

By Martin Hovington, attorney, counsel and solicitor

The Office of the Syndic: what is its role?

You probably already know that the Office of the Syndic at the Ordre des ingénieurs du Québec (hereafter “the Ordre”) is an entity created by the Professional Code to control the practice of engineering through which the Ordre carries out its primary mission: protecting the public. But how does this team operate, practically speaking? What tools can it use to meet the demand?

THE INQUIRY, AT THE HEART OF THE MATTER

Even though its role and activities are not limited to this aspect, the Office of the Syndic is responsible for investigating possible violations, namely to the Code of ethics of engineers, and filing complaints before the Disciplinary Council.

Anyone who believes that an engineer has shown signs of incompetence, been negligent, demonstrated a lack of integrity or diligence, or that he or she has committed other offences pursuant to the laws and regulations that govern the engineering profession can ask the Office of the Syndic to conduct an inquiry. The chart appearing on the following page clearly illustrates how the inquiry proceeds.

Other than imposing a sanction or penalty with respect to an offensive behaviour, the disciplinary process is there to allow the engineer in question to get back on track. That is why it is often said that the disciplinary process does not aim to “punish” the guilty engineer. Given its public nature, this process often serves as an example to the profession in general. The Disciplinary Council is careful to use this deterrent force when it comes to determining guilt as well as imposing a penalty, which allows engineers to better grasp the scope of their obligations under the regulations governing their profession.

At this point, it bears reminding that the purpose of imposing a sanction or penalty is not to compensate the plaintiff or the victim of professional malpractice. The individual who wishes to receive compensation must turn to civil courts.

Furthermore, the Professional Code enables the Syndic or the assistant syndic to act as a conciliator between the plaintiff and the engineer, whenever possible. If conciliation results in an agreement between the plaintiff and the engineer, then the conciliator closes the inquiry. The Office of the Syndic favours this mechanism more and more because it fosters a quick solution to the problem, all the while protecting the public.

A WELL-DEFINED ROLE RELATING TO INFORMATION

In addition to conducting inquiries and dealing with complaints, the Office of the Syndic publishes feature articles on ethics and professional conduct, such as this one, in each edition of Plan and the E-newsletter for members. It also provides a section for Frequently Asked Questions (FAQs) on the Ordre’s site (www.oiq.qc.ca/en/bref/protection/respect-deontologie-faq.html) in order to respond to the questions it receives most often.

The Office of the Syndic also offers a telephone service through which members can obtain general information relating

to the Code of ethics. Given its obligation of deference, employees at the Office of the Syndic cannot answer questions which require a legal opinion. In such cases, the person who contacted the Office of the Syndic is asked to seek legal advice from a lawyer in private practice. However, we can always refer the caller to certain sections of the Code of ethics, disciplinary decisions or articles previously published in Plan, which relate to the question at hand.

Furthermore, the Office of the Syndic cannot give information with respect to a particular engineer; it is not a referral service. However, the Ordre’s receptionists can provide the following details to whoever requests information relating to a specific engineer:

- the engineer is (or is not) entered on the roll of the Ordre;
- the engineer is (or is not) the subject of a disciplinary decision or sanction;
- the engineer’s right to practice is (or is not) limited.

Finally, and always in terms of its role with respect to communication, the Office collaborates with the professional practice division’s top management to develop various training tools and stays in contact with those responsible for professional inspection in order to ensure a common interpretation of the Code of ethics of engineers.

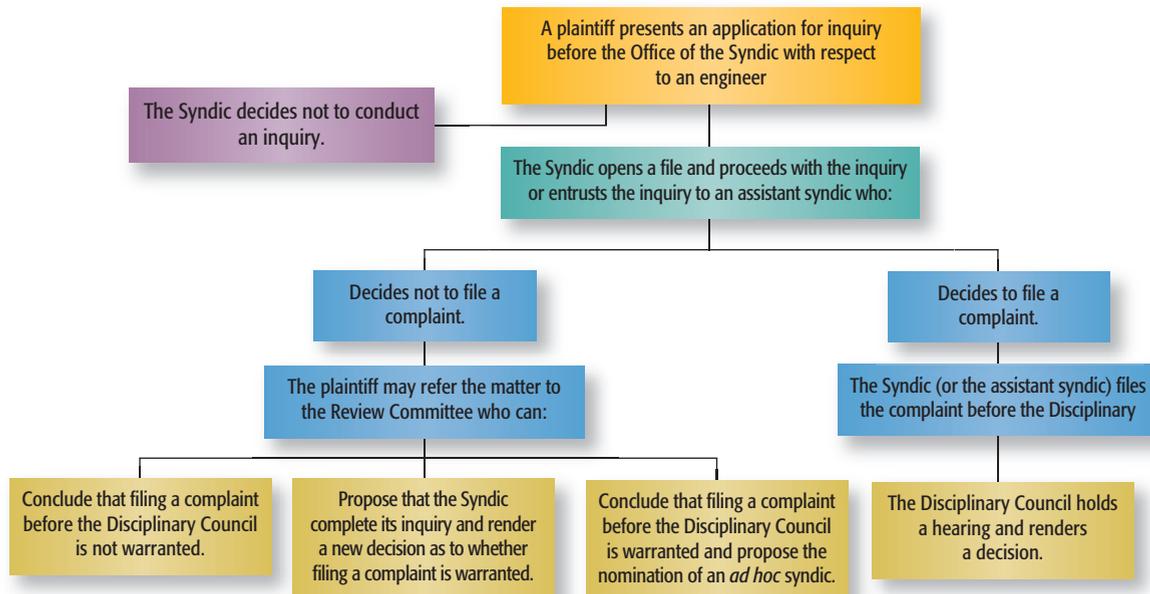
A FAST-GROWING OFFICE AND NEWS TOOLS

For a few years now, the Office of the Syndic has seen an important increase in applications for inquiries and noticed that inquiries are getting more and more complex. The Ordre has taken the necessary steps to deal with the increased workload by hiring more personnel, among other things. Over the last four years, seven people have joined the team. As a result, the Office of the Syndic is currently composed of the Syndic, Jeannette Gauthier, Eng., as well as seven assistant syndics, three lawyers, two analysts, two administrative assistants and six corresponding syndics. Every one of these individuals is dedicated to one mission: ensuring the public’s protection. What’s more, the Office of the Syndic will continue to grow and should have more than 30 people on staff a year from now.

During this evolution, the Office must and wishes to play a more important role in terms of prevention by developing more training and information tools. For example, it is expected that, by this time next year, conferences on ethics and professional conduct will be up and running, and offered to all organizations who wish to hear our speakers. The first theme on the agenda is that of conflicts of interests. Although their format is yet to be finalized, these conferences will allow participants to ask questions and interact with members of the Office of the Syndic. **Members of the Ordre are invited to provide suggestions as regards themes for our upcoming conferences.**

In addition, the Office of the Syndic is working on implementing an “ethics line” which will help in answering questions from

Course of an inquiry application



members of the Ordre and the public more adequately. You will receive comprehensive information on this matter in the near future.

This renewed commitment to update our work processes and increase the efficiency of our information tool is sure to further

our main purpose namely, protecting the public. For more information, do not hesitate to contact the Office of the Syndic at 845-6141, extension 3201.