



legislation and jurisprudence

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PLANS PREPARED ABROAD:

TO SEAL OR NOT TO SEAL?

When plans for an engineering structure to be erected in Quebec have been prepared abroad but are not signed or sealed by a Quebec engineer, is it a case of unlawful practice? Can we use these plans as they are or do they have to be signed and sealed by an engineer who is member of the Ordre des ingénieurs du Québec?

WHAT DOES THE ENGINEERS ACT SAY?

Section 24(1) of the Act states that all plans and specifications for works contemplated by section 2 must be signed and sealed by an engineer who is a member of the Order or by a holder of a temporary licence. This section contains a specific exclusion for plans that are prepared abroad.

To determine whether this exclusion applies, you must answer the following four questions:

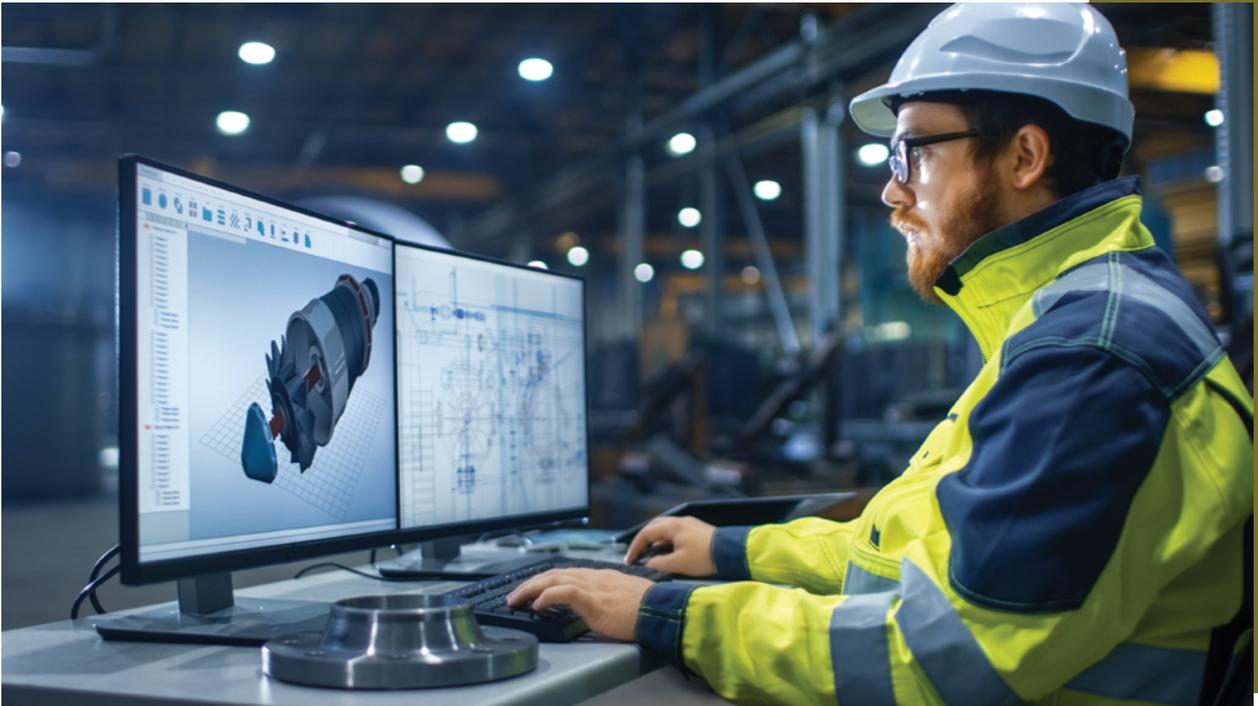
1. Are the plans and specifications prepared outside Quebec?
2. Do they relate exclusively to the making of machines and apparatuses?
3. Are these machines and apparatuses exclusively comprised in the works contemplated by section 2c)¹ of the *Engineers Act*?
4. Are these machines and apparatuses intended for use for purposes of industrial manufacture?

The exclusion will apply if, and only if, you have answered yes to each of these four questions. In such case, the plans for the machines and apparatuses do not require the seal or the signature of an engineer who is an OIQ member. That being said, if they are to be incorporated into a larger design, they will require plans and specifications that are signed and sealed by an engineer who is an OIQ member. Here are two examples.

IMPLEMENTING A MANUFACTURING PROCESS THAT WAS DESIGNED ABROAD

A manufacturing company operates a plant located in Beauce. It manufactures various types of sports equipment. The company wants to diversify its range of products by setting up a new assembly line that was entirely designed in United States. The plant engineer wonders if he can set up the line using only the plans provided by the designer in the U.S.

If the plans had been prepared in Quebec, the *Engineers Act* would have required them to be prepared by an engineer, but the plans



were prepared abroad. Does the exclusion defined in section 24(1) apply in this case? The answer is yes, because the four criteria have been met. These plans are in accordance with the requirements set out in section 24(1) of the Act and may therefore be used to manufacture and set up the assembly line. However, it should be noted that any change to the equipment or a process will absolutely need to be made by an engineer who is an OIQ member.

PURCHASING EQUIPMENT FROM ABROAD

Equipment purchased from abroad is a different situation. Take, for example, an engineer who is in charge of a wind farm in Quebec. She orders wind turbines that were designed and manufactured abroad. The manufacturer makes the wind turbines and ships them in separate parts along with the plans and instructions for assembling them on site. However, these documents are not signed or sealed by an engineer. Can the engineer use them?

Section 24(1) requires all plans and specifications for works contemplated by section 2 to be signed and sealed by an engineer. Yet, assembly according to the manufacturer's instructions is not considered one of these works in the eyes of the Act. Therefore, section 24(1) does not apply, and the plans and instructions provided by the

manufacturer may be used to assemble them. However, site integration of the wind turbines requires plans and specifications that are authenticated by an engineer who is an OIQ member. It should also be noted that if the instructions have to be adapted to the particular situation of the site, the changes must be prepared and duly authenticated by an engineer who is an OIQ member.

THE ENGINEER'S ROLE

Lastly, we should mention that in the situations discussed in the previous examples, neither engineer may sign or seal the plans and instructions that were prepared abroad, because they did not prepare them. Does this mean that they don't have to do anything in these projects? Let's not jump to conclusions! These engineers are responsible for making certain that the machines, apparatuses, and equipment in their projects adhere to current generally accepted engineering practices and can be properly integrated with other equipment and installations. They must do so to ensure that the process not only complies with the laws, regulations, codes, standards, and generally accepted engineering practices, but also keeps employees safe.

There are of course many other cases that could be used as examples. If you have questions about a specific situation, write to us at pratill@oiq.qc.ca; we will gladly discuss it with you. ■

1. Section 2c): "Works of an electrical, mechanical, hydraulic, aeronautical, electronic, thermic, nuclear, metallurgical, geological or mining character and those intended for the utilization of the processes of applied chemistry or physics."