

Ethics Definitions - H

Two of the PEO's functions are discipline and enforcement. Explain what enforcement is and how it differs from discipline. Name two specific activities that are subject to enforcement.

Enforcement refers to dealing with unlicensed people who infringe on the Act; i.e., restricting unlicensed people from practicing engineering (A40 lays out the "penalties" for contravening section 12, and thus, expresses the power to enforce that section), while discipline refers dealing with licensed people who have contravened the Act acted, i.e., by practicing unscrupulously or negligently (A48). Two specific activities that are subject to enforcement are practicing engineering without holding an appropriate license or certificate and leading someone to believe that you are a professional engineer when you are not. The enforcement actions of PEO in these cases consist of charging infringing people with fines of \$25,000 & \$10,000 respectively for first offenses, and \$50,000 & \$25,000 for subsequent offenses, as explained in section 40 of The Act

What is the principal object of the Association of Professional Engineers of Ontario?

In A12(3): "The principal object of the Association is to regulate the practice of professional engineering and to govern its members, holders of certificates of authorization, holders of temporary licences, holders of provisional licences and holders of limited licences in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected."

What is the purpose of the engineer's seal and when should it be used? What two elements are required to accompany the seal?

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The purpose of the seal is to certify the competence of the documents' preparation, and in particular, that the one sealing them has - intimate knowledge of, and - control over, the documents themselves, and takes legal responsibility for their accuracy. When to use: Engineers must seal all "final drawings, specifications, plans, reports, and other documents involving the practice of professional engineering, when issued in final form for action by others." See 2.8. The engineer must also sign and date the document being sealed (R53).

Professional engineering in Ontario is described as a "self-regulating profession". What does this term mean? In your answer, briefly describe three different features in the way professional engineering is regulated in Ontario that are consistent with this term.

Professional engineering in Ontario is "self-regulating" because rather than passing laws directly regulating engineering, the government here has passed laws giving engineers the ability to make and enforce engineering-governing laws. The three features of this regulation scheme: 1) The PEO Council establishes committees (made up of engineers) & directs staff who administer the Act and Regulations, 2) The PEO Council appoints a committee of peers (engineers) to carry out discipline, and 3) The majority of the PEO Council is selected from and by engineers.

PEO issues Certificates of Authorization. Who or what is eligible to receive one? Why is it necessary to obtain one?

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A C of A can be held by a natural person, a partnership, or a corporation. In any case, section 47 from the Regulations specify the requirements for a C of A: 1. Designate Member(s) and/or holders of temporary licenses who will supervise the C of A; each must have >5 years professional engineering experience 2. State that the person(s) in (1) is i) the applicant, or the applicant's ii) employee, iii) partner, or iv) partner's employees; and that they will devote sufficient time to perform the supervision. 3. The applicant has sufficient insurance A C of A is necessary to provide professional engineering services to the public. As stated in A12(2): "No person shall offer to the public or engage in the business of providing to the public services that are within the practice of professional engineering except under and in accordance with a certificate of authorization. R.S.O. 1990, c. P.28, s. 12 (2)." Contravening section 12 of the Act by operating without a C of A when one is required is subject to a \$25,000 (first offense) or \$50,000 (subsequent offense) fine, according to section 40 of the Act.

A P. Eng. and a Temporary Licence holder may hold a Certificate of Authorization. Are there any limitations on the C of A held by the Temporary Licence holder?

A certificate of authorization must list Members OR Temporary Licence holders who will oversee/be responsible for the engineering conducted under it (R47(1)). Limitations (for either licence holder): 1. Require insurance or exemption in accordance with R74(1) 2. Lasts one year (R49(1)), or until all licences of named members on the certificate application expire (R49(2)). The difference is that temporary licences expire after a maximum of 12 months, but the specific time will be specified in the application

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PEO recently recognized Engineering Intern and Engineering Student in its regulations. What are the requirements for each?

Class of "Engineering Intern", R32.1 Requirements: 1. Enrolled in the Association's Engineering Intern Program; 2. Has Applied for a licence in accordance with the Act and this Regulation and the application has not been fully dealt with (e.g., has the educational and the experience requirements complete but not the PPE). 3. Meets the academic requirements for licence (or is currently completing courses or exams to meet them) Class of "Engineer Student", R32.2 Requirements: 1. Enrolment in the Association's student's program; and 2. Enrolment in an engineering program offered by a Canadian university and accredited by council (or in the process of being accredited)

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Is a civil [or mechanical] engineer (who is a P. Eng.) allowed to perform services that are normally within the scope of mechanical [or civil] engineering? Explain.

If his license is not a limited license which limits his services from this scope, then yes: licensing is not discipline specific. That said, it is professional misconduct by section 72(2)(h) of the Regulations to "[undertake] work the practitioner is not competent to perform by virtue of the practitioner's training and experience." Therefore, the practitioner must ensure that he is competent to perform the work, lest it be misconduct.

Are there any restrictions on how professional engineering services may be advertised? Explain.

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Absolutely. In Ontario, PEO publishes a Guideline to Professional Practice, in which it establishes that "advertising may be considered inappropriate if it: 1. claims a greater degree or extent of responsibility for a specified project or projects than is the fact; 2. fails to give appropriate indications of cooperation by associated firms or individuals involved in specified projects; 3. implies, by word or picture, engineering responsibility for proprietary product or equipment design, 4. denigrates or belittles another professional's projects, firms, or individuals, 5. exaggerates claims as to the performance of the project, or 6. illustrates portions of the project for which the advertiser has no responsibility, without appropriate disclaimer, thus implying greater responsibility than is factual." (see section 9.2, or R75)

Describe the roles performed by PEO's Complaints Committee and Discipline Committee.

As explained on pages 325-326 of the Ethics text, when a complaint is filed about a P.Eng, the Complaints Committee evaluates the complaint (after the association staff gathers information) and then the Discipline Committee conducts a formal hearing that renders a judgment.

What are the consequences, if any, to a professional engineer who does not keep his or her licence permanently displayed in his or her place of business?

This action is a breach of the Code of Ethics only(R77(2)(iv)), and so does not have explicit disciplinary consequences.

Assume you are the holder of a Certificate of Authorization that is issued in your name. Assume you also qualify to be designated as a Consulting Engineer. What rights and privileges would this designation give you in addition to the rights and benefits you enjoy under the Certificate of Authorization?

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Designation as a consulting engineer would allow you to use the title "consulting engineer" (pg 84), which carries with it prestige, and the ability to benefit from being part of a consulting engineers society. Most private practitioners prefer to use this title.

PEO issues Temporary licenses. In addition to paying the necessary fee, briefly state three other requirements to obtain such a license.

Temporary License Requirements: (From section 43 of the Regulations) Payment of a fee and: 1.Residence & membership in another province/territory in Canada with at least as strict engineering membership requirements. 2.Qualifications >= the minimum qualifications in ON. 3.Wide recognition in the field of engineering to be worked on, and >= 10 years experience in that field.

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List five requirements an applicant must meet to obtain a P. Eng. licence in Ontario.

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The Registrar shall issue a licence to a natural person who applies in accordance with the regulations as follows: 1. Academic - a Canadian accredited engineering degree or other qualifications found or determined to be equivalent 2. Experience - 48 months (4 years) direct engineering experience that provides sufficient experience to meet generally accepted standards of practical skill. Up to 12 months may be acquired before graduation - but after half way through program. At least 12 months acquired in a Canadian jurisdiction under supervision of a P. Eng. 3. Professional Practice Examination (PPE) - passing a three hour closed book examination in Ethics, essentials of the Professional Engineers Act, and Law. 4. Be at least eighteen years of age 5. Be of good character as determined from references 6. Comply with any other requirements specified in the regulations for the issuance of the licence 7. Canadian citizenship or permanent residency NO LONGER REQUIRED. Note this requirement was repealed in 2010.

PEO is mandated to regulate the practice of professional engineering, govern its members, other licensees and holders of Certificate of Authorization in order that the public interest be served and protected. How is regulation conducted by PEO?

Professional engineering in Ontario is "self-regulating" because rather than passing laws directly regulating engineering, the government here has passed laws giving engineers the ability to make and enforce engineering-governing laws. The three features of this regulation scheme: 1) The PEO Council establishes committess (made up of engineers) & directs staff who adminster the Act and Regulations, 2) The PEO Council appoints a committee of peers (engineers) to carry out discipline, and 3) The majority of the PEO Council is selected from and by engineers.

Ethics Cases

You are PEng employed full-time by a company that creates technology A. You agreed to work part-time for friend with small company. Assuming you have all req licenses and authorizations, is it appropriate to work both jobs? What issues do you need to consider? One day, your friend tells you about a new device they are trying to invent and you realize technology A would work. Should you make use of technology A in your part-time job? Explain how s72(2)(g) of Reg 941 could apply to ans above. Are there other parts of s72(2) that could apply?

Moonlighting, not strictly unethical so long as (s77(5)): i. Employee [doesn't] compete with employer for contracts, ii. Moonlighting time & effort [doesn't] reduce employee's workday efficiency, and iii. Employer [is] informed of the moonlighting. Not informing the employer is illegal as it is also req by s72(2)(i)(4). You ar obligated not to disclose the tech, certainly not without consent of main employer s77(3). You could request ability to disclose it from main employer or an alt, such as selling the tech to part-time firm. Section 72(2)(g) specifies if only a breach of Code of Ethics then not misconduct. However, the action being a clear breach of Code of Ethics means likely grounds for professional misconduct charges on basis of s72(2)(j).