

Does HR Really Want to Professionalize?

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Do we really want to professionalize?

That is a really good question—but there are layers to that question. For some years, the Human Resources Professionals Association (HRPA) asked the following question on its annual member survey: ‘Do you agree that the professionalization of HR is, or should be, an important issue for the profession?’ The results appear to show an overwhelming support for the professionalization of HR. But then again, professionalization is not defined in the survey; we really don’t know what respondents have in mind when they think of *professionalization*. In previous Queen’s IRC articles (Balthazard, 2014a, 2014b, 2015a, 2015b) we have seen that professionalization is a quid-pro-quo—that is, the profession has to give to get. The *get* is easy—enhanced status, respect, and remuneration. The *give*, however, is discussed much less often. Did the survey respondents carefully consider the *gives* and the *gets* of professionalization and decide that the net benefit of professionalization was positive before answering the question? Probably not. But this is something that needs to be worked through. If the support for professionalization is simply a reflection of the idea that it would be nice to have more status, respect, and remuneration as HR professionals, then the support may be shallow. If professionalization is sold solely based on its benefits, then there is the danger of feeding into this shallow support. Deep support for professionalization requires that the *gives* be considered as much as the *gets*.

The equation below summarizes the idea:

$$\begin{array}{rcccl} \text{Net Benefit of} & = & \text{Benefits of} & - & \text{Costs of} \\ \text{Professionhood} & & \text{Professionhood} & & \text{Professionhood} \end{array}$$

Of course, many of the *gives* and *takes* are intangibles such as pride in being a professionals and the satisfaction that comes from making a contribution to society. Nonetheless, the equation still makes sense.

What are the gives of professionalization?

There is one aspect which separates professions from other occupations—professions are governed and regulated by a professional regulatory body whereas this is not the case for other occupations. By law, these professional regulatory bodies are required to govern and regulate their members in the public interest. Simply, there is no way this can happen without introducing costs and obligations that must be borne by the members of the profession. Even if the professional regulatory body takes a minimalistic approach to professional regulation, the costs and obligations are not insignificant.

There is the requirement to establish various committees such as a complaints committee, a discipline committee, a review committee, a capacity committee and an appeal committee. Regulatory proceedings must often meet procedural standards which apply to all administrative tribunals. Decisions made by regulators who exercise authorities delegated by law are subject to judicial review by the courts. Members of committees making such decisions need to be

appropriately oriented and trained. In some jurisdictions, professional regulatory bodies must file annual reports on their regulatory activities to a ministry or government agency.

Maintaining a professional regulatory body also means conducting research into risks posed to the public arising from the practice of the profession.

Participation in the regulatory body's quality assurance program

In fulfilling its obligation to protect and promote the public interest, the professional regulatory bodies can be required to put in place policies and procedures which require professionals to maintain an acceptable level of competence¹. Collectively, these are referred to as quality assurance initiatives. The most common quality assurance mechanism is to require participation in continuing professional development programs. In many professions, members are required to submit to practice inspections and/or peer review programs. Indeed, l'Ordre des conseillers en ressources humaines agréés in Quebec already has a practice inspection program.

Professional liability insurance requirements

Members of regulated professions are often required to carry professional liability insurance. In Ontario, HR requires members in independent practice to obtain professional liability insurance. This requirement exists to protect the public by ensuring that members are able to cover any valid claim that could be made.

Constraints on professional practice

One of the obligations of professional regulatory bodies is to govern the practice of its members. An important aspect of this obligation is to issue professional guidance to members. This professional guidance can be broad as with codes of ethics and rules of professional conduct or quite specific as in practice advisories. In essence, professional guidance tells members of a profession what they can or cannot do. Some write-in comments made on HRP's annual member survey would suggest that some members do not believe that it is the role of the professional regulatory body to tell members how to do their jobs—but it is in law.

Another constraint on professional practice has to do with limitations on business structure. Many professional regulators regulate the practice of firms that offer professional services. Firms need to be registered with the professional regulatory body, and members must keep the professional regulatory body informed of any changes in the structure of the business.

Many professions have limitations on advertising.

In short, professionals are not free to practice their profession in whatever way they see fit.

¹ For instance, in Ontario, professional regulatory bodies falling under the Regulated Health Professions Act, 1991, must by law put in place quality assurance programs and to establish Quality Assurance Committees.

Being answerable to professional regulatory body

One aspect which distinguishes professionals from other occupations is that they are answerable to their professional regulatory body. Members are required to inform the professional regulatory body of any civil judgments, criminal convictions or misconduct proceedings brought forward by another regulatory body. Members may be required to inform their regulatory body of a bankruptcy or insolvency event. Professionals are required to fully cooperate with any investigation into allegations of misconduct on their part or any other investigation by the professional regulatory body for that matter. It is also the case that most professional regulatory bodies have continuing jurisdiction over former members, which means that individuals can no longer avoid investigations and discipline by resigning from their professional regulatory body.

Limitations on privacy and other rights

The courts have reiterated that being a member of a self-regulated profession is a privilege, and that members of such professions must accept certain limitations on their privacy. The public register contains information that some members would prefer not to be made public—for instance, information on previous disciplinary proceedings against them, whether the member has professional liability insurance, and so on. In fact, in Ontario, the Minister of Health has ordered the regulatory bodies falling under the Ministry of Health and Long-Term Care to make even more information on the professionals they regulated available to the public. (Ministry of Health and Long-Term Care, October 14, 2014).

In addition, in the course of an investigation by the professional regulatory body, an investigator may enter the business premises of members. The latter often causes concern among some members. However, of the 39 professions regulated by public act in Ontario, all 39 have the power to enter the business premises of members under investigation without a warrant. (Balthazard, 2011).

At times, being a professional is inconvenient

There are many ways in which being a professional is inconvenient at times. The difference between being professional (adjective) and being a professional (noun) is that for professionals professionalism is not a nice-to-have but an essential commitment to the public. Professionals are expected to be professional all the time. Not only are professionals expected to be professional all the time but, as noted above, professionals are accountable to their professional regulatory body for their behaviour as professionals. Sometimes being a professional means being expected to a stand on principle which may not be popular with some employers and clients—but that is part of being a profession too. (Balthazard, 2014b).

Is it possible to get the benefits of professionhood without incurring the costs and obligations of professionhood?

What is seen as a cost or obligation on the part of the profession is also what creates value of the public. The argument here is that an occupation cannot get the benefits of professionalization

without incurring the costs and obligations of professionalization. In fact, it could be argued that assuming these costs and obligations is exactly what the public uses in deciding whether an occupation is a true profession or not.

Continuing on the path of professionalization means that the costs and obligations of professionhood which are borne by the members will only increase. In HR our governing bodies are just beginning to become full-fledged professional regulatory bodies. Up until now, our governing bodies have not really taken on the full responsibility of professional regulation. As they do, the costs and obligations borne by the members will no doubt increase. On the other hand, the benefits of professionhood would also increase.

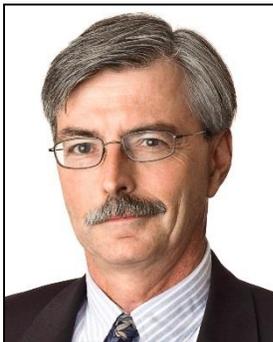
The tricky part, however, is that it would appear that it is the profession and its members that need to make the first move. In other words, the HR profession and its members will need to assume the costs and obligations of professionhood before the public will grant the commensurate benefits of professionhood to the HR profession.

In the established professions, the costs and obligations that come with professionhood are taken for granted—members of these professions have gotten to the point that these are considered just part of the package—but for some HR professionals assuming these costs and obligations may take some getting used to.

The key point

The key point is that to keep on making progress along the path of professionalization, shallow support won't be enough. Shallow support for professionalization will lead to a timid implementation of measures designed to protect the public and suboptimal levels of compliance on the part of HR professionals. In either case, that may not be enough to convince the public to grant the full benefits of professionhood. Of course, the alternative is to fully embrace professionalization, fully aware of the costs and obligations that come along with the benefits. What is important is that HR professionals are fully aware of the costs and obligations of professionalization as well as the benefits, and that the choice to professionalize is done with full engagement.

About the Author



Claude Balthazard is Vice-President Regulatory Affairs and Registrar at the Human Resources Professionals Association (HRPA). Claude joined HRPA in 2007. Since joining HRPA, Claude has championed the cause of the professionalization of HR by developing the Rules of Professional Conduct, by pushing for HRPA's new public act, and by leading the development of HRPA's updated Human Resources Competency Framework and its new designation framework. Claude has a Ph.D. in psychology from the University of Waterloo, is a registered psychologist in the Province of Ontario, and holds the CHRL designation.

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