#8 Do professional regulatory bodies want to be loved or feared?

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Possibly Niccolò Machiavelli’s most famous question "is it better to be feared than loved, if you cannot be both?" seems to have special resonance for professional regulatory bodies. Indeed, professional regulatory bodies have a special kind of relationship with their members especially under self-regulation that brings this question to the fore.

Machiavelli’s question can be translated into a four-tiered system:

Let’s take it that the best situation for a professional regulatory body is to be both loved and feared.

For professional regulatory bodies, the problem with wanting to be loved by members is that it would get in the way of doing what it is there to do. For professional regulatory bodies, it is just not possible to do what needs to be done without making at least some members unhappy some of the time. The point is that the ‘happiness’ of the members just cannot be a prime consideration. Also, trying to be loved by
members would create a perception of bias or partiality on the part of the regulatory body which, again, would get in the way of doing what it is there to do. At the other end, being feared is brings about all sorts of counter-productive behaviours on the part of members such as resistance or minimal compliance.

Professional regulatory bodies have a job to do—to promote and protect the public interest by reducing, suppressing, mitigating or eliminating the potential harms to the public stemming from the practice of the profession on the part of their members. Although self-regulation does have benefits for regulated professionals, professional regulatory bodies are not there to ‘create value’ for their members—at least not in a direct and immediate way. Self-regulation enhances public confidence in the practice of the profession and in so doing it enhances the status of the professionals under regulation. But the professional regulatory body is not there to ‘create value’ for the professionals they regulate in the sense that is usually given to those words.

What professional regulatory bodies want most is respect which could be seen as an optimal blend of love and fear. Professional regulatory bodies want to be held in esteem by members for doing what they are mandated to do but with a recognition by members that they will act to protect the public interest when it needs to.

Achieving this kind of respect is the challenge. Of course, professional regulatory bodies must be deserving of respect. The professional regulatory body must demonstrate a steadfast commitment to the mandate, but that may not be enough. The professional regulatory body must cultivate this sense of respect.

Professional regulatory bodies need to continually explain their mandate of promoting and protecting the public interest but they also need to remind their members of the logic underlying self-regulation. Professional regulatory bodies serve the profession by serving the public. As soon as this is no longer true, the whole logic underlying self-regulation breaks down.

Comments such as ‘it’s the members who pay your salary, you should serve the membership first’ represent a serious misunderstanding of the logic of self-regulation. As substantiated in the enabling legislation, the profession and its members made a deal with the government. In exchange for the privilege of self-regulation, the profession and its members agreed to establish and support a professional regulatory body that would in turn do whatever needs to be done to reduce, suppress, mitigate or eliminate the potential harms to the public stemming from the practice of the profession. Professional regulatory bodies are fulfilling a contract made between a profession and its members and the government.
A key to bringing about this respect is to get members to understand the underlying logic of self-regulation.