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Colleagues:

First of all, I want to say I am disappointed that I was not able to rejoin you following this year's round of Council elections. I have been involved in the politics of PEO going back two decades, both during my two terms as a councillor, and on the periphery with groups committed to building and improving our profession, such as Engineers for Engineers and Ontario Engineers for Democracy on Council.

Everyone involved in PEO's politics consistently has agreed that self-regulation is a privilege, bestowed on us in 1922 by the government of Ontario. With only a couple of blips since then, we have done an exemplary job, unmatched by any other profession in the province. Self-regulation is based on the principle that it is in a profession's best interest to ensure the public is served and protected. In other words, self-interest and public interest can co-exist to the benefit of all. This self-interest, however, should be limited to matters relating to PEO's governance, as we have OSPE to advocate for us to the outside world.

My desire to serve on the council of this organization was always motivated by a deep respect for my profession and my peers, as well as a wish that the people, business, and government of the province could rely on us to serve their interests.

I am proud of those many days I spent contributing, and, when I heard that Council, at its meeting next Friday, was planning to thank me formally, I said I would be pleased to attend. I think it is important that we recognize the contributions of every person, elected or not, who contributes to the success of this organization.

While perusing the agenda for the upcoming meeting, however, I noticed two items which caused me dismay. Item 2.3.a relates to jettisoning Wainberg's Society Meetings in favour of Nathan and Goldfarb. There may indeed be arguments in favour of such a change, but I cannot accept that councillors can commit to such a fundamental change without close examination of the two rule-books and a determination of the implications for the rights of those participating in our debates.

I have noted a substantial ignorance of Wainberg by both councillors and chairs recently, which, no doubt was exacerbated by the fact no one seemed to have a copy. (I have two.) So. . . we don't really know the present rules, and are prepared to adopt new rules, of which we have even greater unknowns? *This, to me, represents an abdication of due diligence by councillors.* This issue requires study and contemplation and should not be presented for Council to rubber-stamp.

While I was concerned about changing our rules of order, I was shocked and in disbelief about item 2.5, *Rescinding CPD Referendum Motion*. This major initiative, if passed, reconstitutes PEO and affects every one of our 90 000 members. It cannot be so cavalierly presented by an outgoing council and implemented as an ordinary item on a council agenda. It is disingenuous and perilous, and, in allowing it, in my opinion, councillors are neglecting their duty of care and wisdom. Let me outline the problem as I see it:

No mandate PEO's structure is enshrined in the *Professional Engineers Act*. We are a true self-regulated profession, constituted as an association of members. Council, which is two-thirds elected by the membership, receives its power from them, not from the government, not from industry, not from the public, and not from a small group inside PEO. **It is the votes of our membership which put you in those chairs.**

I note that, over the course of the CPD debate the last few years, virtually no candidate dared state his/her support for the program, yet many stated their opposition. *If you truly believed "PEAK" was a good idea, you should have laid it out in your platforms for the members to consider when voting.* Many members who opposed CPD unwittingly voted for candidates who supported it and who are now helping advance it!

Persistent and increasing disengagement of our membership Let's be real here: **Our membership has tuned PEO out.** Members pay their fees simply to acquire access to the PEO "brand", and mostly ignore what Council does. The President-Elect in the current round of elections was elected by the votes of a mere **3.7 %** of our membership! We can't even persuade people to run for Council! This year, three positions were filled by acclamation! If this is not an existential crisis which deserves urgent attention before Council imposes more bureaucratic burdens on the profession, then we are being wilfully blind and negligent. We simply cannot present to the public an image of competence and mature professionalism when our own members view their organization with disdain and disinterest.

Abuse of power In a debate during my last term on Council, I stated that no effective government can function and prevail in the absence of checks and balances. Council moved to dismantle what few constraints there were on its power when PEO secured from the provincial government amendments to Regulation 941 which would allow it to make major changes, including by-law amendments and fee hikes, without the approval of the profession's members. In securing this power, PEO promised the government that Council would never actually *use* this power, except in urgent and exceptional cases. The result? The ink on the Order-In-Council was hardly dry, when Council pushed through a 20-% fee increase, *explicitly stating the members would be denied the right to vote on the matter.* This power was abused again when anti-democratic "term limits" were adopted, undoubtedly to ensure long-serving presidents and councillors (with rich knowledge of PEO, its corporate culture, and its history) could be excluded, and more malleable and uninformed councillors installed in their place. Donald Trump built his "designer" cabinet exactly like this, paving the way for the social and governmental shambles which is his legacy.

There is a reason our parliamentary system has an "opposition". We even have formalized it by placing it separate from the government, on the other side of the room, face-to-face. *It works!* It vanquishes groupthink. It keeps the government on its toes and produces better outcomes, which are the product of vigorous debate. Too often at PEO, open criticism has been suppressed. It's "unprofessional", we are told.

Thinly veiled contempt for principle of democracy Winston Churchill, in 1947, famously said, "Democracy is the worst form of government except for all those other forms that have been tried from time to time." Marilyn Spink, during the just-concluded elections, told me that "PEO is not a democ-

racy; it is a regulator". (Actually, Marilyn, it is both.) I say, if PEO were *not* a democracy, **all twenty-six seats on Council would be filled by appointees**, not by election. At Council during my last term, I frequently heard the dismissive put-down: "PEO is not a members' club." We even heard proposals from our governance "advisors" that it was time to consider doing away with elections altogether! If we continue down the current path, then our destiny is the American model of regulation: Write some exams, pay 45 \$, and get the engineering equivalent of a dog licence from the government.

There have been musings that PEO should control who is *eligible* to run for Council! OSPE passed such a rule recently, and the BC's engineering regulator is attempting to do likewise. The purpose of such a rule is surely to exclude opponents from being elected. Deciding who is qualified for office is not the governors' job; it is the *electors'* job!

The illusion of progress and being "proactive"

Council should consider Hippocrates' oath: "First, do no harm." In its zeal to demonstrate how "proactive" and progressive it is being, Council frequently has ventured into dangerous areas which do "harm". It has tampered with its own structure, and engaged in activities completely unrelated to the regulation of professional engineering. My article in July/August 2012 Engineering Dimensions presented Hardin's Law: "You can never do merely one thing." In other words, you must constantly be on guard that the actions you take do not have unintended consequences which are unexpected and dangerous. The current issue of mandatory CPD at PEO is precisely one such action.

Being *busy* is not the same as being *productive*.

Duplicity

The "PEAK" program has advanced incrementally and progressively only because we were promised that it would never be implemented until the members had approved of it via referendum. Council's motion in September 2015 was made to affirm and codify this solemn promise. Yet, in the intervening years, "PEAK" was progressively advanced to the point where it became difficult to undo. You can't put toothpaste back into the tube! Now, we are told, well, it's been around for a few years now, members have got used to it, so we'll just go ahead and make it mandatory.

Cavalier reversal of Council resolutions

We are told that Council's motion in 2015 now has to be reversed, due to a change in circumstances. *Reversing a resolution is something to be done only in extraordinary circumstances, where the situation has changed completely.* Courts, for example, will not even hear an appeal to overturn a conviction, unless compelling new evidence or proof of original error is offered. *There has been no significant change in the practice of engineering since 2015, or even since 1998, when similar CPD issues (the "Licensing Model") were discussed.* There has been not a single case where engineering failure was attributable to not taking a couple of CPD courses per year. The only beneficiaries of a mandatory "PEAK" will be agencies such as OSPE, which would make lots of money selling one-day courses to PEO members.

Bad example for professionals

It is very difficult for PEO to demand of its members honour, integrity, and forthrightness when its own Council goes back on its word so easily. In fact, we unwittingly are providing valuable ammunition for any defendant in a future PEO discipline case who accused of ethical lapses.

Misdirected effort and money

The briefing note for item C-538-2.5 shows a *zero-dollar* budget impact for the next five years! *This is a blatant falsehood.* Staff will *have* to be hired to administer this very complex and comprehensive program. The briefing note even alludes to the need to *police* the program, for example, investigating whether members have under-declared in order to avoid being required to take useless courses. Extrapolate the policing narrative, and you can see it will be necessary to implement practice audits.

Our time, energy, and money should be spent instead on licensing, enforcement, and discipline.

A changing world

We live in an era where regulation is becoming more lean and focused. Regulation which performs no useful purpose is eliminated. Regulatory responsibility is passed further down the ladder. For example, many measurements and inspections that used to be done by government now are done by industry itself. Then there is the case where regulation simply is ignored. Uber, for example, provides taxi service without taxi licences. Much engineering, too, is done with no oversight or performed outside our jurisdiction. As long as Uber passengers are happy, and Ontario bridges designed by Spanish engineers still stand, the government and public are content.

Member consultations were a farce

During President Chong's term, a couple of "town halls" on the subject of CPD were conducted. These essentially were mere "dog-and-pony" shows, where presentations extolling CPD were given to largely skeptical audiences. No presentations by opponents were allowed, and Engineering Dimensions did not report on the challenges and questions from those who attended those meetings.

Our regulatory review did mention "PEAK"

I personally feel the Cayton report to be interesting as one outsider's viewpoint. On the whole, Cayton said we are doing a good job of regulating. So what's the problem?? He states CPD should be mandatory, yet he is unable to explain how that protects the public. *Because it does not protect the public!* Only engineers' knowledge of fundamentals and years of experience do that. The review says "PEAK" needs to be reworked, yet here we are, proposing to pass it forthwith.

Alternatives to CPD were not examined

Practising engineers already perform any upgrades to their skills as needed. Employee engineers often receive such training, paid by their employer. Sole practitioners do it as needed to maintain their competitiveness. There are many alternatives to a juggernaut CPD program which would ensure quality. One which I identified in my campaigns was practice standards. Standards are what provide uniformity and reliability everywhere in modern industry. They would do the same in engineering practice.

Desperation by a Council whose term is winding down

There is no urgency attached to the CPD issue. There is nothing bad going on out there on the front lines of engineering in Ontario that makes immediate implementation necessary. Passing it now is bad optics. It appears that advantage is being taken of the chaos of the Covid crisis by a Council whose term is ending. Several new councillors are being installed in the spring who have been consistent in their opposition to CPD. They will not be supportive of this initiative!

This very much like Donald Trump's last-minute issuance of 143 questionable pardons. His politics are not ones we should emulate.

A small, occult group is pushing CPD

(By "occult", I mean secretive and hidden.) Think about it: Where did the CPD issue actually come from? A single PEO delegate to a round-table session at the Elliot-Lake Inquiry inserted the idea of CPD. Not one piece of evidence at that inquiry suggested the collapse was due to incompetence. Yet, CPD wound up in Mr Justice Bélanger's report. Subsequently, certain players inside PEO began a rumour that the government was poised to impose a CPD program on us, so we had better do it ourselves. *That was false.* Parties named by inquests and reviews routinely ignore specific recommendations, because they are just *recommendations*. After Pat Quinn et al fought the BRAGG monster in court and cut the government out of our statutory self-regulation, the government has let us decide what is best for the profession. *Neither government nor industry has ever asked PEO to implement CPD.* Only OSPE has. (Hmmm. . .)

Not peer reviewed

Have a look at item 6 in your briefing note: Council is told it can simply decide and pass this motion. Whew! We can dispense with peer review! Hey, no need for sober examination by a wider and more diverse group of PEO volunteers. The

briefing note admits "There was no Council Identified Review" and "No peer review undertaken as the motion is a governance decision." (Yeah, that's convenient!)

Government and industry are *not* outside

The Progressive-Conservative government now in office is philosophically committed to reducing red tape, bureaucracy, and excessive regulation. The Attorney-General's polite reception during the recent visit by our president and registrar is not evidence that the government is supportive of more bureaucracy in our profession. Industry is opposed to any additional regulatory burden, a hard lesson we learned during the repeal-of-the-industrial-exception campaign.

Hey, the other regulators are doing it"

PEO is the senior engineering regulator in Canada. We do not follow; we *lead*. We do not need to repeat the errors other provinces' regulators have made on CPD. The quality of their engineering is not better than ours; they just have more bureaucracy to appease to stay licensed.

If you accept the concept of harmonization with other provinces, then you must now examine scrapping PEO's Certificate of Authorization. *No other province has this extra layer of licensure*; if you are licensed personally, you may do business with your P.Eng. alone!

Councillors: I hope you will consider my comments in the sincerity and genuine concern I have offered them to you. I wanted to provide a broader perspective on these agenda items than has been given to you so far. Your "duty of wisdom" requires that you not launch the Association headlong into this major initiative if it is not timely and necessary.

I would recommend that President Sterling remove this item from the present agenda, just as President Hill removed my "Europeans" motion in 2019. Similarly, Past-President Brown objected to my motion in 2020 that we hold the promised referendum on "PEAK", on the grounds that it was "premature". Well, it seems to me that our current president should recognize this political hot potato and its prematurity, and allow a more transparent and proper evolution of the issue.

As for the meeting item this Friday thanking us "retiring" councillors, I'll have to reconsider whether I would want to remain on the same agenda as 2.5, an item I see as incredibly destructive to the structure and image of our profession.

Please think deeply on this matter. "Act in haste; repent at leisure."

Sincerely,



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