



Human Resources  
Professionals  
Association

A webinar presented by the Office of the Registrar

## Appeals: How do they work?

Feb 23, 2017

1. *What is the survey email address? I cannot locate email from last week's seminar.*

The survey is sent from the Office of the Registrar to all those individuals who were registered for the webinar. The survey contains the CPD code. The address that the survey is sent from is [alockey@hrpa.ca](mailto:alockey@hrpa.ca). This is for the OOTR surveys only.

2. *So appeals process essentially decides if the decision making process was flawed by not following a rule of some sort. It does not look at the decision itself unless it was not in accordance with the guidelines?*

The appeal process at HRP A deals with the flaws in the decision making process. The appeal committee will review the decision – however it focuses on how that decision was made, and was there a flaw in that process.

3. *Hello, thank you for the useful info. Can you give an example when the decision of the Appeals Committee can be overthrown by HRP A? You had mentioned extraordinary circumstances, what would be a good example? Thank you*

The answer can be found in the relevant section of our ACT.

### **Power of Board to rescind or alter orders**

**38.** (1) At any time after an order of the discipline committee under [subsection 34 \(4\)](#) or of the appeal committee under [clause 36 \(2\) \(a\)](#) to suspend or revoke a member's membership or a firm's registration has become effective, the Board may by special resolution rescind or alter the order. 2013, c. 6, s. 38 (1).

4. *Please provide survey address used for these webinars. I believe they are going into SPAM. Will forget to do this later for past presentations/webinar Is it all Multiple Choice?*

The survey address for the OOTR webinars is [alockey@hrpa.ca](mailto:alockey@hrpa.ca). If you want to inquire about webinars offered through our PD department you would need to email [professionaldevelopment@hrpa.ca](mailto:professionaldevelopment@hrpa.ca)

5. *Should one expect to receive notice prior to a panel meeting to review your appeal?*

You are provided with notice when your request for an appeal has been received and you will be provided with a notice of hearing or a notice of a review sent by email as to when your appeal hearing or review will take place. You will be provided with the date and time.

6. *Do appellants have a right to choose whether to present verbally or via written submissions? If so, how and when would the appellants be expected to communicate this?*

Appeals are only done now as written submissions as of October 23, 2016 as per the recent changes to HRPAs' appeal process and the relevant By-laws. The only time a hearing would apply is if the original decision was made during a hearing process. This only applies to decisions of the Discipline, Capacity and Review Committee. If an appeal was filed prior to the October 23, 2016 it would follow the process of having a hearing, and yes you have the option of appearing in person or via teleconference. These options are presented to you in the notice of hearing. The appellant is asked to submit their intent to appear in person or via-teleconference at least 7 days in advance of the hearing date.

7. *How would this process work for those who are not GTA based? Are those outside of the GTA expected to physically present themselves for a review?*

All appeals are done via written submissions only. There is no requirement to appear in person, unless the decision was made during a hearing process. If you are appealing a decision of the Discipline, Capacity or Review Committee and your appeal will be dealt with as a hearing, you do have the option to appear in person or via teleconference.

8. *In the rare case where an appeal is dismissed because the appeal committee believes it is outside of their jurisdiction – what recourse is there? Can you confirm that this would have to be escalated to divisional court?*

Yes the recourse is to divisional court.

9. *Will Q & A be posted online also?*

Yes the webinar and the Q & A will be posted online.

10. *I cannot see other questions and answers here.*

That is correct, our webinars are set up so that only the facilitator of the webinar can see the questions that are posted. The Q & A is made available and posted online so all webinar participants can view the questions and answers.

11. *How many appeals typically happen a year?*

The number can vary from year to year. In 2016 we had 18 request for appeals filed with HRPAs.

12. *I am logged in as a guest. Will it come to the email address that I registered with?*

The survey is sent to all registrants. If you logged in as a guest you will need to email the OOTR for the link to the survey.

13. *Can you repeat what you said about the cpd code? Will we get an email with cpd code and when will it be sent out?*

The OOTR will sent out a link to complete a survey. The survey will contain the CPD code. The survey link will be sent out within 24 hours of the webinar.

14. *On slide33, can you clarify point 1 in blue and the second point in red? They seem to contradict unless it's just my misunderstanding*

- Must serve the document or documents to the other party as well as the panel at least 14 days before the hearing
- Neither party can bring documents to the hearing for consideration without previously having provided them to the other party.

They must be filed in advance and cannot be presented for the first time at the hearing. If an appellant tries to submit documents during the hearing, it would be up the Appeal Committee as to whether or not they would accept them.

15. *Advice provided to the panel" is on record" ... how do appellants access this information, especially now that they are on written?*

All parties to an appeal are sent all relevant information. All information is shared amongst all parties to an appeal. This is usual done via email.

16. *Is it possible to hold this webinar in the evenings - as from 4 PM*

Webinars are scheduled usually at noon hour, and do get a very good uptake. If you cannot attend the webinar you can view the archived version.

17. *Will information that is provided to the panel and communication between the panel that is "on record" be provided appellants?*

The appeal process is such that both parties are informed of communications with the panel, but in accordance with the procedures set out by the Appeal Committee.

18. *I am trying to track all webinar surveys and cannot locate them, this is why I am asking this question.*

If you are trying to track down survey links to webinars delivered by our PD department you would need to email them directly at [professionaldevelopment@hrpa.ca](mailto:professionaldevelopment@hrpa.ca)

*19. Are the Panel members selected based upon expert knowledge, professional experience? How does HRPAs monitor and regulate this qualification?*

HRPA has a mechanism in place in which to express your interest in volunteering in various capacities and that includes becoming a volunteer of one of HRPAs statutory committees. You will find helpful information via the link below to our volunteer process at HRPAs <http://ivolunteer.hrpa.ca/home>

As part of this process your resume is uploaded to our volunteer database. It is then sent to the Chair of the Committee, so if you are interested in volunteering as a member of the Appeal Committee then your resume would be forwarded to the Chair for consideration.

The criteria for selecting committee members is set out in the Terms of Reference. For the Appeal Committee, you can sit as part of this committee for 2 terms. A term consists of 3 years.

Once a member has been selected to be part of any statutory committee they are required to complete training which does involve the completion of designated training modules, and attendance at various workshops and seminars. Committee members are also required to sign and adhere to a code of conduct.