

Registrar’s Report for Q1 2021

February 28, 2021

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Elevating professionalism

Already a decade ago now, in a 2011 survey conducted by the Queen’s University Industrial Relations Center on the State of HR in Canada (Juniper & Hill, 2011), the authors noted that those HR professionals who reported that they are “pessimistic” or “not sure” about the future of HR were, in general, concerned about the lack of professionalism in the profession and the credentials that are required in order to obtain the CHRP designation.

It is not surprising, then, that *elevating professionalism* is a strategic priority for HRPA.

The term *professionalism* has different meanings. For instance, when used by sociologists, the term *professionalism* is a characteristic of the occupation rather than a characteristic of the individuals who are members of the profession. Non-sociologists use the term *professionalism* to mean the behaviours, attitudes, and values characteristic of individual members of an occupational group. Both usages apply to HRPA.

In 2017, the Chartered Institute of Personnel and Development (CIPD) in the UK identified eight elements of professionalism:

- Body of expert knowledge and skills
- Social legitimacy
- Ethical responsibility
- Self-regulation
- Identity
- Situational judgement
- Service orientation
- Continuing professional development

Note that each of the above elements of professionalism plays out at the collective and individual levels.

Professionalism and the public interest

The collective and individual professionalism of Human Resources professionals is key to the promotion and protection of the public interest. Consider the following quotations:

“Neither economic incentives, nor technology, nor administrative control has proved an effective surrogate for the commitment to integrity evoked in the ideal of professionalism.” Sullivan (2000)

“But ultimately, public protection depends on the culture of self-responsibility and accountability that goes with professionalism. And if the regulatory process loses some of its ability to support the professionalism on which public protection depends, that’s a problem.” Lahey (2011)

'Right-touch regulation is based on a proper evaluation of risk, is proportionate and outcome focused; it creates a framework in which professionalism can flourish and organisations can be excellent' Professional Standards Authority (2015)

True professionalism

Unfortunately, the term professionalism has much abused and has drifted far from its original meaning. The original meaning of *professional* derived from the Middle English *profes*, an adjective meaning having professed one's vows, which itself derived from Late Latin *professus*, past participle of *profitēri* which meant to profess, confess. In its original meaning, the essence of being a professional was to have made a public commitment to a high standard of performance, to integrity, and to public service.

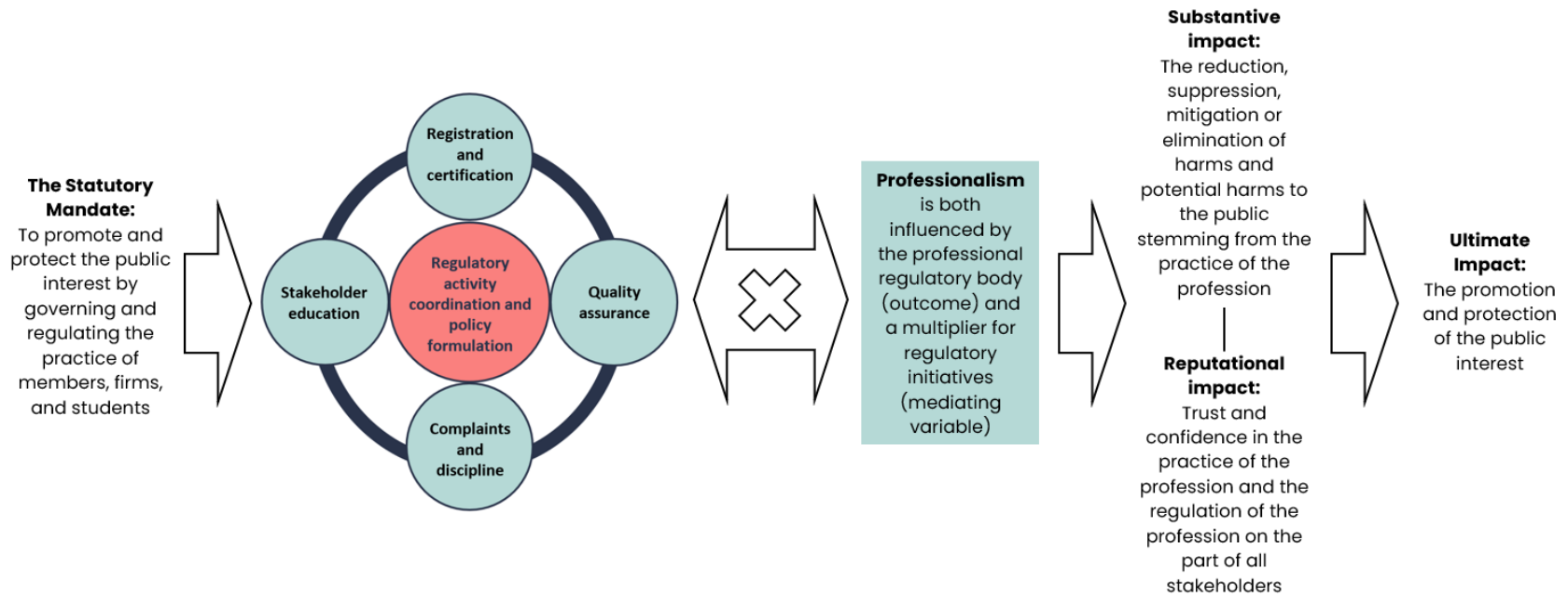
The popular meaning of professionalism focuses on the surface whereas the original meaning of professionalism focused on fundamental values, and intrinsic motivation. Forsyth & Danisiewicz (1985) distinguish between *substance* and *coloration*. *Coloration* refers to the surface manifestations of professionalism, *substance* refers to deeper aspects of professionalism such as service orientation, altruism, self-responsibility, accountability, trustworthiness, integrity, etc.

The dual role of professionalism

Professionalism plays a dual role. As noted above, the professionalism of professionals reduces the risks to the public stemming from the practice of the profession. So, it is important for professional regulatory bodies, including HRP, to foster professionalism amongst its registrants. Professionalism is also a multiplier. Professional regulatory bodies promote and protect the public interest by influencing the behaviour of the professionals they regulate. Regulated professionals, for their part, must be open to this influence. Aspects of professionalism which enable the professional regulatory bodies ability to influence the practice of professionals under regulation include support for the professional regulation mandate of the Association and a belief that professional regulation is necessary for the profession and its members to maintain high standards of professionalism.

With all this in mind, HRP has updated its professional regulation diagram.

Updated regulatory framework diagram





Regulatory activity coordination and policy formulation

The Policy Team continues to actively work on the shift towards risk-based regulation and several other projects.

Q1 Highlights:

- The first ever Public Advisory Forum meeting was held on December 2nd, 2020 to inform the risk roster/risk-based regulation work.
- Risk roster and risk-based regulation practice assessment tool updated and revised based on consultation feedback.
- Report drafted on the development of the risk roster, including all research and consultation findings.
- Draft risk-based regulation communications strategy developed as well as a draft decision tool to assist HRPAs staff with thinking like a risk-based regulator.
- First iteration of a practice guideline for social media use was developed.
- Best practices literature review underway to inform the overhaul of the CPD requirement.
- Rules of Professional Conduct and Code of Ethics survey sent to key stakeholders and initial research/environmental scan on best practices for Rules of Professional Conduct and Code of Ethics is complete.
- Course completed by HRPAs Policy Analysts on survey questionnaire item writing and an accompanying practical guide to item writing was developed based on course learnings.

Public Advisory Forum

Having a sounding board of public members is important in helping to inform the policy directions and initiatives of HRPAs. On December 2, 2020, a group of sixteen public members consisting of a mix between employees and employers (executives of companies) met to provide us with their perspective about HR, their familiarity with HRPAs and HR as a regulated profession, and their input on the risks that have been identified.

Some key findings from this meeting include:

- Most participants have had some bad experiences with HR professionals. There was an overall theme of distrust of HR professionals, with the perception that they are primarily on the side of the employer/management and are biased.
- Issues of inappropriately handled workplace investigations, health and safety violations, and discriminatory behaviour were also viewed as significant risks of harm.
- There were many cited barriers to submitting complaints to HRPAs, including fear of reprisal from their employer, the time and energy it takes, and the thought that complaining won't have much impact (i.e., the worst that could happen is revocation of membership, but the individual could still practice HR).

- All participants believe that regulation and oversight is needed for HR professionals, but that ideally all HR professionals would be required to be regulated. Most participants were not previously aware that HRPAs existed and that there is a regulatory body for HR professionals.

The findings of this meeting helped to inform our risk roster as well as risks to focus on mitigating and re-iterated the need for public education about HRPAs.

Risk-Based Regulation Updates

This quarter, the risk roster and the risk-based regulation practice assessment tool were refined and updated based on feedback received in multi-level stakeholder consultations from the previous quarter.

A detailed report outlining how the risk roster was developed as well as all research and consultation findings related to this work was also completed. The report summarizes some of the key high risks uncovered through the research and consultations, with high-risk areas including (but not limited to) mental health and wellbeing in the workplace, pandemics, discrimination in the workplace, and workplace complaints and investigations.

Now that we have a repository of risks and have determined the high-risk areas, the focus will be on strategies to mitigate these risks and also communicating both internally to HRPAs staff and externally to registrants about what risk-based regulation entails and what we will be doing to mitigate/prevent risks of harm from occurring. A key part of the communication plan that has now been drafted is gaining a sense of partnership both internally and externally, to work together to identify, manage and prevent risks of harm from happening. Our communication plan starts with educating HRPAs staff first about this shift to risk-based regulation, followed by a communication and education plan for registrants later in the year.

Practice Guidance Updates

Part of the risk-based regulation research conducted showed some gaps in key areas of risk – including the importance of providing membership and students with guidelines related to social media use. With social media being so widely used and inappropriate social media use having the potential to lead to harm to the public as well as the reputation and trust of the profession, a guideline on social media use with suggested practices has been drafted. This draft guideline will be consulted on with the Practice Standards Committee at a meeting in late March. Consultations with other stakeholders will occur after this meeting.

In addition to the social media guideline, work is underway for a guideline around fostering mental health in the workplace as this was one of the top risks of harms based on the risk roster consultations. More guidelines and practice standards will also be developed on high-risk areas throughout the year.

Redeveloping the Continuing Professional Development (CPD) Requirement—Best Practices Literature Review

In February 2021, research was underway to determine what current best practices for CPD exist. This work will continue into the next quarter. The purpose of this research is to understand the current CPD landscape in relevant jurisdictions and current best practices, in an effort to update HRPAs outdated CPD program – with the ultimate goal of elevating professionalism and mitigating, preventing, and/or eliminating the risks to the public stemming from the practice of the HR profession through robust and effective quality assurance programming.

HRPA Rules of Professional Conduct and Code of Ethics Surveys

HRPA is currently reviewing our Rules of Professional Conduct and Code of Ethics to determine what changes are needed. Part of this process includes surveying HRPAs staff, registrants and other key stakeholders (Ex. Employment lawyers, employers, HR academic professionals, Chapter volunteers, Complaints Committee members, etc.) on the current Rules and Code of Ethics. The surveys to receive input on the Rules and Code were sent out to key stakeholders on February 22nd, with a closing date of March 18th. A follow-up virtual discussion will occur with select survey respondents after the survey closes.

Background research and an environmental scan on how other regulatory bodies structure its Rules and Code was also completed this quarter by the consultant retained for this work, Shenda Tanchak of Magnetic North Consulting. It has been determined based on initial research findings that our Rules and Code will undergo a significant re-vamp to modernize them and make them more effective. Once the updates Rules of Professional Conduct and Code of Ethics are drafted later in the year, additional consultations will occur.

Public Register

Q1 Highlights:

- Total registration now stands at 23,060, with 22,593 members and 467 students. Between March 2, 2020, and March 1, 2021, total registration fell by 1.7%.
- As of March 1, 2021, HRPA had 653 registrants residing in jurisdictions other than Ontario.

	2-Mar-20	1-Mar-21	Gain (loss)	Gain (loss) %	% of total registration
Designated members	14,893	14,772	-121	-0.8%	64.1%
Highest designation CHRE (including CHRE retired)	271	262	-9	-3.3%	1.1%
Highest designation CHRL (including CHRL retired)	9,679	9,263	-416	-4.3%	40.2%
Highest designation CHRP (including CHRP retired)	4,943	5,247	304	6.2%	22.8%
Undesignated Members	8,127	7,821	-306	-3.8%	33.9%
Practitioner	7869	7605	-264	-3.4%	33.0%
Allied Professional	258	216	-42	-16.3%	0.9%
Total members	23,020	22,593	-427	-1.9%	98.0%
Students (registered but not members)	434	467	33	7.6%	2.0%
Total registrants	23,454	23,060	-394	-1.7%	100.0%
Students as a proportion of registrants	1.9%	2.0%			
Designated members as a proportion of membership	64.7%	65.4%			
Designated members as a proportion of registration	63.5%	64.1%			

Out-of-Province Registration as of March 1, 2021

	Ontario	Alberta	Quebec	British Columbia	Nova Scotia	New Brunswick	Saskatchewan	Manitoba	Northwest Territories	Newfoundland and Labrador	Prince Edward Island	Nunavut	Yukon	Total Canadian provinces excluding Ontario	Out of Canada	Total Out of Jurisdiction	Total
Designated members	14,400	58	58	56	20	5	10	4	2	1	2	3	6	225	147	372	14,772
Highest designation CHRE (incl. CHRE retired)	241	3	5	3	2	1	0	0	0	0	0	0	0	14	7	21	262
Highest designation CHRL (incl. CHRL retired)	9,017	35	33	36	12	4	7	1	2	1	1	3	2	137	109	246	9,263
Highest designation CHRP (incl. CHRP retired)	5,142	20	20	17	6	0	3	3	0	0	1	0	4	74	31	105	5,247
Undesignated Members	7,549	44	47	24	9	3	7	4	3	4	4	2	2	153	119	272	7,821
Practitioner	7,338	40	46	24	9	3	7	4	3	4	4	2	2	148	119	267	7,605
Allied Professional	211	4	1	0	0	0	0	0	0	0	0	0	0	5	0	5	216
Total members	21,949	102	105	80	29	8	17	8	5	5	6	5	8	378	266	644	22,593
Students (registered but not members)	458	1	1	1	0	1	1	1	0	0	0	0	0	6	3	9	467
Total registrants	22,407	103	106	81	29	9	18	9	5	5	6	5	8	384	269	653	23,060

Regulatory committee performance overview

Regulatory committees have no control over the volume of applications, complaints, or referrals. These volumes can fluctuate significantly. For professional regulatory committees, performance is measured by (1) the timely disposition of cases, and (2) the quality of the decisions. The latter can be assessed by the number of appeals which have overturned any decisions of the committee. The following is an overall assessment of committee performance – more details for each committee can be found below.

Regulatory committee performance overview

Regulatory Committee	Operations
Registration Committee	
Academic Standards (Diploma) Committee	
Academic Standards (Degree) Committee	
Experience Assessment Committee (Alternate Route)	
Experience Assessment Committee (VOE)	
CHRE Review Committee	
Continuing Professional Development Committee	
Complaints Committee	
Discipline Committee	
Capacity Committee	
Review Committee	
Appeal Committee	

 Significant issues Committee struggling to keep up	 Some issues Some timeliness issues	 No significant issues No backlog
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Registration and designations

The purpose of the registration and designations functions is to ensure that only competent and ethical professionals are registered and certified by HRP A.

Registration

HRPA is unique amongst professional regulatory bodies in Ontario in that it registers non-designated individuals. These individuals are registered in the Practitioner registration class.

Q1 Highlights:

- HRP A received 1166 registration applications. This includes both initial registration as a member and as a student.
- 24 registration applications were flagged for review by the Registration Committee due to a positive response to a good character question.
- In total, five cases were disposed of by the Registration Committee in Q1, with one awaiting review.
- The Associate Registrar approved seven applications for registration.
- There are currently nine applications that are in the information gathering stage and two individuals withdrew their applications for registration.
- In total, 1154 applicants were approved for registration and added to the public register in Q1, 2021.

Registration Committee

Chair: Agnes Ciesla, CHRL

Vice-Chair: Cindy Zarnett, CHRL

Staff Support: Melissa Gouveia

Independent Legal Counsel: Stephen Ronan, Lerner s LLP

Not all applications for initial registration with HRP A are automatically accepted. HRP A has a *good character* requirement that all applicants for initial registration must meet.

The Registration Committee is a standing committee established under Section 8.04 of the By-laws to review every application referred to it by the Registrar. The Registration Committee makes two kinds of decisions:

- a. Determining the suitability of an applicant for registration or the appropriateness of the category of registration being applied for.,
- b. Considering applications for removal or modification of any term, condition or limitation previously imposed on a registrant's registration with HRP A.

The Registration Committee does not have the authority to deem that an applicant has met the requirements for registration where the registration requirement is prescribed as non-exemptible.

Less than 1% of applications indicate some event that would require further review.

Registration Committee Activity*

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Referral to Associate Registrar/Registration Committee	18	13				
Approved for registration	20	12				
Approved with conditions	0	2				
Awaiting Panel Review	0	1				
Not approved	3	0				

* The table above gives the activity and decisions of the Registration Committee in Q1 2021. It is to be noted that the numbers are a bit different than those related in Q1 Highlights because they include applications for initial registration which were received before Q1.

Initial Registration in Q1 2021

	Count	Percent
New registrations as a member	958	82%
New registrations as a student	208	18%
Total new registrations	1166	100%

New Registrant Jurisdiction Q1 2021

	Count	Percent
Ontario	1101	94%
International	31	1%
Alberta	7	< 1%
British Columbia	11	< 1%
Manitoba	1	< 1%
New Brunswick	1	< 1%
Nova Scotia	1	< 1%
Northwest Territories	1	< 1%
Prince Edward Island	1	< 1%
Quebec	9	< 1%
Saskatchewan	2	< 1%
Total	1166	100%

Not surprisingly 94% of initial registrations are from Ontario. Interestingly, initial registrations from out of Canada are about equal to initial registrations from other Canadian provinces.

Registration of Individuals Previously Registered with HRPA

	Count	Percent
Previously registered with HRPA	36	3%
Not previously registered with HRPA	1130	97%
Total new registrations	1166	100%

Less than 1% of new registrations were from individuals previously registered with HRPA but who had resigned or had been revoked for failure to renew their registration with HRPA. These individuals must reapply for registration as new registrants.

Registration of Firms

The registration of firms has not yet been put into force.

Designations

HRPA offers three designations - the Certified Human Resources Professional (CHRP), the Certified Human Resources Leader (CHRL) and the Certified Human Resources Executive (CHRE).

Course Approval

The CHRP and the CHRL have a coursework requirement. The coursework is approved by the Academic Standards Committees. There is an Academic Standards Committee for diploma-level coursework and an Academic Standards Committee for degree-level coursework.

The Academic Standards Committees (Diploma and Degree) make two kinds of decisions:

- a. Reviewing course information for inclusion on HRPA's list of approved courses in fulfillment of HRPA's coursework requirement,
- b. Reviewing course information for courses not included on HRPA's list of approved courses on an individual basis in fulfillment of HRPA's coursework requirement.

Applications for course approval can be submitted by academic institutions or individuals.

Individuals with coursework that has not been approved by HRPA or that was completed outside of Ontario can apply to have their coursework approved in fulfillment of HRPA's coursework requirement. This is done on a course-by-course basis.

For courses taken outside of Canada, we do require an original equivalency report from WES, ICAS or CES to confirm the institution is accredited and the level of the coursework.

Q1 Highlights:

- Three Ministry-approved non-degree courses were added to HRPA's School Search Tool.
- Three non-degree courses without Ministry approval were submitted for review by academic institutions.
- One degree course was submitted for review by an academic institution.
- Seventeen degree courses were submitted for review by individuals.

Academic Standards Diploma Committee

Chair: Michelle White, CHRL

Vice-Chair: TBD

Staff Support: Melanie Liu

The Academic Standards (Diploma) Committee reviews all non-degree coursework (diploma, advanced diploma, post-diploma certificate, and not-for-credit coursework).

The standards for programs offered by colleges (i.e., Colleges of Applied Arts and Technology) are set by the Ministry of Colleges and Universities.

50223	The approved program standard for Business – Human Resources program of instruction leading to an Ontario College Diploma delivered by Ontario Colleges of Applied Arts and Technology
60223	The approved program standard for Business Administration – Human Resources program of instruction leading to an Ontario College Advanced Diploma delivered by Ontario Colleges of Applied Arts and Technology
70223	The approved program standard for Human Resources Management program of instruction leading to an Ontario College Graduate Certificate delivered by Ontario Colleges of Applied Arts and Technology

Although the Ministry approved program standards are not the same as HRPAs' course standards, to avoid duplication, courses offered within programs under one of the standards above will be approved and do not need to be reviewed by the Academic Standards (Diploma) Committee.

Institutional courses with Ministry approval

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Institutional courses with Ministry approval	18	3				

Reviews of institutional applications without Ministry approval by the Academic Standards (Diploma) Committee

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Institutional applications reviewed	0	3				
Institutional applications approved	0	0				

Reviews of individual applications by the Academic Standards (Diploma) Committee

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Individual applications reviewed	9	0				
Individual applications approved	9	0				

No course approval applications were reviewed in Q1 for institutions and/or students, as the course approval meetings scheduled for February Q1 were postponed to March Q2.

Academic Standards Degree Committee

Chair: Julie Aitken Schermer (member of the public)

Vice-Chair: TBD

Staff Support: Melanie Liu

The Academic Standards (Degree) Committee reviews all degree-credit coursework. University courses are reviewed for an 80% match with HRPAs standard course outlines.

Reviews of institutional applications by the Academic Standards (Degree) Committee

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Institutional applications reviewed	24	1				
Institutional applications approved	18	0				

Reviews of individual applications by the Academic Standards (Degree) Committee

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Individual applications reviewed	46	17				
Individual applications approved	15	0				

No course approval applications were reviewed in Q1 for institutions and/or students, as the course approval meetings scheduled for February Q1 were postponed to March Q2.

Challenge Exams

For each of the nine required courses, candidates may opt to write a Challenge Exam. Some use the Challenge Exam option instead of taking the course, others use the Challenge Exams to make up for a grade that was too low or for a course that has expired due to it having been completed more than 10 years ago.

- Challenge exams were held from January 18th to January 20th, 2021.
- There was a total of 71 challenge exam writers in January 2021.

Challenge Exams Breakdown by Month

Month	Registrants	Pass	Pass Rate
January 2021	71	48	68%

Challenge Exams Breakdown by Subject for the January 2021 Administration

Subject	Registrants	Pass	Pass Rate
Training and Development	9	5	56%
Compensation	9	3	33%
Organizational Behaviour	8	6	75%
Finance and Accounting	7	4	57%
Recruitment and Selection	7	7	100%
Human Resources Management	7	7	100%
Human Resources Planning	9	6	67%
Occupational Health and Safety	7	6	86%
Labour Relations	8	4	50%
Total	71	48	68%

Experience Requirement and Alternate Route

Experience Assessment Committee

Chair: Mark Seymour, CHRL

Vice-Chair: Michelle Rathwell, CHRL

Staff Support: Arianne Andres

The Experience Assessment Committee is a standing committee established under Section 8.04 of the By-laws to review every application referred to it by the Registrar. The Experience Assessment Committee makes two kinds of decisions:

- Determining the appropriateness and adequacy of the experience of each applicant to meet the experience requirement for the Certified Human Resources Leader (CHRL) designation.
- Determining the appropriateness and adequacy of the experience of each applicant to meet the coursework requirement for the Certified Human Resources Professional (CHRP) or the CHRL designation via the Alternate Route per the criteria as established by the Board.

Experience Assessment Committee Activity (Validation of Experience)

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Validation of Experience applications received	163	69				

Validation of Experience Results Released for Q1 2021

	Count	Percent
Successful	23	56.10%
Unsuccessful	18	43.90%
Total	41	100%

Alternate Route

Experience Assessment Committee Activity (Alternate Route)

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Alternate Route applications received	129	28				

Alternate Route Results Released for Q1 2021

	Count	Percent
Successful	11	47.83%
Unsuccessful	12	52.17%
Total	23	100%

Designation Exams

Q1 Highlights:

- HRP A introduced structural changes to the CHRP Knowledge Exam, CHRL Knowledge Exam, CHRP Employment Law Exam and CHRL Employment Law exam as of January 1, 2021.
- HRP A saw a significant increase in the number of candidates writing the CHRP and CHRL Knowledge Exams in Q1. The CHRP-KE candidate counts were almost double of that last year at this time. The CHRL-KE is on track to do the same. This looks promising for our recovery from the pandemic in 2020.
- HRP A had a challenging accommodation request due to COVID-19 and the closure of numerous Prometric test centres. Due to the closure, HRP A turned to our disabilities expert to offer a solution as Prometric could not implement the Read and Write software in the remote environment in time. The candidate successfully tested using a live reader and scribe and live proctor, while maintaining the security and integrity of HRP A's exam content.

The HRPA has introduced structural changes to our designation exams effective January 1, 2021 starting with the Employment Law Exams that were administered that same month. The structural changes were implemented to protect the security and integrity of our designation exams particularly in the remote environment. Going forward, exams will be divided into two content sections (both with the same proportional coverage of their blueprints). These changes apply to exams written in test centres as well as remotely proctored exams. There were no changes to the content, the level of difficulty or the format of the exams.

The CHRP requires successful performance on the CHRP Knowledge Exam (CHRP-KE) and the CHRP Employment Law Exam (CHRP ELE). The CHRL requires successful performance on the CHRL Knowledge Exam (CHRL-KE) and the CHRL Employment Law Exam (CHRL ELE).

The development and validation of certification exams is a complex process for which the input of members of the profession is essential. The CHRP Exam Validation Committee performs this role for the CHRP exams (the CHRP-KE and CHRP ELE), and the CHRL Exam Validation Committee performs this role for the CHRL exams (the CHRL-KE and CHRL ELE).

Q1 2021 Exam Schedule

Exam	Window	Quarter
CHRP ELE	January 4 – 18, 2021	Q1
CHRL ELE	January 11 – January 25, 2021	Q1
CHRP-KE	Feb 8 – Feb 24, 2021	Q1

CHRP Exam Validation Committee

Chair: Claire Chester, CHRL

Staff Support: Kelly Morris, CHRL

The Certified Human Resource Professional Exam Validation Committee (CHRP-EVC) is a standing committee established under the By-laws to:

- a. Approve all examination content used to evaluate CHRP candidates and make recommendations to the Registrar as to appropriate cut-scores for the CHRP exams.
- b. Approve examination blueprints for the CHRP-KE and CHRP ELE.

In Q1 the CHRP-EVC did not hold any exam related activities.

The CHRP Employment Law Exam administered in January of 2021 used a previous exam form so there was no need to hold a Key Validation Session nor a Pass Mark Approval session.

CHRL Exam Validation Committee

Chair: Nancy Richard, CHRL

Staff Support: Kelly Morris, CHRL

The Certified Human Resource Leader Exam Validation Committee (CHRL-EVC) is a standing committee established under the By-laws to:

- a. Approve all examination content used to evaluate CHRL candidates and make recommendations to the Registrar as to appropriate cut-scores for the CHRL exams.
- b. Approve examination blueprints for the CHRL-KE and the CHRL Employment Law Exams.

In Q1 the CHRL-EVC held the following exam related activities:

A CHRL Employment Law Exam Pass Mark Approval session was held in February of 2021. The purpose of the Pass Mark Approval session is to obtain an agreement on the appropriateness of the pass mark and pass rate of the CHRL Employment Law Exam written in January of 2021.

Technical Reports for Exams

HRPA publishes the technical reports for the CHRP-KE, CHRL-KE, CHRP and CHRL Employment Law Exams. Technical reports are published for each administration (eg., exam window) of the exams. There were no technical reports published in Q1 2021.

Examination Accommodations

HRPA's Examination Accommodations Policy identifies to candidates what types of documentation is required when submitting their request for accommodations and explains and defines what disabilities may be. Accommodated candidates are provided with a detailed step-by-step guide on what to expect during the process of reviewing and approving their requests. HRPA has also implemented the Examination Accommodation Request Form, as well as an Acknowledgement of the Accommodations Provided form so that each candidate is made aware of the accommodations that HRPA has approved to be implemented.

In Q1, the HRPA reviewed and approved a total of 15 accommodation requests for CHRP and CHRL Employment Law Exams, as well as the CHRP Knowledge Examination.

The types of accommodations requested include:

- Additional time
- Separate room
- Stop-the-clock breaks
- The use of a music player
- Assistance when performing the environment scan in the remote testing environment
- Memory aid
- Medical devices

- Live reader and scribe

Job Ready Program

Completion of the Job Ready Program is required to earn the CHRP designation. The Job Ready Program is not graded but must be completed.

Between December 1, 2020 and February 28, 2021, 302 registrants completed the Job Ready Program and were granted the CHRP designation.

CHRE Review Committee

Chair: Bob Canuel, CHRP, CHRL, CHRE

Vice-Chair: Dennis Concordia, CHRE

Staff Support: Margaret Wilson, CHRL

The CHRE Review Committee is a standing committee established under Section 8.04 of the By-laws to review every application referred to it by the Registrar to determine whether an applicant meets the criteria for the Certified Human Resources Executive (CHRE) as established by the Board.

Q1 Highlights:

- At the end of Q1, 262 members held the CHRE.
- Between December 1, 2020 and February 28, 2021, 16 CHRE applications were submitted.
- 11 CHRE applications were reviewed by the CHRE Review Committee. Five were successful.
- Five of the applications submitted at the end of Q1 are currently being reviewed with results to be released in Q2 2021.

CHRE Review Committee Activity in 2021

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Applications referred to Committee	39	11				
Designation granted by Committee	7	5				

The pre-scheduling of CHRE Review panels has been put in place to reduce the variability in decision time. These panels are scheduled monthly with panel compositions pre-set for 6 months at a time. The average time from HRP A receiving a CHRE application to a decision being released was 45.5 days in Q1.

Issuance of certificates

Certificates are issued for all three levels of designation: CHRP, CHRL, and CHRE. A certificate issuance was scheduled to commence in mid-February; however, due to HRP A's rebranding, the February issuance has been delayed. An email went out to 391 registrants in mid-February notifying them of the delay. Registrants will be kept informed and provided with an anticipated issuance date once available.

Certificates Issued in 2021

	CHRP	CHRL	CHRE	Total
February 2021 (Q1)	0	0	0	0
May 2021 (Q2)				
August 2021 (Q3)				
November 2021 (Q4)				
Total	0	0	0	0



Quality assurance

Continuing Professional Development

Continuing Professional Development Committee

Chair: Vito Montesano, CHRL

Vice-Chair: Serenela Felea, CHRL

Staff Support: Elisabeth Ramdawar

The Continuing Professional Development (CPD) Committee is a standing committee established under Section 8.04 of the By-laws to audit every continuing professional development log referred to it by the Registrar. The CPD Committee makes two kinds of decisions:

- a. Determining whether the continuing professional development requirement has been met per the criteria as established by the Board.
- b. Reviewing every extension request for a member's continuing professional development period referred to it by the Registrar to determine whether there are valid grounds to grant an extension per the Continuing Professional Development Extension Policy.

Q1 Highlights:

- There are 5,627 designated registrants due to submit their CPD Log by May 31, 2021. Of those, 865 designated registrants have submitted their CPD log as of February 28, 2021.
- The total number of registrants who were due to submit their CPD log this year and received an extension was 46 in Q1.

Summary of CPD Activity for 2021

	Due	Submitted		Extensions	
		Count	Percent	Count	Percent
CHRP	1724	273	15.8%	20	1.2 %
CHRL	3783	563	14.9 %	26	0.7 %
CHRE	120	29	24.2 %	0	0%
Totals	5627	865	15.4 %	46	0.8 %

Continuing Professional Development (CPD) Log Submissions

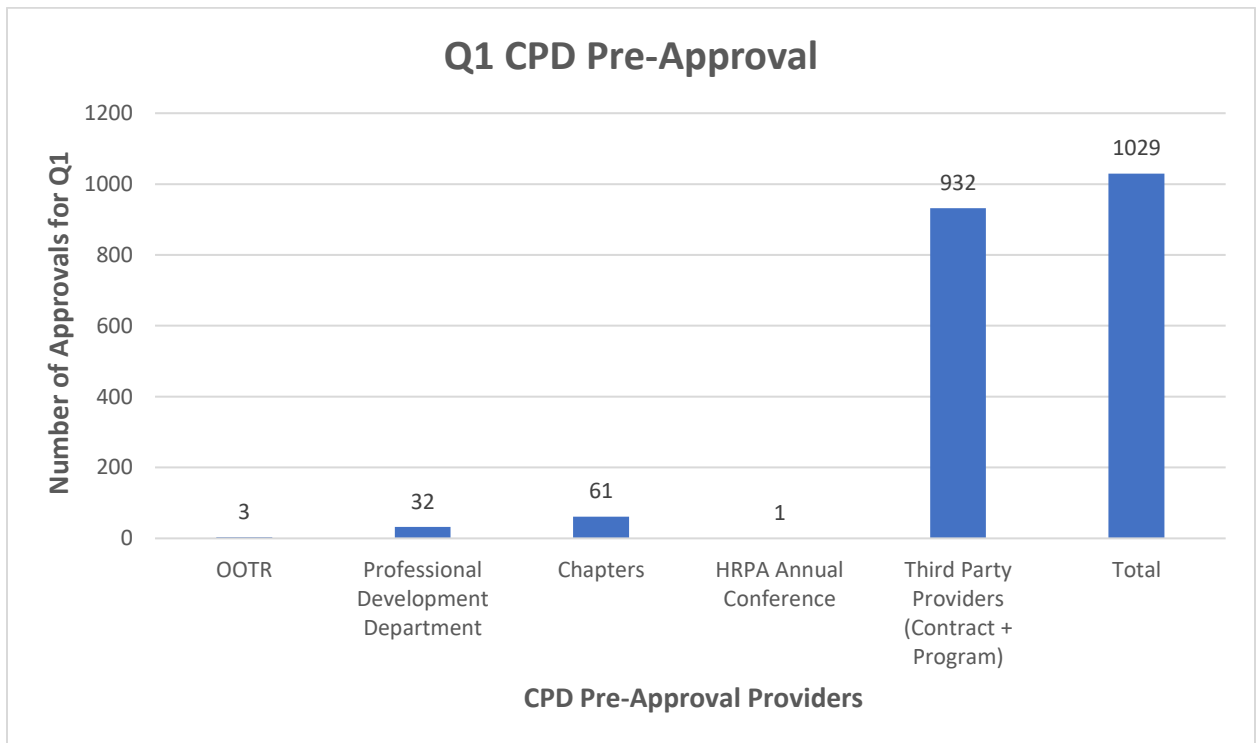
	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
CPD logs due to be submitted	3500	5627				
CPD logs submitted	2920	865				

CPD Pre-Approval

For Q1, a total of 1029 events were pre-approved for CPD. The events can be broken down into five categories:

- HRPAs Office of the Registrar
- HRPAs Chapters
- HRPAs Professional Development Department
- HRPAs Annual Conference
- Third-Party Contract and Program Providers

Summary of CPD Pre-Approved Sessions for Q1





Complaints, discipline, capacity and review

Complaints Committee

Chair: Jennifer Cooper, LL. B (member of the public)

Vice-Chair: Michael Burokas, JD (member of the public)

Staff Support: Jenny Eum

Independent Legal Counsel: Lonny Rosen, C.S., Rosen Sunshine LLP

The Complaints Committee is a statutory committee established under Section 12 of the *Registered Human Resources Professionals Act, 2013* (the “Act”) and the By-laws to every complaint referred to it under Section 31 of the Act and section 15.03 of the By-laws. If the complaint contains information suggesting that the member, student or firm subject to the complaint may be guilty of professional misconduct as defined in the by-laws, the committee shall investigate the matter. Following the investigation of a complaint, the Complaints Committee may:

- direct that the matter be referred, in whole or in part, to the Discipline Committee;
- direct that the matter not to be referred to the Discipline Committee;
- negotiate a settlement agreement between the Association and the member, student or firm and refer the agreement to the Discipline Committee for approval;
- or take any action that it considers appropriate in the circumstances and that is not inconsistent with the Act or the By-laws, including cautioning or admonishing the member, firm, or student.

Q1 Highlights:

- There were no new complaints filed in Q1.
- There were six complaints still in progress that had been filed and referred to the Committee prior to Q1.
- One of which is in a parallel proceeding and is on hold until the parallel proceeding has resolved.
- There are currently three complaints being revived by a panel of the Committee.
- Two decisions were issued in Q1.

Table 29: Summary of Complaints Activity

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Referrals to Complaints Committee	9	0				
Decision issued by Complaints Committee	2	2				
Average time to dispose of complaint (days)	154	142.5				

Two complaints were disposed of in Q1, please refer to the table below for details.

Complaints Disposed of in Q1 2021

Case	Date complaint filed	Nature of allegations	Date of disposition of complaint and decision of Complaints Committee
C-2020-5	July 21, 2020	It is alleged that the member breached the Rules of Professional Conduct by 1) failing to discharge his or her professional obligations with competence and integrity; 2) failing to prevent inappropriate use and applications by others of the tools, techniques, and process used in the practice of human resources management; 3) failing to advise an employer by assisting in or encouraging dishonestly, fraud, crime, or illegal conduct; 4) failing to act in a way respectful of the rights of all individuals; 5) failing to act in such a way to protect the dignity of all individuals; 6) failing to understand they have a duty to parties other than their employer or their client, and 7) failing to act in good faith towards all parties at all times.	December 4, 2020
C-2020-7	August 24, 2020	It is alleged that the member breached the Rules of Professional Conduct by 1) failing to treat the handling of confidential, personal, or privileged information with the utmost importance as it is core to the credibility of their profession.	January 20, 2021

Discipline Committee

Chair: Stephanie Izzard, CHRL

Vice-Chair: Lynne Latulippe (member of the public)

Staff Support: Margaret Wilson, CHRL

Independent Legal Counsel: Luisa Ritacca, Managing Partner, Stockwoods LLP

The Discipline Committee is a statutory committee established under Section 12 of the *Registered Human Resources Professionals Act, 2013* (the "Act") and the By-laws to hear every matter referred to it by the Complaints Committee under Section 34 of the Act and section 15.03 of the By-laws. The Discipline Committee shall:

- a. Determine whether the member, student or firm is guilty of professional misconduct as defined in the by-laws.

- b. If the Committee finds a member, student or firm guilty of professional misconduct, exercise any of the powers granted to it under Subsection 34(4) of the Act.

Q1 Highlights:

- A discipline hearing was conducted on February 8, 2021. It was alleged that the member had been using the CHRP and CHRL designations without authorization. The matter was resolved via an Undertaking and the Discipline Committee agreed to HRPAs request to withdraw the matter. The time from when the matter was referred to the Discipline Committee until a decision was made was 284 days.

Discipline Committee Activity

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Referrals to Discipline Committee	2	0				
Decision issued by Discipline Committee	1	1				

Capacity Committee

Chair: Stephanie Izzard, CHRL

Vice-Chair: Lynne Latulippe (member of the public)

Staff Support: Margaret Wilson, CHRL

Independent Legal Counsel: Luisa Ritacca, Managing Partner, Stockwoods LLP

The Capacity Committee is a statutory committee established under Section 12 of the *Registered Human Resources Professionals Act, 2013* (the "Act") and the By-laws to hear every matter referred to it by the Association under Section 47 of the Act and section 15.03 of the By-laws. The Capacity Committee shall:

- a. Determine whether a member or student is incapacitated.
- b. If the Committee finds a member or student is incapacitated, exercise any of the powers granted to it under Subsection 47(8) of the Act.

Q1 Highlights:

- No capacity hearings were conducted in Q1.

Capacity Committee Activity

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Referrals to Capacity Committee	0	0				
Decision issued by Capacity Committee	0	0				

Review Committee

Chair: Damienne Lebrun-Reid (member of the public)

Vice-Chair: TBD

Staff Support: Margaret Wilson, CHRL

Independent Legal Counsel: John Wilkinson, Partner, WeirFoulds LLP.

The Review Committee is a statutory committee established under Section 12 of the *Registered Human Resources Professionals Act, 2013* (the "Act") and the By-laws to review every matter referred to it by the Registrar under Section 40 of the Act. The Review Committee may:

- a. Determine whether the member or firm's bankruptcy or insolvency event may pose a risk of harm to any person;
- b. Direct the Registrar to investigate the matter;
- c. Determine whether a hearing is warranted and, if so, to conduct hearings when warranted to determine whether the member or firm's bankruptcy or insolvency event poses a risk of harm to any person;
- d. Upon a determination that there are reasonable grounds for believing that the member or firm's bankruptcy or insolvency event poses or may pose a risk of harm to any person following a hearing, exercise any of the powers granted to it under Subsection 41(8) of the Act.

Q1 Highlights:

- There was one decision issued by the Review Committee in Q1. The time to decision was 154 days.
- Information regarding one notice of bankruptcy from Q4 2020 was received in Q1 2021 and will be reviewed in Q2.

Review Committee Activity

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Notices of bankruptcies or insolvency events	3	0				
Decisions issued by the Review Committee	1	1				



Appeal

Appeal Committee

Chair: Melanie Kerr, CHRL

Vice-Chair: Maureen Quinlan (member of the public)

Staff Support: Stephanie Jung

Independent Legal Counsel: Luisa Ritacca, Managing Partner, Stockwoods LLP

The Appeal Committee is a statutory committee established under Section 12 of the *Registered Human Resources Professionals Act, 2013* (the "Act") and the By-laws. to review every request for appeal filed under the Act and the By-laws by registrants of HRP or members of the public. The Appeal Committee shall determine whether there was a denial of natural justice or an error on the record of the decision of the committee or the Registrar and to exercise any of the powers granted to it under the Act and Section 22 of the By-laws.

Q1 Highlights:

- Five new appeals were filed in Q1, all regarding decisions made by the Experience Assessment Committee. This is relatively similar to the number of appeals filed in Q1 of 2020.
- One decision was issued in Q1 upholding the Experience Assessment Committee's original decision.

Appeal Committee Activity

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Number of appeals filed*	11	5				
Settled via the Alternate Resolution Process	8	0				
Decisions issued by the Appeal Committee	5	1				

*Please note: The number of appeals filed will not necessarily be equal to the number of appeals settled or decided by the Appeal Committee, since appeals filed in one year may be resolved in the following year.

Alternate Resolution Process

One factor that influences the number of appeals that are heard by the Appeal Committee is the HRPAs alternate resolution process for appeals. If the Registrar believes that the appellant has shown in their Request for an Appeal that something may have gone wrong with the process or that there may have been a denial of natural justice, the Registrar may extend an offer to the appellant to settle the appeal. Under those circumstances, the appellant has three options:

1. Accept the offer and withdraw the appeal,
2. Accept the offer with the provision that a panel of the Appeal Committee review and sign off on the agreement between the appellant and HRPAs, or
3. Reject the offer, which means the appeal will proceed as an uncontested appeal.

Appellants are never pressured to choose one option or another. The benefit for appellants and HRPAs is a quicker resolution of the matter. Concerning appeals of decisions of the Experience Assessment Committee (EAC), the settlement usually involves having the Validation of Experience (VOE) or alternate route application reviewed by a second independent panel. Most appellants who are appealing a decision by the EAC want a 'second opinion' on their application. As noted above, the Appeal Committee was not established to give second opinions but to review the process by which the decision was arrived at.

The impact of the alternate resolution process is that most of the decisions of the (EAC) where the facts suggest that an appeal might be warranted, never make it to being reviewed by a panel of the Appeal Committee as the VOE or Alternate Route application is sent to a new Experience Assessment Committee (EAC) panel for review.

Q1 2021 Appeal Committee Activity

	Date Appeal Filed	The Nature of the Appeal	The Outcome of the Appeal
A-2020-09	October 6, 2020	The Experience Assessment Committee made an error in the assessment of the Validation of Experience application by failing to review the supporting documents provided with the application.	A decision was issued in February 2021 upholding the Experience Assessment Committee's decision.
A-2020-10	November 26, 2020	The Experience Assessment Committee failed to apply the correct rule or policy in making their decision on the appellant's Validation of Experience application in one position.	A review by a panel of the Appeal Committee has been scheduled for March 2021.
A-2020-11	November 28, 2020	The Experience Assessment Committee failed to consider the correct facts and failed to apply the correct rule in	A panel of the Appeal Committee met in February 2021 to review the appeal. The

		deciding on the appellant's Alternate Route application.	decision is currently being written.
A-2021-01	December 3, 2020	The Experience Assessment Committee failed to consider the correct facts in Positions 1 & 2 in the Validation of Experience application and were not impartial in their decision.	A panel of the Appeal Committee met in February 2021 to review the appeal. The decision is currently being written.
A-2021-02	December 8, 2020	The Experience Assessment Committee made an error in assessment on the Alternate Route application.	The appeal is currently with HRPAs for response.
A-2021-03	December 20, 2020	The Experience Assessment Committee made an error in assessment on the Alternate Route application.	A review by a panel of the Appeal Committee has been scheduled for March 2021.
A-2021-04	January 3, 2021	The Experience Assessment Committee did not fully assess the Validation of Experience application in its entirety.	HRPA responded to the appellant's request for appeal. It is now with the appellant for response.
A-2021-05	January 26, 2021	The Experience Assessment Committee made an error in assessment on the Alternate Route application.	The appeal is currently with HRPAs for response.

Breakdown of Appeal Decisions

Appeal Outcomes	Count
Total number of requests for appeal received December 1, 2020 and February 28, 2021	5
Total number of appeals settled via the Alternate Resolution Process	0
Total number of final appeal decisions released December 1, 2020 and February 28, 2021	1
Decisions upholding the original decision	1
Decisions overturning the original decision	0

*In Q1, the average time to decision was 129 days.



Stakeholder education

Regulatory Affairs Newsletter

The *Regulatory Affairs* newsletter is published under By-laws 13.06 and 13.07.

As set out in the By-laws, the *Regulatory Affairs* newsletter shall include but not be limited to:

- (a) Notices of annual meetings;
- (b) Election results; and
- (c) All information as set out in Section 21.03 and Section 21.08 concerning discipline or review proceedings. Where there is a dissenting opinion prepared by a member of the panel and the decision, finding or order of the Discipline Committee or the Review Committee is to be published, in detail or summary, any publication will include the dissenting opinion.

In Q1, a *Regulatory Affairs* Newsletter published on December 14, 2020. The next issuance will be in Q2 on March 8, 2021.

Trend and Issues in Professional Regulation

Two interesting developments in Q1 2021:

- The Human Resources Profession Act (Sask.) receives first reading in the Saskatchewan Legislature.
- On February 1, 2021, the provincial government proclaimed sections of the *Ontario College of Teachers Act, 1996*. This triggered the dissolution of the College's 8th Council and the transfer of authorities to a Transition Supervisory Officer (TSO) who will oversee the governance changes at the College.

The Human Resources Profession Act (Sask.)

When the *Registered Human Resources Professionals Act, 2013*, was introduced in the Ontario Legislature in 2010, it prompted other provinces to pursue similar legislation in their provinces. The professional associations in BC, Alberta, and Saskatchewan all set out to have their legislatures pass professional regulation statutes for Human Resources in their respective provinces.

The Bill 19, the *Human Resources Profession Act* was given first reading in the Saskatchewan Legislature on December 9, 2020. Given that Bill 19, the *Human Resources Profession Act* is a government bill, its chances of becoming law are quite good.

Although all professional regulation statutes are unique in some ways, there is one aspect that they all professional regulation statutes have in common—all professional regulation statutes are contracts between a profession and society. In exchange for the extraordinary grant of occupational authority and independence, professions agree to establish and maintain professional regulatory bodies for which the promotion and protection of the public interest is the core purpose and mandate of organization.

Comparing statutes across jurisdictions

Comparing statutes from different provinces can be tricky. Statutes are not independent entities but part of a body of law. For instance, a definition that appears in any statute applies to all statutes unless a statute explicitly exempts itself from that definition. Also, there is the issue that each province has its own history or context which informs the interpretation of any clause or provision in a statute. Then there is the whole issue of statutory interpretation. All this to say that the interpretation or implications of any clause or provision in a statute may not be as straightforward as it may at first appear.

An immediate difference is the relative size of the acts—the *Human Resources Profession Act (Sask.)* clocks in at 7,175 words whereas the *Registered Human Resources Professional Act, 2013*, clocks in at 11,972 words, which is a bit more than half as long more than the Saskatchewan Act. The difference is, literally, in the details—the *Registered Human Resources Professional Act, 2013*, contains more details than does the *Human Resources Profession Act (Sask.)*.

Objects

Objects are the ultimate purpose for which the corporation was created. Objects should be interpreted holistically. The *Human Resources Profession Act* (Sask.) takes an approach that splits duties and objects. Some Ontario professional regulation statutes also take this approach. For instance, the *Early Childhood Educators Act, 2007*, the *Social Work and Social Service Work Act, 1998*, and the *Ontario College of Teachers Act, 1996*, take this approach.

Again, one can see a more detailed approach in the *Registered Human Resources Professional Act, 2013*, where the Legislature spells out what must be included in the governance and regulation of members.

Human Resources Profession Act (Sask.)	Registered Human Resources Professionals Act, 2013
<p>Duty and objects of association</p> <p>4 (1) It is the duty of the association at all times:</p> <ul style="list-style-type: none"> (a) to serve and protect the public; and (b) to exercise its powers and discharge its responsibilities in the public interest. <p>(2) The objects of the association are:</p> <ul style="list-style-type: none"> (a) to regulate the practice of the profession and to govern the members in accordance with this Act and the bylaws; and (b) to assure the public of the knowledge, skill, proficiency and competency of members in the practice of the human resources profession. 	<p>Objects</p> <p>4 The objects of the Association are,</p> <ul style="list-style-type: none"> (a) to promote and protect the public interest by governing and regulating the practice of members of the Association and firms in accordance with this Act and the by-laws, including, <ul style="list-style-type: none"> (i) establishing, maintaining, developing and enforcing standards of qualification, (ii) establishing, maintaining, developing and enforcing standards of practice, (iii) establishing, maintaining, developing and enforcing standards of professional ethics, (iv) establishing, maintaining, developing and enforcing standards of knowledge, skill and proficiency, and (v) regulating the practice, competence and professional conduct of members of the Association and firms; (b) to promote and increase the knowledge, skill and proficiency of members of the Association, firms and students; (c) to promote and protect the welfare and interests of the Association and of the human resources profession; (d) to promote inter-professional collaboration with other professional bodies; (e) to address any other matter that relates to the regulation of its members that the Board considers appropriate.

Board composition

The *Human Resources Profession Act* (Sask.) will see the board be composed of elected professional members and public appointees. The number of elected professional members is not set in the Act but

to be established in the bylaws. The Lieutenant Governor in Council may appoint two persons who reside in Saskatchewan as members of the board. The *Human Resources Profession Act* (Sask.) does not provide for the appointment of additional public members. Interestingly, the math here suggests that the ‘balanced board’ which many professional regulatory bodies are aiming for would not be practicably possible for CPHR Saskatchewan. The *Registered Human Resources Professionals Act, 2013*, is more detailed in its prescriptions for board composition. However, depending on the choices that are made, HRPA could achieve or come close to a ‘balanced board.’

The *Human Resources Profession Act* (Sask.) provides for the remuneration of board members beyond the reimbursement of expenses. Elected professional members and appointed public members are entitled to remuneration and reimbursement for expenses in the amounts prescribed in the bylaws.

Ministerial accountability

Should the *Human Resources Profession Act* (Sask.) become law, CPHR Saskatchewan will be accountable to government in a number of ways.

CPHR Saskatchewan will be required to file an annual report with the minister—it is worth noting, however, that it is the minister who prescribes the form, the contents, and the time of the report.

The *Human Resources Profession Act* (Sask.) provides for two types of bylaws: *administrative bylaws* and *regulatory bylaws*. Administrative bylaws will need to be filed with the Director of Corporations within 30 days. The minister responsible for The Business Corporations Act will put before the Legislature a copy of every bylaw and amendment in accordance with section 13 of The *Executive Government Administration Act*. Should any bylaw or amendment put before the Legislative Assembly be found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, that bylaw or amendment ceases to have any effect and is deemed to have been revoked. Any regulatory bylaw or amendment to an existing regulatory bylaw made by the board does not come into force until it is: (a) approved by the minister and (b) published in the Gazette. If the minister does not advise the association in writing within 90 days after receiving copies of the regulatory bylaw or amendment that the minister approves the regulatory bylaw or amendment, the regulatory bylaw or amendment is deemed not to be approved.

By way of contrast, there is minimal oversight over HRPA’s activities by government. Indeed, HRPA is the only professional regulatory body in Ontario without ministerial accountability.

Under the *Human Resources Profession Act* (Sask.) bylaws are not ratified by the membership of the Association. This avoids the situation where the board passes bylaws which are in the public interest, as they are required to do, but that these bylaws are later rejected by the membership which has happened in some professional regulatory bodies.

Board participation in regulatory committees

Although the *Human Resources Profession Act* (Sask.) does not require the board to appoint its members to regulatory committees (with the exception that one of the members of the Discipline

Committee must be one of the board's public appointees), it sees the CPHR Saskatchewan board involved in at least some adjudicative processes. Under the *Human Resources Profession Act* (Sask.) appeals of decisions of the Registrar in regard to registration or of the Discipline Committee are appealable to the Board. Under the *Human Resources Profession Act* (Sask.) the board has adjudicative responsibilities. Decisions of the board in discipline matters are appealable to the Court of Queen's Bench. This makes the separation of board and regulatory committees as proposed by many professional regulatory bodies somewhat more difficult under the *Human Resources Profession Act* (Sask.).

Interestingly, the *Human Resources Profession Act* (Sask.) does not provide for committees to sit in panels or for the board to pass bylaws to that effect.

Members and restricted members

The *Human Resources Profession Act* (Sask.) provides for two categories of members: *members* and *restricted members*. Restricted members is a category of membership available to individuals who do not quite meet the requirement of being registered as the equivalent of a human resources professional member in good standing pursuant to the legislation of another jurisdiction in Canada. The use of the word *restricted* implies that there would be conditions or limitations on the practice of these members.

Protected title

The *Human Resources Profession Act* (Sask.) protects the title "*Chartered Professional in Human Resources*", the abbreviation "*CPHR*", or any word, title, or designation, abbreviated or otherwise, to imply that the person is a human resources professional member. The *Human Resources Profession Act* (Sask.) does not affect or interfere with the right of any person who is not a member of the Association to practise in the field of human resources, although it does not state this explicitly. Interestingly, The *Human Resources Profession Act* (Sask.) every person who is convicted of having used the professional title without authorization is liable to a fine of not more than \$2,000 for a first offence, not more than \$4,000 for a second offence, and not more than \$6,000 or to imprisonment for a term of not more than 6 months, or to both for each subsequent offence, whereas the *Registered Human Resources Professionals Act, 2013*, provided for a maximum fine of \$25,000.

Powers of investigation

The powers of investigation in the *Human Resources Profession Act* (Sask.) are significantly less than those found in the *Registered Human Resources Professionals Act, 2013*. The *Human Resources Profession Act* (Sask.) provides for the summoning before the Professional Conduct Committee of the member whose conduct is the subject of the complaint or assessing the member's competence. The *Registered Human Resources Professionals Act, 2013*, for its part, provides for the appointment of investigators who (a) may enter and inspect the business premises of the individual or firm under investigation without the consent of the owner or occupier and without a warrant; (b) question and require the individual or anyone who works with the individual, or anyone who works in the firm, as the case may be, to provide information that the investigator believes is relevant to the investigation, (c)

require the production of and examine any document or thing that the investigator believes is relevant to the investigation, including a client file, (d) on giving a receipt for it, remove any document or thing that the investigator believes is relevant to the investigation for the purposes of making copies or extracts of any document or information, and (e) use any data storage, processing or retrieval device or system used in carrying on business on the premises in order to produce a document in readable form. Some are surprised at the extensiveness of the powers of investigation granted by the *Registered Human Resources Professionals Act, 2013*, to HRP, but the exact same wording appears in all thirty-nine professional regulation statutes in Ontario.

The regulation of firms

Interestingly, the *Human Resources Profession Act* (Sask.) does not mention *firms*. By way of contrast, the *Registered Human Resources Professionals Act, 2013*, mentions *firms* 78 times. The issue with firms is that registered professionals might be able to sidestep their professional obligations by practicing through a firm. The *Registered Human Resources Professionals Act, 2013*, is very much concerned with closing any loopholes which may exist as a result of practicing through a firm.

Duty to report

In many professions there have been debates as to whether the complaints committee should, or even can, notify authorities if it is suspected that a registrant under investigation may have committed a criminal offense. The *Human Resources Profession Act* (Sask.) clarifies the matter:

“If the professional conduct committee in its investigation pursuant to section 27 or the discipline committee at the conclusion of its hearing pursuant to section 30 believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to:

- (a) the president of the association; and*
- (b) the Deputy Minister of Justice.”*

Report of termination of employment

The *Human Resources Profession Act* (Sask.) imposes a duty on those who employ members to report termination of employment where the employer reasonably believes that their former employee might have committed professional incompetence or professional misconduct.

“44 Any employer who terminates for cause the employment of a member shall report the termination to the association if the employer reasonably believes the cause is professional incompetence or professional misconduct.”

This obligation may be difficult to enforce but it does make a statement.

The bottom line

As with all statutes, the devil is in the detail. However, the *Human Resources Profession Act* (Sask.) has all the essential characteristics of a statute which establishes a self-regulation

regime—a contract whereby in exchange for the extraordinary grant of occupational authority and independence, a profession agrees to establish and maintain professional regulatory bodies for which the promotion and protection of the public interest is the core purpose and mandate of organization.

Governance reform at the Ontario College of Teachers (OCT)

On February 1, 2021, the provincial government proclaimed sections of the *Ontario College of Teachers Act, 1996*. This triggered the dissolution of the College’s 8th Council and the transfer of authorities to a Transition Supervisory Officer (TSO) who will oversee the governance changes at the College. The governance changes at the OCT are at the confluence of two threads. The governance changes at the Ontario College of Teachers are a response to longstanding issues in the regulation of teachers but they are also the first major implementation of the recent governance reforms widely discussed in the regulatory community. The importance of the governance changes at the College of Teachers is that, if successful, these changes could well become the model the government might use for other professional regulatory bodies in Ontario.

The governance changes at the OCT read like a checklist of all the proposals put forth in the last few years.

- ✓ **Smaller Council**—the OCT Council goes from 37 member to 18 members,
- ✓ **Balanced Council**— the OCT Council goes from a 23/14 number of professional and public members in favor of professional members to an equal 9/9 number of professional and public members,
- ✓ **Fully appointed Council**—the OCT Council goes from a combination of elected professional members and appointed public members to a fully appointed Council with the nine professional members appointed by Council upon recommendation of the Selection and Nominating Subcommittee and the nine public members appointed by the Lieutenant Governor in Council,
- ✓ **Public members to have a majority on Council sub-committees**—The Selection and Nominating Subcommittee, the Audit and Finance Subcommittee, and the Human Resources Subcommittee are to be composed of members of the Council appointed by the Council in accordance with the by-laws, provided that the number of members appointed by the Lieutenant Governor in Council who are on the subcommittee is one greater than the number of other members.
- ✓ **Separation of Council and regulatory committees**—Abolishes Executive Committee and creates adjudicative body of Chairs. A member of the Council is ineligible to be concurrently appointed as a member of a regulatory committee.
- ✓ **Appointed and balanced regulatory committees**—Appointments to regulatory committees are made by Council upon recommendation of the Selection and Nominating Subcommittee but there must be an equal number of professional and public members on each committee.
- ✓ **Competency-based appointments**—The Selection and Nominating Subcommittee reviews and assess applications of persons who have applied to be appointed to Council, to any statutory

committee or regulatory committee, or to a statutory committee or regulatory committee. Some selection criteria may be set by regulation.

- ✓ **Public members on panels**—Regulatory committees may exercise their powers and duties in panels. At least one panel member must be selected from the roster of eligible panellists, other panelists are selected amongst committee members with the proviso that there must be an equal number of professional and public members.

These are the same governance reforms put forward by the College of Nurses of Ontario and other professional regulatory bodies. What is notable here is that the amended *Ontario College of Teachers Act, 1996*, includes all of changes that were being discussed.

Background

To be clear, there are certain aspects here that are specific to the teaching profession. Ontario is the only province where teachers are self-regulated. Until 2012, there had been a BC College of Teachers.

The BC College of Teachers (BCCT) had been created by the *Teaching Profession Act*, which came into force in 1988, moving the regulation of teachers out of the BC Ministry of Education. In 2010, eleven of the twenty members of the BCCT Council sent a letter to the Minister of Education stating that, in their opinion, there were fundamental governance issues that impaired the capacity of the College to properly discharge the responsibilities assigned to it by the BC Legislature. They claimed that these problems were caused by the British Columbia Teachers Federation (BCTF), the registered trade union for teachers, which—since the inception of the College—had employed a strategy of placing “endorsed candidates” on the College Council and had consistently tried to neutralize the College. In response to this complaint, the Minister of Education retained Donald Avison to investigate the BCCT, who then reported:

2. *There is significant evidence that the BC Teachers’ Federation has, and continues, to intrude upon the capacity of the BC College of Teachers to be properly regarded as an independent entity responsible for the self-regulation of the teaching profession. It appears clear that the BC Teachers’ Federation has acted overtly to limit the scope of authority exercised by the College and has done so in a manner that has impaired the capacity of the College to be seen as an entity exercising authority independent from the Federation.*
3. *While the College meets many of its obligations pursuant to section 4 of the Teaching Profession Act, a proper balance does not consistently exist between the “public interest” and the more dominant “interest of members”.*

Avison also identified a conflict of interest—the College was responsible for the complaints and discipline processes, but the BCTF would also represent teachers in such proceedings. This interference hampered the independence of the College’s complaints and discipline processes.

Within months of receiving Avison’s report, the BC government repealed the Act and disbanded the BCCT, bringing regulation of the teaching profession back under the watchful eye of the Ministry.

Starting in January 2012, the Teacher Regulation Branch of the Ministry took over these regulatory responsibilities, spelling the end of the self-regulation experiment for teachers in BC.

The LeSage Report (2012)

The Ontario College of Teachers was also the object of much of the same criticism as the BC College of Teachers, especially its complaints and discipline processes. Again, the issue was that political interference was seen to be hampering the independence of the College's complaints and discipline processes.

In August 2011, the Ontario College of Teachers retained the Honourable Patrick J. Lesage to review its intake, investigation and discipline procedures and outcomes, and its dispute resolution program and consider whether these protected the public interest. The Honourable Patrick J. Lesage delivered his report on May 31, 2012¹. The Report made 49 recommendations to enhance the role and public perception of the Ontario College of Teachers. The LeSage Report had noted that cynicism had been expressed about the relationship of the teacher unions with Council, especially since, prior to each Council meeting, the elected members of Council met with their respective unions to consider and be informed on the upcoming Council agenda.

The LeSage Report and subsequent efforts to implement its recommendations did not silence the Ontario College of Teacher's critics mainly because the political issues had not been resolved.

The Governance Solutions Inc. Report (2018)

In 2018, the Ontario College of Teachers retained Governance Solutions Inc. to conduct an independent professional review of the College's governance. The objective of the independent review was to identify, consult and present recommendations to improve the efficiency and efficacy of key governance practices and structures of the College. The GSI report was delivered on November 26, 2018². The report noted that the corporate governance process at the College was politicized in the extreme. The Report made the following observations:

- Council votes are monitored in real time, and feedback given to Council members by outsiders.
- Council meetings are dominated by a parliamentary process that stifles dissent and even dialogue. Council meetings descend into debates about member fees, council perks and staff performance evaluations and pay.
- At election time, some Council members are actively solicited to step down and other prospects are solicited to step forward.
- Low turnout and many prescriptive districts leverage politicization further, resulting in some elected Council members essentially being hand-picked by a very small number of people, based on connections and voting record, rather than competencies or leadership fit.

¹ LeSage, P. (2012). *Review of the Ontario College of Teachers Intake, Investigation and Discipline Procedures and Outcomes, and the Dispute Resolution Program*.

² Governance Solutions Inc. (November 26, 2018). *Ontario College of Teachers Governance Review Report*.

- The Council's governance structure has every elected Council member serve identical three year terms, with a limit of two terms. This means that every three years there is an upheaval in Council, with a 50% or higher turnover of elected members, resulting in dislocation of institutional memory and a challenging learning curve for new Council and Committee members who are expected to contribute on day one.
- Every three years, once the new Council is convened, a rushed process of selecting its Chair, Committee Chairs and members puts real power in the hands of the small number of returning Council members.
- The structural requirement for a majority of elected members on Council, Committees and panels further politicizes corporate governance.

The GSI Report concluded:

“Even more fundamentally, the continued politicization of the College’s corporate governance has led to a widely-held perception among the membership—shared by some Council members too—that the true purpose of the College is to protect and represent the teaching profession. Some Council members and their political supporters even ran on this platform. This fundamental flaw stands in the way of the College from being able to unashamedly and unrestrictedly focus on its real purpose, protecting Ontario’s students.”

Given this kind of conclusion, something had to change. The GSI report made 37 recommendations a good number of which found their way into the amendments to the *Ontario College of Teachers Act, 1996*.

The winds of change

What makes things different this time around, is that the Ontario College of Teachers is not seen as an isolated case. The issues here were not seen as an ‘OCT problem’. A number of professional regulatory bodies were experiencing the same malaise and were considering similar wide-ranging governance reforms—most notable the governance reforms proposed by the College of Nurses of Ontario (CNO)³.

At the same time, there were important reviews in BC—the *Professional reliance review: The Final Report of the Review of Professional Reliance in Natural Resource Decision-Making* (May 2018), the legislation and governance review conducted for Engineers and Geoscientists British Columbia (June 2018), and possibly the most influential report of all, into the report on the performance of the College of Dental Surgeons of British Columbia and the Health Professions Act (aka., the ‘Cayton Report’).

The fundamental problem that governance reform is trying to address is the loss of confidence on the part of the public, the media, and governments in the ability or willingness of professional regulatory bodies to put the promotion and protection of the public interest before all other considerations. The

³ College of Nurses of Ontario. Leading in Regulatory Governance Task Force. (May 2017). *Final report: A Vision for the Future*.

problem for many professional regulatory bodies is that this loss of confidence seems well-founded. So much so that governments are now beginning to act.

Governance reform proposals can be regrouped under two categories. One category would be the system-wide structural changes—the creation of new oversight bodies, the amalgamation of professional regulatory bodies, the separation of regulatory body and association, etc. The other category would be the governance changes within a professional regulatory body—size and composition of boards, appointment v. election processes, etc. Although both categories of governance reform require legislation, the latter costs little for the government to implement.

The importance of the governance changes at the Ontario College of Teachers is that such changes could, if deemed successful, become a template which would be used with other professional regulatory bodies in Ontario, especially if the government of the day has no interest in broader structural change in the regulation of professions.