

BC Professional Governance Act Changes Primer | January 2019

This past fall, the BC Legislative Assembly adopted the Professional Governance Act ('the Act'), which will change the way in which the fields of engineering, geoscience, forestry, agrology, applied biology, and applied science technology are regulated. Self-governance has been a long-standing tenant in many of the fields provincially, nationally and internationally; as an example, the current overarching governance framework for foresters, engineers and geoscientists in BC has its origins in the 1990s. The earliest structures for governing these professions in Canada are now more than 100 years old.

Collectively, the AMS represents in excess of 15,000 undergraduate students in faculties with students who may be eligible to register as professionals in the above-listed fields (November 2017 enrolment figures, The University of British Columbia). This figure does not include students enrolled in graduate programs who might also elect to pursue such professional designations. In many cases, UBC graduates the only group of in-province students eligible to enter these fields, or certain subsets thereof. Even prior to graduation, students studying in the impacted fields are eligible, by law, for a student class of membership in the relevant association.

Overview of the Legislation

The Act introduces a centralized Office of the Superintendent of Professional Governance, for which the intention is to standardize some elements of regulation across the effected professions. Among other changes, the Act will "[increase] public representation and instituting a merit-based nomination process for council; [set] common ethical principles; [require] competency and conflict of interest declarations from qualified professionals; [strengthen] professionals' duty to report unethical conduct of other professionals; [provide] whistle blower protections to those who report; and [enable] professional regulators to regulate firms" (Engineers and Geoscientists BC). The discipline-specific regulators were generally opposed to many elements of the Act as introduced in the earlier readings, but have become more supportive as the process has moved along.

Outline of Implementation Process

The implementation activities can be split into three groups: regulation of firms, competency/conflict of interest declarations and the practice rights of the individual professions. Each section is anticipated to have its own consultation process, and the implementation is expected to take between three and five years to complete. The Ministry of Environment and Climate Change Strategy has laid out its preliminary implementation plans and expectations in a document called the *Regulations Intentions Paper Consequent to the Proposed Professional Governance Act* ('the Intentions Paper'). With the knowledge that the undergraduate societies can provide discipline-specific comments (i.e. practice rights), it will be important for the AMS to provide feedback on the following topics/questions, among others located in the Intentions Paper:

- Comments on how regulatory bodies could collectively implement the regulation of firms, specifically multidisciplinary firms
- Comments on how overlap between professions should be defined and communicated/ aspects of regulatory oversight that should be jointly administered

- Comments regarding when conflict of interest/expertise declarations are required/criteria government should consider when developing thresholds for when declarations are required/types of activities that should be exempt from declarations
- The necessity to provide employment/economic opportunities in balance with a reasonable burden of regulation

Further Information

- <https://engage.gov.bc.ca/professionalreliance/> (Includes the full list of 40+ questions/topics on which feedback is being solicited)
- <https://www.egbc.ca/About/Initiatives-and-Consultations/Professional-Reliance-Review/Professional-Governance-Act>
- <https://www.egbc.ca/About/Our-Team/Divisions/DEGIRS/Division-History>