#59 But members really don’t want this regulation stuff… or do they?

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This comment was made by a member in a recent conversation. It echoes comments made on the HRPA member survey and in webinar feedback. The gist of the idea is simple—members don’t see value in regulatory activity and that HRPA should stop trying to regulate its members and should focus instead on providing member services. A variant on this idea is that, if HRPA must regulate its members, then such activities should be minimized and conducted in a way that doesn’t get in the way of providing members what they really want.

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But there is a big problem with this. The big problem is that, in 2013, HRPA signed a deal with the Ontario Legislature that it would make professional regulation its paramount concern. This deal is spelled out in the Registered Human Resources Professionals Act, 2013. The terms of the deal were agreed to by the HRPA Board of Directors in October 2010. It took some time for the Legislature to ratify the deal, but the deal was signed in November 2013.
Now there are nuances and subtleties in the deal. For instance, not everything that HRPA does needs to be with the intent to promote and protect the public interest—but these things, such as promoting and increasing the knowledge, skill and proficiency of members of the Association, firms and students, is consistent with the promotion and protection of the public interest in any case.

The deal not only empowers HRPA to do certain things, it does not empower HRPA to do others, and what is not empowered by the Act HRPA cannot do. The bottom line of the deal is that regulating its members, firms and students is now HRPA’s paramount purpose—but not only that, serving the interests of its members and providing member services would no longer be legitimate purposes for the Association.

So, that HRPA should put professional regulation in the background and focus on serving the needs of its members would be to renge on the deal HRPA made with the Ontario Legislature in 2013. Putting professional regulation in the background and focus on serving the needs of its members would violate the intent and letter of the deal.

Regardless of what one thinks of the deal, the deal is the deal.

This is problematic for those who believe that this is not what members want. If this were true, HRPA members and registered students would be stuck with a deal they really don’t want. The HRPA Board of Directors agreed to the deal on behalf of all members and registered students. Interestingly, a condition of registration with HRPA is to agree to abide by the deal. This attestation is made upon initial registration and upon yearly renewal.

Organizations that are not constituted by acts of the Legislature have more latitude in reshaping their missions and mandates (with the exception of charities which need to meet stringent requirements to maintain their charitable organization status). However, being constituted by an act of the Legislature does limit HRPA’s options (by its own choice).

Since HRPA cannot unilaterally change what it is, the only option is for HRPA to get members and registered students on board by getting across the value of professional regulation.

But then again, this whole discussion started with the statement that members don’t see value in regulatory activity. For one, this may not be true. Of course, there are some members who would share this view, but is that really the prevailing sentiment? It also has to be admitted that, after the initial tabling of the Act before the Legislature, HRPA has not done a particularly good job of communicating why it decided to pursue a public act. For those who want to know more about the reasons why the HRPA Board of Directors decided to pursue a public act, please refer to a previous article in this series #36 Reaching for the brass ring (https://www.hrpa.ca/Documents/Regulation/LinkedIn-Articles/36-Reaching-for-the-brass-ring.pdf).