

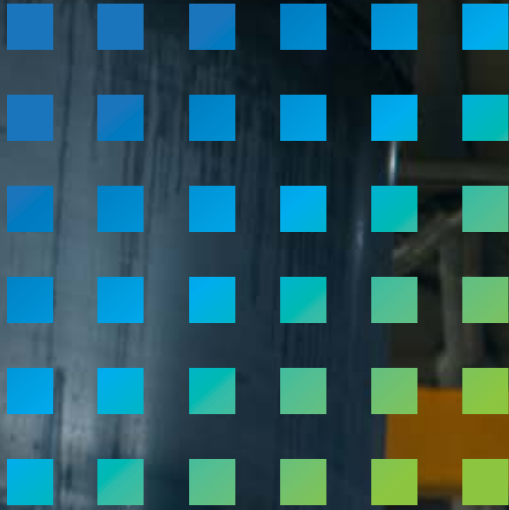


OSPG

Office of the Superintendent
of Professional Governance

Annual Report 2021-2022







May 2022

The Honourable Raj Chouhan
Speaker of the Legislative Assembly
Parliament Buildings
Victoria BC V8V 1X4

Dear Mr. Speaker:

It is my pleasure to present the 2021/2022 Annual Report of the Office of the Superintendent of Professional Governance to the Legislative Assembly.

The report covers the period from April 1, 2021 to March 31, 2022 and has been prepared in accordance with Section 19(1) of the *Professional Governance Act*.

Yours truly,

A handwritten signature in black ink, appearing to be 'D. Eby', written in a cursive style.

David Eby, QC
Attorney General and
Minister Responsible for Housing

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Message from the Superintendent



Since the *Professional Governance Act* (PGA) was brought substantially into force on February 5, 2021, the Office of the Superintendent of Professional Governance (OSPG) and five regulatory bodies have now completed our first year of full operations under the new professional governance framework. Despite the challenges that British Columbians experienced during this time (the ongoing pandemic, not to mention extreme weather, historic flooding, and forest fires), our work to advance best practices in professional governance has carried on undeterred. Important milestones achieved in this first year of operations include:

- Launch of firm regulation by Engineers and Geoscientists BC
- Cabinet approval for new reserved practices for Agrology and Applied Biology (to be brought into force in September 2022)
- Initiation of investigations whether to designate home inspection and landscape architecture under the PGA
- Conclusion of the first cycle of regulatory body performance reviews
- Proposal of legislative amendments to improve operation of the PGA

As our office shifts from implementation to operations, we are gaining a deeper understanding of how regulatory bodies operate and we are exploring a broader suite of professions and occupations for inclusion under our professional governance model. The regulatory bodies currently under the PGA are carefully considering the Standards of Good Regulation and identifying opportunities to enhance how the standards are met. In addition to the two designation investigations already underway, the OSPG continues to receive inquiries and expressions of interest from other professions, demonstrating perceived value in the professional community of being held accountable to the standards of the PGA and under the oversight of the OSPG.

OSPG staff also took the opportunity this past fall to reflect on experience gained during implementation and early operations under the PGA, resulting in an interim “refresh” of the OSPG’s first strategic plan published in 2019. I look forward to building on this interim plan and setting out the vision for the OSPG’s future operations in the next formal strategic plan. This annual report will detail those interim “refreshments” to the strategic plan and establish a framework for annual reports going forward.

I would like to acknowledge the hard work of the OSPG team as well as regulatory body staff and volunteers to shift to full operations under the PGA this year, with the support of stakeholders and government. The relationships developed during implementation have provided for a solid foundation during early operations and we have achieved substantial success together in our first year.

I would also like to acknowledge the extended transition period this year during which I have remained in the Superintendent role while taking on additional responsibilities at the Justice Service Branch. I recognize that the OSPG’s senior management team has taken on additional responsibilities to ensure continuity of our office’s work during this transitional phase. I am grateful to be supported by a strong team that will continue to achieve excellence in overseeing regulation of professionals in B.C.

Sincerely,



Paul Craven

Superintendent of Professional Governance

“As our office shifts from implementation to operations, we are gaining a deeper understanding of how regulatory bodies operate and we are exploring a broader suite of professions and occupations for inclusion under our professional governance model.”



Strategic and Operational Orientation

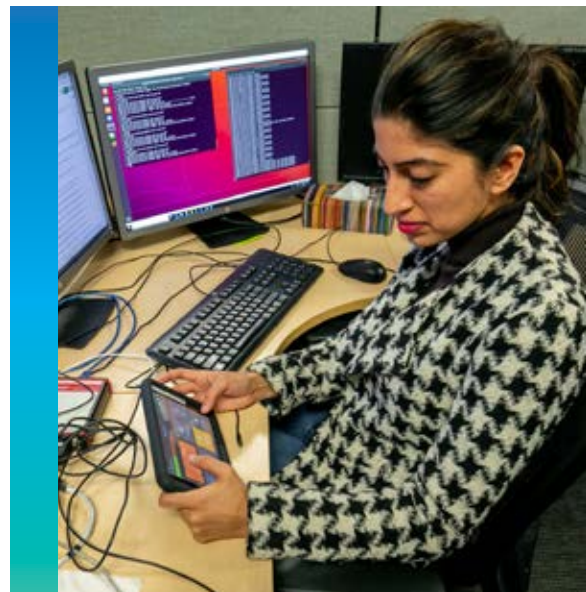
After the PGA received royal assent in fall 2018, a phased approach was taken to set up the Office of the Superintendent of Professional Governance (OSPG) and transition regulatory bodies to the *Professional Governance Act* (PGA). Parts of the PGA were brought into force in June 2019, enabling appointment of a Superintendent and establishment of an office, as well as requiring regulatory bodies to start using the merit-based selection principles for registrant councillor nominations.

The OSPG's work in 2019 and 2020 focused on PGA implementation including key regulations, operational policies, and regulatory body readiness. The transition was completed in February 2021 when the PGA was brought substantially in force, regulatory bodies commenced full operations under the requirements of the PGA, and the OSPG reoriented towards its operational role.

The office's work to date has been guided by a strategic plan covering the years 2019-2023, including both the implementation and early operation phases noted above. In fall 2021, after having achieved the key milestone of bringing the PGA into force, staff took the opportunity to reflect on whether this foundational document still resonates. As part of this process, the OSPG also reflected how we can evaluate and report on our own performance. The process for this reflection included:

- Jurisdictional scan of strategic plans/performance measures for other similar oversight bodies
- Review of frameworks for corporate performance reporting
- Two in-person workshops with the full OSPG staff complement
- Refinement of recommended interim updates by senior management
- Engagement with regulatory bodies on proposed updates
- Publication of the interim updates in this annual report

These interim updates to the OSPG's strategic plan have three components: the interim updated operating framework, the draft performance reporting framework, and the OSPG's priority work for 2021-2022.



Interim Updated Operating Framework

The reflection process identified that the Vision, What We Do (the four “Rs”), and How We Do Our Work set out in the original strategic plan continue to resonate based on practical experience. Some opportunities to strengthen the framework and reflect emerging areas of focus were identified:

- ▶ Addition of a mission statement to support the vision statement
 - » We administer and enforce the *Professional Governance Act*, promote best practices in professional governance, and oversee regulatory bodies
- ▶ Addition of three new bullets under the “What We Do” headings, reflecting business areas that have emerged as higher volume than anticipated in the original plan
 - » Serve as trusted source of advice on matters regarding professional governance
 - » Support regulatory bodies in meeting the Act’s lay member requirements
 - » Consider and recommend additional professions for regulation under the Act

FIGURE 1: INTERIM UPDATED OPERATING FRAMEWORK



Draft Performance Reporting Framework

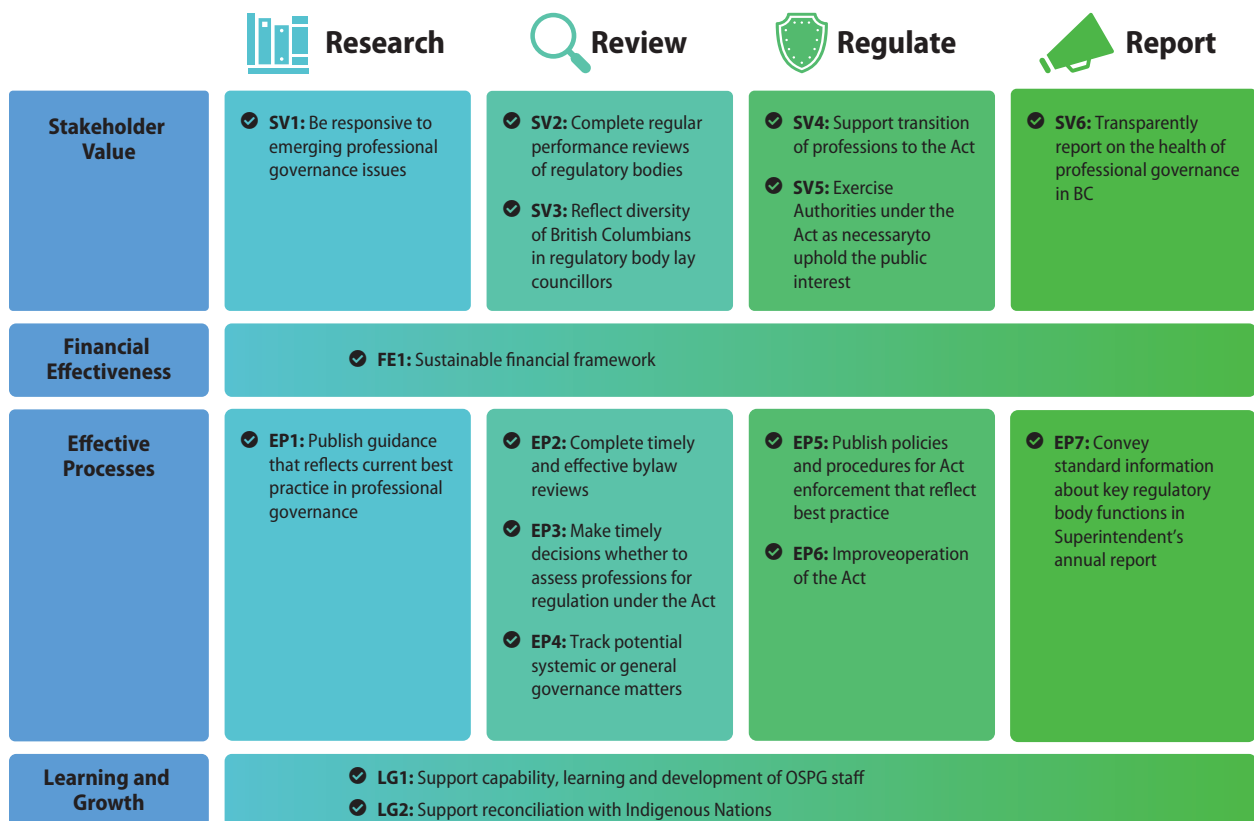
The performance reporting framework proposed below is loosely based on the balanced scorecard approach. A matrix is set out to evaluate the extent to which the OSPG is meeting each of the four “Rs” from the following lenses:

- **Stakeholder Value** – the OSPG’s activities should be oriented to provide value to stakeholders including regulatory bodies, registrants, employers of registrants, government ministries, civil society organizations, and the general public
- **Financial Effectiveness** – consistent with the principles of right touch regulation, the OSPG seeks to minimize operational costs and to align resources proportionally to risks
- **Effective Processes** – to create stakeholder value while minimizing costs, the OSPG’s internal processes must be effective and efficient

- **Learning and Growth** – a capable, engaged team is the foundation of the OSPG’s ability to deliver effective processes that create stakeholder value

A total of sixteen proposed performance reporting areas are set out in figure 2. At the outset, performance will be reported primarily through narrative means. Where a performance reporting measure lends itself to concrete data collection, the intention is to begin collecting data as soon as is practical and shift to numeric reporting as the organization matures. Because the organization is still new to operations, much of this annual report continues to focus on the OSPG’s own progress over the last year. Future reports will move towards a balance of the OSPG self-reporting and reporting on the health of professional governance in B.C.

FIGURE 2: DRAFT PERFORMANCE REPORTING FRAMEWORK



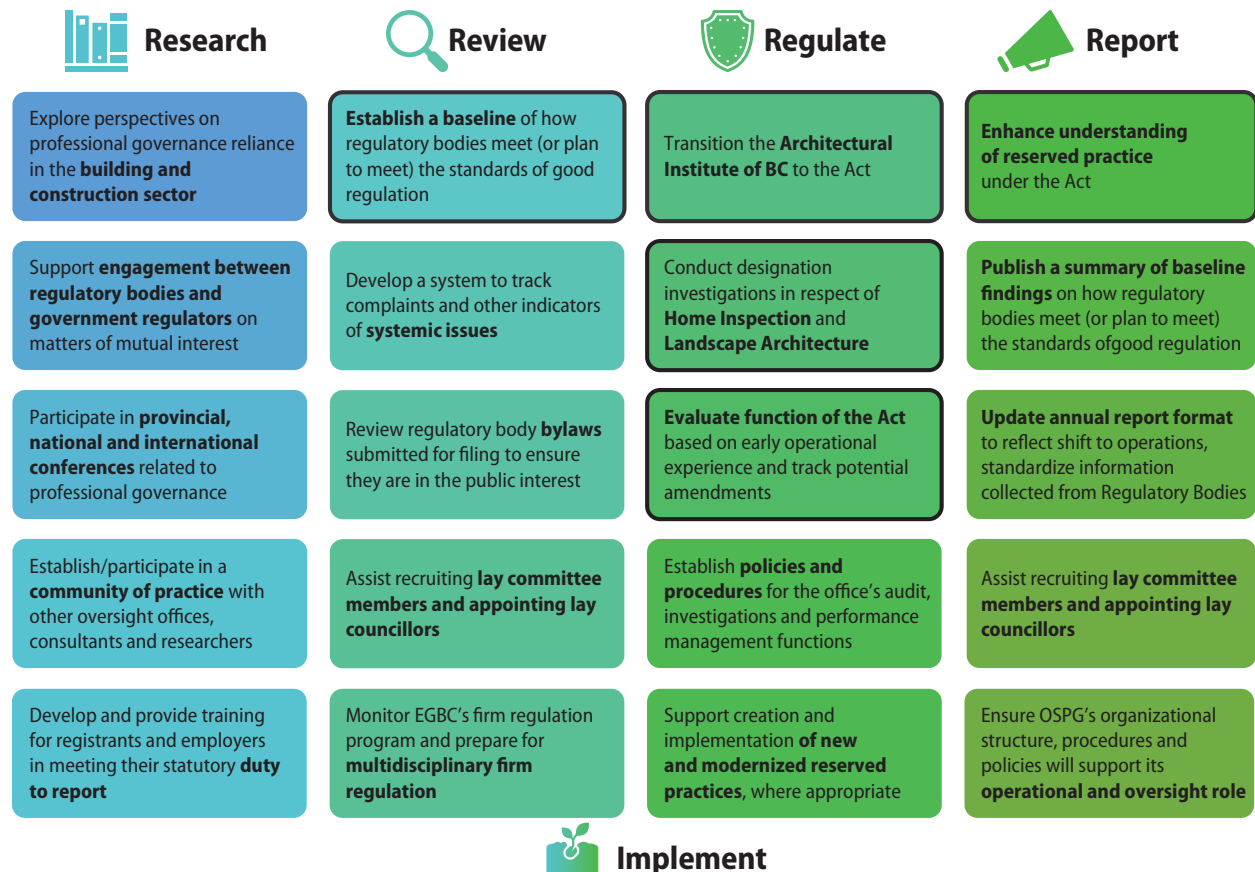
Operational Priorities for 2021-2022

The activities set out in the strategic framework on page 4 of the strategic plan were re-evaluated in context of the updated operating framework. Based on experience gained in the last two years, staff were able to identify more specific operational priorities to meet the broader objectives set out in the operating framework. Rather than keeping a standalone “implementation” stream (which is now substantially complete), some ongoing elements of implementation are carried forward as foundational elements within each of the four “Rs”.

The five top priorities for this period are indicated with bold borders:

- Establish a baseline of how regulatory bodies meet (or plan to meet) the standards of good regulation
- Transition the Architectural Institute of BC to the PGA
- Conduct designation investigation in respect of Home Inspection and Landscape Architecture
- Evaluate the function of the PGA based on early operational experience and track potential amendments
- Enhance understanding of reserved practice under the PGA

FIGURE 3: OPERATIONAL PRIORITIES FOR 2021-2022



Stakeholder Value

SV1: Be Responsive to Emerging Professional Governance Issues

DUTY TO REPORT

Section 58 of the PGA requires registrants to report the practice of an identified registrant when there are reasonable and probable grounds to believe that the identified registrant's practice may pose a risk of significant harm to the environment or to the health and safety of the public. This reporting duty extends to an employer or partner of an identified registrant when employment or partnerships are impacted because of the risk of harm from the identified registrant's practice.

The ethical obligation for professionals to raise concerns about another professional's conduct or practice is well established across codes of ethics and is an important role that professionals play to protect the public interest. While this ethical obligation remains, the new statutory duty to report is important to understand. Key aspects of the statutory duty in section 58 include:

- A requirement to report on any other registrant governed under the PGA, not just within one's own profession
- The duty extends to employers and partners if they terminate employment or revoke or suspend the registrant's privileges or dissolve a partnership with the registrant
- The requirement is triggered in situations where a registrant's practice may pose a risk of significant harm to the environment or to the health or safety of the public. This requires contextual analysis – what is or is not significant harm can not be pre-determined
- The potential harms must be linked to an identified registrant engaged in their regulated practice

- Persons who meet their duty and make reports are protected from reprisals
- Failure to meet the duty has clear penalties for not reporting

At the time the PGA was brought into force, the OSPG published [guidance and expectations for regulatory bodies](#) regarding the duty to report and reprisal protections. In response to feedback from regulatory bodies, the OSPG established a Duty to Report working group in 2021 to further support consistency in approach for this statutory obligation. The purpose of the working group is to:

- Identify topics related to the duty to report where the OSPG can support regulatory bodies
- Identify materials to support implementation of duty to report and incorporate feedback from regulatory bodies in the development of such materials
- Present and discuss findings arising from duty to report complaints
- Identify solutions and approaches for resolution to duty to report complaints that are presented for discussion at the working group

To date, the working group has focused on producing detailed training materials to support registrants understanding of scenarios where they are obligated to make reports under section 58. These materials expand upon the previously published guidance, and include a slide deck, a framework of questions to support deciding whether a report should be made, sample reporting scenarios, and FAQs. The OSPG and regulatory bodies plan to test this material with focus groups in spring 2022 and deliver training opportunities more widely in the coming year.

RANGE OF SANCTIONS AVAILABLE TO REGULATORY BODIES

The maximum fine that can be imposed by a regulatory body under the PGA (\$100,000) is substantially higher than it was under any of the former statutes repealed in 2021. Regulatory bodies indicated that public facing material to support transparency and consistency in the transition to a higher fine ceiling may be helpful, set in the context of the discipline process and the full range of sanctions available to disciplinary panels. In response to this request, the OSPG examined the following aspects of imposing sanctions on registrants:

- ▶ History of fines and other sanctions imposed by PGA regulatory bodies under their former statutes
- ▶ Canadian legal precedent related to fines and other sanctions imposed by professional regulators
- ▶ Frameworks to support decisions in respect imposing sanctions

Based on this research, the OSPG is in the process of preparing material to support this objective, for publication later in 2022.

PROFESSIONAL COMMUNICATIONS

Through conversations with regulatory bodies and monitoring of professional regulation matters in the media, the OSPG identified an opportunity to support regulatory bodies in respect of professional communications. In September 2021, the OSPG published its first “best practices” paper, focused on this topic. Rather than outlining expectations for regulatory bodies, these papers reflect issues and innovations within the field. [*OSPG Best Practices: Professional Communications*](#) addresses:

- ▶ Providing regulatory bodies with information and ideas to help support registrants with tailored policies regarding expectations for electronic communications on social media and other online forums
- ▶ Ensuring the public and other interested parties can be confident that registrants conduct themselves in a professional manner that inspires confidence



BUILT ENVIRONMENT FORUM

In early March, the OSPG facilitated a series of forums focused on the building and construction sectors, in collaboration with the Office of Housing and Construction Standards (OHCS). These forums brought together Professionals Regulators and Associations who regulate and represent professionals in Parts 3 and 9 of the BC Building Code, local governments and First Nations. The purpose of these forums was to increase the OSPG's understanding of the sector, identify current challenges and seek opportunities for the future.

Discussions with regulators and associations focused on the current and future state of professional governance and reliance in the building and construction sector. Discussions with local governments and First Nations also included analysis of the current and future states in the building permitting process. All the participants were brought together for a final session to reflect on what we heard during the first three sessions and to work toward building relationships and identifying opportunities going forward.

As the OSPG's role overseeing professions in the built environment expands with AIBC coming under the PGA, the information gathered in the forums will enhance the OSPG's ability to support a smooth transition of the architectural profession to the PGA. The relationships built through the forums will also enhance the OSPG's ability to support or coordinate with other government agencies in this sector. Forum participants also have an opportunity to collaborate on future actions among themselves, such as jointly delivered education opportunities. The OSPG welcomes further conversations with participants and other key players.

ADVISORY COMMITTEE

The Advisory Committee serves an important role in enabling continued communication on policy and governance topics between the OSPG, regulatory bodies and ministries responsible for relevant enactments. It provides a forum for discussion of issues and matters of interest involving professional governance in B.C., including ministry enactments that impact professionals, PGA topics that may impact ministries and employers of professionals, and oversight topics that may impact the OSPG.

Since being formed, the Advisory Committee has been meeting on a quarterly basis to discuss issues relevant to professional governance. In general, the meeting agendas have focused on:

- Discussing the application of the PGA to government registrants, including the duty to report provisions
- Sharing developments, such as reserved practice
- Discussing current litigation and case law
- Ensuring the right parties obtain new information
- Sharing best practices

Topics discussed during this reporting year include:

Regulatory Complaints vs. Government Policy:

Regulatory bodies sometimes receive complaints regarding professional activities that have more to do with government policy than the work being undertaken by their registrants. This challenge was discussed by the Advisory Committee, including the importance of having a process for regulatory bodies to refer government policy complaints to the appropriate area in government.

It was determined that the Advisory Committee meetings could allow the regulatory bodies to bring these concerns to the attention of the ministry representatives and to work towards creating a streamlined process of communication to ensure the correct government office is informed of and can respond to policy-related concerns in a timely fashion.

Reserved Practice and Third-Party Legislation: During several meetings, committee members were able to draw upon and learn from the successes of each other, such as with reserved practice and third-party legislation. The Engineers and Geoscientists of BC (EGBC) shared their strategy for their risk-managed evaluation of gaps in third-party legislation – highlighting a need to tighten the circle between current legislation and requirements stemming from the reserved practice of a profession.

Qualified Professional Misconduct Guidance: During the year, ministries have developed guidance which offers a strategy for addressing professional misconduct. The guidance documents are meant to support ministry staff in addressing unsatisfactory performance and alleged misconduct by qualified professionals who work under ministry legislation.

In sharing these documents with the Committee, ministries have been able to receive valuable feedback to further develop the documents, while also providing inspiration for other ministries to use the documents as a foundation for the development of their own misconduct guidelines.

Registrants and Statutory Decision-Makers: Statutory decision-makers (SDM) within government play a pivotal role in administering statutes, which in turn allow ministries to carry out their mandates. This role was discussed along with potential challenges and the benefits of SDMs maintaining their professional status. Conversations on the topic are ongoing and through these conversations, valuable insights have been shared and Committee members have been able to strengthen their working relationships.

Practice Guidance: Over the course of the year, the Advisory Committee discussed the importance of regulatory bodies keeping ministries informed of planned new practice guidance or planned amendments to practice guidance. The benefit of this stems from allowing ministries an opportunity to provide feedback, which in turn allows for maximum success of the proposed practice guidance. The Advisory Committee also discussed the importance of closing the circle on the process by having regulatory bodies inform affected ministries of the changes once updated practice guidance is released so that ministry staff can also be informed of changes that may impact their work.

Collaboration on Regulation of Firms: Over the past year, the OSPG has worked with EGBC and the other regulatory bodies on the regulation of firms, which is enabled through the PGA. With EGBC's successful implementation of their firm regulation program this past summer, some ministries represented on the Committee are now undergoing the process of registering as firms with EGBC. The Advisory Committee will continue to provide a venue to share advice and insights on firm regulation should other ministries become registered as firms in the future.

Many discussions at the Advisory Committee focused on the importance of connecting regulatory body practice standards to ministry regulatory requirements.

In 2021, the Ministry of Energy, Mines, and Low Carbon Innovation (EMLI) released an audit on *Code Requirements for Tailings Storage Facilities*. Some of the recommendations and action items flowing from the audit relate to how third-party guidance is reflected in the Health, Safety and Reclamation Code for Mines in British Columbia (the Code) and the Code guidance document. The OSPG leveraged this opportunity where EMLI had a firm mandate and commitment to make regulatory updates and connected appropriate staff from EMLI and EGBC for further discussion. After facilitating a series of introductory meetings to establish the relationship and explore the opportunity, the OSPG concluded its role by setting out a go-forward plan for EGBC and EMLI.

Lessons learned from this experience will be applied in future opportunities to engage regulatory bodies in ministry regulatory updates.



SV2: Complete Regular Performance Reviews of Regulatory Bodies

At the time the PGA was brought into force in 2021, the OSPG published a *general framework* for conducting performance reviews of regulatory bodies. Because both the OSPG and regulatory bodies were newly operating under the PGA this fiscal year, the office decided to undertake a phased approach towards the performance review program. This year, a familiarization review was conducted for each regulatory body, seeking to enhance the OSPG's understanding of how each regulatory body is already meeting or planning to meet the Standards of Good Regulation. This process will inform the implementation of the OSPG's formal performance review program in future years.

The familiarization review work involved reviewing each of the 20 Standards of Good Regulation, grouped into themed subsets of 4-6 standards. Regulatory bodies provided written responses for each phase, indicating how each standard is met, along with supporting documentation and data. After review and analysis of the written material, OSPG staff conducted follow-up interviews with relevant process owners and subject matter experts at the regulatory bodies. A letter was issued at the conclusion of each phase to communicate findings to each regulatory body, including:

- areas where a standard appears to be met, and
- areas where there are opportunities to better meet a standard.

The reviews were carried out between May 2021 to April 2022, and a summary report is currently being prepared. General observations about the process and results of the reviews include:

- The familiarization review provided a structure for the OSPG and each regulatory body to establish a common baseline of the extent to which they are currently meeting the standards and the path forward to come into full compliance with the standards

- OSPG staff gained a deeper understanding of regulatory body operations beyond the areas that were of focus during implementation
- Regulatory bodies received concrete feedback from the OSPG to inform their organizational priorities during continued operations under the Act
- OSPG staff observed that there is no single approach to achieving a given standard – a variety of approaches can potentially meet a standard, depending on regulatory body size
- The process was labour-intensive for both the OSPG and regulatory body staff – however this high effort was found to be commensurate with the high value of establishing a fulsome baseline for each regulatory body

Plans for the performance review program in the next fiscal year include:

- Publish a summary of the familiarization reviews on the OSPG's website
- Review and update the Standards of Good Regulation based on the experience of undertaking familiarization reviews
- Transition to rotating, theme-based performance reviews (focused on a different subset of the 20 standards each year) for regulatory bodies who have completed a familiarization review
- Continue carrying out a full familiarization review (of all 20 standards) for each regulatory body that comes under the PGA in the future, during their first year of operations under the Act

As the performance review program matures, it is intended that this part of the annual report will include observations about performance of regulatory bodies under the Act.

SV3: Reflect Diversity of British Columbians in Regulatory Body Lay Councillor Appointments

The PGA requires each regulatory body council to have four appointed lay councillors. Lay councillors are important for public interest protection because they bring an outside perspective to the council table. The OSPG works with the [Crown Agencies Resourcing Board Office \(CABRO\)](#) to recruit pools of eligible candidates for lay councillor appointments. People with applicable skills from all regions of British Columbia are invited to apply, consistent with the Province's [Diversity and Inclusion Strategy](#), which seeks that the BC Public Service is reflective of our province and inclusive of Indigenous Peoples, minority communities, immigrants, persons with disabilities and the LGBTQ2S+ community.

To support strong boards that reflect the diversity of our province, women, visible minorities, Indigenous Peoples, persons with disabilities, persons of diverse sexual orientation, gender identity or expression (LGBTQ2S+), and others who may contribute to diversity in public sector board appointments are encouraged by CABRO to put their names forward for appointments. Consideration is given to individuals

with a broad range of backgrounds in community, labour and business environments, and the selection process recognizes lived experience and volunteer roles as well as paid employment and academic achievements.

The OSPG's recruitment process with CABRO has been successful in creating pools of eligible candidates, with two options being brought forward to the Minister for each appointment to a vacancy. Because many lay councillor vacancies were created and filled last fiscal year at the time the PGA came into force, this fiscal year has focused on reappointments rather than filling of vacancies. The table below outlines the appointments made over this past year.

A full listing of all four lay councillors for each regulatory body can be found in the [CABRO Directory of Organizations](#). Anyone interested in becoming involved as either a lay councillor or lay committee member of a regulatory body can learn about upcoming vacancies and opportunities on the [OSPG's website](#) or contact the OSPG directly.

Regulatory Body	Date	Number of Candidates	Appointed Councillors
ASTTBC	May 25, 2021	N/A - Renewal	Roslyn Kunin
ASTTBC	July 1, 2021	N/A - Renewal	Jayde Wood
ABCFP	November 1, 2021	Accessed pool from 2020-2021 recruitment	Kalpna Solanki
ABCFP	December 4, 2021	N/A - Renewal	Wendy Royle Alison Dempsey
ABCFP	February 28, 2022	N/A - Renewal	David Morel
BCIA	July 1, 2021	N/A - Renewal	Brock Endean Aiden Wiechula Matthew Voell
CAB	May 1, 2021	N/A - Renewal	Joe Greenholtz
CAB	December 31, 2021	N/A - Renewal	Theresa Fresco
CAB	March 1, 2022	N/A - Renewal	Mark De Croos

SV4: Support Transition of Professions to the PGA

SPRING 2021 ENGAGEMENT CAMPAIGN

After the PGA came into force in February 2021, the OSPG continued engaging with industry associations, large employers of professionals, non-governmental organizations, local governments, Indigenous government, and staff from multiple ministries on the changes brought about by the coming into force of the Act. These engagement sessions focused primarily on the role of the OSPG and the role of regulatory bodies, reserved practices of the professions, the statutory duty to report, and firm regulation. You can watch the [recorded presentation here](#) or view the [associated slide deck](#) on our website, as well as the [full list of organizations engaged](#).

PROFESSIONAL GOVERNANCE ACT ORIENTATION WORKSHOP

In May 2022, the OSPG offered an orientation to the PGA and principles of good governance. Although this was initially intended to support onboarding of lay councillors, this workshop was also attended by registrant councillors and regulatory body staff. The OSPG was able to draw on the experience of Bradley Chisholm (Chief Officer, Strategy and Governance, BC College of Nurses and Midwives) who has delivered similar workshops in the health professions sector. Bradley provided advice to the OSPG on format and content, and personally delivered the material on principles of good governance.

The orientation comprised two afternoon sessions for a total of six hours of learning. The OSPG issued a certificate of completion and learning hours achieved to each participant that can be used towards continuing education requirements where allowed.

Topics covered included:

- The role the OSPG plays in the regulatory landscape
- The framework in which a Regulatory Body council operates
- The role lay positions play in councils and committees
- The importance of separating the association role from the regulatory body role and the decision-making process to avoid inappropriate advocacy
- The OSPG's standards of good regulation and how they will be used to assess regulatory body performance
- Indicators of good governance and what gets in the way of good governance
- Current and future challenges facing regulatory body councils

As the OSPG is involved with the appointment process for new lay councillors, similar sessions can be delivered to onboard new cohorts on an as-needed basis.

ARCHITECTURAL INSTITUTE OF BC

Activities to support the Architectural Institute BC (AIBC) in transitioning to the PGA focused on preparation of new bylaws. AIBC has had the benefit of learning from the examples of in-force bylaws and has also been able to apply lessons learned from their own bylaw review process initiated under the *Architects Act* in 2012. The OSPG has been working collaboratively with AIBC to review drafts and provide feedback for consistency with the PGA and other in-force bylaws, considering the specific needs of the architectural profession.

SV5: Exercise Authorities Under the PGA as Necessary to Uphold the Public Interest

FIRM REGULATION

As of July 2, 2021, entities that engage in the practice of professional engineering or geoscience as part of their operations, including firms that only provide these services internally, are now required to register for a Permit to Practice with EGBC.

The requirement applies to entities in the private and public sectors, including consulting firms, local government, manufacturers, and sole practitioners. It also includes specific ministries, crown corporations, and agencies named in [section 1 \(1\) of the Professional Governance General Regulation](#), with other ministries and crown corporations planned to be included in future phases.

This milestone marked the culmination of extensive consultation and refinement to form the regulatory program now in force. Through a multi-year consultation with the OSPG, industry, and professional registrants, EGBC developed a program that ensures legislative requirements can be met without undue administrative burden on firms, while supporting the shared goal of strengthening public safety and protecting the environment.

EGBC is the first regulatory body under the PGA to begin regulating firms. However, other regulatory bodies may develop programs and be granted authority to regulate firms in the future, building upon the experience and lessons learned from EGBC.

The firm regulatory model is built upon three pillars of professional practice: ethics, quality management, and continuing education. It seeks to improve regulatory oversight, protect the public interest, and provide opportunities for firms to improve processes and reduce risk; in most cases, it's about formalizing responsible practices that are already in place.

Implementing firm regulation brings EGBC inline with other provincial regulatory bodies across Canada, providing additional oversight of engineering and geoscience firms. Through required training, practice standards, and proactive auditing, the Permit to Practice requirements will enhance the quality of practice of firms, ultimately enhancing the health, safety, and environmental protections in B.C.

More information about who needs a Permit to Practice and other requirements is available at www.egbc.ca/firms

Naming BC Hydro as a government registrant also required making the PGA explicitly applicable to BC Hydro under section 32 of the Hydro Power and Authority Act, through a separate applicability regulation. The applicability regulation also clarifies that BC Hydro is accountable to the same standards as other large employers in respect of the work of registered professionals, including no reprisals and duty to report provisions of the Act.

The engagement with BC Hydro in support of these regulations also opened a secondary dialogue in terms of where BC Hydro's operations require advice and services to be provided in a reserved practice. This dialogue has been productive in facilitating a shared understanding when registered professionals are required to provide advice and services in support of BC Hydro's operations.



NEW RESERVED PRACTICES

The PGA provides for regulated professions to have rights to reserved titles and reserved practices. Currently, each of the five regulatory bodies under the PGA have reserved title rights, meaning that only registered professionals may use the titles granted to them by regulation. This is helpful for employers, clients, and the public to delineate qualified, competent practitioners who are held accountable for their practice. EGBC and the Association of BC Forest Professionals (ABCFP) also have reserved practice rights, meaning that it is a requirement for someone to be registered with those regulatory bodies in order to practice in a defined scope of practice. The ability to set out reserved practices helps ensure that unqualified, unregistered people are not carrying out work that requires the knowledge and skills of a professional.

Until the PGA came into force, biologists, agrologists and technology professionals did not have the ability to obtain reserved practice rights, meaning that there have been instances where advice and services have been provided by unregistered and potentially incompetent individuals who would not be held accountable to standards of ethics, competence, and professional conduct set by the regulatory body. The setting out of reserved practices for biologists and agrologists (work continues to determine appropriate reserved practices for technology professionals) represents an important step towards a strengthened professional governance framework and greater public interest protection. It is also the first instance in Canada where applied biologists have been granted reserved practice, and expands jurisdiction where agrologists have reserved practice, signalling the importance placed in B.C. on these professions and their role in resource management and environmental protection.

After extensive collaboration and consultation over the past three years, [cabinet approved](#) on September 13, 2021 that the College of Applied Biologists (CAB) and BC Institute of Agrology (BCIA) will gain reserved practice areas that will be restricted to qualified professionals who are registered with CAB or BCIA. The regulations creating these reserved practices have a delayed implementation and require individuals practicing in the field of applied biology and agrology to be registered with the appropriate regulatory body by September 1, 2022. This delay in full implementation is to prepare individuals for the changes to come and allow the regulatory bodies to take the appropriate steps to ensure readiness.

The OSPG has begun a process with Applied Science Technologists and Technicians of BC (ASTTBC) and EGBC to discuss the opportunities and challenges associated with, and potential approaches to, reserved practice within the engineering discipline for technologists and technicians. Further details will be shared once this discussion has progressed to an appropriate stage.

DIRECTIVE ON DESCRIPTIVE MATERIALS

The definition of reserved practices under the PGA hinge on the “technical knowledge and experience” of a professional that is required to perform a certain aspect of the regulated practice when it is in the public interest for a qualified professional to have exclusive rights over that area. The most frequently asked question during the OSPG’s engagement on reserved practices has been: “How will registrants, clients and the public know what aspects of the regulated practice require the experience or technical knowledge of a registered professional and are therefore reserved?”

The threshold of when technical knowledge and experience is required will be made clear through supportive guidance published by the OSPG and regulatory bodies. The first component of that guidance is through a *directive* issued by the Superintendent on February 22, 2022. That objective of the directive is to require regulatory bodies to:

- develop and publish materials that describe their regulated practice and, where applicable, the scope of the reserved practice, and
- develop a plan for communication and engagement on the description of the scope of their respective reserved practices where it may reasonably be perceived that an alignment or intersection in those practices exists.

The anticipated outcomes of the directive are as follows:

- Regulatory bodies engage in full and frank discussions with each other with a view to resolving perceived alignment or intersection between each profession's regulated and reserved practice areas
- Members of the public understand the practice areas and practice restrictions for each profession
- Registrants understand the scope of the practice that is reserved to their own and to other professions under the PGA
- Potential clients understand which professional to retain in their specific circumstances

The directive requires that regulatory bodies develop descriptive material that:

- clearly describes their regulated practice, and, where applicable, the scope of their reserved practice and, if necessary for clarification, include any activities that fall outside of that scope,
- addresses any perceived intersection or alignment with practices that are reserved to registrants of other regulatory bodies,

- does not contradict or purport to broaden or restrict the practice that is reserved to it or another regulatory body under the PGA,
- addresses any perceived overlap with the traditional knowledge and practices of Indigenous Peoples,
- is submitted to the superintendent for review and comment, and
- once finalized, is published to the regulatory body's website in a place that is easily accessible by the public.

The descriptive materials must be published no later than September 1, 2022, in alignment with the timing of new reserved practices coming into force.

ENFORCEMENT OF NO REPRISALS PROVISION

In August 2021, a regulatory body made the Superintendent aware of a demand letter written by a solicitor on behalf of a client (a registrant under the Act) to a recipient (also a registrant under the Act). The demand letter contained language that may have constituted a "reprisal" under section 103 of the Act. After bringing the "no reprisals" provision of the PGA to the solicitor's attention, the solicitor indicated that the questionable language would be withdrawn.

Although members of the Law Society of BC are not registrants of a regulatory body under the Act, section 103 applies to a "person" regardless of whether they are a registrant. Given the frequency with which solicitors are called on by clients to write demand letters, the Superintendent followed up to bring the Law Society of BC's attention to section 103, suggesting that there may be an opportunity to bring enhanced awareness of this "no reprisals" provision to members of the Law Society of BC in the context of demand letters.

SV6: Transparently Report on the Health of Professional Governance in BC

The OSPG's primary mode of public communication and reporting is through the website <https://professionalgovernancebc.ca/> which includes the following content:

- Strategic plan and annual report
- Policy guidance and best practices for regulatory bodies
- Interpretation bulletins
- Official guidelines and directives under the Act
- Reports about regulatory body performance (commencing next fiscal year)

The website was heavily promoted throughout the engagement campaign carried out at the time the PGA was brought substantially into force – while approximately 7000 users accessed the website in the year leading up to the in-force date, approximately 30,000 users accessed the website in the year since

the in-force date. The site is accessed most frequently from BC; however, users from across Canada and around the world have also visited (including from Alberta, Ontario, the US, South Asia, East Asia and Europe). Based on the page views, document downloads and search terms, key interests of users are: the duties of regulatory bodies, the Act, professional governance and the OSPG's guidance/ research material. As the amount of content on the website increases over time, the website will be adjusted as appropriate to ensure target content and documents are easy to find.

As the office matures and staff capacity is gained after establishment of foundational policies and procedures, it is intended that this part of the annual report will include specific trends and observations related to the health of professional governance in BC.



Financial Effectiveness

FE1: Sustainable Financial Framework

The OSPG continues to take a right-touch approach to our own operations, carefully considering the cost of salaries, operating, and capital expenses required to fulfill our mandate. The OSPG receives financial support from both the Ministry of Attorney General and Ministry of Environment and Climate Change Strategy, continuing to identify creative solutions to meet operational needs within the available budget.

Efficiencies realized this year include:

- ▶ Travel cost savings due to continued pandemic
- ▶ Modest staffing increase of 0.5 full time equivalent (FTE) administrative assistant and 0.6 FTE senior policy analyst roles to support increased workload
- ▶ Continued reliance on Justice Services Branch at the Ministry of Attorney General to provide back-office support (financial reporting, hiring, information technology, etc.)

The OSPG continues to work with partners within government to transition to a long-term budget plan that reflects future operational needs.



Effective Processes

EP1: Publish Guidance that Reflects Current Best Practice in Professional Governance

When the PGA was brought into force in February 2021, the OSPG published 10 guidance documents to support regulatory bodies in carrying out their responsibilities under the Act. Since that time, one new guidance document, one best practices document, and one interpretation bulletin were also published. Minor updates were made to half of the guidance documents published in February 2021, reflecting lessons learned during early operations.

Type	Title	Version	Date	Change from last year	Planned Review
GUIDANCE	<i>The Register</i>	1.0	Feb. 5, 2021		Fall 2022
	<i>Advocacy Activities Evaluation Framework</i>	1.0	Feb. 5, 2021		Fall 2022
	<i>Regulatory Body Complaints and Discipline Process</i>	1.1	Dec. 6, 2021	Updated	Fall 2022
	<i>Declarations of Competency and Conflict of Interest</i>	1.0	Feb. 5, 2021		Fall 2022
	<i>Standards of Practice</i>	1.0	Feb. 5, 2021		Fall 2022
	<i>Duty to Report and Reprisal Protection</i>	1.1	March 29, 2021	Updated	Fall 2022
	<i>Overview of OSPG Audits, Investigations and Performance Reviews</i>	1.1	March 11, 2021	Updated	Fall 2022
	<i>Standards of Good Regulation</i>	1.1	May 5, 2021	Updated	Spring 2022
	<i>Application for Designation Under the Professional Governance Act</i>	1.1	May 5, 2021	Updated	Fall 2022
	<i>Designating Professions – Initial Decision Criteria</i>	1.0	March 9, 2021		Fall 2022
	<i>Policy and Procedures for Section 85 Applications for Designation</i>	1.0	March 11, 2022	New	Spring 2023
OSPG BEST PRACTICES	<i>Professional Communications</i>	1.0	Sept. 21, 2021		Fall 2022
INTERPRETATION BULLETIN	<i>Registration of Firms Under the PGA</i>	1.0	Feb. 23, 2021		Fall 2022

Three guidance and best practice documents are currently planned for next fiscal year:

Type	Title	Comments
GUIDANCE	Audits, Investigations, and Performance Management Policies and Procedures	Planned for publication in 2022-2023 fiscal year
	How to Submit a Complaint to the OSPG	Planned for publication in 2022-2023 fiscal year
OSPG BEST PRACTICES	Range of Sanctions Available to Regulatory Bodies Under Section 75	Planned for publication in 2022-2023 fiscal year

EP2: Complete Timely and Effective Bylaw Reviews

OSPG staff built on expertise developed during implementation to facilitate seven bylaw amendments since the PGA came into force. These updates were typically required to accommodate operational realities that were unforeseen at the time the bylaws were drafted (prior to the PGA coming into force). OSPG staff worked to establish mutually agreeable timelines and were able to review, file with the Minister, and bring bylaws into force in the operational timeline required by regulatory bodies. OSPG bylaw reviews continue to focus on ensuring that bylaws are consistent with the PGA, meet the objectives of transparency and accountability, and consider the perspective of fairness to registrants.

Amendment	Regulatory Body	Date in-force
1	BCIA	2021-04-14
2	EGBC	2021-07-13
3	ASTTBC	2021-07-27
4	CAB	2021-02-22
5	EGBC	2021-12-13
6	EGBC	2022-02-22
7	EGBC	2022-03-30

As noted previously, OSPG staff engaged collaboratively with AIBC to review and comment on draft bylaws in anticipation of transition to the PGA in 2022. AIBC also filed one suite of amendments to the current bylaws pursuant to section 25 of the *Architects Act*. The OSPG reviewed the amendments and confirmed within the required 45-day time period that no disallowances would be recommended.

EP3: Make Timely Decisions Whether to Assess Professions for Regulation under the PGA

This year the OSPG initiated two investigations on whether to designate new professions under the Act:

- Home inspectors are currently licensed by Consumer Protection BC, and they can choose to register with a professional organization or association such as the Home Inspectors Association of BC, or the Applied Science Technologists and Technicians of BC. The government completed a consultation with those three organizations, other interested parties, and home inspectors in 2020 on the governance of the profession of home inspection and the majority were in support of requesting designation under the Act. As a result of the consultation, the Deputy Solicitor General asked the Superintendent to consider a review of the governance of the profession of home inspection to determine if designation is appropriate. The Superintendent provided notice of initiation of this investigation on June 16, 2021.
- Landscape Architects are currently regulated under the Architects (Landscape) Act. The BC Society of Landscape Architects applied for designation under the PGA on July 7, 2021. The Superintendent provided notice of this investigation being initiated on August 27, 2021.

Both investigations were still ongoing at the end of March 2022. The OSPG continues to receive inquiries and expressions of interest from other professions, but no other formal applications have been received.

Based on the experience of considering the application submitted by the BC Society of Landscape Architects, the OSPG has set out a 60-day timeline for completing the initial assessment of an application and deciding to either (1) refuse the application without investigation or (2) conduct an investigation, which is set out in the [Policy and Procedures for section 85 Applications for Designation](#). Once the office has more experience conducting and completing full investigations, we may establish a target for timeliness of the full investigation process.

EP4: Track Potential Systemic or General Governance Matters

This year, OPSG staff worked with the Tribunal Transformation and Independent Offices Division (TTIOD) of Justice Services Branch to develop a Professional Governance Oversight Tracker application. The support provided from TTIOD included advising on business requirements, conducting a procurement process to engage a suitable vendor, facilitating the relationship between the OSPG and the vendor during application development, and transitioning the application to ongoing hosting and support.

This application will allow OPSG staff to better track incoming information related to concerns about professional governance, facilitating timely follow up to individual correspondence as well as tracking emerging themes and trends. The application will replace the manual tracking system currently in place and will facilitate reporting on this performance indicator in future years. It is intended that this part of the annual report will include commentary on specific trends and observations related to the health of professional governance in BC.

EP5: Publish Policies and Procedures for PGA Enforcement that Reflect Best Practice

The first operational year of the Audits, Investigations and Performance Management unit has focused on developing foundational policies to support the office's oversight functions. An individual with specific expertise in developing compliance and enforcement policy was recruited to the unit to support this work. Policies currently under development for publication in 2022 are:

- A policies and procedures document that sets out the framework for exercise of oversight authorities under section 10 of the Act
- A document that provides additional detail on how to submit a complaint to the OSPG, compared to what is currently available on our [website](#)

EP6: Improve Operation of the PGA

Similar to the lessons learned from early operations under new bylaws requiring some amendments, the OSPG has been working with regulatory bodies to reflect on our first year of full operations under the PGA and identify whether any parts of the legislation may benefit from adjustment. As a result of these engagements, OSPG has identified changes that will improve oversight of these professions and allow for more professions to operate under the framework. The proposed amendments will:

- allow government to provide the right level of regulation by tailoring the act to the needs of different professions;
- allow for implementation of best practices in professional governance;
- enable regulatory bodies to address non-compliance with administrative matters, such as continuing education requirements, outside of the discipline process in a manner that is fair;
- enable requirements, in certain cases, for professionals to declare they are competent to provide their services and that they are free from any conflicts of interest;
- ensure that the act does not affect Indigenous traditional knowledge or practices; and
- provide the option of an external funding source so the OSPG can more effectively carry out its mandate.

EP7: Convey Standard Information About Key Regulatory Body Functions

This year, the OSPG began considering the standard information about key regulatory body functions that should be provided for inclusion in this report on an annual basis. The broad information categories are planned to be:

- Registration
- Standards of Practice
- Competence and Continuing Education
- Complaints and discipline

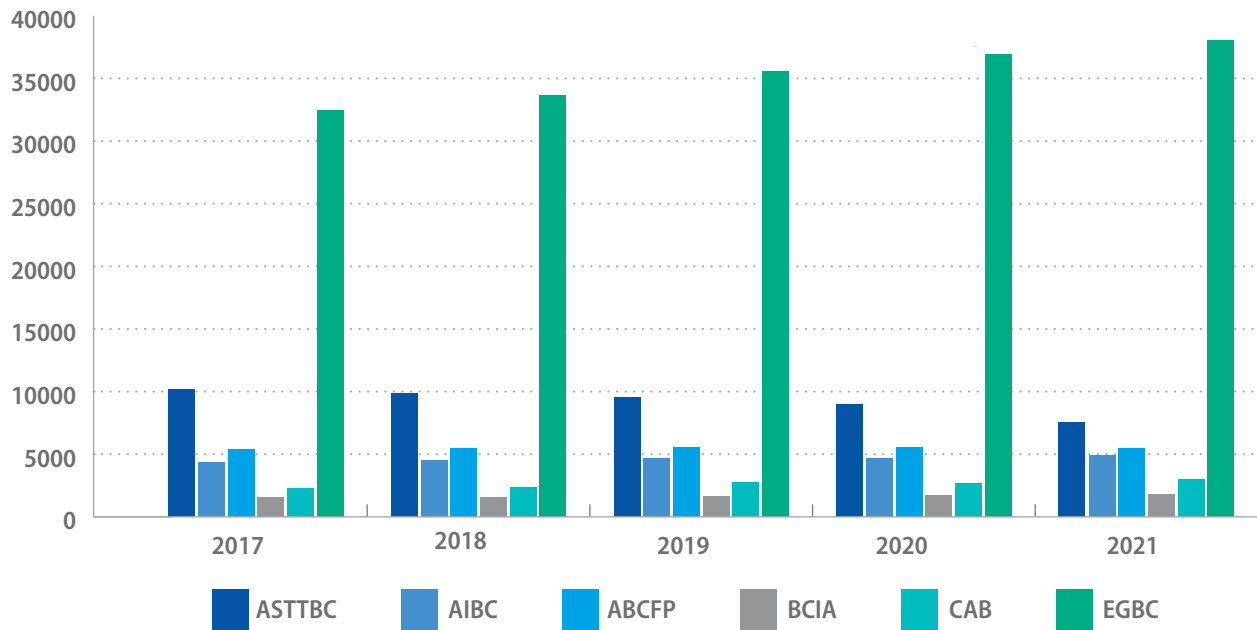
Given that regulatory body information systems will take some time to adjust to proposed reporting metrics, and because some processes have not yet completed full cycles under the Act, the amount of standard information available to be published in this section will grow over time. Specific reporting metrics are intended to align with expectations set out in the [Standards of Good Regulation](#).

REGISTRATION

Year-over-year trend in total registrants

YEAR	Number of Registrants					
	ASTTBC	AIBC	ABCFP	BCIA	CAB	EGBC
2017	10155	4319	5371	1524	2297	32468
2018	9847	4522	5471	1575	2341	33625
2019	9564	4665	5527	1633	2749	35559
2020	9000	4707	5516	1727	2665	36954
2021	*7711	4928	5499	1807	2972	38062

**Reduction is due to removal of students and duplicates where an individual has multiple designations*



In the future, it is intended that reporting in this section may also include:

- a breakdown of registrant base by class/category,
- the number of new registrants entering through different pathways (accredited programs, alternate credentialing pathways (domestic or foreign) and labour mobility transfers, and
- a measure of timeliness for processing complete applications.

STANDARDS OF PRACTICE

All regulatory bodies under the PGA updated their codes of professional and ethical conduct in 2021 and carried out substantial educational programming to support registrants' understanding of any new obligations under the Act. In the future, it is intended that this section may also report on:

- the availability of subject-specific practice standards and supporting material, and
- updates to existing standards or production of new practice standards, on a risk-based approach.

COMPETENCE AND CONTINUING EDUCATION

A total of over 2,000 continuing education opportunities were offered through regulatory body headquarters, branches, and third-party providers:

TYPE OF OFFERING	Number of offerings					
	ABCFP	AIBC	ASTTBC	BCIA	CAB	EGBC
Regulatory Body Headquarters	35	30	19	24	4	133
Regulatory Body Branch	-	-	-	47	-	43
Third Party	112	1291	5	113	259	-
Total	135	1321	24	184	263	176

Regulatory Bodies are achieving the PGA's requirements with respect to continuing education programs supporting reconciliation through a variety of approaches, including:

- Mandatory modules to be completed during the traineeship phase of registration
- Complimentary access to courses offered by third-party continuing education providers
- Delivering a variety of sessions to support reconciliation through the broader continuing education program

Many regulatory bodies are also planning to develop and implement continuing education that focuses on supporting reconciliation through the specific practice areas of their registrants.

COMPLAINTS AND DISCIPLINE

Presently, regulatory bodies are still in the process of concluding matters that were initiated under their former statutes, and a complete cycle of matters initiated under the PGA has not yet concluded. In the future, it is intended that this section may report on:

- The number of complaints received
- The number of complaints proceeding to consideration by the Investigation Committee
- The timeliness of the complaints and discipline process
- The enforcement measures imposed through the complaints and discipline process

Learning and growth

LG1: Support Capability, Learning and Development of OSPG Staff

After the unifying milestone of PGA implementation in early 2021, it was important to revisit the strategic plan so that the team stayed focused on a clear vision and “north star” that guided everyone’s work in the transition to operations. Senior leadership have also facilitated strong support for a hybrid in-person/teleworking model in response to preferences indicated by staff, consistent with the BC Public Service’s flexible work policy. This combination of approaches has been instrumental in maintaining high engagement and minimal turnover through challenging outside circumstances. Despite disruptions from COVID, extreme weather events and transition of the Superintendent role, the team has maintained high productivity and strong engagement with regulatory body staff and leadership.

Remote work also continues to offer enhanced access to professional development opportunities. Staff were again able to virtually attend annual educational conferences offered by the Council on Licensure, Enforcement and Regulation (CLEAR) and the Canadian Network of Agencies of Regulation (CNAR). With the creation of the Audits, Investigations and Performance Management unit, staff were able to

access formal virtual learning opportunities and build internal capacity in this new area of operations. Three individuals were certified through CLEAR’s National Certified Investigator and Inspector Training at the Basic level, and two individuals were further certified at the Specialized level. Staff also accessed training offered by the Canadian Audit and Accountability Foundation through the Performance Audit Boot Camp and the Root Cause Analysis course.

Finally, staff also access learning and development opportunities within the public service through the Compliance and Enforcement Collaborative and an auditing community of practice.

Due to cost savings from lack of travel, the OSPG was also able to invest in establishing a small reference library focused on Canadian administrative law and professional regulation.



LG2: Support Reconciliation with Indigenous Nations

The superintendent has two statutory responsibilities regarding Indigenous Peoples and regulatory body governance:

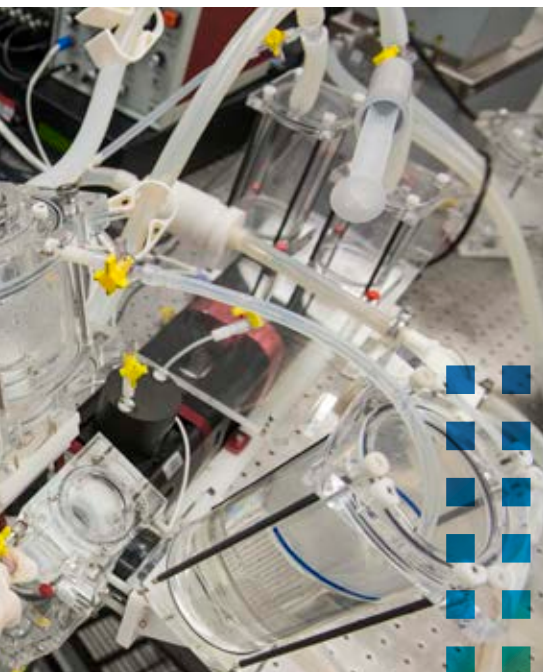
1. Promote awareness among regulatory bodies to support reconciliation with Indigenous Peoples in BC, including the support of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)
2. Ensure the regulatory bodies make bylaws that establish continuing education programs or requirements that support reconciliation with Indigenous Peoples in B.C.

Through the establishment of Standards of Good Regulation this past year, the OSPG has further set an expectation that regulatory bodies will act within their operations to support reconciliation with Indigenous Peoples, including supporting the implementation of the UN Declaration.

This year, the OSPG gained a better understanding of what each regulatory body is already doing to meet this standard (or how they are planning to meet the standard) through the familiarization review process. The OSPG continues to assist regulatory bodies in building continuing education programs that support reconciliation with Indigenous Peoples through a draft guidance document developed in consultation with the House of Indigenous Learning. This document lists various cultural learning and competency-building courses available to professionals within the public service as well as external training courses.

OSPG staff are committed to the same accountability as regulatory body registrants in respect of continuing education to support reconciliation with Indigenous Peoples. This year, as part of the annual performance planning and review cycle, each employee reviewed their learning history of foundational courses regarding reconciliation and identified future learning plans. As part of the BC Public Service, OSPG staff have access to learning opportunities supporting Indigenous reconciliation at the branch, ministry, and corporate level. OSPG staff also participate in the Ministry of Attorney General's Champions Table that supports implementation of the [Draft Principles that Guide the Province of BC's Relationship with Indigenous Peoples](#) for the justice sector.

The OSPG observed the National Day for Truth and Reconciliation as a statutory holiday in 2021, consistent with the Province's advice to public sector employers. The OSPG recognizes that the Province continues to work with Indigenous leaders, organizations and communities on the best and most respectful ways to mark this day in B.C., followed by engagement with business and labour stakeholders for their perspectives on how the national day will be commemorated in future years.



Appendix: Regulatory Body Updates

Regulatory bodies were invited to summarize their key accomplishments during the year, reflecting their advancement of professional governance in the public interest. Submissions reflect the regulatory bodies own views.



Applied Science Technologists and Technicians of British Columbia (ASTTBC) is a regulatory body with oversight over technology professionals including applied science and engineering technologists, technicians, and registered technical specialists. ASTTBC expects our registrants to protect the safety, health, and well-being of the public and environment.

Serving in the public interest has been a very important component of ASTTBC's mission for nearly 65 years. As a regulator, we are assigned the role of protecting the interests of the public and protecting the credibility of a safe and ethical registration. ASTTBC performs this work by:

- Ensuring that our registrants have the qualifications to practice in their area of expertise, comprehensive standards, and practice guidelines as well as ongoing professional development.
- Enforcing a comprehensive code of ethics and standards of practice that upholds the expectation of competence, best practices, and moral integrity.
- Investigating breaches of standards and when necessary, taking enforcement action up to and including limits and conditions, suspension, and cancellation.
- Working with post-secondary institutions and other stakeholders to ensure that registration requirements and competencies are clear to accreditation seeking organizations and applicants for registration.

OUR VALUES

Professionalism – We uphold a foundation of high standards, ethics, and competence to ensure accountability of our registrants.

Accountable – We are invested in our responsibility to Government and British Columbians.

Integrity – We are honest, dedicated, ethical and fair by doing the right thing every time, for the protection of the public.

Inclusion – We embrace the principles of equity, diversity, inclusion, cultural safety, and humility.

2021 was a year of much change as we aligned our policies and procedures with our new legislation. In our ongoing audits performed by the OSPG it was recognized that ASTTBC is meeting many aspects of the Standards of Good Governance. These are just a few highlights:

- The website was redesigned to be more inclusive by enhancing options for people who have differing abilities.
- Updated website has easy-to-find information about registration as well as making a complaint and previous discipline cases.
- The online registry has been enhanced in its navigation and ability to access more information about registrants.
- ASTTBC works collaboratively with Technology Accreditations Canada, education providers including BC colleges, and a pool of registrants on credentialing matters.
- Working with our other PGA regulatory bodies, we have signed a Memorandum of Understanding with the BC Institute of Agrologists on how we address practice overlap among our registrants.

- Led the Advancing Women in Engineering and Technology project. Final materials were released in December 2021 along with a webinar on the research findings.
- Along with our partners, we developed a [national gateway](#) to assist military personnel and immigrants who are looking to register as a technologist or technician in the applied science and engineering technology sector.
- All ASTTBC staff completed 6 hours of Indigenous reconciliation and 2 hours of GBA+ training.
- ASTTBC Council has also embraced Indigenous reconciliation training as well as additional governance training.
- Worked with Indigenous Awareness Canada and hosted a 3-part webinar series on Indigenous Awareness, Inclusivity and Allyship.
- Updated the logo to better articulate our work as a regulator.

Our work is not performed in isolation. It is important to recognize our many partners including staff, council and committee members, registrants, regulatory bodies, educators, associations, and government to name a few.





ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

THE ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA (AIBC) is mandated to regulate the profession of architecture in the interest of the public through a responsive framework. Established in 1920 by the *Architects Act*, the Institute establishes standards for entry into the architectural profession; provides services to support registrants in maintaining credentials and overall professionalism; and enforces the competency, ethical and professional standards expected of those in a regulated practice.

The main focus for the AIBC in 2021 was preparing for the transition to the *Professional Governance Act* (PGA). The Institute also provided core regulatory programs and services and furthered its public interest mandate by advancing its strategic plan. The AIBC will continue this work throughout 2022 and anticipates being fully transitioned under the PGA by the end of the year.



THE ASSOCIATION OF BC FOREST PROFESSIONALS (ABCFP) serves the public's interest in the practice of professional forestry by ensuring forest professionals are competent, follow professional standards, and that only those registered with the ABCFP engage in the practice of professional forestry.

There were 5,499 forest professionals registered with the ABCFP at the end of 2021. Each one must follow nine professional standards guiding ethical and professional conduct, as well as specific practice standards and competence standards for forest resource activities put in place by the ABCFP.

Last year, the ABCFP confirmed 203 people met our educational standards, making them eligible to start training to become registered forest professionals. In total, there are 715 trainees working their way through the requirements to be granted independent practice rights as forest professionals. This training process includes a minimum 24-month articling process during which every trainee takes a series of specific learnings, completes multiple licensure examinations, makes professional submissions, and gains practical work experience under supervision and guidance of another registered forest professional.

Seventeen new complaints were received in 2021 about concerns related to the conduct or practice of a forest professional. These complaints were made by members of the public, other forest professionals, the ABCFP itself, and others. Of the new complaints, seven are under active investigation by the ABCFP and two are under further review.

As an organization designed to serve the public, the ABCFP works hard to ensure it is fair, objective and transparent. This involves ensuring the ABCFP is meeting new laws set by the provincial government through the *Professional Governance Act* (PGA), and updating the practices and operations of the ABCFP to ensure compliance and providing service that meets the standards of good governance set and monitored by government.



Regulations to implement the PGA came into effect on February 5, 2021, and at the same time repealed the *Foresters Act* which had governed the ABCFP since 1947. The PGA charges the ABCFP with a duty to serve and protect the public interest through the regulation of the practice of professional forestry.

Last year's transition to operating under the PGA required the cooperation of everyone within the ABCFP – staff, council, volunteers, and registrants. We undertook major rewrites of ABCFP bylaws, policies, and procedures, updated practice guidance, and recruited and trained committee members. A detailed communication plan and supporting communication materials were developed and implemented to support and inform registrants about their professional accountabilities and responsibilities under the PGA. Budgets and business plans were also revamped to accommodate the newly defined responsibilities.

One of the noticeable changes brought on by the PGA included adding two more government-appointed public members to the ABCFP council, bringing the total of government-appointed members to four. Under the PGA, the government appoints councillors from outside the forestry profession to bring an external perspective and contribute to the ABCFP council's duty to serve and protect the public interest through effective governance of the profession.

The creation of a new Code containing nine standards of ethical and professional conduct, and the efforts to ensure registrants understood their responsibilities under the new Code, was a top priority for the organization and individual ABCFP registrants. Having a strong and accessible Code that sets the highest standards to guide the important decisions entrusted to professionals by the public is a necessity of being a responsible regulator.

The creation of a new Forestry Regulation to define the reserved and regulated practice of professional forestry was another top priority. ABCFP registrants had to develop a new way of thinking about forestry practice rights and consider the interplay with other regulated professions such as biology, engineering, and agrology. In response, the ABCFP either entered into or undertook revisions to joint agreements with other professional regulators. We also undertook multiple projects to communicate and inform registrants and employers of forest professionals about the definitions and differences in reserved and regulated practice.

Today the ABCFP is squarely focused on its regulatory duty to protect the public's interest in the practice of professional forestry, and the transition to the PGA has allowed us to refine and improve our service.



Transition to the *Professional Governance Act* –
Initiatives Undertaken by the ABCFP in 2021:

- 14 new bylaws written and brought into effect;
- 19 governance policies set by ABCFP Council updated and Council Governance Policy rewritten;
- A new *Code of Ethical and Professional Conduct* created, supported by an interpretive guide containing 10 policy appendices;
- Two additional government-appointed councillors added to ABCFP Council, increasing public representatives to 30 per cent, plus new public representatives added to statutory committees;
- 10 ABCFP committee and panel terms of reference rewritten to meet PGA requirements;
- Oaths of Office administered to all ABCFP councillors and members of statutory committees;
- ABCFP website navigation revised and content updated to align with the PGA;
- Substantive updates made to online learning modules for trainees;
- Developed and implemented a communications strategy to inform registrants of their new responsibilities under the PGA; included two brochures, an eight-part series of bylaw webinars, a practice rights webinar, an e-course, and a variety of articles in BC Forest Professional magazine and The Increment e-newsletter;
- Participated in 15 half-day, standing meetings with the Office of the Superintendent of Professional Governance (OSPG);
- Completed three parts of an ongoing four-part audit by the OSPG to ensure the ABCFP is meeting the government's 20 standards of good regulation;
- Updated five practice guidance documents to align with PGA requirements and establish new internal policy and procedures related to registration and competence declarations;
- Redesigned the public registrant directory;
- Established a new agreement about practice interplay between the biology and forestry professions, and updated the existing agreement with the engineering profession;
- Established a new Continuing Professional Development program policy for practising registrants and piloted an associated online tracking tool; and
- Established the Audit and Practice Review Committee, and developed policy to launch the new competence and professional conduct audit program in 2022.





2021: EVOLUTION OF AN ANCIENT PROFESSION

Historically, perhaps as far back as Mesopotamia, individuals have been providing advice respecting the enhancement of food production and sustainability. Terrestrial, aquatic and atmospheric variables were considered with the goal of improving food security. Over time however this work evolved with respect to the application of environmental sciences to challenges faced in the natural environment.

This evolution was recognized by the Government of BC through the adoption of “The *Agrologists Act* 2003” which through its definitions provided that BCIA regulates agrologists in areas of environmental science beyond food production and food security. Over the subsequent 18 years the Registrants of BCIA continued to provide advice and services which utilize the specific education and experience of agrologists to address the ever-changing natural world, especially with respect to the effects of climate change. Working in teams with experts from other professions, Agrologists assist in the restoration of urban brown

sites, the cleanup of contaminated sites, and climate change adaptation to name but a few activities. They have been instrumental in the recovery process from the natural disasters of the heat dome, increased frequency and intensity of forest fires, and the Abbotsford floods that our province suffered in 2021.

The definition of agrology was further clarified in 2021 with the implementation of the Agrologists Regulation which defined the regulated practice of agrology to be:

1. (a) Advice or services that (i.) Are based on agricultural or natural sciences or agricultural or resource economics, and (ii.) Relate to:
 - (A) Cultivation, production, improvement, processing, marketing or management of aquatic or terrestrial plants or animals,
 - (B) Classification, management, use, conservation, protection or enhancements of aquatic, terrestrial or atmospheric ecosystems that are affected by, sustain or have the potential to sustain the cultivation or production of aquatic or terrestrial plants or animals, or
 - (C) Restoration, reclamation or remediation of aquatic, terrestrial or atmospheric ecosystems;
- (b) Advice or services that are ancillary to those described in paragraph (a).

2. The practice of agrology does not include the provision of advice or services within the reserved practice of a registrant of another regulatory body.

Key areas of focus for BCIA in 2021-2022 to support BCIA’s implementation of the *Professional Governance Act* included:

- **Granting of practice rights:** In September 2021, Cabinet granted reserved practice for the profession of agrology; this reserved practice will come into effect later in 2022. This means that individuals practicing in the reserved practice of agrology must be registered with BCIA by September 1, 2022. The delay in full implementation is to prepare individuals for the changes to come and allow BCIA to take the appropriate steps to ensure readiness.
 - **Demographic survey:** Commencing in fall 2021, BCIA conducted its first complete demographic survey of all of its Registrants which will assist BCIA in supporting their Registrants with the transition to reserved practice. Insights gained through the survey include confirmation of the gender diversity, relative youth and years of experience within the profession,
 - **Areas of Practice:** Starting in September 2021, BCIA engaged in an extensive review, consolidation and clarification of the many areas of practice in which our Registrants practice. This work was undertaken by senior staff and experienced consultants and involved a survey of existing Registrants, review of established areas of practice and a jurisdictional scan. The results are planned to be presented at BCIA's educational conference, and are an essential step in working towards descriptive materials supporting Registrants, employers and the public in transitioning to a reserved practice for agrology.
 - **Descriptive Materials:** In response to a Directive set out by the Superintendent, BCIA prepared an engagement plan in respect of the descriptive materials that are required for implementation of reserved practice. Initial work on descriptive materials started alongside the work on areas of practice, and will consist of a review of the history, composition, and strategic directions of BCIA as well as illustrated examples clearly outlining the manner by which agrologists work with other regulated professions to protect the public interest.
 - **In-person educational conference:** BCIA worked jointly with ASTTBC to plan the first in-person educational conference since 2019. Opportunities for Registrant education will include numerous continuing learning workshops, presentation of the BCIA Areas of Practice report, and the ASTTBC Annual General Meeting.
 - **Indigenous relations training:** Starting in 2020, BCIA mandated that each Registrant must complete a level one indigenous training course which provides at least 6 hours of learning outlining the history of colonization within British Columbia. In 2021, BCIA continued to offer a specific approved course and reviewed the applicability of other courses that individuals may have taken in their respective workplaces. All Registrants must complete this requirement by December 31st, 2022, after which BCIA will mandate a level two course which will look at the relationships between indigenous peoples and the agrology profession.
 - **Audits of continuing education requirements:** Historically, BCIA conducted a random audit of a percentage of its Registrants, reviewing credits claimed by Registrants to meet the professional development annual minimums. Given this history, the transition to the audit requirement of the PGA went very smoothly even though an increased percentage of Registrants will be audited each year.
- We look forward to continued collaboration with the OSPG and other Regulators under the PGA to ensure that the interests of the citizens of British Columbia are protected by qualified, competent, relevant, and accountable professionals.



Since the *Professional Governance Act* (PGA) came into effect early in 2021 the **COLLEGE OF APPLIED BIOLOGISTS** (the College) has been focused on implementing key changes to its policies, processes, and procedures to come into full compliance with new Act. These changes, many of which were significant, have enhanced the College's ability to deliver on its statutory mandate and achieve better clarity, transparency, and accountability for the public and registrants alike.

GOVERNANCE:

A crucial part of coming into compliance with the PGA in February 2021 was finalizing a complete set of new governing bylaws. These bylaws were developed by College staff and Council, supported by the College's legal counsel, approved by the Office of the Superintendent of Professional Governance (OSPG), and posted on the same day that the PGA came into force.

A key change in the bylaws was the update of the College's Code of Ethics and Professional Conduct (CoEPC). The previous Code of Ethics was revised to come into compliance with the PGA. To ensure understanding of the new requirements, communications with existing registrants through bulletins and webinars were conducted, and a new online mandatory course for incoming registrants that encompasses the changes to the CoEPC was launched in the spring of 2021. A second mandatory course on Indigenous awareness was also developed. That course will be a requirement for all incoming and existing registrants of the College starting in 2022.

College Council developed a new Strategic Plan to help guide the College over these next few critical years. The plan aligns with the principals and intents of the PGA with five strategic goals:

1. Implement Reserved Practice
2. Promote Professional Excellence
3. Enhance Trust, Accountability, and Awareness
4. Strengthen Relationships, and
5. Foster a Healthy and Respectful Organization

PRACTICE:

2021 gave the College the opportunity to more clearly define elements of the practice of applied biology. The development of a legal definition of reserved practice for applied biology was a critical step in working towards enhancing the College's ability to protect the public interest. This process included engagement with registrants of the College, registrants of other regulated professions, firms and other employers, and with the OSPG. Once implemented all practitioners of applied biology will be required to meet the Credentialing Standard that assures qualification and competency in the practice of applied biology and assures accountability through the Code of Ethics and Professional Conduct to the public.

Alongside the development of reserved practice, the College stood up a task force to develop a clearer scope of practice for Registered Biology Technologists (RBTechs) and Applied Biology Technicians (ABTs). The scope of practice for RBTechs existed under the previous statute, but the task force updated the scope to align more with current practices in the applied biology profession as well as developing a proper definition for the practice of ABTs which had not existed previously. As well a draft of a Limited License designation was developed to allow for those who demonstrate competence in a specific area of practice to become registrants of the College.

The Association of BC Forest Professionals (ABCFP) and the College have developed a collaboration agreement between the two professional regulators to establish the Environmental Practice Panel (EPP). The EPP will help identify understanding of the applied sciences of forestry and applied biology such as practice overlap, alignment or intersection(s) as well as identify joint registrant practice guidance and professional development needs.

OPERATIONS:

The College identified the modernization of its processes as a key to supporting for a successful transition to the PGA. A major factor in the modernization of the College's statutory processes was completion of Phase II of the multi-year database project which included integration of statutory processes and registrant requirements through the College's registrant database. The new integrations for 2021 included modules for registrant polling and elections; tracking of continuing professional development (CPD); an online platform for the audit program; and new secure filing systems for Council and committee work. A webinar exploring the new CPD tracking system was attended by nearly 400 registrants. These modules, along with the continuous improvements being made to the College's application and registration systems contained in the registrant database, allowed the College to continue efficient and effective delivery of its statutory mandate.

In its commitment to continuous improvement, the College also addressed operational processes in 2021. Staff reviewed and modernized the Accreditation Policy for academic institutions and training providers, updated its Audit process making it more efficient and constructive for Audit Assessors and Auditees, and delivered a successful volunteer recruitment program that has brought a wide range of experience and expertise to the College's statutory and strategic committees and task forces.

Throughout 2021, the College balanced the challenges and stresses of the pandemic with significant achievement in the areas of modernization and organizational improvement. Important work was undertaken to further define the practice of the profession and to continue to deliver on its statutory mandate to protect the public interest.



ENGINEERS & GEOSCIENTISTS BRITISH COLUMBIA

This year, **ENGINEERS AND GEOSCIENTISTS BC'S** efforts have been heavily focused on implementing the PGA, including the complete re-write of its bylaws and restructuring of governance policies and committees to align with PGA requirements. Alongside efforts to operationalize new legislation, we provided guidance to registrants through practice guidelines and advisories and ongoing support from our practice advisors who responded to over 2,000 inquiries from registrants and the public this year.

KEY AREAS OF FOCUS HAVE INCLUDED:

Regulation of Firms: The regulation of firms providing engineering and geoscience services will improve regulatory oversight, protect the public interest, and provide opportunities for firms to improve their processes and reduce their risk. Engineers and Geoscientists BC developed a regulatory program that ensures legislative requirements can be met without undue administrative burden on firms, while supporting our shared goal of strengthening public safety and protecting the environment. Compliance with these new requirements, which came into effect on July 1, 2021, has been very strong. The initial target of registering 1,350 firms by the end of 2021 and 2,500 within three years was surpassed in the first three months, with 3,600 permits issued to date.

A new continuing education model: A new model for continuing education was introduced this year. This model, created following three years of research and development, provides a modern framework that prioritizes flexibility and the individual needs of each registrant and provides options to undertake practice-relevant learning through a wide variety of activities, such as seminars, webinars, self-study, volunteering, and presentations. Changes were also made to the online reporting system and information was shared with registrants to reflect the new model and its requirements.



In addition to the focus on PGA implementation, Engineers and Geoscientists BC has been considering its wider regulatory responsibilities, with the introduction of *Professional Practice Guidelines - Equity, Diversity and Inclusion*, and our Climate Change Action Plan.

Advancing Equity, Diversity, and Inclusion:

Promoting diversity within the professions, addressing systemic inequities, and supporting reconciliation with Indigenous Peoples are key imperatives to Engineers and Geoscientists BC's work as a regulator. This year saw new guidelines published that formalize the organization's commitment to upholding equity, diversity, and inclusion principles, and provided resources for registrants focusing on inclusion, allyship, decolonizing practices, and respectful engagement with Indigenous Peoples. Changes were also made to operational and governance practices.

Additionally, Engineers and Geoscientists BC's '30 by 30 Action Plan' is underway, with 42 out of 100 actions either in-progress or complete in support of the national goal of having 30% of newly licensed registrants be women by 2030. Female engineering heroes were showcased this year through the International Women in Engineering Day campaign, and during a virtual Science Games that brought together 137 students (50% girls) for a month of fun and immersive science activities.

Climate Change Action Plan: This is the first plan of its kind for a Canadian engineering or geoscience regulator, and establishes a 10-point plan to support the effective assessment and management of climate risk and solutions to reduce greenhouse gas emissions by working across these key areas:

- Leading the professions' response to climate change by collaborating with others to leverage resources and build collective impact
- Recognizing new climate-change specific competencies for engineers and geoscientists through our registration and competency assessment processes
- Building registrants' knowledge and capacity to respond to climate change through education, knowledge sharing, and network building
- Addressing climate change and greenhouse gas emissions reduction through practical and relevant tools such as practice guidance, a Climate Change Information Portal, and training support for firms.



