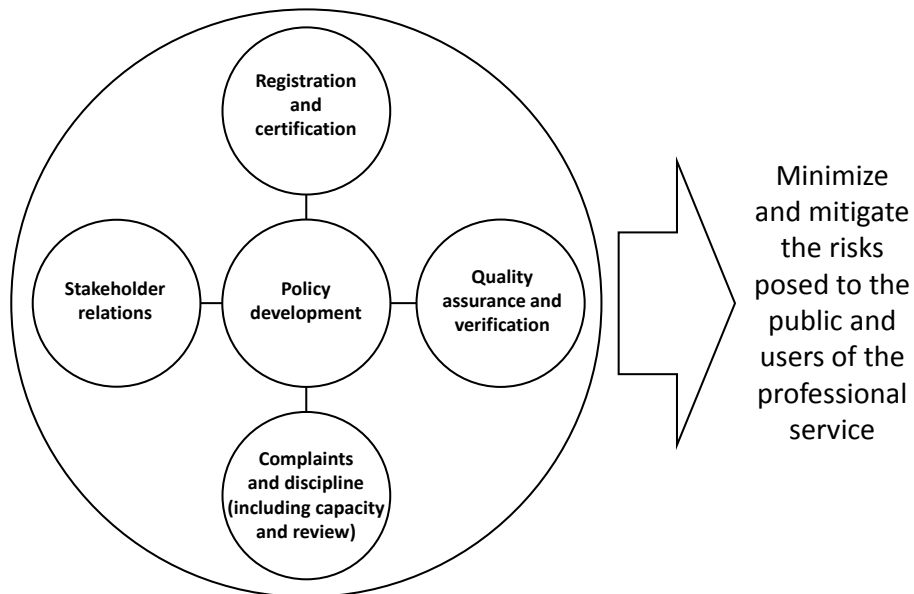




## Registrar's Report Q2 2016

May 31, 2016

### The HRPAs Regulatory Framework



### Sections of this Registrar's Report Q2 2016

1. Off the top: Quick Q2 highlights
2. Strategy 2016 regulation tracking indicators
3. Function-by-function Q2 review
4. 2016-2017 adjudicative committees overview
5. 2016-2017 rosters for adjudicative committees
6. Roles within HRPAs Adjudicative Committees
7. The role of regulatory counsel
8. Adjudicative committee training module grid

## Off the top

### Launch of regulatory newsletter and professionalization of HR blog

In March 2016, the Office of the Registrar launched a quarterly regulatory newsletter and a bi-weekly blog on the professionalization of HR. The newsletter, simply called *Regulatory Affairs*, will cover aspects of Office of the Registrar and sector updates, governance matters and other important regulatory news. The next issue of *Regulatory Affairs* will be published mid-June.

The Professionalization of HR blog can be accessed at <https://hrparegulationblog.wordpress.com/>.

### Attendance at Malcolm Sparrow event on risk-based regulation sponsored by WeirFoulds

It is in the Gold Standard implementation plan to begin introducing risk-based regulation in 2017. On April 14, 2016, HRPAs were invited to attend a full-day event with Malcolm Sparrow sponsored by WeirFoulds, LLP. Malcolm Sparrow is the leading expert in risk-based regulation. He has written the two most important books on the topic: *Regulatory Craft* (2000) and *The Character of Harms* (2012).

In the morning plenary session, Professor Sparrow discussed various interpretations of “risk-based” regulation and related program-design dilemmas. After lunch, he led an interactive afternoon workshop focusing on performance management and measurement in a risk control setting.

### Article published in *HR Professional*

*Becoming a professional regulatory body: The untold story* was published in the May-June issue of *HR Professional*. The article offers a quick recapitulation of what has transpired in the way HRPAs govern and regulate its member over the last few years.

### Results of 2016 HRPAs Member Survey are in

The results of the 2016 member survey are in. Over the next few weeks the responses to the questions relating to HRPAs as a professional regulator will be analysed.

### Development day for members of adjudicative committees

A development day has been scheduled for members of adjudicative committees on October 19, 2016. The topics to be addressed are yet to be finalized.

## Strategy 2016 regulation tracking indicators

		2016			
	2015	Q1	Q2	Q3	Q4
Number of complaints filed	5	0	4		
Number of complaints closed	5	1	1		
Time to process complaint	125	113 <sup>1</sup>	151		

<sup>1</sup>The actual number of days between receiving the complaint and final disposition of the complaint was 564 days. In this case, the Committee decided to stay the review of the complaint until a concurrent complaint with the Ontario Labour Relations Board had been resolved. After the complaint with the Ontario Labour Relations Board had been resolved, the complainant was no longer interested in participating in any proceedings. The Complaints Committee does not require the participation of the complainant to continue its investigation however. If one takes out the time waiting for a decision of the OLRB, and the non-responsiveness of the complainant, the actual complaints processing time was 113 days.

### **Complaints benchmarking study**

A benchmarking study is currently being conducted among professional regulatory bodies in Ontario in regards to the volume of complaints and the time taken to dispose of complaints. This study will be completed by the end of June.

### **Summary of complaints for 2015 and the first two quarters of 2016**

- C-2015-1 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.
- C-2015-2 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.
- C-2015-3 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.
- C-2015-4 Complainant alleged that the member did not adhere to a workplace investigation policy.
- C-2015-5 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.
- C-2016-1 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.
- C-2016-2 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.
- C-2016-3 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

## Function-by-function Q2 review

### Policy development

- Updates to By-laws made since 2015 AGM were ratified at 2016 AGM
- In the works are:
  - New by-law relating to the registration of firms
  - Updated Terms of Reference for adjudicative committees
  - Changes consequent to passage of Ontario Regulation in regards to designation
- Development of bankruptcy and insolvency event review process
- Updated Rules of Professional Conduct

### Registration and certification

- HRPAs' registration and certification processes are subject to the oversight of the Office of the Fairness Commissioner. HRPAs have filed its *Fair Registration Practices Report* for 2015 with the Office of the Fairness Commissioner. HRPAs also attended an information session with the Office of the Fairness Commissioner regarding the first assessment of HRPAs' registration and certification processes. The start date for the assessment is still being worked out with the OFC.
- There were four referrals to the Registration Committee between March 1, 2016, and May 31, 2016. Of the four referrals to the Registration Committee, none were denied registration. One registration approval included a conditional based on the applicant's completion of HRPAs' webinar on Business and Professional ethics.
- The next sitting of CKE 1 and CKE 2 will occur on June 11, 2016. 533 candidates are registered and are eligible to write the CKE 1. 585 candidates are registered and are eligible to write the CKE 2.
- Between March 1, 2016 and May 31, 2016, 16 Validation of Experience applications were processed—12 candidates were successful for a pass rate of 75.0%. Between March 1, 2016 and May 31, 2016, 43 Alternate route applications were processed—32 candidates were successful for a pass rate of 74.4%.
- Between March 1, 2016 and May 31, 2016, 0 CHRPs and 107 CHRLs were granted. 24 CHRPs were granted due to mutual recognition or re-achievement. 16 CHRLs were granted due to mutual recognition or re-achievement.

- Two members were suspended due to non-payment of dues (failure to keep up with payments as per payment agreement). One member paid the outstanding dues and the other member resigned.
- The CHRE processes, both the normal process and the invitation route have been streamlined without changing any of the standards or requirements. A new sponsored invitation route process was added. Seven new CHREs were added between March 1, 2016, and May 31, 2016.
- Since March 3, 2016, HRPAs has added 484 students, 407 undesigned members, and 27 designated members to its Register.

#### **Quality assurance and verification**

- The 2016 Continuing Professional Development (CPD) cycle is nearing completion.
- On May 31, 2016, 2579 CPD logs are due, with 633 submissions outstanding as of June 2, 2016. This falls in line with previous years. Upon completion of the issuing of the suspension and revocation letters this compliance rate historically increase to between 92% and 95%.
- As of May 31, 2016, HRPAs had 14,806 designated members subject to the CPD requirement.
- The CPD committee will be commencing recruitment of additional members. HRPAs will liaise with the chair regarding the number of new recruits required.

#### **Complaints and discipline**

- The one case before the Discipline Committee was a case where the member failed to disclose upon application and renewal of his or her revocation from another professional regulatory body. The final hearing in this case has been scheduled for June 14, 2016.
- There was one referral to the Capacity Committee. The matter before the Capacity Committee has not been disposed of yet.
- As noted above, by-laws enabling the implementation of the bankruptcy and insolvency sections of the Act including terms of reference for the Review Committee were approved at the Annual General Meeting on May 19, 2016.

#### **Appeals**

- There were 7 appeal decisions rendered in the second quarter of 2016. The table below gives details. One appeal was successful. A decision of the Experience Assessment Committee was overturned and the applicant will re-submit their VOE application to the EAC for a re-assessment. Since the main issue in regards to appeals is the quality of the reasons given for decisions, the OOTR has worked hard by way of templates and training of adjudicative committee members to ensure that the quality of the reasons given for decisions is high.

#### **Stakeholder relations**

- The Office of the Registrar has introduced enhanced quality verification steps in regards to the Public Register. The CRM system on which the Public Register runs has proven challenging at times as updates in one place sometimes cause all sorts of unintended consequences. The new verification steps ensure that the Register remains accurate and trustworthy at all times.

## Q2 Committee Activity Report

for period of March 1, 2016 to May 31, 2016

	March 1, 2016 – May 31, 2016			
	Cases started before March 1, 2016	New referrals for the period of March 1, 2016 to May 31, 2016	Cases disposed of in the period of March 1, 2016 to May, 31, 2016	Cases outstanding as of May 31, 2016
Registration committee	0	4	4	0
Experience assessment committee	185	111	244	52
CPD committee - audit	82	0	49	33
Academic standards committee	0	40	40	0
CHRE review committee	0	15	6	9
Complaints committee	1	4	1	4
Discipline committee	1	0	0	1
Capacity committee	1	0	0	1
Review committee	0	0	0	0
Appeal committee	7	7	4	10

## Adjudicative committees 2016-2017

	Statutory	May hold hearings	Subject to SPPA	Authorized to sit in panels	May appoint investigators	May award costs
Registration Committee	No	No	No	Yes	No	No
Experience Assessment Committee	No	No	No	Yes	No	No
Continuing Professional Development Committee	No	No	No	Yes	No	No
Academic Standards Committee	No	No	No	Yes	No	No
CHRE Review Committee	No	No	No	Yes	No	No
Complaints Committee	Yes	No	No	Yes	Yes	No
Discipline Committee	Yes	Yes	Yes	Yes	No	Yes
Capacity Committee	Yes	Yes	Yes	Yes	Yes	No
Review Committee	Yes	Yes	Yes	Yes	Yes	No
Appeals Committee	Yes	Yes	Yes	Yes	No	Yes

In this context, ‘adjudicative’ means that the committee applies rules to individual cases when the application of such rules involves discretion. It is recognized that this is a broader meaning than is usually given to the term ‘adjudicative,’ where it is usually associated with committees that may hold hearings.

Statutory committees derive their authority from the Act. Non-statutory committees, which are related to registration and certification, derive their authority from delegation by the Board.

All adjudicative committees are authorized to sit in panels. The decision of the panel is the decision of the committee. Panels are normally comprised of three members of a committee. However, if a member of a panel is no longer able to continue in their duties as a member of a panel, the panel may continue with two members. In such cases, the two panel members must agree on any decision. Committee members whose term expires while a proceeding is still in progress may continue their participation in the proceeding until the conclusion of the proceeding.

The Statutory Powers Procedure Act, 1990, applies: “to a proceeding by a tribunal in the exercise of a statutory power of decision conferred by or under an Act of the Legislature, where the tribunal is required by or under such Act or otherwise by law to hold or to afford to the parties to the proceeding an opportunity for a hearing before making a decision.” In the case of the Appeal Committee, some

proceedings will fall under the SPPA but other proceedings will not. When the Appeal Committee hears a case where SPPA applied to the original proceeding, SPPA rules shall apply; When the Appeal Committee hears a case where SPPA did not apply to the original proceeding, SPPA rules shall not apply.

All committees that conduct hearings shall publish their rules of procedure.

All adjudicative committees are independent of the Board. This means that the Board has no power to review or alter orders of the committee. The only exception to this is provided for in Section 38 of the Act whereby the Board may rescind or alter 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. Should the Board do this, it must be done by special resolution and notice of such special resolution, with reasons, must be given to the members of the Association.

The decisions of any of the adjudicative committees may be reviewed by HRPAs Appeal Committee.

All members of adjudicative committees are subject to the HRPAs Code of Conduct for Members of Adjudicative Committees.

All members of adjudicative committees must complete the prescribed training before assuming their duties.



## Adjudicative committee rosters 2016-2017

### Academic Standards Committee

The Academic Standards Committee is a standing committee established pursuant to Section 8.04 of the By-laws. The Academic Standards Committee shall review every course outline(s) and any accompanying, relevant, supplementary material submitted by eligible post-secondary educational institutions, professional associations and individual members seeking to have one or more courses approved or re-approved in the fulfillment of HRPAs coursework requirement (course approval), making a decision pertaining thereto, and providing rationale in accordance with the criteria as established by the Board.

Last name	First name	Role	Designation	Year first appointed
Sutherland	Virginia (Gini)	Chair	CHRL	1999
Hardisty	John	Vice-Chair	CHRL	2014
Rekar-Munro	Carolyn	Member	CHRL	2003
McVittie	Jim	Member		2003
Sunday	D. J. Nick	Member	CHRL	1999
Momaya	Preiti	Member	CHRL	2014
Laframboise	Faith	Member	CHRL	2014
White	Michelle	Member	CHRL	2015
Flanagan	Lori-Lee	Member	CHRL	2015
Pétrin	Jean Pierre	Member	CHRL	2016
Snyder	Cathy	Member	CHRL	2016

### Appeal Committee

The Appeal Committee is a statutory committee established pursuant to Section 12 of the Registered Human Resources Professionals Act, 2013 (the "Act") and the By-laws. The Appeal Committee shall review every appeal filed under the Act and the By-laws by registrants of HRPAs or members of the public to determine whether there was a denial of natural justice or an error on the record of the decision of the committee or the Registrar and to exercise any of the powers granted to it under the Act and Section 21.10 of the By-laws.

Last name	First name	Role	Designation	Year first appointed
Pepper	Kimberly	Chair	Lawyer	2012
Dilkens	Drew	Member	CHRL, Lawyer	2011

Cole	Patricia	Member	CHRL	2013
Vidovic	Sindi	Member	CHRL	2014
Saunders	Vanessa	Member	CHRL	2015
Kerr	Melanie	Member	CHRL	2016
Steeves	Jodi	Public member		2011
Lordon	Carolyn	Public Member		2014
Quinlan	Maureen	Public Member	Lawyer	2016
Bird	Kathryn	Public Member	Lawyer	2016

### Capacity Committee

The Capacity Committee is a statutory committee established pursuant to Section 12 of the Registered Human Resources Professionals Act, 2013 (the “Act”) and the By-laws. The Capacity Committee shall hear every matter referred to it by the Association under Section 47 of the Act to determine whether the member is incapacitated, and if the Committee finds a member is incapacitated, to exercise any of the powers granted to it under Subsection 47(8) of the Act.

Last name	First name	Role	Year first appointed	Role
Izzard	Stephanie	Chair	CHRL	2011
Horlock	Elizabeth	Member	CHRE	2012
Canuel	Bob	Member	CHRL, CHRE	2012
Alexander	Ken	Public Member	Lawyer	2011
Knight	Jamie	Public Member	Lawyer	2011
Teichman	Lyle	Public Member	Lawyer	2012
Bryson	Susan	Public Member	Lawyer	2014
Latulippe	Lynne	Public Member	Lawyer	2015

### CHRE Review Committee

The purpose and mandate of the CHRE Review Committee is to determine upon referral from the Registrar whether an applicant meets the criteria for the Certified Human Resources Executive (CHRE). The criteria for the CHRE are established by the Board.

Last name	First name	Role	Designation	Date Joined
Canuel	Robert	Chair	CHRL, CHRE	2012

Attersley	Janice	Member	CHRL, CHRE	2012
Brothers	Ruth	Member	CHRL, CHRE	2012
Concordia	Dennis	Member	CHRE	2012
Cumming	Gordon	Member	CHRL, CHRE	2012
Fisher	Gayle	Member	CHRE	2012
Hoda	Franca	Member	CHRL, CHRE	2012
Horlock	Elizabeth	Member	CHRE	2012
Jazi	Marwa	Member	CHRE	2012
Ramanan	Rajeswari (Raji)	Member	CHRE	2012
Trotter	JoAnne	Member	CHRL, CHRE	2012
Vescio	Fernando	Member	CHRL, CHRE	2012
Watton	Tanya	Member	CHRL, CHRE	2012
Harwood	Michael	Member	CHRE	2012
Sabapathy	Norm	Member	CHRL, CHRE	2013
Judge	Chris	Member	CHRE	2013
Silverthorn	Mary	Member	CHRL, CHRE	2013
McGowan	Paul	Member	CHRL, CHRE	2013
Papa	Anthony	Member	CHRL, CHRE	2013
Dodd	Linda	Member	CHRE	2015
Earles	Aine	Member	CHRE	2015
Jackson	Steve	Member	CHRL, CHRE	2015
Sousa	Flora	Member	CHRL, CHRE	2015
Smith	Sandra	Member	CHRE	2015
Attersley	Janice	Member	CHRL, CHRE	2012

### Complaints Committee

The Complaints Committee is a statutory committee established pursuant to Section 12 of the Registered Human Resources Professionals Act, 2013 (the “Act”) and the By-laws. The Complaints Committee shall review every complaint referred to it under Section 31 of the Act regarding the conduct of a member of the Association or a firm and, if the complaint contains information suggesting that the member or firm may be guilty of professional misconduct as defined in the by-laws, the committee shall investigate the matter. Following the investigation of a complaint, the complaints committee may direct that the matter be referred, in whole or in part, to the discipline committee; direct that the matter not be referred to the discipline committee; negotiate a settlement agreement

between the Association and the member or firm and refer the agreement to the discipline committee for approval; or take any action that it considers appropriate in the circumstances and that is not inconsistent with the Act or the by-laws, including cautioning or admonishing the member or firm.

<b>Last name</b>	<b>First name</b>	<b>Role</b>	<b>Designation</b>	<b>Year first appointed</b>
Shamji	Rahim	Chair	CHRL	2012
Pearlman	Dan	Member	CHRL	2013
Cabildo	Jacqueline	Member	CHRL	2013
Hart	Janet	Member	CHRL	2015
Treasure	Janet	Public Member		2013
Volker	Trish	Public Member		2013
Cooper	Jennifer	Public Member		2013
Van Alestine	Steven	Public Member		2013

### **The Continuing Professional Development Committee**

The Continuing Professional Development (CPD) Committee is a standing committee established pursuant to Section 8.04 of the By-laws. The Continuing Professional Development Committee shall audit every continuing professional development log referred to it by the Registrar to determine whether the continuing professional development requirement has been met in accordance with the criteria as established by the Board. The Committee shall also review every extension request for a member's continuing professional development period referred to it by the Registrar to determine whether there are valid grounds to grant an extension in accordance with the Continuing Professional Development Extension Policy.

<b>Last name</b>	<b>First name</b>	<b>Role</b>	<b>Designation</b>	<b>Year first appointed</b>
Montesano	Vito	Chair	CHRL	2011
Benoit	Amy	Member	CHRL	2011
Haney	Shelley	Member	CHRL	2011
Momaya	Preiti	Member	CHRL	2011
Thordarson	Glen	Member	CHRL	2011

### **Discipline Committee**

The Discipline Committee is a statutory committee established pursuant to Section 12 of the Registered Human Resources Professionals Act, 2013 (the "Act") and the By-laws. The Discipline Committee shall hear every matter referred to it by the Complaints Committee under Section 34 of the Act to determine

whether the member or firm is guilty of professional misconduct as defined in the by-laws and if the Committee finds a member or firm guilty of professional misconduct, to exercise any of the powers granted to it under Subsection 34(4) of the Act.

<b>Last name</b>	<b>First name</b>	<b>Role</b>	<b>Designations</b>	<b>Year first appointed</b>
Izzard	Stephanie	Chair	CHRL	2011
Horlock	Elizabeth	Member	CHRE	2012
Canuel	Bob	Member	CHRL, CHRE	2012
Alexander	Ken	Public Member	Lawyer	2011
Knight	Jamie	Public Member	Lawyer	2011
Teichman	Lyle	Public Member	Lawyer	2012
Bryson	Susan	Public Member	Lawyer	2014
Latulippe	Lynne	Public Member	Lawyer	2015

### **Experience Assessment Committee**

The Experience Assessment Committee is a standing committee established pursuant to Section 8.04 of the By-laws. The Experience Assessment Committee shall review every application referred to it by the Registrar to determine the appropriateness and adequacy of the experience of each applicant for the purpose of meeting the experience requirement for the Certified Human Resources Leader (CHRL) designation or for the purpose of meeting the coursework requirement for the Certified Human Resources Professional (CHRP) or the CHRL designation via the Alternate Route in accordance with the criteria as established by the Board.

<b>Last name</b>	<b>First name</b>	<b>Role</b>	<b>Designation</b>	<b>Year first appointed</b>
Mandell	Danielle	Chair	CHRL	2013
Seymour	Mark	Vice-Chair	CHRL	2012
Barnes	Jennifer	Member	CHRL	2012
Glass	Stacy	Member	CHRL	2014
Demerino	Tom	Member	CHRL	2012
Chadha	Bipanpreet (Nancy)	Member	CHRL	2011
Macchia	Dominic	Member	CHRL	2013
Rathwell	Michelle	Member	CHRL	2013
Sanghera	Ravinder	Member	CHRL	2014
DeAgazio	Tony	Member	CHRL	2014
Wallace	Scott	Member	CHRL	2014
Marchese	James	Member	CHRL	2014
Blunden	Elizabeth	Member	CHRL	2014

Poirier	Guy	Member	CHRL	2015
Francis	Minneth	Member	CHRL	2015
Wickham	James	Member	CHRL	2015
Watson	Jane	Member	CHRL	2015

\*Currently recruiting 2-3 new committee members

### Registration Committee

The Registration Committee is a standing committee established pursuant to Section 8.04 of the By-laws. The Registration Committee shall review every application referred to it by the Registrar to determine the suitability of an applicant for registration or the appropriateness of the category of registration being applied for. The Registration Committee also considers applications for removal or modification of any term, condition or limitation previously imposed on a registrant's registration with HRP. The Registration Committee does not have the authority to deem that an applicant has met the requirements for registration where the registration requirement is prescribed as non-exemptible.

Last name	First name	Role	Designation	Year first appointed
Tancredi	Frank	Chair	CHRL	2013
Aldred	Jacqueline		CHRL	2013
Rudner	Stuart	Member	Lawyer	2013
Sotelo	Sonia	Member	CHRL	2013
Kendall	Sheila	Member	CHRL	2015
Blunden	Elizabeth	Member	CHRL	2015
Wong	Rachel	Member	CHRL	2013 (on maternity leave)
Cooper	Jennifer	Public Member	Lawyer	2013
Ross	Jeff	Public Member		2015
Walji	Saeed	Public Member		2015

### Review Committee

The Review Committee is a statutory committee established pursuant to Section 12 of the *Registered Human Resources Professionals Act, 2013* (the "Act") and the By-laws. The Review Committee shall review every matter referred to it by the Registrar under Section 40 of the Act to determine whether the member or firm's bankruptcy or insolvency event may pose a risk of harm to any person; to direct the Registrar to investigate the matter; to determine whether a hearing is warranted; to conduct hearings when warranted to determine whether the member or firm's bankruptcy or insolvency event poses a risk of harm to any person; and upon a determination that there are reasonable grounds for believing that the member or firm's bankruptcy or insolvency event poses or may pose a risk of harm to

any person following a hearing, to exercise any of the powers granted to it under Subsection 41(8) of the Act.

<b>Last name</b>	<b>First name</b>	<b>Role</b>	<b>Designation</b>	<b>Year first appointed</b>
TBA				
TBA				
TBA				
TBA				
TBA				
TBA				
TBA				

## **Roles within HRPAs' Adjudicative Committees**

### **Relation of adjudicative committees to the Board**

The key requirement is that adjudicative committees are independent in the exercise of their decision-making powers. The Board establishes the standards that are the subject of adjudication. As well, the Board establishes the adjudicative committees by by-law and authorizes and governs the formation of panels of committees. A number, but not all, of the adjudicative committees are statutory. Statutory committees have their powers spelled out in the *Act*.

In regards to proceeding where a hearing is required or conducted pursuant to statute, such proceeding must comply with the *Statutory Powers Procedure Act, 1990*. Pursuant to Section 25.1 of the *Statutory Powers Procedure Act, 1990*, a tribunal may make rules governing the practice and procedure before it.

### **How Committees and Panels Function**

Panels are subsets of committees that have been assigned by the Chair of a Committee to review a particular case. The specific rules governing the size and composition of panels, quorum, and other matters are set out in the By-laws and the terms of reference for the committee. Panels have all of the powers of decision of the Committee.

The Chair of the Committee will appoint a Chair for the panel that will review a specific case. The Chair of the panel is responsible for seeing that the panel conducts its proceedings efficiently and according to the rules set out for it.

### **Roles**

The three volunteer roles are:

- Committee chair
- Panel chair
- Panel member

To these three volunteer roles we can add the three following staff roles:

- Committee administrative support
- Policy support

### **Role of Committee Chair**

The role of Committee Chair entails the following responsibilities:

- Assigning committee members to act as a panel member for specific cases and either sitting as or appointing a panel chair
- Promoting improvements to the operation of the committee to improve efficiency, accessibility and timeliness, as appropriate
- Promoting a positive, team-oriented atmosphere among staff and members
- Ensuring effective assessments of the committee and its members are conducted and promoting appropriate development opportunities to improve committee effectiveness
- Ensuring members abide by the HRPAs Board approved Terms of Reference for the committee
- Maintaining good communication and a positive working relationship with the HRPAs Chair respecting budget and other administrative matters, while maintaining the independence of the committee in carrying-out its adjudicative responsibilities



- Providing oversight, as necessary, of the recruitment of new members for the committee.
- Making decisions as to whether committee members are in a conflict of interest when the possibility of such conflict of interest is brought to the attention of the Chair by the committee member.

### **Role of Panel Chair**

All panel members have an equal voice in making adjudicative decisions. The panel chair participates fully in the panel's decision making. Nonetheless, the panel chair does take on some additional responsibilities. The role of panel chair entails the following responsibilities:

- Ensuring that the panel carries out its work without undue delay
- Ensuring that the proceedings unfold according to established procedures
- Seeking legal or other advice as required
- Making a decision when a member of a panel declares a conflict of interest
- Taking responsibility for writing the decision of the panel (a task which may be delegated to another member of the panel) and seeking input from panel members prior to finalizing the decision
- Taking responsibility for bringing to the attention of the committee Chair any matters that would be of significance to the committee as a whole
- Facilitating the full participation of all parties, representatives and members to ensure fair treatment and just outcome
- When there is a hearing, clearly describing the hearing procedure and the issues to be decided
- Ensuring that the panel remains within the jurisdiction of the committee
- Understanding the role of staff and refraining from asking or directing staff to carry out activities that would be inappropriate for staff to do

### **Role of Panel Member**

Panel members are adjudicators. The role of panel member entails the following responsibilities:

- Fully participating in the work of the panel
- Making himself or herself available to meet and conduct the work required
- Reading all documents, submissions, and reports submitted to the panel
- Being properly prepared for each case
- Recognizing and disclosing any potential conflict of interest
- Conducting himself or herself in a manner that establishes and maintains the independence and authority of the committee
- Complying with the Code of Conduct for Members of Regulatory Panels and Committees
- Maintaining respectful and effective working relations with staff and colleagues
- Asking clear, concise, relevant and understandable questions
- Identifying and using only relevant facts and expert evidence from written and oral sources
- Applying requirements and standards as they are written

### **Role of Administrative Support Staff**

The role of administrative support entails the following responsibilities:

- Understanding the rules of procedure that apply to the specific committee
- Maintaining records for the committee
- Making arrangements for rooms and other requirements
- Managing correspondence from and to the committee and panel

- Working with panel chairs, scheduling committee business meetings, hearings, and pre-hearing conferences
- Recording minutes for business meetings
- Reviewing panel decisions and makes editorial suggestions (not on the substance of the decision and reasons but on clarity, completeness, and style)
- Ensuring that the committee roster and email distribution list is up to date

## The Role of regulatory counsel

This brief article will appear in the June 2016 issue of *Regulatory Affairs*.

A very important role at HRPAs is that of regulatory counsel. With the passage of the *Registered Human Resources Professionals Act, 2013*, the sophistication with which HRPAs must conduct its regulatory function has increased significantly. As a professional regulatory body, HRPAs must regulate the practice, competence and professional conduct of members of the Association, students, and firms in the public interest. In doing so, HRPAs must take into consideration the rights of all stakeholders. The standards are quite high. For instance, whenever the *Act* permits or requires a committee to conduct hearings, such hearings are subject to the *Statutory Powers Procedure Act, 1990*. This *Act* sets out minimum standards of procedural fairness that all such proceedings must adhere to. Also, all regulatory decisions at HRPAs are subject to review by Divisional Court, so it is important to get things right. In many cases getting it right depends on a correct interpretation and application of law. And that is where regulatory counsel come in.

Regulatory counsel assists the HRPAs with the correct interpretation and application of its *Act* and other acts which apply to professional regulation. The drafting of by-laws in an area where the input of regulatory counsel is especially important. Regulatory counsel provides advice to the Association in regards to establishment of proper regulatory procedures. Regulatory counsel also provides advice as to the best course of action in specific cases. Although the Association is one of the parties, in any adjudicative proceeding HRPAs also has an overarching duty of fairness and impartiality towards all parties. There is also delicate balance between the level of protection provided to the parties to any regulatory proceeding and the necessity to deal with matters without unnecessary delay. Finding this balance is not always easy; again the advice of regulatory counsel is important here.

One thing that regulatory counsel does not do, however, is to give advice to adjudicative committees. Indeed, by law, adjudicative committees such as the Discipline Committee, the Capacity Committee, the Review Committee, and the Appeal Committee are independent of HRPAs. Although they are established and supported by HRPAs, they are independent from the Association in their decision making—these committees derive their authority directly from our *Act*. Because the Association is one of the parties to such proceedings, there would be a conflict of interest in providing legal advice to both the Association and the adjudicative committee. For this reason, adjudicative committees have access to independent legal counsel (ILC). We will look at the role of ILC in our next newsletter.

At HRPAs, regulatory counsel is Rebecca Durcan, partner at Steinecke Maciura LeBlanc, a firm dedicated to professional regulation matters.

## Adjudicative committee training module grid

	Professional Regulation at HRP	Adjudication Basics	Panel Assessment Skills	Assessing good character	Reviewing bankruptcies and insolvencies	Conducting Investigations	Conducting Hearings	Process Review Skills	Writing Reasons
Registration Committee	✓	✓		✓					✓
Experience Assessment Committee	✓	✓	✓						✓
Continuing Professional Development Committee	✓	✓	✓						✓
Academic Standards Committee	✓	✓	✓						✓
CHRE Review Committee	✓	✓	✓						✓
Complaints Committee	✓	✓				✓			✓
Discipline Committee	✓	✓	✓				✓		✓
Capacity Committee	✓	✓	✓				✓		✓
Review Committee	✓	✓			✓		✓		✓
Appeals Committee	✓	✓	✓				✓	✓	✓
Office of the Registrar staff (administrative support)	✓	✓	✓			✓	✓	✓	✓
Office of the Registrar staff (policy support)	✓	✓	✓			✓	✓	✓	✓

The 'Professional Regulation at HRP' and the 'Adjudicative Basics' modules are being redone. The 'Reviewing Bankruptcies and Insolvency Events' module is under development and is planned to be completed by July 31, 2016.