



OPFA
The Ontario Professional Foresters Association

*Guide to
Professional Practice*

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Foresters Association**
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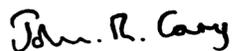
April, 2002

To all OPFA Members,

I am pleased to provide you with a copy of the new Guide to Professional Practice for members of the Ontario Professional Foresters Association. This guide is a summary of the responsibilities that members have as professionals in the practice of professional forestry.

It is important that all members of the Association are familiar with the guide and I encourage you to review it and provide your feedback to any member of Council at any time.

Yours truly,

A handwritten signature in black ink that reads "John R. Cary". The signature is written in a cursive style with a large initial "J" and "C".

John Cary, R.P.F.
President

ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
GUIDE TO PROFESSIONAL PRACTICE

PURPOSE OF THE GUIDE

The purpose of this guide is to provide all OPFA members with a summary of the responsibilities that they have as professionals in the practice of professional forestry. It is a framework of the professional system and values to which professional foresters commit themselves in the carrying out of their day to day activity, both in the workplace and in the community. It re-enforces the principle that the over-riding responsibility of every OPFA member is to serve and protect the public interest.

The development of the guide fulfills a portion of the Association's responsibilities as it contributes to the ability of members to maintain their competencies practicing to the highest standards of professional forestry. While the guide has been developed primarily for members, it is a form of hard evidence to the public at large of the importance and commitment that professional foresters place on maintaining high professional standards.

Professional standards of practice represent an evolution or extension of the existing code of ethics, binding foresters to a set of professional standards to be used in the workplace. Such professional standards are not to be confused with technical standards, although they certainly do require conformance with legislative requirements. Rather, professional standards extend the moral guidance provided by an existing code of ethics into the higher realm of practice guidance. Standards set the stage for professional reliance and provide a measure of accountability.

By definition, professional reliance is the delegation of decision-making responsibilities to defined resource professionals; requiring the professionals to exercise discretion and judgment, all within the standard and accountability framework set out by the professional associations and government legislative requirements. A professional cannot have responsibility without accountability, nor should one have accountability without responsibility. Professional standards provide the foundation upon which the evolving balance between public trust and professional accountability may be achieved.

Professional foresters are accountable for their actions. The provision of tools that assist OPFA members in conducting their professional practice in a responsible manner combining responsibility, professional ethics, scientific knowledge and experience is a key factor in maintaining this accountability. This must be done in a climate of change, one in which the scope of practice of professional forestry continues to expand and one which will demand continuous improvement in order to continue to provide quality professional services.

THE GUIDE

The guide to professional practice is a framework of the professional system and values within which professional foresters operate. The components of this framework include;

Provincial Legislation

- The Professional Foresters Act 2000
- The Code of Ethics
- The Definition of Professional Misconduct
- OPFA Mandated Responsibilities
- Principles of Professional Practice (By-law # 4)
- Continuing Education
- Practice Bulletins

Taken together, adherence constitutes the standards of practice expected from any OPFA member at any place, in any situation, or at any time.

Provincial Legislation**PROFESSIONAL FORESTERS ACT 2000**

The Professional Foresters Act 2000 (the Act), established professional forestry as a self-regulating profession in Ontario. The Act also establishes the Ontario Professional Foresters Association (OPFA) as the association responsible for the regulation of the practice of professional forestry in Ontario. It must be noted that the main object of the OPFA as set out in the legislation is;

"to regulate the practice of professional forestry and to govern its members in accordance with this Act, the regulations and by-laws in order that the public interest may be served and protected"

The serving and protection of the public interest is the over-riding responsibility of the OPFA and its individual members.

The Act also provides for the establishment and functioning of independent Registration, Complaints and Discipline Committees, the processes and procedures of the latter two being carried out in a public forum. There is also provision for the establishment of by-laws for a number of additional regulatory functions including professional liability insurance, conflict of interest and the establishment of quality assurance programs.

A copy of the Professional Foresters Act 2000 is available on the Ontario Government e-laws site.

THE CODE OF ETHICS

A Code of Ethics is defined as “an organized group of behaviour guidelines which govern the day-to-day activities of a profession or organization.”

The Code of Ethics for members of the Ontario Professional Foresters Association is a component of Ontario Regulation 145/01 attached to the Professional Foresters Act 2000. It forms part of the OPFA’s governing legislation and observance of it is a legal requirement of membership in the OPFA.

The Code speaks to the observance of the duties of the profession, the requirement to honour their professional responsibilities and the embracing of the values enshrined in the Code. A copy of the Code can be found in Appendix 1 in this guide.

PROFESSIONAL MISCONDUCT

The definitions of what constitutes professional misconduct is a component of Ontario Regulation 145/01 attached to the Professional Foresters Act 2000. It forms part of the OPFA’s governing legislation and observance of it is a legal requirement of membership in the OPFA.

The knowledge and recognition of what constitutes professional misconduct is a requirement for every professional forester and therefore is an important piece of this guide. As a practicing professional forester it is expected that all members will exercise generally accepted standards of practice and procedures in the performance of professional forestry services. Members are responsible for the conduct of their employees or agents and for the suitability and quality of the performance of their acts. A member is guilty of professional misconduct if an employee or agent of the member does or omits to do anything that, if done or omitted by a member, would constitute professional misconduct.

A copy of the definitions of what constitutes professional misconduct is found in the Appendix 2 in this guide.

OPFA MANDATED RESPONSIBILITIES

Standards of Practice

On June 5, 2002, Council approved By-Law No. 4 – a by-law respecting the principles and standards of practice for the practice of professional forestry. This by-law is further to the requirements of the Professional Foresters Act 2000, which provides the opportunity for Council to pass by-laws for this purpose.

Professional Standards of Practice outline how a member goes about his or her work. They refer to the application of professionally accepted methodologies and procedures in both the obtaining and interpretation of information. They are applicable to professional conduct and action. It is reasonable to say that any employer who hires a professional forester acquires the adherence to the full array of responsibilities and standards of practice expected from any licensed member of the OPFA.

Professional Standards of Practice are distinct from technical standards that may be imposed by legislation or specified by an owner or employer. Silvicultural Standards and Guidelines are examples of technical standards. These are associated with professional activities and are the prerogative of the client.

Professional Standards of Practice flow from a series of Principles of Professional Conduct. A copy of both is available in Appendix 3.

CONTINUING EDUCATION

The Professional Foresters Act 2000 brought with it a broad range of new responsibilities and obligations for the Association and its members. One area of responsibility to which each active member is obliged to commit is the

maintenance of overall professional competence and of the capability to perform at a high professional level within one's personal area of practice or expertise.

The Continuing Education program approved by Council in September of 2001 requires that competency maintenance be addressed through a combination of learning involving general forestry (legislation and policy) as well as that required for the maintenance/enhancement of one's personal competency. Implementation and reporting requirements were also established. The program was designed to provide considerable flexibility in how the requirements could be met and take into account the many and varied occupations, locations and circumstances of the current membership. The program builds on the value of "Commitment to Learning" identified in the Code of Ethics (see Appendix).

All active members in the Full, Non-Resident and Associate Membership categories are expected to comply with all continuing education requirements. Exemption for cause, for example in the event of illness, infirmity or incapacity, will be available to these members upon application to the Association. Exemptions may be granted by the Registrar upon appropriate investigation of the facts in each case.

Life and Inactive Members are exempt but are encouraged to abide by the spirit and intent of, at least, the Association-Defined Component as a means of remaining current in their knowledge and understanding of forestry practice in the Province. A brief description of the program can be found in Appendix 4.

PRACTICE BULLETINS

Practice Bulletins are guidelines to be used by members to assist them in making decisions with respect to certain specific situations that they may encounter in their professional practice. These guidelines should not be construed as dictating an exclusive course of action. Variations in practice may be warranted based on the specific situation, resources, and limitations unique to the moment.

Practice Bulletins will be issued by the OPFA on an as required basis and may be downloaded from the OPFA website for reference and use by members.

APPENDICIES

Appendix 1

Code of Ethics

Members of the Ontario Professional Foresters Association observe the duties of their profession. Registered Professional Foresters honour their duties to citizens, employers, and clients, fellow members and Ontario's forests. Registered Professional Foresters demonstrate their observation of these duties by embracing the following values enshrined in the Code as follows;

FIDELITY

A member works in the interest of and with fidelity to citizens, employers, clients and fellow members and provides services that are specifically related to the objectives and requirements of the employer or client.

INTEGRITY

A member is obligated to fully disclose any direct or indirect pecuniary interests related to the work undertaken in his or her professional capacity and take active measures to prevent the perception of any conflict of interest.

CREDIBILITY

A member shall undertake only work that he or she is competent to perform by virtue of their training and experience and, where advisable, shall retain and cooperate with other professional foresters and specialists and, further, shall endorse only those plans, reports, maps and specifications that he or she produces or directly supervises.

CONFIDENTIALITY

A member shall hold as confidential, information concerning the business affairs, technical methods, processes or practices of employers or clients, and shall only disclose such information with the consent of the employer or client or where required to do so by law.

DILIGENCE

A member shall disclose to his or her employer or client the consequences of any action that may be harmful to their interests or the interests of any other party.

RESPECT

A member shall maintain the honour and integrity of the profession and act at all times with responsibility and dignity. A member is respectful of other professional foresters and behaves with courtesy and good faith towards them, and celebrates the accomplishments of other professional foresters.

A COMMITMENT TO LEARNING

A member shall dedicate himself or herself to continuous improvement of their forestry science skills and use their knowledge and skills to aid public awareness of forestry in Ontario.

Appendix 2

Definitions of Professional Misconduct

For the purposes of the Professional Foresters Act 2000 and this Guide, professional misconduct includes:

1. An act or omission inconsistent with or contravening the Act, regulations or the by-laws of the Association.
2. Failing to maintain a standard of practice of the profession or contravening a standard of practice of the profession.
3. Practicing the profession while the member's ability to do so is impaired by any substance.
4. Failing to fulfill the terms of an agreement with a client or employer.
5. Revealing information concerning any professional service or any property which is the subject of a professional service, to any person other than the client or employer, or another member engaged by the client or employer, except with the consent of the client or employer or when authorized or required to do so by law.
6. Providing, or attempting or offering to provide, services that are not reasonably useful or needed unless specifically requested by the client or employer, and failing to advise the client or employer that the services are not reasonably useful or needed.
7. Making a misrepresentation to a client or employer, or a prospective client or employer, or, in a professional capacity, to a third party.
8. Abusing a client or employer, or a client or employer's agent, verbally, physically or emotionally.
9. Misappropriating property from a client, employer or workplace.
10. Making a claim respecting the utility of services other than a claim, which can reasonably be supported as professional opinion.
11. Guaranteeing a result, or making a statement which a client or employer would reasonably understand as a guarantee of a result.
12. Charging a fee that is excessive in relation to the services performed.
13. Charging a fee for an unperformed service, except a fee for an appointment missed without at least twenty-four hours notice.
14. Adding a charge to a disbursement.
15. Knowingly submitting a false or misleading account or charge for professional services.
16. Failing to issue a statement or receipt when a statement or receipt is requested by a client or employer.
17. Failing to itemize the services provided, the fees therefore, and the disbursements charged, when an itemized account is requested by a client or employer.
18. Reducing, or offering to reduce, an account for prompt payment without notifying the client of the terms of reduction before providing the pertinent service.
19. Charging interest on an account without notifying the client of the terms of the interest before providing the pertinent service, except where interest has been granted by a court.
20. Discontinuing professional services unless,
 - the client requests the discontinuation,
 - alternative or replacement services are arranged with the concurrence of the client, or
 - the client is given a reasonable opportunity to arrange alternative or replacement services or agrees with the discontinuation.
21. Selling or assigning any debt owed to the member for professional services. This does not include the use of credit cards to pay for professional services
22. Having a conflict of interest.
23. Influencing a client or employer to change his or her will or other testamentary instrument.
24. Inappropriately using a term, title or designation in respect of the member's practice.
25. Using a name other than the member's name, as set out in the register, in the course of providing or offering to provide services within the scope of practice of the profession except where the use of another name is necessary for personal safety and provided the employer and the Association have been made aware of the pseudonym and the pseudonym is distinctive.

26. Failing to make or maintain records required by the Act, regulations or by-laws of the Association, or that are appropriate to professional services offered.
27. Falsifying a record regarding professional services or relating to the member's practice.
28. Failing to abide by a term, condition or limitation of a certificate of registration.
29. Failing to direct or supervise, or inadequately directing or supervising, an unregistered person.
30. Permitting, directing, counselling or assisting any person, other than a qualified member, to perform any act or function that should properly be performed by a qualified member.
31. Permitting, directing, counselling or assisting a member, student, or other management team member to perform professional forestry or other functions for which he or she is not adequately trained or that he or she is not competent to perform.
32. Failing to inform the member's client or employer of the member's inability to accept responsibility in areas where special training is required or where the member is not competent to function without supervision.
33. Failing to advise a client or employer to obtain services from another forestry professional where a member knew or ought to have known that the client or employer required services that were outside the member's scope of practice or within the member's scope of practice but outside the member's competency to perform.
34. Directly or by implication representing any person to be a member who is not a member.
35. Signing a report, plan or other document that contains a statement that the member knows or ought to know is false, misleading or otherwise improper.
36. Signing a report, plan or other document without ascertaining, or taking reasonable measures to determine, the accuracy or its contents.
37. Permitting a report, plan or other document to be issued in the member's name, or without his or her concurrence, without personally signing it.
38. For any purpose related to the practice of professional forestry,
 - retaining or using the services of;
 - employing or being employed by;
 - maintaining a partnership or association with;
 - directly or indirectly receiving, making or conferring any remuneration or benefit from or to; or,
 - sharing or occupying space with a person whose registration is suspended or has been revoked or cancelled, except with the prior written consent of the Executive Committee and subject to the terms of that consent.
39. Failing to reply appropriately or within a reasonable time to a written inquiry received from the Association.
40. Failing to take reasonable steps to ensure that the requested information is provided in a complete and accurate manner where a member is required to provide information to the Association pursuant to the Act, regulations or the by-laws of the Association.
41. Failing to appear before the Complaints Committee to be cautioned or admonished, or failing to comply with an order of the Complaints Committee.
42. Failing to comply with an order of a panel of the Discipline Committee.
43. Failing to cooperate in an Association investigation.
44. Failing to abide by a written undertaking given by the member to the Association or to carry out an agreement entered into with the Association.
45. Failing to report an incident of professional misconduct, unskilled practice of forestry or unethical conduct of a member to the Association.
46. Making any statement, orally or in writing, calculated to belittle or injure the professional reputation of another member, or unnecessarily commenting adversely upon any professional act of another member.
47. Touting or, except as permitted by this regulation, soliciting professional business.
48. An act or omission relevant to the practice of professional forestry that, having regard to the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional conduct.

For the purposes of this component of the Guide;

- "Conflict of interest" includes an arrangement or relationship between the member or a related person and a person where it could be reasonably concluded that the exercise of the member's professional expertise or judgment is or may be influenced by the member's personal financial interest.
- "Related person" means a person connected with a member by blood relationship, marriage or adoption, and,
 - persons are connected by blood relationship if one is the child or other descendent of the other or one is the brother or sister of the other,

- persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other, and
- persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship, except as a brother or sister, to the other.

Appendix 3

Professional Standards of Practice

Principle 1

A member of the Association shall undertake activities in conformity to all relevant legislation and regulations and in consideration of all guidelines and shall ensure the client is informed.

Professional Standard

- Maintain familiarity with legislation, regulations, and guidelines, which are relevant to the member's practice.

Principle 2

A member of the Association shall advocate and practice forest land management consistent with ecologically sound principles.

Professional Standard

- Demonstrate an understanding of the relevant ecological processes related to forest practices.

Principle 3

A member of the Association shall undertake only such work as he/she is competent to perform by virtue of training and experience.

Principle 4

A member of the Association shall ensure that the type, currency and reliability of information are suitable for the intended purposes.

Professional Standards,

- Use suitable, relevant information
- Provide an analysis of methodology, risks and costs of the information used to affect decisions as required.

Principle 5

A member of the Association shall provide the client with explicit and viable alternatives to meet stated objectives.

Professional Standard

This standard requires that clients be informed of:

- The forestry related social, economic and environmental outcomes expected with selected alternatives,
- The effects of the planned activities in meeting stated objectives,
- The most probable spatial and temporal changes in the forest resulting from activities.

Principle 6

A member of the Association in prescribing actions shall provide for a continuing evaluation of activities and assessment of results, where appropriate.

Professional Standard

- Document the outcomes of planned actions so as to provide useful benchmarks of their effectiveness.

All of the Principles and Professional Standards have been developed to meet certain criteria. These are:

1. They must be capable of being measured in an objective and measurable manner.
2. They must apply to all professional foresters independent of their level or nature of employment.
3. They must be enforceable, for without they have no meaning.
4. They must be linked to and be consistent with the Code of Ethics.

Appendix 4

Essential Elements of the OPFA's Continuing Education Program

PURPOSE

Is to ensure that all members remain informed and current with respect to the practice of forestry in Ontario.

Members are expected to understand the learning required to maintain competency and to take the necessary steps to acquire it.

TARGETS

All Full, Non-Resident and Associate members must accumulate a minimum of 150 forestry related Continuing Education (CE) credits over a rolling 3 year period.

DEFINITIONS

Practice of professional forestry is the provision of services in relation to the development, management, conservation and sustainability of forests and urban forests where those services require knowledge, training and experience equivalent to that required to become a member under the *Professional Foresters Act 2000*.

Specific Forestry focuses on the practice of professional forestry with the scope of the course/training being specific, providing a detailed study of the subject matter as opposed to a general overview. The course may include linkages to other subject areas and /or discuss impacts or influences on other aspects of professional forestry.

General Forestry focuses on keeping a member's general forestry awareness up to date. The purpose is to ensure that all members remain informed and current with respect to this subject area, considered to be essential to the practice of forestry in Ontario. The scope of the course/training should be wide, providing a broad overview of the subject matter as opposed to a detailed, in-depth review. The course may include linkages to other subject areas and /or discuss impacts or influences on other aspects of professional forestry.

HOW A MEMBER ACQUIRES THIS FORESTRY KNOWLEDGE

Group Learning involves learning in a group, often within a classroom setting. Credits can be obtained by participating in workshops, seminars, training courses and some technical sessions. This learning may be of higher value to the member because the member may benefit from the organized structure and interaction of other participants.

Self Directed or Individual learning is achieved through personal research, reading (The Forestry Chronicle, Monographs [scientific papers], books, magazines, videos, Internet, operations related material), developing courses, workshops, and educational materials that require new learning or through networking, discussions, and human interaction. The objective of individual learning activities is to acquire improved knowledge of General and Specific Forestry.

ACCUMULATION OF CONTINUING EDUCATION CREDITS

Credits are generally applied to "new learning", however if you are taking a refresher course then this too shall count.

CE Credits can be claimed for new learning done by members to maintain personal competency in areas of forestry practice.

All new forestry learning is assessed at 3 Credits per hour.

COURSE ASSESSMENTS

Events assessed for CE credits by the OPFA are not the only events that qualify for CE credits. Members can assess any event they attend based on above criteria.

Assessments done by OPFA are for entire event, so "partial" attendance at such an event accumulates "partial" credits (to be determined by member).

Members are expected to use their professional judgement when assessing events for CE credits.

NON-COMPLIANCE

Is the process to be followed that will result in the suspension of any Full, Associate or Non-Resident member who has failed to meet the continuing education requirements. All new forestry learning is assessed at 3 Credits per hour.

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