

Draft Regulations

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Professional Code
(R.S.Q., c. C-26)

Engineers Act
(R.S.Q., c. I-9)

Engineers — Other terms and conditions for the issuance of permits

Notice is hereby given, pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Regulation respecting other terms and conditions for the permits to be issued by the Ordre des ingénieurs du Québec, adopted by the Bureau of the Ordre des ingénieurs du Québec, the text of which appears hereinafter, may be submitted to the government, which may approve it with or without amendment after a period of 45 days following this publication.

This draft regulation increase the required period of engineering experience for the purpose of issuing a permit from 24 to 36 months. To make up for this increase, new possibilities is added for acquiring credit for experience. Engineers-in-training who successfully complete optional sponsorship activities will be given 8 months' experience credit. Furthermore, engineers-in-training who have acquired relevant engineering experience through a summer job or training period after completing half of their program of studies may obtain experience credit for the relevant amount of time worked, maximum 4 months.

The new provisions offer an incentive to be entered on the roll as soon as possible after the end of studies so that the experience acquired can be taken into account.

The new regulation also deals with graduate studies and the experience awarded for a Master's or Ph. D in engineering (s. 11 of the new regulation). Someone with both degrees could have a maximum of 24 months' experience recognized, leaving him/her with only 12 months' experience to acquire.

Impact on citizens and businesses

The draft regulation makes some of the requirements related to issuance of an engineering permit more flex-

ible. Adding a year to the length of engineering experience to be acquired by junior engineers will have little impact, since it is offset by the possibility of obtaining experience credit for the same period of time.

Additional information may be obtained from Mtre Louise Laurendeau of the Ordre des ingénieurs du Québec, 2020, University Street, 18th Floor, Montréal (Québec) H3A 2A5, tel. (514) 845-6141 or 1-800-461-6141, fax: (514) 845-1833.

Any comments should be submitted before the deadline to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10th Floor, Québec City (Québec) G1R 5Z3. These comments will be passed on by the Office to the minister responsible for the application of professional acts; they may also be conveyed to the professional corporation that passed the regulation as well as to any interested persons, government departments or organizations.

JEAN K. SAMSON,
*Chairman of the Office
des Professions du Québec*

Regulation respecting other terms and conditions for the issuance of permits by the Ordre des ingénieurs du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, subpar. h)

Engineers Act
(R.S.Q., c. I-9, s. 11, subpar. d, f and m)

DIVISION I DEFINITIONS

1. In this Regulation,

(1) "candidate" means a person who has applied for a permit;

(2) "junior engineer" means the holder of a junior engineer's permit issued pursuant to Division II hereof, who is entered on the roll of the Ordre des ingénieurs du Québec.

DIVISION II CONDITIONS FOR THE ISSUANCE OF PERMITS

§1. *Junior Engineer's Permit*

2. The Bureau of the Ordre shall issue a junior engineer's permit to persons who meet all of the following conditions:

(1) they have sent an application to the secretary of the Ordre and have enclosed:

(a) a certified copy of their birth certificate;

(b) a recent passport-size photograph (5 cm x 7 cm) certified under the person's signature as being of himself;

(2) they have proven that they hold a degree recognized by the government under the first paragraph of section 184 of the Professional Code as giving access to an engineer's permit or a degree recognized as equivalent by the Bureau, or they have training recognized as equivalent by the Bureau under subparagraph *g* of the first paragraph of section 86 of the Professional Code;

(3) they have proven that they have appropriate knowledge of the official language of Québec for practising the profession of engineer in accordance with the provisions of the Charter of the French Language (R.S.Q., c. C-11);

(4) they have paid all fees and dues relating to the issuance of the permit required under subparagraph 9 of section 86.0.1 of the Professional Code.

3. Holders of a junior engineer's permit may not obtain a seal.

4. Provided that they are entered on the roll, holders of a junior engineer's permit may use the title of "ingénieur junior" in French or "Junior Engineer" in English.

They may use the abbreviation "ing. jr" in French or "Jr. Eng." in English.

They may not in any way:

(1) claim to be an engineer;

(2) use the title of "engineer" or its abbreviation "Eng." without it being preceded by the word "Junior" or its abbreviation "Jr.", or use a title, designation, abbreviation or initials which could imply that they are engineers;

(3) allow themselves to be advertised or designated by the title "Engineer" or its abbreviation "Eng." without it being preceded by the word "Junior" or its abbreviation "Jr.", or by a title, abbreviation or initials which could imply that they are engineers.

5. The junior engineer's permit shall be valid until it is revoked or replaced by an engineer's permit issued in accordance with section 40 of the Professional Code and section 6 hereof.

§2. *Engineer's Permit*

6. The Bureau of the Ordre shall issue an engineer's permit to persons who meet all of the following conditions:

(1) they have sent an application to the secretary of the Ordre and have enclosed, if they have not already done so:

(a) a certified copy of their birth certificate;

(b) a recent passport-size photograph (5 cm x 7 cm) certified under the person's signature as being of himself;

(2) they have proven that they hold a degree recognized by the government in accordance with the first paragraph of section 184 of the Professional Code as giving access to an engineer's permit or a degree recognized as equivalent by the Bureau, or they have training recognized as equivalent by the Bureau under subparagraph *g* of the first paragraph of section 86 of the Professional Code;

(3) they have acquired engineering experience in accordance with Division III hereof;

(4) they have successfully completed the sponsorship activities in accordance with Division IV hereof, as applicable;

(5) they have passed the professional examination in accordance with Division V hereof;

(6) they have proven that they have appropriate knowledge of the official language of Québec for practising the profession of engineer in accordance with the provisions of the Charter of the French Language (R.S.Q., c. C-11);

(7) they have paid all fees and dues relating to the issuance of the permit required under subparagraph 9 of section 86.0.1 of the Professional Code.

DIVISION III **ENGINEERING EXPERIENCE**

§1. Objectives and Calculation

7. Engineering experience is acquired during a training period whose general objective is to familiarize a candidate or junior engineer with the various aspects of engineering so that he may attain the level of professional autonomy required to practise the profession. Such experience is acquired by performing the activities described in section 8.

8. Candidates and junior engineers shall acquire a total of at least 36 months' engineering experience, consecutive or otherwise, at least 12 months of which shall be in Canada to ensure a good knowledge of local Canadian conditions, notably with regard to legislation, standards, economy, climate, resources and technology; such experience shall be certified in accordance with section 22 hereof.

Furthermore, the engineering experience shall have given the candidate or junior engineer the opportunity:

(1) to carry out on a regular basis activities related to the subject matter covered in the program leading to the degree he was awarded; and

(2) to solve problems requiring the application of engineering sciences in at least one of the following areas: research, development, design, production, construction, installation, maintenance and technical sales and marketing; and

(3) to participate in:

(a) applying the financial, economic, regulatory and legal aspects of an engineer's work;

(b) managing and leading a technical team; or

(c) solving industrial or environmental technical problems; and

(4) to progress to more complex problem-solving activities and take on increasing responsibilities.

9. Junior engineers shall not perform professional activities reserved by law for engineers except under the supervision and responsibility of an engineer.

10. Subject to section 12 hereof, the experience acquired after completion of a program of study can be recognized only if:

(1) the person has a degree recognized by the government as giving access to an engineer's permit; or

(2) the person has a degree recognized as equivalent by the Bureau; or

(3) the person obtains a training equivalence after passing the control examinations prescribed by the committee of examiners.

For purposes of implementing the first paragraph of this section, experience acquired by candidates or junior engineers is taken into consideration only after they have passed the training examinations prescribed by the committee of examiners, as applicable.

11. Engineering experience acquired during graduate and post-graduate studies may be recognized after the program of study is completed if the research component is dominant and the holder of the degree can show that the program of study meets the requirements of section 8. Post-graduate studies completed in Canada or abroad are recognized as follows:

1) A Master's in engineering equals a credit of 12 months' experience at the most; in order to benefit from such credit, holders must submit a record of their final marks along with the title and a summary of the research thesis;

2) A Ph. D in engineering is recognized in the same way as work experience in engineering and must be certified in accordance with section 22. Holders must also submit their final marks; however, and regardless of its true duration, a Ph. D can only equal 24 months' experience.

The holder of these two degrees will not have more than 24 months of recognized experience.

12. Notwithstanding section 10 hereof, candidates and junior engineers shall receive an engineering experience credit equal to the period of relevant engineering experience acquired by them during the second half of a program of study:

(1) leading to a degree recognized by the government as giving access to an engineer's permit; or

(2) leading to a degree recognized as equivalent by the Bureau.

Such engineering experience credit may not exceed four months.

13. Junior engineers who successfully complete the sponsorship activities in accordance with Division IV hereof receive eight months' engineering experience credit.

14. Holders of a degree awarded upon completion of a cooperative program of the Universities of Sherbrooke, Waterloo and Ottawa who were admitted to the program before January 1, 1990 are entitled to an engineering experience credit equal to 2.5 months for each successfully completed training period, up to a maximum of 10 months.

15. Holders of a Bachelor's degree in technology from the École de technologie supérieure are entitled to an engineering experience credit equal to one-third of the relevant time worked between the date they obtained their Bachelor's degree in technology and the time they meet the academic qualifications otherwise required of them. Such engineering experience credit may not exceed 12 months.

16. Persons entitled to an engineering experience credit under sections 14 or 15 hereof are not entitled to a credit under section 12.

17. Obtaining engineering experience credits under sub-paragraph 1 of section 11 or under sections 12, 13, 14 or 15 does not exempt candidates and junior engineers from the obligation of acquiring 12 months' engineering experience in Canada.

§2. Evaluation

18. The Bureau shall appoint from among the members of the Ordre an evaluator of engineering experience, and determine his duties and functions.

19. To be recognized by the evaluator, relevant engineering experience acquired in Québec shall be contemporaneous with the application for recognition thereof.

Such experience may not be more than six months prior to:

(1) the date of entry on the roll as a junior engineer; or

(2) the date of the meeting of the committee of examiners during which the control examinations were prescribed.

20. To be recognized by the evaluator, relevant engineering experience acquired outside Québec may not be more than five years prior to the date of entry on the roll.

21. Junior engineers with a degree recognized by the government as giving access to an engineer's permit or a degree awarded upon completion of a program of study accredited by the Canadian Council of Professional Engineers, and who put forward experience acquired outside Canada, are considered to have acquired experience equivalent to experience in Canada when all the following conditions are met:

(1) the experience was acquired while employed by a company of which the head office or head office of the parent company is in Canada;

(2) the experience was acquired under the supervision of an engineer or a member having full rights to practise of a Canadian association of professional engineers;

(3) the junior engineer demonstrates to the evaluator of experience a good knowledge of local Canadian conditions, notably with regard to legislation, standards, economy, climate, resources and technology.

22. After each work period during which they have acquired engineering experience, candidates or junior engineers shall have such period certified by the following persons, who complete and sign the certification form provided by the Ordre or a similar document:

(1) their immediate superior and, if this person is an engineer, another engineer who is personally familiar with the work they have performed; or

(2) their immediate superior and, if this person is not an engineer, two engineers who are personally familiar with the work they have performed.

The aforementioned certification form shall comprise in particular the following parts:

(a) an identification of the candidate or junior engineer and the person certifying the work period;

(b) a description of the work experience; and

(c) an evaluation of the work experience by the person certifying it.

Completed certification forms are then sent to the Ordre for inclusion in the candidate's or junior engineer's files.

23. When they have completed the total period of 36 months, junior engineers send a written request to the evaluator to recognize their engineering experience, attaching any certification forms which have not yet been sent to the Ordre.

24. Where there is unwarranted delay by the engineer contemplated in section 22 in providing the certification form as requested by a candidate or junior engineer, or refusal to provide it, the matter may be referred to the evaluator, who shall take the appropriate measures to obtain such form.

25. If a junior engineer is unable to provide a certification form required under sections 22 and 23, he shall provide to the evaluator a written account of the reasons and circumstances preventing him from doing so. The evaluator shall indicate to him what other means of proof he may use in place of the certification form, notably a statement from his employer or his clients or other persons familiar with the work performed, a certificate from another association of professional engineers, or an inspection of his work carried out by a person designated by the evaluator.

26. After examining the experience certification forms or the other means mentioned in section 25, the evaluator recognizes the experience acquired by the junior engineer in accordance with this Division, and issues a certificate to this effect.

27. When the evaluator intends to refuse to recognize the engineering experience, he shall notify the junior engineer in writing of the reasons for his refusal and inform him of his right to be heard.

Junior engineers may avail themselves of this right provided that they apply in writing to the evaluator within 30 days of the mailing date of the notification. The evaluator shall conduct the hearing within 60 days following the date of receipt of the application. For this purpose, the evaluator shall summon the junior engineer by means of a written notice sent by registered or certified mail at least 10 days before the date of the hearing. The evaluator shall render a decision in writing within 30 days.

If the evaluator refuses to issue a certificate of engineering experience, he shall give reasons for his decision and indicate what steps the junior engineer must take to remedy the situation, such as repeating certain activities or performing certain tasks.

DIVISION IV SPONSORSHIP

§1. Objectives

28. Sponsorships are optional. However, junior engineers who successfully complete a sponsorship shall receive credit for eight months' experience, as stipulated in Division III hereof.

29. Only junior engineers may register for sponsorships.

30. By pairing a junior engineer with a sponsoring engineer, sponsorship seeks to achieve the following objectives:

(1) to facilitate the junior engineer's integration into the practice of the profession by informing him of the rights and obligations inherent in the status of an engineer;

(2) to foster in the junior engineer the fundamental values of the profession: proficiency, responsibility, ethical conduct and social commitment.

§2. Performance and Evaluation

31. The Bureau shall appoint a sponsorship evaluator and determine his duties and functions.

32. Engineers who meet the following requirements may act as sponsors:

(1) they have been entered on the roll of the Ordre as engineers for at least five years;

(2) they practise in the same branch of engineering or sector of activity as the junior engineer; and

(3) no sanctions have been imposed on them by a disciplinary committee or the Professional Tribunal.

Engineers who do not meet one of the foregoing conditions may apply to the sponsorship evaluator for authorization to act as a sponsor.

The sponsorship evaluator may refuse to permit an engineer who meets the foregoing conditions to act as a sponsor after giving him an opportunity to be heard.

33. Once a junior engineer identifies a sponsor, he shall inform the sponsorship evaluator of the sponsor's name, membership no. and address. The sponsorship evaluator shall confirm the choice of a sponsor as soon as possible.

34. Sponsorship consists of a series of six meetings of at least 75 minutes each between the junior engineer and the sponsor, in order to discuss the subjects specified in section 30.

Such meetings shall be held at regular intervals over a minimum period of 15 months.

35. Each of the six meetings shall be recorded on a follow-up form signed by the junior engineer and the sponsor and sent to the sponsorship evaluator within 15 days following the date of the meeting.

36. After progressively examining the follow-up forms, the evaluator shall decide based on the objectives stipulated in section 30 and the requirements of sections 33 through 35 whether the junior engineer has successfully performed his sponsorship activities and, if such is the case, shall issue a certificate indicating that the junior engineer has acquired eight months' engineering credit.

37. If the sponsorship evaluator intends to refuse to issue the certificate, he shall notify the junior engineer in writing of the reasons for his refusal and inform him of his right to be heard; the evaluator may also render such a decision at any time during the sponsorship if he deems that the sponsorship activities cannot be performed in accordance with the requirements of this section.

Junior engineers may avail themselves of this right provided that they apply in writing to the sponsorship evaluator within 30 days of the mailing date of the notification. The sponsorship evaluator shall conduct the hearing within 60 days following the date of receipt of the application. For this purpose, the sponsorship evaluator shall summon the junior engineer by means of a written notice sent by registered or certified mail at least 10 days before the date of the hearing. The sponsorship evaluator shall render a decision in writing within 30 days.

38. Refusal to issue a certificate means that the junior engineer is not entitled to engineering experience credit for this activity.

DIVISION V

PROFESSIONAL EXAMINATION

§1. Objectives

39. Only junior engineers may register for the professional examination; candidates may as an exception be permitted to do so when they are in the process of completing the control examinations prescribed by the committee of examiners.

40. The professional examination shall last three hours and consist of the following three parts which are designed to determine whether the junior engineer:

(1) is familiar with the laws of Québec pertaining to professionals, i.e., the Professional Code, the Engineers Act and the regulations thereunder applicable to engineers;

(2) is familiar with the principles of professional practice, the fundamentals of ethics and professionalism, the role and responsibilities of the engineer in society, the social impact of technology, sustainable development, environmental protection and the necessity of maintaining his proficiency; and

(3) has basic legal knowledge in the areas of civil liability and contract law, the law of intellectual property, general commercial law, labour law, construction law, environmental law and the law of occupational health and safety.

41. Members in good standing of a Canadian association of professional engineers shall be exempted from the parts of the professional examination contemplated in sub-paragraphs 2 and 3 of section 40 provided that they fulfil one of the following conditions:

(1) they have passed a similar professional examination pertaining to the subjects indicated in those paragraphs;

(2) they have been entered on the roll of that association and have practised the engineering profession for at least 5 years.

§2. Terms and Conditions

42. Examination sessions shall be held at the times and places determined by resolution by the Bureau.

43. The Bureau shall appoint an examination director to be in charge of organizing and administering the professional examination, and determine his duties and functions.

44. Registration forms for the examination must be submitted to the examination director at least 60 days before the date set for the examination.

45. To pass the examination, junior engineers must obtain a grade of at least 60% in each of the parts of the examination listed in paragraphs 1 to 3 of section 40. Otherwise, they shall be obliged to retake each part of the examination.

The examination director shall correct the examinations as soon as possible and inform each junior engineer in writing of his grade.

46. A junior engineer may apply in writing to the examination director to have his examination paper reviewed within 30 days after receiving notice that he has failed.

The examination director shall review the examination paper as soon as possible and notify the junior engineer of the results.

DIVISION VI TRANSITIONAL AND FINAL PROVISIONS

47. Nothing in this Regulation shall affect the rights of a person who, at the time it comes into force :

- (1) is entered on the roll as an engineer-in-training ;
- (2) has an engineer-in-training permit, provided that he is entered on the roll as an engineer-in-training before June 30, 2001 ;
- (3) has a junior engineer's permit, provided that he is entered on the roll as a junior engineer before June 30, 2001 ;
- (4) has a degree recognized by the government as giving access to an engineer's permit before March 24, 1994 and has completed a permit application, provided that he is entered on the roll before June 30, 2001 ;
- (5) for whom the committee of examiners has prescribed admission examinations and whose file is open.

48. Persons with a degree granted before March 24, 1994, who are entered on the roll as prescribed in paragraphs 47 (3) and (4) or who, at the time this regulation comes into force, are already entered on the roll as such, may be entered on the roll as engineers when they have shown, in accordance with section 22, that they have practised the profession continuously for two years. Until they are entered on the roll as engineers, they shall always represent themselves as "junior engineers".

49. This Regulation replaces the Regulation respecting other terms and conditions for permits to be issued by the Ordre des ingénieurs du Québec.

50. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.