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# Does your seal foster unlawful practice?

It is well known that the primary mission of the Ordre des ingénieurs du Québec (hereafter "the Ordre"), much like any other professional order, is to protect the public. In order to carry out this mission, the Ordre must supervise the practice of the profession by its members<sup>1</sup>. It acts as a sort of guardian with respect to enforcing the various laws and regulations that govern the engineering profession.

It should be noted that monitoring unlawful practice is an important facet of the Ordre's mission.

In fact, no one can practise engineering or use the title of engineer without being duly entered on the Ordre's Roll.

But did you know that by accepting to provide a seal of convenience, engineers encourage unlawful practice?

## A PLAGUE THAT MUST BE STOPPED

Illegal practice, as defined at section 22 of the Engineers Act<sup>2</sup>, can appear in various forms. For example, such is the case when individuals, without being members of the Ordre:

- carry out one of the acts listed at section 3 of the Engineers Act (See framed text);
- use the title of engineer;
- lead others to believe that they are engineers or advertise themselves as such;
- or affix a seal, a signature or an initial to a document relating to the practice of engineering.

Any person who engages in these actions is liable to penal prosecution and to a minimum fine of \$1,500<sup>3</sup>.

Unfortunately, unlawful practice is often times condoned by members of the Ordre, whether it be voluntarily or not. In fact, engineers frequently seal documents prepared by non-engineers. These are referred to as "seals of convenience", a nuisance that the Ordre's Office of the Syndic knows all too well.

Two sections in the Code of ethics of engineers deal specifically with this issue. First, section 3.04.01 of the Code provides that plans and specifications which were not prepared by an engineer must have been prepared under his or her immediate control and supervision for this engineer to be able to seal such plans and specifications in accordance with his or her professional and ethical obligations.

Secondly, section 4.01.01 a) of the Code dictates that participating or contributing to the illegal practice of the profession constitutes a derogatory act.

For example, sealing a plan (albeit in good faith) to please a good client, to obtain a municipal permit or to issue, a posteriori or after the fact, plans relating to a building whose construction is completed will not doubt be considered as seals of convenience. In most cases, such actions could entail additional charges for encouraging unlawful practice pursuant to the Code of ethics of engineers and the Professional Code. It should be noted that under section 4.01.01 g), omitting to notify the Syndic of such behaviour could be considered as contributing to the illegal practice of the profession.

## A FAR-REACHING SEAL

Always remember that an engineer's signature and seal confer considerable credibility to engineering documents in the public's eyes. They guarantee, as it were, that the services rendered are of high quality and that everything complies with trade practices as well as all applicable standards and regulations relating to the work, hence the importance of not taking one's seal lightly!

Given the foregoing, it is your responsibility to understand and be prepared to defend the information found in engineering plans and specifications before you sign and seal them. Consequently, you should only do so if such plans and specifications have been prepared under your immediate control and supervision.

Otherwise, you may be exposed to disciplinary or even penal action. In either case, you could be subject to disciplinary sanction, which could entail serious consequences with respect to your practice.

Something to think about!

1. Section 23, Professional Code (R.S.Q., c. C-26).
2. R.S.Q., c. 19.
3. Section 188, Professional Code (R.S.Q., c. C-26).

## SECTION 3 OF THE ENGINEERS ACT

The practice of the engineering profession consists in performing for another any of the following acts, when they relate to the works mentioned in section 2:

- (a) the giving of consultations and opinions;
- (b) the making of measurements, of layouts, the preparation of reports, computations, designs, drawings, plans, specifications;
- (c) the inspection or supervision of the works.