#6 Regulation is not an activity, it’s the core mandate

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One hears the expressions ‘regulatory activity’ or ‘regulatory aspects,’ the point to this article is that regulation is not an ‘activity’ or an ‘aspect,’ it is HRPA’s mandate, and not just any mandate, it is HRPA’s core mandate. Regulation is not so much something we do but who we are.

The core purpose of HRPA is set out in section 4 of the Registered Human Resources Professionals Act, 2013. In pursuing regulation by public act, HRPA and its members agreed to make professional regulation the core mandate of the Association. One can look at the Registered Human Resources Professionals Act, 2013, as a deal between the Association and the Government of Ontario; accepting professional regulation as our core mandate. In first pursuing and then having been granted the privilege of self-regulation, the Association agree that its core purpose would be to promote and protect the public interest by governing and regulating the practice of members and firms.

Core mandate or purpose is about ‘why’ not ‘how’—it is not so much what we do but the intent and purpose for doing what we do. The Government of Ontario has specified some activities that HRPA must do in fulfilling this intent, and the Government has delegated the powers it deemed necessary or beneficial for HRPA to have in carrying out its mandate, but in the end these activities and powers are not really what it is all about. It’s about the purpose and intent of promoting the public interest. As William Lahey, law professor at Dalhousie University put it:

“More broadly, the responsibility of SROs [self-regulating organizations] goes beyond their responsibility to diligently discharge discreet regulatory functions. Their responsibility is to proactively do what they can [subject to the limits of their legal authority] to ensure their profession is serving the public interest.”
Professional regulation is not an activity or set of activities. It is not a tick-box list of things that must be in place. A mandate or purpose is much more demanding than that. With a mandate or purpose, the commitment is open-ended. We can always ask whether we have done all we can in fulfilling the mandate. Although some activities are fundamental to professional regulation, and many of these activities are required to be carried out by our enabling statute, these activities do not define what it means to have a public protection mandate.

Thinking of professional regulation as just another thing that HRPA does is to miss the essential point of it all.