On candidate statements of individuals running for election to the Board of Directors, one will often find statements like “I will work diligently to ensure that members get value for their money” or something similar to that. But what does ‘value for money’ mean for a professional regulatory body?

For professional associations value for money is measured in terms of the member satisfaction with products and services provided which is often indexed by membership growth and membership retention. This makes sense given that professional associations are mutual-benefit not-for-profit corporations which exist to offer products and services to their members. Professional regulatory bodies have a different purpose and mandate than professional associations. Professionals join a professional regulatory body to fulfil a commitment to society to maintain high standards of practice and to keep society safe from incompetent and unethical practitioners. Value for professional regulatory bodies is defined in terms of public benefit outcomes. Value for money means having the biggest impact on the promotion and protection of the public interest given the available resources.

Self-regulation is an arrangement that inevitably sets up a conflict of interest. On the one hand, members of the profession have made a commitment to society (and to the Legislature) to do what needs to be done to ensure that high standards of practice are maintained and to keep society safe from incompetent and unethical practitioners. But it is also the same professionals who will bear the costs of
doing so. Self-regulation, as an approach to professional regulation, is predicated on the notion that professionals will do the right thing and support their professional regulatory body adequately—but there is always a certain tension in this arrangement.

One challenge is that the mandate of professional regulatory bodies is somewhat open-ended. Enabling legislation does specify some things that professional regulatory bodies must do. For instance, professional regulatory bodies must maintain a public register, professional regulatory bodies must maintain a complaints process, and professional regulatory bodies must file Fair Registration Practice Reports annually with the Office of the Fairness Commissioner. Nonetheless, it would be incorrect to confuse these must do’s with the mandate of the professional regulatory body. The mandate of professional regulatory bodies is to do all they can to ensure that the profession is managed in the public interest and that potential harms to the public stemming from the practice of the profession are minimized or mitigated. But the latter is really an open-ended mandate, there is always more that a professional regulatory body could do in carrying out is mandate. A professional regulatory body that limited itself to the must do’s would fall short of carrying out its statutory mandate.

An interesting arose with l’Ordre des ingénieurs du Québec. At the annual general meeting of the Ordre held on June 13, 2013, the Board of Directors put forward a motion to increase annual dues by $100, from $310 to $410. This motion required the approval of the members in order to take effect. The motion was rejected by a vote of the majority of members present. The story picks up on December 12, 2013, at which time the Board of Directors adopted a resolution providing for supplementary dues of $90 to enable the Ordre to fulfil its obligations to protect the public. Unlike the case of regular dues, the decision to impose additional dues for fiscal year 2014-2015 to ensure the protection of the public was the Board’s prerogative under the Professional Code and did not need to be ratified by the membership. On April 30, 2014, on the recommendation of its Finance Committee, the Board of Directors set the amount of the regular annual dues to be paid by members for fiscal year 2015-2016 at $405. At the general meeting of June 12, 2014, the motion setting the fee at $405 was rejected by the majority of members present. At this same meeting, some engineers who were openly hostile to the directions and decisions taken by the Ordre were elected to the Board.

With all this to-and-fro, on June 25, 2014, the Office des professions du Québec which has oversight over professional orders in Quebec entrusted Pierre Pilote and Yves Lamontagne with a mandate to review the governance and internal controls of l’Ordre as well carrying out an assessment of the ability and willingness of the directors to fully assume their roles and responsibilities in keeping with the spirit and letter of the law.

The Pilote-Lamontagne report was tabled on January 30, 2015. A key point made by the Pilote-Lamontagne report was that l’Ordre simply did not allocate the resources required to carry out is public

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protection mandate effectively (and that successive votes of the membership to defeat increases to annual dues indicated a lack of commitment to meeting this public protection mandate.)

This is an example of where the self-interest of the members (i.e., lower dues) took precedence over fulfilling the professional regulatory body’s public protection mandate. The story did not end well for l’Ordre des ingénieurs du Québec. On July 6, 2016, describing the Ordre's report as "insufficient", the Minister of Justice, who is ultimately responsible for the regulation of professions in Quebec announced the decision of the Executive Council of the Quebec government to place l’Ordre under trusteeship.

Professionals can and should expect of their professional regulatory body to deliver value for money ("bang for the buck") which means delivering robust promotion and protection of the public interest. Nonetheless, professionals need to accept that fulfilling this public protection mandate will require adequate funding.