

DEMAND-SIDE LEGISLATION

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Issue

When drafting legislation or regulations where involvement by an engineer is in the public interest for reasons of public health or safety, governments should include requirements to use engineers as an integral part of the legislation or regulation.

Why Is This Important?

Federal and provincial legislation and regulation are important means by which our society has established the way the country operates. Provincial and territorial governments have long-standing legislation and regulations that protect public welfare and the environment through the regulation of engineering practice.

At both the provincial and federal levels, there are many pieces of legislation or regulations that require the certification of projects and works by an engineer for the protection of public safety. This type of statute is commonly referred to as demand-side legislation. At the federal level, the terms “engineer” and “engineering” are cited almost 200 times within Canada’s Consolidated Statutes and Regulations.

Incorporating engineers’ involvement and responsibility into federal legislation and regulation weaves the engineering regulatory process into the fabric of government and the workplace, making engineers and engineering regulatory bodies more relevant to legislators, employers, and employees, as well as the general public. Such requirements demonstrate a responsibility on the part of the federal (and provincial) governments and the engineering regulatory bodies.

What Has Engineers Canada Done To Date?

The Railway Safety Act

The federal government proposed changes to the *Railway Safety Act* that would have eliminated the requirement that a professional engineer take responsibility for engineering work. Engineers Canada and Professional

Engineers Ontario successfully challenged these proposals on the grounds that public safety is put at risk by eliminating this requirement. As a result, the act still retains the requirement that all engineering work be done in accordance with sound engineering principles and that a professional engineer must take responsibility for this work. Later consultations with Transport Canada resulted in the adoption by the government of a new guideline for Section 11 of the *Railway Safety Act*.

Assisted Human Reproduction (AHR) legislation

Engineers Canada research has concluded that engineers are part of the multidisciplinary teams working in this field, having developed the high precision, leading-edge medical equipment, technologies, systems and procedures that made advances in this area possible.

Engineers Canada has appeared before a parliamentary committee to recommend the need for the legislation to require that all engineering work in this field be conducted by licensed engineers and to recognize the jurisdiction of the regulated professions within the text of the federal law.

How Can Engineers Canada Contribute?

Engineers Canada is available to provide expertise to federal departments and parliamentarians as they prepare legislation, policies and programs that require the involvement of engineers. Regular monitoring of the government agenda, legislative initiatives and proposed regulations allow Engineers Canada to bring recommendations on demand-side legislation to the attention of government.

THE PROFESSION'S POSITION

Engineers Canada will actively identify opportunities to include requirements to use engineers within federal legislation and regulation where involvement by an engineer would be in the public interest.

Engineers Canada will be vigilant in ensuring that existing demand-side legislation retains all necessary references to engineers and engineering in the interest of public safety.

Last updated: November 2007