



A webinar presented by the Office of the Registrar

## The *Registered Human Resources Professionals Act, 2013*: The first three years

November 4, 2016

1. *Does HRPA have a Title's Act or Practice Act. Or are these the next step in the process?*

HRPA has 'right-to-title' legislation and not 'right-to-practice' legislation. One is not necessarily a precursor to the other. I would suggest that we need to demonstrate that we can regulate the profession effectively before pushing for stronger regulatory powers.

2. *What advantages does HRPA have by being exempted from Not-for-profit-status (once it's proclaimed)?*

HRPA is not exempted from not-for-profit status, it will be exempted from the application of the *Not-for-Profit Corporations Act, 2010* (ONCA).

The reason why the Legislature has exempted professional regulatory bodies from the application of the *Not-for-Profit Corporations Act, 2010* is that this *Act* contains many additional duties and powers that would be inconsistent with the public interest role and regulatory mandate of professional regulatory bodies. For instance the power of members to remove any director or directors from office by ordinary resolution at a special meeting could cause a chill in a Board debate over a measure that would protect the public interest but may be unpopular with the members. Also, under ONCA, an individual member could apply for an oppression remedy. Members disciplined by the Association could go to court and try to get an oppression remedy with respect to that discipline.

The Legislature recognized the conflict between such provisions and the public protection mandate and for this reason exempted professional regulatory bodies from the application of ONCA.

3. *What authority do order-in-council directors have?*

Order-in-council appointees to the Board have exactly the same powers and duties as directors elected from among the members of the Association. Order-in-council appointees, like all other Board members, are there to serve the public and not to represent any particular constituency.

4. *Is the Fair Registration Practices Report available on the HRPAs website—where?*

Yes, by law HRPAs must publish its Fair Registration Practices Report within 30 days of having submitted it to the Office of the Fairness Commissioner. Our Fair Registration Practices Report is also published on the Office of the Fairness Commissioner web site.

5. *Off topic question - is the November 17th webinar - Update on the new CHRP, CHRL, and CHRE Certification Process the same as the one from July 25, 2016?*

There is some overlap, of course, but there is some new material as well.

6. *What are you doing to change public perception?*

So far, the Association has focused more on awareness of the designations and less on the awareness that Human Resources is a profession in all its other aspects. Changing public perception takes time and members will also have a role to play here.

7. *Is this a normal process to look at complaints to judge the public's perception? Just doesn't seem like a win-win situation.*

There is no 'normal process' in regards to metrics to assess public perception of HRPAs as a professional regulatory body. A low rate of complaints is not a win-win situation, however there are two main issues with the argument that the low rate of complaints is because the rate of misconduct among HR professionals is indeed this low. One, why would HR professionals be different from any other profession? Two, if the rate of misconduct among HR professionals is indeed this low, the Legislature made a big mistake and the HR profession does not need a professional regulatory body. The Act should then be repealed.

The other perspective is the rate of misconduct among HR professionals is probably in the same ballpark as it is with other professions (there is no reason to believe that HR professionals are inherently more virtuous than members of other professions); in which case, the low rate of complaints is under representative of rate of misconduct among HR professionals. There are likely a number of reasons for this under-representation. One may be that members of the public may not know that human resources is a regulated profession with a complaints process mandated by statute. Another may be that members of the public are unclear as to what they can expect of HR professionals.

The answer is that there is a 'sweet spot' in regards to the number of complaints. Too many complaints means that the entry into the profession and the quality assurance functions are not robust enough; too few complaints means that the public is not forwarding complaints to HRPAs. The median number of complaints per 1000 was the same for professions that do not have a separate member association (3.59 per 1000) as it was for all non-health professions (3.59 per 1000). If we took the median of professional regulatory bodies for non-health professions as a

benchmark, the number of complaints HRPAs should get based on a membership of 24,000 and a complaint rate of 3.59 per 1000 registrants would be approximately 86 complaints per year.

8. *Is licensure a contemplated goal in the HRPAs end game?*

Licensure can mean different things. If the idea is that only members of HRPAs can do HR, then this is very unlikely to happen. What is more likely is that HR professionals will be authorized to sign-off on certain mandatory reports to government. Also, HRPAs members may be authorized to carry out certain restricted acts. For instance, Bill 27 which passed 1<sup>st</sup> Reading on September 27, 2016, will amend the *Registered Human Resources Professionals Act, 2013*, to include the following section

**14.1** 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.

A paraphrase of this section would be to say that members of HRPAs in good standing will be 'licensed' to conduct, for remuneration, workplace investigations.