

THE PROFESSION'S POSITION

- Where engineering work is being performed, it is in the public interest that a professional engineer be involved.
- Legislation that speaks to engineering work, regardless of whether it is a federal or provincial statute, should require the involvement of a professional engineer.
- Incorporating professional engineers' accountability into federal and provincial legislation and regulation weaves the engineering regulatory process into the fabric of government and keeps Canadians safe.
- When professional engineering work is being done in Canada, that work must be done by an engineer licensed in the province or territory where the work is being completed.
- Engineers Canada calls on the federal government to recognize the need to enforce licensing requirements for engineers in federally regulated industries.
- The activities of some federally regulated industries may be putting the safety of Canadians at risk by failing to comply with provincial acts and licensing requirements for engineering work.
- Engineers are held publicly accountable for their work, by the provincial and territorial regulators, as well as by their employers. These layers of accountability help to keep Canadians safe.

The issue

Public safety is at risk when professional engineers are not involved in the development and implementation of a wide range of legislation and regulations that require the application of engineering principles. In some cases, certain federally regulated industries may be putting the safety of Canadians at risk by failing to require compliance with provincial acts and licensing requirements for engineering work.

For example, the involvement of engineers in the development and implementation of legislation and regulations governing infrastructure, transportation, resource development, and manufacturing is crucial for the protection of public safety.

How Engineers Canada has contributed

Engineers Canada is working with key federal departments (including Innovation, Science and Economic Development Canada and Transport Canada) to ensure that the value and benefit of having professional engineers involved in

federally regulated industries is recognized by Canadians.

Engineers Canada also believes in the importance of demand-side legislation—legislation or regulations that require the certification of projects and works by an engineer. Engineers Canada participates in consultations on legislation and regulations that impact the work that engineers do, and address activities that could involve engineering work.

Engineers Canada has built open working relationships with key government departments, both with elected officials and senior public servants, to provide an experienced regulatory perspective on legislation and policy.

The Railway Safety Act

Engineers Canada submitted its recommendations to the House of Commons Standing Committee on Transport, Infrastructure and Communities to be considered in amending the Transportation Modernization Act, Bill C-49. The submission included three targeted recommendations to Canada's Railway Safety Act that focus on clearly defining the term "engineering principles" within

Section 11 of the Railway Safety Act, supporting the inclusion of professional engineers in the entire life cycle of rail infrastructure, and ensuring that rail infrastructure in Canada can adapt to Canada's changing climate. Engineers Canada also provided verbal testimony to the House of Commons Standing Committee on Transport, Infrastructure and Communities on Monday September 11, 2017 regarding the aforementioned recommendations.

Recommendations to the federal government

The federal government must recognize and respect the jurisdiction of the provincial and territorial regulators, and acknowledge that provincial and territorial governments have delegated the authority to regulate the engineering profession to their regulators. The federal government must:

- Ensure that any legislation or regulations that refer to engineering work require the involvement of a professional engineer, in accordance with provincial and territorial engineering acts.
- Use demand-side legislation to drive the need for engineering work to be performed by individuals who are licensed to do so, thereby encouraging compliance with professional regulatory legislation.
- Clarify and enforce regulations, rules, guidelines, and standards that call for qualified, accountable persons to perform work that protects the public when safety management and regulatory compliance is delegated to federally regulated industries.

How Engineers Canada will contribute

Engineers Canada will continue to:

- Actively identify opportunities to require input from engineers within federal legislation and regulations where such involvement would be in the public interest.
- Request that decision-makers ensure that demand-side legislation retains explicit references to engineers and engineering in the interest of public safety across Canada.
- Monitor the government agenda, legislative initiatives, and proposed regulations to bring recommendations on demand-side legislation to the attention of government.
- Work with engineers in the public service to promote the value of appropriate professional involvement in important projects across the country.