

SPECIAL INSERT

# THE PROFESSIONAL GOVERNANCE ACT:

## WHAT YOU NEED TO KNOW

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The regulatory landscape in British Columbia is changing.

The *Professional Governance Act* will soon come into force—new governing legislation for professional regulators in the natural and built environment, including Engineers and Geoscientists BC and the regulators for forestry, agrology, biology, and applied science.

It will replace the *Engineers and Geoscientists Act*, and introduce new regulatory tools, processes, and requirements for Engineers and Geoscientists BC and its registrants.

**This change means you will have new obligations you need to be aware of, and new requirements you need to follow.**



ENGINEERS &  
GEOLOGISTS  
BRITISH COLUMBIA

## PATHWAY TO NEW LEGISLATION

The *Professional Governance Act* was a key recommendation of the BC government's professional reliance review, which examined the current legislation governing qualified professionals in the natural resource sector, and the role professional regulators play in upholding the public interest. It aims to strengthen governance, institute best practices, and provide modern regulatory tools for professional regulators to ensure professionals are held to high technical and ethical standards.

The regulatory tools under the *Professional Governance Act* will improve public safety and confidence in the engineering and geoscience professions, ultimately resulting in stronger regulation and a safer British Columbia.

**Due to the recent election and its impact on timelines for legislative approval, we anticipate the *Professional Governance Act* will come into force by February 2021.**

**This change means you will have new obligations you need to be aware of, and new requirements you need to follow.**

## WHAT'S CHANGING?

1

### AN UPDATED CODE OF ETHICS

The *Professional Governance Act* requires each regulator under this legislation to include a minimum of 12 standardized mandatory principles within their Code of Ethics for their registrants.

#### WHAT DO YOU NEED TO KNOW?

- Engineers and Geoscientists BC's Code of Ethics will be updated to include 13 principles.
- Generally, the changes are modest and are consistent with the Code that has been in use since 1991.
- We consulted registrants earlier this year, and 87% said they either "fully" or "mostly" understood their obligations under the new Code.
- Guidance documents, resources, and answers to frequently-asked questions will be published to support registrants' understanding of their ethical obligations.
- The updated Code of Ethics will come into effect when the *Professional Governance Act* is in force.

## CODE OF ETHICS

A registrant must adhere to the following Code of Ethics:

Registrants must act at all times with fairness, courtesy and good faith toward all persons with whom the registrant has professional dealings, and in accordance with the public interest. Registrants must uphold the values of truth, honesty and trustworthiness and safeguard human life and welfare and the environment. In keeping with these basic tenets, registrants must:

1. 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;
2. Practice only in those fields where training and ability make the registrant professionally competent;
3. Have regard for the common law and any applicable enactments, federal enactments or enactments of another province;
4. Have regard for applicable standards, policies, plans and practices established by the government or EGBC;
5. Maintain competence in relevant specializations, including advances in the regulated practice and relevant science;
6. Provide accurate information in respect of qualifications and experience;
7. Provide professional opinions that distinguish between facts, assumptions and opinions;
8. Avoid situations and circumstances in which there is a real or perceived conflict of interest and ensure conflicts of interest, including perceived conflicts of interest, are properly disclosed and necessary measures are taken so a conflict of interest does not bias decisions or recommendations;
9. Report to EGBC and, if applicable, any other appropriate authority, if the registrant, on reasonable and probable grounds, believes that:
  - a. The continued practice of a regulated practice by another registrant or other person, including firms and employers, might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people; or
  - b. A registrant or another individual has made decisions or engaged in practices which may be illegal or unethical;
10. Present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded;
11. Clearly identify each registrant who has contributed professional work, including recommendations, reports, statements or opinions;
12. Undertake work and documentation with due diligence and in accordance with any guidance developed to standardize professional documentation for the applicable profession; and
13. Conduct themselves with fairness, courtesy and good faith towards clients, colleagues and others, give credit where it is due and accept, as well as give, honest and fair professional comment.

## 2

### CONTINUING EDUCATION REPORTING WILL BECOME MANDATORY

The *Professional Governance Act* requires Engineers and Geoscientists BC to develop and implement a mandatory Continuing Education Program.

#### WHAT DO YOU NEED TO KNOW?

- Requirements for the new Continuing Education Program will come into effect **as of July 1, 2021**. Reporting will begin in **June 2022**.
- You will need to:
  - Complete 60 hours of continuing education on a three-year rolling period (20 hours a year on average);
  - Complete at least one hour of ethical learning and one hour of regulatory learning per year;
  - Complete and submit a Continuing Education Plan on an annual basis; and
  - Report all activities by June 30 each year.
- To ease the transition to the new program, continuing education undertaken between January and July, 2021 can be counted toward the first reporting year of the new program.
- Our continuing education model lets you undertake a blend of technical, non-technical, professional and ethical training, and reflects feedback from registrants on how our program can better enable you to maintain competency in your area of practice.

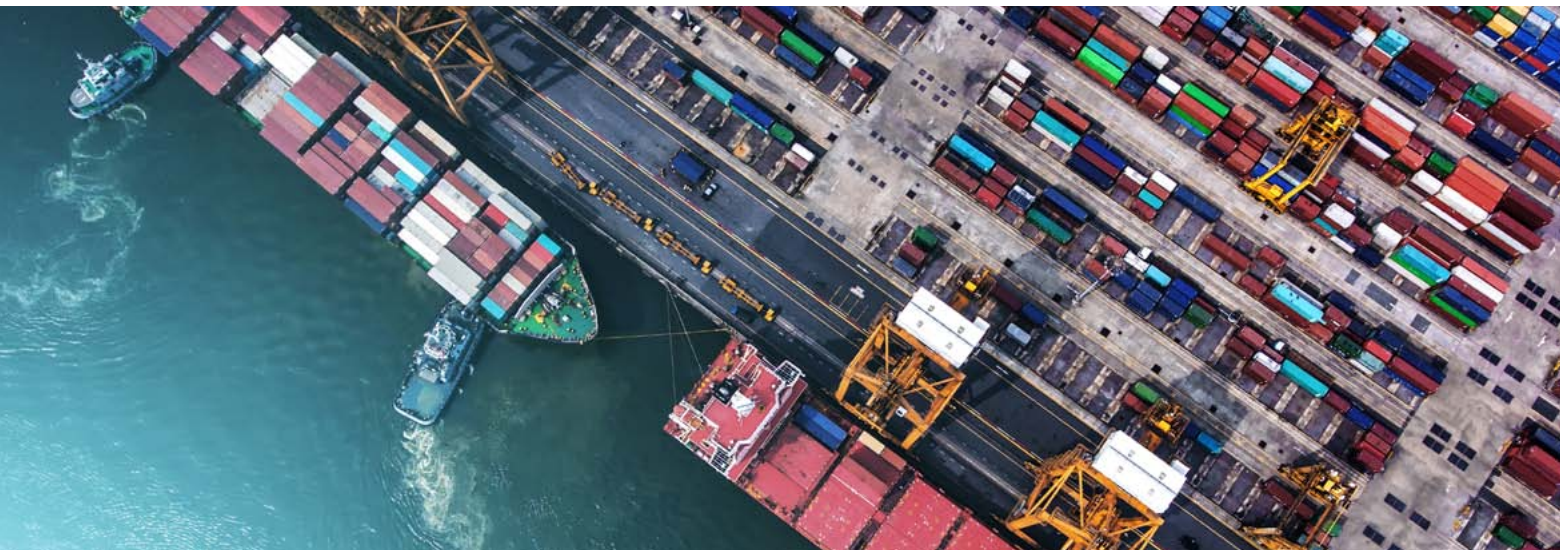
## 3

### ENGINEERING AND GEOSCIENCE FIRMS WILL BECOME REGULATED

The *Professional Governance Act* requires all firms that engage in the practice of professional engineering or professional geoscience to be regulated by Engineers and Geoscientists BC.

#### WHAT DO YOU NEED TO KNOW?

- If your firm engages in the practice of professional engineering or professional geoscience, registration becomes mandatory **on July 2, 2021** and must be renewed annually. Once registered, firms will be issued with a Permit to Practice.
- Regulation will apply to entities in the private and public sector, including sole practitioners.
- Our regulatory model is based on three pillars: quality management, ethics, and continuing education. It was developed over several years by an advisory task force, supported by extensive research and engagement with registrants.
- Firms will be required to complete training and have documented policies and procedures in place for each of the three pillars within 12 months of registration.
- To support firms in meeting these new requirements, we'll be providing templates, documentation, and training beginning early in 2021.



## 4

### NEW ANNUAL REPORTING REQUIREMENTS

The *Professional Governance Act* requires registrants to verify their area of practice annually and keep their contact information up to date with Engineers and Geoscientists BC.

#### WHAT DO YOU NEED TO KNOW?

- You'll need to verify certain practice-related information and contact information annually:
  - Your area of practice;
  - Your industry of practice;
  - Your employer, if applicable; and
  - Your mailing address, business contact information, and email address.
- If your contact or practice-related information changes, you'll need to update your information **within 30 days**.
- The first mandatory reporting deadline is **June 30, 2021**.
- If you fail to update your information, you may be subject to late fees, suspension, or cancellation.

## 5

### CHANGES TO PRACTICE REVIEW AND AUDIT PROGRAMS

The *Professional Governance Act* requires Engineers and Geoscientists BC to establish both proactive and reactive programs to ensure registrants and firms are complying with our regulatory requirements.

#### WHAT DO YOU NEED TO KNOW?

- Our existing Practice Review program will be separated into two distinct processes:
  - Audits: proactive, randomly-selected reviews that measure registrants' compliance with requirements such as continuing education and quality management. For firms, audits will measure compliance with firm regulatory requirements.
  - Practice Reviews: reactive, technically-focused reviews that are triggered when significant issues are identified during an audit of an individual or firm, or as the result of a complaint.
- More information on the timing of these new programs will be available when the *Professional Governance Act* comes into force.

#### TIMELINE

- By February 2021: *Professional Governance Act* comes into force
- June 30, 2021: First mandatory reporting of practice-related information and contact information
- July 1, 2021: Mandatory Continuing Education requirements come into effect
- July 2, 2021: Firms must register with Engineers and Geoscientists BC
- June 30, 2022: First mandatory reporting of continuing education activities

#### KEEP INFORMED

Stay up to date on the *Professional Governance Act* and check out a schedule of upcoming webinars, FAQs, and other resources at [egbc.ca/pga](http://egbc.ca/pga).

Questions? Contact us at [professionalgovernance@egbc.ca](mailto:professionalgovernance@egbc.ca).