



Professional misconduct: It doesn't just happen to others! (2nd part)

When the Disciplinary Council imposes a disciplinary sanction on an engineer, it aims to protect the public and dissuade the professional from committing another offence, while setting an example for other members of profession. Here is a summary of two decisions that it recently rendered.

“DON'T WORRY, THE CONSTRUCTION SITE IS SAFE”

The respondent was an engineer¹ who was hired to check the shoring of trenches at archeological digs and provide a certificate of compliance for their installation.

When the respondent visited the site, the shoring work was already partially finished, but neither the excavations nor their protection systems had been designed by an engineer.

The respondent then instructed the workers that they needed to add sheets of plywood, timbering and a steel beam and also shore up the walls of the excavation up to the asphalt. In the “Certification/Design” form that he signed and sealed, he described the soil as silty clay and indicated a safety factor of 1.5. He also prepared a certificate of compliance for the excavations, in which he specified that safety measures were in place and the site was safe.

But when the digs were finished and the shoring was being taken down, a wall of the trench collapsed and crushed a worker, who died from his injuries.

Before the Disciplinary Council, the engineer acknowledged that he did not make any calculations, plans and specifications, or perform any soil study. He also admitted that he did not really know the safety code for the construction industry

**BEFORE THE DISCIPLINARY COUNCIL,
HE ALSO ADMITTED THAT HE DID NOT
REALLY KNOW THE SAFETY CODE FOR
THE CONSTRUCTION INDUSTRY.**

(CSTC). Finally, he confirmed that he had provided only verbal instructions on how to disassemble the shoring.

The Disciplinary Council reminded the respondent that the certificate of compliance is an engineering act that is at the very core of an engineer's professional duties. It was particularly concerned by the fact that the respondent's main task was to issue these certificates for the excavations. The council concluded that the engineer had been lax and careless when preparing an official document certifying that the site was safe for people.

The respondent was therefore temporarily struck from the roll for two concurrent 5-month periods and ordered to pay costs in the amount of \$2,425.

“I WILL NOT TALK TO THE SYNDIC”

In the second case, the evidence showed that the respondent 2 refused to answer the questions of the investigators authorized by the syndic to conduct a disciplinary inquiry.

The syndic then filed a motion to temporarily strike the respondent from the OIQ's roll, specifically alleging that:

- The respondent's behaviour hindered the work of the syndic, who is responsible for ensuring that the public is protected;
- These were serious actions that undermined the very foundation of the disciplinary process and the principal function of the profession.

As a result, the Disciplinary Council temporarily struck the respondent from the roll until service of a decision that dismisses the main complaint or imposes a penalty, as applicable. The respondent was also ordered to pay costs in the amount of \$1,462.

If you wish to deepen your understanding of the professional conduct required of all engineers, we suggest that you read the OIQ's professional practice guide on its Web site (gpp.oiq.qc.ca). The full texts of the decisions summarized here are also available on the OIQ's site under "Recourses and decisions" (oiq.qc.ca/en/recourses/decisions/Pages/disciplinarydecisions.aspx).

1. File number 22-15-0482.
2. File number 22-15-0486.