
ABCFP Code of Ethics – Guidelines for Interpretation

March 2009

Guidelines

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Preamble

The Association of BC Forest Professionals (ABCFP) has been entrusted by society, through the *Foresters Act* (2003), to regulate the practice of professional forestry in BC. The *Foresters Act* and bylaws give ABCFP members the exclusive right to practice professional forestry on BC's forest lands based on sound ecological principles consistent with the public interest in the maintenance of all forest values

The *Foresters Act* states that the primary duty of the ABCFP is "to serve and protect the public interest". To meet this duty the *Foresters Act* obligates the ABCFP to ensure the competence, independence, professional conduct and integrity of its members. These obligations are further defined in Bylaws approved by the ABCFP membership. Bylaw 11 is the Code of Ethics.

The Code of Ethics establishes the principles and rules associated with making moral choices within the practice of professional forestry. The conscientious forest professional commits, in advance, to a set of ethical principles and by doing so, the professional is more able to demonstrate the right conduct in a variety of circumstances such as employment setting, social conditions or complex situations.

The Code of Ethics describes one set of obligations forest professionals must meet as they fulfill practice responsibilities to the public, profession, clients or employers and fellow members. Throughout these Guidelines for Interpretation there is also reference to the second and parallel set of obligations forest professionals must meet, the Standards of Professional Practice (Bylaw 12). There is overlap between the Code of Ethics and the Standards of Professional Practice because moral guides are often some of the corner pins to professional practice and any measure of professional practice. The Code of Ethics defines the morale assertion required in professional behavior, while the standards of Professional Practice define the measures of performance of professionals in their practice.

The integrity of the profession is judged through the actions of individuals within the community of forest professionals. The professional practice of individual members and of the entire membership determines the image and public trust of the profession. The following guidance is designed to help members interpret and apply the Code of Ethics in their day-to-day work and, in so doing, promote the competence, independence, professional conduct, integrity and accountability called for under the *Foresters Act*.

Bylaw 11.1

All members, however and wherever they may practice, are bound by the Code of Ethics set out hereunder.

This bylaw holds true for all classes of members regardless of whether they practise on public or private land, within or outside of British Columbia. Members who are not practising professional forestry are still expected to adhere to the ABCFP's bylaws, including the Code of Ethics.

Bylaw 11.2

A member has responsibilities to:

11.2.1 The public;

11.2.2 The profession;

11.2.3 His/her client or the employer; and,

11.2.4 Other members

When individuals become members of the association, they are given the privilege to practise professional forestry in BC. Maintaining that privilege is dependent upon each member recognizing they have responsibilities in four key areas when practicing professional forestry. These areas of responsibility above are intended to carry an equal emphasis and are defined further in the bylaws that follow. From time to time there may be a conflict (either real or perceived) between the various responsibilities under Bylaw 11.2 specifically and the Code of Ethics generally. Members are expected to resolve those conflicts in a manner consistent with the *Foresters Act* and respecting the spirit and intent of the applicable canons of this code of ethics.

The *Foresters Act* is a public interest statute which identifies the primary duty of the ABCFP "to serve and protect the public interest". The public interest is served by advancing each of the above stated responsibility areas and the priority for transacting professional obligations is, therefore, a question of circumstance and balance. The Bylaws provide an indication of the relative priority for the responsibilities that might exist in a variety of circumstances (e.g. 11.3.2 and 11.5.2). If they cannot be resolved, preference must yield to the public interest.

The following scenarios provide examples of resolving tension between the four areas of members' responsibilities.

Scenario 11.2A

The following is an example of a potential conflict.

An employer or client wants a member to carry out a task that, in the member's professional opinion, is not in the 'public interest' relative to good forest stewardship.

Interpretation for Scenario 11.2A

In this basic scenario the employer's primary interest is not consistent with the forest professional's obligations within other provisions of the Code of Ethics, to the extent that a conflict arises. The forest professional cannot do what the employer would like and also meet ethical obligations. The member has the following options (not a complete list): (Most circumstances arise out of a lack of understanding or poor information and at this point it is important how a message is delivered.)

- Clearly describe for the client or employer why the issue is not in the public interest and provide options for solutions that would achieve, as close as possible, the results for which the client or employer is hoping, while still meeting the public interest.
- Contemplate the options for the client or employer, and then engage in dialogue with the client or employer to reconcile the situation. Start by stating "These circumstances require me to go against my professional principles so we need to work this out."
- Contact peers or mentors for advice and help to resolve the situation.
- Contact the association for advice.
- Use the Practice Advisory Service.
- Ultimately, if the situation cannot be resolved to the member's satisfaction, the member may have to consider withdrawal of professional services.

At the end of the day, the member's obligation is to ensure the public interest is upheld (good stewardship of forest land, competence, independence and integrity) while at the same time understanding and respecting the obligations of the client or employer, including informing the client or employer when a proposed action may be detrimental to good stewardship of forest land (Bylaw 11.5.5).

If legislation or regulation (i.e.: public interest) did not provide adequate direction for good stewardship of forest land, members should consider advocating for change of that legislation. Bylaw 11.3.4 provides two options for "where a member believes a practice is detrimental to good stewardship of forest land.

- 11.3.4.1 To advise the responsible person promptly and if the matter is not

resolved, to inform the association immediately in writing of the particulars; or,

- 11.3.4.2 If it is not possible to raise the matter with the responsible person or if it is inappropriate in the circumstance to do so, to inform the association immediately in writing of the particulars.”

Bylaw 12.6.1 states “Members demonstrate stewardship by balancing present and future values against the capacity of the land to provide for those values.”

The responsibility of members to each of the various stakeholders identified in the Code of Ethics is described in more detail in subsequent sections of this document and in their associated interpretation statements. A number of ABCFP guidance papers also provide additional comments.

Scenario 11.2B

A member is developing a plan for an agreement holder under the Forest Act that proposes harvesting in an area of high-value timber. The area also contains unofficial recreation trails that have become extremely popular with the public. The agreement holder is entitled to operate and harvest timber in the area, having met regulatory approvals leading up to the harvest planning stage. Members of the public raise their objections to the forest professional, government agencies and in the media demanding the area be protected from harvesting. The forest professional finds him/herself in a situation in which their duties to the public and his/her employer are in question.

Interpretation for Scenario 11.2B

Preparing plans that direct where and when harvesting will occur without considering public expectations may not meet either, or both, of the employer’s needs (section 11.5.1) and the professional’s obligations to the public (sections 11.3.2 and 11.3.3). Walking away from the proposed plan, or proceeding without consideration may meet one of the parties needs but may fail to consider the needs of the other. Finding a solution that meets the needs of both is sometimes more difficult and can provide greater benefits to all parties, including the public expectation of continued recreation use and timber harvesting for the agreement holder. The end result is that the ABCFP member has taken a professional and reasoned approach to an issue that has fully addressed his or her obligations as a forest professional. In this case, the forest professional should provide a rationale that supports that decision. Keep in mind that the forest professional must make decisions in the broader public interest while considering public expectations.

Refer to various ABCFP guidance papers for more information on determining the public’s interest.

Bylaw 11.3

The responsibility of a member to the public is:

Bylaw 11.3.1

To advocate and practise good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society.

This is both a land ethic and a social ethic. The land ethic (“good stewardship of forest land based on sound ecological principles”) is explained by bylaw 12.6.1 Stewardship Standard “Members demonstrate stewardship by balancing present and future values against the capacity of the land¹ to provide for those values.”

Ecological principles mean the natural processes which govern the development of an ecosystem and its response to disturbance.

The social ethic (“provide those values that have been assigned by society”) requires an interpretation of ‘values’ and ‘society:’

- Values are the specific or collective set of natural resources and human developments that have measurable or intrinsic worth.
- Society, most often, refers to the public of British Columbia as represented by government. In some cases, the reference to society is expected to be a broader group. The ABCFP guidance paper: Interpreting the Publics’ Interests defines public as a continuum of individuals, groups and communities ranging from individuals to the global community. Values assigned by society are therefore found, not only in legislation passed by government, but also through the expression of various publics’ interests. Forest professionals will constantly attune to and consider this broad range of interests/values when practicing professional forestry. As the guidance paper states, “While it may be impossible to know every single interest, forest professionals must make a reasonable effort to gather the full range of interests. Forest professionals will be able to identify most interests through consulting the publics, understanding management objectives stated through planning processes, knowledge of pertinent legislation, and their own awareness and knowledge of local, provincial, national and international affairs.”

¹ Bylaw 12: Standards of Professional Practice (2008). The word ‘land’ is not limited to ‘soil’ but is used in its broadest possible sense to include (without limitation): soil; water; plants; animals; air; and the processes upon which they depend.

For information on tools to understand the public's interests, refer to the ABCFP *Interpreting the Publics' Interests* guidance paper.

Refer to Bylaw 11.3.3 and its interpretation and to scenarios under Bylaw 11.2.

Bylaw 11.3.2

To uphold professional principles above the demands of employment.

Members, clients and employers must understand that while professionals have certain obligations as employees or consultants, they are independent from their employers or clients. This is a cornerstone of professionalism. Reconciling professional and employer/client conflicts may be even more difficult when a member's relationship with his or her employer or client extends beyond the work environment. In any event, mutually agreeable resolution mechanisms must be explored and if not successful, the matter may be resolved through alternate dispute resolution, the ABCFP's Practice Advisory Service or referred to appropriate professional regulatory bodies for resolution.

Refer to Bylaw 12.3.1 Independence Standard: "Members hold paramount, public interest and professional principles," and the *Standards of Professional Practice: Guidelines for Interpretation*. Also refer to the ABCFP guidance paper: *Professional Independence and the ABCFP Member* (May 2000).

Managers have management prerogative to make decisions in the interest of their organization or company. Government managers are accountable through the executive arm of government to the public for the proper use of that management prerogative. Company managers also have management prerogative to make decisions supporting the well-being of their companies. The management prerogative or alternate duties might also be covered by other legislative frameworks.

All managers, if they are ABCFP members, are accountable to the public and the ABCFP through the *Foresters Act* and associated bylaws. It is possible, and in most cases desirable, to be both a manager and a forest professional. The individual and their organization can carry out duties required under management prerogative and can make those decisions involving the practice professional forestry.

Scenario 11.3.2A

Member A works for a consulting company and is drafting an independent assessment on an important forestry matter for a client. A colleague (member B) reviews the assessment and, while admitting that the assessment represents excellent quality work and is a professional quality document, demands changes before

the document is released to the client. Member B provides specific wording and commitments to member A. The issues are ones of professional opinion only, but the assessment cannot be released to the client until it is approved by member B.

The consulting company is relying heavily on the fee anticipated for the assessment. It would be a lot easier for member A to do what member B demands. As an independent professional, what should member A do?

Interpretation for Scenario 11.3.2A

As an independent professional, Member A should not blindly accept Member B's demands. Member B should not also force his/her opinion on Member A. Member B may not have the right, in these circumstances, to demand that the changes be made. Member A, as the member who prepares, signs and seals the assessment, is professionally accountable for the process and content of the assessment and is entitled to professional latitude. Member A is under no obligation to accept the demand and may be taking some professional risk if they simply incorporated the demand into their professional assessment. Before incorporating the changes Member A should first make an objective assessment of the reasonableness of the request against professional obligations.

As independent professionals, both members should enter into a respectful dialogue to resolve any differences of opinion. Debate and differences of opinion are not something to be feared within a profession. The key to professionalism is in how professionals conduct themselves in the dialogue.

Two variations to the scenario are:

1. Member B may be exercising management prerogative in asking for the changes. Respectful regard should still be exercised in this type of situation and there may be some valid reasons why member B requires changes. These should be explained clearly to Member A. The matter here may no longer be just a difference of opinion. If the changes requested under management prerogative are reasonable and do not adversely affect the quality of the assessments or stewardship, Member A would consider making the changes. The key here is not to compromise professional quality or integrity but to listen to each other's opinions and rationales.
2. If Member B is insistent on incorporating their approach, they could take professional responsibility for the work provided they applied appropriate diligence to whether the rest of the product met professional requirements (as presented in the scenario, it does). In this scenario Member B would also have to satisfy Bylaw 11.6.4.

The following steps are but one example to help resolve the disagreement:

(Assume both Member A and Member B are equal colleagues in the consulting company.)

1. Member A should initiate discussions with Member B and attempt to reach a solution. If not successful then---
2. Member A should request one or both of the following:
 - a) seek the input and advice of their supervisor or a senior company manager (a facilitated discussion is a useful method);
 - b) seek an outside, independent opinion from a respected individual (selected by both Member A and Member B).
3. The matter could be referred to a senior member to make the decision, and the professional assessment is released via Management Prerogative.
4. The professional assessment is released to the client with the dissenting opinion of Member B. The final decision can then be made by the client. Sometimes two different opinions are valid and both may be of assistance and value to the client.

Scenario 11.3.2.B

A member opposes any form of herbicide use based on personal values. Despite these personal values, the member's job function requires involvement with herbicide proposals. The member is concerned over issues of long-term toxicity and environmental impacts despite the fact that the herbicides used are:

- approved under the relevant legislation; and
- applied by certified applicators ,
- used in an appropriate manner.

The scientific research for the herbicides being used does not indicate long-term toxicity or detrimental environmental impact.

The member raises his/her concerns with their employer. The employer decides to continue with their pesticide program despite the member's stated concerns. The member decides to take further action and provides local interest groups opposed to herbicide use with sensitive proprietary information. The member receives a verbal warning to stop this activity. The member ignores this warning and subsequent

written warnings, and is then fired for insubordination.

Was the member exercising appropriate professional independence?

Interpretation for Scenario 11.3.2B

As an independent professional, the member must distinguish between professional and employment obligations. The member breached employee obligations and Bylaw 11.5.2 by providing proprietary information to the public. In this situation, members need to ask themselves whether the member in the scenario is free of influence from personal biases or those of interest groups. There is nothing wrong with being an advocate and opposing herbicide use, even in the absence of evidence that it is detrimental. The key is how members conduct themselves.

Professional independence does not prevent members from being advocates for certain positions. Members are encouraged to voice their opinions. When they do so, they must declare the interest for whom they are speaking, state the negative and positive aspects or outcomes of their opinions, and must not suppress information or misrepresent facts to bolster their opinions. Failing to do so, while advocating a cause or voicing an opinion, can impugn the profession's independence.

There are also circumstances where a member is compelled to act, see 11.3.4 and 11.4.3.

Refer to Bylaw 11.5.2 regarding disclosure of confidential information.

Bylaw 11.3.3

To have regard for existing legislation, regulation, policy and common law; and to seek to balance the health and sustainability of forests, forest lands, forest resources and forest ecosystems with the needs of those who derive benefits from, rely on, have ownership of, have rights to, and interact with them.

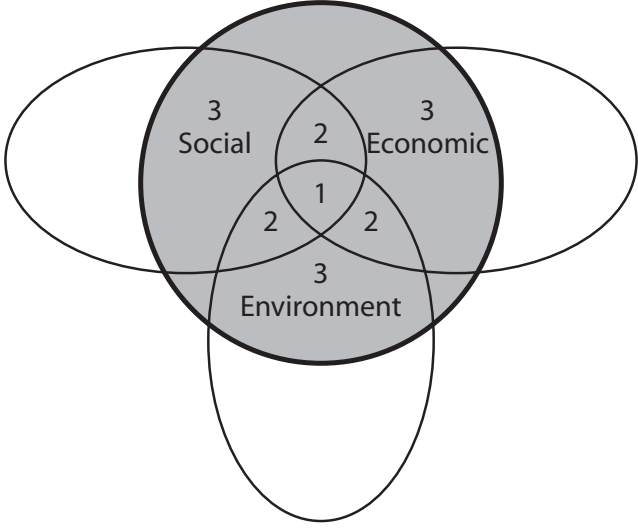
Members have a professional responsibility to balance environmental, social and economic interests and objectives, recognizing that they work under a legislative and regulatory framework through which a balance is, at times, explicitly stated and at other times, left for the practitioner to determine. Where social choices have not been explicitly made, it is more important for forest professionals to understand the public's interest as a critical component in practising good stewardship of forest land. Members must recognize the public interest and act upon those interests based upon member competence, integrity and independence. Interpreting the broader public interest requires one to consider:

- Who is the public?

- Various public expectations,
- How do we act upon that knowledge?

For further information, refer to:

- Interpreting the Publics' Interests (2002);
- Guidance for Managing Non-Statutory Expectations In Forest Practices (2009)
- the guideline for interpretation under Bylaw 11.3.1; and,
- scenarios under Bylaw 11.2.



1. The balancing of social, environmental and economic, values, interests and objectives have been met.

2. Professional has favored some aspects more than others in the plans or prescriptions. (This is acceptable as long as cumulatively, decisions do not favor one value over others. In the medium-to long-term all decisions should come close to having a cumulative balance; some will achieve the balance and roughly an equal number will favor each of the three values. It is important to include a valid rationale for decisions which fall outside the balance between the three values.)

3. Professional has probably not maintained professional independence and has probably allowed personal interests or the influence of another party to put one value ahead of the others.

Balanced Plans or prescriptions are achieved by acting within the centre (1) or evenly distributed around the centre (2).²

² Interpreting the Publics' Interest. ABCFP (2002)

Bylaw 11.3.4

Where a member believes a practice is detrimental to good stewardship of forest land.

Bylaw 11.3.4.1 To advise the responsible person promptly and if the matter is not resolved, to inform council immediately in writing of the particulars; or

Bylaw 11.3.4.2 If it is not possible to raise the matter with the responsible person or if it is inappropriate in the circumstance to do so, to inform council immediately in writing of the particulars.

Bylaw 11.3.4 is the first of two circumstances within the Code of Ethics of the ABCFP where a member is compelled to act and cannot be silent. The strength of this positive obligation originates from the second object of the profession in the *Foresters Act* to “advocate for and uphold principles of stewardship of forests, forest lands, forest resources and forest ecosystems.” This object of the association is ensured, in part, by every member through this Bylaw.

The mandatory action is to advise the responsible person promptly or, if not possible, advise council in writing. The sensitivities associated with these circumstances are such that it is also advisable for a member to first confirm that the event is a matter of fact and the event at issue is not a consequence of legitimate difference in the application of professional judgment. In some cases, the member will have to evaluate the time required to confirm information against the promptness required by the specific practice. A member must take professional care (refer to Bylaw 12.2.3) to assess the situation and its impact on forest stewardship (refer to Bylaw 12.6.1).

Bylaw 11.3.4 provides an approach for dealing with activities detrimental to good stewardship of forest land. Members should act proactively and make every effort to discuss the issue, in confidence, with the responsible individual(s). In some cases, time permits the opportunity to consult with mentors, peers, or the ABCFP’s Practice Advisory Service. Members should note that in exceptional circumstances it may be inappropriate to raise the matter with these persons. In most cases, member’s obligation under this Bylaw may be discharged through a one to one communication with the responsible person at a suitable time and location. If the matter is not resolved expeditiously, members should communicate their concern in writing to the ABCFP council.

Refer to the guideline for interpretation under Bylaw 11.2.

Bylaw 11.3.5

To work to improve practices and policies affecting the stewardship of forest land.

Members can work to improve individual, local and provincial practices and policies affecting the stewardship of forest land in many ways, such as:

- monitoring practices and policies as part of a continuous improvement program or process;
- developing localized best management practices;
- advocating to employers, clients or government for improved practices and policies;
- becoming involved with committees, boards or organizations working/ advising on practice/policy matters;
- consulting with various publics, mentors and specialists; and,
- engaging in various methods of continuing education (e.g. carrying out research, assisting reporters with forestry stories, reading appropriate literature, attending workshops and conferences, giving presentations to peers and various publics).

Bylaw 11.3.6

To work to extend public knowledge of forestry, and to promote truthful and accurate statements on forestry matters.

Members are encouraged to take advantage of opportunities to explain aspects of forestry to individuals or groups. For example, members should become actively involved with schools, career fairs, colleges, government agencies, community organizations, community projects involving forests, other forestry associations and, in particular, a local Network of Forest Professionals (NFP). NFPs are an excellent mechanism for members and their peers to become involved in their community to represent a credible source of knowledge about forest practices, professional forestry and the ABCFP.

Members should attempt to correct misleading or erroneous comments on forestry matters that may be made in conversation or publicly.

The following scenario is a specific example of a member promoting truthful and accurate statements on forestry matters.

Scenario 11.3.6

A local newspaper has published an editorial that contains incorrect statements or half-truths that could lead the public to think poorly of a scientifically valid forestry practice.

You realize that unless the 'complete story' is told, it is possible that some members of the public will be misled and think that the local government, industry and consulting forest professionals are not living up to their professional obligations or public expectations.

Are you acting improperly if you do nothing, hoping someone else will respond to the editorial?

Interpretation for Scenario 11.3.6

The simple answer is yes, you do have a responsibility to provide accurate statements about the forestry practice in question. It is important to speak from your knowledge and abilities as a professional, so if you need help from an authority to participate or provide the response, you are fulfilling your professional obligation defined in this bylaw by encouraging the response to be made. In providing a response, whether you or another member must:

- declare the interest for whom the responder is speaking (e.g. speaking on behalf of a special interest group);
- state the negative and positive aspects or outcomes of all positions (e.g. tell both sides of the story);
- not suppress information or misrepresent the facts to bolster your opinion; and,
- clearly and succinctly set the record straight without engaging in personal attacks on those who made the incorrect or misleading statement(s).

However, it is important to point out that a member could be involved in many other potential activities that extend public knowledge and promote truthful / accurate statements on forestry matters. While it would be preferable that a member respond as indicated in the above situation, there are many situations where they might discharge their obligation with a conversation or some other form of communication.

Refer to Bylaws 11.4.1 and 11.4.7

Bylaw 11.3.7

To practise only in those fields where training and ability make the member professionally competent.

Practise means engaging in any activity defined as practice of professional forestry under section 1 of the *Foresters Act*.

Competence includes sufficient knowledge and experience, appropriate judgment, discretion, and due care, combined to produce work which is correct, complete and clear.

Refer to Bylaw 12.2 (Competence Standard of Professional Practice and accompanying Guideline for Interpretation) and various ABCFP guidance papers for how to demonstrate competence.

Professional competence requires members to remain current in any field in which they practise, and may require members to demonstrate or define how they have maintained or established their professional competence. Refer to the ABCFP continuing competency program on the website.

This requirement does not restrict members from entering new areas of endeavor. Members may only enter these new areas after ascertaining they have the required resources (knowledge, expertise or appropriate supervision) to complete the work in a professional manner. In these situations, the clients/employers must be informed prior to the members undertaking the work.

Members are encouraged to grow and develop their practices and areas of expertise by taking on projects/work in new areas so long as they do so without exposing the client or employer to additional risk or expense. While they are gaining expertise they can for example: (1) discuss with the client/employer that this is a new area of work and that it will take longer to do the job while they conduct research or consult experts. They may also need to discuss issues of price with the client, perhaps charging a lower hourly rate or absorbing extra costs themselves. Of course this does not prevent an agreement with the client, if after being fully informed and appraised of the options, in which the client willingly pays for the professional's learning curve. (2) Hire, at their own expense (or with fully informed consent and agreement of the client, at the client's expense) experts to assist with the project and through which the professional can learn the new skill sets required.

Refer to Bylaws 11.5.4 and 11.5.5.

Bylaw 11.3.8

Not to make misleading or exaggerated statements regarding the member's qualifications or experience.

Members have an obligation not to exaggerate their qualifications and experience.

Bylaw 11.3.9

To express a professional opinion only when it is founded on adequate knowledge and experience.

Members must clearly distinguish between facts, assumptions and opinions in the preparation of documents and in discussions in public forums. Opinions should be clearly stated to be based on a given set of facts and assumptions and qualified accordingly.

If members are expressing opinions based on data, they must be able to clearly explain the source of the data, including assumptions, limitations, methodology, and underlying analysis, and be able to articulate the relevance of the data to the opinion. They must also be able to show some level of diligence about the accuracy and thoroughness of the data as well as to explain potential uncertainties related to the data and the opinion on which it is based.

Members must determine if they have adequate knowledge and experience in the subject area when expressing an opinion. What constitutes adequate knowledge and experience will vary depending upon the circumstances, including the audience, professional work, etc. Adequate knowledge and experience can be assessed, for example, by consulting with a knowledgeable group of peers, and/or reviewing the expectations in professional guidance documents.

Refer to Bylaw 11.3.7 and the scenario under Bylaw 11.3.6

Bylaw 11.3.10

To have proper regard in all work for the safety of others.

Members must understand that their plans, recommendations and professional work may have an impact on the safety of others. Members must ensure they understand safety legislation and must ensure their plans, prescriptions, activities can be safely implemented by others. Areas of particular concern should be highlighted and written safety instructions produced. Those instructions need to be given to persons involved with the implementation of those plans.

Refer to Bylaw 12.7 and the associated interpretation.

Bylaw 11.4

The responsibility of a member to the profession is:

Bylaw 11.4.1

To inspire confidence in the profession by maintaining high standards in conduct and daily work.

Being a professional requires constant care and attention. The result of adhering to the Code of Ethics and the Standards of Professional Practice is that a member will inspire confidence in other members, their employers, the profession, and most importantly, the public.

Forest professionals are members of a profession with special rights and privileges granted them by society in the expectation that members are of good repute and will conduct themselves honourably. The *Foresters Act* defines “conduct unbecoming a member” for which discipline action might result and includes conduct that brings or may bring the association or its members into disrepute. Prospective members convicted of an indictable offence can be denied entry to the profession. Members so convicted can be removed from the profession either permanently or temporarily. The Act clearly makes both private and professional conduct appropriate to take into account in the maintenance of high standards in conduct. (See also Bylaw 11.4.3 which includes “infamous conduct” along with unprofessional conduct, conduct unbecoming, negligence, and breaches of the Act/Bylaws generally).

Scenario 11.4.1

A member is given the task of putting together a forest management plan in an area with multiple values. How can the member inspire confidence in the plans as they are developed?

Interpretation for Scenario 11.4.1

The member can build confidence with the public, employers, members and others, through a number of different ways including:

- upholding professional principles;
- adhering to legislative requirements;
- extending public knowledge of forestry;
- providing accurate statements;

- stating the negative and positive aspects or outcomes of all positions (both sides of the story);
- not suppressing information or misrepresenting the facts to bolster personal opinion;
- avoiding engaging in personal attacks on those who make incorrect or misleading statements;
- having regard for the safety of others;
- addressing infamous or unprofessional conduct;
- clearly stating on whose behalf professional statements or opinions are made; and,
- listen and share your knowledge.

Once a member has made this type of decision, it must be supported by a rationale. The rationale will explain how and why the decision was made. The rationale does not mean that the member will be able to appease all stakeholders, but will assist in building confidence in the member's decisions.

Refer to the Guidance for Professional Quality Rationales and Commitments (ABCFP 2008)

Refer to Bylaws 11.3.6 and 11.4.7

Bylaw 11.4.2

To contribute to the work of forestry societies and educational institutions and to advance scientific and professional knowledge.

Refer to Guidelines for Interpretation under Bylaws 11.3.5 and 11.3.6.

Bylaw 11.4.3

Where a member believes another member may be guilty of infamous or unprofessional conduct, conduct unbecoming a member, negligence, or a breach of the *Foresters Act* or these bylaws:

Bylaw 11.4.3.1 To raise the matter with that other member, and if the matter is not resolved, to inform council immediately in writing of the particulars; or,

Bylaw 11.4.3.2 If it is not possible to raise the matter with the other member or it is inappropriate in the circumstances to do so, to advise council immediately in writing of the particulars.

Bylaw 11.4.3 is the second of two circumstances within the Code of Ethics of the ABCFP where a member is compelled to act and cannot be silent. The strength of this positive obligation originates from the first object of the profession in the *Foresters Act*, to “to uphold the public interest respecting the practice of professional forestry by ensuring the competence, independence, professional conduct and integrity of its members, and ensuring that each person engaged in the practice of professional forestry is accountable to the association.” This object of the association is ensured, in part, by every member through this Bylaw.

This bylaw differs from bylaw 11.3.4 in that bylaw 11.3.4 deals with issues of good stewardship of forest land and Bylaw 11.4.3 deals with issues of professional practice, conduct and compliance with the *Foresters Act*.

The mandatory action is to raise the matter with the other member or, if not possible or appropriate, advise council in writing. The sensitivities associated with these circumstances are such that it is also advisable for a member to first confirm that the action(s) is a matter of fact and the action(s) at issue is not a consequence of legitimate difference in the application of professional judgment. A member must take professional care (refer to Bylaw 12.2.3) when assessing the situation.

Having satisfied themselves that their concern meets the above test, members should make every effort to resolve the issue by discussing it directly with the responsible individual. In some cases, both parties might decide to solicit advice from mentors, peers or the ABCFP’s Practice Advisory Service. In exceptional circumstances it may be inappropriate to raise the matter with the other member. . In most cases, member’s obligation under this Bylaw may be discharged in a one to one communication with the responsible person at a suitable time and location. If the matter is not resolved expeditiously, members should communicate their concern in writing to the ABCFP council.

Refer to the guideline for interpretation under Bylaw 11.2.

Bylaw 11.4.4

Not to misrepresent facts.

Public trust of forest professionals is absolutely essential if professionals are to discharge their duties of stewardship and maintain public trust. This simple canon of the Code of Ethics focuses at the core of professional intellectual honesty. A professional statement of fact, opinion or estimate advice or prescribed course of action must be based on sound, unprejudiced information without distortion or omission of material facts. If a forest professional has relied on estimates or circumstantial evidence, in the making of a statement, estimate, advice or prescribing

a course of action, then the forest professional must clearly acknowledge this fact and provide an assessment of the validity of the estimate or circumstantial evidence. (See also Bylaw 11.3.9) Members need also acknowledge that others may interpret the same information differently.

Scenario 11.4.4A³

In BC, stumpage from public (crown) timber is usually linked to the market value of the timber to be cut. That value is normally calculated by estimating the expected selling price of the timber to be harvested and deducting an allowance for the cost to deliver the product to market. This process is all done according to policy described in one of two appraisal manuals; coast or interior. The outcome can be adversely affected if either the value of the stand or the cost to produce is not reflective of the actual (or expected) conditions met. For example, the cost to develop the area is influenced by road construction costs. Road costs are often estimated because they have not actually been built at the time of appraisal. It is therefore very important to make sure the variables like amount of rock encountered or length of bridges to be installed are representative and not significantly over or under estimated. That is why considerable effort must be expended by an experienced professional to ensure the facts are not misrepresented. To do so knowingly would violate this bylaw.

Stumpage rates may also be affected by an adjustment to the boundaries of the area to be logged. Boundary adjustment due to a change in logging plans is permitted, provided it is done transparently, meets all legislative requirements and that the resulting stumpage is calculated using the agreed upon methods for the timber harvested. The member must ensure the sample data set is representative. Adjusting the boundary (after sampling) for valid forest management reasons, that were not apparent during the initial block layout, is permitted but may present a bias (regardless of intent). Examples (not an inclusive list) of valid forest management reasons are:

- When mountain pine beetle harvest occurs in sensitive watersheds a hydrologist may recommend that only stands > 60 % leading pine be harvested due to watershed ECA issues.
- An Incentive timber harvesting licence with small piece size limits – where the licence specifies only a certain piece size or lower to be eligible for harvest.
- A new regulation identifies under story protection rules that will cause portions of planned blocks be dropped for under story retention issues.

The issue is that if a boundary change is made then a re -determination of the sampling required to calculate stumpage must also be made to ensure that the

³ Example provided by Professional Practice in Appraisals and Cruising Task Force. 2008.

integrity of the system is maintained. To make a change to the block boundary and not review the cruise sample to ensure that bias was not introduced is an unethical practice – changing boundaries with justification is not.

Blanket cruising and using the cruise plot information (species, quality, and volumes) to determine the boundaries is a sampling bias. This could be considered unethical unless a full disclosure of all the cruise data and the rationale behind boundary placement is provided according to the legislative requirements of the day.

Summary: Changing a block boundary after a cruise sample is an ethical practice as long as it is done correctly. Modifying the boundary to purposely misrepresent the block data is an unethical practice.

Scenario 11.4.4B

A member was contacted by the media to explain the toxicity of a herbicide. The herbicide in question has a high toxicity for fish but a low toxicity for humans. In response to the reporter's question on the level of toxicity of this herbicide, the member said that the herbicide had a low toxicity for humans.

The member's failure to provide the full details is a misrepresentation. Members should not provide incomplete information that can mislead the audience for which it is intended.

Refer to the Scenario under Bylaw 11.3.6

Bylaw 11.4.5

To sign and seal professional documents only in accordance with the provisions of Bylaw 10 and any other bylaws and resolutions pertaining to the signature and sealing of professional documents.

Refer to Bylaw 10: Use of Professional Seal & Signature and various ABCFP guidelines on supervision, scope of practice and signing and sealing.

Bylaw 11.4.6

To keep informed in the member's field of practice and to be aware of current issues and developments in forestry.

Continuing education is a requirement of professional membership. Forest professionals, must at all times, make well-informed decisions relying on current science and relevant information. This is particularly important in a resource profession where the knowledge and information base is rapidly expanding and the public is informed and engaged. Public expectations for good stewardship of

forest land, and of forest professionals, are dynamic and complex. So too is the state of knowledge, science, research, policy, procedure and theory. Forest professionals must be up-to-date on all of this. By maintaining their competence the forest professional represents themselves as an expert in their field of practice. This is why the forest professional is given exclusive title and practice rights. The public and their profession demand that they maintain their expertise throughout their practice lives.

Refer to the Guideline for Interpretation under Bylaw 11.3.7 and the ABCFP Continuing Education Professional Development Program

Bylaw 11.4.7

To state clearly on whose behalf professional statements or opinions are made.

Members must clearly identify their professional status when addressing forestry issues in public. If they are making professional statements or providing professional opinions as an advocate, then they must identify the cause, organization, individual or proposal that they support. They must also state their client or employer relationship when making professional statements or providing professional opinions for these parties. If these statements are delayed or omitted, a member risks being considered disingenuous and acting unprofessionally.

Refer to Bylaws 11.3.6 and 11.4.1.

Bylaw 11.5

The responsibility of a member to the client or employer is:

Bylaw 11.5.1

To act conscientiously and diligently in providing professional services.

Members must provide prompt, clear and professional quality service at all times. It must be evident in all work done that the forest professional has carefully considered and identified all relevant information and identified all areas where information is either lacking, ambiguous, or any parts of the work/subject area are beyond the member's expertise.

Forest professionals will ensure excellence, conscientiousness and diligence to their client / employer in their professional service by:

- providing continuous effort,

- being sensitive to the needs of the client/employer,
- communicating what must be done, the necessary timelines for doing so and a commitment to meet those timelines, and
- not overstating or unnecessarily elaborating, about what is required.

If members become aware of errors or omissions in their work, they must report the errors or omissions to their client or employer immediately and work to remedy the errors or omissions.

Bylaw 11.5.2

Not to disclose confidential information without the consent of the client or employer except as required by law.

Consider all information received from a client or employer as confidential unless such information is in the public domain. Confidential information must not be disclosed to others or used by the member unless:

- it is required by law;
- the client or employer provides consent; or,
- it is necessary as a defense against assertions of unprofessional conduct brought by his/her regulatory body.

Technical information owned by the client/employer may not be used without consent. Whereas, technical knowledge gained by a member through work experience may be used in subsequent projects without consent from other parties.

Information received from a potential employer or client must still be kept in confidence, even if the contract of employment or retainer does not materialize. Likewise, information received during the course of employment/retainer remains confidential, even after the employment/retainer ends.

Refer to scenario 11.3.2B where proprietary information is released to the public.

Bylaw 11.5.3

To obtain a clear understanding of the client's or employer's objectives.

Satisfactory completion of a task requires clarity of objectives. Although this requirement may appear obvious, members are advised to ensure they clearly understand their client/employer objectives before accepting an assignment. If the objective is quantifiable, determine the desired degree of precision. If the objective is subjective, seek agreement on how performance would be measured. When

agreement on objectives is reached, it should be expressed in writing.

The practice of professional forestry continues for many years and includes the work of many resource professionals, each relying on the work of previous professionals. It is incumbent upon each forest professional to ensure that they have defined the professional service for which they have been engaged and, equally important, to define the service they are not accountable to complete. Written documentation of these clear facts will assist the client/employer to correctly complete their obligations and will protect the forest professional from unconfirmed expectations.

Bylaw 11.5.4

To accept only those assignments for which the member is qualified or seek assistance from knowledgeable peers or specialists whenever a field of practice is outside the member's competence.

Members are expected to recognize when the task before them will test the boundaries of their expertise. If they choose to accept the task, they are expected to organize the resources needed to ensure the task is performed to a professional standard.

When managing projects that involve parties with specialized skills and training, a member must ensure that information provided by the parties makes sense and then integrate it into the overall plan/prescription/design for the project. Failure to do so may result in flawed work, with the consequence of failure to meet project goals and possible exposure to liability or professional censure.

Members are required to exercise due diligence when relying on the expertise of others and recognize that they are accountable for the consequences of using this advice. It is helpful to satisfy this requirement by clearly identifying for the user of a report both, the nature of expertise provided by others and where it has been relied upon.

Refer to the Guideline for Interpretation under Bylaws 11.3.7 and 11.4.6 and Bylaw 12.5.1 Due Diligence Standard of Practice.

Bylaw 11.5.5

To inform the client or employer of any action planned or undertaken by the client or employer that the member believes is detrimental to good stewardship of forest land.

Practical reference points for members who feel that they must test a proposed action against their conscience are found in the preamble to this Guidelines document,

section 11.3 of the Code of Ethics, the introductory comments in the Standard of Professional Practice- Guidelines for Interpretation, and Bylaw 12.6.1 (the Stewardship Standard). The commentary confirms that members manage forests, forest lands, forest resources and forest ecosystems based on sound ecological principles; and the stewardship standard requires; "...the care of natural resources taking into consideration the values of the landowners and society." Taken together, they demand that members consider all aspects of resource management. Given a conflict among objectives, members must weigh which ones they think should prevail and present a rationale for their preference. Provided that the alternatives are within the law, rejection of a member's preference does not compromise her or his integrity.

Refer to Guidelines for Interpretation under Bylaws 11.3.4 and 11.4.3

Bylaw 11.5.6

To refuse any assignment that creates a conflict of interest.

A conflict of interest exists when there is, or there is a perception, that the duty or loyalty owed by a member to one party, is, or is likely to become, adverse to the duty and loyalty which the member owes to another party. Conflict of interest takes many forms. Some are readily apparent, such as financial gain from a biased decision. Others are subtle, such as a committee report biased to favor a process, company or industry.

A member who is concerned about a conflict, or a potential for conflict, must declare the concern to the affected parties. If the parties do not agree in writing to a resolution of the conflict, the member must withdraw from the assignment that creates the conflict.

Scenario 11.5.6A

A member is assigned by government to a panel that will advise it on taxation of private forest lands. The member is specifically selected because he or she has no known vested interest in the outcome. However, the member has a brother-in-law who owns substantial private forest land. Because there is at least a perception of the member being biased, he or she should declare a conflict.

Scenario 11.5.6B

A member, who is a consultant, specializes in providing woodlot licence services to clients. These services include helping clients develop woodlot licence bid proposals, including bid price, and advising clients if specific woodlot licence areas are financially viable. The member decides to obtain a woodlot for herself. Should she continue to offer woodlot services to clients who may be in competition for the

bidding on the same woodlot?

Interpretation for Scenario 11.5.6B

The consulting member should not take on a retainer for a woodlot application from licensees who seek to apply for woodlot licenses in competition with the member's proposal/application. There is a conflict of interest when there is the potential for the consultant and the client to compete for the same woodlot. The presumption of conflict can be reduced, and sometimes overcome, by a client providing written consent to the member. Consent must be freely given and fully informed. The test for each of these two criteria is strict. In addition, while it is possible to obtain freely given and fully informed consent, the member should carefully consider the actions given the potential for future conflict and bad feeling should the client's application not succeed.

Bylaw 11.5.7

To levy only those charges for services rendered that are fair and due.

A member can only levy charges for professional quality services that have been rendered to the client. When determining rates, a member must consider all costs (including overhead) and include a reasonable margin for profit and risk. It is expected that the fees charged will meet the test of being fair and reasonable in all circumstances considering the member's experience, the complexity of the work, risk and market demand. Fair and reasonable does not mean cheap. Fair and reasonable means charging the rate required to perform the work/services to all standards expected by the profession and what the market will bear. However, it is not fair to take advantage of abnormalities in the market or to price gouge. Charging excessive rates since you happen to be the only qualified person available to complete the job during that specific time frame would not be fair. It would be acceptable to include any costs incurred due to rescheduling other work, cancelling flights, accommodation etc. to be able to complete the job during the specified time.

Work of unusual complexity or taken on an emergency basis and which needs to be completed in an expedited basis, or when an unusually good result is achieved, may be charged a premium as long as the premium is fair and reasonable in all of the circumstances.

Do not allow competition (i.e. low bid tendering) to force you to bid so low it undermines your ability to complete professional quality work. Claiming that you could not afford to do a better job because of the fee you charged, is not an excuse for work that is not completed to professional standards.

Bylaw 11.5.8

Not to accept compensation from more than one (1) employer or client for the same work, without the consent of all.

Copyright and intellectual property laws in Canada protect professional work products. A work product is something that has been produced or accomplished as the result of the effort, activity or thoughts of a person, persons or company.

A professional who creates a work product owns that work product unless there is an agreement transferring the intellectual property and copyright in that work product to the client. However, members must consider the situation carefully before selling a work product they own to more than one client. It may be permissible by law to sell a work product they own to more than one client but it may not be appropriate if selling that work product to additional client(s) would be contrary to the interests of the first client. Members could end up adversely affecting their professional reputation (i.e. losing work and clients) or compromising their client's financial/strategic business position.

If you are unsure whether selling a work product to additional clients(s) would be appropriate, you should first obtain the consent of all previous clients who have received the work product.

Information/data gathered while working for a client, remains the property of the client and cannot be sold/traded to another client without the expressed written intent of the owner. The analysis performed by the member and the recommendations, conclusions, designs, advice, prescribed actions, etc. remain the property of the member and cannot be re-used or sold by the client unless the member has given expressed written consent or the contract/retainer agreement provides for a transfer of ownership to the client.

Scenario 11.5.8

A member is given a contract by Licensee ABC to produce a report assessing the value of timber on a timber sale put up for bid by the Ministry of Forests and Range. Licensee ABC forgets to include a clause in the contract transferring the intellectual property and copyright in that report to themselves.

The member could legally sell the report to an additional client since they retain ownership of the report. However, it would not be appropriate to sell the report to an additional client without the consent of Licensee ABC, since the work was done under contract for Licensee ABC.

Bylaw 11.6

The responsibility of a member to other members is:

Bylaw 11.6.1

To abstain from undignified public communication with another member.

There are many forums in which communication of a member with others will reflect both on the member as a professional and on the association. Communication by members must always be characterized by respect, courtesy, honesty and good faith. Direct and honest criticisms or differences of opinion between members or a member and others, is acceptable and can be healthy if characterized by respect. A member may express differing views while being respectful of those other beliefs or understandings. For example, if you do not agree with what a colleague expresses in a public forum, your obligation here is to respond by saying something to the effect of "I respect my colleague's opinion, but the facts lead me to a different conclusion."

It is important to view a professional difference of opinion as an opportunity to learn together rather than an opportunity to win an argument.

Refer to the scenario for Bylaw 11.6.2.

Bylaw 11.6.2

Not to unfairly criticize the work of other members or attempt to injure the professional reputation or business of another member.

Fair criticism is something to be welcomed and encouraged in a profession while taking due care to exercise appropriate judgment and discretion. To be fair, criticism must be honest, accurate and tactful.

Every member's work, opinions and judgments must be given consideration and respect. Forest professionals must conduct themselves with dignity and have respect for all persons with whom they interact, whether or not they are members of the ABCFP. To unfairly criticize means you have not demonstrated honour and respectful regard in your communications.

Even if the criticism were respectful and dignified but not based on adequate verification of the facts, discussions with the member to understand the basis of their professional opinion and review of other relevant considerations, then such criticism might also be considered unfair.

Forest professionals must always conduct themselves to sustain their personal and professional integrity and the integrity of the profession as a whole. Forest professionals must include respect, integrity, ethical conduct, credibility, honesty and fairness in all communications. This communication cannot unfairly harm or inflict harm to the reputation of another professional or their business. It is not acceptable to include misleading information or omit pertinent information in any communication affecting the professional reputation or business of others.

This provision applies to attempts to injure in which case proof of actual injury is not needed, as well as to situations in which actual injury to reputation or business is done and can be proven.

A significant amount of professional work deals with a level of subjectivity and variation in scientific literature. What is critical is that valid processes are followed, desired results are achieved and that forest professionals conduct themselves with dignity and honour.

Scenario 11.6.2

There are two alternative landscape level strategies that will achieve the same wildlife habitat objective. If a forest professional chooses to favor one approach it is appropriate for another forest professional to request a rationale to better understand how the objective will be achieved and to allow for a more informed discussion. However, it is inappropriate for another forest professional to criticize the choice of the first member and inappropriate to refuse to accept that choice based simply on a difference of personal preference or opinion. The context of this example with respect to professional obligations must be reconciled with legal obligations of the employers or others under other legislations.

Bylaw 11.6.3

To provide opportunity for the professional development and advancement of other members in the member's employ or supervision.

Opportunities for professional development and advancement include, but are not limited to: professional guidance; mentoring others; constructive review of work; professional development seminars; involvement with various committees; sponsoring enrolled members; and participating in formal and informal continuing education activities. These types of opportunities are important for everyone to ensure their continuing competency. Members must support continuing competency for all persons in their employ or under their supervision regardless of whether they are members of the association or not. Sponsoring forest professionals must maintain regular and constructive contact with the enrolled member in accordance with the *ABCFP Articling Policy*.

Refer to the ABCFP continuing competency program and the *ABCFP Articling Policy*.

Bylaw 11.6.4

To give credit for professional work to whom the credit is due.

Members must acknowledge contributions of others for work with which that member is associated.

Bylaw 11.6.5

To share knowledge and experience with other members.

Sharing knowledge/experience and advancing understanding are obligations shared by all members. Some avenues to pass on knowledge/experience and advance understanding are: mentoring; informal discussions with colleagues and the public; articles in magazines or association publications; letters to the editor (newspapers); speaking at public meetings or schools, colleges and universities; involvement with exam study groups, local community organizations and other forestry associations.

Refer to the Guidelines for Interpretation under Bylaws 11.3.5, 11.3.6, 11.4.2 and 11.4.6

Bylaw 11.7

A member who violates this Code may be subject to one or more of the remedial actions authorized under the *Foresters Act*.

Members who violate any part of the Code of Ethics will be accountable to the ABCFP through the complaint resolution process and subject to any of the remedial actions authorized by the *Foresters Act*.

Bylaw 11.8

This Code of Ethics does not deny the existence of other important duties which are not specifically included.

This duty requires familiarity with, and acknowledgement of, other professional documents and obligations which provide direction, guidance, and/or clarity to the practice of forest professionals.

Bylaw 11.9

This Code of Ethics is to be broadly, rather than narrowly, interpreted, such that the responsibilities owed by a member to the categories of: the public; the profession; his/her client or employer; or other members, are not exclusive to that category. They apply to each of the other categories insofar as it is possible to do so.



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