An important difference between professional associations and professional regulatory bodies¹ is that professional associations are not accountable for the behaviour of their members whereas professional regulatory bodies are. This difference has all sorts of ramifications. It impacts everything from membership requirements to performance metrics.

To explain the difference one could use newspapers as an example. Newspapers provide information to subscribers. They derive revenue from subscriptions and from advertising from vendors interested in selling products and services to subscribers. But importantly, newspapers are not responsible or accountable for what subscribers do with this information.

However, imagine if the mandate of newspapers was changed to a public service mandate. For instance, imagine if the mandate of newspapers were changed to ‘bring about a more informed citizenry’ or even more ‘that citizens make better-informed decisions in their lives.’ Or imagine that newspapers were held accountable for what subscribers do with the information. One can see that if we made newspapers accountable for what subscribers do with the information the situation would be quite different.

¹ To be clear, in the context of this paper, professional association means a not-for-profit corporation comprised of its members which object is to serve the interest of its members, professional regulatory body means a not-for-profit corporation comprised of its members which object is to serve the public interest. The mission and mandate of professional regulatory bodies is established by statute.
Professional regulatory bodies are held accountable by the public, the media, government, and other stakeholders for the conduct of their members. Although there is liability protection from legal actions provided for in their enabling statute, professional regulatory bodies are blamed when there is serious misbehaviour on the part of a member of the profession and governments do intervene when professional regulatory bodies are seen not to carry out their public protection mandate. When a member misbehaves, one of the first questions asked is “where was the professional regulatory body?” By contrast, associations take no responsibility for the actions of their members. In fact, some associations will pay for legal representation for their members against disciplinary action by the professional regulatory body.

This explains why professional associations and professional regulatory bodies have a very different perspective on membership, on their relationship with members, on performance metrics, and their definitions of success. Professional associations can have relatively open requirements for membership. For professional associations, ‘more the better’ is the idea. But professional regulatory bodies need to be much more careful about whom they allow into the profession, both in terms of competence and in terms of ethical conduct. Membership in a professional regulatory body is not like membership in a professional association.

“It also explains why professional regulatory bodies issue professional guidance and impose requirements on their members. Professional associations will keep any membership obligations to a minimum for fear of discouraging membership in the association. Professional regulatory bodies, because they have some accountability for the conduct of their members, will impose conditions on the practice of their members as required to protect the public interest. In fact, professional regulatory bodies are required to do so in law when imposing such conditions is in the public interest.”

The fact that professional associations are not accountable for the conduct of their members whereas professional regulatory bodies are also makes a big difference in terms of performance measurement. To return to our newspaper example, if newspapers were suddenly accountable for what subscribers did with the information published by the newspaper matters would be quite different. For one the measurement of performance would be a much more complicated affair—no longer would the number of subscribers and revenue do the trick. For professional associations, member count and revenue are the core metrics, but matters are not so simple for professional regulatory bodies. For instance, for a professional regulatory body to allow more professionals into the profession by reducing standards of qualification would be totally inappropriate.

The fact that professional associations are not accountable for the conduct of their members whereas professional regulatory bodies are also means that both will have different definitions of success. For professional associations, success is having as many members as possible who are satisfied with the products and services offered by the association, who purchase additional products and services from the association, who intend to renew their membership in the association, and who would recommend
the association to others. For professional regulatory bodies, success is the extent to which potential harms to the public and users of the professional service have been reduced, suppressed, mitigated or eliminated, and that the government, the public and other stakeholders believe that the professional regulatory body is doing a good job of protecting the public.