



## **HUMAN RESOURCES PROFESSIONALS ASSOCIATION**

### **REVIEW COMMITTEE RULES**

1. These Rules are made pursuant to the “Committee Responsibilities” portion of the Human Resources Professionals Association (the “HRPA”) Review Committee Terms of Reference.
2. Capitalized terms used in these Rules (and not otherwise defined herein) shall have the meanings ascribed to such terms in the Definitions provision in By-Law 1 of the HRPA.
3. Any reference to the “Act” in these Rules refers to the *Registered Human Resources Professionals Act, 2013*, S.O. 2013, c. 6, as amended or superseded, which is the governing statute of the HRPA.
4. The Review Committee, in accordance with Subsection 41(1) of the Act, shall review every matter referred to it by the Registrar pursuant to Subsection 40(5) of the Act. The Review Committee, in respect of any such review, shall refer to the considerations set forth in Sections 12, 13 and 14 hereof.
5. The Review Committee, in accordance with Subsection 41(3) of the Act, may direct the Registrar to investigate any matter referred to it by the Registrar; the Registrar, in accordance with Subsection 41(4) of the Act, shall report the results of such an investigation to the Review Committee.
6. The Review Committee, upon referral by the Registrar pursuant to Subsection 40(5) of the Act, may require the Member or Firm to provide the Review Committee with any of the following, in addition to the documents referred to in Section 18.02 of the Bylaws (including, without limitation, the documents referred to in Subsection 41(2) of the Act):
  - (a) bank statements;
  - (b) financial statements;
  - (c) tax returns;
  - (d) a letter from the Member’s or Firm’s bank as to the Member’s or Firm’s financial status.

The Review Committee may specify the time within and the manner in which such documents are to be provided.

7. The Review Committee, following a review of a matter, may, in accordance with Subsection 41(5) of the Act:
  - (a) hold a hearing on the matter;
  - (b) require the Member or Firm to provide the Review Committee, on an on-going basis, any document or information described in Subsection 40(3) of the Act, for the time and in the manner specified by the Review Committee; or
  - (c) take no further action.
8. If the Review Committee receives any document or information pursuant to a requirement under clause 7(b) above, suggesting that the Member or Firm's Bankruptcy or Insolvency Event may pose a risk of harm to any person, in accordance with Subsection 41(6) of the Act, the Review Committee may hold a hearing on the matter. The Review Committee, in respect of a review of any document or information received pursuant to a requirement under clause 7(b) above, shall refer to the considerations set forth in Sections 12, 13 and 14 hereof.
9. A hearing conducted by the Review Committee pursuant to Clause 41(5)(a) or Subsection 41(6) of the Act shall be conducted in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.
10. In a hearing conducted by the Review Committee pursuant to Clause 41(5)(a) or Subsection 41(6) of the Act, in accordance with Subsection 41(7) of the Act, the parties are the Association and the Member or Firm.
11. In a hearing conducted by the Review Committee pursuant to Clause 41(5)(a) or Subsection 41(6) of the Act, the Review Committee shall determine whether, as a result of the Bankruptcy or Insolvency Event, the Member or Firm, in the view of a reasonable observer, poses a risk or a potential risk of harm to any person (including without limitation his, her or its clients or employer, or any member of the public) and if so, whether a Member's or Firm's rights and privileges should continue, subject to fulfillment of any restrictions or conditions the Review Committee deems to be appropriate in the circumstances, or whether the Member's membership or the Firm's registration should be suspended until the Member or Firm satisfactorily fulfills such restrictions and conditions as the Review Committee deems to be appropriate in the circumstances, or whether the Member or the Firm should be subject to any other order that the Review Committee considers appropriate in the circumstances (subject to Clause 41(8)3 of the Act).
12. The Review Committee, in respect of any review or hearing conducted pursuant to Section 41 of the Act, shall have regard to such considerations as it may deem appropriate including:

- (a) the circumstances that caused the Bankruptcy or Insolvency Event, and the conduct of the Member or Firm in respect of such circumstances;
- (b) the extent to which being bankrupt, having made a proposal to creditors, being the subject of an insolvency proceeding or being subject to a receivership order may put at risk the interests of:
  - (i) any client or employer of the Member or Firm; or
  - (ii) any other party or parties adversely affected by the bankruptcy, proposal, insolvency proceeding or receivership;
- (c) the number and nature of the creditors affected;
- (d) whether or not there is or was any associated criminal or civil liability on the part of the Member or Firm, in respect of the bankruptcy, proposal, insolvency proceeding or receivership;
- (e) the Member's or Firm's financial circumstances as at the date of the review or hearing;
- (f) the date the Member or Firm expects to be discharged from bankruptcy or released from insolvency or the date the Member or Firm expects the proposal to be approved by the creditors and the Court or the date the Member's or Firm's business is expected to have completed its restructuring pursuant to the applicable provisions of the *Bankruptcy and Insolvency Act* or the *Companies Creditors Arrangement Act*, as the case may be;
- (g) whether or not the Member or Firm, as applicable, is:
  - (i) appropriate to be a General Member or a Practitioner Member of the HRP; or
  - (ii) competent to engage in a practice in the human resources profession or offer services to the public as a human resources professional, if the Member or Firm is engaged in such practice or indicates an intention to engage in such practice in the foreseeable future; or
  - (iii) capable of performing without impairment the essential duties associated with his or her employment; or
  - (iv) capable of carrying out without impairment any practice or business in which the Member or Firm is engaged; or
  - (v) is compliant with the HRP's 'Guiding Principles for the Assessment of Good Character'.

13. In addition to the considerations set forth in Sections 11, 12 and 14 hereof, the Review Committee shall consider, in respect of a Member or Firm engaged in practice in the human resources profession or offering services to the public as a human resources professional, whether:
  - (a) the Member or Firm is able to finance, organize and manage a human resources practice or business; and
  - (b) the Member or Firm in any capacity held by him, her or it has regular access (whether restricted or unrestricted) to funds of any other person;
  - (c) the Member or Firm in any capacity held by him, her or it has the ability to influence any other person who has regular access (whether restricted or unrestricted) to funds of any other person;
  - (d) a reasonable observer would conclude that the Member's or Firm's, objectivity or independence has been impaired or appears to have been impaired.
14. In addition to the considerations set forth in Sections 11, 12 and 13 hereof, the Review Committee shall consider that remedies available in relation to a Bankruptcy or Insolvency Event, and that some remedies in relation to such events are restorative, rehabilitative or remedial in nature.
15. The Review Committee shall not proceed further with the review undertaken pursuant to Subsection 41(1) of the Act and the Review Committee shall not proceed further with a hearing pursuant to Clause 41(5)(a) or Subsection 41(6) of the Act where, prior to the conclusion of such review or hearing, there is a finding of guilty of professional misconduct by the Discipline Committee and an order either that the rights and privileges of the Member or Firm be suspended for a specified period of time or that the Member's or Firm's membership be revoked or registration be cancelled, as applicable.
16. Any Member or Firm whose rights and privileges have been suspended pursuant to an order of the Review Committee may, upon or at any time following the expiry of the term of suspension and provided that any restrictions or conditions in, or any other aspect of, the order of the Review Committee have been satisfied, apply in writing to the Review Committee for resumption of his or her membership in or its registration with the HRP.
17. In accordance with Section 8.06 of the Bylaws, the Review Committee may sit in panels for the purposes of exercising its powers and performing its duties. A decision of a panel of the Review Committee constitutes a decision of the Review Committee. A panel of the Review Committee may be appointed by the chair of the Review Committee.
18. Pursuant to Section 21.02 of the Bylaws, the HRP or the Member or Firm may appeal a final decision or order of the Review Committee to the Appeal Committee. Otherwise the decision of the Review Committee is final.