



# Registrar's Report for Q1 2017

February 28, 2017

## Trends and issues

The key trends and issues for Q1 were:

- Transparency
- Compliance
  - The requirement to notify the Registrar of bankruptcies and insolvency events
  - The professional liability insurance requirement
- Complaints

### Regulatory transparency: A bit of background

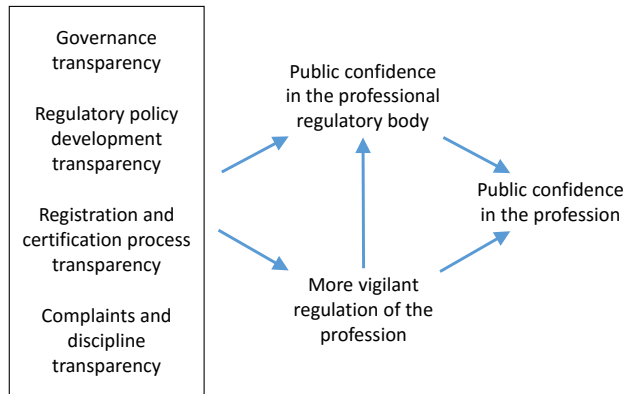
The recent articles in the Toronto Star have put the spotlight on transparency once more. Interestingly, the issue brought forward by the Toronto Star—the public availability of hearing exhibits—is a different issue than that which has concerned professional regulatory bodies over the last few years. In the last few years, the transparency debate in professional regulatory body circles has focused mostly on the handling of complaints. The complaints process has traditionally been a 'closed' process because complaints are untested. The public, however, has become increasingly skeptical of the willingness of professional regulators to handle complaints in an impartial manner. The public has been concerned that professional regulatory bodies are prone to 'sweeping matters under the rug' or that professional regulatory bodies 'go soft' on their members. There have been increased calls for transparency in the complaints and discipline processes.

Notable has been the LeSage report commissioned by the Ontario College of Teachers and the formation in 2012 of the Advisory Group for Regulatory Excellence (AGRE) by six professional regulatory bodies: the Royal College of Dental Surgeons of Ontario, the College of Physicians and Surgeons of Ontario, the College of Nurses of Ontario, the College of Optometrists of Ontario, the College of Pharmacists of Ontario, and the College of Physiotherapists of Ontario. On October 4, 2014, Minister Hoskins' sent a letter to all regulatory colleges governed by the *Regulated Health Professions Act, 1991* (RHPA), requiring that the colleges (1) make transparency a priority objective in each of their strategic plans, (2) take concrete steps to develop and establish measures that will continuously increase transparency in College processes and decision making, and (3) make more information available to Ontarians. Having received the reports from all the Colleges, The Minister felt that there was a need for greater consistency and coordination across the Colleges in the implementation of

transparency initiatives. To this end, the Minister established a Transparency Working Group in November 2015. The mandate of this Transparency Working Group (TWG) is to facilitate the coordination and development of guidance for colleges in the implementation of transparency initiatives across the colleges.

**What is the Office of the Registrar doing in regards to transparency?**

There are different facets to transparency.



**Governance transparency:** The CEO will be making specific recommendations as to governance transparency in a Governance Plan to be brought forward for review and approval at HRPAs March Board of Directors meeting.

**Regulatory policy development transparency:** Also part of the Governance Plan were recommendations in regards to rejuvenating the policy development process. A review will be conducted which will include the transparency of the policy development process. Also, in April 2017, HRPAs will publish an updated version of the *HRPA Regulatory Framework* document. This comprehensive document was first published in 2009, but was taken down in 2014 because so many parts of it had become obsolete. The document has been thoroughly updated.

**Registration and certification process transparency:** In its *Registration Practices Assessment Report* for HRPAs, the Office of the Fairness Commissioner gave very high marks to the transparency of HRPAs registration and certification processes:

*“The Association exhibits a high degree of transparency regarding its regulatory duties through a regulatory affairs webpage that includes webinars, newsletters and a blog dedicated to the role of the Registrar.”*

In addition, the OOTR is working on publishing the technical reports for its exams. The issue to be worked around is to publish as much information as possible without compromising the validity of future administrations of the exams.

**Complaints and discipline transparency:** At the September 21, 2016, Board meeting a number of by-laws pertaining to the publication of information in regards to proceedings requiring hearings. These by-laws were silent, however, on the matter of access to hearing exhibits. With the assistance of Rebecca Durcan and Erica Richter of Steinecke Maciura LeBlanc, HRPAs will review its current adjudicative policies and procedures from the transparency perspective. (Erica Richter was

the author of the recent SML Grey Areas newsletter on the accessibility of hearing exhibits. The recommendations will be put before the Governance and Nominating Committee in May 2017.

## **Compliance**

The OOTR continues to monitor compliance issues:

- The requirement to notify Registrar of bankruptcies and insolvency events
- The professional liability insurance requirement

### **Requirement to notify Registrar of bankruptcies and insolvency events**

As stipulated in the *Registered Human Resources Professionals Act, 2013*, members are required to notify the Registrar of bankruptcies and insolvency events. There were no notifications of bankruptcies or insolvency events in Q1 2017. Statistical analysis show that it would be virtually impossible to get no notifications of bankruptcies or insolvency events just by chance. The only reasonable conclusion is that members are experiencing bankruptcies and insolvency events and simply not reporting these to the Registrar as required by the *Act* and the By-laws. More details on compliance with the requirement to notify Registrar of bankruptcies and insolvency events is found in the Quality assurance and compliance section of this report. The OOTR will intensify its communication efforts in regards to compliance with the requirement to notify the Registrar of any insolvency event by reprising the webinar which was first conducted in September 2016 and by including an article on the issue in the spring issue of *Regulatory Affairs*.

### **Professional liability insurance requirement**

The By-laws requires all members and firms in independent practice to have professional liability insurance and to notify the Registrar of such. The best estimate of the compliance rate with the professional liability insurance requirement is 29.1%. More details on compliance with the professional liability insurance requirement is found in the Quality assurance and compliance section of this report. The OOTR will conduct a webinar on the Professional Liability Insurance requirement on March 15, 2017, as part of its spring webinar series. Also, the OOTR is investigating a number of options such as including professional liability insurance as an integral part of membership dues.

## **Complaints**

The number of complaints received and the amount of time it takes to dispose of complaints are the two strategy tracking indicators.

In Q1 2017, there were no complaints received by HRP. The *2016 Complaints Benchmarking Report* found that the median number of complaints per 1000 registrants for non-health professions was 3.59, and the median number of complaints per 1000 registrants for professions that do not have a separate member association was also 3.59. At a rate of 3.59 per 1000, we would have expected HRP to receive 19 complaints in Q1 2017.

	2016	2017				2017
	Total	Q1	Q2	Q3	Q1	Total
Number of complaints filed	9	0				0
Number of complaints closed	7	2				
Average time to dispose of complaint(s) (days)	116	170				

The number of complaints received by HRPAs is more likely to be a reflection of the public's perception of Human Resources as a regulated profession than the rate of misconduct among Human Resources professionals registered with HRPAs.

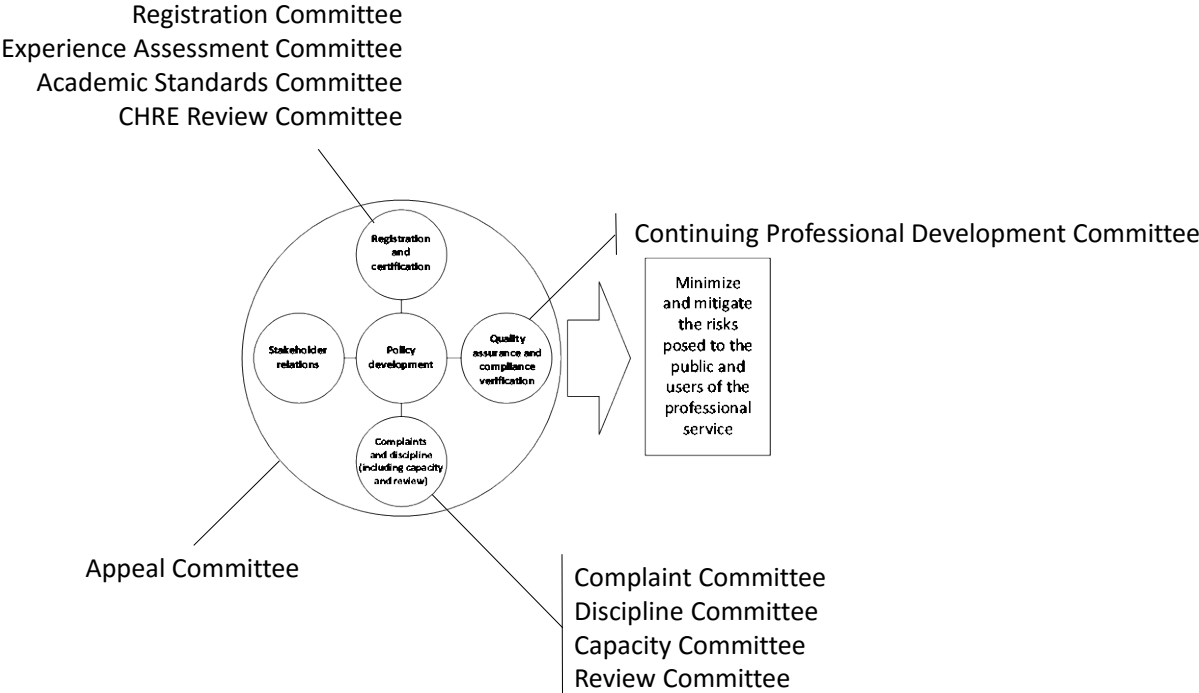
The average number of days needed to dispose of complaints in Q1 2017 was 170, which is somewhat higher than the average 150 days. The reason for the additional time was largely due to one complaint registered with HRPAs which was also registered with another regulatory body. The Panel sought advice from legal counsel prior to its review of the complaint and there was a significant amount of back and forth between the two parties which contributed to the extra time.

The *2016 Complaints Benchmarking Report* on the number of complaints across professional regulatory bodies in Ontario will be updated in April 2017.

## 2017 Q1 Regulatory activity by the numbers

Activity	Count
Participants in OOTR webinars	1319
Number of exams administered –Employment Law exam administered in 2017 via CBT	290
Applications referred to Experience Assessment Committee	92
Candidates completing Job Ready program	64
Resignations processed	23
Number of courses reviewed by the Academic Standards Committee	8
Referrals to CHRE Review Committee	8
Referrals to Registration Committee	7
Referrals to Appeal Committee	4
Certificates issued	0
Revocations for non-payment of dues	0
Number of CPD logs audited by CPD Committee	0
Designation revocations due to CPD non-compliance	0
Referrals to Complaints Committee	0
Regulatory Newsletters issued	0
Referrals to Discipline Committee	0
Referrals to Review Committee	0
Referrals to Capacity Committee	0

# Function-by-function Q1 review




## Policy Development

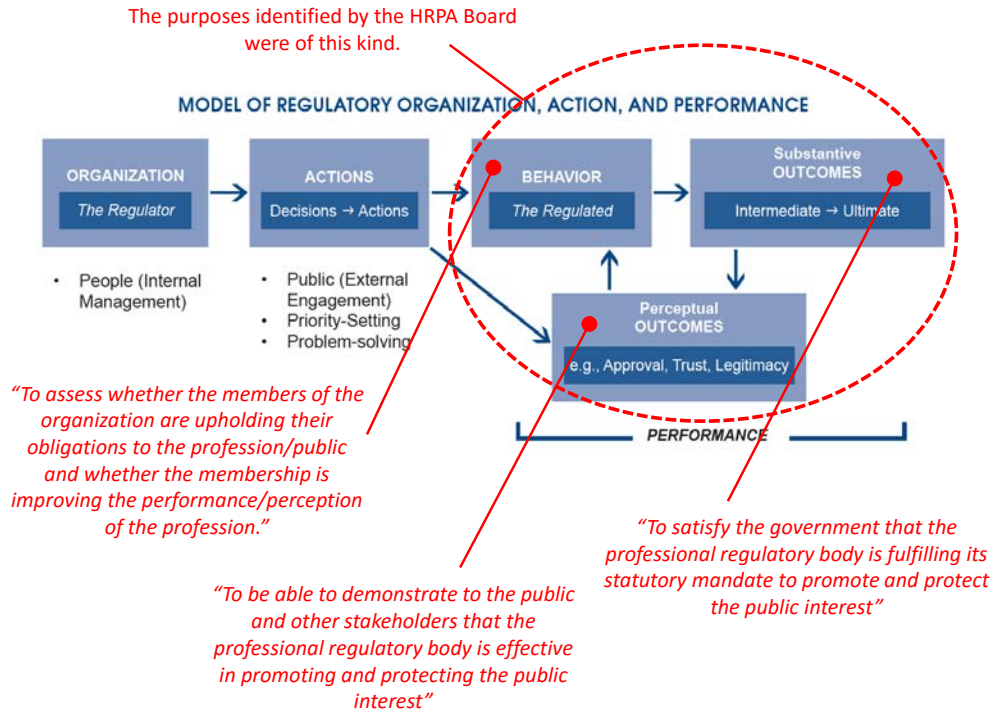
### The Assessment of Regulatory Effectiveness project

At its January 31 meeting, the Board approved the following project plan.

<i>ISSUE</i>	<i>ACTION</i>	<i>DUE DATE</i>
'Best' approach depends on purpose. Q - what purpose(s) will this assessment be put to?	Survey Board members to find the key purposes of a measurement system	28-Feb-17
System needs a "causal model" as a base	Draft of a suitable causal model for Board Review	30-Apr-17
What will measures be?	Based on this causal model, develop measures of performance as a professional regulatory body	30-Jun-17
What would be good targets?	For board approval, create benchmark of regulatory effectiveness measure for 2017, use to set goals for 2018	30-Sep-17

There were 11 respondents to the survey, for a response rate of 11/13 or 85%.

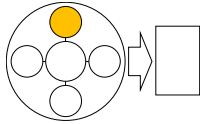
The survey results can be mapped onto Coglianese’s model which was included in the brief tabled at the January 31, 2017, Board meeting.



Clearly, the Board has indicated that the measurement framework should focus on outcome measures. The OOTR has engaged the services of Dr. Natalie Kishchuk, of Program Evaluation and Beyond, a expert in program evaluation to assist in developing a theory of change (causal model) for HRP.

#### Office of the Fairness Commissioner Fair Registration Practices Report

- HRP filed its *Fair Registration Practices Report* for calendar 2016 on February 24, 2017. This report is published on the HRP web site as well as the Office of the Fairness Commissioner web site.



## Registration and certification

### Snapshot of Public Register on February 28, 2017

	November 30, 2016	February 27, 2017	Since beginning of fiscal year	
			Absolute change	Percent change
<b>Students (registered but not members)</b>	<b>2,848</b>	<b>2,580</b>	<b>-268</b>	<b>-9.4%</b>
<b>Undesignated Members</b>	<b>5,626</b>	<b>6,432</b>	<b>806</b>	<b>14.3%</b>
Practitioner	5,417	6,192	775	14.3%
Allied Professional	209	240	31	14.8%
<b>Designated members</b>	<b>14,681</b>	<b>14,760</b>	<b>79</b>	<b>0.5%</b>
Highest designation CHRP (including CHRP retired)	5,141	5,181	40	0.8%
Highest designation CHRL (including CHRL retired)	9,289	9,323	34	0.4%
Highest designation CHRE (including CHRE retired)	251	256	5	2.0%
<b>Total members</b>	<b>20,307</b>	<b>21,192</b>	<b>885</b>	<b>4.4%</b>
<b>Total registrants</b>	<b>23,155</b>	<b>23,772</b>	<b>617</b>	<b>2.7%</b>
<b>Proportion of members having an HRP A designation</b>	<b>72.3%</b>	<b>69.6%</b>		



## Registration by province

	Ontario	Alberta	Quebec	British Columbia	Nova Scotia	New Brunswick	Saskatchewan	Manitoba	Northwest Territories	Newfoundland and Labrador	Prince Edward Island	Nunavut	Yukon	All provinces
<b>Students (registered but not members)</b>	<b>2474</b>	<b>63</b>	<b>7</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2557</b>
<b>Undesignated Members</b>	<b>6300</b>	<b>41</b>	<b>31</b>	<b>19</b>	<b>6</b>	<b>4</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>6412</b>
Practitioner	6066	41	29	17	6	4	1	6	0	2	1	1	0	6174
Allied Professional	234	0	2	2	0	0	0	0	0	0	0	0	0	238
<b>Designated members</b>	<b>14548</b>	<b>61</b>	<b>50</b>	<b>40</b>	<b>10</b>	<b>8</b>	<b>8</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>14744</b>
Highest designation CHRP (incl. CHRP retired)	5115	21	10	12	3	3	2	2	3	0	2	0	2	5175
Highest designation CHRL (incl. CHRL retired)	9184	37	38	26	7	5	6	1	2	3	0	3	1	9313
Highest designation CHRE (incl. CHRE retired)	249	3	2	2	0	0	0	0	0	0	0	0	0	256
<b>Total members</b>	<b>20848</b>	<b>102</b>	<b>81</b>	<b>59</b>	<b>16</b>	<b>12</b>	<b>9</b>	<b>9</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>21156</b>
<b>Total registrants</b>	<b>23322</b>	<b>165</b>	<b>88</b>	<b>66</b>	<b>17</b>	<b>13</b>	<b>11</b>	<b>10</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>23713</b>

## Registration Committee

*Chair: Frank Tancredi*

- There were seven referrals to the Registration Committee between December 1, 2016, and February 28, 2017. Of the seven cases, a decision has been rendered for two: both approved for the register.
- There are five cases currently in the information gathering stage of the process and therefore a decision has not yet been rendered.

## Experience Assessment Committee

*Chair: Danielle Mandell*

- Between December 1, 2016 and February 28, 2017, 55 Validation of Experience applications were processed—38 candidates were successful for a pass rate of 69%. Between December 1, 2016 and February 28, 2017, 18 Alternate route applications were processed— 11 candidates were successful for a pass rate of 61.1%.

- In total, between December 1, 2016 and February 28, 2017, 72 Validation of Experience applications were received. 52 of those are currently being reviewed by the Experience Assessment Committee. For the Alternate Route, 19 applications were received and 13 of those are currently under review.

**Academic Standards Committee**

*Chair: Gini Sutherland*

- Between December 1, 2016 and February 28, 2017, 5 Course Approval applications for schools were processed. Between December 1, 2016 and February 28, 2017, 3 Course Approval applications for Students were processed.

**CHRE Review Committee**

*Chair: Bob Canuel*

- The number of CHREs currently stands at 255. The target for 2017 is 280.
- Between December 1, 2016 and February 28, 2017, 7 CHRE applications were processed, resulting in 3 successful candidates. Additionally, there were 2 Invitation Route candidates who accepted their invitation and were granted the designation.

**Challenge exams**

- Challenge exams were held in on February 13-15, 2017.
- There were a total of 53 challenge exam writers in February 2017. Marks for these exams will be released in March 2017.

**Breakdown by month**

Month	Registrants	Pass	Pass %
February 2016	34	23	67.6
February 2017	53	TBD	TBD

**Breakdown by subject**

<b>Subject</b>	<b>Registrants</b>	<b>Pass</b>	<b>Pass %</b>
Training and Development	3	TBD	TBD
Compensation	5	TBD	TBD
Organizational Behaviour	8	TBD	TBD
Finance and Accounting	9	TBD	TBD
Recruitment and Selection	4	TBD	TBD
Human Resources Management	9	TBD	TBD
Human Resources Planning	4	TBD	TBD
Occupational Health and Safety	4	TBD	TBD
Labour Relations	7	TBD	TBD
<b>Total</b>	<b>53</b>	TBD	TBD

**Exams**

The results for the CKE 1 and CKE 2 exams were as follows:

<b>Comprehensive Knowledge Exam 1</b>	<b>Candidates</b>	<b>Pass</b>	<b>Pass Rate</b>	<b>Reliability</b>
June 2016	511	334	65.4%	.89
November 2016	400	235	58.75%	.90
<b>Total 2016</b>	<b>911</b>	<b>569</b>	<b>62.5%</b>	

<b>Comprehensive Knowledge Exam 2</b>	<b>Candidates</b>	<b>Pass</b>	<b>Pass Rate</b>	<b>Reliability</b>
June 2016	564	412	73.0%	.92
November 2016	393	254	64.63%	.93
<b>Total 2016</b>	<b>957</b>	<b>666</b>	<b>69.6%</b>	

**\*\* Note CKE 1 is currently being administered between Feb 20 – March 6, 2017 and CKE 2 will be administered between March 7<sup>th</sup> and March 21<sup>st</sup>.**

**CHRP Employment Law Exam and CHRL Employment Law Exam**

First administration of the CHRP Employment Law Exam and CHRL Employment Law Exam via computer based testing (CBT) was administered in January of 2017.

<b>CHRP Employment Law Exam</b>	<b>Candidates</b>	<b>Pass</b>	<b>Pass Rate</b>	<b>Reliability</b>
September 2016	246	229	93.1%	.83
January 2017	147	139	94.6%	.80
<b>Total</b>	<b>393</b>	<b>368</b>	<b>93.6%</b>	

<b>CHRL Employment Law Exam</b>	<b>Candidates</b>	<b>Pass</b>	<b>Pass Rate</b>	<b>Reliability</b>
September 2016	293	234	79.9%	.85
January 2017	143	116	81.1%	.78
<b>Total</b>	<b>436</b>	<b>350</b>	<b>80.3%</b>	

**Job Ready Program**

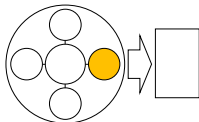
Between December 1, 2016 and February 28, 2017, 64 registrants completed the Job Ready Program and were granted the CHRP designation.

**Designation certificates**

Certificates are issued for all three levels of designation: CHRP, CHRL, and CHRE. A certificate issuance commenced in February, and members were scheduled to receive their certificates by mid-March. An email went out to 170 members in February notifying them that they could expect to receive their certificates during this issuance.

In Q1 2017:

	<b>CHRP</b>	<b>CHRL</b>	<b>CHRE</b>
<b>February 2017</b>	127	42	1
<b>May 2017</b>			
<b>August 2017</b>			
<b>November 2017</b>			
<b>Total</b>	127	42	1



**Quality assurance and compliance verification**

**Continuing Professional Development**

*Chair: Vito Montesano*

- There are 3206 designated members due to submit their CPD Log by May 31, 2017,

**Professional liability insurance**

At HRP, all registrants in independent practice are required to obtain professional liability insurance, and to notify the Registrar of these arrangements. Upon proper notification of professional liability insurance, the Registrar will indicate in the public register that the member, student, or firm is ‘authorized for independent practice.’

The compliance rate is simply the number of members, students, or firms that have obtained professional liability insurance and notified the Registrar of such arrangements divided by the number of members, students, or firms in independent practice.

Non-compliance with the professional liability insurance requirement occurs whenever a member, student, or firm provides HR services other than within the context of an employment relationship without having obtained professional liability insurance and notified the Registrar of such arrangements.

The registration application and registration renewal forms require members and students to provide information about their professional liability insurance arrangements but only if they have indicated that they are in independent practice.

Because the application of the professional liability insurance requirement is a matter of self-report, estimates of the compliance rate must rely on alternate sources of information such as the *HRPA Member Survey*.

In the *2016 HRPA Member Survey*, 269 respondents indicated being in independent practice, of these 171 reported having professional liability insurance. It is interesting to note that some members who state that they are in independent practice are nonetheless willing to admit that they do not have professional liability insurance. Based on the numbers above, we could calculate a compliance rate of 63.6% (171 / 269). But there are reasons to believe that this compliance rate may be a significant overstatement of the true compliance rate.

As of March 1, 2017, there were 529 registrants who had obtained professional liability insurance and had notified the registrar of such arrangements; but if we extrapolate from the *2016 HRPA Member Survey* this number should be much higher.

In the *2016 HRPA Member Survey*, 269 respondents indicated that they were in independent practice. This corresponds to 7.7% (269 / 2,508) of survey respondents. Given this proportion, with 27,713 registrants, we would expect 1,818 registrants to be in independent practice in the full population of HRPA registrants.

If we divide the actual number of registrants who have obtained professional liability insurance and notified the registrar of such arrangements by the expected number of registrants in independent practice in the full population we get  $529 / 1,818 = 29.1\%$ .

	<b>2016 HRPA Member Survey</b>	<b>Projected numbers</b>	<b>Actual Numbers</b>
<b>Total registrants</b>			23,713
<b>Respondents</b>	3,508		
<b>In independent practice</b>	269	1,818	
<b>With professional liability insurance</b>	171		529
<b>Compliance rate</b>	<b>63.6%</b>		<b>29.1%</b>

There are a few possible explanations for such a discrepancy:

- a. Registrants in independent practice may be over-represented in the Member Survey—meaning that there are in actuality less than 1818 members in independent practice. To the extent that

there are less than 1818 members in independent practice, the compliance rate would be greater than 29.1%. There are no reasons to believe, however, that the number of registrants in independent practice are over-represented in the *2016 HRP A Member Survey*.

- b. Many registrants in independent practice have professional liability insurance but simply fail to notify the Registrar that this is the case. This would make the 529 an under-representation of the true number of registrants with professional liability insurance. Although, not notifying the Registrar that one has professional liability insurance may not be as bad as not having professional liability insurance, this still is in non-compliance with the By-laws.
- c. The other explanation would be that survey respondents in independent practice were perhaps not all that candid in answering the question as to whether they had professional liability insurance or not. This would argue that the computed compliance rate of 63.6% was an overestimate.

All in all, the most likely possibility is that a compliance rate of 63.6% is a significant overestimate of the actual compliance rate for the professional liability insurance requirement. The true compliance rate could be as low as 29.1%.

Assuming 1,818 members in independent practice, the following table obtains:

<b>Compliance rate</b>	<b>Number of registrants in compliance</b>
100%	1818
95%	1727
90%	1636
80%	1454
70%	1273
50%	909
40%	727
30%	545
20%	364
10%	182
0%	0

**What should be the target compliance rate for the professional liability insurance requirement?**

Of course, one should aim for 100% compliance. A more realistic target would be to take the Continuing Professional Development (CPD) compliance rate. The CPD compliance rate stands at 97.4%. One could set a target of 95% compliance with the professional liability insurance requirement.

## Notification of bankruptcies and insolvency events

In the first quarter of 2017, the Registrar received no notices from members of any bankruptcies or insolvency events as required by the Act and By-laws. To work out a compliance rate we need an estimate of the number of notifications we should have received in the time period.

Actually, we have a choice of two estimates of the bankruptcy and insolvency rate for HR professionals registered with HRPAs—one is to use the statistics published by the Superintendent of Bankruptcies, the other is to use data from the *HRPA Member Survey*.

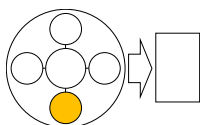
The bankruptcy and insolvency rate for Ontario is available online from the Government of Canada Superintendent of Bankruptcy. The relevant table is *Annual Consumer Insolvency Rates by Province and Economic Region—2010–2015* (Source: <https://www.ic.gc.ca/eic/site/bsf-osb.nsf/eng/br01820.html>)

	Rate	2010	2011	2012	2013	2014	2015
<b>Ontario</b>	<b>Insolvency</b>	5.5	4.8	4.5	4.1	3.8	3.7
	<b>Bankruptcy</b>	3.2	2.4	2.2	2.0	1.8	1.6
	<b>Proposal</b>	2.3	2.4	2.3	2.1	2.0	2.0

The most recent insolvency rate for Ontario is for 2015 at 3.7 per 1000 population aged 18 years and older. We can see that there has been somewhat of a downward trend since 2013. Continuing that trend one could estimate the bankruptcy and insolvency rate in Ontario in 2017 to be about 3.5 per 1000. With 21,124 members, we would expect about 74 notices of bankruptcy or insolvency per year ( $21,124 \times .0035 = 73.934$ ). This would correspond to 18 notices of bankruptcy or insolvency per quarter.

As an alternate value for the bankruptcy and insolvency rate amongst HR professionals registered with HRPAs, one could use data from the 2016 HRPAs Member survey. The survey contained the following question: “Have you or your firm experienced a bankruptcy or filed a consumer proposal within the last year?” Based on the responses to this question, the bankruptcy or insolvency rate for HRPAs members based on the *2016 HRPAs Member Survey* was 8.83 per 1000 (which, surprisingly, is more than 2 1/2 times the province-wide average). Based on this bankruptcy and insolvency event rate, with 21,124 members, we would expect about 187 notices of bankruptcy or insolvency per year ( $21,124 \times .00883 = 186.525$ ). This would correspond to about 47 notices of bankruptcy or insolvency per quarter.

Statistically, there is no doubt that many members are experiencing bankruptcy or insolvency events but are just not notifying the Registrar of such as is required by the Act and By-laws. In the last two quarters, we have had two notifications of bankruptcies or insolvency events, this would correspond to a compliance rate of 2.1% to 5.4% depending on which data is used.



## Complaints and discipline (including capacity and review)

### Complaints Committee

*Chair: Rahim Shamji*

There were no complaints filed in Q1 2017.

The Complaints Committee disposed of two complaints in Q1.

Case	Date complaint filed	Nature of allegations	Date of disposition of complaint and decision of Complaints Committee
C-2016-3	June 10, 2016	It is alleged that the member failed to conduct herself 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.	January 10, 2017 - No referral to discipline was made due to a lack of evidence to support professional misconduct.
C-2016-6	September 1, 2016	The member is accused of violating the competence and legal requirement standards of the HRP Code of Conduct	January 3, 2017 - No referral to discipline was made, however the member was issued a written caution, specifically concerning the member's involvement in workplace investigations and employee terminations.

C-2016-3 was disposed of in 215 days. C-2016-6 was disposed of in 125 days.

### Discipline Committee

*Chair: Stephanie Izzard*

In Q1, the decision for D-2016-1 was issued and a penalty hearing was scheduled.

Case	Date Notice of Hearing issued	Nature of allegations	Date of decision of Discipline Committee
D-2016-1	12/23/2013	Professional Misconduct – Failure to disclose order of Fitness to Practise Committee of the College of Nurses of Ontario on member's 2013-14 HRP Renewal Form.	8/20/2016 Penalty hearing held December 8, 2016. Penalty decision currently being written.
D-2016-2	7/11/2016	Professional Misconduct - The member created 26 false or misleading invoices totaling at least \$178,000 from two Human Resource recruiting firms over a period of about two years.	Penalty decision currently being written.



## **Comments on discipline proceedings**

### **D-2016-1**

Because of concerns about the member's capacity, a referral was made to the Capacity Committee. The capacity hearing is currently being scheduled.

A discipline hearing was held on June 14, 2016. A decision was rendered on September 21, 2016. A penalty hearing was held on December 8, 2016. The decision was for the member to be issued a reprimand and that the reprimand would appear on the public register.

### **D-2016-2**

- 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.
- A Notice of Hearing was served on the individual by HRPAs's regulatory counsel on behalf of HRPAs.
- The former member did not respond to the Notice of Hearing. Legal counsel for HRPAs followed up with the individual to confirm the hearing dates, which were set as March 1 and March 2, 2017, as well as the hearing location. Two days before the scheduled hearing, legal counsel for the individual contacted HRPAs's legal counsel but no agreed statement as to facts could be achieved and the individual's legal counsel confirmed that neither he nor the former member would participate in the discipline hearing.
- 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.

## **Capacity Committee**

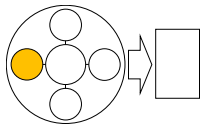
*Chair: Stephanie Izzard*

- There were no new referrals to the Capacity Committee in 2016.

## **Review Committee**

*Chair: Susan Bryson*

There were no new referrals to the Review Committee in Q1. Two referrals were made in 2016: R-2016-1 was made on September 22, 2016, and R-2016-2 was made on September 28, 2016. The Review Committee has yet to render its decision in both cases.



## Stakeholder relations

### **Regulatory Affairs newsletter**

The Regulatory Affairs newsletter publication schedule for 2017 is as follows:

Spring 2017 <i>Regulatory Affairs</i> newsletter	March 15, 2017
Summer 2017 <i>Regulatory Affairs</i> newsletter	June 15, 2017
Fall 2017 <i>Regulatory Affairs</i> newsletter	September 15, 2017
Winter 2017 <i>Regulatory Affairs</i> newsletter	December 15, 2017

### **OOTR Spring 2017 webinar series**

In 2016, the Office of the Registrar (OOTR) conducted two series of six webinars each on various topics related to professional regulation, as well as three additional ‘off-series’ webinars. The responses was overwhelmingly positive. Over the eighteen webinars, there were 5313 participants! Not surprisingly, it was decided to continue with the OOTR webinar series in 2017.

In January 2017, the Office of the Registrar (OOTR) conducted a survey of HRPAs members to see what topics members would like the OOTR to tackle in 2017. The survey was open from January 10, 2017 to January 31, 2017. A drag-and-drop format was used which did not constrain how many topics could be selected. Respondents had a choice of 26 topics. In addition, a write in option was also included.

There were 47 respondents to the survey. There were 230 selections; this means that on average respondents made 4.9 selections. The results are presented on page 18.

The topic with the greatest number of votes was ‘*The big debate: The strategic business partner v. the professional role.*’

The topics for the spring 2017 OOTR Webinar series had to be chosen before these results were available but the results will inform the summer and fall webinar series.

### **Trying out an impact metric for webinars**

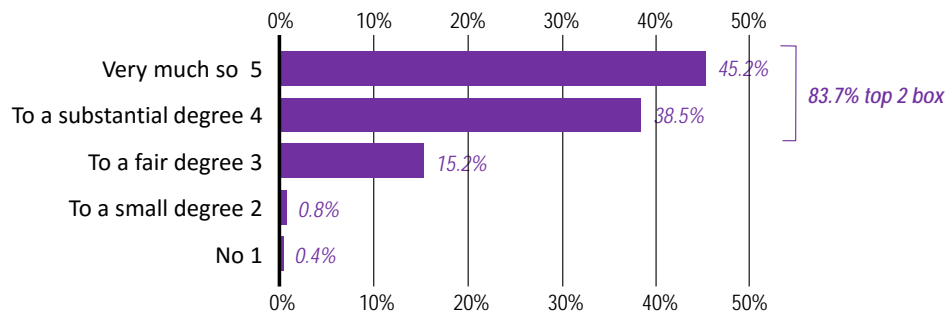
The attendance at OOTR webinars is excellent, but are we moving the needle? Are we having an impact? The OOTR has been trying out a different question.

In a post webinar survey, we ask the question: “*The purpose of conducting these webinars is to increase the level of awareness, understanding, and buy-in with respect to HRPAs regulatory mandate. Overall, did today’s webinar accomplish this?*”

To date, the results are only available for the first webinar—Discipline: How does it work? With Rebecca Durcan, HRPAs Regulatory Legal Counsel. The results are below.

We will continue to do this for all OOTR webinars.

*“The purpose of conducting these webinars is to increase the level of awareness, understanding, and buy-in with respect to HRPAs regulatory mandate. Overall, did today’s webinar accomplish this?”*



### **Webinar for the Council on Licensure, Enforcement, and Regulation (CLEAR)**

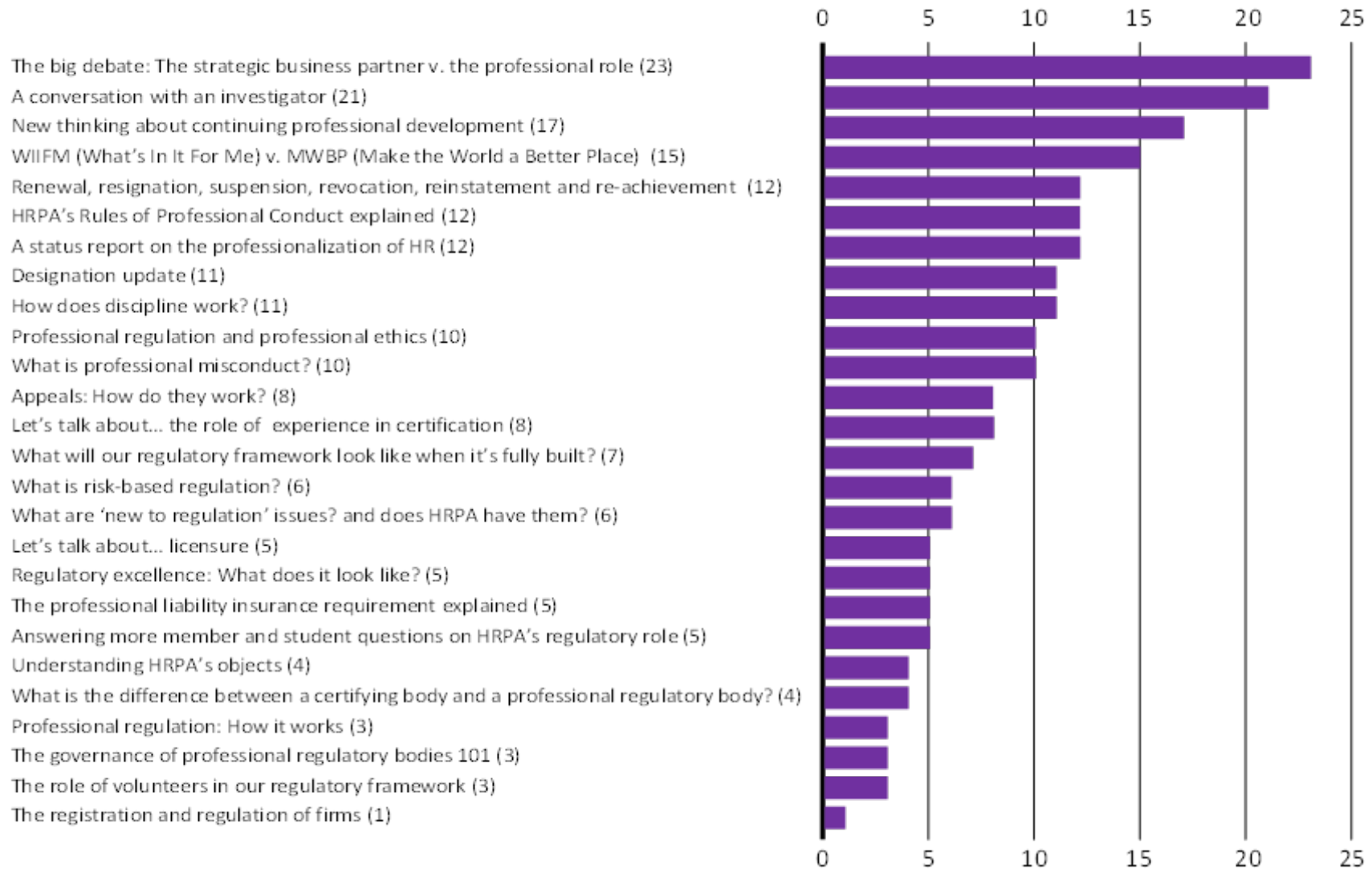
On April 19, 2017 at 8-9 p.m. Claude Balthazard will conduct a webinar for CLEAR entitled *Measuring Regulatory Excellence: The Professional Regulatory Practices Audit*.

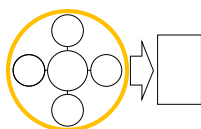
This webinar will share HRPAs experience with its ‘Gold Standard’ tool and methodology. The focus of this presentation is not so much the results of the audit but the effectiveness of the process and its usefulness in assessing and improving regulatory performance.

## Q1 2017 Regulatory Committee Activity Summary Table

	December 1, 2016 – February 28, 2017			
	Cases started before December 1, 2016	New referrals for the period of Dec 1, 2016 to Feb 28, 2017	Cases disposed of in the period of Dec 1, 2016 to Feb 28, 2017	Cases outstanding as of February 28, 2017
Registration committee	0	7	4	5
Experience assessment committee	47	91	73	65
CPD committee - annual audit	0	0	43	32
Academic standards committee	0	14	14	61
CHRE review committee	6	8	6	8
Complaints committee	5	0	2	3
Discipline committee	2	0	0	2
Capacity committee	1	0	0	1
Review committee	2	0	0	2
Appeal committee	5	4	34	7

## Vote tally for proposed OOTR webinar topics





## Appeals

### Appeals Committee

*Chair: Kim Pepper*

### Appeals Committee

*Chair: Kim Pepper*

In the first quarter, the Appeal Committee received 4 appeals, which will follow the new process and follow the written submission process. The 3 of the 4 requests for appeal received in this quarter were in the month of December. The Appeal Committee at that time was still working through the backlog of appeals from the last quarter or 2016. The committee was very busy. In one case consultation with ILC was required to decide on how to proceed with the request.

	Date Appeal Filed	The nature of the appeal	The outcome of the appeal
A-2017-1	December 1, 2016	Seeking to have original decision of the Experience Assessment Committee rescinded and a decision of acceptance applied to her VOE.  Decision was made erroneously as the committee failed to consider the correct facts pertaining to work experience	No decision issued at this time. Still in progress. Have been submitted to the association. The association has responded. The response has been sent to the appellant and HRPAs is awaiting her response, before a panel is scheduled to review the documentation.
A-2017-2	December 7, 2016	The alternate route application form via experience does not detail that a position or job experience may be used against only one of the categories available for points submissions. Only one experience stream seemed to be accessed when he submitted 2. Application does not state 5 points per year only that it is 51% of time or more. Bias in the assessment process – pick and choose approach of only addressing concerns that support the EAC’s position	No decision issued at this time. Still in progress. Have been submitted to the association. The association has responded. The response has been sent to the appellant and HRPAs is awaiting her response, before a panel is scheduled to review the documentation
A-2017-2	December 19, 2016	Decision not made accurately as she was granted 0 months for her experience. Oversight by the committee as she claims she has demonstrated she was at professional level	No decision issued at this time. Still in progress. Have been submitted to the association. The association has responded. The response has been sent to the appellant and HRPAs is awaiting her response, before a panel is

			scheduled to review the documentation
A-2017-4	January 20, 2017	The Appellants claim was that her VOE application had been treated differently than that of other members i.e. Her co - worker who was in the same position was granted the experience requirement and she was not. She feels she should have been granted the experience requirement. She has already submitted twice.	This is currently with the Chair of the Committee in consultation with ILC on how to proceed.

### Analysis of appeal decisions

1. Total number of requests for appeal received between December 1, 2016 and Feb 28, 2017– 4 requests
2. Total number of final appeal decisions released between December 1, 2016- Feb 28, 2017 - 4

<b>Outcomes</b>	
Decisions for HRPAs	3
Decisions against HRPAs	1
Requests withdrawn by Appellant	0
Association not contesting the appeal	0

Below are the reasons for the decisions that went in favor of the appellant:

- The Appeal Review Panel, in reviewing the various emails and evidence presented concluded that something was wrong or went wrong, with the process by which the original decision was made; in this instance, the decision to revoke her CHRL designation, despite her repeated attempts to request assistance and guidance from HRPAs and her willingness to fully participate with both the CPD log and audit process. While it was beyond the scope of this Appeal Review Panel to make a decision on the audit it is recommended that the appellant’s CHRL designation be reinstated. The Appeal Review Panel decided that the misleading information printed in the CPD Handbook, in conjunction with the breakdown in communication despite evidence of several attempts by the Appellant to participate with the audit request constituted a sufficient enough breakdown in the process to warrant the Appeal. Furthermore, it is recommended that the Registrar’s office work with the Appellant to establish a new timeline and provide guidance and assistance to the appellant in compiling and submitting the required documentation to complete the CPD log audit.

Below are the reasons for the decisions that were in favour of the HRPAs.

- There was no evidence to support the Appellants position the Committee overlooked relevant information when making their decision; further, and did not find this to be the case. The Experience Assessment Committee appears to have made their decision based solely on material provided by the Appellant. The Appeal is denied. The option for the Appellant to submit an application under the other stream of the Alternate Route remains available to her. Upon careful consideration of material submitted to this Appeal Panel and corresponding testimony provided at the hearing, the appeal committee found the decision of the Experience Assessment Committee was made in accordance with the *Guide, Rules and Handbook*. The Appellant has not submitted any information to show the Committee failed to follow the established framework.
- An application for Validation of Experience is decided on the merits of the written application and supporting documentation. The panel concluded that there was no denial of natural justice or deficiencies in the decision made by the Experience Assessment Committee. The appeal was dismissed.
- The Appeal Committee dismissed a request for an appeal as it was determined they did not have jurisdiction. They did review submissions on jurisdiction by both parties and ultimately dismissed the appeal.