

Professional Practice Under the PGA



What to expect with the implementation of the *Professional Governance Act*



COLLEGE OF
APPLIED BIOLOGY
Professional Accountability

The Act

The *Professional Governance Act* comes into effect on February 5, 2021.

The *Professional Governance Act* (PGA) is the culmination of over three years of work beginning with the Professional Reliance Review in October 2017 developing into law through 2018 and receiving Royal Assent in November 2018. The PGA governs five professional regulators overseeing agrologists, applied biologists, applied science technologists and technicians, engineers and geoscientists, and forest professionals. In addition, the government of BC announced in July 2020 that the Architects Institute of BC would eventually be transitioning from the *Architects Act* to the *Professional Governance Act*. The Act is intended to “provide a consistent governance framework for self-regulating professions that incorporates best practices of professional governance” ([Office of the Superintendent of Professional Governance](#))

Full enactment of the *Professional Governance Act* (PGA) results in the following:

- *College of Applied Biology Act* (CABA) being repealed. The College’s statutory mandate is now governed by the PGA;
- Applied biology professionals who are registrants of the College will now be regulated by the bylaws that replace the College Rules; and
- A revised Code of Ethics and Professional Conduct and the policies and standards that support the College’s mandate to protect the public interest will come into effect.

While the governance structure is changing, the College will remain the sole regulator of applied biology professionals. Registrants will continue to be required to adhere to the standards, competencies and code of ethics under the new bylaws.

It is important for you to familiarize yourself with how the changes will affect your professional practice. Take some time to review key elements of the new requirements.

How is your practice affected?

There are a few important changes that are effective with the repealing of the *College of Applied Biology Act* and the enactment of the *Professional Governance Act* (PGA) on February 5, 2021.



The Code of Ethics has changed to Code of Ethics and Professional Conduct

Registrants of the College of Applied Biology have been bound by a Code of Ethics that governs their professional practice and behaviour ever since the *College of Applied Biology Act* was implemented in 2003. The Code of Ethics is now called the Code of Ethics and Professional Conduct and can be found in Schedule 1 of the College’s bylaws. The Code of Ethics and Professional Conduct (CoEPC) is central to the mandate of protecting the public interest because it establishes what the public is entitled to expect from professionals. Integrity, competence, accountability and adherence to all applicable laws and regulations are the cornerstones to professional practice.

The College’s existing Code of Ethics ensured protecting the public interest by establishing principles that governed professional behavior and practice and decision-making was foundational to the College’s work

to comply with PGA requirements. As such, few changes were required for the transition to the new professional ethics and conduct, and the nine principles remain largely the same. Below highlights what has changed and what remains the same.

What has changed:

- CoEPC are physically embedded into the College Bylaws as Schedule 1 and includes information on how registrants are to meet each principle.
- Principles 2, 5, 7, & 9 have had language changes as highlighted below in blue:
 2. Undertake assignments and offer opinions only in **areas in where training and ability make the registrant professionally** competent.
 5. **Hold 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.**
 7. Maintain a standard of personal and professional conduct that does not reflect adversely on the College or its **registrants.**
 9. Recognize the duty to address poor conduct and/or practice of **another professional under the Professional Governance Act** in order to protect the public interest, the profession, and the reputation of the College **as a regulator.**
- Biggest change is the Duty to Report under Principle 9.
 - There has always been a duty for College registrants to report another registrant’s potential practice and ethical non-compliance practice(s) to the College, however, what has changed is the duty for *any* regulated professional under the PGA to report another registrant under the PGA. Currently, the five regulatory bodies under the PGA are:
 - Engineers and Geoscientists of BC (EGBC)
 - Association of BC Forest Professionals (ABCFP)
 - Applied Science Technologists and Technicians of BC (ASTTBC)
 - BC Institute of Agrology (BCIA)
 - College of Applied Biology (CAB, The College)
 - Architecture Institute of BC (AIBC) will be fully under the PGA in late 2021 or early 2022.
 - What does this mean for College registrants?
 - This means you will have a duty to report a potential practice and ethical non-compliance(s) practice(s) of other PGA regulated professionals’ practice to their associated regulatory body. The Office of the Superintendent of Professional Governance will be issuing guidance on Friday with regards to “duty to report” and there will be a link to that document as soon as it is posted. The Office acknowledges that registrants under the PGA will not have a good understanding of other’s professional practice. For example, a Professional Engineer whose expertise and practice are in mechanical engineering likely does not fully understand or is knowledgeable of a Registered Professional Biologist whose expertise and practice is in botany and vice a versa.

What stays the same:

- There are still 9 Principles
- Principles 1, 3, 4, 6 & 8 remain the same.
 1. Provide objective, science-based, unfettered, forthright and intellectually honest opinion, advice and reports in applied biology.
 3. Ensure they meet a professional standard of care by practicing applied biology with attention, caution, prudence, and due diligence.

4. Provide a professional standard of service to clients and employers by conducting business practices fairly, avoiding conflict of interest and respecting client/employer confidentiality.
6. Uphold professional obligations to the College while in the workplace.
8. Avoid injuring the reputation of others through malice or negligence.

The College is finalizing the Code of Ethics and Professional Conduct course and exam for new registrants and will be communicating at a later date requirements for current registrants.

Regulated Practice, Title Rights, Reserved Practice

Regulated Practice

The definition of the regulated practice of applied biology under the *Professional Governance Act* is now detailed in the [Applied Biologists Regulation](#). The definition has not changed significantly from that under the *College of Applied Biology Act (CABA)* and is summarized below.

“The practice of applied biology means providing advice or services based on the five biological sciences of botany, zoology, microbiology, ecology and biochemistry, and relates to aquatic or terrestrial ecosystems or the living organisms, habitats or processes within or that supports that advice or services. The practice of applied biology does not include the provision of advice or services within the reserved practice of a registrant of another regulatory body (e.g. Engineers and Geoscientists of BC, Association of BC Forest Professionals).”

Reserved title

The Applied Biologists Regulation maintains exclusive use of title for registrants in good standing with the College of Applied Biology. These include:

- a) (registered) Professional biologist
- b) Biologist in training
- c) Registered biology technologist
- d) Registered biology technologist in training
- e) Applied biology technician
- f) Applied biology technician in training

No individual may present themselves with any of these titles without being in contravention of the *Professional Governance Act*.

Reserved Practice

Over the past few years, the College has been working diligently to secure reserved practice – or practice rights – into regulation. We have consistently maintained that to achieve the primary objective of the PGA of protecting the public interest all applied biology practitioners must be qualified, competent and accountable through regulated practice. The College of Applied Biology will continue to work with the Office of the Superintendent of Professional Governance to enshrine reserved practice into regulation. Over the next few months, we will be engaging in a final round of consultations while developing regulatory language to achieve that goal. As well we will be working with our regulatory partners to help clarify reserved practice for the professions and mechanisms to resolve uncertainties between practices.

College Governance

The College’s governance structure has changed from the use of rules and schedules outlining programs and processes to bylaws, standards and policies as outlined in Figure 1.0.

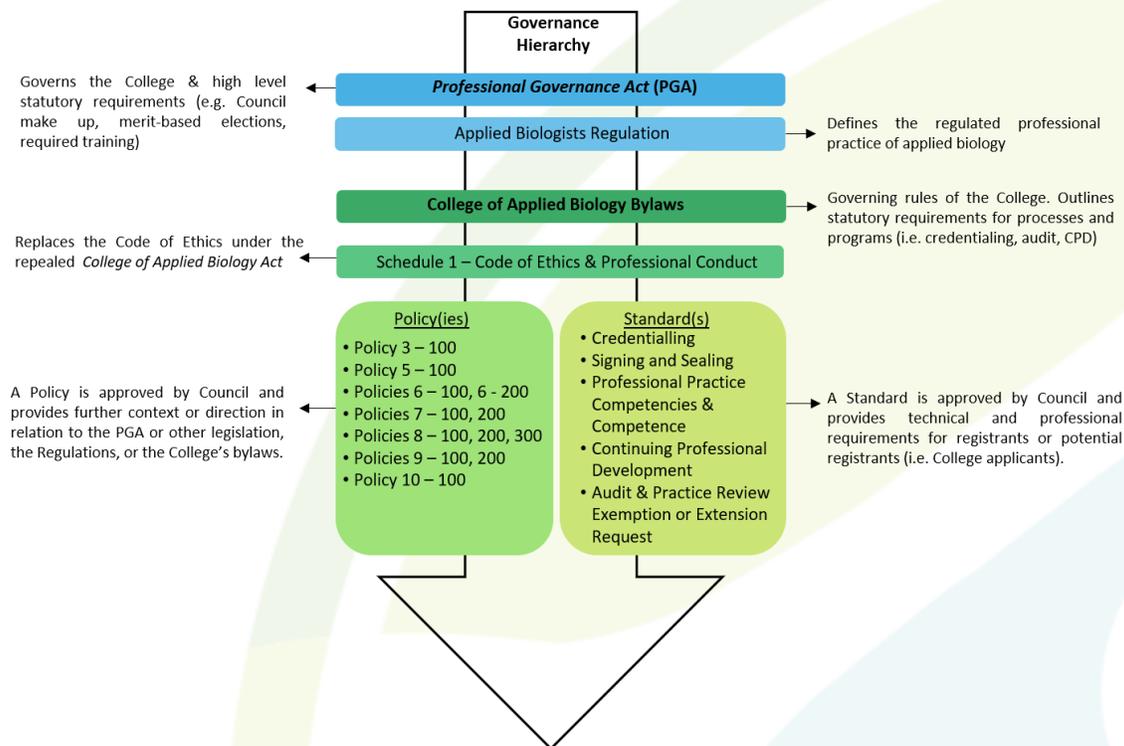


Figure 1.0 College of Applied Biology's governance structure under the *Professional Governance Act* and *College Bylaws*.

Bylaws

The *Professional Governance Act* is specific in its requirement that regulators establish bylaws to guide the fulfillment of their mandates to protect the public interest. Hence, in order to comply with the PGA, the College Rules have been replaced by bylaws.

The bylaws have been developed by the College in consultation with the legal counsel and the Office of the Superintendent of Professional Governance (OSPG). Once approved by the College's Council and the OSPG, the bylaws will be officially filed with the provincial government. This will take place on February 5, 2021 or shortly thereafter.

The College will post the bylaws, policies and standards and notify registrants and the public once the bylaws have been approved and filed with the Ministry of the Attorney General.

Standards and Policies

A College Policy and Standard is approved by Council, is listed under the applicable bylaw and is binding on registrants. College Rules Schedules 3, 4, and 6 which covered Qualification for Membership, the Continuing Professional Development (CPD) and Audit programs respectively have now become College Policies with accompanying Standards. There are also some new policies for changes to the College such as merit-based elections and the practice review program. Policy 3 – 100, for example, provides greater detail on the nominations and elections processes and explains other responsibilities of the Nominations Committee such as qualifying and nominating chairs of statutory committees. Policies and standards are important to aid the College in fulfilling its mandate and for providing detailed requirements for current and prospective registrants.



Summary

British Columbia was the first jurisdiction in recognizing the profession of applied biology as an equal partner in resource management along with the individuals who practice the profession. The new *Professional Governance Act* (PGA) and the subsequent regulations, bylaws, standards and policies are an exciting opportunity to evolve not only professional governance – but indeed the profession itself. It is important that you take the time to brief yourself on the key documents that affect your practice once they are approved:

As we have done throughout the process, we will continue to update you through all communication platforms. Please watch for notifications.

If you have any questions regarding the implementation of the new Act, please do not hesitate to contact the College office at 250-383-3306 or email admin@cab-bc.org.



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