The Registered Human Resources Professionals Act, 2013, can be described as a deal or contract between HRPA and the Ontario Legislature, but what is in this deal or contract? What did HRPA give and what did HRPA get?

The basics of the deal or contract are as follows—in exchange for the privilege of self-regulation, HRPA accepted to take on a new mission centered on the promotion and protection of the public interest. Accepting this public protection mission places Human Resources amongst the regulated professions in Ontario. The essential benefits for the Human Resources profession result from this status as a regulated profession.

This new mission is spelled out in the Act as the objects of the Association and centers on the promotion and protection of the public interest. These objects are important not only because they set out our core mandate but also because it limits what we can do to the carrying out of objects. HRPA agreed to make the promotion and protection of the public its primary concern and to proactively do what it can to ensure that the Human Resources professionals it regulates are practicing their profession in a manner that is consistent with the public interest. The mission is an open-ended one.

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.”

Of course, there is detail to the deal or contract but once it is understood that the essence of the deal is about accepting a mission, the rest all falls into place. Having given HPRA a mission centered on the promotion and protection of the public interest, the Legislature granted HRPA the powers that it deemed necessary or beneficial for HRPA to have in carrying out the mission the Legislature gave it. Title protection, exemption from the Ontario Not-for-Profit Corporations Act, 2010, investigation powers, protection from liability, are all ways in which the Legislature has cleared the way for HRPA to fulfill the mission given to it by the Legislature.

Let’s make no mistake about it, the give was a substantial one. So what did HRPA get in return for accepting this public protection mission?

Richard Steinecke, the most respected legal counsel in the area of professional regulation, in reviewing the then proposed legislation, listed seven benefits for the profession of accepting the self-regulation deal:

1. **Status**—“The statute indicates that the government recognizes the importance of the profession to society as a whole.”
2. **Recognition**—“Public awareness of a profession and its role in society increases exponentially when the profession achieves statutory regulation status”
3. **Stakeholder role**—“Once a profession is recognized by a public statute, government and other policy and decision-makers will consult with it on issues.”
4. **Reputation**—“Having an effective way of dealing with incompetent, unprofessional or incapacitated members is essential to preserving and improving the reputation of the profession.”
5. **Support**—“There are occasions where employers and clients of a practitioner try to pressure the practitioner to cut corners or do something that is unethical.”
6. **Consistency**—“Having a statutory body with effective regulatory tools can ensure that all members are effectively regulated to the same standard.”
7. **Authority**—“A statutory regulatory body can issue guidelines and standards that have clear authority. The authority resonates not just within members but also with the other groups dealing with members.”

But note how the benefits are not so much ‘in the deal’ but ‘as a result of having a deal.’ Also note how many of these benefits will take some time to kick in, in the sense that it will take some time for the profession and its members to realize the benefits.

So that is the deal or contract that HRPA agreed to with the Ontario Legislature. In exchange for the privilege of self-regulation and the ancillary benefits that derive from being a regulated profession, HRPA has accepted to take on a mission that makes the promotion and protection of the public interest HRPA’s paramount mandate and concern.