
ENVIRONMENT CANADA'S NATIONAL ENFORCEMENT TRAINING PROGRAM - BUILDING CAPACITY

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SUMMARY

Environment Canada began a "needs analysis" study in 1995 to determine the skills and knowledge needed for enforcement officers. This resulted in an overall view presented in a working catalogue. The results are presented in this contribution just as the future plans in a formal "Human Resource Plan."

1 INTRODUCTION

Canada is a country of much cultural, physical and geographic diversity. It is at present the second largest country in the world, second only to the Russian Federation. It ranks 32nd in terms of population, with 30.3 million citizens, the vast majority of whom live within 100 kilometers of the border with the United States. Its total area is almost 10 million square kilometers, which by way of comparison is equal in area to 28 united Germanys, 13 Chiles, or 25 Zimbabwes. Our coastline spans three oceans - the Atlantic, the Pacific and the Arctic - and is almost 250,000 kilometers long. The land border with the United States (including Alaska) is approximately nine thousand kilometers, and has been undefended since 1814. An average annual snowfall in Charlottetown, on the Atlantic coast, is 339 centimeters, while in Victoria, on the Pacific coast, it is but 47 centimeters. We have, without doubt, more hockey rinks - both indoor and outdoor - than any other country in the world.

2 THE CONSTITUTION

Environment as a subject is not addressed in the Canadian Constitution, which was and continues to be the basis of the federation created in 1867. Responsibility for environmental protection is shared between ten provincial governments, three territorial governments, and the federal government. The national Parliament is located in the capital city of Ottawa, in the province of Ontario. In very general terms, provincial governments have jurisdiction over matters relating to land and natural resources. The federal government is responsible for the criminal law, international affairs and all matters of a transboundary (interprovincial or international) nature. It is also largely responsible for legislation affecting activities undertaken in the northern territories.

3 ENVIRONMENT CANADA'S ENFORCEMENT PROGRAM

Despite the fact that Environment Canada was created in 1973, in recognition of the need to protect our natural heritage, no specific office was charged with the responsibility for enforcing the offence provisions of the early legislation. In 1988 the *Canadian Environmental Protection Act* (CEPA) became law, combining innovative provisions relating to the control of toxic chemicals with existing legislation on clean water and air, environmental contaminants and ocean dumping. New enforcement powers were also included. Inspector designations were provided to a large number of staff. The increasing visibility of the enforcement function eventually prompted the creation of an Office of Enforcement in 1990.

This Office, now comprised of four divisions, remains the largest component of an expanded Headquarters Enforcement Branch. Its key roles relate to ensuring national consistency and in providing support to our five regional enforcement operations. Because Environment Canada is a decentralized department, constructed on the principles of "matrix management", the headquarters Enforcement Branch has no line authority over regional enforcement officers. It does, however, retain functional responsibility for the enforcement program. Regional operations are essentially independent, subject to consensual arrangements reached to achieve national consistency in policy, priorities and operational approaches.

4 DESIGNATION OF INSPECTORS

The Office of Enforcement is responsible for approving the designation of each and every inspector, on behalf of the Minister of Environment. The policy context for doing so - indicating when a designation will be approved - has been formalized. Headquarters and regional managers have agreed to follow a designation policy document which clearly delineates the circumstances and requirements of such requests.

The training division of the Office of Enforcement maintains a database which records and tracks all training received by individual enforcement officers, as well as the future dates when refresher training is required. Designations are confirmed on a regular basis to ensure that the required skills are maintained. Members of the division recognized, early in 1995, the need for greater national consistency in terms of the "competencies" that both existing and new enforcement officers must have and maintain over time. The focus was on knowledge-based competencies, generally defined as including formal and informal education, intelligence, degree of knowledge, experience and skill, which determine how well a person performs his or her job. Four general categories of knowledge were identified: Technical, Occupational Health and Safety, Legal and Management. Candidates are traditionally recruited, and promoted, based on these competencies. Particular attention was given to matters involving Occupational Health and Safety - the result of a national "job hazard/job risk" analysis performed after three work related fatalities. Members of the National Training Committee, representing Headquarters and all regions, pollution and wildlife programs, agreed that competencies must be clearly identified.

5 NEEDS ANALYSIS STUDY

A comprehensive "needs analysis" study began in 1995. The objectives of the study were as follows:

- Determine the skill and knowledge sets required of wildlife officers, inspectors and investigators, on both a regional and national level, in order for them to accomplish their jobs.
- Determine the skill and knowledge sets that wildlife officers, inspectors and investigators currently possess.
- Identify gaps between these two areas on both a regional and national level.
- Develop a strategy for addressing these gaps.
- Identify training needs common to all three positions.
- Determine the basic core competencies required by each position.
- Relate these core competencies to a system of minimum standards.
- Research training programs and standards in other jurisdictions.
- Make recommendations regarding general training issues.

Pollution inspectors and investigators and wildlife officers were requested to respond to questionnaires designed for the functions of each category of officer. They provided in detail all training that they received in their careers, both formal and informal. Focus groups were organized in all regions of the country, enabling a representative cross-section of enforcement staff to meet together and discuss with each other the substantive information being provided and compiled. The individual "job descriptions" of each enforcement officer were also gathered and reviewed, to compare theoretical tasks with the real work that people conducted on a day to day basis.

The result was a tiered approach, completed in 1996. "Threshold competencies" - those that must be possessed by a person when applying for a position, the minimum standard - were defined as "Primary Core Competencies". These are the competencies which represent the first level of skills required to adequately perform job duties. These competencies were as noted above divided into four general categories: Legal, Technical, Occupational Health and Safety, and Management.

The second level of skills are those of a specialized nature, which officers will aspire to and achieve over time as experience and training are gained. These were called "Secondary Core Competencies", the second level of skills which vary according to each of the four category of officer. Although described using the four general categories noted above, and although many of the same advanced skills are required by all four types of officer, there are many that are quite different.

6 MINIMUM STANDARDS AND TRAINING OF INSPECTORS

6.1 Linkage of Training to the Inspector Designation Process

Since the completion of the Needs Analysis in 1996, significant efforts have been made to link the competencies to specific elements of each training course in order to ensure that the training program accurately responds to the actual needs of all officers. Designation occurs only after the minimum standard has been successfully achieved. Each individual must successfully complete his or her basic training.

6.2 Training Catalogue and Schedule of Offerings

A training catalogue is updated annually which provides detailed information to all staff on the most current information on course content and scheduling. General skills training is conducted regularly, for example with regard to sampling techniques and forensic accounting. Course modules are specifically linked to Primary and Secondary Core Competencies.

Regulations created under the various pieces of legislation for which Environment Canada is responsible are the focus of other training sessions. These courses focus on the specific elements and requirements of each regulation, which address a wide range of topics falling within federal jurisdiction. Many of the highest profile regulations reflect in a domestic sense the commitments made by Canada under such international agreements as the *Base/Convention* (hazardous wastes), the *Montreal Protocol* (ozone-depleting substances), and the *Convention on International Trade in Endangered Species* (CITES).

6.3 Development of Course Materials

The majority of all course materials are prepared by departmental staff. The Headquarters training division chairs a national working group, comprised of at least one representative from each of our five regions, which is responsible for the development and delivery of each course. Course development and design is achieved through consensus. As has been mentioned at the Monterey Conference in a different context, the importance of “in-country networks”, working together to address a common challenge through consensus, is essential. Innovative means are required to overcome barriers and ensure continuous and long term improvement.

Departmental staff who do not work in the enforcement program are relied upon to provide expertise in developing materials and in delivering certain modules of regulation specific training. They are involved in assisting enforcement staff in addressing the substantive and often highly technical aspects of the regulations.

7 INVOLVEMENT OF ENFORCEMENT WITH OTHER FUNCTIONS

7.1 Regulation Development

In addition, the enforcement program itself is getting more involved in the regulation making process, working with subject matter experts to ensure that the policy aims of the regulation are achievable. Legal requirements must be enforceable. The text must be well written and clear, to ensure that enforcement field staff can both understand and apply the law.

In addition, the Department’s Legal Service provides invaluable input not only in terms of drafting regulatory text, but also in terms of assisting us in the development of training materials.

7.2 Customs

Environment Canada is a small organization, currently possessing approximately 100 field staff for both pollution and wildlife enforcement nationally. Partnerships with other agencies are essential. Our Customs counterparts are our “eyes and ears” at the border,

and we are working with them to develop computer based, self-taught training programs on the Department's priority regulations - export and import of hazardous wastes, ozone-depleting substances, and endangered wildlife.

7.3 Police and Law Enforcement Training

We work regularly with the Royal Canadian Mounted Police at their training centre in Regina, Saskatchewan. Courses offered and under development include an advanced training package for wildlife officers, firearms training for wildlife officers, and beginning in the fall of 1999 peace officer training for all of our existing pollution inspectors and investigators whose status is about to change with amendments to *Canadian Environmental Protection Act*. Provincial and territorial governments are participating with us in an effort to develop a national curriculum for inspector training, one that would be modular, portable, and flexible.

7.4 External Partnerships

External partnerships are also important. Within North America we work with our counterparts in the United States in a great many bilateral enforcement associations, and participate often in joint workshops and training exercises. The Commission on Environmental Cooperation in Montreal, established in a side agreement to the *North American Free Trade Agreement*, results in many trilateral initiatives with Mexico. The Secretariat of the *Basel Convention*, *Montreal Protocol* and CITES are important partners. INTERPOL and the member countries of the G-8 have in recent years recognized the growing importance of environmental crime. Many bilateral agreements have been signed between Environment Canada and individual countries, often including obligations with regard to sharing enforcement expertise and knowledge on a reciprocal basis. The immense potential of regional networks established through INECE is well recognized by those attending this Conference.

8 THE FUTURE

A Parliamentary Standing Committee on Environment and Sustainable Development conducted hearings in the spring of 1998 which focused on Environment Canada's enforcement program. A series of comprehensive recommendations resulted. The Department prepared a formal response to the Committee, on behalf of the Government. One element of this response dealt with the training of enforcement staff. In the months that followed the Response, a number of specific enforcement projects were approved by senior management within the Department. One of these involves building upon "ongoing efforts to provide a national framework for the hiring, training and advancement of enforcement officers and managers through completion of a formal Human Resource Plan".

The strategy for developing this Human Resources Plan for enforcement personnel involved the organization of a workshop in March of 1999. The objectives of the workshop included the following:

- Agree on components of a Human Resources Framework and how they fit together, including but not limited to competencies, organizational structure, career development, recruitment and retention, and succession planning.
- Establish knowledge based competencies for enforcement managers, including but not limited to skills, knowledge and education.

- Establish behavioral based competencies for enforcement management and staff, including but not limited to motives, values, attitudes, and self-image.

The Needs Analysis completed in 1996 now forms the foundation for additional work and improvement. The Department has recognized that identifying knowledge based competencies for enforcement officers alone is but one approach. It has acknowledged that managers in headquarters and in regional offices must also have the appropriate knowledge, experience and skills to make good enforcement decisions.

Similarly, the move to identify behavioral based competencies for both managers and staff recognizes that knowledge must be applied, that superior performers must also exhibit behavioral competencies that positively affect job performance. The general categories of behavioral competencies address:

- Problem solving - analytical thinking, conceptual thinking, strategic thinking.
- Personal and corporate effectiveness - building partnerships with stakeholders, concern for health and safety, direct communication, ethics and values, impact and influence, information seeking, listening/understanding and responding, planning/organizing and communicating, results orientation, self-confidence, self-control, teamwork and cooperation.
- Leadership - leadership of organizational change, developing others, team leadership.

Work continues to advance the Human Resource Plan in its entirety. The immediate focus has necessarily been on updating the knowledge based competencies for enforcement staff, identifying those that should apply to managers, and identifying for the first time the most appropriate behavioral competencies for both. Much remains to be done.