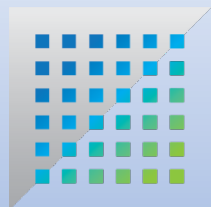


Introduction to the BC Professional Governance Act

Paul Craven • Superintendent of Professional Governance • 17 September 2020



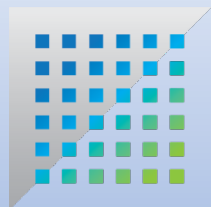
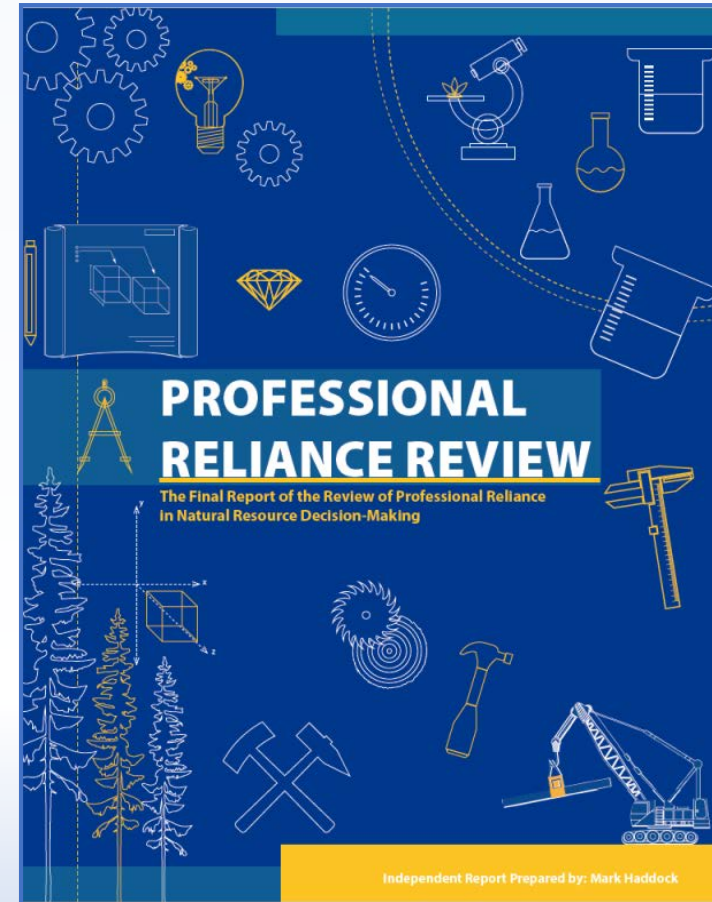
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Professional Reliance Review – 2018

Governance Recommendations:

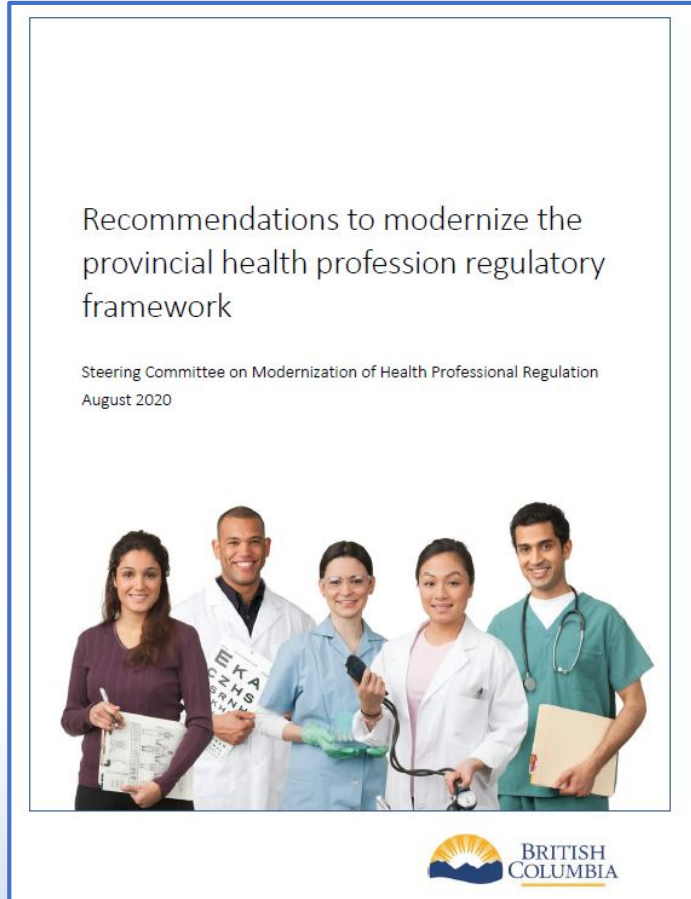
1. Establish an oversight office for professional governance
2. Legislate critical elements of professional governance



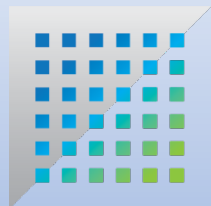
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Evolution of Professional Governance Model



- Seeing changes in BC and across the country in professional governance
- Modern framework for regulatory bodies
- Focus on public interest; movement away from dual mandate
- Stronger oversight and support from government



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Professional Governance Act (PGA): Recap

- Received Royal Assent Nov 27, 2018
- Created the Office of the Superintendent of Professional Governance (OSPG)
- Will replace statutes of the 5 prescribed professional associations (regulatory bodies)
- Has a mechanism to include other regulatory bodies
 - Government direction to bring AIBC under PGA in order to benefit from modern legislation
- Expected to come fully into force Fall 2020

HONOURABLE GEORGE HEYMAN
MINISTER OF ENVIRONMENT
AND CLIMATE CHANGE STRATEGY

BILL 49 – 2018
PROFESSIONAL GOVERNANCE ACT

Contents

PART 1 – DEFINITIONS AND APPLICATION

- 1 Definitions and interpretation
- 2 Specific definitions and information
- 3 Application to firms as registrants

PART 2 – SUPERINTENDENT OF PROFESSIONAL GOVERNANCE

Division 1 – Appointment of Superintendent

- 4 Office of the superintendent of professional governance established
- 5 Superintendent's power to delegate
- 6 Professional Governance Advisory Committee
- 7 General duty and responsibilities of superintendent
- 8 Rules of practice and procedure

Division 2 – Powers of Superintendent

- 9 Guidelines
- 10 Investigations and audits by superintendent
- 11 Directives issued by superintendent
- 12 Appointment of public administrator
- 13 Power to compel persons to give evidence and order disclosure
- 14 Contempt proceeding for uncooperative witness or other person
- 15 Referral of complaints
- 16 Application of the *Administrative Tribunals Act*
- 17 Administration of rosters
- 18 Public interest disclosure

Division 3 – Reports of Superintendent

- 19 Reports to minister
- 20 Superintendent to make recommendations

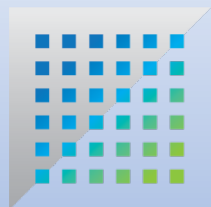
PART 3 – REGULATORY BODIES

Division 1 – General

- 21 Definition
- 22 General duty and responsibilities of regulatory bodies

Division 2 – Organization of Regulatory Body

- 23 Council of regulatory body

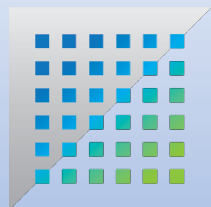


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PGA Overview

- The PGA is broad and general legislation designed to provide oversight to regulatory bodies
 - Current focus: natural and built environment
- The PGA increases, centralizes and focuses government oversight but is not remedial
- The PGA modernizes and clarifies role of regulatory bodies and introduces the role of Superintendent

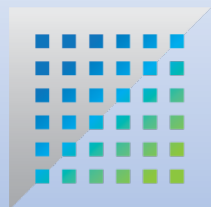


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OSPG: Who Are We

- OSPG established in June 2019 through the PGA
- Independent office in the BC Ministry of Attorney General
- Centre of excellence and expertise in professional governance
- Acting in the public's interest



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Office of the Superintendent
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OSPG Vision

Effective, trusted and supported professional governance that protects the interests of British Columbians

We are committed to being:



Fair



Flexible



Transparent



Responsive



Collaborative



Accountable



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What We Do

Regulate

- *To maintain a modern regulatory framework responsive to changing professional environments*
- *To support regulatory bodies effectively regulating their registrants*
- *To enforce compliance with the PGA*

Review

- *To identify and respond to systemic or general governance matters*
- *To assess regulatory body performance against standards*
- *To ensure regulatory body bylaws are in the public interest*

Research

- *To incorporate best practices in professional governance*
- *To develop policy and guidance*
- *To assess impacts of policy/regulations on all interested parties*

Report

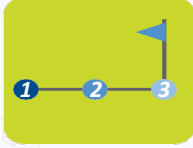
- *To transparently communicate about matters of professional governance*



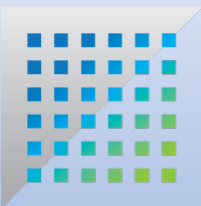
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Professional Governance Act - Implementation



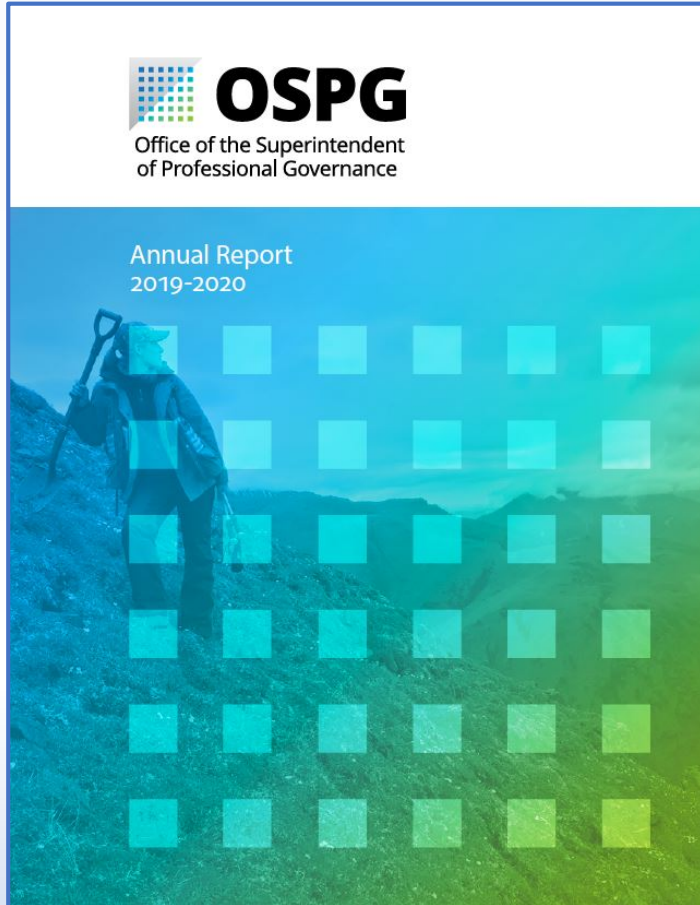
The PGA uses a phased implementation approach:



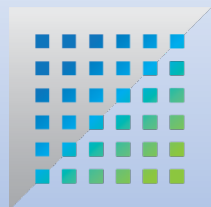
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Phase 2 – Fall 2019 to Summer 2020



- Regulatory Body Readiness
 - Bylaw transition; structure (council, committee and elections); complaint and discipline process; duty to report; advocacy framework alignment.
- OSPG Readiness
 - Regulation development; standards of good regulation; interpretation of PGA; joint policy work on topics including competency standards, advocacy and transparency, code of ethics, duty to report, and complaints and discipline.
- OSPG's First Annual Report (May 2020)

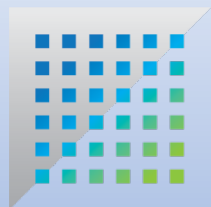


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Phase 3 – Fall 2020 and Beyond

- The PGA will be fully in force
 - Current legislation of each regulatory body will be repealed
- Initial regulations completed
- Regulatory bodies' mandatory bylaws filed
- Declarations of competence and conflict of interest will be phased in and will continue to be developed beyond Fall 2020
- OSPG transition from implementation to operations and enforcement



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AIBC Transition – Phased Approach

PHASE 1: July – Dec 2020

July – Nov 2020:

- Joint announcement of AIBC's move July 14, 2020
- Change management - OSPG/AIBC presentations and communications
- OSPG prepares OIC for Constitution Act amendment
- AIBC receives OSPG resources to guide their bylaw, register, and organization structure work
- **Dec 2020:** *Architects Act moves to AG oversight*

Phase 2: Jan 2021 – TBD

- OSPG develops regulation for AIBC designation
- OSPG develops/amends regulations as required to meet needs of AIBC
- AIBC develops required bylaws
- OSPG review of draft bylaws
- Revisions and final submission **2-3 months prior to designation date:**
 - Regulation Approval Process
 - Regulation Approval
 - Filing of bylaws with Minister

Phase 3: 2021/2022 - Beyond

- AIBC is designated as regulatory body under PGA
- Architects Act is repealed
- PGA requirements for AIBC and its registrants are in force
- AIBC's bylaws are filed



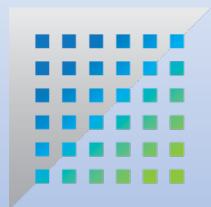
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The PGA, AIBC and You

Governance

- Stronger emphasis on professional regulator role and public interest mandate
 - Member association role played by individual associations for each professional area
- Leaner council focused on governance
 - Greater lay representation, merit-based nominations/appointments, oaths of office
 - 7 elected registrant councillors, 4 appointed lay councillors and non-voting past president
- 5 statutory committees for core functions
 - Nominations, Credentials, Audit and Practice Review, Investigations, Discipline



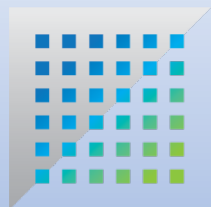
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Bylaws

- Councils will adopt bylaws without ratification by registrants
- Bylaws will be reviewed by Superintendent and filed with Minister
- Changes to registrant participation in general meetings



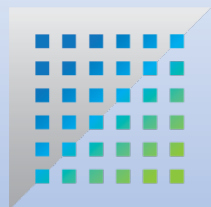
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The PGA, AIBC and You

Regulated Practice, Reserved Practice and Reserved Titles

- Regulations will set out practice definitions and reserved titles
- S. 55 of PGA modernizes how practice rights exclusions and exemptions are expressed



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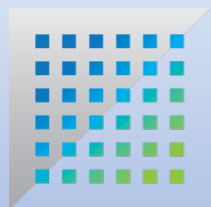
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The PGA, AIBC, and You

Advocacy

Policy Intent:

- Ensure that activities are focused on Regulatory Body's general duty and responsibilities: regulating registrants and serving and protecting the public interest (s.22)
 - Avoid activities that divert resources away from core responsibilities
- Avoid activities that may lead to the perception that the regulatory body is putting the interests of the registrant ahead of the public interest
- Limits to advocacy are not intended to discourage a strong working relationship with government



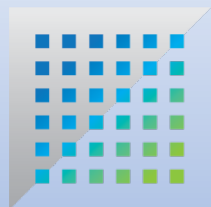
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The PGA, AIBC and You

Standards of Conduct and Competence

- Renewed Code of Ethics
- Stronger Duty to Report
 - Clear guidance on process and triggers
- Protection against Reprisals



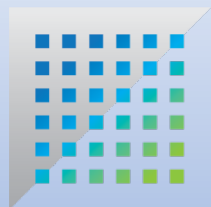
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The PGA, AIBC and You

Education and Continuing Competence

- Not a new requirement for AIBC as this is in place
- Mandatory continuing education programs that supports Indigenous reconciliation may be new



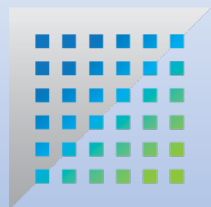
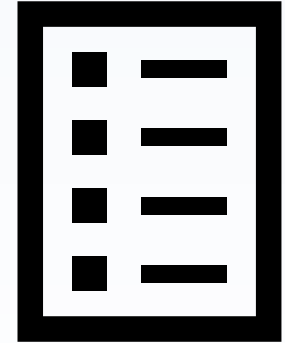
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The PGA, AIBC, and You

Public Register

- PGA requires register on website that includes:
 - Individual's name and whether they are a current or former registrant
 - The category, subcategory, or class of registrant
 - Limits or conditions imposed on the regulated practice
 - Notations for cancellations or suspensions
- OSPG requires bylaws that allow for collection (and possible publishing) of:
 - Registrant areas of practice (annual declaration)
 - City and/or region of registrants, with exceptions
 - Business contact information for registrants
 - Registrant employer information



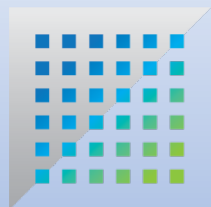
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The PGA, AIBC, and You

Declarations of Conflict of Interest

- PGA declaration provisions will not be brought into force in November 2020
- Policy development on declaration requirements is ongoing
- Regulatory bodies/OSPG to ensure registrants have strong understanding of conflict of interest obligations
 - Guidance
 - Credentialing process
 - Continuing education
- Firms will be required to promote/verify target behaviour – conflict of interest policy in Professional Practice Management Plan
- Working with industry/government, OSPG will evaluate where specific project-based conflict of interest declarations may be necessary



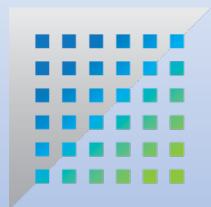
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The PGA, AIBC and You

Complaints and Discipline

- Standardized process and triggers for investigations
- Increased transparency of discipline hearings
- During an investigation, registrants may have limits imposed on their practice or registration suspended if necessary, in public interest
- New process for alternative complaint resolution

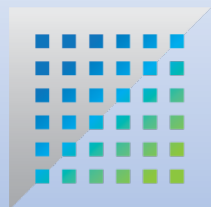


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Looking Ahead

- ✓ Modernized and improved regulation
- ✓ Better government responsiveness to concerns of professional regulatory bodies
- ✓ Better transparency of professional regulation
- ✓ Enhanced confidence in the continuing system of regulation

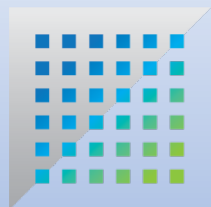


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