

Questions from November 6, 2009, webcast on regulation

“Professional Self-Regulation and the Human Resources Management Profession in Ontario”

1. *Recertification points for this webcast?*

The recertification number for this webcast will be emailed to all webcast attendees.

2. *Thank you for this great information! Have a great weekend.*

You are welcome.

3. *Could the provinces not make an agreement to recognize CHRP in each other's provinces?*

Yes, they could and they have. This is called mutual recognition. The nine provincial associations have agreed to mutually recognize each other's CHRP designation. But this does not mean that if an individual has the CHRP designation in one province, they have the CHRP designation in other provinces. It means that there will not be additional material training, experience, examinations, or assessments imposed on the applicant. If you want to use the CHRP in Ontario, you must be a member of HRPA—that is the law. If you want to use the CHRP designation in Quebec, you must be a member of the Quebec association—that is the law. The reason why legislation requires individuals to be members of the provincial association in Quebec and Ontario is that this makes the individual subject to the rules of professional conduct and discipline of the regulatory body. If you had individuals who would be allowed to use the designation, but without being subject to the rules of professional conduct or the discipline of the regulatory body, there would be no protection to the public.

4. *I am an HR Manager for all of Canada and often struggle with ensuring our policies are legal across all provinces, in particular Quebec, can the HRPA provide more tools to help those of us trained specifically in Ontario to cover some of the larger common areas across all the provinces. Maybe something like a knowledge base where we can compare hours of work and so forth. Also, I would really appreciate some sort of link between the Quebec HR regulatory body and ours as sometimes it would be good to get advice from someone trained there. Perhaps even providing a session at the annual conference that covers the differences between Ontario law and Quebec law would be beneficial.*

This is not really a matter of regulation, but it is a great idea nonetheless. Let's see what we can come up with.

5. *Are we moving toward mandatory designation requirement to perform certain or all HR duties as you see in other professions (i.e. accounting)?*

What you are referring to is licensure. Licensure comes in different forms—there is broad licensure where the whole practice is prohibited unless authorized, and there is narrow licensure where specific acts are prohibited unless authorized. In accounting, only specific areas of practice require a licence (public accounting). Human Resources may, one day, be licensed; but there still is some way to go there still. The profession would need to define specific areas of practice where it could claim exclusive competence, then it would need to convince Government that it is in the interest of the public that only licensed professionals should be allowed to offer these services. We are not there yet. The first step is to show that we are doing a good job with the regulatory powers we now have.

6. *Can you provide an example of an administrative requirement?*

In the Agreement on Internal Trade (AIT), there are two kinds of certification requirements: *allowable* and *prohibited*. These are listed in the table below.

Allowable Certification requirements under the Agreement on Internal Trade	Prohibited Certification requirements under the Agreement on Internal Trade
<ul style="list-style-type: none"> • Application and administrative requirements • Evidence of good character and criminal background checks • Evidence of good standing • Language requirements • Evidence of recent practice 	<ul style="list-style-type: none"> • Residency requirements • Material additional requirements

Application and administrative requirements are in the allowable category. They refer to filling out applications, providing information, and paying dues.

7. *What is the status of a CHRP on an international scale? What would happen to a CHRP if you moved abroad?*

The CHRP is a designation that is not regulated or protected in jurisdictions outside Canada. In these jurisdictions, anyone can call themselves a Certified Human Resources Professional and use CHRP after their name, even if they were not granted the designation in any jurisdiction where it is granted. If you moved abroad you could use the CHRP designation, but so could anyone else. This is because there is no organization that would have the authority to stop you from using the designation.

This does not mean that the CHRP designation has no value in other jurisdictions; it means that the CHRP has no legal status in these other jurisdictions. Indeed, the CHRP designation is well respected in other jurisdictions.

8. *So basically what does it mean, that I have my CHRP and I am Nationally Recognized? Please expand and possibly define the differences between the two...from what you have said so far I am now confused about my certification?*

I am assuming that you have the CHRP designation in Ontario. Through the mechanism of mutual recognition, the other provincial associations have agreed to recognize your qualifications without additional material training, experience, examinations, or assessments should you apply for certification in those provinces.

This does not mean that you have the designation in all provinces or that you can use the CHRP designation in all provinces. It means that your qualifications would be accepted should you apply for certification in these other provinces.

In addition to such qualifications, there are other requirements that other provinces could require of you. These are called the 'allowable certification requirements.' The allowable certification requirements are:

- Application and administrative requirements
- Evidence of good character and criminal background checks
- Evidence of good standing
- Language requirements
- Evidence of recent practice

If you do not meet the 'allowable certification requirements' as established by the provincial association, you would not be authorized to use the CHRP designation in that province.

Here is an example, Quebec has a language requirement. Such language requirements are allowable under the Agreement on Internal Trade (AIT). If you cannot pass Quebec's language requirement, you will not qualify for the CHRP designation in Quebec.

9. *Will our government be requesting that HR personnel of authority in orgs be required to have a CHRP to ensure proper business conduct?*

Again, what you are referring to licensure. For instance, the Government could make it mandatory to have human resources compliance reports signed by Certified Human Resources Professionals. It could happen one day. There is still a way to go until we get there, however.

10. *If I don't hold the CHRP designation, am I still regulated by the HRP by virtue of my annual membership?*

Yes. Regulation is tied to membership (registration) and not certification. Both non-certified and certified members are regulated by HRP. With your membership renewal, you signed-off on the HRP Code of Ethics and the HRP Rules of Professional Conduct. As a member of HRP you are subject to discipline by the Association.

11. *Am I correct in assuming that the regulatory powers of the HRP extend to its members only?*

Yes, with the exception of the prohibition against using the designation and title. The prohibition against using the title unless authorized to do so by HRPA applies to non-members.

12. Too bad the Ontario Government, which legislated the act does not appreciate nor recognize the designation. Is the HRPA embarking on that purpose?

I agree. The best way to accomplish this in time is to increase the strength of the designation. Without being licensed, some designations are stronger than others. The CHRP has made great inroads in Ontario. This makes it harder for the Ontario Public Service to hold out.

13. The Ontario Government is a non-credialism based environment, so our CHRP designation is not recognized as a BFOR. Is there any thought to working with the Ontario Government to reach a mutual agreement that the CHRP designation should be a requirement for HR professionals in the government?

Yes, this is an issue that we are working on. Again, the best approach is to strengthen the designation.

14. Do you foresee other provinces regulating the HR profession?

I have heard that Alberta had taken some steps in that direction. I have not heard anything pointing in this direction from any of the other provinces where the profession is unregulated.

15. In Alberta some use the CHRP and they are not members of Ontario or Quebec.

The issue here is not individuals are not members of Ontario or Quebec associations; the issue is that the designation is not protected in Alberta.

16. Could we not have a national association?

It depends what you mean. It was mentioned in the webcast that HRPA was both regulatory body and professional association. It would be possible to have a national association or even an international association. What cannot be done is to create a national regulator; that is because regulatory powers are provincial and no provincial legislature will delegate provincial powers to a national body. Professional regulatory bodies are always provincial.

17. Isn't it in the best interest of the association to be regulated in all provinces to mitigate reputational risk?

I think you meant: "Isn't it in the best interest of the *profession* to be regulated in all provinces to mitigate reputational risk?" Yes, there would be definite advantages to having the profession of Human Resources management regulated in all provinces. One big advantage would be that the CHRP designation and title would be protected in all jurisdictions which it is not today.

18. *In Quebec, the order of HR Professionals is at the same level as the order of engineers, accountants, etc. In ON it doesn't seem to be at the same level. Do you know if there will be a change in this respect in the future? Thank you*

Please tune in to the third webcast in this series. The system of professional regulation is different in Ontario and Quebec; but your observation is correct; and yes we have some initiatives aimed at this.

19. *Any new updates on the Law Society trying to assume regulation over HRP? Addendum to Law Society question—this refers to attempt to have certain HR Practitioners become Paralegals.*

There are no new updates on this matter.

20. *What does it mean to be nationally recognized if you cannot use the CHRP designation?*

The Agreement on Internal Trade (AIT) defines mutual recognition as follows: “Mutual recognition means the acceptance by a Party of a person, good, service or investment that conforms with an equivalent standard or standards-related measure of another Party without modification, testing, certification, re-naming or undergoing any other duplicative conformity assessment procedure.” In the context of professional certification, mutual recognition means the acceptance of an individual qualified in one jurisdiction as being qualified in another without additional material training, experience, examinations or assessments.

To be “nationally recognized” means that the provincial HR associations have agreed to accept individuals qualified in one province as being qualified in another without additional material training, experience, examinations or assessments.

Mutual recognition means that no additional material training, experience, examinations or assessments will be required of the individual. Mutual recognition does not mean that individuals who have been granted the right to use a professional designation in one jurisdiction can use the designation in other jurisdictions without being a member of that second provincial association.

21. *How does the HRP decide on discipline for members?*

This question will be answered in the second webcast in this series. Whether a member has been guilty of misconduct and deciding on the appropriate discipline are decisions made by HRP’s Complaints, Investigations, and Discipline Committee.

22. *Will it be required for HR Professionals who work in Quebec and Ontario to become a member of both provincial associations?*

In Quebec and Ontario, you need to be a member of the provincial association to use the designation. If you want to use the designation in both Quebec and Ontario, you would need to be a member of both the Quebec and Ontario associations.

23. *Thank you. This was very informative. It makes me better understand the reason behind why we have such stringent certification rules.*

Indeed, but not only certification, we need to do all of regulation well.

24. *If I am a CHRP in Ontario, does it mean I cannot be considered one in BC?*

Legislation, being provincial, only applies to the province in which is passed. There is no legislation that protects the CHRP in BC. If you were to use the CHRP designation in BC, there is little anybody could do about it.

25. *If one obtains their CHRP designation in Ontario and move to Quebec and become a member of the Quebec Chapter do they maintain their CHRP they had originally obtained in Ontario?*

If you maintain your membership in HRP, you will retain the right to use the CHRP designation in Ontario.

26. *To clarify—when we talk about the CHRP being 'portable' in Canada, are we then referring to the Mutual Recognition clause?*

Yes, mutual recognition is the mechanism that makes designations 'portable.'

27. *What does this regulation mean to those individuals who are already in the HR professional and are not registered with HRP?*

Individuals who are not registered with HRP are not subject to regulation by HRP, except for the prohibition against using the designation and initials.