#3 Self-regulation requires an 180° turn in thinking and action

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Posted on LinkedIn April 20, 2017

The first reading of Bill 122, the Registered Professional Planners Act, 2017, happened last week (April 12, 2017). I wish the Planners all the best as they embark on the interesting journey of seeing a bill make its way through the Legislature and beyond.

The interesting aspect of self-regulation legislation is that it requires the profession to go through a 180° turn in thinking and action once passed.

Self-regulation legislation just doesn’t happen, it is the result of intensive and focused lobbying on the part of the profession. Indeed, professions see many benefits in pursuing self-regulation—increased
legitimacy, increased status, more respect, more power and influence, better remuneration, and so on. The paradox is, however, that once passed all these motivations and interests must take a back seat to the promotion and protection of the public interest. The reasons for pursuing self-regulation cannot operate once self-regulation is achieved.

Self-regulation statutes create professional regulatory bodies which duty is to promote and protect the public interest. There is nothing in the objects (a.k.a., mission) of professional regulatory bodies that allows such bodies to serve the interests of the members. In some professions, the objects allow the professional regulatory body to promote and protect the interests if the profession, but this is not meant to enable the pursuit of self-interest on the part of the profession or its members.

There is a way to resolve this paradox—it is called enlightened self-interest. Enlightened self-interest is a philosophy in ethics which has that persons who act to further the interests of others ultimately serve their own self-interest. But for this to work, the commitment to serving the public interest must be authentic. Continuing to act in the interests of the members while giving lip service to the public interest is not a viable long-term strategy, if the idea if for the profession to be recognized as a true profession.

The increased legitimacy, status, respect, power and influence, and remuneration, need to be seen as side-effects of self-regulation not the purpose or intent of self-regulation. This may require an 180° turn in thinking and action for some—it’s no longer about the members but about the public.

This transition, or transformation, is something that new professional regulators and all newly regulated professions seem to go through. Getting self-regulation legislation through the Legislature is certainly a challenge, but this is immediately followed by the next challenge of getting the profession and its members to thinks in terms of the public interest rather than in terms of their own self-interest.

And so, heartfelt congratulations to the Professional Planners of Ontario on the first reading of the Registered Professional Planners Act, 2017.