

POSITION STATEMENT

ISSUE: THE ONTARIO CENTRE FOR ENGINEERING AND PUBLIC POLICY (PEO): PROPOSED NATIONAL FRAMEWORK FOR MEMBERSHIP AND LICENSURE

CAPE POSITION

In its inaugural issue of the Journal of Policy engagement, The Ontario Centre for Engineering and Public Policy;

- i. Features an article entitled “Upholding our sacred trust: Rethinking engineering licensing and membership”. Kim Allen, P.Eng. (Registrar of PEO), and Donald Wallace, PhD.- The authors of this article - examine engineering licensure and membership with a view to assessing how these concepts can be updated and modernized. In this article the authors present a National Framework for Membership and Licensure that seeks to protect the engineering profession’s right to self-regulation and its autonomy, but recognizes that these are vulnerable parts of the bargain to protect the public interest.
- ii. CAPE has examined this article and adopts the position that the proposed National Framework for Membership and Licensure seeks only to protect the engineering profession’s right to self-regulation and its autonomy. Without implicitly addressing existing peer review processes embedded in this, the National Framework for Membership and Licensure cannot ensure that this model meets the test of an objective and fair process lending itself to modernization to provide for global mobility of engineers in the face of rapid technological development and global competition.

CAPE COUNCIL FOR ACCESS TO THE PROFESSION OF ENGINEERING – LEVERAGING GLOBAL ENGINEERING COMPETENCIES

CAPE is a membership-based organization serving immigrants with engineering backgrounds in Ontario. We have over two thousand members and have formed a coalition of over fifteen community associations serving the same engineering fraternity. Over 85% of our inclusive membership drawn from 26 engineering disciplines and over a hundred countries is not currently

engaged in the licensed practice of engineering in Ontario despite having high levels of engineering education and possessing extensive international engineering experience. Based on extensive ground-breaking action research between 2003 and 2008, CAPE has brought the following issues to the fore through a series of reports, research papers, policy submissions, position papers and knowledge conferences:

- That the majority of engineering graduates (both those educated locally and the foreign trained) are not opting to become licensed
- Existing regulatory practices governing the practice of engineering do not lend themselves to mobility of engineers
- Over the last 30 years not only has the scope, complexity, and size of the profession changed but the entrants to the engineering profession in Ontario have also become highly diverse in terms country of origin, academic background, and work experience
- Over the last two centuries the world has moved from colonization to independence to inter-dependence shifting focus away from flow of raw materials and processed goods to technology, knowledge, education, ideas and culture through migration of leading edge knowledge workers, including many engineers.

This has broadened the concept of trade from common market and tariff goods to free-market and non-tariff professional services including engineering as a result of free trade agreements.

Consequently the engineering profession finds itself under pressure to review its regulatory frameworks to ensure that these are fair, objective, non-discriminatory and no more burdensome than necessary to ensure mobility of engineers in a globally competitive environment and emerging sustainability needs.

ENGINEERS ONTARIO AND ENGINEERS CANADA: RETHINKING ENGINEERING LICENSING AND MEMBERSHIP

In the feature article referred to above, the authors state that the engineering profession in Canada today faces four significant challenges:

- Only a minority of engineering graduates are licensed professional engineers.
- Legislative exceptions allowing individuals to practice engineering without being licensed

- Limited mobility of practitioners who undertake a specific or limited scope of engineering depriving the public of expertise that exists in its midst.
- Canada assigns professional engineering bodies the role of assessing the credentials and competencies of applicants and the granting of licenses but does not assign them the role of encouraging academically qualified individuals to become members or to help applicants become licensed further depriving the public of potential engineering expertise.

The authors identify five principal reasons for a re-examination of engineering licensure and membership in Canada:

- Engineering regulation across Canada has developed into a patchwork of licensing practices so that interests of individual engineers and the public have been harmed.
- Professional engineering bodies need to ensure that all engineering-related activities are subject to regulation.
- There is a need to bolster the profession's public interest function.
- All engineering graduates, not just license holders, should be registered with the profession
- Measures must be taken to remove obstacles to full mobility for licensed engineers

The authors suggest that to deal with the issue of “non-practicing” engineers, regulators should ensnare all engineering graduates into its unwieldy institutional structure to ensure they retain an ongoing professional engineering affiliation while continuing to maintain control through an appropriate path towards licensure over those wishing to practice engineering as defined by the regulators.

They argue that the goal should be to allow engineering graduates to maintain an engagement with the profession and to contribute to its development, to situate their work in the context of emerging technological developments in a process tightly controlled by the regulators.

NATIONAL FRAMEWORK FOR MEMBERSHIP AND LICENSURE INITIATIVE

According to this article professional engineering bodies across Canada are redefining licensing aiming to:

- Engage all engineering graduates as members of the profession and participate in its governance
- Enable all engineering practitioners to fully utilize their training, experience and expertise as its members;
- License all members practicing engineering according to their competencies and hold them publicly accountable for their work and conduct by the regulators;
- Regulate all engineering activities, services and products to protect and serve the public interest; and
- Allow members and license holders to enjoy full mobility across Canada ignoring global mobility

The argument is presented that the proposed framework is designed to create a mobility platform to operate in all provincial and territorial jurisdictions, to facilitate the convergence of provincial legislation, to build public confidence in the regulation of engineering and to promote renewal of the profession. That this more comprehensive national framework of membership and licensure would operate in the public interest by providing greater clarity and transparency to consumers. Significantly, however, the framework would shift the primary emphasis of professional engineering bodies from enforcement and sanction to prevention and education geared to labor market development. In summary, the framework, if adopted and implemented in all jurisdictions, is expected to:

- facilitate the national harmonization of engineering legislation and regulations;
- provide full national mobility for all members and license holders;
- make easier enforcement of professional misconduct;
- take on the professional public interest function of labour market development; and
- Register all engineering graduates with the profession.

CAPE VIEWS

CAPE welcomes the acknowledgement that the interests of individual engineers and the public have been harmed by the existing patchwork of regulatory practices in Canada. However, CAPE takes the position that the proposed national framework will only serve to give greater thrust to existing harmful practices. The proposed national framework concerns itself more with protecting the engineering profession's right to self-regulation and its autonomy than addressing the need of engineering workers to foster genuine

technological development geared to global competition and sustainability. Contrary to modernizing and updating the membership and licensure processes it will only serve to give engineering bodies greater power over larger numbers to consolidate the engineering profession's right to self-regulation and its autonomy, in the end making regulation too vulnerable to protect the public interest.

In previous position statements CAPE has clearly stated that the harm to the individual engineer and public derives from lack of objectivity and institutional rigidity in regulation. That these discourage local engineering graduates and immobilizes skilled engineering migrants from entering the practice of engineering in Canada stopping short efforts to foster genuine technological development in our nation.

CAPE stands firm on its previous position statements that can be accessed through its website:

- [Position Statement 2: Issue: Expectations from Fair Access to Regulated Professions Act, 2006 and the Office of the Fairness Commissioner, Ontario. May 2008](#)
- [Position Statement 1: Issue: Professional Engineers Ontario \(PEO\): Licensing Process Task Force Draft Report Recommendations. May 10, 2006](#)

CAPE adopts the position that no amount of public policy rethinking can modernize or update engineering licensure and membership unless the peer - review principle is examined. Peer review encompassing credential, competency, conduct and experience assessment processes based on the principle of equivalency on an individual by individual basis must take place against publicly documented criteria and demonstrable knowledge of the peers to carry out these assessments to ensure objectivity and fairness.

CAPE draws attention to the court ruling in the case of Tchou-San-Da v. Association of Professional Engineers, 2007 BCSC 1403 that sheds some light on the issues that need to be rethought in relation to this.

i The Ontario Centre for Engineering and Public Policy was established in June 2008 by the council of Professional Engineers Ontario (PEO) to enhance the engagement of the engineering profession in the development of public policy to better serve and protect the public interest. Following this as reported in its November/December 2008 issue of Engineering Dimensions, PEO reports under the news item that "PEO's efforts to build stronger relations with

legislators received a symbolic boost with the re-presentation of PEO's President's Award to MPP David Zimmer, LLB, parliamentary assistant to Ontario Attorney General Chris Bentley, LLB. ... In accepting the award, Zimmer described himself as "a closet engineer" who has taken note of the profession's efforts to make a contribution to public policy development for the greater public good..... Zimmer has held the "engineering file" within the Ontario government since 2003.

ii Elliott A. Krause, *Death of Guilds: Professions, States, and the Advance of Capitalism, 1930 to the Present* (New Haven: Yale University Press, 1996): 60–67.

- [Submission on Recognition of the International Experience and Credentials of Immigrants with Engineering Backgrounds to the Cross-Canada Hearings of The House Of Commons Standing Committee On Citizenship And Immigration. March 31, 2005](#)
- [Submission to MTCU on Bridging Skills Gaps between Employer Needs and Immigrant Experience. February 10, 2005](#)
- [Submission on PEO Appeals Process to George Thompson Commission. December 3, 2004](#)
- [Submission to Professional Engineers Ontario \(PEO\) on the Provisional License for Internationally Trained Engineering Graduates. June 3, 2004](#)
- [Presentation to Ministry of Citizenship and Immigration \(Ontario\). December 8, 2005](#)