



Offences

that strike at the very heart of the profession

All offences against the Code of Ethics of Engineers and applicable laws have a degree of seriousness about them. Yet, offences that strike at the very heart of the profession have particularly significant repercussions on both the bond of trust between engineers and the public and the honour and dignity of the profession. Here are two decisions by the Disciplinary Council that illustrate this.

WHEN PUBLIC PROTECTION IS ADVERSELY AFFECTED¹

As part of a program run by Québec's Ministry of Natural Resources and Wildlife (MRNF) aimed at maintaining the accessibility of lands in the domain of the state, a logging bridge was built to replace a culvert. Yet, every spring, the new bridge was submerged by lake water, which isolated several of the inhabited lodges.

The engineer who was charged admitted the following facts before the Disciplinary Council:

- He signed and sealed the plans, which he had not prepared himself, without checking the water regime data in them;

- Even though he never supervised the work or travelled to the site, he signed and included his engineer's permit number in a project execution statement confirming that the work:
 - was carried out under his supervision;
 - met the objectives of the MRNF program;
 - complied with the applicable regulations;
- He demonstrated an inordinate amount of confidence in the technician when he let the technician prepare the plans and then sealed them.

In its analysis, the Disciplinary Council pointed out “the inherent seriousness of the offences committed by Mr. [...], which adversely affect the public’s confidence in the profession” [44]. It added: “Public protection has been adversely affected by the offences committed by Mr. [...], which strike at the very heart of the engineering profession” [45].

Given the engineer’s admissions, his sincere regret and the low risk of a repeat offence, the Council sentenced the engineer to pay a fine of \$7,500 and the costs of the proceedings up to a maximum of \$750.

CONFLICTS OF INTEREST AND CONTRADICTORY OPINIONS²

In June 2016, at the request of a municipality, an engineer issued an opinion on a building, more specifically “on the integrity of the components and the safety of users and the public.” In his report to the City, he stated that public safety was compromised by the state of the masonry and recommended that a security perimeter be installed. The City sued the building owner in an attempt to force him to make the required repairs.

In the fall, the same engineer was asked by a building owner to issue an “opinion on the conformity of the repair work performed on the masonry, the integrity of the components and the safety of the users and the public” and agreed to do so. Once on site, he realized that the building in question was the one that he had already inspected for the City. After some hesitation, he went ahead with the inspection, thinking that he “could be totally impartial to either side.”

A few days later, the City inspector received the second report on the building. She noticed that:

- the report was prepared by the same engineer who had previously been hired by the City;
- it contradicted some of the conclusions of the first report, especially when it came to the safety of the building façade.

To clarify the situation, the inspector left several telephone messages with the engineer, who never returned her calls. As time went on, the City also sent e-mails. The engineer eventually confirmed some of the content in his first report, which contradicted some of the conclusions in his second report.

Given that the engineer had placed himself in a situation of conflict of interest, the City asked another engineer to evaluate the state of the building’s siding. That engineer came to the same conclusions as those provided in the first report: The building façade definitely posed the danger of falling bricks, a security perimeter needed to be built and work was recommended.

The building owner pled guilty to the charges and had the repair work done on the building façade.

As for the engineer who was charged in this case, he admitted before the Disciplinary Council that he:

- expressed an opinion that was not based on sufficient knowledge or honest convictions;
- gave contradictory, ambiguous and incomplete opinions;
- did not make himself available or demonstrate reasonable diligence when he allowed 56 days to go by before answering the City’s calls and e-mails;

- failed to maintain his professional independence and avoid a situation of conflict of interest.

In its decision, the Council reminded him that practicing the profession is not an absolute right, but rather a privilege that comes with corresponding obligations. It also felt that the engineer's conduct not only harmed the image of the profession, but that his offences also struck at the very heart of the profession, were objectively serious and jeopardized public protection.

The Council ordered the engineer to pay a total of \$5,000 in fines as well as the cost of the proceedings up to a maximum of \$1,000, and gave him two reprimands.

THINGS TO KEEP IN MIND

Engineers are the only professionals authorized by law to perform certain acts, known as "reserved" acts, which are at the very core of the profession. For that reason, all ethical offences related to these acts are considered very serious because they tarnish the honour of the profession and shake the public's trust in engineers. ◀

1. CDOIQ 22-18-0580 *Ordre des ingénieurs du Québec v. Jutras*, February 5, 2019.
 2. CDOIQ 22-18-0578 *Ordre des ingénieurs du Québec v. Larouche*, February 13, 2019.
-