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Ethics - SHORT ANSWER Questions you need to know

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The members of PEO Council are both elected and appointed. Who elects the members and who appoints the members?

Members elect the elected council members and the Lieutenant Governor in Council appoints the appointed members.

You are a P. Eng. who volunteers for a community group. You are asked to conduct an engineering review of a land use proposal and propose some changes to the proposal at no cost to the organization. Do you need a Certificate of Authorization to do this work? Explain.

Yes. A certificate of authorization is required any time you offer engineering services directly to the public. In this case, you're doing engineering work for the community group you volunteer at - doing engineering work for anyone but your full time employer automatically classifies that work as "independent practice", which requires a CofA by section 12(2) of The Act.

In addition to the P. Eng. licence, PEO issues licences to the three following general categories. Please indicate which licence might be issued to each group: 1 - Individual who meets all the requirements except for the 12 months of Canadian engineering experience 2 - Individual who has a P. Eng. in another province 3 - Individual who is a technologist with more than 10 years experience

1 - Provisional licence 2 - Temporary licence 3 - Limited licence

In accordance with the Ontario Professional Engineers Act and its supporting Regulation, Professional Engineers Ontario is authorized to discipline its licensees and holders of Certificate of Authorization. Give a brief outline of the association's complaints and discipline process. (sometimes - for 5 marks - only the disciplinary process)

If anyone submits a complaint against a holder of some licence or certificate of authorization, the complaint is reviewed by the complaints committee and either passed on to the discipline committee or dismissed (citing appropriate reasons), informing both parties in either case (A24). Before making their decision, the complaints committee notifies the accused and gives them two weeks to submit explanations/representations (A24(1)(a)). If the complaints committee passes the complaint on to the discipline committee, the discipline committee will then hear & determine the allegation and if finding the party guilty of professional misconduct or incompetence will may lay out any of the penalties/disciplines outlined A28(4), such as licence/certificate revoking, fines up to \$5k, etc (A28).

What is the purpose of the engineer's seal and when should it be used? What two elements are required to accompany the seal?

Purpose: The purpose of the seal is to certify the competence of the documents' preparation, and in particular, that the one sealing them has - intimate knowledge of, and - control over, the documents themselves, and takes legal responsibility for their accuracy. When to use: Engineers must seal all "final drawings, specifications, plans, reports, and other documents involving the practice of professional engineering, when issued in final form for action by others." (R53) Accompanying Items: The two items which must accompany a seal are the sealing engineer's signature and the current date.

Is the Code of Ethics enforceable under the Professional Engineers Act? Explain.

R72.2.g states that it is professional misconduct to breach the act or regulations, except solely breaching the Code of Ethics (R77). This holds engineers to uphold the act and regulations, of course, but also on the face of it seems to allow unehtical behaviour as long as it does not qualify as professional misconduct. However, R72.2.j states that a disgraceful act relevant to the practice is professional misconduct, and this tends to cover breaching the code of ethics.

Can limited licence holders call themselves professional engineers? Explain.

Revised answer in Dec 2011 The P.Eng title is restricted to a holder of full licence or temporary licence. See

definitions in Act, or A40(2).

Pi, a professional engineer signed and sealed documents that were not prepared by Pi nor by subordinates working under Pi's direct supervision. Are there any possible consequences for P1's actions, under the Association's Code of Ethics and/or Definition of Professional Misconduct? Discuss. ExPS note: this question has been worth 15 marks and sometimes only 5 or 10 marks.

Signing and sealing documents is a means of ensuring their correctness and assuming liability for them. It is professional misconduct under R72(2)(e) to sign or seal something that one does not actually check, but there is nothing wrong with signing and sealing the work of someone who does not even work for you as long as you do actually check it and are willing to accept liability for its correctness. Accepting this liability is an engineering service, and as such such signing/sealing is not to be taken lightly. In particular, the Code of Ethics insists in item R77(7)(v) that Pi insist on adequate compensation for this service.

A P. Eng. and a Temporary Licence holder may hold a Certificate of Authorization. Are there any limitations on the C of A held by the Temporary Licence holder?

A certificate of authorization must list Members OR Temporary Licence holders who will oversee/be responsible for the engineering conducted under it (R47(1)). Limitations (for either licence holder): 1. Require insurance or exemption in accordance with R74(1) 2. Lasts one year (R49(1)), or until all licences of named members on the certificate application expire (R49(2)). The difference is that temporary licences expire after a maximum of 12 months, but the specific time will be specified in the application

The Association has additional objects to pursue under the Act. What is the essence of these additional objects?

From section 2.(4) of the Act "For the purpose of carrying out its principal object, the Association has the following additional objects: 1. To establish, maintain and develop standards of knowledge and skill among its members. 2. To establish, maintain and develop standards of qualification and standards of practice for the practice of professional engineering. 3. To establish, maintain and develop standards of professional ethics among its members. 4. To promote public awareness of the role of the Association. 5. To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act. R.S.O. 1990, c. P.28, s. 2 (4)" The essence of these is to promote knowledge and skill, qualification, and ethics standards among its members and to promote the public awareness of PEO.

Briefly define the practice of professional engineering.

"practice of professional engineering" means any act of planning, designing, composing, evaluating, advising, reporting, directing or supervising that requires the application of engineering principles and concerns the safeguarding of life, health, property, economic interests, the public welfare or the environment, or the managing of any such act

Does merely being designated as a "Consulting Engineer" allow a professional engineer to offer professional engineering services to the public? Explain.

Not necessarily; to provide P.Eng services to the public one requires a certificate of authorization. This is not a requirement for the designation; rather, one may be designated by merely being the engineering supervisor of a company which offers the services directly to the public. Further, the certificate of authorization could have expired since the issuing of the title.

There are three situations that would require the return of your seal and certificate. Please provide 2 of these three.

The situations are: 1.If your license (of any kind) is suspended or revoked (R54), 2.If you resign from the association (or surrender your temporary licence, provisional licence, or limited licence; if you were not a "member") (R55), and 3.If your licence is a limited licence and you cease providing the services specified in the licence. (R45.2)

PEO issues a Limited Licence. In addition to paying the necessary fee, briefly state three other requirements to obtain such a licence.

From section 46 of the Regulations, the requirements for a limited licence are: a. Academic Requirements: one of: i. 3-year eng tech diploma or B.Tech degree, ii. 4-year honours science degree, or iii. Equivalent. b. 13 years engineering experience (including the post-secondary academic training) c. Completion of the PPE, fee payment, good character, etc.

PEO issues the following four licences: Professional Engineer, Temporary Licence, Limited Licence and Provisional Licence. Which of these licence holders can hold a Certificate of Authorization? Are there any limitations on the C of A?

Only a full professional engineer or Temporary Licence holder may be the named person responsible for a CofA (See section 47 of the Regulations, R47). A CofA does have limitations: it requires insurance or exemption from it in accordance with R74.1, and it lasts one year, or until all licences of named persons on the application

<p>expire (R74.2).</p> <p>What is the "Fees Mediation Committee"? Describe its function.</p> <p>Basically, the Fees Mediation Committee is a committee of Members which exists to mediate disputes relating to fees for professional engineering services. A32(2) explains: "Duties of Fees Mediation Committee (2) The Fees Mediation Committee, (a) shall, unless the Committee considers it inappropriate to do so, mediate any written complaint by a client of a member of the Association or of a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence in respect of a fee charged for professional engineering services provided to the client; and (b) shall perform such other duties as are assigned to it by the Council. R.S.O. 1990, c. P.28, s. 32 (2); 2001, c. 9, Sched. B, s. 11 (48)."</p>
<p>One of PEO's functions is enforcement. Explain what enforcement is and how it differs from discipline. Name two specific activities that are subject to enforcement.</p> <p>Enforcement refers to dealing with unlicensed people who infringe on the Act; i.e., restricting unlicensed people from practicing engineering (see section 40 of The Act; this section lays out the "penalties" for contravening section 12, and therefore, expresses the power to enforce that section), while discipline refers dealing with licensed people who have contravened the Act acted, i.e., by practicing unscrupulously or negligently (see section 28 of The Act). Two specific activities that are subject to enforcement are practicing engineering without holding an appropriate license or certificate and leading someone to believe that you are a professional engineer when you are not. The enforcement actions of PEO in these cases consist of charging infringing people with fines of \$25,000 & \$10,000 respectively for first offenses, and \$50,000 & \$25,000 for subsequent offenses, as explained in section 40 of The Act</p>
<p>(10) (a) PEO issues the following four licences: Professional Engineer, Temporary Licence, Limited Licence and Provisional Licence. Which licence holders can take independent responsibility for engineering work? What limitations are placed on any of the licences? (In your answer, DO NOT discuss the qualifications/requirements for obtaining this license.)</p> <p>Revised answer Dec 2011 Only holders of Professional Engineer Licences (full licences), Limited Licences, and some holders of Temporary Licences who are exempt from collaborating with a Member in accordance with R44(1) may take independent responsibility for engineering work. Limited Licence holders may only take independent responsibility for work that is within the scope of their particular limited licence. Provisional licence holders must always collaborate with a Member who is also (along with the provisional licence holder) required to sign and seal the engineering work (R44(2), R44.1(2)(2).. Limitations of licences: Temporary licence: 1-year duration, possible supervision required. Provisional licence: 1-year duration, supervision required. Limited licence: Limited to services specified in the licence.</p>
<p>Are there any restrictions on how professional engineering services may be advertised? Explain.</p> <p>Revised answer Dec 2011 Absolutely. From section 75 of Ontario Regulation 941, "A Member or holder of a temporary licence, a provisional licence, a limited licence or a certificate of authorization may advertise only, (a) in a professional and dignified manner; (b) in a factual manner without exaggeration; (c) in a manner that does not directly or indirectly criticize a Member or holder or an employer of a Member or holder; and (d) without reference to or use of the professional seal of the Member or holder or the seal of the Association."</p>
<p>PEO issues both a Certificate of Authorization and a P. Eng. Licence. Briefly explain the purpose of each.</p> <p>The purpose of a P.Eng. licence is to allow the holder to take responsibility for engineering work without additional engineering supervision, but is not sufficient to offer engineering services directly to the public - for that, one would also need a Certificate of Authorization. Offering engineering services to the public includes doing engineering work for other than one's full-time employer or offering custom-designed products on a per-client basis, but does not usually include doing engineering for one's full time employer (the employer itself may require a CofA if it offers engineering services to the public).</p>
<p>What is the "Discipline Committee"? Describe its function.</p> <p>When a complaint is filed about a P.Eng, first the complaint is evaluated (after the association staff gathers information) and then (if justified) a formal hearing is conducted, a judgment is rendered, and a penalty is laid out (if necessary). The discipline committee is the body which conducts the formal hearing, renders the judgment, and lays out the penalty (the complaints committee is the body which initially reviews the complaint before passing on to the discipline committee.)</p>
<p>PEO has enforcement as one of its regulating functions. What does the term "enforcement" mean in this context?</p> <p>Enforcement refers to dealing with unlicensed people who infringe on the Act; i.e., restricting unlicensed people from practicing engineering or using engineering titles (see section 40 of the Act; this section lays out the "penalties" for contravening section 12, and therefore, expresses the power to enforce that section), while discipline refers dealing with licensed people who have contravened the Act acted, i.e., by practicing unscrupulously or negligently (see section 28 of the Act).</p>

PEO recently removed one of the requirements needed to obtain a Professional Engineers licence. Which one was removed? (April 2011 question)

PEO no longer requires applicants for a P.Eng. licence to be a Canadian citizen or permanent resident. (answer to April 2011 question)

Where a licence, certificate of authorization, temporary licence, provisional licence or limited licence is revoked or cancelled what should the holder do with the certificate and seal?

Return them to PEO; as per section 36 of The Act.

In order to be designated as a "Consulting Engineer" one must meet a number of requirements. Briefly list three of them. In some questions, for the same number of total marks, this is also asked: What additional privileges or rights are granted by this designation?

Section 56 of the Regulations explains that: 1. Council will designate as a "consulting engineer" every applicant for that designation who: a. is a member b. is and has been for ≥ 2 years independently practicing engineering in ON, c. Has ≥ 5 years satisfactory eng experience past the minimum requirements for membership, d. has passed the exams prescribed by the council or has been exempted from them 2. you can be exempted from the exams if the council believes you have appropriate qualifications. Note that the regulations go on to explain that "independently practicing engineering" means that you either have a C of A or are the named person on a C of A. Designation as a consulting engineer would allow you to use the title "consulting engineer" (pg 84), which carries with it prestige, and the ability to benefit from being part of a consulting engineers society. Most private practitioners prefer to use this title. Section 56 of the Regulations explains that one may be required to pass examinations to qualify.

Is there any difference between being a member of PEO and holding a licence to practice professional engineering in Ontario? Explain

A member of PEO is a fully licensed engineer in Ontario (P.Eng, full licence holder), while temporary, provisional, and limited licensed engineers also "hold a license to practice professional engineering in Ontario," except those licences require supervision of a member and / or expire. If one is to provide services directly to the public or practice professional engineering as a business, one also needs a certificate of authorization.

Describe the roles performed by PEO's Complaints Committee and its Discipline Committee.

If anyone submits a complaint against a holder of some licence or certificate of authorization, the complaint is reviewed by the complaints committee and either passed on to the discipline committee or dismissed (citing appropriate reasons), informing both parties in either case (A24). Before making their decision, the complaints committee notifies the accused and gives them two weeks to submit explanations/representations (A24(1)(a)). If the complaints committee passes the complaint on to the discipline committee, the discipline committee will then hear & determine the allegation and, if finding the party guilty of professional misconduct or incompetence, will lay out any of the penalties/disciplines outlined A28(4), such as licence/certificate revoking, fines up to \$5k, etc (A28).

List five requirements an applicant must meet to obtain a P. Eng. licence in Ontario.

The Registrar shall issue a licence to a natural person who applies in accordance with the regulations as follows: 1. Academic - a Canadian accredited engineering degree or other qualifications found or determined to be equivalent 2. Experience - 48 months (4 years) direct engineering experience that provides sufficient experience to meet generally accepted standards of practical skill. Up to 12 months may be acquired before graduation - but after half way through program. At least 12 months acquired in a Canadian jurisdiction under supervision of a P. Eng. 3. Professional Practice Examination (PPE) - passing a three hour closed book examination in Ethics, essentials of the Professional Engineers Act, and Law. 4. Be at least eighteen years of age 5. Be of good character as determined from references 6. Comply with any other requirements specified in the regulations for the issuance of the licence 7. Canadian citizenship or permanent residency **NO LONGER REQUIRED**. Note this requirement was repealed in 2010.

The practice of sealing (or stamping) an engineering document exposes a P.Eng. to liability. Why is it not a good practice to release drawings which bear only a photocopy of the professional engineer's stamp and signature?

The purpose of the seal is to certify the competence of the documents' preparation, and in particular, that the one sealing them has intimate knowledge of, and control over, the documents themselves, and takes legal responsibility for their accuracy. Making a habit of placing photocopies of your seal and signature on documents gives others the ability to more easily falsely insinuate that something has been checked by you, which exposes you to undue liability. Furthermore, it is professional misconduct (under R72(2)(e)) to sign and seal something not actually checked by the engineer, and so given that one will be taking the time to check something it the additional work to sign and seal it upon doing so seems a petty thing to try to make more efficient, and certainly does not outweigh the risks in normal circumstances.

PEO issues Certificates of Authorization. Who or what is eligible to receive one? Why is it necessary to obtain one?

A Certificate of Authorization (CofA) may be issued to individuals or companies. Either way, it must list members or temporary licence holders who will oversee the engineering done under it. It is necessary to obtain a CoA because Section 12 of The Act states that a CofA is necessary to offer engineering services to the public, and section 40 of The Act explains that the penalty for contravening section 12 by operating without a CofA where one is required is a fine of \$25000 for the first offense, and \$50000 for subsequent offenses.

You are a professional engineer who is employed full-time by a company that manufactures sophisticated electronic products for use in the automobile industry. Recently, you were contacted by one of your former classmates from engineering school who owns and operates a small company that markets golf practice aids and instructional products. Your friend tells you that the company occasionally needs a professional engineer but isn't yet busy enough to hire one on a full-time basis and asks whether you would be interested in working for them occasionally as a part-time employee in your spare time. You think this opportunity sounds interesting and wouldn't mind making some additional income. (a) (10 marks) Assuming you have all required licences and authorizations, is it appropriate for you to work for your friend's company in addition to your full-time job? In your answer, describe the issues you need to consider in evaluating this opportunity as well as the specific steps you need to take before accepting it. You accept your friend's offer. One day, your friend tells you about a new device the company has been trying to invent aimed at helping golfers improve the speed, rhythm, consistency of their golf swings. Immediately, it occurs to you that some advanced motion sensor technology developed by your full-time employer for its line of automobile sensors (which your full-time employer intends to patent) could also be utilized for the golf device. (b) (10 marks) Should you make use of this technology in your work on the golf device? Explain the reasoning behind your answer. (c) (5 marks) Explain how Section 72(2)(g) of Regulation 941 could apply to your answer in 2(b) above. Are there any other parts of such Section 72(2) that could apply to your answer?

A) Assuming the work is done outside of the time when the employee is being paid to do his existing work, the practice is not fraud, but simply moonlighting, which is not strictly unethical, so long as (as stipulated in s77(5)): i. Employee [doesn't] compete with employer for contracts, ii. Moonlighting time & effort [doesn't] reduce employee's workday efficiency, and iii. Employer [is] informed of the moonlighting. Not informing the employer is illegal, as it is also required by s72(2)(i)(4). B) Point 3 in the Code of Ethics specifies that a P.Eng must "regard as confidential information obtained by the practitioner as to the . technical methods.of an employer.". In this case, the employer would certainly appreciate the technology being kept quiet, as he intends to patent this. As such, you have an obligation through the Code of Ethics not to disclose the technology for use in the golf device, and certainly not without the consent of your main employer. You could request the ability to disclose it from your main employer, or perhaps some alternative such as selling the technology to your part-time firm. C) Section 72(2)(g) specifies that misconduct is any breach of the act/regulations, except one that is only a breach of the code of ethics. This stipulates that an engineer who acts otherwise, perhaps using the technology on the golf firm, will not necessarily face professional misconduct charges. However, this action, being a clear breach of the Code of Ethics, would likely be grounds for professional misconduct charges on the basis of Section 72(2)(j): "conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional"

Two of PEO's functions are discipline and enforcement. Explain what enforcement is and how it differs from discipline.

Enforcement refers to dealing with unlicensed people who infringe on the Act; i.e., restricting unlicensed people from practicing engineering or using engineering titles (see section 40 of the Act; this section lays out the "penalties" for contravening section 12, and therefore, expresses the power to "enforce" that section), while discipline refers dealing with licensed people who have contravened the Act; i.e., by practicing unscrupulously or negligently (see section 28 of the Act). Both are ways to protect the public, and so together, accomplish the three objectives of licensing (Ethics 2.0).

Professional engineering in Ontario is described as a self-regulating profession. What does this term mean? In your answer, briefly describe three different features in the way professional engineering is regulated in Ontario that are consistent with this term.

Professional engineering in Ontario is "self-regulating" because rather than passing laws directly regulating engineering, the government here has passed laws giving engineers the ability to make and enforce engineering-governing laws. The three features of this regulation scheme: 1) The PEO Council establishes committees (made up of engineers) & directs staff who administer the Act and Regulations, 2) The PEO Council appoints a committee of peers (engineers) to carry out discipline, and 3) The majority of the PEO Council is selected from and by engineers.

Section 12.2 for the Professional Engineers Act (PEA) states "No person shall offer to the public or engage in the business of providing to the public services that are within the practice of professional engineering except under and in accordance with a certificate of authorization". For purposes of the PEA briefly define what is

<p>meant by "public".</p> <p>For the purposes of the PEA, the "public" is anyone. That said, there are a number of times laid out in section 12(3) when 12.(2) does not apply; for instance, 12.(3)(a) states that 12.(2) does not apply to "an act that is within the practice of professional engineering in relation to machinery or equipment, other than equipment of a structural nature, for use in the facilities of the person's employer in the production of products by the person's employer;"</p>
<p>What are the limits of the "Temporary License"? (In your answer, DO NOT discuss the qualifications/requirements for obtaining this license.)</p> <p>Temporary licenses, issued to visiting professional engineers from another province, are limited to the time specified in the application (? 12 months) and may also require the holder to collaborate with a Member on all projects (if the applicant has insufficient experience with relevant Ontario codes, etc.). R44</p>
<p>Is a civil engineer allowed to perform services that are normally within the scope of mechanical engineering? Explain.</p> <p>If his license is not a limited license which limits his services from this scope, then yes: licensing is not discipline specific. That said, it is professional misconduct by section 72(2)(h) of the Regulations to "[undertake] work the practitioner is not competent to perform by virtue of the practitioner's training and experience." Therefore, the practitioner must ensure that he is competent to perform the work, lest it be misconduct.</p>
<p>What licence holder may hold a Certificate of Authorization?</p> <p>A certificate of authorization must list Members OR Temporary Licence holders who will oversee/be responsible for the engineering conducted under it (R47(1)).</p>
<p>PEO issues Temporary licenses. In addition to paying the necessary fee, briefly state three other requirements to obtain such a license.</p> <p>Temporary License Requirements: (From section 43 of the Regulations) Payment of a fee and: 1.Residence & membership in another province/territory in Canada with at least as strict engineering membership requirements. 2.Qualifications >= the minimum qualifications in ON. 3.Wide recognition in the field of engineering to be worked on, and >= 10 years experience in that field.</p>
<p>PEO's Discipline Committee has the power to revoke or suspend any of the licences issued by PEO if the licence holder commits professional misconduct. Besides revocation and suspension, describe three (3) other penalties or sanctions that the discipline committee may impose.</p> <p>The powers of the discipline committee are outlined in A28(4): a. Revoke the licence/CoA/etc.; b. Suspend the licence/CoA/etc. for up to 24 months; c. accept an undertaking to limit the professional work of the person to some extent specified in the undertaking, d. Impose terms/conditions/limitations such as successful completion of a course of study; e. Impose restrictions; f. Require counselling; g. Revoke/suspend designation as specialist, etc.; h. Impose a fine <=\$5k. i. Publish all/parts of the findings (subject to A28(5)) j. fix & impose costs to be paid by member/holder to association; k. suspend/postpone a penalty under certain terms. So three other penalties besides a) & b) would be, for e.g., imposing a fine of up to \$5000, requiring that the practitioner take a course of study (perhaps retaking the PPE), and revoking a practitioner's specialist designation</p>
<p>What are the consequences, if any, to a professional engineer who does not keep his or her licence permanently displayed in his or her place of business?</p> <p>This action is a breach of the Code of Ethics only (R77(2)(iv)), and so does not have explicit disciplinary consequences.</p>
<p>PEO recently recognized Engineerin Intern and Engineering Student in its regulations. What are the requirements for each?</p> <p>Class of "Engineering Intern", R32.1 Requirements: 1. Enrolled in the Association's Engineering Intern Program; 2. Has Applied for a licence in accordance with the Act and this Regulation and the application has not been fully dealt with (e.g., has the educational and the experience requirements complete but not the PPE). 3. Meets the academic requirements for licence (or is currently completing courses or exams to meet them) Class of "Engineer Student", R32.2 Requirements: 1. Enrolment in the Association's student's program; and 2. Enrolment in an engineering program offered by a Canadian university and accredited by council (or in the process of being accredited)</p>
<p>Briefly define the term "profession".</p> <p>a group of individuals that is self-selected and self-disciplined and who hold themselves out to the public as possessing a special skill that is derived from training & education and who are prepared to exercise that skill in the interest of others</p>



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