#46 What do you mean ‘the Association doesn’t exist to serve the interests of its members?’

Claude Balthazard, Ph.D., C.Psych., CHRL
Posted on LinkedIn November 10, 2017

The statement is true, but we need to be careful here. There is nuance and complexity in the mission and mandate that has been given to HRPA by the Ontario Legislature. It is important to take the time to understand how this all works. The bottom line is that there is tremendous value for the profession and its members to serve the interests of the public as opposed to the interest of the members. Let’s explore this further.

All this stems from the Registered Human Resources Professionals Act, 2013.

The purpose and mandate of the HRPA—what HRPA does and who HRPA serves—is set out in the Act as the Objects of the Association. Everything that HRPA does must be in furtherance of its objects, but the objects are complex and written in ‘statute speak.’

Another layer of complexity comes from the fact that interests overlap and intersect. The same action can be in the interest of both the public and the members of the profession. There is also the difference between intent and impact—the difference between whose interests an action was intended to serve and who might benefit from the action. The word ‘serve’ is about intent not impact.

Some of the Association’s objects do not specifically reference the public interest, or any interest for that matter. Our second object— “to promote and increase the knowledge, skill and proficiency of members of the Association, firms and students”—is one of those. But it is clear that promoting and increasing the knowledge, skill and proficiency of members of the Association, firms and students is in the public interest as well as being in the interests of the members, students and firms.
An important contextual aspect is the professional ethos. From Cruess, Johnston, & Cruess\(^1\) (2004), we have (bold emphasis mine):

“It is a vocation in which knowledge of some department of science or learning or the practice of an art founded upon it is used in the service of others. Its members are governed by codes of ethics and profess a commitment to competence, integrity and morality, altruism, and to the promotion of the public good within their domain.”

This is very important. Professions are treated like no other occupational group because of this professional ethos. The grant of self-regulation happens because the Legislature believes that the professions, because of their professional ethos, are able to set aside their parochial self-interest and manage their professions in the public interest. That is the spirit and the context of professional regulation legislation.

So what is the bottom line? The Ontario Legislature never intended the Association to be a vehicle for members to pursue their own parochial self-interests.

However, just because the Association has no mandate to serve the interests of its members does not mean that the Association cannot act in ways that are of benefit to the members. For instance, the Association’s second object reads: “to promote and increase the knowledge, skill and proficiency of members of the Association, firms and students.” Clearly this object forwards the interests of the members but also the interests of the public.

Where problems arise is when the link to the public good is lost and we start serving our own interests. It is easy to lose sight of the bigger picture of service to others and promotion of the public good in the day-to-day business. This kind of shift can be insidious. It is a good thing to remind ourselves, from time to time, of the context and intent of the objects in our enabling legislation.

But all this is not simply a matter of altruism. A number of authors have referred to the social contract between the professions and society. Members of professions pledge (‘profess’) to live up to a higher level of dedication, integrity, and public service than ordinary occupations, and in exchange for this professions and their members enjoy more respect, status and remuneration. This social contract defines an ‘enlightened self-interest’ for members of professions. It is in the enlightened self-interest of professions and their members to act in the public interest. By acting in the public interest, the profession and its members ultimately further their own interests. But the commitment to serving the public good has to be genuine for all this to work. We just can’t give lip service to the public good in order to justify actions that are really intended to serve the interests of the members. Again, this would be contrary to the professional ethos and the spirit of social contract between the profession and society.

This explains the paradox of self-regulation—by putting the interests of the public first as opposed to putting the interests of the members first, the profession and its members wind up better off in the

---

long-term. Having the Association serve the interests of the members might seem to make sense in the short-term, but it would run counter to the professional ethos, the social contract, and the Act, and ultimately this would not serve the interests of the members of the profession.