

Legislative Workshop – March 9, 2009

Facilitated by Pierre Gallant MAIBC, AIBC Council Treasurer

Those raising concerns or offering comment have been identified by designation, and the response bulleted.

MAIBC: Where is an agenda for this meeting, and the minutes of the February 9, 2009 meeting?

- While a record was not kept of the February meeting, a record is being kept of this one, and concerns will be noted on the flip charts and posted on the wall and web site.

MAIBC: What has been done to address the motions passed at the November meeting?

- AIBC Council considered the motions at its January meeting and, following approval of the minutes at the February meeting, Council's response was posted on the AIBC web site - initially in the minutes of the council meeting, and then as a separate document.

MAIBC: I could only find council's response, but did not think council had responded appropriately.

MAIBC: Council appears not to be listening, not to be open to comments and not hearing what members have to say.

- Duly noted and as said earlier, a record of this meeting is being kept and will be posted. On behalf of council, apologies are extended to the members for this oversight.

MAIBC: Observed that it took some time to get the response to the motion to the members.

- Explanation as previously given.

MAIBC: Concern expressed regarding the lack of consultation on development of the proposed legislation, and that it is a finished product already.

- Many notices in many publications have been given over the last few years (a list of dates is available on the web site), including but not limited to *architectureBC* magazine and AIBC annual reports. A member survey and an earlier version of the legislation were distributed to encourage members' input. AIBC Council is now seeking members' input through these workshops and the scheduled conference sessions.
- The legislative process is ongoing, and will not be complete until the provincial government acclaims the legislation in the form it chooses.

MAIBC: Notice is given that an island architect will be submitting a resolution.

- This will be gladly received.

MAIBC: Concern expressed that some member speakers were dominating the meetings with a string of of- stated complaints, and the request was made that members limit themselves to a single concern, as well as to identify themselves when they spoke.

LG Appointee: Also noted that the legislation is a work "in progress" .

MAIBC: Council advised to stop work on the legislation completely, and to set up a web log (blog).

- Council is working with APEGBC and the provincial government, as well as other organizations, to develop new legislation. It does not have control over any timetable; rather, AIBC Council invites members to be involved through workshops and submission of comments.
- Blogs have been established, but the council, representing the AIBC as regulator, does not see this as a responsibility that falls to the institute.

MAIBC: The web site remains unchanged, and the member wanted to hear about the work output, work product, and on what basis legislative review is moving forward.

- It was noted that illegal practice continues, the exceptions exist unregulated, the government appears ready and willing to share scopes of practice between professions and paraprofessions (pharmacists and naturopaths now prescribing drugs, dentists administering cosmetic procedures), and also wants to see regulation in the public interest (note the recent licensing of home and property inspectors). The professional engineers are moving forward with their legislative renewal, and other organizations are seeking the right to practice in Part 9 of the BC Building Code. Time does not stand still, and the council is trying to both manage member concerns and the change that is happening around the profession.

MAIBC: Members would like a preamble that explains why the legislation is under review. There is also concern regarding others having "AIBC" after their names. How are they to be regulated, and what is the intention?

- Just like Architectural Technologists and Architects, the newest associates - Building Designers and Residential designers - swear an oath to the institute to abide by and be regulated by the *Architects Act*, the Bylaws, Code of Ethics, Code of Professional Conduct including Conflict of Interest, and to meet continuing education standards.

MAIBC: (reading from a prepared statement) Good morning Council. I'd like to re-iterate my belief that we need to make efforts to move the discussion forward for the long term benefit of the Institute, its Members, and the profession and, by extension, the public. Aside from my comments at the last workshop, which I have included at the request of Cal, I have a few more recommendations I'd like to add. The current membership (based on the feedback from the workshop on March 9th) seems to retain their resentment towards the Council. This stems from a feeling that Council's intention with the workshops only serves to placate the membership while it moves ahead with their plans irregardless of membership support. I think one source of this resentment is the website. Many members actually get their work from potential clients going to the AIBC website. The fact that the "FIND AN ARCHITECT" button no longer exists infuriates the membership, more than perhaps Council realizes or is willing to

admit. In addition, I think one can easily argue that is confusing to the public. As a show of good faith, I recommend the following:

1. That Council reinstate the "FIND AN ARCHITECT" button, remove the term registrant altogether from the website and perhaps add another button labeled "ASSOCIATES".
2. Remove the label AIBC altogether from the title of the associate members. Although I don't agree with the notion that our association should regulate the trade of other builders/designers, or that we should have "tiers or classes of members", I'm beginning to appreciate the rationale presented at the March 9th meeting. If this absolutely must be the case, then perhaps, Building and Residential designers who are regulated by the AIBC become simply, RBDs and RRDs. This designation, I think would be much more palatable to the membership. The designation of RD.AIBC and BD.AIBC is seen as presumptuous in light of the non support by the Membership. Since there is no examination or process in place to test or designate these individuals, I do think the title is extremely premature and indeed misleading to the public. The Council should seriously consider revising this in the interest of optics if they expect the discussion to move forward and eventually gain the support of the majority of the Membership.
3. Voting Council members be identified as Council "MEMBERS", non Voting Council members be identified as "ASSOCIATE or NON VOTING" members (and remove their .AIBC designation!); much like the LG appointees are identified as such. This serves two purposes - it reduces antagonizing the Membership and it clarifies who the voting members are to both the members and the public.
4. Mandatory Insurance should be addressed with all members to gain recommendation as to the best way to serve ALL the membership. Although I strongly support current AIBC policy that insurance is "strongly recommended", as it stands, it is still cost prohibitive for most small and emerging practices. Perhaps the Council should look at various models, identify pros and cons of each and then have an open forum/ workshop with members to LISTEN to suggestions and recommendations. Could the AIBC provide insurance as part of the fees? Could the AIBC together with the Construction Association provide insurance if volume is a factor? How do other professions deal with this issue? How do other Architectural Associations deal with this issue? If Mandatory Insurance is supported, Council should find a way to recommend it's inclusion as part of the Bylaws instead of the Act which will offer us more flexibility should there be surprises we need to respond to in the future.

Thank you for your time.

MAIBC : What about new member designations? Perhaps giving them away too freely?

- AIBC Council considered designations two years ago, and began with the confusion about, if not outright lack of recognition of, MAIBC. Council wanted to change the MAIBC designation to one that would be immediately recognized and understood by anyone. "Architect.AIBC (Arch.AIBC)" was agreed to and passed as a motion to do so, and following that, and for consistency sake, "Intern Architect.AIBC (IA.AIBC)" and "Architectural Technologist.AIBC (AT.AIBC)". From there, it was a simple step to take the Interior Designers, Building Designers and Residential Designers, who all have right to title through

legislation, and transfer – using the same scheme – their titles to “Interior Designer.AIBC (ID.AIBC)”, “Building Designer.AIBC (BD.AIBC)” and “Residential Designer.AIBC (RD.AIBC)”.

MAIBC : Concern expressed regarding qualifications for new associate categories.

- All categories of associates, like Architects, have education, experience and examination requirements. IDs take a national examination, must have an accredited degree and undergo an internship. Future BD/RD categories will require degrees from recognized programs (such as BCIT’s four-year program), will undergo examination, and will have an internship, as do all Architectural Technologists.

MAIBC : Why do we have to change the name of the Architects’ Act?

- We do not have to do anything, and in fact, the government has the prerogative to name the legislation. The thought around the table was to indicate inclusiveness, and to recognize that proposed practitioners under new legislation would have the right to practice a limited slice of the architectural scope of services. Perhaps *Architectural Profession Act*, rather than the plural, as there is only one profession? However, if the government should choose to leave the act named as it is, that would be fine, too.

MAIBC : Concern was expressed that the entry of the new associates could create confusion and competition.

- Building Designers have had the right to that title since 1985, so their coming into the AIBC will not change that fact. Rather, it will clarify a situation that already exists by clearly setting out that only those individuals registered with the AIBC are qualified to do the work. They also have been practicing in the area of the exceptions for longer, so with their entry into the AIBC they will have to meet higher standards. However, the business facts will not change.
- Interior Designers have been working in partnership with the profession for years, and are increasingly forming business partnerships. Currently they have limited title protection (Registered interior Designer) and the confusion that results from unqualified and registered individuals calling themselves Interior Designers causes enormous confusion. This will clarify for all members of the public and industry that only those individuals registered with the AIBC are qualified to practice in their particular area.

MAIBC : Have we talked to the Building Officials?

- The institute works closely with the BOABC and has been in dialogue with it about this matter for years. The BOABC welcomes regulations and qualification of the BDs, RDs and ATs by an experienced and trusted profession it knows well and partners with frequently.

MAIBC : The institute should focus on small practitioners.

- The institute remains focused on supporting all practitioners to practice ethically, competitively and responsibly at all levels. The proposed changes to our legislation in no way undermine or diminish the single or small practitioner’s ability to practice. Rather, it enshrines issues of fairness and equality.

MAIBC : The act should match the BC Building Code to ensure effective regulation, suggesting that discrepancies could invalidate any changes.

- We thought so, too, until it was pointed out that if we do make such changes we can in no way guarantee that the BCBC will not change almost immediately and recreate discrepancies. As long as the *Architects Act* trumps the BCBC in the area of professional regulation.

MAIBC: How do we differentiate ourselves from the newest categories?

- The education, experience and examination of an architect is different from that of Interior Designers, Building Designers and Residential Designers, as well as Architectural Technologists. Aside from differing qualifications, this is largely a marketing question that could as easily be asked, “How do I differentiate myself from another architect?” One does this through the body of work one has established, references of former clients, scope of services offered, and the personal rapport you are able to establish.

MAIBC: Unless the standards are the same, how can such a relationship work?

- As earlier noted, the new associates have sworn to comply with the act, bylaws, and Codes of Ethics and Professional Conduct, as well as comply with continuing education requirements.

Building Designer: BDs recognize architects as the senior profession. You ask, “Why are we here?” We were invited by your council, and in fact, the government has told us to. This discussion began many years ago and many councils ago, and has only finally found a mutually satisfactory outcome. BDs have come to the AIBC home because this is where we fit and where we thought the AIBC would prefer to see us. BDs believe it serves the public best if we are governed under the Architects Act within the AIBC, and are qualified and regulated. BDs understand the concerns expressed by AIBC members, but trust we can come to a fair resolution by being professional and respectful toward each. While many things at the AIBC cause us concern, we also respect enormously the qualifications and abilities of architects.

MAIBC: Membership is expanded to what, and how do we handle voting issues?

- Currently there are:
 - 1550 architects
 - 500 intern architects
 - 78 Architectural Technologists
 - 38 Building Designers
 - 38 Residential Designers
- Voting Issues will be determined in the bylaws, but architects will retain a clear majority on council and only that category of member will be permitted to vote on issues that directly affect them alone.

MAIBC: Where are we now? And why did we do it? What are the new limitations on my practice?

- We are in process noted, and working with government on its timetable.
- The reason the institute pursued legislative change was because the act had become increasingly difficult to enforce, did not enshrine principles of fairness, did not recognize new standards and expectations of professionals that didn’t exist in the early part of the century, and increasingly restricted the practice of members.
- There are no new limitations on your architectural practice.

MAIBC: *Would like to observe that she has been the recipient of some highly unprofessional correspondence and communications from members.*

MAIBC: *I feel bad as I have always worked in teams. I believe that the “exceptions” will always exist, and that if we open the door now there will be 9000 new members overwhelming the profession.*

- Perhaps, discussing the exceptions, this is a place where we will disagree. Currently the HPO licenses homebuilders, and the Home & Property Inspectors are now expected to become licensed. It appears that the government expects the professions to self-govern, but if the professions refuse, then the government will find someone else who will accept that responsibility. If the current exceptions are buildings that provide shelter for people, then the government will require that standards of health, safety and welfare are met. If the architectural profession does not believe that it can or wants to regulate such buildings, we have no doubt that other organizations are regularly lobbying the government for that right.
- With regard to numbers, there were 83 members of the Building Design Institute prior to its transfer into the AIBC, where we now have 76. There is no danger of an overwhelming number of BDs suddenly appearing.

MAIBC: *I cannot find the definitions and qualifications for the new members.*

- These have been generally agreed to but not confirmed. Currently the Registrar, Registration & Licensing Board Chair and Director of Registration & Licensing have been meeting with the AT and BD/RD Qualifications Committee to identify exactly what skills they possess. At the next meeting, when scope of practice is discussed, you will see a chart that offers analysis of the different qualifications of each category. We hope you will be there.

MAIBC: *I suggest that the institute should be consulting with many people to determine who should be qualified to do what, at what level, etc, as well as speaking with BOABC and its members.*

- Noted that this is a good suggestion and one that is being actively pursued (see above).
- Also noted that the government will do exactly what it wants, and has been demonstrating as much with the recent sharing of formerly exclusive aspects of the physicians and surgeons’ scope of practice to pharmacists, naturopaths and dentists, not to mention nurse practitioners.
- It is felt that this is an opportunity for the architectural profession to show leadership, and also to take meaningful professional responsibility for the built environment in B.C.

Building Designer: I immigrated from Malaysia, where architecture was practiced under the British system, and employed all the British codes and rules ... we are the same.

MAIBC: *An architect, when assembling a team, doesn’t generally bring in a Building Designer, and she asks if we are creating a second-class tier of member? Will this change the culture of the institute?*

- Members determine the culture of an organization, and those that get involved determine it in a very proactive way. Architectural Technologists have been an associate category of member since 1997 and the culture of the institute has remained that of one determined by the members through their active participation.

MAIBC: *I believe that the medical profession doesn’t do this, nor should we.*

- The medical profession has a single act, the *Health Professions Act*, and 22 separate self-regulating colleges underneath it. I think if you were to speak with the College of Physicians and Surgeons and ask how it likes being made to share its scope of practice with others, in separate organizations, with whom

they have no relationship, you would find that it is extremely frustrated and wishes it had the capacity to regulate them.

- If you speak to the Chartered Accountants, the Certified General Accountants and the Certified Management Accountants, who each have separate colleges with their own acts, you would find they are extremely frustrated by the confusion that surrounds their practices because members of the public have no idea how to distinguish between them, so they don't.
- The architectural profession has an opportunity to manage such circumstances, and having reviewed the various options, believes that it is through a single piece of legislation, a single organization and related categories of members that the profession is strengthened, the public interest is served, and architectural design at whatever level it is practiced will receive increased profile, appreciation and understanding.

MAIBC: Accepts the imperative of meeting the public interest, and the long overdue need to renew the Architects Act. He feels this is improving the circumstances for the profession and applauds council for being open, noting that members are being difficult. He went on to note that most architectural work takes place in Part 9, if not in the exceptions, so we need to be very clear to ensure the public is aware of distinctions.

MAIBC: How does one establish competency to practice?

- As always, for new practitioners, through the "Three Es": education, examination and experience. This does not change, and every category of member will have to meet such standards.
- An analytical tool has been developed to assess competency for architects and will be put into use across Canada. This same tool is being used to distinguish between the skill levels and requirements of ATs, IAs, BDs and RDs. This will be shown at the April 14 meeting.

MAIBC: Feels that more people must be brought into the process, otherwise there is a disconnect.

- This is a good point, and that is why workshops are being held, conference sessions are being developed, and we are receiving written submissions for which we are preparing responses that will be posting on the web site for all members to see.

MAIBC: He has yet to see a statement or rationale that satisfies him as to what constitutes the "public Interest".

- The institute has such a document as it applies to its own governance, and while it is currently undergoing internal review, it will be posted shortly for member review.

MAIBC: Came to the meeting for clarification and is glad to see proactive action.

MAIBC: Would like to see more clarity in the answers provided, and asks how do we regulate in the exceptions?

- The AIBC requires everyone to meet the same standards, and all have sworn to do so. Once the new legislation comes into effect, hopefully the exceptions will be reduced meaningfully to only include single and duplex housing on a single site.

MAIBC: What about liability insurance? Why is it included if the members have rejected it several times?

- Changes to AIBC legislation require approval by a 66% majority. In each of the votes to date on mandatory liability insurance, it has been defeated by 1 or 2% because members were afraid of not being able to get liability insurance, or that it might be so prohibitively expensive as to be unaffordable.
- The public assumes that all professionals, whatever their stripe, carry liability insurance as an innate element of qualifying as a professional. The Joint Task Force for Legislative Change put the requirement into the proposed act because that is what a professional would do. The AIBC also anticipates that government will insert such a requirement as a base expectation of any profession.

Adjournment at 6:10 p.m.