

# Briefing Note - Decision

## MEMBERSHIP REFERENDUM ON "PEAK"

**Purpose:** To determine the profession's will on the PEAK program via the promised referendum.

**Motion to consider:** (requires a simple majority of votes cast to carry)

*(1) That the proposed launch of the mandatory "PEAK" program, scheduled for January 2023, be deferred until such time as a referendum of PEO members on the program is held, and that the will of the majority so polled **be examined carefully by Council**. If timing of this referendum is not possible concurrent with the 2023 elections vote, the poll shall be conducted separately.*

*(2) An article outlining the "pro" and "con" positions shall be published in Engineering Dimensions, e-mailed to members, and posted on the PEO website prior to the referendum.*

*(3) The choices offered to members in the referendum shall be:*

*(a) Continuation of PEAK and enforcing member participation,*

*(b) Continuation of PEAK and making participation voluntary, and*

*(c) Setting aside PEAK and investigating effective alternatives to promote ongoing quality assurance in engineering practice.*

**Prepared and moved by:** Gregory Wowchuk, Vice President

**Seconded by:** Roydon Fraser, President-Elect

### 1. Need for PEO Action

(a) Implementation of a mandatory "professional-development" program is scheduled for January 1, 2023. This issue is of the highest ("structural") significance and is time-critical, and must go directly to Council for consideration.

(b) A motion was placed on the agenda of a Council meeting in September 2019, essentially identical to the present motion, however, Past-President Brown objected even to its consideration, saying it was "premature" to do so. Consequently, Council did not even debate that item at that meeting. Today, however, such consideration is hardly "premature". In fact, it is timely and urgent.

(c) **Council has never seen the final "PEAK" design and approved it.** To implement it and make it mandatory constitutes neglect of due diligence and fiduciary duty. We are "buying a pig in a poke", *To proceed without resolving the following facts is irresponsible:*

(i) There has never been evidence that a competence problem exists presently with Ontario

engineers,

- (ii) No one has demonstrated how a bureaucratic and costly CPD program will solve any perceived competence problems,
- (iii) Viable alternatives such as practice standards were not considered,
- (iv) There was substantial and relevant dissent on the PEAK Task Force, summarized in a minority report by Roger Jones--which was ignored--and
- (v) The "PEAK" program has no metrics to demonstrate that it is improving competence. Nothing is being measured, and the "solution" is founded on assumptions. It therefore is impossible to assert that the public interest is being advanced by issuing questionnaires and having PEO bureaucrats determine suitable "homework" for licensees.

CPD work has been done essentially by PEO staff--not our peers--under the guise of the "Action Plan". Any major structural change to our licensing, however, requires consideration and approval of both Council and our 86,000 members prior to its implementation. Our membership comprises the primary stakeholder in this profession, and must be involved in the issue.

(d) To date, immense amounts of work have been performed and budget spent on advancing the PEAK program, notwithstanding the fact that Council has never secured the profession's approval to proceed with this colossal and fundamental change to the licensing regime. **63 pages** of the 528 Council agenda, *over 10 % of the whole agenda*, were consumed by a slick advertising package about the PEAK program. Council cannot claim a mandate for this program, as virtually no candidates have ever declared their support for it in election platforms at the time or since. (See Appendix 'B'.)

(e) In the early days of the CPD debate, the members were repeatedly and *explicitly assured that their approval would be obtained prior to such a program being implemented*. Indeed, Council, at its September 2015 meeting, passed a resolution (minutes #11564) affirming this:

"That Council affirms its intent to ask the membership to ratify in a referendum any mandatory requirement to participate in a continuing professional development competency and quality assurance program." (Comrie/Quinn) CARRIED

Notwithstanding this assertion and promise by Council, work on the program continued and "PEAK" became further entrenched. Not to be deterred by the referendum commitment, proponents of the program managed to get the following motion passed at Council's February 2021 meeting (minutes #12288), essentially resulting in Council renegeing on its solemn promise:

"That Council formally rescind the following motion passed by Council at its September 2015 meeting:

That Council affirms its intent to ask the membership to ratify in a referendum any mandatory requirement to participate in a continuing professional development competency and quality assurance program."

(Turnbull/MacCumber) CARRIED

This motion was accompanied by a table stating that there would be zero effect on the operating and capital budgets for five years. In truth, however, an entire bureaucracy to support the program has been created and numerous staff hired. Council very well may have had a different view, had it been told the true budgetary effect of implementing the program. *This motion also did not explicitly grant approval to making the PEAK program compulsory.*

While Council technically has the right to rescind past motions, that rescinded motion was essentially a covenant with the membership to appease vocal concerns. The rescinding motion breaks the trust of the members, and calls into question how PEO runs its affairs. This 'bait-and-switch' action by Council cannot be permitted to stand. It is unethical.

(f) The extremely low participation rate in the voluntary PEAK program to date indicates that the members do not perceive value and utility in the program. A referendum is needed to determine the members' will on the issue. PEO's "capture rate" of engineering graduates already is perilously low. A bureaucratic and intrusive program such as PEAK may further dissuade applicants, and may result in a loss of current licensees. Despite some confusion in recent Councils, PEO is constituted as a self-regulating and self-governed profession, which means the members are the prime stakeholders whose profession benefits when the public interest is held paramount. We cannot continue to treat our membership with disdain. If the *membership* loses trust in its own profession, how can *the public* possibly have confidence in us?

(g) Reference to how other regulators govern themselves is irrelevant and inappropriate. Engineering is truly unique. How can a single homogeneous CPD program address continuing competence for the 30 to 100 practices which now comprise "engineering"? What does a structural engineer have in common with a cyber-systems-security engineer?

(h) *Council risks being labelled duplicitous and unprofessional. Member alienation will increase if PEO continues to advance this program without member endorsement.* There still is significant dissent about the program. The numerous presentations to members, chapters, congresses, employers, and others have not included proponents of *both* sides of the issue. (Propaganda is not befitting a senior profession like engineering.) There have been statements on Council and elsewhere that PEO has the power to implement the program *with no need for member ratification*. At worst, proceeding further without member endorsement risks creating a "constitutional crisis" at PEO.

## **2. Recommendation**

That the proposed referendum be approved to run concurrent with the 2023 council elections. If this is not possible, the referendum should be scheduled as a separate vote.

## **3. Next Steps**

If approved by Council, implementation of the mandatory program will be suspended, the issue of CPD and PEAK will be laid before the members, and then the issue will be put to the members in a

binding referendum.

#### 4. Policy or Program contribution to the Strategic Plan

Objective #1 in the 2018-2020 Strategic Plan, “Refine the delivery of the PEAK program”, simply cannot be accomplished until the legitimacy of the program itself is confirmed by the profession's members. This objective has not been included in the 2023-2035 Strategic Plan.

Continuing on our current path conflicts with Objective #6 of the 2018-20 SP: “PEO will address any perceived barriers and friction points between itself and its applicants and licence holders, and build 'customer satisfaction' into all its regulatory processes and initiatives.” The 2023-2035 SP just states vaguely, "Refresh PEO's vision to ensure all stakeholders see relevance and value in PEO. We will do this by: Facilitating meaningful dialogue with members and other stakeholders. . ." Excluding members from debate and implementation of "PEAK", sadly, flies in the face of this objective.

#### 5. Financial Impact on PEO Budgets (for five years)

*Substantial savings will be realized* as staff (present and projected) assigned to promoting the program, handling member enquiries and objections, implementing the program, modifying the website and membership database, and monitoring and enforcing member compliance, are not needed. **The final details and true costs to date of PEAK have never been broken out separately and disclosed to Council.** It is not possible, then, at this time, to quantify the budgetary savings.

Alternative methods of practice quality assurance—such as practice standards—can be investigated by volunteers on the Professional Standards Committee at no incremental budget costs. Another alternative, requiring employers of engineers to provide job-specific training and upgrades, also would cost PEO nothing.

#### 6. Peer Review & Process Followed

<b>Process Followed</b>	Nathan and Goldfarb: Any member may propose additions to the agenda and may make motions independently
<b>Council-Identified Review</b>	Council is the appropriate peer group, as the issue is of the highest order of significance to the Association.
<b>Actual Motion Review</b>	(none)

#### 7. Appendices

- Appendix 'A': A history of PEAK/CPD and members' democratic rights
- Appendix 'B': Candidates'/councillors' platforms on PEAK
- Appendix 'C': Members' letters to Engineering Dimensions

**Appendix 'A': Engineering Dimensions and Document Research—  
A History of CPD/PEAK and Members' Democratic Rights**

March/April 2011 to 2019

DATE	PAGE	COMMENT
May '11	10	Town Hall opposition to Council choosing the President
July '11	30	President Adams: "I don't think we should take away a democratic right from constituents without their approval."
July '11	62	Council discusses election irregularities.
July '11	62	AGM motion requiring members' referendum of governance issues not discussed by Council; shunted off to Executive Committee
Sept '11	25	Patrick Quinn points out PEO was set up as a member-directed, self-regulating profession; criticizes attempts to neuter the President.
Nov '11	18	Report on PARN/PEO seminar: Consensus on CPD eludes us. Author Andy Friedman says "(CPD's) overall value in enhancing an individual's practice or competence is still uncertain." CPD's benefit is as "a demonstration of professionalism and a commitment to 'whole career learning' beyond what is imparted for initial licensing."
Nov '11	61	President Freeman reports that 2010 AGM motion requiring that the PEA include member ratification of any by-law change was passed, but a PEO survey of Oct 2010 showed members supported Council seeking ratification only when Council deemed it appropriate.
Jan '12	3	President Adams re-iterated that PEO is a member-directed, self-regulating profession, and that councillors are obligated to manage financial affairs prudently. His attempts to curtail profligate spending have been rebuffed by Council.
Jan '12	20, 21	Pro- and con- opinion pieces regarding election of the President.
Jan '12	26ff	A Short History of PEO's Beginnings by Peter DeVita.
Mar '12	3	President Adams: "The provision of new knowledge and training, on a continuing basis, for top performance, becomes an ever more necessary requirement."
Mar '12	17	Continuing Professional Development Now a Requirement in Manitoba. [A burdensome, bureaucratic CPD regime is imposed on Manitoba engineers.]
Jul '12	9	Report on 2012 AGM: George Comrie moved that Council rescind acceptance of Councillor Mike Hogan's resignation, and that Council "refrain from attempting to enact in any policy, regulation or bylaw, any provision that would empower PEO council to remove a councillor from council. . . without his or her formal resignation or consent in writing". The second part of this motion was shunted off for future

		debate by Council after inconclusive voting.
Jul '12	9	Report on 2012 AGM: Patrick Quinn's motion to affirm PEO's "historic member-centric model of self-governance" was not debated, but sent to Council for future consideration.
Jul '12	52	Article by Chris Roney, "The Role and History of PEO Council", emphasizing protection of the public and the role of LGAs.
Nov '12	66	Minutes of 2012 AGM report that EXE revised member's motion which called for member referenda on governance changes to "consider member approval". At the November 2012 meeting, Council reworded the motion to "that council shall research and perform due diligence on any governance issues requiring regulations and bylaw amendments; and obtain member approval by binding referendum". This motion was tabled.
Jan '13	3	President Dixon opines that "candidates may not always have a clear understanding of the laws that relate to the association and its staff", but this does not mean we should interfere with democracy; instead, we should try to inform our members better so they vote better.
May '13	3	President Bergeron questions "the lack of a mandatory requirement for continuing education. The question may arise as to how PEO ensures continuing competency, or competency in the area in which a P.Eng. practises."
May '13	3	Council asks RCC to investigate why voter participation rate has dropped to a mere 8 per cent in the 2013 council elections.
Nov '13	42	Council, at its Sept '13 meeting, "unanimously supported, in principle, the development of a PEO continuing professional development program and referred a report by the Ontario Society for Professional Engineers' Continuing Education Working Group to the Professional Standards Committee (PSC) for comment."
Nov '13	42	Report on 2013 AGM: Motion calling on Council "to refrain from attempting to enact in any policy, regulation or bylaw any provision that would empower it to remove any councillor from the council or from any office of the association without his or her formal resignation or consent in writing."
Mar '14	39	Council, at its Feb '14 meeting, discussed the CPD issue. PSC questioned OSPE's favourable report: (1) No evidence that the program is effective in reducing discipline cases or protecting the public interest, (2) Do senior engineers need more CPD than junior?, and (3) What level of CPD reporting protects the public interest? A membership survey revealed several serious objections to CPD. PSC was asked to prepare a problem-definition statement.

May '14	4	President Adams reports on AGM of Georgian Bay Chapter: “There was a general belief among the participants that it is an individual engineer's responsibility to maintain his or her competency. Further, it was thought each member should design their own training program in conjunction with the needs of their employer, by delineating the continuing education they require to adequately protect the public from engineering failures in their own practice. . . Moving on such a voluntary approach to achieving individual continuing competence would be a very positive route to member buy-in and to PEO's ability to assure government we are individually continuing to update our proficiency to protect the public.”
May '14	24ff	Two lengthy articles about CPD. One councillor warns that PEO may incur liability if the public assumes CPD ensures competence.
May '14	24ff	Report on Council's Mar '14 meeting: Terms of reference for Continuing Professional Development, Competency, and Quality Assurance Task Force. Council feels we must be “proactive” in regulating. Several councillors are requesting a members' referendum.
Jan '15	37	Past President Freeman feels “our institutions run more effectively and serve us better when voters are more engaged. . .strengthening the tradition of democracy that shapes how the profession is governed will enhance the profession's prospects and better reflect its contributions to society.”
May '15	4	Compulsory Continuing Professional Development Endangers the Public: Opinion piece by Abdul Mousa, P Eng (not published in Dimensions): "Imposing compulsory CPD on the members of professional societies corners them into becoming 'PDH collectors' rather than learners. That is not much different from being stamp collectors or comic book collectors!"
Jul '15	3	President Chong's message re 2015 AGM: Lawyer Peter Doody states “There is no mandatory continuing professional development (CPD) education requirement for professional engineers in Ontario, so engineers are not required to certify they are taking steps to stay current with new developments.” [This observation is true, but competence was not a cause of the Elliot Lake failure.] Chong states “A properly designed CPD and quality assurance program helps provide (such) assurance to the public, government and employers of the competence of our PEO licence holders.”
Jul '15	8	Report on 2015 AGM: President Chong strongly supports enhanced member participation in PEO governance. Nancy Hill's submission to limit council terms was passed. Patrick Quinn's submission, requiring “major policy changes, such as compulsory professional development, to be subject to two-thirds council approval and ratification by member referendum” was defeated.
Jul '15	19	Advertisement asking members to participate in a poll on CPD. Respondents are directed to an overview of the task force's findings, but no contrary points of view were provided.
Jul '15	22	CPDCQA Task Force report to Council contains six recommendations.

Jul '15	38ff	“The emphasis on self-regulation has shifted from a focus on protection of the profession, to a focus on protection of the public.” (Yet later in this article is the admission this has never been a problem in engineering regulation: “Reviews of the recent literature on self-regulation as public policy make little reference to the engineering profession. The bulk of the criticism about self-regulation as an anti-competitive practice not fully in tune with the public interest seems to fall on the legal profession.”)
Sep '15	3	President Chong's message was almost entirely about CPD and its “tailoring”. The Legislation Committee has been instructed to work on Act changes which would allow Council to make CPD obligatory. Town halls called “You Talk, We Listen” will be convened in each of five regions. President Chong also attended a U.S. conference, where he trumpeted our “democratic self-governance. . . which sets policy, determines the direction of the engineering profession and oversees its operation.”
Sep '15	8	Article entitled “Risk-Based Approach, Flexibility Central Principles of CPD Program Development”. “Non-practising engineers will simply take a refresher course on ethics.” [Since an estimated two-thirds of PEO members do not need their PEng to do their work, it seems they will be relied on in any plebiscite to impose their will on the one-third which does.]
Sep '15	3	Council 502 Recorded Votes: Motion 5.2: Referendum on Continuing Professional Development: “That Council affirms its intent to ask the membership to ratify in a referendum, any mandatory requirement to participate in a continuing professional development competency and quality assurance program. For: D. Adams, I. Bhatia, D. Chui, N. Colucci, G. Comrie, B. Dony, S. Gupta, L. King, B. Kossta, E. Kuczera, P. Quinn, R. Shreewastav; Against: D. Brown, C. Kidd, D. Preley, S. Reid, S. Robert, C. Sadr, M. Spink, W. Turnbull”
Nov '15	8	Article: “Lively Discussions a Feature of PEO Regional Town Hall Meetings”. Registrar McDonald gave an overview of the Elliot Lake inquiry's recommendations, stating PEO is not required to abide by them, but that doing so would “move the engineering profession forward”. A report from CPDCQATF chairman Annette Bergeron was presented. [No presentations from opponents of the scheme were presented to attendees.] It is reported that questions from attendees were “numerous, with members showing a keen interest in the CPD proposal and possible specialist designation”. [Substantial contrary opinion was offered at these meetings, but was not reported in Engineering Dimensions.]
Nov '15	8	“Members to Have Final Say on PEO CPD Program”. Article states that “at its September 25 meeting, PEO council approved a motion that affirmed its intent to ask membership to ratify any mandatory requirement to participate in CPD or quality assurance plans. . . Registrar Gerard McDonald, P.Eng., assured members they will be fully consulted on the CPD matter.”



Nov '15	37	Report on Council's September meeting: "Council affirmed. . . its intent to ask the membership to ratify through referendum any mandatory requirement to participate in a PEO continuing professional development (CPD) program. . . Feedback from a series of town hall meetings. . . will be incorporated into the task force's final report."
Nov '15	49	Report on 2015 AGM: Nancy Hill's motion mandating term limits suggests it will address member apathy (particularly in younger members) and foster greater recruitment and new ideas. Peter DeVita's amendment to remove her proposed specific terms was defeated, and Hill's original motion was carried. Patrick Quinn's motion passed, stating that "future PEO budgets be based on PEO's needs as a regulator, rather than on raising spending to match projected income." His motions requiring a super-majority approval by Council on budget line items >100 k\$ and for major policy changes, including CPD (the latter requiring member ratification) was defeated.
Mar '16	7	The Continuing Professional Competence Program Task Force (CPCPTF) has taken the reins from the Continuing Professional Development, Competence and Quality Assurance Task Force, and will focus on risk assessment by practitioners. A program will be ready for "test drive" late in 2016. It will be voluntary, with members deciding by referendum about a mandatory version "at a date yet to be decided".
Mar '16	1	CPCPTF Work Plan: November 2016: "To Council for timing of referendum"
Mar '16	8	CPD Plans Move to Detail Design Phase: CPCPTF will design the actual plan, prepare budget estimates, propose implementation "strategy" and communications plan, and develop a proposed referendum question and "consultation plan".
Mar '16	38ff	Members to Have Final Say on CPD Program: "Continuing Professional Development (CPD) for its members is a thorny question that has beset PEO policy-makers for several decades." "PEO had long envisioned a voluntary annual reporting mechanism for members to list professional development activities, and, in fact, developed the means for members to do so on their annual licence renewal forms. The practice was never embraced by licence holders, or promoted by PEO, however. At town hall meetings. . . PEO reported that only about 15 practitioners out of a membership of more than 80,000 have voluntarily reported their CPD activity." Councillor David Brown states ". . . a voluntary program is all but useless in much the same manner as our current voluntary reporting program is useless. Apparently, only about 10 members report each year and, in truth, I'm not one of them. Therefore, the mountain before us is that the program must be mandatory if it is to be considered seriously by our licensees or, more importantly, the public at large." [A skeptic might say the concept of compulsory "professional development" is useless!]
May '16	9	CPD Task Force Looking to Implementation Options: CPCPTF is planning the timeline for online risk review and CPD reporting. "PEO has assured members that mandatory CPD requirements will not be implemented without approval through a member referendum."

May '16	58	The 70 Per Cent Problem, the 30 Per Cent Solution: Senior structural engineer husband/wife team laments that the 30 per cent of engineers who require licensing have their democratic voice diluted by the larger group which does not. The Mattacchiones ask “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?” We need to consider restricting PEO membership to the 30 per cent who actually need it.
Jul '16	9	Report on 2016 AGM: Motion by Ray Linseman that PEO's CPD program be renamed “continuing professional education” and ratified by board members of PEO's 36 chapters, rather than the general PEO membership. Motion defeated.
Jul '16	18	Innovative Elements of Proposed CPD Program Taking Shape: CPCPTF chair Annette Bergeron has returned from a CPD conference in Portugal, where other attendees were “intrigued” by PEO's proposed risk-based approach.
Jul '16	43	Council's June '16 meeting heard results of the Member Satisfaction Survey. Strong majorities approved of PEO's regulatory performance. [If we are doing such a good job, what is the need for CPD?]
Sep '16	2	Minutes of Eastern Regional Congress: “Action 6: Councillor Brown to provide the ERC with the referendum question once the final report is presented to Council.”
Sep '16	8	CPCPTF to Recommend Practice Profile for Licence Holders: The TF will recommend to Council that, beginning in 2017, members complete an online practice profile, as well as voluntarily reporting hours spent on CPD during the past year. This information would be posted on the members' online directory. This information is necessary before any mandatory CPD program is created.
Nov '16	8	Minutes of 509 Council: Registrar McDonald advised that the program that is being approved by Council would continue until June 2018 when the report on the PEAK Program comes back to Council. Council would then decide next steps. Should one of the next steps be to implement mandatory CPD, then based on the motion that Council has approved, Council would have to consider a referendum. If, however, Council decides to continue with the program as it is currently constituted, the program would continue in its present form.
Nov '16	x	Chapter Leaders Conference 2016, Presentation on PEAK: “Introduction in this manner. . . obviates the immediate need for a referendum on a mandatory CPD program.”

Nov '16	3	President's Message: Competence Assurance for Professional Engineers: President Comrie says “competence is an amalgam of three basic components: knowledge, practice skill and character. . . we're not doing this because someone in authority has directed us to.” [Then why do CPD proponents keep referring to the Bélanger report and warning we must impose CPD or the government will?] “There also exists no evidence of widespread incompetence or negligence on the part of licensed professional engineers. Relative to members of other senior professions, PEO members attract relatively few complaints. And in those cases that are referred to discipline, the allegations are most often of professional misconduct, not incompetence. . . I am satisfied that most of you take your professional responsibilities seriously, including the responsibility to keep up to date in your technical knowledge and skills. . . So our problem is a credibility problem. PEO needs to be seen to be engaged in monitoring our licensees' ongoing competence assurance activities. . .” [Exactly! There is no competence problem, and CPD will not necessarily improve competence, but will look good to outsiders. It's pure window-dressing.]
Nov '16	11	Licence Holders Encouraged to Test Proposed Online Practice Evaluation Questionnaire: The CPD program has been given a catchy new name: “PEAK”. The online tool will ask if members are practising or non-practising. Both will require taking an online “ethics refresher”, but the latter will have to answer 23 questions, whose responses will be used to assess the number of CPD hours the member must collect.
Nov '16	6	Final Report of the CPCPTF, Executive Summary: “The Terms of Reference for (CP)2 TF directed it to prepare a referendum question. The Task Force has decided that Council should postpone a referendum because the program recommended here does not include mandatory continuing professional development.”
Nov '16	54ff	Minutes of 2016 AGM: Report by CPCPTF chairman Annette Bergeron: in October 2015, then-Attorney-General Meilleur reported her ministry was “liaising” with PEO on development of a CPD program. PEO had tried to implement a CPD program in the past, but the idea was rejected by the membership. “Consultations” and an Ipsos-Reid poll were conducted to help shape the TF's work. [It is not stated specifically what influence those opinions had on the program. It seems to have changed little from the early design.] One of the themes in the consultations was that “a mandatory CPD program would not change their current practices”. [Then why would we go through all this??] The program, however, might allow PEO to gather data on the nature of its members' work. Members attending the AGM commented: (1) “licensed engineers are already doing what is needed. . . PEO needs to address the few who are not”. (2) “CPD is a solution in search of a problem.” CPD is a response to the Elliot Lake mall failure, but would not have prevented it. (3) Only 30 % of PEO members need their licence for their work, so the remaining 70 % should not be forced to upgrade their skills. Practice restrictions are a better solution. (4) CPD could help re-address the repeal of the Industrial Exception. APEGBC CEO/Registrar Ann English reports that BC engineers rejected a proposed CPD program there.

Jan '17		David Brown E-Blast #2: “1. Council HAS NOT approved mandatory CPD for licensees. This requires a referendum and an Act change. 2. Council HAS approved a VOLUNTARY program of data gathering, practice declaration and an ethics module we hope everyone will take part in. We are hopeful our licensees will help us acquire this information by voluntarily taking part in the PEAK program so we can answer the simplest of questions, such as “how many engineers actually practice engineering”? Believe it or not, as a regulator we don’t have a clue how many actually practice engineering. 3. Council HAS approved a motion that requires a full member referendum to enact mandatory CPD. Any candidate or interest group that is telling you that CPD is mandatory or a “done deal” is simply wrong and ill-informed.”
May '17	7	President Dony's message: “The introduction of PEO's Practice Evaluation and Knowledge (PEAK) program is an excellent demonstration to the public at large of our desire to regulate the profession openly and transparently. I am fully in support of the program. . .”
May '17	9	PEO Beefing Up PEAK Outreach and Communication Efforts: A co-ordinator has been hired “to better help members come to terms with the requirements of its professional development initiative”. This staffer will “develop and maintain program information, produce marketing materials and strategies, and participate in events to promote and explain the PEAK program”. [The members already have seen what is being proposed. Why is this person needed.] “PEO is continuing with its communication and data-gathering efforts.”
May '17	34A6	Annual Review 2016: “The program is designed to provide the association with an accurate and up-to-date regulatory profile of its licence holders to help ensure it has sufficient information to effectively carry out its role as regulator of the profession.”
Sep '17	11	Court Ruling Advances Notion of Mandatory Continuing Professional Education: The Supreme Court of Canada, in a split decision, concluded Manitoba's law society had the power to impose CPD on its members. The appellant, who had been practising law since 1955, elected to quit rather than be forced to participate in CPD. “I can't think of a more honourable way to leave the profession than to resist this program.” [However, the court concluded that the adoption of CPD was reasonable because the profession's members had democratic power over the benchers: “Many benchers of a law society are also elected by and accountable to members of the legal profession, and applying the reasonableness standard ensures that the courts will respect the benchers’ responsibility to serve those members.” The dissenting opinion stated: “In this case, the Law Society’s rule that members who fail to complete 12 mandatory hours of continuing professional development activities in a calendar year are automatically suspended is unreasonable, because it is inconsistent with the Law Society’s mandate to protect the public’s confidence in the legal profession. When a lawyer is suspended, so is public confidence in him or her.” In other words, automatically suspending an otherwise competent practitioner simply because of non-compliance with the CPD program is unreasonable.] “PEO. . . may eventually consider a mandatory CPD program by way of a member referendum.”

Mar '18	23	Continuous Learning Through PEAK. Article gives some examples of “recognized” and “not recognized” PEAK activities. [How these activities help protect the public—one of the prime justifications for the program—is painfully unclear.]
May '18	31f	PEAK Turns One: Almost all professional regulators impose mandatory CPD. Some even do practice audits at the practitioner's workplace! PEAK is not like most CPD programs, in that it is tailored to risk. It is valuable in collecting data on what members are doing. As of March 31st, 26170 members have completed at least the first element of PEAK, the practice declaration. 51 presentations to chapters, employers, and others have been made. A new “ethics module” has been introduced.
Jul '18	40	Raising the Regulatory Bar: PEAK declarations and credits could be referenced by the Complaints Committee in assessing a member's activities. “We should consider whether voluntary compliance with PEAK is adequate. . . [it would be beneficial] to rely on PEO for assurance that members are competent and practising within their scope of training.”
Jul '18	51	Council meeting, June '18 report on PEAK: 33 per cent of members completed the practice declaration, but only 7 per cent of members have reported continuing knowledge activities.
Apr '19	42	A review of the regulatory performance of Professional Engineers Ontario April 2019: “4.41 The Council has approved the PEAK program but because the engineering profession continues to widely indicate its disapproval of and lack of support for the program, Council has not proceeded to make participation mandatory.”

**Appendix 'B': Engineering Dimensions Research—  
Candidates'/Councillors' Platforms**

March/April 2011 to 2018			
DATE	PAGE	PLATFORM	COMMENT
May '11	25	Denis Carlos	Pro-member; wants to represent diverse views of members
May '11	22	Denis Dixon	Favours more member involvement in PEO affairs
May '11	22	Patrick Quinn	Led court challenge against BRAGG
May '11	24	Paul Ballantyne	Wants increased communication and participation of volunteers
May '11	26	Wayne Kershaw	Served on RIE task force
Jan '12	50A14	Colin Moore	"I remain dedicated to preserving Engineering as a self-regulating profession. I will continue to support the 'self' part and the role of the members, who must collectively have the primary responsibility for the profession and the protection of the public under the Professional Engineers Act, and keeping members involved through a vigorous Chapter system."
Jan '12	50A2	Corneliu Chisu	Promises "respect for members"
Jan '12	50A14	Danny Chui	"We need a member-directed governance organization, because it is the soul of self-regulation."
Jan '12	50A11	Denis Carlos	Criticizes fiscal imprudence, removal of President as Chair, Council's sole control of by-laws. Self-regulation means control by the profession's members.
Jan '12	50A5	George Comrie	"I'm for approval of substantive governance and policy changes (e.g. election of President, annual fees) by member referendum. . . I'm against concentrating power in the hands of a few Councillors and staff (oligarchy)."
Jan '12	50A14	Jim Chisholm	"I believe that it is important to develop programs and policies that are member centred. Our 73,000 members have a wealth of knowledge, experience and wisdom that should serve as the foundation of strength for sustaining and building the PEO."
Jan '12	50A11	Nick Colucci	Council needs to be more accountable to the members. We need to facilitate bringing members' concerns to Council.
Jan '12	50A4	Patrick Quinn	Members are this profession, not the Council or the government. I have always fought for your rights.
Jan '12	50A12	Ramesh Sub-	"Members must have a say in any substantive governance and

		ramanian	policy decisions made. . .”
Jan '12	50A10	Roger Toutant	Members' control of PEO is being eroded. Fiscal responsibility is urgently needed. PEO bureaucracy is out-of-control.
Jan '12	50A12	Sandra Ausma	“It's time to elect a council that will engage and represent the membership, and encourage pride in the profession.”
Jan '13	50A12	Anthonios Partheniou	“It is important to increase PEO's focus on professional development. PEO is one of the few professional associations that does not require mandatory continuing professional development credits.”
Jan '13	50A9	Changiz Sadr	“I strongly believe in a member-directed, self-governing profession. . . Any substantive change to (governance) must be put directly to the membership for their approval.”
Jan '13	50A3	Corneliu Chisu	“Above all I listen to our members' voice”.
Jan '13	50A2	David Adams	Adams “understands the real issues and speaks up for the members”.
Jan '13	50A7	David Brown	“I am part of a member-directed, independent, self-regulating profession. . . We need to actually listen to our membership. . .”
Jan '13	50A12	Ewald Kuczera	“We are a member-directed, self-governed profession; we protect the public interest when we RESPECT THE MEMBERS.”
Jan '13	50A3	George Comrie	Supports “democratic self-governance of PEO. Council should seek and heed the advice of the membership on substantive matters of policy and governance.”
Jan '13	50A15	Gregory Wowchuk	“PEO is a member-directed, self-governing profession, PERIOD. The public interest is enhanced, not threatened, when we govern ourselves.”
Jan '13	50A11	Michael Wesa	“PEO must remain an effective, self-regulated profession, and this is best accomplished with the input of PEO's greatest assets: its members”.
Jan '13	50A6	Roger Jones	Favours “a proud, independent, self-governed profession” and “a member-directed, self-governing PEO, with a productive Council”.
Jan '13	50A5	Roydon Fraser	“I am also motivated by strong desire to have members respected. . .”
Jan '13	50A4	Thomas Chong	Will work to “restore a democratic self-governing PEO”.
Jan '15	10A11	Changiz Sadr	“Respect the Members.” Favours a democratic PEO and accountable council.
Jan '15	10A10	David Brown	“I want to make sure members are not unduly burdened with a one size fits all solution.”
Jan '15	10A8	Fred Saghezchi	“We have to guard and to appreciate the only treasure we have,

			'members' opinions and advice''.
Jan '15	10A13	Galal Abdelmessih	“Transparency and push-pull communication to engage members in the decision making process are essentials for member driven self-governing profession like ours.”
Jan '15	10A14	Gregory Wowchuk	“PEO is a member-directed, self-governing profession, PERIOD. The public interest is enhanced, not threatened, when we govern ourselves. . . Council is accountable to the membership. . .”
Jan '15	10A4	Nancy Hill	“If elected I will. . . work to address the issue of Continuous Professional Development in a way that is efficient, effective and not mired in bureaucracy.”
Jan '15	10A6	Patrick Quinn	Opposes fee increase or mandatory continuing education program.
Jan '15	10A6	Rob Willson	Supports CPDCQA Task Force recommendations.
Jan '15	10A7	Roger Jones	Will work to “maintain a member-directed PEO”.
Jan '15	10A7	Roydon Fraser	Wants “members respected (e.g. control fees and expenditures), to defend our self-regulated profession (e.g. engage members in major decisions), and to battle ineffective, burdensome, or politically convenient, decisions.”
May '15	28	Bob Dony	“Dony believes that to restore the relevance of self-regulation in engineering for all its member licensees, the profession must be responsive to the concerns of the cross-section of new and existing licence holders.”
May '15	27	George Comrie	“A passionate advocate for our Canadian model of professional self-regulation, Comrie believes in PEO's accountability to its membership, and in strengthening its core regulatory functions.”
May '15	30	Serge Robert	“A firm believer in continuing education and maximizing one's exposure to other trains of thought, he participates in and encourages others to participate in all forms of professional development. . .”
Jan '18	6A18	Agnes Krawczyk	“The PEAK program was initiated without a referendum. The majority of engineers keep up to date on their professional development, and do not require a formal program, and extra expense from the PEO to make sure that this is happening. In my opinion, the PEAK program, in its current format, is not helpful to anyone, and is completely unnecessary.”
Jan '18	6A12	Amin Mali	<i>[Position on CPD not revealed.]</i>
Jan '18	6A9	Barna Szabados	“The new PEAK (Practice Evaluation and Knowledge) program although suffering from start-up hiccups is nevertheless a valuable start and should benefit mainly young engineers.”



Jan '18	6A4	Christian Bellini	"If we do not act to modernize the way we evaluate education and work experience, we risk becoming an organization which only regulates the traditional fields. . ."
Jan '18	6A6	Darla Campbell	<i>[Position on CPD not revealed.]</i>
Jan '18	6A14	Edgar Fernandez	"Many engineers are facing nowadays is many of their employers have stopped paying training to develop them, therefore it will be difficult for some of them to comply with PEAK."
Jan '18	6A17	Fahad Rashid	"The majority of engineers keep up to date on their professional development, and do not require a formal program, and extra expense. PEAK program should be reviewed and justified before such a drastic measure is undertaken."
Jan '18	6A3	Faizul Mohee	"The PEAK program. . . should be revisited for further review in a newly formed 'PEAK review committee'; and then the committee's suggestions should be sent for a membership 'referendum' before implementation. I personally think that the PEAK program, in the current format, is NOT helpful to anyone, and is unnecessary."
Jan '18	6A8	Fred Saghezchi	"All Members Involvement in Council Decision Making Process"
Jan '18	6A15	Gary Houghton	"[PEO has] taken measures that will continue to demonstrate a mission of continuous learning."
Jan '18	6A12	Greg Merrill	<i>[Position on CPD not revealed.]</i>
Jan '18	6A9	Gregory Wowchuk	"'PEAK' and CPD are unnecessary, ineffective, bureaucratic, costly, and divisive. Their proponents have never identified the problem, demonstrated their effectiveness, or revealed the true cost. PEAK/CPD must be halted and the referendum we were promised called immediately. . . Council's recent moves taking away power from the members are unacceptable."
Jan '18	6A10	Guy Boone	CPD/PEAK programs should be co-ordinated with OSPE and other "Learnt Societies".
Jan '18	6A11	Jovica Riznic	"The true strength of PEO is in its members. . . Competency growth is a concern for every responsible professional. Thus, the PEAK and CPD must be revisited, redrafted and accepted by the true majority of membership."
Jan '18	6A6	Karen Chan	Supports CPD and PEAK as it supports PEO's mandate to regulate and strengthen the profession.
Jan '18	6A13	Keivan Torabi	"I believe imposing the PEAK/CPD (Continuing Professional Development) on us is a major diversion from the main PEO's mandate and mission, which is to protect the public. . . whether or not PEAK/CPD has any merits or not, we should be offended and alarmed by the lack of transparency, and the denial of our right to call a referendum, before [we] start spending and allocating budget

			to it.” PEO needs to focus on enforcement, not PEAK/CPD.
Jan '18	6A7	Leila Notash	“While having information on members and the present-day standards for practice and professional ethics are necessary for the regulatory bodies, if PEAK has no value for the members and PEO then it will become a very costly process to collect voluntary disclosure of self-declared data.”
Jan '18	6A16	Lisa MacCumber	<i>[Position on CPD not revealed.]</i>
Jan '18	6A5	Marisa Sterling	<i>[Position on CPD not revealed.]</i>
Jan '18	6A3	Nancy Hill	<i>[Position on CPD not revealed.]</i>
Jan '18	6A4	Nick Colucci	<i>[Position on CPD not revealed.]</i>
Jan '18	6A8	Nick Pfeiffer	<i>[Position on CPD not revealed.]</i> “PEO has an extremely capable membership that can be engaged. . . so that public interest may be served and protected.”
Jan '18	6A13	Noubar Takessian	<i>[Position on CPD not revealed.]</i>
Jan '18	6A10	Orjit Pandit	<i>[Position on CPD not revealed.]</i>
Jan '18	6A5	Peter Cushman	“PEAK. . . is not the right way (to) resolve the issue and we should look at other alternatives. At the current rate, PEAK doesn't seem effective or even necessary. The Peak program is a poorly conceived plan to encourage engineers to keep pace with changing technology.”
Jan '18	6A19	Ramesh Subramanian	<i>[Position on CPD not revealed.]</i>
Jan '18	6A14	Salman Basit	<i>[Position on CPD not revealed.]</i>
Jan '18	6A18	Serge Robert	<i>[Position on CPD not revealed.]</i>
Jan '18	6A16	Sohail Naseer	<i>[Position on CPD not revealed.]</i>
Jan '18	6A7	Solomon Ko	<i>[Position on CPD not revealed.]</i>

<b>Appendix 'C': Engineering Dimensions Research— Letters to the Editor regarding CPD</b>			
March/April 2011 to 2018			
<b>DATE</b>	<b>PAGE</b>	<b>WRITER</b>	<b>COMMENT</b>
Sept '11	58	David Moffat	“Professional development is important, but we need to consider some other factors.” Working engineers are creating new knowledge long before courses teaching that knowledge can be designed. “One-size-fits-all will not work.”
Jan '12	57	Tom Hamilton	“I am shocked and appalled to hear that government representatives have infiltrated our organization and have subverted our established procedures and protocol to further their own agenda. . . Let's work together to take back our organization with all haste.”
Jul '12	64	Roger Toutant	Letter critical of Manitoba's CPD program, which he considers “ineffective” and “which turns engineers into quasi-slaves to its bureaucratic feel-good ambitions”.
Jul '12	66	Tatiana Lazdins	Believes [wrongly] that Council's sole purpose is to represent the public, and that “there should never be constraints of membership approval for any of council's actions, by AGM, referendum or otherwise”.
Nov '12	66	Pierre Lapalme	Criticizes Roger Toutant's letter on CPD, saying Toutant could even have earned CPD credits just for writing that letter. Says CPD is mandatory in the other provinces and professions.
Jul '14	53	Patrick Quinn	“Professional development and quality assurance are window dressing brought in by regulators who cannot take the liability for continuing competence but wish to give the public the impression they are doing their jobs. Until proof is offered that compulsory professional development or quality control has any impact on continuing competency, the CPDCQATF's tasks are a solution in search of a problem.”
Mar '16	48	Patrick Quinn	“Competency is learning by doing, not by filling out annual forms and logging professional development hours. . . PEO is vigorously promoting a compulsory professional development program that neither the members, the government, nor the public is demanding. These programs are window dressing for regulators that cannot take the liability for continuing competence but wish to give the public the impression that they are doing their jobs of ensuring their members are competent in practice. . . Before it is pushed further, it must be

			shown that PEO's CPD proposal is an issue that solves some demonstrated need, provides a system that can be measured by results versus goals, and that it has been chosen by a rational analysis.”
Mar '16	49	Steve Schillaci	Attended East Central town hall in November; disagrees with Annette Bergeron's assertion that “70 per cent of attendees came around to supporting our program and 30 per cent of attendees did not want to listen”. Schillaci says, “I believe she mistook a polite response as acceptance and it was she who failed to listen to views that did not fit her narrative. . . Customers, employers and the marketplace are more than capable of policing engineering competence. . . I'm confident that our PEO members will reject CPD in a fair referendum that allows for that option.”
May '16	76	Roy Fletcher	CPCPTF's “'risk assessment' reported so far does not include appraisal of the qualifications of a member both technically and conscientiously for providing services directly to the public”.
May '16	75	William Este	Attended a town hall “where most attendees opposed the proposed CPD program. . . Any bureaucracy needed to 'herd' 80,000 professional engineers into risk slots and then mandate and supervise how they should be 'professionally developed' is unimaginable, to say the least.”
May '16	75	Matthew Dudman, EIT	Favours CPD because he feels his university education did not provide sufficient practical experience. [He fails to explain how CPD, as opposed to on-the-job experience would fill this void.]
Nov '16	68	Brian Lechem	“Engineers in the 21st century have no option other than to maintain their professional competence and this means acting in a proactive manner. . .” [There is no evidence that PEO members are not already doing what is necessary to practise competently.]
May '17	66	Duncan Gibbons	“It is believed that engineers would be maintaining professional standards [by enrolling in PEAK] and be looked upon more favourably by the public. However, my experience has been that the public does not care how many courses a person takes. They only care that you are doing your job honestly and to the best of your abilities. . . This indicates a need for PEO to be able to reconcile on-the-job learning and satisfactory job performance against the artificial construct of CPD learning.”

Mar '18	70	Rahmat Ushaksaraei	<p>“I would remain totally opposed to PEAK and PEAK-like programs, proven to be a failure in other disciplines, and am disturbed that someone speaks falsely on my behalf. Additionally, the low level of participation in the PEAK program along with the continually low level of participation in the standard voting process are indicative symptoms of larger challenges that PEO has been facing for long time in convincing licence holders of its ability to introduce strategic visions and pragmatic approaches that truly represent the engineers and engineering profession in the modern era. So, although one would have hoped that PEO chose the wise path of putting the PEAK program to vote among all licence holders rather than blindly implementing it, it is my firm belief that, at the end, even though PEO may choose to impose it as a mandatory requirement, it will only further confirm the need for a major organizational overhaul of PEO to meet the demands of the 21st century.”</p>
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