



# Registrar’s Report for 2019 Q3

August 31, 2019

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The Registrar’s Report is a quarterly report published by HRPAs Office of the Registrar. Pursuant to the *Registered Human Resources Professionals Act, 2013*, the Registrar is appointed by the HRPAs Board of Directors to perform the functions assigned to the Registrar by the Act, the By-laws and the Board. The present report gives an account of the activities of the Registrar in the third quarter of 2019 in relation to the assigned functions.



## Trends and issues

The trends and issues included in this report are:

- a. Creation of a policy development function at HRP
- b. Professional Standards Authority (PSA) review of the regulatory performance of Professional Engineers Ontario (PEO)
- c. Insights from the professional regulation section of the 2019 HRP Member and Student Survey

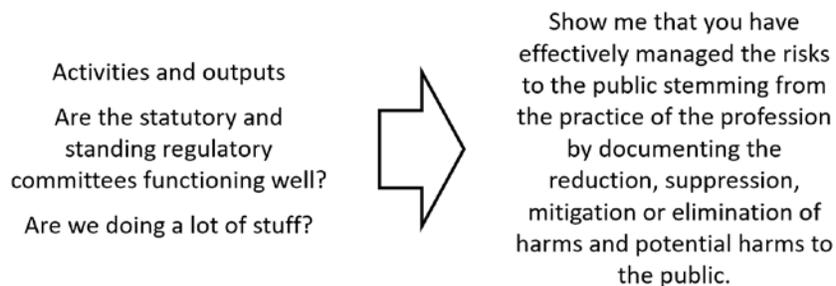
### Creation of a policy development function at HRP

In professional regulation circles, the term 'policy' refers to many things. Policy refers to frameworks, processes, definitions, principles, standards, codes, rules, and so on.

At HRP, the creation of a policy development function is closely tied to the implementation of a risk-based model of professional regulation. A challenge regarding the implementation of risk-based regulation has always been to give this aspect the focus it deserved given the operational demands at the OOTR. The answer was to create a new function within the OOTR dedicated to the implementation of risk-based regulation and related projects.

In the context of professional regulation, the two most often referenced models of regulation are *risk-based regulation* and *right-touch regulation*. Over time, there has been a rapprochement between these two models such that many will use the two terms interchangeably.

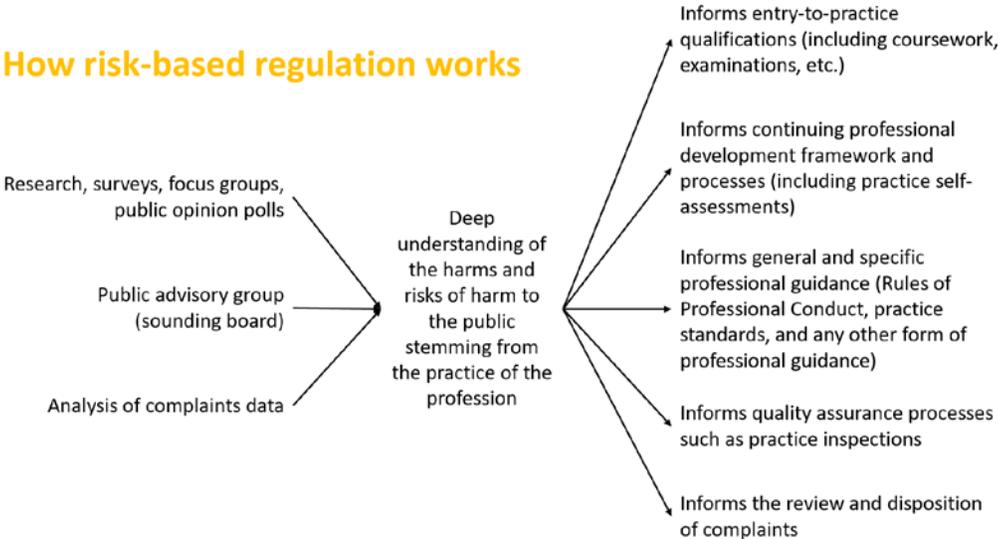
The *risk* in *risk-based regulation* is the risk of harm or potential risk of harm to the public stemming from the practice of the profession. This is not the same as enterprise risk for the professional regulatory body itself but is related. For instance, should a professional regulatory body fail to effectively manage the risks to the public, the consequences can be severe (just ask the realtors in British Columbia who lost the privilege of self-regulation as a result of the failure of their regulatory body to protect the public).



Risk-based regulation defines the objective and focus of professional regulation as the reduction, suppression, mitigation or elimination of harms or risks of harms to the public stemming from the practice of the profession. Risk-based regulation thinks of the classic regulatory functions as levels that can be used to manage the risk to the public stemming from the practice of the profession. Policy development is in effect *regulatory response formulation*.

Note how this applies to the Registrar’s Report itself. Currently, the Registrar’s Report is about activities and outputs. It is about the activities of statutory and standing regulatory committees. In time, however, the Registrar’s Report should be about accounts of risks of harm reduced, suppressed, mitigated or eliminated.

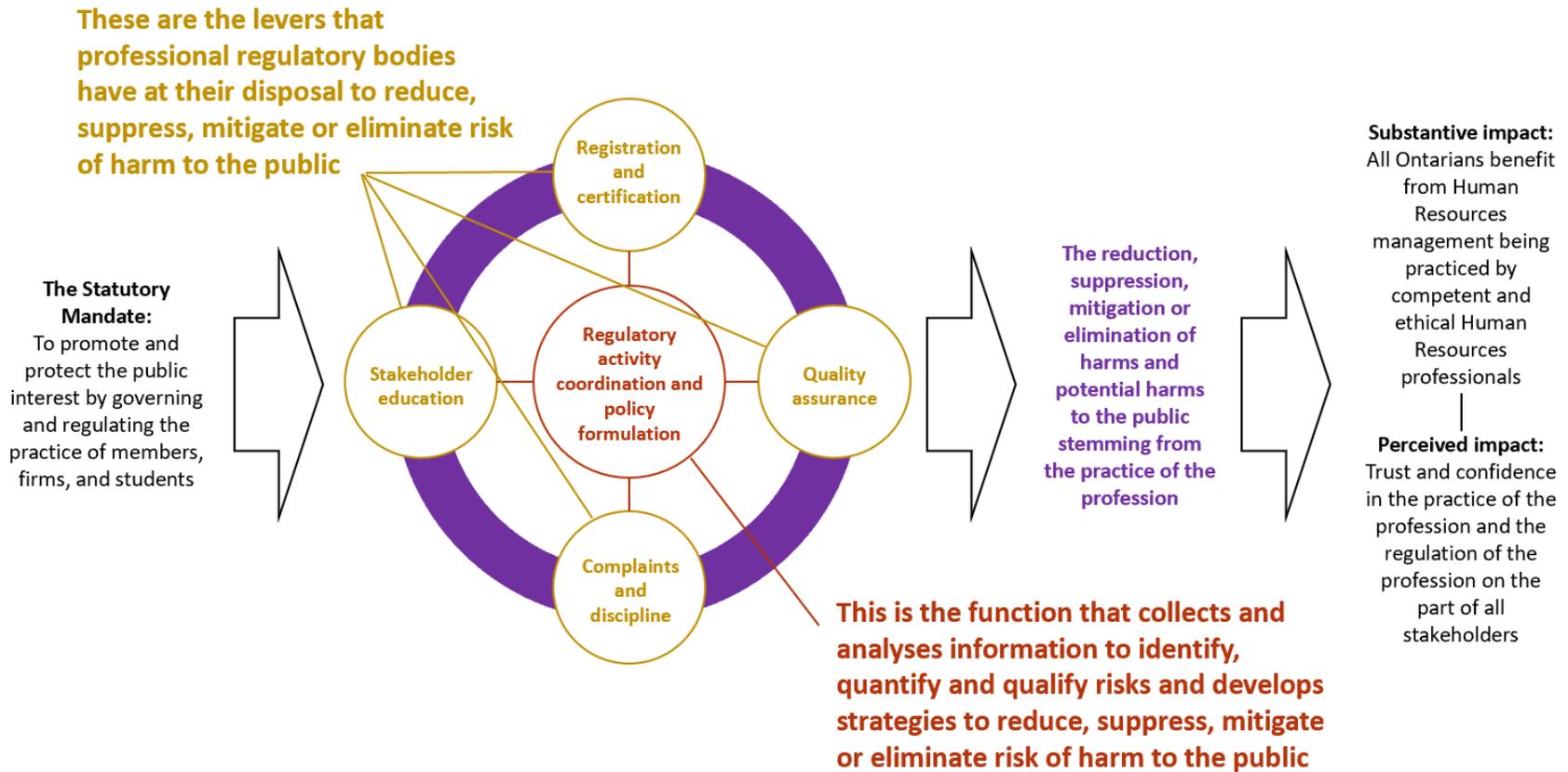
Risks to the public stemming from the practice of the profession become the touchstone of the regulatory enterprise.



Not surprisingly, the first task in the implementation of risk-based regulation will be to identify, quantify, and understand the risks of harm and potential risks of harm to the public stemming from the practice of the profession. The identification, quantification, and qualification of risks of harm to the public will not be a one-shot deal but an on-going process and will involve multi-stakeholder perspectives. The new Policy Development function will bring methodological and procedural rigour to the risk identification, quantification and qualification process.

Figure 1 below shows where risk-based management and the policy development function fit in the regulatory framework.

**Figure 1: How risk to the public stemming from the practice of the profession fits in the regulatory framework**



## **A review of the regulatory performance of Professional Engineers Ontario (PEO)**

Professional Engineers Ontario (PEO) commissioned an experienced team of organisational reviewers lead by Harry Cayton of the Professional Standards Authority (PSA) to assess the performance of PEO against its statutory mandate and legislative requirements, its internal policies and the Standards of Good Regulation.

PEO had come under increasing pressure from its critics. In November 2018, the Ontario Society of Professional Engineers (OSPE) and Consulting Engineers Ontario (CEO) published letters each sent to the Attorney General regarding the activities of PEO. The issues are long-standing, but OSPE and CEO thought that given the governance reform proposals and initiatives being put forward by other professional regulatory bodies this was the right time to bring these matters up again. In a nutshell, OSPE and CEO argue that PEO was acting too much like an association and not like a professional regulatory body (by promoting the interests of the professionals it regulates and/or its own interests rather than those of the public), and that by acting like an association had led to an erosion of public confidence in the regulation of professional engineers in Ontario. PEO commissioned a three-member expert panel led by Harry Cayton to clear the air. The review would assess the performance of PEO against its statutory mandate and legislative requirements, its internal policies and the Standards of Good Regulation.

The Standards used in this review were adapted from the Professional Standards Authority's Standards of Good Regulation and covered three areas of regulatory activity: licensing and registration, complaints, discipline, compliance and enforcement, and Professional standards and guidance.

PEO did not fare well in this review. The review found that PEO met one standard of seven for licensing and registration, that PEO met six standards and partially met one of eleven for complaints, discipline, compliance and enforcement, and that PEO met one standard and partially met two of four for professional standards and guidance.

Overall the PSA review found a mixed picture of performance for PEO:

- Its approach to licensing was found to be complicated, resulting in long delays for some, particularly international applicants, it was also open to a charge of inconsistency and unfairness,
- Its complaints and discipline processes were insufficiently independent of PEO's council
- Its published register of engineers was incomplete and not always accurate
- PEO's decision-making and reporting of decisions was not as transparent as it should be
- PEO is over-reliant on volunteers
- PEO has not yet fully discarded its history of being a professional association and was still engaged in promoting the practice of engineering and the interests of engineers

PEO has taken the results of the review very seriously and has embarked on a three-year plan to address all of the identified issues.

What is the bigger picture here regarding external reviews?

Although external reviews of the activities of professional regulatory bodies have been part of the regulatory landscape for some time, these are being resorted to with increasing frequency. There are two categories of external review: those that are commissioned by the regulatory body itself and those that are commissioned by government. Not surprisingly, the outcomes for the professional regulatory bodies are better when the external review is commissioned by the regulatory body itself. When professional regulatory bodies commission an external review it is either to clear the air on some matter in order to move on or to pre-empt possible government action by showing that action is being taken to address deficiencies. When governments commission an external review it is usually in view of taking action. Appendix A at the end of this report gives a table which lists external reviews of professional regulatory bodies which have been made public since 2010. The table gives the professional regulatory body, the report, the date of the report and the follow-up actions taken as a result of the report.

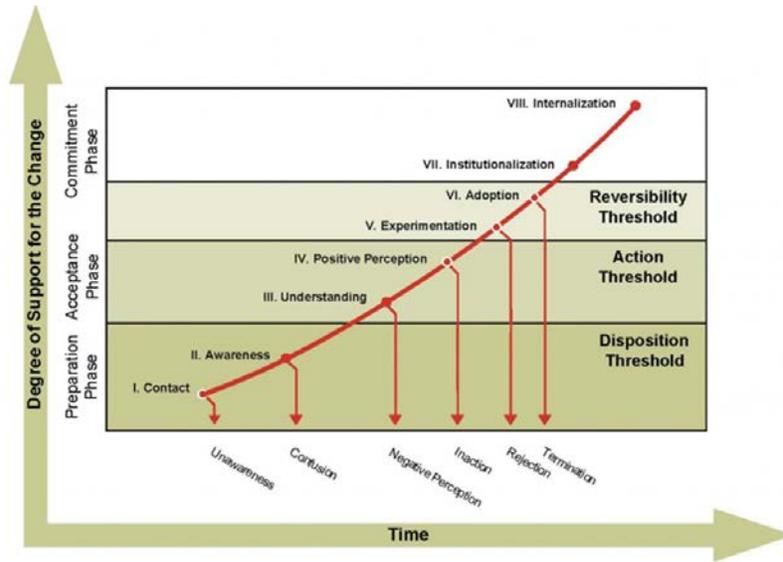
An interesting aspect is that many professional regulatory bodies have not fared particularly well in these external reviews. It is not as if the reviews have exonerated these professional regulatory bodies. For professional regulatory bodies, public confidence in the professional regulatory body is all important. Clearing the air is an important aspect of rebuilding public confidence; so much so that conducting these external reviews and making the results of such reviews public is important even though the results of these reviews are not flattering.

The Ministry of Health (MOH) has been developing a College Performance Measurement Framework which will be made public in the next couple of months. The implementation of this College Performance Measurement Framework will introduce a whole new dimension regarding external reviews of performance for professional regulatory bodies.

### **Insights from the professional regulation section of the 2019 HRPB Member and Student Survey**

In May 2019, HRPB conducted its annual Member and Student Survey - 2,278 members and students responded to the survey. The professional regulation section of the survey was re-written this year. Of the twelve questions on professional regulation, four were new questions. The professional regulation section of the 2019 HRPB Member and Student Survey used Conner's Stages of Commitment as its conceptual framework. Professional regulatory bodies cannot be successful in fulfilling their core purpose without the cooperation and support of the professionals they regulate. Professional regulation is a cooperative venture between the professional regulatory body and the professionals it regulates. In order for HRPB to be successful at fulfilling its statutory mission and mandate, HRPB registrants need to be aware of, understand, and support this statutory mission and mandate. This will require changes in registrant attitudes and behaviour.

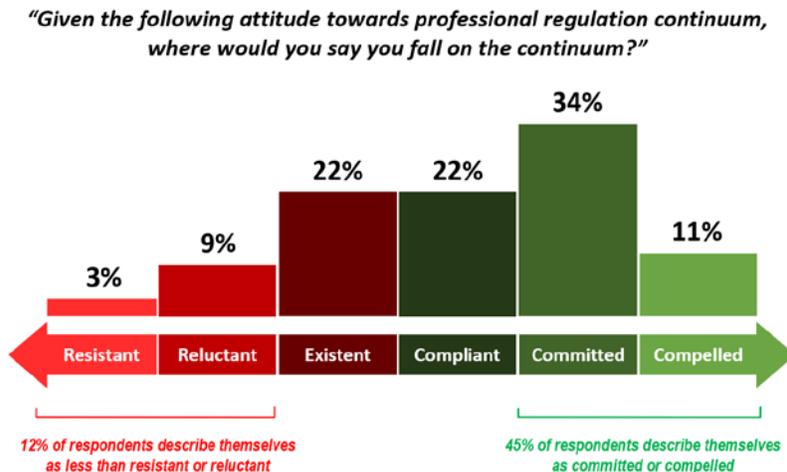
**Figure 2: Conner’s Stages of Commitment model**



The essential result is that many HRPAs registrants do not understand what professional regulation entails, how it works, the logic behind self-regulation, the value proposition for professional self-regulation, and so on. Specifically, HRPAs members and students do not understand the implications for HRPAs of having become a statutory professional regulatory body, the benefits for HRPAs members, firms and students of having become a profession governed and regulated pursuant to statute, nor the rationale for the HRPAs having chosen to ask the Ontario Legislature to pass legislation making HRPAs a professional regulatory body. The interesting quirk is that many members and students think they do.

Despite this lack of understanding, HRPAs members and students have a positive attitude towards professional regulation - 45% of respondents describe themselves as *committed* to or *compelled* by HRPAs’s regulatory mission and mandate; whereas only 12% of respondents describe themselves as *resistant* or *reluctant* in their attitude towards HRPAs’s regulatory mission.

**Figure 3: Level of commitment to professional regulation**



In relation to Conner's Stages of Commitment model, survey results suggest that most HRPAs members and students are at the *awareness* stage of commitment. At this stage, the focus should be to educate members and students about the nature of the change and what it will mean for their practice.

## **Quarterly compliance update**

Compliance is key. Simply, professional regulatory bodies fulfill their mandate of protecting the public from harms or potential harms that may arise from the practice of the profession mainly through the influence they have on the behaviour of the professionals under regulation. Low compliance is a red flag because it is an indicator that the impact of the professional regulatory body on professional practice and conduct is low. If one cannot count on registrants abiding by requirements set out by the Association, what assurance is there to be had that the registrants are behaving in an ethical manner when doing so is not convenient?

At the December 11, 2017 meeting of the HRP Board of Directors, the Board passed a motion that the Registrar be instructed to include an update on levels of compliance in all subsequent Registrar's Reports.

Additionally, the Regulatory Outcome Scorecard adopted by the Board at the June 2018 meeting of the Board defined two generalized precursors/enablers of regulatory performance:

1. Receptivity to governance and regulation by HRP, and
2. Public confidence in the regulation of the profession

Compliance levels may be understood as indicators of receptivity to governance and regulation by HRP. The three key compliance items tracked by the OOTR are:

1. Compliance with the requirement to notify the Registrar of bankruptcies and insolvency events,
2. Compliance with the requirement to obtain professional liability insurance and notify the Registrar of such for registrants in independent practice, and
3. Compliance with the continuing professional development requirement for designated registrants.

The bottom line is that (1) compliance rates at HRP are unacceptably low, and (2) there is no evidence that compliance rates are improving.

### **Compliance with the requirement to notify the Registrar of bankruptcies and insolvency events**

There were four new notices of bankruptcies or insolvency events received by the Registrar in Q3 2019.

There are two reference points that could be used to establish expectations regarding the incidence of bankruptcies and insolvency events amongst HRP members. One is to assume that the rate of bankruptcies and insolvency events amongst HRP members is likely comparable to that of the general population. The data published by the Superintendent of Bankruptcies are the best source here.

One could believe that that the rate of bankruptcies and insolvency events amongst HRP members is less than that of the general population (although there is no evidence to suggest that this is the case). In fact, available evidence seems to point in the opposite direction. The question as to whether a member or student had experienced a bankruptcy or insolvency event in the last twelve months was

asked in the HRP A Member and Student Survey. This data has consistently pointed to higher rates of bankruptcies and insolvency events amongst HRP A members than for the general population.

Based on self-reports in the 2018 HRP A Member and Student survey, we would expect 164 bankruptcies and insolvency events to have occurred amongst HRP A members in the last year. In that year, five notifications of bankruptcies or insolvency events were received, the compliance rate for the requirement to notify the Registrar of bankruptcies or insolvency events for 2018 was:

$$\frac{5}{164} = 3.0\%$$

The annualized compliance rate for the requirement to notify the Registrar of bankruptcies or insolvency events based on 2019 activity so far would be 5.33—essentially the same as in 2018.

This data suggests that the requirement to notify the Registrar of bankruptcies or insolvency events is not improving.

### **Professional Liability Insurance clean-up**

The requirement for members and students in independent practice to obtain professional liability insurance and to notify the Registrar of such was first introduced in HRP A’s Rules of Professional Conduct in 2009.

The integrity of the Professional Liability Insurance data/process has been of concern for some time. This falls under the registration rubric although the professional liability insurance is a practice standard established by by-law. Failure to abide by the Professional Liability Insurance by-law could lead to the Registrar filing a complaint with the Complaints Committee.

The HRP A By-laws also state:

*“On an annual basis upon Registration renewal, Members, Students and Firms shall confirm that they have maintained their professional liability insurance coverage. Members, Students and Firms shall also notify HRP A immediately of any change in their insurance coverage, including the cancellation of the insurance coverage, the reduction of the insurance coverage as well as any change of the insurance broker.”*

The public register indicates as “authorized for independent practice” those individuals who have notified the Registrar that they have professional liability insurance and, at least at one point in time, provided the Registrar with satisfactory proof of such insurance in the form of a copy of the insurance certificate.

The initial registration form and the annual renewal of registration forms both include fields to indicate that one is in independent practice and an attestation that one has obtained professional liability insurance and reminds registrants of the need to provide proof of such to the Registrar.

## **Professional Liability Insurance clean-up: next steps**

### **Cleaning up our current data:**

1. An email will be sent to:
  - a. all registrants who have been authorized for independent practice in the past and have submitted the required information, but have not provided updated information since that time;
  - b. all registrants who have indicated yes or no to full-time or part-time independent practice and have submitted some information in the past, but are not authorized;
  - c. all registrants who have said yes to independent practice but have not provided any information in the past and are not authorized.

The intention is that these emails will prompt registrants to provide updated information, and to also remind them of their ongoing duty to submit proof of insurance to the Registrar.

2. In addition to contacting the groups of registrants outlined above, we will also look at contacting individuals who we may suspect require professional liability insurance based on their job titles in CRM. A preliminary look at information in CRM suggests that there are a good number of registrants in this category. This is likely the most important group as these would be non-compliant registrants. For example, we will contact anyone who has their job title currently listed as 'contractor' or 'consultant'. This will be completed once we gain a sense of how many registrants we will need to contact and how long the process will take, based on the resources available.

### **Maintaining the integrity of data into renewal 2020:**

3. As a part of the clean up and maintaining the integrity of data, the OOTR will be making changes to the 2020 renewal form. Currently when a registrant renews their registration with HRP, there is an option for them to provide the details of their insurance on the renewal form including broker name, broker phone numbers, etc. The changes we will make to the renewal form will eliminate these sections, so registrants are encouraged to complete and submit a separate Professional Liability Insurance form to HRP, rather than providing details on both. This will hopefully eliminate the duplication of information HRP receives.
4. To align with the goal of improving the integrity of data, we will also create a Professional Liability Insurance Renewal Form in addition to the Professional Liability Insurance Form we currently have. The current form is intended for those providing insurance information for the first time. The idea of the renewal form is that registrants would provide this annually to the HRP staff member who manages the process within 30 days of their insurance being up for renewal. This will help to streamline the process and hopefully make the verification process more robust.

**Compliance with the requirement for designated registrants to participate in Continuing Professional Development and to submit a completed CPD log every three years**

This compliance rate is calculated annually and has not changed from the compliance rate reported in the 2018 Q4 Registrar's Report. At that time, the compliance with the requirement for designated registrants to participate in Continuing Professional Development and to submit a completed CPD log every three years stood at 88%.

In 2018, 178 designations were revoked due to CPD non-compliance. These individuals were reclassified as *practitioner* members.

## Snapshot of statutory and standing regulatory committee activity for Q3, 2019

Registration 3 Applications reviewed		
Academic Standards Diploma 0 Course approval applications reviewed	Academic Standards Degree 8 Course approval applications reviewed	
Experience Assessment 101 Applications reviewed	CHRP Exam Validation 1 Exam assembly Key validation Cut-score determination	CHRL Exam Validation 1 Exam assembly Key validation Cut-score determination
CHRE Review 6 Applications reviewed		
Continuing Professional Development 3420 CPD logs processed		
Complaints 1 Referral to Complaints Committee		
Review 4 Referrals to Review Committee	Discipline 0 Referrals to Discipline Committee	Capacity 0 Referrals to Capacity Committee
Appeals 14 Referrals to Appeal Committee		

For the purposes of this report, the CHRP Exam Validation Committee and the CHRL Exam Validation Committee are considered committees. More precisely, these would be considered working groups as these have not been established by by-law. The process of establishing the CHRP Exam Validation Committee and the CHRL Exam Validation Committee as committees duly constituted by by-law is underway.

## Public register

**Table 1: Registration by Class Year-over-Year (September 4, 2018 vs September 4, 2019)**

Table 2 gives registration by class as of September 4, 2019, and year-over-year in comparison with September 4, 2018. Total registration now stands at 24,409, with 22,877 members and 1,532 students. Additional commentary and explanations below.

	Registration loss									
	A	B	C	D	E	F	G	H	I	J
	September 4, 2018 (start)	September 4, 2019 (end)	New registration in class	Resignations	Revocations	Total loss	Net Growth (Loss)	% Growth (Loss)	Retention Rate	Turnover Rate
<b>Designated members</b>	<b>14987</b>	<b>14891</b>	<b>981</b>	<b>553</b>	<b>524</b>	<b>1077</b>	<b>-96</b>	<b>-0.6%</b>	<b>92.8%</b>	<b>7.2%</b>
Highest designation CHRE (including CHRE retired)	282	275	12	9	10	19	-7	-2.5%	93.3%	6.8%
Highest designation CHRL (including CHRL retired)	9151	9782	1147	298	218	516	631	6.9%	94.4%	5.5%
Highest designation CHRP (including CHRP retired)	5554	4834	-178	246	296	542	-720	-13.0%	90.2%	10.4%
<b>Undesignated Members</b>	<b>6771</b>	<b>7986</b>	<b>3125</b>	<b>782</b>	<b>1128</b>	<b>1910</b>	<b>1215</b>	<b>17.9%</b>	<b>71.8%</b>	<b>25.9%</b>
Practitioner	6505	7704	3012	729	1084	1813	1199	18.4%	72.1%	25.5%
Allied Professional	266	282	113	53	44	97	16	6.0%	63.5%	35.4%
<b>Total members</b>	<b>21758</b>	<b>22877</b>	<b>4106</b>	<b>1335</b>	<b>1652</b>	<b>2987</b>	<b>1119</b>	<b>5.1%</b>	<b>86.3%</b>	<b>13.4%</b>
<b>Students (registered but not members)</b>	<b>3116</b>	<b>1532</b>	<b>-515</b>	<b>317</b>	<b>752</b>	<b>1069</b>	<b>-1584</b>	<b>-50.8%</b>	<b>65.7%</b>	<b>46.0%</b>
<b>Total registrants</b>	<b>24874</b>	<b>24409</b>	<b>3591</b>	<b>1652</b>	<b>2404</b>	<b>4056</b>	<b>-465</b>	<b>-1.9%</b>	<b>83.7%</b>	<b>16.5%</b>
<b>Students as a proportion of registrants</b>	12.5%	6.3%								
<b>Designated members as a proportion of membership</b>	68.9%	65.1%								
<b>Designated members as a proportion of registration</b>	60.3%	61.0%								

### **Explanation of Table 1**

The interpretation of this table is complicated by movement from one registration class to another. For instance, students graduate and become Practitioners, Practitioners become CHRPs, Practitioners and CHRPs become CHRLs, CHRLs become CHREs.

There were two events in 2019 which contributed to more inter-class movement than usual:

- a. A partial clean-up of the student registration class saw registrants transferred from the Student class to the Practitioner class.
- b. In order to meet a grandfathering deadline, many Practitioners submitted their Validation of Experience documentation and achieved the CHRL designation.

Of course, all of this comes out in the wash for the total of all registrants.

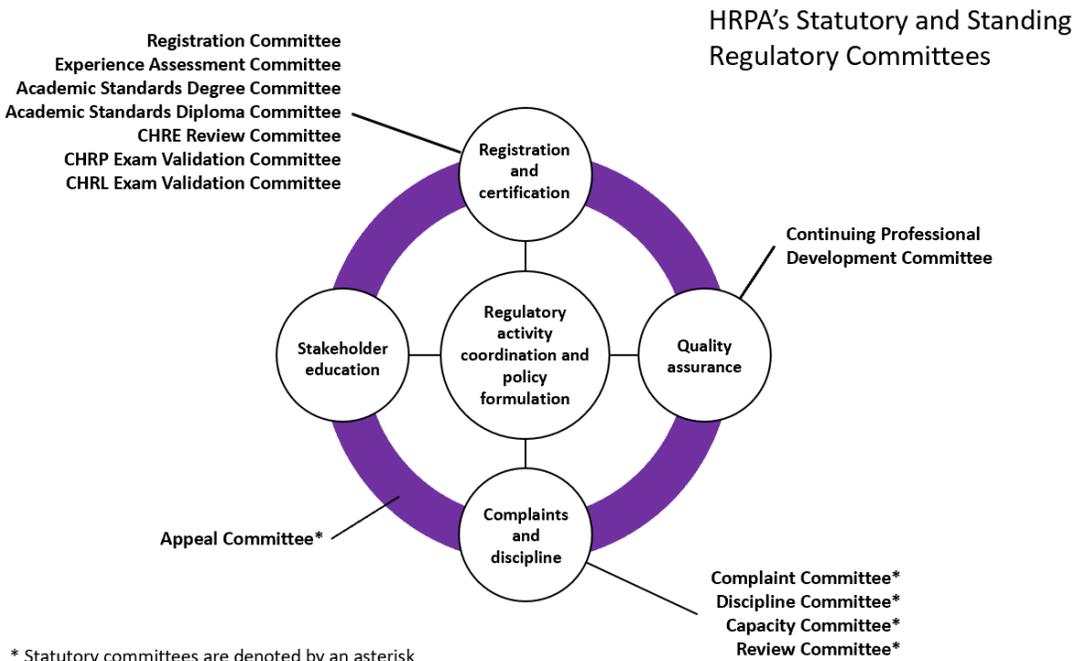
Between September 4, 2018, and September 4, 2019, total registration fell by -1.9% overall. As well, the calculation formulas referencing the columns in the table are given as Appendix A.

**Table 2: Out-of-jurisdiction registration as of September 4, 2019**

Table 2 gives the out-of-jurisdiction registration by class. As of September 4, 2019, HRPA had 643 registrants residing in jurisdictions other than Ontario.

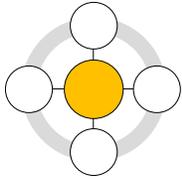
	Ontario	Alberta	Quebec	British Columbia	Nova Scotia	New Brunswick	Saskatchewan	Manitoba	Northwest Territories	Newfoundland and Labrador	Prince Edward Island	Nunavut	Yukon	Total other Canadian provinces	Out of Canada	Total out-of-jurisdiction	Total
<b>Designated members</b>	<b>14,512</b>	<b>60</b>	<b>58</b>	<b>58</b>	<b>16</b>	<b>9</b>	<b>9</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>230</b>	<b>137</b>	<b>367</b>	<b>14,879</b>
Highest designation CHRE (incl. CHRE retired)	257	4	3	2	1	1	-	-	-	-	-	-	-	11	6	17	274
Highest designation CHRL (incl. CHRL retired)	9,530	36	37	35	10	5	7	1	2	2	-	4	2	141	102	243	9,773
Highest designation CHRP (incl. CHRP retired)	4,725	20	18	21	5	3	2	3	-	1	3	-	2	78	29	107	4,832
<b>Undesignated Members</b>	<b>7,718</b>	<b>32</b>	<b>56</b>	<b>18</b>	<b>11</b>	<b>2</b>	<b>10</b>	<b>4</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>145</b>	<b>117</b>	<b>262</b>	<b>7,980</b>
Practitioner	7,446	30	53	18	11	2	10	4	1	4	-	3	1	137	115	252	7,698
Allied Professional	272	2	3	-	-	-	-	-	1	1	1	-	-	8	2	10	282
<b>Total members</b>	<b>22,230</b>	<b>92</b>	<b>114</b>	<b>76</b>	<b>27</b>	<b>11</b>	<b>19</b>	<b>8</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>7</b>	<b>5</b>	<b>375</b>	<b>254</b>	<b>629</b>	<b>22,859</b>
<b>Students (registered but not members)</b>	<b>1,517</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>12</b>	<b>2</b>	<b>14</b>	<b>1,531</b>
<b>Total registrants</b>	<b>23,747</b>	<b>97</b>	<b>115</b>	<b>77</b>	<b>28</b>	<b>15</b>	<b>19</b>	<b>8</b>	<b>4</b>	<b>8</b>	<b>4</b>	<b>7</b>	<b>5</b>	<b>387</b>	<b>256</b>	<b>643</b>	<b>24,390</b>

# Function-by-function Review



The six regulatory functions are:

- Regulatory activity coordination and policy development
- Registration and certification
- Quality assurance
- Complaints and discipline (including capacity and review)
- Stakeholder education
- Appeals



## Regulatory response coordination and policy development

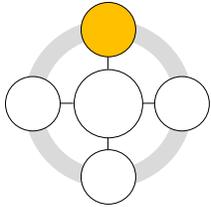
### Policy Development

As noted in the Trends and issues section of the Registrar's Report, HRPAs launched its new policy development function in August. HRPAs's new policy function provides leadership, advice and subject matter expertise in the planning, development and evaluation of strategies, policies, planning frameworks, legislation and regulations which support the statutory mission and mandate of HRPAs.

Central to the establishment of a strategic policy direction is the introduction of a risk-based approach to professional regulation. In essence, this approach aims to minimize and mitigate the risks posed to the public and users of the HR professional services stemming from the practice of the profession.

Although only a few weeks old by the time this report was written, HRPAs's new Policy Development function has already begun its work:

- Research was conducted and a briefing note was written on the idea of partnering with a third-party vendor with respect to the anonymous reporting of registrant misconduct. The research involved collecting information on the policies of all thirty-nine professional regulatory bodies governed by public act in Ontario regarding anonymous complaints
- To get things rolling, data which had been collected in 2014 but which had never been analyzed will be analyzed. This dataset was a survey of HRPAs registrants asking what, in their opinion, were the risks to the public stemming from the practice of the profession.
- Work has begun on the 2019 Complaints Benchmarking Report.
- A staff lunch-and-learn will be conducted on the topic of risk-based regulation.



## Registration and certification

### From application to registration

Not all applications for initial registration with HRPAs are automatically accepted. HRPAs have a *good character* requirement that all applicants for initial registration must meet.

In Q3 2019, HRPAs received 520 registration applications. This includes both initial registration as a member and initial registration as a student.

Of these 520 applications for initial registration, four (<1%) had responded positively to one or more of the good character questions on the initial registration application form. Upon review, the Associate Registrar did not have any concerns with one application and therefore this applicant was registered. The three other applications were referred to the Registration Committee in Q3.

### Registration Committee

*Chair: Frank Tancredi*

*Vice Chair: Agnes Ciesla*

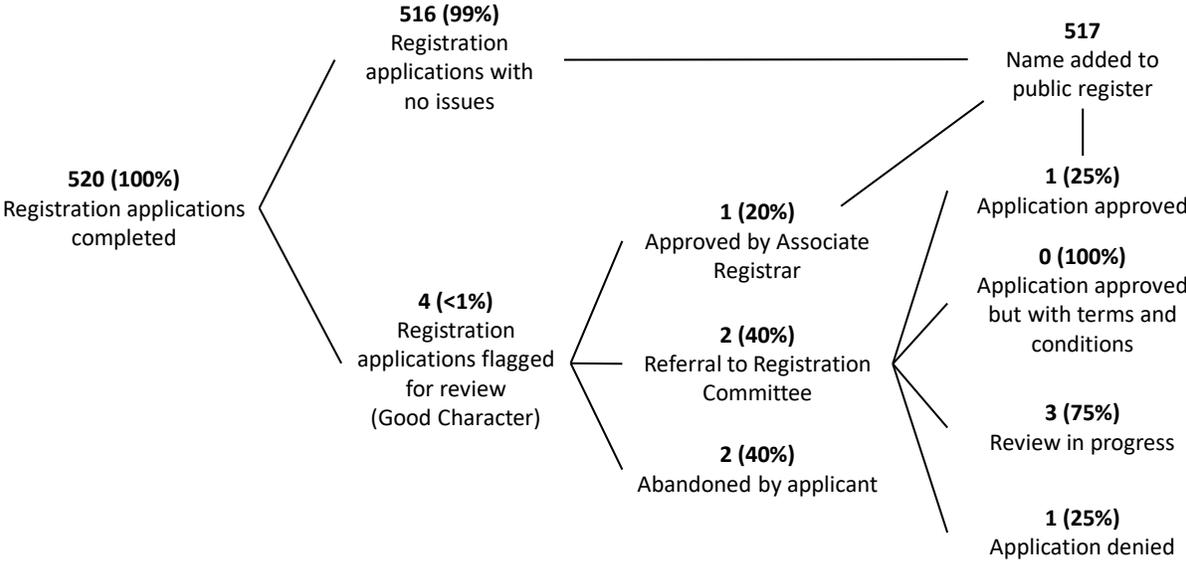
The Registration Committee is a standing committee established pursuant to Section 8.04 of the By-laws. The Registration Committee shall review every application referred to it by the Registrar to determine the suitability of an applicant for registration or the appropriateness of the category of registration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

The figure below gives the activity and decisions of the Registration Committee in Q3 2019. It is to be noted that the numbers are a bit different than those related above because they include applications for initial registration which were received before Q3.

Less than 1% of applications indicate some event that would require further review. There is a possibility that this number might be lower than it should be. One of the *good character* question in the initial application form relates to having experienced a bankruptcy or insolvency event which has not yet been discharged. Only one of the 520 applications for initial registration indicated that the applicant or their firm had experienced a bankruptcy or insolvency event which has not yet been discharged. According to the Superintendent of Bankruptcies, the rate of bankruptcies or insolvency events in Ontario was 3.4% in 2018. At this rate, with 520 applications for initial registration one might expect about eighteen applications for initial registration to have been flagged for this issue instead of just one. Of course, there are many possible explanations for this gap, but one cannot discount the possibility of underreporting.

The Registration Committee disposed of two cases in Q3. One decision was to allow registration, the other was to deny registration. There were three cases outstanding at the end of Q3 – one awaiting panel review and two awaiting supporting documents.

**Registration applications Q3, 2019**



**Initial registrations**

There were 517 new registrations in Q3, 430 new registrations as a member and 87 new registrations as a student.

<b>New registrations Q3 2019</b>	<b>Count</b>	<b>Percent</b>
New registrations as a member	430	83%
New registrations as a student	87	17%
<b>Total new registrations</b>	<b>517</b>	<b>100%</b>

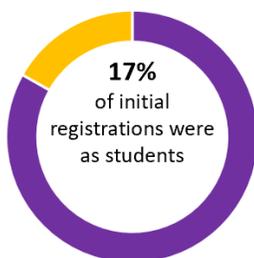
Not surprisingly 95% of initial registrations are from Ontario. Interestingly, 3% of initial registrations are international, this is more than the percentage of initial registrations from all other Canadian provinces combined.

<b>New registrant jurisdiction Q3 2019</b>	<b>Count</b>	<b>Percent</b>
Ontario	493	95%
International	15	3%
British Columbia	3	1%
Quebec	2	<1%
Nova Scotia	1	<1%
Alberta	1	<1%
Saskatchewan	1	<1%
Yukon Territories	1	<1%
<b>Total</b>	<b>517</b>	<b>100%</b>

Five percent of initial registrations were from individuals previously registered with HRPAs but who had resigned or had been revoked for failure to renew their registration with HRPAs. These individuals must apply for registration as new registrants. However, upon re-registration their public register entry will be updated.

New registrations Q3 2019	Count	Percent
Previously registered with HRPAs	26	5%
Not previously registered with HRPAs	491	95%
<b>Total new registrations</b>	<b>517</b>	<b>100%</b>

**Initial registrations  
Member v. student**



■ Member ■ Student

**Initial registrations  
by jurisdiction**



■ Ontario ■ International  
 ■ British Columbia ■ Quebec  
 ■ Nova Scotia ■ Alberta  
 ■ Saskatchewan ■ Yukon Territories

**Initial registrations  
Previously v. not previously registered**



■ Previously registered with HRPAs  
 ■ Not previously registered with HRPAs

### Total Reduced dues, Disability Assistance Program (DAP) and Retired Status as of September 9, 2019

The table below gives the total number of registrants that renewed under Reduced dues, the Disability Assistance Program (DAP) and Retired Status as of September 9, 2019, and a year-over-year comparison with September 4, 2018. As of September 9, 2019, HRPAs had 1,242 registrants that applied for a reduction in their dues. This represents an increase of five hundred seventy-four (574) registrants (86%) compared to a year ago.

	September 4, 2018	September 9, 2019	Net Gain	% Gain
Reduced Dues	467	958	491	105%
Disability Assistance Program (DAP)	32	91	59	184%
Retired Status	169	193	24	14%
<b>Total</b>	<b>668</b>	<b>1242</b>	<b>574</b>	<b>86%</b>

### Registration of firms

The registration of firms has not yet been put into force.

## **Certification**

HRPA offers three designations - the Certified Human Resources Professional (CHRP), the Certified Human Resources Leader (CHRL) and the Certified Human Resources Executive (CHRE).

The CHRP and the CHRL have a coursework requirement. The coursework is approved by the Academic Standards Committees. There is an Academic Standards Committee for diploma-level coursework and an Academic Standards Committee for degree-level coursework.

### **Academic Standards Diploma Committee**

*Chair: Preiti Momaya, outgoing Chair*

The Academic Standards Diploma Committee is a standing committee established pursuant to Section 8.04 of the By-laws. The Academic Standards Diploma Committee shall review every course outline(s) and any accompanying, relevant, supplementary material submitted by eligible post-secondary educational institutions that offer college diploma, advanced diploma, and graduate certificate (post-diploma certificate) level courses and individual registrants seeking to have one or more courses approved at college diploma, advanced diploma, and graduate certificate (post-diploma certificate) level in the fulfillment of HRPA's coursework requirement (course approval), making a decision pertaining thereto, and providing rationale in accordance with the criteria as established by the Board. Ministry approved HR courses within an established HR program are exempted.

- Between June 1, 2019, and August 31, 2019, there were no course approval applications submitted by schools or by students.

### **Academic Standards Degree Committee**

*Chair: Carolyn Capretta*

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

- Between June 1, 2019, and August 31, 2019, eight institutional course approval applications were received. During the same timeframe, three student course approval applications were received. All applications will be reviewed at the October course review meeting.

The CHRL has a three-year experience requirement. In addition, there is an alternate route to the coursework requirement for both the CHRP and CHRL that will also consider experience. The review of experience for the experience requirement and the alternate route is conducted by the Experience Assessment Committee.

## Experience Assessment Committee

*Chair: Mark Seymour*

*Vice Chair: Michelle Rathwell*

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

Year-over-year submissions to the Experience Assessment Committee:

	December	January	February	March	April	May	June	July	August	September	October	November	Total
2017	26	20	46	44	26	31	34	35	32	38	37	70	439
2018	68		38	54	56	66	71	66	164	171	244	832	1830
2019	55		22	29	20	31	32	33	36				

Between June 1, 2019 to August 31, 2019, 64 Validation of Experience applications were received, and 50 result letters have been released (results from April, May, June 2019).

Validation of experience applications successful	30	60.0%
Validation of experience applications unsuccessful	20	40.0%
Total	50	100.0%

Between June 1, 2019 to August 31, 2019, 37 Alternate Route applications were received, and 33 result letters have been released (results from April, May, June 2019).

Alternate Route applications successful	18	54.5%
Alternate Route applications unsuccessful	15	45.5%
Total	33	100%

## Challenge Exams

In addition to the alternate route, HRP A offers still another way of meeting the coursework requirement. For each of the nine required courses, candidates may opt to write a challenge exam. Some use the challenge exam option instead of taking the course, others use the challenge exams to make up for a grade that was too low or for a course that has expired due to being older than 10 years.

- Challenge exams are being held from September 9<sup>th</sup> to September 11<sup>th</sup>, 2019.
- There is a total of 82 challenge exam writers in September 2019.

### Breakdown by month

Month	Registrants	Pass	Pass Rate
January 2019	86	53	61.63%
May 2019	84	55	65.48%
September 2019	82		

### Breakdown by subject

Subject	Registrants	Pass	Pass Rate
Training and Development	12		
Compensation	7		
Organizational Behaviour	15		
Finance and Accounting	11		
Recruitment and Selection	8		
Human Resources Management	8		
Human Resources Planning	6		
Occupational Health and Safety	7		
Labour Relations	8		
<b>Total</b>	<b>82</b>		

### CHRE Review Committee

*Chair: Bob Canuel*

The CHRE Review Committee is a standing committee established pursuant to Section 8.04 of the By-laws. The CHRE Review Committee shall review every application referred to it by the Registrar to determine whether an applicant meets the criteria for the Certified Human Resources Executive (CHRE) as established by the Board.

- The number of CHREs was 275 at the end of Q3.
- Between June 1, 2019, and August 31, 2019, six Phase II CHRE applications were reviewed by the CHRE Review Committee. Out of the six applicants, three were granted the CHRE designation.

### Certification exams

The CHRP requires successful performance on the Comprehensive Knowledge Exam 1 (CKE1) and the Employment Law Exam 1 (ELE1). The CHRL requires successful performance on the Comprehensive Knowledge Exam 2 (CKE2) and the Employment Law Exam 2 (ELE2).

The development and validation of certification exams is a complex process for which the input of members of the profession is essential. The CHRP Exam Validation Committee performs this role for the CHRP exams (the CKE1 and ELE1), and the CHRL Exam Validation Committee performs this role for the CHRL exams (the CKE2 and ELE2).

There were two exam windows in Q3—the CKE1 was administered from June 3 to June 17, 2019, and the CKE2 was administered from June 24 to July 9, 2019.

**CHRP Exam Validation Committee**

The Certified Human Resource Professional Exam Validation Committee (CHRP-EVC) is a recently formed committee which has not yet formally established under by-law. The process to establish the CHRP Exam Validation Committee under by-law is currently in progress. The mandate of the CHRP-EVC is to approve all examination content used to evaluate CHRP candidates and make recommendations to the Registrar as to appropriate cut-scores for the CHRP exams. The CHRP-EVC is also responsible for the approval of examination blueprints for the CKE1 and CHRP Employment Law Exams.

In Q3 the CHRP-EVC held sessions for the CHRP Employment Law Exam Form Approval, CKE1 Key Validation, and Pass Mark Approval in June of 2019. The purpose of the Form Approval session is to have representatives of the EVC verify that each item on the upcoming Employment Law Examination reflects current practice and legislation and verify that each item is asking something unique of future HR professionals. The purpose of the Key Validation and Pass Mark Approval sessions is to obtain agreement for the appropriateness of the pass mark and pass rate for the CKE1 written in June of 2019. The CHRP-EVC will make a recommendation to HRPA’s Registrar to approve the agreed upon pass mark.

**CHRL Exam Validation Committee**

The Certified Human Resource Leader Exam Validation Committee (CHRL-EVC) is a recently formed committee which has not yet formally established under by-law. The process to establish the CHRL Exam Validation Committee under by-law is currently in progress. The mandate of the CHRL-EVC is to approve all examination content used to evaluate CHRL candidates and make recommendations to the Registrar as to appropriate cut-scores for the CHRL exams. The CHRL-EVC is also responsible for the approval of examination blueprints for the CKE2 and the CHRL Employment Law Exams.

In Q3 the CHRL-EVC held a Key Validation and Pass Mark Approval session for the CHRL Employment Law Exam that was written in May of 2019.

The CHRL-EVC held a Form Approval session for the CHRL Employment Law Exam in June of 2019 and a CKE2 Key Validation and Pass Mark Approval session in July of 2019.

**2019 Exam schedule**

	<b>Window</b>	
<b>CHRP Employment Law Exam (ELE1)</b>	January 7 – January 21	Q1
<b>CHRL Employment Law Exam (ELE2)</b>	January 14 – January 28	
<b>CKE1</b>	February 11 – February 25	
<b>CKE2</b>	March 4 – March 18	Q2
<b>CHRP Employment Law Exam (ELE1)</b>	May 6 – May 21	
<b>CHRL Employment Law Exam (ELE2)</b>	May 13 – May 27	Q3
<b>CKE1</b>	June 3 – June 17	
<b>CKE2</b>	June 24 – July 9	

<b>CHRP Employment Law Exam (ELE1)</b>	September 9 – September 23	Q4
<b>CHRL Employment Law Exam (ELE2)</b>	September 16 – September 30	
<b>CKE1</b>	October 14 – October 28	
<b>CKE2</b>	November 4 – November 18	

### Certification Exams

<b>Comprehensive Knowledge Exam 1 (CKE1)</b>	<b>Candidates</b>	<b>Pass</b>	<b>Pass Rate</b>	<b>Reliability</b>
Feb 2019	194	120	61.86%	.92
June 2019	182	103	56.59%	.90
October 2019				

<b>Comprehensive Knowledge Exam 2 (CKE2)</b>	<b>Candidates</b>	<b>Pass</b>	<b>Pass Rate</b>	<b>Reliability</b>
March 2019	231	152	65.8%	.92
June/July 2019	258	164	63.6%	.94
October/November 2019				

<b>CHRP Employment Law Exam (ELE1)</b>	<b>Candidates</b>	<b>Pass</b>	<b>Pass Rate</b>	<b>Reliability</b>
January 2019	132	128	96.97%	.74
May 2019	169	162	95.86%	.80
September 2019				

<b>CHRL Employment Law Exam (ELE2)</b>	<b>Candidates</b>	<b>Pass</b>	<b>Pass Rate</b>	<b>Reliability</b>
January 2019	203	174	85.71%	.82
May 2019	208	172	83.50%	.78
September 2019				

### Technical reports for exams

HRPA publishes the technical reports for the CKE1, CKE2, ELE1 and ELE2. Technical reports are published for each administration (i.e., exam window) of the exams.

Technical Report: June 2019 CKE1

<https://www.hrpa.ca/PublishingImages/Regulation/CKE1-Technical-Report-June-2019.pdf>

Technical Report: June-July 2019 CKE2

<https://www.hrpa.ca/hrdesignations /Documents/CKE2-Technical-Report-June-July-2019.pdf>

### **Job Ready Program**

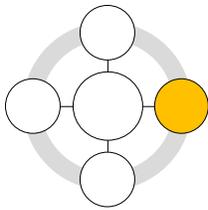
Completion of the Job Ready program is required of all CHRP candidates. The Job Ready program is not graded but must be completed.

Between June 1, 2019 and August 31, 2019, 250 registrants completed the Job Ready Program and were granted the CHRP designation.

### **Issuance of certificates**

Certificates are issued for all three levels of designation: CHRP, CHRL, and CHRE. A certificate issuance commenced in August, and members were scheduled to receive their certificates by late-August. An email went out to 407 members in mid-August notifying that they could expect to receive their certificates during this issuance.

	<b>CHRP</b>	<b>CHRL</b>	<b>CHRE</b>	<b>Total</b>
<b>February 2019</b>	40	236	3	279
<b>May 2019</b>	243	499	5	747
<b>August 2019</b>	259	148	0	407
<b>November 2019</b>				
<b>Total</b>	542	883	8	1433



## Quality assurance

### Continuing Professional Development Committee

*Chair: Vito Montesano*

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

- There were 3668 designated members due to submit their CPD Log by May 31, 2019. Of those, 3420 designated members submitted their CPD log as of September 1, 2019. To date, 248 members have not submitted their CPD log. So far, the CPD submission rate has slightly increased in comparison to previous years' compliance rates.
- Calculation of the compliance rate for the CPD requirement involves making some assumptions. Some members will not comply with the CPD requirement because they no longer intend to renew their membership in HRP (and will resign or be revoked), others, knowing that they have not kept up with their CPD requirement, will also not renew their membership in HRP. It is not possible to tell which is which.
- To date, 172 members who were due to submit their CPD log on May 31, 2019, have applied for and were granted an extension.

	Due	Submitted		Extensions		Not submitted	
		Count	Percent	Count	Percent	Count	Percent
CHRP	1199	1070	89%	76	6%	76	4%
CHRL	2409	2314	96%	94	4%	94	0%
CHRE	40	35	88%	2	5%	2	8%
Practitioner	20	1	5%	---	---	19	95%
<b>Totals</b>	<b>3668</b>	<b>3420</b>	<b>93%</b>	<b>172</b>	<b>5%</b>	<b>172</b>	<b>2%</b>

\*\*The CPD compliance rate is currently at 93.12%. The compliance rate may increase slightly as late logs are submitted.

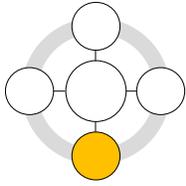
\*\*For the purpose of reconciliation of the above table, registrants who would have been due to submit their CPD log by May 31, 2019, but whose registration type was changed to practitioner member are included. These are members who once held a designation and whose designation and/or registration was resigned or revoked.

### **CPD 2019 Audit**

This year a total of 121 designated members were randomly selected for the CPD audit and were notified via email on March 28<sup>th</sup>. Of the 121 selected for the audit,

- 90 members have complied with the audit request
- 12 members were granted an extension
- 7 members resigned
- 1 member retired
- 5 members need to submit additional information to finalize the audit
- 6 members did not comply with the audit request

The audit review was scheduled on June 26, at HRPAs office, with a total of six committee members in attendance. The outcome of the meeting was that staff support would conduct the necessary follow up on the submissions that required additional information to finalize the audit review. The CPD committee grants staff support authorization to finalize the submissions, provided that the member submits the requested information noted on the audit summary, specifically.



## Complaints and discipline (including capacity and review)

### Complaints Committee

*Chair: Rahim Shamji*

*Independent Legal Counsel: Lonny Rosen, C.S., Rosen Sunshine LLP.*

The Complaints Committee is a statutory committee established pursuant to Section 12 of the *Registered Human Resources Professionals Act, 2013* (the “Act”) and the By-laws. The Complaints Committee shall review every complaint referred to it under Section 31 of the Act and section 15.03 of the By-laws regarding the conduct of a member or registered student of the Association or a firm and, if the complaint contains information suggesting that the member, student or firm may be guilty of professional misconduct as defined in the by-laws, the committee shall investigate the matter. Following the investigation of a complaint, the complaints committee may direct that the matter be referred, in whole or in part, to the discipline committee; direct that the matter not be referred to the discipline committee; negotiate a settlement agreement between the Association and the member, student or firm and refer the agreement to the discipline committee for approval; or take any action that it considers appropriate in the circumstances and that is not inconsistent with the Act or the by-laws, including cautioning or admonishing the member, student or firm.

- There were six open complaints prior to the start of Q3 (June 1, 2019 – August 31, 2019) and three were disposed of in Q3 (see details in the *complaints disposed of* in the chart below). The fourth complaint is currently involved in a parallel proceeding, and the committee has decided to stay the proceedings until it has been resolved. For the fifth complaint, the committee is in the process of drafting a written decision which will be sent to the parties shortly. The sixth complaint is currently with the panel for their review in preparation for their meeting.
- In Q3, one new complaint was registered and is currently in the information gathering stage.

Details for each case can be found below:

### Summary of complaints activity in 2019

	2018	2019				2019
	Total	Q1	Q2	Q3	Q4	Total
Number of complaints filed	14	4	5	1		
Number of complaints closed	12	4	2	3		
Average time to dispose of complaint(s) (days)	146	154	130	122		

### Complaints disposed of in Q3 2019

Case	Date complaint filed	Nature of allegations	Date of disposition of complaint and decision of Complaints Committee
C-2018-2	December 11, 2018	It is alleged that the member acted unprofessionally by sharing nude photos to an employee, having an affair with an employee and sending rude and threatening messages to the complainant.	On July 26, 2019 the committee decided that there is no evidence to support professional misconduct and therefore no referral to Discipline was made and the complaint was dismissed. The committee decided to issue the member a written caution regarding employee relation best practices, and to remind them to always ensure that their behaviour is professional, that they conduct themselves in a manner that demonstrates respect, trust, and integrity, and that their actions reflect the profession in a positive light.
C-2019-8	May 27, 2019	It is alleged that the member breached the rules of professional conduct by commenting on an employee's emotional and mental health during a meeting, lying to employees in the interest of protecting her position, wrongfully dismissing an employee and sharing confidential information with other staff members.	Withdrawn by complainant on July 22, 2019. After a review by the Registrar the matter was officially closed.
C-2019-9	May 29, 2019	It is alleged that the member breached the rules of professional conduct by asking employee to withdraw a complaint with the Ministry of Labour, attempted to induce or bribe this individual with money to withdraw the complaint on employee misclassification, threatened the employee with unsolicited and false tax advice stating that this person would need to pay money to the government.	Withdrawn by complainant on August 20, 2019 - withdrawal of complaint accepted by committee; no need to further investigate.

### New Complaints registered in Q3 2019

Case	Date complaint filed	Nature of allegations	Date of disposition of complaint and decision of Complaints Committee
C-2019-10	August 21, 2019	It is alleged that the member breached the rules of professional conduct by conducting herself in an abusive manner, unjustly suspending an employee, having a lack of impartiality in her role, withheld wages from the same employee, failing to report the interruption of earnings to	TBD

		Service Canada, failing to issue an ROE up to the present working date, obstructing the course of justice by deliberate procrastination.	
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### **Discipline Committee**

*Chair: Stephanie Izzard*

*Vice Chair: Lynne Latulippe (public member)*

*Independent Legal Counsel: Luisa Ritacca, Managing Partner, Stockwoods LLP*

The Discipline Committee is a statutory committee established pursuant to Section 12 of the *Registered Human Resources Professionals Act, 2013* (the “Act”) and the By-laws. The Discipline Committee shall hear every matter referred to it by the Complaints Committee under Section 34 of the Act and section 15.03 of the By-laws to determine whether the member, student or firm is guilty of professional misconduct as defined in the by-laws and if the Committee finds a member, student or firm guilty of professional misconduct, to exercise any of the powers granted to it under Subsection 34(4) of the Act.

No Discipline hearings were conducted in Q3.

There were no new referrals to the Discipline Committee in Q3.

### **Capacity Committee**

*Chair: Stephanie Izzard*

*Vice Chair: Lynne Latulippe (public member)*

*Independent Legal Counsel: Luisa Ritacca, Managing Partner, Stockwoods LLP*

The Capacity Committee is a statutory committee established pursuant to Section 12 of the *Registered Human Resources Professionals Act, 2013* (the “Act”) and the By-laws. The Capacity Committee shall hear every matter referred to it by the Association under Section 47 of the Act and section 15.03 of the By-laws to determine whether a member or student is incapacitated, and if the Committee finds a member or student is incapacitated, to exercise any of the powers granted to it under Subsection 47(8) of the Act.

No capacity hearings were conducted in Q3.

There were no new referrals to the Capacity Committee in Q3.

### **Review Committee**

*Chair: Susan Bryson*

*Independent Legal Counsel: John Wilkinson, Partner, WeirFoulds LLP.*

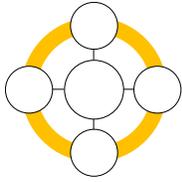
The Review Committee is a statutory committee established pursuant to Section 12 of the *Registered Human Resources Professionals Act, 2013* (the “Act”) and the By-laws. The Review Committee shall review every matter referred to it by the Registrar under Section 40 of the Act to determine whether the member or firm’s bankruptcy or insolvency event may pose a risk of harm to any person; to direct

the Registrar to investigate the matter; to determine whether a hearing is warranted; to conduct hearings when warranted to determine whether the member or firm’s bankruptcy or insolvency event poses a risk of harm to any person; and upon a determination that there are reasonable grounds for believing that the member or firm’s bankruptcy or insolvency event poses or may pose a risk of harm to any person following a hearing, to exercise any of the powers granted to it under Subsection 41(8) of the Act.

There was five new notices of bankruptcy or insolvency events received by the Registrar in Q3 2019. There are eight cases that are ready to be referred to the Committee.

**Summary of referrals to Review Committee in 2019**

	<b>2018</b>	<b>2019</b>				<b>2019</b>
	<b>Total</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>
Number of referrals to Review Committee	3	0	0	5		8



## Appeal

### **Appeal Committee**

*Chair: Melanie Kerr*

*Vice Chair: Maureen Quinlan (public member)*

*Independent Legal Counsel: Luisa Ritacca, Managing Partner, Stockwoods LLP*

The Appeal Committee is a statutory committee established pursuant to Section 12 of the *Registered Human Resources Professionals Act, 2013* (the “Act”) and the By-laws. The Appeal Committee shall review every request for appeal filed under the Act and the By-laws by registrants of HRP or members of the public to determine whether there was a denial of natural justice or an error on the record of the decision of the committee or the Registrar and to exercise any of the powers granted to it under the Act and Section 22 of the By-laws.

Overturning a decision upon appeal does not mean that the original decision was incorrect, it means that there were deficiencies in the process by means of which the decision was arrived at or a denial of natural justice. An appeal is not a request for a ‘second opinion.’ The Appeal Committee will not overturn a decision by a committee or the Registrar unless it is of the opinion that there were deficiencies in the process by means of which the decision was arrived at or if there was a denial of natural justice. Although the Appeal Committee has the authority to make any decision that could have been made by the original committee or the Registrar, the Appeal Committee will often prefer to refer the matter back to the original committee for review.

A total of nine appeals have been filed in Q3, compared with one appeal filed in Q3 in 2018. The number of appeals being filed have slowed down since Q2, which is reasonable as appellants have 30 days to file an appeal and the majority of the Validation of Experience results from the November 2018 grandfathering deadline were released in the early part of Q2. The majority of the appeals that are currently active are against decisions of the Experience Assessment Committee.

A record total of fourteen decisions were issued by the Appeal Committee in Q3. Of the fourteen decisions, two appeals pertained to a decision of the CHRE Committee, and the rest pertained to decisions of the Experience Assessment Committee. Of the fourteen decisions issued, twelve upheld the decisions of the original committee and two overturned the original committee’s decision. The two decisions that were overturned pertained to decisions of the Experience Assessment Committee. In both cases where the appeal was upheld, the Appeal Committee ordered a reassessment by a new panel of the Experience Assessment Committee.

### **Alternate resolution process**

The paradox of appeal processes is that professional regulatory bodies work hard to ensure that the decisions made by their statutory and standing regulatory committees are correct and that the reasons for decisions are communicated clearly. In fact, many professional regulatory bodies look at the proportion of appeals upheld as a measure of the quality of the original decisions. However, a low rate of decisions in favour of appellants could also be seen by some as a sign of a flawed process, one that is stacked against appellants.

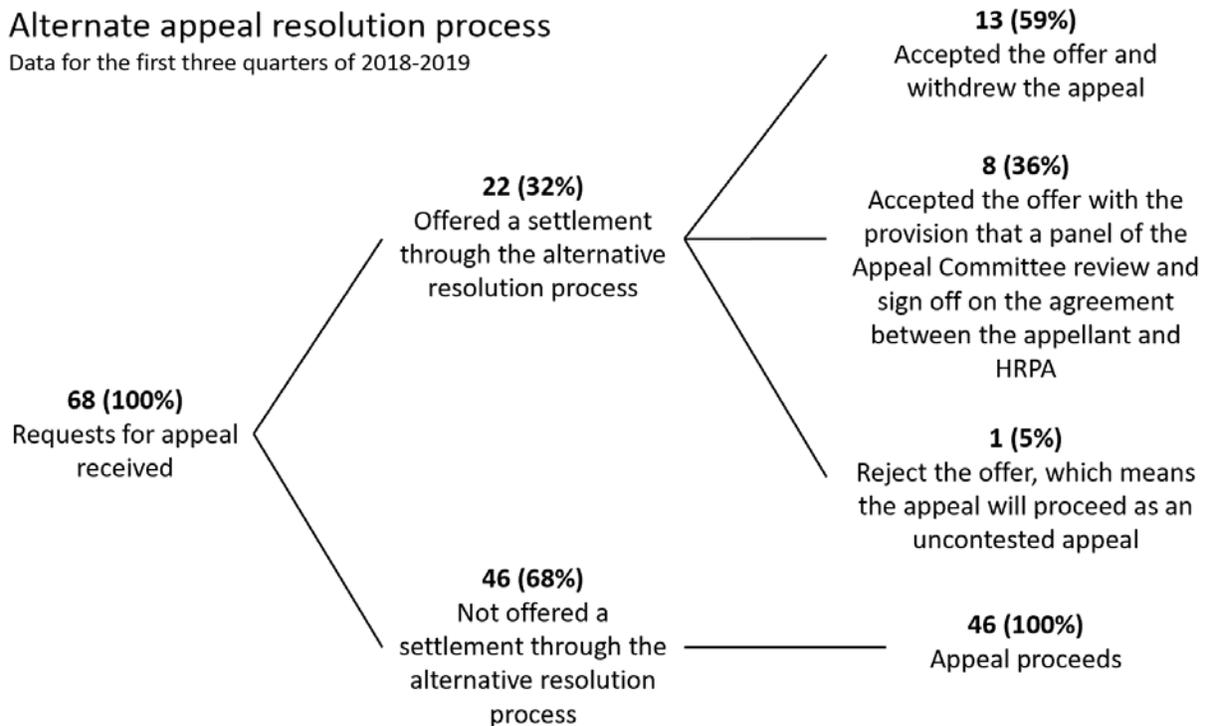
One factor that influences the proportion of appeals that are successful is HRPAs alternate resolution process for appeals. If the Registrar is of the opinion that the appellant has shown in their Request for an Appeal that something may have gone wrong with the process or that there may have been a denial of natural justice, the Registrar may extend an offer to the appellant to settle the appeal. Under those circumstances, the appellant has three options:

1. Accept the offer and withdraw the appeal,
2. Accept the offer with the provision that a panel of the Appeal Committee review and sign off on the agreement between the appellant and HRPAs, or
3. Reject the offer, which means the appeal will proceed as an uncontested appeal.

Appellants are never pressured to choose one option or another. The benefit for appellants and for HRPAs is a quicker resolution of the matter. With respect to appeals of decisions of the Experience Assessment Committee (EAC), the settlement usually involves having the Validation of Experience (VOE) or alternate route application reviewed by a second independent panel. Most appellants who are appealing a decision by the EAC want a 'second opinion' on their application. As noted above, the Appeal Committee was not established to give second opinions but to review the process by which the decision was arrived at.

## Alternate appeal resolution process

Data for the first three quarters of 2018-2019



The impact of the alternate resolution process is that most of the decisions of the (EAC) where the facts suggest that an appeal might be warranted, never make it to being reviewed by a panel of the Appeal Committee as the VOE or alternate route application is sent to a new Experience Assessment Committee (EAC) panel for review.

So far this year (which started December 1, 2018), out of a total of sixty-eight requests for appeal twenty-two appellants (32%) were offered a settlement under the alternate resolution process.

### Appeal settled by way of the *Alternate Resolution Process* in Q3

	Date Appeal Filed	The nature of the appeal	The outcome of the appeal
A-2019-24	March 26, 2019	Experience Assessment Committee made an error in Validation of Experience assessment as well as a calculation error.	An agreement was made between HRPAs and the appellant. The appeal was withdrawn by the appellant in June 2019.
A-2019-34	April 4, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	An agreement was made between HRPAs and the appellant. Panel approved agreement. The appeal was withdrawn by the appellant in June 2019.
A-2019-39	April 9, 2019	Experience Assessment Committee failed to assess Validation of Experience application properly.	An agreement was made between HRPAs and the appellant. The appeal was withdrawn by the appellant in June 2019.

A-2019-43	April 15, 2019	Bias from Experience Assessment Committee panel member as she had previously reviewed their prior VOE application.	An agreement was made between HRPAs and the appellant. The appeal was withdrawn by the appellant in June 2019.
A-2019-47	April 22, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	An agreement was made between HRPAs and the appellant. The appeal was withdrawn by the appellant in June 2019.
A-2019-48	April 22, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	An agreement was made between HRPAs and the appellant. Panel approved agreement. The appeal was withdrawn by the appellant in July 2019.
A-2019-49	April 26, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	An agreement was made between HRPAs and the appellant. The appeal was withdrawn by the appellant in June 2019.
A-2019-54	May 7, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	An agreement was made between HRPAs and the appellant. Panel approved agreement. The appeal was withdrawn by the appellant in June 2019.
A-2019-60	June 12, 2019	Experience Assessment Committee failed to consider relevant facts and denied natural justice.	An agreement was made between HRPAs and the appellant. The appeal was withdrawn by the appellant in July 2019.
A-2019-62	June 27, 2019	Experience Assessment Committee did not fully assess Validation of Experience application.	An agreement was made between HRPAs and the appellant. The appeal was withdrawn by the appellant in August 2019.
A-2019-65	July 12, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	An agreement was made between HRPAs and the appellant. The appeal was withdrawn by the appellant in August 2019.

### Q3 Appeal Activity

	Date Appeal Filed	The nature of the appeal	The outcome of the appeal
A-2014-4	April 3, 2014	The complaints process was biased and unfair.	A hearing has been scheduled for September 2019.
A-2019-12	February 15, 2019	The Registrar's decision for the November 30, 2018 Validation of Experience (VOE) grandfathering deadline for those pursuing the CHRL was unfair.	Panel of the Appeal Committee met in May 2019 and requested more information from the appellant. A second review has been scheduled with the panel in September 2019.

A-2019-17	March 12, 2019	CHRE Review Committee made several errors in the assessment of the application.	Decision issued in August 2019 upholding the CHRE Review Committee's decision.
A-2019-18	March 12, 2019	Experience Assessment Committee failed to properly assess Validation of Experience (VOE) application. Concerns that because of the large influx of VOE applications, the Experience Assessment Committee was not able to give ample consideration to all documentation.	Decision issued in June 2019 overturning the Experience Assessment Committee's decision and ordered a reassessment by a new panel of the Experience Assessment Committee.
A-2019-20	March 19, 2019	Experience Assessment Committee failed to properly assess Validation of Experience application.	Decision is currently in the process of being written.
A-2019-21	March 21, 2019	Experience Assessment Committee failed to consider the facts and apply the correct rule in making the decision.	Decision issued in July 2019 upholding the Experience Assessment Committee's decision.
A-2019-22	March 25, 2019	Experience Assessment Committee failed to properly assess Validation of Experience application.	Decision issued in July 2019 upholding the Experience Assessment Committee's decision.
A-2019-25	March 28, 2019	Experience Assessment Committee made an error in Alternate Route assessment.	Decision issued in August 2019 upholding the Experience Assessment Committee's decision.
A-2019-27	March 30, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Decision issued in July 2019 upholding the Experience Assessment Committee's decision.
A-2019-28	March 31, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Decision issued in July 2019 upholding the Experience Assessment Committee's decision.
A-2019-29	March 29, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Decision issued in August 2019 upholding the Experience Assessment Committee's decision.
A-2019-30	March 31, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Decision issued in July 2019 upholding the Experience Assessment Committee's decision.
A-2019-31	April 1, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Decision issued in August 2019 upholding the Experience Assessment Committee's decision.

A-2019-32	April 2, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Decision issued in July 2019 upholding the Experience Assessment Committee's decision.
A-2019-33	April 3, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Decision issued in August 2019 overturning the Experience Assessment Committee's decision and ordered a reassessment by a new panel of the Experience Assessment Committee.
A-2019-35	April 4, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Decision issued in August 2019 upholding the Experience Assessment Committee's decision.
A-2019-36	April 9, 2019	Experience Assessment Committee's decision didn't align with the documentation submitted for Validation of Experience application. The panel of the Experience Assessment Committee panel was biased.	Review was held in August 2019. Panel requested more information from HRPA via written submission.
A-2019-37	April 8, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Decision is currently in the process of being written.
A-2019-38	April 9, 2019	Experience Assessment Committee made an error in assessment. The decision for the Validation of Experience application was contradictory to evaluation guidelines. Believes that due to the large volume of Validation of Experience applications for the November 2018 deadline, it contributed to the shallow review of their Validation of Experience application.	Decision issued in August 2019 upholding the Experience Assessment Committee's decision.
A-2019-40	April 11, 2019	Experience Assessment Committee failed to consider Validation of Experience application as a whole.	Decision is currently in the process of being written.
A-2019-41	April 11, 2019	Experience Assessment Committee failed to consider all relevant facts in the Validation of Experience application.	Decision is currently in the process of being written.
A-2019-42	April 12, 2019	Experience Assessment Committee failed to consider all	Decision is currently in the process of being written.

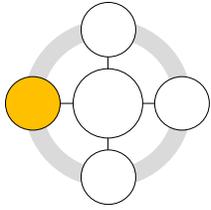
		relevant facts in the Validation of Experience application.	
A-2019-44	April 18, 2019	Experience Assessment Committee failed to consider the correct facts in the Validation of Experience application.	Decision is currently in the process of being written.
A-2019-45	April 18, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Panel review scheduled for September 2019.
A-2019-46	April 20, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Panel review scheduled for September 2019.
A-2019-50	April 26, 2019	Validation of Experience application was lost, and it wasn't found until January 2019 (even though it was submitted November 2018). Do not believe the Experience Assessment Committee fairly assessed application because of this mistake in the beginning.	Panel review scheduled for September 2019.
A-2019-51	April 30, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Panel review scheduled for September 2019.
A-2019-52	May 2, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Panel review scheduled for October 2019.
A-2019-53	May 7, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Panel review scheduled for October 2019.
A-2019-55	May 8, 2019	Experience Assessment Committee didn't fully assess Validation of Experience application.	Panel review scheduled for September 2019.
A-2019-56	May 9, 2019	Experience Assessment Committee didn't fully assess Validation of Experience application.	Panel review scheduled for September 2019.
A-2019-57	May 10, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Panel review scheduled for October 2019.

A-2019-59	May 15, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Panel review scheduled for September 2019.
A-2019-61	June 19, 2019	Complaints & Investigations Committee made an error in their decision by favouring the member.	Review in the process of being scheduled with panel.
A-2019-63	June 28, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Panel review scheduled for October 2019.
A-2019-64	June 30, 2019	CHRE Review Committee didn't fully assess CHRE application and is discriminatory to Ontario HR practitioners.	Panel review scheduled for October 2019.
A-2019-66	August 2, 2019	Experience Assessment Committee made an error in Validation of Experience assessment.	Appeal is currently with appellant for response.
A-2019-67	August 12, 2019	EAC made an error in assessment of Alternate Route application.	Appeal is currently with HRP A for response.
A-2019-68	August 28, 2019	EAC made an error in assessment of Alternate Route application.	Appeal is currently with HRP A for response.

### Analysis of appeal decisions

Outcomes	Count
Total number of requests for appeal received between June 1, 2019 – Aug 31, 2019	9
Total number of final appeal decisions released between June 1, 2019 – Aug 31, 2019	14
Decisions upholding the original decision	12
Decisions overturning the original decision	2

As noted above, in both cases where the original decision was overturned, the decision of the Appeal Committee was to refer the matter back to the original decision-maker for reconsideration.



## Stakeholder education

### **Regulatory Affairs newsletter**

The *Regulatory Affairs* newsletter is published pursuant to By-laws 13.06, and 13.07,.

As set out in the By-laws, the Regulatory newsletter shall include but not be limited to:

- (a) Notices of annual meetings;
- (b) Election results; and
- (c) All information as set out in Section 21.03 and Section 21.08 with respect to discipline or review proceedings. Where there is a dissenting opinion prepared by a member of the panel and the decision, finding or order of the Discipline Committee or the Review Committee is to be published, in detail or summary, any publication will include the dissenting opinion.

In Q3, one *Regulatory Affairs* Newsletter was issued--Volume 4, Issue 3 of the Regulatory Affairs newsletter was published on July 22, 2019.

### **HRPA staff development**

One of the challenges of professional regulation is that it is such a small and specialized enterprise that there are no comprehensive programs in professional regulation. To fill the void, the Office of the Registrar has taken the lead in bringing development to HRPAs. A number of organizations offer webinars on various aspects of professional regulation. The OOTR makes the arrangements but the webinars are open to all HRPAs staff. After each webinar, there is a discussion of the implications for HRPAs. In addition, each quarter, the OOTR will conduct a lunch-and-learn for HRPAs staff.

<b>Date</b>	<b>Event Title</b>	<b>Format</b>	<b>Event Provider</b>
April 25, 2019	Testing Accommodations in the 21st Century: Candidate Expectations, Security Concerns, and Increased Complexity	Webinar	Canadian Network of Agencies for Regulation (CNAR)
May 3, 2019	Modern Governance: Leading Modern Change	Webinar	Canadian Network of Agencies for Regulation (CNAR)
May 7, 2019	Regulatory Governance: Best Practices and Recent Trends	Webinar	Steinecke Maciura Leblanc (SML Law)
July 4, 2019	Wild and Wacky Regulatory Ideas that Just Possibly, Perhaps, Maybe, Might Be Worth Considering	Webinar	Steinecke Maciura Leblanc (SML Law)

July 18, 2019	Measuring Regulatory Performance	Webinar	Council on Licensure, Enforcement and Regulation (CLEAR)
July 25, 2019	Measurement of Performance for Professional Regulatory Bodies	Lunch and Learn	OOTR
September 10, 2019	Pursuing Proportionality	Webinar	Steinecke Maciura Leblanc (SML Law)

Appendix A: Published external reviews of the performance of professional regulatory bodies in Canada (2010 to present)

Professional regulatory body	Year	Report	Who commissioned	Outcome
BC College of Teachers (BCCT)	2010	Donald J. Avison, <i>A College Divided: Report of the Fact Finder on the BC College of Teachers,</i>	Government	The BC College of Teachers was abolished.
Ontario College of Teachers (OCT)	2012	The Honourable Patrick J. LeSage, <i>Review of the Ontario College of Teachers Intake, Investigation, and Discipline Procedures and Outcomes and the Dispute Resolution Program,</i> May 2012.	Regulator	Pursuant to the demise of the College of Teachers of BC, the Ontario College of Teacher came under close scrutiny by media, especially the handling of complaints. Much of the noise regarding the handling of complaints at the OCT has disappeared. Some recommendations of the report required new legislation which did happen.
College of Denturists of Ontario	2012	PWC, <i>Operational Review and Audit of the College of Denturists of Ontario,</i> March 8, 2012	Government	The Minister appointed a supervisor to manage the affairs of the College until necessary corrections were made.
Royal College of Dental Surgeons of Ontario (RCDSO)	2013	Professional Standards Authority, <i>A review conducted for the Royal College of Dental Surgeons of Ontario,</i> June 2013.	Regulator	The College received a clean report from the PSA review.
Ministry of Education (MOE) of Saskatchewan	2013	<i>For the sake of students: A report prepared by Dr. Dennis Kendel on current and future teacher regulation in the Province of Saskatchewan.</i>	Government	Teachers in Saskatchewan do not have self-regulation. They are regulated by the Ministry of Education of Saskatchewan.

Ordre des ingénieurs du Québec	2015	Pierre Pilote and Yves Lamontagne <i>Final Report on the Coaching Mandate of the Ordre des ingénieurs du Québec</i> , January 30, 2015.	Government	The Government placed l'Ordre under trusteeship until it could get its affairs in order.
College of Registered Nurses of British Columbia (CRNBC)	2016	Professional Standards Authority, <i>A Review Conducted for the College of Registered Nurses of British Columbia</i> , April 2016	Regulator	This report was commissioned right after a tumultuous period in which the College was required to stop performing 'association' activities.
Real Estate Council of British Columbia (RCBC)	2016	Independent Advisory Group. <i>Final Report of the Independent Advisory Group</i> , Real Estate Council of British Columbia, June 2016	Government	Within days of the publication of the report, the Premier announced the end of self-regulation for realtors in BC.
Real Estate Council of Alberta (RECA)	2016	Field Law, <i>Regulatory Performance Review of the Real Estate Council of Alberta</i> , April 4, 2016	Regulator	This report conducted by Field Law concluded that "RECA is a high-performing regulator meeting or exceeding almost all the Assessment Criteria in the five program areas" (but see below).
Applied Science Technologists & Technicians of BC, Association of BC Forest Professionals, BC Institute of Agrology, College of Applied Biology and Engineers and Geoscientists of BC	2018	Mark Haddock, Professional Reliance Review: The Final Report of the Review of Professional Reliance in Natural Resource Decision-Making. May 2018	Government	The Professional Governance Act received royal assent on November 27, 2018 and is now law. The new legislation applies to five natural resources sector professions and will eventually replace existing governing Acts. Under the new legislation, an Office of the Superintendent of Professional Governance housed in the Attorney General's office will be established and key elements of professional governance such as council composition and bylaw creation will be codified.

Engineers and Geoscientists British Columbia	2018	Professional Standards Authority, <i>A legislation and governance review conducted for Engineers and Geoscientists British Columbia</i> , June 2018	Regulator	See above. Regulation for the whole sector was reorganized by the BC Legislature.
College of Dental Surgeons of British Columbia	2018	Professional Standards Authority, <i>Inquiry into the performance of the College of Dental Surgeons of British Columbia and the Health Professions Act</i> . (December 2018).	Government	The College of Dental Surgeons of British Columbia has committed itself to the implementation of all recommendations in the report. The Minister of Health has established a working group to recommend changes to the Health Professions Act and has retained Harry Cayton to be part of this group.
Professional Engineers Ontario (PEO)	2019	Professional Standards Authority, <i>A review of the regulatory performance of Professional Engineers Ontario</i> . April 2019	Regulator	PEO comes under increasing criticism for its non-regulatory activities. PEO commissioned a panel of three experts led by Harry Cayton to assess the performance of PEO against its statutory mandate and legislative requirements, its internal policies and the Standards of Good Regulation.
Saskatchewan Registered Nurses Association (SRNA)	2019	Professional Standards Authority, <i>A review conducted for the Saskatchewan Registered Nurses Association</i> . May 2019.	Regulator	SRNA came under severe criticism by the public and the nurses union for its handling of a case where a nurse had criticized the SRNA on social media. SRNA commissioned the Professional Standards Authority to review SRNA complaints and discipline processes against the relevant Standards of Good Regulation.
Real Estate Council of Alberta (RECA)	2019	KPMG <i>Governance Review of the Real Estate Council of Alberta</i> . June 28, 2019	Government	The Government of Alberta has not taken action at this point in time.

## **Appendix B: What are the implications of registering *out-of-jurisdiction* professionals?**

In Canada, professional regulation is, for the most part, a matter of provincial jurisdiction (the only exceptions are occupations that operate entirely within federal jurisdiction such as airline pilots, air traffic controllers, and immigration consultants).

By way of the *Registered Human Resources Professionals Act, 2013*, the Ontario Legislature has delegated certain provincial legislative (rule-making) and judicial (adjudicative) powers to HRP. These powers, however, only apply within Ontario.

### **Registration**

There are no residency requirements for registration with HRP. This means that anyone, from any province or country, can register with HRP provided that he or she meets the requirements for the class of registration applied for. In all cases, this will include meeting all administrative requirements, paying the required dues, meeting the Good Character requirement, and agreeing to abide by the *Act* and regulation, HRP By-laws, the HRP Rules of Professional Conduct and any other professional guidance issued by the Association.

### **Title protection**

Title-protection refers to provisions in legislation which make unauthorized use of protected designations an offence. Statutory title protection applies only within Ontario borders. Outside of Ontario but within Canada some of our designations are protected by trade-mark. Statutory title protection is stronger than trade-mark protection in that HRP can apply to Divisional Court for support in enforcing the prohibition from unauthorized use of protected designations whereas enforcing trade-marks involves civil litigation.

### **Complaints and discipline**

All HRP registrants, no matter where they reside, are subject to HRP's complaints and discipline processes. Registrants are bound by the rules of the Association regardless of the local jurisprudence or norms.

The *Act* provides HRP with the powers that the Ontario Legislature felt were necessary or beneficial for HRP to have in order to fulfill its mandate. These powers only apply within Ontario borders. For instance, HRP's powers of investigation or inspection only apply within Ontario. On the other hand, HRP is required to review all complaints against any of its registrants regardless of where the alleged misconduct might have occurred and regardless of the jurisdiction in which the registrant resides. For out-of-jurisdiction registrants, there is a mismatch between what is required of HRP and the powers that HRP has to fulfil its mandate.