

Performance Review Report

2022-2023



OSPG

Office of the Superintendent
of Professional Governance

Performance Reviews – Background and Process

The Professional Governance Act (PGA) sets out duties and responsibilities of the Superintendent in relation to oversight of regulatory bodies, including to:

- superintend 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,
- monitor regulatory bodies for consistency in governance of registrants and performance standards of registrants.

At the time the PGA was brought into force in 2021, the Office of the Superintendent of Professional Governance (OSPG) published a general framework for conducting performance reviews of regulatory bodies.

A “familiarization review” was conducted between May 2021 and April 2022 for each of the five regulatory bodies under the PGA at that time, seeking to enhance the OSPG’s understanding of how each regulatory body is already meeting or planning to meet the Standards of Good Regulation. The results of the familiarization review are available on the OSPG’s website.

This year, the OSPG carried out a performance review for each regulatory body that underwent a familiarization review. Performance Reviews are reviews about planned topics; the OSPG determines which regulatory bodies will undergo a performance review and what the review will cover. There were two topics for review for each regulatory body this year, and this report covers the second topic that was not the same for all regulatory bodies.

Regulatory Bodies Reviewed in this Report

Applied Science Technologists and Technicians of BC (ASTTBC)
BC Institute of Agrologists (BCIA)
College of Applied Biologists (CAB)
Engineers and Geoscientists BC (EGBC)
Forest Professionals BC (FPBC)

Regulatory Bodies and Topics Selected

Regulatory Body	Performance Review Topic #1	Performance Review Topic #2
ASTTBC	Standards of Competence, Standards of Professional and Ethical Conduct, and Practice Guidelines	International Credentials Recognition
BCIA		
CAB		
EGBC	Complaints and Investigations	
FPBC	Diversity, Equity, and Inclusion	

The results of the performance review on international credentials recognition, published in the summer of 2023, are available on the OSPG’s website.

When conducting performance reviews, the OSPG typically:

- Notifies the regulatory body in advance that a performance review will be conducted, and which topics will be covered in the review.
- Requests information from the regulatory body. The information requested will depend on the topics selected for the performance review.
- Reviews the information and identifies areas where performance is being met and any areas that need improvement.
- Makes recommendations for improvement of performance to the regulatory bodies and tracks implementation of the recommendations by the regulatory body.

The results of all performance reviews are published on the OSPG website.



Topic 1: Standards of Competence/Conduct and Practice Guidelines

Standard of Good Regulation #7: Standards of professional and ethical conduct, standards of competence, and practice guidelines

Regulatory bodies are responsible for ensuring registrants are competent and acting in a professional manner when providing services.

Standards of competence, professional conduct, ethical conduct; and practice guidance are established to support registrants to provide competent, ethical and professional services. This information also assists individuals who engage registrants' services to understand the registrant's professional obligations.

Given that BCIA and CAB recently obtained reserved practice, and ASTTBC regulates a wide range of technical professions that play a key role in protecting public safety, standard 7 was selected for this review. The OSPG is interested in understanding the extent to which regulatory bodies are supporting registrants to

achieve and maintain competent practice and set clear expectations about registrant conduct.

In accordance with OSPG Guidance: Practice Standards, the following aspects of standards were reviewed:

- **Standards of competence**, describe observable and measurable knowledge, skills and attitudes required by professionals to provide services within the scope of the regulated profession. These may be general for the profession or specific for certain aspects of the profession.
- **Standards of ethical conduct**, mostly expressed through a code of ethics, describe behavioural expectations for meeting moral obligations and values.
- **Standards of professional conduct**, which may be partially expressed in a code of ethics and or expressed in separate bylaws or policy, describe behavioural expectations for meeting professional obligations
- **Practice guidelines** establish technical-based standards for activities or areas of practice, or other enforceable competence standards for specific activities.



Topic 1: Standards of Competence/Conduct and Practice Guidelines

Applied Science Technologists and Technicians of BC (ASTTBC)

ASTTBC have standards of competence, ethical and professional conduct, and practice guidelines available on their [website](#).

- Their [Standards of Competence and Code of Ethics](#) has a dedicated page on their website and can also be found in schedule D in ASTTBC's [Bylaws](#).
- ASTTBC express professional conduct requirements in their [Professional Practice & Conduct Practice Guideline](#).
- Further general and practice specific guidelines are available on their [Practice Guidelines](#) webpage.

ASTTBC expresses standards of ethical and professional conduct primarily through their code of ethics, which was revised during the development and implementation of the PGA to ensure compliance with the PGA's requirements. ASTTBC produced new practice guidelines for most of the disciplines they regulate and have a schedule and formalized procedures for further development and maintenance of materials prioritized through a continuous organizational risk-assessment process, or risk register. Practice guidelines vary in depth depending on discipline, pointing to external professional standards where applicable.

ASTTBC has an established [Practice Advice Program](#) to assist registrants, stakeholders, and the public by providing advice and interpretation of professional and ethical standards of practice expected of ASTTBC registrants as set out in the *PGA*, *bylaws*, *Standards of Practice*, and *Practice Guidelines*.

ASTTBC's timeline for updating standards and related documents varies between 1 and 5 years, with additional triggering mechanisms including issues raised in the audit and practice review processes, through complaints, in communication with registrants, stakeholders, and the public, in industry and government meetings, conferences, or in the media. ASTTBC is in the process of integrating a new information technology system which will improve capacity to track issues and respond through updates to standards and/or guidelines.

To resource the technical work required to develop and maintain practice standards and guidelines, ASTTBC has an established list of subject matter experts who volunteer their time to contribute their technical expertise in the development or revision of practice guidance where necessary. In addition, ASTTBC has a Practice Working Group (consisting of registrants, industry experts, academics, and other external stakeholders) that discusses best practices in the engineering technology landscape and consults on issues including those identified in ASTTBC's risk register.

ASTTBC has been working hard to develop comprehensive standards and practice guidance to support their goal of achieving reserved practice.



Topic 1: Standards of Competence/Conduct and Practice Guideline

British Columbia Institute of Agrologists (BCIA)

The standards for the British Columbia Institute of Agrologists (BCIA) are found within BCIA's bylaws. BCIA's bylaws are available to registrants and the public on the [BCIA's website](#).

- BCIA's Standards of competence are expressed in the [Standards of Conduct and Competence](#) in sections 91 to 96 of its bylaws.
- BCIA's standards of professional conduct are expressed in both the [Standards of Conduct and Competence](#) and in BCIA's [Code of Ethics](#).
- BCIA's standards of ethical conduct are expressed in BCIA's [Code of Ethics](#), which is attached to the bylaws as Schedule A.

When the reserved practice for applied agrology came into force on September 1, 2022 the BCIA underwent a significant review of practice areas to refine and identify areas subject to reserved practice. During this exercise the BCIA identified 12 areas of regulated practice, 2 of which were identified as reserved areas of practice with the remaining 10 being identified as regulated practice, with some specific activities within them being reserved practice.

Now that it has identified areas of reserved practice, the BCIA is in the process planning their approach to identifying and developing practice guidance. Until practice guidance is developed, the BCIA has illustrative examples and further guidance about practice areas and what aspects of them are considered to be regulated practice and reserved practice on the Practice Areas section of their website here (<https://www.bcia.com/about-us/bcia-agrologists/practice-areas>) and in the guidance document titled : "[BCIA Practice Areas: A Summary for BCIA Registrants and Applicants](#)."

College of Applied Biologists (CAB)

The College of Applied Biologists (CAB) has standards of competence, standards of professional and ethical conduct, and practice guidelines.

- Standards of competence are expressed through CABs [Professional Practice Competencies and Competence Standard](#). The Professional Practice Competencies and Competence Standard set out the expectations for all registrants of CAB to ensure they meet and maintain a high-level of practice and competence standards to uphold and protect the public interest.
- CAB expresses their standards of professional and ethical conduct through the [Code of Ethics and Professional Conduct](#).

CAB has also developed supporting standards to ensure the public interest is protected when registrants are engaged. These supporting standards include:

- [Signing and Sealing Standard](#).
- [Conflict of Interest Practice Guidance for Members](#).
- [Retired Registrants and Volunteers Guidelines](#).
- [Principles of Stewardship](#).

The reserved practice for applied biology came into force on September 1, 2022. In addition to current practice guidance, to ensure the college is developing practice guidance that is relevant for members and protects the public interest, CAB is developing a risk-based framework to identify practice guidance that is needed and to prioritize development according to risk. A component of this risk-based framework includes setting a policy for the ongoing review of the standards of competence, standards of professional and ethical conduct, and practice guidelines.



Topic 2: Diversity, Equity, and Inclusion

Standard of Good Regulation #3: Diversity, Equity, and Inclusion

Diversity, equity and inclusion (DEI) are included in the OSPG Standards of Good Regulation, indicating that regulatory bodies should be considering DEI in both their operations as an employer and as a regulatory body responsible for overseeing the conduct of registrants.

Considering diversity, equity and inclusion in policies and procedures supports the cultivation of professions that are comprised of representative staff, board members, committees, and registrant pools. As a regulatory body that is mindful of continuous improvement in its practices as both an employer and a regulator, standard 3 was selected for FPBC's performance review.

The OSPG considered the following aspects of diversity, equity, and inclusion (DEI):

- The regulatory body as an employer, in the workplace and in decision making.
- The expectations set and the supports provided to registrants to apply equity, diversity, and inclusion principles in their practice.
- The rules for entry to the profession, aiming to reduce barriers to individuals from diverse communities becoming registrants.
- The administration of the profession and its interactions with the public, including the complaints and discipline process.

Forest Professionals BC (FPBC)

The FPBC does not have a single DEI policy document, but instead has established DEI as a guiding principle within its [Strategic Plan](#) and integrated parameters in individual program and internal operating policies to ensure that DEI objectives are not overlooked.

As an employer, FPBC:

- Ensures that DEI training resources are available throughout the year for staff.
- Ensures DEI topics are brought forward for staff awareness and discussion.
- Has taken measures to meaningful implement DEI policy objectives by ensuring that the DEI values of the regulatory body are included in job postings, are reflected in salary administration, hiring practices and decisions.

As a regulatory body, FPBC:

- Includes standards within its [bylaws](#) and [Code of Ethical and Professional Conduct](#) that compels organizations to consider alleged discriminatory conduct of registrants.
- Includes a requirement for registrants to undertake continuing education each year and DEI counts towards this requirement.
- Ensures that DEI training resources are available throughout the year for registrants, board and committee members.
- Provides focused training opportunities to committees with an oversight role. For instance, FPBC provides training on unconscious bias to its Investigations and Discipline Committee members.
- Ensures FPBC can track trends in DEI performance metrics overtime by downloading a copy of its registrant database once a year. This is necessary because the registrant database updates in real time when updates are made by registrants.
- Applies DEI measures to its credentialing process. This has involved developing alternative ways for individuals to demonstrate that they are meeting the DEI requirements, for instance through challenge exams.



Topic 3: Complaints and Investigations

Standards of Good Regulation #15-20: Complaints and Investigations Process

Engineers and Geoscientists BC (EGBC) has well-developed policies and procedures around standards of competence, professional conduct, ethical conduct, and practice guidelines. The OSPG has heard concerns about the timeliness and transparency of EGBC's complaints and investigations process. While the OSPG is not mandated to intervene directly in complaints against individual registrants, the office is responsible for oversight of systemic issues. This performance review focused on the overall systems related to the administration of complaints and investigations.

The OSPG considered the following aspects of complaints and investigations:

- Timeliness of the process.
- Operations and policies.
- Transparency, including keeping parties to complaints informed about progress.
- Retention and training of staff and volunteers.

EGBC:

Regulatory bodies are required to conduct oversight of registrants, including administering a complaints process and conducting investigations into registrants. EGBC has a well-established complaints and investigations process and receives a large volume of complaints every year.

In 2022-23, EGBC received 106 complaints and closed 63 cases against registrants. 15 of these cases resulted in disciplinary action and were arrived at through voluntary resolution or disciplinary hearings. Other cases were directed to practice reviews.

With respect to timeliness, the information reviewed shows that EGBC experiences delays in complaints and investigations due to:

- Unclear complaint submissions that require staff-time to clarify and requested extensions from the subjects of investigations and occasionally other parties. Extensions may be requested for reasons such as illness, securing legal counsel, or restricted access to documents (e.g., when the subject no longer works for an employer).
- Obligations related to procedural fairness. For example, the subject of a complaint is always given an opportunity to review and respond to the allegations made against them, but due to procedural fairness, the subject of a complaint can also ask for additional time to review and respond to allegations. Any additional time needed by the subject of the complaint to review and respond to the allegations against them can lead to delays in the overall investigation.
- An increase in the number of complaints since PGA implementation. Plausible reasons include heightened attention to professional governance with media profile related to the PGA, and the PGA's increased emphasis on professionals' duty to report. Given the dynamic workload, there have been challenges to appropriately match staff capacity to complaint volume.
- Challenges related to using volunteer committee members and subject matter experts, a common practice in professional regulation. While this practice helps to reduce overall costs for the regulator, it can also lead to delays in the complaints and investigations process overall. Decisions on whether to proceed to an investigation or determine the outcome of an investigation may be delayed until the committee or assigned volunteers have capacity to carry out their role with respect to a complaint.



Topic 3: Complaints and Investigations

With respect to operations and policies, the information reviewed shows that EGBC:

- Has comprehensive policies setting out the complaints and investigations process.
- Has regard to procedural fairness.
- Prioritizes addressing matters related to public safety according to a formal triage policy.

With respect to transparency, the information reviewed shows that EGBC:

- Has established policies for transparency and communication with the parties to complaints. An explanation of these policies is posted on [EGBC's website](#).
- Communicates with parties of complaints in accordance with policies.
- Is making efforts to improve consistency of communications with the parties of complaints by updating communications policies and improving tracking systems.

With respect to the retention and training of staff and volunteers in the complaints and investigation process, review of the information provided demonstrates that EGBC:

- Provides appropriate training in relation to the investigation process.
- Recognizes the importance of having sufficient resources to support timely progress on files. The number of volunteers assigned to the complaints and investigations process has increased, as well as to the investigations and discipline team to support the increase in volume of work.

- Is considering efficiencies that could be gained by implementing volunteer remuneration, which could be extended to all statutory committees.
- Has identified that the investigation committee is sometimes delayed due to quorum issues (due to the availability of volunteer committee members) and is investigating whether changes to the terms of reference for the committee could improve the situation.

Additional indicators of EGBC's efforts to address timeliness and uphold public safety considerations include:

- Enhancements to digital systems used to track the complaints and investigations process. Analysis of this data is intended to surface opportunities for targeted process changes or resource allocations to improve timeliness.
- Commitment to continuous improvements through ongoing reviews of lessons learned to inform optimization of policies and procedures.

Performance Review Summary

The results of the performance review show notable progress by all regulatory bodies to meet or improve their performance against the reviewed standard(s).

ASTTBC, BCIA and CAB have all worked toward ensuring that registrants can locate information on standards. ASTTBC continues to focus on strengthening its practice guidance for registrants while BCIA and CAB have focused on strengthening competency standards and putting into place operational frameworks that will allow for implementation of reserved practice, including the development of much needed practice guidance for registrants.

FPBC has implemented several measures over the past decade that have resulted in a more diverse, equitable and inclusive profession of forest professionals in BC. In addition to the measures that they have undertaken as an employer and regulatory body they are doing work to gain an understanding of why there exists such a large gender disparity with high rates of individuals identifying as women graduating forestry programs but choosing not to enter the forestry profession after graduation. FPBC is using this holistic view to try to determine if there are other measures that they can implement to better achieve the DEI standard.

EGBC has a mature complaints and investigation process built on a strong foundation of policies, training, and procedural fairness. While some elements of what is perceived to be timeline delay relates to procedural fairness obligations, clarifications required of complainants, or extensions requested by parties to the investigation, EGBC has also demonstrated commitment to improve timeliness where possible. This has included increasing capacity, enhancing tracking systems, and reviewing/revising policies.

Performance management is a process of continuous improvement, and each regulatory body is on its own timeline to be responsive to the results of the Professional Reliance Review and subsequent oversight by OSPG.

Opportunities for Regulatory Bodies

The following opportunities are highlighted for the consideration of regulatory bodies who participated in this review as well as for the broader community of regulatory bodies in British Columbia and beyond. Specific opportunities pursued may depend on the characteristics of a profession and organization.

Standards of Competence and Conduct Practice Guidance	<ul style="list-style-type: none">• Ensure it is clear to registrants and the public which documents house the regulatory body’s standards of competence, standards of ethical conduct, standards of professional conduct, and practice guidance.• Develop a risk-based framework to identify risk to the public from the practice of the profession to identify and prioritize needed practice guidance.• Ensure there are clear pathways for registrants to recommend updates to practice guidance and other standards.
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Diversity, Equity, and Inclusion	<ul style="list-style-type: none">• Consider which equity and inclusion measures can be applied to the regulatory body, both as an employer and a regulator of registrants, to increase diversity.• Consider which performance metrics could be measured by the regulatory body to determine if diversity, equity, and inclusion objectives are being achieved.• Establish a regular practice of saving information from real time registrant data bases so that DEI analysis can be undertaken.• Conduct registrant surveys to determine if there are DEI policy gaps that the regulatory body can fill or if there are other organizations, such as post-secondary institutions or employers, who are better placed.• Ensure that DEI policy objectives are reflected in the appropriate policy documents so that they are captured by the regulatory body when it is developing policy.• Identify appropriate DEI training opportunities for registrants and staff, board and committee members.• Include DEI training as training that counts towards continuing education hours.• Identify which Standards of Competence, Standards of Ethical Conduct, and Standards of Professional Conduct relate to DEI so that complaints made about registrant conduct in relation to DEI can be assessed.• Ensure that complaints and investigation committee members have training on DEI and unconscious bias to ensure an administratively and procedurally fair complaints process.
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Opportunities for Regulatory Bodies

Complaints and Investigations

- Post information on the website which clearly outlines the stages of the investigation and discipline process and the roles and responsibilities of complainants, respondents, regulatory body staff, and, if applicable, contractors/volunteers.
- Monitor timelines for each stage of the investigation and discipline process so common delays can be identified for targeted response.
- Set expectations for opportunities to respond (content and timelines) at the beginning of the investigation and discipline process.
- Establish a clear, documented process for risk assessment, prioritization, and management of cases both at receipt and throughout the life of an investigation.
- Provide information on the progress of a complaint regularly to the complainant and to the respondent (acknowledging that details related to the case may be confidential).
- Conducting experience surveys on a regular basis to assess the experience of the parties.
- Conducting reviews to identify efficiencies and areas where the timeliness of the complaints and discipline process can be improved.