

The Ontario Land
SURVEYOR
 Incorporating Blaze

Volume 1 Number 4

Progress on the Restructuring Study

by *GEORGE BABBAGE*

At the last annual meeting in Toronto, the following two-part resolution was passed:

"Be it resolved (a) that the members of this Association go on record endorsing the principle that the Association of Ontario Land Surveyors embraces the various fields of survey, geodesy, photogrammetry, hydrography; and

(b) that the Association take such action to investigate the ways and means of opening the membership rolls to those highly qualified surveyors outside of our Association who are working in related fields of survey."

This is an account of what has taken place since the meeting and what is planned for the future. The restructuring ball has traditionally bounced around in the court of the Legislation Zone. As the present chairman of that Zone, I hope that this brief report will help to keep you informed about developments, present and planned, on this important topic.

First it is necessary to backtrack a little. As many of you know, the restructuring question is certainly no Johnny-come-lately. However, even those who have followed it closely may be surprised to learn just how long it has been under study and just how much effort has already been spent by many members of the Association in gathering information, attending meetings, debating, studying and, generally, carrying out the hundred and one activities associated with this subject. To give you an appreciation of this time and effort, Dave Humphries has compiled a complete history of restructuring which is featured separately in this issue on page 6. Note particularly the formation of the Task Force on Restructuring in October, 1973; this is a good point at which to pick up the

threads of history and continue. Aably chaired by Dave Humphries, this task force consisted of AOLS members and various non-O.L.S. representatives of those surveying specialties being considered under proposed restructuring (hereinafter called "the outsiders"). It was hoped that by discussion, the views of the outsiders could be ascertained and that a consensus would be established as to how their future needs and those of the AOLS could be best accommodated within a restructured surveying profession.

At meetings in the Fall of 1973 such a consensus was established. Subsequently, Dave Humphries and Ken McConnell drafted a tentative version of a new proposed Surveyors Act. The purpose of this was to put down clearly on paper, in a form readily comprehensible to the AOLS membership, what restructuring might ultimately entail.

It is expected that this draft, after study and possible amendment by Council, will eventually form the major part of a White Paper on Restructuring which will eventually be presented to all AOLS members for review and discussion. It is hoped that this White Paper will provide the basic information which the membership requires to make the vital decision on whether restructuring should take place and, if so, in what form. It should be stressed that the initial version of the White Paper is not intended to be a definitive document; it will be a preliminary suggestion—something we can all chew on. Doubtless, as the result of the discussions and debates that will ensue, it will undergo a number of changes to reflect the consensus of the AOLS membership. In its final form it will be the definitive document on which the vital restructuring question will eventually be decided, one way or the other, by secret ballot.

The White Paper is expected to include:

- (1) Draft of the proposed new Surveyors Act;
- (2) A rationale for restructuring in which the main principles and issues, as embodied in the proposed Act, will be highlighted;
- (3) Drafts of proposed new regulations and by-laws and a revised code of ethics.

The draft Act referred to above has already been seen by Council and has been referred back to Messrs. Humphries and McConnell for minor revisions. Following receipt about mid-October of the revised version, which will form part of the Restructuring Committee report, it is expected that the following events will occur on or about the dates indicated:

October 15, 1974

Council to review Restructuring Committee report.

November 1, 1974

First draft of White Paper prepared by Restructuring Committee to be presented to Council for study.

November 15, 1974

Council to discuss White Paper, and refer back to Committee for revision if necessary.

December 13, 1974

Revised draft of White Paper to be discussed and tentatively approved by Council.

December 31, 1974

Revised draft of White Paper as approved by Council to be distributed to AOLS membership for study in anticipation of full discussion at AOLS Annual Meeting, 1975, and will also be sent to other interested parties for comments.

February 3, 1975

White Paper to be discussed at AOLS Annual Meeting, Sudbury, and amended subsequently in accordance with comments made.

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The President's Column

I have recently become involved with an interesting committee. Its name is the Joint Committee on the Structure of A.S.C.T.T.O. and it was set up by last year's Council at the instigation of the then President, Red Petzold. The prime purpose was to investigate and make recommendations on the current and future wellbeing of the Association of Certified Survey Technicians and Technologists of Ontario.

One meeting was held this year on January 9, 1974, at which terms of reference were established. In essence, the committee was to assess the present status of A.S.C.T.T.O. and its relationship with the AOLS; identify and assess avenues open for the betterment of A.S.C.T.T.O., and consult with appropriate government bodies as to possible structural forms government may be planning for such associations.

Another meeting was held on May 24, 1974. The A.S.C.T.T.O. members presented for discussion possible future paths for their association.

1. Under the Apprentice and Tradesmen's Qualification Act;
2. Joining with other like bodies (i.e. engineering and architectural) under a proposed new act which would set up a provincial board of commissioners which would grant admittance;
3. Dissolve A.S.C.T.T.O. and apply for certification as a labour union;
4. Attempt to get a new act passed specifically created to satisfy A.S.C.T.T.O. requirements;
5. Combine in vertical restructuring with the AOLS under a new act.

Mr. Cooper, President of A.S.C.T.T.O. and I co-chaired this meeting. I suggested that if such an arrangement was to continue, we needed an organizer to avoid the committee's collapse because of the unwieldiness of its structure. An excellent candidate for this office was found in the person of Mr. Dave Anderson, the immediate Past-President of A.S.C.T.T.O. The next meeting is scheduled for June 28 at the AOLS office.

Subsequently, I attended, as a speaker, A.S.C.T.T.O.'s annual convention at Elgin House on June 7, 8 and 9. The meeting was very interesting, the discussions pertinent, and the above-mentioned points were again brought up. Mr. Steve Geneja, the editor of *Northpoint*, gave a very interesting paper on the future of their organization.

The dominant theme of all these discussions is the concern of the A.S.C.T.T.O. members with the viability of their association. It was put to me quite bluntly that some AOLS members have little interest in A.S.C.T.T.O. and some even oppose it. This I find hard to believe, but I was assured it is true by the executive of A.S.C.T.T.O.

Gentlemen, to me it appears to be absolute folly not to support A.S.C.T.T.O. They form a body of highly trained personnel with exacting admittance requirements upon which the OLS can draw. Like the AOLS, they have a vital interest in the profession and have enough spirit to hold together a volunteer organization. They are constantly trying to improve themselves and deserve the enthusiastic support of every OLS, be he in public or private practice.

Apparently they have reached a plateau in membership and they fear that without the support and recognition of our members, they will wither away. This must not be allowed to happen. — J. D. DEARDEN.

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If at the Annual Meeting the majority of those present indicate that the White Paper is satisfactory in principle and that the restructuring study should continue, a resolution will be introduced calling for approval of the following course of action:

March 14, 1975

Special meeting in Sudbury to be arranged under the joint auspices of the North-Western and North-Eastern Regional Groups and to be attended by the President, Vice-President, other AOLS members of the Restructuring Committee, and the AOLS legal counsel at which briefs may be presented and comments made about the White Paper by AOLS members and by other interested parties.

April 4, 1975

Similar special meeting in Ottawa to be arranged under the auspices of the Eastern Regional Group.

April 25, 1975

Similar special meeting in London to be arranged under the auspices of the South-Western Regional Group.

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21. August 25, 1971: The special Committee has draft Regulation prepared. Section 1(1) ... For the purposes of the training of students and the identification of the experience and practice of members of the Association, the membership of the Association and students are divided into the following fields of professional land surveying:
 1. Cadastral Surveying.
 2. Geodetic Surveying.
 3. Photogrammetric Surveying.
22. August 1971: Contact made with Hydrographic Surveyors through Fred Pearce. Regulation not changed at this stage because any change may prejudice the approval of the entire regulation.
23. December 1971: Canadian Association of Aerial Surveyors met with the Minister to inform him of their concern regarding our proposed regulation.
24. February 1972: President J. C. Kirkup, K. H. McConnell, Chairman of Restructuring Committee in 1971, met with C.A.A.S. in Quebec City at C.I.S. Meeting.
25. February 1972: Council meeting at Thunder Bay. Motion passed stating that a Restructuring Committee be established for the purpose of recommending to Council a course of action to accomplish the restructuring of the Association to accommodate all survey sciences. The Chairman was J. D. Dearden with members F. J. S. Pearce, E. W. Petzold, J. G. Pierce, D. T. Humphries.
26. March 30 and April 7, 1972: Exploratory meetings held. Concluded that definite terms of reference required. Requested legal advice from John Bogart, Association Solicitor.
27. June 9, 1972: Mr. Bogart agreed that it was possible for the Association to restructure internally by By-law, but possible problems could be anticipated.
28. May 19, 1972: Meeting held with Messrs. Barber, B. Wright, J. Thompson, W. Dymond, M. MacLeod (Members of Toronto Branch of 1971 Restructuring Committee).
29. June 23, 1972: Meeting held with W. MacLean, C. Hadfield, R. Smith. Mr. MacLean represented the Ottawa Branch of the 1971 Committee. Mr. Hadfield and Mr. Smith presented a paper entitled, "A Draft Proposal for Restructuring and Reorganizing the Survey Profession in Ontario."
30. August 11, 1972: Terms of reference were ratified and a joint meeting held with the Board.
31. September 14, 1972: Joint meeting with Geodetic Science Committee. Present were Messrs. Hadfield, M. Young, F. Pearce, R. Moore, L. Gale, S. Gamble, W. Ratz, R. Smith, D. Humphries, J. Dearden.
32. October 11, 1972: Material submitted by the A.P.E.O. was reviewed. Each member of the Executive was requested to write an article for the *Blaze* magazine.
33. November 18, 1972: Meeting held in Peterborough at residence of Mr. John Pierce. Mention made of the distinction between Horizontal and Vertical restructuring. Horizontal—Integration of practitioners at the professional level only. Vertical—Integration of all persons in the survey fields from technicians to professionals.
34. December 12, 1972: Recommended to Council that a By-law be passed to set up administrative procedures to recognize various fields of professional surveying. Notice of motion to this effect made to Council. After discussion with Council and some changes By-law 73-3 proposed.
35. February 5, 1973. Annual Meeting in Toronto. By-law No. 73-3 put to membership and carried. *Page 17, Annual Report 1973*. Motion by F. Pearce and D. Humphries that members of this Association go on record endorsing the principle that the Association of Ontario Land Surveyors should embrace the various fields of survey, such as Geodesy, Photogrammetry, Hydrography, and that the Association should take such action as is appropriate to open the membership rolls to those highly qualified surveyors outside our Association who are working in the related fields of surveying.
36. April, 1973: At Council meeting President Petzold was requested to contact Mr. S. B. Panting, Chairman of the Legislation Zone, for approval of Mr. D. T. Humphries as Chairman of the Restructuring Committee. By September we had received appointments from the various surveying fields to a task force comprising H. Klinkenberg and P. Henderson in the Geodetic field; A. J. Kerr, G. Wade in the Hydrographic field; J. D. Dearden, O. J. Marshall, K. H. McConnell, A. F. Allman, D. T. Humphries, in the Legal field; W. A. Dymond, W. H. Morton, M. MacLeod, R. E. Moore, M. Young, in the Photogrammetric field.
37. October 17, 1973: Task force met at Toronto City Hall. Agreed that:
 - a) Professional Surveying embraces all aspects of terrestrial and spatial measurement.
 - b) The Association represents the Survey industry in Ontario.
 - c) The AOLS is the natural professional home of the graduates of Erindale Survey Science Programme.
38. November 8, 1973: Joint Meeting of the Council and the Board of Examiners at Westbury Hotel. By-law 73-3 implemented.
39. November 21, 1973: Task force met at Queen's Park, Toronto. Made study of various statutes governing professional associations—A.E.P.O. Act, Surveyors Act, Quebec Bill 261. Subcommittee formed of R. G. Code, E. W. Petzold, W. A. Dymond, to meet with Mr. Sydney Tucker of the Legislative Branch of the Ontario Government.
40. January 17, 1974: Subcommittee met with Mr. Tucker. He will rewrite our legislation as soon as we know what we want.
41. February 4, 5, 6, 1974: Annual meeting at Hyatt Regency Hotel, Toronto.
 - a) Restructuring Committee continued.
 - b) By-law 73-3 in abeyance?
42. February 23, 1974: Ken McConnell and Dave Humphries at Kingston. Working on a Draft of a Professional Surveyors Act.
43. April 27, 1974: Ken McConnell and Dave Humphries at Oakville. Draft Act again.
44. May 10, 1974: Discussion of restructuring strategy for 1974/75.

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May 9, 1975

Similar special meeting in Toronto to be arranged under the auspices of the Hamilton and District, South-Central, Kawartha-Haliburton and Georgian Bay Regional Groups.

May 31, 1975

White Paper, revised as necessary in accordance with briefs and discussions at four preceding special meetings, to be distributed to AOLS membership for study.

June 20, 1975

AOLS Special General Meeting in Toronto, at which latest revision of White Paper will be discussed and final debate

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Combines Legislation and Engineers

Reprinted from the Engineering Digest

Some of you may have read of the recent actions of the Federal Minister of Consumer and Corporate Affairs, The Honourable Herbert E. Gray, in introducing into the House Bill C-7, an "Act to Amend the Combines Investigation Act and the Bank Act, and to repeal an Act to amend an Act to amend the Combines Investigation Act and the Criminal Code". If you think that is double-talk which could have no interest for the engineering profession, you'd only be half right. Bill C-7, which has now received second reading and has been referred to the Standing Committee on Finance, Trade and Economic Affairs, could well have an impact on the engineering profession in Canada quite as dramatic as, for instance, the introduction of professional licensing years ago.

How could such an upheaval come about? Here are the principal changes which could affect the Association, the engineer in independent practice, the employee engineer.

The basic action of the Bill is to extend the provisions of the Combines Investigations Act to all services and service industries including the professions. By definition in the Bill, 'product' includes both articles and services; "service means a service of any description, whether industrial, trade, professional, or otherwise". This takes in nearly all services offered by engineers. Under Section 32 of the Bill, an offence is committed if there is 'undue' limiting of competition; the penalty—two years in jail.

Directly involved would appear to be all agreements or arrangements between professional engineers with respect to competitive matters; all arrangements or agreements with respect to similar matters sponsored or carried out by the Association. Outlawed then would be any Association activities which might limit the number of persons entering the profession; involve the establishment of minimum fee schedules or rates of pay-

ment for services; or the establishment of standard forms of agreement for engineering services. Of course there are exceptions to the foregoing; it would still be legal to exchange statistics, or credit information, to define terminology used in a trade industry or profession, to restrict advertising; to join together on measures to protect the environment.

'Bid-rigging' becomes a specific offence. It is an agreement or arrangement between persons whereby one or more agrees not to submit a bid or where there is collusion in submitting bids. This 'offence' would not affect the Association itself, but would affect individual engineers or engineering companies in competitive situations.

Re-sale Price Maintenance provisions suggest that an offence would be committed if an engineering company indicated to any of its suppliers (as for instance architects, soils engineers) that it would no longer do business with some other person—perhaps another firm of engineers.

While perhaps unlikely, the 'monopoly' terms might apply to an engineer or to an engineering firm which might, in a particular geographical market area, enjoy 'substantial or complete control of ... the class of business in which they are engaged'.

Misleading advertising provisions will also give engineers cause for thought. While direct advertising may be relatively minimal, the provisions against any misleading statements apply equally to such things as brochures and other documents designed as promotional pieces or for the solicitation of business.

As you will have noted, most of the adverse possibilities relate to the Association itself, or to engineers offering services to the public. However, even the employee-engineer may find himself in violation of the terms of the proposed Act, in certain employment circumstances. While the Bill makes it quite 'legal' for two professional engineering

bargaining units certified under provincial labour law to enter into agreements or arrangements that they would each bargain with their respective employers for a certain salary or wage, such is not the case in 'voluntary' situations. If a unit were voluntarily recognized as a bargaining unit by an employer, and that unit did include some engineers of managerial status or who were otherwise disqualified, then the unit would not be eligible for certification under the Labour Relations Act, and would not, therefore, enjoy the same exemption as the legal unit would. In these circumstances, the collective bargaining activities of all the employee-engineers might constitute an illegal agreement. Accordingly, groups of professional engineers who wish to bargain collectively, and who have not been certified as bargaining units under the Labour Relations Act, must ensure, if they are seeking voluntary recognition from their employer, that no members of the group would be disqualified by the Labour Relations Board, if the unit were to apply to the Board for certification.

Many representations have been made to the Federal Government, both by provincial and national engineering bodies, including APEO and CCPE, and by provincial governments, including Ontario. Meetings with the Honourable Ronald Basford, regarding his version, Bill 256, and with the Honourable Herbert Gray, regarding his versions, Bills C-227 and C-7, have thus far produced only verbal acknowledgement of the points made by the engineering profession—no indications of ameliorative action have yet been seen.

Canadian Council has asked for permission to appear before the Standing Committee on Finance, Trade and Economic Affairs later in May, understanding from the Minister that changes in the Committee stage might be considered. In the meantime, watch for the 'progress' of this Bill in the House. It may be most important to your future.

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will take place on the restructuring question.

July 15, 1975

Final approval by Council of the White Paper.

August 1, 1975

Ballot requesting approval of restructuring in accordance with the provisions of the White Paper.

If the majority favour restructuring, the White Paper will be referred to the Minister of Natural Resources by Council for legislative action as the Government sees fit.

By the preparation and presentation to the AOLS membership of a White Paper incorporating a proposed new Act, regulations, by-laws and a code of ethics

and by the holding of the various meetings outlined above, I believe Council will have:

- (1) Shown the AOLS membership in reasonably specific terms what restructuring is about;
- (2) Provided those members either for or against restructuring ample time and opportunity to express their views orally or in writing and to participate in open debate;
- (3) Brought the whole restructuring question to a head with reasonable despatch.

In the program suggested above there are various points at which the restructuring study could be terminated without further ado should there be overwhelming evidence that the membership does

not favour restructuring and does not wish to spend any further time and effort pursuing the subject. Restructuring is a delicate issue which has been under study for some time. It is high time, in my opinion, that we came to grips with the subject and finally decided whether restructuring is in the best interests of the public of Ontario and, consequently, that of the Association. The above programme, if followed in its entirety, will see the restructuring issue finally decided by no later than August, 1975. To further prolong debate on the question would make us all deserving of Oliver Cromwell's famous rebuke to Parliament: "You have been here too long for whatever good you can do: in the name of God, go!"