

# Discipline Case Digest



**Discipline Case:** 2013-08

**Subject Member:** Registered Forest Technologist

**Referred to:** Complaints Resolution Committee

**Date of Decision:** April 2014

## Allegations

This case resulted from a complaint submitted an ABCFP member in May of 2013. The complaint alleges that the subject member acted unprofessionally and was in a conflict of interest as a result of providing consulting services to various clients while working for an employer who did not condone this activity.

## Decision

The notice of complaint suggested that the employer had reprimanded the member twice in relation to allegations of conflict interest. However, no evidence was presented to suggest that the employer had advised the member that he could not, on his own time, provide consulting services or what the nature of such consulting services might be inappropriate given his position.

The notice of complaint also makes reference to misuse of IT resources by the subject member, but no evidence was presented that could support this allegation.

The subject member admits that he did provide consulting services through his consulting company, and has been doing so in good conscience prior to and after he was hired by the employer. In the response to the complaint he maintains that all of this work was done on his own time and did not pose any conflict of interest. He maintains that all the work was on a contract basis through the consulting company and at no time was he a direct employee of any client. No evidence was presented to show that the subject member was at work for the employer while at the same time providing consulting services to clients.

The subject member submits that he was on parental leave from his job when he was asked to complete work mentioned in the complaint. He maintains that he discussed whether this would be a conflict of interest with a peer at work, and the peer pointed out that the contract work in a different geographic area would have no influence on the subject member's current position.

No evidence was presented to suggest that the subject member provided poor or unprofessional consulting advice to his clients.

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The concerns raised in the complaint are important with respect to the employee/employer relationship. The issue of whether the subject member was in a conflict of interest is part of a confidential labour relations negotiations process. In this case, the labour relations negotiations process is the appropriate mechanism to address the issue raised in this complaint.

In accordance with the requirements of the Foresters Act the complaint materials and the response from the subject member were referred to the Complaints Resolution Committee (CRC). The CRC referred the matter back to the registrar with the recommendation that there are not sufficient grounds to support a citation or investigation. The registrar agreed with the recommendation of the CRC that there is not sufficient evidence to warrant an investigation nor are there sufficient grounds to support the issuance of a citation.

This complaint is now closed.