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PEO's Fees Mediation Committee: Role and Mandate

by Eric Newton,
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Members should be aware of the existence of the association's Fees Mediation Committee, which was formed in 1984 as part of changes to the Professional Engineers Act. It can either mediate or arbitrate fee disputes between professional engineering companies and their clients, as an alternative to legal action taken through the court system.

The committee comprises professional engineers who offer and/or use engineering services. At least three members are appointed by the Registrar to handle each case. A brief description of the mediation and arbitration processes used by the committee follows.

Mediation

The fees mediation and arbitration processes are available to clients of engineering companies who wish to dispute fees charged for professional engineering services.

To activate the mediation process, the client must forward to the association a written notice setting out details of the fee dispute, and

requesting that the committee mediate the matter. After receiving the notice, PEO staff will forward a consent form to the client for signature, together with a request for further details, if required.

PEO will then forward the notice and consent form to the engineer involved, who has the option of either agreeing or refusing to par-

ticipate in the mediation process. If the engineer refuses to participate in the mediation process, the client is notified in writing, and the file is closed.

If the engineer agrees to participate in the mediation process, he or she signs the consent form and returns it to PEO. Staff will then advise the Fees Mediation

Committee of the details of the request for mediation. The committee decides how the mediation will be undertaken, who on the committee will perform the mediation and how its terms will be set. This information is forwarded to the parties involved, and the mediation proceeds.

Once the mediation has been completed, the committee prepares a written decision, which is filed with the Registrar and circulated to the parties involved. It should be noted that, in the mediation process, the committee's decision is not bind-

ing on either the engineer or the client.

Arbitration

The arbitration process is activated in the same way as the mediation process, but unlike mediation, it is binding on both parties.

Once signed consents have been received from the parties, PEO staff will advise the committee of the details of the request for arbitration. The committee then meets to decide whether to proceed with the arbitration process.

If the committee decides not to proceed with the arbi-

tration, a written notice and reasons of the committee are provided to both parties.

If the committee decides to proceed with the arbitration, it will set the terms of the arbitration, which may include written or oral submissions, independent experts being required, costs to be assessed to either party, the venue for the arbitration and time limit.

Once the arbitration has been completed, the committee prepares a written decision, which is filed with the Registrar. The Registrar then prepares and certifies a formal Order, which, along

with the committee's decision, is forwarded to both parties.

As mentioned above, an arbitration decision handed down by the Fees Mediation Committee is binding on all parties. The committee's decision may be filed with the Ontario Superior Court of Justice and is enforced in the same manner as a judgment of the Court.

If you require further information on the Fees Mediation Committee, contact Eric Newton, manager, legal affairs, at (416) 224-1100, ext. 497 or 1 (800) 339-3716.

The Code of Ethics

Blueprint for ethical practice

Following is PEO's Code of Ethics (Section 77 of Regulation 941 of the Professional Engineers Act) for your reference. An ideal to which all professional engineers should aspire, it is meant to guide PEO members in their professional practice and dealings with clients, employers, employees, associates and the public.

1. It is the duty of a practitioner to the public, to the practitioner's employer, to the practitioner's clients, to other members of the practitioner's profession, and to the practitioner to act at all times with,
 - i. fairness and loyalty to the practitioner's associates, employers, clients, subordinates and employees,
 - ii. fidelity to public needs,
 - iii. devotion to high ideals of personal honour and professional integrity,
 - iv. knowledge of developments in the area of professional engineering relevant to any services that are undertaken, and
 - v. competence in the performance of any professional engineering services that are undertaken.

O.Reg.48/92
2. A practitioner shall,
 - i. regard the practitioner's duty to public welfare as paramount,
 - ii. endeavour at all times to enhance the public regard for the practitioner's profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering,
 - iii. not express publicly, or while the practitioner is serving as a witness before a court, commission or other tribunal, opinions on professional engineering matters that are not founded on adequate knowledge and honest conviction,
 - iv. endeavour to keep the practitioner's licence, temporary licence, limited licence or Certificate of Authorization, as the case may be, permanently displayed in the practitioner's place of business.
3. A practitioner shall act in professional engineering matters for each employer as a faithful agent or trustee and shall regard as confidential information obtained by the practitioner as to the business affairs, technical methods or processes of an employer and avoid or disclose a conflict of interest that might influence the practitioner's actions or judgment.
4. A practitioner must disclose immediately to the practitioner's client any interest, direct or indirect, that might be construed as prejudicial in any way to the professional judgment of the practitioner in rendering service to the client.
5. A practitioner who is an employee-engineer, and is contracting in the practitioner's own name to perform professional engineering work for other than the practitioner's employer, must provide the practitioner's client with a written statement of the nature of the practitioner's status as an employee and the attendant limitations on the practitioner's services to the client, must satisfy the practitioner that the work will not conflict with the practitioner's duty to the practitioner's employer, and must

- inform the practitioner's employer of the work.
6. A practitioner must cooperate in working with other professionals engaged on a project.
 7. A practitioner shall,
 - i. act towards other practitioners with courtesy and good faith,
 - ii. not accept an engagement to review the work of another practitioner for the same employer except with the knowledge of the other practitioner or except where the connection of
 - iii. the other practitioner with the work has been terminated,
 - iii. not maliciously injure the reputation or business of another practitioner,
 - iv. not attempt to gain an advantage over other practitioners by paying or accepting a commission in securing professional engineering work, and
 - v. give proper credit for engineering work, uphold the principle of adequate compensation for engineering work, provide opportunity for professional development and advancement of the practitioner's associates and subordinates, and extend the effectiveness of the profession through the interchange of engineering information and experience.
 8. A practitioner shall maintain the honour and integrity of the practitioner's profession and, without fear or favour, expose before the proper tribunals unprofessional, dishonest or unethical conduct by any other practitioner. R.R.O. 1990, Reg. 941, s. 77; O. Reg. 48/92, s. 1.

Council approves designation and redesignation of Consulting Engineers

At the 389th meeting of Council held December 9-10, 1999, the following members were designated or redesignated as consulting engineers pursuant to Ontario Regulation 941 of

the Professional Engineers Act. Also listed are firms to which Council has granted permission to use the title "Consulting Engineers."

Newly designated Consulting Engineers

Quan Ban Chou, P.Eng.

Canatom NPM Inc.
Oakville, ON

Robert W. Clark, P.Eng.

Development Engineering (London) Limited
London, ON

Denis Dixon, P.Eng.

Jag Mohan & Associates Ltd.
Brampton, ON

Donato Finelli, P.Eng.

Millennium Engineering Ltd.
Burlington, ON

Ivan Johnson, P.Eng.

Dent Engineering Ltd.
Pembroke, ON

David Meron, P.Eng.

OBK Technology Ltd.
Brampton, ON

Mark P. Milner, P.Eng.

Joma Engineering Inc.
Pickering, ON

Herbert Ofoha, P.Eng.

HMO Limited
Newmarket, ON

Cope Otten, P.Eng.

Leep Engineering
Brampton, ON

Michael P. Schmalz, P.Eng.

Richardson Engineering Ltd.
Barrie, ON

Guy Somers, P.Eng.

Water and Earth Science Associates Ltd.
Carp, ON

Regine Weston, P.Eng.

Napa Airport Development Cons. Ltd.
Toronto, ON

Redesignated Consulting Engineers

Walter Allen, P.Eng.
Maximilian G. Andronowski, P.Eng.
Adel Ashamalla, P.Eng.
Devon Biddle, P.Eng.
Robert Cardarelli, P.Eng.
Mark Coleman, P.Eng.
Harold Dibben, P.Eng.
John Dick, P.Eng.
Parviz Djahani, P.Eng.
James Elder, P.Eng.
John Emery, P.Eng.
James A. Germain, P.Eng.
Hershel Guttman, P.Eng.
William L. Haas, P.Eng.
Mazen Habash, P.Eng.
Dan Hertzog, P.Eng.
Robert Holohan, P.Eng.
Kirk Johnson, P.Eng.
James Jones, P.Eng.

Sharad Katakhar, P.Eng.
George Kobayashi, P.Eng.
Edward Kolodziejski, P.Eng.
Ross Lawrence, P.Eng.
Jay Little, P.Eng.
Michael MacKay, P.Eng.
Robert Maksymec, P.Eng.
Arnold Mikolajewski, P.Eng.
Victor Milligan, P.Eng.
Jagannathan Mohan, P.Eng.
Raymond Moskalyk, P.Eng.
Alexander Mozes, P.Eng.
Larry Nelson, P.Eng.
Stephen Ng Qui Sang, P.Eng.
Antoine Nohra, P.Eng.
Morton G. Pascoe, P.Eng.
John Riley, P.Eng.
William A. Rutherford, P.Eng.
John Stephenson, P.Eng.
Yulun Sze, P.Eng.
Gary Tansley, P.Eng.
Bryan Thomas, P.Eng.
James Tilsley, P.Eng.
Stephen Tsui, P.Eng.
Otakar Urban, P.Eng.
George D. Vallee, P.Eng.
Frank Venneri, P.Eng.
Beverly Keith Willard, P.Eng.
Charles L. Wood, P.Eng.
Samir Yacoub, P.Eng.
Tony Yue, P.Eng.
Robert Zeidman, P.Eng.

Consultants granted permission to use the title "Consulting Engineers"

Harmer Podolak Engineering Consultants Inc.
Nepean, ON

