

# THE PROFESSIONAL GOVERNANCE ACT



## WHAT YOU NEED TO KNOW

The regulation of professions in BC has largely been accomplished through a system known as self-regulation, an arrangement between an occupational group or profession and the government to regulate the activities of its registrants. Self-regulation is a privilege granted by government to a profession through legislation along with a right to exclusively use a title (e.g., Registered Professional Forester, Registered Forest Technologist) and in some cases like the forest profession, the exclusive right to practice.

In 2021, the implementation of the *Professional Governance Act* (PGA) will change the system of regulation with new governing legislation for the Association of BC Forest Professionals and regulators

of other professions including engineers, biologists, agrologists, and applied science technologists. The stated goal of the PGA is to provide a governance framework for self-regulating professions that incorporates best practices of professional governance and improves protection of the public interest.

Once the PGA comes into force on February 5, 2021, it will replace the *Foresters Act* and introduce new regulatory tools, processes, and requirements for the ABCFP and its registrants.

**This change means you will have new obligations you need to be aware of, and new requirements you need to follow.**

# WHAT'S CHANGING?

## 1 A NEW CODE OF ETHICAL AND PROFESSIONAL CONDUCT

- Underlying professional principles remain the same. The new *Code of Ethical and Professional Conduct* (the Code) combines the core components of the existing *Code of Ethics* and *Standards of Professional Practice*. It also incorporates mandatory principles required by the PGA in Section 57.
- The new code, which forms Bylaw 9 - Schedule A, has nine standards of ethical and professional conduct, and includes objects describing the core elements of each standard.
- Bylaw 9 - Schedule B carries forward the requirement for ABCFP members to follow the established crossing guidance (or keep on file a written rationale for why not) and expands to include other established ABCFP practice guidance for forest resource activities.
- Guidance documents, training resources, and answers to frequently-asked questions will be available to support your understanding of ethical and professional conduct obligations.



## CODE OF ETHICAL AND PROFESSIONAL CONDUCT

**All registrants of the Association of BC Forest Professionals are bound by the Code of Ethical and Professional Conduct.**

Registrants are responsible to hold paramount the safety, health, and welfare of the public and the protection of the environment.

The practice of professional forestry is undertaken in a manner that protects the public interest by ensuring the multiple values society has assigned to BC's forest are balanced and considered. To protect the public interest, all registrants practising professional forestry must be accountable and adhere to the following ethical and professional standards:

### 1. COMPETENCE

Registrants, maintain sufficient knowledge, skill, and ability in order to address the matter in question, and must:

- a. practise only in those fields where training and ability make the registrant professionally competent;
- b. maintain competence in relevant specializations, including advances in the practice of professional forestry and relevant science;
- c. provide accurate information detailing their qualifications and experience.

### 2. INDEPENDENCE

Registrants exhibit objectivity and are professionally independent in fact and appearance, and must:

- a. uphold the public interest and professional principles above the demands of employment or personal gain;
- b. distinguish between facts, assumptions and opinions when providing professional opinions;

- c. clearly identify each registrant who has contributed professional work, including recommendations, reports, statements or opinions;
- d. not disclose confidential information without consent, except as required by law;
- e. present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded.

### 3. CONFLICT OF INTEREST

Registrants must avoid situations and circumstances in which there is a real or perceived conflict of interest, and must:

- a. ensure conflicts of interest, including perceived conflicts of interest, are properly disclosed;
- b. take appropriate action to resolve or mitigate identified conflicts of interests;
- c. take necessary measures so that a conflict of interest will not bias decisions or recommendations.

### 4. DUE DILIGENCE

Registrants work with constant and careful attention, and must:

- a. ensure work is complete, correct, and clear;
- b. provide professional work that is measurable or verifiable;
- c. have regard for the common law and applicable legislation or regulations, including relevant enactments of British Columbia, federal enactments, and enactments of other provinces;
- d. have regard for applicable standards, policies, plans and practices established by the government or ABCFP;
- e. undertake work and documentation with due diligence and in accordance with any any guidance developed to standardize professional documentation for the profession of forestry.



## 5. INTEGRITY

Registrants always conduct themselves honourably and in ways which sustain and enhance their professional integrity and the integrity of the profession as a whole. Registrants must:

- a. inspire confidence in the profession by maintaining high standards in daily conduct and work;
- b. abstain from undignified public communication;
- c. not misrepresent facts.

## 6. FOREST STEWARDSHIP

Registrants work to improve practices and policies affecting forest stewardship. Registrants must:

- a. obtain a clear understanding of objectives for land and resource use;
- b. uphold forest stewardship and practise the responsible use of forest resources based on the application of an ecological understanding at the stand, forest, and landscape levels, which maintains and protects ecosystem function, integrity, and resilience;
- c. take respectful and appropriate steps to raise identified concerns with another registrant about any practice that may be detrimental to forest stewardship, and to seek to resolve those concerns.

## 7. SAFETY

Registrants must:

- a. Maintain safe work practices and consider the safety of workers and others in the practice of professional forestry; and
- b. hold paramount the safety, health, and welfare of the public, and the promotion of health and safety in the workplace.

## 8. PROFESSIONALISM

Registrants provide professional service that is respectful and appropriate to the circumstances, and must:

- a. promote public knowledge of forestry with truthful and accurate statements on forestry matters;

b. refrain from unfairly criticizing the work of other registrants or attempting to injure the professional reputation or business of another registrant;

c. contribute to the advance of scientific and professional knowledge of the profession and others;

d. be conscientious in providing professional services;

e. take respectful and appropriate steps to raise identified concerns with another registrant about their professional competence, or about conduct by the other registrant that may constitute professional misconduct, conduct unbecoming a registrant, or a breach of the Act or the bylaws, and to seek to resolve those concerns.

## 9. REPORTING

Registrants must:

a. report to ABCFP and, if applicable, any other appropriate authority, any instance where, on reasonable or probable grounds, the registrant believes that the continued practice of professional forestry by another registrant, or by another person, including a firm or employer, might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people;

b. report to the regulatory body for another profession under the *Professional Governance Act* and, if applicable, any other appropriate authority, any instance where, on reasonable and probable grounds, the registrant believes that the continued carrying on of the regulated practice of that profession by a registrant of that other regulatory body, or by another person, including a firm or employer, might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people;

c. report to ABCFP any other concern described in Standard 6(c) or 8(e) about the practice, competence or conduct of another registrant that it is not possible or appropriate to raise directly with the other registrant, or that cannot appropriately be resolved with the other registrant in accordance with Standard 6(c) or 8(e).

## 2 NEW STATUTORY DUTY TO REPORT UNSAFE OR HARMFUL PRACTICES

- The PGA, Section 58 Duty to Report, obliges you to report if you have reasonable and probable grounds to believe that:
- A **person** engaging in a **regulated practice** is doing so in a manner that may pose a risk of **significant harm** to the environment or the health or safety of the public. This includes:
  - a registrant of the forest profession;
  - registrants of other professions under the PGA; or
  - a non-registrant who is engaged in regulated practice.
- This reporting duty differs from prior and continued obligations of forest professionals to resolve or report practice matters believed to be detrimental to good stewardship of forest land (see Code - Standard 6, Forest Stewardship) or to take steps to raise identified concerns with another registrant about their competence or conduct (see Code - Standard 8, Professionalism).

- Under the PGA, failure to exercise your Duty to Report is an offence and would make you liable for a fine of as much as \$200,000 or a term of imprisonment up to two years.

## 3 CONTINUING PROFESSIONAL DEVELOPMENT REPORTING WILL BE MANDATORY

- A New ABCFP Bylaw 10: Continuing Professional Development, requires every practising RPF and RFT registrant to undertake and report to the ABCFP 30 hours of continuing professional development (CPD) between December 1 and November 30 each year.

**NOTE: reporting CPD will be voluntary until December 1, 2021 with the first CPD report due by November 30, 2022.**

## 4 AUDIT AND PRACTICE REVIEWS

- The ABCFP formerly conducted proactive practice reviews of forest professionals. These were led by either a forest professional's peer or by ABCFP staff. Under the PGA, these will now be referred to as "competence and professional conduct audits."
- A new statutory Audit and Practice Review Committee will set policies to routinely or randomly select registrants for competence and professional conduct audits.
- Competence Audits will typically be conducted by a professional peer and will examine your general competence and skills.
- A second audit type, Professional Conduct Audits, are performance based (technical) conducted by assessors appointed by the Audit and Practice Review Committee to examine specific aspects of your conduct including practice.
- Under the PGA, a practice review may be carried out by an appointed assessor in the event of a criticism or perceived problem with your practice as opposed to undertaking a complaint investigation.
- A practice review can lead to mandatory actions including education or training, imposition of a limit or condition on your practice (which will be published on the public online register), or lead to the authorization of a formal complaint investigation.

## 5 PUBLIC DISCLOSURE

The PGA requires the ABCFP to make more specific information about you available to the public through an online public directory on the ABCFP website.

A new ABCFP Bylaw 13 – Public Disclosure, will require you to submit this information when you renew your annual registration or at any time if the information has changed (for example, a change in employer).

Information to be made publicly available about you includes:

- Your name and whether you are a registrant, former registrant, or trainee;
- The category, subcategory, or class of registrant for which you are registered, and for trainees, the type of education program you are enrolled under;
- Any technical occupations or certified practices held;
- Any limits or conditions imposed on your practice;
- Notation of each cancellation or suspension of your registration, including any cancellation or suspensions that occurred before the PGA came into force;
- Your declared practice area or areas;
- Your municipality of residence;
- Your business address and business telephone number, if applicable;
- Your employer, if applicable;
- Your registration number issued by the ABCFP; and
- The date on which you were first registered with ABCFP.

## TIMELINE

**February 5, 2021**  
The *Professional Governance Act* comes into force.

**February 5, 2021**  
New ABCFP bylaws, including new Code, come into effect.

**October 1, 2021**  
Mandatory reporting of contact information and practice-related information during registration renewal.

**December 1, 2021**  
Mandatory continuing professional development requirements come into effect.

**November 30, 2022**  
First mandatory reporting of continuing professional development activities.

## KEEP INFORMED

Stay up to date on the *Professional Governance Act* and check out a schedule of upcoming webinars, FAQs, and other resources at [www.abcfp.ca](http://www.abcfp.ca)

**Questions?** Contact ABCFP professional staff:

**Mike Larock, RPF**  
Director of Professional Practice and Forest Stewardship  
[mlarock@abcfp.ca](mailto:mlarock@abcfp.ca)

**Casey Macaulay, MA, RPF**  
Registrar and Director of Act Compliance  
[cmacaulay@abcfp.ca](mailto:cmacaulay@abcfp.ca)

**Paul Nuttall, RPF**  
Deputy Director of Forest Stewardship and Engagement  
[pnuttall@abcfp.ca](mailto:pnuttall@abcfp.ca)