

# Registrar’s Report for Q3 2021

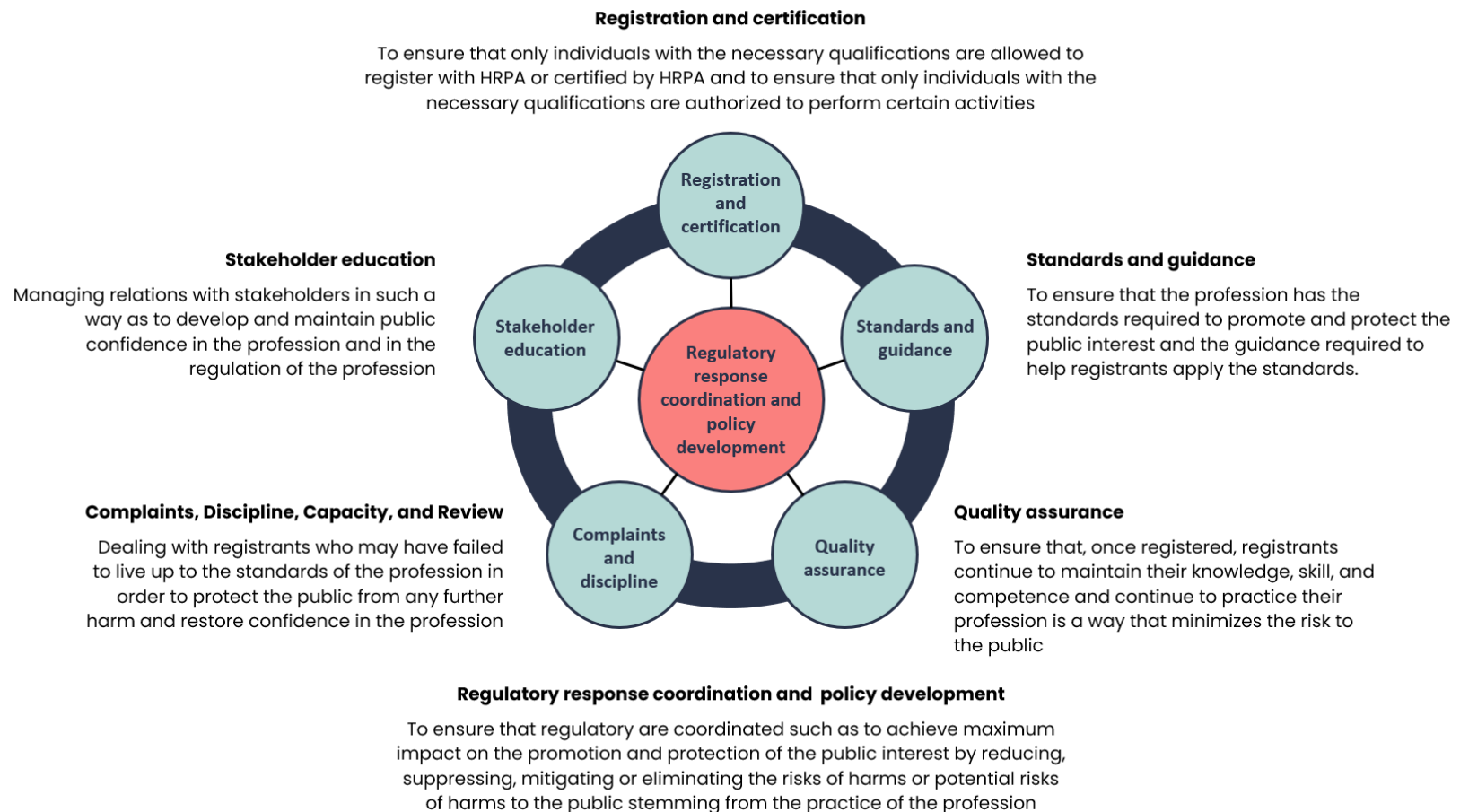
August 31, 2021

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The Registrar’s Report is produced on a quarterly basis. The Registrar’s Report details regulatory activity for the previous quarter. In addition, the Registrar’s Report includes special reports on pertinent issues and reviews trends and issues in the professional regulation in the previous quarter. The sections relating to the activity of specific committees were reviewed for accuracy by the Chair of the respective committee.

# HRPA's Regulatory Functions



## Special Report: 2021 Complaints Benchmarking Report

The annual Complaints Benchmarking Report is one action included in the mitigation plan for Risk #14—*Professional misconduct on the part of members, firms, and students*. This report covers the period from December 1, 2019, to November 30, 2020.

HRPA received nine complaints during this period. This corresponds to a complaint rate of .41 complaints per 1000 registrants. HRPA's complaint rate was the second lowest of all thirty-eight professional regulatory bodies in Ontario in 2020. Indeed, HRPA has had the lowest or close to the lowest complaint rate of all professional regulatory bodies in Ontario since HRPA started benchmarking its complaint rate in 2015.

Part 1 of this Report places this complaint rate in the context of the complaint rates of other professional regulatory bodies in Ontario in the same time frame. Part 2 of this report discusses the relevance and the implications of such a low complaints rate.

### Part 1: The complaint rate for HRPA for 2019–2020

The number of complaints per 1000 registrants is calculated by dividing the number of complaints received in the reporting period divided by the number of registrants (at the end of the reporting period) and multiplying this number by 1000.

For 2019–2020, the complaint rate at HRPA was .41 per 1000 registrants.

**Table 1: HRPA complaint rate for last six years**

Year	Registration at end of period	Number of complaints	Complaint Rate per 1000 registrants	Rank
2019–2020	21,957	9	.41	37/38
2018–2019	22,757	12	.53	38/38
2017–2018	23,448	14	.60	36/38
2016–2017	23,116	6	.26	37/38
2015–2016	23,155	9	.39	38/38
2014–2015	21,712	5	.23	35/36

### How the complaint rate at HRPA compares to that of other regulated professions in Ontario

There are thirty-nine professional regulatory bodies governed by a public act in Ontario; all were included in this study, except for the Ontario College of Trades, which does not report on complaints activity.

## **The sources of information**

Professional regulatory bodies have different fiscal years. Most of the information as to the number of complaints was gleaned from the most recent published annual report for each profession.

When the number of members/registrants/licensees was available from the annual report, this number was used. In some cases, the annual report did not give the number of members/registrants/licensees. In these cases, the number of members/registrants/licensees was obtained by consulting the regulator's most recent Fair Registration Practices Report which is available from the Office of the Fairness Commissioner's web site.

For professional regulatory bodies falling under the *Regulated Health Professions Act, 1990*, complaints were defined as referrals to the Inquiries, Complaints and Reports Committee (ICRC) which includes complaints from the public (external) and registrar investigations (internal). It was deemed that referrals to ICRC gave a better and more consistent definition of complaints across professions.

## **How HRPAs' complaint rate compares**

HRPA's complaint rate for 2019–2020 was the second lowest of all professional regulatory bodies in the same period. As noted in the table above, since HRPAs began keeping track of the complaint rate in 2015, HRPAs has had the lowest or close to the lowest complaint rate of all professional regulatory bodies in Ontario.

To derive more meaningful comparisons, three comparator groups were identified: (1) all professions regulated by public act in Ontario, and (2) non-health professions regulated by public act in Ontario, and (3) voluntary professions.

There are twelve non-health professions governed by public act in Ontario:

- Law Society of Ontario
- Association of Ontario Land Surveyors
- College of Veterinarians of Ontario
- Ontario Association of Architects
- Ontario College of Social Workers and Social Service Workers
- Ontario Professional Foresters Association
- Chartered Professional Accountants of Ontario
- Ontario College of Teachers
- Professional Engineers of Ontario
- College of Early Childhood Educators
- Professional Geoscientists of Ontario
- Human Resources Professionals Association

There are four voluntary professions regulated by public act in Ontario:

- Ontario College of Social Workers and Social Service Workers
- Chartered Professional Accountants of Ontario

- College of Massage Therapists of Ontario<sup>1</sup>
- Human Resources Professionals Association

**Table 2: Comparing HRPAs' complaint rate with that of other regulated professions in Ontario**

Comparator group	n	2018-2019		2019-2020	
		Mean	Median	Mean	Median
All professions regulated by public act in Ontario (excluding HRPAs)	37	18.98	10.67	19.53	10.11
Non-health professions (excluding HRPAs)	11	19.46	8.52	15.05	6.71
Voluntary professions (excluding HRPAs)	3	5.38	2.45	6.60	6.28
Human Resources Professionals Association	1	.53	.53	.41	.41

Note: Because of the positive skew in the distribution of complaint rates, the median is likely a better measure of the 'average' complaint rate than the mean. Both the mean and the median are reported, however.

- The professional regulatory body with the highest complaint rate in Ontario in 2020 was the College of Physicians and Surgeons of Ontario with a complaint rate of 78.76 *per* 1000 registrants.
- The professional regulatory body with the next highest complaint rate in Ontario in 2020 was the Law Society of Ontario with a complaint rate of 59.90 *per* 1000 registrants.
- In 2019-2020, the median complaint rate across all professional regulatory bodies in Ontario (excluding HRPAs) was 10.11 *per* 1000 registrants.
- In 2019-2020, the median complaint rate across all non-health regulatory bodies in Ontario (excluding HRPAs) was 6.71 *per* 1000 registrants.
- In 2019-2020, the median complaint rate across voluntary regulatory bodies in Ontario (excluding HRPAs) was 6.28 *per* 1000 registrants.

To put this in perspective:

- At a rate of 10.11 complaints *per* 1000 registrants (the median number of complaints *per* 1000 registrants across all professional regulatory bodies in Ontario), HRPAs would have received 222 complaints in 2019-2020 instead of nine.
- At a rate of 6.71 complaints *per* 1000 registrants (the median number of complaints *per* 1000 registrants across all non-health professional regulatory bodies in Ontario), HRPAs would have received 148 complaints in 2019-2020 instead of nine.
- At a rate of 6.28 complaints *per* 1000 registrants (the complaint rate for voluntary professions), HRPAs would have received 138 complaints in 2019-2020 instead of nine.

In the table above, 2018-2019 complaint rates were compared to 2019-2020 complaint rates. The idea was to consider the impact of the COVID-19 pandemic. Although the data are not perfect in that

<sup>1</sup> While Registered Massage Therapists have quasi licensure through insurance requirements, someone does not need to be registered to provide massages.

different professional regulatory bodies have different reporting periods, there is no evidence that the COVID-19 pandemic has had a consistent or systematic impact on complaint rates.

## **Part 2: The relevance and the implications of a low complaints rate**

The most likely situation is that the complaint rate at HRPAs is too low, and that there is a significant underreporting of misconduct or incompetence on the part of registered Human Resources professionals.

Three pieces of information to consider:

1. The research into the risk to the public stemming from the practice of the profession has indicated that there are many and various risks to the public stemming from the practice of Human Resources.
2. There is no reason to believe that registered Human Resources professionals are inherently more ethical or more competent than other professionals. In fact, 38% of HRPAs registrants have not had to demonstrate any knowledge, skill or competence in Human Resources to register with HRPAs.
3. There is evidence that there are various barriers to the filing of a complaint against a registered Human Resources professional.

In January 2018, HRPAs commissioned Ipsos to conduct a survey on public opinion of the Human Resources profession and Human Resources professionals. The main purpose of the survey was to populate the Regulatory Practices Scorecard, but a few questions were added pertaining to registering complaints with HRPAs. A sample 1,010 Ontarians aged 18+ was selected via the Ipsos I-Say panel and non-panel sources.

- Only 21% of the public thought of Human Resources as a regulated profession
- Only 16% of the public were aware that members of the public could make a formal complaint against a registered human resources professional through the Human Resources Professionals Association (HRPA).
- Members of the public are just as likely to register a complaint against a registered Human Resources professional with the Ontario Human Rights Commission or the Human Resources professional's employer that they would be with HRPAs.
- Even among those who knew that Human Resources was a regulated profession and knew that HRPAs was the body that would hear the complaint, 50% indicated that they wouldn't know how to proceed with a complaint.
- A third of the public would think of registering a complaint with HRPAs as 'just not worth the hassle' or that it would do no good or that there are more effective ways of making a complaint.
- Fear of retaliation was 21%, this is still a significant proportion.

Also, it is the case that employees and employers may not be aware of when misconduct or incompetence on the part of their registered Human Resources professional may have caused them harm.

The underreporting of misconduct and incompetence on the part of registered Human Resources professionals has significant implications for HRPAs.

- HRPAs are required to keep the public safe from the harms that may come as a result of the practice of the profession. That there are significant barriers to the filing of complaints against registered Human Resources professionals complicates this task. For one, HRPAs cannot afford to be passive and wait for complaints to be filed. Although one could say that no professional regulatory body can afford to be passive and wait for complaints to be filed, being passive would be especially damaging to HRPAs' effectiveness as a professional regulatory body.
- HRPAs have adopted risk-based regulation as their approach to professional regulation. Most regulators depend on an analysis of their complaints to identify the risks to the public stemming from the practice of the professions they regulate. HRPAs cannot depend on complaints to identify risks to the public stemming from the practice of the profession.
- Most regulators recognize that handling complaints is probably not the most effective aspect of professional regulation. Complaints, by their very nature, occur after the harm may have occurred. Nonetheless, when professional regulatory bodies want to argue for their effectiveness, they will often point to their complaints process. In fact, when professional regulatory bodies get in trouble in the media, it is usually in regard to their complaints and discipline processes. The fact that HRPAs' complaints rate is so low makes it more difficult for HRPAs to convince a sceptical media that it is serious about protecting the public.

Although the complaint rate is the result of several factors, it is nonetheless an important metric. It is one indicator of the extent to which the public thinks of Human Resources as a regulated profession and of HRPAs as a professional regulatory body that will hear such complaints.

Of course, the more difficult question is what our complaint rate should be?

One answer is that, perhaps HRPAs should do what it can to remove the barriers to the filing of complaints regarding registered Human Resources professionals:

- Increase awareness on the part of the public that HRPAs are a professional regulatory body that acts in the public interest,
- Increase awareness on the part of the public that HRPAs are mandated to receive complaints in regard to the conduct and/or competence of any of their registrants,
- Increase perception on the part of the public that HRPAs' complaints process is impartial and fair and not biased in favour of registrants,

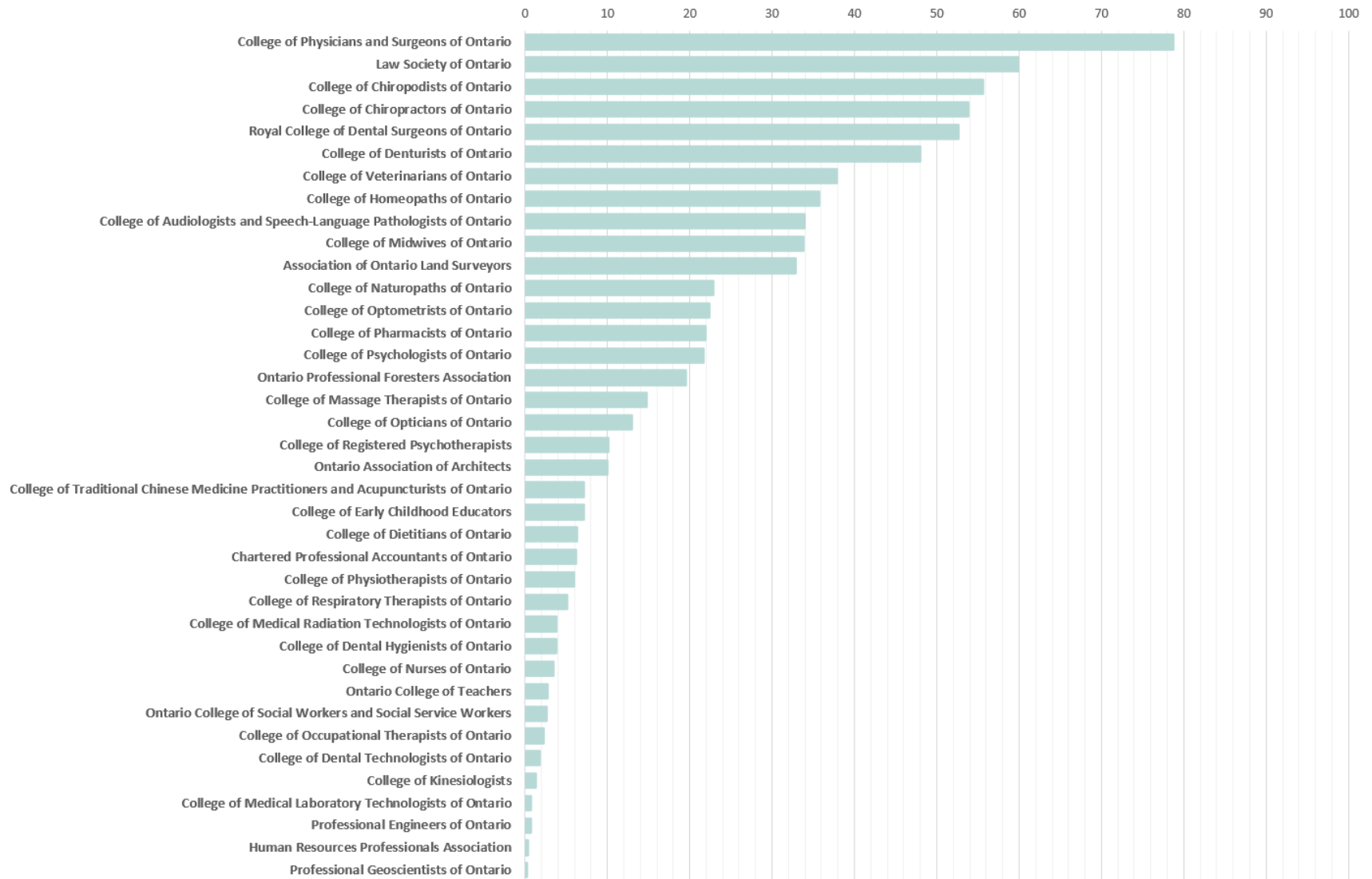
That HRPAs will assist potential complainants in formulating a proper complaint (without crossing the line of taking sides or appearing to take sides).

**Registrants, complaints, and complaint rate per 1000 registrants for Ontario Professional Regulatory Bodies in 2019–2020**

<b>Regulatory Body</b>	<b>Registrants</b>	<b>Complaints</b>	<b>Rate per 1000</b>
College of Physicians and Surgeons of Ontario	44,223	3,483	78.76
Law Society of Ontario	66,560	3,987	59.90
College of Chiropodists of Ontario	755	42	55.63
College of Chiropractors of Ontario	5,109	275	53.83
Royal College of Dental Surgeons of Ontario	10,571	557	52.69
College of Denturists of Ontario	749	36	48.06
College of Veterinarians of Ontario	5,124	194	37.86
College of Homeopaths of Ontario	587	21	35.78
College of Audiologists and Speech-Language Pathologists of Ontario	4,240	144	33.96
College of Midwives of Ontario	1,004	34	33.86
Association of Ontario Land Surveyors	637	21	32.97
College of Naturopaths of Ontario	1,704	39	22.89
College of Optometrists of Ontario	2,678	60	22.40
College of Pharmacists of Ontario	22,100	485	21.95
College of Psychologists of Ontario	4,508	98	21.74
Ontario Professional Foresters Association	970	19	19.59
College of Massage Therapists of Ontario	14,964	222	14.84
College of Opticians of Ontario	3,162	41	12.97
College of Registered Psychotherapists	7,387	75	10.15
Ontario Association of Architects	7,447	75	10.07
College of Traditional Chinese Medicine Practitioners of Ontario	2,516	18	7.15
College of Early Childhood Educators	57,597	411	7.14
College of Dietitians of Ontario	4,239	27	6.37
Chartered Professional Accountants of Ontario	97,121	610	6.28
College of Physiotherapists of Ontario	10,544	63	5.97
College of Respiratory Therapists of Ontario	3,703	19	5.13
College of Medical Radiation Technologists of Ontario	11,084	43	3.88
College of Dental Hygienists of Ontario	14,488	56	3.87
College of Nurses of Ontario	188,697	660	3.50
Ontario College of Teachers	224,168	625	2.79
Ontario College of Social Workers and Social Service Workers	23,831	63	2.64
College of Occupational Therapists of Ontario	6,473	15	2.32
College of Dental Technologists of Ontario	548	1	1.82
College of Kinesiologists	2,924	4	1.37
College of Medical Laboratory Technologists of Ontario	6,738	5	0.74
Professional Engineers of Ontario	84,744	60	0.71
<b>Human Resources Professionals Association</b>	<b>21,957</b>	<b>9</b>	<b>0.41</b>
Professional Geoscientists of Ontario	3,694	1	0.27



## Number of complaints per 1000 registrants for Ontario professional regulatory bodies 2019-2020



## Special report: 2021 HRPAs Member and Student surveys— Questions relating to professional regulation

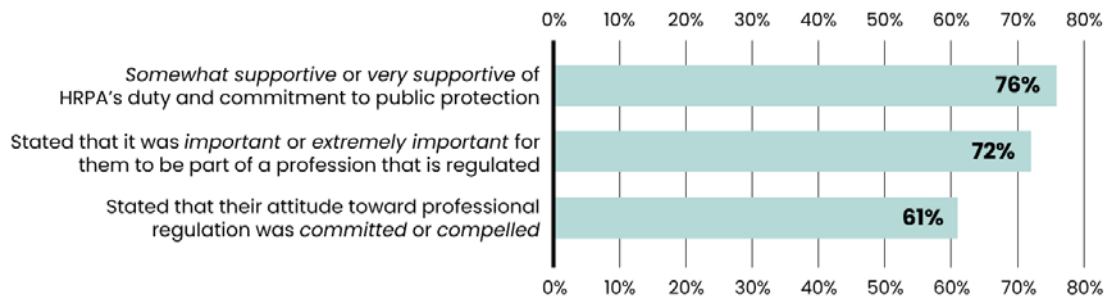
The data reported below were previously published on HRPAs website. This section describes some highlights. Some questions relating to professional regulation were asked in Part 1 of the Member and Student Survey and some were asked in Part 2 of the Member and Student Survey. Readers wishing to find out more are directed to these reports.

[https://hrpa.s3.amazonaws.com/uploads/2021/05/2021\\_Annual\\_Member\\_and\\_Student\\_Survey\\_Results.pdf](https://hrpa.s3.amazonaws.com/uploads/2021/05/2021_Annual_Member_and_Student_Survey_Results.pdf)

<https://hrpa.s3.amazonaws.com/uploads/2021/07/HRPA-2021-Regulatory-Survey-Report.pdf>

Overall, the self-reported support for professional regulation was generally positive, but there are nuances and complexities to registrant attitudes towards professional regulation that are not entirely well understood.

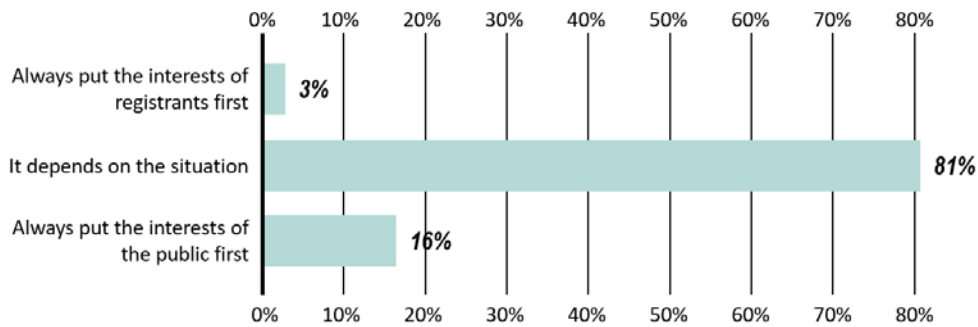
### Overall self-reported support for professional regulation



- 76% of respondents stated that they were *somewhat supportive or very supportive* of HRPAs statutory duty and commitment to protect the public
- 72% of survey respondents indicated that it was *important or extremely important* for them to be part of a profession that is regulated
- 61% of survey respondents indicated that they were *committed to or compelled by* professional regulation

Despite the seemingly strong support for professional regulation though, some responses to other questions provide a slightly different view. Consider, for instance, the responses to the following question.

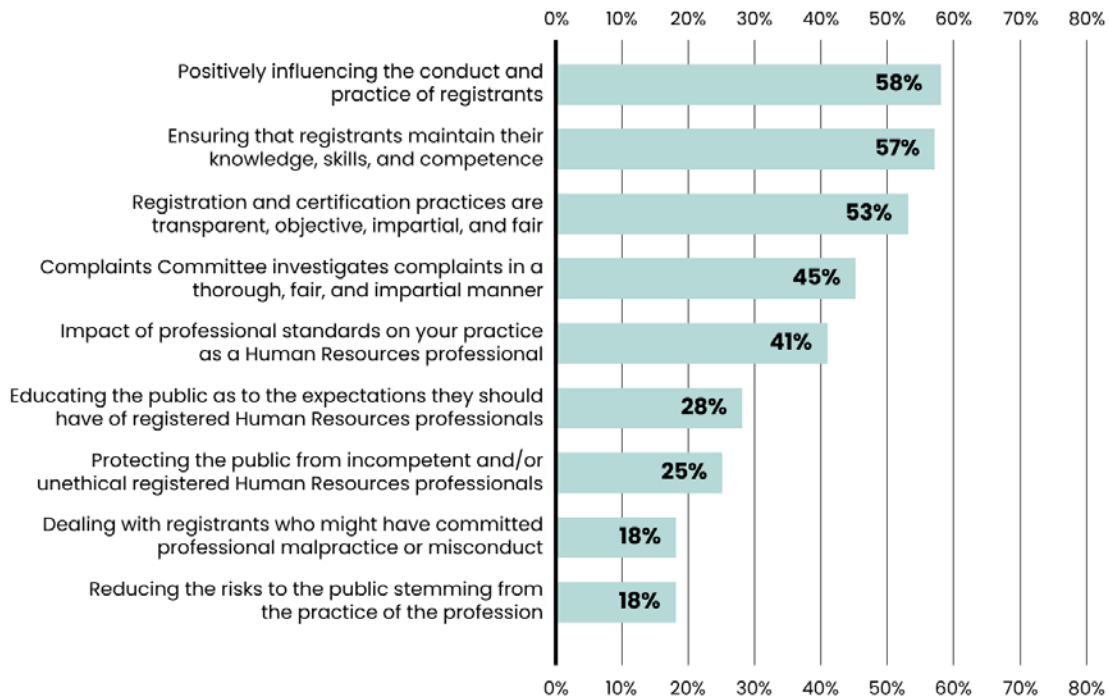
**In such situations where the interests of the members might conflict with the interests of the public, HRPAs should...**



Although it is nice to see that the proportion of respondents who indicated that HRPAs should always put the interests of the public first is much greater than the proportion of respondents who indicated that HRPAs should always put the interests of registrants first, most respondents went for the more non-committal 'it depends' response.

Registrants were also asked several questions on their perceptions of HRPAs' performance as a professional regulatory body. Here again, there were responses that were somewhat puzzling.

**Registrant perceptions of HRPAs' performance as a professional regulatory body...**



For instance, 58% gave a positive response to *positively influencing the conduct and practice of registrants*, and yet only 18% gave a positive response to *reducing the risks to the public stemming*

*from the practice of the profession.* Many regulators would consider these two questions to be highly related. Obviously, survey respondents did not see it that way.

Other responses were also disappointing. Only 45% of survey respondents believed that if a complaint were filed against them, the Complaints Committee would investigate the complaint in a thorough, fair, and impartial manner. Given that very few HRPAs registrants have had any firsthand experience with HRPAs complaints process, one wonders what information was used by respondents to reach this opinion.

Also, only 53% of survey respondents were of the opinion that HRPAs registration and certification practices are transparent, objective, impartial, and fair. And yet, the Office of the Fairness Commissioner has given HRPAs top marks in regard to the transparency, objectivity, impartiality, and fairness of its registration and certification processes. Again, one wonders what information was used by respondents to reach this opinion.

# Public Register

## Q3 Highlights:

- Total registration now stands at 24,391, with 23,890 members and 501 students. Between September 1, 2020, and September 1, 2021, total registration was up by 0.1%.
- As of September 1, 2021, HRPAs had 742 registrants residing in jurisdictions other than Ontario.

**Table 3: Registration by class as of September 1, 2021**

	1-September-20	1-September-21	Net year-over-year gain (Loss)	% year-over-year gain (Loss)	% of total registration
<b>Designated members</b>	<b>14792</b>	<b>15081</b>	<b>289</b>	<b>2.0%</b>	<b>61.8%</b>
CHRE (including CHRE retired)	267	262	-5	-1.9%	1.1%
CHRL (including CHRL retired)	9627	9293	-334	-3.5%	38.1%
CHRP (including CHRP retired)	4898	5526	628	12.8%	22.7%
<b>Undesignated Members</b>	<b>9073</b>	<b>8809</b>	<b>-264</b>	<b>-2.9%</b>	<b>36.1%</b>
Practitioner	8805	8582	-223	-2.5%	35.2%
Allied Professional	268	227	-41	-15.3%	0.9%
<b>Total members</b>	<b>23865</b>	<b>23890</b>	<b>25</b>	<b>0.1%</b>	<b>97.9%</b>
Students	505	501	-4	-0.8%	2.1%
<b>Total registrants</b>	<b>24370</b>	<b>24391</b>	<b>21</b>	<b>0.1%</b>	<b>100.0%</b>
<b>Students as a proportion of registrants</b>	2.1%	2.1%			
<b>Designated members as a proportion of membership</b>	62.0%	63.1%			
<b>Designated members as a proportion of registration</b>	60.7%	61.8%			

**Table 4: Out-of-jurisdiction registration as of September 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
<b>Designated members</b>	<b>14,681</b>	<b>58</b>	<b>62</b>	<b>65</b>	<b>24</b>	<b>6</b>	<b>10</b>	<b>7</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>249</b>	<b>151</b>	<b>400</b>	<b>15,081</b>
CHRE (incl. CHRE retired)	241	3	4	4	2	1	0	0	0	0	0	0	0	14	7	21	262
CHRL (incl. CHRL retired)	9,046	33	37	36	12	5	6	3	2	1	1	3	3	142	105	247	9,293
CHRP (incl. CHRP retired)	5,394	22	21	25	10	0	4	4	0	2	1	0	4	93	39	132	5,526
<b>Undesignated Members</b>	<b>8,478</b>	<b>49</b>	<b>55</b>	<b>33</b>	<b>12</b>	<b>6</b>	<b>9</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>186</b>	<b>145</b>	<b>331</b>	<b>8,809</b>
Practitioner	8,257	45	54	33	12	6	9	5	4	3	5	2	2	180	145	325	8,582
Allied Professional	221	4	1	0	0	0	0	0	0	1	0	0	0	6	0	6	227
<b>Total members</b>	<b>23,159</b>	<b>107</b>	<b>117</b>	<b>98</b>	<b>36</b>	<b>12</b>	<b>19</b>	<b>12</b>	<b>6</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>9</b>	<b>435</b>	<b>296</b>	<b>731</b>	<b>23,890</b>
Students	490	2	1	1	0	1	1	1	0	0	0	0	0	7	4	11	501
<b>Total registrants</b>	<b>23,649</b>	<b>109</b>	<b>118</b>	<b>99</b>	<b>36</b>	<b>13</b>	<b>20</b>	<b>13</b>	<b>6</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>9</b>	<b>442</b>	<b>300</b>	<b>742</b>	<b>24,391</b>



## Regulatory activity coordination and policy formulation

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

### Q3 Highlights:

- Risk-based regulation practice tool updated for Q3, with some improvements from the Q2 assessment.
- CNAR conference presentation finalized.
- Webinar presented to HRPAs registrants regarding Return to Work, with an accompanying Return to Work issue brief.
- Internal stakeholder consultations for CPD were wrapped up in Q3 – a report was developed that details a proposed framework for CPD requirements based on research findings and consultation insights.
- Relationship-building has commenced with CPD software providers – two vendors have provided demos and rough estimates of costs for their services, these figures have informed budget planning for 2022.
- Part 2: Member and Student Survey – Professional Regulation results were analyzed in Q3, a report with key insights from the survey was published on HRPAs website.
- First draft of revised Reinstatement and Re-Achievement Policy completed.

### Governance and Nominating Committee (GNC)

The HRPAs Board of Directors has delegated to the Governance and Nominating Committee (GNC) the responsibility of overseeing regulatory activity at HRPAs.

At the June 18, 2021, meeting of the GNC:

- The GNC ratified HRPAs regulatory committee rosters and approved the appointments of regulatory committee chairs and vice-chairs,
- The Registrar tabled the Board Oversight Report (for HRPAs regulatory committees) which details the initiatives undertaken by the Registrar to ensure that the regulatory committees are performing well.
- For information, the Registrar tabled HRPAs *Fair Registration Practices Report* for 2020 as submitted to the Office of the Fairness Commissioner.
- The Registrar tabled an updated report on the registration of non-residents.

### CNAR Conference

This quarter, the Policy Team finalized the presentation slides that will be presented at the CNAR conference on October 14, 2021, for a one-hour session, with the official session entitled as “Preventing Risks to the Public Before They Happen: Practical Tools for Risk-Based Regulators.

### **Return to Work Webinar and Issue Brief**

Return to Work is a pressing concern for organizations and employees. The HRPA hosted a webinar for HRPA registrants July 7, 2021, on returning to the workplace and re-opening workplaces. The policy team co-presented at this webinar and provided HRPA registrants with an [Issue Brief](#) on the topic.

### **Redeveloping the Continuing Professional Development (CPD) Requirement**

Q3 was dominated by internal stakeholder consultations with staff from HRPA, who experts in their respective areas of CPD provision. They provided valuable insights about the workings of CPD and the impacts our program and policies have on the end-user (designated registrants). Following the consultations, a report was developed that details a proposed framework for new CPD requirements and program changes. The report was based on findings from our research on CPD best practices as well as insights from the internal stakeholder group discussions.

Following the development of the report, a plan was developed to engage our registrant base for their input on the proposed framework requirements. These external consultations are set to begin early in Q4.

Another item on our Q3 agenda was to begin forging relationships with CPD software providers in preparation for next year’s budget and to gain a perspective on market offerings. Two vendors provided costing estimates and demos for their CPD software products – Premier IT and Code & Effect.

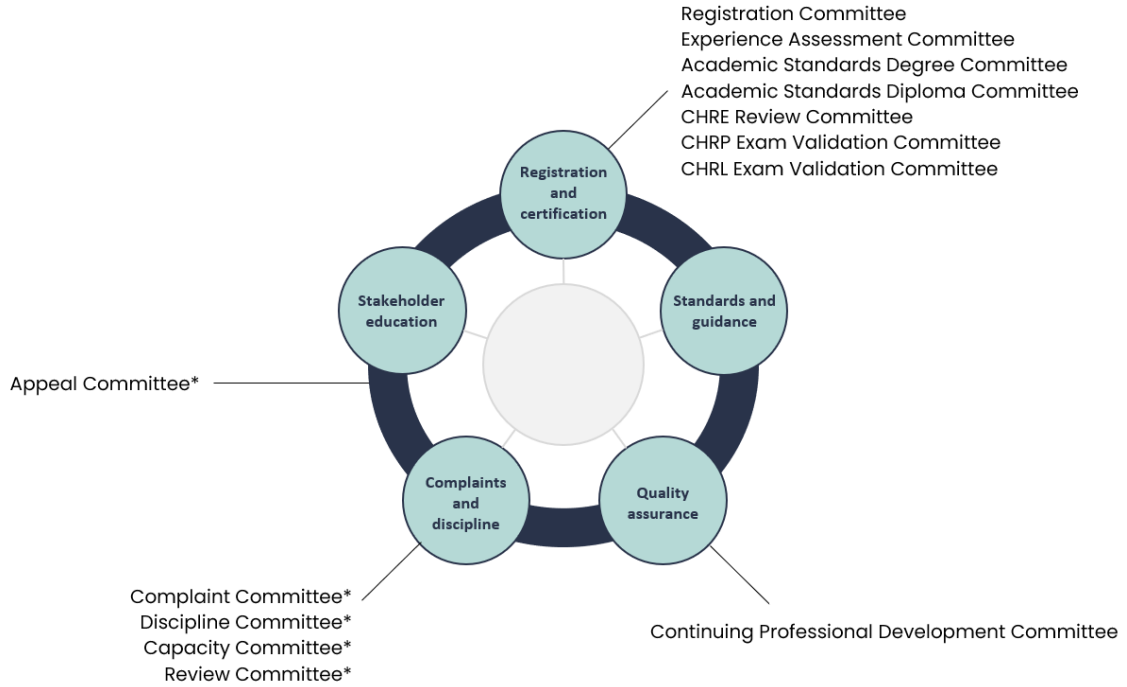
### **Part 2: Member and Student Survey on Professional Regulation**

Following the Member and Student Survey (Part 1) in Q2, the OOTR released a second survey to understand member and student perceptions on HRPA’s regulatory performance and member and student understanding of professional regulation and its’ functions. The report for Part 2 was released in Q3 and is available on HRPA’s public-facing website.



# Regulatory operations

Regulatory operations refer to the day-to-day workings of HRPAs regulatory committees and Office of the Registrar staff.



# 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 certification

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

### Registration

HRPA is unique amongst professional regulatory bodies in Ontario in that it registers non-designated individuals. These individuals are registered in the *Practitioner* or *Allied Professional* registration class. HRP also registers *Students*.

### Q3 Highlights:

- HRP received 667 registration applications. This includes both initial registration as a member and as a student.
- Twenty-two registration applications were flagged for review by the Registration Committee due to a positive response to a good character question.
- In total, nine cases were disposed of by the Registration Committee in Q3, out of which nine applications were approved, three of which with terms and conditions.
- The Associate Registrar approved four applications for registration.
- There are currently three applications that are in the information gathering stage and two individuals withdrew their application for registration.
- Two cases are currently under review, with a decision expected in Q4.
- Two cases are awaiting a panel with a decision expected in Q4.
- In total, 667 applicants were approved for registration and added to the public register in Q3 2021.

### Registration Committee

*Chair: Agnes Ciesla, CHRP, CHRL*

*Vice-Chair: Cindy Zarnett, CHRP, CHRL*

*Staff Support: Melissa Gouveia*

*Independent Legal Counsel: Stephen Ronan, Lerner LLP*

Not all applications for initial registration with HRP are automatically accepted. HRP 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.

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.

**Table 5: Registration Committee Activity\***

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Referral to Associate Registrar/Registration Committee	18	13	21	22		
Approved for registration	20	12	13	13		
Approved with conditions	0	2	1	3		
Awaiting Panel Review	0	1	2	4		
Awaiting supporting documentation	0	0	5	3		
Withdrew application	2	2	1	2		
Not approved	3	0	1	0		

\*The table above gives the activity and decisions of the Registration Committee in Q3 2021. It is to be noted that the numbers are a bit different than those related in Q3 Highlights because they include applications for initial registration which were received before Q3.

**Table 6: Initial registrations in Q3 2021**

	Count	Percent
New registrations as a member	514	78%
New registrations as a student	153	22%
Total new registrations	667	100%

**Table 7: New Registrant Jurisdiction Q3 2021**

	Count	Percent
Ontario	628	94%
International	18	3%
Alberta	3	< 1%
British Columbia	6	< 1%
New Brunswick	2	< 1%
Nova Scotia	1	< 1%
Northwest Territories	1	< 1%
Nunavut	1	< 1%
Quebec	6	< 1%
Saskatchewan	1	< 1%
Total	667	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.

**Table 8: Registration of Individuals Previously Registered with HRP**

	<b>Count</b>	<b>Percent</b>
Previously registered with HRP	4	<1%
Not previously registered with HRP	663	99%
Total new registrations	667	100%

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

**Registration of Firms**

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

**Designations**

HRP 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 from academic institutions for inclusion on HRP’s list of approved courses in fulfillment of HRP’s coursework requirement,
- b. Reviewing course information for courses not included on HRP’s list of approved courses on an individual basis in fulfillment of HRP’s coursework requirement.

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

Individuals with coursework that has not been approved by HRP or that was completed outside of Ontario can apply to have their coursework approved in fulfillment of HRP’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.

### Q3 Highlights:

- We officially welcomed a new Vice-Chair to the Academic Standards Degree Committee: Kate Toth.
- Nine Ministry-approved non-degree HR courses were approved by staff in Q3.
- Nine degree courses submitted by individuals were approved.
- Additionally, three degree courses submitted by an institution in Q3 were reviewed, however none were approved.

### 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.

**Table 9: Institutional courses with Ministry approval**

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Institutional courses with Ministry approval	18	3	7	9		

**Table 10: 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	0	0		
Institutional applications approved	0	0	3	0		

**Table 11: Reviews of individual applications by the Academic Standards (Diploma) Committee**

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

### Academic Standards Degree Committee

*Chair: Julie Aitken Schermer (member of the public)*

*Vice-Chair: Kate Toth, PhD, CHRP, CHRL*

*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.

**Table 12: Reviews of institutional applications by the Academic Standards (Degree) Committee**

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Institutional applications reviewed	24	1	1	3		
Institutional applications approved	18	0	2	0		

**Table 13: Reviews of individual applications by the Academic Standards (Degree) Committee**

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Individual applications reviewed	46	17	5	9		
Individual applications approved	15	0	16	9		

## 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.

- The next administration of Challenge Exams will be held from September 13<sup>th</sup> – 15<sup>th</sup>, 2021.
- There are currently 81 individuals registered for the September 2021 administration.

**Table 14: Challenge Exams Breakdown by Month**

Month	Registrants	Pass	Pass Rate
January 2021	71	48	68%
May 2021	77	51	66%
September 2021	81		

**Table 15: Challenge Exams Breakdown by Subject for the upcoming September 2021 Administration**

Subject	Registrants	Pass	Pass Rate
Training and Development	13		
Compensation	10		
Organizational Behaviour	9		
Finance and Accounting	5		
Recruitment and Selection	11		
Human Resources Management	6		
Human Resources Planning	11		
Occupational Health and Safety	5		
Labour Relations	11		
<b>Total</b>	<b>81</b>		

## Experience Requirement and Alternate Route

### Experience Assessment Committee

*Chair: Michelle Rathwell, CHRP, CHRL*

*Vice-Chair: Elizabeth Blunden, CHRP, 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:



- a. Determining the appropriateness and adequacy of the experience of each applicant to meet the experience requirement for the Certified Human Resources Leader (CHRL) designation.
- b. 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.

**Q3 Highlights:**

- We officially welcomed a new Chair and Vice-Chair to the Experience Assessment Committee; Michelle Rathwell (Chair) and Elizabeth Blunden (Vice-Chair).

**Table 16: Experience Assessment Committee Activity (Validation of Experience)**

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Validation of Experience applications received	163	69	60	57		

**Table 17: Validation of Experience Results Released for Q3 2021**

	Count	Percent
Successful	47	74.6%
Unsuccessful	16	25.4%
Total	63	100%

**Alternate Route**

**Table 18: Experience Assessment Committee Activity (Alternate Route)**

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Alternate Route applications received	129	28	36	27		

**Table 19: Alternate Route Results Released for Q3 2021**

	Count	Percent
Successful	22	81.5%
Unsuccessful	5	18.5%
Total	27	100%

**Designation Exams**

**Q3 Highlights:**

- HRPAs continued to experience significant increases in the number of candidates writing the CHRP Knowledge Exams (CHRP-KE) and the CHRL Knowledge Exams (CHRL-KE), as well as the CHRP and CHRL Employment Law Exams (CHRP and CHRL ELE) in Q3. The CHRP-KE and CHRL-KE

candidate counts were almost double compared to last year at this time. This looks promising for our recovery from the pandemic in 2020.

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).

**Table 20: Q3 2021 Exam Schedule**

<b>Exam</b>	<b>Window</b>	<b>Quarter</b>
CHRP-KE	June 7 -21, 2021	Q3
CHRL-KE	June 28 – July 12, 2021	Q3
CHRP-ELE	May 17-June 4, 2021	Q2/Q3
CHRL-ELE	May 25-June 9, 2021	Q2/Q3

**CHRP Exam Validation Committee**

*Chair: Claire Chester, CHRL*

*Staff Support: Kelly Morris, CHRP, 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 Q3, the CHRP-EVC held the following exam related activities:

- A CHRP-KE Key Validation and Pass Mark Approval session was held in June of 2021.
- A CHRP-ELE Form Approval session was held in July of 2021.
- A new committee member orientation session was held in June of 2021.

The purpose of the Key Validation and Pass Mark Approval sessions is to obtain an agreement on the items that are appropriate for scoring and an agreement as to the appropriateness of the pass mark and pass rate for the CHRP Knowledge Exam written in June of 2021. The CHRP-EVC makes a recommendation to the Registrar to approve the agreed-upon pass mark. The purpose of the Form Approval is to ensure that the final form of the exam does not contain any enemy items and receives one last review before it is administered to candidates.

## **CHRL Exam Validation Committee**

*Chair: Nancy Richard, CHRL*

*Staff Support: Kelly Morris, CHRP, 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 Q3, the CHRL-EVC held the following exam related activities:

- The CHRL-KE Key Validation and Pass Mark Approval session was held in July of 2021.
- The CHRL-ELE Form Approval was held in July of 2021.
- A new committee member orientation session was held in July of 2021.

The purpose of the Key Validation and Pass Mark Approval sessions is to obtain an agreement on the items that are appropriate for scoring and an agreement as to the appropriateness of the pass mark and pass rate for the CHRL Knowledge Exam written in June-July of 2021. The CHRL-EVC makes a recommendation to the Registrar to approve the agreed-upon pass mark. The purpose of the Form Approval is to ensure that the final form of the exam does not contain any enemy items and receives one last review before it is administered to candidates.

## **Technical Reports for Exams**

HRPA publishes the technical reports for the CHRP-KE, CHRL-KE, CHRP and CHRL Employment Law Exams for each administration (e.g., exam window) of the exams. There were four technical reports published in Q3 2021.

- [The CHRP Employment Law Exam – May-June 2021](#)
- [The CHRL Employment Law Exam – May-June 2021](#)
- [The CHRP Knowledge Exam – June 2021](#)
- [The CHRL Knowledge Exam – June-July 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 Q3, the HRPA reviewed and approved a total of 15 accommodation requests for the CHRP and CHRL Knowledge Exam.

The types of accommodations requested include:

- Additional time
- Flexible breaks (stop-the-clock breaks)
- Memory Aid
- Medical devices
- Earplugs
- Glucose monitor using a smart phone
- Desktop whiteboard
- Snacks, drinks and medication available to test-taker while taking their exam
- Ability to read out loud

### **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 June 1, 2021 and August 31, 2021, 319 registrants completed the Job Ready Program and were granted the CHRP designation.

### **CHRE Review Committee**

*Chair: Dennis Concordia, CHRE*

*Vice-Chair: Janet Brooks, CHRL, CHRE*

*Staff Support: Margaret Wilson, CHRP, 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.

### **Q3 Highlights:**

- We officially welcomed a new Chair and Vice-Chair of the CHRE Review Committee: Dennis Concordia (Chair) and Janet Brooks (Vice-Chair).
- At the end of Q3, 262 members held the CHRE designation.
- 6 CHRE applications were reviewed by the CHRE Review Committee in Q3; two were submitted at the end of Q2 and four were submitted in Q3. Five were successful and one was unsuccessful.
- One CHRE applications submitted at the end of Q3 will be reviewed in Q4.

**Table 21: CHRE Review Committee Activity**

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Applications referred to Committee	39	11	11	6		
Designation granted by Committee	7	5	3	5		

The average time from HRP A receiving a CHRE application to a decision being released was 23 days in Q3.

### Issuance of certificates

Certificates are issued for all three levels of designation: CHRP, CHRL, and CHRE. In Q3 certificate issuance commenced in mid-August, and members are scheduled to receive their certificates in September. An email went out to 378 members notifying them that they could expect to receive their certificate during this issuance.

**Table 22: Certificates Issued in 2021**

	CHRP	CHRL	CHRE	Total
February 2021 (Q1) deferred to April 2021 (Q2)	530	102	8	640
May 2021 (Q2)	222	68	5	295
August 2021 (Q3)	318	56	4	378
November 2021 (Q4)				
<b>Total</b>	<b>1070</b>	<b>226</b>	<b>17</b>	<b>1313</b>



## Standards and guidance

### Highlight:

- A consultation framework for the external consultations on the revised Rules of Professional Conduct was developed.
- Two practice guidelines on social media use and fostering mental health in the workplace were submitted to the Professional Standards Committee. The committee provided some feedback but approved the two guidelines to move forward to the Governance and Nominating Committee (GNC).
- A Terminations Checklist and a Practice Standard on Workplace Investigations were drafted and validation by HRPAs HR team and Dean Bernard, who works as an investigator, respectively. The next step will be to submit both guidance documents to the Professional Standards Committee.
- A draft outline for guidance on Racism in the Workplace was created.

### Professional Guidance Updates

Work has continued with respect to developing professional guidance. The first draft for the Terminations Checklist was completed and submitted to HRPAs HR team for validation. The feedback of the HR team was incorporated, and the updated draft was submitted to HRPAs CEO, Louise Taylor Green, for review. Her feedback was also incorporated, and the third draft is now ready for a final review before submission to the Professional Standards Committee.

The first draft for the practice standard on Workplace Investigations was also completed and submitted to Dean Bernard, a professional investigator, for validation. Mr. Bernard's feedback has been incorporated into the draft, which will next be submitted to Louise Taylor Green for review.

Lastly, a draft outline for guidance on Racism in the Workplace was developed. As a next step the outline will be shared with a panel of experts for validation.

### Professional Standards Committee (PSC)

The Professional Standards Committee met on August 12, 2021. The purpose of the meeting was to provide the Committee with an update regarding the Continuing Professional Development (CPD) Refresh project and to review two Practice Guidelines – one for Social Media Use and one for Fostering Mental Health in the Workplace.

With respect to the CPD refresh, the PSC was provided with an overview of the research findings regarding CPD best practices, as well as the basic framework as developed by HRPAs internal project team. This item was for information purposes only to keep the PSC apprised of what is in the pipeline.

The two Practice Guidelines were decision items. Both drafts had been reviewed and validated before submission to the PSC. The Guideline for Social Media Use has been submitted to the Chapter Boards for that purpose, while the Fostering Mental Health in the Workplace Guideline was shared with a variety of mental health organizations. Unfortunately, only the Center for Addiction and Mental Health (CAMH) provided feedback, which was incorporated into the Guideline.

Both Guidelines received approval from the PSC for presentation to the Governance and Nominating Committee (GNC), pending revisions to the draft Guidelines to incorporate feedback from the PSC. The feedback provided centered primarily around creating more white spaces and using tables and other visuals to create more engagement. Additionally, the policy team was asked to add scenarios to the Guidelines to showcase their practical application to real-life situations. All feedback was incorporated, and the Guidelines will be submitted to the GNC in Q4.



## Quality assurance

### Continuing Professional Development Committee

*Chair: Serenela Felea, CHRL*

*Vice-Chair: Sarah Bhairo, CHRP, 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.

### Q3 Highlights:

- We officially welcomed a new Chair and Vice-Chair of the Continuing Professional Development Committee; Serenela Felea (Chair) and Sarah Bhairo (Vice-Chair).
- There were 5275 designated registrants due to submit their CPD Log by May 31, 2021. Of those, 4971 designated registrants have submitted their CPD log as of August 31, 2021.
- The total number of designated registrants who were due to submit their CPD log this year and received an extension was 58 in Q3.

**Table 23: Summary of CPD Activity for 2021**

	Due	Submitted		Extensions	
		Count	Percent	Count	Percent
CHRP	1602	1489	92.9%	23	1.4%
CHRL	3566	3383	94.9%	34	1%
CHRE	107	99	92.5%	1	0.9%
<b>Totals</b>	<b>5275</b>	<b>4971</b>	<b>94.2%</b>	<b>58</b>	<b>1.1%</b>

**Table 24: Continuing Professional Development (CPD) Log Submissions**

	2020	2021*				2021
	Total	Q1	Q2	Q3	Q4	Total
CPD logs due to be submitted	3500	5627	5339	5275		
CPD logs submitted	2920	865	4636	4971		



\*Due to an increase in CPD Extension requests and resignations during Q3, the number of CPD Logs due to be submitted was revised.

### **CPD 2021 Audit**

This year a total of 178 designated registrants were randomly selected for the CPD audit and were notified via email on March 31, 2021. Of the 178 selected for the audit, 144 members have complied with the audit request.

- 92 members passed the audit
- 52 members are required to submit additional information to finalize the audit
- 3 members retired
- 1 member resigned
- 21 members were granted an extension for the audit
- 9 members did not submit their audit documents and are CPD audit non-compliant

The audit review is happening virtually this year due to the pandemic. To support a virtual audit, an online submission platform was utilized by the Committee. Staff support conducted the necessary follow-up on submissions that required additional information to finalize the audit review. The CPD Committee grants staff support authorization to finalize the submissions, provided that the member submits the requested information noted on the audit summary.

### **CPD Pre-Approval**

For Q3, a total of 504 events were pre-approved for CPD. The events can be broken down into four categories:

- HRPAs Chapters
- HRPAs Professional Development Department
- HRPAs Summer Conference
- Third-Party Contract and Program Providers



## 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.

### Q3 Highlights:

- We officially welcomed a new Vice-Chair to the Complaints Committee: Michael Burokas (Vice-Chair).
- Three decisions were issued in Q3.
- Five new complaints were registered in Q3.

**Table 25: Summary of Complaints Activity**

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Referrals to Complaints Committee	9	0	7	5		
Decision issued by Complaints Committee	2	2	2	3		
Average time to dispose of complaint (days)	154	143	185	137		

There were five referrals to the Complaints Committee in Q3, all of which are currently in the information gathering stage. Details of these referrals are listed below:

**Table 26: New Complaints registered in Q3 2021**

<b>Case</b>	<b>Date complaint filed</b>	<b>Nature of allegations</b>	<b>Date of disposition of complaint and decision of Complaints Committee</b>
C-2021-9	June 10, 2021	<p>It is alleged that the member breached the following Rules of Professional Conduct:</p> <p>Division II</p> <p>1. A registrant shall not act in a manner that is dishonest, fraudulent, criminal, or illegal, or with the intent of circumventing the law.</p> <p>Division III</p> <p>4. Under no circumstances, in the practice of Human Resources Management, shall a registrant engage in, or condone:</p> <p>(1) any acts of harassment or intimidation.</p> <p>(2) any acts of physical or psychological violence.</p> <p>(3) any acts of discrimination on the grounds of age, ancestry, colour, race, citizenship, ethnic origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (in housing only), record of offences (in employment only), sex (including pregnancy and breastfeeding) and sexual orientation as noted in the Ontario Human Rights Code.</p> <p>5. A registrant shall not commit acts derogatory to the dignity of the profession. Specifically, registrants should avoid the following:</p> <p>(1) advising or encouraging someone to commit a discriminatory, fraudulent, or illegal act.</p> <p>Division IV</p> <p>A registrant must provide the Association with details of any of the following that relate to the registrant and that occur or arise after the initial registration of the registrant:</p> <p>(1) Any finding of guilt for a criminal offence.</p> <p>(2) Any finding of professional misconduct, incompetence, or incapacity, whether in Ontario or in another jurisdiction, and whether it is in relation to the human resources management profession or another related profession.</p>	TBD

		<p>Chapter IX</p> <p>1. Either as an independent practitioner or as an employee of an organization, a member can be called upon to represent persons or organizations at various labour and employment tribunals and boards including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Ontario Labour Relations Board</li> <li>• Canadian Industrial Relations Board</li> <li>• Human Rights Tribunal of Ontario</li> <li>• Canadian Human Rights Tribunal</li> <li>• Ontario Workplace Safety and Insurance Board</li> <li>• Workplace Safety &amp; Insurance Board Adjudicator Hearings</li> <li>• Ontario Workers Compensation Appeals Tribunal</li> <li>• Grievance Settlement Board</li> <li>• Ontario Pay Equity Hearings Tribunal</li> <li>• Information and Privacy Commissioner</li> </ul>	
C-2021-10	July 5, 2021	<p>It is alleged that the member breached the following Rules of Professional Conduct:</p> <ul style="list-style-type: none"> <li>• Chapter II Division V: Confidentiality,</li> <li>• Chapter II Division III: Dignity in the Workplace</li> <li>• Chapter V: General Duties Toward Employers, Employees, The Profession and the Public,</li> <li>• Chapter VIII: Specific Duties When Managing or Supervising Others,</li> <li>• Chapter II Division I: Competence</li> <li>• Chapter II Division II: Legal Requirements,</li> <li>• Chapter V General Duties Toward Employers, Employees, the Profession, and the Public,</li> <li>• Chapter VI</li> <li>• Chapter VIII: Specific Duties When Managing or Supervising Others</li> </ul>	TBD
C-2021-11	July 5, 2021	<p>It is alleged that the member breached the following Rules of Professional Conduct:</p> <ul style="list-style-type: none"> <li>• Chapter II Division V: Confidentiality,</li> <li>• Chapter II Division III: Dignity in the Workplace</li> <li>• Chapter V: General Duties Toward Employers, Employees, The Profession, and the Public,</li> <li>• Chapter VIII: Specific Duties When Managing or Supervising Others,</li> <li>• Chapter II Division I: Competence</li> <li>• Chapter II Division II: Legal Requirements,</li> </ul>	TBD

		<ul style="list-style-type: none"> <li>• Chapter V General Duties Toward Employers, Employees, the Profession, and the Public,</li> <li>• Chapter VI</li> <li>• Chapter VIII: Specific Duties When Managing or Supervising Others</li> </ul>	
C-2021-12	July 5, 2021	<p>It is alleged that the member breached the following Rules of Professional Conduct:</p> <ul style="list-style-type: none"> <li>• Chapter II Division V: Confidentiality,</li> <li>• Chapter II Division III: Dignity in the Workplace</li> <li>• Chapter V: General Duties Toward Employers, Employees, The Profession, and the Public,</li> <li>• Chapter VIII: Specific Duties When Managing or Supervising Others,</li> <li>• Chapter II Division I: Competence</li> <li>• Chapter II Division II: Legal Requirements,</li> <li>• Chapter V General Duties Toward Employers, Employees, the Profession, and the Public,</li> <li>• Chapter VI</li> <li>• Chapter VIII: Specific Duties When Managing or Supervising Others</li> </ul>	TBD
C-2021-13	July 5, 2021	<p>It is alleged that the member breached the following Rules of Professional Conduct:</p> <ul style="list-style-type: none"> <li>• Chapter II Division V: Confidentiality,</li> <li>• Chapter II Division III: Dignity in the Workplace</li> <li>• Chapter V: General Duties Toward Employers, Employees, The Profession, and the Public,</li> <li>• Chapter VIII: Specific Duties When Managing or Supervising Others,</li> <li>• Chapter II Division I: Competence</li> <li>• Chapter II Division II: Legal Requirements,</li> <li>• Chapter V General Duties Toward Employers, Employees, the Profession, and the Public,</li> <li>• Chapter VI</li> <li>• Chapter VIII: Specific Duties When Managing or Supervising Others</li> </ul>	TBD

Three complaints were disposed of in Q3, please refer to the table below for details.

**Table 27: Complaints Disposed of in Q3 2021**

Case	Date complaint filed	Nature of allegations	Date of disposition of complaint and decision of Complaints Committee
C-2021-1	February 18, 2021	<p>It is alleged that the member breached the Rules of Professional Conduct: Chapter II – Division II</p> <p>3. When advising an employer or client, a registrant shall not knowingly assist in or encourage dishonesty, fraud, crime, or illegal conduct, or instruct the employer or client on how to violate or circumvent the law.”</p> <p>Chapter II - Division III</p> <p>1. A registrant shall: (1) act in such a way as to respect the rights of all individuals involved; (2) act in such a way as to protect the dignity of all individuals involved; (3) ensure that human resources policies and practices respect the rights and protect the dignity of all individuals involved.”</p> <p>3. In the practice of their profession, a registrant shall bear in mind: (1) the importance of work and the work environment for the psychological well-being of individuals; (2) the necessary health and safety measures in the work environment in which the registrant practices his or her profession; (3) the protection of the physical and mental health of the persons under his or her authority or supervision;”</p> <p>4. Under no circumstances shall a registrant engage in, or condone: (1) any acts of harassment or intimidation; (2) any acts of physical or psychological violence; (3) any acts of discrimination on the grounds of age, ancestry, colour, race, citizenship, ethnic origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (in housing only), record of offences (in employment only), sex (including pregnancy and breastfeeding) and sexual orientation as noted in the Ontario Human Rights Code.</p> <p>5. A registrant shall not commit acts derogatory to the dignity of the profession.</p>	<p>July 8, 2021</p> <p>No referral to Discipline. Letter of Caution.</p>

		<p>Specifically, registrants should avoid the following: (1) advising or encouraging someone to commit a discriminatory, fraudulent or illegal act</p> <p>Chapter II - Division V  2. Because of the nature of their role, information is shared with human resources professionals in confidence. In such situations, a registrant must exercise caution:  (1) in dealing with information provided in confidence, a registrant must be guided by the desire to find a resolution that is acceptable to all parties. If a registrant believes that he or she cannot play a constructive role in the matter, the registrant must inform the party or parties that this is the case</p> <p>Chapter IV – Division I  1. A registrant must understand that while they may be employed or retained by one concern, he or she has a duty to parties other than their employer or their client.  (1) A registrant must respect the dignity of all individuals.  (2) A registrant must respect the legal rights of all employees, including the rights of individuals who were previously employees of an organization and those pursuing employment with an organization;  Page 8 of 26 HRP A Rules of Professional Conduct  (3) In adversarial situations or in situations with competing interests, a registrant is required to always act in good faith towards all parties.  (4) When a registrant is engaged to act as a mediator, whether formally or informally, the registrant shall act in an impartial and unbiased manner</p> <p>2. A registrant shall be honest and forthright in representing their professional status. Pursuant to the <i>Registered Human Resources Professionals Act, 2013</i>, it is an offence to use the title Certified Human Resources Professional, Certified Human Resources Leader and/or Certified Human Resources Executive or the initials CHRP, CHRL and/or CHRE unless one has been granted the designation(s) and has</p>	
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		<p>maintained the right to use the designation(s).”</p> <p>Chapter V</p> <p>1. A registrant shall avoid any behaviour that would be unbecoming of a registrant of a profession. The registrant shall, in particular, act with courtesy and respect toward employers, employees, registrants of other professions, other registrants of the Association and the public.</p> <p>2. A registrant shall not, with respect to whomever is in relation with him or her in the practice of his or her profession, breach another person’s trust, voluntarily mislead another person, betray another person’s good faith or use unfair practices.</p> <p>3. A registrant shall avoid any attitude or method which could harm the reputation of the profession and his or her proficiency to serve the public interest. The registrant shall also avoid discriminatory, fraudulent or illegal practices and shall refuse to participate in such practices.</p> <p>4. A registrant shall not, in any case, be guided by greed.</p> <p>5. A registrant shall try to establish a relationship of mutual trust between himself or herself and the employer or client. To that end, the registrant shall in particular respect the personal values and convictions of the employer or client.</p> <p>6. A registrant shall refrain from intervening in the personal matters of employers or clients on issues that are not relevant to the profession and that are not relevant to the reasons for which the employer or client gave him or her the engagement.</p> <p>7. A registrant shall recognize at all times the employer’s or client’s right to consult another registrant of the Association, a registrant of another professional Association or any other competent person.</p> <p>8. If the good of the employer or client so requires, a registrant must, with the employer’s or client’s authorization, consult</p>	
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		<p>another registrant of the Association, a registrant of another professional Association, or any other competent person, or refer the employer or client to one of these persons.</p> <p>9. A registrant shall display reasonable availability and diligence.</p> <p>Chapter VI</p> <p>1. A registrant shall avoid any behaviour that would be unbecoming of a registrant of a profession. The registrant shall, in particular, act with courtesy and respect toward employers, employees, registrants of other professions, other registrants of the Association and the public.</p> <p>2. A registrant shall not, with respect to whomever is in relation with him or her in the practice of his or her profession, breach another person's trust, voluntarily mislead another person, betray another person's good faith or use unfair practices.</p> <p>3. A registrant shall avoid any attitude or method which could harm the reputation of the profession and his or her proficiency to serve the public interest. The registrant shall also avoid discriminatory, fraudulent or illegal practices and shall refuse to participate in such practices.</p> <p>4. A registrant shall not, in any case, be guided by greed.</p> <p>5. A registrant shall try to establish a relationship of mutual trust between himself or herself and the employer or client. To that end, the registrant shall in particular respect the personal values and convictions of the employer or client.</p> <p>6. A registrant shall refrain from intervening in the personal matters of employers or clients on issues that are not relevant to the profession and that are not relevant to the reasons for which the employer or client gave him or her the engagement.</p> <p>7. A registrant shall recognize at all times the employer's or client's right to consult another registrant of the Association, a</p>	
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		<p>registrant of another professional Association or any other competent person.</p> <p>8. If the good of the employer or client so requires, a registrant must, with the employer's or client's authorization, consult another registrant of the Association, a registrant of another professional Association, or any other competent person, or refer the employer or client to one of these persons.</p> <p>9. A registrant shall display reasonable availability and diligence.</p>	
C-2021-2	March 3, 2021	<p>It is alleged that the member breached the Rules of Professional Conduct by:</p> <ol style="list-style-type: none"> <li>1. Competence,</li> <li>2. Legal requirements,</li> <li>3. Dignity in the workplace,</li> <li>4. Balancing of interests,</li> <li>5. Conflict of interest</li> </ol>	<p>August 5, 2021</p> <p>Withdrawal of complaint accepted, no need to further investigate.</p>
C-2021-3	April 12, 2021	<p>It is alleged that the member breached the Rules of Professional Conduct by:</p> <ol style="list-style-type: none"> <li>1. Professional Growth and Support of Other Professionals</li> <li>2. Dignity in the Workplace</li> <li>3. Balancing Interest</li> </ol>	<p>August 5, 2021</p> <p>No referral to Discipline. Letter of Caution.</p>

### **Discipline Committee**

*Chair: Lynne Latulippe, (member of the public)*

*Vice-Chair: Steven Lewis, LL.B, Allied Registrant*

*Staff Support: Margaret Wilson, CHRP, 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.

### Q3 Highlights:

- We officially welcomed a new Chair and Vice-Chair to the Discipline Committee: Lynne Latulippe (Chair) and Steven Lewis (Vice-Chair).
- There were no referrals to the Discipline Committee in Q3.

**Table 28: Discipline Committee Activity**

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

### Capacity Committee

*Chair: Lynne Latulippe, (member of the public)*

*Vice-Chair: Steven Lewis, LL.B, Allied Registrant*

*Staff Support: Margaret Wilson, CHRP, 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:

- Determine whether a member or student is incapacitated.
- 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.

### Q3 Highlights:

- We officially welcomed a new Chair and Vice-Chair to the Capacity Committee: Lynne Latulippe (Chair) and Steven Lewis (Vice-Chair).
- There were no capacity hearings conducted in Q3.

**Table 29: Capacity Committee Activity**

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

## Review Committee

*Chair: Damienne Lebrun-Reid, LL.B (member of the public)*

*Vice-Chair: Graham Stanclik, CHRP, CHRL, CPM*

*Staff Support: Margaret Wilson, CHRP, 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.

### Q3 Highlights:

- We officially welcomed a new Vice-Chair to the Review Committee: Graham Stanclik (Vice-Chair).
- There were two notices of disclosure in Q3. There were no decisions issued by the Review Committee in Q3.

**Table 30: Review Committee Activity\***

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Notices of bankruptcies or insolvency events	3	1	1	2		
Decisions issued by the Review Committee	1	1	2	0		

\*While the Review Committee reviews all bankruptcy or insolvency events involving members of HRP, the Registration Committee is seized with considering bankruptcy or insolvency events of applicants for registration as part of the Good Character requirement.



## Appeal

### Appeal Committee

*Chair: Melanie Kerr, CHRL*

*Vice-Chair: Maureen Quinlan, LL.B (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.

### Q3 Highlights:

We officially said goodbye to three of our committee members: Kimberly Pepper, Melissa Lujan, and Theresa Ryall. Kimberly served on the Appeal Committee for nine years, 3.5 of them as Chair of the Committee. She’s overseen (and seen) a lot during her tenure and has shared her knowledge with those learning how to be panel chairs and decision writers. Melissa and Theresa were with us for two years and chose to leave the committee prior to the end of their term due to personal reasons. During their tenure they provided valuable insight and expertise on a number of appeals.

Two decisions were issued this quarter, both regarding the Appeal Committee’s jurisdiction over an appeal. Jurisdiction for the Appeal Committee is set out in the By-laws. Upon review of the By-laws and in consultation with Independent Legal Counsel, the panel determined that the Committee did not have jurisdiction in two matters:

- One appeal pertained to a decision of the Registrar to revoke a designation and membership.
- One appeal pertaining to a decision of the CHRL Exam Validation Committee and how the functional cut score was finalized.

Since the panel determined the Committee did not have jurisdiction, both appeals were dismissed.

Three new appeals were filed in Q3: one against the Experience Assessment Committee in regard to the assessment of an Alternate Route application, one against the Complaints Committee, and one against the Registrar. The appeal against the Registrar is one not typically seen: the appellant is appealing an aspect of the Continuing Professional Development log. The appellant would like the Registrar to allow a course that was taken during the dates of a previous CPD cycle to be carried over to the next CPD cycle. The course hours were not needed for the previous cycle. Since the course dates fall outside of the current CPD cycle, the appellant would like an exemption to be made to use the course in the current CPD cycle.

**Table 31: Appeal Committee Activity**

	2020	2021				2021
	Total	Q1	Q2	Q3	Q4	Total
Number of appeals filed*	11	5	2	3		
Settled via the Alternate Resolution Process	8	0	0	0		
Decisions issued by the Appeal Committee	5	1	6	2		

\*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.

**Table 32: Q3 2021 Appeal Committee Activity**

	<b>Date Appeal Filed</b>	<b>The Nature of the Appeal</b>	<b>The Outcome of the Appeal</b>
A-2021-06	March 30, 2021	The Registrar made an error in revocation. CHRP designation should be reinstated without meeting any additional requirements.	The Committee Chair and Vice-Chair decided to strike a panel to review whether the Committee had jurisdiction over the appeal. The panel met in April 2021. The panel decided they needed more information from HRP. The panel met in June 2021 and issued a <i>Notice of Intention to Dismiss</i> to the appellant and HRP. A follow-up was held in July 2021. A decision was issued in August 2021 stating that the Appeal Committee does not have jurisdiction over the appeal.
A-2021-07	April 1, 2021	The CHRL Exam Validation Committee's functional cut scores for the March 2021 sitting of the CHRL Knowledge Exam is incorrect.	The Committee Chair and Vice-Chair decided to strike a panel to review whether the Committee had jurisdiction over the appeal. The panel met in May 2021 and issued a <i>Notice of Intention to Dismiss</i> to the appellant and HRP. A follow-up panel was held in July 2021. A decision was issued in August 2021 stating that the Appeal Committee does not have jurisdiction over the appeal.
A-2021-08	June 23, 2021	The Registrar should allow a course that was taken during the dates of a previous CPD cycle to be carried over to the next CPD cycle. The course hours were not needed for the previous cycle. Since the course dates fall outside of the current CPD cycle, the appellant would like an exemption to be made to use the course in the current CPD cycle.	A panel will be meeting in September 2021 to review the request for appeal.
A-2021-09	August 5, 2021	The Experience Assessment Committee made an error in assessment on an Alternate Route application.	The appeal is currently with HRP for response.
A-2021-10	August 5, 2021	The Complaints Committee did not fully assess all documents and failed to consider the correct facts.	The appeal is currently with HRP for response.

**Table 33: Breakdown of Appeal Decisions**

<b>Appeal Outcomes</b>	<b>Count</b>
Total number of requests for appeal received June 1, 2021 and August 31, 2021	3
Total number of appeals settled via the Alternate Resolution Process	0
Total number of final appeal decisions released June 1, 2021 and August 31, 2021	2*
Decisions upholding the original decision	0
Decisions overturning the original decision	0
Appeal declined on jurisdictional grounds	2*

\*The two decisions issued in Q3 were in regard to whether the Appeal Committee had jurisdiction over the appeal. Since the Appeal Committee had no jurisdiction, a decision was not rendered on the actual appeal.

\*\*In Q3, the average time to decision was 120 days. This is a little longer than usual as two appeals went through a jurisdiction review by the Appeal Committee.





## 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 Q3, a *Regulatory Affairs* Newsletter was published on July 5, 2021. The next publication will be in Q4 on October 11, 2021.

## Trend and Issues in Professional Regulation

Three significant developments in the professional regulation sector in Q3 2021.

1. A review of vulnerabilities to systemic racism and discrimination within the engineering profession and activities overseen by Professional Engineers Ontario (PEO),
2. Law Society of BC appoints Harry Cayton for governance review, and
3. The Office of the Superintendent of Professional Governance (OSPG) in BC begins operations

### **A review of vulnerabilities to systemic racism and discrimination within the engineering profession and activities overseen by Professional Engineers Ontario (PEO)**

Professional Engineers Ontario (PEO) established an Anti-Racism and Anti-Discrimination Exploratory Working Group (AREWG) on November 20, 2020. Its mandate included scoping vulnerabilities to systemic racism and discrimination within the engineering profession and within the range of activities overseen by PEO. In addition, AREWG is tasked with proposing best-practice methodologies for identifying, studying and addressing any such vulnerabilities that exist.

PEO retained two external consultants with expertise in the area of anti-racism and anti-discrimination to explore vulnerabilities and provide recommendations on how best to address those vulnerabilities. In April 2021, the expert consultants produced a report, entitled "[Anti-Racism and Anti-Discrimination: A Bridge to PEO's More Successful Future](#)".

PEO Council has made the decision to release the Report to the public in the interest of transparency and consistency with other reports – notably the 2019 External Regulatory Review lead by Harry Cayton of the Professional Standards Authority (PSA) to assess the performance of PEO against its statutory and legislative requirements, its internal policies and the Standards of Good Regulation. PEO plans to share the report with the Office of the Fairness Commissioner (OFC) and the Attorney General of Ontario (AGO), both of whom will be invited to comment on the Report's contents.

The Report has identified a few key risks that exist within the scope of the regulator, including matters in the wider profession and matters at the PEO's center. The significance of the risks are based on guidance from the Ontario Human Rights Commission (OHRC) Anti-Racism Policy and related contextual information. Based on the risks identified and recommendations made, PEO has much work to do. However, a path toward a more successful and equitable PEO is possible if appropriate commitments are made and adhered to.

Risks outlined in the report include:

- The lack of policy action and a strategic focus on anti-racism and anti-discrimination.
- The individual experiences of applicants, license holders, employees, volunteers and others.
- The severity of how PEO's approach is perceived including perceived exclusion, lack of cultural sensitivity and EDI competency, elitism, fear and undervaluing Black persons, Indigenous persons and Persons of Colour. In 2019, Harry Cayton made recommendations in his report regarding many of these same issues and risks.

- The lack of disaggregated race-based data.
- The potentially harmful impact, especially as seen through an anti-discrimination and anti-racism lens, of further delays to reforming the licensing process. This risk was also identified in Harry Cayton's review of PEO's regulatory performance in 2019 and it is the subject of a gender audit conducted by University of Toronto's Rotman School of Management.
- PEO's deficiency in meeting its responsibilities, in the context of a matter of serious public importance, as the repository of delegated authority from the Ontario government. PEO has yet to prioritize responding to serious public interest issues, including the growing awareness of systemic racism.
- Other legal and institutional risks associated with PEO not adequately fulfilling its duties concerning human rights and the public interest.

In response to the risks identified, six key recommendations were made:

- Create a Board Committee (the Strategic Anti-Racism Group (SARG)) to embed anti-racism in Council's policy and strategy function.
- Publicly commit to anti-racism starting by releasing the Report publicly.
- Ensure adequate resourcing, expertise and consultations to support the SARG.
- Develop an anti-racism strategy, aligned with the organizational strategy and transformation.
- Achieve quick wins for the strategic plan.
- Commit to key components in principle for the anti-racism strategy.

PEO's Council has tasked the Anti-Racism and Anti-Discrimination Exploratory Working Group with developing an implementation plan for the recommendations contained in the Report.

The bigger picture:

Whether in response to societal concerns or in PEO's case, deficiencies made clear in the 2019 External Regulatory Review, it is clear that racism and discrimination are on regulators' agendas – and rightly so. Professional regulators must ready themselves to seize the opportunity to effect transformational changes that will make them more equitable and successful.

It's important to recognize PEO for taking a crucial first step in identifying and addressing vulnerabilities to racism and discrimination. So often, organizations will react to a 'risk du-jour' simply because it is on their radar. But without the necessary study of the risks and the necessary intention and effort and reasoning for remedial and preventive action, solutions are prone to being mismatched with their risks.

Another commendable action is making the poor results of a review available to the public for transparency and accountability. It will be interesting to follow the progress of PEO's commitment to prioritize solutions that reach marginalized groups within the engineering profession and PEO.

## **Law Society of BC appoints Harry Cayton for governance review**

The Law Society's board has appointed Harry Cayton to conduct an independent review of Law Society governance and how it meets the needs and priorities of a diverse public and legal profession. Cayton's review will examine the Society's governance structure, how it assists or inhibits the delivery of the legal regulator's core purpose and statutory functions, how it enables and supports equity, diversity and inclusion, and whether it achieves best practice in regulatory governance.

Although Harry Cayton and the Professional Standards Authority (UK) are best known for their *Standards of Good Regulation*, they have also developed *Standards of Good Governance*. Harry Cayton has always expressed some ambivalence in regard to governance<sup>2</sup>.

*Over the last twelve years I have looked inside many regulatory organisations, and observed many board and committee meetings, and read an infinity of policies, procedures, mission statements and strategic plans.*

*Quite simply my observation is that the correlation between good performance and good governance is not direct. And that much of what is said about good governance misses the point by concentrating on board and committee procedures rather than on the personal qualities, skills and behaviours of board members.*

*Good governance should be a means to achieve organisational ends. It's an input not an outcome. Good governance can really only be assessed by measuring good outcomes. Outcomes are delivered by staff not board members but the quality of decisions by boards affects those outcomes.*

Despite these reservations, Harry Cayton and the Professional Standards Authority (UK) have been engaged to specifically review the governance aspects by some professional regulatory bodies. Early pre-2010 versions of the Standards included a fifth *Governance and External Relations* function. Governance did not appear in the 2010 and 2016 versions of the Standards but were used for the 2018 report for the Engineers and Geoscientists of British Columbia and 2018 report for the College of Dental Surgeons of British Columbia.

It is interesting to note the subtle differences in the wording of the individual Standards of Good Regulation across the three versions.

The results of Harry Cayton's review of Law Society governance is expected by the end of 2021.

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<sup>2</sup> Cayton, H., (March 8, 2019). *Does governance matter?* A paper given at the Professional Standards Authority conference.

## PSA Standards of Good Governance

<b>A legislation and governance review conducted for Engineers and Geoscientists British Columbia June 2018</b>	<b>An Inquiry into the performance of the College of Dental Surgeons of British Columbia and the Health Professions Act December 2018</b>	<b>Advisory Governance Review of the Law Society of British Columbia June 2021</b>
<b>Standard 1:</b> the regulator has an effective process for identifying, assessing, escalating and managing risk, and this is communicated and reviewed on a regular basis by the Executive and Council	The regulator has an effective process for identifying, assessing, escalating and managing organizational risks, and this is communicated and reviewed on a regular basis by the senior staff and the Board.	<b>1.</b> The regulator has an effective process for identifying, assessing, escalating, and managing risk of harm, and this is communicated and reviewed on a regular basis by the board and senior staff.
<b>Standard 2:</b> the regulator has legislation, bylaws, policies and procedures that provide a framework within which decisions can be made transparently and in the interests of the public	The regulator has clear governance policies that provide a framework within which decisions can be made transparently and in the interests of patients and the public. It has clear terms of reference for committees and working groups and effective reporting mechanisms.	<b>2.</b> The regulator has clear governance policies that provide a framework within which decisions can be made in-line with its statutory responsibilities.
<b>Standard 3:</b> the regulator has effective controls relating to its financial performance, so that it can assure itself that it has the resources it needs to perform its statutory functions effectively, as well as a financial plan that takes into account future risks and developments	The regulator has effective controls relating to its financial performance, so that it can assure itself that it has the resources it needs to perform its statutory functions effectively, as well as a financial plan that takes into account future risks and developments.	
<b>Standard 4:</b> the Council sets strategic objectives for the organization	The Board sets strategic objectives for the organization.	<b>5.</b> The board sets strategic objectives for the organization and monitors performance and outcomes against those objectives for the legal profession and the public.
<b>Standard 5:</b> the regulator's performance and outcomes for the public are used by the Council when reviewing the strategic objectives of the organization	The regulator's performance and outcomes for patients and the public are used by the Board when reviewing the strategic objectives of the organization.	
<b>Standard 6:</b> the regulator demonstrates commitment to transparency in the way it conducts and reports on its business		<b>3.</b> The regulator demonstrates a commitment to transparency in the way it conducts and reports on its work.

<p><b>Standard 7:</b> the regulator engages effectively with the public</p>	<p>The regulator engages effectively with patients and the public The regulator is transparent in the way it conducts and reports on its business.</p>	<p><b>4.</b> The regulator engages appropriately and effectively with the legal profession and the public.</p>
		<p><b>6.</b> The board takes account of equality, diversity, and inclusivity in its decision-making.</p>
<p><b>Standard 8:</b> the Council has effective oversight of the work of the Executive</p>	<p>The Board has effective oversight of the work of the senior staff and effective reporting to measure performance.</p>	<p><b>7.</b> The board has appropriate and effective oversight of the operations of the organization.</p>
<p><b>Standard 9:</b> the Council works effectively, with an appropriate understanding of its role as a governing body and members' individual responsibilities</p>	<p>The Board works cooperatively, with an appropriate understanding of its role as a governing body and members' individual responsibilities.</p>	<p><b>8.</b> The board works corporately, with an appropriate understanding of its role as a governing body and of members' individual responsibilities.</p>

## The Office of the Superintendent of Professional Governance (OSPG) in BC begins operations

The establishment of the Office of the Superintendent of Professional Governance (OSPG) in BC is a most interesting development for professional regulation in Canada. The Office of the Superintendent of Professional Governance (OSPG) was established as a ‘regulator of regulators.’ The OSPG was established on June 1, 2019, through a regulation under the *Professional Governance Act* (PGA). The PGA was developed out of the recommendations in the 2018 *Professional Reliance Review*, which focused on regulatory bodies that incorporate professional reliance in the Natural Resource Sector (NRS). The *Professional Governance Act* came fully into force as of February 5, 2021, and with that the Office of the Superintendent of Professional Governance (OSPG) began operations in earnest.

There are currently five professional regulatory bodies named in the *Professional Governance Act* (PGA). The Architectural Institute of BC (AIBC) will transition to the PGA in early 2022. However, the intent would be that all new professions in BC would also fall under the *Professional Governance Act* (PGA). This means, for instance, that if Human Resources were ever to become a regulated profession in BC, it would very likely be under the *Professional Governance Act* (PGA) and thus subject to oversight by the OSPG.

<b>Professional regulatory body</b>	<b>Number of registrants</b>
Association of BC Forest Professionals (ABCFP)	5,500 registrants
Applied Science Technologists and Technicians of BC (ASTTBC)	10,200 registrants
BC Institute of Agrologists (BCIA)	1,800 registrants
College of Applied Biology (CAB)	2,800 registrants
Engineers and Geoscientists BC (EGBC)	40,000 registrants

The Achilles Heel of self-regulation as an approach to professional regulation is regulatory capture. Regulatory capture refers to the situation where a regulatory body begins to prioritize the interests of the regulated above of those of the public. Governments, media, and the public have grown increasingly skeptical of the ability or willingness of professional regulatory bodies to put the public interest first.

Governments have tried a number of approaches:

- **Transparency requirements**—with the idea that public access to professional regulatory body decision-making would reduce self-serving decisions,
- **Assessment based approaches**—with the idea that keeping a closer eye on the activities of professional regulatory bodies and making assessment results public would spur professional regulatory bodies to act in the public interest,
- **Governance reform**—with the idea that boards and committees with balanced representation between members of the profession and members of the public would reduce regulatory capture.

Of late, governments seem to have resorted to stronger medicine:

- **Reinforce focus on public protection mandate**—in Alberta, the government has mandated the end to dual mandate professional organizations for health professions.
- **Establishing a regulatory body for professional regulatory bodies**—the establishment of the Office of the Superintendent of Professional Governance (OSPG) may represent the strongest medicine yet.

Although most professional regulatory bodies had always been accountable to a minister, the OSPG represents a new level of oversight that really doesn't exist elsewhere in Canada. The OSPG uses the same processes to regulate professional regulatory bodies that it expects professional regulatory bodies to use in regulating their registrants.

It is possible to establish a close correspondence between regulatory processes used by the OSPG to regulate the professional regulatory bodies under its oversight and the regulatory processes used by professional regulatory bodies to regulate the registrants under their oversight.

<b>What the OSPG will do to ensure that the professional regulatory bodies under its oversight operate in the public interest</b>	<b>What professional regulatory bodies under the oversight of the OSPG are expected to do</b>
<ul style="list-style-type: none"> <li>• Investigating and recommending to Cabinet whether to designate additional professions under this new regulatory framework.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensuring that only competent and ethical individuals are registered by setting and applying registration standards.</li> </ul>
<ul style="list-style-type: none"> <li>• Conducting research and policy development concerning professional governance best practices. This research could result in the development of guidelines to support the regulatory bodies.</li> </ul>	<ul style="list-style-type: none"> <li>• Conducting research into the risks of harm stemming from the practice of the profession. This risk of harm research could result in the development of guidelines to support registrants.</li> </ul>
<ul style="list-style-type: none"> <li>• Issuing guidelines that must be considered by regulatory bodies (e.g., interpretation related to ethical principles under the PGA) (Guidance on professional governance matters can be broad as in the Standards of Good Regulation or can be specific to certain matters such as advocacy.)</li> </ul>	<ul style="list-style-type: none"> <li>• Establishing standards of practice, standards of ethics, and standards of knowledge, skill and competence.</li> </ul>
<ul style="list-style-type: none"> <li>• Providing support and advice where needed on professional governance matters to the regulatory bodies.</li> </ul>	<ul style="list-style-type: none"> <li>• Providing guidance to registrants to assist them in meeting the standards established by the professional regulatory body.</li> </ul>
<ul style="list-style-type: none"> <li>• Receiving complaints or concerns that are about systemic or general matters relating to professional governance by the regulatory bodies it oversees.</li> <li>• Investigating potential breaches of whistleblower protections for those who report hazardous practices and administering fines/penalties.</li> </ul>	<ul style="list-style-type: none"> <li>• Establishing complaints processes.</li> </ul>
<ul style="list-style-type: none"> <li>• Carrying out audits and performance reviews of regulatory bodies and investigations related to professional governance.</li> </ul>	<ul style="list-style-type: none"> <li>• Carrying out practice inspections and other quality assurance programs to ensure that the conduct and practice of professionals under regulation continues to meet the standards established by the professional regulatory body.</li> </ul>



<ul style="list-style-type: none"> <li>• Issuing directives to the regulatory bodies, if necessary, to meet best practices or recommendations resulting from investigations or audits.</li> </ul>	<ul style="list-style-type: none"> <li>• Issuing remedial directives to registrants pursuant to a practice inspection or other quality assurance process.</li> </ul>
<ul style="list-style-type: none"> <li>• In extreme circumstances, appointing a public administrator to take over some or all duties of a regulatory body if considered in the public interest.</li> </ul>	<ul style="list-style-type: none"> <li>• Imposing disciplinary sanctions.</li> </ul>

Of course, there are differences:

- The OSPG has seven professional regulatory bodies that fall under its oversight, the professional regulatory bodies have hundreds or even thousands of registrants,
- The OSPG does not set entrance requirements. However, the OSPG does make recommendations to Cabinet as to whether additional professions should be designated under this new regulatory framework.
- Although the OSPG would be attentive to reports of wrongdoing on the part of one of the professional regulatory bodies under its oversight, the OSPG will rely on audits and performance reviews of regulatory bodies and investigations related to professional governance to ensure that the professional regulatory bodies under its oversight are abiding by the rules and guidance established OSPG in support of the Act.

**So, why does this matter to professions that are not subject to oversight by the OSPG?**

- a. It is concept that might possibly spread to other Canadian jurisdictions (although some may consider this to be unlikely).
- b. The establishment of the OSPG is a proof of concept that the similarities across professional regulatory bodies outweigh the differences. It is possible to establish professional governance rules and guidance that would apply to all professional regulators. In the past, professional regulators tended to think of themselves as unique. The establishment of the OSPG begins to establish the notion that professional regulation is a discipline with a shared body of processes and practices.
- c. Even for those professional regulatory bodies that do not fall under the oversight of the OSPG, the guidance issued by the OSPG may be quite useful. In professional regulation there is no single source of thought leadership or professional governance best practices, so having an organization that conducts research and policy development concerning professional governance best practices and publishes some of this research and policy development in the form of guidance can be quite useful.

Indeed, in the two years since its establishment of the Office of the Superintendent of Professional Governance (OSPG) it has already developed and published several guidance documents for the professional regulatory bodies under its oversight.

- Advocacy
- Declarations of Competence and Declarations of Conflict of Interest

- Duty to Report to Regulatory Bodies
- Firm Regulation
- Practice Rights
- Register
- Regulatory Body Complaint and Discipline
- Information to be Publicly Available
- Standards of Practice
- OSPG Audits, Investigation and Performance Reviews
- OSPG Standards of Good Regulation

The last item is of particular interest. OSPG chose to use the Professional Standards Authority (UK) 2018 Standards of Good Regulation as its model of performance for professional regulatory bodies. Interestingly, the OSPG adapted the Professional Standards Authority’s standards by removing the health-sector specific language and by using Canadian terminology and phrases. The OSPG was conscious that eventually professions outside of the Natural Resource Sector (NRS) could very well be included under the *Professional Governance Act* (PGA).

Now the Professional Standards Authority’s *Standards of Good Regulation* have been used with Canadian professional regulatory bodies before, but this latest translation does demonstrate again how ‘translatable’ these Standards are from health professions to non-health professions and from the UK to Canada and that that the similarities across professional regulatory bodies outweigh the differences.

**Comparing the Office of the Superintendent of Professional Governance (BC) 2021 Standards of Good Regulation to the Professional Standards Authority (UK) 2018 Standards of Good Regulation**

Professional Standards Authority (UK) 2018	Office of the Superintendent of Professional Governance (BC) 2021
General standards	Transparency and accountability
<p><b>Standard one:</b> The regulator provides accurate, fully accessible information about its registrants, regulatory requirements, guidance, processes and decisions.</p>	<p><b>1.</b> Regulatory body provides accurate, accessible information about requirements for registration, standards, guidance, processes and decisions.</p>
<p><b>Standard two:</b> The regulator is clear about its purpose and ensures that its policies are applied appropriately across all its functions and that relevant learning from one area is applied to others.</p>	<p><b>2.</b> Regulatory body is clear about its duty and responsibilities, applies policies appropriately across all functions and avoids inappropriate advocacy.</p>
<p><b>Standard 3:</b> The regulator understands the diversity of its registrants and their patients and service users and of others who interact with the regulator and ensures that its processes do not impose inappropriate barriers or otherwise disadvantage people with protected characteristics.</p>	<p><b>3.</b> Regulatory body applies a diversity and equity lens to processes and policies that impact its registrants and the people they serve.</p>

	<p><b>4.</b> Regulatory body takes action within its operations to support reconciliation with Indigenous peoples, including supporting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).</p>
<p><b>Standard four:</b> The regulator reports on its performance and addresses concerns identified about it and considers the implications for it of findings of public inquiries and other relevant reports about healthcare regulatory issues.</p>	<p><b>5.</b> Regulatory body examines and reports on its own performance, incorporates feedback, lessons learned and best practices across all functions.</p>
<p><b>Standard five:</b> The regulator consults and works with all relevant stakeholders across all its functions to identify and manage risks to the public in respect of its registrants.</p>	<p><b>6.</b> Regulatory body assesses and mitigates risks to the environment or to the health and safety of the public in respect of its registrants.</p>
<b>Guidance and standards</b>	<b>Setting standards of competence and conduct</b>
<p><b>Standard six:</b> The regulator maintains up-to-date standards for registrants which are kept under review and prioritize patient and service user centered care and safety.</p>	<p><b>7.</b> Regulatory body maintains up-to-date standards of professional and ethical conduct, standards of competence, and standards of practice.</p>
<p><b>Standard seven:</b> The regulator provides guidance to help registrants apply the standards and ensures this guidance is up to date, addresses emerging areas of risk, and prioritizes patient and service user centered care and safety.</p>	<p><b>8.</b> Regulatory body provides up-to-date guidance to help registrants apply the standards; the guidance addresses emerging areas of risk and appropriately prioritizes.</p>
<b>Education and training</b>	<b>Education and Continuing Competence</b>
<p><b>Standard eight:</b> The regulator maintains up-to-date standards for education and training which are kept under review, and prioritise patient and service user care and safety.</p>	<p><b>9.</b> Regulatory body maintains up-to-date standards for academic requirements, trainee programs and continuing education programs (CEP) that prioritize public interest protection within the profession and Indigenous reconciliation.</p>
<p><b>Standard nine:</b> The regulator has a proportionate and transparent mechanism for assuring itself that the educational providers and programs it oversees are delivering students and trainees that meet the regulator's requirements for registration, and takes action where its assurance activities identify concerns either about training or wider patient safety concerns.</p>	<p><b>10.</b> Regulatory body works collaboratively with educational providers to support registrants in meeting identified outcomes through education and continuing education.</p>
<b>Registration</b>	<b>Registration</b>
<p><b>Standard ten:</b> The regulator maintains and publishes an accurate register of those who meet its requirements including any restrictions on their practice.</p>	<p><b>11.</b> Regulatory body maintains and makes publicly available an accurate and complete register of professionals.</p>

<p><b>Standard eleven:</b> The process for registration, including appeals, operates proportionately, fairly and efficiently, with decisions clearly explained.</p>	<p><b>12.</b> Regulatory body has a registration process that is transparent, objective, impartial and fair.</p>
<p><b>Standard twelve:</b> Risk of harm to the public and of damage to public confidence in the profession related to non-registrants using a protected title or undertaking a protected act is managed in a proportionate and risk-based manner.</p>	<p><b>13.</b> Regulatory body enforces title and reserved practice based on risk and the response is targeted and proportionate.</p>
<p><b>Standard thirteen:</b> The regulator has proportionate requirements to satisfy itself that registrants continue to be fit to practise.</p>	<p><b>14.</b> Regulatory body confirms registrants continue to be in good standing.</p>
	<p><b>Audit and Practice Reviews</b></p>
	<p><b>15.</b> Regulatory body has a transparent, objective, impartial and fair process for proactively assessing the conduct or competence of its registrants.</p>
<p><b>Fitness to practice</b></p>	<p><b>Complaints and Discipline</b></p>
<p><b>Standard fourteen:</b> The regulator enables anyone to raise a concern about a registrant.</p>	<p><b>16.</b> Anyone can raise a concern about a registrant related to incompetence, professional misconduct, conduct unbecoming a registrant, or a breach of the PGA, its regulations or the regulatory body's bylaws.</p>
<p><b>Standard fifteen:</b> The regulator's process for examining and investigating cases is fair, proportionate, deals with cases as quickly as is consistent with a fair resolution of the case and ensures that appropriate evidence is available to support decision-makers to reach a fair decision that protects the public at each stage of the process.</p>	<p><b>17.</b> Regulatory body's investigation and discipline process is transparent, objective, impartial, fair, and allows for thorough, evidence-based and proportionate responses to complaints.</p>
<p><b>Standard sixteen:</b> The regulator ensures that all decisions are made in accordance with its processes, are proportionate, consistent and fair, take account of the statutory objectives, the regulator's standards and the relevant case law and prioritize patient and service user safety.</p>	<p><b>18.</b> Regulatory body ensures all decisions are made in accordance with its processes and are consistent with the PGA and its statutory objectives, the regulatory body's standards, and relevant case law.</p>
<p><b>Standard seventeen:</b> The regulator identifies and prioritizes all cases which suggest a serious risk to the safety of patients or service users and seeks interim orders where appropriate.</p>	<p><b>19.</b> Regulatory body prioritizes cases to protect the public interest and takes appropriate action.</p>
<p><b>Standard eighteen:</b> All parties to a complaint are supported to participate effectively in the process.</p>	<p><b>20.</b> All parties to a complaint are kept updated on the progress of their cases and can participate effectively in the process where appropriate.</p>