

# Discipline Case Digest



**Discipline Case:** 2013-02

**Subject Member:** Registered Professional Forester

**Referred to:** Complaints Resolution Committee

**Date of Decision:** November 2014

## Allegations

This case resulted from a complaint submitted by ABCFP members in February 2013.

The complaint alleges that the subject member:

- Printed another members name on a stumpage rate form.
- Did not sign his/her name to the stumpage rate form.
- Did not sign the form, which is considered a 'professional document.'
- Verbally abused a fellow member.

## Decision

The complaint was referred to the Standing Investigations Committee (SIC) who formed and Investigation Committee (IC) to investigate the allegations. The IC found that the allegations related to verbal abuse were workplace issues. The subject member admitted that there were incidents of yelling and swearing. It is apparent that this was a charged work environment. Both the subject member and a complainant indicated that there had been other incidents. These incidents were not part of the complaint and were not considered by the IC. While the IC agreed that yelling and swearing are not appropriate behaviours in a work environment, the incident does not merit a formal citation from the ABCFP.

The IC noted that using the ABCFP complaint process to address issues that should be resolved in the workplace is inappropriate. A complaint should stand on its own merit and be put forward when circumstances warrant, in a timely manner. Workplace issues should be managed within the workplace. Managers cannot set aside their duties and obligations to provide a strong and safe work environment by using the ABCFP complaint process. As a result, the IC confined its further work to the complaint allegations respecting the stumpage rate form. These questions hinge on the work being undertaken being the practice of forestry and were investigated based upon those grounds. Therefore, the key question is whether the review and provision of the tabular stumpage rate form by a ministry office is the practice of forestry?

The document was signed and sealed by the submitting forester. It was not customary to also sign and seal as the reviewing forestry professional. There was no provincial rate form processing policy or direction in 2009 or 2010. The process for processing CFA and Woodlot tabular rate forms varied across the province, based upon Forest Region direction. In some regions, clerks process the forms as submitted by the forestry professional, and in others, they were reviewed by the district offices. The practice in

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2010 was that the licensee's forester would create, sign, seal and submit the Interior Stumpage Rate form to get stumpage rates assigned. There is no relationship between the types of harvesting undertaken or other costs in the rate assignment process. The IC believes that, given the uncertainty regarding whether the District reviews of the CFA Interior Stumpage Rate Request Form is professional practice, and the very low standard of review (i.e. completeness), the processing of the form was not the professional practice of forestry. While it is not good practice to print another person's name on a form as a reviewing officer without notifying that person, it was done to provide the information necessary to bill for scaled volume and was thought to be accurate by the subject member. While this may not be best practice, it does not appear to be an intentional misrepresentation of facts.

Given the belief by both parties that the form had been appropriately reviewed, the file documentation review by the subject member, and that these forms are no longer required to be submitted by a forest professional, the IC did not believe that the printing of the complainant's name on the form and submitting it for processing is of sufficient grounds to issue a citation.

The IC found that there are no grounds for the issuance of a citation under Section 27 of the *Foresters Act*. This conclusion was supported by the Complaints Resolution Committee (CRC) and the registrar. This complaint is now closed.