

INFORMATION TO BE PROVIDED, AS APPLICABLE

1. Title of Submission

PEO to Adopt the Election Caretaker Convention

2. Please briefly describe the issue, problem, risk or gap that this submission addresses.

PEO long ago adopted explicitly the Election Caretaker Convention for Councillors, however, PEO staff's remains empowered to use the tools available at PEO (e.g., email access to all members) to endorse candidates, influence the election, etc. And this year there was a complaint that PEO headquarters had done just this which was followed with a legal opinion that PEO 'legally' does not have to follow the Election Caretaker Convention even though it is a fundamental part of Canadian federal, provincial, and municipal elections. To preserve the integrity of PEO's elections the Election Caretaker Convention needs to be explicitly extended to PEO headquarters. This is a policy decision for Council, not a decision for staff to make.

3. Please summarize the action that you are requesting from Council and how it will address the issue, problem, risk or gap stated above.

That PEO adopt the Elections Caretaker Convention of non-interference in elections for PEO headquarters in addition to the existing adoption of the Elections Caretaker Convention for Councillors already in place.

4. Please cite and briefly summarize any research that supports the proposed action.

For example, see Government of Canada website referred to in attachment.

5. As applicable please describe how the proposed action will contribute to serving and protecting the public interest as it pertains to the regulation of professional engineering and the engineering profession.

Improving the integrity of PEO elections is to the benefit of all, PEO, the public, and members.

6. Please identify any legal considerations (eg., the need for changes to the statute, regulation, by-laws etc.) that may affect Council's ability to implement the proposed action.

Nothing prevents Council from adopting an Elections Caretaker Convention policy, in fact it has already partially adopted the convention.

7. Please identify any considerations that are relevant to the timing (or urgency) of the proposed action.

Since a violation of the Elections Caretaker Convention was a concern in the 2021 PEO elections, the Elections Caretaker Convention should be introduced as soon as possible for PEO headquarters in addition to that already existing for Councillors.

8. Please provide any other information that you feel will assist members of the AGM and Council in understanding your submission, in particular your proposed action.

A simple scan of the world will reveal that the autocratic leaning, least democratic, governments do not adhere to the Elections Caretaker Convention as by not following the convention they can control the elections. This is very non-Canadian and why federal, provincial, and municipal governments abide by the Elections Caretaker Convention.

9. Please list any attachments to this document.

See attachment that includes motion Preamble, Whereas', and the actual motion.

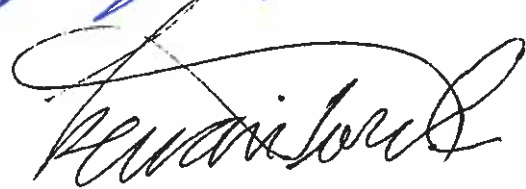
Member #1 (name/signature):

Roydon Fraser



Member #2 (name/signature):

Keivan Torabi



Date: April 20, 2022

**PLEASE FORWARD THE COMPLETED SUBMISSION ELECTRONICALLY,
WITH ANY ATTACHMENTS**

TO:

CEO/REGISTRAR, c/o AGMSUBMISSIONS@PEO.ON.CA

AT LEAST TEN (10) DAYS PRIOR TO THE ANNUAL GENERAL MEETING

PEO 2022 AGM Motion: PEO to Adopt the Election Caretaker Convention

PREAMBLE:

This year's PEO election saw a complaint concerning the well established Canadian democratic election principle of the Caretaker Convention that went so far as to illicit a legal opinion by PEO. In brief, PEO adopted long ago the Caretaker Convention (simple interpretation, non-interference in the election) for Councillors, while the complaint alleged that the Caretaker Convention was violated by staff - in the end a legal opinion obtained concluded that PEO does not have to follow the Caretaker Convention and hence the complaint was judged as moot, there being no restrictions on what staff can do during an election even if it is effectively a counter-campaign to one or more of the candidates. The legal opinion did not say PEO cannot follow the Caretaker Convention, and it must be remembered that it is only an opinion, therefore *the purpose of this motion is to uphold the integrity of PEO's elections by having PEO adopt the Caretaker Convention.*

BACKGROUND: Canadian Elections Caretaker Convention

One explicit example of the Elections Caretaker Convention can be found on the Government of Canada's website, "Guidelines on the conduct of Ministers, Ministers of State, exempt staff and public servants during an election".

<https://www.canada.ca/en/privy-council/services/publications/guidelines-conduct-ministers-state-exempt-staff-public-servants-election.html>

In Section 2 of this Guideline, the section concerning government business during the election period, Quotes #1 and #2 can be found. Note, one only need replace references to "government" with "PEO" to understand better how it should apply to PEO.

Quote #1:

"... must be especially vigilant with respect to the distinction between official government business and partisan political activities, taking care to avoid even the appearance being used for campaign purposes."

Quote #2:

"In order to respect the caretaker convention as well as the distinction between official government business and partisan activity. . . must: . . . ensure that routine departmental activities are carried out in a low-profile manner."

This motion is not about re-judging the elections complaint (hence no evidence from the complaint is provided), but rather is *directed at simply making a good policy decision* in the best interest of the integrity of PEO elections. Remember, Council already self-imposed the Caretaker Convention on Councillors recognizing it as good policy. It is suspected it was never expected that staff would need to be reminded of the Caretaker Convention hence no explicit rule exists today concerning staff possibly using PEO resources (e.g., able to communicate to all PEO members at will) to influence elections. This motion aims to correct this oversight.

**PEO 2022 AGM Motion:
PEO to Adopt the Election Caretaker Convention**

Whereas:

PEO Council has adopted the Caretaker Convention for Councillors.

Whereas:

PEO Council has not yet adopted, or in fact made any previous decision concerning, the Caretaker Convention for staff.

And Whereas:

The Caretaker Convention, i.e., the convention of non-interference in elections by staff or those in positions of power with access to government resources not available to candidates, or if interference cannot be avoided that it be as minimal as possible, is as well established rule for Canadian democratic federal, provincial, and municipal elections.

Be It Resolved and Moved That:

Council explicitly adopt the Election Caretaker Convention for staff in addition to its current adoption for Councillors.

Moved by: Roydon Fraser, P.Eng., FEC

New President-Elect, 9 times elected Councillor, 25+ years PEO volunteer

Seconded by: Keivan Torabi, P.Eng.

Past Councillor