

Intimidation, an attitude unworthy of the profession

Honour and dignity, out of date terms? At Section 59.2, the Québec Professional Code clearly refers to these two notions when prohibiting certain derogatory acts. Far from belonging to a by-gone era, these notions are part of the self-management skills all engineers have to demonstrate in their professional life. A member of the Ordre learned that ignoring them can lead to serious sanctions.

Though rare, an engineer's shameful or dishonourable behaviour must be judged by the Ordre's Disciplinary Council, because it strikes to the heart of the profession's reputation. In August 2011, a member of the Ordre had to face the consequences of actions which lead to the following complaint:

« In Montréal, [...] during a job meeting [...], the respondent [...] used objectionable language and behaved shamefully [...] with respect to a Transports Québec representative, [...], thereby violating section 59.2 of the Professional Code. »

It is important to explain what led to the complaint in order to fully understand it, as well as its repercussions.

AN UNPLEASANT SITUATION

In July 2010, a job meeting took place at which approximately 10 people were present. Among them, the respondent engineer, who was responsible for traffic control installations and controlling traffic circulation – including opening and closing points of access to the worksite, both day and night –, and the Transports Québec (TQ) representative, public works head technician.

The work involves a section of the Turcot and De La Vérendrye interchanges, in the South-West sector of Montréal. During previous meetings, tensions began to rise between the engineer in question and the TQ representative. The engineer, carrying out these duties for the first time, had a hard time accepting demands and correction requests brought by the TQ representative, who is, in fact the client in this scenario. He voiced his disagreement with the terms of the agreement many times.

On a few occasions, he showed signs of impatience, got angry and raised his voice.

Professional Code, Section 59.2

“No professional may engage in an act derogatory to the honour or dignity of his profession or to the discipline of the members of the order, or practise a profession, carry on a trade, enterprise or business or hold an office or function that is inconsistent with the honour, dignity or practice of his profession.”

Faced with these circumstances, the TQ representative was told by his superior – the project leader – that he was no longer to speak to the engineer, who worked for a subcontractor, but with the general contractor, the TQ's direct supplier.

That is why, when the time came to talk about the traffic signs issue during the meeting in question, the TQ employee complied with his superior's order and spoke to the general contractor's representative. In doing so, he spoke quietly and avoided looking at the engineer. During this conversation, he indirectly blamed the engineer for not having been present during a traffic closing on the worksite.

IN ORDER TO ABIDE BY THE PROFESSION'S HONOUR AND DIGNITY, ENGINEERS MUST ALWAYS BEHAVE PROFESSIONALLY AND BE RESPECTFUL, MILD MANNERED AND COURTEOUS.

The engineer, who was not aware of the TQ's instructions, saw this behaviour as a provocation and reacted harshly: in fact, he got carried away and threatened the TQ technician. The TQ project leader then told the engineer to apologize or simply leave. The engineer refused to take back what he said and chose to leave at once.

SERIOUS CONSEQUENCES

As the saying goes, “Anger is a great destroyer”. Indeed, the engineer's incendiary reaction led to many negative consequences, both for the one receiving the threats and the one uttering them.

The TQ technician was rattled by the engineer's words. Since he did not know the engineer personally, the technician was unsure whether he would follow through with the threats, nor what to do to protect himself. About a week later, prompted by a TQ manager, the technician filed a complaint with the Montréal Police Department.

For their part, TQ executives took the matter very seriously. Among other things, they reported the engineer's behaviour to his employer, demanded that he be banned from TQ worksites for one year and requested an inquiry with the Ordre's Office of the Syndic.

And let's not forget the main character in this scenario, the engineer who was unable to control what he said during that fateful meeting in July 2010 and who regretfully admitted his wrongdoing.

BOTH SIDES OF THE COIN

When he appeared before the Ordre's Disciplinary Council, the respondent had already taken several steps to atone for his missteps. Now working in the Québec area, he sent a letter to the victim apologizing for what he said. He also cooperated with the Syndic's inquiry and admitted his mistakes.

The respondent declared that he regretted his behaviour and pled guilty to the offence with which he was charged by the Ordre's Office of the Syndic, namely having violated section 59.2 of Québec's Professional Code. For the defense, the respondent's attorney claimed that, at the time of the offence, the respondent was suffering from extreme fatigue due to an overload of work and that it was an isolated and unpremeditated incident, which was unlikely to happen again. In addition, the respondent was a 55 year-old man with 18 years of engineering experience and no disciplinary record.

As for the attorney for the complainant (the Ordre's Syndic), she asked the Disciplinary Council to consider the respondent's threatening words objectively: such behaviour can be viewed as an attempt to intimidate the TQ representative, whose role is to control the performance of the agreements. Thus, such words are extremely serious and completely unacceptable.

Aggravating circumstance: the TQ technician did not provoke the respondent in any way.

UNACCEPTABLE BEHAVIOUR IN ENGINEERING

After having heard both parties, the Disciplinary Council handed down its decision, which is meant to ensure the public's protection first and foremost. The Council's decision must also discourage the respondent from reoffending and serve as an example to all members of the Ordre.

The Disciplinary Council found that the respondent's words and actions outright tarnished the profession in its entirety. Even though fatigue can, in part, explain the respondent's behaviour, it cannot justify it: uttering threats is a serious offence as well as an act prohibited by the Criminal Code.

The engineer was found guilty; he was temporarily stricken from the Ordre's roll for seven days and had to pay all costs relating to the case as well as those associated with the publication of a notice informing the public of such temporary removal in two Montréal and Québec newspapers.

In short, in order to abide by the profession's honour and dignity, engineers must always behave professionally and be respectful, mild mannered and courteous.