beyond (HEB) to benchmark accreditation and to support the research into engineering education. HEB will work with our task forces to deliver reports on both topics. For benchmarking, the report will be a comparative analysis of professional accreditation systems that will deepen our understanding of the various types of accreditation systems, including the foundational elements of accreditation and their relationship to the overall licensure system, and how the Canadian Engineering accreditation system compares to other professional accreditation systems in Canada and to other engineering and professional accreditation systems worldwide. For the engineering education, a workshop will be held on January 17, with regulators and educators, to set the scope for the final report.

which will deepen our understanding of the changes most likely to influence accreditation.

Both the Benchmarking and the Engineering Education task forces have met through December to further their work in these areas.

The Steering Committee for SP1.1 met for an update on progress to date, and to discuss the overall project including both challenges and opportunities. The steering committee will work with a complex change consultant, who will be onboarded in February 2022.

### **Excellence Canada**

Engineers Canada was honoured with gold level certification against Excellence Canada's Excellence, Wellness, and Innovation Standard® during their annual awards event. The award is the culmination of a five-year progression and a focused effort on improving organizational effectiveness. We produced a video to accept the award and prepared an article for Engineering Matters. [Click here to view the video and read the article.](#)

### **Accreditation Board**

CEAB's Policies and Procedures Committee conducted a workshop with Engineering Deans Canada's Deans Liaison Committee exploring options for a new or revised curriculum input measure. Information gathered during the workshop will inform a revised *Accreditation Input Analysis* report. The report was drafted over the summer of 2021, used as a basis for the September CEAB workshop, and will be discussed at the CEAB's February 2022 meeting.

Engineers Canada hosted a review team from Washington (with representatives drawn from the UK, Japan, and Turkey). As a first step, the CEAB Executive Committee (Pierre Lafleur, Paula Klink and, Bob Dony) and Engineers Canada staff (Stephanie Price, Beryl

Strawczynski, and Mya Warken) held a briefing for them which included a high-level overview of the accreditation system, a summary of the impact of the COVID-19 pandemic on accreditation operations, and highlights of how the CEAB has acted on the 2014 monitoring review team's findings. Followed by this, the monitoring team observed the accreditation visits to the University of Ottawa and the Université de Moncton. The review team will now write their draft report which will be provided to our office for comment next quarter.

Engineers Canada participated in the biannual meeting of Engineering Deans Canada (EDC) with CEAB Chair Pierre Lafleur, CEO Gerard McDonald, and staff Stephanie Price and Jeanette Southwood. At the meeting:

- An update was provided on Engineers Canada's initiatives and a discussion was held on the 2022-2024 strategic priority to 'investigate and validate the purpose and scope of accreditation'
- Pierre provided an update on the CEAB's current and future work plan priorities
- Participants discussed ways to enhance collaborations between EDC and the CEAB and between EDC and Engineers Canada. EDC noted that they would like to have an ex-officio representative on the CEAB.

December 1 also marked the final day of the Fall virtual accreditation visit schedule. From October to December, 93 volunteers visited 64 programs at 9 institutions. The Winter visits kick off January 23.

The CEAB's Policies and Procedures Committee met twice. They discussed next steps on their work to explore an alternative curriculum input measure (currently the Accreditation Unit or the AU), feedback from visiting teams on the Graduate Attribute/Continual Improvement rubric, and the *Interpretive Statement on Dual Discipline Programs*.

Pierre Lafleur (CEAB Chair) and Paula Klink (CEAB Vice-Chair) presented at the annual Graduate Attribute/Continual Improvement Process (GACIP) Summit. They provided an update on recent criteria changes, on the continual improvement aspect of the Accountability in Accreditation evaluation strategy and highlighted the new International Engineering Alliance (IEA) Graduate Attribute and Professional Competency Framework.

The CEAB's Accountability in Accreditation Committee met to debrief on the first measurement process and discuss improvements moving forward.

### **Qualifications Board**

The CEQB Syllabus Committee met twice. At the first meeting they discussed plans for the review of five syllabi in 2022. Among these is a review of the 2011 Complementary studies syllabus, which represents an opportunity to engage with non-engineering topics that are typically present in engineering programs. The other syllabi up for review are Chemical, Electrical, Mechanical, and Mechatronics. At the second meeting, they reviewed and approved consultation responses to the new Aerospace/aeronautical syllabus and the revised Materials engineering syllabus. Notably, several concerns were raised by regulators (particularly PEO) around the number of required Group A and Group B exams and their implications for fairness. While these questions are critically important, they were felt to be out of the scope for the creation and review of these specific syllabi. The Syllabus Committee has agreed to review its practices around required examination syllabi in the new year and will keep regulators informed on developments on this topic.

The CEQB Task Force on Workplace Gender Equity reviewed a draft of its Guideline for engineers and engineering firms on workplace equity for women. The task force aims to have the draft guideline finished in time for CEQB

approval to consult in January, with plans for regulator consultation in February.

The CEQB Task Force on Alternative Methods of Academic Assessment for Non-CEAB Applicants met to review regulator feedback on its General direction document for a feasibility study on alternative methods of academic assessment. Given significant differences among regulators' approaches to academic assessment, and given that the task force's mandate is to provide a study rather than recommendations, the general direction will seek to fully represent all views rather than synthesize where there are differences of opinion.

The CEQB Practice Committee approved its draft General direction on a guideline for engineers and engineering firms on Indigenous consultation and engagement. This work represents the culmination and synthesis of findings from three regional gatherings and two national gatherings, which took place over the summer and fall. Regulators can expect to be consulted on the document following the CEQB's approval for consultation at the January 29 meeting.

The CEQB Task Force on Software Engineering met to approve a draft of its revised Engineers Canada paper on software engineering, including several appendices that were developed to illustrate software engineering practice areas. The revised document is planned to be approved for consultation at the January 29 CEQB meeting, following which it will be sent to regulators.

### **National Practice Officials Group**

From November 2-4, the National Practice Officials Groups met for their virtual annual meeting. The group shared roundtable updates on challenges and new happenings from each jurisdiction, heard updates from Engineers Canada staff regarding a new Equity, Diversity and Inclusion CPD webinar offering, Autonomous Systems Draft Paper, upcoming



Strategic Plan on Collaboration and Harmonization, as well as an update from the CEQB. Finally, the group heard from EGBC on the new fitness to practice provisions within their Professional Governance Act and discussed the rights and responsibilities of sole practitioners.

### **Regulatory research**

Engineers Canada launched the first step of our regulatory research envisioning exercise. The purpose of this exercise is to proactively identify trends and changes that are likely to impact the engineering profession and its regulation, and to prepare for unprecedented change and challenges in the future of engineering. The first step is a survey where we hope to collect perspectives and insights from diverse stakeholders connected to engineering and the regulatory communities to inform our research. The survey closed on January 3, 2022. All responses will be anonymized and collated to inform further work.

On December 16, we published the final version of the [Paper on autonomous systems engineering](#) on the members-only Engineers Canada website ([login required](#)).

### **National Membership Database**

The regulator advisory group supporting the implementation of a new National Membership Database has been reviewing the business requirements document for the tool. The National Membership Database (NMDB) is a tool that Engineers Canada provides to regulators to facilitate the licensure of applicants who are already licensed in another province or territory.

### **Equity, diversity, and inclusion**

On October 19, Engineers Canada participated in a meeting to provide input to the Association of Consulting Engineering Companies (ACEC) – Canada project to support and promote gender

diversity in the consulting engineering sector. The first phase of ACEC-Canada's project consists of a review to assess existing literature, studies or other available resources in provinces and territories across Canada that are relevant to, and which could inform, the future research work of ACEC-Canada. ACEC-Canada's hope is that this review will both consolidate the available body of knowledge on this issue and help guide and scope their future work in this area. ACEC-Canada will share their consolidated findings about the consulting engineering sector with us when the project is complete.

Engineers Canada convened the 30 by 30 Employer Working Group to discuss the latest 30 by 30 data, and the role of employers and specifically leaders in supporting gender equity through measuring diversity demographics of their employees and addressing culture change in their workplaces.

Engineers Canada participated in Professional Engineers Ontario (PEO) Ottawa and Sudbury Chapters' 30 by 30 engagement session for employers on how they can become 30 by 30 Champions. PEO shared data on the numbers of female-identifying engineers in Ontario and encouraged employers to become active champions for female-identifying employees on their pathway to licensure.

Engineers Canada also participated as a panelist in the monthly DiscoverE Persist Series live Q&A, alongside speakers Gayathri Shukla (founder, Campfire Kinship, and formerly with Suncor), and Madhu Seera (Manager, Transportation Strategy, City of Calgary). The session titled "From Mindset to Management: Transforming from the Inside-Out," explored how employees and organizations can leverage their own stories to make necessary changes that reflect their core values in lasting, sustainable ways. The session was moderated by Vanessa Raponi (founder, EngiQueers Canada and also a former Engineers Canada award winner). One of Engineers Canada's strategic partners, DiscoverE was formerly the

National Engineers Week Foundation founded by the National Society of Professional Engineers (NSPE) in 1951 in the United States. Engineers Canada also collaborates with DiscoverE on the Future City Program.

Electricity Human Resources Canada (EHRC) is building an educational outreach program to support employers in the electricity sector to build a sexual harassment-free workplace, including the development of training and learning resources, a safe space mentoring tool and a support strategy and procedure framework. As part of EHRC's research, they hosted online focus group sessions from December 13-17 to hear from employers and HR professionals about their current policies and procedures. As part of our work on Strategic priority 3 (SP3): Recruitment, retention and professional development of women in engineering, Engineers Canada is on the Advisory Committee for this EHRC project and EHRC has asked Engineers Canada to share this [online](#) call for focus group participants with employers and HR professionals within our networks. Focus group session facilitators will be fully bilingual. If you have any questions, contact Anita Gara at [gara@electricityhr.ca](mailto:gara@electricityhr.ca). Engineers Canada is a signatory to the EHRC Leadership Accord on Diversity, Equity and Inclusion.

Engineers Canada took part in the Ontario Network of Women in Engineering (ONWiE) Summit, as a small group facilitator for one of the sessions. ONWiE works with all the schools and faculties of engineering across Ontario to support female-identifying engineers and students, and to encourage the next generation to pursue careers in engineering.

Finally, Engineers Canada joined in the virtual Engendering Success in STEM (ESS) Research Consortium Annual Meeting. Engineers Canada is a member of the ESS research consortium which has a focus on identifying the key interventions that most effectively target the largest obstacles at each step along the

continuum from early education to early career for girls and women in engineering.

### **Outreach**

Engineers Nova Scotia CEO, Pal Mann, and Engineers Canada participated in the Canadian Federation of Engineering Students (CFES) annual Conference on Diversity in Engineering (CDE) held virtually from November 19-21 and hosted by Dalhousie University. The CFES is one of our strategic partners. CFES CDE session topics included: Advocacy; Enhancing Diversity in Engineering Through Technological Stewardship; Inclusivity Training; Systemic Racism & Decentering Whiteness - The Role of the Engineer; Disability Justice - with a panel facilitated by Engineers Canada; The Power of Stories; and keynotes.

### **Government Relations**

On October 26, Prime Minister Justin Trudeau announced his new cabinet. The 38-member cabinet includes engineer Omar Alghabra who remains in cabinet as Minister of Transport. Additional information is in our [media release](#). Engineers Canada sent congratulatory letters to cabinet members whose portfolios are connected to our policy priorities. The letters included our key policy priorities and an offer to meet.

Additionally, Conservative Party leader Erin O'Toole announced his party's shadow cabinet from Parliament Hill. Engineers Canada also sent congratulatory letters to newly appointed shadow cabinet members.

Engineers Canada met virtually with the Conservative's shadow Minister for Infrastructure and Communities, Andrew Scheer. This meeting was the direct result of the congratulations letters we sent to select federal cabinet and opposition members for this parliamentary session. Each letter also described the connection between the Members' new portfolio and our work,

including our key policy priorities as Canada recovers from the COVID-19 pandemic, and included an offer to meet.

Engineers Canada met with Infrastructure Canada about Infrastructure Canada's Climate Lens. The Climate Lens includes a climate change infrastructure resilience assessment, which employs a risk management approach to anticipate, prevent, withstand, respond to, and recover and adapt from climate change related disruptions or impacts.

Deputy Prime Minister and Minister of Finance Chrystia Freeland tabled her second [Fall Economic Statement](#) (FES). The 96-page document was divided into two major themes: finishing the fight against COVID-19, and building a strong, inclusive economic recovery. It contained modest policy items, such as measures to protect public health, commitments to First Nations child welfare, ongoing settlement of compensation claims, and pandemic support for workers, caregivers, and businesses. Engineers Canada looks forward to the 2022 Federal Budget and will continue to collaborate with the federal government to ensure that the engineering profession remains a valued stakeholder in the development and implementation of federal initiatives.

In addition, Engineers Canada met with Jade Mallette, Director of Labour Relations for the President of the Treasury Board, to discuss the licensing of federal government engineers.

### **National Membership Report**

The [Engineers Canada 2021 National Membership Report](#) is now available. The report contains data spanning January 1 to December 31, 2020 and includes information on the growth of the engineering profession in Canada, sex representation in engineering, and the conversion from engineering student to professional engineer. Despite a small decrease in membership in the engineering profession

last year, the number of female-identifying engineers continued to grow. In addition, good news includes that, for the first time, we exceeded 20 per cent newly licensed female-identifying engineers; essentially, we achieved 20 by 20, so to speak. Congratulations and thanks to those across Canada who have been working with us to achieve 30 by 30 since Engineers Canada adopted 30 by 30 as a nation-wide goal in 2015. We would also like to recognize APEGA, who first conceived of 30 by 30 in 2010 as a province-wide initiative.

### **Affinity programs**

Engineers Canada participated in the annual Canada Life (formerly Great-West Life) Client Advisory Council virtual meeting. The agenda included: trends and what's happening in the market; updates on products, services and systems; a deep dive on plan member guidance and support; progress on Canada Life's digital roadmap; and strategies to help workplaces navigate new challenges in the next phase of the pandemic.

Our Affinity Partner, Canada Life, hosted a webinar on investment markets and the advantages of the Engineers Canada-sponsored Financial Security Program on November 22, 2021. This webinar was open to all members of the engineering regulators.

Engineers Canada also met virtually with affinity partner Canada Life and Engineers Canada's independent advisor Aon, for their semi-annual partner reporting meeting. Topics covered by Canada Life included a report on program performance, a market update, a marketing overview, and a report on our financial advisor services. Aon provided an investment review and an update on the impact of COVID-19 on the markets. In addition, Engineers Canada presented on Engineers Canada's new vision "Advancing Canadian engineering through national collaboration" and the 2022-2024 Strategic Plan.

In addition, Engineers Canada's virtual meeting for regulators took place, covering topics such as the corporate Cyber Insurance program. The meeting was led by Engineers Canada's broker, Marsh, and focused on the current market and the December 15, 2021 renewal.

### Engineers Canada Scholarships

Promotion for the 2021 scholarship recipients was launched, including the first cohort of our new undergraduate student scholarship. Learn more about these recipients at [www.engineerscanada.ca/scholarships2021](http://www.engineerscanada.ca/scholarships2021).

Nominations for the 2022 awards and scholarships are now open. [Award](#) nominations are due by January 14, 2022, and [scholarships](#) by March 1, 2022.

### Remembering December 6, 1989

December 6 marked the 32nd anniversary of the murders of 14 women, almost all of whom were engineering students, at École Polytechnique de Montréal. To commemorate this tragic event and the [16 Days of Activism Against Gender-Based Violence](#) which runs from November 25 to December 10, a moment of silence was observed by Engineers Canada staff at 11:00 am EST. Engineers Canada also marked the 32<sup>nd</sup> anniversary on social media and in an [article](#) in Engineering Matters.

### Special

Engineers Canada announced some organizational adjustments. With our new strategic plan, effective January 1<sup>st</sup>, it is critical that we have our resources appropriately aligned to allow us to bring suitable focus to the priorities that have been assigned to us by our Board and the Members. The first area of change concerns the Member Services (Affinity) team. Lorelei Scott and her group will now report to Derek Menard, Director of Finance. Aligning Member services with the Finance Directorate will allow us to have

greater synergy between the largest revenue generating arm of the organization and our finance oversight and management. In addition, Derek has previous experience in working with the insurance industry of which we can take advantage. This change will allow Jeanette Southwood, Vice President, Corporate Affairs and Strategic Partnerships, to alleviate some of the weight on her shoulders and place greater attention on the two substantial strategic priorities she will be leading, namely, *Reinforcing trust and the value of licensure* and *Accelerating 30 by 30*. The second modification relates to the Strategic and Operational Planning function (headed by Melanie Ouellette) which will be placed under the guidance of Heidi Theelen, whose title has been changed to Director, Strategic Planning and Organizational Excellence. Strategic and operational planning and risk management are corporate undertakings and merging these functions with OE's existing responsibilities allows us to combine all our corporate planning and reporting functions in one directorate. This change will also relieve some of Stephanie Prices' burden allowing her to place greater focus on the strategic priorities for which she is responsible – *Investigating and validating the purpose and scope of accreditation, Strengthening collaboration and harmonization, and Supporting regulation of emerging areas*.

Lorelei Scott, our Manager, Member Services, shared that she would be retiring in Q2 2022, her 42<sup>nd</sup> year at Engineers Canada. When Lorelei joined Engineers Canada (then known as the Canadian Council of Professional Engineers or CCPE) on July 14, 1980, it was as Secretary for the Senior Staff Officer. Over the years, she has built long-lasting relationships with the people and organizations who fund our work and who participate in our affinity programs. In May 2011, Lorelei was inducted as an Honorary Fellow of Engineers Canada (i.e., FEC (Hon.)). We look forward to celebrating Lorelei in Q2 2022 when she retires.



## Compte rendu à l'intention des administrateurs et administratrices d'Ingénieurs Canada Janvier 2022

### Conseil d'Ingénieurs Canada

Le 4 décembre, Stormy Holmes a démissionné de son poste d'administratrice du conseil d'Ingénieurs Canada. Comme beaucoup d'entre vous le savent, cette décision fait suite à sa nomination comme nouvelle directrice générale et registraire de l'APEGS. La bonne humeur et les idées judicieuses de Stormy lors des réunions du conseil nous manqueront, mais nous nous réjouissons de poursuivre notre relation de travail avec elle et lui souhaitons beaucoup de succès dans son nouveau rôle.

Le conseil d'Ingénieurs Canada s'est réuni le 13 décembre. Les points à l'ordre du jour de cette réunion comprenaient l'approbation du budget de 2022 et la confirmation du montant de la cotisation par personne pour 2024, l'approbation des révisions de politiques et l'adoption de nouvelles politiques proposées, dont une politique sur la vaccination pour les réunions en personne. Le conseil a également examiné et approuvé le plan de consultation du conseil pour 2022, le contenu des questionnaires d'évaluation des présidents et présidentes, et les plans de travail du BCAPG et du BCCAG pour 2022.

Le Comité sur la gouvernance s'est réuni le 17 novembre pour réviser un certain nombre de politiques du conseil, examiner le nouveau mandat du Groupe de travail sur la planification stratégique 2025-2027, et discuter, notamment, d'une modification à apporter au Règlement administratif. Le comité a également assisté à une présentation du personnel sur la nouvelle solution logicielle de gestion du conseil qui a été proposée et le plan de mise en œuvre connexe.

Le Comité RH a validé les objectifs du chef de la direction pour 2022 et les sondages d'évaluation annuelle du conseil et des administrateurs et administratrices, de même

que supervisé le rapport du comité sur les responsabilités du conseil 1 et 6.

Le Comité FAGR s'est aussi réuni pour examiner le plan d'audit, les états financiers et le rapport sur le rendement des investissements du troisième trimestre de 2021, ainsi que le registre des risques.

### Priorité stratégique 1.1 Examiner et valider le but et la portée de l'agrément.

Le 22 octobre, Ingénieurs Canada a amorcé les travaux sur la priorité PS 1.1 *Examiner et valider le but et la portée de l'agrément* du plan stratégique 2022-2024 en tenant une réunion virtuelle à l'intention des bénévoles et des membres du personnel des organismes de réglementation qui vont étayer ces travaux. Nous avons passé en revue la raison pour laquelle cette priorité stratégique a été choisie, les travaux que nous espérons accomplir et comment nous allons nous y prendre. La première étape consiste en une analyse comparative du système d'agrément canadien et un examen en profondeur des réalités de la formation en génie. Les résultats de ces travaux seront disponibles au premier trimestre de 2022.

Ingénieurs Canada a signé un contrat avec Higher Education and Beyond (HEB) pour la réalisation d'une analyse comparative du système d'agrément et de recherches sur la formation en génie. HEB travaillera avec nos groupes de travail pour produire des rapports sur ces deux aspects. Dans le cas de l'analyse, il s'agira d'approfondir notre compréhension des divers types de systèmes d'agrément, notamment les éléments fondamentaux de l'agrément et leur relation avec le système global d'attribution de permis, ainsi que la façon dont le système canadien d'agrément des programmes de génie se compare à d'autres

systèmes d'agrément professionnel au Canada, et à d'autres systèmes d'agrément en génie et dans d'autres professions dans le monde. Dans le cas de la recherche sur la formation en génie, il s'agira de mieux cerner les changements les plus susceptibles d'influencer l'agrément. Un atelier aura lieu le 17 janvier avec des organismes de réglementation et des formateurs afin de définir la portée du rapport final.

Les groupes de travail sur l'analyse comparative et la formation en génie se sont réunis en décembre pour faire avancer les travaux.

Le comité directeur de la PS1.1 s'est réuni pour faire le point sur les progrès réalisés jusqu'à présent et discuter de l'ensemble du projet, notamment des défis et des occasions à saisir. Le comité directeur collaborera avec un consultant en matière de changements complexes, qui se joindra aux travaux en février 2022.

### **Excellence Canada**

Ingénieurs Canada a reçu l'agrément de niveau Or de la norme Excellence, innovation et mieux-être® d'Excellence Canada lors de l'événement annuel de remise des prix de l'organisme. Cette reconnaissance est l'aboutissement d'une progression de cinq ans et d'efforts concertés pour améliorer l'efficacité organisationnelle. Nous avons réalisé une vidéo pour immortaliser l'événement et publié un article dans Parlons génie. [Cliquez ici pour voir la vidéo et lire l'article.](#)

### **Bureau d'agrément**

Le Comité des politiques et des procédures du BCAPG a tenu un atelier avec le Comité de liaison des doyens de Doyennes et doyens d'ingénierie Canada (DDIC) pour explorer les options en vue d'adopter une nouvelle mesure des intrants, ou une version révisée de la mesure actuelle. L'information recueillie au

cours de l'atelier éclairera la révision du rapport *Accreditation Input Analysis* (Analyse des intrants de l'agrément). Ce rapport, rédigé au cours de l'été 2021, a servi de base à l'atelier de septembre du BCAPG et fera l'objet de discussions lors de la réunion de février 2022 du BCAPG.

Ingénieurs Canada a accueilli une équipe d'inspection de l'Accord de Washington (composée de représentants du Royaume-Uni, du Japon et de la Turquie). Le comité exécutif du Bureau d'agrément (Pierre Lafleur, Paula Klink et Bob Dony) et des membres du personnel d'Ingénieurs Canada (Stephanie Price, Beryl Strawczynski et Mya Warken) avaient préalablement présenté à l'équipe, lors d'une séance d'information, une vue d'ensemble de notre système d'agrément, un résumé de l'impact de la pandémie de COVID-19 sur les activités d'agrément, et les grandes lignes de la façon dont le Bureau d'agrément a donné suite aux conclusions de l'inspection de 2014. L'équipe d'inspection a ensuite observé les visites d'agrément à l'Université d'Ottawa et à l'Université de Moncton. Elle va maintenant rédiger son rapport préliminaire qui sera transmis à notre bureau pour commentaires au cours du prochain trimestre.

Ingénieurs Canada a participé à la réunion semestrielle de Doyennes et doyens d'ingénierie Canada (DDIC) en compagnie de Pierre Lafleur, président du BCAPG Pierre Lafleur, du chef de la direction G. McDonald et des membres du personnel Stephanie Price et Jeanette Southwood. Faits saillants de la réunion :

- Un compte rendu sur les initiatives d'Ingénieurs Canada a été présenté et une discussion a eu lieu sur la priorité stratégique 2022-2024 visant à *examiner et valider le but et la portée de l'agrément*.
- Pierre Lafleur a fait le point sur les priorités actuelles et futures du plan de travail du BCAPG.



- Les participants ont discuté des moyens d'améliorer les collaborations entre DDIC et le BCAPG et entre DDIC et Ingénieurs Canada. DDIC a indiqué qu'il aimerait avoir un représentant d'office au sein du BCAPG.

Le 1<sup>er</sup> décembre a marqué la dernière journée des visites d'agrément virtuelles de l'automne. Entre octobre et décembre, 93 bénévoles ont visité 64 programmes dans 9 établissements. Les visites de l'hiver commenceront le 23 janvier.

Le Comité des politiques et des procédures du Bureau d'agrément s'est réuni deux fois. Les discussions ont porté sur les prochaines étapes de leur travail visant à explorer une autre mesure des intrants d'un programme d'études (comme solution de rechange à l'actuelle unité d'agrément ou UA), ainsi que sur les commentaires des équipes de visiteurs au sujet de la rubrique Qualités requises des diplômés/Amélioration continue et de l'Énoncé d'interprétation : *Matière des cours dans les options d'un programme et dans les programmes bidisciplinaires.*

Pierre Lafleur (président du BCAPG) et Paula Klink (vice-présidente du BCAPG) ont donné une présentation lors du Sommet annuel sur les qualités requises des diplômés et le processus d'amélioration continue (QRD/AC). Ils ont fait le point sur les récentes modifications apportées aux normes, sur l'aspect « amélioration continue » de la Stratégie d'évaluation de la responsabilité en matière d'agrément, et sur le nouveau cadre d'évaluation des qualités des diplômés et des compétences professionnelles de l'International Engineering Alliance (IEA).

Le Comité sur la responsabilité en matière d'agrément s'est réuni pour faire le bilan du premier processus de mesure du système d'agrément et discuter des améliorations à y apporter pour la suite des choses.

#### **Bureau des conditions d'admission**

Le Comité des programmes d'examens du BCCAG s'est réuni deux fois. Au cours de la première réunion, il a discuté des plans pour la révision de cinq programmes d'examens en 2022, dont le programme d'examens sur les études complémentaires de 2011, qui constitue une occasion de se pencher sur des sujets non liés au génie qui sont généralement présents dans les programmes de génie. Les autres programmes d'examens à réviser sont les suivants : génie chimique, génie électrique, génie mécanique et génie mécatronique. Au cours de la deuxième réunion, le comité a examiné et approuvé les réponses aux consultations sur le nouveau programme d'examens de génie aérospatial/aéronautique et le programme révisé de génie des matériaux. Plusieurs préoccupations ont été soulevées par les organismes de réglementation (en particulier PEO) au sujet du nombre d'examens requis du groupe A et du groupe B et de leurs implications en ce qui a trait à l'équité. Bien que ces questions soient d'une importance cruciale, on a estimé qu'elles n'entraient pas dans le cadre de la création et de la révision de ces programmes d'études précis. Le comité a accepté de revoir ses pratiques concernant les programmes d'examens obligatoires au cours de la nouvelle année et tiendra les organismes de réglementation informés des progrès dans ce dossier.

Le Groupe de travail du BCCAG sur l'équité des genres en milieu de travail a examiné l'ébauche de son Guide sur l'équité pour les femmes dans les milieux de travail à l'intention des ingénieurs et des firmes d'ingénierie. Le groupe compte terminer la version préliminaire du guide à temps pour que le BCCAG puisse approuver la consultation en janvier, que le groupe prévoit mener auprès des organismes de réglementation en février.

Le Groupe de travail du BCCAG sur d'autres méthodes d'évaluation des candidats issus de programmes non agréés par le BCAPG s'est réuni pour examiner les commentaires des organismes de réglementation sur le document d'orientation générale pour l'étude de

faisabilité d'autres méthodes d'évaluation de la formation en génie. Étant donné les différences importantes entre les méthodes d'évaluation de la formation en génie des différents organismes de réglementation, et étant donné que le groupe de travail a pour mandat de produire une étude plutôt que des recommandations, l'orientation générale visera à représenter pleinement tous les points de vue, plutôt que de les synthétiser lorsqu'ils présentent des différences d'opinions.

Le Comité sur l'exercice de la profession du BCCAG a approuvé l'ébauche d'orientation générale d'un guide sur la consultation et la mobilisation des Autochtones à l'intention des ingénieurs et des firmes d'ingénierie. Ce travail est l'aboutissement et la synthèse des conclusions des trois rassemblements régionaux et des deux rassemblements nationaux qui ont eu lieu au cours de l'été et de l'automne. Les organismes de réglementation peuvent s'attendre à être consultés sur ce document après l'approbation de la consultation par le BCCAG lors de sa réunion du 29 janvier.

Le Groupe de travail sur le génie logiciel du BCCAG s'est rencontré pour approuver une version révisée du document d'Ingénieurs Canada sur le génie logiciel, qui comprend plusieurs annexes illustrant différents domaines de pratique du génie logiciel. Le document révisé devrait être approuvé pour consultation lors de la réunion du BCCAG qui se tiendra le 29 janvier, après quoi il sera soumis à la consultation des organismes de réglementation.

#### **Groupe national des responsables de l'exercice**

En novembre, le Groupe national des responsables de l'exercice a tenu sa réunion annuelle en mode virtuel. Les membres ont échangé des informations sur les défis et les nouveaux événements de leur zone de compétence respective, reçu un compte rendu du personnel d'Ingénieurs Canada au sujet d'un nouveau webinaire de DPC sur l'équité, la diversité et l'inclusion, du document de

recherche préliminaire sur les systèmes autonomes et du prochain plan stratégique sur la collaboration et l'harmonisation, ainsi qu'une mise à jour du BCCAG. Enfin, le groupe a assisté à un compte rendu d'EGBC sur les nouvelles dispositions relatives à l'aptitude à l'exercice contenues dans sa loi *Professional Governance Act* et discuté des droits et responsabilités des praticiens seuls.

#### **Recherche réglementaire**

Ingénieurs Canada a lancé la première étape de l'exercice de vision mis sur pied par la recherche réglementaire. Cet exercice de vision a pour objet de cerner de façon proactive les tendances et les changements susceptibles d'avoir un impact sur la profession d'ingénieur et sa réglementation et de se préparer aux changements et défis sans précédent qui attendent la profession. La première étape comportait un sondage visant à recueillir les points de vue et les idées de diverses parties prenantes du génie et des milieux de la réglementation afin d'éclairer nos recherches. Le sondage a pris fin le 3 janvier. Toutes les réponses seront anonymes et regroupées pour guider les travaux futurs.

Le 16 décembre, Ingénieurs Canada a publié la version définitive du [document sur l'ingénierie des systèmes autonomes](#) dans la [zone membres](#) du site Web d'Ingénieurs Canada (connexion requise).

#### **Base de données nationale sur les effectifs**

Le groupe consultatif des organismes de réglementation qui appuie la mise en œuvre d'une nouvelle Base de données nationale sur les effectifs (BDNE) a examiné le document du fournisseur sur les exigences opérationnelles. La BDNE est un outil qu'Ingénieurs Canada met à la disposition des organismes de réglementation pour faciliter l'attribution de permis aux candidats qui sont déjà titulaires d'un permis dans une autre province ou un autre territoire.



### Diversité, équité et inclusion

Le 19 octobre, Ingénieurs Canada a participé à la réunion de consultation sur un projet de l'Association des firmes de génie-conseil – Canada (AFGC - Canada) qui vise à appuyer et promouvoir la diversité des genres dans le secteur du génie-conseil. La première phase de ce projet consiste en une évaluation de la documentation, des études et des autres ressources disponibles dans les provinces et les territoires du Canada qui sont pertinentes et qui pourraient éclairer les futurs travaux de recherche de l'association. L'AFGC-Canada espère que cet examen permettra de regrouper les connaissances existantes sur cette question et aidera à guider et à définir la portée de son travail futur dans ce domaine. L'association nous fera part de ses conclusions sur le secteur du génie-conseil dès que ce projet sera terminé.

Ingénieurs Canada a organisé une réunion du Groupe de travail « Industrie/Employeurs » de l'initiative 30 en 30 pour discuter des données les plus récentes et du rôle que les employeurs, et plus précisément les dirigeants, peuvent jouer pour soutenir l'équité des genres en mesurant la diversité démographique de leurs employés et en favorisant un changement de culture dans leurs milieux de travail. Ingénieurs Canada a participé à la séance de mobilisation 30 en 30 organisée par les sections d'Ottawa et de Sudbury de Professional Engineers Ontario (PEO). Cette séance, qui s'adressait aux employeurs, portait sur la façon dont ils peuvent devenir des champions 30 en 30. PEO a communiqué des données sur le nombre d'ingénieurs s'identifiant au genre féminin en Ontario et a encouragé les employeurs à soutenir activement les employées dans leur cheminement vers l'obtention du permis d'exercice.

Ingénieurs Canada a également participé à titre de panéliste à la série mensuelle de questions-réponses en direct Persist de DiscoverE, aux côtés des conférenciers Gayathri Shukla (fondatrice de Campfire Kinship et ancienne

employée de Suncor) et Madhu Seera (gestionnaire, Stratégie des transports, Ville de Calgary). La séance intitulée *From Mindset to Management: Transforming from the Inside-Out* a permis d'explorer comment les employés et les organisations peuvent s'inspirer de leurs propres expériences pour apporter de manière durable les changements nécessaires qui reflètent leurs valeurs fondamentales. La séance était animée par Vanessa Raponi (fondatrice d'EngiQueers Canada et ancienne lauréate d'un prix d'Ingénieurs Canada). Partenaire stratégique d'Ingénieurs Canada, DiscoverE était auparavant la National Engineers Week Foundation qui a été créée par la National Society of Professional Engineers (NSPE) en 1951 aux États-Unis. Ingénieurs Canada collabore également avec DiscoverE pour offrir le programme Future City.

Ressources humaines, industrie électrique du Canada (RHIEC) est en train de développer un programme d'éducation pour aider les employeurs du secteur de l'électricité à mettre en place des milieux de travail exempts de harcèlement sexuel. Ce travail comprend l'élaboration de ressources de formation et d'apprentissage, un outil de mentorat sur les espaces sécuritaires, ainsi qu'un cadre de stratégies et de procédures de soutien. Pour mener ses recherches, RHIEC a animé, du 13 au 17 décembre, des groupes de discussion en ligne pour en savoir plus sur les politiques et procédures actuelles des employeurs et des professionnels des RH. Dans le cadre de nos activités en lien avec la Priorité stratégique 3 (PS3) : *Recrutement, maintien et développement professionnel des femmes en génie*, nous faisons partie du comité consultatif de ce projet, et RHIEC nous a demandé de communiquer cet appel [en ligne](#) de participants aux employeurs et aux professionnels des RH de nos réseaux. Les discussions seront facilitées par des animateurs bilingues. Si vous avez des questions, veuillez contacter Anita Gara à [gara@electricityhr.ca](mailto:gara@electricityhr.ca). Rappelons qu'Ingénieurs Canada est signataire de l'Accord de leadership sur la diversité, l'équité et l'inclusion de RHIEC.

Ingénieurs Canada a participé au sommet de l'Ontario Network of Women in Engineering (ONWiE), dans le cadre duquel il a animé la discussion d'un petit groupe à l'une des séances. L'ONWiE collabore avec toutes les écoles et facultés de génie de l'Ontario pour soutenir les ingénieures et les étudiantes, et encourager la prochaine génération à envisager une carrière en génie.

Enfin, Ingénieurs Canada a participé à l'assemblée annuelle virtuelle du consortium de recherche Engendering Success in STEM (ESS). Ingénieurs Canada est membre de ce consortium de recherche, qui s'attache à identifier les interventions clés qui ciblent le mieux les principaux obstacles auxquels se heurtent les filles et les femmes en génie à chaque étape du continuum, de l'éducation primaire au début de la carrière.

### **Rayonnement**

Le chef de la direction d'Engineers Nova Scotia, Pal Mann, et Ingénieurs Canada ont participé à la Conférence annuelle sur la diversité en ingénierie (CDI) de la Fédération canadienne étudiante de génie (FCEG) qui s'est tenue virtuellement du 19 au 21 novembre à l'Université Dalhousie. La FCEG fait partie de nos partenaires stratégiques. Les séances de la CDI ont porté sur les sujets suivants : le travail de représentation, l'amélioration de la diversité en génie grâce à la gérance technologique, la formation à l'inclusivité, le racisme systémique et la décentration du pouvoir blanc – le rôle de l'ingénieur, la justice pour les personnes en situation de handicap – avec un panel animé par Ingénieurs Canada; le pouvoir des récits; diverses allocutions.

### **Relations gouvernementales**

Le 26 octobre, le premier ministre Justin Trudeau a dévoilé son nouveau cabinet de 38 membres, qui comprend notamment l'ingénieur Omar Alghabra, qui conserve le ministère des

Transports. Vous trouverez des informations supplémentaires dans notre [communiqué de presse](#). Nous avons adressé des lettres de félicitations aux membres du cabinet dont le portefeuille a un lien avec nos priorités politiques. Dans ces lettres, nous présentons nos principales priorités politiques et proposons une rencontre.

De plus, le chef du Parti conservateur, Erin O'Toole, a annoncé la nomination des membres du cabinet fantôme de son parti depuis la Colline du Parlement. Ingénieurs Canada a envoyé des lettres de félicitations à ces nouveaux membres.

Ingénieurs Canada a par la suite rencontré virtuellement le ministre fantôme de l'Infrastructure et des Collectivités du Parti conservateur, Andrew Scheer, car dans les lettres de félicitations que vous envoyons aux députés, nous décrivons les liens entre leur nouveau portefeuille et notre travail, notamment nos principales priorités politiques au moment où le Canada amorce une reprise dans la foulée de la pandémie, et nous les invitons à nous rencontrer.

Ingénieurs Canada a rencontré des représentants d'Infrastructure Canada pour discuter de leur Optique des changements climatiques. L'Optique des changements climatiques est une exigence applicable aux projets d'infrastructures qui comprend, notamment, une évaluation de la résilience aux changements climatiques, qui est réalisée au moyen d'une approche de gestion des risques visant à prévoir et à prévenir les perturbations ou les incidences liées aux changements climatiques, à y résister, à s'y adapter et à s'en rétablir.

La vice-première ministre et ministre des Finances, Chrystia Freeland, a déposé son deuxième [énoncé économique de l'automne](#). Le document de 96 pages est divisé en deux grands thèmes : mettre un terme à la pandémie de COVID-19 et relancer une économie forte et

inclusive. Il contient des éléments politiques modestes, comme des mesures de protection de la santé publique, des engagements à l'égard du bien-être des enfants des Premières Nations, le règlement continu des demandes d'indemnisation et un soutien en cas de pandémie pour les travailleurs, les soignants et les entreprises. Nous attendons avec intérêt le budget fédéral de 2022 et nous continuerons à collaborer avec le gouvernement fédéral pour veiller à ce que notre profession reste un interlocuteur précieux dans le contexte de l'élaboration et la mise en œuvre des initiatives fédérales.

Par ailleurs, Ingénieurs Canada a rencontré Jade Mallette, directrice des relations de travail pour le président du Conseil du Trésor, afin de discuter de l'attribution de permis aux ingénieurs du gouvernement fédéral.

#### **Rapport national d'enquête sur les effectifs**

Le [Rapport de 2021 sur les effectifs de la profession à l'échelle nationale](#) est maintenant disponible. Ce rapport contient les données couvrant la période du 1<sup>er</sup> janvier au 31 décembre 2020 et présente des informations sur la croissance de la profession d'ingénieur au Canada, la représentation des sexes en génie, et le passage d'étudiant.e en génie à ingénieur.e. Malgré une légère diminution des effectifs de la profession l'an dernier, le nombre d'ingénieurs s'identifiant au genre féminin a continué de croître. De plus, parmi les bonnes nouvelles, mentionnons que nous avons dépassé pour la première fois les 20 % d'ingénieures nouvellement titulaires d'un permis d'exercice; en fait, nous avons réussi à obtenir 20 en 20. Félicitations et merci à ceux et celles qui, partout au Canada, travaillent avec nous pour atteindre l'objectif 30 en 30 depuis qu'Ingénieurs Canada en a fait un objectif national en 2015. Nous exprimons également notre reconnaissance à l'APEGA, qui a conçu au départ 30 en 30 comme initiative provinciale.

#### **Programmes d'affinité**

Ingénieurs Canada a participé à une réunion virtuelle du Comité consultatif des clients de la Canada Vie (anciennement la Great-West). Les sujets à l'ordre du jour comprenaient, notamment : les tendances et la situation actuelle du marché; des nouvelles sur les produits, services et systèmes; une présentation détaillée sur les conseils et le soutien offerts aux participants aux régimes d'assurance; les progrès de la feuille de route numérique de la Canada Vie, et des stratégies pour aider les milieux de travail à relever les nouveaux défis de la prochaine phase de la pandémie.

Notre partenaire d'affinité, la Canada-Vie, a organisé le 22 novembre un webinaire sur les marchés de l'investissement et les avantages du programme de sécurité financière parrainé par Ingénieurs Canada. Ce webinaire était ouvert à tous les membres des organismes de réglementation du génie.

Ingénieurs Canada a examiné, en collaboration avec son consultant actuariel RSM et TD Assurance, un certain nombre d'initiatives qui pourraient être avantageuses pour les assurés, et identifié le recouvrement en cas de vol d'identité. Cet avenant sera offert gratuitement à tous les assurés titulaires d'une police résidentielle active au 15 octobre 2021, et ce, pendant une période d'un an (c'est-à-dire du 1<sup>er</sup> janvier au 31 décembre 2022). Les assurés qui ont déjà cet avenant recevront le remboursement du coût de cette protection pendant un an.

Ingénieurs Canada s'est aussi réuni virtuellement avec son partenaire affilié Canada Vie et son conseiller indépendant Aon pour les rapports semestriels des partenaires. La Canada Vie a fourni un rapport sur le rendement du programme, une mise à jour sur le marché, un aperçu du marketing et un rapport sur nos services de conseils financiers. Aon a présenté un examen des investissements et fait le point sur l'impact de la COVID-19 sur les marchés. Ingénieurs Canada a par ailleurs

présenté sa nouvelle vision, *Faire avancer le génie canadien grâce à la collaboration nationale*, ainsi que son plan stratégique 2022-2024.

De plus, la réunion virtuelle d'Ingénieurs Canada pour les organismes de réglementation a eu lieu avec au menu des sujets tels que le programme de cyberassurance des entreprises. La réunion, qui était dirigée par notre courtier Marsh, a aussi porté sur la situation actuelle du marché et le renouvellement de ce programme, le 15 décembre 2021.

### **Bourses d'études d'Ingénieurs Canada**

La campagne de promotion des lauréats et lauréates de nos bourses d'études 2021 a été lancée avec la première cohorte de lauréats et lauréates de la bourse de leadership pour étudiant.e.s de premier cycle en génie. Pour en savoir plus, visitez le [www://engineerscanada.ca/bourses/bourses2021](http://www://engineerscanada.ca/bourses/bourses2021)

La période de mise en candidature pour les [prix](#) et les [bourses d'études](#) 2022 est maintenant ouverte. Les candidatures pour les prix doivent nous parvenir d'ici le 14 janvier, et les candidatures pour les bourses d'études d'ici le 1<sup>er</sup> mars.

### **En souvenir du 6 décembre 1989**

Le 6 décembre a marqué le 32<sup>e</sup> anniversaire du meurtre de 14 femmes, dont la plupart étaient des étudiantes en génie, à l'École polytechnique de Montréal. Pour commémorer ce tragique événement et souligner les [16 jours d'activisme contre la violence fondée sur le sexe](#) qui se tenaient du 25 novembre au 10 décembre, notre personnel a observé un moment de silence à 11 h (HE). Ingénieurs Canada a également rappelé ce triste anniversaire sur ses réseaux sociaux et dans un [article](#) publié dans Parlons génie.

### **Remaniements organisationnels**

Ingénieurs Canada a annoncé certains remaniements organisationnels. Dans le cadre de notre nouveau plan stratégique, qui entrera en vigueur le 1<sup>er</sup> janvier, il est essentiel que nos ressources soient adéquatement alignées afin de nous permettre de nous concentrer sur les priorités que notre conseil et nos membres nous ont assignées. Le premier changement concerne l'équipe des services aux membres (affinité). Lorelei Scott et son groupe relèveront désormais du directeur des finances Derek Menard. L'alignement des services aux membres sur la direction des finances nous permettra d'avoir une meilleure synergie entre la plus grande branche génératrice de revenus de l'organisation et notre fonction de surveillance et de gestion financière. De plus, Derek possède de l'expérience dans le secteur de l'assurance dont nous pouvons tirer profit. Ce changement allégera les responsabilités de Jeannette Southwood, vice-présidente des affaires générales et partenariats stratégiques, pour lui permettre de se concentrer davantage sur les deux priorités stratégiques importantes qu'elle dirigera, à savoir *le renforcement de la confiance et de la valeur du permis d'exercice et l'accélération de l'initiative 30 en 30*. Le deuxième remaniement concerne la fonction de planification stratégique et opérationnelle (dirigée par Mélanie Ouellette) qui sera placée sous la houlette de Heidi Theelen, qui devient directrice de la planification stratégique et de l'excellence organisationnelle. La planification stratégique et opérationnelle et la gestion des risques sont des activités de l'organisation et la fusion de ces fonctions avec les responsabilités de l'excellence organisationnelle nous permet de regrouper toutes nos fonctions de planification et d'établissement de rapports au sein d'une seule direction. Ce changement allégera les responsabilités de Stéphanie Price, vice-présidente directrice des affaires réglementaires, qui pourra se concentrer davantage sur les priorités stratégiques dont elle est responsable, à savoir *l'examen et la validation de l'objet et de la portée de l'agrément, le renforcement de la collaboration*

*et de l'harmonisation, et le soutien de la réglementation des nouveaux domaines d'exercice du génie.*

Lorelei Scott, notre gestionnaire des services aux membres, nous a avisés qu'elle prendrait sa retraite au deuxième trimestre de 2022, après 42 ans de loyaux services à Ingénieurs Canada. Le 14 juillet 1980, lorsque Lorelei s'est jointe à Ingénieurs Canada (alors le Conseil canadien des ingénieurs, ou CCI), c'était à titre de secrétaire du directeur général. Au fil des ans, elle a bâti des relations durables avec les personnes et les organisations qui financent notre travail et participent à nos programmes d'affinité. En mai 2011, Lorelei a reçu le titre de Fellow honoraire d'Ingénieurs Canada (FEC (Hon.)). C'est avec plaisir que nous soulignerons les importantes contributions de Lorelei lors de son départ à la retraite.

# Briefing Note – Decision

C-545-2.5

## **GUIDELINE – USE OF THE PROFESSIONAL ENGINEER’S SEAL**

**Purpose:** Council approval of the listed guideline is required to authorize its publication.

**Motions to consider:** (requires a simple majority of votes cast to carry)

**That Council:**

1. Approve the publication of the guideline *Use of the Professional Engineer’s Seal* as presented to the meeting at C-545-2.5, Appendix B;
2. Direct the Registrar to publish the guideline and notify members and the public of its publication through usual PEO communications; and
3. Stand down the PSC subcommittee which prepared the *Use of the Professional Engineer’s Seal* guideline.

**Prepared by:** José Vera, P. Eng. – *Manager, Practice Advisory Services*

**Moved by:** Lisa MacCumber, P.Eng., FEC., – *Chair of the Regulatory Policy and Legislation Committee (RPLC)*

### **1. Need for PEO Action**

Professional Standards Committee (PSC) was instructed by Council to revise the existing *Use of Professional Engineer’s* guideline and its requirements in Regulation 941 as per the following motion carried on the 508<sup>th</sup> Council meeting on September 23, 2016:

- a. That Council direct the Professional Standards Committee to form a Use of the Professional Engineer’s Seal Subcommittee to revise the existing “*Use of the Professional Engineer’s Seal*” guideline as described in the Terms of Reference as presented to the meeting at C-508-2.3, Appendix A.

And at the 544<sup>th</sup> Council meeting on November 19, 2021 the following motion was carried:  
That Council approves the amendments to Regulation 941 to clarify Use of Seal requirements as set out in Appendix B.

This proposed guideline will reflect the amendments to Regulation 941 which will come into effect on July 1, 2022.

### **2. Proposed Action / Recommendation**

- The PSC recommends that Council approve the *Use of the Professional Engineer’s Seal* guideline for publication, since it meets the objectives laid out in its approved Terms of Reference (Appendix A).

### **3. Next Steps (if motion approved)**

- Manager, Practice Advisory will collaborate with PEO Communications Department to prepare the draft document for publication as a PEO guideline;
- Practice Article will be published in the PEO Engineering Dimensions and notices posted on the website to notify PEO members about the publication of this document; and
- The Use of Seal subcommittee will be stood down.

### **4. Policy or Program contribution to the Strategic Plan**

- “Regulations, standards and guidelines are produced through an evidence-based, integrated and streamlined policymaking process.” (Strategic Plan 2015-2017)
- “PEO should engage fully with setting standards as well as with guidance.” (Action Plan 2019)

#### 5. Financial Impact on PEO Budgets (for five years)

	Operating	Capital	Explanation
Current to Year End	\$	\$	Funded from existing PSC budget
2 <sup>nd</sup>	\$	\$	Not Applicable, since the guideline should be published this year.

#### 6. Peer Review & Process Followed

<b>Process Followed</b>	<p><b>Outline the Policy Development Process followed.</b></p> <ul style="list-style-type: none"> <li>• The subcommittee first worked on developing the proposed amendments to Regulation 941 before developing the proposed guideline.</li> <li>• Draft document was posted on the PEO website for member and stakeholder consultation (August 9, 2021 – October 1, 2021). The following stakeholders were directly invited to the public consultation: <ul style="list-style-type: none"> <li>○ Consulting Engineers of Ontario (CEO)</li> <li>○ Engineers Canada</li> <li>○ Ministry of Conservation, Environment, and Parks</li> <li>○ Ministry of Labour</li> <li>○ Ministry of Municipal Affairs and Housing</li> <li>○ Ministry of Transportation</li> <li>○ Notarius</li> <li>○ Ontario Society of Professional Engineers (OSPE)</li> <li>○ Regulatory Compliance at PEO</li> </ul> </li> <li>• Draft document was revised where warranted based on recommendations received from members and stakeholders during consultation.</li> <li>• Draft document was reviewed and approved by PSC (December 14, 2021).</li> <li>• Draft document was reviewed by the Regulatory Policy and Legislation Committee (RPLC) (January 24, 2022)</li> </ul>
<b>Council Identified Review</b>	Not applicable
<b>Actual Motion Review</b>	Not applicable

#### 7. Appendices

- Appendix A – Terms of Reference Subcommittee – *Use of the Professional Engineer’s Seal*
- Appendix B – Practice Guideline – *Use of the Professional Engineer’s Seal*
- Appendix C– Executive Summary – use of seal amendments



**Professional Engineers**  
Ontario

## Terms of Reference

### Use of the Professional Engineer's Seal Subcommittee (June 7, 2016)

#### OBJECTIVES

The Use of the Professional Engineer's Seal Subcommittee is directed by the Professional Standards Committee to review the existing "*Use of the Professional Engineer's Seal*" guideline and, in consideration of changes to the industry and professional engineering, revise that document to consider current practices.

Furthermore, the Use of the Professional Engineer's Seal Subcommittee is directed by the Professional Standards Committee to revise existing Section 53, O. Reg. 941 of the *Professional Engineers Act* as proposed to capture policies in the "*Use of the Professional Engineer's Seal*" guideline and to make provisions for moving this standard from O. Reg. 941 to Regulation 260/08.

#### BACKGROUND

The current guideline for the "*Use of the Professional Engineer's Seal*" was revised in November 2008 and has not been revised since. In the intervening 8 years there have been numerous changes to:

- The engineering design, modeling, simulation and analysis tools;
- The adoption of three dimensional models for design, manufacturing and inspection purposes; and
- Current engineering practices and the trend towards the elimination of drawings.

Furthermore, the Use of the Professional Engineer's Seal Subcommittee will also identify all activities in the practice guideline that should be considered mandatory and revise the standard for Use of the Professional Engineer's Seal that is currently located in Section 53, O. Reg. 941 for the following reasons:

1. The current regulation states that the seal is applied only on documents provided as part of a service to the public. There is confusion about who the public is and what constitutes a service to the public. This requirement also means that many engineers in Ontario never seal the drawings they produce even though the work involves the practice of professional engineering. There is no compelling reason to distinguish between engineering work provided to the public and work done for one's employer. For instance, an engineer in a factory providing drawings for a new power distribution system to machinery in the plant would not need to seal the drawings whereas a consulting engineer providing the same drawings would be required to seal. Ontario is the only province that makes this distinction. It is suggested that this limitation on sealing be removed. Instead, all engineers should be required to seal their work.



2. The phrase “checked by” refers to engineers sealing work that was done by non-engineers when an engineer assumes responsibility for these services. It is suggested that the regulation be revised to reflect this process.
3. The regulation has many terms such as “final” that are interpreted in various ways. The guideline has sought to clarify the meaning of these terms; however, it would be much better to have these terms defined in the regulation.
4. The regulation does not deal with use of digital seals. As PEO policy has been revised to allow these the regulation should reflect this practice.
5. Currently the use of the professional engineer’s seal is prescribed by Section 53, O. Reg. 941. As this is a practice standard it would be appropriate to move it to O. Reg. 260/08 with all other standards.

### **MANDATE (Specific Tasks)**

The Use of the Professional Engineer’s Seal Subcommittee is expected to obtain and provide information that will aid engineers to perform their engineering role in accordance with best practices defined by the *Professional Engineers Act* and its regulations. Furthermore, the Subcommittee shall prepare a policy statement outlining the appropriate revisions Section 53, O. Reg. 941 and proposing that this standard be moved to O. Reg. 260/08. Finally, the current practice guideline will be revised and a performance standard will be developed.

### **MEMBERSHIP**

The Subcommittee should be comprised of 3-5 members engaged in the practice of professional engineering and 1-2 engineers representing municipalities or other clients retaining engineering services.

### **DELIVERABLES**

The Subcommittee will present the completed guideline and the policy statement outlining the appropriate revisions Section 53, O. Reg. 941 to the Professional Standards Committee no later than February 2018. The Subcommittee will provide quarterly progress reports to Professional Standards Committee.

Meeting Schedule: At discretion of the Chair  
Completion Date: February 2018

***Practice Guideline - Use of the Professional Engineer's Seal***

**Date: December 15, 2021**

**Version 14**

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**Notice:** The Professional Standards Committee periodically reviews guidelines to determine if the guideline is still viable and adequate. However, practice bulletins may be issued from time to time to clarify statements made herein or to add information useful to those practitioners engaged in this area of practice. Users of this guideline who have questions, comments or suggestions for future amendments and revisions are invited to submit these to the Guideline Amendment and Revision Submission Form: <https://www.peo.on.ca/sites/default/files/2020-01/Guideline%20Amendment%20and%20Revision%20Form%20%28FINAL%29.pdf>

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## 1. Purpose of PEO Guidelines

Professional Engineers Ontario (PEO) produces guidelines to educate licensees and the public on best practices.

For more information on the purpose of practice guidelines, the guideline development and maintenance processes, including the Professional Engineers Ontario (PEO) standard form for proposing revisions to guidelines, please read our document *Guideline Development and Maintenance Process*:

<https://www.peo.on.ca/sites/default/files/2020-01/Guideline%20Amendment%20and%20Revision%20Form%20%28FINAL%29.pdf>

To view a list of the PEO guidelines, please visit the Practice Guidelines section of the PEO website:

<https://www.peo.on.ca/knowledge-centre/practice-advice-resources-and-guidelines/practice-guidelines>

## 2. Preface

In September 2016 PEO Council approved the formation of a subcommittee of the Professional Standards Committee (PSC) comprised of practising professional engineers and tasked this group with proposing amendments to the Use of Seal regulations and revising the existing *Use of the Professional Engineer's Seal* practice guideline. The PSC directed the subcommittee to provide additional clarity regarding the obligations of practitioners sealing documents, and to address issues involving the seal and new technologies, such as digital files which eliminate the need for conventional two-dimensional drawings.

The subcommittee met for the first time on May 10, 2017. Following a public consultation and an external legal review the subcommittee submitted a completed draft of this document to the PSC for approval on xxxx xx, 2020.

Following the approval from the PSC, the final draft was approved by Council at its meeting on xxxx xx, 2020.

This guideline is to be read in conjunction with recent amendments dated July 1, 2022 to Section 53 of Regulation 941 made under the *Professional Engineers Act (the Act)*,<sup>1</sup> which describe the statutory requirements for the use of the seal. Appendix 2 has a copy of these final amendments.

## 3. Purpose and Scope of Guideline

The purpose of this guideline is to provide practitioners with guidance on the proper use of the professional engineer's seal. The seal on engineering documents signifies that a practitioner assumes professional responsibility for the specified intent of the documents. Proper use of the

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<sup>1</sup> R.S.O. 1990, c. P.28.

seal is important for complying with *the Act*. Consequently, the application of the seal should be done only after the practitioner has evaluated documents and accepts responsibility for them.

**Note that references in this guideline to “practitioners” means holder of a licence, a temporary licence, a provisional licence, a limited licence or a certificate of authorization issued in the province of Ontario under the *Act*, as the case requires.**

#### 4. Introduction

This guideline provides best practices and the requirements for use of the professional engineer’s seal. It provides a framework for practitioners to resolve issues that arise in common practice situations. Practitioners have often asked PEO to clarify, for example, what changes to sealed documents are allowed, and how the changes should be identified. Others have asked whose seal should appear when more than one practitioner has been responsible for preparing documents. The subcommittee reviewed several common situations to provide best practice guidance that expands upon the requirements in Section 53 of Regulation 941.

Since the use of digital documents, including their use for legal purposes, has become widespread, PEO recognized the need to provide additional guidance on creating, applying and controlling digital seals and signatures. Furthermore, digital copies of documents are often required for submission purposes; these require digital seals and signatures. This guideline, therefore, provides new best practice guidance to address the use of seals on digital documents.

#### 5. Authority and Jurisdiction

The requirement to seal is addressed in *the Act*. The decision in *Assn. of Professional Engineers (Ontario) v. Ontario (Minister of Municipal Affairs & Housing)*<sup>2</sup> confirmed PEO’s exclusive authority to regulate practitioners. Furthermore, *the Act* gives PEO authority to make regulations “requiring and governing the signing and sealing of documents and designs by members of the Association, holders of temporary licences and holders of limited licences, specifying the forms of seals and respecting the issuance and ownership of seals”.<sup>3</sup> Consequently, the practitioner is the one who must determine whether a document can be reasonably viewed as containing engineering content and thereby needs to be sealed and should refer to the policies and procedures in this document for guidance in making that decision.

*The Act* is Ontario law. Therefore, it follows that when *the Act* refers to “public welfare” it refers to the public in Ontario. Furthermore, as noted in the *Professional Engineering Practice* guideline, in most situations a person requires a licence issued by PEO to practise professional engineering in Ontario. Consequently, it is reasonable to conclude that the use of seal requirements apply to practitioners assuming responsibility for engineering documents for specific engineering projects located in Ontario.

<sup>2</sup> (2007), 284 D.L.R. (4<sup>th</sup>) 322 (Div. Ct.).

<sup>3</sup> *Act*, s. 7(1)12.

## 6. Purpose of the Professional Engineer's Seal

The seal must be used to identify all work where a practitioner either prepared a document or assumed responsibility for any portion of the document's engineering content. The purpose of the seal is specified in Section 53(2) of Regulation 941:

*(2) A practitioner shall, subject to subsections (7) and (8), sign, date and affix their seal to an engineering document if,*

- (a) the document's engineering content is prepared by the practitioner; or*
- (b) the practitioner otherwise assumes responsibility for any part of the document's engineering content.*

Assuming responsibility means the practitioner could be held accountable in the event of professional misconduct or incompetence regarding the engineering work as per Sections 28(2) and 28(3) of *the Act*. Consequently, a reasonably prudent practitioner must review or supervise work for which they will assume responsibility, unless they prepared the work themselves. For more information, practitioners should refer to PEO's practice guideline *Assuming Responsibility and Supervising Engineering Work*.

The seal by itself is not a guarantee by a practitioner of a successful outcome of a project, since the outcome in part depends on factors beyond the control of a practitioner. The seal is not, and should not be considered, a certification mark or warranty of correctness. The Supreme Court considered the purpose of the seal in *Edgeworth Construction Ltd. v. N. D. Lea & Associates Ltd.*,<sup>4</sup> *"The seal attests that a qualified engineer prepared the drawing. It is not a guarantee of accuracy. The affixation of a seal, without more, is insufficient to found liability for negligent misrepresentation."*<sup>5</sup>

## 7. Recommended Procedures for Use of the Professional Engineer's Seal

### 7.1 General Considerations

#### 7.1.1 Overview

The use of the professional engineer's seal is governed by Section 53 of Regulation 941/90, made under the *Professional Engineers Act*. The entire Section 53 can be found in *Appendix 2. Extracts From Regulation 941, Professional Engineers Act*.

This Section of the Regulation specifies the requirements on the use of seal. Practitioners are reminded that they are required to use their seals in situations that meet the conditions specified in Section 53. Use of the seal should not be included in contractual provisions in any agreement for the provision of engineering services, since the use of seal is a statutory obligation not a contractual one.

Section 53 also defines terms such as "engineering document" and "engineering content". It is essential for practitioners to understand the term "practice of professional engineering" when

<sup>4</sup> [1993] 3 S.C.R. 206.

<sup>5</sup> Id., at para. 20.

determining if they should seal a document. Consequently, practitioners must be familiar with the following definition from *the Act*:

*“practice of professional engineering” means any act of planning, designing, composing, evaluating, advising, reporting, directing or supervising that requires the application of engineering principles and concerns the safeguarding of life, health, property, economic interests, the public welfare or the environment, or the managing of any such act;*

For additional insights into the definition of the “practice of professional engineering” practitioners should refer to the PEO practice guideline *Professional Engineering Practice*.

Proper use of the seal is essential, since broad compliance with these rules serves the public interest, by providing:

- *Accountability* – signing and sealing identifies the practitioner or practitioners who assumed responsibility for the document’s engineering content; and
- *Reliance* – by signing and sealing a document, a practitioner attests that others may place reasonable reliance on its engineering content for its specified purpose.

### **7.1.2 The Seal**

The seal used on a document is the impression of the stamp issued by PEO to all licence holders. A practitioner should endeavor to always retain full control over the use of the seal and any reproduction of the seal so that no one other than the practitioner can use it. As noted in the following part of Section 53:

*(10) A practitioner shall take reasonable steps to prevent their seal from being affixed to a document without their consent.*

Section 53 allows, but does not require, practitioners to use electronic seals. An electronic seal is an electronic representation of the design of a practitioner’s seal approved by Council under this section, and that is in a format consistent with the medium and nature of the document to which it may be affixed. An electronic seal has the same significance and status as a physical seal. Consequently, practitioners should always retain full control over the electronic version of his or her seal.

The seal must be clear and legible when applied to the document, regardless of how it is applied. An electronic seal may also include an electronic facsimile of the practitioner’s handwritten signature. However, the practitioner should maintain control over the signed seal and should use an appropriate security method (see Section 8.3).

### **7.1.3 What to Seal**

With limited exceptions, practitioners must seal all completed engineering documents for which they are assuming professional responsibility where the document is not considered “draft”. However, affixing a seal to a document does not turn it into something that is “within the practice of professional engineering”. The content of the document determines its classification as an engineering document. This includes all documents containing engineering calculations, expressing engineering opinions, or giving instructions based on engineering judgment.



From the definitions in Section 53(1) of Regulation 941, seals must be affixed to any drawing, specification, plan, report, design, model, or other document whether in print, electronic, or any other medium, that contains engineering content, and that does not meet any of the criteria for not requiring a seal.

Certain demand-side legislation requires that some specific tasks having public interest implications be done only by those having qualifications specified in the legislation, as defined by “qualified persons”. In cases where legislation includes professional engineers as qualified persons (e.g. *Condominium Act*) practitioners should only affix their seals to any documents required pursuant to the legislation if the work performed falls under the definition of “the practice of professional engineering” under the *Act*.

#### **7.1.4 What not to Seal**

Draft or incomplete documents are expressly forbidden from being sealed, as per Section 53(8) of Regulation 941.

*(8) A practitioner shall not affix their seal to an engineering document that is incomplete or in draft form.*

Furthermore, draft documents should be marked clearly to identify them as drafts as this indicates why the document does not require a seal and why its engineering content should not be relied upon as if the document were sealed.

Documents of a non-engineering nature (personal or business correspondence, contracts, leases, sales brochures, passport applications, etc.) shall not be sealed. As per *the Act*, the requirement for sealing only applies to engineering documents.

Practitioners cannot use their seal as a notary seal where a notary seal is required. Contracts and other legal business documents are sometimes sealed with a corporate seal, if the business entity is a corporation. If not, signatures suffice. Professional engineer seals are not to be used for this purpose as these are not engineering documents, even if they relate to an engineering business. Passport and birth certificate applications and other non-engineering documents that identify professional engineers as suitable guarantors generally require only the guarantor's signature and should not be sealed.

Under Section 75 of Regulation 941, practitioners are not permitted to use or refer to their professional seals in company logos, advertising, letterhead, business cards, or other promotional materials.

#### **7.1.5 Exceptions from sealing requirements**

Section 53(7) of Regulation 941 contains the following exceptions from sealing requirements:

*(7) A practitioner may, but is not required to, sign, date or affix their seal to an engineering document to which subsection (2) would otherwise apply in any of the following circumstances:*

- 1. An engineering document prepared by the practitioner solely for use by the practitioner's employer or, if the practitioner is self-employed, the practitioner.*

2. *An engineering document prepared by the practitioner, if the preparation of the document's engineering content does not require the practitioner to hold a licence, temporary licence, provisional licence or limited licence under subsection 12 (1) of the Act.*

In other words, engineering documents prepared solely for internal use do not have to be sealed. Furthermore, documents whose engineering content is exempt from the licensing requirements under Section 12 of the Act, do not have to be sealed.

However, a practitioner who assumed responsibility for the engineering content of any of these exempt documents may still choose to seal them for traceability purposes as an enhanced practice.

#### **7.1.6 Who seals**

The practitioner or practitioners who are taking professional responsibility for the work must seal documents.

Some engineering managers mistakenly assume they are supposed to seal all documents issued from their department in their capacity as managers. This is a misunderstanding of the purpose of the seal, because the seal identifies the practitioner taking professional responsibility for the professional engineering content of the documents. Hence, only that practitioner should seal them.

Another common misconception is that only practitioners working for a certificate of authorization (C of A) firm have an obligation to seal documents. This is false, since the obligation to use the seal on applicable engineering documents applies to all practitioners.

#### **7.1.7 Procedure**

The procedure for sealing documents is contained in Section 53(4):

- (4) *The practitioner shall ensure that their signature and the date are applied,*
  - (a) *at the same time or immediately after the seal is affixed; and*
  - (b) *in a legible manner, either within or immediately adjacent to the seal or in the immediate vicinity of the seal, and not obscuring or otherwise altering the practitioner's name or the number of their licence, limited licence, provisional licence or temporary licence.*

Initials alone are not acceptable. The practitioner's handwritten signature is an authenticating mark that complements the seal. The handwritten signature affixed to the document can be an electronic facsimile of a handwritten original.

Since February 28, 2003 PEO has issued stamps that include the practitioner's licence number. Consequently, some practitioners may have the older stamps without the licence number. For ease of traceability, it is best practice to manually write the licence number when sealing documents with the physical stamp, if the stamp does not already include it. For example, adding the licence number helps avoid a case of mistaken identity with a practitioner who may have the same or a similar name to the practitioner sealing the documents. When sealing documents using an electronic seal, the practitioner's licence number must be included

regardless of whether their rubber stamp includes the licence number or not. The requirement is different for electronic seals since electronic seals can be created or edited by the practitioner and therefore can include the licence number without having to manually add it every time the seal is used.

Engineering documents cannot be signed by a proxy, that is by another person signing on behalf of ("per") the individual identified on the seal.

Specifications and reports should be sealed on the cover of the bound document, or on a separate approval sheet within the document.

Because of the risk of sealed originals being copied and distributed without a practitioner's knowledge, practitioners should ensure that their employer has an effective and secure document control system appropriate for the risks associated with the particular circumstances in place (see Section 8.2).

#### **7.1.8 Purpose of the engineering document**

As per Section 53(5) of Regulation 941 practitioners must clearly note the intended purpose of the sealed document's engineering content:

*(5) The practitioner shall ensure that the intended purpose of the engineering content of the engineering document is clearly stated on or in the document.*

Failing to indicate the purpose of the engineering document would therefore constitute professional misconduct on the part of the practitioner under Section 72(2)(g) of Regulation 941.

The level of detail applicable to the engineering content of a document may depend considerably on the purpose for which the document is intended to be used. The document stated intended purpose can make the difference between whether the document's preparation includes the practice of engineering. Without a stated purpose, an engineering document might be used for an unintended purpose, which could be a serious risk to the public. A document not sealed (either as a result of being "draft" or for some other reason that it is not an "engineering document") should also indicate the reason why the content is not intended to be relied upon, as this establishes not only why the document is not required to be sealed, but also why the document should not be relied upon as if it were sealed. Adding a purpose to an unsealed document helps prevent misuse and protects the engineer.

Furthermore, the stated purpose of a document could include limitations, and a scope of the engineering work for which the practitioner is assuming professional responsibility.

#### **7.2 One practitioner assumes professional responsibility**

When a single practitioner assumes responsibility for the engineering work in a document, this practitioner must seal the document.

#### **7.3 Multiple practitioners assume professional responsibility**

For an engineering document covering work done by multiple practitioners each practitioner taking responsibility for a specific part of the document must seal it. Furthermore, each practitioner must indicate what area of the work they are responsible for, as per Section 53(6) of Regulation 941:

*(6) If clause (2) (b) applies, the practitioner shall ensure that the engineering document clearly indicates the portion of the document's engineering content for which the practitioner assumes responsibility, including by way of suitable text located in the immediate vicinity of the practitioner's seal.*

#### **7.4 Revising sealed documents**

Occasionally sealed documents may need to be edited, altered or amended, either during the course of the project, or as part of a new project. To ensure that practitioners are informed of any proposed revisions to documents that they sealed, it is important that engineering documents undergo an appropriate revision process as described below or follow a recognized industry standard.

Where alteration of documents sealed by another practitioner is required for an ongoing project, the following procedure should be followed: The original seal is to remain and the practitioner altering the documents is to add their seal, clearly identifying the alterations.

Where alteration of documents (particularly drawings) sealed by another practitioner for a completed project is required for a new project, the following procedure should be followed: The documents used as the basis of the new work should be clearly identified by a note, a drawing method such as lighter or ghosted lines or an identifying mark, as work previously done by others; the original seal is not to appear and the practitioner altering the documents is to add their seal, clearly identifying the alterations.

For purposes of transparency, it is beneficial for the practitioners who sealed the original documents to be informed of changes to these documents. In general terms, the practitioner making changes assumes professional responsibility for the changes and the effects of those changes on the design. This is the reason why the practitioner making the changes must identify their changes and then seal the document. By sealing, that practitioner acknowledges that they are taking professional responsibility for the changes and the consequences of those changes.

#### **7.5 Shop drawings**

The *Canadian Construction Documents Committee's CCDC 2 - 2008 Stipulated Price Contract* defines Shop Drawings as follows:

*Shop drawings are drawings, diagrams, illustrations, schedules, performance charts, brochures, product data, and other data which the contractor provides to illustrate details of portions of the work.*

Shop drawings are typically required for prefabricated components.

##### **7.5.1 Shop drawings with application specific engineering content.**

When shop drawings with application specific engineering content are provided by the contractor, either an in-house practitioner employed by the contractor or a practitioner engaged

by the contractor must assume responsibility for engineering content and seal them before submitting those documents for review.. The project practitioner does not assume responsibility for the engineering content in the shop drawings and is usually responsible for specifying the design criteria.

### **7.5.2 Shop drawings without application specific engineering content**

Shop drawings without application specific engineering content do not contain professional engineering content, and therefore do not require that a practitioner assume professional responsibility for its work and do not need to be sealed.

### **7.5.3 Conformance review of shop drawings**

Through agreements or contracts, practitioners are often required to review shop drawings prepared by others for the purpose of confirming the compliance of the design with the specifications and drawings. Generally, this review is for the sole purpose of ascertaining conformance with the general design concept and does not indicate an approval of the design details. In other words, the practitioner reviewing the shop drawing for conformance is not taking responsibility for the design. Therefore, practitioners undertaking this type of review must not affix their seals to shop drawings. If any party requires that the drawings be marked with an indication that a conformance review has taken place, a separate and distinct “shop drawing” stamp should be used.

*NOTE: To protect themselves, practitioners should never provide services without a signed agreement that clearly describes the scope of services to be provided, limits the obligations of the practitioners and assigns the risks that the practitioner will assume. Practitioners should assume only risks that are within their ability to control and never those where the performance of a third party, such as a contractor or supplier, might influence the outcome.*

To avoid liability for information contained in shop drawings, the reviewing practitioner’s organization should explicitly limit the scope of the practitioner’s review, both in the contract for engineering services and on the shop drawing stamp itself. Shop drawing stamps should include language that strictly limits any implied approval, by, for example, conspicuously noting:

**“This review is limited to determining conformance with the design intent and the information provided in the project documents.”**

It is recommended that practitioners seek legal advice and assistance with respect to the preparation of a disclaimer appropriate for their specific circumstances or a template disclaimer.

### **7.6 Typical detail drawings**

Below two types of typical detail drawings are discussed:

- Component drawings, and
- Preferred standard drawings.

### 7.6.1 Component drawings

A component drawing is a drawing of an off-the-shelf element which may follow an industry standard, such as those of the Canadian Standards Association (CSA). Because these components are generally manufactured and tested as per an industry standard and their drawings do not contain application specific engineering content, these component drawings do not require a practitioner to assume responsibility for its work and seal the drawings. However, an assembly drawing that uses these components and has application specific engineering content would likely require that a practitioner assume responsibility for that engineering content and seal the drawing.

### 7.6.1 Preferred detail drawings

A preferred detail drawing is a drawing prepared by a third party for use in project documents prepared by others. Preferred detail drawings that have engineering content require engineering supervision and should also be sealed. Furthermore, a drawing that incorporates these preferred details and has engineering content requires a practitioner to assume responsibility for this work and therefore must be sealed. However, the project practitioner selecting the preferred detail drawing should add a note to clarify that they are not responsible for the engineering content of the preferred detail drawings.

### 7.7 As-Built and Record Documents

Practitioners should use the following distinction between as-built and record documents. Documents referred to as “As-Built” are generally prepared using information furnished by the contractor or other field staff. Record documents are those prepared by a practitioner after verifying the actual details of the completed project. For some projects, this verification may require frequent or continuous presence on site. The distinction between as-built and record documents determines whether the documents representing the final state of the project should be sealed.

For detailed information on as-built and record documents refer to the PEO guideline *Preparing As-Built and Record Documents*.

### 7.8 Reliance on Sealed Documents

As previously noted, the seal attests that a qualified practitioner prepared an engineering document. It is not a guarantee of accuracy.<sup>6</sup> Furthermore, the seal of a practitioner communicates that the contents of sealed documents reflect professional knowledge and care, and that responsible provision has been made in the preparation of those documents for complying with applicable statutes, standards, codes, and regulations. Consequently, it is reasonable for authorities or other parties to adopt a policy of reliance upon the expertise of practitioners. However, such a policy of reliance upon engineering expertise would have to be implemented in a consistent and reasonable manner.<sup>7</sup>

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<sup>6</sup> *Edgenorth*, at para. 20.

<sup>7</sup> *Hilton Canada Inc. v. Magil Construction Ltd.*, [1998] O.J. No. 3069 (Gen. Div.), at paras. 60-61 and 91 (where a municipality was relieved of liability because it consistently followed its policy of reliance on a professional engineer’s structural plans).

Those placing reasonable reliance on a document sealed by another practitioner as the basis of further work should verify that the practitioner who sealed the work was licenced when they sealed the document. This can be achieved by visiting PEO's online Directory.

### **7.9 Engineering Documents containing more than one language**

Practitioners are occasionally required to provide documents in a language other than their usual business language. Furthermore, practitioners must be technically fluent in the language of the document they are sealing if the language content of the document is part of its engineering content. Finally, practitioners must determine whether their language proficiency is sufficient to meet the professional standard expected of them, just as practitioners must determine in what areas they are competent to practice.

### **7.10 Intellectual Property issues**

Practitioners issuing sealed documents should collaborate with their clients on developing written agreements that clearly address Intellectual Property issues. For more information on Intellectual Property as it relates to engineering documents please refer to the *Professional Engineering Practice* guideline.

## **8. MANAGEMENT OF SEALED DOCUMENTS**

### **8.1 Assuming responsibility for engineering documents**

Every individual or organization preparing engineering documents should have a formal process for checking, verifying, and assuming responsibility for those documents. This process should, at least, include the following stages:

- confirming that the document is complete and accurately expresses the output of the practitioner's design or analysis;
- confirming that the document meets the requirements of the work as expressed by codes, standards, PEO guidelines, contractual agreements and other articles defining the scope of work; and
- sealing the document by the practitioner(s) who assumes professional responsibility for the engineering content in the document.

### **8.2 Control of sealed documents**

Practitioners should adhere to a document control process that reduces the possibility of:

- others altering sealed documents without the knowledge of the author, and without a practitioner assuming responsibility for the changes and consequences of these changes;
- removal, or duplication and unauthorized use, of seal; and
- unauthorized use of documents.

To provide this protection, the document control process should incorporate the following, non-exclusive, features:

- a sealing procedure to ensure that engineering documents are sealed by the practitioner assuming responsibility for the work before they are issued;

- procedures that assure data integrity by prohibiting unauthorized and/or undocumented changes;
- procedures to identify unauthorized copies of final documents and to prevent them from being sealed;
- procedures for validating records before storage;
- established document retention periods as per the *Professional Engineering Practice* guideline; and
- protection of records against loss or inadvertent destruction.

### 8.3 Use and control of sealed electronic documents

Section 53 of Regulation 941 allows for the use of electronic seals and electronic signatures. Consequently, the use of seals on electronic format documents is allowed. This includes the use of scanned and electronically drawn seals on electronic documents and scanned copies of sealed original hardcopies. The principles applying to sealing paper documents apply equally to engineering documents created, stored, distributed, or used in electronic formats. The control of documents per Section 8.2 of this guideline also apply to electronic documents.

Furthermore, Section 53(3) of Regulation 941 sets minimum requirements for electronic seals:

- (3) *For the purposes of subsection (2),*
- (a) *the practitioner may use an electronic signature, as defined in the Electronic Commerce Act, 2000; and*
  - (b) *an electronic image of the practitioner's seal may be affixed, if the image,*
    - (i) *is of a size that is reasonably visible within the engineering document relative to the document's other content, and*
    - (ii) *includes the number of the practitioner's licence, temporary licence, provisional licence or limited licence.*

Since unsecure electronic documents can be easily edited and copied, engineering practitioners should have well documented processes to support the authenticity and validity of documents with electronic signatures and seals. Managing electronic documents in workflow and providing an audit trail is vital to validating document authenticity. Consequently, practitioners responsible for sealing electronic documents should follow a method for creating, archiving, and distributing electronic format documents that will:

- control and protect the electronic facsimile of the seal and signature;
- protect the documents, so documents are not altered once signed, without undergoing the revision process; and
- allow verification of the identity of the practitioner from whom the document originated.

Electronic documents should be issued for use only if the authentication procedure maintains the integrity of the documents and the authenticity of the seal and signature. Practitioners who receive electronic documents should follow a process to confirm that a document they receive is authentic and has not been altered.



Given these requirements, practitioners planning to issue and distribute electronic engineering documents should implement some form of document security. There are many forms for such security, ranging from use of image files that are not as easily edited, to password protected files, to public-key/private-key encryption systems. The security method employed should be appropriate for the distributed document's risk of alteration or improper use. Information technology (IT) expertise may be required in consideration of the following:

- How will the recipient use the documents?
- Does the recipient have a secure document storage and control process?
- Are you concerned about potential tampering of the document?
- Are you concerned about potential removal and reuse of your seal and signature without your knowledge?
- Are you concerned that the recipient may reuse the document for purposes other than the one for which you are specifically accepting responsibility?

Practitioners should consider including clauses related specifically to procedures governing electronic documents, since no secure system is perfect. For example, practitioners can add a note to sealed documents stating that the practitioner can be contacted to verify that the document has not been altered and is authentic.

The seal and signature discussed in this guideline should not be confused with a security tool known as an “electronic signature”, which is encrypted alphanumeric data used as personal electronic identifying information that people attach to a document to permanently associate themselves with the document. It is not an identical electronic copy of a handwritten signature obtained by scanning or electronic pen. An electronic signature is, however, intended to have the same legal force and distinguishing effect as the use of a signature affixed by hand. For this reason, an electronic signature must be:

- unique to the person using it;
- capable of verification;
- under the sole control of the person using it; and
- attached to, or associated with, data in such a manner that it authenticates its own attachment to the data using it and the integrity of the data transmitted.

### **8.3.1 Digital Signature Software Solutions**

Currently, PEO does not specifically endorse any one digital signature software solution. Furthermore, PEO's position is that practitioners can use any digital signature software that meets the requirements outlined in this practice guideline. Finally, practitioners should consider the following best practices for protecting sealed electronic documents:

- Secure Hash Algorithms can be used to determine if a digital document was altered;
- Transmittal records can be used to identify the particulars of documents issued;
- Watermarks can be used to better safeguard a practitioner's digital seal from misuse; and
- Practitioners may consider adopting digital signature software solutions that meet the requirements contained in this guideline; and

Practitioners may need to consult with IT security experts to minimize risks associated with using digital documents, since no security method is completely foolproof.

At the time of publication of this guideline, practitioners can obtain a digital signature through Notarius, as an option.

## **9. Professional Responsibility**

### **9.1 What is Professional Responsibility?**

Professional responsibility refers to practitioners' obligations to conduct themselves in accordance with the technical, legal and ethical standards of the profession. Whenever individuals act in their capacity as professional engineers, they must be prepared to answer for their conduct in discharging their obligations to the profession and to the public. The seal is an indication of who is taking professional responsibility for the content of a document. By affixing the seal, a practitioner agrees to take responsibility and to be accountable for his or her work. References in this guideline to "responsibility" mean "professional responsibility" in this sense.

Accepting this responsibility is part of the commitment made by each individual when accepting the exclusive right to practise afforded by the professional engineer's licence. Furthermore, the use of the seal is a statutory obligation; and therefore, is not optional. Failing to seal an engineering document as per Section 53 of Regulation 941 is a violation of the Regulation 941. The implications associated with failing to seal a document that meets the sealing requirements are the same as any act of professional misconduct: The practitioner could be disciplined by PEO, and there have been discipline cases in which one or more of the charges was failing to seal.

As discussed at Section 6 of this guideline, the Supreme Court of Canada held that sealing is a matter of professional discipline not a matter of civil liability for the practitioner, particularly liability for negligent misrepresentation.<sup>8</sup> Failure of a practitioner to sign and seal an engineering document does not relieve the practitioner of professional responsibility, since sealing of documents by practitioners has nothing to do with the question of liability for negligence. Practitioners are responsible because they prepared the documents, or because they otherwise reviewed and approved the engineering content, not because they signed or sealed them. Similarly, affixing a seal does not impose on a practitioner the burden of additional civil liabilities if the document meets the threshold for requiring or permitting a seal to be applied. The courts assign liability based on the facts, not on whether the document is sealed. These concepts are reflected in Sections 53(11) and 53(12) below:

*(11) The presence of a practitioner's seal on an engineering document shall, for the purposes of a proceeding before the Discipline Committee, be presumed to indicate that the practitioner assumed responsibility for engineering content in the document, or, if more than one seal is affixed to the document, that the practitioners jointly and severally assumed responsibility, subject to any qualification or limitation that is clearly indicated on or in the document and is reasonably understandable by users of the document.*

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<sup>8</sup> *Edgeworth*, at para. 20.

*(12) For greater certainty, where a practitioner is required by subsection (2) to affix their seal to an engineering document, or where, but for subsection (7), a practitioner would be required to affix their seal to an engineering document, the absence of the seal on the document has no bearing on the responsibility assumed by the practitioner for engineering content in the document.*

## **9.2 Assuming responsibility for work performed by others**

Practitioners must never affix their seals to documents they have had no part in preparing or reviewing.<sup>9</sup> Such conduct constitutes professional misconduct under Regulation 941. However, practitioners may still seal documents prepared by others if the practitioner reviews and accepts responsibility for the document's engineering content in a manner consistent with the standards of a reasonable and prudent practitioner. For more information refer to the PEO practice guideline *Assuming Responsibility and Supervising Engineering Work*.

## **9.3 Penalty for misuse of seal**

Anyone who illegally uses an engineering seal commits an offence under Section 40 of the *Act* and is liable for a maximum fine of \$25,000 for a first offence, and \$50,000 for any subsequent offence. In cases involving the illegal use of an engineering seal, police could also lay fraud or forgery charges under the *Criminal Code* of Canada. Generally, it is unlicensed persons, operating without the knowledge or consent of practitioners, who carry out these offences. This is one of the reasons why practitioners should store and use their seals in a secure place.

PEO has prosecuted individuals who have used illegally obtained seals or forged replicas. There have also been cases where unlicensed individuals have obtained digital copies or sheets of photocopied transferable facsimiles of a practitioner's seal and used them fraudulently.

## **9.4 Ownership and replacement of seal**

Every seal given to a licence holder remains the property of PEO. The seal must be returned to PEO upon retiring or resigning as a member. Under Section 54 of Reg 941 a practitioner whose licence is revoked or suspended must also return his or her seal to the Registrar. Furthermore, practitioners retiring or resigning or whose licence is revoked or suspended must dispose of all their electronic seals, so they are not misused.

If a practitioner's seal is lost or stolen, the practitioner should notify PEO immediately. Replacement seals can be obtained by contacting PEO.

## **10 Managing Disagreements on Whether a Document should be Sealed**

As previously noted, the use of the seal is a statutory obligation. Consequently, to avoid confusion it is best not to include clauses related to the use of seal in contractual agreements, since sealing documents should not become a contractual obligation.

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<sup>9</sup> Reg. 941, s. 72(2)(c).

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**Appendix B**

The use of an engineer's seal is a matter of professionalism and not an independent source of civil liability. Consequently, if in doubt, practitioners are generally better off affixing the seal than withholding it on documents they consider containing engineering content. Affixing the seal avoids an allegation of professional misconduct for failing to seal a document, and there is no downside of civil liability or professional misconduct in affixing the seal to a document that may reasonably be considered a product of engineering.

In case of a disagreement with a client or an authority on whether a document should be sealed, practitioners are advised to use this practice guideline as a framework to come to an understanding. However, since the use of the seal is a statutory obligation, ultimately it is the practitioner's decision on whether a document should be sealed.

Engineering organizations are encouraged to decide early which practitioner or practitioners will be assuming responsibility for certain work. This way there is no doubt about who should be sealing specific work once a project begins.

## APPENDIX

### Appendix 1 - Definitions

Where such definitions conflict or differ from what is in applicable legislation, the regulatory definition replaces the one used in this guide. For the purposes of this guideline:

**“affix”** with respect to a seal, means impose the seal on a document in a manner that attaches or embeds the seal into the document such that the seal is visible to users of the document.

**“draft” or “incomplete”** are preliminary documents which must not be sealed since a practitioner has not assumed responsibility for them for a specific purpose.

**“employer”** means, if the practitioner is self-employed, the practitioner, otherwise, the entity directly employing the practitioner.

**“handwritten signature”** is a name or personal mark, in handwritten form, that a person affixes to a document and routinely uses to express consent or acknowledge responsibility with respect to the document, or to authenticate it.

**“licence number”** means a licence number, limited licence number, provisional licence number, or temporary licence number, as the case may be.

**“original”** is a document that emanates directly from the author and is the only authentic source for copies or reproductions. In the case of technology-based documents, the integrity of the original must be ensured, and the original must be capable of being linked to a person, whether or not the document is released.

**“prepare”** with respect to a document containing engineering content, means engaging in the practice of professional engineering that results in the document’s engineering content; “preparation” has corresponding meaning.

**“sealed”** means a document is signed, dated, and bears an impression of the professional engineer’s stamp.

**“shop drawings”** are drawings, diagrams, illustrations, schedules, performance charts, brochures, product data, and other data which the contractor provides to illustrate details of portions of the work. (From the Canadian Construction Documents Committee’s CCDC 2 - 2008 Stipulated Price Contract).

## **Appendix 2 - Extracts from Regulation 941, Professional Engineers Act**

*(Important: the amendments below will come into effect on July 1, 2022.)*

### **Section 1 of Regulation 941 is amended by adding the following definition:**

“seal” means the seal of a practitioner that is approved by the Council under section 52, and, unless the context requires otherwise, includes an electronic image of a seal. (“sceau”)

### **Sealing, signing and dating of engineering documents**

**53.** (1) In this section,

“document” includes a drawing, specification, plan, report, design or model, whether it is in paper or electronic format or in any other form or medium; (“document”)

“engineering content” means any content in a document, whether express or implied, the preparation of which involves the practice of professional engineering; (“contenu en ingénierie”)

“engineering document” means a document that contains engineering content and is intended to be used for a purpose that involves the practice of professional engineering. (“document d’ingénierie”)

(2) A practitioner shall, subject to subsections (7) and (8), sign, date and affix their seal to an engineering document if,

- (a) the document’s engineering content is prepared by the practitioner; or
- (b) the practitioner otherwise assumes responsibility for any part of the document’s engineering content.

(3) For the purposes of subsection (2),

- (a) the practitioner may use an electronic signature, as defined in the *Electronic Commerce Act, 2000*; and
- (b) an electronic image of the practitioner’s seal may be affixed, if the image,

- (i) is of a size that is reasonably visible within the engineering document relative to the document's other content, and
  - (ii) includes the number of the practitioner's licence, temporary licence, provisional licence or limited licence.
- (4) The practitioner shall ensure that their signature and the date are applied,
  - (a) at the same time or immediately after the seal is affixed; and
  - (b) in a legible manner, either within or immediately adjacent to the seal or in the immediate vicinity of the seal, and not obscuring or otherwise altering the practitioner's name or the number of their licence, limited licence, provisional licence or temporary licence.
- (5) The practitioner shall ensure that the intended purpose of the engineering content of the engineering document is clearly stated on or in the document.
- (6) If clause (2) (b) applies, the practitioner shall ensure that the engineering document clearly indicates the portion of the document's engineering content for which the practitioner assumes responsibility, including by way of suitable text located in the immediate vicinity of the practitioner's seal.
- (7) A practitioner may, but is not required to, sign, date or affix their seal to an engineering document to which subsection (2) would otherwise apply in any of the following circumstances:
  - 1. An engineering document prepared by the practitioner solely for use by the practitioner's employer or, if the practitioner is self-employed, the practitioner.
  - 2. An engineering document prepared by the practitioner, if the preparation of the document's engineering content does not require the practitioner to hold a licence, temporary licence, provisional licence or limited licence under subsection 12 (1) of the Act.
- (8) A practitioner shall not affix their seal to an engineering document that is incomplete or in draft form.
- (9) A practitioner shall not affix their seal, including in the circumstances described in subsection (7), other than,

(a) to an engineering document; and

(b) in accordance with this section.

(10) A practitioner shall take reasonable steps to prevent their seal from being affixed to a document without their consent.

(11) The presence of a practitioner's seal on an engineering document shall, for the purposes of a proceeding before the Discipline Committee, be presumed to indicate that the practitioner assumed responsibility for engineering content in the document, or, if more than one seal is affixed to the document, that the practitioners jointly and severally assumed responsibility, subject to any qualification or limitation that is clearly indicated on or in the document and is reasonably understandable by users of the document.

(12) For greater certainty, where a practitioner is required by subsection (2) to affix their seal to an engineering document, or where, but for subsection (7), a practitioner would be required to affix their seal to an engineering document, the absence of the seal on the document has no bearing on the responsibility assumed by the practitioner for engineering content in the document.

(13) Clause (3) (b) does not apply during any period in which a practitioner has returned or is required to return their seal to the Registrar under this Regulation.



**Executive Summary - amendments to Use of Seal regulation and guideline**

**How where the use of seal requirements in Regulation 941 of the *Professional Engineers Act* amended?**

<b>Proposed amendment</b>	<b>Scale of risk and underlying causes</b>
1) Require engineers to clearly indicate the purpose of a sealed document. And remove the word "final".	Sealed documents have been used for an unintended purpose. For example, "for permit" drawings have been used "for construction" which can create an unsafe condition due to lack of complete information. The current requirement to seal "final" documents can be confusing.
2) Make it professional misconduct to seal a draft or incomplete document.	Draft or incomplete documents have been used for construction or treated as a final report. For example, the issue of incomplete drawings came up during the Coroner's Inquest into the death of Scott Johnson (Radiohead Downsview stage collapse)
3) Require engineers to take reasonable measures to prevent their seals be used without their consent.	PEO and building departments have reported engineering documents containing fraudulent seals.
4) Clearly allow for the use of sealed electronic documents.	As per the external legal opinions the <i>Electronic Commerce Act</i> may not apply to sealed documents. Therefore, the regulation must be amended to clearly allow for them.
5) Clearly indicate that internal engineering documents and exemptions can but do not have to be sealed.	The current wording "provides to the public a service" created the impression that the seal only applies to Certificate of Authorization.
6) Clearly indicate that sealing is akin to assuming responsibility.	The purpose of the seal has been mistaken with personal or corporate liability.
7) Clearly indicate more than one engineer can assume responsibility.	There is a misperception that only one engineer can seal a document.

**How was the *Use of Seal* guideline amended?**

<b>Proposed amendment</b>	<b>Scale of risk and underlying causes</b>
1) The amended regulation had to be referenced in the guideline.	Amendments to Section 53 of Regulation 941 will take effect on July 1, 2022
2) A new section "Authority & Jurisdiction" was added.	Practice Advisory staff reports several questions on the jurisdiction of PEO with regards to the use of seal.
3) A new section "Purpose of the Seal" was added.	Practice Advisory staff reports several questions on the purpose of the seal.
4) A new section "Exceptions" was added.	Practice Advisory staff reports lack of clarity with respect to what engineering documents are exempt from the use of seal.
5) A new section "Purpose of the engineering document" was added.	This section was added since it will now be mandatory for practitioners to write down the purpose of the engineering document.
6) The section on "Shop drawings" was revised.	Practice Advisory staff reports that this section was not clear enough as per feedback from practitioners.
7) The section on "Standard drawings" was split into 3 sections: Typical detail drawings, Component drawings, and Preferred detail drawings.	Practice Advisory staff reports a lack of clarity between the different types of standard drawings in the previous guideline.
8) The section on "As-built and Record documents" was updated to mention the new "Record documents guideline".	The "Record documents" guideline was published in March, 2020 and will now be referenced in the "Use of Seal" guideline.
9) A new section "Reliance on sealed documents" was added.	Practice Advisory staff reports that reasonable reliance on sealed documents is a concept that is often not well understood by practitioners.
10) A new section on "Digital signature solutions" was added.	This section was added to mention Notarius and other digital signature solutions.
11) A new section "Managing Disagreements on Whether a Document should be Sealed" was added.	Practice Advisory staff reports that disagreements on whether a document should be sealed is a common issue.

# Briefing Note – Decision

C-545-2.6

## **GOVERNANCE ROADMAP – PHASE 4: RECOMMENDATIONS ON CHAPTER ACTIVITIES AND OTHER ACTIVITIES CLASSIFIED AS NEITHER REGULATORY NOR GOVERNANCE**

**Purpose:** To obtain Council’s approval for a process to establish policy direction regarding activities and outputs that were classified as neither regulatory nor governance based on the Activity Filter

### **Motion(s) to consider: (requires a simple majority of votes cast to carry)**

Whereas Council, responding to a recommendation of the 2019 External Regulatory Review, authorized the use of an Activity Filter to determine which activities and outputs were regulatory, which were governance, and which were neither; and

Whereas the application of the Activity Filter suggested that Chapters’ activities and associated outputs are neither regulatory nor governance,

Therefore,

1. Council nonetheless affirms the continuation of Chapters as currently referenced in the regulations and by-laws of the Association, and endorses the process recommended by the Governance & Nominating Committee (GNC) to deal with activities and outputs of Chapters as well as other activities and outputs that are “neither” regulatory nor governance, as illustrated in the Appendix to this Briefing Note.
2. Council directs that GNC oversee a risk assessment, with a view to eliminating high-risk outputs and operationalizing others so that volunteer engagement is maintained, and more effective organizational control is ensured.
3. Council further directs GNC to bring a report with necessary recommendations to Council for decision.

**Prepared by:** D. Abrahams, LL.B., Vice President, Policy & Governance & Chief Legal Officer

**Moved by:** Councillor A. Arenja, P.Eng., Chair of Governance & Nominating Committee

### **1. Need for PEO Action**

#### **(a) Introduction**

This matter comes to Council as part of the governance Work Plan Council approved in 2020. It is also here as a consequence of the Activity Filter that Council approved pursuant to its 2019 high-level Action Plan. The Action Plan itself resulted from the External Regulatory Review that was conducted in 2018-19.

The central question that emerges from these various processes is how PEO should address activities and outputs that are neither regulatory nor governance, based on the application of the Filter, and that have been evaluated as being neither fit nor necessary for either purpose. The proposed answer to this

question is to address all such activities in a way that identifies and effectively manages risk. It is proposed that this risk-based approach occur under the direction of GNC.

## **(b) Background**

### ***i. The Review, the Action Plan and the Filter***

The External Regulatory Review was conducted in 2018-19 and reported to Council in the spring of 2019. Recommendation 3 from the External Regulatory Review stated that: *“PEO should consider if its Chapters are either necessary or desirable in delivering its functions as a regulator and should redirect its financial support for them to its core regulatory functions and activities.”* A high-level Action Plan was developed in September 2019, followed by a detailed Activity Filter which was approved by Council in November 2019. The initial Activity Filter classification was brought to Council for information in February 2020 and the evaluation of various “neither” activities (not just those related to Chapters), to help determine if they were either fit or necessary for a regulatory or governance purpose was brought, also for information, in November of that year.

The list of “neither” activities classified and evaluated as part of the Activity Filter process is appended to this Briefing Note.

### ***ii. Governance Work Plan***

On November 20, 2020, Council approved the 4-Phase Timed Governance Work Plan. Phase 4 is titled “Reviewing and Improving the Governance Effectiveness of PEO’s Chapters, Committee Volunteers and other components of PEO.” It is this recommendation that Phase 4 of the governance roadmap seeks to address.

### ***iii. Approach to Phase 4***

The Executive Committee was originally tasked by Council with the stewardship of the governance roadmap and to bring recommendations to Council for approval, as needed. On April 30, 2021, Council approved the transfer of this responsibility to the Governance and Nominating Committee. At its plenary session on October 29, 2021, Council discussed the approach to Phase 4 and GNC’s stewardship role to work with staff to develop an analysis framework and outputs analysis for recommendation to Council.

At its meetings of November 4 and December 8, 2021, and January 10, 2022, the GNC discussed Phase 4 matters related to Chapters and “Other” Committees’ activities and outputs in the “neither regulatory nor governance” category of the Activity Filter. Over the course of these meetings, the Committee discussed a number of pertinent “neither” activities; considered questions related to legal, financial, and reputational risk; discussed a draft framework and potential outcomes; and oversaw the drafting of an outputs analysis with preliminary recommendations.

At an informal session on January 28, 2022, Councillors provided input on GNC’s work on Phase 4, including the preliminary results of a Chapters Activity Filter analysis and the preliminary “neither” outputs analysis and recommendations. In addition, the presentation outlined a series of risk-related questions that will need to be addressed, including:

- What is the risk “neither” activities pose to PEO?
- What risk is Council willing to accept?
- How do we eliminate or mitigate the risk?

Councillors appeared to be generally supportive of GNC's risk-based policy recommendation to:

- Evaluate existing neither activities and associated outputs for risk and adapt or eliminate as required;
- Operationalize remaining activities and outputs while maintaining volunteer engagement but ensuring more effective organizational control; and
- Roll out with care.

On February 4, the GNC met to decide on a recommendation to Council, based on feedback received on January 28. The recommendations are detailed in the proposed motion before Council.

## **2. Proposed Action / Recommendation**

That Council pass the motion set out above, to provide the GNC with direction for the next steps in the stewardship of Phase 4 of the governance roadmap.

## **3. Next Steps (if motion approved)**

GNC to develop a work plan for addressing this referral and it is anticipated that an update will be provided to Council before the next Annual General Meeting.

## **4. Appendix**

*Excerpt from the November 2020 report on the evaluation of activities and outputs classified as neither Regulatory nor Governance.*



## A P P E N D I X

### Activities That Are Neither Governance Nor Regulatory (excerpted from the November 2020 Report to Council)

ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
1.	<b>A:</b> Devises and reports annually on metrics for women in the licensing process.  <b>O:</b> Annual report on metrics to identify progress.	Task force mandate complements regulatory function but is not regulatory per se.	30x30 Task Force	<a href="#">Act: ss.8(1)14, 10(1)</a> <a href="#">By-law: s.30</a> (permitted)	This activity and output support the goal of a more equitable, diverse, inclusive and representative profession. The same results are conceivably achieved by other means, eg., staff at PEO or through an external body such as OSPE.  <i>It is not necessary or fit for a regulatory purpose for this activity and output to be assigned to a task force.</i>
2.	<b>A:</b> Plans outreach workshops for stakeholder groups (Chapters, employers, universities, women's groups, etc.)	Task force is oversight and advocacy focused on increasing number of newly-	30x30 Task Force	<a href="#">Act: ss.8(1)14, 10(1)</a> <a href="#">By-law: s.30</a> (permitted)	<i>As above, it is not necessary for a task force to be responsible for this activity and output.</i>

<sup>1</sup> As with the Core Regulatory, Regulatory Policy and Governance groups, legislative and by-law references are included to demonstrate legality and may not be exhaustive of all possible legal authority. In many instances in the "Neither" classification, legality is derived from the broad scope of section 2 of the Act, and in particular s.2(4), the additional objects provision. "Act" means the *Professional Engineers Act*, as amended. "Reg." means Regulation 941 under the Act, as amended. "By-law" means PEO By-Law No. 1.

ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
	<b>O:</b> Workshops delivered.	licensed female engineers.			
3.	<b>A:</b> Develops means to recognize PEO volunteers and their employers.  <b>O:</b> Recommendations to Council for volunteer and volunteer employer recognition	This activity, recognizing the importance of volunteerism, has an association focus.	Advisory Committee on Volunteers	<a href="#">Act: s.2(4)4</a> (permitted)	PEO has committed to recognizing volunteers who support its work. This form of recognition is important but could be assigned to either a committee or to staff alone.  <i>It is not necessary or fit for a regulatory purpose for this activity and output to exist or to be assigned to this committee.</i>
4.	<b>A:</b> Organizes annual meeting of committee and task force chairs  <b>O:</b> Annual meeting / conference held	Activity is focused on volunteer contributions to the association	Advisory Committee on Volunteers	<a href="#">Act: s.2(4)4</a> (permitted)	The need for committees and task force chairs to meet periodically serves to keep the organization moving in a single coordinated direction. Coordination and consistency in the operation of committees is useful. This, however, could also be accomplished through staff oversight.  <i>It is not necessary or fit for a regulatory purpose for this activity and output to exist or to be assigned to a committee.</i>
5.	<b>A:</b> Encourages, solicits and considers nominations for PEO and joint PEO/OSPE awards.  <b>O:</b> Award winners recommended to Council (and OSPE, depending on the award) for approval.	Awards recognize excellence in engineering and volunteerism.	Awards Committee	<a href="#">Act: s.2(4)4</a> (permitted)	PEO grants awards to recognize excellence and achievement in various aspects of the organization's work and in the study and practice of professional engineering. Awards also serve to highlight the engineering profession and to raise the profile of PEO itself.  <i>It is not necessary or fit for a regulatory purpose for this activity and output to exist or to be assigned to a? committee.</i>
6.	<b>A:</b> Encourages and solicits nominations for external awards related to engineering.	External awards recognize excellence amongst	Awards Committee	<a href="#">Act: s.2(4)4</a> (permitted)	PEO has an interest in ensuring that professional engineers and their work are recognized, both within and outside the organization.

ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
	<b>O:</b> Nominations for awards given by other organizations.	professional engineers.			<i>It is not necessary or fit for a regulatory purpose for this activity and output to exist or to be assigned a committee.</i>
7.	<b>A:</b> Plans Chapter AGM  <b>O:</b> Election of Chapter executives	Chapter governance is not the same as PEO governance. Chapters do not have a separate legal identity.	Chapters	<a href="#">Act: ss.2(4), 8(1)19</a> <a href="#">By-law: ss.2-9</a> (permitted)	Chapters are envisioned by the legislative framework. As such it is reasonable for them to choose their leaders in some fashion. The chapters themselves have no separate legal identity and hence their leadership is unconnected to the governance of PEO.  <i>It is not necessary or fit for a regulatory (or governance) purpose for Chapters to perform this activity and produce this output.</i>
8.	<b>A:</b> Presents licensing certificates  <b>O:</b> Certificates presented to new members who choose to receive certificates from Chapters	Presentation of a certificate is not synonymous with the issuance of a licence	Chapters	<a href="#">Act: ss.2(4), 8(1)19</a> <a href="#">By-law: ss.2-9</a> (permitted)	The presentation of certificates is important for new licensees and their guests and is an opportunity to welcome them into the engineering community and to learn about the work of PEO. There is, however, no legal requirement that certificates be issued, let alone presented in this fashion. They can be mailed or delivered by some other means. <i>It is not necessary or fit for a regulatory purpose for Chapters to perform this activity or produce this output.</i>
9.	<b>A:</b> Organizes PEO seminars.  <b>O:</b> Seminars held by Chapters to help explain regulatory requirements.	Education and outreach about regulatory expectations is not synonymous with regulation.	Chapters	<a href="#">Act: ss.2(4), 8(1)19</a> <a href="#">By-law: ss.2-9</a> (permitted)	Seminars are a useful augment to the regulatory work of PEO, and may be valuable outreach to the profession. The same content can also be delivered through other means, eg. by staff.  <i>It is not necessary or fit for a regulatory purpose for Chapters to perform this activity or produce this output.</i>
10.	<b>A:</b> Organizes technical seminars and tours.  <b>O:</b> Seminars and tours conduct industry experts to demonstrate and/or explain new or current	Education on current developments is not a regulatory function unless part of a structured	Chapters	<a href="#">Act: ss.2(4), 8(1)19</a> <a href="#">By-law: ss.2-9</a> (permitted)	Chapters play an informal role in improving knowledge and skill amongst professional engineers.



ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
	technical and engineering content.	licensing or CPD program.			<i>It is not necessary or fit for a regulatory purpose for Chapters to perform this activity or produce this output.</i>
11.	<b>A:</b> Organizes networking events for members and EITs. <b>O:</b> Summer picnics, golf tournaments, etc.	Networking is essentially an “association” function.	Chapters	<a href="#">Act: ss.2(4), 8(1)19</a> <a href="#">By-law: ss.2-9</a> (permitted)	Chapters play a role in bringing members and future engineers together to discuss professional issues and career opportunities.  <i>It is not necessary or fit for a regulatory purpose for Chapters to perform this activity or produce this output.</i>
12.	<b>A:</b> Plans and implements “education outreach” for JK to post-secondary students.  <b>O:</b> Outreach programs on engineering delivered to school groups.	Query the role of a regulator, as opposed to an association, in encouraging interest in a particular area of work	Chapters	<a href="#">Act: ss.2(4), 8(1)19</a> <a href="#">By-law: ss.2-9</a> (permitted)	Chapters encourage students to gain an appreciation of engineering as a contributor to society and as a prospective career.  <i>It is not necessary or fit for a regulatory purpose for Chapters to perform this activity or produce this output.</i>
13.	<b>A:</b> Organizes 30x30 events at the Chapters level.  <b>O:</b> 30X30 related events held.	30X30 mandate complements regulatory function but is not regulatory per se	Chapters	<a href="#">Act: s.2(4)4</a> (permitted)	Chapters encourage an awareness amongst the profession of the commitment to increasing the percentage of newly-licensed female engineers to 30% in 2030.  <i>It is not necessary or fit for a regulatory purpose for Chapters to perform this activity or produce this output.</i>
14.	<b>A:</b> Supports Engineering Innovation Forum  <b>O:</b> Conference on innovation funded and held	Promoting a culture of innovation is a noteworthy association objective.	Education Committee	<a href="#">Act: s.2(4)4</a> (permitted)	The conference promotes innovation in the engineering profession and might also offer valuable networking opportunities.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output.</i>

ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
15.	<b>A:</b> Plans outreach to JK-12 students.  <b>O:</b> Materials about engineering for use in JK-12 classrooms.	PEO does not regulate or govern primary and secondary education	Education Committee	<a href="#">Act: s.2(4)4</a> (permitted)	This activity encourages students to gain an appreciation of engineering as a contributor to society and as a prospective career.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output.</i>
16.	<b>A:</b> Considers Chapters proposals for special projects funding related to educational outreach in JK-12  <b>O:</b> Funding decisions for Chapters educational outreach projects.	PEO does not regulate or govern primary and secondary education	Education Committee	<a href="#">Act: s.2(4)4</a> (permitted)	This activity encourages students to gain an appreciation of engineering as a contributor to society and as a prospective career.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output</i>
17.	<b>A:</b> Develops advice for PEO Council regarding education-related policies.  <b>O:</b> Advice to Council, and via Council to government, about educational issues related to engineering.	Query to what extent PEO should be involved in matters of broader public policy. PEO does not regulate or govern primary or secondary education	Education Committee	<a href="#">Act: 2(4)4</a> (permitted)	This activity encourages the adoption of measures to attract suitable students to engineering disciplines and improve the quality of education for prospective engineers, at all levels.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output</i>
18.	<b>A:</b> Plans Education Conference  <b>O:</b> Conference to encourage innovative, engineering related	PEO does not regulate or govern primary or	Education Conference Planning Subcommittee	<a href="#">Act: s.2(4)4</a> (permitted)	Decisions made at this conference might encourage students to gain an appreciation of engineering as a contributor to society and as a prospective career.

ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
	outreach programs for pupils in JK to Grade 12	secondary education			<i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output</i>
19.	<b>A:</b> Develops joint position statements related to elements of the design and construction industry.  <b>O:</b> Position statements recommended to Council.	Advocacy is typically an association function.	Engineers Architects and Building Officials Committee	<a href="#">Act: ss.2, 10</a>	This is joint advocacy with another group intended to harmonize approaches to construction issues via joint position statements. It is not legislatively required, and technically this is not even a PEO committee per se. PEO only has jurisdiction over engineers and engineering.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output.</i>
20.	<b>A:</b> Assembles and shares information on construction best practices, new construction types, technical codes and standards.  <b>O:</b> Information about best practices, etc., assembled and shared with EBAO members at meetings.	Information-sharing supports coordination of efforts amongst various professions involved in design and construction.	Engineers Architects and Building Officials Committee	<a href="#">Act: ss.2, 10</a>	This activity is intended to harmonize approaches amongst those involved in construction, including engineers. It is not legislatively required. Information sharing can be facilitated by other means.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output.</i>
21.	<b>A:</b> Oversees use of online Equity and Diversity training module by chapter and committee volunteers.  <b>O:</b> Report to Council on extent of online equity and diversity module completion.	This reflects concern about equity and diversity as reflected in association activities	Equity and Diversity Committee	<a href="#">Act: s.2(4)4</a> (permitted)	This activity supports equity, diversion and inclusion, especially in the context of volunteer involvement in the work of PEO.

ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
					<i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output, particularly as it pertains to volunteers .</i>
22.	<p><b>A:</b> Develops proposals to recognize equity and diversity at the Chapters level.</p> <p><b>O:</b> Award proposal to Council to recognize equity and diversity contributions at the Chapters level.</p>	This reflects concern about equity and diversity as reflected in association activities	Equity and Diversity Committee	<a href="#">Act: s.2(4)4</a> (permitted)	<p>This activity supports equity, diversion and inclusion, especially in the context of volunteer involvement in the work of PEO.</p> <p><i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output, particularly as it pertains to volunteers,</i></p>
23.	<p><b>A:</b> Considers recommendations for President's Award for non-engineers who have demonstrated extraordinary support for or promoted public awareness of the engineering profession.</p> <p><b>O:</b> Award recipient recommended to Council for approval.</p>	Awards raise the profile of the association and encourage support for and awareness of the engineering profession.	Executive Committee	<a href="#">Act: s.2(4)4</a> (permitted)	<p>PEO grants awards to recognize excellence and achievement in various aspects of the organization's work – even, as here, to non-engineers. Awards also serve to highlight the engineering profession and to raise the profile of PEO itself.</p> <p><i>It is not necessary or fit for a regulatory purpose for this activity and output to exist or to be assigned to a committee.</i></p>
24.	<b>A:</b> Trains ERC members on how to conduct interviews etc.	Training supports the regulatory role of ERC but is not regulatory per se.	Experience Requirements Committee	<a href="#">Act: s.10(1)(c)</a>	Interviews support the role of ERC as a committee anticipated by statute to support the Registrar's decision-making on licensing applications. They are not mandatory.

ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
	<b>O:</b> Interview and related training programs for ERC members.				<i>The activity correlates to part of ERC's current function, but it is not fit for a regulatory purpose for a committee to perform this activity or produce this output, which could be transferred to staff.</i>
25.	<b>A:</b> Oversees and advises Chapters on engagement with local MPPs  <b>O:</b> Recommendations and ad hoc assistance to Chapters on matters related to engagement with MPPs	Lobbying elected officials in this manner is typically an association activity.	Government Liaison Committee	<a href="#">Act: ss.2(4)4, 10(1)</a> (permitted)	Interactions with politicians raise the profile of the organization and of the engineering profession.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output</i>
26.	<b>A:</b> Oversees the development of government relations communications tools such as newsletters Engineering Dimensions articles, etc.  <b>O:</b> Newsletters, articles, etc. produced with committee oversight.	Advocacy is typically an association activity.	Government Liaison Committee	<a href="#">Act: ss.2(4)4, 10(1)</a> (permitted)	Information about interactions with politicians and government officials serves to raise the profile of the organization and of the engineering profession.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output</i>
27.	<b>A:</b> Plans Queens Park reception to educate MPPs on role and work of PEO and discuss regulatory issues.  <b>O:</b> Queens Park reception for MPPs and PEO representatives.	Advocacy is typically an association activity.	Government Liaison Committee	<a href="#">Act: ss.2(4)4, 10(1)</a> (permitted)	Interactions with politicians raise the profile of the organization and of the engineering profession.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output</i>

ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
28.	<b>A:</b> Reviews and attempts to resolve significant staff HR issues  <b>O:</b> Resolutions or recommendation (to Registrar?) on significant staff HR issues	The CEO/Registrar is responsible for resolving individual staff issues.	Human Resources Committee	<a href="#">Act: s.10(1)</a> (permitted)	Under the Act, Council appoints a Registrar (and may appoint one or more Deputy Registrars to support that function). Staff ultimately report to the Registrar, who is responsible for dealing with staff HR issues as they arise.  <i>It is not necessary or fit for a regulatory or governance purpose for a committee to perform this activity or produce this output</i>
29.	<b>A:</b> Reviews and attempts to resolve significant volunteer HR issues  <b>O:</b> Resolutions or recommendations on significant volunteer HR issues	Engagement of volunteers is an association function.	Human Resources Committee	<a href="#">Act: s.10(1)</a> (permitted)	PEO has various volunteer functions, most of which are not directly prescribed by the Act.  <i>It is not necessary or fit for a regulatory or governance purpose for a committee to perform this activity or produce this output, particularly with respect to volunteers.</i>
30.	<b>A:</b> Considers submissions from Chief Building Officials related to the requirement for a services of an architect and/or professional engineer related to general design or review.  <b>O:</b> Replies to questions and comments from CBOs	Harmonious relations amongst the design and construction-related professions and with building officials serves an association function.	Joint Liaison Committee	<a href="#">Act: s.2(4)2</a> and <a href="#">4</a> (permitted)	This activity encourages the most effective and harmonious use of the skills of various professions involved in construction.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output, which could be transferred to staff.</i>
31.	<b>A:</b> Prepares bulletins to building officials to provide	Harmonious relations amongst	Joint Liaison Committee	<a href="#">Act: s.2(4) 2</a> and <a href="#">4</a> (permitted)	This activity encourages the most effective and harmonious use of the skills of various professions involved in construction.

ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
	clarity on emerging issues and/or disputes.  <b>O:</b> Bulletins prepared and issued.	the design and construction-related professions and with building officials serves an association function.			<i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output, which could be transferred to staff.</i>
32.	<b>A:</b> Builds and strengthens relationships between PEO and OSPE and provides a forum for the resolution of disputes.  <b>O:</b> Disputes resolved.	Activity and related outputs are difficult to quantify, but do not appear to fit within either regulatory or governance functions as defined here.	Joint Relations Committee	<a href="#">Act: s.2</a> (permitted)	This activity encourages positive relations between the regulator and one of its stakeholder groups and is intended to function as an informal “dispute resolution” mechanism on issues of mutual interest to the regulator and the profession. It is not required by the statute, nor does it preclude other types of interactions between PEO and OSPE or similar organizations.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output</i>
33.	<b>A:</b> Organizes Regional Congress to filter Chapters issues to Councillors and relay regulatory information to the engineering community.	Conveying regulatory information is not regulation per se. Input to governors is not governance.	Regional Councillors Committee	<a href="#">Act: ss.2(4), 8(1)19</a> (permitted)	This activity links Chapters to PEO’s governance structure. The work of Chapters is typically not connected to either regulation or governance.

ID	Activity (A) and Output(s) (O)	Remarks	Responsibility currently assigned to...	Primary Legislative Authority (required or permitted, if known) <sup>1</sup>	EVALUATION: Is it Necessary and Fit for a Regulatory and/or Governance Purpose?
	<b>O:</b> Regional Congress held, inputs received, regulatory information relayed.				<i>It is not necessary or fit for a regulatory or governance purpose for a committee to perform this activity or produce this output</i>
34.	<b>A:</b> Chapters business plans analyzed for allocation of funds to Chapters.  <b>O:</b> Chapters funded.	See above, re Chapters-related activities.	Regional Councillors Committee	<a href="#">Act: ss.2(4), 8(1)19</a> (permitted)	This activity links Chapters to PEO's governance structure. The work of Chapters is typically not connected to either regulation or governance.  <i>It is not necessary or fit for a regulatory or governance purpose for a committee to perform this activity or produce this output</i>
35.	<b>A:</b> Plans volunteer leadership conference for Chapter and committee leaders, in conjunction with PEO AGM  <b>O:</b> Volunteer leadership conference held.	This supports an association function.	Volunteer Leadership Conference Planning Committee	<a href="#">Act: s.(4)4</a> (permitted)	This activity supports volunteer roles in carrying out the work of PEO at various levels. Such volunteer roles are not prescribed by the legislative framework.  <i>It is not necessary or fit for a regulatory purpose for a committee to perform this activity or produce this output</i>



# Briefing Note–Decision-Act Change

**C-545–2.7**

## Act Change - OPERATIONAL AND PROCEDURAL IMPROVEMENTS

**Purpose:** To approve operational and procedural improvements to the Act to support mandatory annual reporting and audits, electronic communication, efficiency, mandatory CPD participation and to streamline Complaints timeframes

**Motion(s) to consider: (requires a 2/3 majority of votes cast to carry)**

**That Council approves requesting the Ministry of the Attorney General to amend the Professional Engineers Act to**

- 1. Provide for electronic delivery of all notices and communication by the Association, as per C-545-2.7, Appendix A;**
- 2. Allow for the mandatory collection and submission of regulatory information from holders of all licence types and certificates of authorization and designations to permit electronic communication to and from the Association, audits, and sanctions for non-compliance with such, as per C-545-2.7, Appendix B; and**
- 3. Allow the Complaints Committee to act on Registrar’s Investigation reports without having to open a new complaint, as per C-545-2.7, Appendix C.**

**Prepared by:** N. Brown, LLB, Manager, Tribunals and Legal Counsel, and J. Max, Manager, Policy, Policy and Governance Division

**Moved by:** L. MacCumber, P.Eng., Chair, RPLC

### 1. Need for PEO Action

- PEO has an Act Change Protocol (approved by Council in November 2015), whose purpose is to provide a list of ready-to-go proposed Act changes to the Ministry of the Attorney General, to be included within Government omnibus bills (Red Tape, Budget or other thematic ones), whose timing is entirely at the discretion of the Government of the day.
- Over the past few years, and in particular in the context of the ongoing pandemic, staff have identified a number of operational and procedural changes to the Act which would improve operational efficiencies and service response times. Appendices A, B and C set out the details of each proposed change.
- **Note:** While PEO staff have provided policy intents expressing PEO’s goals in proposing the changes, the specific wording of the proposed Act changes contained in the appendices will be determined by the Ministry of the Attorney General, with a one-time confidential review with PEO staff.

### 2. Proposed Action / Recommendation

- Approve the policy intents to seek amendments to the *Professional Engineers Act* at the first available opportunity, ideally prior to the scheduled January 2023 launch of the mandatory continuing professional development based on PEAK, which will add to the importance of both ensuring both ease of communication with licence and certificate holders and

ensuring that there are appropriate, proportional administrative sanctions for non-compliance with regulatory obligations. These changes are necessary to support operational efficiency and transparency to help PEO to continue to modernize its regulatory operations as identified in its Action Plan.

### 3. Next Steps (if motion approved)

- In accordance with PEO's Act Change Protocol, staff will forward the policy intent to the Attorney General for policy approval, followed by legal drafting, Cabinet review, and at the government's discretion, inclusion in future proposed legislative change opportunities through the usual Legislative Assembly procedures (three readings) and a forthcoming proclamation.

### 4. Financial Impact on PEO Budgets (for five years)

None apparent.

### 5. Process Followed

<b>Process Followed</b>	<ul style="list-style-type: none"> <li>• With respect to the proposed Act changes for Mandatory Reporting and Audits (Appendix B), at its November 15th, 2019 meeting Council approved the following motion:  <i>That Council approve the proposal to require annual reporting by all licensed engineering practitioners of information regarding their current practice status, area of engineering practice, and other relevant information as described in the policy analysis in C-530-2.5, Appendix C and direct the Registrar to amend the Professional Engineers Act and take other actions to make this possible.</i></li> <li>• In the course of the current COVID-19 pandemic, as well as the policy development and implementation planning for mandatory Continuing Professional Development Program starting in January 2023, staff have identified a number of operational and procedural changes to the Act which would improve operational efficiencies and service response times.</li> <li>• The proposed changes were reviewed by the Regulatory Policy and Legislation Committee (RPLC) on January 24, 2022 and were recommended to Council</li> </ul>
<b>Council Identified Review</b>	<ul style="list-style-type: none"> <li>• None identified, as these promote operational efficiencies for the Association in fulfilling its regulatory and governance mandate under the Act</li> </ul>
<b>Actual Motion Review</b>	<ul style="list-style-type: none"> <li>• The motions were reviewed by the Regulatory Policy and Legislation Committee (RPLC) on January 24, 2022 and were recommended to Council.</li> </ul>

### 6. Appendices:

Appendix A – Act Change Proposal – Electronic Notice

Appendix B – Act Change Proposal – Mandatory Reporting and Audits

Appendix C – Act Change Proposal - Complaints Committee Acting on Registrar's Investigation Reports

## **PROFESSIONAL ENGINEERS ACT CHANGE – ELECTRONIC NOTICE**

**Proponent:** Linda Latham - Regulatory Compliance

**Relevant Section(s) of the Act:** s. 8 (By-Laws), s. 19(3) Notice of Proposal to not issue or to revoke, suspend), s. 24 (Notice), s. 43 (Service of Notice or Document).

**Problem:** The current legislation, originally drafted in 1984 specifies mail as the means for delivery of communication from the Association of Professional Engineers of Ontario. This is clearly outdated, a point which the COVID-19 pandemic has underscored.

**Rationale:** Changes to the Act are required as that is where this authority rests. The word “deliver” includes any and all possible methods of delivery and provides flexibility in the everchanging world of acceptable technology commonly used by the courts and other regulators.

**Proposed Solution:** Attached is a legislative scan showing what other regulators have done in this area.

**Expected Outcomes:** This will ensure better access for members of the public, licence holders and more efficient and cost-effective communication. This reduces timelines and makes information more readily available.

**Timing/dependencies:** This initiative has been under consideration for some time, but the COVID-19 pandemic has made this requirement that much more necessary. The Association would like to ensure electronic communication exists in the Professional Engineers Act.

**Theme/Category:** Modernization, efficiency, Red Tape reduction, COVID response.

**Date Submitted:** February 1, 2022

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<b>1. Engineering Regulators Across Canada</b>		
<b>Legislation</b>	<b>Electronic notice delivery provided</b>	<b>Provisions</b>
<i>Professional Engineers Act</i> , R.S.O. 199 c. P.28	No	
<i>Engineers and Geoscientists Act</i> , RSBC 1996, c 116	No	

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<p><i>Engineering and Geoscience Professions Act, RSA 2000, c E-11</i></p> <p><a href="https://www.canlii.org/en/ab/laws/regu/alta-reg-150-1999/latest/alta-reg-150-1999.html">https://www.canlii.org/en/ab/laws/regu/alta-reg-150-1999/latest/alta-reg-150-1999.html</a></p>	<p>Yes, section 61(1)(c) of Regulation electronic service where “electronic address” is provided</p>	<p><b>Service of notices</b></p> <p><b>61(1)</b> If notice is required to be given to a person under the Act, this Regulation or the bylaws, the notice is sufficiently given if</p> <ul style="list-style-type: none"> <li>(a) it is served personally on the person,</li> <li>(b) it is sent by prepaid mail to the person at the latest address provided to the Registrar by the person, or</li> <li>(c) where the person has provided to the Registrar an electronic address for the purpose of receiving notices that meets the requirements of the Council, it is sent to the person by electronic transmission to that address.</li> </ul> <p><b>(1.1)</b> If a notice is served by electronic transmission in accordance with subsection (1), unless the contrary is proved, the service is presumed to be effected on the date on which the notice was transmitted.</p> <p><b>(2)</b> If notice is served by mail in accordance with subsection (1), unless the contrary is proved, the service is presumed to be effected</p> <ul style="list-style-type: none"> <li>(a) 7 days from the date of mailing if the document is mailed to an address in Alberta, or</li> <li>(b) 14 days from the date of mailing if the document is mailed to an address outside Alberta.</li> </ul>
<p><i>Engineering and Geoscience Professions Act, SNWT 2006, c 16, &lt;<a href="http://canlii.ca/t/5311p">http://canlii.ca/t/5311p</a>&gt;</i></p> <p><a href="https://www.napeg.nt.ca/wp-content/uploads/2019/04/NAPEG-Bylaws-Approved-March-13-2019.pdf">https://www.napeg.nt.ca/wp-content/uploads/2019/04/NAPEG-Bylaws-Approved-March-13-2019.pdf</a></p>	<p>No</p>	<p>16 (5) Where an application for registration is rejection rejected, Council shall provide the unsuccessful applicant with a written notice stating the reason for the rejection.</p> <p>29. A notice given under this Part to a practitioner or a complainant must be in writing and must be served personally or sent by registered mail.</p>
<p><i>Engineers Act, CQLR c I-9, &lt;<a href="http://canlii.ca/t/530pk">http://canlii.ca/t/530pk</a>&gt;</i></p> <p><i>Professional Code, CQLR c C-26, &lt;<a href="http://canlii.ca/t/5495c">http://canlii.ca/t/5495c</a>&gt;</i></p>	<p><i>*N/A could not conduct exhaustive search</i></p>	

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<p><i>Engineers and Geoscientists Act</i>, 2008, SNL 2008, c E-12.1, &lt;<a href="http://canlii.ca/t/526r6">http://canlii.ca/t/526r6</a>&gt;</p> <p><i>Engineers and Geoscientists Regulations</i>, 2011, NLR 43/11, &lt;<a href="http://canlii.ca/t/12jr">http://canlii.ca/t/12jr</a>&gt;</p> <p><a href="http://www.pegnl.ca/About/ActRegulationsBylaws.php">http://www.pegnl.ca/About/ActRegulationsBylaws.php</a></p>	<p>Yes, by-law no.1, section 5.2. allows notices etc. to be sent at the last contact provided, including email</p>	<p>BY-LAW No. 1</p> <p>Section 5.1 Communication with Members and Permit Holders. Current Contact Information All members and permit holders of PEGNL shall provide the Registrar with their current contact information (mailing, email address and telephone number) and advise the Registrar of any changes within 30 days.</p> <p>Section 5.2 Communications All notices and other communications which shall or may be made by PEGNL, or the board or any committee or officer of PEGNL, with members and permit holders of PEGNL may be made at the last contact information of the member or permit holder of which the Registrar has notice, and it shall be the responsibility of the member or permit holder to ensure that notices or other communications by PEGNL mailed or emailed to that address are promptly responded to or otherwise promptly dealt with by the member or permit holder as required by the notice or communication. Members and permit holders who fail to respond appropriately to PEGNL communications requiring a response may be subject to discipline.</p>
<p><i>The Engineering and Geoscience Professions Act</i>, SS 1996, c E-9.3, &lt;<a href="http://canlii.ca/t/54bhn">http://canlii.ca/t/54bhn</a>&gt;</p> <p><a href="https://www.apegs.ca/Portal/Pages/Act-Bylaws">https://www.apegs.ca/Portal/Pages/Act-Bylaws</a></p>	<p>Yes, section 27 of the Regulatory Bylaws, notices may be sent electronically if address provided for that purpose</p>	<p>Regulatory Bylaws Subsection 16(2)</p> <p>27(1) When a person has provided to the Registrar a facsimile number for the purpose of receiving notices, documents that are required or permitted by the Act and the bylaws to be served on or given to a person by facsimile, may be sent to the person at the facsimile number in the records of the Association.</p> <p>(2) When a person has provided to the Registrar an electronic mail transmission address for the purpose of receiving notices, documents that are required or permitted by the Act and the bylaws to be served on or given to a person by electronic mail transmission, may be sent to the person at the electronic mail transmission address in the records of the Association.</p>
<p><i>The Engineering and Geoscientific Professions Act</i>, CCSM c E120, &lt;<a href="http://canlii.ca/t/52ktm">http://canlii.ca/t/52ktm</a>&gt;</p>	<p>Yes, section 19.1.2. of the By-Laws allows notice by</p>	<p>19.1.2 Method of Giving Notice to Professional Members, etc.</p>

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<a href="http://www.enggeomb.ca/pdf/Bylaws.pdf">http://www.enggeomb.ca/pdf/Bylaws.pdf</a>	email, if email address is in records	<p>This section applies to any notice (including, but not limited to, any communication or document) to be given, sent, delivered or served under the Act, the by-laws, or otherwise to a professional member, intern, councillor, officer, or member of a committee.</p> <p>Except for notice of meetings of the association, the procedure for which is specified in 13.4, any notice is sufficiently given if delivered personally to the person to whom it is to be given or if delivered by mail or registered mail to the person's civic address, or if sent by electronic means to the person's e-mail address, in each case as such address is recorded in the records of the association.</p>
<i>Engineering Profession Act, RSY 2002</i>	No	<p>Bylaws section 19. All Association members shall, upon acceptance, inform the Registrar of their current mailing address. All Association members shall promptly inform the Registrar of any change in their mailing address.</p> <p>Regulations 38.(1) If notice is required to be served on or sent to a person under the Act, these Regulations or the bylaws of the Association the notice is deemed to have been sufficiently served if it is served personally or sent by prepaid mail to the person at the latest address provided to the Registrar by the person. (2) If notice is served by mail in accordance with the above procedures, unless the contrary is proved, the service shall be presumed to be effected fourteen days from the date of mailing.</p>
<i>Engineering Profession Act 1986, SNB 1986, c 88,</i> <a href="http://canlii.ca/t/54675">http://canlii.ca/t/54675</a>  <a href="https://www.apegnb.com/wp-content/uploads/APEGNB-By-Laws.pdf">https://www.apegnb.com/wp-content/uploads/APEGNB-By-Laws.pdf</a>	Yes, notice definition allows for electronic communication (see by-laws 1.1.3)	<p>Act s.8(1)(m) Council may make rules not inconsistent with the provisions of this Act or the by-laws providing for the manner and proof of personal service of documents and notices required under this Act;</p> <p>By-laws 1.1.3 "Notice" means the delivery of paper or electronic communication to the last known address, email account, or facsimile number of all Members, Licencees, or Certificate of Authorization holders as appearing in the records of the Association or if no such records, such address, email account, or facsimile number as the Association may consider to be the most likely place to promptly reach such persons.</p>
<i>Engineering Profession Act, RSNS 1989, c 148,</i> < <a href="http://canlii.ca/t/lc23">http://canlii.ca/t/lc23</a> >	No	<b>25</b> All notices required to be given or mailed under the provisions of the Act and by-laws shall be deemed to have been given or mailed if

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By-laws of the Association of Professional Engineers, NS Reg 8/46, < <a href="http://canlii.ca/t/kvqz">http://canlii.ca/t/kvqz</a> >		mailed pre-paid in the Halifax Post Office within the time specified for such notice, addressed (to the person entitled to the notice at his address) as it appears on the Register. A statutory declaration of the Secretary shall be conclusive evidence of the giving and mailing of such notice, and unless the contrary is proven, service of the said notice shall be deemed to have been effected at the time at which the letter or notice should have been delivered in the ordinary course of post.
<i>Engineering Profession Act, RSPEI 1988, c E-8.1,</i> < <a href="http://canlii.ca/t/535vm">http://canlii.ca/t/535vm</a> > retrieved on 2020-07-25	No	22. Service of notice (1) All notices required to be given or mailed under the provisions of the Act and bylaws shall be deemed to have been given or mailed, if mailed prepaid in any post office within the time specified for such notice, addressed to the person entitled to the notice at his address as it appears on the register. Evidence of notice (2) A statutory declaration of the secretary or Act Enforcement Officer shall be conclusive evidence of the giving and mailing of such notice, and, unless the contrary is proven, service of the notice shall be deemed to have been effected following seven days after posting. 1990,c.12,s.22.



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<b>2. Regulated Professions in Ontario</b>		
<b>Legislation</b>	<b>Electronic notice delivery</b>	<b>Provisions</b>
	s.43	
<i>Regulated Health Professions Act, 1991</i> , SO 1991, c 18 <a href="http://canlii.ca/t/52s4c">http://canlii.ca/t/52s4c</a> Schedule 2, Health Professions Procedural Code	<i>*N/A does not appear to be in the RHPA or individual colleges provisions</i>	
Chiropractic Act, 1991, S.O. 1991, c. 21	N/A	
Dentistry Act, 1991, S.O. 1991, c. 24	N/A	
Massage Therapy Act, 1991, S.O. 1991, c. 27	N/A	
Nursing Act, 1991, S.O. 1991, c. 32	N/A	
Optometry Act, 1991, S.O. 1991, c. 35	N/A	
Drug and Pharmacies Regulation Act, RSO 1990, c H.4, < <a href="http://canlii.ca/t/53gg9">http://canlii.ca/t/53gg9</a> >	N/A	
Medicine Act, 1991, S.O. 1991, c. 30	N/A	
<i>Social Work and Social Service Work Act</i> , 1998, SO 1998, c 31 <a href="http://canlii.ca/t/1387">http://canlii.ca/t/1387</a>	Yes, section 21, bylaw no.1	21. NOTICES AND DOCUMENTS 21.01 Subject to the Act, Regulations and other provisions of the By-laws, any notice to be given or document to be served, by the College to any member of the College, or to any Councillor, or to the auditors of the College, or to any other person is sufficiently given or served: (a) by delivering it personally; or (b) by sending a copy by courier to the business or home address of the person last recorded in the records of the College; or

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		<p>(c) by sending a copy by regular mail or registered mail to the business or home address of the person last recorded in the records of the College; or</p> <p>(d) by sending a copy by facsimile transmission at the telephone number for facsimile transmission of the person last recorded in the records of the College; or</p> <p>(e) by sending a copy by e-mail to the business</p> <p>[...]</p> <p>21.05 Where a copy of a notice or document to be given or served is sent by e mail under Section 21.01, it shall be deemed to be received on the day it was transmitted electronically, unless:</p> <p>(a) that day is a holiday, in which case the copy shall be deemed to be received on the next day that is not a holiday; or</p> <p>(b) the copy was sent between 5:00 p.m. and midnight, in which case the copy shall be deemed to be received on the next day that is not a holiday.</p>
<p><i>Ontario College of Teachers Act, 1996, SO 1996, c 12</i>  <a href="http://canlii.ca/t/2w8">http://canlii.ca/t/2w8</a></p> <p>Professional Misconduct, O Reg 437/97,  <a href="http://canlii.ca/t/534ws">&lt;http://canlii.ca/t/534ws&gt;</a></p> <p><a href="https://www.oct.ca/about-the-college/what-we-do/legislation-regulations-and-bylaws/college-bylaws">https://www.oct.ca/about-the-college/what-we-do/legislation-regulations-and-bylaws/college-bylaws</a></p>	<p>Yes, by-laws 9.09(c) allows</p>	<p>By-laws 9.09 Subject to the Act, regulations and other provisions of the bylaws, any notice to be given, or document to be served, by the College to any member of the College or Council, or to the auditor of the College, or to any other person is sufficiently given or served:</p> <p>(a) by delivering it personally,</p> <p>(b) by sending a copy by courier to the last address of the person known to the Registrar,</p> <p>(c) by sending a copy by regular mail or registered mail or email to the last address of such person known to the Registrar,</p> <p>(d) by faxing a copy to the last fax number of such person known to the Registrar, or</p> <p>(e) by serving it upon legal counsel for the person if legal counsel has agreed to accept service on behalf of the person.</p> <p>9.10 Where a notice or document to be given or served is sent by courier under section 9.09, there is a rebuttable presumption that the notice or document is delivered to the person on the second day following the day the courier was given the document or notice.</p>

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		<p>9.11 Where a notice or document to be given or served is sent by mail under section 9.09, there is a rebuttable presumption that the notice or document is delivered to the person on the fifth day after the day of mailing.</p> <p>9.12 Where a notice or document to be given or served is sent by email or fax under section 9.09, there is a rebuttable presumption that the notice or document is delivered to the person on the day the email or fax is sent, except that where the email or fax is sent between 5:00 p.m. and midnight, there is a rebuttable presumption that the notice or document is delivered to the person on the following day.</p> <p>31.01 A member shall notify the Registrar in writing or in another form acceptable to the Registrar of the following: ... k the member's email address.</p>
<p>Law Society Act, <i>RSO 1990, c L.8</i>, <a href="http://canlii.ca/t/527j8">http://canlii.ca/t/527j8</a> <a href="https://lso.ca/about-lso/legislation-rules/rules-of-professional-conduct">https://lso.ca/about-lso/legislation-rules/rules-of-professional-conduct</a> <a href="https://lso.ca/about-lso/legislation-rules/by-laws">https://lso.ca/about-lso/legislation-rules/by-laws</a></p>	<p>By-Law 8 requires licensees to notify the Law Society immediately after any change in personal or business contact information</p>	<p>By-Law 8 requires licensees to notify the Law Society immediately after any change in personal or business contact information</p>
<p><i>Ontario College of Trades and Apprenticeship Act, 2009</i>, SO 2009, c 22, <a href="http://canlii.ca/t/52k30">http://canlii.ca/t/52k30</a></p>	<p>Yes, by-laws section 22.1(c)</p>	<p>22.1 Subject to the Act, other provisions of the by-laws, and any Rules of Procedure for Disciplines and Fitness to Practise proceedings, any notice to be given or document to be served, by the College, by a member of the College or by a complaint, for, <i>inter alia</i>, proceedings before the Board, review panels or other committees is sufficiently given or served:</p> <ul style="list-style-type: none"> <li>(a) By personal delivery;</li> <li>(b) By sending a copy by courier to the last address of the person knows to the Registrar;</li> <li>(c) By sending a copy by regular mail, registered mail or email to the last address of such person known to the Registrar; or</li> </ul>

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		(d) By faxing a copy to the last known fax number of such person known to the Registrar.
Chartered Professional Accountants of Ontario Act, 2017, SO 2017, c 8, Sch 3, < <a href="http://canlii.ca/t/53hsd">http://canlii.ca/t/53hsd</a> >	No	
<i>Registered Human Resources Professionals Act, 2013</i> , SO 2013, c 6, <a href="http://canlii.ca/t/52rl0">http://canlii.ca/t/52rl0</a>  <b>Rules of Professional Conduct</b> <a href="https://www.hrpa.ca/Documents/About/HRPA-Rules-of-Professional-Conduct.pdf">https://www.hrpa.ca/Documents/About/HRPA-Rules-of-Professional-Conduct.pdf</a>	Yes, allowed by by-law section 25.01(c)	<b>BY-LAW 1: GENERAL BY-LAW</b>  25.01 Method of Notice. Except where otherwise provided in this By-law, notice (and the service of documents) shall be validly given if given by telephone, or if in writing: (a) by prepaid letter post, if addressed to a person at the person's last known address; (b) by facsimile if sent to a person at the person's last known facsimile number; (c) by e-mail if addressed to a person at the person's last known e-mail address; or (d) by another electronic method addressed to the person for whom intended at the last address shown on the Association's records; or in lieu of the foregoing: (e) by posting such notice on the website maintained by the Association. Any such notice (or service of documents) shall be deemed given: (a) in the case of telephonic notice, at the time of the telephone call; (b) in the case of letter post, on the third Day after mailing; (c) in the case of posting on the website, on the Day of posting; and (d) in all other cases, when transmitted.
<i>Veterinarians Act</i> , RSO 1990, c V.3, <a href="http://canlii.ca/t/138c">http://canlii.ca/t/138c</a>	Yes, 20(1)(iii) of the bylaws	20(1) Every Licensed Member, other than a Licensed Member who holds a short-term licence, shall submit to the College by the 30th day of November in each year, an information return in the form available from the Registrar setting out, <ul style="list-style-type: none"> <li>(i) the Licensed Member's principal place and other places of practice;</li> <li>(ii) the Licensed Member's principal place of residence and telephone number that may exist;</li> <li>(iii) the address and the email address identified by the Licensed Member to receive correspondence from the College;</li> </ul>

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Early Childhood Educators Act, 2007, SO 2007, c 7, Sch 8, < <a href="http://canlii.ca/t/547lj">http://canlii.ca/t/547lj</a> >  Professional Misconduct, O Reg 223/08, < <a href="http://canlii.ca/t/52jzv">http://canlii.ca/t/52jzv</a> >	Yes, by-law No. 1 – 20.01	By-law No. 1 - 20.01 Wherever, under the provisions of the Act or the By-laws, service or notice is required to be given, unless otherwise provided herein, such service or notice may be given either by personal delivery, by mail, by registered mail, by courier, by email, or by fax. Any person entitled to receive any such notice under the By-laws may waive such notice either before or after the meeting or other event to which such notice refers. Service or notice shall be completed as follows: (a) for service or notice by mail, registered mail, or courier, by depositing the same in a prepaid sealed wrapper addressed to the addressee at the address that appears in the records of the College at a post office, in a public letter box, with a courier company, or in a courier company's drop box (as appropriate); and (b) for service or notice by e-mail or fax, by sending a transmission electronically to the e-mail address or fax number that appears in the records of the College.
Professional Foresters Act, 2000, SO 2000, c 18, < <a href="http://canlii.ca/t/52wrf">http://canlii.ca/t/52wrf</a> >  Professional Foresters Association, O Reg 145/01, < <a href="http://canlii.ca/t/115r">http://canlii.ca/t/115r</a> > retrieved on 2020-07-25	No	Service 55 (1) A notice or document to be given or served under this Act is sufficiently given or served if it is, (a) delivered personally; (b) sent by mail; or (c) given or served in accordance with by-laws respecting service. 2000, c. 18, s. 55 (1).
Surveyors Act, RSO 1990, c S.29, < <a href="http://canlii.ca/t/134x">http://canlii.ca/t/134x</a> >	No	Service of notice 42 A notice or document required by this Act to be served or delivered may be served or delivered personally or by prepaid first class mail addressed to the person to whom notice is to be given at the person's last known address and, where notice is served or delivered by mail, the service or delivery shall be deemed to have been made on the tenth day after the day of mailing unless the person to whom notice is given establishes that the person, acting in good faith, through absence, accident, illness or other cause beyond the person's control, did not receive the notice, or did not receive the notice until a later date. R.S.O. 1990, c. S.29, s. 42.
Architects Act, RSO 1990, c A.26, < <a href="http://canlii.ca/t/133s">http://canlii.ca/t/133s</a> >	Yes, section 49(1)(d)	Service, delivery

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		49. (1) A document required under this Act to be served on or delivered to a person may be served or delivered by, (a) leaving a copy with the person; (b) mailing a copy to the person's last known address; (c) faxing a copy to the fax number indicated for the person in the Association's records in accordance with subsections (3) and (4); or (d) e-mailing a copy to the e-mail address indicated for the person in the Association's records in accordance with subsection (5). 2010, c. 16, Sched. 2, s. 1 (30).
Real Estate and Business Brokers Act, 2002, S.O. 2002, c. 30, Sched. C	Yes, section 45(1)(c), if you can prove receipt	Service 45 (1) Any notice, order or request is sufficiently given or served if it is, (a) delivered personally; (b) sent by registered mail; or (c) sent by another manner if the sender can prove receipt of the notice, order or request. 2002, c. 30, Sched. C, s. 45 (1).
Professional Geoscientists Act, 2000, SO 2000, c 13, < <a href="http://canlii.ca/t/kpcb">http://canlii.ca/t/kpcb</a> >  Disciplinary Matters - Complaints and Disciplinary Proceedings Relating to the Practice of Professional Geoscience, O Reg 258/02, < <a href="http://canlii.ca/t/1m5b">http://canlii.ca/t/1m5b</a> >	No	

**PROFESSIONAL ENGINEERS ACT CHANGE – MANDATORY REPORTING AND AUDITS**

**Author:** Nedra Brown, Regulatory and Policy and Legislation

**Relevant Section(s) of the Act:** ss.7(1)13

**Problem:**

Paragraph 7(1)13, the regulation-making power in the Act dealing with returns of information, is narrowly worded, limited in scope and outdated. It fails, for instance, to address the need for a modern professional regulator to communicate with licensees and certificate holders electronically. It does not permit a regulation requiring them to furnish unique individual email addresses. It also does not expressly permit a regulation requiring members to report on work areas or whether they are actively engaged in providing engineering services to the public.

This is contrary to recommendation 15 from the 2019 Coroner's Jury inquiry into the death of Scott Johnson, resulting from the Radiohead stage collapse. The jury recommended that PEO "require members to file an annual report, which would include identifying the engineering areas in which they work." No obvious authority exists for such a requirement in the current legislative scheme.

Currently, the regulations made pursuant to ss.7(1)13 are essentially limited to ss.50 and 50.1 of Regulation 941. Section 50 applies only to certificate holders. In a similar manner, Section 50.1 imposes certain requirements on licensees and certificate holders to update whatever information the registers of the Association already contain, but there is no express requirement for the applicant or licensee to provide this information initially or to update it annually.

**Rationale:**

PEO requires enforceable regulations that more comprehensively define reporting obligations, that would also ensure that PEO's register is a transparent, useful and accessible public resource.

**Proposed Solution:**

PEO proposes wording for s.7(1)13. which broadens what can be required in terms of providing initial information, annual reporting and register updating, leaving the path clear to design regulations which stipulate what information licensees and certificate holders are required to provide. A comparison scan of profession regulators' legislative powers to collect information is included in the Appendix below

**Expected Outcomes:**

The impact of this change will, among other things, help PEO to modernize its information gathering, make its oversight of professional practice more transparent, and help ensure engaged participation in mandatory programs and reporting about same. A regulator charged with regulating a profession and professional activities in the public interest requires more than just basic information in order to perform its tasks effectively. The additional information to be requested is consistent with other profession regulators in Ontario (see appended Jurisdictional Scan).

**Timing/dependencies:**

Urgent. This will support the forthcoming mandatory continuing education program reporting (commencing in January 2023), as well as facilitate the collection of information required to ensure effective communication with members electronically. The Government's response to the COVID-19 pandemic has encouraged the use of modern tools for electronic communication and shown that they are effective and efficient.

**Theme/Category:**

The proposed Act change will enable PEO to regulate more effectively by ensuring that it knows what it needs to know about its members, other licensees and certificate holder and, to share public information on its website, while respecting personal privacy. It also enables PEO to communicate with those it regulates more efficiently, using modern electronic communications.

**Date Submitted:** February 1, 2022



# Appendix B1: Environmental Scan: Information Collection

This environment scan focuses on subclauses in regulator legislation similar to the Professional Engineer Act's ss. 7(1)(13), which allows PEO to create regulations to collect certain kinds of practitioner information. This is separate from the requirements of the Register (unless there is legislation specifically permitting or requiring the collection of the information for the register), or the permission for investigating Councilors, committees, and staff to collect information pertaining to their investigations, or any implicit permission to collect information derived from the principal objects of the organization. This scan also excludes information collection related to Certificates of Authorization.

## Engineering Regulators

Engineering Regulator	Information Collection
Professional Engineers Ontario	<b>Permission to create Regulations collecting information from Members</b> <i>Professional Engineers Act, ss. 7(1)(13)</i> 13. requiring the making of returns of information by members of the Association and holders of certificates of authorization, temporary licences, provisional licences and limited licences in respect of names, addresses, telephone numbers, professional associates, partners, employees and professional liability insurance, and prescribing and requiring the use of forms of such returns;
Engineers and Geoscientists British Columbia	No generalized powers to collect information.
Association of Professional Engineers and Geoscientists of Alberta	<b>Information Members are Required to Report</b> <i>Engineering and Geoscience Professions Act, ss. 20(1)(v)</i> (v) requiring professional members, licensees, permit holders and certificate holders to inform the Registrar in writing of their current mailing addresses and of any change of address forthwith after the change occurs;  <i>Engineering and Geoscience Professions Act, ss. 87.4(1)(u)</i> (u) requiring members to inform the ASET Registrar in writing of their current mailing addresses and of any change of address forthwith after the change occurs;  <i>Engineering and Geoscience Professions Act, ss. 88.5(1)(n)</i> (n) requiring professional technologists to notify the ASET Registrar of name and address changes, and requiring them to keep contact information up to date;
Association of Professional Engineers and	<b>Ability to Create Regulatory Bylaws Related to Information Collection</b> <i>Engineering and Geoscience Professions Act, ss 16(2)(p)</i>

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Geoscientists of Saskatchewan	(p) prescribing the form, content and maintenance of the register and the information to be provided by members, licensees and holders of certificates of authorization for the purpose of the register;
Association of Professional Engineers and Geoscientists of Manitoba	No generalized powers to collect information.
Ordre des Ingénieurs du Québec	No generalized powers to collect information.
Engineers Nova Scotia	No generalized powers to collect information.
Association of Professional Engineers and Geoscientists of New Brunswick	No generalized powers to collect information.
Engineers PEI	No generalized powers to collect information.
Association of Professional Engineers and Geoscientists of Newfoundland and Labrador	No generalized powers to collect information.
Engineers Yukon	<b>Permission for Council to make By-Laws regarding Addresses</b> <i>Engineering Professions Act, ss. 13(1)(r)</i> (r) requiring professional engineers, holders of limited licences, and permit holders to inform the registrar in writing of their current mailing addresses and of any change of address immediately after the change occurs;
Northern Association of Professional Engineers and Geoscientists	No generalized powers to collect information.

## Ontario Professional Regulators

Professional Regulator	Information Collection
<b>Non-Health Professions</b>	
Ontario Architects Association	<p><b>Permission to create Regulations collecting information from Members</b>  <i>Architects Act, ss. 7(15)(24)</i></p> <p>15. requiring the making of returns of information by members of the Association and holders of certificates of practice and temporary licences in respect of names, addresses, telephone numbers, associates, partners, employees and professional liability insurance, and prescribing and requiring the use of forms of such returns;</p> <p>24. providing for the compilation of statistical data on the supply, distribution and professional activities of members of the Association and holders of temporary licences and professional activities related to the practice of architecture of holders of certificates of practice and on remuneration for the practice of architecture and requiring members of the Association and holders of certificates of practice and temporary licences to provide the information necessary to compile such statistics, but persons engaged in the administration of this Act shall maintain secret the names of persons providing the information as a matter that comes to their knowledge in the course of their duties under this Act;</p>
Law Society of Ontario	<p><b>Permission to Make Bylaws Pertaining to the Collection of Information</b>  <i>Law Society Act, ss. 62(.01)(9)</i></p> <p>9. requiring licensees or any class of licensees, or authorizing the Society to require licensees or any class of licensees, to provide the Society with information or to file certificates, reports or other documents with the Society, relating to the Society's functions under this Act;</p>
Human Resources Professionals Association	<p><b>Permission to Make By-Laws Pertaining to Information Collection</b>  <i>Human Resources Professionals Act, ss.67(2)(2)(viii)</i></p> <p>viii. specifying information that members are required to provide to the Registrar for the purposes of this Act</p>
Ontario Association of Certified Engineering Technicians and Technologists	No generalized powers to collect information.
Ontario College of Social Workers and	<p><b>Permission to Make By-Laws Pertaining to Information Collection</b>  <i>Social Work and Social Service Work Act, ss. 37(1)(21)</i></p>

Social Service Workers	21. requiring members of the College to provide the College with information necessary for establishing and maintaining the register and for establishing and maintaining records necessary for the proper functioning of the College;
Professional Geoscientists of Ontario	No generalized powers to collect information.
Ontario College of Teachers	<b>Power to Create By-Laws Pertaining to Information Collection</b> <i>Ontario College of Teachers Act, ss. 41(1)(28)</i> 28. requiring members to provide the College with information necessary for establishing and maintaining the register and for establishing and maintaining records necessary for the proper functioning of the College;
Chartered Professional Accountants of Ontario	No generalized powers to collect information.
<b>Health Professions</b>	
Regulated Health Professions Act	<p><b>General Collection of College Member Information by Minister</b> <i>Regulated Health Professions Act, ss. 36.1(1)</i> 36.1 (1) At the request of the Minister, a College shall collect information directly from members of the College as is reasonably necessary for the purpose of health human resources planning or research. 2017, c. 11, Sched. 5, s. 3 (1).</p> <p><b>Permission for Colleges to Make By-Laws Pertaining to Information Collection</b> <i>Regulated Health Professions Act, ss. 94(1)(l.3)</i> (l.3) requiring members to give the College their home addresses and such other information as may be specified in the by-law about themselves and the places they practise the profession, the services they provide there, their participation in continuing education programs and the names, business addresses, telephone numbers and facsimile numbers of their associates, partners, employers and employees and prescribing the form and manner in which the information shall be given;</p> <p><b>Permission for Colleges to Make Regulations Requiring the Collection of QA Information</b> <i>Regulated Health Professions Act, ss. 95(1)(r.1)</i> (r.1) specifying information for the purposes of clause (g) of the definition of "quality assurance information" in subsection 83.1 (1);</p>

**PROFESSIONAL ENGINEERS ACT CHANGE – COC MAY ACT ON A REGISTRAR’S INVESTIGATION REPORT****Proponent:** Linda Latham – Regulatory Compliance**Relevant Section(s) of the Act:** s. 24, 33

**Problem:** Registrar’s investigations (RIs), as authorized by section 33 of the Act, are routinely initiated by the Deputy Registrar most often, but not always, as a result of publicly reported collapses/engineering failures. These kinds of matters tend to be complex, and can involve multiple respondents. In recent years, approximately 6% of investigations have been RIs. Under subsection 33(10), the Registrar may report the results of a Registrar’s Investigation (the “RI Report”) to Council, “or to such committee as the Registrar considers appropriate”. After having forwarded a handful of RI Reports to the Executive Committee to consider, it was concluded that the Complaints Committee (COC) is the committee best equipped to consider RI Reports as the COC’s mandate is to consider complaint investigations, and the Committee has the training and experience required to be able to do this. However, under s. 24, COC may act only on filed complaints, not RI reports from the Registrar. As a result, the Regulatory Compliance Department has developed the following process:

- Where appropriate, the investigator under the RI files a complaint pursuant to s. 24; and
- The complaint attaches the RI Report as an appendix to the Complaint Form.

This enables COC to act, but because it is procedurally a new complaint, the steps set out in s. 24 must be followed, even though this amounts to a repetition of the steps already taken as part of the RI. This results in unnecessary expenditure of staff time and resources, as well as delay. As indicated above, RI investigations typically involve large amounts of documentation and multiple respondents, so the extra administration can be significant. The problem could be solved by giving COC the power to act on RI Reports.

**Rationale:** The problem emanates from the wording of the Act, so must be fixed by amending the Act.**Proposed Solution:** Amend subsection 33(10) to allow Complaints Committee to take action on a Registrar’s Investigation report without needing to undertake further investigation.”**Expected Outcomes:** The proposed change would eliminate a cumbersome procedural step, without altering the result. The new process would avoid the delay associated with the current process, which could amount to months of time on matters that have a potential direct impact on the public interest.**Timing/dependencies:** A small change, should be done as a quick procedural measure.**Theme/Category:** Red tape reduction, public protection.**Date Submitted:** February 1, 2022

# Briefing Note – Decision

C-545-2.8

## Preliminary Regulatory impact Assessment for Mandatory CPD Regulations

**Purpose:** To approve the Preliminary Regulatory Impact Assessment (PRIA) for submission to the Ministry of the Attorney General, in order to proceed with drafting amendments to Regulation 941 to facilitate a mandatory CPD program based on PEAK.

**Motion(s) to consider:** (requires a simple majority of votes to carry)

**That Council approve the Preliminary Regulatory Impact Assessment (PRIA) and accompanying appendices for the creation of a mandatory CPD program based on PEAK and request the Ministry of the Attorney General to draft necessary amendments to Regulation 941.**

**Prepared by:** Andrew Tapp, Policy Analyst, Policy and Governance Division

**Moved by:** L. MacCumber, P.Eng., Chair, RPLC

### 1. Need for PEO Action

As indicated by various past Council decisions and other inputs, Professional Engineers Ontario is preparing to make its voluntary CPD program based on Professional Evaluation and Knowledge (PEAK) program mandatory for all professional engineering and limited licence holders, starting in January 2023. Regulation changes are necessary to require licence holders' participation and to allow the Registrar to apply administrative sanctions for non-compliance.

The power to create regulations that govern the continuing education of members is authorized by amendments to paragraph 7(1)(27) of the *Professional Engineers Act*, R.S.O. 1990, c.P.28, made in 2017.

Mandatory CPD based on PEAK has been considered by Council at various points. For instance, in September 2018, PEO Council authorized an external regulatory performance review of PEO. The resulting report was completed in mid-2019. The report stated, among other things, that the voluntary PEAK program was insufficient to maintain the standards for licence-holders' competent practice and that PEO should make participation in this CPD program mandatory for licensed engineers.<sup>1</sup>

In response to the recommendations of the External Regulatory Review which Council had previously approved in principle, in September 2019 PEO Council approved a high-level Action Plan prepared by the CEO/Registrar at Council's behest. Among other things, the Registrar was instructed to create and implement a mandatory CPD program that is pedagogically sound, has measurable and achievable goals, and is proportionate to the need to maintain public trust in the profession<sup>2</sup>.

<sup>1</sup> *A review of the regulatory performance of Professional Engineers Ontario*, April 2019. pp. 62

<sup>2</sup> *Action Plan to Implement the Recommendations from the External Regulatory Performance Review*, September 2019. pp. 13

External parties have also commented on the need for a mandatory CPD program at PEO. Both the Report of the Elliot Lake Commission Inquiry and the Coroner's Inquest into the death of Scott Johnson (who was killed by a collapsing stage in 2012) recommend that PEO institute a mandatory CPD program.

As well, PEO's creation of a mandatory CPD program will enable Ontario-licensed professional engineers to apply to the Engineers Canada Mobility Register (ECMR) to obtain the internationally recognized APEC (Asia-Pacific Economic Cooperation) Engineer and IntPE (International Professional Engineer) (Canada) designations that signal to other engineering regulators that they can practice internationally.

## **2. Proposed Action / Recommendation**

That Council approve the submitted draft PRIA and accompanying appendices and send them to the Ministry of the Attorney General to draft necessary amendments to Regulation 941 to authorize PEO's mandatory CPD program based on PEAK. This is the first step in the process of ensuring that PEO has the necessary legal framework to require and enforce mandatory compliance.

## **3. Next Steps (if motion approved)**

If approved, the PRIA document will be sent to the Ministry of the Attorney General, which will begin work on the draft amendments to Regulation 941. PEO staff will work with the Ministry to refine the draft regulations to match the policy intent of the PRIA. Sealed regulation changes will be presented to the Regulatory Policy and Legislation Committee (RPLC) and then to Council for final approval before being sent to the Cabinet for approval and proclamation in advance of the mandatory program launch in January 2023.

## **4. Policy or Program contribution to the Strategic Plan**

This motion and document are necessary to the completion of PEO's operational strategic priority of the implementation of a mandatory CPD program<sup>3</sup>.

## **5. Financial Impact on PEO Budgets (for five years)**

The PRIA and the drafting of amendments to Regulation 941 will not themselves incur a cost to PEO, and the PRIA is only concerned with direct costs for compliance to individuals, businesses, communities or governments, which do not apply here. PEO's administrative costs for the mandatory CPD program are still being determined and will be part of future operating budgets presented to Council.

## **6. Peer Review & Process Followed**

<b>Process Followed</b>	<p>March 21, 2014 – Council created the Continuing Professional Development, Competence, and Quality Assurance (CPDCQA) task force to develop the principles that would guide the creation of a CPD program:</p> <p><i>That Council approve the Terms of Reference for the Continuing Professional Development, Competency and Quality Assurance Task Force provided in C-492-3.5, Appendix A.</i></p> <p><b>CARRIED</b></p>
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<sup>3</sup> *Roadmap to Transformation: Clarity of Purpose (PEO 2020-2022 Strategic Plan)*. pp. 6.

	<p>September 25, 2015 – Council passed a motion requiring that any mandatory CPD program be approved by the majority of members in a referendum.</p> <p><i>That Council affirms its intent to ask the membership to ratify in a referendum any mandatory requirement to participate in a continuing professional development competency and quality assurance program.</i></p> <p style="text-align: right;"><b>CARRIED</b></p> <p>November 20, 2015 – Council accepted the principles and basic program elements developed by the task force, and initiated a new CPD development task force which creates the Practice Evaluation and Knowledge (PEAK) program:</p> <ol style="list-style-type: none"> <li><i>1. That Council approve the guiding principles and the basic program elements outlined in the section on Proposed Implementation in the Final Report as presented to the meeting at C-503-2.1, Appendix A.</i></li> <li><i>2. That Council direct the Registrar to create Terms of Reference for a continuing professional development program task force comprised of eight PEO members (a majority of whom are sitting Councillors), who will be responsible for finalizing a risk review form, a continuing professional development requirement algorithm, and criteria for acceptable technical activities, and to provide the Terms of Reference to Council for approval at its February 2016 meeting.</i></li> <li><i>3. That Council direct the Registrar to develop a communications plan to notify PEO licence holders and other stakeholders about the proposed continuing professional development and quality assurance program and provide that plan to Council for approval at its February 2016 meeting.</i></li> </ol> <p style="text-align: right;"><b>CARRIED</b></p> <p>September 19, 2019 – Council accepts an Action Plan based on the External Regulatory Review. Recommendation 10 of the report states:</p> <p><i>PEO should revise its PEAK program to ensure it is proportionate and outcome focused and achievable by licensed engineers. It should then make participation in this CPD program mandatory for licensed engineers.</i></p> <p><i>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.</i></p> <p style="text-align: right;"><b>CARRIED</b></p> <p>On February 26, 2021, Council rescinded its September 2015 motion, as it would be inappropriate for a regulatory body possessing delegated government authority to delegate its regulatory powers to those it regulates:</p> <p><i>That Council formally rescind the following motion passed by Council at its September 2015 meeting:</i></p>
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	<p><i>That Council affirms its intent to ask the membership to ratify in a referendum any mandatory requirement to participate in a continuing professional development competency and quality assurance program.</i></p> <p style="text-align: right;"><i>CARRIED</i></p>
<b>Council Identified Review</b>	At its January 24, 2022 meeting, the Regulatory Policy and Legislation Committee reviewed the PRIA and draft Council briefing note and recommended their approval by Council.
<b>Actual Motion Review</b>	At its January 24, 2022 meeting, the Regulatory Policy and Legislation Committee reviewed the draft motion and recommended its approval by Council.

## 7. Appendices

- Appendix A – Preliminary Regulatory Impact Assessment – Regulation 941 under the Professional Engineers Act (Mandatory Continuing Professional Development Program)
  - i. Appendix A1 – CPD Program Details in Legislation

## Preliminary Regulatory Impact Assessment

### Regulation 941 under the Professional Engineers Act (Mandatory Continuing Professional Development Program)

**February 18, 2022**

#### 1. Proposal and Context

Established on June 14, 1922, Professional Engineers Ontario (PEO) is the licensing and regulating body for professional engineering in the province. PEO operates under the authority of the [\*Professional Engineers Act\*](#) to serve and protect the public interest by setting and upholding high academic, experience and professional practice standards for the engineering profession.

Individuals licensed by PEO are the only people permitted by law to undertake and assume responsibility for engineering work in Ontario.

The power to create regulations that govern the continuing education of members is authorized by subsection 7(1)(27) of the *Professional Engineers Act, R.S.O. 1990*:

#### **Regulations**

7(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

27. governing the continuing education of members and holders of temporary licences, provisional and limited licences, including,

- i. providing for the development or approval of continuing education and professional development programs,
- ii. requiring members and holders to successfully complete or participate in such programs,
- iii. providing for sanctions for non-compliance, including suspension or cancellation of a person's licence, temporary licence, provisional licence or limited licence until the person is in compliance, or the imposition of additional requirements in order to be considered in compliance;

PEO is asking the Ministry of the Attorney General to prepare new subsections to Regulation 941 to change the existing voluntary continuing professional development (CPD) program at PEO to a mandatory one. The decision to implement this program has been approved by PEO Council and is the result of many years of internal deliberation and external comment.

PEO Council created the Continuing Professional Development, Competence, and Quality Assurance (CPDCQA) Task Force on March 21, 2014 to develop the principles that would guide the creation of a CPD program at PEO. The principles and basic program elements were accepted by Council on November 20, 2015, and another

motion was made to create a CPD development task force that would decide the details of the CPD Program.

The six guiding principles for the PEAK program are:

- CPD Program must be necessary to improve the regulation of professional engineering
- CPD Program Requirements must be Relevant for Practice
- CPD Program must be Pragmatic
- CPD Program must recognize Diversity of Practitioners' needs and resources
- CPD Program Requirements must be Scalable and Proportional to Risk to the Public
- CPD Program must be Effective

In September 2014, PEO commissioned Ipsos to survey the membership's reaction to PEO's six guiding continuing education principles and to gauge member's experience with CPD issues in the profession. Of the 76,699 licence holders who were invited to participate, 6,786 responded, giving the survey a response rate of 8.8%. Most members surveyed (80%) at least somewhat supported the guiding principles and the vast majority felt they were understandable and fair. Most surveyed further agreed that an engineer would only need to maintain skills and knowledge commensurate to the risk of the work they do with the public. However, a plurality of members felt that the principles required further consideration, and half expressed concern that the principles did not go far enough. This input contributed to the development of the principles above, and PEO continued to solicit member input throughout the development of PEAK, conducting town hall meetings, focus group sessions, webinars, and beta testing.

At its September 25, 2015 meeting, PEO Council passed a motion requiring that any mandatory Continuing Development Program would need to be approved by a majority of members in a referendum. However, this motion was later rescinded by Council on February 26, 2021. PEO is a regulatory body possessing delegated government-authority and must act as the government would do if it possessed the expertise. It would be inappropriate for PEO to delegate its regulatory powers to those it regulates and subjecting the decision to implement a mandatory CPD program to a member referendum would be just such a delegation.

While the CPDCQA Task Force was working towards its development of PEO's CPD principles, the Honorable Paul R. Bélanger released the *Report of the Elliot Lake Commission Inquiry* that had been investigating the collapse of the Algo Mall in 2012. The report was released on October 15, 2014, and one of the recommendations of the report was for PEO to "establish a system of mandatory continuing professional education for its members as soon as possible, and in any event no later than 18 months from the release of this Report<sup>1</sup>."

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<sup>1</sup> Report of the Elliot Lake Commission of Inquiry: Executive Summary, 2014. pp. 35

The result of the work of the CPDCQA task force and the principles they developed was the creation of the Practice Evaluation and Knowledge (PEAK) Program, a *voluntary* continuing professional development program still in use at PEO. The program consists of three elements intended to be completed annually by each licence holder:

1. An online Practice Evaluation Questionnaire (Practising or Non-Practising Status Declaration);
2. An online ethics module for all licence holders to complete; and
3. A continuing knowledge report (for practising licence holders only),

PEAK was designed using a risk-based methodology. Rather than assigning a universal number of required professional development hours to all participants in the program, PEAK guides participants through a series of risk-based questions designed to determine the CPD commitment required for that individual to maintain standards and professionalism, to an annual maximum of 30 hours. Furthermore, these activities must be directly related to the licence holder's area of practice. This program is unique to Ontario, and other Canadian engineering regulators have expressed interest in adopting this aspect of PEAK.

In 2017-2018, the first year of PEAK's operation, 33% of PEO licence holders took the first step of declaring their practice status. Of those participating, 76% declared as 'practising' and 60% completed the ethics module, and 22% of those declared 'practising' started to record activities in PEAK. Over the next four years, the percentage of licence holders participating in PEAK declined. In 2020-2021, the fourth and most recent year of PEAK, only 16% of PEO licence holders participated, but of those 83% declared themselves practicing, 67% completed the ethics module, and 41% of those declared 'practising' recorded activities.

Another external impetus for the creation of a mandatory continuing professional development plan came on 10 April 2019 with conclusion of the Coroner's Inquest into the 2012 death of Scott Johnson (who was killed when a stage collapsed during a Radiohead concert). One of the recommendations of the jury was for the government of Ontario to "require that all engineers undertake a minimum number of hours of professional development activities and submit a record of such activities each year to PEO<sup>2</sup>".

In September 2018, PEO Council authorized an external regulatory performance review. The review was led by Harry Cayton, an international advisor to the UK-based Professional Standards Authority, and final report was released on April 30<sup>th</sup>, 2019. The report stated, among other things, that the PEAK program was insufficient to maintain

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<sup>2</sup>*Verdict of Coroner's Jury*, April 24 2019

<https://www.mcscs.jus.gov.on.ca/english/Deathinvestigations/Inquests/Verdictsandrecommendations/OCCInquestJohnson2019.html>

the standards for licence-holders' competent practice and that PEO should make participation in this CPD program mandatory for licenced engineers<sup>3</sup>.

In response to the External Regulatory Review, PEO Council approved an Action Plan on September 20<sup>th</sup>, 2019. One of the key steps in meeting the Review's recommendations (Recommendation 10) is for the Registrar to create and implement a mandatory CPD program, that is pedagogically sound, has measurable and achievable goals, and is proportionate to the need to maintain public trust in the profession<sup>4</sup>. Professional Engineers Ontario is preparing to make the Professional Evaluation and Knowledge program mandatory for all professional and limited licence holders, starting in January 2023. Regulation changes are necessary to require licence holders' participation and to allow the Registrar to apply administrative sanctions for non-compliance.

## 2. Approach and Intended Outcomes

Creating a mandatory continuing professional development (CPD) program at PEO is considered necessary both by PEO's Council and multiple external reports. Doing so will require the addition of new subsections to Regulation 941. The power to create these regulations already exists in the *Professional Engineers Act, R.S.O.*

The new subsections in Regulation 941 will cover the following aspects of the mandatory CPD program. The regulations are deliberately basic and non-prescriptive, as PEO will be refining the program over the next few years to improve licence holders' compliance. The regulations will cover the following areas:

1. The creation of the continuing professional development program itself.
2. The categories of licence holders who need to complete the CPD program. This consists of all professional licence holders and limited licence holders, including Limited Licence holders (LLs), Limited Engineering Licensees (LELs), and Licensed Engineering Technologists (LETs). The program will not apply to temporary licence holders or provisional licence holders; temporary Licence holders' period of practice in Ontario will be of short duration, and provisional licence holders are still working towards a full licence and are engaged in active learning.
3. The requirement for the licence holder to meet the program requirements on an annual basis, including the annual requirement to complete all the program components. To successfully complete the PEA program, the licence holder must complete the practice assessment (and associated practice declaration) that determines their practice status, complete any specified online training

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<sup>3</sup> A review of the regulatory performance of Professional Engineers Ontario, April 2019. pp. 62

<sup>4</sup> Action Plan to Implement the Recommendations from the External Regulatory Performance Review, September 2019. pp. 13

module provided by PEO, and, if they are practising, actively participate in their required CPD activities and report the required details to PEO.

Starting in the second year of operation, administrative sanctions may be applied against licence holders who do not complete the program. Sanctions may be applied to those who do not complete any of the three PEAK program elements applicable to them, who do not respond to requests for additional information, who are found to be practising after having declared a non-practising status, or who falsely reported CPD activities. For the first two categories where licence holders are not in compliance, sanctions may be enacted after a warning and grace period. Sanctions consist of being suspended from practicing engineering, from assuming responsibility for the engineering work in a firm holding a Certificate of Authorization from PEO, and a note indicating the nature of their non-compliance may be entered into the Register. Sanctions related to participation will not directly result in cancellation or revocation of a licence.

Starting in the second year, an audit process will be implemented to ensure that engineers are completing mandatory CPD activities and that those who have declared themselves to be non-practicing are complying with their declaration. Engineers found to be in violation of a non-practicing declaration (that is, practising while administratively suspended or self-declared as “non-practising”) may be referred to PEO’s existing regulatory compliance mechanisms for possible further investigation and/or discipline.

4. The stipulation that any administrative suspension will be removed once a licence holder comes into compliance with the program.

Other aspects of the program, such as acceptable CPD activities, required hours, or licence holder audits, will be detailed in PEO’s program operational guidelines and are not required to be included in the Regulation. The suggested subsections are inline with other professional regulators in Ontario and other engineering regulators in Canada (See Appendix A).

The target date for the launch of the mandatory PEAK program is January 2023, with an information campaign in the latter part of 2022 to encourage compliance. In the first year of operation, participation will be mandatory, however no administrative suspensions will be issued against licence holders who are not in compliance with the program. This will provide licence holders time to become familiar with their obligations under the program as well as give PEO time to adjust the program as needed, to explain the program to those who may resist the change, and to test its processes related to this program before enacting suspensions in 2024.

### **3. Affected Stakeholders**

#### **Individuals**

Holders of professional and limited licences in Ontario would have to complete an annual, personalized mandatory professional development program, including a free, generic online ethics module. Licence holders who do not comply with the program or fail to complete it may be subject to administrative suspension and will be unable to practice professional engineering until they come into compliance. There are many free options for fulfilling PEAK's program requirements, although individual engineers may also choose to pay for courses, seminars, and workshops.

#### **Businesses**

Businesses and employers may decide to cover or subsidize the costs of their employee engineers' continuing professional development, and others may benefit through providing professional development training or improvement opportunities.

#### **Non-profit Groups**

Non-profit groups will not be affected.

#### **Communities**

Communities will not be affected.

#### **Governments**

Governments will not be affected.

### **4. Type of Impact**

#### **Health and Safety**

The introduction of Professional Engineers Ontario's mandatory continuing professional development program will allow PEO to better fulfill its mandate to protect the public. Creating this program was one of the recommendations of PEO's external regulatory performance review, as well as a recommendation of the both the *Report of the Elliot Lake Commission Inquiry* and the Coroner's Inquest into the death of Scott Johnson.

#### **Environment**

The environment will not be affected.

#### **Social Impacts**

The existence of a mandatory continuing professional development could increase public trust in Ontario engineers and the engineering profession.

#### **Trade**

Trade will not be affected.

## **Economy**

The economy will not be affected.

## **Other**

The introduction of the mandatory professional development program at PEO will bring PEO into line with other Canadian engineering regulators, who already have mandatory CPD programs and promote interprovincial labour mobility for members in good standing (meaning in compliance with CPD requirements in their home province or territory).

Currently, Canadian Engineers can apply to the Engineers Canada Mobility Register (ECMR) to obtain the internationally recognized APEC (Asia-Pacific Economic Cooperation) Engineer and IntPE (International Professional Engineer) (Canada) designations that signal to other engineering regulators that they can practice internationally. This may also assist them in becoming certified in some jurisdictions. To qualify, engineers must be registered with one of the twelve provincial or territorial engineering regulators, have seven years of engineering experience, have two years' experience in charge of major engineering work, and participate in their home regulator's continuing professional development program. If the CPD program is implemented by the time certain changes are made to the ECMR in 2025, Ontario engineers will be able to remain part of the register. This will positively affect the international mobility of Ontario Engineers, could aid them in applying to positions outside Canada, and could even be a positive factor when Ontario engineers and engineering companies bid on international projects.

## **5. Costs**

*Are direct compliance costs to business likely to exceed \$1 million per year?* No.

The regulation changes themselves will not directly impact business. Although businesses and employers may decide to offer CPD opportunities to engineer employees related to their area of practice, this is not required by the regulation. There are many cost-free ways that practicing licence holders can choose to meet their CPD obligations.

*Is a full RIA required?* No

## **Appendix List**

Appendix A1 – CPD Program Details in Legislation



# Appendix A 1- CPD Program Details in Legislation

## Engineering Regulators

Regulator	Legislation / Subsection	CPD Program Details
EGBC	Professional Governance Act 22(2)(g)  57(1)(e)  Bylaws 7(6)	Requirement for regulator to institute a continuing education program  Regulator must make By-Laws establishing a continuing education program or continuing education requirements  The Bylaw covers the following aspects of the program: <ul style="list-style-type: none"> <li>• Different requirements for different licence and/or member types</li> <li>• Review cycle</li> <li>• Minimum Hours</li> <li>• Required Learning Activities</li> <li>• What must be recorded electronically</li> <li>• Continuing Education Plan</li> <li>• Exemptions from the Program</li> <li>• Failure to report</li> <li>• Failure to complete</li> <li>• When a recent licensee begins their review cycle</li> <li>• Mandatory modules</li> <li>• Optional Continuing Education Opportunities</li> <li>• Requirements for Registrant Firms in helping individual firms meet individual</li> </ul>
APEG	Engineering and Geosciences Act 19(1)(n)  General Regulation 15.1 - 20	Explicit permission to make regulations regarding a continuous education program  The General Regulation covers the following aspects of the program: <ul style="list-style-type: none"> <li>• Exception for provisional licence</li> <li>• Mandatory compliance with the program</li> <li>• Exemptions</li> </ul>

		<ul style="list-style-type: none"> <li>• Requirement for written records</li> <li>• Procedure for striking from the records</li> <li>• Proof of compliance</li> </ul>
AEPGS	<p>Engineering and Geosciences Professions Act</p> <p>16(2)(j) Regulatory Bylaws</p>	<p>Explicit permission to make regulations regarding a continuous education program</p> <p>The Regulatory Bylaws covers the following aspects of the program:</p> <ul style="list-style-type: none"> <li>• Requirements to participate</li> <li>• Exception for life members</li> <li>• Consequences for non-compliance</li> <li>• Registrar ability to reinstate those who lost license due to non-compliance</li> <li>• Reinstatement of licensee with license waiver</li> </ul>
EGM	<p>The Engineering and Geoscientific Professions Act 12(1)(j-k)</p> <p>Part 4.1</p> <p>By-Laws Section 9.1.2</p> <p>Section 11.2</p>	<p>Permission to make by-laws respecting the creation of a continuing education program and procedures for monitoring participation therein.</p> <p>The Act covers the following aspects of the program:</p> <ul style="list-style-type: none"> <li>• Compliance and Requirements</li> <li>• Registrar may require records</li> <li>• Suspension for non-compliance</li> <li>• Suspension by Registrar</li> </ul> <p>Ensures that members on-leave are not required to record activities</p> <p>Establishment of program general requirement of members to comply with the program. Also establishes that failure to comply with the program could constitute professional misconduct.</p>
PEO	Professional Engineers Act 7(1)(27)	<p>Empowers PEO to make regulations pertaining to a continuing education program. Including:</p> <ul style="list-style-type: none"> <li>• Providing for the development or approval of CE or PD programs</li> <li>• Requiring members to participate</li> <li>• Providing for the use of sanctions, including suspending or cancelling a licence</li> </ul>

	8(1)(16)(ii)	Empowers PEO to make by-laws concerning fees for continuing education programs
OIQ	Règlement sur la formation continue obligatoire des ingénieurs	N/A (No English version)
APEGNB	Engineering and Geoscience Professions Act (7)(1)(j)  By-Laws Section 11.4.0-11.4.2	Empowers APEGNB to make by-laws pertaining to continuing competency.  These sections pertain to: <ul style="list-style-type: none"> <li>• Requiring all in the register to comply with a program Council developed CPD program</li> <li>• Any person who does not comply will be struck from the register</li> <li>• Ensuring those struck from the register may be reinstated upon the completion of the program's requirements and the payment of a fee</li> </ul>
Engineers Nova Scotia	An Act Respecting the Engineering Profession 6(1)(ga)  19A(1)  19A(2)  By-Laws 13C	Regulator is empowered (does not mention through bylaws or regs) to create compulsory requirements for continuing professional development  Evidence that a licensee follows the continuing education program must be provided every Jan 1  Conditions concerning being stricken from the record and reinstated  The bylaws cover the following aspects of the program: <ul style="list-style-type: none"> <li>• Required confirmation from licensee they are practicing only in an area in which they are competent</li> <li>• Requirements to complete specific number of PDHs in year and three-year cycle</li> <li>• Those who become a licensee in the second and third year of a cycle is not required to maintain an overall average number of PDHs for that cycle</li> </ul>

EngineersPEI	Engineering Profession Act 4	Organization is empowered (does not specify regs or bylaws) to develop and establish ways and means by which members may receive continuing education in the profession of engineering
PEGNL	An Act Respecting Engineering and Geoscience 38(1)h	Empowers the organization to make regulations concerning a continuing education program
Engineers Yukon	Engineering Profession Act 12(1)(j)	Empowers Council to make regulations concerning a continuing education program
NAPEG	N/A	

## Ontario Non-Engineering Regulators

Regulator	Legislation / Subsection	CPD Program Details
Non-Health Regulators		
Ontario Association of Architects	Architects Act 7(1)30	Gives Council the ability to make regulations allowing the creation of a continuing education program
	8(1)23	Gives Council the ability to create by-laws relating to several types of fees, including fees associated with a continuing education program
	General Regulation 44(1)(7)(i)	Requires that for a licence to be reinstated, the applicant must first complete a cycle of the continuing education program
	44(1)(8)	For the reinstatement of a certificate of practice, the person responsible for the engineering must have completed a cycle of continuing education
	54	This subsection is the major section in the regulations relating to continuing education. It covers: <ul style="list-style-type: none"> <li>The creation of the continuing professional education program</li> </ul>

	OAA Bylaws 41(e)	<ul style="list-style-type: none"> <li>• Specification of continuing education activities that may be offered by Council or others</li> <li>• Review cycle</li> </ul> <p>Allows Council to create a Continuing Education Committee</p>
Law Society of Ontario	<p>Law Society Act 49(1) &amp; (3)</p> <p>60(1)</p> <p>62(0.1)24</p> <p>By-Law 6.1</p>	<p>A person appointed by the Convocation may suspend a licensee's licence if that licensee has failed to comply with the by-laws for continuing professional development. This suspension remains in effect until the licensee complains with the by-laws to the satisfaction of the society.</p> <p>Gives Law Society permission to operate a continuing professional development program</p> <p>Convocation may make by-laws providing for a governing continuing professional development</p> <p>This entire by-law is dedicated to the continuing professional development, and covers:</p> <ul style="list-style-type: none"> <li>• Definition of eligible activities</li> <li>• Who must complete CPD</li> <li>• Number of CPD hours required</li> <li>• CPD hours in year of licensing</li> <li>• Exemption from CPD or Reduction in hours</li> <li>• No carrying over of hours</li> <li>• CPD reporting requirements</li> <li>• CPD documents to be retained by licensee</li> <li>• Requirements for licensees to comply with requests for additional information</li> <li>• Fee for license reinstatement, if license was suspended when the by-law required a fee (this seems to no longer be the case)</li> </ul>
Ontario College of Teachers	<p>Ontario College of Teachers Act 3(1)6</p> <p>By-Laws</p>	<p>States that providing for the ongoing education of members is an object of the College</p>

	32.01(e)	This sub section prescribes ongoing professional learning as a standard of practice for the teaching profession
Ontario College of Social Workers and Social Service Workers	Social Work and Social Service Work Act 3(2)4  37(1)28	This section makes approving education programs for the purposes of continuing education an object of the College.  The Council may make by-laws requiring licensees to pay fees for a continuing education program
Professional Geoscientists Ontario	O.Reg. 324/16 19(1)  25(4)	All practicing licensees must comply with the continuing professional development requirements set out in the document entitled "APGO Continuing Professional Development (CPD) Program Requirements"  All limited licensees must comply with the continuing professional development requirements set out in the same document.
Human Resources Professional Association	Registered Human Resources Professional Act 67(2)17  By-Law 1: General By-Law Section 11	The Board may make by-laws governing continuing education and professional development  The general by-law section relating to continuing professional development, which covers: <ul style="list-style-type: none"> <li>• Justification of CPD</li> <li>• Formation of the CPD Committee</li> <li>• Accepted activities (refers to guidelines)</li> <li>• CPD Records and Logs</li> <li>• Sanctions for non-compliance</li> <li>• Appeal of suspension</li> <li>• CPD Audit and consequences for failing to comply</li> <li>• Disallowance of CPD activities</li> <li>• Extensions</li> <li>• Reinstatement</li> </ul>

Chartered Professional Accountants of Ontario	<p>Chartered Professional Accountants of Ontario Act 65(2)(15)</p> <p>By-Law 7.4.1</p> <p>7.4.2 &amp; 3</p> <p>Regulation 7-4</p>	<p>Council may make by-laws governing continuing education and professional development</p> <p>By-law requires members to fulfill the requirements for continuing education and CPD in regulation (these seem to refer to some variety of internal regulations)</p> <p>Allows CPA Ontario to discontinue or modify the program at any time and states that by participating in the program licensees indemnify CPA Ontario and hold it harmless for damages from the program or participation in the program.</p> <p>Detailed regulation on continuing professional development, covering:</p> <ul style="list-style-type: none"> <li>• Required hours</li> <li>• Content of activities</li> <li>• Requirement for activities to be relevant</li> <li>• Annual declaration</li> <li>• Plans of action</li> <li>• Exemptions</li> <li>• Discretion when issuing exemptions</li> <li>• Document retention and production</li> <li>• Compliance audit</li> <li>• Learning Outcomes</li> <li>• CPD requirements for retired members</li> </ul>
Health Regulators		
Health Professions under the RHPA	<p>Regulated Health Professions Act 3(1)4</p> <p>80.1(a)(i)</p>	<p>One of the objects of a health profession college is developing programs to promote continuing competence.</p> <p>College quality assurance programs shall include continuing education or professional development to:</p> <ul style="list-style-type: none"> <li>• Promote continuing competence and quality improvement</li> <li>• Address changes in practice environments</li> <li>• Cover areas such as standards of practice, advance in technology, changes made to</li> </ul>

	95(2)	<p>entry-to-practice competencies and other relevant issues.</p> <p>College made regulations concerning quality assurance programs may require members to participate in continuing education programs</p>
Royal College of Dental Surgeons of Ontario	<p>O. Reg. 27/10 Section 3</p> <p>Section 7</p>	<p>Main section concerning continuing education, covering:</p> <ul style="list-style-type: none"> <li>• Requirement for licensees to participate in the continuing education program</li> <li>• Acceptable activities</li> <li>• Required hours</li> <li>• Requirement for college to provide a list of core courses</li> <li>• Recording requirements and information retention</li> </ul> <p>Requires licensees to declare compliance with broader quality assurance program (which includes CE) and indicates that a false compliance is grounds for referral to the Inquiry, Complaints, and Reports Committee</p>
College of Physicians and Surgeons of Ontario	<p>O. Reg. 114/94 28</p> <p>29</p>	<p>Specification that a peer and practice assessment can include reviewing licensee participation in CPD</p> <p>Main section covering CPD, including:</p> <ul style="list-style-type: none"> <li>• Requirement for licensees to participate in a continuing professional development program</li> <li>• Proof of participation</li> <li>• Maintenance of records</li> <li>• Requirement for licensee to present records to the Quality Assurance Committee</li> </ul>
College of Nurses of Ontario		No general continuing education or continuing professional development. Regulations and By-Law only contain references to <i>specified</i> continuing education.
College of Registered	O. Reg. 34/13 2	



<p>Psychotherapists of Ontario</p>		<p>The quality assurance program contains professional development</p>
	4	<p>Licensees must participate in professional development</p>
	5	<p>Licensees shall participate in self-assessment and professional development activities every two years</p>
	6	<p>Every licensee is required to keep records of these activities and submit to the Quality Assurance Committee if required</p>
	7	<p>Audits of licensee selected by stratified random sampling, not being able to provide information requested in (6), or some other criteria published three months ahead of time online.</p>

# Briefing Note – Decision

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**C-545-2.9**

## **ANTI-RACISM AND ANTI-DISCRIMINATION EXPLORATORY WORKING GROUP (AREWG)**

**Purpose:** AREWG to deliver update to Council.

**Prepared by:** Dale Power, Secretariat Administrator

A verbal report will be provided at the meeting.

# Briefing Note – Discussion

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C-545-2.10

## **ELECTION ISSUES**

**Purpose:** To discuss election issues.

No motion required.

**Prepared by:** Dale Power, Secretariat Administrator

# Briefing Note – Discussion

C-545-2.11

## GOVERNANCE COMMITTEE UPDATE

**Purpose:** To inform Council of the recent activities of the four governance committees.

**Motion(s) to consider:**

none required

The reports submitted by the governance committees chairs are/will be included as appendices to this briefing note.

### Appendices:

App A - Audit and Finance Committee (AFC) – attached

App B - Governance and Nominating Committee (GNC) - attached

App C - Human Resources and Compensation Committee (HRCC) – attached

App D - Regulatory Policy and Legislation Committee (RPLC) - attached

## AFC Summary Report to Council – February 18, 2022

#	WHAT	Items discussed	WHO (Assigned to)	WHEN (Next Steps)	Status
1	Annual financial audit	<ul style="list-style-type: none"> <li>The audit is currently underway by Deloitte.</li> <li>To be completed by mid-February.</li> </ul>	PEO Staff <ul style="list-style-type: none"> <li>To work with Deloitte</li> </ul>	<ul style="list-style-type: none"> <li>Deloitte's audit report and Draft 2021 financial statements to be reviewed by AFC on Mar 8.</li> <li>The 2021 draft audited FS and recommendation for the appointment of auditor for FY 2022 to be approved by Council at April 8<sup>th</sup> Council meeting</li> </ul>	Green
2	Insurance Review	<ul style="list-style-type: none"> <li>As requested by AFC, a presentation by Marsh with respect to PEO's Directors and Officers Insurance was provided in December 2021.</li> </ul>	AFC <ul style="list-style-type: none"> <li>AFC to discuss issues arising from Marsh presentation and subsequent Marsh letter</li> </ul>	<ul style="list-style-type: none"> <li>TBD</li> </ul>	Green
3					
4					

Committee Name: **Audit and Finance Committee (AFC)**

WHEN:  
04/08/2022

WHAT:

1. Annual financial audit
2. Insurance review

NEXT MEETING:  
03/08/2022

Committee Name:  
Governance & Nominating (GNC)

WHEN:  
12/8/2021;  
01/10/2022;  
02/04/2022

WHAT:

1. Governance Roadmap - Phase 4 : Group 3 Outputs Analysis and Recs

2. President's Award

NEXT 2 MEETINGS:

1. TBD (Late Feb/Early Mar)

2. 3/24/2022

GNC Summary Report to Council – February 18, 2022

#	WHAT	Items discussed	WHO (Assigned to)	WHEN (Next Steps)	Status <sup>1</sup>
1	Governance Roadmap - Phase 4: Outputs Analysis and Recs	<ul style="list-style-type: none"> <li>Outputs analysis and recommendations for activities in the neither regulatory nor governance category of the Activity Filter (Group 3)</li> <li>Risk, defined as “<i>risk to the organization (e.g legal, reputational, financial)</i>”, including contextual factors such as size, impact, and likelihood.</li> <li>A motion was passed to recommend that Council approve a process to establish policy direction regarding Group 3 activities and outputs</li> </ul>	PEO Staff <ul style="list-style-type: none"> <li>To prepare a Briefing Note for Council</li> </ul>	Council meeting on 2/18/2022	Green
2	President's Award	<ul style="list-style-type: none"> <li>President Bellini informed the Committee that he is declining to make a nomination this year.</li> </ul>	President Bellini <ul style="list-style-type: none"> <li>Advise Council</li> </ul>	Council meeting on 2/18/2022	Green

<sup>1</sup> Green = Continue; Yellow = Modify; Red = Discontinue

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WHEN:  
12/8/2021;  
01/10/2022;  
02/04/2022

WHAT:

1. Governance Roadmap - Phase 4 : Group 3 Outputs Analysis and Recs

2. President’s Award

NEXT 2 MEETINGS:

1. TBD (Late Feb/Early Mar)  
2. 3/24/2022

<sup>1</sup> Green = Continue; Yellow = Modify; Red = Discontinue

Committee Name: Human Resources & Compensation (HRCC)

WHEN:  
01/12/2022;  
01/19/2022;  
01/26/2022;  
02/03/2022

WHAT:

1. CEO/Registrar
2. PEO Employee Handbook

NEXT 3 MEETINGS:

1. TBD (Late Feb)
2. 3/1/2022
3. TBD (Mid-Late March)

HRCC Summary Report to Council – February 18, 2022					
#	WHAT	Items discussed	WHO (Assigned to)	WHEN (Next Steps)	Status <sup>1</sup>
1	CEO/Registrar	<ul style="list-style-type: none"><li>• Mid-year review took place as scheduled in January.</li><li>• CEO/Registrar recruitment planning activities.</li></ul>	PEO Staff	Update at Council meeting on 4/8/2022	Green
2	PEO Employee Handbook	<ul style="list-style-type: none"><li>• Anti-Workplace Violence and Harassment Policy Document has been refreshed by staff. It is presently being discussed by the Executive Leadership Team.</li><li>• The committee agreed that a Whistleblower policy is required to be developed along with applicable processes.</li></ul>	PEO Staff	Present at Council meeting on 4/8/2022	Green

<sup>1</sup> Green = Continue; Yellow = Modify; Red = Discontinue

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WHEN:  
01/12/2022;  
01/19/2022;  
01/26/2022;  
02/03/2022

WHAT:

1. CEO/Registrar
2. PEO Employee Handbook

NEXT 3 MEETINGS:

1. TBD (Late Feb)
2. 3/1/2022
3. TBD (Mid-Late March)

<sup>1</sup> Green = Continue; Yellow = Modify; Red = Discontinue

RPLC Summary Report to Council – February 18, 2022						
Committee Name: <b>Regulatory Policy and Legislation Committee (RPLC)</b>	#	WHAT	Items discussed	WHO (Assigned to)	WHEN (Next Steps)	Status
	1	Professional Practice Guideline – Use of Seal	<ul style="list-style-type: none"><li>A motion was passed to recommend to Council to approve publication of the Professional Practice Guideline on Use of Seal.</li></ul>	PEO Staff <ul style="list-style-type: none"><li>To submit a BN to Council</li></ul>	<ul style="list-style-type: none"><li>Council meeting - Feb 18, 2022</li></ul>	Green
	2	Changes to Act and Regulations	<ul style="list-style-type: none"><li><b>A. Mandatory CPD – PRIA:</b> a motion was passed to recommend to Council to approve the Preliminary Regulatory Impact Assessment (PRIA) and accompanying appendices for the creation of a Mandatory CPD Program based on PEAK and to request the MAG to draft necessary amendments to Reg 941.</li><li><b>B. Proposed Act changes:</b> a motion was passed to recommend to Council to approve requesting the MAG to amend the PEA to<ol style="list-style-type: none"><li>Provide for electronic delivery of all notices and communication by the Association;</li><li>Allow for the mandatory collection and submission of regulatory information from holders of all licence types and certificates of authorization and designations to permit electronic communication to and from the Association, audits, and sanctions for non-compliance with such, and</li><li>Allow the Complaints Committee to act on Registrar’s Investigation reports without having to open a new complaint.</li></ol></li></ul>	PEO Staff <ul style="list-style-type: none"><li>A. To add a statement re: costs to the BN and amend the documents to ensure consistency.</li><li>B. To submit a BN to Council</li></ul>	<ul style="list-style-type: none"><li>Council meeting - Feb 18, 2022</li></ul>	Green
	3	Licensing Stabilization Project	<ul style="list-style-type: none"><li>An update was provided to the committee.</li></ul>	PEO Staff <ul style="list-style-type: none"><li>To post slides in <a href="#">Resource Center</a> on Diligent Boards</li></ul>	<ul style="list-style-type: none"><li>Done</li></ul>	Green
	4	2021-2022 Workplan priorities	<ul style="list-style-type: none"><li>Deferred to a special meeting of the RPLC in February.</li></ul>	PEO Staff <ul style="list-style-type: none"><li>Add to Feb 10<sup>th</sup> meeting agenda</li></ul>	<ul style="list-style-type: none"><li>February 10<sup>th</sup> RPLC meeting</li></ul>	Green

WHEN:

01/24/2022

WHAT:

- Professional Practice Guideline
- Changes to Act / Regulations
- Licensing Stabilization Project
- Workplan Priorities

NEXT MEETING:

02/10/2022

07/03/2022

Transition mtg - TBD

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# Briefing Note – Information

C-545-2.12

## **2023 – 2025 STRATEGIC PLAN**

**Purpose:** To review the summary notes from Council's Strategic Plan Kick-off meeting on January 28, 2022.

**Motion(s) to consider:**

none required

The summary notes for the PEO 2023-25 Strategic Plan Kick-Off meeting on January 28, 2022 are attached.

# PEO 2023-2025 STRATEGIC PLAN KICK-OFF MEETING

JANUARY 28, 2022

## MEETING SUMMARY NOTES

Shenda Tanchak  
Magnetic North Consulting  
Feb 3, 2022

## OBJECTIVES FOR THE JANUARY 28 MEETING

## Prepare Council for:

- GNC’s policy recommendation regarding managing “neither” activities
- Expectations of organizational/strategic planning process for a regulatory body
- Understanding issues/ideas related to licensing as a key priority area for next Strategic Plan

As an icebreaker, councillors were asked to consider what an engineer's seal means to them. Several indicated that the seal may not be meaningful to all engineers, but that the P.Eng. designation should have meaning.

This word-cloud captures councillors' responses to the question of what the seal or designation mean or should mean.



Council was reminded of the transformation that PEO has undergone since approval of its action plan in September 2019 to implement the recommendations from PEO's external regulatory performance review.

### ENHANCED GOVERNANCE

- Action Plan / Activity Filter
- Governance Roadmap
- Governance committees
- Governance tenants and governance directions
- Equity, diversity & inclusion initiatives
- Council attributes / Elections guide

### MODERNIZED OPERATIONS

- Action Plan / Activity Filter
- 2020 - 2022 Strategic Plan
- Licensure review
  - Digitization
  - National Practice Exam
  - Mandatory continuing professional development
  - Requirements for licensure

### SUPERIOR ORGANIZATION

- New staff organizational structure
- New Executive Leadership Team
- Hybrid work policy development

## GNC RECOMMENDATIONS

The Governance and Nominating Committee (GNC) began considering the issue of how PEO should manage the ‘neither’ activities in October 2021 as part of its Council-delegated responsibility to move the transformation roadmap forward.

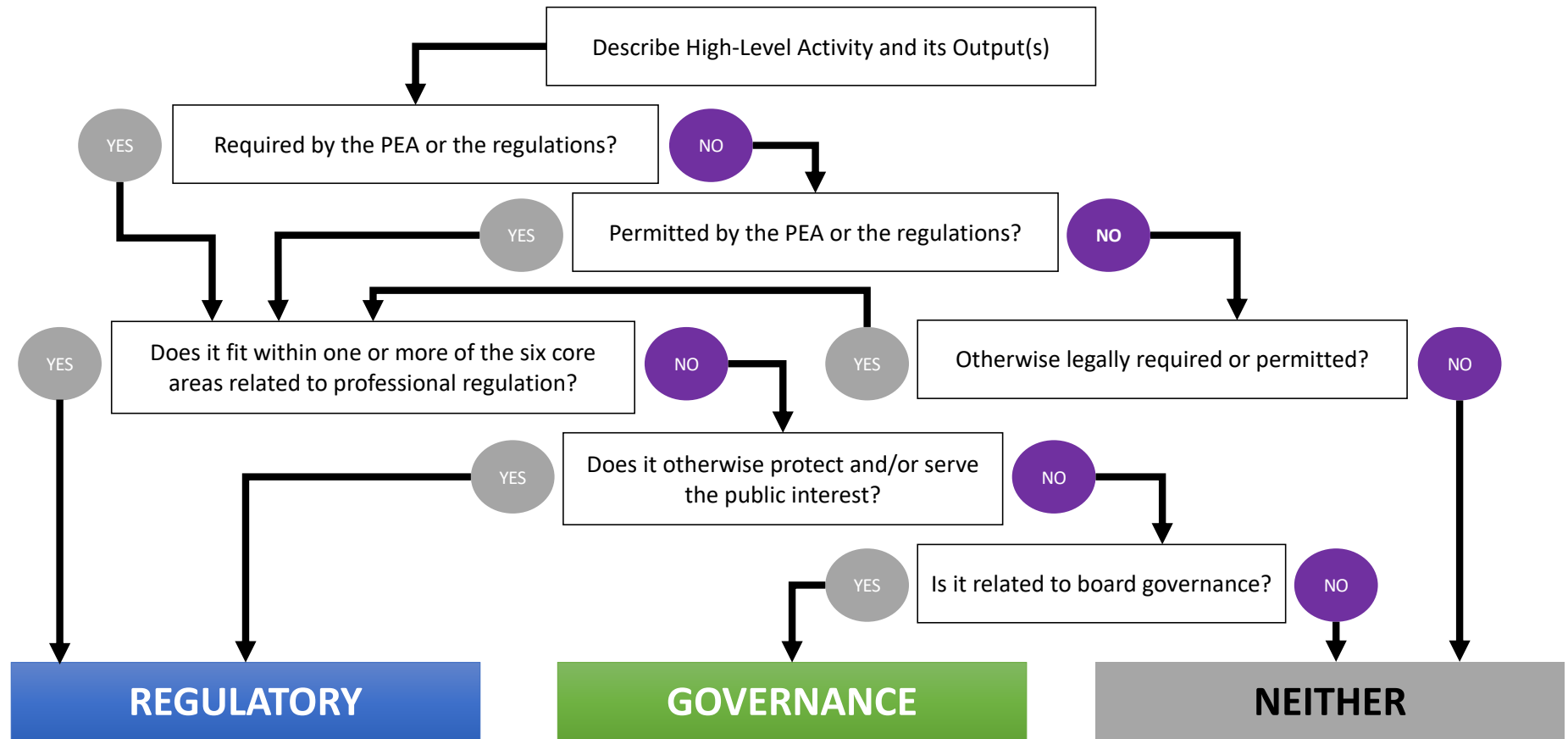
The neither activities are those that serve neither a regulatory nor governance function.

The framework and recommendations from staff on the application of the activity filter to PEO activities were discussed by the GNC at its meetings on November 4 and December 8, 2021, and January 10, 2022.

The GNC considered whether it was in PEO’s best interests to retain the *status quo* with respect to the neither activities from the perspective of risk to PEO. They agreed that activities ought to be evaluated to determine what risk, if any, they presented, and a determination made about how best to mitigate the risk.

They GNC understood its role was not to be to determine the ultimate outcome for the activities, but to develop recommendations in keeping with the new governance structure of PEO.

# ACTIVITY FILTER



## **GNC's POLICY RECOMMENDATION**

- Evaluate each activity for risk and adapt or eliminate as required to manage the risk to a level acceptable to Council
- Operationalize activities while maintaining volunteer engagement to ensure more effective organizational control and efficiency
- Roll out with care

## CONSIDERATIONS

Council considered GNC's recommendations and had the opportunity to discuss examples in small break-out sessions.

Council members were cautiously supportive of the process. Many members raised the example of the activities of the GLP as being important and valuable to PEO. They suggested that it would be inappropriate to eliminate the GLP but were open to further discussions about how best to support the GLP to minimize risk to PEO and complement other forms of government and external stakeholder engagement.

Council members expressed support to establish a decision-making process in which:

- All neither activities will be evaluated for risk and adapted or eliminated as required.
- Remaining activities will be operationalized to maintain volunteer engagement and ensure more effective organizational control.



# ORGANIZATIONAL PLANNING

COUNCIL CONSIDERED A HIGH-LEVEL OVERVIEW OF ORGANIZATIONAL PLANNING IN THE REGULATORY CONTEXT IN PREPARATION FOR THE NEXT STRATEGIC PLANNING CYCLE

## KEY PRINCIPLES

Participants were reminded that it is Council's responsibility to identify the desirable outcomes or goals for PEO, but that they should do so in consideration of several factors:

- Council and staff should work as a team. Staff are a key source of information and ideas. They are the experts in regulatory performance and operations.
- The identified goals must align with PEO's mandate: To regulate the practice of professional engineering and to govern the holders by establishing, maintaining and developing standards of knowledge, skill, qualifications and standards of practice, in order that the public interest may served and protected.
- Organizational goals should be "SMART" – Specific | Measurable | Attainable | Reasonable | Timebound

# ORGANIZATIONAL PLANNING

## PLANNING PROCESS

The planning process will include information gathering and reporting about the following:

- Internal organizational capacity
- What remains to be done in current action plan
- Compelling demands from key external stakeholders
- Plans of similar peer regulatory bodies
- Forecast of potential future regulatory demands
- Awareness of the public expectations of the regulator

## COMPELLING DEMAND BY GOVERNMENT THAT WILL SHAPE THE STRATEGIC PLAN

- Council was reminded that Bill 27: Working for Workers Act, 2021 was passed and received Royal Assent on December 2, 2021.
- This new law includes a prohibition against including a Canadian experience requirement as a qualification for an internationally trained professional to obtain a licence.
- This new legislation will require fundamental change to PEO's current licensing requirements. Considering this, it has been suggested that licensing must be the central theme of the next strategic plan.

## BRAINSTORMING THE LICENSURE PROCESS

Councillors were asked to brainstorm the questions of whether current licensure requirements are an obstacle to PEO ensuring public protection and what the future of licensing should look like. All groups presented creative and enthusiastic ideas for change or further research. The ideas that they discussed during this session will no doubt provide a foundation for the strategic planning process. Some of these were

- Accept applications only upon completion of qualifications
- Create a unique IEG application track
- Change the experience requirement to make it possible to complete within a reasonable time frame
- Reduce the valid engineering experience to 1 year instead of 4 years
- Standardize ethics and qualifications exam as an alternative to other screening
- Prequalify IEGs with standardized overseas assessments
- Explore the benefits of block chain technology
- Better follow the Washington Accord

## STRATEGIC PLAN PROCESS—NEXT STEPS

- Information-gathering and reporting—March and April
- Council Workshop—May
  - Affirm/revise Mission, Vision and Values
  - Develop specific, measurable, attainable, reasonable, timebound outcomes in keeping with mandate
- Prioritize identified goals in context of operational capacity—July & August
- Council approves Strategic Plan—November

# Briefing Note – Decision

C-545-3.0

## CONSENT AGENDA

**Purpose:** To approve the items contained in the consent agenda

**Motion(s) to consider:** (requires a simple majority of votes cast to carry)

***That the consent agenda be approved.***

**Prepared by:** Dale Power, Secretariat Administrator

Routine agenda items that may be approved without debate are included in a consent agenda and may be moved in a single motion. However, the minutes of the meeting will reflect each item as if it was dealt with separately. Including routine items on a consent agenda expedites the meeting.

Items included on the consent agenda may be removed and dealt with separately if they contain issues or matters that require review.

Please review the minutes ahead of time for errors or omissions and advise Dale Power (416-224-1100, extension 1130 or [dpower@peo.on.ca](mailto:dpower@peo.on.ca)) if there are any required revisions prior to the meeting so that the minutes, when presented, may be considered within the consent agenda.

The following items are contained in the consent agenda:

- 3.1 Minutes – 544<sup>th</sup> Council meeting – November 19, 2021
- 3.2 Changes to the 2022 Statutory and Regulatory Committees' Membership Lists

# Briefing Note - Decision

C-545-3.1

## OPEN SESSION MINUTES – 544<sup>th</sup> Council Meeting – November 19, 2021

**Purpose:** To record that the minutes of the open session of the 544<sup>th</sup> meeting of Council accurately reflects the business transacted at those meetings.

**Motion to consider:** (requires a simple majority of votes cast to carry)

***That the minutes of the 544<sup>th</sup> meeting of Council, held November 19, 2021, as presented to the meeting at C-545-3.1, Appendix A, accurately reflect the business transacted at that meeting.***

Prepared by: Dale Power, Secretariat Administrator

### 1. Need for PEO Action

In accordance with best business practices, Council should record that minutes of an open session of a meeting of Council accurately reflect the business transacted at a meeting.

### 2. Current Policy

Chapter X Minutes, Section 211 Approval of minutes of previous meeting, of Nathan and Goldfarb's Company Meetings states under Comment that, "There does not appear to be any obligation to have minutes signed to be valid or approved, but it is considered good practice. The motion does not by itself ratify or adopt the business transacted; it merely approves the minutes."

### 3. Appendices

- Appendix A - Minutes – 544<sup>th</sup> Council open session meeting – November 19, 2022



## MINUTES

C-545-3.1  
Appendix A

The 544th MEETING of the COUNCIL of PROFESSIONAL ENGINEERS ONTARIO (PEO) was held via ZOOM Videoconference on Friday, November 19, 2021, at 10:00 a.m.

- Present:**
- C. Bellini, P.Eng., President and Council Chair
  - M. Sterling, P.Eng., Past President
  - N. Colucci, P.Eng., President-Elect
  - M. Spink, P.Eng., Vice President Elected
  - C. Chiddle, P.Eng., Eastern Region Councillor/Vice President Appointed
  - A. Arenja, P.Eng., Lieutenant Governor-in-Council Appointee
  - P. Broad, P.Eng., Western Region Councillor
  - R. Brunet, P.Eng., Lieutenant Governor-in-Council Appointee
  - C. Chahine, P.Eng., East Central Region Councillor
  - M. Chan, P.Eng., Councillor-at-Large
  - J. Chisholm, P.Eng., West Central Region Councillor
  - L. Cutler, P.Eng., Lieutenant Governor-in-Council Appointee
  - A. Dryland, CET, Lieutenant Governor-in-Council Appointee
  - Q. C. Jackson Kouakou, Barrister and Solicitor, Lieutenant Governor-in-Council Appointee
  - L. MacCumber, P.Eng., West Central Region Councillor
  - S. MacFarlane, P.Eng., Western Region Councillor
  - L. Notash, P.Eng., Councillor-at-Large
  - P. Quinn, P.Eng., Councillor-at-Large
  - L. Roberge, P.Eng., North Region Councillor
  - S. Schelske, P.Eng., Lieutenant Governor-in-Council Appointee
  - R. Subramanian, P.Eng., Northern Region Councillor
  - S. Sung, Lieutenant Governor-in-Council Appointee
  - R. Walker, P.Eng., Eastern Region Councillor
- Regrets:**
- T. Bruyere, P.Eng., Lieutenant Governor-in-Council Appointee
  - P. Cushman, P.Eng., East Central Region Councillor
- Staff:**
- J. Zuccon, P.Eng., CEO and Registrar
  - D. Abrahams, VP Legislation and Policy
  - L. Latham, VP Regulatory Operations/Deputy Registrar
  - L. Maier, VP Governance/Interim VP Organizational Effectiveness
  - C. Mehta, Director, Finance
  - D. Smith, Director, Communications
  - M. Wehrle, Director, Information Technology
  - J. Chau, P.Eng., Manager, Government Liaison Programs
  - C. Knox, P.Eng., Manager, Enforcement, Regulatory Compliance
  - R. Martin, Manager, Secretariat
  - J. Max, Manager, Policy
  - E. Chor, Research Analyst, Secretariat
  - M. Feres, Supervisor, Council Operations
  - D. Power, Secretariat Administrator
  - B. St. Jean, Senior Executive Assistant
  - N. Axworthy, Editor, Engineering Dimensions





**Guests:**

- D.A. Brown, Governance Solutions Inc.
- H. Brown, CEO, Brown & Cohen
- D. Chui, P.Eng., PEO Director, Engineers Canada
- S. Clacken, Anti-Racism and Anti-Discrimination Exploratory Working Group (AREWG) Consultant
- L. Lukinuk, Parliamentary Services
- B. Matthews, Consulting Engineers of Ontario
- D. McComiskey, Governance Solutions Inc.
- S. Perruzza, Ontario Society for Professional Engineers
- K. Reid, P.Eng., PEO Director, Engineers Canada
- H. Wojcinski, 30 x 30 Task Force Chair

Council convened at 10:00 a.m. on Friday, November 19, 2021.

#### **CALL TO ORDER**

Notice having been given and a quorum being present, President Bellini called the meeting to order at 10:00 a.m.

#### **12373 – APPROVAL OF AGENDA**

Moved by Councillor Arenja, seconded by Councillor Roberge:

**That:**

**The agenda, as presented to the meeting at C-544-1.2, Appendix A, be approved as presented; and  
The Chair be authorized to suspend the regular order of business.**

**CARRIED**

#### **12374 – CONFLICT OF INTEREST**

There were no conflicts of interest declared.

#### **12375 – PRESIDENT'S REPORT**

President Bellini provided an update on the following:

- Progress being made by the four Governance committees
- October plenary session
- Notifying the Attorney General and the Office of the Fairness Commissioner on work being done by the Anti-Racism and Anti-Discrimination Exploratory Working Group (AREWG)
- Upcoming meeting with Attorney General Doug Downey on November 22<sup>nd</sup>

#### **Events Attended by President Bellini**

- On September 28<sup>th</sup> attended and provided remarks at the 30 x 30 annual check in
- On September 30 and October 1, respectively, the Engineer's Canada's presidents' group meeting and board meeting
- On October 8, the Committee Chairs Workshop and provided remarks along with PEO's CEO/Registrar on the progress of our transformation initiatives
- On October 13 the Regional Councillors Committee meeting.
- On October 21 the PEO-OACETT Leadership Summit as well as OACETT's virtual gala on November 4.

- JRC meeting on November 15

The President then responded to questions. There was a brief discussion regarding the importance of PEO's work on transformational change to be more broadly delivered which has been noted.

#### **12376 – CEO/REGISTRAR'S REPORT**

The CEO/Registrar's report was included in the meeting package. The CEO/Registrar noted that staff have analyzed the data regarding CEAB and the accumulation of P.Eng. licence applications which will be shared with the Regulatory Policy and Legislation Committee (RPLC) along with proposed changes. This data will be used as an anchor to measure progress on the issue of experience requirements as a whole.

#### **12377 – 2022 OPERATING BUDGET**

Councillor Cutler, Chair, Audit and Finance Committee (AFC) advised that the 2022 operating budget being presented for approval was substantially the same as what was presented in September with some minor changes related to contract staff, salaries and pension.

Moved by Councillor Cutler, seconded by Vice President Spink:

**That Council approve the draft 2022 operating budget reviewed by the Audit and Finance Committee and as presented to the meeting at C-544-2.3, Appendix A.**

**CARRIED**

#### **12378 – 2022 CAPITAL BUDGET**

The AFC Chair advised that the expenditures of \$62,000 included in the 2022 capital budget are for various maintenance and improvement projects at 40 Sheppard Avenue West.

Moved by Councillor Cutler, seconded by President-elect Colucci:

**That Council approve the draft 2022 capital budget reviewed by the Audit and Finance Committee and as presented to the meeting at C-544-2.4, Appendix A.**

**CARRIED**

#### **12379 – BORROWING RESOLUTION**

PEO's By-Law #1 – Section 47 states that:

"Council may from time to time borrow money upon the credit of the Association by obtaining loans or advances or by way of overdraft or otherwise"

PEO's Internal Control Banking Policy requires that "the borrowing resolution shall be reviewed and approved by Council on an annual basis".

To help manage the working capital and provide convenience to senior volunteers and staff, Scotiabank provides PEO two credit facilities:

- an operating overdraft up to an amount not to exceed CAD \$250,000 at Prime rate; and
- use of corporate credit cards with an aggregate limit not to exceed CAD \$120,000.

These credit facilities expire on January 31, 2022 and in order to renew the existing credit arrangement with the bank for another year, Council was asked to approve the borrowing resolution.

PEO has adequate cash flow to meet its business requirement on regular basis. The overdraft facility is only for contingency purposes. Corporate credit cards provide convenience to senior volunteers and senior staff for PEO business expenditures. The credit card balances are paid off every month.

Moved by Councillor Cutler, seconded by Councillor Schelske:

**That Council:**

**a) approve the borrowing of money upon the credit of the association by way of:**

- i) an operating overdraft up to an amount not to exceed CAD\$250,000; and**
- ii) use of corporate credit cards with an aggregate limit not to exceed CAD\$120,000.**

**b) in compliance with PEO's Internal Control Banking Policy, hereby confirms that this Borrowing Resolution is to expire on January 31, 2023.**

**CARRIED**

#### **12380 – APPOINTMENT OF AUDIT FIRM FOR 2022-2026**

The current five-year audit agreement that PEO has with Deloitte expires in 2021. Consistent with the practice to undergo a tendering process for audit services every five years, an RFP was issued to reputable accounting firms in early August 2021.

As the next step in this process, Council's approval of the Audit and Finance Committee's recommendation for PEO's auditor for the next five years from 2022 to 2026 was requested.

Although the term of the agreement is for five years, the auditor will have to be reappointed each year by the membership at the Annual General Meeting (AGM), in accordance with Section 52 of By-law No 1 which states:

*"The members at each annual meeting shall appoint one or more auditors who shall be chartered accountants to hold office until the next annual meeting and if an appointment is not so made, the auditor in office shall continue in office until a successor is appointed."*

There was discussion regarding the re-appointment of Deloitte & Touche LLP. It was noted that potential risks were discussed by the Audit and Finance Committee.

Moved by Councillor Cutler, seconded by Councillor Arenja:

**That Council retain Deloitte & Touche LLP as PEO's auditor for the period of 2022 to 2026, where renewal of each year's engagement occurs annually on the recommendation of the Audit and Finance Committee and Council and is subject to appointment by PEO members at the Annual General Meeting.**

Moved by Councillor Notash, seconded by Councillor Broad:

**That discussion of re-appointment of Deloitte & Touche LLP. be included in the Council meeting minutes, with details on potential risks.**

**DEFEATED**

The original motion was then voted on and carried.

#### **12381 – ENGINEERS CANADA DIRECTORS REPORT**

A written report was provided.

Further to a query regarding Engineer Canada's involvement with climate change on a national level CEO/Registrar Zuccon advised that he would follow up with G. McDonald, CEO, Engineers Canada on this matter.

#### **12382 – 2020-2022 STRATEGIC PLAN**

Past President Sterling advised that the affirmation of Council's strategic direction of Council to 2022 is an opportunity to clearly communicate to members and the public about Council's work and provides a foundation for the 2023-25 Strategic Plan. The Chair stated that the 2020-2022 Strategic Plan is a restatement of a series of plans that Council has been following for the last couple of years with respect to the Action Plan on regulatory work under the Governance Roadmap.

It was noted that there are several references to diversity and inclusion in the 2020 – 2022 Strategic Plan document but the word equity is not included. Staff advised that the wording can be changed to "diversity, inclusion and equity" so that it is more explicit.

Moved by Past President Sterling, seconded by Councillor Subramanian:

**That Council affirm the direction of the 2020-2022 Strategic Plan as presented to the meeting at C-544-2.8, Appendix A.**

**CARRIED**  
**1 abstention**

#### **12383 – GOVERNANCE ROADMAP UPDATE**

David Brown, GSI provided Council with highlights related to Phase 3 of the Governance Roadmap update that was included in the meeting package. He advised that the Councillors' Attributes Profile has been updated and integrated into the candidate election package for distribution to those interested in running for election. The other potential use for this profile was pre-orientation for interested candidates. It was agreed to defer the other items in Phase 3, move forward with Phase 4, and then revisit the remaining Phase 3 items.

Phase 4 will look at Chapters, committees and other organs of PEO. There was a wide range of views expressed by Councillors on this matter at the October 2021 plenary session and it was agreed to conduct a more comprehensive, systematic evaluation of where chapters do add value and may add value to PEO going forward and that this review should extend to committees as well as any of the other outcomes from the activity filter that do not fall under the categories of regulatory or governance. GNC met with GSI post plenary. It is GSI's role to work with GNC and PEO staff to develop an evaluative framework and process which is underway. Broad stakeholder consultations will continue, including the Chapter Leaders Conference (CLC) where GSI will attend to listen and observe.

There was discussion regarding open vs. closed meetings. Staff advised that under Section 15 of PEO's bylaw all meetings of PEO including Council, committee and chapter meetings that are subject to the bylaw are open to

the public. This does not confer a right of public participation and is subject to some exceptions for specific items or types of items that the Chair of the particular committee may think should be kept in confidence or in-camera. Anybody, including a member or non-member of PEO, can attend meetings but this does not give them the right to participate and if an item is inherently confidential then that part of the meeting would be closed to the public and to PEO's members as well.

#### **12384 – GOVERNANCE COMMITTEE UPDATE**

The governance committee updates were included in the meeting package.

It is the Governance and Nominating Committee (GNC) recommendation to Council (in line with best practices) to amend the by-law to remove the requirement for committee meetings to be open to the public. The Chair advised that Councillors would have an opportunity to provide feedback when the by-law amendments are presented to Council.

In response to a request D. Abrahams advised he would share with Council the slides regarding the legislative framework for licensing presented to the Regulatory, Policy and Legislation Committee (RPLC) at their October 25, 2021 meeting.

#### **12385 – APPROACH TO MINUTES AND AGENDAS**

There has been a perceived lack of clarity about what Council and Council committee minutes should include, particularly in respect of *in camera* discussions. There also has been some discussion about how to note in camera items on the public agenda without revealing confidential information.

Council has received expert advice from external advisors and from staff regarding best practices for what minutes should include. The advice addresses both meetings held in public and those held in camera, as per the by-law. Council has also been advised on how to refer to specific *in camera* items on the publicly visible portion of the agenda.

An approach to minutes, *in camera* agendas and related items has been developed to reflect the advice received. This is an interim measure, pending a by-law amendment which would be brought to Council for consideration prior to the next AGM. The proposed approach was included in the meeting package. It will apply to Council and its four governance committees. If enacted as a by-law, it could be extended to cover all meetings of committees of PEO.

Councillor Arenja advised that there has been robust discussion on this item at Committee meetings with expert advice being received. It is the recommendation of the Governance and Nominating Committee to follow the suggested approach.

Responding to a concern expressed that comments made by Councillors, particularly dissenting comments, will not be included as part of Council minutes and how this impacts transparency, Councillor Arenja replied that the open session meetings are open to the public and recordings are made available to the public so there is a record. Minutes may indicate that discussion took place but do not describe the content of the discussion but rather the decision and action items if applicable.

Moved by Councillor Arenja, seconded by Vice-President Chiddle:

**That Council formally adopts the approach to agendas and minutes as summarized in the document titled “Agendas and Minutes Approach (Including In Camera Items)”, as presented at C-544-2.11, as Appendix A, and that Council requests that a by-law amendment be prepared for its consideration, in order to apply this approach to all meeting to which the by-law applies.**

**CARRIED**

#### **12386 – 30 BY 30 TASK FORCE UPDATE**

The Chair advised that the 30 by 30 Task Force Update was included in the meeting package.

#### **12387 – 30 BY 30 TASK FORCE END OF TERM**

The 30 by 30 initiative is a commitment to raising the percentage of newly licensed engineers in Ontario who are women to 30 per cent by 2030. The 30 by 30 Task Force was formed by PEO in 2018 to show visible leadership in addressing the underrepresentation of women licensed in the profession by formally endorsing the 30 by 30 initiative with Engineers Canada and committing to undertaking an action plan to resolve this inequity.

Moved by Councillor Schelske, seconded by Vice President Chiddle:

**That the 30 by 30 Task Force be stood down effective 31 December 2021, with Council’s thanks, as per the Terms of Reference.**

**CARRIED**

Following a request to receive the data in a timelier fashion the CEO/Registrar advised that with the ownership of the 30 x 30 work being transferred to staff, information will be provided as close to real time as possible so that the numbers are more up to date. This includes the breakdown of female CEAB and non-CEAB.

When asked about the low engagement of employers in Ontario H. Wojcinski advised that while companies have been supportive, it has been a challenge. Staff are aware that more work needs to be done with employers.

The Chair thanked H. Wojcinski for her extensive report and the members of the 30 x 30 Task Force for their good work.

#### **12388 – ANTI-RACISM AND ANTI-DISCRIMINATION EXPLORATORY WORKING GROUP (AREWG) UPDATE**

As acknowledged by previously approved Council motions, the problem of widespread systemic racism has been a major focus of international public attention, particularly in the past two years. As a regulator in the public interest, PEO is required to identify and address any such concerns as they relate to its mandate and activities. To this end, in November 2020, Council unanimously approved the creation of the Anti-Racism and Anti-Discrimination Exploratory Working Group (AREWG).

Councillor MacCumber advised that Council was provided with the draft briefing note at the October 29, 2021 plenary session and that there were no changes.

Moved by Councillor MacCumber, seconded by Councillor Jackson Kouakou:



1. That Council continues the Anti-Racism and Anti-Discrimination Exploratory Working Group (AREWG). as presently established and tasks it to develop recommendations further to its mandate for next steps.
2. That the AREWG's mandate, until any further Council decision, is to assist Council in fulfilling its public interest duties by exploring and making recommendations regarding matters related to racism, and other equity and human rights affairs, relevant to PEO's function as a regulator, employer, and organization.
3. That Council approves the mandate document attached as C-544-2.14, Appendix A.
4. That the AREWG is to proceed to Phase 3 of its work, with possible next steps as shown in C-544-2.14, Appendix B.
5. That Council tasks the AREWG to recommend to Council, before the 2022 AGM, any appropriate changes to Appendix A to coincide with PEO's governance transformation and journey to becoming a modern inclusive regulator that is a trusted leader in professional self-regulation.
6. That the new AREWG members or Chairs shall be appointed based on merit. Recognizing the AREWG's mandate, merit in this context means a demonstrated interest in, understanding of, and/or commitment to anti-racism and equity, with value placed on the lived experiences of candidates who are members of equity-seeking groups.

**CARRIED**

#### **12389 – CONSENT AGENDA**

Moved by Councillor Walker, seconded by Councillor Roberge:

**That the consent agenda be approved, consisting of:**

- 3.1 Minutes – 543rd Council meeting – September 24, 2021
- 3.2 Consulting Engineer Designation Applications
- 3.3 Statutory and Regulatory Committees' Membership Lists for 2022
- 3.4 Changes to the Committees and Task Forces Membership Roster
- 3.5 Approval by the Attorney General of Re-Appointments to DIC and REC
- 3.6 Process for Appointing Acting Committee Chair
- 3.7 Newly Elected REC and DIC Chair and Vice Chair

**CARRIED**

#### **12390 – MINUTES – C-543 COUNCIL MEETING**

**That the minutes of the 542nd meeting of Council, held June 25, 2021, as presented to the meeting at C-543-3.1, Appendix A, accurately reflect the business transacted at that meeting.**

**CARRIED**

#### **12391 – CONSULTING ENGINEER DESIGNATION APPLICATIONS**

1. That Council approve the exemption from examinations and the applications for designation as Consulting Engineer as set out in C-544-3.2, Appendix A, Section 1.



2. That Council approve the applications for redesignation as Consulting Engineer as set out in C-544-3.2, Appendix A, Section 2.
3. That Council grant permission to use the title "Consulting Engineers" (or variations thereof) to the firms as set out in C-544-3.2, Appendix A, Section 3.

**CARRIED**

#### **12392 – STATUTORY AND REGULATORY COMMITTEES' MEMBERSHIP ROSTER**

That Council approve re-appointment of members to PEO's statutory and regulatory committees as presented to the meeting at C-544-3.3, Appendix A for a one-year term effective January 1, 2022.

**CARRIED**

#### **12393 – CHANGES TO COMMITTEES AND TASK FORCES MEMBERSHIP ROSTER**

That Council approve changes to the *2021 PEO Committees and Task Forces Membership Roster* as presented to the meeting at C-544-3.4, Appendix A.

**CARRIED**

#### **12394 – APPROVAL BY THE ATTORNEY GENERAL OF RE-APPOINTMENTS TO DIC AND REC**

Council was informed that pursuant to subsections 19.1(1)1ii and 27(1)3ii of the *Professional Engineers Act*, the re-appointments made by Council in September were approved by the Attorney General for a period of three years effective October 13, 2021, as follows:

Stella Ball\*, BA, BEd, LLB, LLM, City of Toronto, to the Discipline and Registration Committees  
David Germain, J.D., City of Toronto, to the Discipline Committee

\*Note: Stella Ball, BA, BEd, LLB, LLM has since resigned from both positions, effective October 25<sup>th</sup> (REC) and November 2<sup>nd</sup> (DIC).

#### **12395 – PROCESS FOR APPOINTING ACTING COMMITTEE CHAIR**

That Council approve a process whereby a governance committee may appoint an acting chair from among its members, for that meeting only, to manage those occasions when the Council-approved committee Chair is not available due to resignation or any circumstance that causes absence from the meeting.

**CARRIED**

#### **12396 – NEWLY ELECTED REC AND DIC CHAIR AND VICE CHAIR**

Council was informed that the following members were elected as a chair and vice chair of the committees listed below:

Simon Sukstorf, P.Eng., as Chair for a 1-year term to the Registration Committee (REC)  
Paul Ballantyne, P.Eng., as Vice Chair for a 1-year term to the Registration Committee (REC)  
Rob Wilson, P.Eng., as Chair for a 2-year term to the Discipline Committee (DIC)  
Warren Turnbull, P.Eng., as Vice Chair for a 2-year term to the Discipline Committee (DIC)



Moved by Councillor Subramanian, seconded by Vice President Chiddle:

**That Council move in-camera.**

**CARRIED**

There being no further business, the meeting concluded.

These minutes consist of 10 pages and minutes 12373 to 12396 inclusive.

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C. Bellini, P.Eng., Chair

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R. Martin, Corporate Secretary

# Briefing Note – Decision

C-545-3.2

## CHANGES TO THE 2022 STATUTORY AND REGULATORY COMMITTEES' MEMBERSHIP LISTS

**Purpose:** To appoint a chair to the Academic Requirements Committee (ARC) and Experience Requirements Committee (ERC) respectively and to inform Council of other in-year changes to the *2022 Statutory and Regulatory Committees Membership Lists*.

**Motion(s) to consider:** (requires a simple majority of votes cast to carry)

**That Council appoint a chair to the Academic Requirements Committee (ARC) and Experience Requirement Committee (ERC) respectively, as presented to the meeting at C-545-3.2, Appendix A.**

**Prepared by:** Viktoria Aleksandrova – Committee Coordinator

**Moved by:** Councillor Chan, P.Eng.

### 1. Need for PEO Action

Pursuant to subsection 40.(1) of the *Regulation 941/90* of the *Act*, “40. (1) The Academic Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council and three members of the Committee constitute a quorum. R.R.O. 1990, Reg. 941, s. 40 (1).”

Pursuant to subsection 41.(1) of the *Regulation 941/90* of the *Act*, “41. (1) The Experience Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council, and three members of the Committee constitute a quorum. R.R.O. 1990, Reg. 941, s. 41 (1).”

The election of chairs took place in November 2021. The names of the proposed chairs are presented for Council's approval/appointment in *Appendix A*.

*Appendix B* contains other changes to the *2022 Statutory and Regulatory Committees Membership List*, for information only.

### 2. Proposed Action / Recommendation

Appoint a chair to the Academic Requirements Committee (ARC) and Experience Requirement Committee (ERC) respectively, as proposed by each committee based on the election results.

### 3. Next Steps (if motion approved)

The *2022 Statutory and Regulatory Committees Membership Lists* will be updated accordingly; resigned members will receive digital *Certificates of Appreciation* in accordance with the protocol.

### 4. Peer Review & Process Followed

<b>Process Followed</b>	<ul style="list-style-type: none"> <li>In November 2021, the Academic Requirements Committee (ARC) and Experience Requirements Committee (ERC) elected its chair and vice chair respectively.</li> <li>Pursuant s. 40.(1) and 41.(1) of <i>Regulation 941</i> of the <i>Act</i>, the names of the newly elected chairs are presented to Council for appointment.</li> </ul>
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### 5. Appendix

- Appendix A – Proposed ARC and ERC chair.
- Appendix B – Other changes to the *2022 Statutory and Regulatory Committees Membership Lists*.

**Changes to the 2022 Statutory and Regulatory Committees  
Membership Lists**

**545<sup>th</sup> Council Meeting**

C-545-3.2  
Appendix A

**Proposed ARC and ERC chair (elected by the committee):**

First/Last Name	Term of Service	Committee / Task Force
Waguih ElMaraghy, P.Eng.	1 <sup>st</sup> one-year term	Academic Requirements Committee (ARC)
Andrew Cornel, P.Eng.	1 <sup>st</sup> one-year term	Experience Requirements Committee (ERC)

**Changes to the 2022 Statutory and Regulatory Committees  
Membership Lists**

**545<sup>th</sup> Council Meeting**

C-545-3.2 Appendix B
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**Other changes - Vice Chairs (elected by the committee):**

First/Last Name	Term of Service	Committee / Task Force
Allen Stewart, P.Eng.	1 <sup>st</sup> one-year term	Academic Requirements Committee (ARC) Vice Chair
Lionel Ryan, P.Eng.	1 <sup>st</sup> one-year term	Experience Requirements Committee (ERC) Vice Chair

**Resignations/Retirements:**

First/Last Name	Service Dates	Committee / Task Force
David Kahn, P.Eng.	2009 – Nov 2021	Experience Requirements Committee (ERC) member
Peter Jarrett, P.Eng.	1998 – Dec 2019*	Experience Requirements Committee (ERC) member
Norm Becker	2013 – Dec 2021 (deceased)	Professional Standards Committee (PSC) – Structural Engineering Assessment Guideline Subcommittee

*\*Mr. Jarrett's name was inadvertently omitted from the previous briefing note submissions.*