Many members will have noticed that HRPA is more formal than it used to be in many respects. Renewal requires a formal declaration. There are formal letters for suspensions and revocations, forms are used for resignations, application forms for extensions, rules are applied without exceptions and deadlines are adhered to. What is that all about?

Of course, some will say that this is just HRPA imbued by a sense of its own self-importance. Perhaps so, but it is actually more than that.

It all starts with the Act. The Registered Human Resources Professionals Act, 2013, (the ‘Act’) is a serious matter. This Act sets out HRPA’s mission and delegates to HRPA specific powers and authorities. This Act is as much law as the Employment Standards Act, 2000 (ESA), the Occupational Health and Safety Act, 1990 (OSHA), or the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).

Many of the decisions made at HRPA are not ‘just decisions’ anymore, they are ‘acts done in exercise or performance or the intended exercise or performance of any power or duty of the Association under the Act.’ This means among other things that these decisions are reviewable by Divisional Court, which is a branch of Ontario Superior Court and is the primary forum for judicial review of government action in
Ontario. In reviewing decisions, Divisional Court is especially interested in whether applicable rules were applied in a fair and consistent manner.

The Act gives a number of committees the authority to conduct hearings. Some members are surprised to find out that these committees are in effect administrative tribunals on par with, for example, the Ontario Labour Relations Board (OLRB), the Workplace Safety and Insurance Appeals Tribunal (WSIAT), and the Human Rights Tribunal of Ontario (HRTO). As with all tribunals, when hearings are called for such hearings must comply with the Statutory Powers Procedure Act, 1990 and tribunal decisions are reviewable by Divisional Court.

Also, although regulatory committees are established and supported by HRPA, they are actually independent of HRPA in their decision making, and their decisions are not reviewable by HRPA staff or by the HRPA Board of Directors. In other words, neither HRPA staff nor the HRPA Board of Directors can overturn or modify decisions made by regulatory committees.

Pursuant to the Fair Access to Regulated Professions and Compulsory Trades Act, 2005 (FARPACTA), HRPA’s registration and certification processes are subject to oversight by the Office of the Fairness Commissioner. Every year, HRPA must submit a Fair Registration Practices report to the Office of the Fairness Commissioner, and every three years the Office of the Fairness Commissioner must conduct an assessment of HRPA’s compliance with the Fair Registration Practices Code. Both the annual Fair Registration Practices Reports and the triennial Registration Practices Assessment Reports are public documents which can be viewed and downloaded from the Office of the Fairness Commissioner website.

Even our exceptions have rules. There are rules which define the conditions under which extensions and accommodations are granted.

For some, this kind of formality is all unnecessary and cumbersome, but it is part and parcel of what we agreed to when we petitioned the Legislature for a public act.

But just to be clear, establishing and following rules is not the purpose of it all—the purpose is to promote and protect the public interest by governing and regulating the practice of members and firms. However, doing so in a transparent, objective, impartial, and fair manner is important not only to ensure the correct use of delegated regulatory powers but also to maintain the perception by all stakeholders that such powers are being used correctly.

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