



Professional Reliance and the BC Forest Industry - A CFBC Perspective

In March of 2014, the Forest Practices Board (FPB) released an investigative report entitled: Bridge Planning Design and Construction Special Investigation.

In their report, the FPB examined 216 bridges built on resource roads since January 2010 in five districts around the province.

Nineteen bridges were found to be unsafe and investigators had serious safety concerns with 13 more. While most builders are adequately protecting the environment, there were problems found with bridge planning.

While the FPB report focused on bridge issues specifically and drew a conclusion that professional reliance may be a cause of observed shortcomings, the issue of professional reliance as it relates to BC's sustainable forest practices in general is at the heart of the FBP report.

Key to this discussion was the FPB acknowledgement that:

- Bridge plans must be complete and accurate and a qualified professional must take responsibility for a bridge plan,
- Only 60 percent of bridges investigated had complete plans and there was no professional assurance that 73 bridges were planned and built adequately,
- Both professional engineers and professional foresters may be involved in planning and constructing bridges on resource roads,
- In exchange for the right to practice, these professionals must comply with the law and with professional practice guidelines to ensure that they fulfill their professional obligations to protect the safety, health and welfare of the public and the environment,
- This is called professional reliance,
- The professional associations have provided professional practice guidelines for bridge planning, design and construction to their members, but not all licensees and professionals are following them.

As the association that represents the interests of forest professionals engaged in forestry consulting across BC, we too are concerned that given the FPB assertions, that either:

- some professionals are not following the required standards of practice, or alternatively;

- the obligation by the tenure holder to engage a professional and to act on the recommendations of that professional in the planning, design or building phase of the bridge projects was not properly addressed.

For our part, however, we need to dig deeper into professional reliance and ask the question: just who is relying on whom and to what extent, if we are to better understand what breakdown in the professional reliance model is indicated?

Is professional practice; 1: Being ignored by the professional charged to do the work? 2: Perhaps those charged with the obligation (through tenure) to ensure professional oversight is being applied are not engaging the required level of professional oversight? or 3: Is the advice provided by the forest professional not being followed?

These are all questions of accountability. With regard to the bridges issues, the report does not specifically articulate who was ultimately accountable in each of the specific bridge failures outlined. Unfortunately we cannot ascertain from the FPB report specific details on which employer groups (consultants, government, and industry) were responsible for each bridge failure. Clear transparency requires this information so that the questions outlined above can be properly answered.

But just who is relying on whom when we speak of the professional reliance model in BC?

The public relies on the government to provide the policy framework that ensures BC's forests are managed sustainably and for the public benefit. Key to this is the supporting legislation and regulations that provide for professional reliance.

For its part, the government also relies on the legislation and regulations as a means of structuring professional reliance and when and where it can be applied and relied upon. Among these, the Forest and Range Practices Act, the Forest Act and the Foresters Act all speak to the issue of and opportunities for professional reliance.

Under the Foresters Act, it is the Association of BC Forest Professionals (ABC FP) responsibility to uphold the public interest respecting the practice of professional forestry by ensuring the competence, independence, professional conduct and integrity of its members. They have established standards of education and qualifications to ensure members are qualified and remain up-to-date in their field of practice. This ensures members can be relied upon to act accordingly with respect to the requirements of the legislation and regulations. Where issues of faulty or questionable professional reliance by a member are identified, the ABCFP has disciplinary processes to deal with the member.

Individual companies who are given rights to operate on public lands by virtue of tenure then rely on either their staff forest professionals or hired consulting forest professionals to ensure their obligations for professional reliance are discharged.

As consulting forest professionals, we are routinely engaged by those with the responsibility to manage natural resources via tenure. Professional reliance from our

perspective is about doing what we are instructed to do within the regulatory framework we all work within. As the President of the CFBC, I can say that when one of our members is hired, they can be relied upon to provide professional services to their client.

However, we suspect that in some cases, an indicted “breakdown in the professional reliance model” occurs where the party to the professional obligation does not accept and acknowledge the need to retain the appropriate level of professional help, the advice provided by the forest professional is simply not followed by the tenure holder, or the forest professional is not engaged fully (e.g. retained only for a portion of the work) to ensure completion of the required task, in this case, the final bridge. Regardless of the reason, it is our view that the tenure holder is ultimately responsible for the actions taken by forest professionals on their behalf.

As forest professionals we have responsibilities to: the public; the profession; our client or employer; and other members as detailed in the professional code of ethics. As practicing consulting forest professionals, we are also bound by the code of ethics and like our colleges practicing in other areas of the industry, we can be relied upon to ensure the work we do is to the best of our ability and in compliance with acts, regulations, the Code of Ethics and to ourselves. The success of our businesses are linked to the quality, integrity and professionalism of the services we provide. Not following the professional reliance model to the highest standard, will likely result in a loss of business reputation and or ultimately business failure.

Incompetent work by a forest professional requires investigation by the ABCFP and as the FPB noted, is a concern. But these instances alone may not be the sole cause of a breakdown in the professional reliance model.

Any perceived failure of the professional reliance model must also be shared with tenure holders who either don't retain, limit the scope, or don't follow the recommendations of forest professionals when obligated to do so, since they too have the ultimate obligation to ensure professional reliance is effectively implemented.