

What the future may bring for the regulation of the Human Resources Profession in Ontario

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Housekeeping

- Slides, archived webinar, and Q&A to be posted on HRPAs website on the Office of the Registrar page by the end of the week
- Recertification code will be emailed to all webinar attendees after the webcast
- Time has been set aside for questions at the end of the webcast but you can submit your questions at any time
- All questions and their answers will be posted on the HRPAs website

Webcast Series on Regulation

1



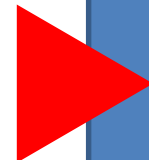
Professional Self-Regulation and the Human Resources Management Profession in Ontario

2



HRPA's Regulatory Framework:
Regulating the Human Resources Profession in Ontario

3



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It All Comes Together

- In the introduction to the series, we noted that the profession is at a turning point
- We noted that to take the next step, we needed to start with a better understanding of professional regulation
- With this foundation in place, we can now talk about where all this is going
- Hold on!

Today's Webcast

- What it means to be a profession
- The process of professionalization
- Regulation and the enlightened self-interest of the profession
- Reality check
- The Regulatory agenda
- Competent and responsible self-regulation
- Pursuing a public act



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What's in it for You?

- Moving forward as a self-regulated profession is important to all of us:
 - More rewarding careers
 - Enhanced status and influence
 - Self-determination
- We may all have a role to play in moving the profession forward

The Two Objectives of HRPA's Regulatory Organization

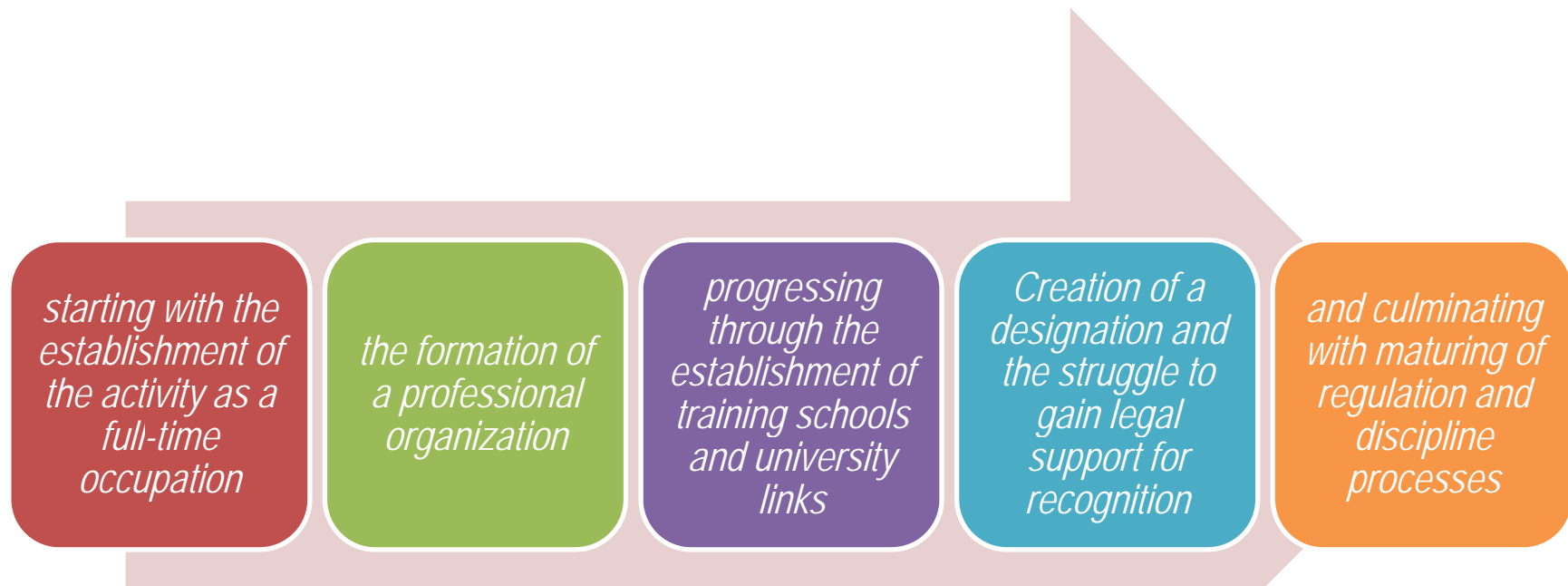
- The overarching objective of the regulatory organization within HRPA is to protect the public by ensuring that Human Resources Management professionals are competent and act ethically
- A second objective for the regulatory organization within HRPA is to move the profession forward along the path of professionalization

What it Means to be a Profession

The 5 Characteristics as Defined by Freidson (2001)

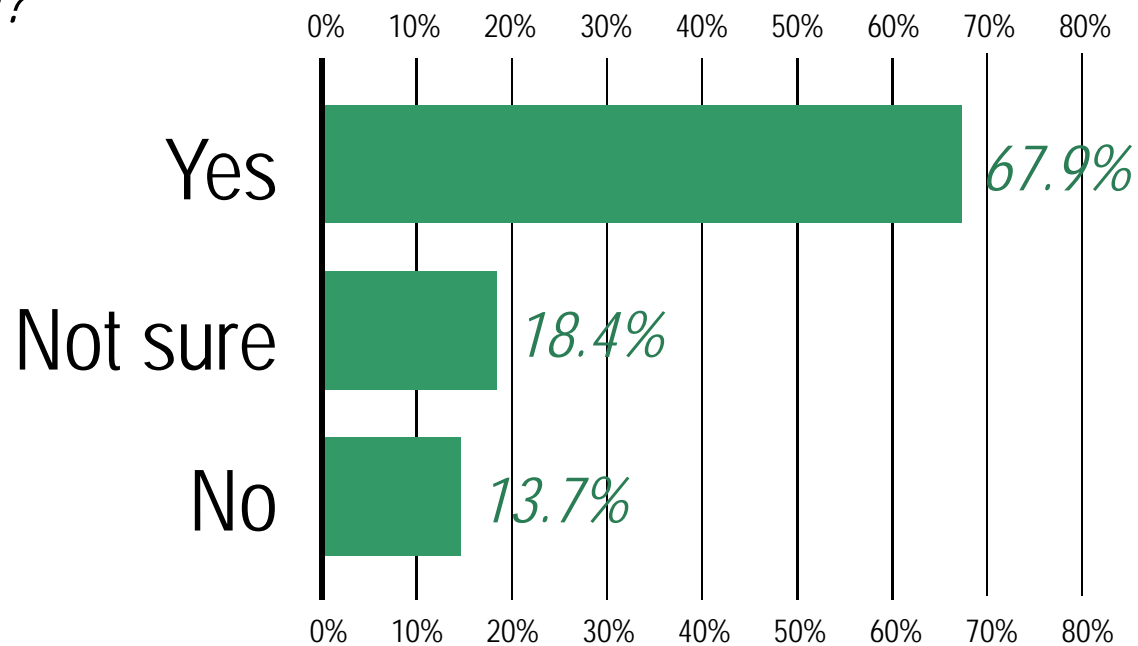
1. Specialized work in the officially recognized economy that is believed to be grounded in a body of theoretically based, discretionary knowledge and skill and that is accordingly given special status in the labor force;
2. Exclusive jurisdiction in a particular division of labor created and controlled by occupational negotiation;
3. A sheltered position in both external and internal labour markets that is based on qualifying credentials created by the occupation;
4. A formal training program lying outside the labor market that produces the qualifying credentials, which is controlled by the occupation and associated with higher education; and
5. An ideology that asserts greater commitment to doing good work than to economic gain and to the quality rather than the economic efficiency of work

The Process of Professionalization



Jennifer Roberts & Michael Dietrich (October 1999)
Conceptualizing Professionalism: Why Economics Needs Sociology, *The American Journal of Economics and Sociology*.

At one time, the professionalization of HR was high on the profession's agenda. Is the professionalization of HR still an important issue for the profession?



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Reality Check

67.8% of respondents to a recent survey said that the professionalization of HR still an important issue for the profession

- Less than 15% our own members seem to know that we are a regulated profession
- Less than 5% have ever read the *Human Resources Professionals Association of Ontario Act, 1990*

The Benefits of Regulation

- The primary purpose of professional regulation is to protect the public from incompetent, incapacitated, or unethical practitioners not to benefit regulated professionals
- So why do we do it?
- Because there are real benefits to the profession and its members

Enlightened Self-Interest

- Enlightened self-interest is when furthering the interests of others is also in our interest
- Professional regulation is like that
- On the face of it, professional regulation protects the interests of the public by imposing all sorts of obligations on the professional
- By furthering the interests of the public, professions further their own interests

The 6 Benefits of Regulation for Regulated Professionals

1. It makes us true professionals as opposed to just an occupation
2. It creates a preference in the marketplace for regulated professionals
3. Regulated professionals command a premium in the marketplace
4. Regulated professionals have more credibility as experts
5. Regulated professions have more influence on Government policy
6. Regulated professions have more control over their destiny

A Key Question

- Having chosen to go down the path of regulation, have we maximized the benefits to the profession and its members?

Being Seen to Be Regulated

- The public benefits from regulation, but the profession benefits from the perception of regulation on the part of the public
- If the public (employees, employers, clients, government officials) is not aware that Human Resources management is a regulated profession, many of the benefits of regulation for the profession will not materialize

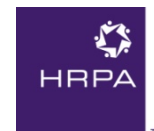
The Regulatory Agenda

1. Develop an awareness and clarity around the whole concept of professional regulation among our members, our volunteers, our Board members, and HRPA staff
2. Rekindle a sense of ownership, responsibility, and accountability in regards to regulatory matters
3. Move forward with the professionalization of Human Resources management

Getting our act together —→ Going for a public act



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Getting our Act Together

- We need to demonstrate that, as a profession, we are capable of regulating ourselves effectively and that, indeed, that we would be capable of handling even more regulatory authority
- We need to have 'top-notch' regulatory processes

What it Means to Have 'Top-Notch' Regulatory Processes

Our regulatory processes need to be...

- well thought-out
- transparent
- respectful of all
- accessible to the public
- in compliance with all relevant legislation
- documented
- socially aware and responsible
- sophisticated

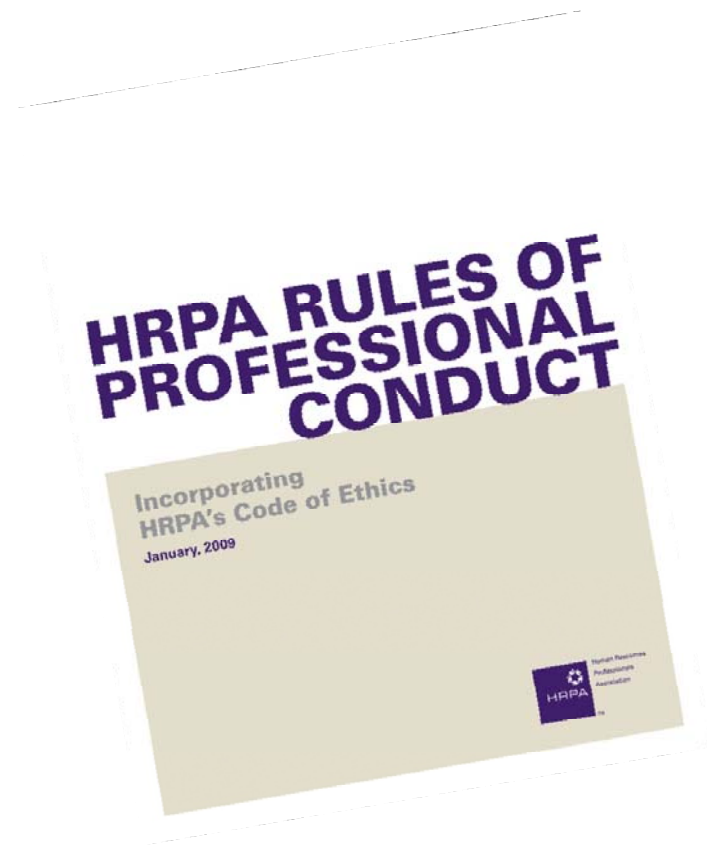
Some Recent Initiatives

- Online register
- New Regulation Sub-Committee
- Rules of Professional Conduct
- Office of the Registrar page
- Upgraded documentation
- Compliance with the *Fair Registration Practices Code*
- Pursuing NCCA accreditation
- Compliance with the proposed *Ontario Labour Mobility Act, 2009*
- Senior designation

New Regulation Sub-Committee

- Mandate is to ensure that HRPA's regulatory processes and practices are up-to-date
- Reports to the Professional Standards Committee
- Chaired by Antoinette Blunt, Chair of HRPA's Board of Directors

Enhanced Guidance to Members



- Rules of Professional Conduct define what constitutes appropriate professional behaviour for Human Resources Professionals registered with HRPA
- These are also a commitment we make to the public

Our Regulatory Framework

- More clarity around our regulatory processes
- More and better documentation on our regulatory processes



More and Better Information

- Office of the Registrar section of our website is the place to go for all regulatory matters
- Certification Handbook
- New pages with information on complaints and appeals
- More information on how regulatory decisions are made, more information on decision criteria

NCCA Accreditation

- We want our CHRP certification program to meet the highest of professional standards. Period.
- It is not good enough to make the claim that our certification process meets the highest of professional standards, we need to prove it
- The National Commission for Certifying Agencies (NCCA) has a set of standards and an accreditation process for certification programs
- HRPA has made the commitment to achieving NCCA accreditation
- The NCCA standard is a standard of excellence that goes beyond minimum requirements
- It's a tough standard and we might not make it on our first try, but we will achieve NCCA accreditation

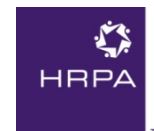
Fair Registration Practices Code

- The Fair Registration Practices Code refers to Sections II and III of the *Fair Access to Regulated Professions Act, 2006*.
- Professions on Schedule 1 of the Act are required to comply with the Code
- HRPAs are not included in Schedule 1 of the Act and thus not required to comply with the Fair Registration Practices Code
- HRPAs have made the voluntary commitment to compliance with the Fair Registration Practices Code
- By being compliant with the Fair Registration Practices Code, we are demonstrating a responsible attitude as a regulator

Getting our act together —→ Going for a public act



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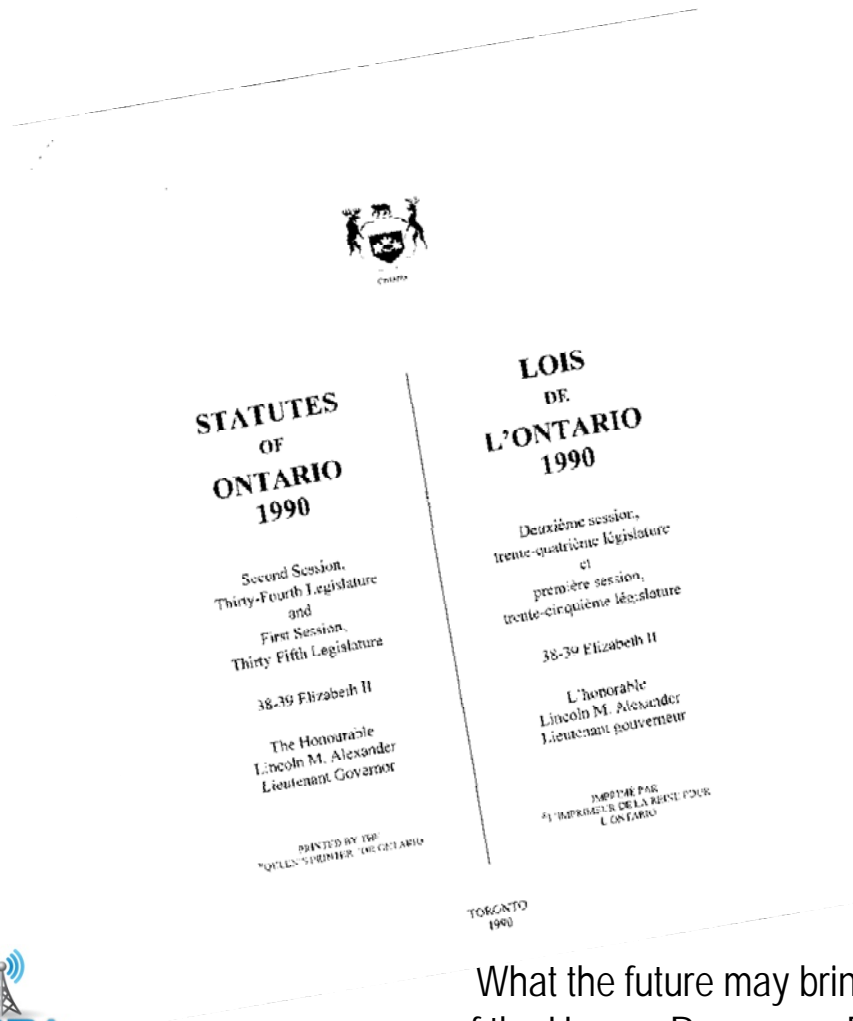


Going for a Public Act

- What is the difference between a public act and a private act?
- Why would we want a public act?
- Why would the legislature enact a public act with respect to the regulation of Human Resources Professionals?
- What are the steps in making it happen?

The *Human Resources Professionals Association of Ontario Act, 1990*

- The *Human Resources Professionals Association of Ontario Act, 1990*, is a private act

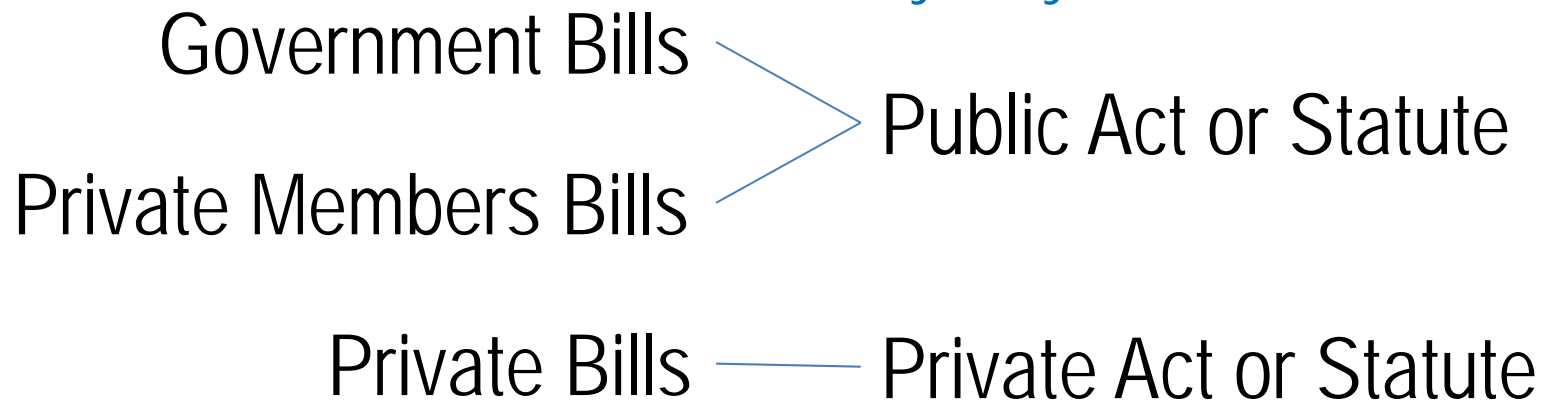


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Bills and Acts

A bill is a proposed piece of legislation

Once enacted a bill becomes an act or statute
'Act' and 'statute' are synonymous



Private vs. Public Acts

Private Act	Public Act
<ul style="list-style-type: none">• An Act that is enacted by the Legislature on the application of an individual, a municipality or a corporation and which relates only to the interests of the applicant.	<ul style="list-style-type: none">• Public bills generally deal with issues of broad significance and generally apply to the whole province.
<ul style="list-style-type: none">• Introduced in the legislature by a member who is not a member of the government	<ul style="list-style-type: none">• May be introduced in the legislature by a member of the government (government bill) or by a member who is not a member of the government (private member's bill)

Government Ownership

- A public act regulating the profession of Human Resources Management would be a government bill
- This means that the bill would need to be introduced in the legislature by a minister (whose ministry will 'own' the act)
- A public bill would represent the will of the government
- The government would think of it as 'its' legislation

What is Not a Difference

- 'A statute is a statute'
- A public act will not make Human Resources a regulated profession, it already is

On the Other Hand

- Public acts 'carry more weight' than private acts
- They do indicate a stronger commitment to the profession on the part of government
- They can grant stronger regulatory powers

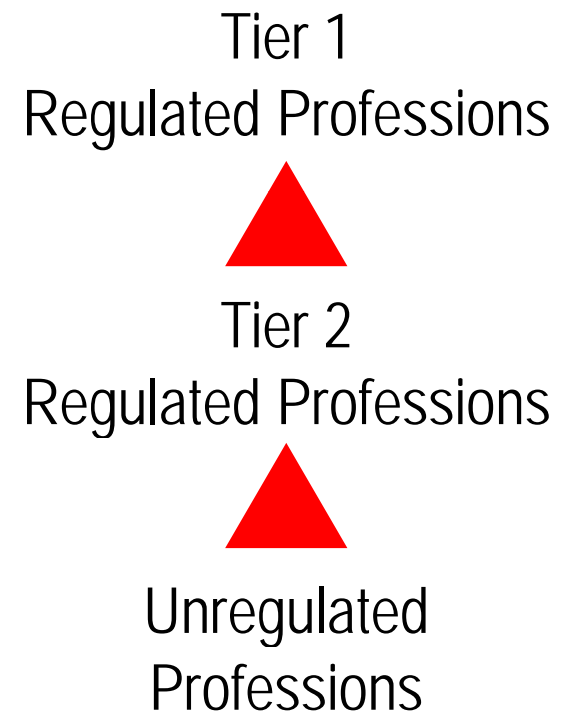
Other Professions Governed by Private Act

- Certified General Accountants*
- Certified Management Accountants*
- Engineering technicians and technologists
- Architectural technologists
- Registered graphic designers
- Registered interior designers
- Industrial designers
- Landscape architects
- Property Standards Officers
- Professional planners
- Municipal Assessors

*The Certified General Accountants and the Certified Management Accountants are soon to be governed by public acts. These are in second reading.

Tier 1 and Tier 2 Regulated Professions

- Tier 1 and Tier 2 regulated professions is not an formal classification, but it is there
- Human Resources Management is at the top end of Tier 2



What's in it for the Profession?

- A public act would clarify HRPA's regulatory authorities, leaving less to interpretation
- But the main benefits of a public act would be that:
 - It would indicate a stronger commitment to the profession on the part of government
 - A public act would clearly put us among Tier 1 regulated professions
 - It would increase our status and influence as a profession

What's in it for the Government?

- What is good for the Human Resources Management profession is not sufficient cause for the Government to act
- Government will only act in the public interest
- It helps if the proposed legislation is aligned with the Governments policy objectives
- It also help is the proposed legislation solves a problem for the Government

What's in it for the Government?

The legislature is more likely to enact professional regulation legislation when:

- The public does not have the capacity to evaluate the competence of the professional (before it may be too late)
- The public does not have the choice of practitioner
- There is an imbalance in the power of the service provider and those who receive services
- When the consequences of the actions of incompetent or unethical practitioners are serious

Government Has a Stake in Competent and Ethical Human Resources Professionals



- Although many HR professionals are employees of organizations, the group most impacted by the actions of HR professionals are the employees
- HR professionals must balance the interests of employers and employees
- HR professionals are committed to fair, equitable, and productive work places
- Managing this balancing act requires a high degree of professionalism

Promoting Fair, Equitable, and Productive Workplaces for Ontarians

- The public interest, especially that of employees who do not have a choice in their HR professional but who are impacted by the actions of this professional, requires that HR professionals practice their profession with a high degree of professionalism
- Workplace legislation, of which there is a lot of, is not enough
- To ensure fair, equitable, and productive workplaces, the Government needs to support Human Resources management professionals

From Private Act to Public Act

- Getting a public act won't be easy or quick
- But there are benefits for the profession just in pursuing a public act—it gives us a legitimate reason to have conversations with ministers and other senior officials and increase their awareness of the Human Resources Management profession

Summary

- Being an effective regulator, and being seen to be an effective regulator, is important for HRPA
- It increases the level of confidence that the public has in the profession which, in turn, benefits all our members
- Also, by demonstrating that we are responsible regulators, we strengthen our case for a public act which would clearly put us in the top tier of regulated professions in Ontario

Moving Forward with the Professionalization of Human Resources Management

- These are exciting times
- It is our turn to make a difference
- We will all have a part to play



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