#63 A model which explains how members benefit from professional regulation

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HRPA can have no other purpose but to carry out its Objects (aka. to fulfil the mission and mandate it was given by the Ontario Legislature). Everything at HRPA should be related to, or in furtherance of, the Objects as set out in section 4 of the Registered Human Resources Professionals Act, 2013. Other goals are permitted only to the extent that they are in furtherance of the Objects of the Association. Serving the interests of the members of the Association is not a legitimate objective for the Association. This does not mean, however, that members do not benefit from the fact that a professional regulatory body exists and from their membership in this body. Let’s explain how this works.

There are two ways that members derive a benefit from having a professional regulatory body and from being members of this regulatory body: (1) collateral benefits of activities carried out in furtherance of the Objects, and (2) the other is the impact on public from being seen to regulate the profession.

**Collateral benefits derived from conducting activities which are in furtherance of the Objects**

Just because ‘enhancing the member experience’ is not a legitimate intent for HRPA, it doesn’t mean that the member experience cannot be a positive one. Just because ‘advancing members careers’ is not a legitimate intent for HRPA doesn’t mean members’ careers are not advanced by activities carried out in furtherance of the Objects. Just because ‘advocating on behalf of the members’ is not a legitimate
intent for HRPA doesn’t mean that the status of members is not enhanced as a result of activities carried out in furtherance of the Objects.

These would be the **collateral benefits** of membership. Simply, pursuing the Objects has benefits for the members as well as the intended effects of carrying out the Objects. Here are a few examples:

- Promoting the value of hiring or engaging regulated Human Resources professionals as opposed to unregulated Human Resources professionals is in the interest of the public but is also of benefit to the members
- Promoting and increasing the knowledge, skill and proficiency of members of the Association, firms and students is an object of HRPA—it is in the interest of the public but is also of benefit to the members

Key, of course, is not to confuse intent and side effect. As soon as we start to think of side-effects as intents, there is great risk of veering away from the Objects. Veering away from the Objects is not a sustainable path for professional regulatory bodies.

Professional regulatory bodies should always be careful when the collateral benefit to members is disproportionate. The confidence and trust that the public has in professional regulatory bodies is fragile—it does not take much for the public to believe that self-serving motives are at play. Regardless of the true motives for any action or decision, when there is a significant or disproportionate benefit to the members, the public may well conclude that the action or decision was taken primarily for the benefit the members. This is corrosive to the trust and confidence that the public has in the professional regulatory body.

**“But this enhanced status of self-regulated professions only comes about when the profession fulfils its part of the deal, which requires delivering on the Objects of the professional regulatory body.”**

83.9%, the mean percent positive response across the other occupations and professions was 63.5%. Ontarians (and Canadians) have a significantly more positive opinion of self-regulated professions than they do of other occupations and professions.

This data seems to validate the idea of a social contract between professions and the public as described by Sullivan\(^2\). In exchange for the extraordinary privilege of self-regulation (with all its consequential benefits for the profession and its members), the profession agrees to create and maintain a

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1. https://insightswest.com/news/nurses-doctors-and-scientists-are-canadas-most-respected-professionals/
professional regulatory body which core mission and mandate is to govern and regulate its members in the public interest.

But this enhanced status of self-regulated professions only comes about when the profession fulfils its part of the deal, which requires delivering on the Objects of the professional regulatory body. An effect of carrying out the Objects, and being seen to carry out the Objects, is to increase the public’s confidence in the profession. Conversely, when a professional regulatory body strays from its objects, the trust of the public in the profession and its professional regulatory body is diminished.

This linkage is also known as the enlightened self-interest linkage. It is in the ultimate interest of professionals to establish and maintain professional regulatory bodies which are focused on promoting and protecting the public interest and not focused on the self-interests of the professionals.

**Deriving benefit for members requires exclusive focus on the objects**

It is noted that both types of benefit for members require that the professional regulatory body deliver on carrying out its objects. In addition, the benefits that come from increasing public trust and confidence in the profession require that the public appreciate that the profession does effectively self-regulate (which follows from carrying out the objects of professional regulatory bodies). Professional associations which serve the interests of their members simply cannot engender this kind of trust and confidence on the part of the public.