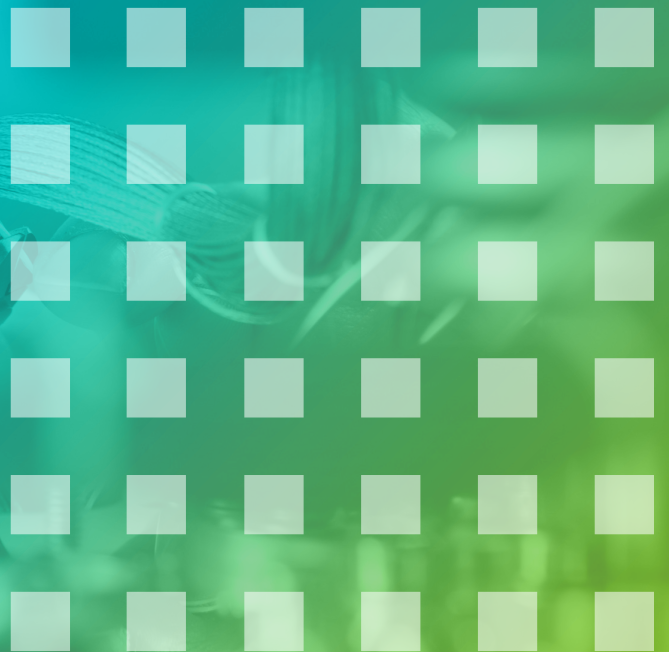




OSPG

Office of the Superintendent
of Professional Governance

ANNUAL REPORT 2023-2024







June 2024

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 2023/2024 Annual Report of the Office of the Superintendent of Professional Governance to the Legislative Assembly.

The report covers the period from April 1, 2023 to March 31, 2024 and has been prepared in accordance with Section 19(1) of the *Professional Governance Act*.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Lisa Beare', written in a cursive style.

Honourable Lisa Beare
Minister of Post-Secondary Education and Future Skills



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Message from the Superintendent

Since the *Professional Governance Act* was brought substantially into force on February 5, 2021, the Office of the Superintendent of Professional Governance has continued to advance best practices in professional governance. Important milestones achieved this year include:

- Working towards establishing a reserved practice for Applied Science Technology professionals,
- Contributing to development of the *International Credentials Recognition Act*;
- Reviewing regulatory body performance in relation to international credential recognition processes; and,
- Making legislative amendments to improve operation of the *Professional Governance Act*.

I look forward to OSPG's continued contribution of practical experience related to establishing, evaluating and enforcing performance standards as the Ministry shifts to implementation of the *International Credentials Recognition Act*.

Sincerely,

A handwritten signature in black ink that reads "Kate Haines". The signature is stylized and fluid.

Kate Haines
Acting Superintendent of Professional Governance



Organizational change at OSPG

To make credential recognition for internationally trained professionals more transparent, efficient, and fair, the B.C. government introduced new credential recognition legislation in Fall 2023. This legislation aims to reduce barriers for internationally trained professionals seeking jobs in B.C. that require a professional credential or certification. The *International Credentials Recognition Act* received Royal Assent on November 8, 2023, and is planned to come into force in Summer 2024. Development of such legislation is consistent with other Canadian provinces; governments have been working to improve professional regulators' governance practices and to streamline credentialing processes for professionals with international training.

To facilitate oversight of the *Professional Governance Act* and the *International Credentials Recognition Act*, government staff responsible for these pieces of legislation were brought together in the same Ministry in 2022. Staff from the OSPG worked collaboratively with staff from the Credential Recognition Improvement Branch to develop the *International Credentials Recognition Act* in 2023. Further change planned for 2024 will see these two branches combined into a single work unit, responsible for administering both statutes. The unit is to be led by a single individual appointed as Superintendent under both the *Professional Governance Act* and the *International Credentials Recognition Act*.

This change will leverage the experience gained by OSPG administering the *Professional Governance Act* to efficiently implement oversight of fair credential recognition processes in broader group of regulatory authorities. While the new superintendent position will oversee multiple portfolios, there will be a strong focus on ensuring clarity of obligations and processes for professional regulators in relation to professional governance and international credential recognition.



Completing Regular Performance Reviews of Regulatory Bodies

The *Professional Governance Act* sets out duties and responsibilities of the Superintendent in relation to oversight of regulatory bodies that include:

- Overseeing the governance by regulatory bodies of registrants in the regulatory bodies' respective regulated practices to ensure compliance by the regulatory bodies with their duties; and,
- Monitoring regulatory bodies for consistency in governance of registrants and performance standards of registrants.

This year, the OSPG carried out two performance reviews for each regulatory body that has been under the *Professional Governance Act* since the Act's creation. The topics selected for review were:

REGULATORY BODY	PERFORMANCE REVIEW TOPIC 1	PERFORMANCE REVIEW TOPIC 2
Applied Science Technologists and Technicians of BC	International Credentials Recognition	Standards of Competence, Standards of Professional and Ethical Conduct, and Practice Guidelines
BC Institute of Agrologists		
College of Applied Biologists		
Engineers and Geoscientists BC		Complaints and Investigations
Forest Professionals of BC		Diversity, Equity, and Inclusion

The [*results*](#) of the topic pertaining to international credential recognition were published by the OSPG in Summer 2023. The final results of the remaining topics will be published in 2024.



Supporting Transition of Professions to the *Professional Governance Act*

FAMILIARIZATION REVIEWS

OSPG's practice is to conduct familiarization reviews of new regulatory bodies under the *Professional Governance Act* prior to undertaking any specific performance reviews or audits of the regulatory body. These initial familiarization reviews involve reviewing all of the regulatory body's policy and procedures and comparing them against the OSPG's [*Standards of Good Regulation*](#) and the requirements of the *Professional Governance Act*, confirming where the regulatory body is meeting expectations and suggesting where the regulatory body can improve their processes to better meet expectations or best practices.

The profession of architecture was designated under the *Professional Governance Act* on February 10, 2023, with the Architectural Institute of BC (AIBC) continuing to regulate the profession. Later in 2023, the OSPG initiated a familiarization review of AIBC, which is expected to conclude in 2024.

RESERVED PRACTICE

Over the past three years, OSPG has been working on behalf of the Ministry of Post-Secondary Education and Future Skills to consider a reserved practice for registrants of Applied Science Technologists and Technicians of BC (ASTTBC). OSPG has been leading this work in close partnership with ASTTBC and Engineers and Geoscientists BC. The creation of a reserved practice for ASTTBC registrants would serve the public interest by ensuring that work undertaken by technologists and technicians is held to the standardized accountability requirements under the *Professional Governance Act*.

As these discussions continue, all three organizations are committed to ensuring that the implementation of a reserved practice (if approved) would be supported by materials that are clear with respect to the boundaries within the engineering team, that any inherent risks or unintended consequences are well understood, and that the approach follows the principles of right-touch regulation - where the level of regulation is proportionate to the risk to the public.



Supporting Regulators and Registrants under the *Professional Governance Act*

LAY BOARD MEMBER APPOINTMENTS

The OSPG partners with the Crown Agencies and Board Resourcing office in the Government of British Columbia and with regulatory bodies in the recruitment of lay board members to serve on the regulatory bodies' boards. Lay board members are an important feature in regulatory body governance, providing public assurance that individuals who do not have a vested interest in the profession being regulated are participating in the governance of the profession. Lay board members also contribute diverse skill sets, experience and perspectives to regulatory body boards. Lay board member appointments and re-appointments are made after a merit-based recruitment process.

In 2023/24, 9 new appointments were made, and 2 re-appointments were made to regulatory bodies.

BOARD AND STAFF TRAINING

The OSPG delivered a virtual, two-part orientation and training session in June 2023. The training was primarily aimed at new or recently appointed lay board members, but all board members and staff of regulatory bodies were welcome to attend and participate. Topics in the training included the origins and purpose of the *Professional Governance Act*; introduction to the OSPG and its oversight role; and exploration of regulatory bodies' duties under the *Professional Governance Act* respecting reconciliation with Indigenous peoples.

The OSPG is using feedback provided by participants after these sessions to inform future educational opportunities provided by the OSPG, or by the OSPG in partnership with regulatory bodies and contracted experts. In the upcoming year, opportunities for further collaboration to meet all *Professional Governance Act* regulatory bodies' training and education needs for both boards and staff members will be explored, with the goal of adding efficiency and cost-savings to training initiatives.





DUTY TO REPORT WORKING GROUP: SECTION 103, NO REPRISALS

Section 58 of the *Professional Governance Act* 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.

In order to support registrants in this duty, a protection against reprisals was included in section 103 of the *Professional Governance Act*, creating an offence for retaliating against a registrant who complies with their statutory duty to report.

In 2023, the Duty to Report working group (comprised of representatives from the regulatory bodies and the OSPG) developed supporting materials to assist registrants in understanding the reprisal protections. The supporting materials on Section 103 include:

- Information to assist registrants titled "[Section 103 Reprisal Framework: Has someone taken a reprisal against you?](#)" which provides a framework of questions that registrants can use to help determine if someone has taken a reprisal against them.
- A new guidance document titled "[Section 103 No Reprisals: Frequently Asked Questions](#)" which includes information about what to do if a reprisal is taken against the reporting registrant, how a reprisal will be investigated, and the potential penalties for taking a reprisal.



Improving Operation of the Professional Governance Act

PUBLISHING AND MAINTAINING GUIDANCE THAT REFLECTS CURRENT BEST PRACTICE IN PROFESSIONAL GOVERNANCE

Over the course of the 2023/24, two new documents were published in relation to reprisal protections, and six documents were updated. The updates reflected terminology changes in the *Professional Governance Act* brought into force in June and operational learnings in relation to the designation assessment process.

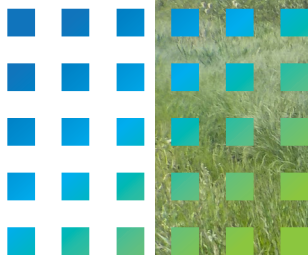
STATUTORY AMENDMENTS

Ensuring the *Professional Governance Act* is updated as the OSPG gains experience operating under this relatively new legislative framework is an ongoing priority.

In 2023/24, two different bills were passed to make amendments to the *Professional Governance Act*:

[Bill 42](#), *Miscellaneous Statutes Amendment Act No. 3, 2023* made amendments to clarify the processes for

- Consideration of new professions to be designated under the Act; and
- Establishing or continuing a corporation under the *Professional Governance Act* or assigning responsibility for regulating a new profession to an existing regulator.



These amendments constituted minor technical changes in the designation process, placing emphasis on procedural fairness in the superintendent's designation assessment process. In the event the designation assessment process results in a government decision to bring a new profession under the *Professional Governance Act*, the amendments provide clear authority for dealing with technical matters associated with transitioning a corporate body under the *Professional Governance Act*.

These amendments are in force as of Royal Assent, received on November 27, 2023.

[Bill 38](#), *International Credentials Recognition Act, 2023* made several minor and/or consequential amendments:

- Broadening the options for superintendent delegation and removing the obligation to consult with the minister before engaging a consultant;
- A public administrator appointed under the *Professional Governance Act* gains the authority to discharge duties under the *International Credentials Recognition Act*, promoting more effective coordination of government intervention; and,
- The process for reporting to the Minister has been streamlined.

These amendments do not result in substantive or major policy changes and are essentially of an administrative or "housekeeping" nature. These amendments are intended to be brought into force by Lieutenant Governor in Council regulation in Summer 2024.

REGULATION AMENDMENTS

An [Order-in-Council](#) brought into force amendments that were passed by the legislature in 2022. The amendments were made to reflect modern governance terminology, including, "President" and "Vice President" to "Chair" and "Vice Chair", "Council" and "Council Member" to "Board" and "Board Member" and "Lay Council Member" to "Lay Board Member".



Communicating Standard Information about Key Regulatory Body Functions

Several factors can contribute to fluctuations in the number of registrants belonging to a particular regulatory body. These registrant numbers, when combined with other data, help OSPG and the public understand the operational realities of each regulatory body.

NUMBER OF REGISTRANTS						
YEAR	AIBC	ASTTBC	BCIA	CAB	EGBC	FPBC
2019	4665	9564	1633	2480	35,559	5527
2020	4707	9000	1727	2665	36,954	5516
2021	4928	7711	1807	2952	38,062	5499
2022	5110	6669	1883	3195	39,764	5367
2023	5267	5541	1999	3385	40,699	5184

Continuing education is an important factor that enable professionals to keep maintain and enhance their professional competence. Regulatory bodies continued to offer a spectrum of continuing education courses online, in person, and through third parties.

NUMBER OF CONTINUING EDUCATION OFFERINGS						
OFFERED BY:	AIBC	ASTTBC	BCIA	CAB	EGBC	FPBC
Reg Body Headquarters	31	63	38	8	93	129
Reg Body Branch	N/A	N/A	58	N/A	39	N/A
Third Party	1060	112	83	291	N/A	237
Total	1091	143	179	299	132	336



Regulatory bodies provided the following information about the number of complaints received during their annual reporting period, and the number of matters that proceeded to consideration by the investigation committee:

DISCIPLINARY ACTIONS TAKEN						
TOPIC	AIBC	ASTTBC	BCIA	CAB	EGBC	FPBC
Complaints Received	51	35	0	11	106	24
Matters referred to the Investigation Committee	19	35	1	10	68	19
Citations Issued	0	3	0	3	10	0
Consent Orders Issued	7	7	0	1	13	9
Discipline Orders Issued	0	0	0	0	1	0
Alternative Complaint Resolutions	0	0	0	0	0	0
Extraordinary action orders issued	0	0	0	0	1	0



Regulatory Body Highlights



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

2023 was a milestone year for the AIBC, with the organization successfully transitioning to the authority of the *Professional Governance Act* on February 10, 2023. A major component of the transition was the publication of updated bylaws that include a revised Code of Ethics and Professional Conduct. AIBC supported the transition to the *Professional Governance Act* by providing in-person and online learning opportunities, including a virtual town hall. AIBC also issued descriptive material to help the public and interested parties understand the new Reserved Practice of architecture in British Columbia, including when an Architect is required on a project.



ASTTBC TECHNOLOGY PROFESSIONALS

In 2023, ASTTBC focused on removal of barriers for potential new registrants, including elimination of the Canadian work experience requirement in September. ASTTBC also co-developed a one-hour continuing professional development session with OSPG on Indigenous Awareness and the *Professional Governance Act* with a focus on how to incorporate learnings into professional life. These learnings aim to build and maintain respectful and effective relationships and incorporate cultural safety and humility into organizational approaches. This was delivered at an ASTTBC event, recorded, and offered as an on-demand training resource for registrants.

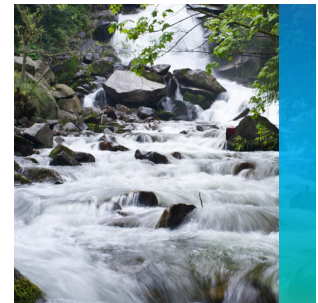




In 2023 BCIA hired a new Registrar with a renewed mandate focused on contacting and establishing relationships with various government ministries and representatives as well as post-secondary educational institutions within BC. BCIA also conducted a review and updated the terms of reference of its statutory committees, beginning with the Discipline Committee and provided governance training for all board members.



In 2023 CAB implemented the Compliance Plan to enforce reserved title and reserved practice rights, reviewed and streamlined Areas of Practice for greater clarity and alignment with the Applied Biologists Regulation, and developed changes to the Continuing Professional Development requirements as it pertains to Indigenous Awareness and principles around Diversity, Equity and Inclusion (to be implemented in 2024). The Legal Requirements Course, mandatory for all new registrants, was introduced; the Erosion and Sediment Control Practice Standard developed with our regulatory partners was finalized; and a new website was launched making information more accessible for registrants and the public.





ENGINEERS & GEOSCIENTISTS BRITISH COLUMBIA

In 2023, Engineers and Geoscientists BC announced the creation of an independent advocacy body for engineering and geoscience in British Columbia, following a comprehensive review and evaluation of the organization's programs. This change is a significant achievement within the organization's 2022-2027 Strategic Plan and will enable Engineers and Geoscientists BC to apply renewed focus to its core mandate of public protection, strengthen its regulatory processes, and clarify its role with registrants and the public. The organization will also be expanding some specific areas defined under OSPG's Standards of Good Regulation, including enhancing engagement with post-secondary students and institutions to reinforce licensure requirements, and investing more resources in equity, diversity, and inclusion initiatives, including Truth and Reconciliation.



Forest Professionals BRITISH COLUMBIA

In 2023, Forest Professionals BC designed and implemented the Affiliated Forest Professional (AFP) designation which takes a right-touch regulatory approach to allow deep subject matter experts working in academia and research to become registered via a tailored, streamlined pathway. The organization launched a new compliance program to provide education, monitoring and enforcement activities to safeguard against unlawful professional practice, including an extensive compliance audit of a major employer. FPBC also began a technology transformation project to replace its aging registration management system which served the organization for 17 years, but was becoming outdated.





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