



OSPG Best Practices: Professional Communications

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Office of the Superintendent
of Professional Governance

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Introduction

The use of social media has now become widespread. It is used by nurses, doctors, lawyers, engineers, and other professionals to communicate with friends and others in both their professional and private lives. Social media use by professionals raises questions about the interaction between such use and the codes of conduct, professional standards, and a regulatory body's authority to govern professionals. Key considerations in setting expectations include the boundary between professional and private life, as well as freedom of expression.

While a regulatory body may set expectations for professional conduct, including communication, in its code of ethics or bylaws, the rapid growth in social media platforms and in their use by professionals may be cause for explicit expectations for how a registrant participants in social media interactions.

Online communication differs in a number of ways from in-person professional conduct:

- How quickly and easily words and images can be circulated, and reproduced as “soundbites” out of context
- The long shelf life of online activity (extended by sites like the Wayback Machine)
- How fast social media platforms and how we use them evolve – e.g. privacy settings
- Diversity in how people use and think about social media as a way of connecting with others.

The fallout from unprofessional electronic communication can include offended individuals, damaged professional reputations, and costly court cases. Ultimately this takes a toll not only on the reputations of those involved, but also in the public's trust in the professionals and the profession.

Purpose

The purpose of this best practices paper is to outline strategies to assist regulatory bodies in developing policy detailing their expectations of registrants and guiding them when using social media as well as other forms of communication. Communications include but are not limited to posts on:

- Professional social media accounts
- Private social media accounts
- Online forums
- Chat rooms
- Comment sections on news sites
- Op-eds
- Public speeches



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The intent of this best practices paper is to:

- Provide regulatory bodies with information and ideas to help support registrants with tailored policies regarding expectations for professional communications
- Ensure the public and other interested parties can be confident that registrants conduct themselves in a professional manner that inspires confidence

While each regulatory body would benefit from taking the time to define “respectful” and professional communication as well as a policy that suits their needs, they can draw upon best practices in outlining expectations for communications. For example, no matter how an idea is expressed, transmitted, or conveyed, best practices in professional communication include:

- Being truthful and based on fact
- Not compromising the integrity of the regulatory body or another registrant
- Not transgressing privacy laws and policies by making known personal information
- Being respectful of clients

Guidance should be clear on how expectations apply to the registrants’ professional duties, as well as conduct in their personal lives where their professional identity may persist.

Context

Section 1 of the *Professional Governance Act* (PGA) defines conduct unbecoming as behaviour of a registrant that:

- Brings the regulatory body or its registrants into disrepute
- Undermines the standards, methods or principles that are the foundation of the profession, or
- Undermines the principle of holding paramount the safety, health and welfare of the public, including the protection of the environment and the promotion of health and safety in the workplace in the manner that reflects the stewardship of a given profession by each regulatory body

Regulatory bodies are required to set out ethical and professional standards, which may be expressed in their code of ethics, and may in part serve to help registrants avoid conduct unbecoming a registrant. The expectation for registrants to provide ‘professional opinions that distinguish between facts, assumptions and opinions’ (s. 57 (2)(g)) is relevant to guide social media and other communications conduct.



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Standards of Good Regulation

The OSPG Standards of Good Regulation set out standards and criteria that will be considered when assessing regulatory body performance over time. Standards 7 and 8 below reflect OSPG's measure of excellence in regard to communicating expectations of registrant behaviour:

7. Regulatory body maintains up-to-date standards of professional and ethical conduct, standards of competence, and standards of practice.

8. Regulatory body provides up-to-date guidance to help registrants apply the standards; the guidance addresses emerging areas of risk and appropriately prioritizes them.

For more information on the standards of good regulation, visit the OSPG website at www.professionalgovernancebc.ca.

Freedom of Expression

According to section 2(b) of the *Canadian Charter of Rights and Freedoms*, everyone has the fundamental freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.

The application of these rights and freedoms is complex, with emerging case law highlighting how difficult it can be to enforce professional standards.

Because of the nuanced nature of creating enforceable guidelines for registrant communications, it is recommended that regulatory bodies confer with their legal counsel in their efforts to form effective policy.

Best Practices

This best practices paper has been informed by key policy considerations raised in discussions with regulatory bodies as well as an analysis of the existing social media policies of professional regulators in British Columbia and across Canada. While the suggestions noted here aim to supplement and enhance requirements stemming from the PGA, regulatory bodies who have developed useful practices that go beyond these suggestions should feel free to continue these practices.

In light of the consequences resulting from an ill-considered social media post or other forms of communication, OSPG recommends the regulatory bodies consider the following suggestions and ideas:

1. **Code of Ethics:** Regulatory bodies should consider connecting their existing code of ethics with a more explicit policy that defines expectations for registrant communications – both at work and in their own time.



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2. **Continuing Education:** Regulatory bodies should consider creating a continuing education course that provides details and examples of appropriate communications – not only the benefits but also the consequences of ill-considered communications. This would allow the regulatory body to go beyond more general policies or bylaws by providing amplifying detail, scenarios and interactive exercises.
3. **Public and Private Recommendations:** An effective communications policy should make clear that the expectations for respectful communications include thoughts expressed both in the line of the registrant’s duties as well as during the registrant’s free time where the registrant’s personal opinions could be construed as professional opinions.
4. **Include All Channels:** An effective professional communications policy should include direction regarding not only ideas expressed on professional social media accounts and websites, but also:
 - Private social media accounts
 - Online forums
 - Chat rooms
 - Comment sections on news sites
 - Op-eds
 - Public speeches
5. **Regular Review:** Like other policies, professional communications policies and continuing education courses should undergo a regular review in order that they address the needs of the public, organisation, emerging best practices and case law.
6. **Public Transparency:** To ensure transparency, regulatory bodies should make available on a publicly accessible website the expectations of registrants in regard to professional communications and social media use.
7. **Professional Communication Resources:** Section 57(1)(d) of the PGA requires regulatory bodies to establish a program to assist registrants in dealing with professional or ethical issues. It would be highly beneficial and recommended to ensure that this program includes resources and contacts to help registrants navigate the grey area between professional communications and private life.
8. **Regular Social Media Scans:** Regulatory bodies may benefit from regular social media scans that provide insight into how and when they are mentioned and trends in the type of concerns expressed.
9. **Enforce Consequences:** Regulatory bodies should determine how to handle violations. Explain the potential consequences in the policy and deliver regular reminders so that enforcement is expected and understood by all registrants.