The Human Resources profession in Ontario is at the beginnings of a transition from being an unregulated profession to being a regulated profession. The passage of the Registered Human Resources Professionals Act, 2013, was really just the beginning of the transition. So what does this transition entail? To be somewhat simplistic about it, members are going to have to get used to being regulated, and HRPA is going to learn how to govern and regulate a profession.

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William Lahey
University of King’s College

Based on the experience of other professions that have undergone this transition, it is rarely an entirely smooth process. There are a number of professions that have recently begun this transition. Early Childhood Educators, Kinesiologists, Homeopaths, Naturopaths, Traditional Chinese Medicine Practitioners, and Registered Psychotherapists.

One difference, however, is that for these other professions, the Ontario Legislature chose to establish a new organization to regulate the profession whereas in the case of the Human Resources profession the Legislature chose to repurpose an existing organization. Nonetheless, the basic challenges are the same—members are going to have to get used to being regulated, and the professional regulatory body is going to learn how to govern and regulate the profession.

A common transitional challenge is that some professionals do not care for some of the changes that come with regulation. In order to be effective, professional regulatory bodies do need to impose some
requirements or limitations on their members. If members of a profession can continue to practice their profession without any change whatsoever in how they did things before having a professional regulatory body, then the professional regulatory body is not doing anything. As new professional regulatory bodies begin to do what they are supposed to do, some members, especially those who did not believe that the profession should be regulated in the first place, will resist the efforts of the professional regulatory body to govern and regulate the profession. There are other members of the profession who were supportive of regulation for the benefits this would bring to the profession now struggle with the obligations that come with regulation.

It is also a steep learning curve for the professional regulatory body itself as it learns to govern and regulate its members. For its part, the professional regulatory body has the challenge of implementing its core mandate which is to promote and protect the public interest by governing the practice of profession by its members. Initially, the challenge is to put in place the basic regulatory processes, but that is relatively easy and straightforward challenge compared to leading the mindset shift required to make the transition from unregulated profession to regulated profession a successful one.

Most members of new professional regulatory bodies have not been regulated before. Some members don’t understand much about professional regulation whereas others have various misconceptions about professional regulation. Most members of new professional regulatory bodies do fully understand what professional regulatory bodies are mandated to do and how they work. So there needs to be a big educational effort. One specific challenge here is that some members do not quite understand (or are dead set against the idea) that the professional regulatory body is there to promote and protect the interests of the public and not to promote and protect the interests of the members. Another challenge for new professional regulatory bodies is to introduce regulatory measures in such a way as to maximize compliance. In other words, the right mix of stick and carrot.

The passage of an act is often seen as the end of a long process centered on getting regulatory legislation, but that is just the beginning of the journey. As William Lahey, now President and Vice-Chancellor of the University of King’s College put it: “Indeed, many professional groups don’t fully appreciate the responsibility that comes with regulatory responsibility until they have it.”