ONTARIO SOCIETY OF PROFESSIONAL ENGINEERS

BEHIND EVERY GREAT ENGINEER.

November 22, 2018

The Honourable Caroline Mulroney
Attorney General of Ontario
720 Bay Street
McMurtry-Scott Building, 11th Floor
Toronto, Ontario M7A 2S9

Via Email: attorneygeneral@ontario.ca

Professional Engineers Ontario – Governance and Non-Regulatory Activity

Dear Attorney General Mulroney,

The Ontario Society of Professional Engineers (OSPE) is the advocacy association and voice of the engineering profession in Ontario. We represent the entire engineering community, including professional engineers, engineering graduates and students who work or will work in several of the most strategic and influential sectors of Ontario's economy. OSPE's mission is to ensure government, media and the public appreciate how critical the engineering profession is to growing Ontario's economy while protecting the environment and improving the quality of life we enjoy in our province.

We would like to express our support for the letter you received from our colleagues at the Consulting Engineers of Ontario (CEO) dated November 20, 2018 expressing their concerns regarding the non-regulatory activities of Professional Engineers Ontario (PEO), and the limitations of the current governance structure. We share and can further highlight these concerns.

OSPE was formed in 2000 after members of PEO voted to separate regulatory and advocacy functions into two distinct organizations. This division of mandates is used by several other professions; for example, lawyers have the Law Society of Upper Canada for regulation and the Ontario Bar Association for advocacy. However, throughout OSPE's 18 years of existence, PEO has continued to engage in advocacy and other member services activities, in spite of the fact that these clearly fall under OSPE's mandate. This has limited the effectiveness of both organizations, resulting in mandate confusion at PEO, and hampering OSPE's efforts to act as the sole voice of the engineering profession to government and the public on engineering advocacy issues.

We believe that greater role clarity for PEO would allow the regulator to be more effective in carrying out their mandate:

1. **Protection of the Public – Continuing Professional Education**:
   During the Elliot Lake Commission of Inquiry, both OSPE and PEO recommended the implementation of a mandatory Continuing Professional Education program so that the regulator could provide assurances that professional engineers are consistently up-to-date on current and new codes, standards, practices, and technologies. Recommendation 1.24 of the Report compiled by the Hon. Paul R. Belanger on October 15, 2014 clearly stated that "The Professional Engineers of Ontario should 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."

   Although PEO has established a Practice Evaluation and Knowledge (PEAK) program to address this recommendation, over four years have passed since the release of the report, and PEAK is neither compulsory, nor has it been effectively adopted by PEO's licencees. A recent review of the program has revealed that fewer than one third of licencees have fully completed the PEAK questionnaire. We believe that a continued professional development program is an effective means of ensuring continued public confidence in engineering – and we strongly encourage the implementation of a mandatory program.

2. **Elimination of PEO Lobbying Capability (Government Liaison Program):**
   With respect to PEO's non-regulatory activities, OSPE would like to highlight PEO's Government Liaison Program (GLP), which exists to "Build the Influence of PEO with Government". OSPE feels it is inappropriate for an organization that aspires to be a co-regulator with government to also run a program for the purpose of influencing government and promoting the work of professional engineers. We believe this is a fundamental conflict of interest.

   PEO has a well-developed technical interface with government concerning enforcement issues for the engineering profession. We applaud their stated intention to be "partners in regulation" with the government. We do not believe that any resources need to be put in place to lobby the government on behalf of members – this is not appropriate for a regulator.

Through the Office of the Attorney General, and under the *Professional Engineers Act*, R.S.O. 1990, c.P.28, the Government of Ontario made the decision to prescribe PEO's role as that of regulator. OSPE believes this arrangement must be respected by PEO by focusing only on their core mandate – licensing individuals who have met the rigorous qualifications, disciplining licence holders who fail to maintain the profession's technical and ethical standards, and ensuring that only licence holders practise professional engineering.

OSPE supports PEO's legislated powers to self-regulate the engineering profession and would like to continue positive relations with our sister organization. However, additional role clarity and mandate emphasis will ensure greater efficiencies for both organizations, and reduced costs for our members. Put simply, PEO can only effectively regulate by remaining solely focused on the public interest. OSPE will continue to advocate for what's best for the engineering profession.

We wish to also clarify that OSPE has the utmost confidence in the competencies and abilities of PEO's President, Mr. David Brown, P.Eng., and of the Interim Registrar, Mr. Johnny Zuccon, P.Eng., however, the governance structure of PEO does not allow them the authority to implement the required changes. In our view the current structure of council serves to maintain the "member's club" mentality outlined by CEO – rather than ensure a concerted focus on the public interest.

We believe that an opportunity for action exists in the near term to pull together a meeting of the Presidents and CEOs of all three organizations with the purpose of achieving a consensus plan as we move forward. This plan, supported by the Attorney General, must resolve the two primary issues identified – PEO's Governance Model and Focused Mandate. We anticipate that this could be completed by the end of February 2019.

OSPE can be contacted directly through the CEO, Sandro Perruzza at 416-223-9961 ext. 223, or via email at sperruzza@ospe.on.ca. Our goal is to ensure that PEO is efficiently and effectively fulfilling its mandate of regulating the engineering profession for the people of Ontario.

Sincerely,

Jonathan Hack, P.Eng.
President and Chair

Sandro Perruzza
Chief Executive Officer

CC: David Artemiw, Director of Policy, Office of the Attorney General
Christine Hill, P.Eng., Chair, CEO
Bruce Matthews, P.Eng., Chief Executive Officer, CEO
David Brown, P.Eng., President and Chair, PEO
Johnny Zuccon, P.Eng., Interim Registrar, PEO