



## Registrar's Report Q3 2016

August 31, 2016

### Strategy 2016 professional regulation tracking indicators

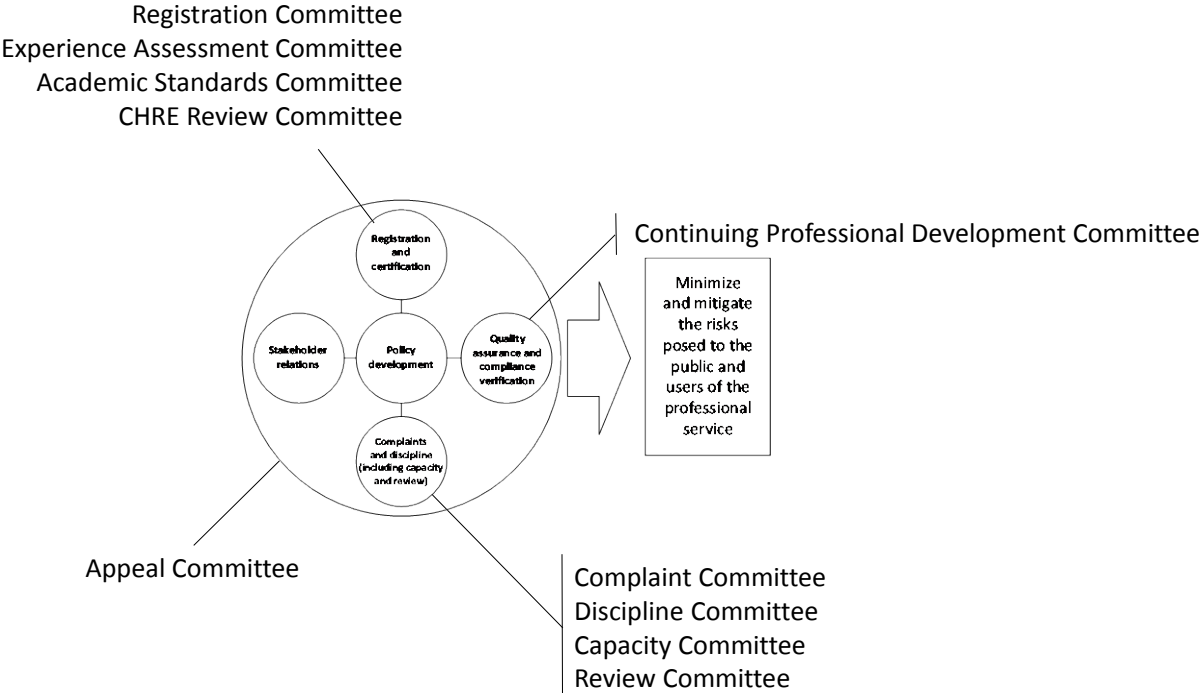
		2016			
	2015	Q1	Q2	Q3	Q4
Number of complaints filed	5	0	2	3	
Number of complaints closed	5	1	1	3	
Time to process complaint	125	113	151	103	

#### Benchmarking report on the number of complaints and the time taken to dispose of complaints

Report was completed. Thirty-four of thirty-five professional regulatory bodies currently operating in Ontario responded to our request for information.

- Of all professional regulatory bodies in Ontario, HRP A has the lowest number of complaints per 1000 members by some margin. The number of complaints per 100 members for HRP A in 2014-2015 was .23. The next closest professional regulatory body, the Association of Professional Geoscientists of Ontario, had .50, which is more than twice as many as HRP A.
- The professional regulatory body with the most complaints per 1000 members in 2015 was the College of Physicians and Surgeons of Ontario with 89.29 complaints per 1000 members.
- 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).
- With 24,000 registrants, a rate of 3.59 per 1000 converts to 94 complaints per year.
- In regards to the length of time it takes to resolve complaints, HRP A appears to be right in line with other professional regulatory bodies in Ontario.

# Function-by-function Q3 review



## Ontario Regulation 55/16

Ontario Regulation 55/16 came into force on July 1, 2016. This Regulation sets out the list of protected titles and initials under the Act and now includes the Certified Human Resources Leader (CHRL) and the Certified Human Resources Executive (CHRE). The requisite changes have been made to the By-laws to make them consistent with the Regulation.

### Public register update

The public register now reflects the ‘new’ designations. Also, the Register was redesigned to make information about disciplinary history more accessible.

### Gold Standard implementation plan

Phase II of By-law updates forwarded to Board for consideration and approval.

- ✓ Registration of firms
- ✓ Changes to make By-laws consistent with Ontario Regulation 55/16
- ✓ Publication of information in regards to discipline and review proceedings
- ✓ Amendment to appeal proceeding to allow for disposition without hearing in some cases
- ✓ Amendments to governance complaints process
- ✓ Consequential amendments to register

- ✓ Updated terms of reference for regulatory decision making and adjudicative committees
- ✓ Clean-up for HRP Code of Conduct for Board Directors, Committee Members, and Officers
- ✓ Regulatory Newsletter

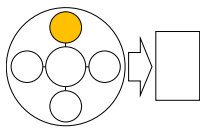
### **Training modules for members of regulatory decision making and adjudicative committees updated**

The first two modules which are required of all regulatory decision-making and adjudicative committee members have been updated:

- ✓ Professional regulation at HRP
- ✓ Introduction to regulatory decision-making and adjudication

### **Development day for members of regulatory decision making and adjudicative committees**

A development day has been scheduled for members of adjudicative committees on October 19, 2016. The session will be conducted by Richard Steinecke and Rebecca Durcan of Steinecke Maciura LeBlanc. Among the topics to be addressed will be making full and good use of the powers granted under the *Act*.



## **Registration and certification**

### **Registration committee**

- There were four referrals to the Registration Committee between June 1, 2016, and August 31, 2016. All four cases are currently in the information gathering stage of the process and therefore a decision has not yet been rendered.

### **Experience assessment committee**

- Between June 1, 2016 and August 31, 2016, 32 Validation of Experience applications were processed—20 candidates were successful for a pass rate of 62.5%. Between June 1, 2016 and August 31, 2016, 34 Alternate route applications were processed—19 candidates were successful for a pass rate of 55.9%.

### **Academic standards committee**

- Between June 1, 2016 and August 31, 2016, 52 Course Approval applications for schools were processed. Between June 1, 2016 and August 31, 2016, 39 Course Approval applications for Students were processed.

### **CHRE Review Committee**

- The number of CHRE currently stands at 245. The target for 2016 is 250.
- Between June 1, 2016 and August 31, 2016, 11 CHRE applications were processed, resulting in 3 successful candidates. Additionally, there were 4 Invitation Route candidates who accepted their invitation and were granted the designation.

- A list of 85 senior HR executives who meet the *Invitation Route* criteria has been identified. These will be invited to accept the CHRE designation over the next few weeks.

**Suspensions and revocations**

- On July 18, 2016, the Office of the Registrar issued the following suspensions. Members have until September 30, 2016 to submit payment and/or submit their continuing professional development log until their membership and/or authorization to use their designation(s) will be revoked.

Suspension of membership due to non-payment of dues	1927
Suspension of authorization to use designation	799

- A reminder and explanation as to why registrants need to inform the Office of the Registrar of their intention to resign will be included in the September 2016 issue of the *Regulatory Affairs* newsletter.

**Snapshot of Public Register on August 30, 2016**

	Count
Students (registered but not members)	2739
<b>Undesignated Members</b>	<b>6183</b>
General + Complimentary	1814
Practitioner	4158
Allied Professional	211
<b>Designated members</b>	<b>14805</b>
Highest designation CHRP (including CHRP retired)	5080
Highest designation CHRL (including CHRL retired)	9479
Highest designation CHRE (including CHRE retired)	246
<b>Total members</b>	<b>20988</b>
<b>Total registrants</b>	<b>23727</b>

**CKE 1 and CKE 2**

The June 2016 CKE 1 and CKE 2 results are in.

Exam	Candidates	Pass	Pass Rate	Reliability
CKE 1	511	334	65.4%	.89
CKE 2	564	412	73.0%	.92

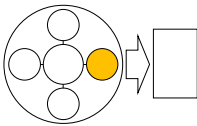
**Employment Law exam 1 and Employment Law exam 2**

Exams were developed. First administration will be September 17, 2016.

## Job Ready program

Job Ready program available from September 30, 2016. Completion of the Job Ready program is the last step in the CHRP certification process. The Job Ready program:

- ✓ Takes about four hours to complete
- ✓ Available online on multiple platforms
- ✓ Does not have a summative test
- ✓ The only way to fail the Job Ready program is by not completing it
- ✓ Program is free

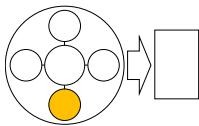


## Quality assurance and compliance verification

### Continuing professional development

#### Continuing Professional Development Committee

- As of May 31, 2016, HRPAs had 14,806 designated members subject to the CPD requirement. There are 2494 individuals due to meet the CPD requirement in 2016.
- The compliance rate is now at 94.1%, and may well increase by ½ percentage point or more before the revocation deadline.
- The number of CPD logs to be audited in 2016 is 75 (3% of logs).
- The CPD committee has recruited 4 new members.



## Complaints and discipline (including capacity and review)

### Complaints Committee

Three complaints were filed in Q3. A summary of the allegations is given below. None of these complaints have been disposed of yet.

Case	Date complaint filed	Nature of allegations
C-2016-3	June 10, 2016	It is alleged that the member failed to conduct themselves with integrity while performing a third-party workplace harassment investigation and failed to interview witnesses deemed relevant to the complainant. The member is also accused of colluding with the complainant's employer against the complainant.
C-2016-4	June 17, 2016	The member is accused of operating in a bad-faith capacity by colluding with an investment firm.
C-2016-5	June 27, 2016	The member is accused of being verbally abusive during a meeting with the complainant. The member is also accused of not providing assistance to the complainant when he made complaints of a stressful work environment, and she did not show concern or proper guidance for his issues.

The Complaints Committee disposed of three complaints in Q3.

Case	Date complaint filed	Nature of allegations	Date of disposition of complaint and decision of Complaints Committee
C-2014-1	September 16, 2014	It has been alleged that the member created at least 26 false or misleading invoices totaling at least \$178,000 from two Human Resource recruiting firms over a period of about two years.	June 16, 2016 Referral to Discipline Committee (see below)
C-2016-1	March 16, 2016	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.	June 9, 2016 Dismissed without further action
C-2016-2	March 17, 2016	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.	July 13, 2016 Dismissed without further action

### Discipline Committee

There was one referral made to the Discipline Committee on June 16, 2016. It has been alleged that the member created at least 26 false or misleading invoices totaling at least \$178,000 from two Human Resource recruiting firms over a period of about two years. This individual is no longer a member of the Association but was a member at the time the alleged misconduct occurred. HRPAs has continuing jurisdiction over the individual.

- The referral to discipline took 639 days, which is considerably beyond the 150-day target for disposing of complaints. In addition to the complexity of this complaint, the delay was contributed to a variety of factors:
  - Numerous extension requests made by the respondent's legal counsel, which contributed to a delay of five months
  - A formal investigation was conducted over the course of six months
  - Numerous consultations by the Complaints Committee with independent legal counsel (ILC)
- A Notice of Hearing was served on the individual by HRPAs's regulatory counsel on behalf of HRPAs.

- The member has yet to respond to the Notice of Hearing. Legal counsel for HRPAs has followed up with the individual in an attempt to schedule a pre-hearing conference.
- As per the *Statutory Powers Procedure Act, 1990*, if the party notified does not attend at the hearing, the Discipline Committee may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding.

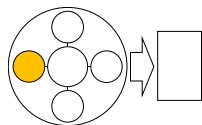
**Review Committee**

The Act requires that all members and firms notify the Registrar of any bankruptcies and insolvency events. The Act also required that bankruptcies and insolvency events be reviewed by the Review Committee. In March 2016, the Board passed by-laws which supported the implementation of the bankruptcy and insolvency provisions in the Act. Since then:

- Terms of Reference were developed for the Review Committee
- Rules of procedure were developed for the Review Committee
- Volunteers were recruited to the Review Committee
- A training protocol was developed for members of the Review Committee
- A special webinar is in the works for September 19, 2016 (more detail below under *Stakeholder Relations*)

The bankruptcy and insolvency rate in the general population in Ontario in 2014 was 3.8 *per thousand*. The question “Have you or your firm experienced a bankruptcy or filed a consumer proposal within the last year?” was included in the 2016 HRPAs Member Survey. The responses to this question suggest a bankruptcy and insolvency rate among HRPAs members to be closer to 9.0 *per thousand*.

At HRPAs, with 24,000 members, a rate of 9 per thousand would lead us to expect approximately 216 reports of bankruptcies and insolvency events per year.



**Stakeholder relations**

**OOTR Q3 webinars**

The Office of the Registrar conducted a number of webinars in Q3. These webinars were recorded and are available on demand. These webinars can be found at <https://www.hrpa.ca/professional-regulation/regulatory-webinars>

Topic	Date
What to do when the complaint is about you?	June 8, 2016
Introducing the Employment Law Exams for the CHRP and the CHRL	July 18, 2016
Update on the New CHRP, CHRL, and CHRE Certification Processes	July 25, 2016
The HR Curriculum: Today and Tomorrow	August 8, 2016
Professional Regulation at HRPAs	August 15, 2016
Introduction to Regulatory Decision-Making and Adjudication	August 22, 2016

Another series of webinars is planned for the Fall of 2016.

### **Professionalization of HR blog**

The Professionalization of HR blog can be accessed at <https://hrparegulationblog.wordpress.com/>. In Q3, the following entries were posted:

Topic	Date
Are professional ethics and business ethics the same thing?	June 1, 2016
The costs and obligations of professionhood	June 15, 2016
Competency drift	July 13, 2016
What is the minimum amount of formal training required to obtain a designation in Human Resources management?	July 27, 2016
Eight reasons why HRPAs members should feel confident that any investigation into a complaint made against them would be fair and impartial	August 10, 2016
Is regulation a four-letter word?	August 24, 2016

### **Upcoming webinar on the duty to notify Registrar of bankruptcies and insolvency events and the review process**

On September 19, 2016, a webinar will be conducted with the assistance of Rebecca Durcan, our regulatory counsel, to explain the requirement to notify the Registrar of any bankruptcy or insolvency event and the workings of the Review Committee.

### **Regulatory newsletter**

The next issue of *Regulatory Affairs*, will be published on September 15, 2016. This issue will contain a summary of the allegations, including a brief description of the particulars for the latest referral to the discipline committee. This issue also publicises the requirement for members to notify the Registrar of any bankruptcy or insolvency event, there will also be an article on why it is necessary to resign in writing.

### **Presentations at CNAR**

This year, the Canadian Network of Agencies in Regulation (CNAR) will have its annual conference in Toronto, on November 1-3, 2016. HRPAs will be making three presentations this year:

1. *Issues Facing Newly Regulated Professions: What established regulators might learn from the experiences of the "new" kids on the block.* Panel session moderated by Rebecca Durcan. The other professional regulatory bodies on the panel are the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario, the College of Kinesiologists of Ontario, the College of Naturopaths of Ontario, and the College of Denturists of Ontario.
2. *Getting it Right from the Start: How new regulatory bodies in Ontario are integrating fair-access principles into their registration processes.* Panel moderated by the Office of the Fairness Commissioner. The other professional regulatory bodies on the panel are the College of Naturopaths of Ontario, the College of Homeopaths of Ontario, and the College of Registered Psychotherapists of Ontario.



3. *Requiring candidates to pass all sub-tests on a certification exam co-presented with John Wickett of Wickett Measurement Systems.*

**Professionalization of Human Resources Management course at York University**

First lecture was on September 8, 2016. The course is offered as a fourth year elective in the School of Human Resources Management at York University.

### Q3 Regulatory committee activity summary table

	June 1, 2016 – August 31, 2016			
	Cases started before June 1, 2016	New referrals for the period of June 1, 2016 to August 31, 2016	Cases disposed of in the period of June 1, 2016 to August, 31, 2016	Cases outstanding as of August 31, 2016
Registration committee	0	4	0	4
Experience assessment committee	295	91	66	25
CPD committee - audit	0	0	0	0
Academic standards committee	0	40	40	0
CHRE review committee	5	15	11	9
Complaints committee	3	3	3	3
Discipline committee	1	0	0	1
Capacity committee	1	0	0	1
Review committee	0	0	0	0
Appeal committee	10	1	4	4