

22 November 2024

Public Services and Procurement Canada  
140 O'Connor Street  
Ottawa, ON K1P 6E3

**Re: Policy Notification 48R2 – Official languages and contracting**

To Public Services and Procurement Canada:

We write on behalf of Engineers Canada and Geoscientists Canada. Together we represent the provincial and territorial engineering and geoscience regulators that licence over 320,000 professionals. We welcome the opportunity to share our views on *Policy Notification 48R2: Official languages and contracting* (PN 48R2).

As you know, regulated engineers and geoscientists must follow prescribed codes of ethics and rules for professional conduct. These codes of ethics and rules for professional conduct are essential to protect the public. For our member regulators, the public interest is always paramount. Like PN 48R1, this revised policy conflicts with the ability of engineering and geoscience regulators to impose detailed rules with respect to documents that require an engineer's or a geoscientist's professional seal, creating a risk to public safety.

Engineers and geoscientists in some jurisdictions are permitted in certain situations to seal documents that have been translated. They may also translate a sealed document themselves under limited circumstances (see the Appendix to this letter). Save as expressly permitted, engineers and geoscientists may not take responsibility for engineering or geoscience work if asked to seal a document that has been translated, or to translate this work themselves.

As presently worded, PN 48R2 raises the concern that client departments will source third-party translations where not permitted by regulation, or provide relevant documents to bidders without the proper involvement of an engineer or geoscientist who is licensed to practice. Engineers Canada and

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Geoscientists Canada therefore ask that the Government of Canada consider alternative approaches that could serve both the cause of bilingualism and the promotion of public safety.

As the only national voices of the engineering and geoscience professions, Engineers Canada and Geoscientists Canada each have a history of collaborating with the federal government to inform and develop legislation, regulations and policies. In this spirit of collaboration, we ask that the federal government continue to engage with the professions and industry impacted by this policy change to reach a solution that is demonstrably in the public interest.

We would be pleased to engage in further discussion on this matter on behalf of our member regulators.

Sincerely,



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Chief Executive Officer, Engineers Canada



Paul Hubley, P.Geo., FGC  
Chief Executive Officer, Geoscientists Canada

Cc :

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**Appendix: Existing regulatory requirements for translation and the sealing of translated documents**

<b>Regulator</b>	<b>Existing regulatory requirements for translation and the sealing of translated documents</b>
Association of Professional Engineers and Geoscientists of Alberta (APEGA)	<p>When a licensed professional provides a translated professional work product (PWP), the original and the translated PWP must each be authenticated in accordance with the requirements of APEGA’s Authenticating Professional Work Products practice standard. An APEGA licensed professional may authenticate a translated PWP only if they are fluent in the target language and can verify that the translated PWP is identical in meaning to the original. In authenticating a translated PWP, a licensed professional accepts professional responsibility for it. If a licensed professional is unable to verify that a translated PWP is identical in meaning to the original, they must not authenticate it.</p> <p>If an authenticating licensed professional needs to translate a PWP to a language they are not fluent in, they must engage another licensed professional who is both fluent in the target language and competent in the relevant area of practice. The licensed professional who translates the PWP then authenticates and takes professional responsibility for it.</p> <p>If someone who is not a licensed professional translates a PWP, the translation is not considered a properly authenticated PWP and must not be relied upon.</p>
Association of Professional Engineers and Geoscientists of New Brunswick (APEGNB)	<p><a href="#">7.7 Translated Documents</a></p> <p>Translated documents which require engineering or geoscientific judgement or which provide engineering or geoscientific direction are to be sealed by a responsible professional. If the professional is not sufficiently proficient to take responsibility for the translation, a bilingual engineer/geoscientist competent in the subject matter area should authenticate the translated portion of the document. In these cases, each responsible professional would apply their seal with a qualification of what responsibility is implied by the seal. Therefore, the bilingual professional would seal the translated portion of the document.</p>
Engineers and Geoscientists British Columbia (EGBC)	<p><a href="#">3.4.6 Translated documents</a></p> <p>3.4.6.1 - A Professional Registrant may be requested to Authenticate a Document in one or more languages other than their working language(s).</p> <p>3.4.6.2 - The act of translating engineering or geoscience Documents is the practice of professional engineering or professional geoscience; therefore, it</p>

Regulator	Existing regulatory requirements for translation and the sealing of translated documents
	<p>is unlawful for someone who is not a Professional Registrant to translate an engineering or geoscience Document. It would also be unprofessional for a Professional Registrant to Authenticate an engineering or geoscience Document that was translated by someone who is not a Professional Registrant into a language other than their working language(s), or to Authenticate a Document that is entirely or partly in a language other than their working language(s).</p>
<p>Engineers Geoscientists Manitoba</p>	<p>Engineers Geoscientists Manitoba has provided the following <a href="#">guidance</a>: Effective May 13, 2022, Public Works and Government Services Canada (PWGSC) may require submissions of engineering work products in both official languages - French and English - each being of equal quality and published at the same time.</p> <p>This change to contracting professional services may place a professional engineer who knows only one of the two official languages in the position of being asked to stamp work they are unable to verify. The challenges with precise translation of technical work means the translator may need engineering competence and will need to collaborate with the responsible professional engineer.</p> <p>Engineers Geoscientists Manitoba's Investigation Committee has considered this matter and determined the following with respect to translation of professional engineering or professional geoscientific documents:</p> <ul style="list-style-type: none"> <li>• The primary design or work to be relied upon shall be identified and sealed by an engineer.</li> <li>• The translation of that work shall be performed or verified by an engineer and stamped with the indication that it is sealed for the translation only.</li> <li>• Documents that have been translated but not reviewed by an engineer shall:             <ul style="list-style-type: none"> <li>○ not have a seal on them,</li> <li>○ be clearly marked that:                 <ul style="list-style-type: none"> <li>▪ they have been translated from the original language and have not yet been reviewed by an engineer, and</li> <li>▪ should not be relied upon.</li> </ul> </li> </ul> </li> </ul>
<p>Professional Engineers Ontario (PEO)</p>	<p><a href="#">7.9 Engineering documents containing more than one language</a></p> <p>Practitioners are occasionally required to provide documents in a language other than their usual business language. Furthermore, practitioners must be technically fluent in the language of the</p>

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	document they are sealing if the language content of the document is part of its engineering content. Finally, practitioners must determine whether their language proficiency is sufficient to meet the professional standard expected of them, just as practitioners must determine in what areas they are competent to practice
Professional Geoscientists Ontario (PGO)	<p><a href="#">4.5 Translations</a></p> <p>Professional geoscientists sometimes have to deliver a geoscience document in a language other than their usual working language. In this case, the professional geoscientist should specify the language that takes precedence in the case of discrepancy between information provided in different languages. Nonetheless, where the situation (client or legislation) requires that all the texts have equal status, the professional geoscientist must ensure that the meaning in all texts is the same.</p> <p>A professional geoscientist may authenticate documents in more than one language if he or she is fluent in those languages. When several professional geoscientists collaborate on a project, each may authenticate the document in the language in which he or she is fluent. Alternatively, it is possible to use the services of a professional translator who is familiar with the subject and who can certify that the translated text is faithful to the original. Failing a professional or certified translator, the translation must be certified by a notary. The professional geoscientist may authenticate the original and any translation thus certified. If a client provides a translation of a document produced by the professional geoscientist, the professional geoscientist must ask the client to provide certification that the translation is faithful to the original document.</p>
L'Ordre des ingénieurs du Québec	<p><a href="#">Section 24 : Loi sur les ingénieurs</a></p> <p>Nul ne peut utiliser ou permettre que soit utilisé, pour la réalisation d'un ouvrage visé à l'article 3, un plan ou un devis non signé et scellé par un ingénieur.</p> <p>Malgré le premier alinéa, un plan ou un devis préparé à l'extérieur du Québec peut être utilisé pour la réalisation d'un ouvrage pourvu qu'il se rapporte à un élément intégré dans un autre ouvrage et qu'il ait fait l'objet d'une spécification et d'une intégration dans un document préparé par un ingénieur. Rien au premier alinéa n'empêche l'utilisation d'un plan ou d'un devis signé et scellé conformément aux dispositions d'un règlement pris en application du paragraphe <i>h</i> du premier alinéa de l'article 94 du Code des professions</p>
Professional Engineers and	<a href="#">Translated Documents</a>

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Geoscientists of Newfoundland and Labrador (PEGNL)	<p>Translated documents which require engineering or geoscientific judgement, or which provide engineering or geoscientific direction are to be authenticated by a responsible professional. Translation errors could possibly become construction errors. If the professional is not sufficiently proficient to take responsibility for the translation, it is expected that the translated portion of the document be authenticated by a bilingual engineer/geoscientist competent in the subject matter. In these cases, each responsible professional would apply their stamp with a qualification of what responsibility is implied by the stamp. Therefore, the bilingual professional would stamp the translated portion of the document. If, due to extenuating circumstances, this arrangement is not possible, the professional may employ the services of a certified translator but must obtain a written declaration that the translated text is identical in meaning to the original. An uncertified translator is not considered acceptable. The professional remains responsible for the translated document and must disclose to the client that the document has been translated.</p>
Engineers PEI	<p><a href="#">6.6 Translated Documents</a></p> <p>Translated documents which require engineering judgement or which provide engineering direction are to be sealed by a responsible professional. If the professional is not sufficiently proficient to take responsibility for the translation, a bilingual engineer competent in the subject matter area should authenticate the translated portion of the document. In these cases, each responsible professional would apply their seal with a qualification of what responsibility is implied by the seal. Therefore, the bilingual professional would seal the translated portion of the document.</p>
Association of Professional Engineers and Geoscientists of Saskatchewan	<p>APEGS <a href="#">Authentication of Documents Use of Professional Seals</a> outlines the following:</p> <p><b>3.2 Translated Documents</b></p> <p>Professionals are occasionally required to provide documents in a language other than their usual working language. Where documents contain the same information in two or more languages, it is encouraged to identify one language that will govern in the event of a discrepancy between the texts. However, in some situations either legislation or the client will require that two languages be given equal status and, therefore, it is important that the two texts have identical meanings. Professionals may seal documents in two or more languages if fluent in each language. Alternatively, professionals collaborating on a project may seal documents in the language(s) in which each is fluent. For example, one professional may seal the English version of a document and another may seal the French version. Professionals not fluent in the required language(s) may engage the services of a translator. The</p>

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	translator should provide a declaration stating that the meaning of the translated text is identical to that of the original. The translator should be certified by a recognized certification 9 body. If not, the declaration should be notarized. The professional can seal both the original and translated documents based on this declaration.