

2010

Rules of Professional Conduct

HRPA | OFFICE OF THE REGISTRAR



Human Resources
Professionals
Association
Office of
the Registrar



Human Resources
Professionals
Association

HRPA RULES OF PROFESSIONAL CONDUCT INTRODUCTION

Feb 23, 2009

Dear Member,

The Human Resources Professionals Association's (HRPA) Rules of Professional Conduct incorporate HRPAs Code of Ethics. The rules were approved by the HRPAs Board of Directors on December 5, 2008 and are prescribed pursuant to Section 4(1) (c) of the *Human Resources Professionals Association of Ontario Act*, 1990, and Section 3 of the HRPAs By-Laws.

The introduction of these rules reflects a milestone in the maturation of the human resources management profession in Ontario. Self-regulation is a privilege. It is our responsibility as a regulatory body, and as individual members of HRPAs, to ensure that we regulate ourselves effectively.

Having these Rules of Professional Conduct also provides an additional level of assurance to our employers and clients that there are clear guidelines defining what the public can expect with respect to the conduct of all HRPAs members.

The Rules of Professional Conduct come into effect coincident with membership renewal—no later than June 1, 2009. All members—CHRPAs, general members and students—must adhere to these rules as a condition of HRPAs membership.

In accordance with Section 3.3 of the HRPAs By-laws, such Rules of Professional Conduct must be published and brought to the attention of all members. Therefore, HRPAs requires that you indicate you have read, understood and agree to abide by the rules upon renewal of your membership.

Sincerely,

Debbie Bennett,

Chair, HRPAs Board of Directors



HRPA RULES OF PROFESSIONAL CONDUCT

INCORPORATING THE HRPA CODE OF ETHICS

REVISED, AUGUST, 2010

PREAMBLE

As the regulatory body for Human Resources Management in Ontario, the overarching objective of HRPAs regulatory organization is to protect the public by ensuring that Human Resources professionals in Ontario are competent and act in an ethical manner. The HRPAs Rules of Professional Conduct support this objective in two ways: (1) they provide guidance to Human Resources professionals as to what is acceptable professional conduct, and (2) they provide guidelines for defining what constitutes professional misconduct in the Human Resources Management profession.

HRPAs Rules of professional conduct are prescribed pursuant to the *Human Resources Professionals Association of Ontario Act, 1990* (“the Act”) and the Association By-Laws. Section 2(a) of the Act gives as one of the objects of the Association “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.” Section 4(1)(c) of the Act gives the Board of HRPAs the specific statutory authority to “regulate and govern 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.”

Code of Ethics, rules of professional conduct, and standards of practice are similar in that they each pertain to regulation and governance of member conduct; yet each is somewhat different than the other. Code of ethics set out the principles that guide member conduct. Rules of professional conduct define member behaviours that are specifically prescribed or proscribed. Standards of practice refer to a measure for the practice of the profession. These Rules of Professional Conduct incorporate HRPAs Code of Ethics and provide greater behavioural specificity to the principles included in HRPAs Code of Ethics.

The HRPAs Rules of Professional Conduct are an integral part of HRPAs regulatory framework. HRPAs regulatory framework has four components. Each component is built on statutory regulatory powers delegated to HRPAs by the Government of Ontario.

PREAMBLE cont'd

- Registration,
- Regulation of professional conduct,
- Complaints, investigations, & discipline,
- Appeals and other internal review mechanisms.

These Rules set out the duties of Human Resource Management professionals toward employer or clients, employees, other professionals, the profession, and the public. These Rules apply to Human Resources professionals registered by HRP, whether they are responsible for Human Resources Management policies for an organization or act as consultants to organizations, whether as employees of the organization, or whether as independent practitioners providing services to organizations.

HRPA RULES OF PROFESSIONAL CONDUCT

INCORPORATING THE HRPA CODE OF ETHICS

CHAPTER I

DEFINITIONS

For the purposes of these Rules of Professional Conduct, the following definitions apply:

Act means the Human Resources Professionals Association of Ontario Act, 1990;

Association means the Human Resources Professionals Association of Ontario, established under the Act operating as the Human Resources Professionals Association (HRPA);

Board means the Board of Directors of the Association;

By-Laws means the By-Laws of the Association;

Confidential information means any information that is shared with the reasonable expectation that the information would not be divulged to another party;

Independent practice refers to when a member is practicing Human Resources Management but not as an employee of that particular organization;

Certified member means a member of the Association who hold the Certified Human Resources Professional designation.

Consultant refers to a role that a member can have either as an independent practitioner or as an employee of an organization;

Malpractice means the delivery of substandard services by a professional. Generally, malpractice occurs when a professional fails to provide the quality of service that would reasonably be expected in the circumstances, with the result that the organization or client is harmed;

Member means an individual who is admitted as a Member of the Association in the categories and according to the criteria established by the By-Laws of the Association;

Personal information means information about an identifiable individual, but does not include the name, title or business address or business telephone number of an employee of an organization;

Privileged information means information that members may have access to by virtue of their human resources management role or position which is not available to the public;

Register means the official register which is maintained by the Human Resources Professionals Association. The HRP A register contains the names of all members of HRP A;

Registrar has the meaning set out in the Act and the HRP A By-Laws.

Registration refers to the act of placing someone on the HRP A register;

Throughout this document, he/she or his/hers should be construed when using either.

CHAPTER II

DEFINITION OF THE PRACTICE OF HUMAN RESOURCES MANAGEMENT

The **Scope of HR Practice** is the creation and implementation of all policies, practices and processes to effectively organize and manage all human capital resources in the workplace in service of the ultimate goal of enhancing business outcomes. Human Resources Management involves maintaining or changing relations between employees, between employers or between employers and employees.

The **Practice of Human Resources Management** includes, but is not limited to, one or more of the following:

1. The development and implementation of human resources policies and procedures;
2. Consultation in the area of human resources management;
3. Providing advice to clients, managers, and employees in matters pertaining to management of human resources;
4. The representation of clients and organizations in proceedings related to human resources management;
5. Program development and evaluation in the area of human resources management;
6. The supervision of other Human Resources professionals whether registered or non-registered;
7. Coaching of employees, managers, and other individuals in matters relating to work and employment;
8. The conduct of research in the area of human resources management.
9. Teaching in the area of human resources management.

CHAPTER III

APPLICABILITY

1. These Rules of Professional Conduct are prescribed pursuant to section 4(1)(c) of the Human Resources Professionals Association of Ontario Act, 1990 and the Association By-Laws. These Rules of Professional Conduct set out the duties that any member of the Human Resources Professionals Association (HRPA) must discharge. These rules apply to all Human Resources professionals registered by the HRPA.

CHAPTER IV

THE HRPA CODE OF ETHICS The HRPA Code of Ethics comprises seven principles.

These principles are:

- Competence;
- Legal requirements;
- Dignity in the workplace;
- Balancing interests;
- Confidentiality;
- Conflict of interest;
- Professional growth and support of other professionals.

DIVISION I

Competence

PRINCIPLE:

HR practitioners must maintain competence in carrying out professional responsibilities and provide services in an honest and diligent manner. They must ensure that activities engaged in are within the limits of their knowledge, experience and skill. When providing services outside one's level of competence, or the profession, the necessary assistance must be sought so as not to compromise professional responsibility.

Specifically,

1. A member shall discharge his or her professional obligations with competence and integrity. A member shall provide professional services of a high quality.

2. A member shall practice the profession of Human Resources Management in keeping with generally recognized standards of practice and all applicable laws.
3. A member shall bear in mind the limitations of his or her skills, knowledge, and the means at his or her disposal. Members shall avoid, in particular:
 - (1) undertaking work for which the member are not sufficiently prepared without obtaining the necessary assistance or information;
 - (2) accepting an engagement in respect of which the member has not acquired or is unable to acquire, in the proper time, the necessary competence.
4. A member shall not accept a number of engagements or tasks in excess of that which the interest of his or her clients or the respect of his or her professional obligations may allow.
5. A member may not practice or perform certain professional acts under conditions or in situations which could impair the dignity of the profession or the quality of services the member provides.
6. A member shall prevent the inappropriate use and application by others of the tools, techniques, and processes used in the practice of Human Resources Management.
7. A member shall take the necessary means to maintain his or her knowledge and skills up to date including full participation in HRPAs recertification program to maintain his or her designation.

DIVISION II

LEGAL REQUIREMENTS

PRINCIPLE:

HR practitioners must adhere to any statutory acts, regulations or by-laws which relate to the field of Human Resources Management, as well as all civil and criminal laws, regulations and statutes that apply in their jurisdiction. They must not knowingly or otherwise engage in or condone any activity or attempt to circumvent the clear intention of the law.

Specifically,

1. A member shall not act in a manner that is dishonest, fraudulent, criminal, or illegal, or with the intent of circumventing the law.
2. In developing Human Resources programs and policies, whether as the individual responsible for the program or policy, or as a consultant to an organization, the member shall not implement, or allow to be implemented, Human Resources programs and policies that are dishonest, fraudulent, criminal, or illegal.
3. When advising an employer or client, a member shall not knowingly assist in or encourage dishonesty, fraud, crime, or illegal conduct, or instruct the employer or client on how to violate or circumvent the law.
4. A member who discovers that dishonesty, fraud, crime, or illegal conduct, has been occurring in an organization shall take every appropriate step to attempt to stop the dishonest, fraudulent, criminal or illegal conduct.
5. A member shall not:
 - (1) retaliate in any way against employees that are exercising their right to launch a complaint or grievance;
 - (2) Knowingly participate in or condone any act of retaliation on the part of the organization that employs them or to which they are providing service against employees who are exercising their right to launch a complaint or grievance.

DIVISION III

DIGNITY IN THE WORKPLACE

PRINCIPLE:

HR practitioners support, promote and apply the legislative requirements and the principles of human rights, equity, dignity and respect in the workplace, within the profession and in society as a whole.

Specifically,

1. In the practice of Human Resources Management, a member shall:
 - (1) act in such a way as to respect the rights of all individuals involved;
 - (2) act in such a way as to protect the dignity of all individuals involved;

- (3) ensure that human resources policies and practices respect the rights and protect the dignity of all individuals involved.
- 2.** A member shall, as far as the member is able, contribute to the furthering of human rights, equity, dignity and respect in the workplace.
- 3.** In the practice of Human Resources Management, a member shall bear in mind:
 - (1) the importance of work and the work environment for the psychological well-being of individuals;
 - (2) the necessary health and safety measures in the work environment in which the member practices his or her profession;
 - (3) the protection of the physical and mental health of the persons under his or her authority or supervision;
 - (4) the importance of courses and programs for the advancement, training, development or promotion of the persons under his or her authority or supervision;
 - (5) the confidentiality of the records of persons under his or her authority or supervision and of the confidential information concerning these persons and that becomes known to him in the practice of his or her profession.
- 4.** Under no circumstances, in the practice of Human Resources Management, shall a member engage in, or condone:
 - (1) any acts of harassment or intimidation;
 - (2) any acts of physical or psychological violence;
 - (3) any acts of discrimination on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability as noted in the Ontario Human Rights Code.
- 5.** A member shall not commit acts derogatory to the dignity of the profession. Specifically, members should avoid the following:
 - (1) advising or encouraging someone to commit a discriminatory, fraudulent or illegal act;
 - (2) refusing to counsel or to represent a person on the sole ground that the person lodged a complaint against another member of the Association under section 4 (1)(d) of the Human Resources

Professionals Association Act, 1990, or that the person filed a claim against another member of the Association;

- (3) failing to notify the Registrar of the Association that the member has reasonable grounds to believe that another member of the Association has contravened the HRP Code of Ethics or the HRP Rules of Professional Conduct;
- (4) drawing up a declaration or report the member knows to be incomplete, without mention of any restriction, or that the member knows to be false; and
- (5) allowing a person not registered with HRP to use pass themselves off as a member of the HRP or allowing a person who has not been granted a professional designation by the Association to use such title or initials reserved for the members of the Association who have been granted such designation;
- (6) not informing the Registrar of the Association at the proper time that a person who is not registered with HRP has passed themselves off as a member of HRP or that a person who has not been granted the Certified Human Resources Professional designation has passed themselves off as having the designation

DIVISION IV

BALANCING INTERESTS

PRINCIPLE:

HR practitioners must strive to balance organizational and employee needs and interests in the practice of their profession.

Specifically,

- 1.** A member must understand that while they may be employed or retained by one concern, he or she has a duty to parties other than their employer or their client.
 - (1) A member must respect the dignity of all individuals;
 - (2) A member must respect the legal rights of all employees, including the rights of individuals who were previously employees of an organization and those pursuing employment with an organization;
 - (3) In adversarial situations or in situations with competing interests, a member is required to act in good faith towards all parties at all times;

- (4) When a member is engaged to act as a mediator, whether formally or informally, the member shall act in an impartial and unbiased manner;
- (5) A member must not use the power of their position, especially the access to personal information, to gain unfair advantage in any situation.

DIVISION V

CONFIDENTIALITY

PRINCIPLE:

HR practitioners must hold in strict confidence all confidential information acquired in the course of the performance of their duties and not divulge confidential information unless required by law and/or where serious harm is imminent.

As part of their practices as Human Resource Management Professionals, members will have access to and be responsible for much personal information. Human Resources professionals have specific duties with respect to such information. Human Resources professionals have duties with respect to (1) the handling and management of files and records related to the management of the Human Resources function; (2) the kind of information that is shared by employees of an organization in confidence, and (3) the respect of all laws pertaining to the protection of personal information. Human Resources Professionals must treat the handling of confidential, personal, or privileged information with the utmost importance as it is core to the credibility of the profession.

Specifically,

1. A member shall ensure that files and records that contain personal information are handled appropriately in accordance with accepted professional practice and in accordance with all appropriate laws. This requirement applies regardless of the medium on which the information is stored:

- (1) all records and files containing personal information must be secure;
- (2) access to such records and files must be limited to those individuals who have a legitimate need to know;

- (3) the policies regarding access to files and records must be stated explicitly and communicated to those on whom the information is collected upon demand;
- (4) systems and processes need to be in place to ensure the accuracy of the records and files;
- (5) employees shall not be denied access to their files and records.

2. Because of the nature of their role, information is shared with Human Resources professionals in confidence. In such situations, a member must exercise caution:

- (1) in dealing with information provided in confidence, a member must be guided by the desire to find a resolution that is acceptable to all parties. If a member believes that he or she cannot play a constructive role in the matter, the member must inform the party or parties that this is the case;
- (2) as appropriate, a member must inform relevant parties of the limits of confidentiality;
- (3) as applicable, a member must notify individuals that information suggesting that there is imminent risk to an identifiable person, or group, of death, or serious bodily harm, including serious psychological harm that substantially interferes with health or well-being cannot be held in confidence;
- (4) as applicable, a member must notify individuals that information regarding acts that may be criminal or otherwise illegal cannot be held in confidence.

3. For the purposes of preserving the secrecy of confidential information brought to his or her knowledge in the practice of his or her profession, a member shall:

- (1) refrain from using such information with a view to obtaining a direct or indirect benefit for himself or herself or for another person;
- (2) take the necessary measures to prevent his or her colleagues and the persons under his or her authority or supervision from disclosing or making use of such information that becomes known to them in the performance of their duties; and
- (3) avoid holding or participating in indiscreet conversations concerning an employer or client or employee and the services provided to such employer or client or employee.

4. When required by law or by order of a tribunal of competent jurisdiction, a member shall disclose confidential information, but the member shall not disclose more information than is required.

5. When a member believes upon reasonable grounds that there is imminent risk to an identifiable person, or group, of death, or serious bodily harm, including serious psychological harm that substantially interferes with health or well-being, the member must disclose confidential information where it is necessary to do so in order to prevent death or harm, but shall not disclose more information than is required.

DIVISION VI

CONFLICT OF INTEREST

PRINCIPLE:

HR practitioners must either avoid, or disclose a potential conflict of interest that might influence or might be perceived to influence, personal actions or judgments.

Specifically,

1. A member shall safeguard his or her professional independence at all times. The member shall, in particular:

- (1) ignore any intervention by a third party which could influence the fulfillment of his or her professional obligations to the detriment of his or her employer or client;
- (2) avoid carrying out a task contrary to his or her conscience or to the principles governing the practice of his or her profession; or
- (3) avoid any situation in which the member would be in conflict of interest.

2. A member must not allow personal interest to cloud his or her judgment or to cause him or her to act in an unprofessional manner.

3. A member may represent an employer or client, notwithstanding his or her personal opinion on the employer's or client's position in the matter.

4. Generally, a member shall only act, in the same matter, for a party representing similar interests. If a member's professional duties require that the member represent different interests in the same matter, the

member shall specify the nature of his or her duties or responsibilities and shall inform the parties concerned that he or she will cease to act if the situation becomes irreconcilable with his or her duty to be independent.

5. A member called upon to work with another person, in particular a member of the Association or a member of another professional Association, shall preserve his or her professional independence.

6. A member shall not receive, other than the remuneration to which the member is entitled, any benefit, commission or rebate relative to the practice of his or her profession.

7. As soon as a member ascertains that the member is in conflict of interest, this member shall notify the employer or client of this conflict of interest and request his or her authorization to continue carrying out the engagement.

DIVISION VII

PROFESSIONAL GROWTH AND SUPPORT OF OTHER PROFESSIONALS

PRINCIPLE:

HR practitioners must maintain personal and professional growth in Human Resources Management by engaging in activities that enhance the credibility and value of the profession.

Specifically,

1. A member shall, in order to maintain certification, participate fully in all mandatory aspects of the Association's Recertification program.

2. A member shall, as far as the member is able, contribute to the development of his or her profession by sharing his or her knowledge and experience with other members of the Association and students and by taking part in activities, courses and continuing training sessions organized for the members of the Association.

3. A member shall not take credit for work performed by another person.

CHAPTER V

GENERAL DUTIES TOWARD EMPLOYERS, CLIENTS, EMPLOYEES, THE PROFESSION, AND THE PUBLIC

- 1.** A member shall avoid any behaviour that would be unbecoming of a member of a profession. The member shall, in particular, act with courtesy and respect toward employers, clients, employees, members of other professions, other members of the Association, and the public.
- 2.** A member shall not, with respect to whomever is in relation with him or her in the practice of his or her profession, breach another person's trust, voluntarily mislead another person, betray another person's good faith or use unfair practices.
- 3.** A member shall avoid any attitude or method which could harm the reputation of the profession and his or her proficiency to serve the public interest. The member shall also avoid discriminatory, fraudulent or illegal practices and shall refuse to participate in such practices.
- 4.** A member shall not, in any case, be guided by greed.
- 5.** A member shall try to establish a relationship of mutual trust between himself or herself and the employer or client. To that end, the member shall in particular respect the personal values and convictions of the employer or client.
- 6.** A member shall refrain from intervening in the personal matters of employers or clients on issues that are not relevant to the profession and that are not relevant to the reasons for which the employer or client gave him or her the engagement.
- 7.** A member shall recognize at all times the employer's or client's right to consult another member of the Association, a member of another professional Association or any other competent person.
- 8.** If the good of the employer or client so requires, a member must, with the employer's or client's authorization, consult another member of the Association, a member of another professional Association, or any other competent person, or refer him or her to one of these persons.
- 9.** A member shall display reasonable availability and diligence.

CHAPTER VI

SPECIFIC DUTIES WHEN EMPLOYED BY ORGANIZATIONS

- 1.** A member shall, as far as the member is able, ensure the Human Resources policies and practices of the organization:
 - (1) respect the rights and dignity of all stakeholders;
 - (2) respect all applicable laws.
- 2.** As an employee of an organization, a member shall not:
 - (1) If it is within the member's jurisdiction to do so, falsify any statement or report or instruct someone else to falsify any statement or report;
 - (2) If it is within the member's jurisdiction to do so, allow misleading statements or reports to stand uncorrected;
 - (3) In cases where a member is aware that a statement or report has been falsified but for which the member does not have jurisdiction, the member must take steps reasonable in the circumstances to report the misleading statements or reports;
 - (4) Mislead any regulatory agencies by either including information known not to be true or by failing to include information known to be relevant.
- 3.** As an employee of an organization, and as far such matters fall under the control of the member, such member shall ensure that all records and documentation are up to date and accurate.

CHAPTER VII

SPECIFIC DUTIES WHEN ACTING AS AN INDEPENDENT PRACTITIONER

DIVISION I

DUTIES WHILE CARRYING OUT AN ENGAGEMENT

- 1.** A member shall refrain from giving contradictory opinions or advice to a client. Before expressing an opinion or giving advice to a client, a member shall seek to obtain complete knowledge of the facts. The

member shall inform the client of the scope of the engagement, the terms and conditions for carrying it out and obtain his or her consent as soon as possible. If, during the engagement, a new fact occurs that could alter the scope thereof or the terms and conditions for carrying it out, the member shall inform the client and obtain his or her consent as soon as possible.

2. A member shall set out, for the client, in a complete and objective manner, the nature and scope of the problem as he or she sees it on the basis of the facts brought to his or her knowledge by the client. The member shall also inform the client of the inherent and foreseeable risks associated with a proposed solution to the problem.

3. In addition to his or her opinion and advice, a member shall provide any explanation necessary for the client to evaluate and understand the professional services received.

4. A member shall notify the client of the approximate and foreseeable cost of his or her professional services with regards to disbursements and fees. The member shall also provide the client with any explanation necessary to understand his or her account of fees and the terms and conditions of payment.

5. A member shall avoid performing or multiplying professional acts that are not justified by the nature of the engagement entrusted to him or her by the client.

6. A member shall submit to his or her client any offer of settlement relating to the engagement entrusted to him or her by the client.

7. A member shall upon the client's request, account for the progress of the engagement entrusted to him or her by the client.

8. A member shall cease providing professional services to the client if the latter terminates the engagement.

9. A member may not unilaterally terminate an engagement entrusted to him by an employer or client, except for valid and reasonable grounds. The following shall, in particular, constitute valid and reasonable grounds:

- (1) the member is in conflict of interest or a situation in which his or her professional independence could be questioned;
- (2) the client's confidence is lost;

- (3) the client has been deceitful or failed to cooperate;
- (4) the client has refused to pay the member's fees;
- (5) the client has attempted to induce the member to commit a discriminatory, fraudulent or illegal act; and
- (6) it is impossible for the member to communicate with the client or to obtain from him the elements deemed necessary to carry out the engagement.

10. A member who, for valid and reasonable grounds, wishes to unilaterally terminate an engagement shall give prior notice to that effect indicating when the member will terminate the engagement. The member shall give that notice within a reasonable time and ensure, as is practicable, that it shall not be prejudicial to his or her client.

DIVISION II

PROFESSIONAL LIABILITY AND INSURANCE

- 1.** A member in independent practice shall have full professional liability. It is prohibited to insert in a contract of professional services any clause excluding, directly or indirectly, in whole or in part, his or her personal civil liability. The member may not sign a contract containing such a clause.
- 2.** A member in independent practice shall have professional liability insurance adequate for their situation.
- 3.** A member may become a member of a corporation; however, the member shall nonetheless have full liability for their professional practice.

DIVISION III

FEES

- 1.** A member shall charge fair and reasonable fees. Fees are considered fair and reasonable if they are warranted by the circumstances and in proportion to the services provided.
- 2.** To determine the amount of his or her fees, a member shall, in particular, bear in mind the following factors:

- (1) his or her experience;
- (2) the time required to carry out the professional service;
- (3) the complexity and extent of the professional service;
- (4) the need to perform unusual professional services or services requiring exceptional speed or competence; and
- (5) the degree of responsibility assumed.
- (6) the need and use of special equipment.

3. A member may share his or her fees with another person if the responsibilities and services are also shared.

4. In payment of a professional service, a member shall receive fees from only one source, unless all the parties concerned explicitly agree otherwise. The member shall accept payment of the fees only by his or her employer or client.

5. A member may collect interest on an outstanding account of fees only after having notified his or her employer or client. The interest thus charged must be at a reasonable rate.

6. A member entrusting the collection of his or her fees to another person must, as far as possible, ensure that the latter will act with tact and moderation.

7. Before having recourse to legal proceedings, a member must have exhausted all other reasonable means at his or her disposal for obtaining payment of his or her fees.

DIVISION IV

USE OF THE NAME OF THE MEMBER OF THE ASSOCIATION IN THE PARTNERSHIP NAME

1. A member may have his or her name in the partnership name only if the partnership name includes the names of other members of the Association who practice together. A member may have his or her name appear in the partnership name including the expression «and partner» or any other expression having the same meaning only if another partner practices with him or her and only if the name of another partner who practices with him or her does not appear in the partnership name.

2. A member who withdraws from a partnership must ensure that his or her name no longer appears in the partnership name or in any advertising of the partnership one year after his or her withdrawal, unless there is a written agreement to the contrary with the members whose names appear in the partnership name.

DIVISION V

CONDITIONS, OBLIGATIONS AND PROHIBITIONS IN RESPECT OF ADVERTISING

1. A member shall have his or her name and professional title appear in his or her advertisement.

2. A member may not, by any means whatsoever, engage in or allow the use of advertising that is false, incomplete, deceptive or liable to mislead.

3. A member who, in his or her advertising, claims to possess skills or specific qualities, particularly in respect of the effectiveness or scope of his or her services and of those generally ensured by other members of his or her profession or of his or her level of competence, shall be able to substantiate such claim. A member who, in his or her advertising, ascribes particular advantages to a product or service or certain performance characteristics, claims that a pecuniary benefit will result from the acquisition or use of a product or service or claims that a product or service complies with determined standards shall also be able to substantiate such claims.

4. A member may not resort to advertising practices likely to discredit or denigrate another professional, in particular another member of the Association or a member of another professional association.

5. A member who advertises professional fees must do so in a manner easily understandable by the public and, in particular:

- (1) maintain the amount of the fees in force for the period mentioned in the advertisement; that period must not be less than 90 days after the last authorized broadcast or publication;
- (2) specify the services included in those fees.

However, a member may agree with an employer or client on an amount lower than the one broadcast or published.

6. In his or her advertising, a member may not, by any means whatsoever, lay more stress on a special price or discount than on the professional service offered.
7. In the case of an advertisement relating to a special price or discount, a member must mention the period of validity of the price or discount, as the case may be. That period may not be less than 90 days.
8. A member may not, by any means whatsoever, engage in or allow the use of any advertising intended for persons who may be emotionally or physically vulnerable because of the occurrence of a specific event.
9. A member must keep a complete copy of every advertisement in its original form for 3 years following the date on which it was last authorized to be published or broadcast. The copy must be given to the board or the registrar upon request.
10. In his or her advertising, a member may not state or imply any endorsement by the Association unless specifically authorised by the Association..

CHAPTER VII

SPECIFIC DUTIES WHEN MANAGING OR SUPERVISING OTHERS

1. Given the nature of the profession, it is essential that members of HRP A uphold the highest standards of conduct and integrity when they are in positions where they manage or supervise others. Whether in independent practice or employed by an organization, where a member manages or supervises the work of others, this member:
 - (1) shall abide by all applicable workplace legislation in managing or supervising others;
 - (2) shall not abuse his or her power or influence as managers and supervisors;
 - (3) shall not retaliate against those who are under their management or supervision should those individuals question some of the practices of the member.

2. As a manager or supervisor, a member shall not direct another member, student, other professional, or any other person to perform HR functions for which he/she is not adequately trained or competent to perform—jeopardizing safety or wellbeing of the client.

CHAPTER VIII

SPECIFIC DUTIES WHEN REPRESENTING AN INDIVIDUAL OR AN ORGANIZATION

1. Either as an independent practitioner or as an employee of an organization, a member can be called upon to represent persons or organizations at various labour and employment tribunals and boards including, but not limited to:

- Ontario Labour Relations Board;
- Canadian Industrial Relations Board;
- Human Rights Tribunal of Ontario;
- Canadian Human Rights Tribunal;
- Ontario Workplace Safety and Insurance Board;
- Workplace Safety & Insurance Board Adjudicator Hearings;
- Ontario Workers Compensation Appeals Tribunal;
- Grievance Settlement Board;
- Ontario Pay Equity Hearings Tribunal;
- Information and Privacy Commissioner.

When representing persons or organizations, a member:

- (1) shall be sufficiently prepared to undertake this representation and will have obtained the necessary assistance or information to do so;
- (2) shall represent themselves as a member of the Human Resources Professionals Association;
- (3) shall be free of any conflict of interest that would limit his or her ability to represent his or her organization or client in such proceedings;
- (4) shall not advise or represent more than one side of a dispute;
- (5) shall not withdraw from representation of a client except for good cause and upon notice to the organization or client appropriate in the circumstances;

(6) shall withdraw from representation of an organization or client if he or she instructed to do something that is inconsistent with Human Resources professional's duty to the tribunal and, following explanation, the organization or client persists in such direction.

2. A member shall show respect toward any commission of inquiry, body or tribunal or its members. A member shall not, directly or indirectly, distribute or publish comments or remarks the member knows to be false or are overtly false, with respect to a commission of inquiry, a body or a tribunal or one of its members. A member shall not, directly or indirectly, comment publicly by any means whatsoever, any matter pending before a commission of inquiry, a body or a tribunal and in which the member or one of his or her partners or employees is a party.

3. A member shall appear in person or be represented at the time fixed for any proceeding relative to the practice of his or her profession unless the member is prevented therefrom for good and sufficient reasons and has, where possible, given prior notice of his or her absence to his or her client and to the other parties involved.

CHAPTER IX

THE MEMBER'S RELATIONS WITH THE ASSOCIATION IN THE PRACTICE OF HIS OR HER PROFESSION

DIVISION I

IDENTIFYING ONESELF AS A MEMBER OF HRPA

1. A member shall identify himself or herself to the employer or client as a member of the Human Resources Professionals Association and the level of qualification within the Association.

2. A member shall be honest and forthright in representing their professional status:

(1) pursuant to the *Human Resources Professionals Association of Ontario Act, 1990*, it is an offence to use the title Certified Human Resources Professional or the initials C.H.R.P. unless one has been

granted the designation and has maintained the right to use the designation;

(2) if asked, members must identify themselves as members of the HRP A.

3. A member shall display their HRP A certificate in such a way that it is readily visible to members of the public.

4. Should a member's certificate be revoked for whatever reason, this member must return the certificate to the Association without delay.

5. A member asked by the Association to be a member of a committee on discipline or a review committee shall accept that duty unless the member has reasonable grounds for refusing it.

6. A member shall reply as soon as possible to any correspondence from the registrar of the Association, the board of the Association, or an expert appointed by the board.

DIVISION II

HONESTY IN APPLICATIONS FOR REGISTRATION OR CERTIFICATION BY THE ASSOCIATION

1. A member warrants that all information provided in the context of registration with or certification by the Association is complete and accurate.

2. A member shall not engage in any manner of dishonesty or cheating, or assist anyone else in attempting to cheat, in any examination conducted by the Association, or its Agents.

3. A member shall not reveal any detail of the content of any examination conducted by the Association, or its Agents.

DIVISION III

COMPLIANCE WITH THE REGULATORY AUTHORITY OF THE ASSOCIATION

1. A member of the Association shall comply with the regulatory authority of the Association.

2. When requested by the Association, a member shall promptly provide an account of his/her activities, responsibilities and functions.

When employed by an organization, the member shall also provide a description of the organization and the business of the organization.

3. A member shall always provide accurate and complete information to the Association in relation to regulatory matters. Specifically, members shall not misrepresent their education, background, or experience in the process of obtaining certification.

4. If requested by a client, an employer, any employee of an organization that employs the member, or any member of the public, a member shall provide information regarding the engagement, function, location, and contact information for the Association, and provide information about where this person can obtain:

- (1) The statutes and by-laws that govern the Human Resources Management profession; and
- (2) The Association's Rules of Professional Conduct.

5. A member is subject to the disciplinary authority of the Association regardless of where the member's conduct occurs.

6. A member shall assist with any HRP A disciplinary process, or any HRP A investigation into possible misconduct on the part of either himself or herself or on the part of any other member:

- (1) members must respond promptly and forthrightly to any request by the HRP A registrar, the board of HRP A or other duly authorized person in connection to any HRP A disciplinary process or any HRP A investigation into possible misconduct;
- (2) members must accede to any request to appear in person to any disciplinary hearing conducted by HRP A;
- (3) members shall forward to HRP A any documents that are requested by HRP A in the context of a disciplinary process or investigation into possible misconduct.

7. A member shall not interfere with any HRP A disciplinary process, or any HRP A investigation into possible misconduct on the part of either himself or herself or on the part of any other member:

- (1) a member shall not communicate with a person who has filed a complaint against the member on any matter regarding the complaint or any matter arising from that complaint, without prior

written permission of the board of the Association or the registrar, after having been notified that such a complaint had been filed;

- (2) a member shall not attempt to intimidate or harass a person who has filed a complaint against another member of the Association;
- (3) a member shall not threaten with retaliation any person who has filed a complaint against another member of the Association.

8. A member shall promptly and faithfully abide by whatever sanctions may be imposed as a result of a disciplinary process.

9. A member shall adhere to any undertaking or agreement that the member has made with the Association.

10. A member shall not, after the disposition of a complaint filed against the member or another member of the Association, and regardless of disposition of the complaint, retaliate against the person who has filed this complaint in good faith.

DIVISION IV

MANDATORY SELF-REPORTING OBLIGATIONS

1. A member must provide the Association with details of any of the following that relate to the member and that occur or arise after the initial registration of the member:

- (1) A finding of guilt for a criminal offence;
- (2) A finding of professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction, and whether it is in relation to the Human Resources Management profession or another related profession;
- (3) A proceeding for professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction, and whether it is in relation to the Human Resources Management profession or another related profession.

This is a self-reporting obligation. Only the member who has been found guilty of the criminal offence or who has been involved in disciplinary or incapacity proceedings of another governing body is required to report it. Colleagues who know or suspect that a registered Human Resources Professional has been convicted of a crime; or know or suspect that a registered Human Resources professional has been involved in disciplinary or incapacity proceedings of another governing body are not

required to inform the Association. Members of HRP A do not have to report criminal offences until they have been found guilty, but they are required to report if they are the subject of any ongoing disciplinary or incapacity proceeding.

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