

OSPG Guidance: Declarations of Competency and Conflict of Interest

VERSION 2.0

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Issued by:

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OSPG

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Version Control History

Version #	Date (YYY-MM-DD)	Modification	Approved by
1.0	2021-02-05	Initial version	Paul Craven, Superintendent
2.0	2023-04-11	Re-written with Sections 61 – 62 permanently repealed	Kate Haines, Superintendent



OSPG Guidance: Declarations of Competency and Conflict of Interest

Purpose:

This guidance document clarifies the declarations of competency and conflict of interest provisions in the Professional Governance Act.

Context:

In the [Professional Reliance Review Report](#) and during the writing of the Professional Governance Act (PGA), declarations of competency and conflict of interest were identified as tools to achieve heightened accountability to the obligations set out in codes of ethics and, several possible usages of these declarations were included in the original PGA. However, feedback received from the [PGA Intentions Paper](#) on declarations of competency and conflict of interest made reference to the risk of duplicating existing competence accountability processes, such as assurance statements, seals, and signatures. Additionally, regulatory bodies emphasized that the administrative burden to process declarations would be high and there were challenging complexities around thresholds for use, scope of declaration, regulatory body vs. government roles, etc.

In the interim, other tools have been implemented to achieve the same policy objectives with respect to accountability. For example, registrants are now required to state their areas of competency during the annual renewal process for inclusion in the regulatory body's register. This allows the public to go to the regulatory body's website and find professionals who publicly self-declare they are competent in a particular area of practice. If an individual is considering engaging a registered professional to undertake work, they can confirm that the registrant has self-declared relevant competence on the public register.

In 2022, amendments were made to the PGA to allow for declaration provisions to be operationalized on a case-by-case basis. Provisions in Part 6, Division 2, of the PGA now set out that the Lieutenant Governor in Council may make regulations to require registrants to submit declarations of competency and declarations of conflict of interest when they are engaged in providing services within their regulated practice. Though this authority is not currently in use, if situations arise where government decides that it would serve the public interest to have certain professionals submit declarations of competency or conflict of interest, that tools is now available.

Policy Direction and Implementation:

For declarations of competency:

- Registrants are required to self-declare areas of practice as part of an annual declaration and renewal process.
 - Regulatory body bylaws will require this information from registrants; the requirement for provision of this information should be linked to registrant in good standing status.



- Regulatory bodies will need to publish registrant's areas of practice on the register and may include a disclaimer that this information is self-declared (see [OSPG Guidance - Register](#) for more information).
- Regulatory bodies should review the declared areas of practice and refine and standardize categories of areas of practice over time.
 - Within these areas of practice, regulatory bodies will work towards specific competence requirements to strengthen and evaluate ongoing competence.
 - Regulatory bodies may consider an increase in the number of restricted and specialized areas of practice where appropriate.

For declarations of conflicts of interest:

- Regulatory bodies work to ensure registrants have a strong understanding of their conflict of interest obligations through:
 - Guidance
 - Credentialing process
 - Continuing education
- Regulated firms are expected to have a conflict-of-interest policy and outline in their Professional Practice Management Plans how they promote employee adherence to the policy.

OSPG will continue to work with industry and government to evaluate where specific project-based declarations of competency or conflict of interest may be appropriate in the context of right-touch regulation. No regulations have prescribed under section 60 or 61 as of March, 2023.