

## **APPI - The Priority of Obligations to the Profession**

Every year the Alberta Professional Planners Institute (APPI) receives complaints respecting the conduct of its members concerning actions a member has taken while in the course of employment. Many of these complaints arise from actions a member of the public considers to be a breach of a Planner's professional obligations. The member's response is often that he/she did the questioned activity as part of their job. Unfortunately for the member, if the conduct is deemed unprofessional or unskilled, this reasoning will not serve the member well.

Complaints raise the issue of the importance of a member's obligations to the profession where competing obligations are in play. In the professional context, competing obligations can arise from a number of circumstances. Typical types of competing obligations can include:

### **Professional Obligations vs. Obligations to the Client**

This most often affects consultants but can also involve a public official acting on behalf of a community agency or other public body. If the client takes a stance that the planner must present a position that is in conflict with the best interests of the public or the profession and is unwilling to compromise, then the planner must discharge the commission. This action is not uncommon among APPI members.

### **Professional Obligations vs. Obligations to an Employer**

An employer cannot require a planner to take any action or position that conflicts with the Code of Professional Conduct. For example, if a municipal manager asks a planner to proceed with a land use redesignation that violates the rights of a landowner, the planner must take an opposing position and, if the manager is unwilling to reconsider, then resignation may be an only option. This situation also arises occasionally.

### **Professional Obligations vs. Other Legal Obligations**

Assuming an APPI member is compelled to attend a court or legal proceeding, that member's professional obligation supersedes an employer's position on a matter or an insistence to maintain a certain position.

### **Professional Obligations vs. Personal Ethical Obligations (religious/moral)**

If a planner has strong moral or ethical beliefs that conflict with the professional obligations, this must be considered in light of the professional obligations. If a planner refuses to deal with development of a religious institution because it would conflict with their faith, they may be in violation of their professional obligations.

From a professional legal perspective, the obligations to the profession must always take priority over other competing obligations. An examination of the nature and source of the professional obligation illustrates this.

Independent self-regulating professions are established by legislation. APPI is constituted under the Professional Planner Regulation<sup>1</sup>, which is enacted under the *Professional and Occupational Associations Registration Act*<sup>2</sup> (the "Act"). APPI is granted broad authority to regulate the profession. The standard which a member's conduct will be held against is set out in section 19 of the Act. This section confirms that a member's conduct will be considered professional or occupational misconduct and/or unskilled practice if it is detrimental to the best interests of the public, harms the standing of the occupation generally or displays a lack of skill or knowledge. Following a finding of unskilled or professional misconduct, a member's registration may be suspended or cancelled.

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<sup>1</sup> PPR 119/2011

<sup>2</sup> R.S.A. 2000, c. P-26.

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Membership in a professional association is a privilege and not a right. Membership in APPI is at risk if a planner does not keep his or her professional responsibilities at the forefront. The law governing unskilled and professional misconduct does not allow for “wiggle-room” to excuse a member for conduct that was well-meaning, required by contractual obligations or even where the negative results were unintended. One’s obligations to the public and the profession supersede all others. Obligations to a client or employer are both contractual duties. Any contract that required a professional to breach their statutory duty of conduct may be unenforceable due to illegality and could not form the basis for a conflicting duty.

When in doubt about how to fulfil your professional responsibilities, which may appear at odds with other interests, seek assistance, guidance and a second opinion. Your professional peers can help resolve what can appear to be conflicting obligations. It is not enough to just close your eyes and say “my employer told me to do it”. It is your professional livelihood and you must be the monitor of your professional responsibilities or risk losing your Regulated Professional Planner (RPP) status and rights of membership.