



## Advocacy and the OAA: Colouring Between the Lines – Part 1

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*In Ontario, architecture is a self-regulated profession, but what does this really mean? In this two-part article, we will explore the OAA's regulatory roles and responsibilities and explain how—and why—it differs from professional associations and other industry groups. We also look at the ways in which the OAA can support the profession without compromising the principal object of the Architects Act—serving and protecting the public interest.*

The Ontario Association of Architects was founded in 1889, and incorporated the following year. While the early history is not well documented, Geoffrey Simmons' book, *OAA: A Centennial History*, credits the Association's establishment to one person in particular: "the Honourable George William Ross (1841–1914), who was then provincial education minister and later Ontario's fifth premier." Ross had encouraged architects to form a provincial body "with a view to establishing standards of entrance into the profession." This early partnership between government and the profession continues today. The OAA enjoys a unique relationship with government, and has been given a significant degree of deference on matters directly and indirectly concerning the practice of architecture—self-regulation).

But what is self-regulation? What does it mean to be a regulated profession? In short, this is an agreement between government and a profession whereby regulatory powers are exchanged for a commitment to operate in the public interest. The Human Resource Professionals Association (HRPA)—a fellow regulator—notes "[s]elf-regulation is an exceptional privilege" that depends on professionals being "able to put aside their self-interest in favour of promoting the public interest."

The OAA takes its responsibility to protect the public very seriously. The principal object of the [\*Architects Act, R.S.O. 1990, c. A.26\*](#) is to serve and protect the public interest. This objective remains paramount in all of the Association's considerations. All advocacy efforts are done in the public interest and not out of self-interest for the profession.

When the profession is facing various obstacles, there is sometimes a sense the OAA should be doing more to advocate for architects. Here again it is useful to refer to text from the HRP: "the primary purpose behind all regulatory body activity should be to protect the public from incompetent or unethical practitioners and to ensure the effective provision and access to professional services not to forward the interest of the profession and its members." In contrast, a professional association exists to serve the interests of its members. For more on the difference between a professional regulator and a professional association, see [\*What does it mean to be a regulated profession?\*](#)

The OAA is one of only a few regulators to have an element of advocacy within its legislated mandate, but it is important to note that this applies not to promoting the profession or the profession's interest, but to *promoting public appreciation of architecture and the allied arts and sciences*. This is structured within the legislation as a secondary object, which cannot ever supersede the principal object (to serve and protect the public interest). Where the profession's interests align with the public interest, the OAA can act within its secondary mandate. However, the OAA can never act in a way that goes against the public interest. To do so would put the profession's self-regulating status at risk, and could bring disrepute to the whole profession.

The regulatory landscape in Ontario is rapidly shifting. The current level of scrutiny toward regulators is likely higher than it has ever been and, in the last five years alone, many self-regulating professions have been subjected to comprehensive governance reviews. These reviews have regularly found that the self-regulating professions strayed too far from serving and protecting the public interest. The result has been significant reforms to the very essence of how they operate and, while rare, some of these professions have had their right to self-regulation suspended or rescinded altogether.

While some members may want the OAA to say or do more for the profession, the reality is that either the objects within the [\*Architects Act, R.S.O. 1990, c. A.26\*](#) would have to be amended (which is very unlikely) or a separate organization would have to be established for this purpose. For example, the Ontario Society of Professional Engineers (OSPE) was formed as the advocacy companion to the regulator, Professional Engineers Ontario (PEO).

The OAA has studied this possibility, most recently in 2007–2009 when the OAA Council struck a task group to examine separating an advocacy group from the regulator. At that time, OAA Council determined a split was not viable. Due to the relatively small size of the membership, there was a sense that advocacy by a standalone organization (lacking adequate financial resources) would likely have been hindered instead of improved. There was a general acceptance that one day the profession may become large enough to be able to sustain a professional association alongside the professional regulator, but that day had not yet come. Until then, the OAA must continue to colour within the lines, ensuring its primary objective is to the public interest.

How the OAA conducts public interest advocacy will be covered in the next BLOAAG, [\*Advocacy and the OAA: How It's Done.\*](#)

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