

PROFESSIONAL GOVERNANCE ACT

*Mandatory Continuing Education
Event and Orientation*



British Columbia Society of
LANDSCAPE ARCHITECTS



INTRODUCTIONS OF TEAM

Presentation by:

Professor Cynthia Girling,
MBCSLA, FCSLA



VOLUNTEER TEAM:

2019-2021 BCSLA Board of Directors

BCSLA EXECUTIVE

- Jacqueline Lowe, President & Bylaws & Standards Committee Chair
- Erik S. Mustonen, President-Elect & Public & Professional Relations Committee Chair
- Stephen Vincent, Past President & Nominations Committee and Board of Examiners Chair
- Wai-Sue Louie, Treasurer & Finance Committee Chair
- Al Neufeld, Registrar & Credentials Committee Chair

BCSLA DIRECTORS (VOTING)

- Byron Douglas, BC Interior Chapter Chair
- Katherine Dunster, CSLA Representative & CE Committee Chair
- Illarion Gallant, Vancouver Island Chapter Chair
- Directors At Large: Liane McKenna, Donna Rodman, Somaye Hooshmand, Scott Watson

DIRECTORS (NON-VOTING)

- Sarah Thomas, BCSLA Intern/Associate Representative
- Kees Lokman, University of BC Representative
- BCSLA Student Representative - To Be Appointed

*Special thanks to Teri Cantin and Susan Herrington

2019-2021 Continuing Education (CE) Committee

- Katherine Dunster, Chair
- Jose Gonzales
- Cindy Hsu Becker
- Kelly Kang
- Qing Li
- Nastaran Moradinejad
- Bahareh Nassiri
- Nancy Paul
- Dorsai Sharif
- David Thompson
- Pearl Yip

2019-2021 Regulatory Review Task Force (RRTF)

- Adrienne Brown, Co-chair
- Jacqueline Lowe, Co-chair
- Frank Basciano
- Catherine Berris
- Larry Diamond
- Cynthia Girling
- Al Neufeld
- Meredith Mitchell
- Erik Mustonen
- Donna Rodman

*Special thanks for support and contributions from Tara Culham, Devon Francis, David Bieber, Illarion Gallant, Doron Fishman, David Fushtey, Erik Lees, Stephen Vincent



TODAY'S AGENDA



WHAT IS THE PGA?



WHAT ARE POTENTIAL AREAS
OF IMPACT TO MEMBER
PRACTICE?



60 MIN. GROUP Q & A



BCSLA HISTORY & FUNCTION

Our current position as a Regulatory Body:

- Landscape Architecture—a self-regulated profession in British Columbia since **April 6, 1968**
- The Architects (Landscape) Act is overseen by the ***Ministry of Advanced Education and Skills Training***

The Architects (Landscape) Act:

- Establishes the ***BCSLA as the regulatory body: a society established to carry out the Act***
- Establishes the constitution of the Board of Directors
- Establishes the constitution of the Board of Examiners
- Establishes the ***authority of BCSLA to regulate membership*** in the Society
- BCSLA became ***a member of CLARB*** and began to use the Landscape Architecture Registration Exams (***LARE***) in ***1995***





THE PROFESSIONAL GOVERNANCE ACT

History and Structure,
Key Policy Areas



WHY?

“...review and address failures in the professional reliance model in BC so *that British Columbians’ faith in resource development can be restored.*”

NDP Agreement with BC Green Party

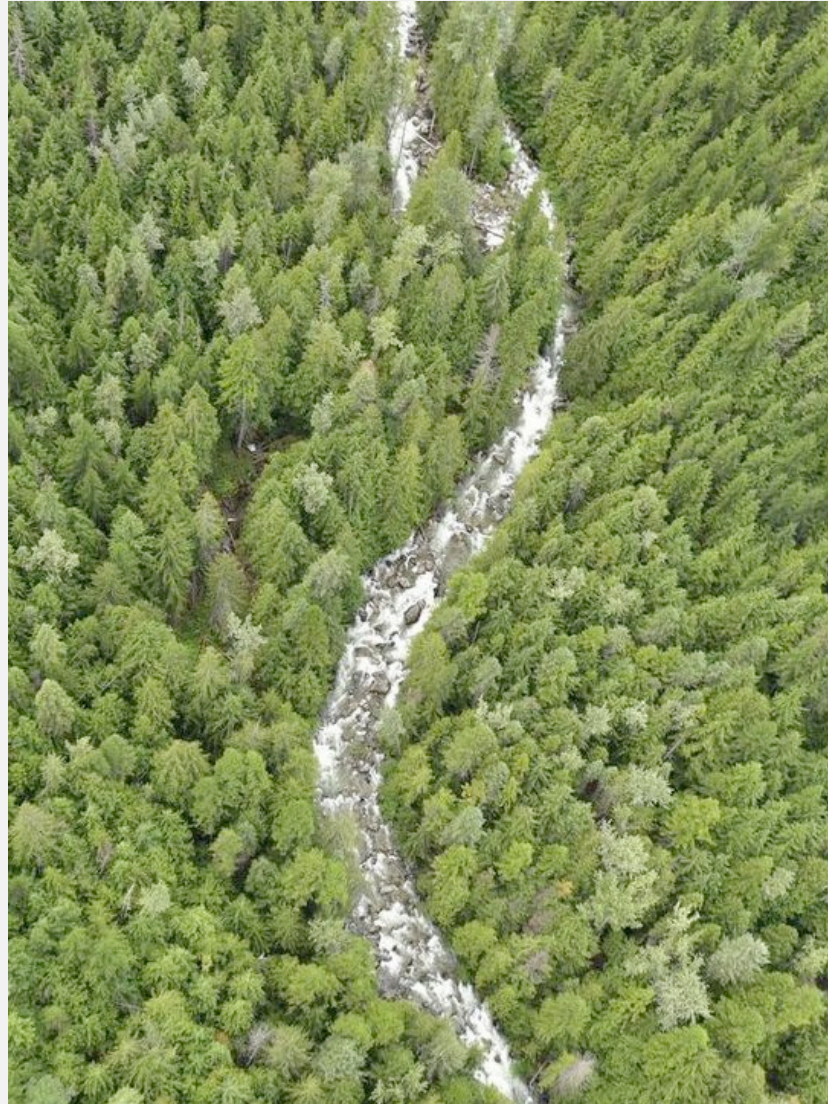
Professional Reliance Review, 2018

Submitted to Ministry of Environment and Climate Change Strategy



Bill 49, The Professional Governance Act (PGA)

Passed by the B.C. Legislature and received Royal Assent on November 27, 2018



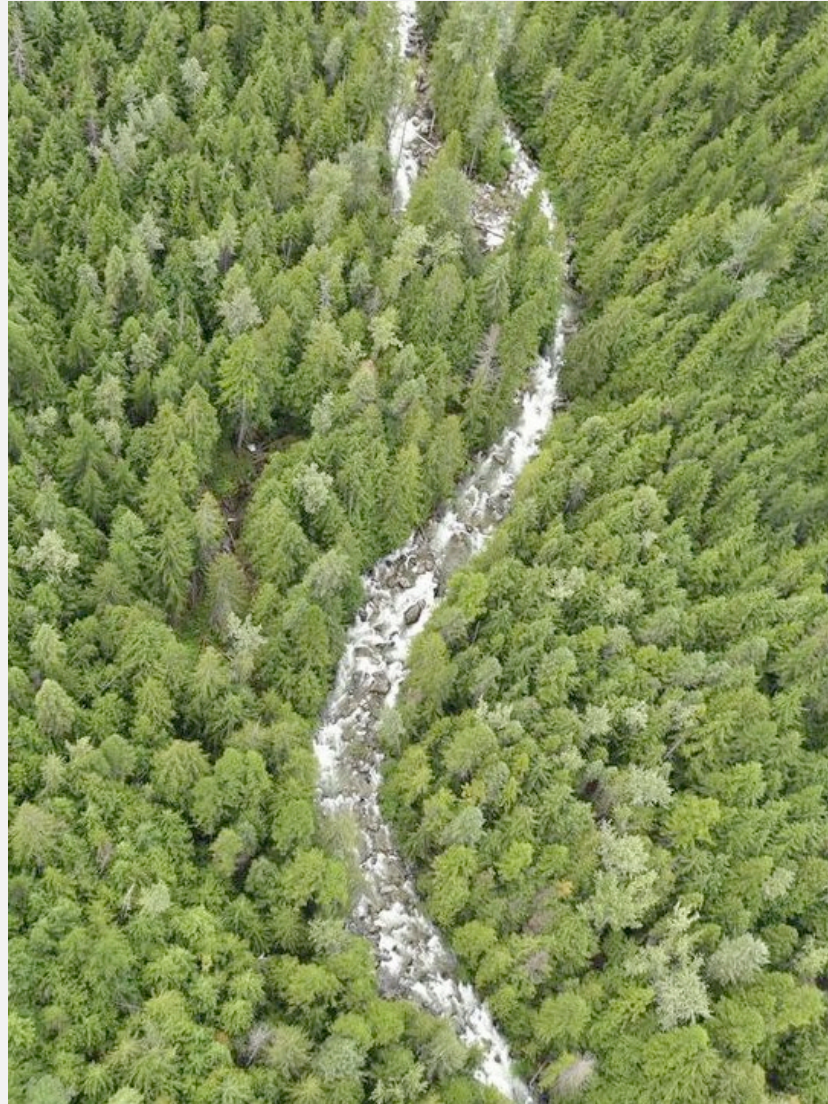
<https://www.thestar.com/vancouver/2019/06/21/nature-conservancy-of-canada-purchases-watershed-in-bc-to-protect-land-species.html>



WHY?

Bill 49, The Professional Governance Act (PGA)

- Self-regulation is a ***privilege*** granted through legislation to protect the public interest.
- Regulated professionals have an ***ethical and legal duty to put the interests of the public ahead of their own.***
- Regulated professionals are granted ***exclusive rights*** to practice certain disciplines or use certain titles.
- This system ***helps the public understand who is qualified*** to practice in those areas.



<https://www.thestar.com/vancouver/2019/06/21/nature-conservancy-of-canada-purchases-watershed-in-bc-to-protect-land-species.html>



WHAT IS THE PROFESSIONAL GOVERNANCE ACT?

The PGA is a common framework for governance of self-regulated professions in BC

- Administered by the **Office of the Superintendent of Professional Governance (OSPG)**
- Under the **Ministry of Attorney General** (Justice Services Branch)

OBJECTIVES:

- legislate **best practices** for professional governance
- Provide **consistent and independent oversight** of professional regulators
- ensure those **professions are regulated to protect the public interest**



STATUS OF PGA

FIVE PROFESSIONS

CURRENTLY COVERS FIVE PROFESSIONS:

- **Applied Science Technologists & Technicians** of BC (Applied Science Technologists and Technicians Act)
- Association of **BC Forest Professionals** (Foresters Act)
- BC Institute of **Agrologists** (Agrologists Act)
- College of **Applied Biology** (College of Applied Biology Act)
- **Engineers and Geoscientists of BC** (Engineers and Geoscientists Act)
- More professions to be added (not just currently regulated professions), may not include LLB, MD, etc.

-
- ***The AIBC will be added in 2022***



STATUS OF PGA

FIVE PROFESSIONS

CURRENTLY COVERS CAB, ASTTBC, EGBC, ABCFP, BCIA

- **Applied Science Technologists & Technicians** of BC (Applied Science Technologists and Technicians Act)
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BCSLA ACTION

- The **BCSLA RRTF** has been tracking the evolution of legislation impacting regulating professionals ***since 2018.***
- Made a submission to the Professional Reliance Review in January 2018
- Written response to Regulatory Intentions Paper in March 2019
- **Two key motions** have advanced our Society's position to work towards applying to the PGA:
 - ✓ 1. ***Special Resolution #1 of the 2019 AGM*** to fund continued work by the RRTF
 - ✓ 2. The ***BCSLA Board of Directors passed motion to apply to the PGA on May 26th, 2020***



REGULATORY BODY RESPONSIBILITIES

PGA: Governance: Authority & Responsibilities of Regulators

- Serve and protect the ***public interest***
- Preserve ***protected titles and practice***
- Govern registrants in accordance with the PGA
- Implement ***internal governance*** practices
- Establish ***requirements for registration***
- Establish ***Codes of Professional Conduct***
- Establish and ***enforce standards of practice***
 - * (professional misconduct, conduct unbecoming and incompetent practice)
- Ensure ***Professional Development***
- ***Credentials*** (where applicable)
- ***Complaint and discipline processes***



STRUCTURE OF REGULATORY BODIES

REGULATORY BODY RE-STRUCTURING

GOVERNANCE:

- ***Council: 11 councillors of which 4 are lay councillors***
- ***Merit-based appointments*** to council and committees (criteria TBD)
- ***Term limits*** (3-yrs x2 and President/Vice)
- Councils ***and committees*** will require ***lay members***
- ***Appoint a registrar*** + may appoint one or more deputy registrars

COMMITTEE STRUCTURE CHANGES

5 statutory committees for core functions

- Nominations
 - Credentials
 - Audit and Practice Review
 - Investigations
 - Discipline
- Regulatory bodies may have additional committees



CHANGES TO STRUCTURE OF BYLAWS

- Regulators ***must create Bylaws***
- OSPG ***reviews*** Bylaws for suitability
- OSPG can amend or repeal Bylaws
- Bylaws will no longer need the approval of the registrants
- Bylaws must include:
 - Standards of professional/ethical conduct
 - Standards of competence
 - Professional development
 - Reconciliation
 - Governance, etc.



REVISED PROFESSIONAL STANDARDS

CODE OF PROFESSIONAL ETHICS AND CONDUCT

Regulatory bodies must have standards of professional and ethical conduct

- Hold paramount *public health, safety and welfare*
- Practice *legally and competently*
- Maintain *competency*
- Have regard for *government policies, plans and practices*
- Distinguish between facts, assumptions and opinions
- *Avoid conflict of interests*
- *Report incompetent or unethical practice* posing risk to public
- *Inform clients & employers* of consequences if your recommendations are overruled
- *Avoid plagiarizing* text, ideas or work



REVISED POLICIES

STANDARDS OF COMPETENCY

- Bylaws must provide *framework for standards of competency*
- Regulatory bodies will be required to have a *mandatory continuing education program, including requirements that support Indigenous reconciliation*

AREAS OF PRACTICE

- Regulatory bodies *refine and standardize categories of areas of practice over time.*
 - i.e. Landscape Architect, Registered Landscape Architect
- *Registrants will self-declare areas of practice as part of annual declaration/renewal process.*
 - Timing Target: Beginning with 1st fee renewal after PGA in force
- Regulatory bodies may consider *greater use of restricted/specialized areas of practice*, where appropriate



LEVELS OF PROTECTIONS

LEVELS OF PROTECTIONS- PGA TERMINOLOGY

- ***Regulated practice***- those areas of practice regulated by the regulatory body
- ***Reserved title***- use of professional title is restricted to registrants of a particular regulatory body
- ***Reserved practice***- areas of practice reserved for registrants of a particular regulatory body
 - Requires the experience and technical knowledge of a professional in those specific discipline(s)
- ***Specialist and/or restricted practices***- a specialized area of practice with qualifications established by a regulatory body



PUBLIC REGISTER OF PROFESSIONALS

PGA requires ***register on a public website*** that includes:

- The person's name and whether that person is a current or former registrant
- The ***category, subcategory, or class of registrant***
- ***Limits or conditions*** imposed on the regulated practice
- Notations for ***cancellations or suspensions***

OSPG requires ***bylaws that allow for collection*** (and possible publishing) of:

- Registrant areas of practice (annual declaration)
- City and/or region of registrants, with exceptions
- Business contact information for registrants
- Registrant employer information



DUTY TO REPORT

New responsibilities for individual professionals

Registrant duty to report:

- If...reasonable and probable ***grounds to believe*** a registrant ***from any regulatory body under the PGA*** is engaged in regulated practice that may pose a risk of:
 - ***Significant harm to the environment*** OR
 - to the ***health and safety of the public*** or group of people



Then: Registrant must promptly report to the Registrar
(of the identified registrant's regulatory body)



DUTY TO REPORT

New responsibilities for employers (and registered firms in future)

If a person (i.e. employer or partner):

Terminates the employment of a registrant; Revokes, suspends or imposes restriction on the registrant's privileges; Dissolves partnership or association with a registrant

Because the registrant's regulated practice may pose a risk of significant harm to the environment or the health and safety of the public



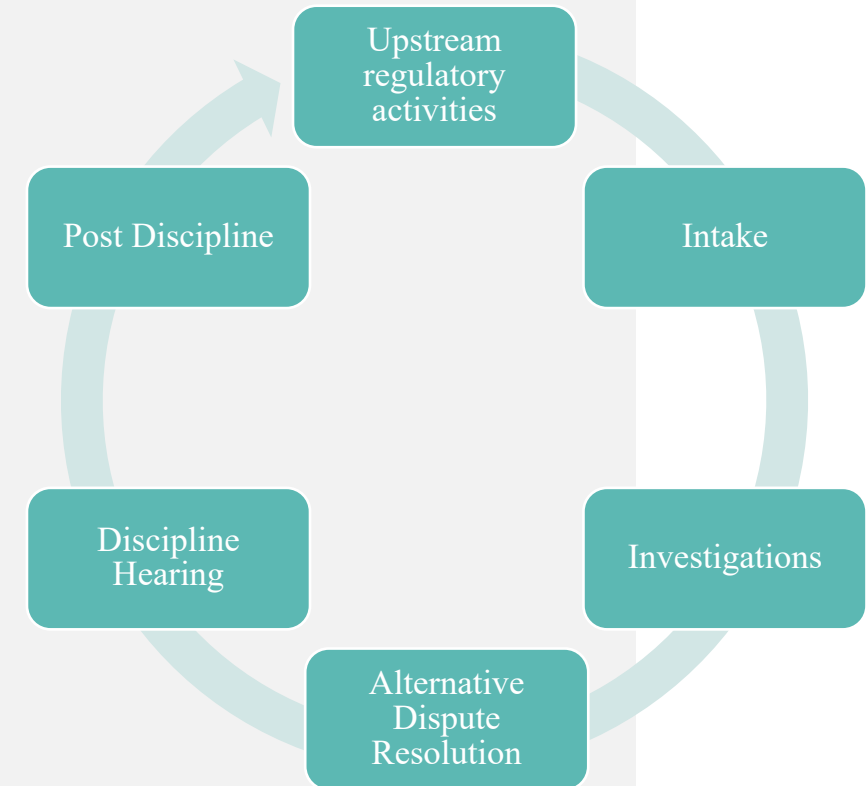
Then: Person must promptly report to the Registrar
(of the identified registrant's regulatory body)



COMPLAINTS AND DISCIPLINE CHANGES

COMPLAINT AND DISCIPLINE PROCESS

- To be included in bylaw updates
- Principles of structure:
 - Transparency
 - Objectivity
 - Impartiality
 - Fairness
 - Timeliness
 - Proportionate discipline



A vibrant photograph of a public splash pad. In the center, a large orange metal structure with a yellow canopy is being drenched by a massive spray of water from a red slide above. To the left, a tall green water tower with a blue funnel at the top also sprays water. Numerous children in swimwear are running and playing in the wet pavement, which is covered in splashing water. In the background, a modern building with large windows and a dark roof is visible under a clear blue sky.

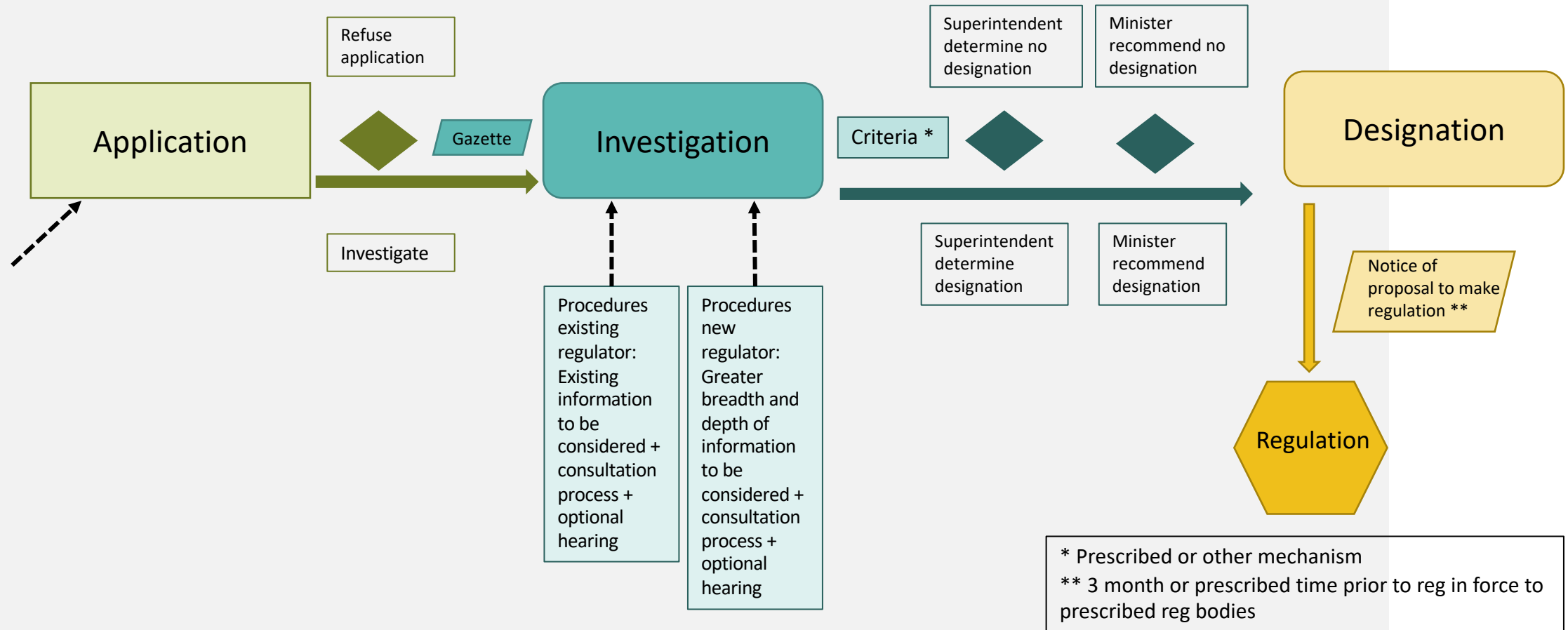
HOW MIGHT THIS AFFECT US?

*Practice of Landscape
Architecture in BC*



ROUTE OF BCSLA APPLICATION

Regulatory Body Application:



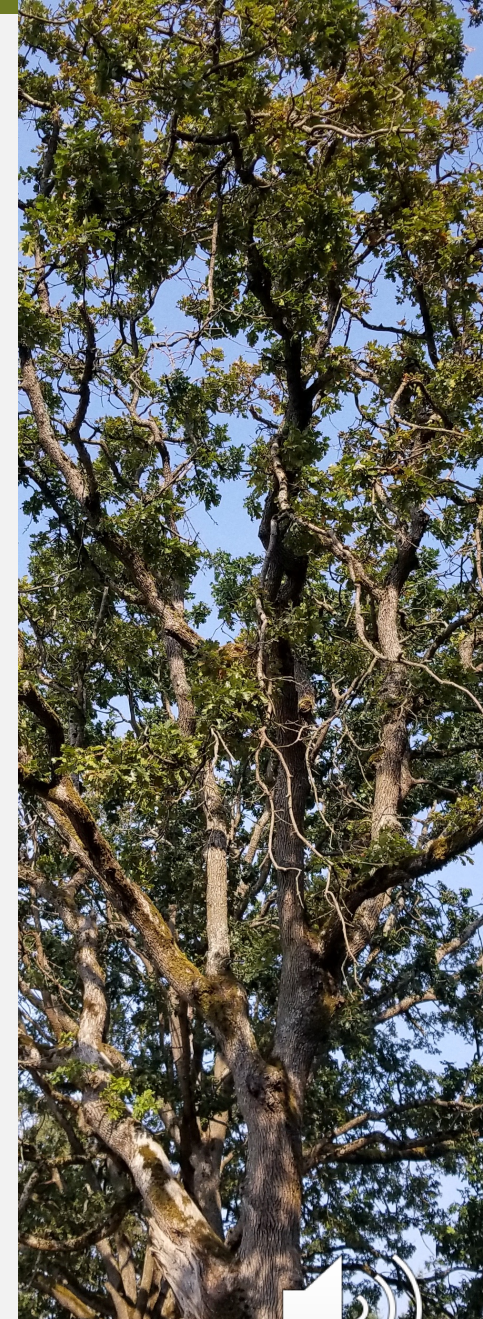
WHAT CHANGES? WHAT DOES NOT?

CHANGES:

The Architects (Landscape) Act repealed and BCSLA functions under the PGA

STAYS THE SAME:

- BCSLA continues to regulate Landscape Architects
- Registrants still primarily interact with the BCSLA



MOST IMPORTANT BENEFITS

- ***Status as a profession*** responsible for protecting public safety and the environment in the eyes of government is secured
- Be in a position to ***apply for reserved practice rights***.
- Benefit from ***closer relationships with government and the other resource and design professions***.
- Regulatory body governance follows ***best practices***



EFFECT ON BCSLA?

POTENTIAL IMPACTS TO BCSLA

- Governance restructuring- new Council and Committees
- Revisions of bylaws, standards, policies
- Stronger focus on protection of public interest and regulatory functions
- Expanded policies and practice reviews
- Member services focused on regulatory role
- (Future) registration of firms
- Cost/time of members – as yet unknown



EFFECT ON BCSLA MEMBERS?

IMPACTS TO PROFESSIONALS (REGISTRANTS) AND INDUSTRY

- Duty to review ***updated bylaws and policies*** as/when released
- Duty to know and understand updated ***Codes of Professional Conduct and Practice***
- Understand any ***revised continuing education requirements***
- ***Duties to report***
- Proposal and procurement impacts
- Possible voluntary commitments to support transition
- Changes to the industry



THANK YOU

QUESTION, ANSWER, DISCUSSION PERIOD

Additional questions?

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