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**Official Report
of Debates
(Hansard)**

Wednesday 9 October 2013

**Journal
des débats
(Hansard)**

Mercredi 9 octobre 2013

**Standing Committee on
Regulations and Private Bills**

Registered Human Resources
Professionals Act, 2013

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Loi de 2013 sur les professionnels
en ressources humaines inscrits

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Wednesday 9 October 2013

Mercredi 9 octobre 2013

The committee met at 0900 in committee room 1.

The Chair (Mr. Peter Tabuns): The Standing Committee on Regulations and Private Bills will now come to order. We're here for public hearings on Bill 32, An Act respecting the Human Resources Professionals Association. You should note there are written submissions received on this bill on your desks.

SUBCOMMITTEE REPORT

The Chair (Mr. Peter Tabuns): We need to start first with the report from the subcommittee on committee business. Ms. Cansfield, if you could read it in and move it.

Mrs. Donna H. Cansfield: Your subcommittee on committee business met on Friday, October 4, 2013, to consider the method of proceeding on Bill 32, An Act respecting the Human Resources Professionals Association, and recommends the following:

(1) That, as per the order of the House, the committee meet for the purpose of holding public hearings on Wednesday, October 9, 2013, and Wednesday, October 23, 2013, in Toronto.

(2) That the Clerk of the Committee post information regarding the hearings on the Ontario parliamentary channel, the Legislative Assembly website and Canada NewsWire.

(3) That interested people who wish to be considered to make an oral presentation on Wednesday, October 9, 2013, should contact the Clerk of the Committee by Tuesday, October 8, 2013, at 4 p.m.

(4) That interested people who wish to be considered to make an oral presentation on Wednesday, October 23, 2013, should contact the Clerk of the Committee by Monday, October 21, 2013, at 10 a.m.

(5) That, in the event that all witnesses cannot be scheduled, the Clerk of the Committee provides the members of the subcommittee with a list of requests to appear and that the subcommittee provides the Clerk of the Committee with a prioritized list of witnesses to be scheduled.

(6) That the Clerk of the Committee notifies the sponsors of the bill regarding the hearing dates.

(7) That the length of presentations for witnesses be a total of 10 minutes, with five minutes for a presentation and up to five minutes for questions on a rotational basis.

(8) That the deadline for written submissions be Wednesday, October 23, 2013, at 5 p.m.

(9) That, as per the order of the House, the deadline for filing amendments to the bill with the Clerk of the Committee is Tuesday, October 29, 2013, at noon.

(10) That, as per the order of the House, clause-by-clause consideration of the bill be scheduled for Wednesday, October 30, 2013.

(11) That the research officer provide the committee with background material by Friday, October 11, 2013.

(12) That the research officer provide the committee a summary of the presentations by Monday, October 28, 2013, at 10 a.m.

(13) That the Clerk of the Committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceedings.

I move that the subcommittee report be adopted.

The Chair (Mr. Peter Tabuns): Thank you, Ms. Cansfield. Any debate? All those in favour? Opposed? It's carried. Thank you.

We'll go now to our presenters.

**REGISTERED HUMAN RESOURCES
PROFESSIONALS ACT, 2013**

**LOI DE 2013 SUR LES PROFESSIONNELS
EN RESSOURCES HUMAINES INSCRITS**

Consideration of the following bill:

Bill 32, An Act respecting the Human Resources Professionals Association / Projet de loi 32, Loi concernant l'Association des professionnels en ressources humaines.

**HUMAN RESOURCES
PROFESSIONALS ASSOCIATION**

The Chair (Mr. Peter Tabuns): I'll call on the Human Resources Professionals Association to come forward. You have up to five minutes for your presentation, and up to five minutes have been allotted for questions from committee members. Could you please state your names for Hansard, and we'll start.

Mr. Claude Balthazard: My name is Claude Balthazard. I'm VP, regulatory affairs, at HRP.

Mr. Bill Greenhalgh: My name is Bill Greenhalgh. I'm the CEO of HRP.

Mr. Scott Allinson: Scott Allinson, vice-president of public affairs for the Human Resources Professionals Association.

The Chair (Mr. Peter Tabuns): Please begin.

Mr. Bill Greenhalgh: Thank you. I thought that I had 10 minutes to talk, so I'm going to have to cut this down as I go, so I will sort of ad lib.

The Chair (Mr. Peter Tabuns): I'll say this to you: You can speak for 10 minutes, but they won't get a chance to ask you questions.

Mr. Bill Greenhalgh: That's fine. I'll cut it down as we go.

As you know, the Human Resources Professionals Association, HRP, is Ontario's HR thought leader. We have more than 20,000 members in 28 chapters spread across the province of Ontario, and those members represent about 8,000 or so organizations. They cover every industrial sector. Between them, those companies employ about 2.5 million Ontario workers.

We're governed by legislation that's encoded in the Human Resources Professionals Association of Ontario Act, 1990. Of course, that hasn't changed since then; it's roughly 20-odd years old now.

We are a regulatory association under the purview of that act, and our major goal as a regulatory association is to protect the public interest. We do that by:

- setting standards for our members who enter and work in the HR profession;
- establishing requirements for association membership and certification;
- maintaining and updating rules of professional conduct that regulate the behavior and practices of our members, and that specify how and when they might be sanctioned or removed from membership; and
- establishing professional liability insurance requirements.

Our members have a very high level of professionalism and are protected by regulatory safeguards to complete this work, both to create value for the organization that employs them and to ensure the legislative rights of workers in the workplace.

We strongly believe that an updated act will better safeguard the public interest by enhancing its regulatory and oversight powers to ensure that Ontario's workplaces are fully compliant with existing and future provincial workplace legislation.

This, in fact, is supported by a recent HRP study that looked at information about convictions under the Employment Standards Act that were posted on the Ontario Ministry of Labour website. What we did was cross-reference those convictions with names of HRP members on membership records. There were a total of 489 ESA convictions between October 2008 and January 2010, and none—0%—were linked to an HRP member. All the convictions were non-HRP members.

When our board of directors committed to updating our current act, we sought an independent expert opinion

on the bill from Richard Steinecke, who is one of the foremost legal experts on regulation certainly in Canada and probably throughout North America. In fact, all of our processes—our adjudicative processes, complaints investigation and discipline—are based upon comments he made and on the lessons we've taken from the law society and from the accounting associations.

Bill 32 will update from 1990. It will also assist the HRP and its members to evolve into a strong and credible tier-one profession, and will mitigate risks to consumers and businesses that aren't fully addressed in the 1990 act. These include, for example, harm to the public: In 2010 and 2011 alone, more than one in seven former HRP members continued to use the CHRP designation without authorization. Once they leave the association, they're not permitted to use it anymore, but they continued to do so. This number is growing, and increased by more than 30% in 2012. That doesn't include misuse by people who were never members of HRP in the first place, or unreported or undetected cases of misuse.

The Chair (Mr. Peter Tabuns): You have a minute left.

Mr. Bill Greenhalgh: Okay. There are a number of changes that will be incorporated in the new act, and one in particular is that our board in the future would include three individuals who are not members of the association or a self-regulated human resources body, and who are appointed by the Lieutenant Governor in Council.

It also updates our prior act to deal with some significant changes in employment legislation in the last few years such as accommodation, which wasn't recognized in the 1990 act. For example, when people in the workplace have issues with disability or broad health issues, our ability today has to be punitive. We have no ability to function in a rehabilitative way by recognizing incapacity.

I think that strengthening protection of the public is what Bill 32 is all about. As the Ontario workplace evolves, and as the government continues to introduce legislation to govern the workplace, organizations need HR professionals who can interpret and implement these rules for the benefit of everybody, both employers and employees.

Thank you for your time this morning.

The Chair (Mr. Peter Tabuns): Thank you. The first questions are to the opposition. Mr. Jackson.

Mr. Rod Jackson: Thank you for your presentation. I know that you didn't get all the time you needed to get across all the things that are important to you. However, I'm wondering if you can elaborate a little bit on why it's important that people who do not belong to the HRP or people who haven't earned the CHRP designation, or whatever designation it may be—why is it important that those people be accredited with the HRP?

0910

Mr. Bill Greenhalgh: Well, there's no licensing requirement in the act, so that it's optional as to whether people belong to the association or not. The differentia-

tion is that we have very strong rules of professional conduct that determine how people behave and how they act in the workplace, and we have adjudicative processes that deal with anything that happens contrary to those rules of professional conduct.

With people outside of the membership, or who are known as CHRPs, what we have found, in that particular study that we did and through other information we have as well, is that many people who are non-HRPA members are giving advice to companies in the HR field that in fact is incorrect because they're not aware of the most recent legislation. Our members are required to go through continuous professional development. Every three years, they have to renew that designation, and a large part of that is to keep up to date with changes in legislation and the workplace. There's no obligation for people—you don't have to be a member of HRP to function in HR, but if you are a member of HRP, you're subject to some guidelines and rules of professional conduct that we make sure are enforced.

Mr. Rod Jackson: Is there a concern that maybe there are some people out there who are misleading employers by using designations improperly?

Mr. Bill Greenhalgh: Absolutely. That's exactly the point. In fact, that's an increasing number. I guess as the economy changes a bit, people are leaving the association and still using the designation. In the old act, we have no way to control that at all. It's misrepresentation, and it's actually damaging employers and workplaces.

Mr. Rod Jackson: Have you had complaints from employers about people using a designation improperly?

Mr. Bill Greenhalgh: We've not had complaints about the designation, but we've received complaints about issues that are related to non-members of the association and we are forced to say, "Well, we can't deal with that because we can only enforce the sanctions or whatever on our members." So we have had complaints from employers who have received inadequate or, even in some cases, incorrect advice.

Mr. Rod Jackson: Right. In a nutshell, how do you think this bill will benefit employers in helping them advance their business and grow their business?

Mr. Bill Greenhalgh: I think in many cases, there's new legislation—for example, in workplace harassment and bullying and safety—and it changes often. There are many employers around who are just not aware of some of the implications in terms of the potential for convictions or fines or whatever.

Our members do a great job in terms of making sure that the companies they work for are compliant with the legislation as it comes out. They are very aware of it; they are very up-to-date on it. We run educational programs all the time in terms of new laws that impact the workplace. So our members are very cognizant of these changes, and they make sure that employers are compliant. If there are investigations in workplaces or in companies, it can be incredibly disruptive for employers and have a big impact on employees as well. They make sure that doesn't happen.

Mr. Rod Jackson: It would mitigate the risk, is what you're—

The Chair (Mr. Peter Tabuns): Sorry. There's just about a minute left. If I could move on to the next party. Mr. Vanthof.

Mr. John Vanthof: Just a quick question. I take it that in your opinion, this act would also be of a large benefit to employees as well—

Mr. Bill Greenhalgh: Absolutely. One of the things I mentioned originally, in fact, is in terms of—accommodation is not an issue, is not a fact, of our existing bill. We just can't deal with anything because there's no ability in there. We can deal with the bylaws, but they're not encoded in any law. The new act recognizes incapacity so it allows us to deal with that particular concern.

In terms of employees as well, our members act as the interface between the employer and the employee. I said earlier, they represent about two and a half million employees around the province. Safety, in particular, is a key point. They make sure that workplaces are safe and that people don't get injured and those kinds of things. It's absolutely a bill that benefits both employers and the employees.

The Chair (Mr. Peter Tabuns): Thank you very much. The 10 minutes are done. I appreciate it.

Mr. Bill Greenhalgh: Okay. Thank you.

Mr. Bill Walker: Chair, is it possible to ask one line of clarification which I think is pretty significant?

The Chair (Mr. Peter Tabuns): Is the rest of the committee agreeable?

Mr. Bill Walker: It's just that I think I read in there, and I just want to make sure I read it correctly, that there's no mandatory requirement to join.

Mr. Bill Greenhalgh: Absolutely correct.

Mr. Bill Walker: So, the buyer beware, if you don't hire someone from HRP. However, there's no mandatory requirement.

Mr. Bill Greenhalgh: Yes. There's no licensing of any kind. You can opt to be an HR professional and be a member—

Mr. Bill Walker: —and not join.

Mr. Bill Greenhalgh: —and not join. You can still practise your profession. There's no restriction.

Mr. Bill Walker: Thank you very much. Thank you for your indulgence.

The Chair (Mr. Peter Tabuns): Thank you.

MS. MONIQUE SAVIN

The Chair (Mr. Peter Tabuns): I'll next call on Monique Savin. Ms. Savin, if you could have a seat.

Ms. Monique Savin: Thank you.

The Chair (Mr. Peter Tabuns): As you know, you have up to five minutes for presentation and then five minutes for questions. If you'd just state your name for Hansard, and start your presentation.

Ms. Monique Savin: Absolutely. My name is Monique Savin. Thank you very much for meeting with me, or letting me come to speak today. I appreciate it; I'm most grateful.

If I could have your attention—I don't know where you are in this particular bill, or how much information you have read from me that I've sent to the committee.

I am here—and I've sent a copy to you to read this morning as well of my points—to counter what Mr. Greenhalgh has to say.

I'm going to give my personal experience of what it's like for the HRPAs to enforce its own policies and its capabilities to do all the things that it says it promises to you.

In my personal opinion, I think they're embarrassing you for supporting this particular bill, for a number of reasons that I will set forth. More importantly—that is important, but more importantly, they do put the public and Ontario businesses at risk for public health and safety.

With the real-life practices that I have been through in the last 18 months or so, I have followed the procedures to report two particular members of the HRPAs to the HRPAs so that they would help me in my report, to be able to get some information about how they operate, whether they investigate, and whether they discipline their particular members.

Joanne Hogg of the Granite Club, and also her assistant who helped her, Kelly Woods, were two particular people that I was talking about, and I have cases set forth with the HRTA, and also through Manulife and various other proceedings, to be able to make sure that I have some sort of—"justice" is the wrong word; what's the word that I'm thinking of?—responsibility, and be able to take action for what they're claiming to you to have powers for.

What I'm trying to say is that after 18 months or so, I reported to HRPAs my experiences with these two particular people, who, through their incompetence and through their misconduct, cost me my job at the Granite Club as a copy editor and Web publisher.

It has had a devastating effect on me. I suffered—and suffer—major depression and post-traumatic stress disorder that has been diagnosed by attending a physician.

I have for you, in the pages that I sent this morning, three provisions I would like to see with the bill, which is a compensation fund for members of the public who have been damaged by the HRPAs members and also by the HRPAs, who fails to report these particular members to the OHSA, I believe it is.

What's interesting in Mr. Greenhalgh's statement is that he uses some particular data, saying that the HRPAs used particular data and a particular time frame, from 2008 to 2010, and lo and behold, zero people from the HRPAs—zero members—were found guilty. Well, it's interesting that in the policies and procedures, there is no responsibility to the HRPAs to report their members to the Ontario health and safety association for ESA. So they're giving you data that makes absolutely no sense, because it's irrelevant, and it's data that they created themselves.

It's like asking, you know, the team of steroids, to be able to investigate themselves and say, "No, our athletes don't take steroids." That's essentially what my opinion is.

I also would like the HRPAs to report its members, when they have been reported by complainants like me, to the ESA so that there is some responsibility. Part of the oversight committee is that, again, part of the self-policing strategy—it's actually a word that Mr. Greenhalgh used. They have put people on the oversight committee who are selected by the HRPAs, which does not—

0920

The Chair (Mr. Peter Tabuns): You have one minute left.

Ms. Monique Savin: Unless I have another five minutes from questions.

The Chair (Mr. Peter Tabuns): Yes, sure. One minute left to speak.

Ms. Monique Savin: To me, it sounds a little self-serving that you pick people to be able to be on an oversight committee. Hey, I'm new to this particular industry and politics. Maybe that's how it goes; I don't know. It's not fair to me as an individual who has, over 18 months, complained and followed the procedures without any legal counsel. I've had to spend my own money—and I am unemployed—to do so, my savings, to be able to protect my self-interest from these particular members.

Moving forward, I wanted to talk to you about the reality of their ability to be able to enforce what they say they're going to enforce and where it is embarrassing you, gentlemen and ladies. They have failed in their investigation of Joanne Hogg. It remains incomplete and incorrect because of my condition, and I went to them for their help to be able to get some answers and concerns and reprimands and retraining for their members, so they don't continue to—

The Chair (Mr. Peter Tabuns): Ms. Savin, your time is up.

Ms. Monique Savin: Got it.

The Chair (Mr. Peter Tabuns): You have to halt.

Ms. Monique Savin: Yes.

The Chair (Mr. Peter Tabuns): We'll go to questions. I'll start with the Liberals.

Mrs. Donna H. Cansfield: Thank you very much for your presentation, but I actually have a question for the Chair, and I would like some guidance. The reason is that Ms. Savin is before the courts with both these organizations, and it puts us in a very awkward position, as members, because of the judicial aspect of this. So I need some guidance from the Chair in terms of actually speaking to the issues she's identified, because normally we're not allowed to get involved with anything before the courts.

The Chair (Mr. Peter Tabuns): Ms. Cansfield, I will consult with the Clerk.

Mrs. Donna H. Cansfield: Thank you very much.

Ms. Monique Savin: While you're consulting, can I continue?

Mrs. Donna H. Cansfield: No.

The Chair (Mr. Peter Tabuns): Thank you. My advice, and my advice to all of you, is that questions should be directed to the bill, its contents, its operations. With regard to any legal action, that's not within our frame of reference and you should govern yourselves accordingly.

Mrs. Donna H. Cansfield: Thank you very much, and I appreciate that perspective.

So my question to you is, how do you believe this bill would improve better practices and processes during the complaint?

Ms. Monique Savin: I don't.

Mrs. Donna H. Cansfield: Okay. Thank you very much.

The Chair (Mr. Peter Tabuns): Okay. To the official opposition.

Interjection.

The Chair (Mr. Peter Tabuns): You have no questions?

Mr. Vanthof?

Mr. John Vanthof: I'd like to thank you for coming and airing your concerns. It's a big part of our system. If you would like to take the remaining part of your time to continue—

Ms. Monique Savin: Yes, thank you very, very much.

Mr. John Vanthof: —that would be fine with me.

Ms. Monique Savin: Is that all right?

The Chair (Mr. Peter Tabuns): If there are no other questions from the members.

Ms. Monique Savin: Yes, is that all right?

The Chair (Mr. Peter Tabuns): Ms. Savin, please proceed.

Ms. Monique Savin: Thank you. I have forwarded several emails and such so that you get some background information. It's very difficult for me to be able to communicate all these things in the time frame, considering I just got the notice to appear yesterday at 4 o'clock. Nonetheless, I have written this morning just three pages, so if you could read them, I would greatly appreciate it, because I'm trying to speak from the public and also from the employer's point of view.

You asked me how this bill is going to help whoever, Ontario employers. It doesn't, the reason being that for me, it's just a big swindle operation, because the public will go to the HRPAs for help and assistance, and it appears to be a swindle because they do not help you when you go and you ask for their help, when you follow procedures, and you're in a particular condition caused by the HRPAs members, because you're suffering these conditions as a result of their actions, which they fail intentionally to investigate and discipline and retrain.

I feel that they've set themselves up, and a lot of the Ontario employers, for professional malpractice. I think it's a swindle in the sense that they're promising you and

promising to support Ontario employers by saying you're going to get value for your money by hiring particular HRPAs accredited members. It's bogus. First of all, they don't report any of the stuff that their members do to OHSAs for the employment standards, which is important, which is a moot point that he raised. I don't know why he would bring that point up. But it appears that they mislead the Ontario employers about getting value for their money if they hire these particular HR professionals. They're not. They're not getting anything better than anybody else. What happens is, and here's my case, they don't report it, and therefore by failing that, that puts the remaining employees who are at a particular company—say the Granite Club, for example—at risk for public health and safety damages, which I have experienced.

Right now, Ms. Hogg at the Granite Club has her job. She's also serving on a voluntary basis at Ryerson University. I talked to the dean there of the school of hospitality, David Martin, I believe his name is, to complain, saying, "Can you help me with this? Why is she on a board of a school of hospitality as a volunteer?"

The Chair (Mr. Peter Tabuns): You have one minute.

Ms. Monique Savin: Perfect.

Okay, so what I'm trying to say is if you support this bill, the reality is that you're going to support what the HRPAs does not do, that they should do, that they have said that they will do, but don't. If you're willing to do that and put lots of other people who don't have guts and heart and have a lot at stake and have to go out there and support their family and have to go out and get the next job—I haven't been able to get a job. At 45 years of age, I haven't been able to get anything just yet, so I have time to follow up on my case.

But for those people who don't, I'm speaking to them, and I'm asking for you to really seriously consider not supporting them because of what they don't do. They've promised you what they've done. I have given them a real-life experience and an opportunity for them to show you and kick your asses by saying: "This is how good we are. This is why we deserve your support."

The Chair (Mr. Peter Tabuns): Ms. Savin, your time is up.

Ms. Monique Savin: Thank you.

The Chair (Mr. Peter Tabuns): Thank you.

Colleagues, that concludes our business today. The committee is adjourned.

The committee adjourned at 0927.

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