



A webinar presented by the Office of the Registrar

HRPA's Regulatory Framework

August 15, 2016

1. *Can you please give an example of a complaint?*

Here are some of the complaints which HRP A received over the past year:

- Complainant alleged that the member did not adhere to a workplace harassment policy by not conducting a fair investigation and raising her voice at the complainant.
- Complainant alleged that the member did not respond to several notifications sent by the complainant regarding an employee's poor performance and did not respond to a request for assistance in dealing with the employee.
- Complainant alleged that the member behaved inappropriately, which led to a situation whereby the complainant felt harassed, turning the workplace into a stressful environment. The complainant alleged that the member demonstrated a lack of respect, courtesy, integrity and compassion in dealing with her as well as other employees.
- Complainant alleged that the member did not adhere to a workplace investigation policy.
- Complainant alleged that the member's conduct fell short of the standards of the profession in a number of incidents:
 - a. The member failed in her obligation to provide advice to managers and employees in matters pertaining to HR and failed in her obligation to coach managers/employees relating to work and employment.
 - b. The member lacked the required competence to be able to advise uneducated elected officials on the ramifications of certain actions.
 - c. The member knowingly offered a termination package against the recommendations of the investigative committee and the company's own internal by-laws. Furthermore, the member had no authority to make such decisions.
 - d. The member showed immature behaviour by storming out of a boardroom.
 - e. The member willfully disregarded the company's discipline policy.
 - f. The member sent an inappropriate letter to a number of employees, which resulted in an official complaint against the member and a formal apology from the president.

- Complainant alleged that the member breached the complainant’s confidentiality and exhibited unprofessional behaviour by discussing a matter in public that could result in negative actions towards the complainant.
 - Complainant alleged that the member:
 - a. Did not complete a workplace harassment investigation in a timely manner,
 - b. Lied on the investigation report,
 - c. Intentionally omitting information on the investigation report,
 - d. Did not respond to the complainant’s email in an attempt to harass and intimidate the complainant.
 - Complainant alleged that the member:
 - a. Posted derogatory comments about the complainant online of which cannot be substantiated with credible objective evidence,
 - b. Made threats to the complainant’s wife stating that the complainant’s kids were at risk
2. *There are a number of committees that I now understand a little more clearly now. Is there a way to get involved?*

Indeed, the first step to volunteering at HRPAs is to visit HRPAs’ online Volunteer Centre and register in our volunteer services database.

The link is https://www.hrpa.ca/membership_/Pages/Volunteering.aspx

All of the committees mentioned in today’s presentation are listed in HRPAs’ online Volunteer Centre.

3. *Are you able to comment on what work, if any, is being done to push for HR to be a regulated profession? I.e. registration required to practice?*

Human Resources is a regulated profession in Ontario.

Human Resources is not a licensed profession but it is a regulated profession.

In regards to licensure for Human Resources, we are still a ways off from ‘full licensure.’ However, there are different forms of licensure. For instance, there is broad licensure based on a scope of practice; but more common these days is narrow licensure based on ‘controlled acts.’ Controlled acts refers to specific acts that can only be carried out by authorized individuals. There is also non-exclusive licensure, where more than one profession has access to the same controlled act.

Let’s give an example here of where registered Human Resources professionals will likely soon get a form of narrow non-exclusive licensure.

In Ontario, the *Private Security and Investigative Services Act, 2005*, prohibits unauthorized individuals from acting as private investigators or holding themselves out as private investigators unless the person holds the appropriate licence under this Act. There are some exceptions to the application of the *Private Security and Investigative Services Act, 2005*, but Human Resources professionals were not among the exceptions. In the Fall of 2016, the Ontario Legislature will consider the following amendment to the *Registered Human Resources Professionals Act, 2013*:

“A member of the Association, who is in good standing, is authorized to conduct, for remuneration, workplace investigations in order to provide information, and

section 2 of Ontario Regulation 435/07 made under the Private Security and Investigative Services Act, 2005 applies.”

In other words, the *Registered Human Resources Professionals Act, 2013*, as amended will license members of HRPA to conduct workplace investigations for remuneration.

4. *What percentage of the membership is audited for professional development compliance each reporting cycle?*

3% of Continuing Professional Development logs are audited each year.

5. *This is an off topic or sideline question: has there been any talk of teaming up with SHRM to make designations transferable to the USA?*

The core issue is that there is considerable work in establishing the comparability of two designations. As a statutory professional regulatory body, HRPA must ensure that individuals who are granted a designation through mutual recognition meet the same standards those candidates who obtain their designation in Ontario. At the present time HRPA is exploring mutual recognition with the Chartered Institute for Personnel and Development (CIPD) in the UK, the Australian Human Resources Institute (AHRI), and the Human Resources Institute of New Zealand (HRINZ).

6. *Earlier referred to "professional corporations" or something similar as an entity where an HR practitioner might be practicing. I recall something to the effect that activities there are not subject to HRPA oversight or regulation, potential prosecution. Please clarify and expand. Thanks.*

A ‘professional corporation’ is a specific kind of corporation. Our Act does not enable HR professionals to establish professional corporations but does allow for general corporations.

HRPA is only interested in firms when members or students practice through a firm. HRPA is statutorily empowered to regulate the practice of its members and students even when its members and students practice through firms. In other words, HRPA members and students cannot evade professional liability and professional accountability to their governing body by offering services through a firm.

7. *What is an example of a "firm" which would become registered under HRPA? Maybe an HR Consulting firm?*

A firm can be: (1) a sole proprietorship, (2) a partnership, (3) a limited liability partnership, or (4) a corporation. HRPA is only interested in firms when members or students practice through a firm.

The following entities are required to register as Firms with HRPA:

- a. Any limited liability partnership, where one or more partners are members of HRPA;
- b. Any corporation where:
 - I. the corporation intends to take or use a designation set out in Ontario Regulation 55/16, alone or in combination with other words or abbreviations; or
 - II. the corporation intends to take or use any term, title, initials, designation or description implying that the corporation is registered with the Association or is authorized to use a designation set out in Ontario Regulation 55/16; or
 - III. the corporation intends to otherwise hold itself out as being registered with the Association or authorized to use a designation set out in Ontario Regulation 55/16,

regardless of whether it provides services in the field of human resources to any individual or entity.

8. *HRPA is doing a great job on who they allow in the profession. However, how they protect public interest if employers have non certified professionals managing their HR department?*

We have to recognize that licensure is not the only form of public protection. The Legislature only resorts to removing consumer choice when it is the best policy option. There are many situations where consumers have the choice of obtaining services from either a regulated or unregulated service provider. For instance, as an individual or small business owner one has the choice to have one's taxes prepared by a tax preparer (unregulated), a bookkeeper (unregulated), or a Chartered Professional Accountant (regulated). Title protection supports public protection by making giving consumers a clear choice—tax preparers and bookkeepers cannot call themselves Chartered Professional Accountants.