



# Registrar's Report for Q2 2017

May 31, 2017

## Trends and issues

The key trends and issues for Q2 2017 were a continuation of the trends and issues for Q1 2017.

- Compliance
- Complaints
- Member survey results
- Transparency in regulatory decision-making and adjudication
- The *Understanding Regulation* webinar series

## Compliance

The second quarter is when the HRPAs Member Survey is conducted and that is important because the HRPAs Member Survey gives information that allows us to estimate compliance. The OOTR continues to monitor compliance issues:

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

The By-laws require 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 38.4%—meaning that only 38.4% of members and students in independent practice obtain professional liability insurance as is required by by-law.

More details on compliance with the professional liability insurance requirement are found in the Quality assurance and compliance section of this report. The OOTR conducted a webinar on the Professional Liability Insurance requirement on March 15, 2017, as part of its winter-spring webinar series.

As stipulated in the *Registered Human Resources Professionals Act, 2013*, members are required to notify the Registrar of any bankruptcy and insolvency event. The compliance rate with this requirement is estimated to be at 1.7%—meaning that in only 1.7% of members who experience a

bankruptcies or insolvency events give notice to the Registrar of such 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*.

Such low compliance rates suggest that many members and students just don't take HRPAs regulatory mandate seriously. All of this can be seen as part of the transition from an unregulated to a regulated profession but suggests that the profession is still at an early stage in this transition.

**Complaints**

In Q2 2017, HRPAs received five complaints.

	2016	2017				2017
	Total	Q1	Q2	Q3	Q1	Total
Number of complaints filed	9	0	5			5
Number of complaints closed	7	2	0			2
Average time to dispose of complaint(s) (days)	116	170	0			

The *Complaints Benchmarking Report* was updated again in April 2017 with data from 2016. HRPAs has the lowest number of complaints per 1000 members of all professional regulatory bodies in Ontario. The number of complaints per 1000 members for HRPAs in 2016 was .39. The next closest professional regulatory body, the College of Medical Laboratory Technologists of Ontario, had a rate of complaints of .54. In 2015, HRPAs also had the lowest rate of complaints amongst professional regulatory bodies in Ontario with a rate of .23. The professional regulatory body with the most complaints per 1000 members in 2016 was the College of Physicians and Surgeons of Ontario with 133.86 complaints per 1000 members. The median number of complaints per 1000 was the same for professions that do not have a separate member association (2.49 per 1000) as it was for all non-health professions (2.49 per 1000).

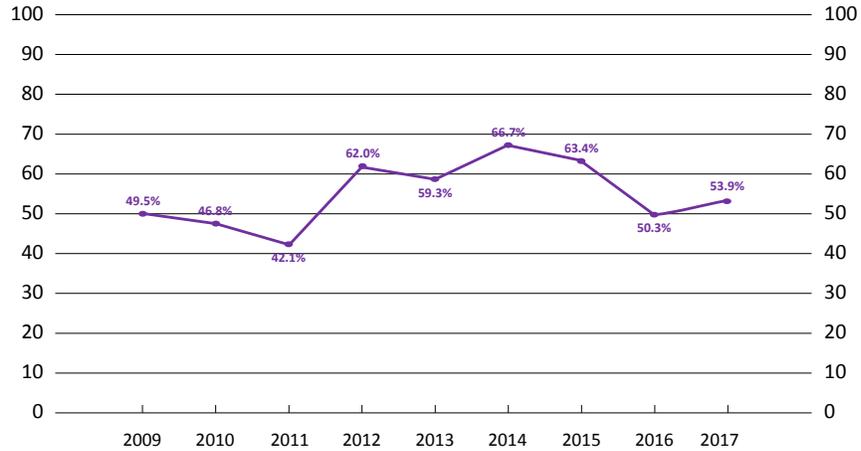
It is not easy to answer the question as to what our rate of complaints should be. There are good reasons why the rate of complaints about human resources professionals may always be on the low side, but it is likely that the current rate of complaints is *too* low. There are so many factors that impact the rate of complaints, it is hard to predict what the complaint rate should be.

**Member survey results**

Every year HRPAs conducts its Member Survey in the month of April. The Member Survey includes a section on professional regulation. Just one or two highlights here.

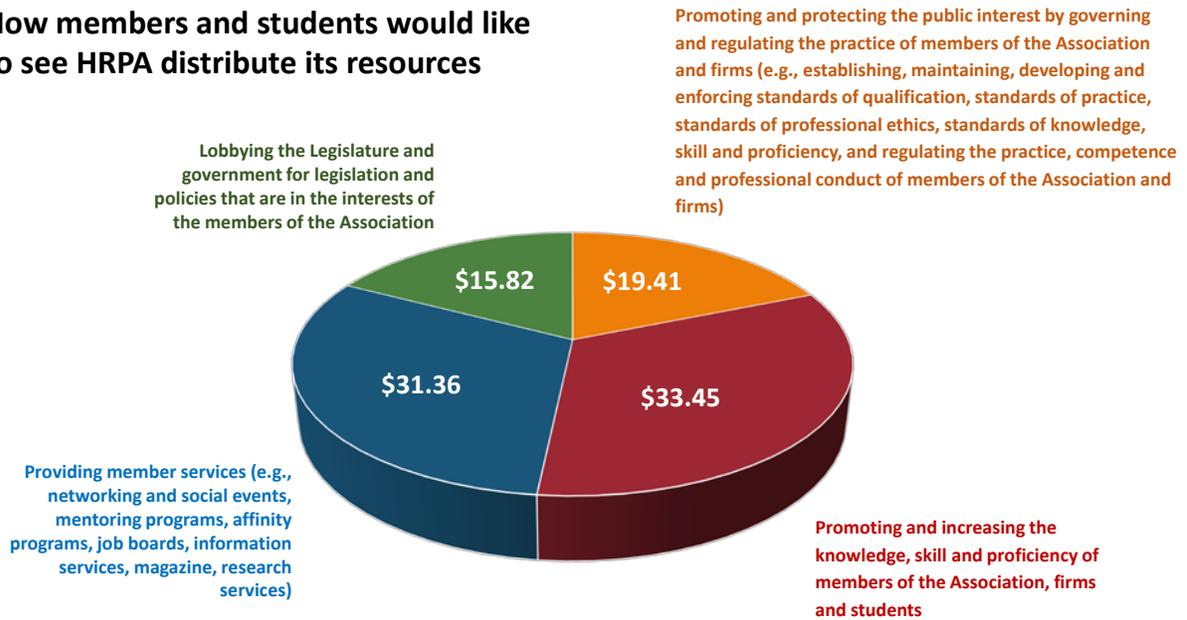
Overall, members' assessment of HRPAs performance as a professional regulatory body remains unchanged at 53.9%.

*“The Association is doing a good job of protecting the public from incompetent and/or unethical HR professionals”*



This year a fixed-sum question was added to get a reading of the level of resources members feel should go towards the promotion and protection of the public interest. The fixed-sum question gave survey respondents \$100 to distribute amongst four activities. The results were as follows:

### How members and students would like to see HRPAs distribute its resources



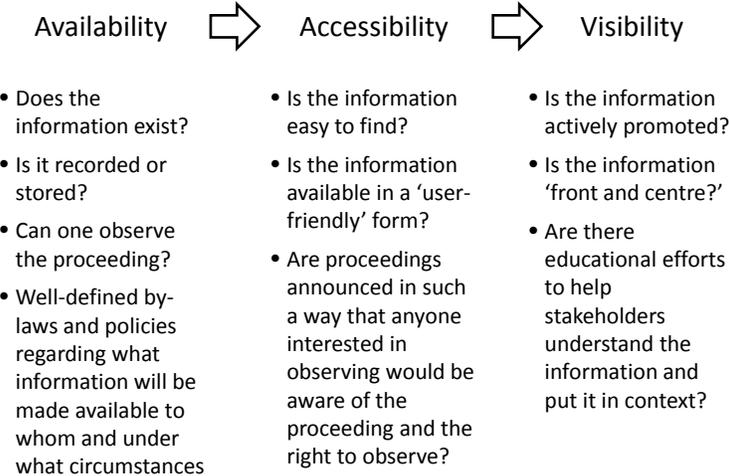
### Transparency in regulatory decision-making and adjudication

The recent articles in the Toronto Star have put the spotlight on transparency once more. As a result, with the assistance of regulatory counsel, HRPAs undertook a review of transparency in regards to HRPAs’s regulatory decision-making and adjudicative processes to see what improvements could be made.

Three levels of transparency were defined: availability, accessibility, and visibility.

In regards to the transparency of HRPAs regulatory decision-making and adjudicative processes, the issues are less with availability and more with access and visibility. Although it is important for HRPAs to keep its by-laws and policies up to date as they relate to transparency, we have likely reached the point of diminishing returns in this regard. Rather the focus should be on accessibility and visibility of information about regulatory activities.

**Transparency Continuum**



In 2016, the Office of the Registrar began taking greater ownership over communications in matters of professional regulation. This would appear to have been the right direction to take. These communication efforts will continue in 2017.

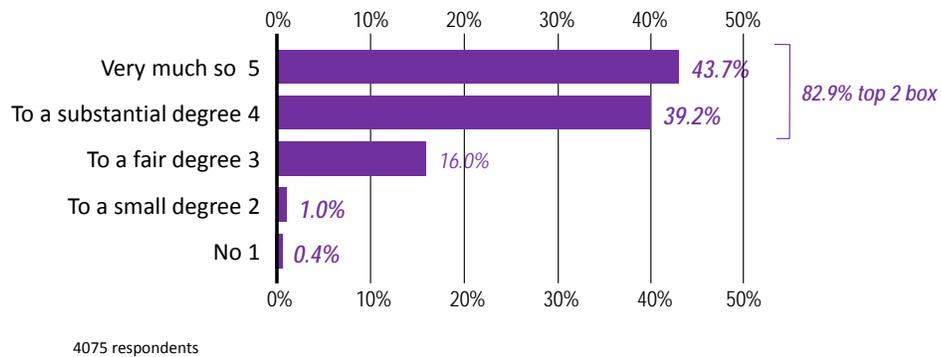
**The *Understanding Regulation* webinar series**

The purpose of conducting these webinars is to increase the level of awareness, understanding and buy-in with respect to HRPAs regulatory mandate. In short, the purpose of these webinars is to assist with the transition from an unregulated to a regulated profession.

Series	Number of webinars	Total attendance
Summer 2016 series	6 webinars	1676
Fall 2016 series	6 webinars	2973
Winter-Spring 2017 series	6 webinars	3359
Total in last 12 months	22 webinars	8008

Starting with the Winter-Spring 2017 webinar series, all registrants were sent a survey, requesting their feedback for the webinar they attended. The key question is as follows: *“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 entitled <insert name of the webinar here> accomplish this?”*

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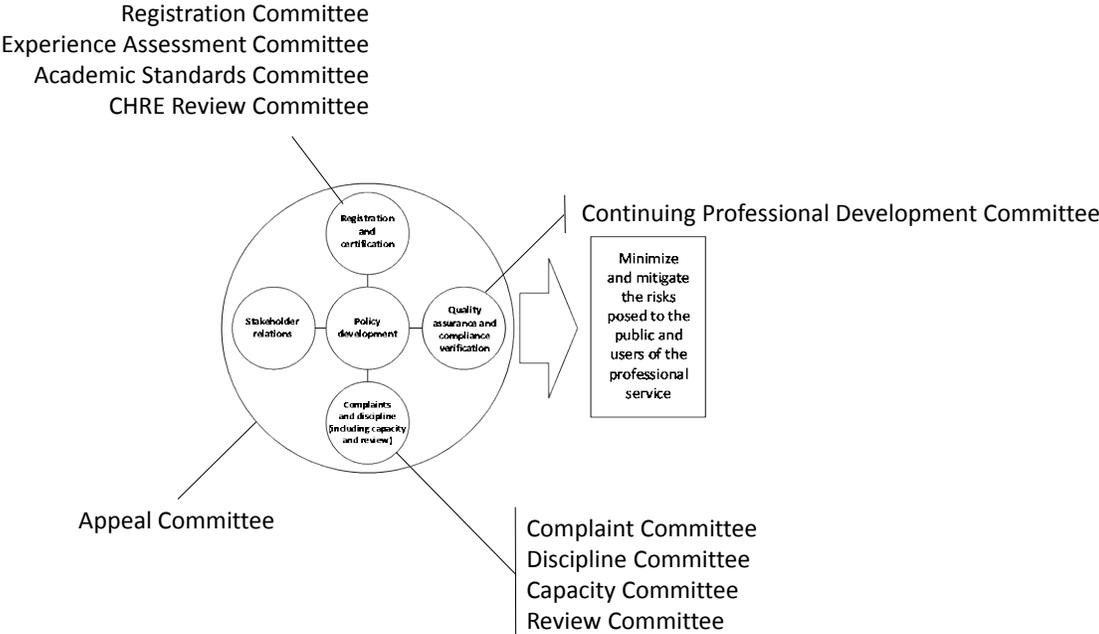


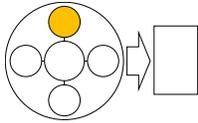
So far so good, but we need to see if these webinars will succeed in moving the needle.

### 2017 Q2 Regulatory activity by the numbers

Activity	Count
Participants in OOTR webinars	2772
Certificates issued	305
Number of exams administered –Employment Law exam administered in 2017 in Q2 via CBT	294
Resignations processed	203
Number of exams administered – CKE 1 and CKE 2 administered in 2017 in Q2 via CBT	197
Applications referred to Experience Assessment Committee	101
Number of CPD logs to be audited by CPD Committee	95
Candidates completing Job Ready program	75
Number of courses reviewed by the Academic Standards Committee	61
Referrals to Appeal Committee	5
Referrals to Complaints Committee	5
Referrals to CHRE Review Committee	3
Referrals to Registration Committee	1
Regulatory Newsletters issued	1
Revocations for non-payment of dues	0
Designation revocations due to CPD non-compliance	0
Referrals to Discipline Committee	0
Referrals to Review Committee	0
Referrals to Capacity Committee	0

# Function-by-function Q2 review





## Registration and certification

### Snapshot of Public Register on June 5, 2017

			Since beginning of fiscal year	
	November 30, 2016	June 5, 2017	Absolute change	Percent change
<b>Students (registered but not members)</b>	<b>2,848</b>	<b>2,935</b>	<b>332</b>	<b>12.8%</b>
<b>Undesignated Members</b>	<b>5,626</b>	<b>6,684</b>	<b>1075</b>	<b>19.2%</b>
Practitioner	5,417	6,426	1023	18.9%
Allied Professional	209	258	52	25.2%
<b>Designated members</b>	<b>14,681</b>	<b>14,948</b>	<b>268</b>	<b>1.8%</b>
Highest designation CHRP (including CHRP retired)	5,141	5354	214	4.2%
Highest designation CHRL (including CHRL retired)	9,289	9337	48	0.5%
Highest designation CHRE (including CHRE retired)	251	257	6	2.4%
<b>Total members</b>	<b>20,307</b>	<b>21,632</b>	<b>1343</b>	<b>6.6%</b>
<b>Total registrants</b>	<b>23,155</b>	<b>24,567</b>	<b>1675</b>	<b>7.3%</b>
<b>Proportion of members having a HRP A designation</b>				

## Registration by province as of June 7, 2017

	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>2808</b>	<b>97</b>	<b>14</b>	<b>8</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2933</b>
<b>Undesignated Members</b>	<b>6484</b>	<b>63</b>	<b>33</b>	<b>24</b>	<b>8</b>	<b>5</b>	<b>2</b>	<b>5</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>6628</b>
Practitioner	6229	63	31	23	8	4	2	5	0	2	1	1	0	6369
Allied Professional	255	0	2	1	0	1	0	0	0	0	0	0	0	259
<b>Designated members</b>	<b>14586</b>	<b>69</b>	<b>55</b>	<b>42</b>	<b>12</b>	<b>9</b>	<b>9</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>14800</b>
Highest designation CHRP (incl. CHRP retired)	5251	24	12	16	4	4	3	2	3	0	2	0	2	5323
Highest designation CHRL (incl. CHRL retired)	9091	42	41	25	8	5	6	1	1	2	0	4	1	9227
Highest designation CHRE (incl. CHRE retired)	244	3	2	1	0	0	0	0	0	0	0	0	0	250
<b>Total members</b>	<b>21070</b>	<b>132</b>	<b>88</b>	<b>66</b>	<b>20</b>	<b>14</b>	<b>11</b>	<b>8</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>21428</b>
<b>Total registrants</b>	<b>23878</b>	<b>229</b>	<b>102</b>	<b>74</b>	<b>21</b>	<b>15</b>	<b>13</b>	<b>10</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>24361</b>

## Registration Committee

*Chair: Frank Tancredi*

- There was one referral to the Registration Committee between March 1, 2017, and May 31, 2017. A decision has not yet been rendered.
- There are two cases currently in the information gathering stage of the process and therefore a decision has not yet been rendered.
- There were four cases disposed of between March 1, 2017, and May 31. Of those, two applications were approved, one denied and one was approved with terms, conditions and limitations.
- The following is a summary of the registration case approved with conditions as it was the first of its kind.
  - The applicant was a former teacher convicted of an offence (sexual luring of a minor)

- The offence occurred between 2007-2009
- The teacher was terminated from his job
- He was revoked by the Ontario College of Teachers (OCT)
- He was sentenced to two years (no jail time)
- He was denied reinstatement by the OCT in 2015
- He completed court mandated group counselling and was reported by the counsellor to be low risk by the “risk assessment” tool that was administered
- The applicant went back to school to complete a human resources management program
- After careful consideration and consultation with legal counsel, the Panel decided to admit the applicant with the following terms, conditions and limitations: The applicant shall not work in an environment with children eighteen years of age or under. Additionally, the Panel directs that this condition be posted on HRPAs public register pursuant to By-Law 13.01 (17) (18) and the applicant must agree to the posting of the condition by signing the release at the end of this decision.

### **Experience Assessment Committee**

*Outgoing Chair: Danielle Mandell*

*Incoming Chair: Mark Seymour*

- Between March 1, 2017, and May 31, 2017, 29 validation of experience applications were processed—23 candidates were successful for a pass rate of 79.3%. Between March 1, 2017, and May 31, 2017, 15 alternate route applications were processed— 12 candidates were successful for a pass rate of 80.0%.
- In total, between March 1, 2017, and May 31, 2017, 73 validation of experience applications were received. 44 of those are currently being reviewed by the Experience Assessment Committee. For the alternate route, 28 applications were received and 13 of those are currently under review.

### **Academic Standards Committee**

*Chair: Gini Sutherland*

- Between March 1, 2017, and May 31, 2017, 50 course approval applications for schools were processed. Between March 1, 2017, and May 31, 2017, 11 course approval applications for students were processed.

### **CHRE Review Committee**

*Chair: Bob Canuel*

- The number of CHREs currently stands at 257. The target for 2017 is 280.

- Between March 1, 2017, and May 31, 2017, five CHRE applications were processed and two applicants were granted the CHRE.

### Challenge Exams

- Challenge exams were held from May 1<sup>st</sup> to May 3<sup>rd</sup>, 2017.
- There were a total of 58 challenge exam registrants in May 2017.

### Breakdown by month

Month	Registrants	Pass	Pass Rate
February 2017	52	37	71.2%
May 2017	58	28	48.3%

### Breakdown by subject

Subject	Registrants	Pass	Pass Rate
Training and Development	7	1	14.3%
Compensation	9	6	66.7%
Organizational Behaviour	11	6	54.5%
Finance and Accounting	8	3	37.5%
Recruitment and Selection	5	1	20%
Human Resources Management	11	9	81.8%
Human Resources Planning	2	1	50%
Occupational Health and Safety	1	0	0%
Labour Relations	4	1	25%
<b>Total</b>	<b>58</b>	<b>28</b>	

### Exams

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

Comprehensive Knowledge Exam 1	Candidates	Pass	Pass Rate	Reliability
Feb/March 2017	91	45	50.55%	.89
June 2017				
October 2017				
<b>Total 2017</b>	<b>91</b>	<b>45</b>	<b>50.55%</b>	<b>.89</b>

<b>Comprehensive Knowledge Exam 2</b>	<b>Candidates</b>	<b>Pass</b>	<b>Pass Rate</b>	<b>Reliability</b>
March 2017	106	63	59.43%	.928
June/July 2017				
October 2017				
<b>Total 2017</b>	106	63	59.43%	.928

\*\* Note CKE 1 is currently being administered between June 6<sup>th</sup> and June 19<sup>th</sup>, 2017 and CKE 2 will be administered between June 20<sup>th</sup> and July 8, 2017.

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

The first administration of the CHRP Employment Law Exam and CHRL Employment Law Exam via computer based testing (CBT) was 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
May 2017	132	125	94.7%	.79
September 2017				
<b>Total</b>	<b>525</b>	<b>493</b>	<b>93.90%</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
May 2017	162	146	90.12	.76
September 2017				
<b>Total</b>	<b>598</b>	<b>496</b>	<b>82.94%</b>	

### **Job Ready Program**

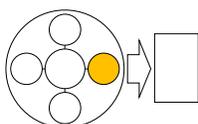
Between March 1, 2017, and May 31, 2017, 75 registrants completed the Job Ready Program and were granted the CHRP designation.

### **Designation certificates**

Certificates are issued for all three levels of designation: CHRP, CHRL, and CHRE. A certificate issuance commenced in May, and members were scheduled to receive their certificates by mid-June. An email

went out to 305 members in May notifying them that they could expect to receive their certificates during this issuance.

	CHRP	CHRL	CHRE
<b>February 2017</b>	127	42	1
<b>May 2017</b>	237	65	3
<b>August 2017</b>			
<b>November 2017</b>			
<b>Total</b>	364	107	4



## Quality assurance and compliance verification

### Continuing Professional Development

*Chair: Vito Montesano*

- There were 3093 designated members due to submit their CPD Log by May 31, 2017. Of those, 2606 designated members have submitted their CPD log as of May 31, 2017.

### Professional liability insurance

At HRPAs, all members and students in independent practice are required to obtain professional liability insurance, and to notify the Registrar of these arrangements. 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.

$$\text{Compliance rate} = \frac{\text{The number of members and students in independent practice having professional liability insurance}}{\text{The number of members and students in independent practice}}$$

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.

Since 2012, the HRPAs Member survey has included two questions relevant to compliance with the mandatory professional liability insurance requirement. The first question asks respondents to indicate their type of practice which includes two independent practice options:

- for HR professionals offering HR services as an independent practitioner either full-time, part-time or occasionally, and

- for full-time HR employee who do some consulting on the side

Respondents who select either of those two options are asked in a subsequent question whether they carry Professional Liability insurance.

**A self-report measure of compliance with professional liability insurance requirement**

A self-report measure of compliance can be derived by dividing the number of respondents who indicate having professional liability insurance by the number of respondents in independent practice.

$$\text{Professional liability insurance compliance rate based on self-report} = \frac{\text{The number of members and students in independent practice having professional liability insurance as per self-report on the 2017 Member Survey}}{\text{The number of members and students in independent practice as per self-report on the 2017 Member Survey}}$$

In the *2016 HRP A Member Survey*, 160 respondents indicated being in independent practice, of these 105 reported having professional liability insurance. Based on the numbers above, we could calculate a compliance rate of 65.6% (105 / 160). But, as described below, there are reasons to believe that this compliance rate based on self-report may be a significant overstatement of the true compliance rate

It is interesting to note that 34.4% of respondents in independent practice are willing to admit that they do not have professional liability insurance as is required by by-law.

	2012	2013	2014	2015	2016	2017
HR professionals offering HR services as an independent practitioner either full-time, part-time or occasionally	48.5	66.0	72.0	68.7	65.4	69.1
Full-time HR employee who do some consulting on the side	12.3	24.4	29.5	35.2	53.7	51.5
Overall	32.6	47.4	55.5	61.7	63.6	65.7

**An objective measure of compliance with the professional liability insurance requirement**

In November 2015, we pulled from our database all the members for which the term ‘consulting’ appeared in the business name field—there were 1365 such members. Of those 1365 members, 234 had professional liability insurance but 1131 did not. This makes for a compliance rate of 234/1365 = 17.1%. Of course, using the term ‘consulting’ in the business name field as a proxy for independent practice is only an approximation but it does suggest that the true compliance rate might be significantly lower than the self-reported compliance rate.

The following compliance rate was calculated:

$$\text{Professional liability insurance compliance rate based actual number of members and student with professional liability insurance on file} = \frac{\text{The number of members and students in independent practice having professional liability insurance as per HRPAs files}}{\text{The number of members and students in independent practice as extrapolated from number and students in 2017 Member Survey}}$$

Assuming that the proportion of members and students in independent practice is the same for those who did complete the Member Survey is the same as for those who did not complete the Member Survey, we can estimate that there are 1,561 members and students in independent practice.

In the 2017 HRPAs Member Survey, 160 out of 2,781 respondents indicated that they were in independent practice in one form or another.

$$\text{Estimated number of members and students in independent practice } E = \frac{A \times C}{B} = \frac{24,124 \times 160}{2,782} \cong 1,387$$

The actual number of members and students who have professional liability insurance is 531. The compliance rate can be calculated as follows:

$$\text{Compliance rate } G = \frac{F}{E} = \frac{531}{1,387} = .38$$

Summary table	2016	2017
A Total number of members and students	23,713	24,124
B Number of survey respondents	3,508	2,472
C Number of survey respondents in independent practice	269	160
E Estimated number of members and students in independent practice	1,818	1,561
F Actual number of members and students with professional liability insurance	529	531
G Compliance rate	.29	.38

### Discussion

There is a big discrepancy between the compliance rate derived from self-report and the compliance rate derived from estimating the number of members and students in independent practice.

Of the two numbers, the most trustworthy is the one derived from estimating the number of members and students in independent practice. Indeed, one should not be surprised that members and students who practice independently without professional liability insurance to be less than candid about this even on an anonymous survey.

There are a few possible alternative explanations for such a discrepancy but neither is very likely:

- 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.

All in all, the best estimate of the compliance rate for professional liability insurance is 38.3%. What our data do not tell us is what the proportion of members and student in independent practice having professional liability insurance would have been were it not a requirement. In other words, what proportion of the 38.3% who do have professional liability insurance would have had professional liability insurance anyway?

The important aspect here is that many members and students do not feel compelled to abide by the HRP A By-laws.

### Notification of bankruptcies and insolvency events

The requirement to notify the Registrar of bankruptcies and insolvency events came into force with the passage of the *Registered Human Resources Professionals Act, 2013*, on November 6, 2013. The requirement was fully implemented on September 21, 2016, when the HRP A Board of Directors enacted the supporting by-laws.

The compliance rate for the requirement to notify the Registrar of bankruptcies and insolvency events is defined as follows:

$$\text{Compliance rate} = \frac{\text{The number of members having given notice to the Registrar of a bankruptcy or insolvency event}}{\text{The number of members having experienced a bankruptcy or insolvency event}}$$

### Estimating the number of members which have experienced a bankruptcy or insolvency event

The insolvency rate for Ontario is available online from the Government of Canada Superintendent of Bankruptcy.

Rate	2010	2011	2012	2013	2014	2015	2016
Bankruptcy	3.2	2.4	2.2	2.0	1.8	1.6	1.5
Proposal	2.3	2.4	2.3	2.1	2.0	2.0	2.1
Total	5.5	4.8	4.5	4.1	3.8	3.7	3.6

Source: <https://www.ic.gc.ca/eic/site/bsf-osb.nsf/eng/br01820.html>

The most recent insolvency rate for Ontario is for 2016 at 3.6 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 insolvency rate in Ontario in 2017 to be about 3.5 per 1000. We could use this figure of 3.5 per 1000 as the bankruptcy and insolvency event rate for HR professionals registered with HRP, but this would assume that the bankruptcy and insolvency event rate is the same for individuals registered as members with HRP than it is for the general population in Ontario.

Since 2016, the HRP Member Survey includes 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 rate for HRP members based on the 2016 HRP Member Survey was 8.83 per 1000 (which, surprisingly, is more than 2 1/2 times the province-wide average). Based on the 2017 HRP Member Survey was 8.00 per 1000.

	2016	2017
Number of survey respondents (excluding students)	3,677	2,496
Number of survey respondents (excluding students) indicating that they have experienced a bankruptcy or insolvency event in the last 12 months	31	20
Bankruptcy and insolvency event rate calculated based on Member Survey responses	.0084	.0080

The fact that the bankruptcy and insolvency event rate calculated based on Member Survey responses for 2016 and 2017 are so close lends support to the fact that these results are not a fluke.

Based on a bankruptcy and insolvency event rate of .0080 and with 21,445 members, we would expect about 172 notices of insolvency per year ( $21,445 \times .0085 = 172$ ).

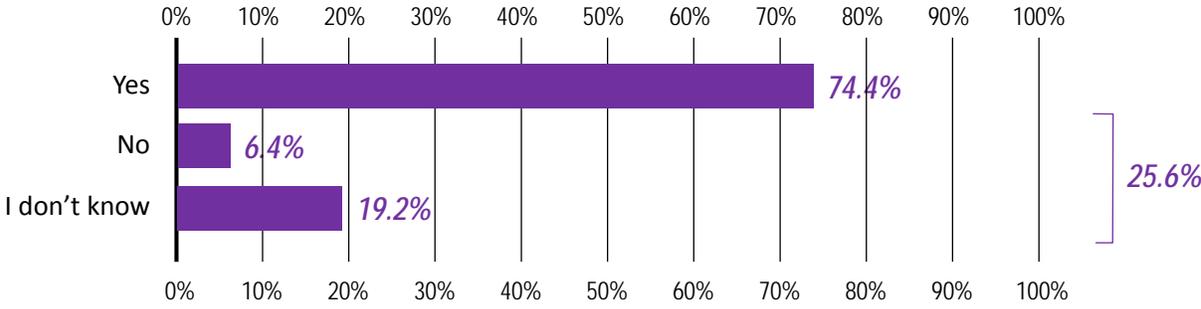
$$E = \frac{A \times C}{B} = \frac{21,445 \times 20}{2,496} \cong 172$$

Which gives a compliance rate  $G = \frac{F}{E} = \frac{3}{172} = .017$

Calculations	2017
A Total number of members (which does not include students) on April 3, 2017	21,445
B Number of survey respondents for 2017 Member Survey (excluding students)	2,496
C Number of survey respondents (excluding students) indicating that they had experienced a bankruptcy or insolvency event in the last twelve months	20
E Estimated number of members having experienced a bankruptcy or insolvency event in the last twelve months	172
F Actual number of reports of bankruptcies or insolvency events in the last twelve months	3
G Compliance rate	1.7%

**The proportion of members who would notify the Registrar if they were to experience a bankruptcy or insolvency event**

*“The Registered Human Resources Professionals Act, 2013, requires all members to notify the Registrar of any insolvency event (i.e., bankruptcy or consumer proposal). Were you to experience an insolvency event (i.e., bankruptcy or consumer proposal), would you notify the Registrar of such?”*



When asked on the Member Survey, 74.4 % of respondents indicated that they would notify the Registrar were they to experience a bankruptcy or insolvency event. This contrasts with the 1.7% who actually do. But more importantly, 25.6% of members indicated that they would either disregard the law or are unsure whether they would obey the law or not.

An interesting question is how the 20 members who did experience a bankruptcy or insolvency event responded to the question as to whether they would notify the Registrar if such an event were to occur.

It is possible to cross-tabulate whether a member had experienced a bankruptcy or filed a consumer proposal within the last year with the stated intent to notify the Registrar were such an event to happen. The differences between those who did and those who did not experience a bankruptcy or filed a consumer proposal within the last year are not statistically significant.

Of the 20 members who indicated that they or their firm has experienced a bankruptcy or filed a consumer proposal within the last year, 13 indicated that they would notify the Registrar, 3 indicated that they would not notify the Registrar, 3 indicated that did not know if they would or not, and 1 chose not to answer the question.

Interestingly, although 20 members did experience a bankruptcy or filed a consumer proposal within the last year and 13 of those stated that they would notify the Registrar were this to happen to them, HRPA has received only 3 such notifications. It is obvious that members are not being honest about whether they would notify the Registrar of a bankruptcy or insolvency event.

		Have you or your firm experienced a bankruptcy or filed a consumer proposal within the last year?		
		Yes	No	
The <i>Registered Human Resources Professionals Act, 2013</i> , requires all members to notify the Registrar of any insolvency event (i.e., bankruptcy or consumer proposal). Were you to experience an insolvency event (i.e., bankruptcy or consumer proposal), would you notify the Registrar of such?	<b>Yes</b>	13 (65.0%)	1631 (74.3%)	1644 (74.2%)
	<b>No</b>	3 (15.0%)	143 (6.5%)	146 (6.6%)
	<b>I don't know</b>	3 (15.0%)	421 (19.2%)	424 (19.1%)
	<b>No response</b>	1 (5.0%)	0 (0%)	1 (.04%)
		20 (100%)	2195 (100%)	2215 (100%)

### Analysis and discussion

There are three key findings:

1. Clearly, our members are experiencing insolvency events and simply not notifying the Registrar that this is the case even though this is a requirement entrenched in both the Act and the By-laws.
2. When asked 74.4% of members say they would notify the Registrar of a bankruptcy or insolvency event should this event occur to them and yet only 1.6% actually do.
3. Of those 20 members who did indicate that they had experienced a bankruptcy or insolvency event, 13 said that they would report this event to the Registrar, and yet the Registrar has received only 3 notifications in the last year.

The last two indicate that, at least in the matter of bankruptcies and insolvency events, self-report cannot be trusted.

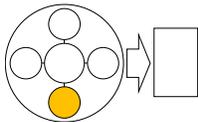
In regards to the extremely low rate of compliance with the requirement to notify the Registrar of bankruptcies and insolvency events, some of the comments on the write-in question are informative in this respect.

	Comment
60.	I disagree with the insolvency clause. HR professionals are not in control of company funds and I don't see the compelling public interest in divulging personal financial information.
128.	I had no idea that there would be an issue should a member become personally insolvent as oppose to just their business or corporation. This seems quite invasive as individuals can go bankrupt for many reasons that do not have anything to do with their professional membership.

247.	The rules re bankruptcy are unnecessary and are an overreach of the HRPAs regulatory responsibility. The requirement for professional liability insurance for those who may provide consultation on the side is also unnecessary. ...
252.	Regarding one of your questions: there are requirements through the ministry of labour/general government regarding insolvency/bankruptcy in organizations regarding notification. I am not sure the purpose of advising HRPAs. ...
273.	... I feel as though the Association is in place to build knowledge and skills of its members, not to create Acts and Regulations to help guide our behaviour. I wasn't aware if I file for bankruptcy that I would have to tell the Associate, nor do I think it's the business of the Associate what I do with my personal finances. People can file for bankruptcy for a number of reasons, and this is the first I've heard. ...
332.	I see no professional reason for HRPAs members to repost bankruptcy - it has no relevance on an HRPAs professional's ability to do their job - this is just big brother watching

The problem, of course, is that the requirement is law, it was put in place by the Legislature and enabled by HRPAs By-laws. It would appear that many members feel that they simply don't have to abide by rules they don't agree with. This shows a remarkable disregard for the law and HRPAs regulatory authority. It also speaks little of the covenant that all members make when they register or renew their registration with HRPAs. For many members, it would appear, the agreement to abide by the Act, the By-laws, the Rules of Professional Conduct, and any other professional guidance issued by the Association, does not apply when one doesn't agree with the rules.

This can be related to the transition from an unregulated to a regulated profession. Many members have not yet begun this transition.



## Complaints and discipline (including capacity and review)

### Complaints Committee

*Chair: Rahim Shamji*

There were five complaints filed in Q2 2017.

Case	Date complaint filed	Nature of allegations	Date of disposition of complaint and decision of Complaints Committee
C-2017-1	March 20, 2017	The member is accused of using excessive force, intimidation, hostility, abuse, harassment, bullying, coercion tactics and malice to get the complainant to sign an employment contract that was inaccurate. The member is also accused of not	In progress

		maintaining competence in her responsibilities as an HR professional and did not provide services in an honest and diligent manner.	
C-2017-2	April 4, 2017	The member is accused of engaging in harassing behaviour and deliberately sabotaging the complainant's role, which led to the termination of the complainant's employment.	In progress
C-2017-3 <sup>1</sup>	April 6, 2017	The member is accused of colluding with the complainant's manager to push the complainant out of the organization, which resulted in the complainant's termination.	In progress
C-2017-4	April 6, 2017	The member is accused of colluding with the complainant's manager to push the complainant out of the organization, which resulted in the complainant's termination.	In progress
C-2017-5	April 21, 2017	The member is accused of acting in a manner that is hostile and unprofessional. The member is alleged to have slandered the complainant's name to other employees within the same office.	In progress

There were no complaints disposed of by the Complaints Committee in Q2.

### **Discipline Committee**

*Chair: Stephanie Izzard*

In Q2, the decision for D-2016-1 was issued and an oral reprimand is scheduled. The decision for D-2016-2 was issued.

<b>Case</b>	<b>Date Notice of Hearing issued</b>	<b>Nature of allegations</b>	<b>Date of decision of Discipline Committee</b>
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 HRPA Renewal Form.	8/20/2016 Penalty hearing held December 8, 2016. Penalty decision issued March 16, 2017. Oral Reprimand scheduled for June 8, 2017.
D-2016-2	7/11/2016	Professional Misconduct - The member created 26 false or	Penalty decision issued April 24, 2017

<sup>1</sup> C-2017-3 & C-2017-4 are two identical complaints filed by the same individual against two different members

		misleading invoices totaling at least \$178,000 from two Human Resource recruiting firms over a period of about two years.	
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**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 was withdrawn on April 18, 2017.

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. The oral reprimand is scheduled for June 8, 2017.

**D-2016-2**

A discipline hearing was held on March 1, 2017. A decision was rendered the same day. The former member was found guilty of professional misconduct and her membership was revoked as of March 1, 2017.

**Capacity Committee**

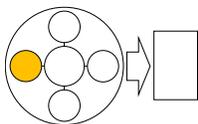
*Chair: Stephanie Izzard*

- There were no new referrals to the Capacity Committee in Q2.

**Review Committee**

*Chair: Susan Bryson*

There were no new referrals to the Review Committee in Q2. 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 Spring 2017 *Regulatory Affairs* newsletter was published on March 15, 2017.

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

## **Q2 OOTR webinar series**

HRPA's Office of the Registrar offers two series of webinars.

- The *Understanding Professional Regulation* series explores various topics relating to HRPA's mandate as a professional regulatory body. These webinars are approved for CPD credit.
- The *How-To* series guides candidates through various Office of the Registrar processes and applications. These webinars are not approved for CPD credit.

**The following webinars were conducted in Q2 (we included the two webinars conducted in February 2017)**

### **Discipline: How does it work? With special guest Rebecca Durcan, HRPA Regulatory Counsel February 15, 2017**

This webinar provides an overview of the purpose and regulatory process of the HRPA's Discipline Process and Discipline committee. The mandate of the Discipline Committee is to hear allegations of professional misconduct, incompetence or incapacity referred to it from the Complaints Committee, deliberate on those matters and apply the appropriate and just remedy to the registrant who is the subject of the allegation(s). Being able to discipline members who act inappropriately is a cornerstone of professional regulation. Please join us as we map out how this process works, from initial complaint to hearings, penalties and other related functions.

### **Appeals: How Do They Work? February 23, 2017**

This webinar provides an overview of the purpose and regulatory process of HRPA's Appeal Committee. In order to ensure fairness in its regulatory practices, HRPA established an Appeal Committee in accordance with the Registered Human Resources Professionals Act, 2013 and section 21 of the By-laws. The purpose of HRPA's internal appeal process is to provide the opportunity of a re-examination of decisions made by HRPA's regulatory committees or by the Registrar. The internal appeals process is an important aspect of HRPA's regulatory framework. HRPA is committed to a full, fair, transparent, and effective regulatory processes which includes access to an internal appeals process.

### **The Professional Liability Insurance Requirement Explained**

**March 15, 2017**

What is Professional Liability Insurance and why is it required? Register and tune-in to learn more about your obligation to notify HRPA if you practice independently, and what is required in terms of insurance. This webinar will explain the reason and need for professional liability coverage, the consequences of not being covered, and the duties and obligations of members who do practice independently. We will create awareness about professional liability insurance, and build knowledge around the risks that go along with not obtaining proper coverage.

### **Investigations: A Conversation with Dean Benard of Benard & Associates**

**March 30, 2017**

If you are the subject of an investigation as a result of a complaint that has been registered against you, what happens next? This webinar will go through the investigative powers given to HRPA by the Registered Human Resources Professionals Act, 2013. With us, we will have Dean Benard from Benard & Associates, an investigative firm with extensive experience in conducting regulatory investigations. Along with providing some stories and cautionary tales, some of the topics Dean will talk about include what an investigator can and cannot do and what you as a member should or should not do while under investigation.

### **Update on the new CHRP, CHRL, and CHRE Certification Processes**

**April 6, 2017**

This webinar will attempt to answer questions about the implementation of the new CHRP, CHRL, and CHRE certification processes, such as what is the difference between the CHRP and CHRL, what has happened since October 2014 and what will happen next, what does the coursework requirement look like and how does continuing professional development work for CHRPs, CHRLs and CHREs.

### **Renewal, Resignation, Suspension, Revocation, Reinstatement and Re-achievement**

**April 20, 2017**

HRPA's registration cycle runs from June 1st to May 31st every year. This webinar will explore why renewing your registration on time matters, why you should resign your registration if you wish to no longer be a part of HRPA and the consequences of letting your registration lapse if you hold a designation. Furthermore, this webinar will help you to fully understand HRPA's suspension-revocation process, why making sure your contact information is up-to-date is important and how our Designation Reinstatement and Re-Achievement Policy works.

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

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

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

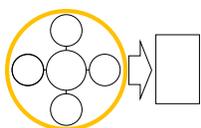
## Q2 OOTR webinars

<b>OOTR Winter-Spring Webinar series</b>	<b>Date</b>	<b>Registrants</b>	<b>Attendees</b>
Discipline: How Does it Work? (with Rebecca Durcan)	February 15, 2017	1272	780
Appeals: How Do They Work	February 23, 2017	939	539
The Professional Liability Insurance Requirement Explained	March 15, 2017	949	539
Investigations: A Conversation with Dean Benard	March 30, 2017	1186	519
Update on the new CHRP, CHRL, and CHRE Certification Process	April 6, 2017	1288	500
Renewal, Resignation, Suspension, Revocation, Reinstatement and Re-achievement	April 20, 2017	1050	482
<b>Total OOTR Winter-Spring Webinar series</b>		<b>6684</b>	<b>3359</b>

## Q2 2017 Regulatory Committee Activity Summary Table

	March 1, 2017 – May 31, 2017			
	Cases started before March 1, 2017	New cases for the period of Mar 1, 2017 to May 31, 2017	Cases disposed of in the period of Mar 1, 2017 to May 31, 2017	Cases outstanding as of May 31, 2017
Registration committee	0	5	7	3
Experience assessment committee	66	101	110	57
CPD committee - annual audit*	12	98	4	106
Academic standards committee	61	9	61	9
CHRE review committee	6	8	6	8
Complaints committee	3	5	0	8
Discipline committee	2	0	1	1
Capacity committee	1	0	1	0
Review committee	2	0	0	2
Appeal committee	3	4	3	8

\*The audit process was recently revised so the audit now occurs in the summer. Audit notifications were released early May 2017. 95 members have been selected for the audit. The first audit meeting is now scheduled for June 28, 2017.



## Appeals

### Appeals Committee

*Chair: Kim Pepper*

In the second quarter the Appeal Committee received 4 appeals, which will follow the written submission process. 1 of the 4 appeals submitted in Q2 has held a review and a decision is currently being written. An appeal filed in October of 2016 remains on-going, the committee has consulted with ILC and had asked for submissions from all parties on jurisdiction and has met in Q2 to review the submissions. The decision of this panel is currently being written and has not yet been released. The association in 2 cases has decided not to contest the appeal. In 1 case the appellant has been allowed to re-submit his application with no cost and in the 2<sup>nd</sup> case a joint submission has been made to a panel of the appeal committee that states that the appellant be allowed to re-submit her application at no cost and it can include additional information. The appeal committee consulted with ILC on how to proceed with a request for an appeal that was filed well past the 30 day deadline. The appeal committee has chosen to allow the appeal to proceed. The association has no objection to this and the appeal will follow the written submission process.

	<b>Date Appeal Filed</b>	<b>The nature of the appeal</b>	<b>The outcome of the appeal</b>
A-2017-5	March 1, 2017	Seeking to have her designation reinstated. Designation was revoked due to non-payment of dues. Decision of the Registrar.	No decision, currently being written. Review held on June 1, 2017.
A-2017-6	March 14, 2017	Decision of the CHRE Committee. Appellant is seeking justice and wants the CHRE Committee to apply its own rules and laws.	No decision. Still in progress. Committee made decision to accept request for an appeal outside of the 30 day timeline. Request for Appeal sent to the association for response.
A-2017-7	April 10, 2017	Experience re-evaluated with the competencies that have been highlighted in her application. Decision of the Experience Assessment Committee regarding her VOE Application	No decision issued at this time. Still in progress. HRPAs response to the request for an appeal received on June 6, 2017. Response sent to the appellant.
A-2017-8	May 19, 2017	Wants her experience approved to meet the CHRL. Claims flaws in the process the way in which her experience was accessed as administrative and transactional.	No decision. Currently with the Chair, waiting on how to proceed.

## Analysis of appeal decisions

Outcomes	
Total number of requests for appeal received between March 1, 2017 and May 31, 2017	4
Total number of final appeal decisions released between March 1, 2017 and May 31, 2017	2
Decisions for HRPAs	2
Decisions against HRPAs	0
Requests withdrawn by Appellant	3
Association not contesting the appeal	2

Below are the reasons for the decisions that were released in Q2:

1. *The appeal committee upheld the decision of the Experience Assessment Committee regarding an Alternate Route application.*
  - The appellant felt that there was an “inherent flaw in the application form”, the Appellant was advised in writing on September 8, 2016 by HRPAs Staff in the Office of the Registrar at the HRPAs, that five years in the positions of Manager, HR Business Partner multiplied by five points per year equalled 25 points; however, in order for his application to be successful, a minimum of 50 points would be required. The Appellant replied on September 8, 2016 acknowledging this email. The regulatory specialist again responded to the Appellant on September 12, 2016 and stated, “one must determine what categories their experience/credentials fall under and then assign the points according.....each item/position can only fall under one category. It looks like you have calculated 25 points twice for the same position, in two different categories. As such the position at Company X., can only be used in one category”.
  - The Appellant again responded on September 12, 2016 and indicated his belief the application form was poorly written and lacked clarity. The Panel understands that the regulatory specialist reiterated the above during a subsequent telephone conversation with the Appellant. While the form may not have been altogether clear, the Appellant was given clarity following the communication with regulatory specialist that the Alternate Route process permits a position to be counted against only one criteria. When given the opportunity to withdraw his application or present additional information, the Appellant chose to proceed with his application as originally submitted. Therefore this Panel does not accept there was an issue with the process as the process was made clear to the Appellant prior to him proceeding.

- The Appellant’s second concern was that only one experience submission was evaluated. The Committee assessed the application using established criteria, including, *inter alia*, that a position can only be used in a single category. The Committee does not have the authority to deviate from this criteria and award points in multiple categories for the same position. This Panel does not accept there was an issue with process as it relates to the assessment of experience in a single category.
  - The Appellant’s third concern related to the evaluation of experience at a managerial level. Both the application form and the Alternate Route Guide stated that, “time will be credited proportionally”. On the Appellant’s application, he indicated that 70% of his time was spent on HR. The Committee applied this to the calculation of points to be awarded (e.g. 25 points X 70% = 17.5 points awarded). The Committee does not have authority to deviate from these criteria and award full points because the Applicant did not understand how proportional credits were calculated. Moreover, the Appellant provided inconsistent information on his application and attached cover letter. The cover letter stated that 75% of his time was spent on HR related functions while his application stated that only 70% of his time was related to HR. The decision by the Committee to use the 70% number was within their discretion. Moreover, the use of either number would not have given the Appellant enough points to pass the required threshold. This Panel does not accept there was an issue of process as it relates to the points awarded.
  - The final concern raised by the Appellant related to bias in the assessment process. The Panel finds the Committee applied the established criteria in a manner that was consistent with the guidelines for assessment. The Panel does not accept there was an issue with process as it relates to bias in the assessment process, however more detail in the Committee’s Decision and Reasons could have helped clarify why their calculations differed from those submitted by the Appellant and why they chose to use the information from the application form (70%) as opposed to the information from the Appellant’s cover letter (75%).
2. *The Appeal Committee upheld the decision of the Complaints Committee and dismissed the appeal.*
- The Appellant, claimed relief from a decision of the Complaints Committee (“Committee”) who unanimously found the Appellant’s complaint against a member did not warrant referral to the Discipline Committee. The Appellant claims the Committee missed nuances in her complaint and that she was denied procedural fairness based on the Committee’s decision not to contact her witnesses. The Appellant claims the HRPAs owes an “enhanced standard” to complainants in situations where they do not have access to information that may otherwise have been available. Specifically, the Appellant claims her termination from employment denied her access to relevant information that was in possession of her employer and that would have allowed her to make her case.

- The Appeal Committee found that this appeal is based on assumptions that are untenable. It is clear from the Appellant's original complaint and subsequent appeal that she feels aggrieved based on her termination from employment with x company. There is nothing in any of her submissions that lead this Panel to conclude the Committee erred in making their decision.

Below are the reasons for the two appeals the association did not contest:

- The appellant raised concerns that her experience was deemed not to be at the professional level by two separate panels of the validation of experience committee, while a colleague who held the same position was approved. While it is HRPAs position that each application should be reviewed on its own merits and that due to confidentiality HRPAs would not be able to share information about another individual's application with a different panel, the association made the decision not to contest the appeal. The decision was made because the second panel who reviewed the appellant's application was provided with the first panel's decision as part of the application package. While this was the standard practice at the time, upon further consideration HRPAs felt that including the decision of the first panel may have biased the second panel. A joint submission was made to the appeal committee confirming that the association would allow the appellant to re-submit her application at no cost and it can include additional information. The appeal panel is currently reviewing the joint submission.
- The appellant submitted two applications for the Alternate Route and received two decisions, however there was inconsistencies in the two decisions. The remedy the appellant was seeking was to ensure the process that was followed was consistent. The association was in agreement and therefore allowed him to resubmit his application to another panel at no cost.

One appellant chose to withdraw her request for an appeal and re-submit her application.