



# Professional Reliance and the College of Applied Biology

*December 22, 2017*

## Executive Summary

On October 3rd, 2017 the Honourable George Heyman announced the Professional Reliance Review. As the regulator of registered applied biology professionals in BC, the College of Applied Biology (the College) welcomed the opportunity to work with the provincial government, professional associations, and other partners to identify strategies and actions to improve the model.

As with all regulated professional organizations, the College's primary mandates are to set standards for entry into the profession, to hold our members accountable for their conduct and practice, and to safeguard the public interest. The College is proud of the successes we have seen to date – but as with any model – there is always room for continuing improvement.

This document gives an overview of the College of Applied Biology, its statutory obligations and the mechanisms to ensure that members are adhering to their professional obligations. It also lays out a number of recommendations for the College, the provincial government, and industry and partners including:

- Improving communications with members and the public
- Developing clarity around Scope of Practice
- Granting “Right to Practice” for applied biology professionals
- Investing in capacity in government to fully implement the model
- Supporting employees who have witnessed a potential infraction and wish to make a complaint
- Formalizing a multi-stakeholder working group to address issues on an annual basis

We look forward to ongoing discussions with government, College members, and other partners on improving the model.



## Background on the Professional Reliance Model

While professionals have always been key to delivering on resource management, over the past 20 years there has been a significant transformation which – at least in resource management – is the move to results-based regulations. The concept is that government’s principal responsibilities are to have professionals set the standards (primarily in regulations) at the front end, and then focus efforts on ensuring that those standards are met on the ground. The actual professional recommendations made to meet government mandated standards are no longer principally the responsibility of professionals who work within government, but delegated through legislation to professionals outside of government. This model has become known as “professional reliance”.

In the professional reliance model, each participant has an important role to play to ensure that the public interest is protected.

**Table 1. Roles in the Professional Reliance Model**

Function	Accountable	Authority
<b>Creating, implementing and enforcing:</b> <ul style="list-style-type: none"> <li>• Legislation</li> <li>• Regulations</li> <li>• Standards</li> </ul>	Federal, Provincial and First Nations Governments	<i>Constitution Act (1982)</i>
<b>Creating, implementing and enforcing:</b> <ul style="list-style-type: none"> <li>• Bylaws</li> </ul>	Municipal governments	<i>Local Government Act Community Charter</i>
<b>Professional Standards and Obligations</b>	Professional regulating agencies – <b>The College of Applied Biology</b>	<i>College of Applied Biology Act</i>
<b>Professional work (public and private sector)</b>	Individual Professionals	Licensing under a duly constituted association – <b>The College of Applied Biology</b>
<b>Adhering to all legal requirements for resource management</b>	Industry, Consultants and other Employers Individual Professionals	

Registered Professional Biologists (RPBios), Registered Biology Technologists (RBTechs) and Applied Biology Technicians (ABTs), like all other self-regulating professionals, have a governing body that operates on the authority of provincial legislation. To become an applied biology professional an applicant must meet the educational, report and work competencies that demonstrate that they have the technical and scientific proficiency to practice applied biology. They must also continue to meet professional development requirements to ensure proficiency in their particular field of practice.

As with any model there is always room for improvement - and that includes the professional reliance model - but for real change to be realized there must be a comprehensive evaluation of the entire model. This includes the governments who set the standards and who are responsible for enforcement; businesses, agencies and other employers who are operating under the regulatory regime; and the professional organizations who set the professional standards for competency and conduct. Without



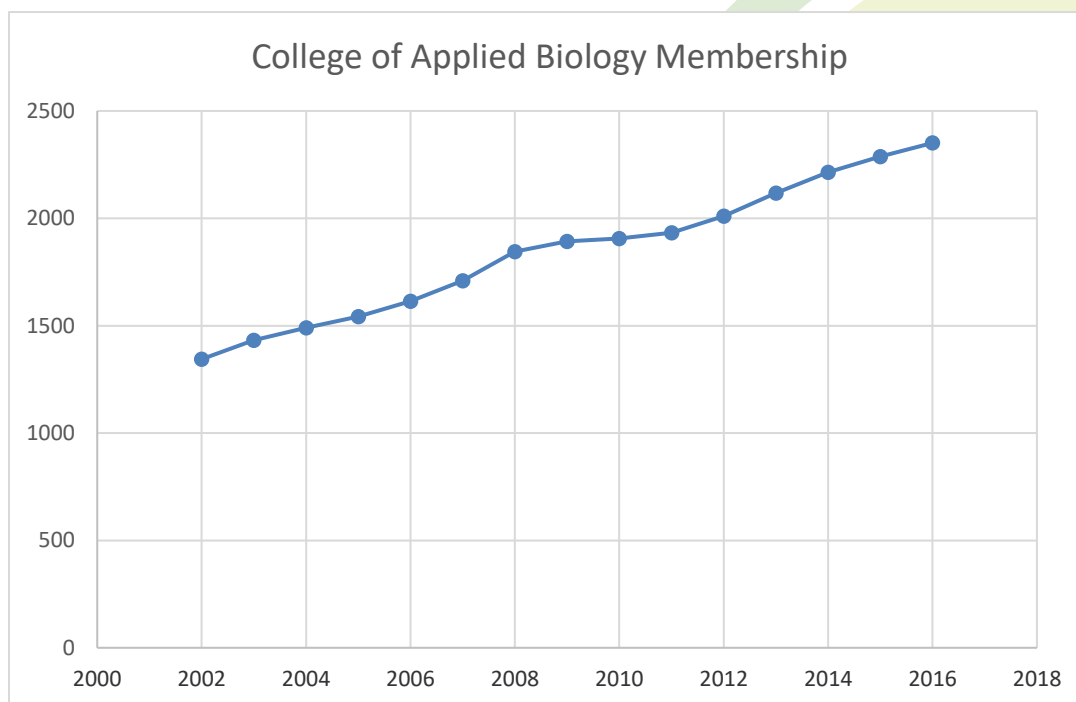
this comprehensive view it is possible to address some specifics, but it will not make the entire model more effective and accountable to the public.

## The College as a Professional Regulator

### ***Mandate of the College***

The *College of Applied Biology Act* was proclaimed in 2003 and is the only Act of its kind in Canada. This was significant as it marked the first-time applied biologists have been granted full professional status through self-governing legislation. The College is responsible for: 1) governing its members in accordance with the *Act* and the rules, and 2) cooperating with other professional or occupational bodies charged with governing the conduct or competence of their members on a matter the College considers relevant to applied biology.

Today, the College of Applied Biology regulates over 2,300 licensed biology professionals and ensures members are held accountable for their practice and conduct. As a governance body, the College maintains an apolitical stance and does not engage in issue-oriented advocacy. The College meets the public interest requirement of the *Act* by holding its members accountable for their actions.



**Figure 1. Total number of members in the College of Applied Biology by year.**



## **Who are professional biologists and what do they do?**

Watch Biologists in action video. (Click link [here](#))

<https://vimeo.com/130363551>

- Applied Biology professionals protect the public interest by providing science-based advice for resource management decisions, policies and assessments.
- Members of the College of Applied Biology are professionals who meet high standards for entry into the College and the right to the designation: Registered Professional Biologist (RPBio), Registered Biology Technologist (RBTech), Applied Biology Technician (ABT).
- Applied biology professionals are practitioners who take their knowledge of biology and apply it in a wide variety of fields to help manage and protect natural resources for the benefit of the public.
- Applied biology professionals are involved in many areas of practice ranging from environmental assessments, aquaculture, wildlife and fisheries management, riparian area assessments\*, contaminated site assessments, and supporting conservation, management, and planning in both urban and rural environments.

## **Protecting the public interest**

The College is committed to safeguarding the public interest by ensuring BC's natural resources are managed by qualified, accountable professionals. The College protects the public interest by:

- Setting and upholding high standards for entry into the profession of applied biology,
- Ensuring the ongoing competency of College members through establishing and overseeing continuing professional development (CPD) requirements,
- Holding applied biology practitioners accountable through Audit, Practice Review, and Discipline programs,
- Addressing inquiries and complaints concerning the practice of College members,
- Preserving and protecting the scientific methods and principles that are the foundation of applied biology,
- Upholding the principles of stewardship of aquatic and terrestrial ecosystems and biological resources by requiring members to follow the College's Stewardship Principles,
- Ensuring the integrity, objectivity and expertise of its members through a Code of Ethics,
- Having members of the public participate on Council and Committees (e.g. Lay members), and
- Maintaining transparency: posting information, policies, and discipline summaries and Citations to the public College website.

## What is a Qualified Professional?

The Province of British Columbia under the Riparian Areas Regulation\* defines a qualified environmental professional (QEP or QP) as ***“an applied scientist or technologist who is registered and in good standing with an appropriate B.C. professional organization constituted under an Act. The QEP must be acting under that association's code of ethics, and subject to the organization's disciplinary action.***

***A qualified environmental professional could be a professional Biologist, Agrologist, Forester, Geoscientist, Engineer, or Technologist.***

***Qualified environmental professionals can conduct assessments as individuals or together with other qualified environmental professionals. They must have an area of expertise that is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report for the particular development proposal that is being assessed. They will only be considered a qualified environmental professional for that portion of the assessment that is within their area of expertise, as identified in the assessment methodology.”***



The *College of Applied Biology Act* and Rules can be found on the website: (Click link [here](http://www.cab-bc.org/act-rules-and-policies)) [www.cab-bc.org/act-rules-and-policies](http://www.cab-bc.org/act-rules-and-policies)

## Accountability and Competency of College Members

### Applications & Credentials

Applications are accepted throughout the year for all membership categories. Applicant information is screened by College staff for completeness and to assess that it meets criteria for membership in one of the categories. The Credentials Committee reviews applications and makes recommendations to the Registrar whether applicants meet the entrance criteria. Credentials committee members must have at least five years' professional experience and must be approved by the College Council.

Over the past several years, approximately 25% of applicants have been informed that their credentials do not meet the entrance requirements. If they do not currently meet our standards, they are advised of opportunities to address deficiencies if they choose to re-apply.

Membership categories and criteria can be found on the College webpage: (Click link [here](http://www.cab-bc.org/membership-categories)) ([www.cab-bc.org/membership-categories](http://www.cab-bc.org/membership-categories)).

- Categories that have voting rights in the College include: Registered Professional Biologist (RPBio), Registered Biology Technologist (RBTech), and Applied Biology Technician (ABT).
- Non-voting categories include in-training members for RPBio, RBTech, ABT as well as Student Biologists (ST).

Applications for RPBio and RBTech must include:

1. Documentation of their work experience,
2. Professional references, and
3. Professional or technical reports.

ABT applicants do not need to provide technical reports in their applications but do need to include work experience and references. Prior to obtaining their membership, all registered and in-training members must pass an online course and exam in professional ethics.

### Audit & Practice Review

The audit process is initiated at the end of the calendar year with a random selection of auditees from the membership database. Members that have been audited in the previous five years are excluded from the random draw. RPBio, RBTech, and ABT categories are all eligible for audits. Audit information is provided on the College website: (Click link [here](http://www.cab-bc.org/audit-program)) ([www.cab-bc.org/audit-program](http://www.cab-bc.org/audit-program)).



Auditors must be practicing members with at least seven years' experience and must be approved by the College Council. New auditors must undergo an audit of their practice and then work alongside an experienced auditor prior to conducting an audit independently.

Auditees are required to demonstrate their currency with respect to professional development and their areas of expertise declared in their profile. As well, auditees are held to account for all elements of the Code of Ethics and must demonstrate compliance with the Code of Ethics as part of the audit. If an auditee is determined to be deficient in an area of practice, the Audit and Practice Review Committee (APRC) will make recommendations to remedy the deficiency and provide timelines that must be achieved to demonstrate compliance.

The College is also finalizing a Practice Review program. This program is a priority for 2018 and is described below under recommendations.

### Complaints & Discipline

Complaints from members or the public are received at the College and forwarded to the Registrar. As a first step, the Registrar ensures the subject member is a member of the College or was a member at the time the alleged infraction took place. Complaints that meet the criteria are forwarded to the Discipline Committee for review. Discipline Committee members must have at least five years' experience practicing applied biology as a professional and must be approved by the College Council. Lay members are also required on the Discipline Committee.

The Discipline committee reviews all complaints to ensure the matter falls within the jurisdiction of the College, i.e., the complaint alleges professional misconduct, conduct unbecoming a member, or incompetent performance of duties while engaged in applied biology practice. If the complaint meets any of these criteria, the details are forwarded to the subject member for comment. Subject members can provide a conditional admission at any time during the complaint process. Upon receipt of the subject member comments, the Discipline Committee, at their discretion, may dismiss the complaint, forward the comments to the complainant, or decide the complaint should be referred to a Discipline hearing.

As well, the Discipline Committee may conduct an investigation to obtain greater clarity regarding a complaint.

Details regarding the complaint process are found on the College website (click link [here](#)) ([www.cab-bc.org/are-you-considering-complaint](http://www.cab-bc.org/are-you-considering-complaint)). Details of all complaints are summarized in a Discipline Digest (click link [here](#)) ([www.cab-bc.org/discipline-digest](http://www.cab-bc.org/discipline-digest)).



### Professional Ethics

All applicants for RPBio, RBTech, ABT and in-training categories are required to complete the College's online course in ethics and stewardship prior to receiving membership in the College (click link [here](#)) ([www.cab-bc.org/payment-forms/professional-ethics-requirement](http://www.cab-bc.org/payment-forms/professional-ethics-requirement)). The course was developed by the College and focuses on the Code of Ethics and scenarios that apply in professional practice.

The course includes information about the College and modules focused on principles in the Code of Ethics and in the Principles of Stewardship document. Following completion of the course, applicants must take an exam and obtain a score of 100% to pass. Applicants are given three opportunities to pass before being required to re-take the course.

### Continuing Professional Development

All registered and in-training members are required to maintain 100 Continuing Professional Development (CPD) hours over a three-year period. In addition, members must certify annually that they have read the Code of Ethics and have met their CPD requirements. Members can gain CPD points in the following categories:

1. Professional practice (e.g., working in applied biology)
2. Continuing education (e.g., formal or informal training)
3. Service to the community and the profession (e.g., assisting with science fairs, citizen science projects)
4. Service to the College of Applied Biology (e.g., holding elected positions, sitting on committees)

The College has developed an online CPD tracking system to assist members with tracking points. This online system also assists the APRC during audits to ensure members are compliant with their CPD requirements.





## Recommendations

In order for progress to be made on the model, all participants - the College of Applied Biology, Provincial Government, Industry/Employers, and partners in resource management - need to evaluate and adjust their legislation, policies and procedures. The following recommendations are intended to help facilitate improvements.

### College of Applied Biology

- **Finalize Practice Review process and implement the program**

The College will be finalizing the Rules and procedures regarding Practice Review in 2018. Beta testing of the Practice Review program will be carried out in late 2018 and implemented in 2019.

- **Ongoing review and updates to policies, guidance documents, and standards**

The College is updating existing policies to ensure alignment with College Rules and procedures. As well, the College will be further developing standards and guidelines, in selected practice areas, such as the recently released RAR Practice Guidelines, to ensure members can be held accountable for professional practice.

- **Finalize and communicate Conflict of Interest information**

Guidance information to members regarding Conflict of Interest issues has been developed and will be available to the public and College members on the College website in early 2018.

- **Strengthen the existing Ethics program**

All new members must complete an online ethics course and exam to complete their membership application. Participants are required to obtain a 100% passing grade in the exam portion of the course.

Going forward, Council is exploring ethics refresher training for members to continue to foster professionalism and accountability. In 2018, the College will develop course content and beta test the refresher training program.

- **Develop Scope of Practice for RPBios, RBTechs and ABTs**

Defining the Scope of Practice for applied biology professionals is a priority for 2018. In 2017, staff and members initiated a process for defining Scope of Practice. All membership categories will be included in Scope of Practice and this will enhance the ability of the College to hold members accountable in their practice area.





- **Update Continuing Professional Development (CPD) online tracking system**

The College CPD program is mandatory and members must obtain 100 CPD hours during a three-year period. The online tracking system needs to be updated so that the functionality meets the expectations for the College and members.

- **Clarify and inform members about statutory requirements**

The College will continue to develop and clarify information regarding statutory requirements, so members and public are informed of the required processes. This will enable better communication between the College staff and membership regarding requirements of the Credentials Committee, Audit and Practices Review Committee, and Discipline Committee.

### Provincial Government

- **Grant Right to Practice for Biologists.**

Under the current *College of Applied Biology Act*, only individuals who meet the College's Credentials criteria have the legal right to use the title Registered Professional Biologist (RPBio), Registered Biology Technologist (RBTech), or Applied Biology Technician (ABT). While many pieces of provincial legislation require membership in the College, there is no legal requirement that prohibits any person – regardless of training – from practicing some form of biology. In short, there are biology practitioners that are not regulated by the College, not bound by the Code of Ethics and Principles of Stewardship, and therefore are not captured under the statutory requirements set by the College's Credentials, Audit and Practice Review, and Discipline Committees.

By restricting the definition in the *Act* to Right to Title, the College cannot hold unlicensed biologists accountable and therefore cannot adequately protect the public interest.

- **Amend Act to allow professional regulator discretion to establish categories under regulation.**

Under the current regulatory regime there are many individuals who are practicing some form of biology without professional designation. These practitioners are unable to meet the College's current entrance requirements because their primary degree is not in an area that aligns with the College credentialing rules. However, by developing professional criteria for distinct categories, based on formal education and experience, they could practice specific functions required in resource management. By regulating these practitioners, and making sure that they adhere to the Code of Ethics, the province and the College would be increasing accountability and protection of the public interest.

- **Amend New West Provincial Trade Agreement (NWPTA) to allow College discretion in allowing membership.**

The Province of British Columbia is a signatory to the NWPTA. One of the stated objectives of this agreement is to ensure that labour mobility allows “certified workers to practice their occupation in these provinces without being subject to additional exams or training requirements”. To meet this objective, the College is required to grant membership to biologists who hold a professional Biology



designation through the Alberta Society for Professional Biology, although the entrance criteria are significantly different.

Since 2009, 297 NWPTA applications have been processed by the College. Relevant statistics indicate the following:

- 38 or 13% did not meet the College entrance standards
- 38 or 13% used NWPTA to gain to RPBio status
- 4 or 1.5% were RBTEchs or RBTEchs in Training and used NWPTA to gain professional status
- 130 or 44% of NWPTA applicants listed BC as their residence; it can therefore be assumed that these individuals did not meet the entrance requirements of the College

Amending this blanket provision within the NWPTA will allow the College to verify that applicants coming from other jurisdictions qualify as Registered Professional Biologists and have met the standards required to practice applied biology in British Columbia.

- **Improve the current regulatory regime to make regulations and policies as clear, accessible and transparent as possible; verify requirements are being met; and ensure requirements are having the intended outcomes (C&E).**

The professional reliance model was based on the premise that government's principal responsibilities were to have professionals in the public service set the standards (primarily in regulations) at the front end, and then focus efforts on ensuring that those standards are met on the ground. Unfortunately, the public service has seen a reduction in staff. Review of the regulations to ensure that the standards are clear and achievable, decisions are in the "right" place (government or private sector), and that there is accountability for those decisions supported by enhanced compliance and enforcement activities – and subsequent revisions to the standards where necessary – will improve the model and the public's confidence in responsible resource management.

- **Ensure that there is professional capacity in government to improve the model.**

Hiring professionals into positions that require professional expertise and accountability is critical to correctly delivering on the professional reliance model. It is especially important that key roles in government requiring an employee to approve the work of a registered professional be completed by an individual that is a member of the relevant professional organization that best aligns with the work being assessed.

- **Support government employees bringing forward possible Code of Ethics infractions by members of a profession.**

The College has been contacted by members of the public service who have concerns about the work of a professional in the field. It has been communicated that sometimes there has been a lack of support to bring forward a formal complaint – and in some instances direction to the employee NOT to bring forward a complaint by the employer. In order for the College (or any professional association) to fulfill its statutory obligations, there must be support for members of the public service to bring forward formal complaints.



### Industry/Employers

- **Hire professionals to conduct work and follow their advice and recommendations.**

When hiring for a job, whether that be in the government or private sector, ensure that the appropriate professional is engaged who possesses specific training and expertise in the field required. Ensure that reports, advice, and recommendations developed by the professional are adopted and considered.

- **Support the complaints process where a professional may not be adhering to the Code of Ethics.**

Ensure that staff and contractors are aware of the process to submit a complaint to the College. If a situation arises in which a professional may have breached the College Code of Ethics, the College should be contacted so that the proper process can be initiated.

- **Work with professional regulators to ensure that training, guidance and standards are developed to support work.**

The College and other professional regulators are committed to facilitating access to new guidance and training for members. As legislation and practices evolve, it is important that employers are part of the conversation to be aware of changes. Employers must have systems in place to support their staff to remain current and to obtain the appropriate level of training. If there is a need for more training or a different type of training, employers should work with the College to identify gaps and training needs to address these gaps.

- **Require individual professionals to sign-off on their reports.**

Because individual members are regulated by the College of Applied Biology, all reports, recommendations and advice must be signed off by the individual professional who conducted the work or the professional who provided oversight of the work. Having a general sign-off using a company name means it is not possible to know that a professional did the work, or the name of the professional who is responsible. When the individual professional does not sign their work, there is no transparency and this can undermine professional accountability. Therefore, the College recommends that employers implement internal policies in which it is mandatory for individual professionals to sign and seal their work.

### Partners in Resource Management

- **Develop Practice Guidelines/Standards and training for members.**

The College is committed to working with others to ensure that guidelines and standards are up to date. Government, other professional regulators, employers, and First Nations can play a role in assisting with the development of new Practice Guidelines or in updating existing ones.



- **Develop industry/employer “certification” program.**

To better protect the public interest, employers can agree to uphold a high standard at an organizational level in terms of their compliance with legislation, hiring practices, Codes of Conduct, corporate responsibility, and use of professionals. The College will explore possible options for a certification program based on capacity and resources.

- **Initiate a government-led Roundtable (working group) consisting of all partners (government, professional associations, industry/employers, First Nations) to consider issues and potential problems and take corrective actions when warranted.**

Annual reviews can be held with all stakeholders to assess the performance of the Professional Reliance model, identify issues, and provide a means for continual improvement on an ongoing basis.