

GLP Members' Meeting

Professional Reliance

Wednesday, October 25, 2017
Web Teleconference



Objectives

Objectives for today's meeting:

1. Provide members with a basic understanding of professional reliance
2. Review the impacts of professional reliance on BCs public and GLP members
3. Outline the Government Review of Professional Reliance
4. Highlight Professional Reliance and Collective Bargaining Considerations
5. Discussion - your thoughts and questions

What is Professional Reliance?

- Early 2000's BC Liberal Government set goals:
 - 1/3 reduction in government regulations
 - equivalent reduction in the size of the public service
- Government revised legislation for self-governing professions (e.g. foresters and engineers) so that “professional accountability” is maintained through codes of ethics and the disciplinary processes of professional associations (e.g. EGBC and ABCFP), rather than through the approval of plans, permits and licences by government agencies

What is Professional Reliance?

- Repealed government permitting and discretionary decision making authority
- Elevated the role and significance of independent professional judgment considerably
- In many cases professionals may be employees or contractors of the proponent, with duties of loyalty that may conflict with outcomes based on other values, beyond profit

Professional Reliance Impacts

- “Alarms repeatedly sounded” by the three agencies responsible to keep BC Government accountable for stewardship of public resources: Auditor General, Ombudsperson, Forest Practices Board

Professional Reliance Impacts

Auditor General's Audit of MFLNRO 2012

- Ministry has not clearly defined its timber objectives and cannot ensure that its management practices are effective
- Lack of appropriate monitoring and reporting - timber results versus objectives - a critical aspect for a robust provincial economy

Professional Reliance Impacts

Auditor General's Audit of Biodiversity in BC February 2013

- Significant gaps exist in government's understanding of biodiversity in B.C.

Professional Reliance Impacts

Auditor General Audit of Compliance and Enforcement of the Mining Sector May 2016

- “MEM and MOE’s compliance and enforcement activities of the mining sector are inadequate to protect the province from significant environmental risks”
- Re: Mount Polley, “We concluded that MEM did not enforce the design due to...over reliance on qualified professionals”

Professional Reliance Impacts

BC Ombudsperson Report “Striking a Balance: The Challenges of Using a Professional Reliance model in Environmental Protection – BCs Riparian Areas Regulation”

- “Unfortunately, the initial activity that accompanied the development of the Riparian Area Regulation did not lead to an adequate and reasonable amount level of oversight by the ministry”

Professional Reliance Impacts

Forest Practice Board

- July 2012 - Forestry Audit Campbell River: 24/25 licensees in non-compliance - calls for more Ministry diligence

Professional Reliance Impacts

Forest Practices Board Cont'd

- June 2013 – Board Bulletin
 - “Professional reliance appears to be meeting its intent where resource management objectives and priorities are clearly defined at appropriate scales and best management practices are either well known or required in law. Where objectives are not clear, or where competing interests and values are in play, it is not realistic to expect professionals working for licensees to define the public interest.”
 - “Reliance on professionals does not supplant the responsibility of government to ensure objectives are clear and practices are in the public interest.”
 - “A higher level of transparency by professionals, licensees and government is required if the public is to be confident in the professional reliance approach.”

Professional Reliance Impacts

Forest Practices Board Cont'd

- November 2014 - Complaint Investigation - Haida Gwaii Visual Quality Objective
 - “enforcement actions taken by the government were not adequate, with the result being lack of accountability for poor practices on the ground.”
 - “This is another example supporting a concern of the Board that government officials have no ability to refuse cutting permits when they suspect a high risk to forest values. The public expects the government to protect their interests when risk is obvious, rather than allowing a failure to occur.” The Board found that the licensee did not engage in the kind of dialogue expected from professional reliance.

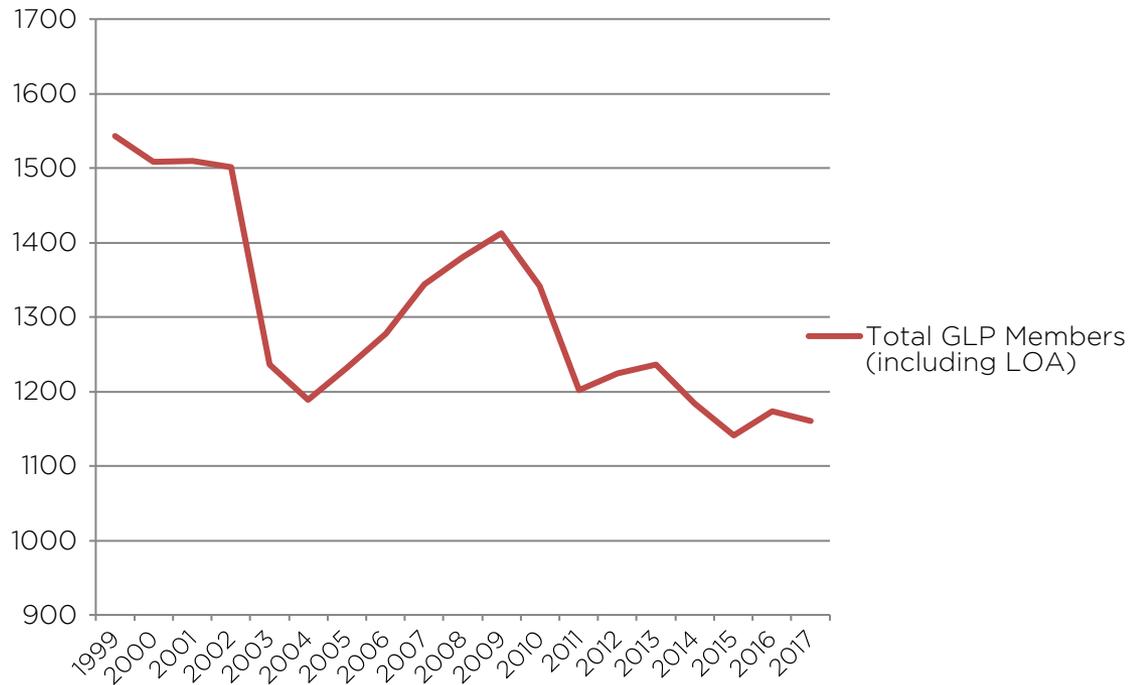
Professional Reliance Impacts

UVIC Environment Law Centre as part of 2014 study on professional reliance:

- “We conclude that much of BCs deregulation goes too far in handing over...matters of public interest to those employed by Industry”
- “BC’s regulatory experiment is somewhat unique, particularly given the extent to which it devolves important decision making to industry professionals”

Professional Reliance Impacts on PEA Members

Total GLP Members (including LOA)



Approximately 25% fewer members than prior to professional reliance

Professional Reliance Impacts on PEA Members

- Wages not competitive - previous government policies did not “value” professionals

PEA Position	Number of Comparator Provinces			
Pharmacist 4	4th out of 9			
Petroleum Geologist LSO 4	6th out of 11			
Engineer LSO 4	8th of of 12			
Petroleum Engineer LSO 4	6th of 8			
Forester LSO 3	5th out of 7			
Mining Inspector LSO 3	7th out of 8			

- September 2017 - Resignation email received from a PEA member in MOTI who left for an equivalent job in Lower Mainland municipality paying 30 per cent better wages

Professional Reliance Impacts on PEA Members

- Limited opportunities for advancement or career progression
- Hiring/FTE limits
- Lack of professional development
- In-ability to apply high level of professional practice; lack of support and resources
- Work intensification and diminished workplace culture

Professional Reliance Impacts on PEA Members

2016 Evidence For Democracy Study, “Oversight at Risk” based on survey of GLP members

- Does your branch/Ministry allocate sufficient resources to effectively fill its mandate?
 - **68% disagree**
- How would you characterize changes in science/research capacity in your branch during your tenure with the government?
 - **71% reduced capacity**

Professional Reliance Impacts on PEA Members

2016 Evidence For Democracy Study, “Oversight at Risk”
based on survey of GLP members Cont’d

- What impact are changes to capacity in your branch/Ministry having in environmental research/regulation?
 - **59% a detrimental impact**
- What impact are changes to capacity having on the ability of your branch/ministry to produce scientific or expert reports/documents?
 - **71% a detrimental impact**

Professional Reliance Impacts on PEA Members

“Oversight at Risk” Recommendations:

- Improve public service research capacity
- Increase transparency and accountability for external professionals
- Retain government oversight for the work of external professionals
- Improve succession planning and internal staff knowledge transfer
- Create science-specific communication policies
- Give government researchers the right to have last review of materials and documents that make use of their work
- Protect against conflicts of interest
- Bolster compliance and enforcement

Government Review Professional Reliance – report by Spring 2018

Review and make recommendations on:

1. Whether professional associations that oversee qualified professionals employ best practices to protect the public interest;
2. Whether government oversight of professional associations is adequate; and
3. Conditions governing the involvement of Qualified Professionals (QPs) in government's resource management decisions and the appropriate level of government oversight to assure the public their interests are protected.

Government Review Professional Reliance – report by Spring 2018

Expected Outcomes of Review:

1. Transparency and public trust in government decisions.
2. Ensuring QPs are used appropriately in the NRS.

Minister of Environment quote about review from August 12/17 Times Colonist

“ I think the public needs to have confidence that reviews and activities of people protecting their interests will be ethical, transparent and in their interest.”

Past PEA Campaigns to Address Professional Reliance

PEA active with public awareness over last handful of years:

- [Endangered Experts Campaign](#) outlined GLP job cuts and warned of disasters like Mount Polley and featured video and earned media
- Mount Polley: significant PEA media interviews; [PEA submission to review panel](#), earned media
- [Submission to Liberal Government Professional Reliance Review](#)
- [Evidence For Democracy - Oversight at Risk report](#) and significant earned media prior to May 2017 BC election

Government Review Professional Reliance

PEA Actions:

- September 19 - Green party meeting
- October 26 - Meeting with ADM lead for review
- October 30 - Meeting with Environment Minister
- November 16 - Meeting with Agriculture Minister

- Continuing follow up for meeting requests with Ministers of: Forests, Mining, Health, Highways and Mental Health
- Gathering members stories about the impact of professional reliance for context at meetings with Ministers and formal submission in review

Government Review Professional Reliance

- Other planned actions to involve PEA members:
 - Continue to invite members to provide comments on PEA submission to professional reliance review
 - Development of resource materials for members involved in formal or informal consultations relating to the review
 - Seeking members from relevant professions to attend meetings with specific Ministers – contact Scott or Melissa if interested

Professional Reliance and Collective Bargaining

- Professional Institute of Public Service of Canada (PIPSC) represents 57,000 federal government scientists and professionals
 - Last settlement round of bargaining: enshrined right of scientists to speak to media and public about science and research and improved Pro-D
- Explore proposals flowing from E4D PEA study to improve “scientific integrity” with bargaining committee now in place
- An early start to bargaining is likely and may correspond with review report-out timelines – identify all review linkages to potential bargaining proposals

Next Steps

- Incorporate outcomes of 2017 political outreach with various Ministers (bargaining and professional reliance review)
- Develop submission to professional reliance review based on member input and previous work of PEA committees, etc.
- Seeking clarification on how PEA members will be consulted from Employer
- Members notify Scott or Melissa at PEA in regard to any ministry consultations

Discussion ...

Questions and comments?