

Registrar’s Report for Q1 2022

February 28, 2022

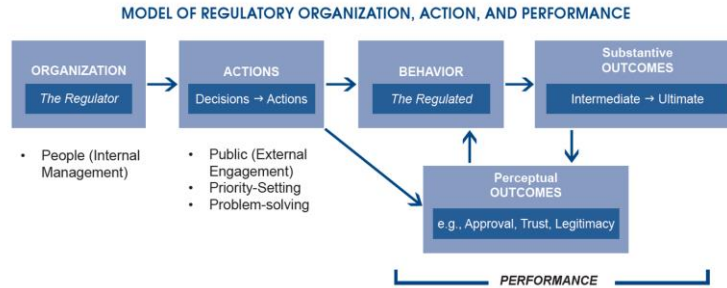
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The Registrar’s Report is produced on a quarterly basis. The Registrar’s Report details regulatory activity for the previous quarter. In addition, the Registrar’s Report includes special reports on pertinent issues and reviews trends and issues in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

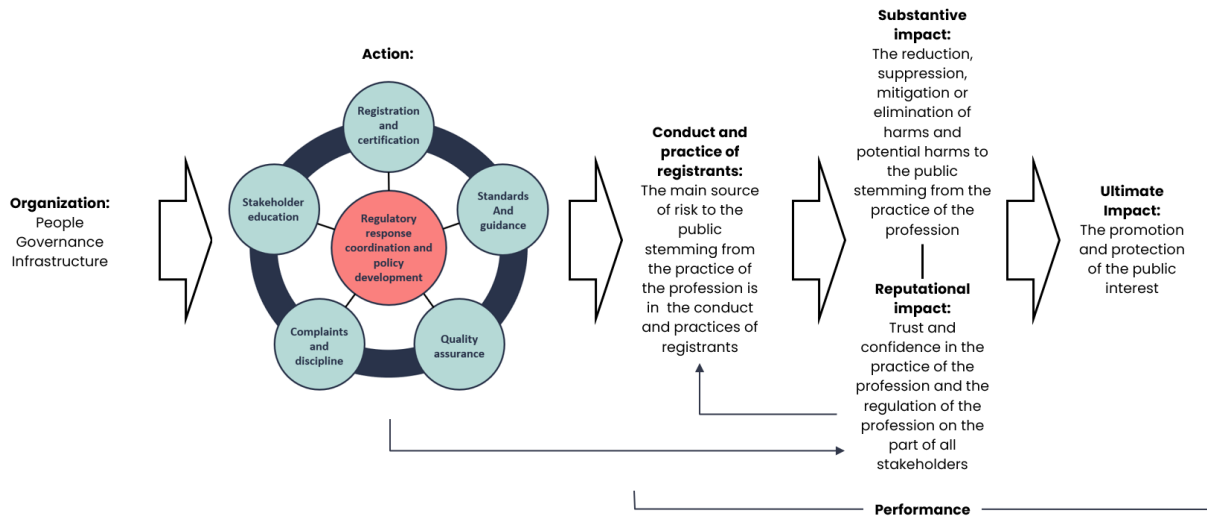
HRPA’s model of regulatory performance

HRPA’s model of regulatory performance is derived from Coglianese’s (2015) *Model of regulatory organization, action, and performance*.



Source: Coglianese, C. (2015). *Listening, Learning, and Leading: A Framework for Regulatory Excellence*. University of Pennsylvania Law School.

HRPA’s model provides more detail on the *action* aspect.



The model is best explained by working back from the ultimate objective or ultimate impact. The ultimate objective of HRPAs regulatory framework is the promotion and protection of the public interest.

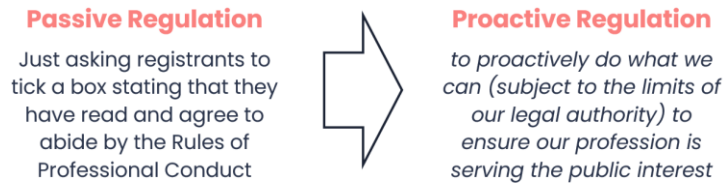
The measure of success for professional regulation

The measure of success for a professional regulatory body is in the extent to which harms and risks of harms to the public stemming from the practice of the profession have been reduced, suppressed, mitigated, or eliminated by the decisions and actions taken by the professional regulatory body. The objective is to maximize the reduction, suppression, mitigation, or elimination of risks to the public stemming from the practice of the profession by minimizing the risks to the public stemming from the practice of the profession.

Risk-based regulation

Risk-based regulation is an approach to professional regulation that aims to maximize the impact of the professional regulatory body by focusing resources on those specific risks of harm which reduction, suppression, mitigation, or elimination would have the most benefit for the public.

Shift from passive regulation to proactive regulation



HRPA and the OOTR are shifting the emphasis from passive regulation to proactive regulation. This is in keeping with the idea of maximizing the reduction, suppression, mitigation, or elimination of harms to the public stemming from the practice of the profession. It is better to prevent a harm from happening than to mitigate the harm once it has occurred.

Proximal outcomes

Professional regulatory bodies minimize the risks to the public stemming from the practice of the profession mainly by having an impact on the conduct and practice of their registrants.

The 'levers' of professional regulation

There are five 'levers' to *regulatory action*, each is focused on having an impact on the conduct and practice of HRPAs registrants, with the intent of protecting the public interest by reducing, suppressing, mitigating, or eliminating of harms or potential harms to the public stemming from the practice of the profession.

To the five 'levers' is a sixth function which is focused on ensuring that regulatory actions and decisions are coordinated such as to achieve maximum impact on the promotion and protection of the public interest by reducing, suppressing, mitigating, or eliminating the risks of harms or potential risks of harms to the public stemming from the practice of the profession.

Registration and certification

To ensure that only individuals with the necessary qualifications are allowed to register with HRPAs and to ensure that only individuals with the necessary qualifications are authorized to perform certain activities

Standards and guidance

To ensure that the profession has the standards required to promote and protect the public interest and the guidance required to help registrants apply the standards.

Quality assurance

To ensure that, once registered, registrants continue to maintain their knowledge, skill, and competence and continue to practice their profession in a way that minimizes the risk to the public.

Complaints, Discipline, Capacity, and Review

Dealing with registrants who may have failed to live up to the standards of the profession to protect the public from any further harm and restore confidence in the profession.

Stakeholder education

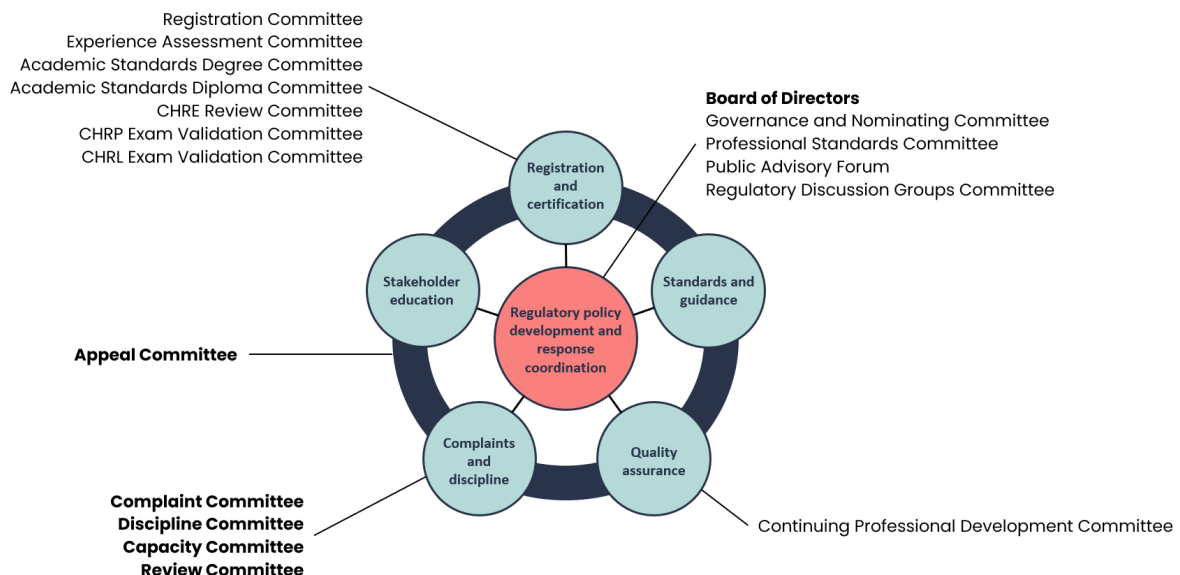
Managing relations with stakeholders in such a way as to develop and maintain public confidence in the profession and in the regulation of the profession.

Regulatory response coordination and policy development

To ensure that regulatory are coordinated such as to achieve maximum impact on the promotion and protection of the public interest by reducing, suppressing, mitigating, or eliminating the risks of harms or potential risks of harms to the public stemming from the practice of the profession.

The role of regulatory committees

Regulatory committees play a variety of roles in making HRPAs regulatory framework work. An essential aspect of self-regulation is that professionals are in the best position to make judgments on the conduct and practice of other professionals. Where such judgments are required, committees are struck. In the case of the statutory committees, the establishment of the committee and the powers and duties of the committee are set out in the Act.



The committees in **bold** are the statutory committees that the Board is required to establish by law
The Academic Standards Degree Committee and the Academic Standards Diploma Committee are soon to be merged into a single committee

Note that there is a difference between policy, and the application of policy. HRPAs regulatory committees (not counting the Board, the Governance and Nominating Committee, and the Professional Standards Committee) are not responsible for policy, HRPAs regulatory committees are responsible for applying policy in a diligent, conscientious, transparent, objective, impartial, and fair manner.



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.

Q1 Highlights:

- A final report for Continuing Professional Development was developed outlining a revised requirements proposal for a reimagined CPD program
 - The report was shared with the Professional Standards Committee. A presentation was made to the Committee for their feedback and approval. The approvals process is currently underway.
- Development is underway for a self-assessment tool, planning tool and evaluation tool for CPD, including corresponding guidance documents.
- Draft outline for guidance on unconscious biases in the workplace has been drafted
- Professional guidance on Social Media Use, Workplace Investigations, Terminations and Fostering Mental Health in the Workplace presented to GNC and approved, with minor edits.
- Reinstatement and Re-achievement Policy proposed revisions presented to GNC and approved, with minor edits.
- Invited and accepted to present at Infonex Conference in June on HRPAs' shift to risk-based regulation.

Inclusion, Diversity, Equity and Access (IDEA)

This quarter, the policy development team has attended an online seminar series on diversity and inclusion, hosted by CNAR. The workshops covered areas including inclusive leadership, measuring success of IDEA initiatives within professional regulatory organizations, and reviewing policies with an inclusion focus. In addition, an IDEA survey is being developed as a first step in establishing HRPAs' baseline for diversity and inclusion. The first survey target audience will be HRPAs' Regulatory Committees, but may eventually include volunteers, and members and students.

Professional Guidance

Following approvals from the Professional Standards Committee, a special GNC meeting was held in December to present professional guidance drafted on four different high-risk practice areas of HR: Social media use, mental health in the workplace, conducting workplace investigations, and terminations. Additionally, proposed revisions to HRPAs' Reinstatement and Re-Achievement Policy were presented.

Staff were delighted that GNC approved all the professional guidance documents and the proposed revisions to HRPAs' Reinstatement and Re-Achievement Policy, with minor edits. The next step will be presenting these documents to the Board of Directors for approvals.

Terms of Reference for HRPAs Statutory and Standing Regulatory Committees

The Office of the Registrar currently supports sixteen statutory and standing regulatory committees. While each committee has its own Terms of Reference, the Terms of Reference follow a standard template and, where appropriate, use the same language to ensure consistency. On a regular basis, the Terms of Reference are reviewed to ensure currency and to determine whether either minor or more significant updates may be needed. During the current review, a variety of housekeeping items that should be addressed were identified for most of the Terms of Reference. Additionally, since the Academic Standards Degree Committee and the Academic Standards Diploma Committee will be combined for the new committee terms starting on June 1, 2022, new Terms of Reference for the combined committee had to be developed. The CHRP Exam Validation Committee as well as the CHRL Exam Validation Committee also had significant changes to their Terms of Reference which included an attendance and participation policy and were submitted to the GNC for approval. Lastly, the Regulatory Discussion Group Committee, in its current model, has functioned without Terms of Reference for the past year, but Terms of Reference have now been developed for approval. The proposed housekeeping changes, as well as the newly developed Terms of Reference for the combined Academic Standards Committee and the Regulatory Discussion Group Committee have been submitted to the Governance and Nominating for approval in Q2.

Changes to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*

On December 2, 2021, the *Working For Workers Act, 2021* received Royal Assent. Under the act, several amendments were made to the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (FARPACTA) that affect all non-health regulators. Specifically, the *Working For Workers Act, 2022* provided the authority to make regulations under FARPACTA in respect of:

- Exemptions from the prohibition relating to Canadian experience
- Language proficiency test requirements
- Registration decision-making timelines
- Registration processes during emergencies

The Ministry of Labour, Training and Skills Development, with the supports of the Office of the Fairness Commissioner, held a series of meetings in January 2022 to ask for input into the proposed regulations. While HRPAs does not have a language proficiency requirement or a Canadian experience requirement, OOTR staff participated in all four meetings and submitted written feedback regarding both the registration decision-making timelines and the exemptions from the prohibition relating to Canadian experience.

Further amendments to FARPACTA, this time relating specifically to the registration of applicants from other provinces, rather than internationally educated professionals, were proposed by the Ontario government in February 2022 and are currently making their way through the legislative process.

Public Register

Q1 Highlights:

- Total registration now stands at 23,611, with 23,240 members and 371 students. Between March 1, 2021, and March 1, 2022, total registration was up by 2.4%.
- As of March 1, 2022, HRPAs had 689 registrants residing in jurisdictions other than Ontario.

Registration by class as of March 1, 2022

	1-Mar-21	1-Mar-22	Net year-over-year gain (Loss)	% year-over-year gain (Loss)	% of total registration
Designated members	14,772	15,162	390	2.6%	64.2%
CHRE (including CHRE retired)	262	255	-7	-2.7%	1.1%
CHRL (including CHRL retired)	9,263	9,163	-100	-1.1%	38.1%
CHRP (including CHRP retired)	5,247	5,744	497	9.5%	24.3%
Undesignated Members	7,821	8,078	257	3.3%	34.2%
Practitioner	7,605	7,846	241	3.2%	33.2%
Allied Professional	216	232	16	7.4%	1.0%
Total members	22,593	23,240	647	2.9%	98.4%
Students (registered but not members)	467	371	-96	-20.6%	1.6%
Total registrants	23,060	23,611	551	2.4%	100.0%
Students as a proportion of registrants	2.0%	1.6%			
Designated members as a proportion of membership	65.4%	65.2%			
Designated members as a proportion of registration	64.0%	64.2%			

Regulatory operations

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



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

	Keeping up with referrals	No backlog	Decisions rendered in a timely manner	Decisions are upheld upon appeal
Registration Committee	●	●	●	●
Academic Standards (Diploma) Committee	●	●	●	●
Academic Standards (Degree) Committee	●	●	●	●
Experience Assessment Committee (Alternate Route)	●	●	●	●
Experience Assessment Committee (VOE Route)	●	●	●	●
CHRE Review Committee	●	●	●	●
Continuing Professional Development Committee	●	●	●	●
Complaints Committee	●	●	●	●
Discipline Committee	●	●	●	●
Capacity Committee	●	●	●	●
Review Committee	●	●	●	●
Appeal Committee	●	●	●	●



Registration and certification

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

Registration

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

Q1 Highlights:

- HRP A received 705 registration applications. This includes both initial registration as a member and as a student.
- 11 registration applications were flagged for review by the Registration Committee due to a positive response to a good character question.
- In total, 1 case was disposed of by the Registration Committee in Q1, out of which one application was approved.
- The Associate Registrar approved five applications for registration.
- There are currently three applications that are in the information gathering stage and one individual withdrew their application for registration.
- One case is awaiting a panel with a decision expected in Q2.
- In total, 689 applicants were approved for registration and added to the public register in Q1 2022.

Registration Committee

Chair: Agnes Ciesla, CHRL

Vice-Chair: Cindy Zarnett, CHRL

Staff Support: Melissa Gouveia

Independent Legal Counsel: Stephen Ronan, Lerner LLP

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

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

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

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

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

Registration Committee Activity*

	2021	2022				2022
	Total	Q1	Q2	Q3	Q4	Total
Referral to Associate Registrar/Registration Committee	65	11				11
Approved for registration	47	6				6
Approved with conditions	7	0				0
Awaiting Panel Review	7	1				1
Awaiting supporting documentation	16	3				3
Withdrew application	7	1				1
Not approved	1	0				0

*The table above gives the activity and decisions of the Registration Committee in Q1 2022. It is to be noted that the numbers are a bit different than those related in Q1 Highlights because they include applications for initial registration which were received before Q1.

initial registration class in Q1 2022

	Count	Percent
Allied Professional	15	3%
Student	134	19%
Practitioner	52640	768%
Total	689	100%

New Registrant Jurisdiction Q1 2022

	Count	Percent
Ontario	655	95%
International	14	<1%
Alberta	7	< 1%
British Columbia	8	< 1%
Manitoba	1	< 1%
Nunavut	1	< 1%
Quebec	3	< 1%
Total	689	100%

Not surprisingly 95% of initial registrations are from Ontario. Interestingly, initial registrations from out of Canada are about equal to initial registrations from other Canadian provinces.

Registration of Individuals Previously Registered with HRP

	Count	Percent
Previously registered with HRP	9	<1%
Not previously registered with HRP	680	99%
Total new registrations	689	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, HRP does require an original equivalency report from WES, ICAS or CES to confirm the institution is accredited and the level of the coursework.

Courses offered within programs under one of the standards (50223, 60223, and 70223) are approved and do not need to be reviewed by the Academic Standards Committee - Diploma. This has reduced the volume of submissions by institutions since 2017, when this was first introduced, and in Q1 there were no Ministry-approved non-degree HR courses submitted for review.

Academic Standards (Diploma) Committee

Chair: Michelle White, CHRP, CHRL

Vice-Chair: TBD

Staff Support: Thomas Callitsis

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

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

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

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

Institutional courses with Ministry approval

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Institutional courses with Ministry approval	18	27	0				

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

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Institutional applications reviewed	0	3	0				
Institutional applications approved	0	3	0				

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

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Individual applications reviewed	9	0	0				
Individual applications approved	9	0	0				

Academic Standards (Degree) Committee

Chair: Julie Aitken Schermer, PhD (member of the public)

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

Staff Support: Thomas Callitsis

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

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

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Institutional applications reviewed	24	6	10				
Institutional applications approved	18	3	8				

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

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Individual applications reviewed	46	32	7				
Individual applications approved	15	26	2				

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

- Challenge Exam were held from February 14th – 18th, 2022
- The next administration of Challenge Exams will be held from May 16th – 20th, 2022.

Challenge Exams Breakdown by Subject for the February 2022 Administration

Subject	Registrants	Pass	Pass Rate
Training and Development	8	7	88%
Compensation	7	7	100%
Organizational Behaviour	8	6	75%
Finance and Accounting	10	4	40%
Recruitment and Selection	14	11	79%
Human Resources Management	12	10	83%
Human Resources Planning	10	4	40%
Occupational Health and Safety	8	7	88%
Labour Relations	10	6	60%
Total	87	62	71%

Note: In addition to the 87 registrants, there were six registrants who were registered for a Challenge Exam, however, did not show up to write their examination. Thus, no score has been reported for these registrants.

Experience Requirement and Alternate Route

Experience Assessment Committee

Chair: Michelle Rathwell, CHRP, CHRL

Vice-Chair: Elizabeth Blunden, CHRP, CHRL

Staff Support: Rina Truong

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

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

Experience Assessment Committee Activity (Validation of Experience)

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Validation of Experience applications received	163	266	47				

Validation of Experience Results Released for Q1 2022

	Count	Percent
Successful	19	72.2%
Unsuccessful	10	27.8%
Total	29	100%

Alternate Route

Experience Assessment Committee Activity (Alternate Route)

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Alternate Route applications received	129	112	36				

Alternate Route Results Released for Q1 2022

	Count	Percent
Successful	9	63%
Unsuccel	6	37%
Total	15	100%

Designation Exams

Q1 Highlights:

- HRP A continues to experience a strong number of candidates writing the CHRP Employment Law Exams (CHRP-ELE) and the CHRL Employment Law Exams (CHRL-ELE) in Q1.
- As of January 1, 2022, the HRP A moved from three exam administrations to two exam administrations per year, for each of the CHRP and CHRL Knowledge Exams and the CHRP and CHRL Employment Law Exams. To ease the transition, HRP A offered a special sitting of both the CHRP and CHRL Employment Law Exams in January of 2022.

Q1 2022 Exam Schedule

Exam	Window
CHRP-ELE	January 5 – 14, 2022
CHRL-ELE	January 19 – 28, 2022

CHRP Exam Validation Committee

Chair: Claire Chester, CHRL

Vice-Chair: Roxanne Chartand, 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 Q1, the CHRP-EVC held the following exam related activities:

- A two-day CHRP-KE Validation sessions was held in December 2021.
- A CHRP-ELE Key Validation and Pass Mark Approval session was held in January 2022.
- A CHRP-ELE Form Approval session was held in January 2022.

Additionally, a meeting with the Chairs of both the CHRP-EVC and the CHRL-EVC was held in January 2022. The CHRP-EVC and the CHRL-EVC Chairs met to discuss the Terms of Reference as well as committee participation and attendance. The Chairs made recommended changes to the Terms of Reference and drafted a committee participation and attendance policy that included expected attendance rates per year along with quorum numbers for each of the exam related activities:

- Validation sessions
- Key Validation sessions
- Pass Mark Approval sessions
- Form Approval sessions

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 Employment Law Exam written in January 2022. The CHRP-EVC makes a recommendation to the Registrar to approve the agreed-upon pass mark. The purpose of the Form Approval session 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. The purpose of the Validation sessions is to review and validate items for future sittings of the CHRP Knowledge Exam. All items were validated by the CHRP-EVC and the committee members were confident that the validated items would form a defensible exam. The Validation sessions were held over two days in December and were done virtually due to COVID-19.

CHRL Exam Validation Committee

Chair: Nancy Richard, CHRL

Vice-Chair: Jennifer King, 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 Q1, the CHRL-EVC held the following exam related activities:

- The CHRL-KE Validation sessions were held in December 2021.
- The CHRL-ELE Key Validation and Pass Mark Approval session was held in January 2022.
- The CHRL-ELE Form Approval was held in January 2022.

Jennifer King was selected as Vice-Chair of the Committee in January 2022.

Additionally, a meeting with the Chairs of both the CHRP-EVC and the CHRL-EVC was held in January 2022. The CHRP-EVC and the CHRL-EVC Chairs met to discuss the Terms of Reference as well as committee participation and attendance. The Chairs made recommended changes to the Terms of Reference and drafted a committee participation and attendance policy that included expected attendance rates per year along with quorum numbers for each of the exam related activities:

- Validation sessions
- Key Validation sessions
- Pass Mark Approval sessions
- Form Approval sessions

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 Employment Law Exam written in January 2022. The CHRL-EVC makes a recommendation to the Registrar to approve the agreed-upon pass mark. The purpose of the Form Approval session 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. The purpose of the Validation sessions is to review and validate items for future sittings of the CHRL Knowledge Exam. All items were validated by the CHRL-EVC and the committee members were confident that the validated items would form a defensible exam. The Validation sessions were held over two days in December and were done virtually due to COVID-19.

Technical Reports for Exams

HRPA publishes the technical reports for the CHRP-KE, CHRL-KE, CHRP and CHRL Employment Law Exams. Technical reports are published for each administration (e.g., exam window) of the exams. There were four technical reports published in Q1 2022.

[The CHRL Knowledge Exam – November 2021](#)

[The CHRP Employment Law Exam – January 2022](#)

[The CHRL Employment Law Exam – January 2022](#)

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 utilizes the Examination

Accommodation Request Form and the Acknowledgement of the Accommodations Provided Form so that each candidate is made aware of the accommodations that HRPAs has approved to be implemented.

In Q1, HRPAs implemented a new process to ensure that confidential information submitted to support a candidates' accommodation request is sent and received using a secure site. All requests for accommodations and any related supporting documentation are sent and received through OneDrive.

In Q1, the HRPAs reviewed and approved a total of 7 accommodation requests for the CHRP and CHRL Employment Law Exam.

The types of accommodations requested include:

- Additional time
- Flexible breaks (stop-the-clock breaks)
- Snacks, drinks, and medication available to test-taker while taking their exam

Job Ready Program

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

Between December 1, 2021 and February 28, 2022, 206 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.

Q1 Highlights:

- At the end of Q1, 255 registrants held the CHRE designation.
- Three CHRE applications were referred to CHRE Review Committee in Q1, of which one application was successful.
- Two CHRE applications were submitted at the end of Q1 and will be reviewed in Q2.

CHRE Review Committee Activity

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Applications referred to Committee	39	31	5				
Designation granted by Committee	7	14	1				

The average time from HRP A receiving a CHRE application to a decision being released was 27 days in Q1.

Issuance of certificates

Certificates are issued for all three levels of designation: CHRP, CHRL, and CHRE. In Q1, the certificate issuance commenced in mid-February, and members are scheduled to receive their certificates in March. An email went out to members notifying them that they could expect to receive their certificate during this issuance.

Certificates Issued in 2022

	CHRP	CHRL	CHRE	Total
February 2022 (Q1)	72	58	0	130
May 2022 (Q2)				
August 2022 (Q3)				
November 2022 (Q4)				
Total				



Standards and guidance

Professional Standards Committee (PSC)

Chair: Claudine Cousins, CHRP, CHRL

Vice-Chair: n/a

Staff Support: Mara Berger

The Professional Standards Committee is a standing committee established under Section 8.04 of the By-laws. The Professional Standards Committee is a policy and oversight committee with the mandate to ensure, on behalf of the HRP Board, that HRP establishes, maintains, develops, and enforces the professional standards as it was tasked to do by its enabling legislation.

Q1 Highlights:

- The Professional Standards Committee approved four practice guidance documents in December 2021, which were subsequently submitted to the Governance and Nominating Committee for approval: Social Media Use Guideline, Mental Health in the Workplace Guideline, Terminations Checklist and Workplace Investigations Standard.
- The Professional Standards Committee also accepted HRP's recommendations to revise the Reinstatement & Re-Achievement Policy to ensure it provides for more flexibility for returning CHRP and/or CHRL members, while also maintaining the protection of the public. The recommendations were subsequently submitted to the Governance and Nominating Committee for approval.
- The revised Code of Ethics and Rules of Professional Conduct were reviewed by the committee. The policy development team has collaborated with volunteers from the committee to incorporate the feedback that was received, and the updated draft of the Code of Ethics and Rules of Professional Conduct will be recirculated to the Professional Standards Committee in March 2022 for approval.
- The new proposed CPD Framework was presented to the Professional Standards Committee in February 2022. Updates are currently being made to the proposal based on the feedback received, and the updated framework will then be recirculated to the Committee for approval and submission to the Governance and Nominating Committee.

The first four professional guidance documents received approval from the Professional Standards Committee in December 2021 and were submitted to the Governance and Nominating Committee that same month. Additionally, the Professional Standards Committee also approved a set of recommendations to revise HRP's Reinstatement & Re-Achievement Policy. The recommendations would make it less punitive for former members who held the Certified Human Resources Professional

(CHRP) and/or the Certified Human Resources Leader (CHRL) designation to return to HRPA and reobtain their designation, while at the same time maintaining the same standards for the designations for all applicants and providing adequate protection of the public. The recommendations were also submitted to the Governance and Nominating Committee in December.

The Professional Standards Committee held two meetings in Q1 – in January and February 2022. The focus of the first meeting were the revised draft Code of Conduct and Rules of Professional Conduct. The committee was overall pleased with the draft, but asked for some amendments, such as including an overview of how the Code, Rules, and Guidance (standards and guidelines) fit together. The policy team has collaborated with volunteers from the committee to incorporate the feedback and an updated draft will be submitted to the Professional Standards Committee for approval in March 2022.

The second meeting focused on the proposed new CPD framework. The CPD framework has not undergone any significant updates since the requirement was first introduced in the early 2000 and as such has been due for a refresh. The committee was presented with best practice research findings, as well as an overview of the development of the proposed new framework. Then, each set of recommendations was presented in comparison to the current requirements for discussion. Overall, the committee was very appreciative of the proposed recommendations and the focus on learning and individual professional development needs under the new framework. Some final revisions are currently being made to the CPD framework and then the framework will be submitted to the Professional Standards Committee for approval.



Quality assurance

Continuing Professional Development Committee

Chair: Serenela Felea, CHRP, CHRL

Vice-Chair: Sarah Bhairo, CHRP, CHRL

Staff Support: Danielle Elvikis

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

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

Q1 Highlights:

- There are 4255 designated registrants due to submit their CPD log by May 31, 2022. Of those, 572 designated registrants have submitted their CPD log as of February 28, 2022.
- The total number of registrants who were due to submit their CPD log this year and received an extension was 35 in Q1.

Summary of Continuing Professional Development (CPD) activity for 2022

	Due	Submitted		Extensions	
		Count	Percent	Count	Percent
CHRP	1580	250	0.16%	12	0.76%
CHRL	2628	315	0.12%	23	0.88%
CHRE	47	7	14.9%	0	0%
Totals	4255	572	13.4%	35	0.82%

Continuing Professional Development (CPD) Committee Activity

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
CPD logs due to be submitted	3500	5258	4255				
CPD logs submitted	2920	4971	572				

CPD Pre-Approval

For Q1, a total of 1,133 events were pre-approved for CPD. The events can be broken down into three categories:

- HRPAs Chapters
- HRPAs Professional Development and Learning
- Third-Party Contract and Program Providers



Complaints, discipline, capacity and review

Complaints Committee

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

Vice-Chair: Jackie Chavarie, CHRL

Staff Support: Jenny Eum

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

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

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

Q1 Highlights:

- There are three new complaints filed in Q1.
- Five decisions were issued in Q1.
- There are five complaints still in progress that have been referred to the Committee prior to Q1.
- There is one case in a parallel proceeding.

Summary of Complaints Activity

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Referrals to Complaints Committee	9	13	3 ¹				
Decision issued by Complaints Committee	2	8	5				
Average time to dispose of a complaint (days)	154	153	226 ²				

¹Although the numbers are small and therefore subject to significant fluctuation, the number of complaints in Q1 2022 is in line the number of complaints in 2021. This would give an annualized complaint *per* 1000 registrants ratio of .51. The median complaint rate for voluntary professions in

Ontario in 2020 was 6.28 *per* 1000 registrants. At a rate of 6.28 complaints *per* 1000 registrants, one could have expected 37 complaints in Q1 instead of 3.

²The main reason for the longer than usual time to dispose of the complaints was that these complaints were parallel proceedings with the Human Rights Tribunal of Ontario (HRTO) proceedings. One of the five complaints was a stand-alone complaint, the other four were from the same complainant but with different respondents. However, all five were subject of parallel proceedings with the Human Rights Tribunal of Ontario (HRTO). The Complaints Committee reviewed the original complaints and decided to hold until the adjudicative proceedings at the HRTO had been completed. The complainants provided the decisions of the HRTO proceedings to the Complaints Committee along with a request to withdraw their complaints. This explains the additional length of time to dispose of these complaints.

Note on the ‘withdrawal of complaints’

Technically, complainants cannot ‘withdraw a complaint.’ Complainants who are not registrants can withdraw their cooperation in providing evidence for the investigation of a complaint. Registrants, on the other hand, are required to cooperate with any investigation conducted by HRPA as per HRPA’s Rules of Professional Conduct. When a complainant who is not a registrant withdraws their cooperation in providing evidence for the investigation of a complaint, it is the Complaints Committee that decides whether to proceed with the complaint not the complainant. Nonetheless, when a complainant who not a registrant withdraws their cooperation in providing evidence for the investigation of a complaint, it may be that the Complaints Committee decides that the available evidence becomes insufficient to proceed with the complaint.

In the cases above, having reviewed the requests to withdraw their complaints and having reviewed the decisions of the HRTO, the Complaints Committee made the decision to dismiss the complaints.

New referrals to the Complaints Committee

There were three referrals to the Complaints Committee in Q1, all of which are currently in the information gathering stage. Details of these referrals are listed below:

Complaints Received in Q1 2022

Case	Date complaint filed	Nature of allegations	Date of disposition of complaint and decision of Complaints Committee
C-2022-01	February 10, 2022	It is alleged that the member breached the following Rules of Professional Conduct: 1) balancing Interests, 2) confidentiality.	TBD
C-2022-02	February 10, 2022	It is alleged that the member breached the following Rules of Professional Conduct: 1) confidentiality, 2) dignity in the workplace.	TBD
C-2022-03	February 14, 2022	It is alleged that the member breached the following Rules of Professional Conduct: 1) confidentiality, 2) dignity in the workplace.	TBD

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

Complaints Disposed of in Q1 2022

Case	Date complaint filed	Nature of allegations	Date of disposition of complaint and decision of Complaints Committee
C-2021-4	April 12, 2021	It is alleged that the member breached the following Rules of Professional Conduct: 1) breaching another person’s trust, voluntarily misleading another person, betraying another person’s good faith, or using unfair practices, 2) falsifying a report or instruct someone else to falsify any statement or report, 3) allowing misleading statements and/or reports to stand uncorrected.	January 12, 2022 Withdrawal of complaint accepted, no need to further investigate.
C-2021-5	May 17, 2021	It is alleged that the member breached the Rules of Professional Conduct by failing to: 1) provide services of a high quality, 2) practice in keeping with all applicable laws, 3) adhere to any statutory acts (Occupational Health and Safety Act), 4) once aware, take steps to stop HR programs or policies that are illegal, 5) respect the rights of all individuals involved, 6) protect the dignity of all individuals involved, 7) ensure that HR policies and practices respect the rights and protect the dignity of all individuals involved, 8) bear in mind the importance of work and the work environment for the psychological well-being of individuals, 9) shall not condone any acts of harassment or intimidation, 10) shall not condone any acts of discrimination on the grounds of disability, 11) failing to notify the Registrar of the Association that they have reasonable grounds to believe that another registrant of the Association has contravened the HRP Code of Ethics or the HRP Rules of Professional Conduct, 12) understand that while they may be employed by one concern, they have a duty to parties other than their employer -this includes respecting the dignity of all individuals, 13) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes respecting the rights of all individuals, 14) understand that while they may be employed by one concern, they have a duty to parties other than their	December 16, 2021 Withdrawal of complaint accepted, no need to further investigate.

		<p>employer - this includes acting in good faith towards all parties at all times In adversarial situations, 15) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes acting in an impartial and unbiased manner when engaged as a mediator, 16) act with courtesy and respect toward employees, 17) breach another person's trust, voluntarily mislead another person, betray another person's good faith, 18) ensure the HR policies and practices of the organization respect the rights and dignity of all stakeholders, 19) ensure the HR policies and practices of the organization respect all applicable laws.</p>	
C-2021-6	May 17, 2021	<p>It is alleged that the member breached the Rules of Professional Conduct by failing to: 1) provide services of a high quality, 2) practice in keeping with all applicable laws, 3) adhere to any statutory acts (Occupational Health and Safety Act), 4) respect the rights of all individuals involved, 5) protect the dignity of all individuals involved, 6) bear in mind the importance of work and the work environment for the psychological wellbeing of individuals, 7) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes respecting the dignity of all individuals, 8) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes respecting the rights of all individuals, 9) act with courtesy and respect toward employees, 10) breach another person's trust, voluntarily mislead another person, betray another person's good faith.</p>	<p>December 16, 2021 Withdrawal of complaint accepted, no need to further investigate.</p>
C-2021-7	May 17, 2021	<p>It is alleged that the member breached the Rules of Professional Conduct by failing to: 1) provide services of a high quality, 2) practice in keeping with all applicable laws, 3) adhere to any statutory acts (Occupational Health and Safety Act), 4) once aware, take steps to stop HR programs or policies that are illegal, 5) respect the rights of all individuals involved, 6) protect the dignity of all individuals involved, 7) ensure that HR</p>	<p>December 16, 2021 Withdrawal of complaint accepted, no need to further investigate.</p>

		<p>policies and practices respect the rights and protect the dignity of all individuals involved, 8) bear in mind the importance of work and the work environment for the psychological well-being of individuals, 9) shall not condone any acts of harassment or intimidation, 10) shall not condone any acts of discrimination on the grounds of disability, 11) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes respecting the dignity of all individuals, 12) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes respecting the rights of all individuals, 13) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes acting in good faith towards all parties at all times in adversarial situations, 14) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes acting in an impartial and unbiased manner when engaged as a mediator, 15) act with courtesy and respect toward employees, 16) breach another person's trust, voluntarily mislead another person, betray another person's good faith, 17) ensure the HR policies and practices of the organization respect the rights and dignity of all stakeholders, 18) ensure the HR policies and practices of the organization respect all applicable laws, 19) when called to represent an organization at OLRB, the member shall be sufficiently prepared to undertake this representation, 20) shall not directly or indirectly, distribute or publish comments or remarks the member knows to be false or which are overtly false, with respect to a commission of inquiry.</p>	
C-2021-8	May 17, 2021	<p>It is alleged that the member breached the Rules of Professional Conduct by failing to:</p> <ol style="list-style-type: none"> 1) provide services of a high quality, 2) practice in keeping with all applicable laws, 3) adhere to any statutory acts (Occupational Health and Safety Act), 4) once aware, take steps to stop HR programs or policies that are illegal, 5) respect the rights of all individuals 	<p>December 16, 2021 Withdrawal of complaint accepted, no need to further investigate.</p>

		<p>involved, 6) protect the dignity of all individuals involved, 7) ensure that HR policies and practices respect the rights and protect the dignity of all individuals involved, 8) bear in mind the importance of work and the work environment for the psychological well-being of individuals, 9) shall not condone any acts of harassment or intimidation, 10) shall not condone any acts of discrimination on the grounds of disability, 11) failing to notify the Registrar of the Association that they have reasonable grounds to believe that another registrant of the Association has contravened the HRP Code of Ethics or the HRP Rules of Professional Conduct, 12) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes respecting the dignity of all individuals, 13) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes respecting the rights of all individuals, 14) understand that while they may be employed by one concern, they have a duty to parties other than their employer -this includes acting in good faith towards all parties at all times in adversarial situations, 15) understand that while they may be employed by one concern, they have a duty to parties other than their employer - this includes acting in an impartial and unbiased manner when engaged as a mediator, 16) act with courtesy and respect toward employees, 17) breach another person's trust, voluntarily mislead another person, betray another person's good faith, 18) ensure the HR policies and practices of the organization respect the rights and dignity of all stakeholders, 19) ensure the HR policies and practices of the organization respect all applicable laws, 20) when called to represent an organization at OLRB, the member shall be sufficiently prepared to undertake this representation, 21) shall not directly or indirectly, distribute or publish comments or remarks the member knows to be false or which are overtly false, with respect to a commission of inquiry.</p>	
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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.

Q1 Highlights:

- There were no referrals to the Discipline Committee in Q1.
- The Discipline Committee held its business meeting on January 21, 2022.

Discipline Committee Activity

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Referrals to Discipline Committee	2	0	0				
Decision issued by Discipline Committee	1	1	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:

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

Q1 Highlights:

- There were no capacity hearings conducted in Q1.

Capacity Committee Activity

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Referrals to Capacity Committee	0	0	0				
Decision issued by Capacity Committee	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.

Q1 Highlights:

- There was one new disclosure of a bankruptcy or insolvency event in Q1.
- The panel issued two decisions in Q1. One confirmed the finalization of an insolvency event that was subject to ongoing monitoring from a review began in 2019. The other was a review of an event disclosed in 2021. The panel's review culminated in the Review Committee requesting additional information. The requested additional information was received in Q1, which enabled the panel to meet again in Q1 to discuss the disclosure. The committee deferred their decision in order to confer with Independent Legal Counsel.

Review Committee Activity*

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Notices of bankruptcies or insolvency events	3	4	1				
Decisions issued by the Review Committee	1	4	2				

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

Based on the most recent data published by the Office of the Superintendent of Bankruptcies, the consumer insolvency rate in Ontario was 2.9 per 1000. At this rate, one could have expected 17 disclosures of a bankruptcy or insolvency event in Q1. This corresponds to a compliance rate of 5.8%.



Appeal

Appeal Committee

Chair: Melanie Kerr, CHRP, 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.

Q1 Highlights:

- No decisions were issued, and no appeals were resolved via the alternate resolution process this quarter.
- An incomplete appeal that was filed in Q4 of 2021 was completed in Q1 of 2022 and was approved to move forward in the appeal process. The appeal is currently with the appellant for response.

Appeal Committee Activity

	2020	2021	2022				2022
	Total	Total	Q1	Q2	Q3	Q4	Total
Number of appeals filed*	11	12	1				
Settled via the Alternate Resolution Process	8	0	0				
Decisions issued by the Appeal Committee	5	12	0				

*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 HRP’s 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 HRP, 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 HRP is a quicker resolution of the matter. Concerning appeals of decisions of the Experience Assessment Committee (EAC), the settlement usually involves having the Validation of Experience (VOE) or alternate route application reviewed by a second independent panel. Most appellants who are appealing a decision by the EAC want a 'second opinion' on their application. As noted above, the Appeal Committee was not established to give second opinions but to review the process by which the decision was arrived at.

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

Q1 2022 Appeal Committee Activity

	Date Appeal Filed	The Nature of the Appeal	The Outcome of the Appeal
A-2021-12	November 26, 2021	The Experience Assessment Committee made an error in assessment on a Validation of Experience application.	The appeal is currently with the appellant for response.
A-2022-01	January 12, 2022	The Experience Assessment Committee failed to consider the correct documents for Position Two in the Validation of Experience application.	A panel of the Appeal Committee met in February 2022 to review the appeal. A decision is currently being written.

Breakdown of Appeal Decisions

Appeal Outcomes	Count
Total number of requests for appeal received December 1, 2021 and February 28, 2022	1
Total number of appeals settled via the Alternate Resolution Process	0
Total number of final appeal decisions released December 1, 2021 and February 28, 2022	0
Decisions upholding the original decision	0
Decisions overturning the original decision	0
Appeal declined on jurisdictional grounds	0

*In Q1, the average time to decision was 0 days. No decisions were issued this quarter.



Stakeholder education

Regulatory Affairs Newsletter

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

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

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

In Q1, a *Regulatory Affairs* Newsletter was published on January 24, 2022. The next publication will be in Q2 on March 28, 2022.

Trend and Issues in Professional Regulation

The College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMPAO) kerfuffle

The College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMPAO) was in the news in late February and early March 2022.

On February 28, 2022, a proposal to deregulate Traditional Chinese Medicine was tabled in the Ontario Legislature as Schedule 5 of Bill 88, *Working for Workers Act, 2022*. This was an unexpected development as many of the stakeholders did not have advance notice of the government plans to deregulate Traditional Chinese Medicine. There was a strong and immediate reaction in opposition to the proposal. Within days the proposal was withdrawn. What happened here?

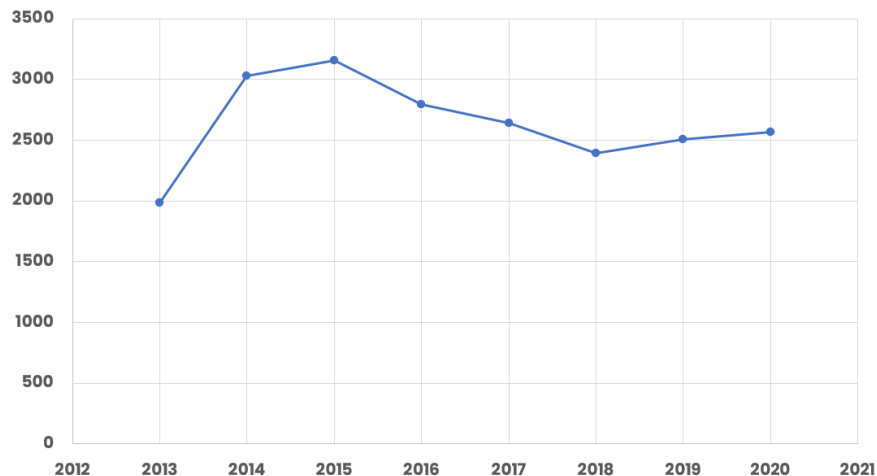
Some background

The *Traditional Chinese Medicine Act, 2006* received Royal Assent on December 20, 2006. The first meeting of the Transitional Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMPAO) was on June 25, 2008. The College began operation on April 1, 2013.

In 2020, CTCMPAO had 2,750 registrants and a staff of 16.

	CTCMPAO	HRPA
Registrants	2,750	22,197
Staff	16	59.75
Complaints	18	9

Registration at the
College of Traditional Chinese Medicine Practitioners and
Acupuncturists of Ontario
2013-2020



From the outset, the CTCMPOA realized it faced a potential problem. Both the *Regulated Health Professions Act, 1991* and the *Traditional Chinese Medicine Act, 2006* require registered health professionals, to speak, read and write, with reasonable fluency in either English or French. For many traditional Chinese medicine practitioners, neither of Canada's two official languages, English and French, is their first language. The solution devised by the College to was to have various classes of registration including a Grandparented class. The Grandparented class of registration was only a temporary registration, however. Registrants in the Grandparented class would still need to read and write and keep practice records in English or in French by April 1, 2018. The language fluency requirement could be exempted for Grandparented applicants—but they needed to work under a plan that would ensure that the intent of the requirement would be met (i.e., that if someone needed to speak English and obtain records in English this could occur).

Language was always an issue but there was, and is, more to the situation than just language. Interwoven with the issue of language was the fact that many traditional Chinese medicine practitioners simply did not want to be regulated, and that others wanted the status of a regulated profession but did not want some of the obligations that come from being a regulated profession.

Most telling was a statement upon the coming into force of the College, by the then acting vice-president of the Chinese Medicine and Acupuncture Association of Canada explaining the reasons why many practitioners opposed the new regulations—*"I feel a lot of us are used to running our own business. Suddenly, we have rules. No one wants to have rules to tell us what to do."*

In fact, there was open defiance of the College's authority from the start.

On March 26, 2013, the Federation of Traditional Chinese Medicine Associations filed for an injunction before the Ontario Superior Court of Justice and urged unlicensed Chinese medicine practitioners to continue to practise. The Federation claimed to represent an estimated 2,000 practitioners who opposed the legislation. The injunction failed.

On April 4, 2014, the College filed an application in the Ontario Superior Court of Justice under section 87 of the *Health Professions Procedural Code*. The application sought an injunction to prohibit six organizations from continuing to hold themselves out as bodies that regulate traditional Chinese medicine and acupuncture in Ontario:

1. The Federation of Ontario Traditional Chinese Medicine Association
2. The Committee of Traditional Chinese Medicine Practitioners & Acupuncturists of Ontario
3. The Ontario Acupuncture Examination Committee
4. The College of Traditional Chinese Medicine & Pharmacology Canada
5. The Canadian Association of Acupuncture & Traditional Chinese Medicine
6. The Committee for Certified Acupuncturists of Ontario

The sought-after injunction was granted In 2015. The College obtained an Order permanently enjoining the Federation and its related entities from holding itself out as a regulator in contravention of the *Regulated Health Professions Act, 1991*. The Federation and the individual's appealed to the Court of Appeal for Ontario and the appeal was dismissed with costs. The Federation then sought leave to

appeal to the Supreme Court of Canada. On May 26, 2016, the Supreme Court of Canada dismissed the Application for Leave to Appeal of the Federation of Traditional Chinese Medicine Associations from the decision of the Court of Appeal for Ontario.

Unsurprisingly, the issues within the traditional Chinese medicine practitioner community were injected into the work of the Council and statutory committees. Some individuals sympathetic to the aims of the Federation were either elected to or appointed to the CTCMPAO Council.

On October 16, 2019, the Ministry of Health appointed an external consultant to conduct an ‘information gathering exercise’ at the College. The announcement for the ‘information gathering exercise’ was as follows:

The ministry is undertaking this work to ensure that the profession of traditional Chinese medicine is being regulated and coordinated in the public interest. The work will assist the ministry in determining if recent decision-making and overall governance practices of the College, its Council and its statutory committees are consistent with best practices commonly found amongst health regulatory colleges.

The report delivered within weeks but was never made public and never shared with the College.

However, in an interesting twist to the story, the government has not appointed sufficient public members in order for the CTCMPAO Council to be duly constituted since November 2019. The *Traditional Chinese Medicine Act, 2006*, requires that the CTCMPAO Council include a minimum of five and no more than eight Order in Council appointees. The government has not appointed this minimum number of Order in Council appointee since then. In lieu of a constituted Council, the Executive Committee has been required to function as the Council during this time.

In March 2021, the College engaged Governance Solutions Inc. (GSI) to conduct a systematic assessment of its governance beginning with a review of all current governance documentation, bylaws, guidelines, and policies. GSI concluded its review and submitted its final report to the College in August 2021. Of the twelve recommendations made by GSI, two were rejected by CTCMPAO Council.

GSI recommendation	CTCMPAO Council response
GSI believes that a dialogue session can be beneficial in building healthier relationships between Council members, which in turn will lead to a healthier Council.	Council does not believe that the consultant’s view of the Council’s working relationship was accurate, or that a dialogue session is necessary.
In order to avoid having a small group make decision on behalf of the College, it is recommended that the use of the Executive Committee be as limited as possible. Council itself should be directly governing the College to increase transparency and confidence in decisions.	The College’s Council has been unconstituted for over 2 years, and in that time the Executive Committee has been required to act in lieu of Council. It is therefore not a priority to begin limiting their ability to act at the moment. There was support from Council to revisit this recommendation once Council becomes constituted again.

It doesn't take much to read between the lines that the CTCMPAO Council was plagued by unhealthy relationships, that the transparency in decision-making was low, and that confidence in the College's decision-making was also low.

The on-going wrangling between those who wanted professional regulation and those who did not has caused many to think of traditional Chinese medicine practitioners as *ungovernable*.

Many had expected that the report written by the external consultant would have led to the appointment of a supervisor as had been done for the College of Denturists in 2012., but this did not happen.

On February 17, 2022, two new public members were appointed to CTCMPAO Council. This brought the number of public members on CTCMPAO Council from one to three—still two appointees short of the minimum required for the CTCMPAO Council to be duly constituted.

Suddenly, on February 28, 2022, the proposal to deregulate Traditional Chinese Medicine was tabled as Schedule 5 of Bill 88, *Working for Workers Act, 2022*. This move came as a surprise to all key stakeholders.

The rationale given for the deregulation of Traditional Chinese Medicine was that "*government is helping to get more people working by reducing barriers to practicing traditional Chinese medicine*" and that regulatory oversight of Traditional Chinese Medicine by a college was unnecessary.

There is no doubt that, with deregulation, more individuals would be able to practice Traditional Chinese Medicine in Ontario. But also, there would be less protection for the public from incompetent or unethical traditional Chinese medicine practitioner. It is also the case that the status of Traditional Chinese Medicine would be diminished, and that Traditional Chinese Medicine would be delisted from many insurance plans.

The reaction to the proposals was swift and strong. Within days, a petition against the deregulation of Traditional Chinese Medicine has garnered over 25,000 signatures. By Monday, March 7, 2022, the government had backed down from its proposal to deregulate Traditional Chinese Medicine. On March 10, 2022, following a vote in the legislature, the Ontario government amended Bill 88, to remove the *Traditional Chinese Medicine Repeal Act, 2022* (Schedule 5) from the bill. On March 15, 2022, the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario (CTCMPAO) received a letter from the Minister of Health, confirming that the Ontario government will not be proceeding with the *Traditional Chinese Medicine Repeal Act, 2022* (Schedule 5 of Bill 88). In this letter, the Minister of Health has requested that CTCMPAO work with the Ministry of Health to develop a Chinese language entry to practice examination.

Aftermath

Of course, it is too early to tell what the long-term impact of this episode will have on the CTCMPAO and on professional regulation in Ontario.

The fact that the proposal to deregulate Traditional Chinese Medicine was withdrawn does not solve the underlying issues. The CTCMPCAO Council is still not duly constituted. The issues noted in the Governance Solutions Inc. report are still at play. The *Regulated Health Professions Act, 1991* still requires registered health professionals, to speak, read and write, with reasonable fluency in either English or French. There remains a cadre of Traditional Chinese Medicine practitioners that remain opposed to professional regulation—"no one wants to have rules to tell us what to do." Many still consider traditional Chinese medicine practitioners to be *ungovernable*. Developing a Chinese language entry to practice examination (both Mandarin and Cantonese?) will not resolve these issues.

As for the broader professional regulation community, some regulators with sizeable proportions of applicants with linguistic backgrounds other than French and English are concerned that they too may be required to offer their exams in languages other than English or French. Other regulators are unsettled at the fact that government could act so quickly to deregulate a profession without a thorough review of the matter.