



Ontario

**STATUTES
OF
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1990**

Second Session,
Thirty-Fourth Legislature
and
First Session,
Thirty-Fifth Legislature

38-39 Elizabeth II

The Honourable
Lincoln M. Alexander
Lieutenant Governor

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DE
L'ONTARIO
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Deuxième session,
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38-39 Elizabeth II

L'honorable
Lincoln M. Alexander
Lieutenant gouverneur

IMPRIMÉ PAR
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L'ONTARIO

TORONTO
1990

CHAPTER Pr28

An Act respecting the Human Resources Professionals Association of Ontario

Assented to June 28th, 1990

Preamble Whereas the Personnel Association of Ontario, herein called the Association, hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 17th day of August 1979 and by supplementary letters patent dated the 7th day of June, 1990 changed its name to the Human Resources Professionals Association of Ontario; that the Association wishes to be continued as a corporation for the purpose of carrying out the objects of the Association and of the government and the discipline of its members; that the Association considers it desirable to grant to members of the Association the right to the exclusive used of the designation "Certified Human Resources Professional" and the initials "C.H.R.P."; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by, and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Association continued **1.—(1)** The Human Resources Professionals Association of Ontario is continued as a corporation without share capital.

Members of corporation (2) The persons registered as members of the Association on the day this Act comes into force and such other persons as become members constitute the corporation.

Continuation of present board (3) The members of the board and the officers of the Association in office immediately before the coming into force of this Act hereby continued in office until their successors are appointed or elected in accordance with this act and the by-laws.

Letters of patent revoked (4) The letters of patent of the Association are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the

by-laws, resolution or appointment is inconsistent with this Act.

Special Act
Incorporation

(5) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

2. The objects of the Association are,

- (a) to establish and encourage the acceptance and maintenance of uniform province-wide standards of knowledge, experience and ethics for all persons engaged in the field of human resources management;
- (b) to promote and further the education and improve the competence of persons engaged in human resources management by granting registration and membership to persons who meet the standards of the Association;
- (c) to hold examinations and prescribe tests of competency deemed appropriate to qualify membership in and certification by the Association;
- (d) to maintain discipline among members of the Association;
- (e) to provide a medium for communication and exchange of information, knowledge and ethical standards for those persons engaged in the field of human resources management;
- (f) to sponsor, encourage and promote liaison with other individuals, associations, and groups engaged in similar or related fields of activity; and
- (g) to promote the interests of the Association.

Board of
directors

3.—(1) The affairs of the Association shall be managed by a board of directors.

Composition

(2) The board shall consist of not fewer than fifteen or more than thirty-five members, as the board may determine, elected from the membership of the Association.

Idem

(3) The association may by by-law provide for the appointment to the board of up to five persons who are not members of the Association.

- Local regions (4) The association may by by-law divide the membership of Association into regions for the purpose of holding local meetings, organizing local activities and electing one or more directors.
- Election (5) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the board and other necessary details shall be set out in the by-laws.
- Quorum (6) A majority of members of the board constitutes a quorum.
- Vacancies (7) In the case of death, resignation or incapacity of any member of the board, the board shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and, for the purpose of this subsection, absence from three consecutive meetings of the board may be treated by the board as incapacity.
- Registrar (8) The board shall appoint a Registrar, who need not be a member of the board, to perform the functions assigned by this Act and the board.
- By-laws **4.—**(1) The board may pass by-laws as necessary to conduct the business and carry out the objects of the Association including,
- (a) prescribing the curriculum and the courses of study to be pursued by the students and candidates in order to satisfy the academic requirements of any particular registration;
 - (b) prescribing the experience criteria to be met by candidates for registration;
 - (c) regulating and governing the conduct of members of the association in the practice of their profession, by prescribing a code of ethics, rules of professional conduct and standards of practice.
 - (d) providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or

incompetence;

(e) prescribing fees payable to the Association;

(f) governing the calling, holding and conducting of meetings of the board and of the members of the association;

(g) authorizing the making of grants for any purpose that may tend to advance knowledge of human resources management or improve standards of practice

Confirmation of by-laws

(2) Every by-law or amendment to a by-law is effective when it is passed but expires with the close of the next annual general meeting of the members of the Association held after its passing, unless it is confirmed at that meeting.

Examination of by-laws

(3) The by-laws of the association shall be open to examination by the public at the head office of the association during normal business hours.

Membership

5.—(1) The association shall grant membership to every person who applies therefore in accordance with the by-laws and the rules of the association, if the person,

(a) is of good character

(b) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and

(c) has passed such examinations as the board may prescribe by by-law.

Register

(2) The Registrar shall keep a register in which shall be entered the names of all members of the Association in good standing, their status, and the categories of qualification to which any registration or certificate relates and within which any member has the rights and privileges of practice.

Inspection of the register

(3) The register shall be open to examination by the public at the office of the association during normal business hours.

Appeal

6.—(1) A person who is qualified for membership in the Association and who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court from the refusal to

grant membership or from the sanction.

Record (2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the Registrar shall furnish the party with a certified copy of the record of the proceeding, including the documents submitted and the decision appealed from.

Designation 7.—(1) Every member of the Association who has satisfied the criteria set out in the by-laws of the Association may use the designation "Certified Human Resources Professional" and may use after his or her name the initials "C.H.R.P.".

Offence (2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation of "Certified Human Resources Professional" or its abbreviation "C.H.R.P." alone or in combination with any other words, name, title or description or implies, suggests or holds out that the person is a certified human resources professional is guilty of an offence.

Evidence (3) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the Registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register.

Idem (4) Any certificate purporting to be signed by a person in his or her capacity as Registrar is proof, in the absence of evidence to the contrary, that such person is the Registrar without proof of the person's signature or of the person being in fact the Registrar.

(5) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Removal from the register 8.—(1) The board shall cause the removal of a person from the register,

- (a) at the request or with the written consent of the member whose name is to be removed;
- (b) where the name has been incorrectly entered;
- (c) where notification is received of a member's death;

(d) where the registration of a member has been suspended or revoked through disciplinary proceedings; or

(e) where the member has failed to renew a membership.

Restoration to register

(2) Subject to subsection (3), the board, on such grounds as it considers sufficient, may cause the name of a person removed from the register to be restored thereto either without fee or upon payment to the Association of any arrears in fees.

Idem

(3) If the name of a person whose registration has been suspended or revoked under the clause (1)(d) is to be restored to the register, the board may, by resolution, direct that the name be restored subject to such conditions as the board may impose.

Right to practice unaffected

9. This Act does not affect or interfere with the right of any person to describe himself or herself as a human resources professional or to work in the field of human resources management.

Surplus

10. Any surplus derived from carrying on the affairs of the association shall be applied solely in carrying out its objects and shall not be divided among its members.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. The short title of this Act is the Human Resources Professionals Association of Ontario Act, 1990.