

ICF Advocacy Toolkit

Brazil

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Introduction

Since the creation of the International Coaching Federation in 1995, ICF leadership, members and staff have been active proponents of self-regulation of professional coaching. ICF's rigorous standards and credentialing and accreditation programs represent expertise and discipline in an industry that is frequently targeted for piecemeal regulation or wholly misunderstood by legislators and regulators unfamiliar with the profession.

The goals of this handbook are to:

- ▶ **Communicate basic, broadly held tenets regarding the regulation and monitoring of coaches, as espoused by ICF and its membership.**
- ▶ **Look at the regulatory process and how ICF Members can help shape the landscape of industry regulation to promote and maintain industry quality.**
- ▶ **Look at recent, real-world examples of instances where laws and regulations could have had a significant impact on ICF Members and their clients.**
- ▶ **Show how you can become a resource to regulatory officials who are unfamiliar with coaching and how you can work with them to create the best regulatory landscape for both members and clients.**

Why self-regulation?

There are 594 members of the bicameral National Congress of Brazil. Add to this the thousands of elected officials from the 26 states, the Federal District, and non-elected regulatory staff, and the number of stakeholders in the governing and regulatory process grows exponentially.

The time pressures and knowledge pressures faced by those elected officials, appointed officials, and their staffs are quite daunting. They are tasked with being subject-matter experts on many topics. Constituents often bring up topics for attention, consideration, and action about which the official (and their staff) have little to no awareness, knowledge, or interest.

That's why associations like ICF can play such a vital role in the policymaking process. ICF, with strict standards and self-regulatory guidelines in place, is a tremendous source of instant expertise and guidance to policymakers that may only be familiar with coaches that wear whistles around their necks. In the *2020 ICF Global Coaching Study*, 75 percent of Latin American and Caribbean coach practitioners said they believed that coaching should be regulated. Among those respondents (including both coaches and managers/leaders using coaching skills) not ruling out the prospect of regulation, 79% of Latin American and Caribbean respondents said that professional coaching associations were best positioned to regulate the industry.

Over the past 25 years, ICF has grown into a global organization, with a membership of more than 41,000 professional, personal, and business coaches in 140-plus countries and territories. Globally, more than 35,000 coaches hold an ICF Credential. ICF also has nearly 140 chapters in 80 countries worldwide. ICF is dedicated to advancing the coaching profession by setting high standards, providing independent certification and building a worldwide network of accredited coach training programs. States, cities, and other governmental units looking at a successful self-regulatory model should look to ICF rather than creating a hodgepodge of regulatory frameworks that may differ from jurisdiction to jurisdiction.



For any questions or concerns you may have about ICF regulatory issues, please contact the ICF Ethics Assist line at ethics@coachingfederation.org or +1.859.226.4245.

Section 1: Why Advocacy is Important to ICF

ICF believes there is a solid, compelling case to be made for self-regulation of ICF Members and ICF-credentialed coaches.

ICF's foundation for self-regulation of coaching are based on:

- ▶ Core Competencies that define a professional coach's required skills and establish the foundation for the professional credentialing examination and accreditation for coach training programs.
- ▶ A strictly enforced Code of Ethics to which coaches pledge commitment and accountability to standards of professional conduct.
- ▶ Professional oversight through an Ethical Conduct Review (ECR) process, which allows the public to report concerns and to be confident of objective investigation, follow-up and disciplinary action (including termination of ICF Membership or Credential) by an Independent Review Board (IRB).
- ▶ Professional coach credentialing, entailing a stringent examination and review process in which coaches must demonstrate their skills, proficiency, and documented experience in application of the ICF Core Competencies.
- ▶ Continuing education requirements for periodic renewal of coaching credentials to ensure continued professional growth and development.
- ▶ Professional coach training accreditation, in which coach-training programs submit to review and continuing oversight to demonstrate their commitment to the highest standards for curricula and alignment with defined core competencies, faculty, structure, proficiency and ethics to support excellence in coach training.
- ▶ Ongoing self-regulatory oversight initiatives to track the needs and concerns of individual and organizational clients on an international basis and to demonstrate an active commitment to meaningful, professional self-governance.

In a 2011 article on the professionalization of coaching, David Gray of the United Kingdom's University of Surrey notes that "professional work is defined and redefined through the continuous struggle between different occupational groups. If successful, society (the State) grants professional groups a degree of autonomy in exchange for self-regulation—a promise that the profession will set up and enforce standards of professional development and ethical practice."

Gray adds that groups like ICF can offer a solid alternative to a completely new, state-created regulatory apparatus:

"It appears ... the existence of an association like the ICF, with its code of ethics, has given some surety to state legislators that self-regulation is taking place ... and that state regulation is unnecessary. However, the fact that several US states have considered the regulation of coaching suggests that continuing self-regulation is not guaranteed."

Indeed, several states have introduced legislation to regulate coaching, requiring mobilization of ICF staff and leadership resources.

In all instances, the most important component of ICF's regulatory action is you, the member and practitioner. ICF has staff members who monitor and respond quickly to legislative and regulatory issues. But, as famed U.S. politician Thomas "Tip" O'Neill noted, all politics is local. Your voice, and your action on important issues, is most important and impactful.

Letters from Lexington, Kentucky, to elected officials in Juneau, Montpelier, or Pierre are necessary and important, but they don't carry the impact of a detailed, reasoned letter from a constituent. ICF, as an organization, cannot vote. Staff of ICF don't vote in state and local elections where members are located. ICF speaks authoritatively, but doesn't have the impact of someone, in a local district, who lives, works, pays taxes, and votes in that area. You, as an individual member of ICF, matter to your elected officials... not a big, global organization. To help yourself, your profession, and your colleagues, you need to be an involved, informed advocate for ICF and the coaching profession.

Example of ICF Self-Regulation

In 2020, 32 formal complaints were filed against ICF Members. Of those 32 cases:

- ▶ **7 were moved to ICF Coaching Education's Program Complaint Process**
- ▶ **17 met the requirements for Initial Review**
- ▶ **8 were adjudicated by the Independent Review Board**

Items addressed by the review process included:

- ▶ **Not maintaining appropriate boundaries**
- ▶ **Breach of confidentiality**
- ▶ **Conflict of interest**

In addition, more than 50 trademark and logo issues were addressed.

Section 2: Basic ICF Positions/Talking Points on Important Issues

According to the best estimates available, nearly half of all coaches worldwide are members of ICF. This depth of membership allows ICF to be recognized as the global authority on the profession. As such, it is ICF's responsibility to ensure that professional coach practitioners have the best regulatory atmosphere available in which to practice their craft. There are some basic tenets that have emerged through ICF's advocacy efforts that have become building blocks of current and future advocacy efforts:

- ▶ **Recognition of coaching as a distinct profession—ICF Members have presented testimony on this issue, most notably in the District of Columbia. The main points of the testimony are:**
 - Coaching is not psychology and does not diagnose, treat, or prescribe medication.
 - Coaching is not backward-looking, but instead is rooted firmly in the present.
 - Coaching is not about pathology, or exploring past issues impacting current behaviors.
 - Coaching is about self-discovery and habits that are rooted in the present.
 - A psychologist can be a coach, but a coach does not have to be a psychologist.

- ▶ **Another fundamental tenet of ICF advocacy is that industry self-regulation is more effective, efficient and stringent than a patchwork of different EU, national, state or local regulations. Points ICF has made on this issue include:**
 - Self-regulation, conducted by an internationally-known organization with significant membership and licensing requirements, is preferred to piecemeal and uninformed regulation by individual states and localities.
 - Very few state legislators have experience with coaching, and less than a handful of coaches are legislators or have legislative experience.
 - When tasked with discussing coaching and the regulation of coaches, legislators will be reliant on external stakeholders.
 - As the saying goes, the squeaky wheel gets the grease ... and those that are persistent in communicating their views set the tone for the regulatory discussion.
 - ICF has a stringent, comprehensive system in place that exceeds the capacity and expertise of what states can create on their own.
 - A system of individual regulatory systems will be confusing and duplicative and create a dual compliance system for ICF Members.

Other important points that ICF makes in communications with lawmakers include:

- Coaching supports personal and professional growth based on self-initiated change in pursuit of specific, actionable outcomes.
- Coaching is distinct from psychology and requires highly specific education. ICF coaches have completed at least 60 hours of coaching education, with many exceeding 200 hours of education.
- ICF has created a substantive, comprehensive training and regulatory structure to ensure that the public can rely on professional coaches.
- Coaching is taught separately from psychology at institutions such as Georgetown University, Columbia University, New York University and the University of Wisconsin, among many others. The academic community recognizes the difference in education, scope, and purpose between the two professions.

Section 3: Why ICF Members Should be Involved in the Advocacy Process

By participating in the advocacy process, you will be viewed as:

- ▶ **A resource.** A U.S.-based travel industry association conducted an annual visit to Congress to educate them on issues important to the industry. Over time, relationships formed with elected officials and, more importantly, their staffs. A legislator's staff is the gatekeeper and relationship manager, and the tracker of meetings and topics. A member, who participated in the annual visits, called the association headquarters saying that staff from their senator's office called them and asked them for their views on legislation pending in Congress. The member was astonished to be contacted, but the staff knew that they were a constituent with knowledge of the industry, and they trusted their viewpoint
- ▶ **A leader of your profession.** Speaking strongly and authoritatively about your profession positions you as an expert among your peers and potential clients. Advocacy, and the attention it brings, can have tangible benefits that transcend the issue.
- ▶ **A subject-matter expert.** Being known as an authority on coaching and the self-regulation of the profession opens opportunities in industry education, consulting, and thought leadership.
- ▶ **An agent to preserve the integrity of the coaching profession.** ICF's self-regulation system is comprehensive and strictly enforced. Coaches (those with the most expertise about the profession) are actively policing the profession and staying abreast of global trends. Piecemeal state and local regulations may result in the overall decline in industry quality and lead to a loss of public confidence in the coaching profession.

The best advocacy is rooted in fact-based, supportable arguments. With its extensive research capacity, ICF Headquarters can provide statistics and information for use in advocacy efforts. Presenting exaggerated or unsupported arguments will undermine your efforts and severely damage your ability to work effectively with your elected officials moving forward.

ICF's vast network of chapters helps to ensure that the organization is aware of, and can respond to, legislative issues that arise on the local, state, and national levels.

ICF Chapter members are encouraged to take a proactive stance by contacting their local legislators and potential regulators to raise their awareness of coaching as a profession and to explain the actions ICF has taken to ensure that high-quality services are provided. For example, ICF staff were alerted to an important situation in Brazil that demanded immediate attention.

A bill was drafted entitled "Criminalization of Coaching" that would attempt to create a voluntary register of "alternative therapy providers" that would make the practice of coaching a criminal offense.

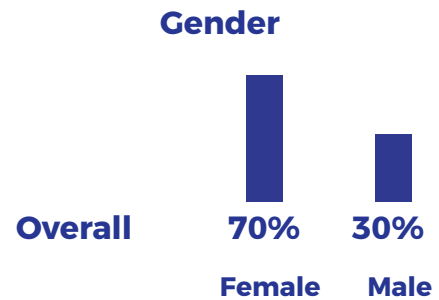
The chapter believed that this situation created an opportunity to engage more actively with the government, and the public, about coaching. They requested funding that would allow staff to monitor discussion and actions on coaching within the legislature, while also initiating a public relations initiative throughout the country. This effort also allowed ICF to have a prominent voice in any new legislation that would attempt to regulate coaching. ICF's counsel in Brazil suggested language for a new ICF friendly piece of legislation that may be submitted for discussion at the appropriate time.

Should any ICF Member become aware of legislative action or potential action pertaining to the regulation of the profession, they should contact their Chapter Leaders and ICF Headquarters. ICF Headquarters staff and the ICF Chapter will then coordinate their efforts to address the matter quickly and appropriately.

ICF Member Profile Information

Age	ICF Membership Percentage
34 and under	5%
35-44	21%
45-54	35%
55-64	29%
65+	10%

Highest educational level obtained, Latin America and the Caribbean	
Primary	5%
Secondary	39%
Tertiary	55%



Profile Information, European Parliament

Source: *Europa.eu*

- ▶ The average age of all Parliamentarians is 55, compared with 43 for the European population. The median age of the average ICF Member is 45–54.
- ▶ Women comprise 59 percent of European Parliamentarians. ICF's membership is nearly 70 percent female.
- ▶ ICF's overwhelmingly female membership is an important demographic point for legislators. Legislators do not like to create regulatory burdens for small business, particularly women- or minority-owned businesses.

Section 4: : How Laws are Made in Brazil

Brazil is recognized as a thriving democracy with a vast network of sophisticated and well-organized civil society groups. Ample opportunity exists for coaches to participate in the legislative process.

The rules that steer the legislative process in the Chamber of Deputies are called Internal Regulations.

The initiative

The legislative process in the National Congress begins with the introduction of the following propositions: bills, resolution, legislative decree, provisional decrees, and amendments to the Constitution.

Members of the Parliament can initiate the lawmaking process. The President, the Supreme Court, the Higher Courts, the Republic's General Attorney, and citizens can also play significant roles in the legislative process.

All propositions are discussed in the Chamber of Deputies and the Senate.

Committees

In Committees, the proposals are analyzed by smaller groups, composed of members of Parliament.

There are three types of Committees: Standing, Temporary, and Joint. Standing Committees have permanent features. They have risen to a level of codification in the rules of the Chamber.

Temporary Committees are created with a specific purpose. They are eliminated after acting on a specific bill or after a previously designated period. Temporary Committees last no more than four years.

Mixed Committees are formed by members of both Chamber of Deputies and the Senate.

Committees may:

- ▶ **Hold public hearings.**
- ▶ **Call Ministers of State to render information on matters relevant to their duties.**
- ▶ **Receive petitions, complaints, and statements from any person against acts or omissions from government authorities or entities.**
- ▶ **Examine, inspect, and audit accounting, financial, budgetary, and operating procedures in the administrative units of the three branches of government.**

The Committees have the so-called concluding power, which allows committees to approve certain bills as stated by the Constitution, i.e., bills under the committees' conclusive power are not submitted for Plenary consideration. The Internal Regulation of the Chamber states that the Committees have concluding power on matters within their subject matter assignment, with no need of further consideration by the Plenary. The Internal Regulation of the Chamber grants this right due to the fact the Committees have the power to deliberate on all subjects under their scope. However, the concluding power of the Committees is not always absolute. To put forth a bill to the whole Chamber, a Deputy may introduce a motion with the support of one-tenth of the Chamber members.

It is important to emphasize the work of the Committee on Legislative Participation (CLP). Through the CLP, the Chamber of Deputies gives society access to the law-making process that forms the Country's legal system. It was created to receive draft bills from citizens. If those draft bills receive favorable indication from the CLP, they can be turned into bills. Thus, civil society and companies can directly share their thoughts on issues, solutions, and needs.

Important points in the legislative process:

- ▶ **What is the impetus for the legislation to be introduced? What perceived problem is being addressed?**
Often, coaching is casually tossed in legislation pertaining to psychology either due to ignorance of the profession or at the request of psychologists. If we need to be regulated, they reason, then coaches do too. ICF advocacy has consistently distinguished between psychology and coaching.
- ▶ **There is ample time built in the legislative process for citizen input. Lawmakers genuinely want to hear from you. Passing unpopular legislation is not a recipe for reelection.**

Section 5: How to Influence Your Members of the Brazilian Parliament

You've learned of an issue involving the regulation of coaching. You've alerted your ICF Chapter Leader, who has in turn contacted ICF staff. After quickly researching the issue, you are asked, as a constituent of the committee chair that will be considering the legislation, to contact your elected official and urge them to make changes favorable to the treatment of the coaching profession.

Democracy Brazilian-style is complex and multi-dimensional. All these instances exist alongside a multi-tiered system of representative democracy.

- ▶ **Consultation:** Government often puts changes in policy or proposals for legislation out for consultation. Where there is a public consultation, the consultation document should explain to whom responses must be sent and by when. Often the consultation document will pose specific questions for consideration. When responding to a consultation it may be sensible to seek to provide responses to the set questions, but if these do not properly allow for a full response it is quite acceptable to go beyond these questions. This is also the stage where ICF involvement can be most effective.
- ▶ **Pre-legislative scrutiny:** Sometimes the government may invite scrutiny on draft legislation.
- ▶ **Members of Congress:** Areas of concern may be raised directly with members of Congress. Correspondence and/or meeting with members of Congress in advance of the introduction of a bill provides a valuable means to highlight areas and level of concern to which MPs may need to react when the bill is introduced.
- ▶ **Select Committees:** Select committees regularly review government policy and administration. Committees have pages on the Congressional website giving information as to their future, current and past work. Providing evidence to a committee in the context of a normal inquiry by that committee will usually be published, and the committee's report may influence current or future lawmaking.

Section 6: ICF Members in Action – Case Studies

Several times in the last decade, ICF Chapter Leaders, Members and staff have responded to inquiries from governmental bodies considering the regulation of coaching.



EU Charter

On June 29, 2011, ICF and the European Mentoring and Coaching Council (EMCC) jointly filed with the EU a Professional Charter for Coaching and Mentoring as the benchmark standard for the coaching and mentoring professions. The Charter, which is continually reviewed and enhanced, establishes ethical standards and forms the basis for the development of self-regulation. Since then, other coaching bodies have signed on to the initiative.



Brazil

In early 2019 there was a negative public outcry about coaching leading to the introduction of a bill that was entitled, “Criminalization of Coaching” which would have it a crime for anyone to practice coaching in the country. While this bill ultimately didn’t pass, it has raised many concerns and provided ICF with an opportunity to engage the government, and the public, in substantive discussions about coaching. The Chapter requested support that would allow ICF to monitor discussion and actions on coaching within the legislature while also initiating a countrywide public relations campaign. These efforts allow ICF to have a prominent voice in new legislation that would attempt to regulate coaching, up to and including ICF initiation of such a measure.



France

ICF France, working with other coaching colleagues, established a definition of professional coaching within the country. This will assist with correct tax identification for coaches in France. They will no longer need to self-identify as trainers, consultants, etc.



Hungary

Unclear legislation was passed in Hungary that many thought would impact professional coaching. Rather than specifically calling out coaching, the law included language that may include coaching if read to the widest extent possible, particularly impacting coaching training programs. The law potentially could have required anyone that practices as a coach in the country to complete training at a training provider certified by the government. ICF Global worked very closely with ICF Hungary to get a better understanding of the intent of the law and achieve clarity as to the administration of the new regulations. While we continue to engage in conversation on this issue, it appears that the regulation will not impact professional coaching in any meaningful way given the current determination of the law’s language.

Conclusion

Citizen advocacy is important for you, your practice, your clients, and your colleagues. ICF provides you with support and tools necessary to interact with policymakers and ensure that you have the most favorable atmosphere in which to practice your profession. The ICF Global community takes the ethics of professional coaching very seriously, and our robust system of professional self-governance ensures that ICF Members and Credential-holders meet high standards and that coaching consumers are well-protected. ICF leaders and staff are ready to assist ICF Chapters and individual members in addressing concerns about potential or actual regulation.



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