

What Does It Mean to Be Regulated?

Claude Balthazard, Ph.D., CHRP
Director HR Excellence and Registrar
Human Resources Professionals Association

The present article reviews the fundamentals of professional regulation as it applies to Human Resources management in Ontario and Canada. In many professions, knowledge of the workings of professional regulation is expected or even required of all members of the profession. And yet, it would appear that many Human Resources professionals in Ontario and elsewhere in Canada do not understand what professional regulation is and how it works. This purpose of this article is to give an overview of professional regulation as it applies to the regulation of the Human Resources profession in Canada and in Ontario more specifically

Professional self-regulation: The Statutory framework

Governments regulate a great deal of commercial activity in order to ensure that the public interest is served. One such area is the transactions between professionals and consumers.

Self-regulation is the preferred approach used to regulate the practice of professionals in Canada. Self-regulation is based on the concept of an occupational group entering into an agreement with government to formally regulate the activities of its members. Professional self-regulation is a regulatory model which enables government to have some control over the practice of a profession and the services provided by its members but without having to maintain the special in-depth expertise required to regulate a profession that would be required under direct regulation.

In Canada, the regulation of trades and professions falls under *provincial* authority for the most part. Although one could say that the provinces are the regulators of the trades and professions in Canada, the term 'regulator' is most often used to refer to those bodies that been delegated the authority to regulate a profession or trade on behalf of their respective provincial governments.

Regulator, regulatory body, and regulatory authority are synonymous terms.

The granting of regulatory authority is done through an act of legislature (an 'act' or 'statute') which provides a framework for the regulation of a specified profession, and identifies the extent of the legal authority that has been delegated to the profession's regulatory body. The specific legal authority transferred from government to the profession's regulatory body varies with different regulatory models. In all professional regulatory models, however, in exchange for the benefits of professional status, the regulatory body of a profession is expected to develop, implement, and enforce various rules. These rules are designed to protect the public by ensuring that services from members of the profession are provided in a competent and ethical manner.

Some associate the term 'regulation' with the discipline or 'policing' functions, but 'regulation' also includes functions such as registration and certification.

The legal authorities delegated to professional associations or regulatory bodies usually include:

- the right to set standards as to who may enter the profession;

- the right to set standards of practice for those working in the profession; and
- the right to create rules for when and how members may be sanctioned or removed from the profession.

The self-regulation model also generally requires that the regulatory body put in place complaints and appeals mechanisms. Such a system permits members of the public to raise concerns about services a professional provides to them, as well as provides a process to investigate and, if necessary, discipline any member of the profession who fails to meet professional standards of practice. Appeals processes are there to provide an additional level of confidence that decisions are made in a fair and equitable manner.

Finally, professional regulatory bodies often have a mandate to educate the various stakeholders about the nature of regulation.

Protection of the public

Whether stated explicitly in the enabling legislation or implicit in such legislation is the principle that professional self-regulation is in the interest of the public. Although professional regulation has some benefits for the profession, its essential *raison d'être* is to protect the public not to enhance the status of the profession. It is expected that all of a regulatory body's decisions and activities will be done in the "public interest." In other words, the primary purpose behind all regulatory body actions should be to protect the public from incompetent or unethical practitioners not the forwarding of the interests of the profession.

Approach to professional regulation differs from one profession to the next and from one jurisdiction to the next

Approaches to professional self-regulation range from minimal to extensive control over a profession. Within the overall self-regulation approach, governments can choose from among many different frameworks. For instance, both Quebec and Ontario have a self-regulation approach to the regulation of professions; and yet the

framework is actually quite different. In Quebec, there exists umbrella legislation that covers all regulated professions; in Ontario, there is no such umbrella legislation with oversight being usually at the ministerial level.

Which approach is chosen will depend on the nature of the activities performed by a profession's members, and the extent to which the public might be harmed if an incompetent member of a profession provided services.

Not all professions are regulated

Being a profession does not mean that the government will move to regulate the profession. There are different definitions of what it means to be a 'profession.'

Governments are more likely to regulate professions when:

- The public does not have the capacity to evaluate the competence of the professional (before it may be too late)
- The public does not have the choice of practitioner
- There is an imbalance in the power of the service provider and those who receive services
- When the consequences of the actions of incompetent or unethical practitioners are serious

Again it is not whether the profession 'deserves' to be a recognized as a profession that concerns government; rather, it is whether the public needs protection that will motivate a government to regulate a profession.

Levels of regulation

Broadly, there are three levels of regulation: registration, certification, and licensure.

Registration is the least involved form of regulation.

Here the requirement is for professionals to be listed on a sanctioned register.

Certification is essentially the stamp of approval given to an individual for meeting pre-determined requirements. Certification is often associated with monopoly use of a specific title or professional designation ("protection of title"). This model protects the public by providing

information about the qualifications of designation holders so that the public can make an informed decision about who they want to receive services from.

Licensure is one of the most restrictive forms of professional regulation. Specifically, licensure provides an occupational group with monopoly control over who can practice a profession. Only those individuals who have met specific requirements to enter a profession are issued a “license” to practice the profession or to perform certain “controlled acts.” Entry requirements are generally quite detailed and often include attaining specified educational requirements and completion of some form of licensing examination.

In recent years, more sophisticated forms of regulation have evolved, which might be described as hybrid models—combining different features of licensure, certification, and registration.

It should also be noted that the term registration has more than one meaning depending on the context. Above, the term registration was used to refer to the least restrictive form of regulation. The term registration is also used in a broader sense to refer to all three levels. For instance, the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*, refers to fair registration practices. In that context, registration refers to registration, certification, or licensure.

The differences between a professional association and a regulatory body

The distinction between a professional association and a regulatory body is one that is not well understood but which is important to understand.

As noted earlier, governments are not moved to legislate to forward the interests of a particular professional group; governments legislate to protect the public interest. The regulation of trades and professions has as its policy objective to guarantee the competence and ethical behaviour of deliverers of professional services. Yes, self-regulation confers many benefits to the professional organization, but this is not what compels provincial legislatures to regulate professions. In

exchange for this delegated authority to regulate the profession, the government expects that the association or regulating body will manage the profession ‘in the public interest.’ Professional organizations, on the other hand, are all about serving the interests of their members. That is why they came about in the first place.

Regulatory bodies:

- Define criteria for registration with and certification by the Association
- Prescribe codes of ethics, rules of professional conduct and standards of practice
- Investigate complaints about members and discipline members appropriately
- Issue official documentation that attests to the fact that individuals have met the requirement for registration with and certification by the Association
- Manage the official register

Professional associations, on the other hand:

- providing networking opportunities,
- they publish information of interest to its members,
- they conduct research
- they stage conferences, seminars, and workshops,
- they maintain job boards,
- they negotiate preferential rates for their members for various products and services, and
- they lobby for the interests of their members.

Professional associations and regulatory bodies serve two different masters. Regulatory bodies are there to serve the interest of the public, and are accountable to the Province for living up to the deal defined by the enabling legislation Professional associations are there to serve the interests of its members, and are accountable to their members.

Because of the potential conflict of interest between making decisions in the interest of the public versus that of the profession, governments often requires a separation between professional association and regulatory body. For instance, for the legal profession there is the Law Society of Upper Canada (LSUC), which is

the regulator, and the Ontario Bar Association (OBA), which is the professional association. For nursing, there is the College of Nurses of Ontario (CNO) which is the regulator, and there are the Registered Nurses Association of Ontario (RNAO) and the Registered Practical Nurses of Ontario (RPNAO). Nursing is an interesting example, one regulator but two professional associations.

Although professional associations and regulatory bodies are often separate, this is not always the case. Despite the potential conflicts of interest, in some circumstances, such as when profession is newly regulated, fairly small, or the risk of harm to the public is relatively low, the Province may allow both the professional association and regulatory body to co-exist as one organization. This is the case for Human Resources Management. Nonetheless, the Province still expects the public interest to take precedence in making decisions related to regulatory functions. Failure to do so would leave the profession open to losing its self-regulatory status and potentially being regulated directly by government.

True regulators and quasi-regulators

It was noted above that the key defining characteristic of professional regulatory bodies is the fact that there is a formal delegation of provincial powers of regulation to a professional association or regulatory body by means of an act. And yet, some professional bodies offer designations, have codes of ethics, and have complaint mechanisms without such legislation. We could call these professional bodies '*quasi-regulators*.'

Quasi-regulators seem to do everything that true professional regulatory bodies do but without specific enabling legislation. Indeed, by outward appearances, there is no great difference between quasi-regulators and true regulators.

The difference between true regulators and quasi-regulators is at the same time subtle and profound. Here are some of the differences between quasi-regulators and true regulators.

The existence of act indicates that the provincial legislature has recognized the profession and has provided official sanction to the provincial association or regulatory body to regulate the profession. In that regulatory powers are delegated powers, this delegation could always be revoked should the professional body not live up to the terms set out in the enabling legislation.

Because they are created through legislation, the various committees and panels that make regulatory decisions are considered as administrative tribunals; indeed, the decisions of these committees and panels are often appealable to Divisional Court, the branch of the Superior Court that deals with such matters.

Another example of the difference between quasi-regulators and true regulators is how title protection works. In the case of true regulator, the enabling legislation will make it an offence to use the title (designation) or initials without authorization of the professional association or regulatory body. In essence, the government has made it illegal to use the title without specific authorization by the regulatory body. In the case of quasi-regulators, there is no such legislation. In this case, using the designation without authorization is not an offence (illegal). The quasi-regulator (or whatever body owns the Trademark) must initiate a civil action for trademark (certification mark) infringement provided that the designation has been trademarked.

True regulators are subject to a greater degree of governmental control than are quasi-regulators. For instance, the Agreement on Internal Trade (AIT) defines "regulatory authority" as "a department, ministry or similar agency of Government or a non-governmental body that exercises authority delegated by law." True regulators are 'non-governmental bodies that exercise authority delegated by law.'

As noted above, the differences between true regulators and quasi-regulators are both subtle and profound. Although they appear to do much the same things, true regulators are doing so more as an extension of government, with statutory authorities and corresponding obligations.

Self-regulation is in the enlightened self-interest of the profession

Given that self-regulation imposes a certain burden on all members of a profession, we may wonder why a profession would seek out the responsibilities of self-regulation.

Enlightened self-interest refers to the situation where furthering the interests of others is also in furthers self-interest. Professional regulation is like that—by furthering the interests of the public, professions further their own interests.

For this reason, many unregulated professions seek to become regulated professions even though this often brings about greater control and obligations.

Professional self-regulation and Human Resources Management in Ontario

Where do matters stand for the Human Resources profession in Ontario?

The defining characteristic of *regulated professions* is the existence of some legislation that transfers some of the provincial authority to regulate a profession to a professional association or regulatory body. In Ontario, this piece of legislation is the *Human Resources Professionals Association of Ontario Act, 1990*. By means of this Act, the Province of Ontario has delegated some of its authority to regulate in the area of Human Resources Management to the Human Resources Professionals Association. The Human Resources Professionals Association is a ‘non-governmental body that exercises authority delegated by law.’ HRP is a “true regulator.”

The existence of this *Act* means that, in Ontario, human resources is a *regulated profession* and the HRP is the *regulatory body* for human resources management in Ontario.

In Ontario, the human resources profession is regulated at the *registration* and *certification* levels. At the registration level, general membership in HRP requires

that individuals be in good standing and agree to abide by the Association’s by-laws, Code of Ethics, and Rules of Professional Conduct. At the certification level, in addition to the requirements of general membership, individuals must meet, and maintain, a standard of competence based on an assessment of knowledge, skills, and abilities. Having met this standard, individuals are granted the title of Certified Human Resources Professional, and the right to use the CHRP initials. Both certified and non-certified members appear on HRP’s register.

The fact that Human Resources Management is not a licensed profession does not mean that it is not a regulated profession. In Ontario, a number of professions are presently regulated at the certification level. To put it another way, the fact that individuals do not need a license to practice human resource management in Ontario does not mean that the profession of Human Resources management is not regulated. The fact that individuals need not be member of HRP to practice as human resources management does not mean that the profession of human resource management is not regulated.

The fact that many within the Human Resources profession in Ontario do not think of themselves as members of a regulated profession owes more to a lack of understanding of the regulatory framework in Ontario than the status of the profession itself.

Private vs. public act

The *Human Resources Professionals Association of Ontario Act, 1990*, is a private act as opposed to a public act. There are many differences between private acts and public acts. They differ in the manner they are introduced in the legislature and they are different in the interests they relate to.

Although there are differences between private acts and public acts, both can create regulated professions. Other professions that are presently governed by private acts in Ontario are certified management accounting, certified general accounting, and engineering technicians and technologists.

Consider the following paragraph is taken from the Thomson Report, 2005; it addresses both the private vs. public issue as well as the right to title vs. right to practice issue.

”During the consultation, some participants asked whether independent appeals should apply to those regulatory bodies that are created by private statute and those that regulate use of a professional title but not the right to practise a profession. Such regulation of title use is known as title protection. We assumed from the mandate that the government intended independent appeals to apply to the professions that fall into these categories. This assumption is supported by several factors which suggest a public aspect to the existence and operation of these regulatory bodies. The organizations hold themselves out as groups of professionals who protect the public interest, and the public relies on the professional qualifications of members on the basis of the titles granted. Further, the right to use the reserved title is a significant issue for an individual who wishes to seek employment in the field; denial of title registration can limit access to employment opportunities.” Thomson Report, 2005, p. 10.

Professions governed by private acts are regulated professions, and professions that only have right to title are also regulated professions.

A dual-object professional association

For the profession of Human Resources Management in Ontario, the professional association and the regulatory body are within the same organization—the HRP. Although it is possible to think of regulation as one of the things that the professional association does; it is actually better to think of professional associations and regulatory bodies as two separate organizations under the same roof. The two ‘organizations’ have different mandates, different objectives, and different measures of success.

It is not that the interest of the public and the interests of the profession are always in conflict, they are not; but there are situations where those interests are different. For instance, regulators set requirements for entry into

the profession; such requirements limit the number of individuals who might qualify. Regulator may set all sorts of limits on the behaviour of professionals; such limitations may be seen as burdensome by practitioners. Regulators may introduce mechanisms to assure continued competence; these may be seen as burdensome by practitioners as well. Regulators have investigatory and disciplinary powers that some members may find intrusive.

When the professional association and the regulatory body co-exist within the same organization, it is important that the members of the association understand the differences between the two ‘organizations’ that co-exist within their professional associations. The fact that, at HRP, the professional association co-exists with the regulatory body does not diminish the fact that the HRP is a professional regulator

The fact that it is both does not diminish HRP’s authorities and obligations as a regulator.

Delegated authorities

Consider first how the Government of Ontario understands the objects of our Association. As seen by the Government of Ontario, the objects of the Association are:

- (a) to establish and encourage the acceptance and maintenance of uniform province-wide standards of knowledge, experience and ethics for all persons engaged in the field of human resources management;
- (b) to promote and further the education and improve the competence of persons engaged in human resources management by granting registration and membership to persons who meet the standards of the Association;
- (c) to hold examinations and prescribe tests of competency deemed appropriate to qualify membership in and certification by the Association;
- (d) to maintain discipline among members of the Association;

- (e) to provide a medium for communication and exchange of information, knowledge and ethical standards for those persons engaged in the field of human resources management;
- (f) to sponsor, encourage and promote liaison with other individuals, associations, and groups engaged in similar or related fields of activity; and
- (g) to promote the interests of the Association.

Going through the list, it is quite clear that the Government of Ontario understands the HRPA to be a regulatory body. That is, the Government of Ontario expects the HRPA to ensure that Human Resource Management professionals are competent and act in an ethical manner.

To do so the Ontario legislature has delegated specific powers to the Board of Directors of HRPA:

- (a) Prescribing the curriculum and the courses of study to be pursued by the students and candidates in order to satisfy the academic requirements of any particular registration,
- (b) Prescribing the experience criteria to be met by candidates for registration;
- (c) Regulating and governing the conduct of members of the association in the practice of their profession, by prescribing a code of ethics, rules of professional conduct and standards of practice
- (d) Providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence

In that these authorities are derived from statute, there are *statutory authorities*. Other sections of the Act give HRPA the exclusive right to grant the CHRP designation in Ontario, require HRPA to maintain an official register, and establish the rights to appeal for those that have been denied registration or who have been disciplined by the HRPA.

Of most importance to individual Human Resource Management professionals is that the Act sets the Certified Human Resources Professional and CHRP as a 'protected title' or 'restricted title.' That is, only those individual that have met the requirements set out by the

Board of Directors of HRPA can use the title 'Certified Human Resources Professional' or the initials 'CHRP' in Ontario.

'Human Resources Professional,' on the other hand, is not a protected title. Anyone can call themselves a 'Human Resources Professional' if they wish to do so. As well, the Act makes it clear that there is no restriction of practice. That is, there are no 'controlled acts' in Human Resources Management. There is nothing that only CHRPs can do as a matter of law.

The regulation of the Human Resources profession in Ontario

Here is a summary of what we have established so far:

- In Canada, the regulation of trades and professions falls under *provincial* authority for the most part. The regulation of Human Resources Management is one of those areas that falls under provincial jurisdiction.
- *Professional self-regulation* is one of the most common approaches used by government to regulate the practice of professionals. Self-regulation is based on the concept of an occupational group entering into an agreement with government to formally regulate the activities of its members. This is accomplished by means of legislation that transfers some of the provincial authority to regulate a profession to a professional association or regulatory body.
- In Ontario, this piece of legislation is the *Human Resources Professionals Association of Ontario Act, 1990*. The existence of this Act means that, in Ontario, human resources is a *regulated profession* and the HRPA is the *regulatory body* for human resources management in Ontario.
- HRPA is both the professional association and the regulatory body for Human Resources professionals in Ontario.

- The *Human Resources Professionals Association of Ontario Act, 1990*, delegates to HRP specific statutory authorities to regulate its members.
- HRP is the regulatory body authorized to grant the CHRP designation in Ontario.

The regulation of the Human Resources profession in Canada

It was noted that, in Canada, the regulation of trades and professions derives from provincial authorities. But this does not mean that every province has legislation to cover the field of Human Resources management. Indeed, what is a regulated profession in one province may not be so in another. This is the case for Human Resources Management. In Canada, provincial legislation that grants the statutory right to a professional association to regulate the Human Resources Management profession exists in only two provinces—Quebec and Ontario.

In Quebec, legislation under *l'Office des Professions* grants *l'Ordre des CHRA et CRIA du Quebec* the authority to regulate the human resources profession in Quebec. In Ontario, the *Human Resources Professionals Act of Ontario (1990)* gives the *Human Resources Professionals Association of Ontario* the exclusive right to grant the CHRP designation in Ontario, to set the requirements for the designation, to maintain a register, and to discipline its members. In Quebec and in Ontario, legislation provides for title protection only: that is, only the use of the title is restricted, not the right to practice.

The Province of Quebec and the Province of Ontario have different approaches to professional regulation. In Quebec, all professions are regulated by means of umbrella legislation; in Ontario, professions are managed at the ministerial level. But at the end of the day, they are still systems of professional self-regulation where provincial powers of regulation are delegated to the professional association.

So what is the situation in other provinces? In the other provinces, the provincial associations conduct many of the same activities as true regulators but without

government sanction. The provincial HR associations in the provinces other than Quebec and Ontario are 'quasi-regulators.'

The fact that the Human Resources profession is regulated in some provinces and not in others does mean, among other things that the level of protection enjoyed by the CHRP designation is inconsistent across provincial jurisdictions.

A national designation?

It is often said that the CHRP is a 'national designation'—how does this square with the fact that professional regulation is provincial?

The statement that the CHRP is a 'national designation' may or not be true depending on is meant by 'national designation.' Some understand 'national designation' to mean a designation that is valid from coast to coast; that is, if you have the designation in one province, you have the designation in all provinces. Some understand 'national designation' to mean that the designation is granted by a national body although administered regionally by the provincial HR associations. Neither if the above is, or could be, the case.

There are national associations which grant designations; there are international associations which grant designations. But the key idea here is that all these national and international designations are granted by what we have termed 'quasi-regulators.' None of these national or international associations are 'true regulators.' The reason is simple—no provincial legislature will delegate its constitutional powers to a national or international association.

In Quebec and Ontario at least, the Human Resources profession is has aligned itself with the other regulated professions—the accountants, lawyers, physicians, engineers, etc.—in becoming a regulated profession. To create a national designation-granting body, Quebec and Ontario would need to 'devolve;' that is, the profession would need to move from the ranks of the regulated professions to that of the unregulated profession. It is

unlikely that the provincial legislatures of Quebec and Ontario would accept such a move.

The other meaning that some give to the phrase 'national designation' is that if you have the designation in one province, you have the designation in all provinces. A related belief is that an individual can only have the designation in the province in which he or she resides (because the designation held in that province is valid in the others). That too is incorrect.

In regards to designations, professional regulation legislation usually has two components: one gives the authority to the regulatory body to grant the designation, the other prohibits the use of the designation in that jurisdiction unless one is a member of the association.

In the *Human Resources Professionals Association of Ontario Act, 1990*, the two clauses are subsections 7 (1) and (2).

Subsection 7 (1) states:

Every member of the Association who has satisfied the criteria set out in the by-laws of the Association may use the designation "Certified Human Resources Professional" and may use after his or her name the initials "C.H.R.P.".

This subsection gives HRPA the authority to set the standards and requirements for the designation.

Subsection 7 (2) states:

Any person in Ontario who, not being a registered member of the Association, takes or uses the designation of "Certified Human Resources Professional" or its abbreviation "C.H.R.P." alone or in combination with any other words, name, title or description or implies, suggests or holds out that the person is a certified human resources professional is guilty of an offence.

This subsection says that it is illegal for anyone to use the CHRP designation in Ontario unless they are a member of HRPA and have met the standards and requirements for certification established by HRPA. The legislation that governs the profession in Quebec has an equivalent clause.

Obviously, it is not the case that if you have the designation in one province, you have the designation in all provinces.

If an individual wants to use the designation in Ontario, they must become a member of HRPA and meet the standards and requirements set out by HRPA. If an individual wants to use the designation in Quebec, they must become a member of l'Ordre and meet the standards and requirements set out by l'Ordre.

The reason for such prohibitions is that individuals who use the designation in any given jurisdiction must also be subject to the rules of professional conduct and discipline of the regulatory body in that jurisdiction. That would not be the case if individuals, having been granted the designation in one jurisdiction, could use the designation in another where the designation is regulated.

Of course, that doesn't mean that the provincial HR associations cannot cooperate in setting common standards. But cooperation doesn't shift regulatory authority. The authority and responsibility to establish occupational standards which are appropriate to protect the public remain with the duly established regulatory authorities.

One sense in which the phrase 'national designation' could be used is in the sense that there are mutual recognition agreements in place that allow individuals who have been granted the designation in one jurisdiction to apply for certification in another.

The Agreement on Internal Trade (AIT) defines mutual recognition as follows: "mutual recognition is a process whereby the appropriate authorities in two or more jurisdictions accept the qualifications of designation-holders in another jurisdiction as conforming to each others' standard without requiring the professional to undergo any additional assessment or training."

The fact that the provincial associations have agreed to mutually recognize the qualifications of those who have been certified in another province does not mean that an individual who has earned the right to use the

designation in one province has by the same fact earned the right to use the designation in all other provinces.

An individual wishing to use the CHRP designation in more than one province could do so but they must respect the law in each jurisdiction, especially those jurisdictions where there is specific legislation that governs the use of the designation.

It is also the case that mutual recognition does not require that the certification processes be identical across jurisdictions. In fact, they rarely, if ever, are identical.

As we can see, the use of the phrase 'national designation' can have different interpretations—some of which are correct whereas others are not.

The Regulation of the Human Resources management profession in other countries

It may surprise some to learn that the jurisdictions of Quebec and Ontario are at the forefront of the regulation of Human Resources management globally.

This is because of the combination of two things: (1) self-regulation as the approach to professional regulation and (2) the desire and efforts of Human Resources professionals in these jurisdictions to be considered true professionals.

What does it mean to be regulated?

In a technical sense, it means that there exists legislation that delegates provincial powers of regulation to a professional association or regulatory body.

It means that the government has entrusted the profession to regulate itself in a manner that is consistent with the public interest.

Joining the ranks of the regulated professions is an achievement that the profession can be proud of; but with this authority also comes the obligation to regulate ourselves in a manner that is deserving of this public trust.



January 2010

Definitions

| | |
|----------------------------|--|
| Accreditation | A process by which an agency or association grants public recognition to a training program that meets a predetermined set of standards. It can also be a process of granting accredited status to an institution of higher learning and/or vocational training, a program of study, or a service, indicating that it has been granted approval by the relevant legislative and professional authorities by virtue of its having met or exceeded pre-determined standards. |
| Certification | The issuance of a formal document recognizing that a person has attained a standard of proficiency in a set of skills, knowledge and abilities in a profession or trade. |
| Credentialing | Credentialing is the process by which an entity, authorized and qualified to do so, grants formal recognition to, or records the recognition status of individuals, organizations, institutions, programs, processes, services or products that meet predetermined and standardized criteria. |
| License | Document entitling its holder to have the exclusive right to practice a trade or profession, and signifying that the licence-holder meets competency and other requirements for practice. |
| Licensure | A formal recognition that a person has attained a standard of proficiency in a set of knowledge, skills and abilities required to practice a trade or occupation. |
| Mutual recognition | Acceptance by appropriate authorities in two jurisdictions that the qualifications of their workers in a given occupation conform to another's occupational standard without requiring the worker to undergo any additional assessment or training. |
| Protected title | A reserved title is established through legislation that restricts the use of an occupational title to those who have met the prerequisites established by the appropriate authority. Unlike a licensure, it does not grant an exclusive right to practice the occupation. Those who have not met the prerequisites for the occupation may still practice the occupation, but may not use the reserved title to describe themselves. (a.k.a. restricted title) |
| Quasi-regulator | Organizations that perform many of the same activities as regulators do, but do so without statutory authority or recognition. |
| Registrar | A role that is often created in professional regulatory legislation. The registrar is responsible for maintaining the register which is the official listing of registered professionals and their current status. |
| Registration | A term that has many meanings. Registration involves the maintenance of a register or registry. The process for placing names on the registry can differ however. Registration is understood as the weakest form of regulation. |
| Regulator | Any body (i.e., College, Institute, Association, Society) that has been given the authority to regulate a profession by means of some legislation (a.k.a., regulatory body). |
| Self-regulation | A professional regulatory model whereby the government delegates some of its powers to regulate professions to a professional association or regulatory body. |
| Statutory authority | The boundaries of a regulatory body's lawful responsibility as defined by the statute that created it. |

