

First name:
Last name:
Student No:

Final grade on 35:
Grade reported on 20:

This CASE STUDY is on 35 points and worth 20% of your final grade

Pauline Smith, P.Eng is a duly registered engineer with the APEO. Pauline is the chief engineer of a gold mine near a remote town in northern Ontario. The **engineering mining company ABC inc.** is the main employer in the region.

Recently, the mining company ABC inc. considered the possibility to merge with **XYZ inc.**, another big mining company in Ontario. Before the merger takes place, XYZ inc chief engineer, **Marco Belye P.Eng.**, has the mandate to review ABC inc. profiles and documents. Marco is a duly registered engineer with the APEO.

Immediately upon starting its new mandate, Marco spent some time reviewing ABC inc. mining company's operational procedures. Marco discovered that for several years, under the direction of Pauline, tailing ponds at the ABC inc. mine have been releasing toxic and corrosive substances into the environment in violation of the law.

Marco also found in the ABC inc. company's files a recent report prepared by an engineering consulting firm in Toronto **GtenGold inc.** The report concerned an economic feasibility study for updating the mine's facilities. In the report addressed to Pauline, the engineering consulting firm specifically urged the mining company ABC inc. to undertake a number of expensive capital improvements necessary to ensure compliance with environmental law. Marco also learned that the mining company ABC inc. could not afford the necessary improvements and, if forced to implement them, might have to close.

Marco found nothing in the ABC inc. mining company's files that indicate that Pauline and/or ABC inc. informed the governmental authorities of the illegal discharges.

QUESTION 1: If Marco files at the APEO a complaint against Pauline, identify three (3) ethical breaches that the APEO may accused Pauline Smith of. For each, provide a legal justification by indicating the applicable section (paragraph and sub-paragraph if applicable) and name (not the reference) of the legislation or regulation. Also explain in the context of this case, which facts of the case is related to the breach. **(15 points)**

- For example, if you choose to cite an article from the **Professional Engineering act, R.S.O. 1990, c. P.28**, as an example of paragraph (sub-paragraph if applicable) and name (not the reference) of the legislation or regulation:
 - **A correct citation** would be : 6(1)a) PEA
 - *Notes:*
 - *PEA is the abbreviation for Professional Engineering act*
 - *PEA is an example of a “name of a legislation”*
 - *For questions 1 and 2, to obtain the full points for the citation (last column of the table) the article must be cited correctly. No partial points will be given.*
 - 6(1)a) R.S.O. 1990, c. P.28: is **an incorrect citation**
 - *Note:*
 - *R.S.O 1990 c. P.28 is an example of a reference of a legislation*
 - *Note: The PEA might or might not be the legislation where you will find the answers to this question.*

<i>Information you will find in the case</i>		<i>Information you will find in the law</i>	
	Facts in the above case that capture the breach of the Ontario engineers Code of ethics (1 point each)	Breaches of the Ontario engineers Code of ethics (Note: use the wording of the legislation/regulation) (2 points each)	Legal justification (section, paragraph, sub-paragraph + name) (2 points each)
1.	Pauline has violated the law by allowing the release of toxic and corrosive substances from tailing ponds into the environment.	Did not regard the duty to the public welfare as paramount.	77(2)(i) R941
2.	Pauline received a report from an engineering consulting firm from detailing actions necessary to correct the situation and the company did not correct the situation	Pauline did not act in good faith towards another practitioners : <ul style="list-style-type: none"> Pauline did not act in good faith towards another engineer given that she did not apply the recommendation of the other engineer 	77(7)(i) R941
3.	Pauline has not informed the government	Failed the duties of actions of the engineer to the public its employer.	77(1)(i) or 77(1)(ii) R941

QUESTION 2: Indicate four (4) professional misconduct that Pauline Smith may be accused of. For each, provide a legal justification by indicating the applicable section (paragraph and sub-paragraph if applicable) and name (not the reference) of the legislation or regulation. Also explain in the context of this case, which facts of the case is related to the professional misconduct. **(20 points)**

<i>Information you will find in the case</i>		<i>Information you will find in the law</i>	
	Facts in the above case that capture the professional misconduct of the engineer (1 point each)	Professional misconduct (Note: use the wording of the legislation/regulation) (2 points each)	Legal justification (section, paragraph, sub-paragraph + name) (2 points each)
1.	releasing toxic and corrosive substances into the environment in violation of the law	negligently not maintain reasonable and prudent standards;	72(2)(a) R941
2.	company has not informed the government	not report a situation which may endanger the safety or welfare of the public;	72(2)(c) R941
3.	from detailing actions necessary to correct the situation and the company did not correct the situation	make to reasonable provision for complying with appropriate statutes; and	72(2)(d) R941
4.	NOTE: 72(2)(j) is often added given that most of the 72 breaches can lead to the conclusion that the engineer action was disgraceful, dishonourable, or unprofessional	to be disgraceful, dishonourable, or unprofessional.	72(2)(j) R941

--	--	--	--