

New framework for issuing temporary permits

Considering that the overriding mission at the *Ordre des ingénieurs du Québec* is to ensure the public's protection, important changes have been brought to the process of issuing temporary permits.

These modifications are part of the measures put in place by the OIQ to continually monitor the practice of engineering, especially with respect to engineers who are not from the province of Québec and who are called to practise here.

Engineering is always evolving and the workforce is more and more mobile due to globalization. The diversity and size of projects sometimes require input from foreign engineers who have specific skills and experience. In order to practise engineering in Québec for a particular project, the OIQ can grant a temporary permit subject to conditions set forth by the Board of Directors, in accordance with section 41 of the *Professional Code* and sections 35, 37 and 38 of the *Charter of the French Language*. As a result, each year, the OIQ grants several temporary permits for specific projects.

Among other things, the OIQ aims to ensure that the practice of engineering is carried out according to applicable Québec standards. As such, it is paramount that admission criteria and requirements are streamlined for all who wish to practise the profession in Québec. Individuals who obtain a temporary permit will be entered on the OIQ's roll and will have to comply with the same requirements as all other OIQ members, such as those stipulated in the *Code of Ethics of Engineers*, the *Charter of the French Language*, and the *Regulation respecting mandatory professional development for engineers* (unofficial translation), and other laws and regulations that govern the profession.

MEMBERS OF A CANADIAN ASSOCIATION

For those who are members of a Canadian association, the requirements and deadlines associated with obtaining a regular or a temporary permit are essentially the same. Contrary to a temporary permit, a regular permit is not restricted to a specific project and allows the holder to practise engineering in Québec. For these reasons, it is often more appropriate, even beneficial, to apply for a regular permit. What's more, the costs relating to one or the other are basically the same.

PROFESSIONALS ABROAD

Individuals who are not members of a Canadian association, but who are authorized to practise engineering in another country, can apply for a temporary permit. The OIQ must make sure that candidates have equivalent diplomas, as well as the necessary experience and competencies.

CONDITIONS FOR OBTAINING A TEMPORARY PERMIT

A temporary permit is issued on an exceptional and ad hoc basis, for a particular project; it is limited in time, usually one (1) year (which is the maximum term). The OIQ can renew a permit under certain conditions, up to three (3) times. Consequently, someone who has obtained a temporary permit will never, under any circumstances, be able to practise engineering in Québec for a period exceeding forty eight (48) months. In addition, the OIQ cannot consider more than two (2) permit applications for a single candidate.

The OIQ can grant an initial permit to individuals who do not comply with the requirements under the *Charter of the French Language*. However, the *Office québécois de la langue française* will have to authorize up to three (3) subsequent renewals.

Only those who have the required experience and competencies can obtain a temporary permit. In addition, like any other engineer, an individual who applies for a temporary permit must also have sufficient knowledge of the laws and regulations that govern the practice of engineering in Québec. Candidates must pass a professional exam to assess such knowledge. Alternately, they can team up with a collaborator who must be a member of the *Ordre des ingénieurs du Québec*.

THE COLLABORATING ENGINEER'S RESPONSIBILITIES

Collaborators act as watchmen or watchwomen with respect to proper work flow in accordance with standards, laws, regulations and trade practices. They must assist the holders of temporary permits throughout the execution of their mandate. When necessary, they must inform the OIQ of all ethical concerns that occur during the course of the mandate as well as issues which could hinder the execution of the work. They must also sign a commitment letter included with the permit application which details their responsibilities as a whole.

Collaborators must have the required skills and experience in the given field in order to be able to guide and assist temporary permit holders, as well as examine the engineering documents relating to the project, if necessary. They must be available to the temporary permit holders so as to provide guidance on a regular basis and ensure that they comply with applicable laws, codes and standards that are in force in Québec, namely the *Engineers Act*, the *Professional Code* and their corresponding regulations, including the *Code of Ethics of Engineers*.

When required, they will refer temporary permit holders to the appropriate resources and services, provide all the information necessary for carrying out the mandate and suggest relevant documents, such as the *Guidelines to Professional Practice*.

Collaborators also have a duty to report to the OIQ all derogatory acts and acts that could adversely affect the profession, all cases of unlawful practice of the profession by individuals who are not authorized to practise engineering and all instances in which members of the OIQ participate in or contribute to the unlawful practice of the profession.

The collaborator's commitment begins with the start of the mandate and lasts until its completion. Should a collaborator be unable to fulfill his or her duties and obligations throughout this time, he or she must advise the OIQ by giving notice ten (10) days prior to ending the collaboration.

MONITORING UNLAWFUL PRACTICE

In certain situations, a foreign engineer's assistance is required; however, those who call upon this resource must make sure that the individual with whom they are dealing is legally authorized to practise engineering in Québec. A person who is not authorized (is not a member of the OIQ) cannot use the title of engineer or carry out engineering acts as described in the *Engineer's Act*. This

person is then guilty of an offence and liable to a fine.

Employers and clients must also assume their part of the responsibility. Every person who uses, for the purposes of works contemplated by section 2 of the *Engineers Act*, plans and specifications which do not comply with the preceding subsection, that is to say are not signed and sealed by an engineer who is a member of the OIQ (including temporary permit holders), is guilty of an offence and liable to a fine.

Let us remember that members of the OIQ must never, under any circumstances, participate in or contribute to the unlawful practice of the profession. The OIQ asks that its members be vigilant and that they bring to its attention all cases of unlawful practice.

ONLINE FORMS

Those who wish to apply for a permit (regular or temporary) can find the forms on the OIQ's Web site, at www.oiq.qc.ca.