

**Webinar presented by Human Resources Professionals Association
Protecting Workplaces, Employees, and Employers from Risks of Harm HRPAs Shift to Risk-
Based Regulation
November 24, 2021**

If there are allegations/questions of harassment or "toxic" work environment (e.g., Ubisoft), where it may or may not involve HR Professionals, how do you determine the involvement/potential harm for those HR professionals in those scenarios (e.g. the top manager is named in news articles, but not the HR people)?

During the search for potential risks of harms, we used broad search terms and were inclusive of any news articles pertaining to issues in the work environment, including harassment, which could reasonably apply to an HR professional, even if they are not specifically mentioned in the news articles.

Re- Public awareness of regulation. As a regulated professional association that works with businesses and organizations- why does public awareness matter? The public does not engage HR professionals- businesses and organizations do

As a professional regulatory body, our core mandate is public protection. We have defined the public as workplaces, employees and employers – which means business and organizations are covered by our definition of the public. We believe that its important the public is aware of our existence and knows what to expect of an HR professional, and that they have an avenue to lodge a complaint against a registrant should the registrant be acting against HRPAs Rules of Professional Conduct and Code of Ethics.

Additionally, effectively protecting the public – workplaces, employees, and employers – requires partnership and working together with the public to prevent and mitigate risks of harms that could occur.

When was this survey completed?

It depends on which survey we are talking about. There were two surveys issued to all registrants related to identifying potential risks of harms the practice of the profession could pose to the public, which informed our initial risk roster. The first survey was sent in 2015, the other in the first half of 2020. We plan to issue similar surveys in the future, as we want to continue hearing from and working together with our registrants in identifying and mitigating potential risks of harm.

Additionally, we conducted focus groups in the summer of 2020 with employment lawyers, employers and employees, and a representative sample of registrants.

Is being unaware of mental health issues in the workplace an HR issue? Perhaps only when it was drawn to HR's attention?

We're planning to issue some professional guidance in this area in the future but fostering mental health and accommodating employees living with addictions and/or mental illness(es) that HR is aware of or reasonably ought to be aware of can definitely be seen as an HR-related risk of harm.

As soon as signs of addiction or mental illness are noticed, HR professionals should do their due diligence to help maintain a healthy and safe work environment. When signs are noticed, HR can, for example:

- Reach out to the employee to determine if they might need help.
- Offer accommodation where possible and refer employee to resources that could help if they are willing to be provided with them.
- Be open about mental health and addictions in the workplace to foster a supportive, respectful environment.
- Regularly assess risks and hazards in the workplace as it relates to mental health and addictions, including if any workplace factors are contributing to such issues and how they can be addressed.
- Follow their organization's own policies and protocols as it relates to mental health and addictions.
- Be aware of mental illness or issues; be kind and open to help.

What is the plan to educate the public?

We are still working on developing our formal plans, but we will be using a number of tactics, including through channels such as social media, blog posts, videos/interviews, advertisements, and more.

Is there going to be change to designation process?

There are no current plans to change the designation processes. If changes are being considered in the future, we will provide ample notice to all registrants.

Are there current up to date practices that are a risk? Or is this more focused on individuals/organizations that are not progressive in HR?

Risks continue to evolve and change over time, and our goal is to continue to closely monitor for this. This means that some current up-to-date practices could potentially pose risks, and if

so, we will work towards mitigating such risks. Many risks identified could be caused by individuals/organizations that are not progressive, however, anyone can, whether intentionally or not, make mistakes from time to time that pose risks.

The list of top-ten risks was helpful. Will HRPA education in 2022 and beyond be focused on these areas?

Definitely. We are working on professional guidance, resources, and will likely have webinars and other forms of education related to our highest-ranking risks in 2022 and beyond.

Are we balancing our efforts to help ensure productivity, and therefore sustainable success, coupled with great, safe, inclusive, and healthy workplaces?

Yes. Focusing resources on highest-risk areas and working to mitigate and prevent them from happening in the first place goes hand-in-hand with also ensuring productivity in the workplace.

How do you protect the HR professional from an employer who knowingly skirts ethical behaviour and at times may be acting contrary to employment law?

This is a question and concern we hear about a lot, and we know that this Issue can be very challenging for our registrants. We are working on developing some guidance on this in the upcoming year, including through our work in updating our Rules of Professional Conduct and Code of Ethics. There isn't a simple answer, but it is our hope that through raising awareness of HRPA in workplaces/the public, as well as the importance of our Rules and registrants' professional duties in upholding them, that HR professionals will be comfortable in showing their employers the Rules they must uphold which means not skirting or fringing on ethics or illegal conduct.

What benefits do employers have in hiring HRPA members? Legislation changes are usually helpful but what else has been communicated and what can we say to people that were members but left?

By hiring an HRPA member, employers can be assured that:

- They are hiring qualified and skilled HR professionals that are held to the highest standards in Ontario,
- HRPA-member employees can be trusted to practice with integrity and accountability, as they are accountable to HRPA's Rules of Professional Conduct and Code of Ethics,

- If designated by HRP A, the employee has demonstrated the knowledge and skills to keep the workplace safe, prevent harassment and discrimination, and protect the organization's interests, and
- Employees that are members of HRP A are on top of the latest industry trends and pursue ongoing Professional Development programs and education.

Will education for the public focus on differentiating HRP A from other professional associations representing HR professionals?

Public education will focus on raising awareness of HRP A specifically, and the importance of hiring an HRP A-registered member.

What are the possible outcomes of complaints?

The Complaints Committee can take any of the following actions with respect to a complaint:

- Direct that the matter not be referred to the Discipline Committee (this means the complaint has been dismissed)
- Take any action that it considers appropriate in the circumstances, including requiring the Registrant to attend before one or more members of the Panel to receive a caution or admonishment
- Negotiate a tentative settlement agreement between HRP A and the Registrant and refer the agreement to the Discipline Committee for approval
- Direct that the matter be referred, in whole or in part, to the Discipline Committee

We appreciate that being the subject of a complaint can be scary and disconcerting. Please be assured that there are procedural safeguards in place to ensure a fair process and that both parties will be provided with ample opportunity to make submissions and present evidence.