

FACTSHEET: *Professional Governance Act* Overview

The *Professional Governance Act* (the Act) was passed by the B.C. Legislature and received Royal Assent on November 27, 2018. This Act is a response to recommendations made in the independent Final Report of the Professional Reliance Review (the Review) submitted to the Ministry of Environment and Climate Change Strategy in June, 2018. The Act implements two of the Review's recommendations by legislating best practices for professional governance and establishing an Office of the Superintendent of Professional Governance (the Office) within the Ministry of the Attorney General. The Act will be brought into force in phases starting in the spring of 2019.

This factsheet describes the scope of the Act, and highlights the changes to be brought in.

What is the Professional Reliance Review?

In October 2017, the Ministry of Environment and Climate Change Strategy undertook a review of professional reliance in the natural resource sector to ensure the highest professional, technical and ethical standards are being applied to resource development in British Columbia. The Review looked at five regulatory bodies that oversee professions, and government's role in the oversight of those professions.

The independent final report of the Review contained 121 recommendations, mainly focussed on the use of professionals in the natural resource sector; however, several of the recommendations have applicability to professionals and self-regulating bodies outside of the natural resource sector. Two of the report's recommendations addressed governance and government oversight of self-regulating professions (engineers and geoscientists, biologists, foresters, agrologists, and science technologists and technicians). These two recommendations called for the creation of new legislation on critical elements of professional governance, and for the establishment of a new oversight office in government.

Why was new legislation created?

Creation of an overarching piece of legislation was a recommendation from the Review. Currently, the five regulatory bodies that are in scope of the new Act oversee their professions under five different pieces of legislation. In turn, those pieces of legislation are managed by four different government ministries. This has resulted in governance expectations on professionals that differ from one profession to another, even though there are significant overlaps in scopes of practice between some of these professions. This has also resulted in different levels of service to regulatory bodies by government ministries.

The new Act simplifies and standardizes how these professions are regulated by government, brings more consistency to the governance expectations on professionals such as code of ethics expectations and discipline actions, and is considered a best practice in professional governance.

What is the intent of the legislation?

The new *Professional Governance Act* is intended to provide a consistent framework for governance of self-regulated professions, and to ensure those professions are regulated to protect the public interest. A self-regulated profession is any profession that is regulated by its members. The current scope of the Act includes the following regulatory bodies:

- Applied Science Technologists and Technicians of B.C. (ASTTBC);
- Association of B.C. Forest Professionals (ABCFP);
- Association of Professional Engineers and Geoscientists of B.C. (EGBC);
- B.C. Institute of Agrologists (BCIA); and
- College of Applied Biology (CAB).

These regulatory bodies have members that operate in the natural resource sector as well as other sectors in B.C. The Act includes the ability to expand the framework to other professions operating in the natural resource sector and/or other sectors.

What are the new tools and provisions under the *Professional Governance Act*?

- A centralized government office responsible for overseeing the governance of all regulatory bodies covered by the Act – the Office of the Superintendent of Professional Governance;
- Standardized principles of codes of ethics, including requiring continuing professional development for all professions;
- Increased public representation on regulatory body councils and processes to ensure those eligible to be elected are nominated using a merit-based process;
- Authority for councils to pass bylaws without member ratification;
- Authority to enable the regulation of firms (corporations and other employers) by the regulatory bodies;
- Separation of advocacy from the governance of professions;
- Standardized duty for professionals to report potentially hazardous practices by other professionals governed under the Act;
- Protection for whistleblowers who report; and
- Ability to enable practice rights for all professions under the Act.

What is the Office of the Superintendent of Professional Governance?

The Office, located within the Ministry of the Attorney General, is established by the Act and will be a dedicated center of expertise in professional governance within government. The Office, led by a Superintendent with statutory authorities, will administer and enforce the Act, develop policy on professional governance, oversee and support the regulatory bodies to ensure they are acting in the public interest, and report annually to the Minister of Attorney General.

How will the *Professional Governance Act* be implemented?

The Act will be implemented in phases over the coming years, starting in spring 2019. This will give the five regulatory bodies time to transition from their current structures and practices under their existing governance statutes to the new framework and requirements under the Act. The first stage of implementation will establish the Office and authorities of the Superintendent, and put in place a merit-based nomination process for candidates to stand for council election. During the transition period the Office will work closely with the regulatory bodies to transition to the new requirements.

The Act allows the Attorney General to establish a Professional Governance Advisory Committee that can assist with the transition. Once the Act is fully implemented the five regulatory bodies' existing governing statutes will be repealed.

What are the implications for individual professionals?

Key changes for individual professionals (individual registrants of regulatory bodies under the new Act) are:

- Professional Codes of Ethics will be standardized, and registrants will be required to adhere to these updated standards through the bylaws of their regulatory bodies;
- All registrants will be required to meet continuing professional development requirements;
- The structure of councils will change, with new requirements in place to ensure that registrants eligible for election to council are selected through a merit-based nomination process;
- Councils will have the authority to create bylaws without the need for a ratification vote by registrants;
- Registrants will have a duty to report the practice of other registrants that may pose a significant risk of harm to the environment or public safety;
- Registrants will have to adhere to standardized processes for registration, practice reviews and discipline; and
- Some registrants (biologists, agrologists, and science technologists and technicians) will gain practice rights once the Act is fully implemented.

How will the effectiveness of the Act be monitored?

The regulatory bodies will be required to submit an annual report to the Office concerning their operations over the preceding year, which will inform the annual reporting by the Superintendent to the Attorney General on the effectiveness of the Act and of regulatory bodies to govern their respective professions in the public interest.