

2016



# RULES OF PROFESSIONAL CONDUCT

HRPA | OFFICE OF THE REGISTRAR

INCORPORATING THE HRPA CODE OF ETHICS

## CHAPTER I

### DEFINITIONS

For the purposes of these Rules of Professional Conduct, the following definitions apply:

**Act** means the *Registered Human Resources Professionals Act, 2013*, S.O. 2013, c. 6, as amended or superseded;

**Agent** means any third party contracted to work on behalf of the Human Resources Professionals Association.

**Association or HRPA** means the Human Resources Professionals Association, in the English form of its name, and Association des professionnels en ressources humaines, in the French form of its name, continued under the Act;

**Board** means the Board of Directors of the Association;

**By-Laws** means the By-Laws of the Association from time to time made pursuant to the Act and includes, without limitation, the general By-Law, these Rules of Professional Conduct, the Standards and Guidelines of Practice, the Code of Conduct and the Operating Terms;

**Confidential information** means any information that is shared with the reasonable expectation that the information would not be divulged to another party;

**Certified registrant** (excluding students or firms) means a registrant of the Association who was granted the Certified Human Resources Professional (CHRP) designation, the Certified Human Resources Leader (CHRL) designation and/or the Certified Human Resources Executive (CHRE) designation pursuant to the Act and the general By-Laws;

**Consultant** refers to a role that a registrant can have either as an independent practitioner or as an employee of an organization;

**Independent practice** refers to when a registrant is practicing human resources management but not as an employee of that particular organization;

**Malpractice** means the delivery of substandard services by a registrant. Generally, malpractice occurs when a registrant fails to provide the quality of service that would reasonably be expected in the circumstances, with the result that the organization or client is harmed;

**Member** means an individual who is admitted as a Member of the Association according to the criteria established by the Act and the By-Laws of the Association;

**Personal information** means information about an identifiable individual, but does not include the name, title or business address or business telephone number of an employee of an organization or of an independent practitioner;

**Privileged information** means information that registrants may have access to by virtue of their human resources management role or position which is not available to the public;

**Register** means the official register which is maintained by the Human Resources Professionals Association. The HRP A register contains the names of all registrants of HRP A, and, for a period of 10 years, of former registrants of HRP A;

**Registrant** means any active member, student or firm who has been placed on the HRP A register;

**Registrar** has the meaning given to it in section 1 of the Act;

**Registration** refers to the act of placing someone on the HRP A register;

Throughout this document, he/she or his/hers should be construed when using either.

## CHAPTER II

### APPLICABILITY

These Rules of Professional Conduct are prescribed pursuant to section 14 of the *Registered Human Resources Professionals Act, 2013* and the By-Laws. These Rules of Professional Conduct set out the duties that any registrant of the Human Resources Professionals Association (HRPA) must discharge. These rules apply to all Human Resources professionals registered by the HRPA.

## CHAPTER III

### THE HRPA CODE OF ETHICS

The HRPA Code of Ethics comprises seven principles:

- Competence;
- Legal requirements;
- Dignity in the workplace;
- Balancing interests;
- Confidentiality;
- Conflict of interest; and
- Professional growth and support of other professionals.

## DIVISION I

### Competence

**PRINCIPLE:** Registrants must maintain competence in carrying out professional responsibilities and provide services in an honest and diligent manner. They must ensure that the activities they engage in are within the limits of their knowledge, experience and skill. When providing services outside one's level of competence, or the profession, the necessary assistance must be sought so as not to compromise professional responsibility.

Specifically,

- 1.** A registrant shall discharge his or her professional obligations with competence and integrity. A registrant shall provide professional services of a high quality.
- 2.** A registrant shall practice the profession of Human Resources Management in keeping with generally recognized standards of practice and all applicable laws.

**3.** A registrant shall bear in mind the limitations of his or her skills, knowledge, and the means at his or her disposal.

Registrants shall avoid, in particular:

- (1) undertaking work for which the registrant are not sufficiently prepared without obtaining the necessary assistance or information;
- (2) accepting an engagement in respect of which the registrant has not acquired or is unable to acquire, in the proper time, the necessary competence.

**4.** A registrant shall not accept a number of engagements or tasks in excess of that which the interest of his or her clients or the respect of his or her professional obligations may allow.

**5.** A registrant may not practice or perform certain professional acts under conditions or in situations which could impair the dignity of the profession or the quality of services the registrant provides.

**6.** A registrant shall prevent the inappropriate use and application by others of the tools, techniques, and processes used in the practice of human resources management.

**7.** A registrant shall take the necessary means to maintain his or her knowledge and skills up to date including full participation in HRPAs continuing professional development program to maintain his or her designation.

## DIVISION II

### LEGAL REQUIREMENTS

**PRINCIPLE:** Registrants must adhere to any statutory acts, regulations or by-laws which relate to the field of human resources management, as well as all civil and criminal laws, regulations and statutes that apply in their jurisdiction. They must not knowingly or otherwise engage in or condone any activity or attempt to circumvent the clear intention of the law.

Specifically,

**1.** A registrant shall not act in a manner that is dishonest, fraudulent, criminal, or illegal, or with the intent of circumventing the law.



- (3) ensure that human resources policies and practices respect the rights and protect the dignity of all individuals involved.
- 2.** A registrant shall, as far as the registrant is able, contribute to the furthering of human rights, equity, dignity and respect in the workplace.
- 3.** In the practice of their profession, a registrant shall bear in mind:
  - (1) the importance of work and the work environment for the psychological well-being of individuals;
  - (2) the necessary health and safety measures in the work environment in which the registrant practices his or her profession;
  - (3) the protection of the physical and mental health of the persons under his or her authority or supervision;
  - (4) the importance of courses and programs for the advancement, training, development or promotion of the persons under his or her authority or supervision;
  - (5) the confidentiality of the records of persons under his or her authority or supervision and of the confidential information concerning these persons that becomes known to him or her in the practice of his or her profession.
- 4.** Under no circumstances shall a registrant engage in, or condone:
  - (1) any acts of harassment or intimidation;
  - (2) any acts of physical or psychological violence;
  - (3) any acts of discrimination on the grounds of age, ancestry, colour, race, citizenship, ethnic origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (in housing only), record of offences (in employment only), sex (including pregnancy and breastfeeding) and sexual orientation as noted in the Ontario Human Rights Code.
- 5.** A registrant shall not commit acts derogatory to the dignity of the profession. Specifically, registrants should avoid the following:
  - (1) advising or encouraging someone to commit a discriminatory, fraudulent or illegal act;

- (2) refusing to counsel or to represent a person on the sole ground that the person lodged a complaint against another registrant of the Association or that the person filed a claim against another registrant of the Association;
- (3) failing to notify the Registrar of the Association that the registrant has reasonable grounds to believe that another registrant of the Association has contravened the HRP Code of Ethics or the HRP Rules of Professional Conduct;
- (4) drawing up a declaration or report the registrant knows to be incomplete, without mention of any restriction, or that the registrant knows to be false;
- (5) allowing a person not registered with the Association to pass themselves off as a registrant of the Association or allowing a person who has not been granted a professional designation by the Association to use such title or initials reserved for the registrants of the Association who have been granted such designation;
- (6) not informing the Registrar of the Association at the proper time that a person who is not registered with the Association has passed themselves off as a registrant of the Association or that a person who has not been granted the Certified Human Resources Professional (CHRP) designation, the Certified Human Resources Leader (CHRL) designation and/or the Certified Human Resources Executive (CHRE) designation has passed themselves off as having the designation.

## DIVISION IV

### BALANCING INTERESTS

**PRINCIPLE:** Registrants must strive to balance organizational and employee needs and interests in the practice of their profession. Specifically,

1. A registrant must understand that while they may be employed or retained by one concern, he or she has a duty to parties other than their employer or their client.
  - (1) A registrant must respect the dignity of all individuals;
  - (2) A registrant must respect the legal rights of all employees, including the rights of individuals who were previously employees of an organization and those pursuing employment with an organization;



- (3) In adversarial situations or in situations with competing interests, a registrant is required to act in good faith towards all parties at all times;
- (4) When a registrant is engaged to act as a mediator, whether formally or informally, the registrant shall act in an impartial and unbiased manner; and
- (5) A registrant must not use the power of their position, especially the access to personal information, to gain unfair advantage in any situation.

## DIVISION V

### CONFIDENTIALITY

**PRINCIPLE:** Registrants must hold in strict confidence all confidential information acquired in the course of the performance of their duties and not divulge confidential information unless required by law and/or where serious harm is imminent.

As part of their practices as professionals, registrants will have access to and be responsible for much personal information and have specific duties with respect to such information. Registrants have duties with respect to (1) the handling and management of files and records related to the management of the human resources function; (2) the kind of information that is shared by employees of an organization in confidence, and (3) the respect of all laws pertaining to the protection of personal information. Registrants must treat the handling of confidential, personal, or privileged information with the utmost importance as it is core to the credibility of their profession.

Specifically,

1. A registrant shall ensure that files and records that contain personal information are handled appropriately in accordance with accepted professional practice and in accordance with all appropriate laws. This requirement applies regardless of the medium on which the information is stored:
  - (1) all records and files containing personal information must be secure;
  - (2) access to such records and files must be limited to those individuals who have a legitimate need to know;

- (3) the policies regarding access to files and records must be stated explicitly and communicated to those on whom the information is collected upon demand;
- (4) systems and processes need to be in place to ensure the accuracy of the records and files; and
- (5) employees shall not be denied access to their files and records.

**2.** Because of the nature of their role, information is shared with human resources professionals in confidence. In such situations, a registrant must exercise caution:

- (1) in dealing with information provided in confidence, a registrant must be guided by the desire to find a resolution that is acceptable to all parties. If a registrant believes that he or she cannot play a constructive role in the matter, the registrant must inform the party or parties that this is the case;
- (2) as appropriate, a registrant must inform relevant parties of the limits of confidentiality;
- (3) as applicable, a registrant must notify individuals that information suggesting that there is imminent risk to an identifiable person, or group, of death, or serious bodily harm, including serious psychological harm that substantially interferes with health or well-being cannot be held in confidence; and
- (4) as applicable, a registrant must notify individuals that information regarding acts that may be criminal or otherwise illegal cannot be held in confidence.

**3.** For the purposes of preserving the secrecy of confidential information brought to his or her knowledge in the practice of his or her profession, a registrant shall:

- (1) refrain from using such information with a view to obtaining a direct or indirect benefit for himself or herself or for another person;
- (2) take the necessary measures to prevent his or her colleagues and the persons under his or her authority or supervision from disclosing or making use of such information that becomes known to them in the performance of their duties; and

- (3) avoid holding or participating in indiscreet conversations concerning an employer or client or employee and the services provided to such employer or client or employee.
4. When required by law or by order of a tribunal of competent jurisdiction, a registrant shall disclose confidential information, but the registrant shall not disclose more information than is required.
5. When a registrant believes upon reasonable grounds that there is imminent risk to an identifiable person, or group, of death, or serious bodily harm, including serious psychological harm that substantially interferes with health or well-being, the registrant must disclose confidential information where it is necessary to do so in order to prevent death or harm, but shall not disclose more information than is required.

## DIVISION VI

### *PRINCIPLE:*

#### **CONFLICT OF INTEREST**

Registrants must either avoid, or disclose a potential conflict of interest that might influence or might be perceived to influence, personal actions or judgments.

Specifically,

1. A registrant shall safeguard his or her professional independence at all times. The registrant shall, in particular:
  - (1) ignore any intervention by a third party which could influence the fulfillment of his or her professional obligations to the detriment of his or her employer or client;
  - (2) avoid carrying out a task contrary to his or her conscience or to the principles governing the practice of his or her profession; or
  - (3) avoid any situation in which the registrant would be in conflict of interest.
2. A registrant must not allow personal interest to cloud his or her judgment or to cause him or her to act in an unprofessional manner.
3. A registrant may represent an employer or client, notwithstanding his or her personal opinion on the employer's or client's position in the matter.

4. Generally, a registrant shall only act, in the same matter, for a party representing similar interests. If a registrant's professional duties require that the registrant represent different interests in the same matter, the registrant shall specify the nature of his or her duties or responsibilities and shall inform the parties concerned that he or she will cease to act if the situation becomes irreconcilable with his or her duty to be independent.

5. A registrant called upon to work with another person, in particular a registrant of the Association or a registrant of another professional Association, shall preserve his or her professional independence.

6. A registrant shall not receive, other than the remuneration to which the registrant is entitled, any benefit, commission or rebate relative to the practice of his or her profession.

7. As soon as a registrant ascertains that the registrant is in conflict of interest, the registrant shall notify the employer or client of this conflict of interest and request his or her authorization to continue carrying out the engagement.

## DIVISION VII

### *PRINCIPLE:*

#### **PROFESSIONAL GROWTH AND SUPPORT OF OTHER PROFESSIONALS**

Certified registrants must maintain personal and professional growth in human resources management by engaging in activities that enhance the credibility and value of the profession.

Specifically,

1. A certified registrant shall, in order to maintain certification, participate fully in all mandatory aspects of the Association's Continuing Professional Development (CPD) requirement.

2. A certified registrant shall, as far as the registrant is able, contribute to the development of his or her profession by sharing his or her knowledge and experience with other registrants of the Association and students and by taking part in activities, courses and continuing training sessions organized for the registrants of the Association.

3. A certified registrant shall not take credit for work performed by another person.

## CHAPTER IV

### DEFINITION OF THE PRACTICE OF HUMAN RESOURCES MANAGEMENT

The **Scope of HR Practice** is the creation and implementation of all policies practices and processes to effectively organize and manage all human capital resources in the workplace in service of the ultimate goal of enhancing business outcomes. Human resources management involves maintaining or changing relations between employees, between employers or between employers and employees.

The **Practice of Human Resources Management** includes, but is not limited to, one or more of the following:

1. The development and implementation of human resources policies and procedures;
2. Consultation in the area of human resources management;
3. Providing advice to clients, managers, and employees in matters pertaining to management of human resources;
4. The representation of clients and organizations in proceedings related to human resources management;
5. Program development and evaluation in the area of human resources management;
6. The supervision of other human resources professionals whether registered or non-registered;
7. Coaching of employees, managers, and other individuals in matters relating to work and employment;
8. The conduct of research in the area of human resources management; and
9. Teaching in the area of human resources management.

# CHAPTER V

## THE REGISTRANT'S RELATIONS WITH THE ASSOCIATION IN THE PRACTICE OF HIS OR HER PROFESSION

### DIVISION I

#### IDENTIFYING ONESELF AS A REGISTRANT OF HRPA

1. A registrant shall identify himself or herself to the public, the employer or client as a registrant of the Human Resources Professionals Association and also shall identify the level of qualification within the Association.
2. A registrant shall be honest and forthright in representing their professional status. Pursuant to the *Registered Human Resources Professionals Act, 2013*, it is an offence to use the title Certified Human Resources Professional, Certified Human Resources Leader and/or Certified Human Resources Executive or the initials CHRP, CHRL and/or CHRE unless one has been granted the designation(s) and has maintained the right to use the designation(s).
3. A certified registrant shall display their HRPA certificate in such a way that it is readily visible to members of the public.
4. Should a certified registrant's certificate be revoked for whatever reason, the certified registrant must return the certificate to the Association without delay or confirm in writing to the Office of the Registrar that the certificate will no longer be displayed going forward.
5. A registrant asked by the Association to be a member of an adjudicative committee shall accept that duty unless the registrant has reasonable grounds for refusing it.
6. A registrant shall reply as soon as possible to any correspondence from the Registrar of the Association, the Board of the Association, or an expert appointed by the Board or the Registrar.

## DIVISION II

### HONESTY IN APPLICATIONS FOR REGISTRATION OR CERTIFICATION BY THE ASSOCIATION

1. A registrant warrants that all information provided in the context of registration with or certification by the Association is complete and accurate.
2. A registrant shall always provide accurate and complete information to the Association in relation to regulatory matters. Specifically, registrants shall not misrepresent their education, background, or experience in the process of obtaining certification, or claim to hold any title, credential, designation or certification that they have not earned, including on social media, within email signatures, on the registrant's business card or resume, or any online profile.
3. A registrant shall not intentionally create a new registration profile with the Association under a different name or utilizing a different email address.
4. A registrant shall not engage in any manner of dishonesty or cheating, or assist anyone else in attempting to cheat, in any examination conducted by the Association, or its Agents.
5. A registrant shall not reveal any detail of the content of any examination conducted by the Association, or its Agents.

## DIVISION III

### COMPLIANCE WITH THE REGULATORY AUTHORITY OF THE ASSOCIATION

1. A registrant of the Association shall comply with the regulatory authority of the Association.
2. When requested by the Association, a registrant shall promptly provide an account of his/her activities, responsibilities and functions. When employed by an organization, the registrant shall also provide a description of the organization and the business of the organization.
3. If requested by a client, an employer, any employee of an organization that employs the registrant, or any member of the public, a registrant shall provide information regarding the function, location, and contact information for the Association, and provide information about where this person can obtain:

(1) The statutes and By-Laws that govern the Human Resources Management profession; and

(2) The Association's Rules of Professional Conduct.

**4.** A registrant is subject to the disciplinary authority of the Association regardless of where the registrant's conduct occurs.

**5.** A registrant shall assist with any disciplinary processes of the Association, or any investigation into possible misconduct on the part of either himself or herself or on the part of any other registrant by the Association:

(1) registrants must respond promptly and forthrightly to any request by the Registrar, the Board of the Association or other duly authorized person in connection to any disciplinary process or any investigation into possible misconduct;

(2) registrants must accede to any request to appear in person to any disciplinary hearing conducted by HRP A;

(3) registrants shall forward to the Association any documents that are requested by the Association in the context of a registration matter, complaint, review, disciplinary process or investigation into possible misconduct.

**6.** A registrant shall not interfere with any disciplinary process of the Association, or any investigation into possible misconduct on the part of either himself or herself or on the part of any other Registrant by the Association:

(1) a registrant shall not communicate with a person who has filed a complaint against the registrant on any matter regarding the complaint or any matter arising from that complaint, without prior written permission of the Board of the Association or the Registrar, after having been notified that such a complaint had been filed;

(2) a registrant shall not attempt to intimidate or harass a person who has filed a complaint against the registrant or against another registrant of the Association;

(3) a registrant shall not threaten with retaliation any person who has filed a complaint against the registrant or against another registrant of the Association.



8. A registrant shall promptly and faithfully abide by whatever sanctions may be imposed as a result of a disciplinary process.
9. A registrant shall adhere to any undertaking or agreement that the member has made with the Association.
10. A registrant shall not, after the disposition of a complaint filed against the registrant or another registrant of the Association, and regardless of disposition of the complaint, retaliate against the person who has filed this complaint in good faith.

## DIVISION IV

### MANDATORY SELF-REPORTING OBLIGATIONS

1. A registrant must provide the Association with details of any of the following that relate to the registrant and that occur or arise after the initial registration of the registrant:

- (1) Any finding of guilt for a criminal offence;
- (2) Any finding of professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction, and whether it is in relation to the human resources management profession or another related profession;
- (3) A registrant's bankruptcy and insolvency event as set out in subsection 40(1) of the Act; or
- (4) Any proceeding for professional misconduct, incompetence or incapacity, whether in Ontario or in another jurisdiction, and whether it is in relation to the human resources management profession or commenced by another regulatory agency.

This is a self-reporting obligation. Only the registrant who has been found guilty of the criminal offence or who has been involved in disciplinary or incapacity proceedings of another governing body is required to report it. Colleagues who are not registrants and who know or suspect that a registrant has been convicted of a crime; or know or suspect that a registrant has been involved in disciplinary or incapacity proceedings of another governing body are not required to inform the Association. Registrants of the Association do not have to report criminal offences until they have been found guilty, but they are required to report if they are the subject of any ongoing disciplinary or incapacity proceeding.

## CHAPTER VI

### GENERAL DUTIES TOWARD EMPLOYERS, EMPLOYEES, THE PROFESSION AND THE PUBLIC

1. A registrant shall avoid any behaviour that would be unbecoming of a registrant of a profession. The registrant shall, in particular, act with courtesy and respect toward employers, employees, registrants of other professions, other registrants of the Association and the public.
2. A registrant shall not, with respect to whomever is in relation with him or her in the practice of his or her profession, breach another person's trust, voluntarily mislead another person, betray another person's good faith or use unfair practices.
3. A registrant shall avoid any attitude or method which could harm the reputation of the profession and his or her proficiency to serve the public interest. The registrant shall also avoid discriminatory, fraudulent or illegal practices and shall refuse to participate in such practices.
4. A registrant shall not, in any case, be guided by greed.
5. A registrant shall try to establish a relationship of mutual trust between himself or herself and the employer or client. To that end, the registrant shall in particular respect the personal values and convictions of the employer or client.
6. A registrant shall refrain from intervening in the personal matters of employers or clients on issues that are not relevant to the profession and that are not relevant to the reasons for which the employer or client gave him or her the engagement.
7. A registrant shall recognize at all times the employer's or client's right to consult another registrant of the Association, a registrant of another professional Association or any other competent person.
8. If the good of the employer or client so requires, a registrant must, with the employer's or client's authorization, consult another registrant of the Association, a registrant of another professional Association, or any other competent person, or refer the employer or client to one of these persons.
9. A registrant shall display reasonable availability and diligence.

## CHAPTER VII

### SPECIFIC DUTIES WHEN EMPLOYED BY ORGANIZATIONS

1. A registrant shall, as far as the registrant is able, ensure the human resources policies and practices of the organization:
  - (1) respect the rights and dignity of all stakeholders;
  - (2) respect all applicable laws.
2. As an employee of an organization, a registrant shall not:
  - (1) If it is within the registrant's jurisdiction to do so, falsify any statement or report or instruct someone else to falsify any statement or report;
  - (2) If it is within the registrant's jurisdiction to do so, allow misleading statements or reports to stand uncorrected;
  - (3) In cases where a registrant is aware that a statement or report has been falsified but for which the registrant does not have jurisdiction, the registrant must take steps reasonable in the circumstances to report the misleading statements or reports;
  - (4) Mislead any regulatory agencies by either including information known not to be true or by failing to include information known to be relevant.
3. As an employee of an organization, and as for such matters that fall under the control of the registrant, such registrant shall ensure that all records and documentation are up to date and accurate.

## CHAPTER VIII

### SPECIFIC DUTIES WHEN ACTING AS AN INDEPENDENT PRACTITIONER

#### DIVISION I

#### DUTIES WHILE CARRYING OUT AN ENGAGEMENT

1. A registrant shall refrain from giving contradictory opinions or advice to a client. Before expressing an opinion or giving advice to a client, a registrant shall seek to obtain complete knowledge of the facts. The registrant shall inform the client of the scope of the engagement, the terms and conditions for carrying it out and obtain his or her consent as soon as possible. If, during the engagement, a new fact occurs that could alter the scope thereof

or the terms and conditions for carrying it out, the registrant shall inform the client and obtain his or her consent as soon as possible before proceeding further.

2. A registrant shall set out, for the client, in a complete and objective manner, the nature and scope of the problem as he or she sees it on the basis of the facts brought to his or her knowledge by the client. The registrant shall also inform the client of the inherent and foreseeable risks associated with a proposed solution to the problem.

3. In addition to his or her opinion and advice, a registrant shall provide any explanation necessary for the client to evaluate and understand the professional services received.

4. A registrant shall notify the client of the approximate and foreseeable cost of his or her professional services with regards to disbursements and fees. The registrant shall also provide the client with any explanation necessary to understand his or her account of fees and the terms and conditions of payment.

5. A registrant shall avoid performing or multiplying professional acts that are not justified by the nature of the engagement entrusted to him or her by the client.

6. A registrant shall submit to his or her client any offer of settlement relating to the engagement entrusted to him or her by the client.

7. A registrant shall upon the client's request, account for the progress of the engagement entrusted to him or her by the client.

8. A registrant shall cease providing professional services to the client if the latter terminates the engagement.

9. A registrant may not unilaterally terminate an engagement entrusted to him by a client, except for valid and reasonable grounds. The following shall, in particular, constitute valid and reasonable grounds:

- (1) the registrant is in conflict of interest or a situation in which his or her professional independence could be questioned;
- (2) the client's confidence is lost;
- (3) the client has been deceitful or failed to cooperate;
- (4) the client has refused to pay the registrant's fees;
- (5) the client has attempted to induce the registrant to commit a discriminatory, fraudulent or illegal act; and

(6) it is impossible for the registrant to communicate with the client or to obtain from him the elements deemed necessary to carry out the engagement.

**10.** A registrant who, for valid and reasonable grounds, wishes to unilaterally terminate an engagement shall give prior notice to that effect indicating when the registrant will terminate the engagement. The registrant shall give that notice within a reasonable time and ensure, as is practicable, that it shall not be prejudicial to his or her client.

## DIVISION II

### PROFESSIONAL LIABILITY AND INSURANCE

1. Any registrant or firm in independent practice providing human resources services to the public either on a full-time, part-time, or occasional basis and whether for remuneration or pro bono shall maintain professional liability insurance.
2. It is prohibited to insert in a contract of professional services any clause excluding, directly or indirectly, in whole or in part, the registrant's or the firm's personal civil liability. The registrant or firm may not sign a contract containing such a clause.
3. A registrant or firm in independent practice shall maintain appropriate professional liability insurance that a prudent person in the business of the registrant or firm would maintain.

## DIVISION III

### FEES

1. A registrant shall charge fair and reasonable fees. Fees are considered fair and reasonable if they are warranted by the circumstances and in proportion to the services provided.
2. To determine the amount of his or her fees, a registrant shall, in particular, bear in mind the following factors:
  - (1) his or her experience;
  - (2) the time required to carry out the professional service;
  - (3) the complexity and extent of the professional service;
  - (4) the need to perform unusual professional services or services requiring exceptional speed or competence;
  - (5) the degree of responsibility assumed; and

(6) the need and use of special equipment.

3. A registrant may share his or her fees with another person if the responsibilities and services are also shared.

4. In payment of a professional service, a registrant shall receive fees from only one source, unless all the parties concerned explicitly agree otherwise. The registrant shall accept payment of the fees only by his or her client.

5. A registrant may collect interest on an outstanding account of fees only after having notified his or her client. The interest thus charged must be at a reasonable rate.

6. A registrant entrusting the collection of his or her fees to another person must, as far as possible, ensure that the latter will act with tact and moderation.

7. Before having recourse to legal proceedings, a registrant must have exhausted all other reasonable means at his or her disposal for obtaining payment of his or her fees.

## DIVISION IV

### CONDITIONS, OBLIGATIONS AND PROHIBITIONS IN RESPECT OF ADVERTISING

1. A registrant shall have his or her name, professional title and registration with HRP A appear in his or her advertisement.

2. A registrant may not, by any means whatsoever, engage in or allow the use of advertising that is false, incomplete, deceptive or liable to mislead.

3. A registrant who, in his or her advertising, claims to possess skills or specific qualities, particularly in respect of the effectiveness or scope of his or her services and of those generally ensured by other registrants of his or her profession or of his or her level of competence, shall be able to substantiate such claim. A registrant who, in his or her advertising, ascribes particular advantages to a product or service or certain performance characteristics, claims that a pecuniary benefit will result from the acquisition or use of a product or service or claims that a product or service complies with determined standards shall also be able to substantiate such claims.

4. A registrant may not resort to advertising practices likely to discredit or denigrate another professional, in particular another registrant of the Association or a registrant of another professional association.

5. A registrant who advertises professional fees must do so in a manner easily understandable by the public and, in particular:
- (1) maintain the amount of the fees in force for the period mentioned in the advertisement; that period must not be less than 90 days after the last authorized broadcast or publication;
  - (2) specify the services included in those fees; and
  - (3) In the case of an advertisement relating to a special price or discount, a registrant must mention the period of validity of the price or discount, as the case may be, and that period may not be less than 90 days.

However, a registrant may agree with a client on an amount lower than the one broadcast or published.

6. In his or her advertising, a registrant may not, by any means whatsoever, lay more stress on a special price or discount than on the professional service offered.

7. A registrant may not, by any means whatsoever, engage in or allow the use of any advertising intended for persons who may be emotionally or physically vulnerable because of the occurrence of a specific event.

8. A registrant must keep a complete copy of every advertisement in its original form for 3 years following the date on which it was last authorized to be published or broadcast. The copy must be given to the Board or the Registrar upon request.

9. In his or her advertising, a registrant may not state or imply any endorsement by the Association unless specifically authorised by the Association.

## CHAPTER IX

### SPECIFIC DUTIES WHEN MANAGING OR SUPERVISING OTHERS

1. Given the nature of the profession, it is essential that registrants of HRP A uphold the highest standards of conduct and integrity when they are in positions where they manage or supervise others. Whether in independent practice or employed by an organization, where a registrant manages or supervises the work of others, this registrant:

- (1) shall abide by all applicable workplace legislation in managing or supervising others;

- (2) shall not abuse his or her power or influence as managers and supervisors;
  - (3) shall not retaliate against those who are under their management or supervision should those individuals question some of the practices of the registrant.
2. As a manager or supervisor, a registrant shall not direct another registrant, student, other professional, or any other person to perform human resources functions for which he or she is not adequately trained or competent to perform and which may jeopardize the safety or wellbeing of the client, student, other professional, or any other person.

## CHAPTER X

### SPECIFIC DUTIES WHEN REPRESENTING AN INDIVIDUAL OR AN ORGANIZATION

1. Either as an independent practitioner or as an employee of an organization, a **registrant** can be called upon to represent persons or organizations at various labour and employment tribunals and boards including, but not limited to:

- Ontario Labour Relations Board;
- Canadian Industrial Relations Board;
- Human Rights Tribunal of Ontario;
- Canadian Human Rights Tribunal;
- Ontario Workplace Safety and Insurance Board;
- Workplace Safety & Insurance Board Adjudicator Hearings;
- Ontario Workers Compensation Appeals Tribunal;
- Grievance Settlement Board;
- Ontario Pay Equity Hearings Tribunal;
- Information and Privacy Commissioner.

When representing persons or organizations, a registrant:

- (1) shall be sufficiently prepared to undertake this representation and will have obtained the necessary assistance or information to do so;
- (2) shall represent themselves as a registrant of the Human Resources Professionals Association;
- (3) shall be free of any conflict of interest that would limit his or her ability to represent his or her organization or client in such proceedings;



- (4) shall not advise or represent more than one side of a dispute;
- (5) shall not withdraw from representation of a client except for good cause and upon notice to the organization or client appropriate in the circumstances;
- (6) shall withdraw from representation of an organization or client if he or she instructed to do something that is inconsistent with a human resources professional's duty to the tribunal and, following explanation, the organization or client persists in such direction.

2. A registrant shall show respect toward any commission of inquiry, body or tribunal or its members. A registrant shall not, directly or indirectly, distribute or publish comments or remarks the registrant knows to be false or which are overtly false, with respect to a commission of inquiry, a body or a tribunal or one of its members. A registrant shall not, directly or indirectly, comment publicly by any means whatsoever, any matter pending before a commission of inquiry, a body or a tribunal and in which the registrant or one of his or her partners or employees is a party.

3. A registrant shall appear in person or be represented at the time fixed for any proceeding relative to the practice of his or her profession unless the registrant is prevented therefrom for good and sufficient reasons and has, where possible, given prior notice of his or her absence to his or her client and to the other parties involved.