

The background features a large, stylized 'HR' in black and red. The 'H' is composed of a red vertical bar on the left and a red vertical bar on the right, connected by a red horizontal bar. The 'R' is a large, bold, black letter. The background is a light teal color. The HRPA logo is on the left, and the title and speakers' names are on the right.

**HR
PA**

**Human
Resources
Professionals
Association**

**Introducing the new Code of
Ethics and Rules of Professional
Conduct**

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Housekeeping

- This webinar is eligible for 1 CPD hour. You will receive the CPD code as part of the post-webinar survey.
- This webinar will be recorded, and the recording, slides and Q&A will be posted on our website under Professional Development – eLearning & On Demand – On-Demand Webinars – Office of the Registrar.
- Time has been set aside for Q&A at the end, but please feel free to add your questions to the chat box at any time during the presentation.

Agenda

- What are the Code of Ethics and Rules of Professional Conduct and why do they matter?
- Why the refresh and how were the new Code/Rules developed?
- What is the structure of the Code and Rules and how do I use them in my HR Practice?
- Complaints and Discipline
- Where does Professional Guidance fit in?
- What if I need help?

What are the Code of Ethics and the Rules of Professional Conduct?

The Code of Ethics and Rules of Professional Conduct are part of the HRPB By-Laws

The Code/Rules set out ethical guidance and professional obligations for all registered HRPB members, students and firms

Not a substitute for professional judgment but guidance for HR professionals on how to act in particular circumstances – keeping in mind that not all provisions will apply to everyone



Why do the Code/Rules matter?

- All registered HRPAs members, students and firms commit to adhering to the Code/Rules as part of their initial registration and each annual renewal
- Falling short of the Code/Rules can lead to a professional complaint, so it is important to be aware what the expectations are
- The Code/Rules are not meant to be punitive though – instead, they should be looked at as a resource that provides ethical and professional guidance

Major Objectives of the Rules

Help

Help protect the public (ex., jobseekers, employers and employees) from potential harms caused by the practice of HR.

Provide

Provide directional support to our registered members, students and firms regarding ethical and professional HR practice.

Assist

Assist the public with determining what they should be able to expect from registered members, students or firms.

Why the Refresh?

Strategic Reasons

- Shift to Risk-Based Regulation, focusing on the prevention and mitigation of potential risks of harm stemming from the practice of HR
- Development of the Risk Roster
- Introduction of Professional Guidance

Practical Reasons

- HR and HR practice continues to evolve – both from a technological and a social/cultural standpoint
- Simplification of the Code/Rules so they are more easily understood and easier to apply
- Code/Rules should be user-friendly so they can be used as a reference point in day-to-day HR practice
- Ability to expand on Rules and provide context where needed

A pair of black-rimmed glasses is shown in a close-up, slightly angled view. The lenses are clear, and several small, white rectangular cards with black letters are placed on and around them. The letters visible include 'K', 'L', 'S', 'V', 'C', 'O', 'U', 'A', 'X', and '3'. The background is a light-colored surface with more of these letter cards scattered across it.

How were the new Code/Rules developed?

- The revised Code/Rules were developed over a period of 2 years
- HRPA worked with Shenda Tanchak, Magnetic North Consulting
- Holistic approach: Best Practice research and consultations with different stakeholder groups throughout the development process

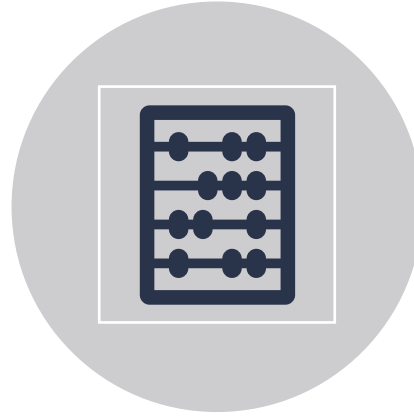
Phase 1 – Laying the Groundwork

- Starting point: Review of best practices and literature, as well as environmental scan of other regulatory bodies and organizations
- Important findings:
 - Code/Rules should function as an educational tool & set pre-determined levels of expectation
 - Should be formed around a set of moral values/ethical principals
 - Use clear & simple language
 - Be realistic
 - Ensure potential sanctions are clear

Phase 2 – Putting Pen to Paper



Following the research, a first draft of the new Code of Ethics and Rules of Professional Conduct was developed



Overall, the new code/rules went through five iterations




For each draft, different stakeholders were consulted, and their feedback incorporated into the next version

Phase 3 – Fine-Tuning

- Internal & external consultations with various stakeholders:
 - Complaints Committee
 - University & College representatives and the Academic Standards Committee
 - Chapter volunteers (targeted) and all registrants (broad)
 - Employment lawyers
 - Members of HRPA's Executive Leadership team
- Consultations occurred in two formats: surveys & focus groups

Phase 4 – Crossing the Finish Line

Once the stakeholder consultations were complete and we were happy with the draft Code/Rules, we went to the next step – making sure the new Code/Rules met our quality and legal standards



First, the final draft of the Code/Rules was reviewed by three Equity, Diversity & Inclusion experts



Then, the Code/Rules were reviewed by HRPAs Regulatory Counsel, Rebecca Durcan, and an employment lawyer, Cynthia Ingram

Approval Process

The Code/Rules also went through HRPAs internal approval process:

- The Professional Standards Committee worked with the policy team throughout the development process
- The Governance and Nominating Committee oversaw the legal review
- The HRPAs Board of Directors approved the final version of the Code/Rules

The Structure of the Code/Rules

Code of Ethics

- Six foundational core values:
 - ✓ Professionalism
 - ✓ Trustworthiness
 - ✓ Respect
 - ✓ Competence
 - ✓ Equity & Fairness
 - ✓ Best Interest of Others

Rules of Professional Conduct

- Translates core values into behaviors

Additional Guidance



For some Rules, you will notice a section called 'Additional Guidance'



This is a new feature that provides additional context or clarification for certain Rules



Additional Guidance is usually provided for Rules that cover grey areas or that we have frequently received questions about in the past



We also took note of any Rules that we received a lot of comments or questions about during the consultation process



Further Additional Guidance may be added over time based on questions/feedback we receive

How can I use the Code/Rules in my HR Practice?

- While compliance is important, the Code/Rules are also meant to support HRPAs members, students and firms in their day-to-day HR practice
- The Code/Rules should be a touchpoint members, students and firms can use when they are unsure on how to approach a particular situation – or what would be expected of them in particular circumstances
- The Code/Rules cannot address every situation, but they can be used to draw conclusions & supplement professional judgment when faced with a challenge

Guiding Light: 6 Ethical Values

Professionalism

- Commitment to creating & implementing policies & practices to manage HR
- Ethical practice, high personal standards & accountability

Trustworthiness

- Preserving the highest standards of ethics, transparency & truthfulness in all work-related activities

Respect

- Consideration of the needs & rights of all individuals
- Treating everyone with dignity

Guiding Light: 6 Ethical Values

Competence

- Providing high quality HR advice & services
- Lifelong commitment to excellence in practice

Equity & Fairness

- Creating & promoting opportunities to ensure equal treatment & inclusion for all

Best Interest of Others

- Commitment to act on behalf of & for the benefit of employers/employees

Starting Point: Ethical Values

- The starting point should always be the six ethical core values
- Ask yourself: Based on the particular circumstances I am faced with, which of the core values may apply?
- Keep in mind that more than one ethical value may be relevant
- When in doubt, go back to the definitions for each value – they can be found on page 5 which sets out the Code, as well as at the top of each applicable section of the Rules

A Practical Example

You recently started a new position at a company whose entire workforce of about 60 employees functions remotely. When they were assisting you with the set up, one of your colleagues from IT off-handedly mentioned that the company monitors which websites are being accessed by their employees.

When looking for more information, you notice that there does not appear to be a policy regarding employee monitoring. You speak to the CEO about creating a policy, but the CEO advises you not to worry about it since employees should have no expectation of privacy on employer-owned devices – and the CEO likes having the element of surprise.

What Ethical Values may apply?

- ✓ **Professionalism:** implementation and creation of policies related to managing human resources
- ✓ **Trustworthiness:** highest standard of ethics, transparency & truthfulness
- ✓ **Respect:** considering the rights & needs of all
- ✓ **Competence:** expert in applying HR knowledge when providing high-quality HR advice & services

Connecting the Values to the Rules

- Once you have narrowed down which ethical values may be applicable, the next step would be to review the relevant sections of the Rules of Professional Conduct
- The Rules are structured around the ethical values, and the definition for each ethical value appears at the top of the relevant section of the Rules



Returning to the Example

Four ethical values were identified:
Professionalism,
Trustworthiness, Respect
and Competence

Let's review each section,
and look at some of the
Rules that may apply to
our example – and why

We will look at some of
the most important
Rules to consider, but
there may be additional
Rules that also apply

Professionalism

Section I(1): *You know, understand your obligations to, and practice under the spirit and rule of, relevant laws and regulations, HRPA's Code of Ethics and Rules of Professional Conduct, and any additional professional directives, standards or guidance issued by the HRPA. You know and understand your obligations relating to same.*

Why this Rule?

- This is a foundational Rule that would apply to all situations
- If you are ever unsure about what to do, the first step is always to consider what your legal obligations are and then seek additional guidance, such as from the Code of Ethics and the Rules of Professional Conduct or from legal counsel
- Regarding the example, rather than trusting the CEO's position, it is important that you are aware what your employer's legal obligation vis-à-vis employee monitoring are – and that you act accordingly

Competence

Section IV(2):

You keep up to date with the law, HRPA's guidance, and other requirements relevant to the practice of human resources.

Why this Rule?

- As an HR professional you are required to keep up-to-date with any legislative changes relevant to HR and your practice
- As a registered member, student or firm you also need to be aware of any guidance issued by HRPA
- Regarding the example, there has been a relevant legislative change with respect to employee monitoring
- Under Bill 88, the *Working for Workers Act 2022*, employers with 25 employees or more will require an Electronic Monitoring Policy as of October 11, 2022 (roll out by November 10, 2022)

Respect

Section III(2):

In your professional activities, no matter who has retained or employed you, you understand that you have duties to all parties involved in human resources activities.

Why this Rule?

- HR practices and policies have a broad impact on both the employer and the employees of an organization
- While the CEO may have a preference based on what they consider to be in the best interest of the organization, as an HR professional you also need to consider how any HR process or policy – or lack thereof – effects the employees
- While implementing an electronic monitoring policy is a legal requirement, it is also a question of transparency and creating an open and honest working environment

Trustworthiness

Section II(1) & (2):

1. You identify and explain the risks associated with individual and group conduct and/or actions that are incompetent, unethical, or unlawful.

2. You strive to balance organizational and employee needs and interests in the practice of your profession.

Why these Rules?

- The CEO obviously favors not having a policy related to employee monitoring, and may not be aware of the organization's legal obligation under the *Working for Workers Act, 2022*
- As an HR professional, it would be your responsibility to advise the CEO of the organization's legal obligation and the risk associated with not implementing an electronic monitoring policy as required
- The balancing of employer and employee interest is similar to Section III(2) we discussed above under Respect

Professionalism Part 2

Section I(7) &(8):

7. You shall not knowingly assist in, encourage or condone illegal activity, including, but not limited to, crime, fraud, dishonest practices, or advise the employer how to violate or avoid the law.

8. If you discover that dishonesty, fraud, crime, or illegal conduct has been occurring in connection with your employment or the scope of work you perform for your client, you shall take every reasonable step to identify your concerns, explain the risks and attempt to stop the dishonest, fraudulent, criminal, or illegal conduct.

Why these Rules?

- What happens if the CEO insists that they don't want an electronic monitoring policy even after you have made them aware of the organization's legal obligation?
- Unfortunately, being asked to participate in or condone actions that are unethical or illegal is a situation HR professionals may face throughout their career
- Additionally, HR professionals are generally in the difficult position of having to consider and balance both employer and employee needs – while also being an employee themselves

How do I resolve a Conflict?

Because of the importance of this issue, this is actually addressed in both the Code of Ethics and the Rules of Professional Conduct

As outlined in the Code, it will not always be possible to achieve an outcome that satisfies everyone

Sometimes, the best possible approach will be to ensure, at a minimum, that the legal rights of employees are upheld and that the employer follows their legal obligations

But what if the employer refuses to meet their legal obligations?

How to Handle Employer Resistance

The Rules include additional guidance on how to handle employer resistance under section 1(2)

Specifically, the Rules include some guiding principles such as:

- Explain the risks associated with the employer's direction & encourage legal compliance
- Provide your advice in writing and file it/keep a personal copy
- Advise the employer of your obligations under the Code/Rules
- Be transparent with employees regarding any limitations of the information you can share and provide them with information about their options

Do I need to Quit?

- Sometimes, a situation may become so unsustainable that if it is a feasible option, you may consider looking for alternative employment
- That is a last resort and dependent on your personal situation
- Your responsibility is to advise the employer of their legal obligations, but it is understood that the employer may decide to disregard your advice

Where does the Complaints Process Fit In?

- As mentioned, all HRPAs members, students and firms commit to adhering to the Code/Rules
- If an individual believes that an HRPAs member, student or firm has fallen short of the expectations set out in the Code/Rules, they may decide to file a professional complaint with HRPAs
- While having a complaint filed against you is stressful, it does not necessarily mean that you have done anything wrong

What Happens if a Complaint is Filed Against Me?

You will be advised if a complaint has been filed against you and provided with a copy of the complaint and all supporting documentation



During the information-gathering phase, both you and the complainant will have the opportunity to share your point of view regarding the allegations



A panel of the Complaints Committee will then review all the submissions and, if necessary, conduct an investigation



The Complaints Committee may decide to dismiss the complaint, issue a Caution or Advice or decide to refer the matter to the Discipline Committee

Referral to Discipline

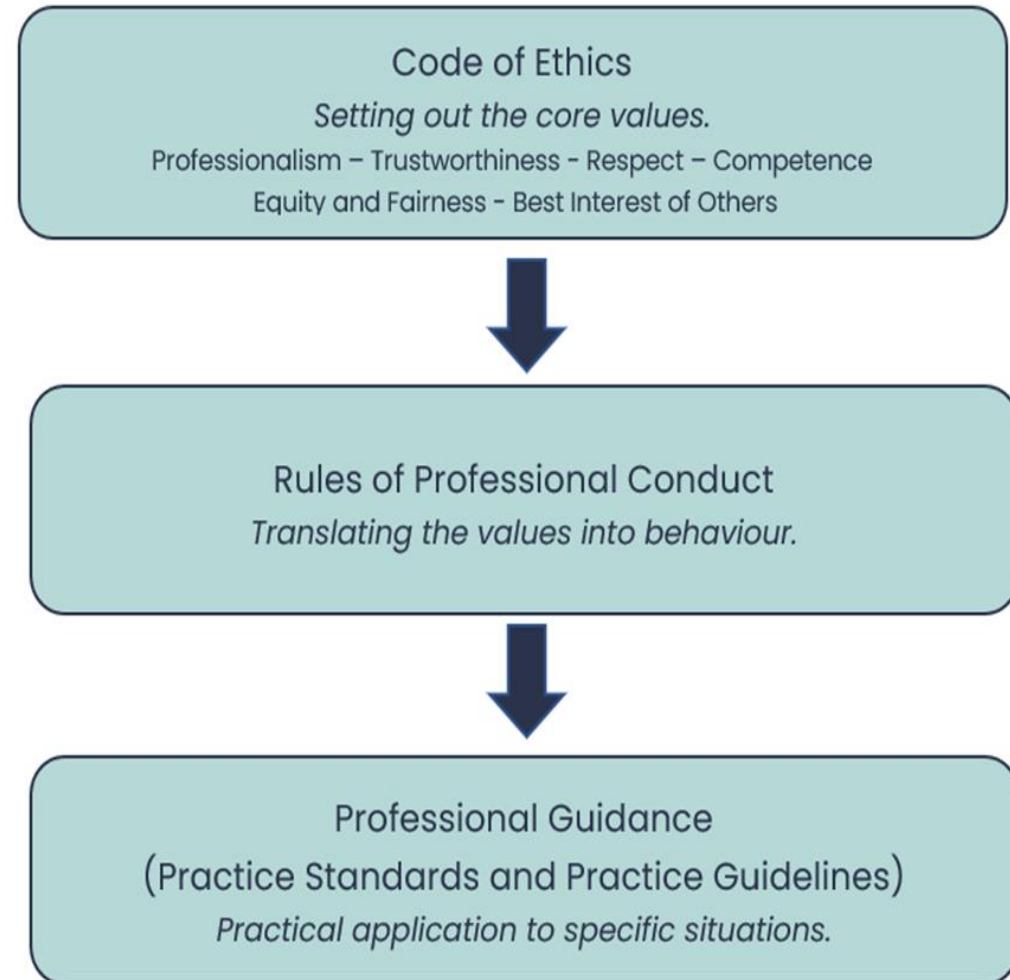
The Complaints Committee does not determine whether misconduct has occurred – it only considers whether there is a sufficient basis to refer the matter to Discipline

At every stage of the process, including if the matter proceeds to a Discipline Hearing, you will have an opportunity to defend yourself from the allegations

The Discipline Committee has two decisions to make: 1) Was there professional misconduct? and 2) If so, what is the appropriate penalty?

For detailed information about the Complaints and Discipline processes, please visit the [Protecting the Public section of our website](#)

Where does Professional Guidance fit in?



Completing the Picture

- Any Guidelines or Standards issued by HRPAA will flesh out the concepts of the Code of Ethics and the Rules of Professional Conduct
- Guidelines and Standards provide more practical and situation-specific support and are generally issued for any high risk, high impact areas of HR practice (for example investigations, terminations, diversity & inclusion)

Standard versus Guideline

- What is the difference between a Standard and a Guideline?

Practice Standard

Sets out minimum requirements and expectations for HRPA members, students and firms relating to a specific aspect of HR practice

Practice Guideline

Provides suggested guidance or recommendations related to a topic and may detail current best practices



What if I need help?

- While the Code/Rules as well as any guidance issued are meant to be user-friendly, you may at some time want to talk to someone about how they would apply to a particular situation
- We have a dedicated email address for any questions: guidance@hrpa.ca
- You can also connect with the Registrar, Associate Registrar or the Policy Analysts to ask any questions

Additional Resources

Disclaimer: HRPAs cannot provide any legal advice and we can only speak to the content of the Code/Rules and any guidance we have issued. As such, we sometimes may have to refer you to other resources for assistance.

- Law Society of Ontario Referral Service – free consultation of up to 30 minutes: <https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/law-society-referral-service>

Upcoming Webinars

- Monitor your inbox for invitations to webinars on each of the professional guidance documents issued! All webinars will be recorded and available to watch on demand.
- Upcoming webinars include:
 - October 12th, 2022, 12-1 pm: HRPAs Practice Standard on Conducting Workplace Investigations
 - October 17th, 2022, 12-1pm: HRPAs Practice Guideline on Addressing Racism and Racial Discrimination in the Workplace

Down the Road

- Additional Guidance will be released in early 2023 on the following topics:
 - ✓ Guideline: Terminations Checklist
 - ✓ Guideline: Social Media Use
 - ✓ Guideline: Fostering Mental Health in the Workplace
- Be on the lookout for more information about the release of the additional guidance later this year

Questions



You can also submit questions
after this webinar by emailing
guidance@hrpa.ca

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