



Association of Professional
Engineers and
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British Columbia



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27 February 2007

WorkSafeBC - Workers' Compensation Board of British Columbia
Prevention Policy and Regulation Review Department
Policy and Research Division
P.O. Box 5350 Station Terminal
Vancouver, B.C. V6B 5L5

**RE: RESPONSE OF THE JOINT PRACTICE BOARD (APEGBC & ABCFP)
2007 PROPOSED REGULATION AMENDMENTS to the
OCCUPATIONAL HEALTH AND SAFETY REGULATION**

Attention: Mr. George Matheson, P.Eng.

Dear Sir:

Attached is the response of the Joint Practice Board to the proposed 2007 amendments to the above-noted Regulation which includes specific comments on regulations and explanatory notes. This letter provides some background information relating to the Joint Practice Board and our review process, as well as the general issues in formulating our comments.

BACKGROUND INFORMATION

Both the ABCFP and APEGBC are self-regulating professions created under provincial legislation, with 'right-to-title' and 'right-to-practice' provisions. The respective Acts restrict certain practices only to those individuals registered with their respective professional body. Each of those Acts defines those practices which are restricted to that particular profession.

However, given the interdisciplinary nature of forest operations, there are areas of practice overlap between our two professions. A Memorandum of Understanding was established to form the Joint Practice Board (JPB), and the JPB advises the respective Councils regarding issues of professional practice overlap. In terms of safety, examples of overlap include terrain stability, road layout, design and construction, as well as bridges.

As part of its function, the JPB provides comments to the Associations in relation to proposed legislation. It has advised Councils on the Forest Practices Code and its

associated Regulations, the Forest Practices and Range Act, and other legislation. The JPB has also published articles and developed guidelines related to overlap areas of forestry, engineering, and geoscience practice. The JPB reports directly to the governing Councils of both Associations. As such, this submission represents official comments from the Associations with respect to overlap issues involving forestry, engineering, and geoscience.

SCOPE AND PROCESS OF REVIEW

In the review of the proposed Occupational Health and Safety Regulation Amendments, the JPB appointed a task force to review and comment on the proposed amendments. This task force involved two forest professionals, two geological engineers, and staff representatives from the Associations. The task force received input from a wide range of professional practitioners regarding the issues around the proposed amendments. Specifically:

- Comments from a task force within the Division of Engineers and Geoscientists in the Forest Sector (DEGIFS), a group of APEGBC professionals with regular practice in forestry operations;
- Comments from forest professionals working in the forest industry at various locations throughout the province; and
- Comments from Association representatives familiar with past, current, and planned initiatives surrounding professional practice.

The JPB task force reviewing the proposed 2007 Regulation amendments agreed that the comments to WorkSafeBC would only represent areas of professional practice overlap. As such, the Associations may elect to make separate submissions regarding amendments that are not areas of overlap.

After three task force meetings, the results were discussed at the Joint Practice Board meeting in early February. At this meeting, the Board reviewed the comments of the task force and provided additional guidance to complete the submission.

GENERAL ISSUES

The JPB task force identified two distinct issues that directly affect the areas of professional practice overlap, and represent opportunities to increase professional reliance and improve the effectiveness of the Regulations.

In particular:

- **The reliance on Qualified Registered Professionals in forestry operations**

Other Acts and Regulations are moving towards professional reliance for planning and operations. Both the APEGBC and ABCFP provide guidance to their members to achieve and maintain a high standard of professional practice, including guidance on expectations for work and limiting assignments based on education and experience.

Therefore we suggest using the following definition to replace the specific listing of various professionals.

A **Qualified Registered Professional** is a person who:

- has the appropriate education and experience to carry out the activity, and:
- is a member of, or licensed by, a regulatory body in British Columbia that has the legislated authority to regulate the activity and its members or licensees performing the activity.

The concept of 'Qualified Registered Professional' has been in place in the forest industry since the mid- 1990's, when government accepted a recommendation from the Joint Practice Board and used the term and definition in forest regulations. The JPB also published articles for Association members regarding core issues of professionalism and the skill sets for carrying out terrain stability assessments.

We believe that including Qualified Registered Professional where appropriate in the WorkSafeBC Regulations will recognize and support the work of the Associations to maintain the highest level of practice, based on the core values of technical competence and professional integrity.

- **Regulations pertaining to forestry operations should be under Part 26**

Ideally it would be best if issues relating to forest operations were all covered under Part 26, Forestry Operations. For example, the application of 20.78 pertaining to excavations could be ambiguous when applied to forestry operations. Moving this section to Part 26 prevents any misunderstandings regarding its application to forestry operations, and allows for consideration of regulatory controls that would not be appropriate for construction-type excavations.

We have provided two sets of comments relating to this issue, as the two Associations had different approaches in developing comments.

OTHER COMMENTS

Except as noted in the attached submission, the Joint Practice Board agrees with the proposed amendments by WorkSafeBC for the Occupational Health and Safety Regulation.

CLOSURE

The Joint Practice Board, on behalf of the Association of BC Forest Professionals (ABCFP) and the Association of Professional Engineers and Geoscientists of BC (APEGBC) very much appreciates the opportunity to respond to draft Occupational Health and Safety Regulations.

The goals of WorkSafeBC align well with those of the ABCFP and APEGBC. Our members have a fundamental obligation to the health and safety of others. In this context, we trust that the attached comments on the proposed 2007 Regulation amendments are helpful to ensure an increased level of safety in the workplace. If you have any questions, please contact the undersigned.

Regards,

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