



PRACTICE GUIDANCE

Supervision

Approved by Council: November 16, 2014

The intent of this document is to provide practice guidance to members who supervise persons in the practice of professional forestry, as described in the Professional Foresters Act, 2000, Ontario Regulation 145/01 and Association By-laws.

PRACTICE GUIDANCE

SUPERVISION OF PERSONS PRACTISING FORESTRY ACTIVITIES

NOTE: *The reference to supervision of “persons” is used throughout this document. The same guidance is to be equally applied to the supervision of non-members as it is to OPFA members who are not licensed to practice aspects of professional forestry in Ontario (i.e. Student members, Provisional members, Inactive members, Life members, Honourary members, Non-resident members who do not hold a Temporary Permit, Associate members while conducting aspects of professional forestry outside their licensed Scope of Practice or area of competency, and Full members while conducting professional forestry activities outside their area of competence).*

ACKNOWLEDGEMENT

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ISSUE: OPFA MEMBER SUPERVISION OF NON-MEMBERS

Practice guidance associated with the supervision of others in undertaking forestry practices is necessary in order:

- to assist members in meeting the appropriate standard of supervision;
- to help members achieve compliance with the requirements and standards identified in OPFA legislation, regulation and by-laws with respect to supervision; and
- to help members avoid situations where professional misconduct and non-compliance with the Code of Ethics may occur resulting in enforcement action by the OPFA.

The OPFA has identified instances where plans or silvicultural prescriptions, prepared by non-members, have been approved by members who could reasonably be seen as having little knowledge or experience in the area where the work is being performed, and/or are geographically removed from the actual location where field work is being performed by the non-members, and/or may have provided less supervision than would be reasonably considered adequate.

This practice guideline describes what constitutes direct supervision (i.e. competent and adequate) that will ensure quality professional forestry work products and outcomes, and at the same time ensure that members are in compliance with the requirements and standards identified in OPFA legislation, regulation and by-laws.

SUMMARY OF PRACTICE GUIDANCE

The following is a brief summary of the guidance included in this guidance document. Members are expected to be familiar with and follow the detailed guidance contained in this document.

“Supervision” under the *Professional Foresters Act, 2000* is the supervision of the practice of professional forestry that is being carried out by those persons not entitled to practice specific aspects of professional forestry.

This practice guidance does not apply to “Employment Supervision” which occurs where colleagues have responsibility for ensuring that daily activities are undertaken, and oversee the operational functions of the organization. “Professional Forestry Supervision” only applies to the supervision of a person while they conduct professional forestry activities. Employment supervision is separate from the supervision of professional forestry activities, although there may be times when they overlap.

Members who supervise persons who conduct professional forestry activities must:

- Be personally competent in the forestry activities and geographic area of professional forestry being supervised;
- Take a deliberate and comprehensive approach to direct supervision (i.e. competent and adequate) of the person being supervised;
- Limit the number of persons being supervised to ensure sufficient supervision of each person;
- Be professionally accountable for the work being conducted by the person being supervised;
- Sign off on the professional documents or professional work under supervision.

Documentation Required:

- Document the level of supervision, and rationale for the level of supervision, that is felt to be sufficient for each person being supervised;
- Document the rationale for the decision to supervise more than three persons, including how the member plans to appropriately and consistently provide direct supervision to each of the persons requiring supervision; and

It is a recommended best practice that members document supervision activities that occur.

The supervision documentation described in this practice guidance is separate from, and not a component of, the Competency Support Program and may be subject to review or an audit. This supervision documentation is expected to be retained by the member for a period of seven years and must be produced for review or audit if requested

PRACTICE GUIDANCE

Characteristics of Supervision of the Practice of Professional Forestry

The *Professional Foresters Act, 2000* requires a person to be a registered member in order to practice professional forestry in Ontario. The practice of professional forestry does not include acts performed in relation to the management or manipulation of forests if they are performed by

- (1) persons acting under the supervision of a member; or by
- (2) persons acting within the generally accepted scope of a practice of an excluded profession, trade or occupation that is listed in the regulations; and
- (3) the person is not a registered professional forester.

The *Professional Foresters Act, 2000* is public protection legislation with the goal of ensuring that appropriate expertise and accountability is applied to the practice of professional forestry. The Code of Ethics in Regulation 145/01 requires members to endorse only those plans, reports, maps and specifications that he or she produces or directly supervises. The elements of direct supervision are described in this practice guidance.

A registered member who supervises anyone in the practice of professional forestry must take a deliberate and comprehensive approach to direct supervision by:

- > Being proactive;
- > Appropriately and consistently applying supervision adequate for the situation;
- > Being professionally accountable for the professional forestry work done by the supervised person ; and
- > Limiting the number of persons that he or she supervises to ensure that there is sufficient time necessary to supervise each person properly.

The characteristics that fit within a deliberate and comprehensive approach to supervision of the practice of professional forestry are as follows:

A registered member who is supervising someone in the practice of professional forestry will undertake sufficient due diligence by:

- > ensuring the supervising member is competent by virtue of training and experience in all relevant aspects of professional forestry, including the applicable forest regions and geographic areas in which the person requires supervision;
- > ensuring the person under supervision has sufficient knowledge, is adequately trained and receives sufficient supervision such that he/she is able to competently carry out the tasks;
- > adequately monitoring the person under supervision. Sufficient site visits must be conducted by the supervisor so that he or she can reasonably monitor and accept responsibility for the work of the person being supervised;
- > reviewing the professional forestry work and files of the person under supervision;
- > being available for questions and discussion of the professional forestry practice;
- > having personal knowledge of the supervised professional forestry work, including an understanding of the location, site conditions, specific objectives of the professional work, specific tasks required, and possible outcomes; and
- > exercising sufficient control in the supervision of the practice so that he or she can legitimately sign, date and seal documents based on a personal knowledge.

It is recommended that supervision activities provided by the member be sufficiently documented:

- > (1) to be able to demonstrate that supervision of the non-member was adequate, and
- > (2) by acknowledging, in writing, that he or she supervised the professional forestry activity conducted by the supervised person.

A registered member, who is supervising the practice of professional forestry, will ensure there is sufficient time and attention given to each supervised person. This may involve limiting the number of persons who are under a registered member's supervision.

While there is no set maximum number of persons under supervision, the OPFA suggests that it would be extremely difficult to adequately supervise more than three people at a time. A reasonable approach to determine the number is to examine the magnitude and complexity of the professional work to be supervised, as well as the competency of the individuals under supervision. If a member decides to supervise more than three persons, they must document the rationale for this decision, including how they plan to appropriately and consistently provide direct supervision to each of the persons requiring supervision.

While there are no standard criteria for the kind and level of supervision required, the supervising member should consider whether the ability of the supervised person and the complexity of the tasks being undertaken warrant close scrutiny throughout the activity, or specific delegation of tasks, or limited direction, or routine personal communication and review of performance in the planning and implementation of aspects of professional forestry.

It is expected that, in each case, the supervising member will document the level of supervision, and rationale for the level of supervision, that, in their judgment, is felt to be sufficient. It is also expected that supervision requirements may change over time as the supervised person becomes more confident and skilled at tasks.

The registered member who supervises others must sign off on the professional documents or professional work under supervision. Note: While the signature, date and seal of a registered member is often used to demonstrate that the professional is a registered member, the practice of professional forestry is not simply the signing and sealing of documents. The practice of professional forestry is engaging in those activities within the definition of the scope of practice reserved for registered members set out in the *Professional Foresters Act, 2000*.

Employment supervision is separate from the supervision of professional forestry activities, although there may be times when they overlap:

- > Employment supervision occurs where colleagues have responsibility for ensuring that daily activities are undertaken, and oversee the operational functions of the organization.
- > The supervision under the *Professional Foresters Act, 2000* is the supervision of the practice of professional forestry that is being carried out by those not entitled to practice specific aspects of professional forestry.
- > Supervision is, therefore, more than an employment reporting relationship.

There are circumstances where activities and projects undertaken are large, comprising several years of work, or involving several different professionals, including registered members. In

such cases, a 'Professional of Record' may be required to oversee certain project components within his/her competence and scope of practice; and a 'Coordinating Professional' or "Project Coordinator" will take responsibility for the cumulative project. In these cases, if the 'Professionals of Record' have the legal authority to practice professional forestry, then they are simply carrying out independent practice and are responsible and accountable for their own professional work. In this example, the 'Coordinating Professional' or "Project Coordinator" is not supervising the practice of professional forestry as described in this practice guidance.

Professional Accountability of the Supervisor

Registered members engaged in the supervision of professional forestry practice will be professionally accountable for the work done under their supervision. As such, it is recommended that:

- > the supervisor put a certifying statement on plans and prescriptions prepared by the person under supervision, certifying that the prescription fulfills the standards expected and the preparation of the prescription has been directly supervised by the supervisor
- > the supervisor apply his/her professional seal, sign and date all plans and prescriptions prepared by the person under supervision before the plan or prescription is submitted for approval (if applicable), and before implementation of the plan or prescription (i.e. before planned harvesting or planting begins)
- > the supervisor instruct the person under supervision to inform all clients, landowners, etc. prior to professional forestry work being initiated that his/her professional forestry activities are being supervised

The supervising member will ensure that their records and reporting of professional work is sufficient to demonstrate the adequacy of the supervision they have provided should they be asked by the OPFA, or another organization or tribunal to account for (i.e., prove) the supervision they carried out. Documentation of supervision will include:

1. The level of supervision to be undertaken, and rationale for the level of supervision, that is felt to be sufficient;
2. The rationale for the decision to supervise more than three persons, including how the member plans to appropriately and consistently provide direct supervision to each of the persons requiring supervision; and
3. It is a recommended best practice that members document supervision activities that occur.

The supervision documentation described in this practice guidance is separate from, and not a component of, the Competency Support Program and may be subject to review or an audit. This supervision documentation is expected to be retained by the member for a period of seven years and must be produced for review or audit if requested.

This Practice Guidance document has been developed in order to provide members with guidance with respect to supervision of non-members and non-licensed members so that the public interest, and the public expectation of the profession, is served and protected. Members are encouraged to contact the Executive Director of the OPFA should they wish to discuss specific applications of this practice guidance document.

OPFA LEGISLATION, REGULATION AND BY-LAW REFERENCES TO SUPERVISION

PROFESSIONAL FORESTERS ACT 2000

Section 3 of the Act reads as follows:

3. (1) The 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 this Act and includes,
- (a) the designing, specifying or approving of silvicultural prescriptions and treatments, including timber harvesting;
 - (b) the appraisal, evaluation and certification of forests and urban forests;
 - (c) the auditing of forest management practices;
 - (d) the assessment of impacts from planned activities on forests and urban forests;
 - (e) the classification, inventory and mapping of forests and urban forests; and
 - (f) The planning and locating of forest transportation systems, including forest roads.

Exclusions

- (2) The practice of professional forestry does not include acts performed in relation to the management or manipulation of forests if they are performed,
- (a) personally by individuals on land which they own;
 - (b) by a person acting within the scope of practice of a profession, trade or occupation that is listed in the regulations;
 - (c) by persons responding to an emergency situation such as a forest fire;
 - (d) by persons acting under the supervision of a member;
 - (e) by students enrolled in a forestry education program and under the supervision of the course instructor in the program;
 - (f) by a member of the armed forces while on duty; or
 - (g) by a person engaged in scientific research 2000, c. 18, s. 3 (2)

ONTARIO REGULATION 145/01- PROFESSIONAL FORESTERS ASSOCIATION

PART I - CODE OF ETHICS

1. (1) A professional forester shall be governed by the Code of Ethics set out in this section in carrying out his or her professional duties. O. Reg. 145/01, s. 1 (1).

(2) A member of the Ontario Professional Foresters Association observes the duties of the profession and honours his or her duties to citizens, employers and clients, fellow members and Ontario's forests by embracing the following values:

3. Credibility — A member shall undertake only work that he or she is competent to perform by virtue of training and experience and, where advisable, shall retain and co-operate 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.

PART II - PROFESSIONAL MISCONDUCT

Interpretation

2. In this Part and in Part I, “conflict of interest” has the same meaning as is set out in the by-laws. O. Reg. 145/01, s. 2.

Acts of professional misconduct

3. For the purposes of the Act, professional misconduct includes the following:

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.

OPFA By-Laws

Article 11.9 – Terms, Conditions and Limitations for Provisional Membership

The certificate of registration of a Provisional Member is subject to the following terms, conditions and limitations:

1. the Member shall only carry out activities that would otherwise be professional forestry under the supervision of a Full or suitably qualified Associate Member or as part of a formal course of study;

Article 11.11 – Terms, Conditions and Limitations for Temporary Registration

The certificate of registration of a Temporary Member is subject to the following terms, conditions and limitations:

1. the Member shall only perform the professional services which are:
 - a. described in their application as accepted or modified by the Registration Committee, unless working under the supervision of another Member in Good Standing,