

Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR INFORMATION

Ref: 188882

Date: August 30, 2018

Title: Professional Reliance review and “*right to practice*”

Issue: The B.C. Institute of Agrologists has requested a meeting with the Minister to discuss the Professional Reliance review and is requesting “*right to practice*” status for agrologists within the province as part of pending professional reliance legislation.

Background:

There are five associations included in the Professional Reliance Review. Some associations Engineers and Geoscientists BC (EGBC) and the Association of BC Forest Professionals (ABCFP) are granted *right to practice* in their statutes, giving their members exclusive right to practice in their respective professions. The BC Institute of Agrologists (BCIA), College of Applied Biology (CAB), and Applied Science Technicians and Technicians of BC (ASTTBC) have been granted *right to title* in their respective statutes, meaning although only members of the association can use the professional title, others can still practice in the profession. Appendix A identifies the key attributes of the two types of organizations.

The BCIA has made past requests to government of the years to be given *right to practice* status. The arguments for *right to practice* can be summarized as:

- They are not able to fully protect the public interest in carrying out their mandate;
- They are unable to hold unregulated practitioners in their fields accountable;
- Forthcoming regulations changes will impose an additional cost of an oversight which may significantly negatively impact membership in their professions as at this point membership is primarily voluntary.

The BCIA will likely be seeking ministerial support for becoming a *right to practice* organization.

The Ministry of Environment is leading the Professional Reliance review on behalf of government.
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Discussion:

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Suggested Response:

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Appendix A: Key Attributes of *Right to Title* and *Right to Practice* Organizations

The key attributes of *right to title* professions are:

- Registration by practitioners is voluntary.
- Legislation prohibits use or implied use of reserved titles by non-members, but does not prevent non-members from practising.
- The professional association has no jurisdiction over non-members (except in use of protected title), meaning non-members are not accountable to codes of ethics, qualifications, and other measures to protect the public interest.
- Loss of title does not prevent a former member from continuing to provide services in that field of practice.
- Members are qualified and held to standards by Qualified Professionals (QP) regulator association.
- Where not specified in natural resource sector (NRS) legislation, a proponent can choose to employ the services of registered or non-registered practitioners.

The key attributes of *right to practice* professions are:

- Registered members have exclusive rights to provide professional services as defined by scopes of practice. This is sometimes called *reserved practice* or *the guild model*.
- Registration is mandatory for practitioners, so all members are accountable to codes of ethics, qualifications, and other measures to protect the public interest.
- As with *right to title*, professional title is protected by law.
- Loss of title prevents a former member from providing the services of the profession (in B.C.).
- This model has typically been applied where the potential for harm to the public as a result of poorly performed services is considered high.