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Honourable Charles A Harnick
Attorney-General
Ministry of the Attorney-General
11th floor
720 Bay Street
Toronto, Ontario
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Dear Mr Harnick:

This letter concerns correspondence recently sent to you by Christine Bell, outgoing President of the Association of Professional Engineers of Ontario. As one of the Government's appointees to the Council of APEO, I felt compelled to give you my opinion on the matters she discussed in that letter.

In that March 10th letter, Ms Bell stated that Council had approved the so-called 'Professional Excellence Programme', which, in its various incarnations, has been 'near completion' and 'approved' numerous times over the past two years, only to be halted each time in the face of a storm of member opposition. The Council 'approval' referred to in Ms Bell's letter was barely more than an accident: Of the large number of Councillors who consistently have opposed the Licensing Model, one member was absent from the room, one switched his vote only after seeing the results of a (questionable) poll, and another voted in favour, expecting that the new Council, coming on board in April, would dispose of it once and for all.

This proposed Licensing Model, in my opinion, will *not* raise any standards of practice of the profession in this province. Having reviewed the 'blue pages' of our professional journal, I scarcely can see a single case which would have been averted had this Model been in place. (In fact, a large number of these cases involve practitioners who were not even licensed by the Association--and who would never have been exposed to the requirements now being proposed.)

On the other hand, implementation and administration of the Model would require a frightening degree of bureaucracy, arbitrariness, and paternalism to address a problem *which simply does not exist*. The Licensing Model proponents have told us that we must create these new requirements because your government is divesting itself of regulatory functions and therefore, APEO will have to perform them. The problem with this argument is that APEO is

using this excuse not just to take up any divested functions—and I am not certain what these are—but to slip in a load of new ones. Furthermore, the Government has always stated its intention to *eliminate* unnecessary barriers to commerce. Given that the commerce of engineering services is one of the greatest contributors to a modern economy, why would we want a whole new layer of useless rules and requirements? The kind of bureauphobic thinking espoused by Ms Bell was thrown in the trash can with David Peterson and his cronies a decade ago.

Some months ago, Jim Flaherty, speaking for the Ministry, stated that the Government expected that APEO would secure the approval of its members before submitting any proposals to the Government. I can assure you that opposition to the Licensing Model amongst the membership is widespread and intense. Opposition is particularly strong amongst small engineering companies. The proposal to eliminate compulsory disclosure as an alternative to exorbitant liability-insurance premiums also is unpopular amongst small, entrepreneurial, innovative engineering companies.

In her letter, Ms Bell almost gleefully refers to a recent poll APEO bought on the subject of the Licensing Model. If John Diefenbaker was right when he said 'polls are for dogs', then this one truly is a fire hydrant.

That this poll was designed to *influence*, rather than *measure*, member opinion is clear to me: Just before the poll, a booklet of promotional 'background' information was sent to all 62000, although only 1200 were to be polled. All Certificate of Authorization holders received similar propaganda on the proposed Certificate of Practice immediately before 309 of them were polled. It would have sufficed to send the material to 2400 members and 618 C of A holders—unless a broader objective existed! Neither *Engineers for Engineers*, *the Canadian Society for Professional Engineers*, nor any other group or individual opposing the Model was permitted to submit material for inclusion in the booklets. Neither was any attempt made to ascertain whether respondents even were aware of the arguments on *both* sides of the issue. Amazingly, respondents even were required to open up this promotional booklet and read along as the questions actually were being asked!! In addition, no mention ever was made of the cost and bureaucracy necessary to implement the model—APEO is spending a million dollars a year now just to *promote* it! When asked about this glaring omission and whether it would have affected the poll outcome, the Angus Reid people refused to answer, calling it 'speculative'.

Providing manipulative and one-sided 'background' information alone is enough to invalidate a poll. But even a most naïve person would agree that questions can be worded, and a poll packaged so as to skew the results—if that is one's objective. *Of course* large numbers of our members favour 'Professional Excellence'! If questions are vaguely enough worded, *of course* you will get high percentages of favourable responses.

To state that this poll allows APEO to conclude that its Licensing Model is broadly accepted and will improve protection of the public is, in my opinion, an absurd *non sequitur*. For one thing, 1095 respondents--virtually as many as those polled--refused to *participate**. This easily would have been enough to completely reverse the poll! In fact, many members I have spoken with are so fed up, they don't even want to talk about APEO! The poll itself admits that a mere 8 % of respondents felt that licensing was the most important issue for the profession. What Licensing-Model advocates are attempting to do is to promote the Model as the solution for the *real* problem in the profession, which is the loss of esteem and public image. This problem could be much better addressed by creation of an advocacy organization or by guidelines to enhance 'whistle-blowing', and I have said so numerous times.

And finally, if your Ministry needs any further evidence of the needs and wants of this honourable profession, have a look at the results of this month's Council elections. All eight seats went to candidates supported by Engineers for Engineers. Perhaps the largest plank in EFE's platform has been rejection of this bureaucratic, paternalistic, and costly Licensing Model.

Thank you for this opportunity to discuss this very important issue. I hope I have contributed to the *other* side of this debate.

Yours Very Truly

Gregory P Wowchuk, PEng

c:

Morley Kells, MPP
Steven Gilchrist, MPP