



College of Applied Biology – Preliminary response to Professional Reliance Review report

Preamble:

The Professional Reliance Review was initiated in October of 2017. The government released an independent report and analysis on the Professional Reliance model in June 2018 (<https://engage.gov.bc.ca/professionalreliance/>). The following is preliminary feedback on the report from the College of Applied Biology Staff and Council with respect to the recommendations provided in the Report.

Overview:

As communicated during the Professional Reliance Review process, the College of Applied Biology is in support for improving the entire system to better protect the public interest. To accomplish this, all parties will need to participate in constructive dialogue led by government, that focuses on the objectives of improving and enhancing the model. This includes increased:

- Accountability for professional associations, professionals, industry and government;
- Transparency for professional associations, professionals, industry and government;
- Consistency between professional regulators – understanding that some differences may be necessary depending on the needs of the individual profession;
- Resourcing for government both on requirement setting and monitoring;
- Resourcing for professional regulators to carry out their mandate; and
- Collaboration between all partners – with improved focus on partnerships between professional associations and government.

The independent report offers some sound analysis of the current system, and there are important suggestions that can help address some of these objectives; however, some of the proposed remedies may create more issues than they solve.

Process:

The objectives of the review were to make recommendations on:

1. Whether professional associations that oversee ‘qualified professionals’ (QPs) employ best practices to protect the public interest;
2. Whether government oversight of professional associations is adequate; and
3. Conditions governing the involvement of QPs in government’s resource management decisions and the appropriate level of government oversight to assure the public their interests are protected.

The review has used a variety of approaches including: an audit of the professional associations, a jurisdictional scan, and a public engagement platform that specifically requested a formal submission from the College (<https://www.cab-bc.org/news/college-submission-professional-reliance-review>).



More than 4,600 submissions were received in total. 1,802 professionals participated in the Qualified Professionals Survey, 2,249 individuals participated in the General Public Survey, 279 provided written submissions, and 102 stakeholders posted submissions.

Key Recommendations in the Professional Reliance Review Report:

The review produced two major recommendations concerning professional governance:

1. That government establish an Office of Professional Regulation and Oversight that would have authority similar to that found in the *Health Professions Act*. The Office would be an agent of government, independent from the natural resource sector ministries, and focused on professional governance issues. Ultimately, the intent of the Office would be to oversee professional legislation, develop best practices for governance, and regulate professional organizations as needed.
2. That government standardize 10 elements of professional governance through umbrella legislation, including a new power to regulate firms, improve council authority to pass certain bylaws, require continuing professional development, clarify public interest duties, and address codes of ethics, reporting duties and whistleblower protection.

Concerns:

One of the key recommendations in the report promotes the establishment of an “Office of Professional Regulation and Oversight”. The report recommends that this office, under a new piece of legislation, be delegated significant powers to “oversee professional legislation”.

Government already has the authority through existing legislation, internal expertise, and institutions such as the Office of the Auditor General to develop the systems and processes to deliver on the objective of improving governance, reporting and accountability of professional associations in general and the College in particular. As well, there is the opportunity to enhance the role of organizations such as the Forest Practices Board to have a broader scope to undertake effectiveness monitoring. The College’s concern is a new and separate entity has the potential of misdirecting scarce resources to a potentially redundant infrastructure instead of tackling the issues and potential problems currently in the model.

As well, the report does not address the financial implications of the recommendations. The College has limited financial resources to respond to any potential administrative and regulatory requirements from a new Office of Professional Regulation and Oversight. The College also has limited ability to increase revenue. With only Right-to-Title, potential dues increases or levies in response to new requirements may have the unintended consequence of members leaving the regulatory organization if fees are too expensive compared to the benefit of membership.



Government Capacity:

The report makes a number of recommendations as they relate to the overall model and government's role in that model including improving:

- Laws, regulations and authorizations,
- First Nations engagement,
- Transparency and information sharing regarding resource management, and
- Ministry staffing levels and resources.

The College fully supports the above stated points. Professional reliance model was based on the premise that government's principal responsibilities were to have professionals in the public service set the standards (primarily in regulations) at the front end, and then focus efforts on ensuring that those standards are met on the ground.

Because the public service has seen a reduction in staff without seeing a reduction in responsibility, there exists the potential for the public to have lost confidence in the accountability processes. This may be reflected in the delay in the review of the regulations to ensure that the standards are clear and achievable, decisions are in the "right" place (government or private sector), and that there is accountability for those decisions supported by enhanced compliance and enforcement activities.

Moving Forward:

A number of issues and inconsistencies are addressed throughout the report. It recommends that more standardization be brought to play across the professional associations. It recommends that there be greater consistency regarding:

- Professional association authorities;
- Mandatory continuing professional development;
- Codes of Ethics;
- Capacity;
- Reporting requirements; and
- Whistleblower protection.

The College supports the majority of the objectives set out in the Professional Governance Recommendations such as working to ensure that professional regulators are employing "best practices", applying merit in the election/selection of Council and Committee members, and increasing transparency through audits of professional associations administered by the provincial government. These objectives can be met without the introduction of an additional legislative framework.

Right-to-Title limits the College's ability to regulate all individuals that practice applied biology. Therefore, it is also critical to include non-regulated individuals – including biologists - who currently do not operate under a regulatory regime. In addition, reviewing and amending sections of trade agreements that impede regulatory associations from denying professional designation to individuals who do not meet BC's entrance requirements should be a priority.

The College would also recommend establishing an ongoing government-led Roundtable (working group) consisting of all partners (government, professional associations, industry/employers, First



Nations, non-government organizations) to consider issues and potential problems and take corrective actions when warranted.

The College is ready to engage with government to constructively and effectively move forward to better protect the public interest as it specifically relates to regulatory associations. The College will focus on:

- Using existing legislation more effectively and identifying changes where necessary,
- Utilizing existing institutions such as the Office of the Auditor General to ensure accountability,
- Identifying and implementing better reporting systems, and
- Increasing accountability and transparency while upholding the principles of self-regulation.

Real change requires looking across the professional reliance regime and taking corrective action where necessary to improve the system. Along with the professional associations, this includes governments who set the standards and who are responsible for enforcement; businesses, agencies, employers and; oversight of activities through effectiveness monitoring on the ground delivered by an organization such as the Forest Practices Board.

Most importantly, by working with the College to find solutions together, the outcomes would be better informed and therefore result in a much higher probability of success.

Conclusion:

The College is not only aware – but fully embraces its mandate of protecting the public interest. It has initiated policies, programs and guidance to support that goal and give registered professional practitioners of biology the tools to meet their obligations. However, the College has also maintained that to accomplish this, all stakeholders must play a part – this includes government, industry/employers, Indigenous peoples, municipalities, community groups and professional associations. This kind of modern collaborative approach will go much further in ensuring that the objectives of the review are met and that the model continues to improve.

The College believes the Professional Reliance model can and should be successful – but as with any model there is always room for improvement. The College remains committed to working collaboratively with government, professional associations, and other partners to achieve those improvements.