Meet your Regulatory Counsel

HUMAN RESOURCES PROFESSIONAL ASSOCIATION

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Topics

- The Act
  - Didn’t we have one?
  - What is different now?
- Self-Regulation
  - What does it mean?
- Public Interest
  - What does it mean?
- Trends in self-regulation
The Act(s)

- We already had an Act!
  - **Private Act**
    - Allows applicant to receive special benefit
    - Apply, pay $150
    - *Bud Monahan Guitar Sales and Service Ltd. Act, 2016*
    - *Corporation of Massey Hall and Roy Thomson Hall Act (Tax Relief), 2016*
  - **Public Act**
    - Applies to province as a whole
    - *Medicine Act, Architects Act, Nurses Act*
What is different now?

Registered Human Resources Professionals Act, 2013, S.O. 2013, c. 6

- Now truly self-regulated
- Firms
- Practice Inspections
- Investigation powers
- Non-Compellability
The Concept of Self-Regulation

- Professional self-regulation
  - Social contract
    - Monopoly, title and status
    - If you effectively regulate in public interest
  - Disappearing model
Reasons for the Self-Regulation Model

- **Expertise**
  - Understand the issues and the constraints
  - Have a sense of what is practical
- **Buy-in**
  - The power of peers
  - The benefits of belonging
Threats to self-regulation

- Declining model in the world
  - Ontario: Denturists
  - BC: Teachers, Real Estate
  - Quebec: Engineers

- Triggers:
  - Scandal
  - Audits
  - Government perception

- Cost
Searching for the Public Interest

• Start with the enabling legislation
  ○ Section 4(a) is explicit - one object of Association is to promote and protect the PI

• Expected activities and programs
  ○ Establishing, maintaining, developing and enforcing:
    ▪ Standards of qualification
    ▪ Standards of practice
    ▪ Standards of professional ethics
    ▪ Standards of knowledge, skill and proficiency
  ○ Regulating the practice, competence and professional conduct of members

• Should be focus of debate and use of time
What about members?

• Fairness, fairness, fairness!
• TOIF
• “Regulators have a duty to the public and a duty of fairness to the member and there is no value in saying that one is more important than the other. They are both important.”
  -Latimer v. Bray
Searching for public interest

Distinction between goals and methods

- Goal is to put public, not members, first
- However, a regulator can only be effective if it has general support of profession
  - Requires sensitive communication
  - Requires consultation and listening
  - Occasionally requires taking a less direct approach to achieving a goal
Trends in self-regulation

- Transparency and Accountability
- Rising costs of self-regulation
- Expanding powers of investigators
- Risk Management
Questions
Contact

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