

THE 70 PER CENT PROBLEM, THE 30 PER CENT SOLUTION

By Angelo Mattacchione, P.Eng., and Livia Mattacchione, P.Eng.

THREE SEEMINGLY DISPARATE topics in the January/February 2016 issue of *Engineering Dimensions* caught our attention. The first includes some of the candidate statements in the insert for the 2016 PEO council elections. The second was under the title “Members warming to idea of CPD [continuing professional development]” in the news section. The third was under the title “Decrease in discipline?” in the letters section. Yet, they are all fundamentally related.

In the 2016 council elections insert, Peter DeVita, P.Eng., FEC, running for president-elect, points out that “over 70 per cent of P.Engs do not require their P.Eng. (or stamp) to work,” and he agrees with engineer F.H. Peters’ 1918 statement that “we get neither the remuneration nor the respect that is due to us, as members of the profession.” Bob Dony, PhD, P.Eng., FEC, also running for president-elect, points out that “the perennial problem of low voter turn-out and acclaimed council positions shows that we are not engaging the entire membership.” And Pat Quinn, P.Eng., FEC, warns that “a regressive, costly, compulsory professional development programme” with a consequent “fee increase to pay for its administration” are coming and, worse yet, that “neither can be shown to be necessary or is evidence based.”

Under “Members warming to idea of CPD,” Annette Bergeron, P.Eng., the chair of PEO’s former Continuing Professional Development, Competence and Quality Assurance (CPDCQA) Task Force, described the experience of presenting at five of PEO’s “You talk. We listen.” town hall meetings. PEO’s survey data pointed to an 80 per cent support for the task force’s proposed program. Notwithstanding this, according to engineer Bergeron, “licence holders first arrived at their town halls with a little trepidation towards professional development in Ontario” but that after the attendees heard that non-practising engineers would have no CPD requirement other than a one-hour, no cost, ethics refresher, “70 per cent of attendees came around to

supporting our program, while 30 per cent of attendees didn’t really want to listen.”

Under “Decrease in discipline?,” David Baigent, P.Eng., was “shocked and concerned” by the absence of the Gazette section in the November/December 2015 *Engineering Dimensions*, questioning if PEO was “providing sufficient resources to the investigators and Discipline Committee to follow up on complaints from the public,” and wondering whether public complaints against licensees were being investigated as thoroughly, or members being prosecuted in Discipline Committee hearings “as rigorously by PEO as in the past.” With a membership of over 80,000, engineer Baigent argues “there are likely thousands of complaints received by PEO every year...,” and asserts that “our statutory responsibilities as a self-regulated profession may be at stake...”

Engineer Baigent’s concern is not a new one. It has its origin in PEO’s 1991 Task Force on Discipline and Enforcement (TFDE). At that time, PEO’s membership numbered 58,000. The task force concluded that only 25 per cent of membership was being effectively governed because only 25 per cent of licensees were covered by a Certificate of Authorization. Based on this simple statistic, TFDE recommended PEO undertake a review of its responsibility for governing the profession as a whole.

PEO reacted strongly, initiating a lengthy fundamental review of the profession that was costly, controversial, divisive and produced no clear benefit to the public.

During a fundamental review meeting on a Saturday, for which about 800 PEO members registered, subgroup after subgroup asked what was wrong with the current process that required such a radical change. Not surprisingly, the process was described by some as a solution in search of a problem.

To attempt to validate the basis of the recommendations by the 1991 TFDE, we undertook an in-depth demographic analysis of PEO’s 60,000-member database as part of the 1999 Task Force on Admissions, Complaints, Discipline and Enforcement (ACDE). After many nights spent poring over the database, the data mining effort revealed that only about 25 per cent of PEO’s members worked as professional engineers. So, unlike what the 1991 TFDE concluded, it was not that PEO was governing only 25 per cent of its members, rather it was that only 25 per cent of the PEO membership were practising professional engineers. Thus the 1991 call for a fundamental review was based on an incomplete understanding of the demographics of the PEO membership.

How have things fared since then? The feature article “Improving a finely tuned complaints process” in the July/August 2006 issue of *Engineering Dimensions* quoted Jane Phillips, P.Eng., then Complaints Committee chair, as saying: “We have over 67,000 licence holders and only about 35 filed complaints per year, which encourages confidence in the effectiveness of PEO’s licensing regime with its current emphasis on ethics and standards of practice for licence holders.” The Fast Facts article “RC changes reflect latest views on natural justice” in the March/April 2008 issue of *Engineering Dimensions* boasted that “PEO’s investigation, complaint and discipline activities recently obtained a passing grade from an external audit.” More recently, according to PEO’s 2014 annual report, the Complaints Committee disposed of 91 complaints, of which six were referred to the Discipline Committee; the Discipline Committee held four pre-hearing conferences, completed three hearings, wrote six final decisions and had a pending caseload of 12 matters. The Registration Committee held six pre-hearing conferences, completed two hearings, wrote three final decisions and had a pending caseload of 10 matters. And, enforcement opened 392 files, of which only 5 per cent involved practice violations, with the rest being title violations by non-professional engineers.

Considering the foregoing, we must concur with engineer Quinn’s view that PEO’s current CPD initiative lacks justification. Moreover, we cannot help but get the impression that, like PEO’s previous fundamental review, this current CPD program is another solution in search of a problem.

So, engineer Baigent’s belief that a PEO membership exceeding 80,000 must be generating thousands of complaints per year is unfounded. But to be fair, this perception is also more than understandable. In fact, it is this same perception that led the 1991 TFDE to call for a fundamental review, specifically the assumption that all PEO members are doing professional engineering work. If this were the case, indeed we, too, would expect PEO to be receiving complaints in the thousands per year. But since 70 per cent of the membership is non-practising, their work would not fall under the scrutiny of PEO. Yet, if our own membership is not aware of this and concludes that PEO may be falling short of its mandate, even when it is not so, what can we expect the perception of the public to be?

We stated earlier that all of these topics were fundamentally related. In fact, they are more than just related. It is clear to us they all result from the

AS A BODY WHOSE MANDATE IS TO REGULATE THE PRACTICE OF PROFESSIONAL ENGINEERING IN ONTARIO, WHY DOES PEO ALLOW INDIVIDUALS WHO ARE NOT ENGAGED IN THE PRACTICE OF PROFESSIONAL ENGINEERING TO BE MEMBERS?

same single-source problem, which is that 70 per cent of PEO membership is non-practising and so do not need to be members of PEO.

What is this 70 per cent doing if not professional engineering? Our previous in-depth analysis for the 1999 ACDE Task Force revealed that they were teachers, lawyers, real estate agents, financial analysts/advisors, insurance adjusters and accountants, to name a few, with many more in administration and management positions supervising non-engineering staff in non-engineering organizations. Still others were out of province and/or country or retired. A less in-depth search through the PEO website’s current licence holder directory page reveals the demographic makeup to be the same.

Some see this 70 per cent group as underutilized or underemployed. We do not. We see it as a function of the breadth of the applicability of the rigorous education provided by undergraduate studies in engineering or applied science. We recall two particularly indelible comments from the orientation by professors during our very first day at University of Toronto’s faculty of applied science and engineering. The first was: look to your right, look to your left, by graduation one of the three of you will be gone; the second was that after graduation, as few as 15 per cent of us would be working as professional engineers.

PEO seems to have no issue with a membership in which 70 per cent are non-practising. We, however, cannot help but ask the obvious question: Why would PEO be prepared to waive a CPD requirement for this group, if not to engage this majority of members not working in engineering to accept and adopt a CPD program that engineer Quinn quite correctly points out will be costly and lacks proof for its need?

The *Professional Engineers Act* states: “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.”

As a body whose mandate is to regulate the practice of professional engineering in Ontario, why does PEO allow individuals who are not engaged in the practice of professional engineering to be members? Further, why is this group of non-practising members, who now represent seven out of every 10 members, allowed to dictate CPD requirements, or any other requirements for that matter, that will be imposed on members who are actual working professional engineers? If it is public

input that's required, PEO already has it via the lay members who are among the up to 12 lieutenant governor-in-council appointees to the 29-member PEO council.

With respect to engineer Dony's concern for low voter turnout—is it any wonder only 11 per cent vote during council elections? Why would the 70 per cent non-practising members bother, since nothing that the association does or will do will typically affect them? With respect to their support of the proposed CPD program, as engineer Bergeron pointed out, after the attendees heard that “non-practising engineers would have no CPD requirement other than a one-hour, no cost, ethics refresher...70 per cent of attendees came around to supporting our program.” Of course the majority of non-practising members would support a CPD regime that allows them to avoid CPD. If you were a member who doesn't need a P.Eng. licence to work, and didn't want to do CPD, wouldn't you support such a proposal?

It was reported that during the town hall meetings “...30 per cent didn't really want to listen.” Could it be that this 30 per cent represented the practising members as opposed to non-practising engineers, and what happened to these town hall meetings being “You Talk. We Listen.” in nature?

With respect to engineer DeVita's concern that PEO members get neither remuneration nor respect, when we consider this in terms of the 70 per cent non-practising members who do not require a P.Eng. but have one, should we be surprised? As far as the public is concerned, the members of PEO that the public runs across are doing the same job as they, the public, are. That is, PEO members are teachers, lawyers, real estate agents, financial analysts/advisors, insurance adjusters, accountants, administrators or managers. So as far as the public is concerned, why should a non-practising member of PEO get any more remuneration or recognition than a public individual doing the same job?

As radical as it may sound, and as difficult as it may be to implement, the solution to all of these issues is to restrict PEO membership to the 30 per cent who need to be licensed professional engineers.

In this way, PEO can truly fulfill its mandate under the act, which will allow PEO to best serve the public interest.

The secondary consequence of properly restricting membership to only practising engineers is that it will eventually allow the public to see that professional engineers do things that the general public cannot do, in the same way that the public sees that teachers, lawyers and accountants do things that the general public cannot.

Finally, if PEO lacks the will to restrict membership to only practising engineers, and additionally is set on foisting a CPD program on the membership, then we say make it the same CPD for every member, like all of the professional engineering associations in the rest of Canada. PEO should be ready, willing and have the temerity to say to the current non-practising members that if you want to be a member of a self-regulated professional engineering body, then that is what it is going to take.

Let us not start creating different classes of members, for in such division can come only confusion and discord for both PEO members and the general public. The practising professional engineers deserve better and, more importantly, the public merits no less. Σ

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