#66 Seven reasons why members and students are confused about HRPA’s identity as a professional regulatory body

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Recently, HRPA interviewed 100 members and students in regards to their thoughts about HRPA’s identity as a professional regulatory body. What was immediately apparent is that there is much confusion about HRPA’s identity as a professional regulatory body. This confusion is not surprising, however. Here are seven reasons why members and students are so confused about HRPA’s identity as a professional regulatory body.

1. **The distinction between professional association and professional regulatory body is not common knowledge**

   It is not only Human Resources professionals who are confused about the difference between professional associations and professional regulatory bodies—the public at large isn’t clear about the difference either and even many professionals are not clear about it either.

2. **Although their purposes are very different, there is an overlap in what professional associations and professional regulatory bodies can do**

   The essential difference between professional associations and professional regulatory bodies is in their purposes or mandates—professional regulatory bodies serve the public interest whereas professional associations serve the interests of the members of the profession. But this difference it at the level of purpose or intent. Indeed, professional associations and professional
regulatory bodies do many things that are similar (or at least they appear to be similar), although professional associations and professional regulatory bodies do these things in service of different purposes. Professional development is one of those areas where both professional associations and professional regulatory bodies can legitimately engage in, although with a different purpose in mind. This overlap does lead to confusion.

3. **The word ‘association’ has different meanings**

As noted elsewhere, the word ‘association’ simply means ‘a group of people organized for a joint purpose.’ But in the context of the professions, the term ‘professional association’ has come to refer to the organization which serves the interests of, and provides services to, the members of the profession—but the reality is that having the term ‘association’ in the organization’s name does not mean that the organization exists to serve the interests of the members of the profession. Indeed, there are a number of professional regulatory bodies which have the term ‘association’ in their name. For example, the statutory name of Professional Engineers Ontario (PEO) is the Association of Professional Engineers of the Province of Ontario. HRPA is an association in the sense that it is ‘a group of people organized for a joint purpose,’ but HRPA is not an association in the sense that its purpose is to serve the interests of, and provide services to, its members. Regardless of the fact that HRPA has the word ‘association’ in its name, HRPA’s core mandate is to promote and protect the public interest by governing and regulating its members, firms, and students. Having the word ‘association’ in its name does lead to confusion, but unfortunately, that is just the way it is.

4. **The confusion between licensure and regulation**

Many think of licensure as an essential characteristic of professional regulatory bodies. Indeed, if that were true, HRPA could not be a professional regulatory body because the Human Resources profession is not licensed in Ontario (or anywhere else for that matter). In actuality, regulation and licensure are two different concepts. A profession can be regulated without being licensed and Human Resources is such an instance. Accounting is another instance of a profession that is regulated but not licensed (public accounting, however, is another matter). That is why there are bookkeepers, tax preparers, financial advisors, and so on. Indeed, the Chartered Professional Accountants of Ontario Act, 2017, contains the following clause—a This Act does not affect or interfere with the right of any individual who is not a member of CPA Ontario to practise as an accountant.’ This is the same clause that is found in the Registered Human Resources Professionals Act, 2013. Regulation and licensure are not the same thing, just because the Human Resources profession is not licensed in Ontario does not mean that HRPA is not a professional regulatory body—but again this does lead to confusion.

5. **The Human Resources profession doesn’t have a long history as a regulated profession**

Although the Human Resources profession had wanted to be considered a true profession for decades, it is a newcomer to the regulated professions club. Although the Human Resources profession had been governed by a private act since 1990, it really didn’t think of itself as a regulated profession. In fact, until 2008, the terms ‘regulator,’ regulatory,’ and ‘regulation’ had never appeared in any of HRPA’s Annual Reports up to that time (in reference to HRPA itself). So all this regulatory identity stuff is kind of new. In more established professions, there are all
sorts of formal and informal socialization processes which ensure that new entrants to the profession understand at least the basics of what it means to be a regulated profession. This is not the case for the Human Resources profession. This will take time.

6. **The fact that there is only one major organization in Human Resources in Ontario**

   When there are two separate bodies—one the professional association and the other the professional regulatory body—it is somewhat easier to get one’s head around the idea that there are two separate mandates, but what if there is only one body? The natural inclination is to think that this single body is performing a double duty. As it turns out, that is not how it goes. Whether there is, or is not, a separate body dedicated to serving the interests of the members of the profession, does not change the mandate of the professional regulatory bodies. HRPA cannot add to its statutory objects—only the Ontario Legislature can do that. So the fact that there is no separate professional association for Human Resources professionals in Ontario does not mean that HRPA can act outside the scope of its statutory objects.

7. **The profession and HRPA are in transition**

   Actually, the word ‘transformation’ might be more apt than ‘transition.’ Many do not realize what actually happened on November 6, 2013, when the Ontario Legislature passed the Registered Human Resources Professionals Act, 2013. The Act was not a tweak but a fundamental rework of the mission and mandate of the Association. With the passage of the Act, the Ontario Legislature gave HRPA a whole new mission and mandate. The HRPA of November 5, 2013, and the HRPA of November 6, 2013, are not the same. Fulfilling this new mission and mandate will require ‘deep’ change. Such transformations are never simple and take time. There is some learning and some unlearning to do, collectively.

Given all of the above, it is hardly surprising that many members and students are confused about HRPA’s identity as a professional regulatory body. On the other hand, it is not as if there is really much choice about it. The Act has passed, it is now law—we now need to get clear about what it is that we agreed to.