Canadian Federation of Professional Foresters Associations¹ — Registered Professional Forester's proper use of title

by Doug Krystofiak², R.P.F.

Professionals are increasingly on the move both within and across provincial boundaries. Travel to other provinces to attend conferences or meetings, conduct business, give a presentation or pursue employment has become routine for many professional foresters. There has been some confusion as to when and where the R.P.F. designation applies. This paper explains the restrictions each province places on use of the R.P.F. designation. Whether you plan to be in another jurisdiction on a part- or full-time basis, you should familiarize yourself with such restrictions.

Currently there are only five Professional Foresters' Associations across Canada. These are in British Columbia, Alberta, Ontario, Quebec, and New Brunswick. Nova Scotia, Manitoba, and Newfoundland are looking into the establishment of professional foresters' associations. As an R.P.F. in one or more of the provincial associations, you should contact the provincial R.P.F. association and familiarize yourself with the local professional legislation governing the use of the R.P.F. designation in that jurisdiction.

Can I use my R.P.F. title if I go to work in another province that has professional forester legislation?

The answer is no. Professional legislation prohibits the use of your home title in another jurisdiction. The R.P.F. designation is reserved only for registered members who hold a valid certificate of registration for that jurisdiction. This applies to the use of one's professional seal or stamp, and the use of one's R.P.F. designation on such things as correspondence and business cards.

All professional forestry legislation in Canada has clauses pertaining to right to title or exclusive use of title or name (see

below). When an out-of-province R.P.F. uses their designation in a jurisdiction where there is an existing provincial foresters association, it implies to the public within that jurisdiction that they are members of the provincial organization and that they are accountable to Act, Regulations, standards of practice, and codes of conduct and are familiar with forest management policies and legislation.

The purpose for "restricted" right to title or "exclusive" use of name or title is to clarify for the consumer of forestry services the qualifications and responsibilities of the professionals offering services and to separate them from the service providers who are not registered. It is an authority delegated by government to professional regulatory bodies and can be in the form of a licensing (e.g., mandatory registration, controlled acts, right to title, and/or right to practice) or certification regime (voluntary registration, right to title). In the licensing regime, the designation is intended to ensure that only competent, registered foresters are engaging in the practice of professional forestry as it is defined in the respective provincial legislative instruments. In both the licensing and certification regimes, titles such as R.P.F. or Professional Forester are reserved exclusively for members of a particular professional foresters association.

The R.P.F. signals to consumers of forestry services that the R.P.F. is a member of and accountable to the professional regulatory association within the jurisdiction in which it is used. This is especially the case if the R.P.F. title appears on correspondence or business cards along with a local address.

If I clarify that my R.P.F. title only applies to my home association, is that alright?

In several past instances, some R.P.F.s have used the R.P.F. designation after their name on business cards and letters and added their home province in brackets [e.g., R.P.F. (Ontario) or R.P.F. (Alberta)] in an attempt to clarify that they are

R.P.F.s but not in the jurisdiction they now reside or are working on a full-time or part-time basis. The R.P.F. designation is reserved for and applicable only to registered members of that province. Using an out-of-province designation, even if one attempts to clarify it, with the home-province in brackets after the designation, contravenes the "restricted" use of title provisions in the legislation because it does not clarify the fact that the proponent is not authorized (and may not be competent) to practice within the jurisdiction. Some legislation is quite specific on the usage of the title of Registered Professional Forester and will go so far as to list prescribed terms such as the initials R.P.F. or any description (e.g., such as P. For. or Registered Forester) which implies that one is a Registered Professional Forester.

There is nothing wrong with being introduced as a visiting R.P.F. or handing out business cards which clearly identify you as a visiting R.P.F. from out-of-province (i.e., your business card has your home province address on it). R.P.F.s should not use their out-of-province designation, especially when providing a service to the public for remuneration. Such individuals may face disciplinary actions by their home Association as well as legal action launched by the professional foresters association in the jurisdiction in which they misrepresent themselves.

What happens if I move to another province where no professional forester legislation exists?

R.P.F.s residing in or working (full-time or part-time) in a province where no professional foresters association exists, would likely not be in violation of any legislation in that province which may restrict them from continuing to use their R.P.F. designation. They may, however, be contravening the legislative provisions of their home jurisdiction and should verify with their home association if they are permitted to continue to use their R.P.F. designation away from home. If permitted, one should

¹I would like to thank the CFPFA member associations for their assistance in developing the article, as well as, Barry Northey and Richard Rothwell for additional editorial comments.

²Executive Director/Registrar, Alberta Registered Professional Foresters Association.

make it clear, to anyone that questions the designation (e.g., clients and members of the public), that it applies to one's home association, thereby, making it clear that you are accountable to your Association's professional legislation and codes of conduct. Some provinces have a Non-Resident membership category available with reduced fees but there are restrictions placed on use of the R.P.F. designation.

Using the R.P.F. designation in another jurisdiction where no professional association exists could potentially lead to problems for one's home association, especially in the case of a discipline complaint being brought forward requiring an investigation in a province outside of the home association's jurisdiction. Concerns over investigating and rendering a judgment on a discipline matter relating to a breach of legislation or management policy in a foreign jurisdiction are but a few things the home association may not have suitable expertise in dealing with. In some cases, it may be cut and dry but in others it can be quite complicated when trying to assess professional misconduct or unskilled practice, especially if dealing with unfamiliar legislation, policies and procedures. There may even be increased investigation costs to consider.

The Canadian Institute of Forestry (CIF) has a voice on the CFPFA and represents the provinces which do not have professional foresters association. One of the CIF's functions is to provide support and guidance for the establishment of new professional foresters associations where they do not currently exist. R.P.F.s who move into a jurisdiction where there is currently no professional foresters association should automatically inquire about the status of such and check on the appropriateness of using their R.P.F. designation in such jurisdictions.

What would happen if I continue to use my out-of-province R.P.F. title in another jurisdiction in which a professional forester association exists?

Such an individual may be acting in direct contravention of the legislation in force in that province. Upon being informed of such an infraction, an association could take immediate action to ensure that the individual cease "improper" use of title by way of a "cease and desist" letter or some other such demand.

The association could also bring the matter to the attention of the R.P.F.'s home association which may also take whatever actions it deems necessary to ensure that its member complies with a request to cease improper use of title. In most instances, the home association's codes of ethics or conduct (usually under the general topic of "Responsibilities to the Profession") come into play.

Although disciplinary action or resort to the courts are both available options for enforcement of "exclusive" rights to title or name, they are also costly and avoidable. Each association would prefer to welcome fellow professionals and ask that they support their profession by making application to the association in which they reside and practice. In most cases credit towards work experience (Forester-In-Training) requirements is applied. Some associations have established a "temporary" or "special" permit as a means of further addressing this issue when the visiting forester is not making a permanent move to that jurisdiction but is hired for a limited time to do a specific project.

Can I maintain membership in more than one professional forester association if I intend on working in more than one jurisdiction?

The answer is yes and, in fact, it may be required. Often, consultants working in two jurisdictions (e.g., British Columbia and Alberta) maintain active R.P.F. status in both organizations.

Some associations have established a "temporary" or "special" permit as a means of further addressing this issue to accommodate non-resident R.P.F.s. Those R.P.F.s possessing such a permit would be bound by and accountable to the local professional legislation.

The following extracts are taken from the pertinent provincial Acts and relate to the scope of practice and the matter of exclusive use of title or name.

ABCPF Foresters Act, 1979

Interpretation

"practice of professional forestry" means, for a fee or remuneration, performing or directing works, services or undertakings which, because of their scope and forest management implications, require specialized knowledge,

training and experience equivalent to that required for a professional forester under this Act, and includes:

- managing forests or forest land for the integration and optimum realization of their total forest resource values, assessing the impact of planned activities on forests and forest land,
 - (a) designing, specifying or approving methods for or directing the undertaking of the classification and inventory of forests and forest land,
 - (i) silvicultural prescriptions and treatments of forest stands and forest land including timber harvesting,
 - (ii) the protection of forest resources,
 - (iii) the valuation of forest land, and
 - (iv) research pertaining to the management of forests and forest land,
- planning, locating and approving forest transportation systems, including forest roads, and
- examining and verifying forest management performance;

"professional forester" means a registered member or holder of a special permit granted under section 16 (1) (a);

"register" means the register of the association kept by the registrar under this Act;

"registration" means admission of a person who qualifies under section 13 (1) and entering the person's name in the register;

(1) The registrar on direction of the council must issue a certificate of registration to each registered member of the association, and the certificate must be prominently displayed by the member at the member's office or other place of business.

Use of title "Professional Forester"

19 (1) On receipt of a certificate of registration issued under section 18 or a special permit granted under section 16(1)(a), a registered member or special permit holder is entitled to use the title of "Professional Forester" or the abbrevi-

ation "R.P.F." or any other designation approved by the council.

19 (4) Only those persons whose names are entered in the register as registered members or who are the holders of special permits granted under section 16 (1) (a) are permitted to use the title of "Professional Forester" and the abbreviation "R.P.F."

(20) A person who, without being a registered member of the association or the holder of a special permit granted under section 16 (1) (a), assumes, in any manner, the title of "Professional Forester" or advertises, uses or permits to be advertised or used in any manner with that person's name, business or otherwise the title of "Professional Forester" or the abbreviation "RPF" or any other designation, descriptive term or statement implying that the person is a registered member or holder of a special permit granted under section 16 (1) (a) commits an offence.

ALBERTA Forestry Profession Act, 1985

Definitions

"certificate of registration" means a certificate of registration issued under section 17;

"practice of forestry" means the development, acquisition or application of scientific principles and practices relating to forestry, products of forested land and integrated management of forested land and, without limitation, includes the appraisal and evaluation of forests and forested land,

- (i) the development of integrated forest resource management plans and programs for harvesting and renewal of forest crops and administration of forested land,
- the classification, conservation, reclamation, improvement or protection of forests, forested land or forest soils for forestry purposes,
- the preparation of forest resource management plans,
- the development of improvements on forested land for forestry purposes,
- the conducting of economic or market studies of forestry,
- the teaching of forestry at a college or

university, and
the conducting of research activities pertaining to forestry;

"registered professional forester" means an individual who holds a certificate of registration and an annual certificate as a registered professional forester under this Act;

Exclusive Use of Name

2(1) No person except a registered professional forester shall use the name "Registered Professional Forester" or "Registered Forester" or the initials "R.P.F.", or any title, description, abbreviation, letter or symbol representing the name "Registered Professional Forester" or "Registered Forester" or the initials "R.P.F." alone or in combination with any other title, description, abbreviation, letter or symbol, in such a way as to represent expressly or by implication that he is a registered professional forester.

No person shall use the name "Professional Forester" or the initials "P. For.", or

- (a) any title, description, abbreviation, letter or symbol representing the name "Professional Forester" or the initials "P. For." alone or in combination with any other title, description, abbreviation, letter or symbol, in such a way as to represent expressly or by implication that he is a registered professional forester.

ONTARIO The Ontario Professional Forester Act

Only those members whose names appear in the register shall be entitled to the privileges of membership in the Association.

(1) Every member of the Association shall have the right to use the designation "Registered Professional Forester" and may use the initials "R.P.F." indicating that he is a registered professional forester.

Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Registered Professional Forester" or the initials "R.P.F.", or any name, title or description implying or which may lead to the belief that he is a registered member of

the Association, shall be guilty of an offence and, on summary conviction, shall be liable to a penalty of not more than \$25 for each offence.

QUÉBEC The Professional Code and Forest Engineers Act, 1977

Professional Code

(c) "professional" or "member of a corporation"; any person who holds a permit issued by a corporation and who is entered on the roll of the latter;

"permit": a permit issued under this Code and the Charter of the French language which allows the exclusive practice of the profession mentioned therein and the use of a title reserved to the professionals practising such profession or only allows the use of a title reserved to the members of the corporation issuing the permit, subject to entry of the holder of such permit on the roll of that corporation;

"special authorization": a special authorization granted for a limited period under this Code to a person who does not hold a permit, to allow him the exclusive practice of the profession mentioned therein and the use of a title reserved to the professionals practising such profession or to allow him only the use of a title reserved to the members of the corporation granting this authorization;

The members of a corporation shall not be granted the exclusive right to practise a profession except by an act; that right must not be granted except in cases where the acts done by these persons are of such a nature and the freedom to act they have by reason of the nature of their ordinary working conditions are such that for the protection of the public they cannot be done by persons not having the training and qualifications required to be members of the corporation.

Exclusive Professions

Professional Permit Obligatory

No person shall claim in any manner to be an Forest engineer,, or use any title which may lead to the belief that he is one, or engage in a professional corporation, claim to have the right to do so or act in such a way as to lead to the belief that he is authorized to do so, unless he holds a valid, appropriate permit and is

entered on the roll of the corporation empowered to issue the permit, unless it is allowed by law.

Professions with Reserved Titles

In this division, the words "corporation" and "professional corporation" mean a professional corporation mentioned in paragraphs 22 and following of Schedule 1 or a professional corporation constituted under section 27.

Note: The Corporation professionnelle des ingénieurs forestiers du Québec is listed in Schedule 1.

Forest Engineers Act

the expression "member of the Order" means a member in good standing of the said Order;

the expression "the Order" means the Ordre de ingénieurs forestiers du Québec;

the expression "forest engineer" means any person practising the profession of engineer and qualified to give advice upon or supervise, execute, or direct the execution of the following works: the inventory, classification and valuation of the soil and crops of forest, the preparation of maps and topographical plans of forest; the management, maintenance, conservation, lumbering, reforestation and

protection of woods and forests, silviculture; forest photogrammetry; logging and transportation of woods, the exploitation of forests and other forest resources; the application of forest engineering sciences to economical wood utilization; the preparation of maps, estimates and specifications, working plans and reports concerning forest management and any engineering work relating to the execution of the above-mentioned purposes and the preparation of plans in connection with such work;

the expression "permit" means a permit issued in accordance with the Professional Code and this act.

No person may take the title of forest engineer in Québec, or use any name, title or designation which may cause it to be understood that he is a forest engineer nor advertise himself as an expert or a professional in the matters within the competence of the forest engineer nor execute works within the competence of the forest engineer unless he be or become under the provisions of this act a member of the Ordre des ingénieurs forestiers du Québec. No person shall practise or exercise, in Québec, the profession of forest engineer within the meaning of section 2 unless he is a member of the Ordre des ingénieurs forestiers du

Québec or becomes a member under the provisions of this act.

NEW BRUNSWICK The New Brunswick Foresters Act, 1986

Interpretation

"forestry practice" means the scientific management of forests for the continuous production of goods and services.

"registration" means the enrollment in a book of registry, called the "register", of the name of a person admitted by the Board to practise as a forester in the Province of New Brunswick.

"Registered Professional Forester" means any person qualified and registered under this Act.

(1) Any person who is not a member of the Association who takes or uses the designation "Registered Professional Forester" or the initials "R.P.F." or any name, title or description implying or which may lead to the belief that he is a registered member of the Association, is guilty of an offence and is liable upon summary conviction.

A CIF/IFC Corporate
Sustaining Member

Valley Forest
Products Ltd.

A CIF/IFC Corporate Sustaining Member

Weyerhaeuser Canada

A CIF/IFC Corporate Sustaining Member