



## Position Statement

### **Issue: Professional Engineers Ontario (PEO): Licensing Process Task Force Draft Report Recommendations**

#### **CAPE AND ITS COMMUNITY COALITION POSITION**

- The Council for Access to the Profession of Engineering (CAPE) is a membership-based organization serving immigrants with engineering backgrounds. Our membership stands at over one thousand members. We have also formed a coalition of over ten community associations serving immigrants with engineering backgrounds.
- Engineering is legislated as a regulated profession in Canada under the **Professional Engineers Act R.S.O. 1990, CHAPTER P.28**. Licensing of engineers in Canada is a provincial responsibility. The authority to regulate this profession in the province of Ontario has been delegated to Professional Engineers Ontario.
- At its meeting of January 21st, 2005 Professional Engineers Ontario (PEO) Council established the Licensing Process Task Force (LPTF). This is the first time that PEO has undertaken a thorough, fundamental review of its licensing criteria and processes.

#### **CAPE and our coalition recognizes PEO's openness to change**

- The review is driven by the PEO position, stated on its website (<http://www.peo.on.ca>) that "It is in the public's interest to maintain the current Canadian regulatory model for the practice of engineering, which relies on one act and one regulatory body within provincial and territorial jurisdictions, to promote transparency and accountability and that the public is best served by having those taking responsibility for engineering practice meet an appropriate and consistent high standard of education and experience, with one body determining standards of practice.

**Not only is there no public documentation of these standards of practice but this model is also totally disconnected from the federal government to which skilled newcomers to Canada apply for admission to Ontario and other provinces of Canada (with the exception of Quebec).**

- In its first draft report for discussion released on 3<sup>rd</sup> May 2006 LPTF defines its terms of reference as a review of PEO's licensing practices with a view to their effectiveness in protecting the public, fairness to all classes of applicant, and timeliness and operational efficiency.

**CAPE and its coalition met on 26<sup>th</sup> April 2006 to discuss the recommendations of LPTF presented at our roundtable of 31<sup>st</sup> March, 2006 by PEO, and held further discussions following the recent release of the first LPTF draft report for discussion. On the basis of these CAPE and its coalition partners have taken the position that LPTF recommendations would create such an onerous, subjective and institutionally rigid licensing process that public interest would be in danger of being jeopardized. We therefore reject the LPTF recommendations in their entirety on the basis presented below.**

- Over the last 30 years not only has the scope, complexity, and size of the profession changed but the applicants who are applying to practice engineering in Ontario have also changed from mainly being graduates of Canadian engineering schools to a highly diverse group in terms country of origin, academic background, and work experience. Recognizing that existing regulatory policies, practices, and approaches had to be evaluated, the Ontario Regulators for Access, an informal coalition of professional regulatory bodies in Ontario endorsed *Guiding Principles for Regulators* calling for fairness, objectivity, transparency, accountability and collaboration.

**CAPE welcomes the endorsement of these principles by Professional Engineers Ontario.**

- LPTF has taken the position that PEO's enabling legislation (the Professional Engineers Act and Regulation 941) is not perfect and should not be considered sacrosanct. Its proposals for changes to PEO's enabling legislation are made on the basis that Regulation changes are much easier and quicker to accomplish than Act changes.
- Further the LPTF takes the stand that the peer review process must unquestionably be retained and PEO licensees should voluntarily engage in activities to assess applicant qualifications for licensure through participation in reviews and interviews of the academic requirements committee (ARC), experience reviews and interviews of the experience requirements committee (ERC), registration hearings of the Registration Committee (REC), administration of Professional Practice Examinations (PPEs), acting as supervisors, monitors, and referees for engineering interns, and acting as members of visiting teams for CEAB accreditation.

**Our position is that in committing itself to this stand, LPTF has placed itself in the untenable position of promoting a subjective process that can only be a reflection of the personal competence and global knowledge (or not) of the PEO licensee. The whole process becomes grounded in an assumption of 'deficiency' of all credentials obtained outside of Canada so equivalency must be established.**

- The engineering academic peer review process relies totally on the principle of equivalency on an individual by individual assessment and a limited database of accredited foreign engineering schools and universities, the development of which has not kept pace with the tremendous increase in diversity over the last thirty years. This in spite of huge strides in information technologies. Since PEO does not recognize the Mutual Recognition Agreements signed by CCPE to facilitate foreign credential recognition this is a lengthy and cumbersome task.
- For the second part of this peer review process known as the experience assessment no clear definition of equivalency has been established for the four year experience requirement. Under Sections 33 of the regulation, the applicant must acquire 12 months' experience in a Canadian jurisdiction under a PEO licensee. The rationale for recognition of three years or more of experience gained outside of Canada as being equivalent yet not recognizing an extra year to meet the full four year requirement is unclear other than that this is necessary to ensure that the applicant is familiar with Canadian codes and standards of practice. LPTF has recommended that a rigidly structured formal internship should augment the one year 'Canadian experience' requirement. The applicant will be responsible for finding a suitable mentor and employment to meet the internship requirement.

**CAPE and its coalition would contend that knowledge of codes and standards of practice can be acquired through self learning as is done in most parts of the world. That the internship would make licensing so onerous fewer candidates would apply for the license. This would serve to stop otherwise, deserving applicants from entering the profession. This is contrary to public interest as well as current Federal and Provincial Government policy of integrating deserving skilled newcomers into their professions in Ontario**

- The LPTF has recommended that the fundamental admissions criteria should be redefined to include knowledge (as opposed to academic record.), skill (as opposed to experience) and character (or attitude). One fails to understand how these admissions criteria are to ensure objectivity and avoid ambiguity in the regulations and the peer review process. What will be the criteria to assess an attitude for instance? How is foreign experience to be assessed by a PEO licensed engineer who has never worked outside Ontario? And if an engineer who has only ever worked in Ontario can assess the experience of the foreign trained engineer then the converse (that the foreign trained engineer can assess 'Canadian' experience without having worked in Ontario) must also hold true. This is the case in many countries around the world where they have clearly defined and publicly documented procedures and standards. Where then does the twelve month 'Canadian' experience derive its specificity? How does this reflect on the fairness of the peer review process?
- Another assumption is that all PEO licensees possess the knowledge, skills and attitude being re-defined under the fundamental admissions criteria. Placing new applicants at the mercy of PEO licensees without putting them to the proof of justifying this assumption is selective application of the principle of fairness. Also, the institutional capacity of PEO relying as it does on volunteers to undertake the peer review process is already stretched. Introducing a more onerous process including formal internship and requiring every applicant to go through this will overburden PEO licensees. There is a real danger that newly licensed volunteers with inadequate post licensing experience will be pulled into the peer review process putting the public safety at risk.