

What is the Difference Between a Professional Regulator and a Professional Association?

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Written by: Cathi Mietkiewicz, JD

Cathi Mietkiewicz of Mietkiewicz Law advises regulators, associations and other not-for-profits on their governance, government relations, by-laws, policies, contracts and so much more that affects their everyday operations.



Cathi Mietkiewicz, JD

Chartered Professionals in Human Resources Saskatchewan (“CPHR Saskatchewan”) began pursuing self-regulation for the profession in 2013. After much hard work and advocacy on behalf of the profession, *The Chartered Professionals in Human Resources Act* (the “Act”), became law on May 13, 2021. This was a successful outcome for both human resource professionals and the public of Saskatchewan. The purpose of the Act, as with other legislation designed to regulate professions, is to ensure that the public is protected from the unskilled or unethical practice of a profession.

Successfully persuading the government to regulate human resource professionals in Saskatchewan meant that CPHR Saskatchewan would have to take on a new role. With the new Act came new responsibilities and obligations for CPHR Saskatchewan. It changed CPHR Saskatchewan from an organization that advocates for the profession (a professional association) to an organization that is legally required to serve the public and act in the public interest (a professional regulator).

The Act sets out the duties of CPHR Saskatchewan. It specifically says that CPHR Saskatchewan has a duty at all times:

- (a) To serve and protect the public; and
- (b) To exercise its powers and discharge its responsibilities in the public interest.¹

Additionally, the Act dictates the following objects for CPHR Saskatchewan:

- (a) To regulate the practice of the profession and to govern the members in accordance with this Act and the bylaws; and
- (b) To assure the public of the knowledge, skill, proficiency and competency of members in the practice of the human resources profession.²
- (c) To exercise its powers and discharge its responsibilities in the public interest.³

Additionally, the Act dictates the following objects for CPHR Saskatchewan:

- (a) To regulate the practice of the profession and to govern the members in accordance with this Act and the bylaws; and
- (b) To assure the public of the knowledge, skill, proficiency and competency of members in the practice of the human resources profession.⁴

As a professional regulator created by statute, CPHR Saskatchewan must comply with its duties under the Act. Further, not only must it comply with the objects as set out in the Act, but it also cannot take on activities that fall outside of those objects. In other words, CPHR Saskatchewan is limited to activities that fall into its stated objects and only protect the public interest. It cannot stray into activities

which are outside of its objects or do not serve the public.

Some of the ways that CPHR Saskatchewan, like all professional regulators, fulfills its public interest mandate are by:

- Establishing entry to practice and registration requirements for individuals to join CPHR Saskatchewan;
- Establish standards of practice and ethics for the profession;
- Setting ongoing education requirements to maintain registration;
- Maintaining complaints and discipline processes to promote compliance with standards of practice and ethical obligations.

Another example of the differences between the two is their relationship to government. Governments create professional regulators in order to delegate some of their governmental authority to the professional regulator. The regulator then takes on the role of regulating the profession on behalf of the government. Professional associations are not created by government and do not perform any acts on behalf of the government. They incorporate under the relevant corporate legislation and determine their own objects and areas of activity. If legislative changes to the profession are needed or desirable, a professional regulator *liaises with* the government to pass regulations and legislation that it believes are in the public interest. A professional association *lobbies* the government for legislative changes

¹ The Act at Section 4(1)

² The Act at Section 4(2)

³ The Act at Section 4(1)

⁴ The Act at Section 4(2)

that it believes are in the interest of the profession.

In short, a professional regulator is always working to benefit the public's interest and a professional association is always working to benefit the professionals' interests. These two are not necessarily mutually exclusive of one another. It does not mean that a regulator protects the public at the expense of the profession or that an association protects professionals at the expense of the public. It just means that their roles are different.

CPHR Saskatchewan has morphed, courtesy of the Act, from an organization that existed to serve the profession to one which now exists to serve the public interest. This is reflected in its Mission Statement adopted after the Act came into force:

CPHR Saskatchewan enhances the influence, relevance and value of the Human Resource profession by:

- Building awareness and credibility for the profession
- Creating collaborative partnerships with stakeholders

- Establishing standards and ensuring conduct for the profession
- Supporting professional learning and development
- Acting in the public interest

Now that the profession is regulated in Saskatchewan, registrants will see changes in CPHR Saskatchewan. If you find yourself wondering why CPHR Saskatchewan makes certain decisions in the future; imposes requirements that seem more restrictive than you are accustomed to; or is not acting as an advocate for the profession, remember CPHR Saskatchewan is now required to make all its decisions in the public interest. So, although "in the public interest" does not necessarily mean contrary to the professions' interests, the two will not always be identical or, in some circumstances, not closely aligned. Just as CPHR Saskatchewan has had to change how it views itself and conducts its activities, you, as a registrant of CPHR Saskatchewan will now find yourself viewing CPHR Saskatchewan through a different lens.