

Discipline Case: 2011-03

Subject Members: Registered Professional Foresters

Referred to: Complaints Resolution Committee

Date of Decision: May 2011

Allegations

This case resulted from a complaint from one ABCFP members about the conduct of three other ABCFP members. The allegations are that the three members subject to the complaint engaged in unprofessional conduct in the workplace including:

- i. retaliation
- ii. harassment

Decision

The complaint information was reviewed with respect to the ABCFP bylaws. The Complaints Resolution Committee advised the registrar, that the bylaws of the ABCFP have application to the practice of forestry, but not outside of the practice, in their opinion. This complaint involves workplace-related issues and the interpretation of a union agreement. It does not involve the practice of professional forestry. The registrar concurs with this interpretation and agrees that Bylaws 11 and 12 do not apply to this complaint.

In our opinion the only behaviour that might support a complaint is “conduct unbecoming of a member” in Section 22(1) (b) of the Act. Conduct unbecoming of a member is defined in Section 1 of the Act as:

"conduct unbecoming a member" means conduct of a member that:

- a. brings or may bring the association or its members into disrepute,
- b. undermines the scientific methods and principles that are the foundation of the practice of professional forestry, or
- c. undermines the principles of stewardship that are the foundation of the practice of professional forestry."

Parts (b) and (c) of this definition do not apply to this complaint. That leaves part (a). Could the activities of our members in the workplace be such that it “brings or may bring the association or its members into disrepute”? This is certainly possible depending upon the gravity of the particular situation.

Having been satisfied that the complaint could potentially meet the definition of “conduct unbecoming a member”, the registrar and the Complaint Resolution Committee then reviewed the complaint against the four tests required by subsection

22(6) of the *Foresters Act*. These tests require that the registrar must accept a complaint if satisfied that:

- a. the complaint concerns a member or former member,
- b. sufficient information has been provided to allow an investigation to proceed,
- c. the allegations, if proven, involve a breach of this Act, the bylaws or the resolutions of the association, and
- d. the parties cannot resolve the matter on a reasonable and appropriate basis.

The evidence presented did not lead either the registrar or the Complaints Resolution Committee to believe that there was sufficient information to support an investigation into the conduct of the members referenced in the complaint. To have enough evidence to support an investigation we look for documentation and corroboration of the information that supports the complaint. The information to support the complaint included documents from the subject members regarding their actions with respect to the interpretation of the union contract. The interpretation of the contract is not the practice of professional forestry and we are not prepared nor authorized to investigate whether this interpretation was in error. The union grievance procedure is the appropriate method to resolve this issue. The complaint also includes documentation of other actions that did not provide enough evidence to support an investigation in our opinion. Therefore, we do not believe that the complaint has not satisfied test (b) above.

Although we note that test (c) above could apply if conduct unbecoming occurred, we believe that there is insufficient evidence that the gravity of the actions would meet the requirements of test (c).

As a result, the registrar did not accept this complaint.

The concerns raised were taken forward to the union involved, and a grievance has been filed. In our opinion this is the proper action. Should this result in sanctions against an ABCFP member, the ABCFP reserves the right to review this finding against the requirements of our act.