

Archive

Recent updates to the *Professional Governance Act* on June 2, 2022 provided sufficient clarity to make this information bulletin no longer necessary. Please see the definition of 'firm' in the latest version of the Act.



INFORMATION BULLETIN

Bulletin #: 1

Date: February 23, 2021

Subject: Registration of Firms Under the *Professional Governance Act* (PGA)

Information:

Section 3 of the PGA allows regulatory bodies to register firms as registrants only if the Lieutenant Governor in Council (LGIC) has made authorizing regulations and only if authorized regulatory bodies have made bylaws enabling or requiring firms to register. Presently, Engineers and Geoscientists BC (EGBC) is the only regulatory body under the PGA that has registration requirements for firms enabled, which are scheduled to come into effect in July 2021.

The PGA defines a firm to mean a “legal entity or combination of legal entities engaged in providing services in respect of a regulated practice, [or] a government registrant”. The various profession-specific regulations further define regulated practices as “the provision of advice and services based or ancillary to on [specific disciplines] or in relation to [specific technical matters]”. In the context of EGBC’s firm registration program, this means firms providing advice and services based on or ancillary to:

- agricultural, biomedical, bioresource, biosystems, building, chemical, civil, computer, electrical, environmental, food, forest, geological, geomatics, industrial, marine, mechanical, mechatronics, metallurgical, mining, naval architecture, nuclear, petroleum, software and structural engineering and engineering physics;
- environmental geoscience, geology, geophysics or geochemistry, and related to the discovery or development of oil, natural gas, coal, metallic or non-metallic minerals, precious stones, other natural resources or water or the investigation of surface or subsurface geological conditions;

A firm is considered to be engaged in providing services in respect of a regulated practice and is required to be a regulated firm regardless of whether the services are provided to a third-party client or are being provided internally by an employee to another employee, contractor or other individual acting on the firm's behalf. Regardless of the consumer of regulated professional services, the purpose of the PGA is to ensure that any advice or services in a regulated practice are provided in accordance with the public interest purpose of the PGA (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).

Registration and regulation of all firms engaged in providing advice and services in a regulated practice, regardless of the consumer, upholds the public interest purpose of the PGA.

Determination:

Under the PGA, the definition of a firm is broad and includes legal entities engaged in providing services in respect of a regulated practice in both of the following circumstances:

- External provision of advice and services to third-party clients; or,
- Internal provision of advice and services to other employees, contractors or others acting or operating on the firm's behalf

This bulletin contains general information and is not a replacement for the legislation. It does not contain or constitute legal advice