Compliance is an important matter for professional regulatory bodies and for the professionals they regulate. The compliance we are referring to here is the compliance on the part of registrants with requirements established by the professional regulatory body. Compliance is usually measured as a rate—essentially the number of individuals who act in compliance with a given requirement divided by the number of individuals who are required to act to meet the requirement.

Of course, not all aspects of compliance are readily quantifiable. Compliance rates can only be calculated when there is reliable information for both the numerator and the denominator. In its quarterly Registrar’s Reports, HRPA publishes the compliance rates for four requirements: (1) the requirement to complete the requisite amount of Continuing Professional Development activities and submit the requisite documentation (for designated members), (2) the requirement to obtain professional liability insurance and to submit the requisite information to the Registrar (for those registrants in independent practice), (3) the requirement to notify the Registrar of any bankruptcy or insolvency event (for those who have experienced such an event), and (4) the requirement formally resign when one no longer wishes to be registered with HRPA.

The most recent compliance rates for these four requirements are given in the table below. For all but the requirement to complete the requisite amount of Continuing Professional Development activities and submit the requisite documentation, compliance rates are extremely low.
<table>
<thead>
<tr>
<th>Requirement</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>The requirement to complete the requisite amount of Continuing Professional Development activities and submit a CPD log (for designated members)</td>
<td>97.4%</td>
</tr>
<tr>
<td>the requirement to obtain professional liability insurance and to submit the requisite information to the Registrar (for those registrants in independent practice)</td>
<td>38.3%</td>
</tr>
<tr>
<td>The requirement to notify Registrar of bankruptcies and insolvency events (for those who have experienced such events)</td>
<td>4.0%</td>
</tr>
<tr>
<td>The requirement to formally resign when one no longer wishes to maintain registration with HRPA</td>
<td>28.3%</td>
</tr>
</tbody>
</table>

Why are compliance rates so low except for the Continuing Professional Development requirement?

The essential difference between the Continuing Professional Development requirement and other requirements is that the former has a robust verification mechanism and clear-cut consequences for non-compliance. This is not the case for the other three monitored requirements. This suggests a first reason for non-compliance—unless there is a verification mechanism and direct consequences compliance rates are likely to be low. Or, to put it another way, registrants are driven by consequences.

There are other reasons as well.

1. Despite the fact that all registrants are required to sign-off on the conditions of registration with HRPA upon initial registration and annually upon renewal after that, some registrants are not aware of their obligations.
2. Some registrants are aware of the requirements and of the possible consequences but do not think that the consequences of non-compliance are enough to drive compliance.
3. Some registrants simply don’t agree with the requirement or more broadly with the idea that HRPA should be able to set out such requirements.

An interesting sidebar

The following question has been included in the HRPA Annual Member and Student Survey for the last two years:

Q: The Registered Human Resources Professionals Act, 2013, requires all members to notify the Registrar of any insolvency event (i.e., bankruptcy or consumer proposal). Were you to experience an insolvency event (i.e., bankruptcy or consumer proposal), would you notify the Registrar of such?

☐ Yes
☐ No
☐ I don’t know

Here are the results for 2017 (the 2016 results were virtually identical):
Now the requirement to notify the Registrar of any bankruptcy or insolvency event is interesting because it is embedded in the Registered Human Resources Professionals Act, 2013. The requirement is as much law as any requirement in the Employment Standards Act, 2000, the Occupational Health and Safety Act, 1990, or the Labour Relations Act, 1995.

Two observations. One is that although 74.4% of members say they would comply with the requirement to notify the Registrar of any bankruptcy or insolvency event, we know that only about 4% actually do. This is a big gap. Two explanations suggest themselves. One is that survey respondents know that they would not comply but state that they would—this would be an instance of the social desirability response bias. The other is that individuals are genuinely not in touch with how they would actually act if they were to experience a bankruptcy or insolvency event. There is a large amount of research in social psychology to suggest that is quite like likely the case as well.

The other observation is that about 25% or one in four respondents indicated that they would either not notify the Registrar of a bankruptcy or insolvency event or are not sure whether they would do so. One wonders if registrants would respond in the same way in regards to requirements in the Employment Standards Act, 2000, the Occupational Health and Safety Act, 1990, or the Labour Relations Act, 1995. Given that we are talking here of abiding by legislation, which is also a requirement in the Rules of Professional Conduct, 25% is quite a high number.

**Why is compliance so important?**

Although not perfect, compliance is one of the best measures of performance as a professional regulatory body. The core mandate of professional regulatory bodies, including HRPA, is to promote and protect the public interest by governing and regulating the practice of members, firms, and students. Professional regulatory bodies are only effective to the extent that they have an impact on the behaviour of the professionals they regulate. Compliance rates are indicators of something broader than just those aspects which are measured. If compliance with aspects that can be measured is low, it will likely only be lower for aspects that cannot be measured. Compliance could also be seen as a marker as to our progress in the transition from unregulated profession to regulated profession.

**The paradox of compliance**

While on the topic of compliance, it is important to note that compliance is not the end-game. The challenge for professional regulatory bodies is to encourage intrinsic motivation to comply with standards and rules. Professional regulatory bodies do not want compliance in a work-to-rule mode—it should never become a tick-box exercise. In the end, it is the professionalism of professionals that is the
most effective in contributing to public protection. On the other hand, it would also be irresponsible for a professional regulatory body to not put in place mechanisms to ensure compliance.

How do we bring compliance to acceptable levels?

Although the implementation of more robust verification mechanisms (e.g., practice inspections, audits) would be wise, at this point the major thrust should be to educate registrants as to their duties and obligations as professionals and that compliance with the requirements set out by their professional regulatory body is an intrinsic part of being a member of a regulated profession.