



SCPO

Saskatchewan Commission
of Professional Outfitters

Outfitter Code of Conduct Program

Conduct Review Process

Working Draft

Version January 2021

Through excellence in governance and programming the industry-driven Commission works in partnership with the provincial government and other stakeholders to ensure a healthy and sustainable outfitting industry exists in Saskatchewan.

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1. Program Background and General Objective

The Saskatchewan Commission of Professional Outfitters Inc. (SCPO) works to ensure the future of professional outfitting in Saskatchewan. Defining appropriate conduct for licensed outfitters is a key pillar. In the event of a claim of misconduct against a licensed outfitter, SCPO has a role to play in investigating the claim and recommending actions to resolve the issue.

The conduct review process is an important part of ensuring the ongoing credibility and market reputation of Saskatchewan’s licensed outfitters.

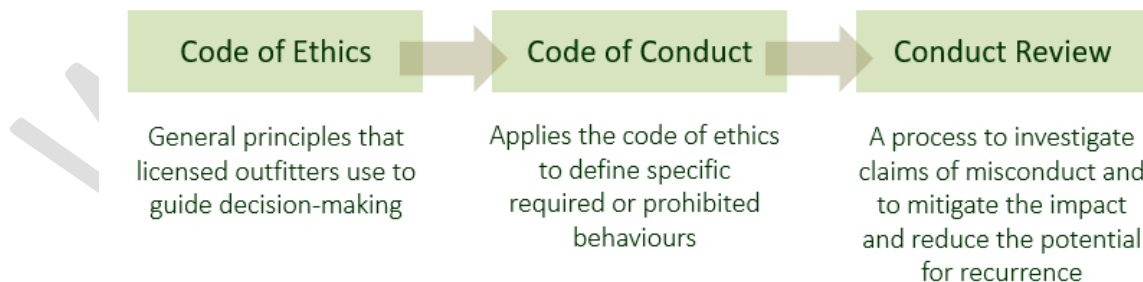
SCPO is committed to the resolution of conduct disputes in a fair, just, and consistent manner. Balance is at the heart of the conduct review process – providing a reasonable process for hearing claims of outfitter misconduct while also ensuring thorough consultation with the outfitter being challenged.

The provincial government is a partner in the SCPO Code of Conduct program. **Licensed outfitters are required, as a condition of licensing by the province, to be aware of and comply with the SCPO Code of Conduct.**

2. The Relationship between Code of Ethics and Code of Conduct

Industry organizations often establish a code of ethics for those working in the industry. A code of ethics speaks to broad principles – ethics – that operators use as a guide when making business-related decisions.

SCPO’s Code of Conduct program applies the commission’s Code of Ethics to a set of practices that define expectations of outfitter conduct. These conduct expectations complement the legal requirements outlined in provincial regulations. The Code of Conduct is derived from the Code of Ethics. The conduct review process allows claims of misconduct to be investigated and recommended actions to be put forward to address the misconduct.



3. Code of Conduct – Key Principles

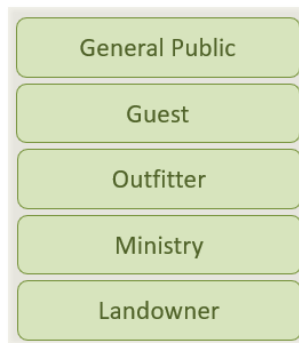
SCPO is committed to the resolution of conduct disputes in a fair, just, and consistent manner. The process is not judicial in nature but instead is administered by a Conduct Review Panel (CRP) made up of industry representatives and stakeholders.

The conduct review process is based on the following principles.

- Respect for the rights of the licensed outfitter.
- Respect for the rights of the outfitter to receive notice of any claim of misconduct.
- Respect for the rights of the outfitter to be heard.
- Respect for the rights of the complainant, whether a client, another licensed outfitter, a member of the public, or landowner.
- The process is transparent, easy to understand, and reduces subjectivity wherever possible.
- The process is cost-effective and efficient for the outfitter, the complainant, and the governing body.
- The process is member-defined and validated.
- The process is actionable and supported by stakeholders.
- The process avoids, wherever possible through resolution and negotiation, penalties that affect the licensed outfitter’s ability to operate.
- The process balances the importance of an outfitter’s ability to operate with penalties that have an acceptable level of deterrence.

4. Responsibility of the Claimant

A claim of misconduct may originate from five main sources.



Any claimant making a claim of misconduct must demonstrate that they have made a reasonable effort to resolve their dispute with the outfitter through existing channels or processes. The claimant must also make a reasonable effort to substantiate their claim.

It is a client's individual responsibility to carry out appropriate research before purchasing an outfitted experience. If it is found that a client made no reasonable effort to research the experience, the CRP may refuse to hear the complaint.

The client is also responsible for ensuring the key elements of the outfitted package are clearly spelled out in a written (not verbal) confirmation of agreement (e.g., contract, invoice, trip purchase agreement). The existence of SCPO's Code of Conduct and conduct review process does not remove the client's responsibility for this independent effort.

Although the client is responsible for researching the experience before engaging in any transaction, this may not provide a shield for licensed outfitters if the CRP finds the outfitter has contravened SCPO conduct requirements.

5. Role of the Ministry of Environment

The relationship between the Ministry of Environment and SCPO is formalized by a Memorandum of Understanding, which identifies the Ministry as a partner to the Code of Conduct program. In a situation where a claim of misconduct is substantiated by SCPO and the conduct review process does not lead to an acceptable resolution, the CRP may recommend the imposition of sanctions against the outfitter. As licensing authority and partner to the conduct review process, the Ministry will enforce, as required, the recommended sanction or penalty.

6. Waiver of Liability

SCPO's Code of Conduct program is an industry service to licensed outfitters, clients, and third parties. Its primary goals are to reach amicable resolutions to disputes and to advance a high standard of professionalism within Saskatchewan's outfitting sector.

Any third party participants to the conduct review process will first agree not to commence any legal claims against SCPO, the CRP, or anyone involved in the investigation and management of a dispute. In relation to Code of Conduct challenges made by a third party against a licensed outfitter:

- SCPO is under no legal obligation to hear or accept any challenge to a licensed outfitter's code of conduct and may decline to hear any such challenge for any reason.
- SCPO is not directly responsible for providing any reparations to any licensed outfitter or any third party.

SCPO's conduct review process is not designed to take the place of or be a substitute for any established laws or regulations that apply to the business of outfitting.

7. The Conduct Review Panel (CRP)

The conduct review program is administered and governed by SCPO. The Conduct Review Panel (CRP) is guided by practices considered appropriate in commonly accepted applications of fairness and due diligence. The CRP is appointed by SCPO's Board of Directors and includes:

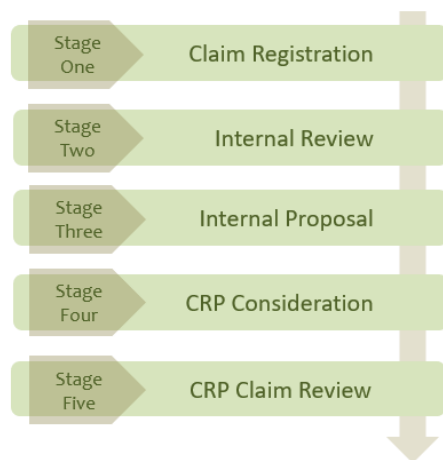
- SCPO's Chief Executive Officer (CEO) as CRP Chair.
- One representative from SCPO's Board of Directors.

- A minimum of one individual who is a SCPO member in good standing.
- A maximum of two individuals from the public at large who possess an acceptable level of knowledge of the outfitting industry. These individuals or their family members may not be working in or invested in the industry.
- One representative employed by the Ministry of Environment (ex-officio and non-voting).

Quorum for CRP meetings is four panel members, with a minimum of the SCPO CEO, a SCPO director, one public appointee, and the ex-officio representative of the Ministry of Environment. A panel member may sit until he/she makes the decision to resign or SCPO’s Board of Directors makes the decision to replace the panel member. The panel’s work is directly supported by SCPO’s CEO.

8. The Conduct Review Process

The conduct review process is designed to ensure that due consideration is given to any claim of misconduct, and that a fair and balanced process is used to reach a resolution. The process involves five related stages, as outlined below.

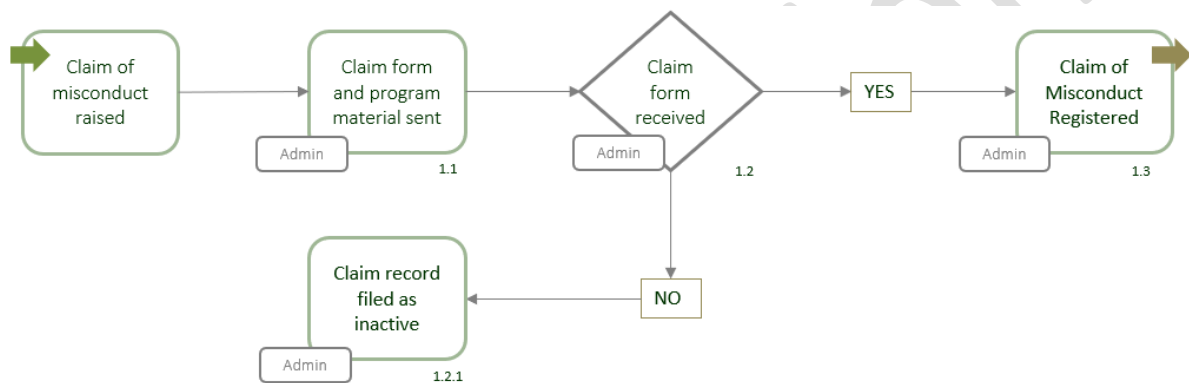


A primary objective of the conduct review process is to reach a resolution through internal management of the claim (stages one to three). In cases where this is not attainable or where the claim is particularly serious, the process will advance to stage four and involve the CRP.

Process maps for each stage are presented on the following pages. These maps provide clarity on the steps involved in each stage and allow for a shared view of how the review will unfold. Most importantly, the maps provide for process consistency and repeatability.

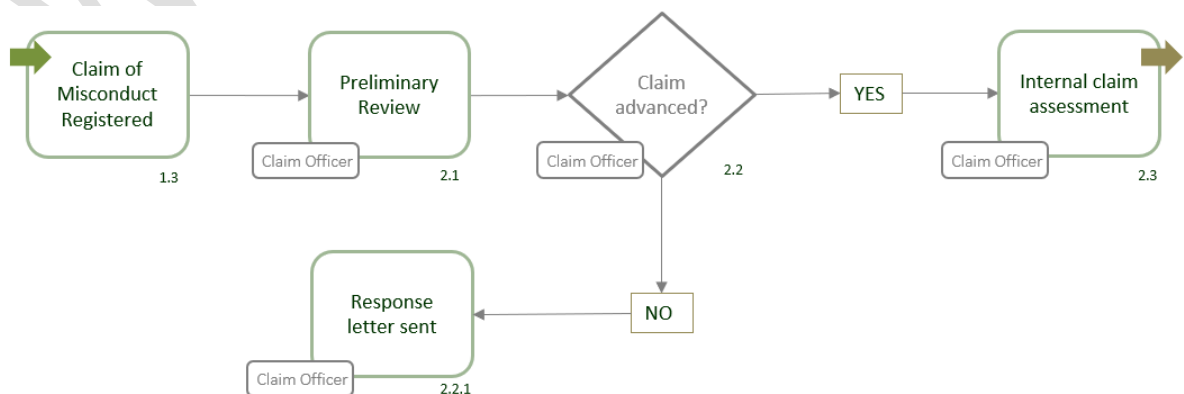
Stage One – Claim Registration

In stage one, a case of misconduct is discovered by SCPO or a claim is brought to the attention of SCPO by a third party. In response, SCPO forwards a package of Code of Conduct program materials to the complainant (1.1). This package includes program information, a program complaint information form, and an invoice for a complaint processing fee. These materials formalize the claim and allow the complainant to demonstrate their commitment to the process. Once the complainant returns the completed forms (1.2), the claim of misconduct is registered by SCPO (1.3). If the complainant does not return the forms, the claim record is filed as inactive.



Stage Two – Internal Review

In stage two, the claim file is reviewed (2.1) by SCPO’s Claim Officer, who is responsible for managing the claim throughout the process, including providing support to the CRP should the claim advance. If the Claim Officer feels the claim meets the standard for consideration, the claim moves to an internal claim assessment (2.3). If the claim does not meet the standard, the complainant is advised by letter that the case will not proceed (2.2.1). The complainant does have the option of expanding on the information and refiling the claim.



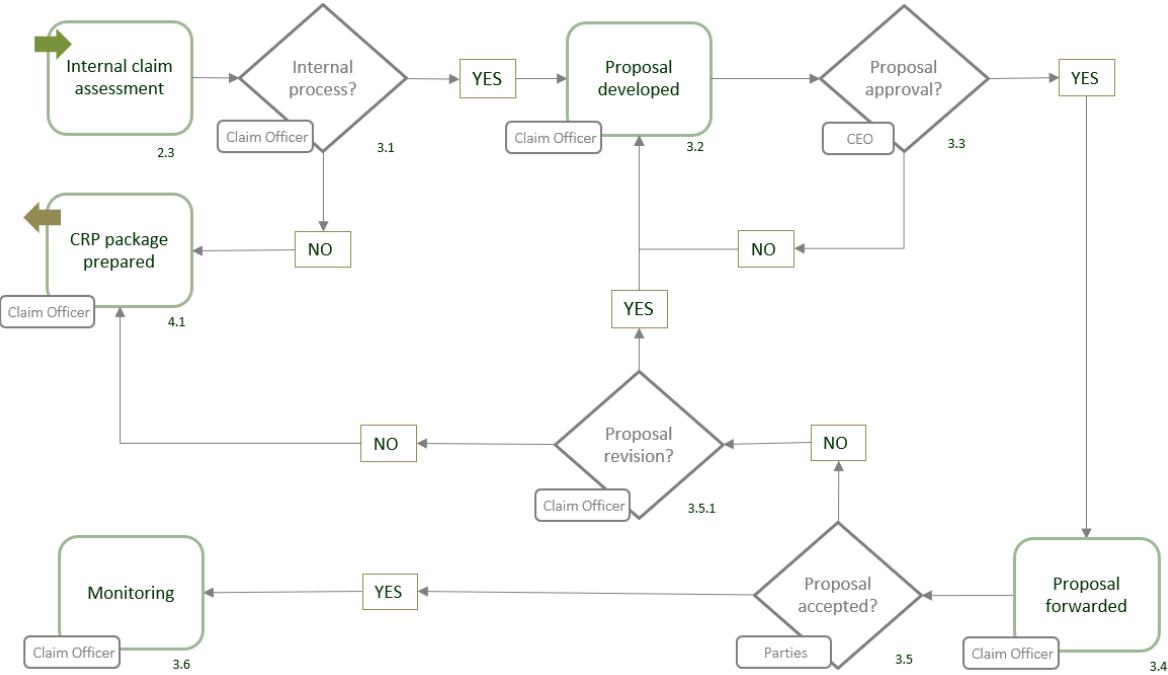
Stage Three – Internal Proposal

Stage three allows the Claim Officer to consider whether a resolution can be achieved internally (within SCPO) without having to engage the CRP (3.1). If the claim is not appropriate for the internal process, an information package is prepared for submission to the CRP (4.1).

If the Claim Officer feels there is an opportunity for an internal resolution, a proposal is developed (3.2) and sent to SCPO’s CEO for approval (3.3).

If the CEO approves the internal resolution, it is forwarded to the outfitter (3.4). If the outfitter accepts the terms of the proposal, the Claim Officer monitors the outfitter to ensure the terms have been met (3.6). If the outfitter does not accept the proposal, the Claim Officer may consider reasonable modifications to encourage acceptance (3.5.1).

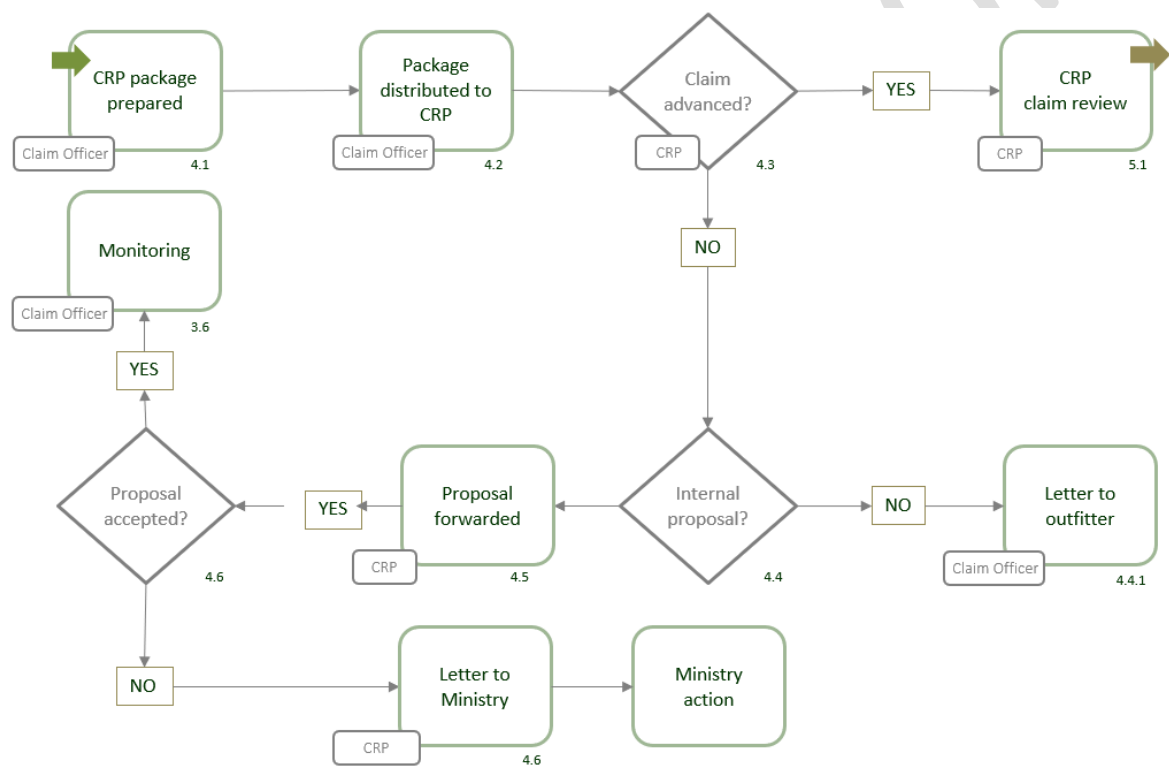
If the Claim Officer does not feel revisions will lead the outfitter to accept the proposal, a claim information package is prepared for submission to the CRP (4.1).



Stage Four – CRP Consideration

In stage four, the claim package is prepared (4.1) and distributed to the CRP (4.2). The CRP determines whether or not the claim is advanced for full review (4.3). If the CRP determines that the internal resolution prepared by the Claim Officer was appropriate and has the support of the CRP (4.4), the proposal is forwarded to the outfitter by the CRP (4.5).

If the CRP chooses not to advance the claim due to its lack of alignment with the Code of Conduct or merit, the outfitter is advised by letter and the claim is filed as inactive. If the CRP determines the claim or misconduct warrants review, it is advanced (5.1).



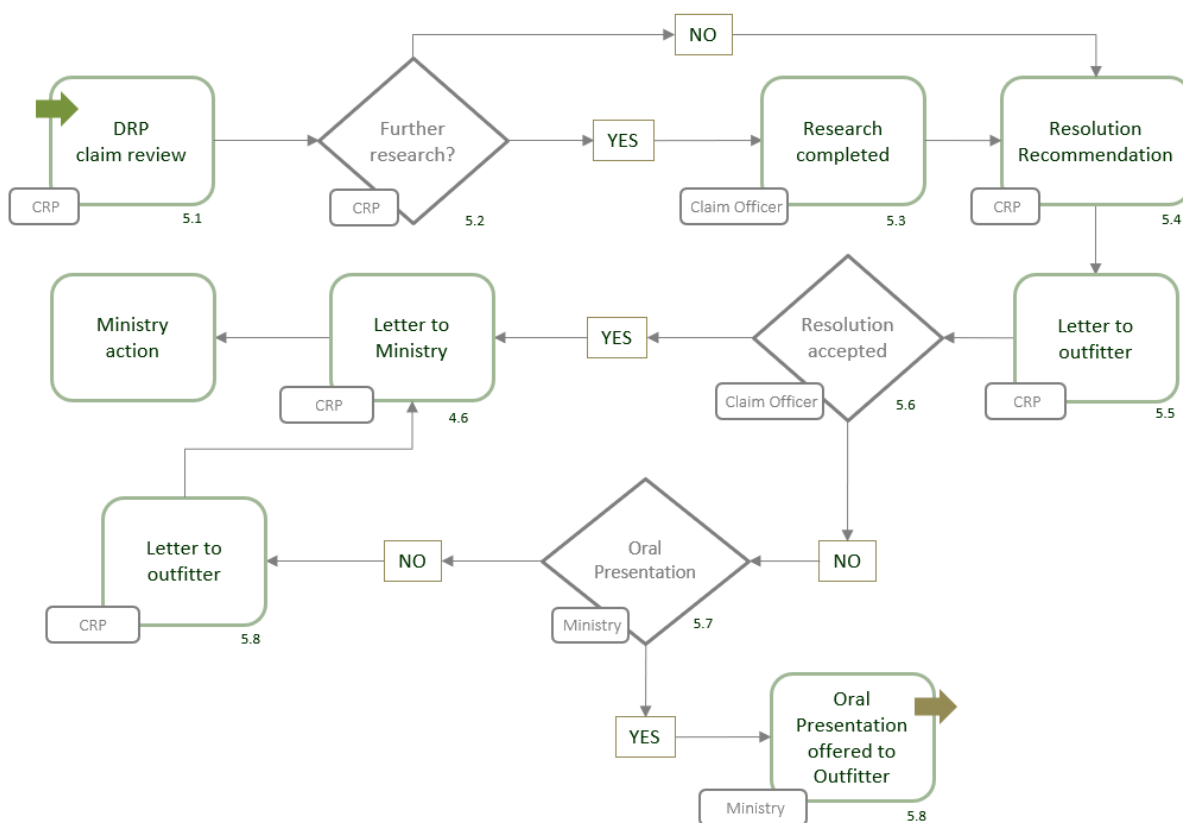
Stage Five – CRP Claim Review

In stage five, the CRP reviews the claim (5.1) and makes a decision on an acceptable resolution (5.4). Before this decision is made, the CRP may determine that additional research is needed (5.2) and may charge the Claim Officer with undertaking this research (5.3).

Once a decision is made, it is forwarded by letter to the outfitter (5.5). If the outfitter accepts the CRP’s decision, the decision is then forwarded to the Ministry for any required action (4.6). If the outfitter does not accept the decision, the Ministry is advised and the Minister has the option of providing the outfitter with an opportunity to make an oral presentation (5.7), as outlined in

Section 14 (4) of The Outfitter and Guide Regulations, 2004. If the Ministry decides to provide this opportunity to the outfitter, the CRP’s involvement in the process ceases.

If the Ministry decides not to provide the outfitter with an opportunity for an oral presentation, the CRP sends a letter to outfitter (5.8) notifying them that the matter has been forwarded to the Ministry for any required action (4.6).



9. Code of Conduct Criteria

Outfitting in Saskatchewan is regulated by Province of Saskatchewan. The Outfitter and Guide Regulations, 2004 define and outline the legal requirements for outfitters and guides as well as the government’s role and authority over the industry. In addition, over a dozen additional enactments (e.g., Criminal Code) also outline the legal requirements of outfitting and guiding.

The Code of Conduct criteria supported by SCPO’s membership is incremental to provincial regulation. The criteria identify standards of behaviour considered appropriate for professional outfitters. The criteria categories are designed to advance the principles outlined in SCPO’s Code of Ethics and include truth in advertising, client expectations, the general public, conservation and resource use, and respect for licensed users.

Truth in Advertising

The professional outfitter is truthful in the representation of their products and services in all marketing, promotional, and advertising efforts. Truth in advertising relates to species, accommodation, guarantees and equipment/services.

Species	<ul style="list-style-type: none">• The outfitter will not promote or display species they are not licensed to offer• The outfitter will not directly promote access to any species they are not licensed to offer
Accommodation	<ul style="list-style-type: none">• The outfitter will not misrepresent the general form or quality of accommodation available to the client• The outfitter will not promote accommodation forms that are not available to the client
Guarantees	<ul style="list-style-type: none">• The outfitter will not provide guarantees related to the harvesting of fish or game
Equipment and Services	<ul style="list-style-type: none">• The outfitter will not promote or display equipment and services that they do not make directly accessible to the client

Client Expectations

The professional outfitter ensures clients have a clear, written understanding of the products and services being offered. Providing a written confirmation of agreement (e.g., contract, invoice) to clients is the standard for SCPO members, although it is not currently required by the provincial government. In claims of misconduct based solely on a verbal agreement for services, the conduct review process might not be applied.

Confirmed Services	<ul style="list-style-type: none">• The outfitter provides the products and services outlined in the confirmation of agreement for the specified term and price, unless modifications have been accepted by the client
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The General Public

The provincial government manages wildlife and fish resources on behalf of Saskatchewan people, including licensing users of these resources (such as outfitters). A professional outfitter recognizes this relationship and respects the interests of the general public.

Regulations	<ul style="list-style-type: none">• The outfitter is familiar with all regulations related to the business of outfitting• The outfitter demonstrates regulatory compliance conduct that minimizes the likelihood of repeat regulatory offenses
Exposure	<ul style="list-style-type: none">• The outfitter respects the rights of the general public and takes appropriate steps to shield the public from taken animals• The outfitter will not promote or display images considered disrespectful to the wildlife resource and/or offensive to the general public

Conservation and Resource Use

The professional outfitter promotes the ethical use of resources, the importance of conservation, and the contributions of professional outfitting and professional hunting to wildlife conservation.

Environment	<ul style="list-style-type: none">• The outfitter will demonstrate and promote conservation principles in interactions with clients
Treatment of Wildlife	<ul style="list-style-type: none">• The outfitter will take reasonable steps to ensure clients follow practices that minimize wildlife suffering

Respect for Licensed Users

The outfitting sector is one of many users of wildlife and fish resources. In some cases, there may be multiple licensed outfitters operating in the same area. A professional outfitter respects the legal rights of other licensed users.

Access	<ul style="list-style-type: none">• The outfitter will not attempt to disrupt or block access of other licensed users, other than through legal channels
Representation	<ul style="list-style-type: none">• The outfitter will not represent the offerings of another licensed outfitter• The outfitter will not provide negative comment on the quality or suitability of another licensed outfitter's offerings

10. Trip Deposit Assurance

Trip deposit fraud occurs when an outfitter has received a deposit from a client but has been fraudulent in their efforts to deliver the trip. An outfitter is considered fraudulent if they have been 'deliberately deceitful, dishonest, or untrue'¹.

Trip deposit assurance is a commitment from SCPO to provide recourse for clients who have been a victim of deposit fraud by a licensed Saskatchewan outfitter.

Handling a claim of misconduct involving deposit fraud will be addressed through the conduct review process outlined in this document. While the outcome of the conduct review process may lead to a sanction or penalty against the outfitter, when the process is applied to trip deposit fraud, the outcome will include a settlement with the victim of fraud. This settlement will be provided by the outfitter, as directed by the CPR and, subsequently enforced by the Ministry of Environment.

¹ Collins Cobuild English Language Dictionary

11. Code of Ethics

Environmental and Resource Stewardship

1. Members recognize their role in responsible management of natural and wildlife resources.
2. Members use practices that conserve and sustain natural and wildlife resources.
3. Members use best industry best practices to minimize the risk of the spread of disease.
4. Members promote responsible use of resources.

The Client Experience

1. Members take all necessary steps to ensure the safety of guests.
2. Members provide clean, well-maintained facilities and equipment.
3. Members provide quality goods and services within the context of their operation's style and location.
4. Members employ well-trained personnel.
5. Members make every attempt to provide an enjoyable experience for guests.

Marketing

1. Members ensure advertising accurately presents their products, services and costs.
2. Members ensure guests receive all necessary information regarding the outfitter's experience.
3. Members ensure the presentation of their experiences (e.g., images) contribute to the public's confidence in the sector.
4. Members do not directly or indirectly harm the reputation of other outfitters and/or businesses.

Professional Responsibilities

1. Members recognize the rights and concerns of landowners, communities, and other stakeholders.
2. Members seek to build good working relationships with landowners, communities, and other stakeholders.
3. Members represent the SCPO in a positive manner and air grievances through appropriate internal channels.
4. Members help build public confidence in the outfitting industry by participating in professional development opportunities.
5. Members respect and support SCPO's working relationship with the Ministry of Environment.