

22 novembre 2024

Services publics et Approvisionnement Canada
140, rue O'Connor
Ottawa (ON) K1P 6E3

Objet : Avis relatif aux politiques 48R2 - Exigences relatives à la Loi sur les langues officielles et aux contrats

Destinataire : Services publics et Approvisionnement Canada

Nous vous écrivons au nom d'Ingénieurs Canada et de Géoscientifiques Canada. Ensemble, nous représentons les organismes provinciaux et territoriaux de réglementation du génie et des géosciences qui délivrent des permis d'exercice à plus de 320 000 professionnels. Nous sommes heureux de l'occasion de faire part de nos points de vue sur l'*avis relatif aux politiques 48R2 : Langues officielles et contrats* (AP 48R2).

Comme vous le savez, les ingénieurs et les géoscientifiques doivent suivre les codes de déontologie et les règles de conduite professionnelle prescrits. Ces codes et ces règles sont essentiels à la protection du public. Pour nos organismes de réglementation membres, l'intérêt et public est toujours primordial. Tout comme l'AP 48R1, la version révisée de la politique va à l'encontre de la possibilité de l'imposition de règles détaillées par les organismes de réglementation du génie et des géosciences en ce qui concerne les documents qui exigent le sceau professionnel d'un ingénieur ou d'un géoscientifique, ce qui crée un risque pour la sécurité publique.

Dans certaines provinces et certains territoires, les ingénieurs et les géoscientifiques sont autorisés, dans certaines situations, à apposer leur sceau sur des documents qui ont été traduits. Ils peuvent également traduire eux-mêmes un document portant un sceau, dans un nombre limité de circonstances (voir l'annexe de la présente lettre). Sauf en cas d'autorisation explicite, les ingénieurs et les géoscientifiques ne peuvent pas assumer la responsabilité d'un travail d'ingénierie ou de géosciences si on leur demande d'apposer leur sceau sur un document qui a été traduit ou de traduire eux-mêmes ce document.

Le libellé actuel de l'AP 48R2 fait craindre que des ministères fédéraux clients fassent traduire des documents par des tiers alors que la réglementation ne l'autorise pas, ou fournissent des documents pertinents à des soumissionnaires sans la participation d'un ingénieur ou d'un géoscientifique titulaire d'un permis d'exercice. Par conséquent, Ingénieurs Canada et Géoscientifiques Canada demandent au gouvernement du Canada d'envisager d'autres approches qui pourraient servir à la fois la cause du bilinguisme et la promotion de la sécurité publique.

Étant les seuls porte-paroles nationaux de la profession d'ingénieur et de la profession de géoscientifique, Ingénieurs Canada et Géoscientifiques Canada collaborent depuis longtemps avec le gouvernement fédéral afin de contribuer à l'élaboration de lois, de règlements et de politiques. C'est dans cet esprit de collaboration que nous demandons au gouvernement fédéral de continuer de discuter avec les professions et les secteurs touchés par les modifications apportées à cette politique afin de parvenir à une solution qui serait manifestement dans l'intérêt du public.

Nous serions heureux de participer à d'autres discussions à ce sujet au nom de nos organismes de réglementation membres.

Meilleures salutations,



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L'appendice: Les exigences réglementaires existantes pour la traduction et l'apposition du sceau sur les documents traduits

Régulateur	Les exigences réglementaires existantes pour la traduction et l'apposition du sceau sur les documents traduits
Association of Professional Engineers and Geoscientists of Alberta (APEGA)	When a licensed professional provides a translated professional work product (PWP), the original and the translated PWP must each be authenticated in accordance with the requirements of APEGA's Authenticating Professional Work Products practice standard. An APEGA licensed professional may authenticate a translated PWP only if they are fluent in the target language and can verify that the translated PWP is identical in meaning to the original. In authenticating a translated PWP, a licensed professional accepts professional responsibility for it. If a licensed professional is unable to verify that a translated PWP is identical in meaning to the original, they must not authenticate it. If an authenticating licensed professional needs to translate a PWP to a language they are not fluent in, they must engage another licensed professional who is both fluent in the target language and competent in the relevant area of practice. The licensed professional who translates the PWP then authenticates and takes professional responsibility for it. If someone who is not a licensed professional translates a PWP, the translation is not considered a properly authenticated PWP and must not be relied upon.
Association of Professional Engineers and Geoscientists of New Brunswick (APEGNB)	7.7 Translated Documents Un professionnel responsable doit apposer son sceau sur tout document traduit qui nécessite un jugement technique ou géoscientifique ou qui fournit une orientation technique ou géoscientifique. Si le professionnel n'est pas suffisamment compétent pour assumer la traduction, un ingénieur ou géoscientifique bilingue compétent dans le domaine en question devrait authentifier la partie traduite du document. Chaque responsable professionnel doit alors appliquer son sceau en qualifiant la responsabilité implicite de ce sceau. En l'occurrence, le professionnel bilingue apposerait son sceau sur la partie traduite du document.
Engineers and Geoscientists	3.4.6 Translated documents

Régulateur	Les exigences réglementaires existantes pour la traduction et l'apposition du sceau sur les documents traduits
British Columbia (EGBC)	3.4.6.1 - A Professional Registrant may be requested to Authenticate a Document in one or more languages other than their working language(s). 3.4.6.2 - The act of translating engineering or geoscience Documents is the practice of professional engineering or professional geoscience; therefore, it is unlawful for someone who is not a Professional Registrant to translate an engineering or geoscience Document. It would also be unprofessional for a Professional Registrant to Authenticate an engineering or geoscience Document that was translated by someone who is not a Professional Registrant into a language other than their working language(s), or to Authenticate a Document that is entirely or partly in a language other than their working language(s).
Professional Engineers Ontario (PEO)	7.9 Engineering documents containing more than one language Practitioners are occasionally required to provide documents in a language other than their usual business language. Furthermore, practitioners must be technically fluent in the language of the document they are sealing if the language content of the document is part of its engineering content. Finally, practitioners must determine whether their language proficiency is sufficient to meet the professional standard expected of them, just as practitioners must determine in what areas they are competent to practice
Engineers Geoscientists Manitoba	Engineers Geoscientists Manitoba has provided the following guidance: Effective May 13, 2022, Public Works and Government Services Canada (PWGSC) may require submissions of engineering work products in both official languages - French and English - each being of equal quality and published at the same time. This change to contracting professional services may place a professional engineer who knows only one of the two official languages in the position of being asked to stamp work they are unable to verify. The challenges with precise translation of technical work means the translator may need engineering competence and will need to collaborate with the responsible professional engineer. Engineers Geoscientists Manitoba's Investigation Committee has considered this matter and determined the following with respect to translation of professional engineering or professional geoscientific documents: • The primary design or work to be relied upon shall be identified and sealed by an engineer.

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	• The translation of that work shall be performed or verified by an engineer and stamped with the indication that it is sealed for the translation only. • Documents that have been translated but not reviewed by an engineer shall: ○ not have a seal on them, ○ be clearly marked that: ▪ they have been translated from the original language and have not yet been reviewed by an engineer, and should not be relied upon.
Professional Geoscientists Ontario (PGO)	4.5 Translations Professional geoscientists sometimes have to deliver a geoscience document in a language other than their usual working language. In this case, the professional geoscientist should specify the language that takes precedence in the case of discrepancy between information provided in different languages. Nonetheless, where the situation (client or legislation) requires that all the texts have equal status, the professional geoscientist must ensure that the meaning in all texts is the same. A professional geoscientist may authenticate documents in more than one language if he or she is fluent in those languages. When several professional geoscientists collaborate on a project, each may authenticate the document in the language in which he or she is fluent. Alternatively, it is possible to use the services of a professional translator who is familiar with the subject and who can certify that the translated text is faithful to the original. Failing a professional or certified translator, the translation must be certified by a notary. The professional geoscientist may authenticate the original and any translation thus certified. If a client provides a translation of a document produced by the professional geoscientist, the professional geoscientist must ask the client to provide certification that the translation is faithful to the original document.
Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL)	Translated Documents Translated documents which require engineering or geoscientific judgement, or which provide engineering or geoscientific direction are to be authenticated by a responsible professional. Translation errors could possibly become construction errors. If the professional is not sufficiently proficient to take responsibility for the translation, it is expected that the translated portion of the document be authenticated by a bilingual engineer/geoscientist competent in the subject matter. In these cases, each responsible professional would apply their stamp with a qualification of what responsibility is implied by the stamp. Therefore, the bilingual professional

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	would stamp the translated portion of the document. If, due to extenuating circumstances, this arrangement is not possible, the professional may employ the services of a certified translator but must obtain a written declaration that the translated text is identical in meaning to the original. An uncertified translator is not considered acceptable. The professional remains responsible for the translated document and must disclose to the client that the document has been translated.
Engineers PEI	6.6 Translated Documents Translated documents which require engineering judgement or which provide engineering direction are to be sealed by a responsible professional. If the professional is not sufficiently proficient to take responsibility for the translation, a bilingual engineer competent in the subject matter area should authenticate the translated portion of the document. In these cases, each responsible professional would apply their seal with a qualification of what responsibility is implied by the seal. Therefore, the bilingual professional would seal the translated portion of the document.
Association of Professional Engineers and Geoscientists of Saskatchewan	APEGS Authentication of Documents Use of Professional Seals outlines the following: 3.2 Translated Documents Professionals are occasionally required to provide documents in a language other than their usual working language. Where documents contain the same information in two or more languages, it is encouraged to identify one language that will govern in the event of a discrepancy between the texts. However, in some situations either legislation or the client will require that two languages be given equal status and, therefore, it is important that the two texts have identical meanings. Professionals may seal documents in two or more languages if fluent in each language. Alternatively, professionals collaborating on a project may seal documents in the language(s) in which each is fluent. For example, one professional may seal the English version of a document and another may seal the French version. Professionals not fluent in the required language(s) may engage the services of a translator. The translator should provide a declaration stating that the meaning of the translated text is identical to that of the original. The translator should be certified by a recognized certification body. If not, the declaration should be notarized. The professional can seal both the original and translated documents based on this declaration.