

PEO Council: the cost of good intentions

by Sara Bedal



In a perfect world, governing councils of self-regulatory professions would run like well-oiled machines. But occasionally they need some tweaking. The Council of Professional Engineers Ontario (PEO) is no exception.

Legislation dictates that the PEO Council be made up of 15 to 20 PEO members who are elected. The other Council members (eight to 12) are appointed by Ontario's Lieutenant Governor in Council. (Five to seven of these "LG" appointees must be PEO members, while three to five of them must be non-engineers.)

In August 2011, Alourdes Sully, OSPE's president and chair, alerted Chris Bentley, then-Ontario's Attorney General, that an imbalance can occur on the PEO Council when the minimum number of elected members is paired with the maximum number of LG appointments. Under this scenario, it's possible for appointed members to skew the votes of elected members. Sully urged Bentley to review the balance of LG appointments so that they are "in proportion to the number of elected Council members."

Patrick Quinn, PEO's (elected) vice president, highlighted this predicament in the September/October 2011 issue of *Engineering Dimensions*, PEO's magazine. "Recent voting records show that LGAs voting as a bloc have become of critical significance in the governance of our profession," he wrote. "Their recorded votes were greatly instrumental in the move away from member involvement in bylaw changes, in the move to deny members their traditional role in the election of our president and vice president, and in denying member participation in these decisions by the tradition of member referendum."

The PEO Council hasn't always included so many government appointees. When the engineering profession in Ontario became self-regulating in 1922 and PEO was created, its council included five appointed members. Years later, more appointed positions were added due to increased workload on Council members and the belief that the public should have a presence on Council.

It's not necessarily easy to land an LG appointment. The selection of skilled candidates can include personal or telephone interviews, detailed reference checks or stakeholder consultations. Most important, candidates must have high personal and professional integrity and be respected.

"I'd hope that they'd be active in their community, whatever their community is--whether it's a multicultural community or a civic community or a business community," says Doug Ferguson, a lawyer and the director of Community Legal Services in the University of Western Ontario's Faculty of Law. And, because appointments have the expectation of public service, appointees are not always paid or are remunerated at below-market rates. (Currently, PEO Council lay appointees are paid \$133 per day.)

Ferguson—who was president of the Liberal Party of Canada from 2008 to 2009--doesn't deny that political patronage has played a role in government appointments in the past. But times have changed. "Provincial appointments have come a long way," he says. "If you're a government, you want [appointed] people [who] reflect your point of view, but I think they're much more inclined to put in non-political people and much better-qualified people."

What does surprise Ferguson is the proportion of elected members on the PEO Council to appointed members. In contrast, the board of directors of The Law Society of Upper Canada—which regulates Ontario lawyers—is governed by 40 elected lawyers, two elected paralegals and only eight lay "benchers," appointed by the provincial government.

Ultimately, what's at stake is whether engineering in Ontario can continue to be considered a self-governing profession, based on democratic principles. Good intentions may have led to the increased number of appointees on the PEO Council decades ago but now it's time to question that. "Find out what the logic was behind it," says Ferguson. "Maybe the logic no longer applies."

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