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PERSPECTIVE

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MESSAGE FROM THE REGISTRAR AND CEO



HOPE ON THE HORIZON

On January 20, 2021, I had the opportunity to catch moments of the United States presidential inauguration ceremony. I listened intently to poet Amanda Gorman's stirring recitation of her poem "The Hill We Climb," in which the youth poet laureate spoke about hope and unity.

Months later, Gorman's poem continues to resonate with me as it does with millions of others. Her words inspired hope, determination and resilience in a world where so many are experiencing uncertainty, hardship and oppression. Indeed, progress doesn't always happen all at once; the climb to the top of the hill, to paraphrase Gorman, can sometimes be slow and laborious.

As we learn to adapt during this unprecedented time, we continue to experience new and unforeseen pressures, both professionally and personally. To move forward, we must continue to listen, learn and adapt.

For the College, the past year has been transformative in so many ways. We have adapted our services and operations by transitioning to digital processes, including the launch of an online application portal in February and an online complaint form this spring. Both of these initiatives are in line with the College's strategic priority to

enhance regulatory effectiveness, and are intended to improve accessibility and efficiency for our stakeholders.

We will continue to support you, our members, in your practice as so many of you have had to adapt to providing services electronically. College resources on this topic remain a priority and we are committed to supporting members throughout this challenging time and beyond.

This year – like the previous – is truly marked by continued change and progress. One thing that will never change, however, is the College's steadfast commitment to its mandate of protecting the public interest through the regulation of the practice of social work and social service work.

I want to thank you for your continued commitment to practising ethically and professionally, and for continuing to reach out to the College. Your feedback is always welcome as we further reflect upon and carefully consider our role as regulator.

In the words of Amanda Gorman, hope is on the horizon but only if "we're brave enough to see it."

Lise Betteridge, MSW, RSW
Registrar and CEO

CREATING A MORE EQUITABLE SPACE

AN INTERVIEW WITH DONNA HINDS, RSW ON ANTI-OPPRESSIVE PRACTICE



Systemic racism and structural oppression continue to be major problems in North America. The [Truth and Reconciliation Commission](#) (TRC) of Canada and the [Final Report](#) of the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) revealed historical and current injustices against Indigenous peoples living in Canada. Beginning in the summer of 2020, we witnessed a worldwide mobilization against anti-Black racism following the horrifying deaths of Black people in police custody. These are but a few examples in a long list of human rights and social justice issues.

Significant societal, political and institutional changes are needed to address anti-Black, anti-Indigenous and systemic racism. As advocates for the marginalized, social workers and social service workers should be aware of, and play an integral role in, addressing these historical inequities.

Donna Hinds, MSW, RSW is a professor at the Social Service Worker Program at Centennial College, and an expert on anti-oppressive practice (AOP) and critical race theory. As an educator, Donna teaches her students how to use AOP when working with clients from marginalized backgrounds and

communities. As a Black woman, she is proud to be a positive role model for her students, many of whom come from marginalized backgrounds.

Recently, the College was pleased to interview Donna via GoToMeeting, focusing on AOP and how it can be used by social workers and social service workers to address systemic oppression. You can read the College's interview with Donna below.

Q: What is anti-oppressive practice and why is it important?

Donna Hinds (DH): Anti-oppressive practice (AOP) is a transformational practice tool that offers social workers and social service workers a reflective analysis of how they should function when working with multiple forms of oppression and differences in relation to individuals, families, communities or organizational conduct.

AOP is important because it is multidirectional and multifunctional. What I mean by this is that it allows a practitioner or an educator the freedom of interpreting AOP from their ideological stance, while simultaneously holding the interpreter accountable

for their actions within the context of social justice and social equality.

Q: How does a social worker or a social service worker deal with the discomfort that may arise when working with clients that challenge their beliefs and biases?

DH: A social worker or a social service worker must understand who they are, the “Self,” when dealing with any form of discomfort that may arise when working with clients that challenge their beliefs and biases. Understanding the “Self” helps a social worker or a social service worker with their self-appraisal to bring awareness to their professional decorum and how others might perceive them. Therefore, social workers and social service workers must be brave enough to challenge their discomfort and the emotions that come with that discomfort.

Whether one agrees or not, social workers and social service workers are often the lifelines to the marginalized. They are seated in positions that challenge policies and are the disseminators of resources and services. In this regard, a social worker’s or social service worker’s ability to reframe their mindset and values within the service context must realize that trustworthy, meaningful service is never achieved without some forms of discomfort and challenge to the core of their professional selves. If a client challenges a social worker’s or social service worker’s beliefs and biases, those challenges must never be taken lightly and instead should be used as a reflective moment to re-examine if what the client has perceived speaks to the social worker’s or social service worker’s professional presentation.

Q: Social workers and social service workers are in a position of power when working with clients, many of whom may come from marginalized communities. How can social workers/ social service workers create a more equitable environment for clients?

DH: First, social workers and social service workers can create a more equitable environment for clients by ensuring their practice relationship is embedded

and aligned with the College’s Code of Ethics and Standards of Practice and reflects and reinforces the principles and standards to which they must adhere, both in conduct and deed.

Second, social workers and social service workers need to have an understanding of cultural diversity, recognizing the differences in race, religion, gender, class, ethnicity, sexual orientation, and other social individualities and lived realities. This is needed in order for social workers and social service workers to adjust their approach in how they deliver support and resources that are inclusive, relevant to the needs, and transformational to the comprehensiveness of the client’s life.

However, creating an equitable environment cannot be solely the responsibility of social workers and social service workers alone; it is also the responsibility of those who govern from the top to provide the necessary financial resources to create physical agency spaces that are inviting and welcoming to marginalized clients.

Q: What role will AOP play in addressing systemic oppression, such as anti-Indigenous and anti-Black racism?

DH: Challenging any form of systemic oppression is never easy because those who are the gatekeepers and the maintainers of systemic oppression will resist such a challenge. The roots of racism against Indigenous peoples and peoples of African descent lie in the ideology of white supremacy. AOP plays a fundamental role in helping social workers and social service workers deconstruct systemic oppression and structural inequalities that reinforce anti-Indigenous and anti-Black racism as well as other forms of systemic oppression.

In the context of social work and social service work practice and social work and social service work education, AOP must be taught and be understood to ensure social workers, social service workers, and social work and social service work students have an understanding of the larger social, economic and political dynamics of anti-Indigenous and anti-Black

racism that marginalizes and reproduces inequitable outcomes for these two groups. More so, AOP helps social workers and social service workers reflect on their own roles in maintaining oppressive systems that reinforce anti-Indigenous and anti-Black racism as well as other forms of structural oppression in all levels and functions of society.

Q: Why did you become a social worker and what led to your interest in AOP?

DH: I have always had a love for helping people, and social work seemed the more reasonable path to doing what I loved. Another reason for choosing social work is that it helped me understand the complexity of the world in which I live, the context of human relationships, and the complexities of such relationships, and how to navigate systems that reproduce inequalities.

My interest in AOP budded during my undergraduate years at York University's School of Social Work. In one of my critical social work classes, we discussed Michel Foucault's theory that addresses the relationship between power and knowledge, and Bob Mullaly's book, *Challenging Oppression: A Critical Social Work*; those readings left an impression on me.

Q: What's the most rewarding part about being an educator?

DH: One of the most rewarding parts of my job as an educator is that I have the opportunity to inspire and motivate students to blossom into their professional selves. As an educator, I am blessed to have a platform to help students cultivate and shape their knowledge and understanding of how they perceive and navigate the world.

The College would like to thank Donna Hinds for granting us this interview. Members are encouraged to watch [Donna's presentation](#) on anti-oppressive practice from the 2019 Annual Meeting and Education Day.

COLLEGE UPDATES

GET READY TO VOTE! UPCOMING COUNCIL ELECTIONS



On **Thursday, May 27, 2021** the College is holding Council elections in Electoral District No. 4. All College members who practise in District No. 4 are encouraged to participate in this important process.

For further information about Council elections, including the voting process, please visit the [College website](#) or contact elections@ocswssw.org.

THE COLLEGE WELCOMES DENITHA BREAU AS ITS NEW DEPUTY REGISTRAR



The Ontario College of Social Workers and Social Service Workers is pleased to announce Denitha Breau as its new Deputy Registrar. She will officially begin her new role on May 10, 2021.

Denitha brings a depth of regulatory knowledge and experience to the College. She has more than

13 years of experience working at the College of Physicians and Surgeons of Ontario, most recently serving as the organization's Manager of Investigations and Resolutions. She is a registered nurse by profession and has a joint master's degree in business administration and nursing.

"I am happy to be joining the Ontario College of Social Workers and Social Service Workers," said Denitha. "I am committed to helping the College continue to fulfill its important public protection mandate and achieve its strategic priorities. I look forward to working with the Council, College staff and our stakeholders."

Denitha has strong leadership skills, a strategic and systems-oriented approach, and extensive IT knowledge and experience. She will be a great addition to the team.

Please join us in welcoming Denitha Breau to the College.

SAVE THE DATE FOR AMED 2021!



Diversity & Change in Society & Practice

Get ready for the 2021 Annual Meeting and Education and Day (AMED) – which is a two-day virtual event this year – on **Thursday, June 17th AND Friday, June 18th!**

This year's theme is *Diversity & Change in Society & Practice*. The event will include a keynote address by Dr. Keith Adamson, RSW, and eight educational sessions that will take place throughout the two days.

In light of the ongoing COVID-19 pandemic, and to ensure the safety of attendees and participants, this year's AMED will be hosted entirely online via livestream.

For more information about AMED 2021, please visit the [AMED webpage](#) or contact us at amed@ocswssw.org.

CONNECT WITH US ON INSTAGRAM!

We invite all members to connect with us on our new Instagram account!

In January, the College launched its new Instagram account as a means to further engage members and other stakeholders, including students and those planning on becoming social workers and social service workers.

Visit our new Instagram account by clicking on the following link: https://www.instagram.com/ocswssw_otsttso/.

KEY INSIGHTS FROM THE COLLEGE'S COVID-19 IMPACT SURVEY



In November 2020, the College conducted a survey to members to gather information on the impact of the COVID-19 pandemic on members' practice, and to identify areas where the College might enhance its practice support to members through the pandemic and beyond.

Members were asked a broad range of questions, from general demographic questions to more specific questions related to the impact of COVID-19. In total, 4,728 members completed the survey, which represents approximately 20% of membership; this is the highest number of respondents to a College survey to date. Eighty-six per cent of respondents identified as social workers, and 14% as social service workers.

Here are some of the key insights from the COVID-19 Impact Survey:

DISRUPTION OF SERVICES

The COVID-19 pandemic severely disrupted the delivery of services for many social workers, social

service workers and their employers. More than a quarter of the survey's respondents (30%) said that they/ their organization suspended services in some form. The most cited reasons for suspending services were related to the disruption of in-person services, health and safety, and the lockdown. Furthermore, nine per cent of respondents said that they lost their employment – temporarily or permanently – due to the pandemic.

SHIFT TO ELECTRONIC PRACTICE

A dramatic shift from in-person to electronic services took place because of the COVID-19 pandemic. Prior to the pandemic, 70% of respondents said that they/ their organization **did not** provide electronic services. At the time of the survey, however, more than 54% of respondents said that they/ their organization had transitioned to electronic services. And it looks as though this trend is here to stay: nearly two-thirds of respondents (67%) said that they/ their organization will continue to offer electronic services – or use a hybrid approach – beyond the pandemic.

ACCESSIBILITY AND EQUITY CONCERNS

Not all survey respondents said that they/ their organizations were able to transition smoothly to electronic services. Of those respondents who were unable to transition to electronic services, a plurality (38%) cited concerns related to accessibility and equitable services for clients. A detailed analysis of those responses revealed a number of concerns including:

- Clients' ability to engage in electronic practice (80%)
- Clients' comfort level using technology (63%)
- Availability of required equipment (52%)

GREATER FOCUS ON SAFETY

According to the survey results, most members (61%) have been asked to practise in a different manner as a result of COVID-19. The changes most cited were related to cleaning protocols, staff meetings, client communications, physical office set-up, and training.

Eighty per cent of respondents said that they/ their organizations have implemented safety measures to accommodate in-person services. Of those respondents providing in-person services, virtually all (95%) said they wear personal protective equipment (PPE) while providing in-person services. Of those respondents, more than 80% said that they/ their organization offers PPE to clients during in-person services.

COLLEGE COMMUNICATIONS

The survey results also indicate that most members (85%) are reviewing the College's communications related to COVID-19, at least occasionally. Seventy-nine per cent of respondents said that the College's recommendations have been helpful to their practice. Most respondents (68%) have used the ETHICS→A: Ethical Decision-Making Tool during the pandemic.

THANK YOU!

The College would like to thank all members who participated in the COVID-19 Impact Survey. We understand that these are difficult times for members as well as the clients and communities they serve. The survey results have enabled the College to gather critical information about the overall impact of COVID-19 on its members. We will continue to support members in their practice and carefully consider the need for additional resources based on this feedback.

For additional information about the COVID-19 Impact Survey, please contact communications@ocswssw.org.

COLLEGE SEES UPTICK IN SEXUAL ABUSE-RELATED COMPLAINTS



The mandate of the Ontario College of Social Workers and Social Service Workers is to protect the public interest. Everything the College does comes down to protecting the public from unqualified, incompetent and unfit practitioners.

Over the last year, the College's Complaints and Discipline Team has seen an increase in complaints related to sexual abuse allegations. This trend is of great concern to the College and warrants serious consideration on the part of both College members and their employers.

"The College has a duty to consider and investigate reports and complaints regarding alleged misconduct of College members," explains Richelle Samuel, Director of Complaints and Discipline. "This includes allegations of sexual abuse between a client and a social worker or social service worker."

MAINTAINING PROFESSIONAL BOUNDARIES

As regulated professionals, social workers and social service workers must maintain professional boundaries at all times. Sexual contact between College members

and clients undermines the public's trust in the professions and is strictly forbidden.

With many employers and College members having made the transition to the provision of services by electronic means, it remains critical for members to maintain professional boundaries with clients at all times.

"It doesn't matter if a client expressed consent or if they 'agreed' to sexual contact," notes Samuel. "Any form of sexual behaviour – whether physical or verbal – between a client and College member is prohibited."

COMPLAINTS AND DISCIPLINE PROCESSES

The College's rigorous complaints and discipline processes are vital for it to fulfill its public protection mandate. This includes considering and investigating reports and complaints made by members of the public regarding the conduct of College members.

If allegations are brought to the College's attention regarding a member breaching the *Social Work and Social Service Work Act*, its regulations or the College's Code of Ethics and Standards of Practice, the College will address the matter through its investigations process.

The results of an investigation are then reviewed to determine what the appropriate regulatory response should be – in all cases, due processes are followed to ensure fairness and transparency for all parties.

Violating professional boundaries and engaging in sexual abuse is an extremely serious form of professional misconduct that can result in penalties up to and including the revocation of a member's certificate of registration with the College.

PRACTICE RESOURCES

College members are advised to consult the College's practice resources regularly, including the following Practice Notes related to boundaries:

- [The Slippery Slope to Sexual Misconduct: Be Informed, Be Aware](#)
- [Dual Relationships: Ensuring Clients Best Interests Are Paramount](#)
- [Dual Relationships: Approach with Caution](#)
- [Boundary Violations](#)

For practice-related inquiries, College members can contact the Professional Practice Department at practice@ocswssw.org.

MORE INFORMATION

For more information regarding the College's complaints and discipline processes as well as information related to sexual abuse of clients, visit the [College website](#), or contact investigation@ocswssw.org.

SUPPORT PERSON PROGRAM

College members, employers and other stakeholders are reminded that the College has developed a Support Person Program to support individuals who have experienced sexual abuse by a social worker or social service worker.

Information related to the College's Support Person Program can be found by visiting the [College website](#).

COUNCIL MEETING HIGHLIGHTS FOR DECEMBER 2, 2020



- Toula Kourgiantakis, RSW, President, provided her report to Council.
- Lise Betteridge, RSW, Registrar and CEO, and Laura Sheehan, Deputy Registrar, presented their report to Council. The report provided updates under each strategic priority in the College's 2020-2023 Strategic Plan and included information about the following: registration and membership updates, including the launch of the College's annual renewal process and the expedited development of an online application process; the College's IT Transformation Plan; the Professional Practice Department and ongoing practice support for members, including presentations and new FAQs on cross-jurisdictional practice; the College's ongoing stakeholder engagement initiatives, including website and social media as well as its public and employer campaigns; government relations, as it relates to the College's continuing engagement with government regarding the registration of CAS workers; the College's newly developed Indigenous webpage; and Complaints and Discipline, including the preliminary work towards an online complaints process.
- Council reviewed the Statement of Financial Position as of September 2020.
- Council reviewed the Statement of Operations for September 2020.
- Council reviewed and approved the 2021 Budget and Work Plan.
- Council reviewed the upcoming Council education sessions.
- Council delegated to the Standards of Practice Committee the task of overseeing a review of the College's Standards of Practice.
- Dwight J. Hymans, Lavina Harless and Jennifer Henkel of the Association of Social Work Boards (ASWB) provided some context regarding ASWB's decision to develop a French version of their entry-to-practice exams for social workers and a social service work exam in French and English.
- Council considered the issue of collecting race-based data on a voluntary basis, as part of the annual renewal process, and directed staff to gather further information to assist them in making a decision.

- Council reviewed and approved revisions to the Registration Policy on Language Proficiency.
- Council reviewed a summary of the College's 2020 Annual Meeting and Keynote Address and two Educational Forums.
- Reports were received from the following statutory committees: Executive; Complaints; Discipline; Registration Appeals; and Fitness to Practise.
- Council reviewed a follow-up report from the Registrar in relation to the Council Evaluation Report received at the September Council meeting.
- Council discussed the decision by the Executive Committee to form a Diversity, Equity and Inclusion Task Group.
- Council approved the appointment of Crowe Soberman LLP as the College's auditors for the year ending December 31, 2020, and agreed to undertake an RFP process in the new year.
- Reports were received from the following non-statutory committees: Standards of Practice; Election; Nominating; Finance; Governance; Corporations; and Titles and Designations.

COUNCIL MEETING HIGHLIGHTS FOR MARCH 3, 2021

- Toula Kourgiantakis, RSW, President, provided her report to Council.
- Lise Betteridge, RSW, Registrar and CEO, presented her report to Council. The report provided updates under each strategic priority in the College's 2020-2023 Strategic Plan and included information about the following: the Professional Practice Department and ongoing practice support for members, including recent presentations/webinars as well as the College's Continuing Competence Program; an update on the 2021 Annual Meeting and Education Day for members; the College's ongoing stakeholder engagement and communications initiatives, including website and social media analytics as well as its public and employer campaigns; the recent Employer Roundtable; the College's newly launched online application process; government relations, including ongoing work on the regulation of CAS workers; the College's ongoing IT strategy; complaints and discipline, including continued progress towards an online complaints process; and recruitment for the Deputy Registrar position.
- Dwight J. Hymans, Jennifer Henkel and Lavina Harless of the Association of Social Work Boards (ASWB) provided additional information regarding ASWB, and its plan to develop a French version of their entry-to-practice exams for social workers and a social service work exam in French and English.
- Council reviewed the Statement of Financial Position as of December 2020.
- Council reviewed the Statement of Operations for December 2020.
- Council received an update and overview of the College's public awareness campaign.
- Reports were received from the following statutory committees: Executive; Complaints; Discipline; Registration Appeals; and Fitness to Practise.
- Reports were received from the following non-statutory committees: Standards of Practice; Election; Nominating; Finance; Governance; Corporations; and Titles and Designations.

PRACTICE NOTES

TO REPORT OR
NOT TO REPORT:
WHEN THAT IS
THE QUESTION

TO REPORT OR NOT TO REPORT: WHEN THAT IS THE QUESTION



BY CHRISTINA VAN SICKLE, MSW, RSW, DIRECTOR, PROFESSIONAL PRACTICE

Practice Notes is an educational tool designed to help Ontario social workers, social service workers, employers and members of the public gain a better understanding of recurring issues dealt with by the Professional Practice Department and the Complaints Committee that may affect everyday practice. The notes offer general guidance only and College members with specific practice inquiries should consult the College, since the relevant standards and appropriate course of action will vary depending on the situation.

Confidentiality is a cornerstone of social work and social service work practice. When clients meet with a member of the College, they can be assured that, within certain limits, their personal information will be kept private, and not disclosed without their knowledge and consent. This legal and ethical responsibility also builds trust and rapport, and creates a safe environment in which clients are able to discuss personal and often difficult issues.

There are circumstances, however, when members may disclose client information, with or without their

consent. In scenarios where clients have provided their consent, members are well equipped to share their personal information with others; however, there are limits to confidentiality which may permit or require members to disclose clients' information without consent. While these limits may be clear in some scenarios, they may be more ambiguous in others; members may be unsure about their obligations around reporting and disclosure.

Members' reporting and disclosure decisions must be grounded in the Standards of Practice, which state that:

College members comply with any applicable privacy and other legislation. College members obtain consent to the collection, use or disclosure of client information including personal information, unless otherwise permitted or required by law.¹

While disclosing client information with consent is usually a straightforward process, members may not be as familiar with all of the circumstances in which

¹ The Ontario College of Social Workers and Social Service Workers (OCSWSSW), *The Code of Ethics and Standards of Practice Handbook*, Second Edition, 2008, Principle V: Confidentiality, Interpretation 5.1.

they are permitted or required to disclose client information without consent.

Members must ensure that they inform clients of the limits to confidentiality at the outset of service. At times, it may be challenging for members to understand what those limits are. The Standards of Practice state that:

College members inform clients early in their relationship of the limits of confidentiality of information. In clinical practice, for example, when social work service or social service work service is delivered in the context of supervision or multi-disciplinary professional teams, College members explain to clients the need for sharing pertinent information with supervisors, allied professionals and paraprofessionals, administrative co-workers, social work or social service work students, volunteers and appropriate accreditation bodies. College members respect their clients' right to withhold or withdraw consent to, or place conditions on, the disclosure of their information.²

Informing clients that their personal information may be disclosed to team members and other professionals involved in their case is not the only limit to confidentiality that members must discuss with clients early in the professional relationship. The topic of initial client conversations is more fully explored in the Practice Note, "[Setting the Table](#)" – [Issues to Consider When Initiating Client Conversations](#).

Members must consider other interpretations in the Standards of Practice, as well as privacy and other relevant legislation when considering whether or not to disclose client information without consent. This article is not intended to be an exhaustive review of all the issues surrounding members' disclosure and reporting obligations. Rather, it describes a number of practice scenarios that have come to the attention of the Professional Practice Department, in order to highlight the relevant Standards of Practice and assist members in understanding their professional

obligations. Members may also wish to consult previous Practice Notes on this topic:

- [Meeting Professional Obligations and Protecting Clients' Privacy: Disclosure of Information Without Consent](#)
- [Confidentiality and Disclosure of Information without Client Consent](#)

When reading the scenarios below, members are encouraged to view the links in the footnotes in order to access further information and resources.

SCENARIO 1 – DUTY TO WARN/DUTY TO PROTECT

A member contacted the Professional Practice Department to discuss whether or not they were required to report information they had heard from a client in the course of a session. The client disclosed that they had a friend who had been expressing suicidal and homicidal ideation. The member was unsure whether or not they had any reporting obligations with respect to their client's friend.

In this scenario, the member was unsure of the appropriate course of action, given that the person to whom the potential disclosure of information related was not their client; furthermore, the disclosure of this information to the appropriate authorities would also involve disclosing their client's information.

Whenever a member is considering whether to disclose client information without the client's consent, they should obtain legal advice; this may be available through their professional liability insurance provider or through their workplace. Members should also consider whether it is appropriate and necessary to consult with a supervisor, the risk manager or the privacy officer at their organization.

In some circumstances, members may have a common law "duty to warn" or a "duty to protect." The "common law" refers to the law developed

² OCSWSSW, *The Code of Ethics and Standards of Practice Handbook*, Second Edition, 2008, Principle V: Confidentiality, Interpretation 5.4.

by judges on a case-by-case basis, through legal precedents or decisions, rather than requirements arising from statutes or legislation.³

A **duty to warn** or a **duty to protect** may exist when there is information suggesting that:

- the client poses a risk to an identifiable person (including themselves) or group of people;
- the risk of harm includes bodily injury, death or serious psychological harm; and
- the risk is imminent. In order to meet this threshold, the risk **must be real, severe and imminent**.⁴

When considering these situations, members should obtain legal advice as recommended above, since the existence of a duty to warn or protect is a question of law.⁵

In the scenario described above, the member determined, after obtaining legal advice and consulting with their supervisor, that the threshold to report had not been met as it was the client's friend, and not the client, who posed a potential risk. The member worked with the client to develop a safety and support plan that would assist them and their friend, and which identified resources, supports and strategies that the client could use, if necessary.

SCENARIO 2 – REPORTING THE SEXUAL ABUSE OF CLIENTS BY OTHER PROFESSIONALS

A member contacted the College because their client had disclosed to them that they had had a sexual

relationship with their physician. The member was unsure about whether they were required to make a report to the physician's regulatory body.

Social workers and social service workers in Ontario are regulated under the *Social Work and Social Service Work Act, 1998* (SWSSWA), while more than 25 health professions are regulated under the *Regulated Health Professions Act, 1991* (RHPA). All health professionals regulated under the RHPA must report to the appropriate regulatory body when they have reasonable grounds (obtained in the course of practising their profession), to believe that another professional regulated under the RHPA has sexually abused a client. This obligation exists even when the reporter is a member of a different health profession from the alleged abuser.⁶

By contrast, under the SWSSWA, College members are required to file a report with the College if they have reasonable grounds to believe that another social worker or social service worker has sexually abused a client. Members are also required to file a self-report if they have been convicted of a criminal offence involving sexual conduct.⁷

Members of the College do not have a mandatory reporting obligation with respect to health professionals regulated under the RHPA. Therefore, in the scenario above, the member did not have an obligation to report the physician to the College of Physicians and Surgeons of Ontario. The situation may be impacted by the fact that a member belongs to a multi-disciplinary team which includes health professionals regulated under the RHPA. Members who are part of a multi-disciplinary team routinely share information with their other team members,

³ Betteridge, Lise. "Practice Notes: Meeting Professional Obligations and Protecting Clients' Privacy: Disclosure of Information Without Consent", *Perspective*, Spring 2013. <https://www.ocswssw.org/wp-content/uploads/2014/11/Meeting-Professional-Obligations-and-Protecting-Clients-Privacy-Disclosure-of-Information-Without-Consent-final-revised-20180430.pdf>; Regehr, C. and K. Kanani, *Essential Law for Social Work Practice in Canada*. Second Edition. Don Mills, ON: Oxford University Press, 2010, page 154-155. The authors explain that in Canada, the common law duty to warn has a much shorter history than in the United States. Members may have learned about the 1976 *Tarasoff* case while completing their social work/social service work education.

⁴ Ibid.

⁵ Ibid.

⁶ Blake, Pamela. "Practice Notes: Confidentiality and Disclosure of Client Information Without Client Consent". *Perspective*, Winter 2006. https://www.ocswssw.org/wp-content/uploads/2018/06/PN-Confidentiality_and_Disclosure.pdf

⁷ "Mandatory Reports." OCSWSSW, 6 Oct. 2020, www.ocswssw.org/complaints-discipline/cd_mandatory_reports/.

at team rounds, for instance. If the member were to share this client information in the context of their multi-disciplinary team, a practice which is addressed by the Standards of Practice⁸, the professionals regulated under the RHPA may be required to review their own reporting obligations.

If a College member who does not belong to a multi-disciplinary team as described above were to become aware that a professional regulated under the RHPA was sexually abusing a client, they may wish to consider other options such as supporting the client to self-report to the appropriate regulatory body, making a report on the client's behalf with the client's consent, or reporting the information while withholding the client's name and identifying information.

SCENARIO 3 – REPORTING OBLIGATIONS UNDER THE CHILD, YOUTH AND FAMILY SERVICES ACT, 2017 (CYFSA) – HISTORICAL SEXUAL ABUSE

A member called the College's Professional Practice Department to consult about an adult client who had disclosed that they were sexually abused by an adult when they were a child. The client had indicated to the member that they did not think that the alleged abuser had access to children currently, but could not say for sure that this was the case. The member understood that they were not required to report the historical sexual abuse to the Children's Aid Society (CAS), but they were unsure if they were required to make a report to the police. The member also wondered if they should indicate to the CAS that they were not sure if the alleged abuser had current access to children.

Most members are quite familiar with their reporting obligations under the CYFSA, which impose a duty to report on any person, including those who perform professional or official duties with respect to children (including social workers and social service workers) if

they have reasonable grounds to suspect that a child is in need of protection.⁹

While the duty to report under the CYFSA may seem straightforward, scenarios such as the one described above can be quite complex.

The member was advised by Professional Practice staff to reflect on Principle II: Competence and Integrity, Interpretation 2.1.3, which states that "College members maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services in their areas of practice."¹⁰ Upon review of this interpretation, the member noted that they were not aware of any legislation that would require them to report this information to the police. The member also realized that they did not have the client's consent, so reporting this information to the police would therefore be a breach of the client's confidentiality. The member determined that they would further explore this issue with their client and offer to support them if they wished to make such a report.

The member then raised the question of whether or not they should provide information about the client's alleged abuser to the CAS, without disclosing identifying information about the client. The member told Professional Practice staff that they had explained this potential limit to confidentiality to their client, because if the alleged abuser had current access to children, they would have reasonable grounds to suspect that a child was in need of protection on the basis of the historical sexual abuse.

As in the previous scenarios, Professional Practice staff advised the member to obtain legal advice and to consult with their supervisor in order to make a decision regarding their duty to report. The member also decided to contact the intake department at the CAS to find out if they could provide information

⁸ OCSWSSW, *The Code of Ethics and Standards of Practice Handbook*, Second Edition, 2008, Principle V, Interpretation 5.4.

⁹ "The Duty to Report under the Child, Youth and Family Services Act, 2017." OCSWSSW, 30 Apr. 2018, www.ocswssw.org/wp-content/uploads/2014/11/The-Duty-to-Report-under-the-Child-and-Family-Services-Act-20180430.pdf.

¹⁰ OCSWSSW, *The Code of Ethics and Standards of Practice Handbook*, Second Edition, 2008, Principle II: Competence and Integrity, Interpretation 2.1.3.

about the alleged abuser without naming their client; the CAS would then be in a position to decide if this case met their criteria for investigation.

SCENARIO 4 - REPORTING OBLIGATIONS UNDER THE CYFSA - CLIENTS AGED 16 OR 17

The Professional Practice Department was contacted by a College member who was working with a 16-year-old client. The member reported that they had reasonable grounds to suspect that this client was in need of protection, but was unclear about their reporting obligations with respect to a client of this age.

As discussed above, members have a duty to report under section 125 of the CYFSA; this duty to report does not apply to a child who is 16 or 17 years of age, however.¹³ With respect to reporting requirements for older children, section 125 subsection 4 indicates that a duty to report does not apply to older children, but a person is permitted to make a report in respect of a child who 16 or 17, if they have reasonable grounds to believe that they are in need of protection.¹⁴

Members should be aware that the CYFSA takes into consideration that a different approach is needed for youth aged 16 and 17, and focuses on protecting them and encouraging their voluntary participation in service. If in the course their practice, a member was to encounter a 16- or 17-year-old who was in need of protection, and the client did not voluntarily agree to a report being made, the member would need to apply their professional judgment¹⁵ in deciding whether or not to make a report.

In light of this information, the member in the scenario above decided to speak to their client about contacting the CAS voluntarily to discuss their situation; if the client were to decide to take this step, the member would offer them support, resources and advocacy throughout and after the reporting process.

SCENARIO 5 – REPORTING OBLIGATIONS UNDER THE PERSONAL HEALTH INFORMATION PROTECTION ACT, 2004

A member in private practice contacted the Professional Practice Department to discuss next steps in relation to a privacy breach. They explained that they had accidentally sent information about one client to another client. The member stated that this happened because they had started to type the email address of the intended recipient, and inadvertently clicked on a similar email address that automatically populated the field from their online address book.

This scenario – which is typically very upsetting for members and for affected clients – has been the subject of an increasing number of calls to the Professional Practice Department in recent years. Under the *Personal Health Information Protection Act, 2004* (PHIPA), there are required steps for members to take in this situation.

In the event of a health privacy breach, a health information custodian (HIC) is required under PHIPA, with limited exception, to notify the affected client at “the first reasonable opportunity” of the theft or loss of their personal health information. HICs must advise their client of the right to file a complaint with the Information and Privacy Commissioner of Ontario (Privacy Commissioner).¹⁶

¹¹ Considering how legislation applies to practice is a topic explored in the Practice Notes, “[What’s Legislation Got to Do with It?](#)”

¹² OCSWSSW, *The Code of Ethics and Standards of Practice Handbook*, Second Edition, 2008, Principle V: Confidentiality, Interpretation 5.1.

¹³ *Child, Youth and Family Services Act*, 2017, S.O. 2017, c. 14, Sched. 1

¹⁴ *Ibid.*

¹⁵ The Practice Notes, “[The Importance of Professional Judgment](#)” explore the concept and application of professional judgment and the [ETHICS→A: Ethical Decision-Making Tool](#) provides guidance on ethical decision-making.

¹⁶ “New Notification and Reporting Requirements under PHIPA - What You Need to Know.” *Perspective*, OCSWSSW, 2 May 2017, www.perspective.ocswssw.org/new-notification-and-reporting-requirements-under-hipa-what-you-need-to-know/

Members who work for organizations that are HICs, like hospitals, are required to notify their organization at “the first reasonable opportunity” if they were responsible for personal health information that was lost, stolen, used or disclosed without authority.¹⁷

In certain circumstances, members are required to report health privacy breaches to the Office of the Privacy Commissioner. Members may contact the Privacy Commissioner to consult and determine whether or not this requirement applies to their specific situation. It is also advisable for a member to obtain legal advice and to document how they have met the steps described above.

The member in this scenario was understandably shaken, however they felt somewhat reassured once they understood the steps required of them, and had a plan to address the breach. The member stated that they would notify their client immediately about what had happened, and inform them of their right to file a complaint with the Privacy

Commissioner. The member also decided to obtain a legal opinion and contact the Privacy Commissioner to determine if they were required to report. The member was reminded to document all of the steps they had taken, including who they had consulted with and the information that they had been given, in case they were ever asked about their actions.

CONCLUSION

Members’ decisions to disclose client information without consent must be made after a careful review of the Standards of Practice and relevant legislation. Members must also ensure that they have explained the limits of confidentiality to their clients. Some reporting obligations are mandated by legislation. Members may also be permitted through legislation or the common law to disclose client information in the interest of safety. In any of these scenarios, members should obtain a legal opinion and consult with a supervisor or others within their organization to assist them in better understanding their professional and legal obligations and in making sound and ethical decisions.

¹⁷ Ibid.

DISCIPLINE DECISION SUMMARIES



The College publishes summaries of decisions of the Discipline Committee and/or provides links to full-text, neutralized versions of its decisions. Information that is subject to a publication ban or that could reveal the identity of witnesses or clients, including the name of the facility, has been removed as necessary, or has been anonymized. As of January 2019, decisions are also available via the [Canadian Legal Information Institute](#) (CanLII).

By publishing decisions, the College endeavours to:

- Illustrate for social workers, social service workers and members of the public what does or does not constitute professional misconduct.
- Provide social workers and social service workers with direction about the College's Standards of Practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances.
- Implement the Discipline Committee's decision.
- Provide social workers, social service workers and members of the public with an understanding of the College's discipline process.

NOVEMBER 2, 2020

Alison Templer Teran, #819155

The Discipline Committee of the Ontario College of Social Workers and Social Service Workers found that Alison Templer Teran is guilty of professional misconduct in that she violated sections 2.2, 2.19, 2.20, 2.21 and 2.36 of O. Reg. 384/00 (Professional Misconduct) to the *Social Work and Social Service Work Act*, Principles II, III and IV of the *Code of Ethics and Standards of Practice Handbook* (Standards of Practice), and Interpretations 2.1.3, 2.1.5, 2.2.6, 2.2.8, 3.1, 3.2, 3.6, 3.11, 4.1.1, 4.1.2, 4.1.3, 4.2.1, 4.2.2 of the College's Standards of Practice.

[Alison Templer Teran #819155 \(Discipline Decision Summary and Reasons\)](#)

*Attachments referenced have not been included

SEPTEMBER 22, 2020

Alicia Beloshesky, #828915

The Discipline Committee of the Ontario College of Social Workers and Social Service Workers found that Alicia Beloshesky is guilty of professional misconduct in that she violated sections 2.2, 2.5, 2.28 and 2.36 of O. Reg. 384/00 (Professional Misconduct) to the *Social Work and Social Service Work Act*, Principles

I, II, III and VIII of the *Code of Ethics and Standards of Practice Handbook* (Standards of Practice), and Interpretations 1.5, 1.6, 2.2, 2.2.1, 2.2.2, 2.2.3, 2.2.8, 3.7, 8.1, 8.2, 8.2.1, 8.2.2, 8.2.3, 8.3, 8.4 and 8.6 of the College's Standards of Practice.

[Alicia Beloshesky #828915 \(Discipline Decision Summary and Reasons\)](#)

to the *Social Work and Social Service Work Act*, and Interpretation 5.1 of Principles V of the *Code of Ethics and Standards of Practice Handbook* (Standards of Practice).

[Kelley Jean Denham, # 826163 \(Discipline Decision Summary and Reasons\)*](#)

[Kelley Jean Denham, #826163 \(Penalty Order\)](#)

JULY 10, 2019, NOVEMBER 5, 2020

Kelley Jean Denham, #826163

The Discipline Committee of the Ontario College of Social Workers and Social Service Workers found that Kelley Jean Denham is guilty of professional misconduct in that she violated sections 2.2, 2.29 and 2.36 of O. Reg. 384/00 (Professional Misconduct)

*Attachments referenced have not been included.

FAQ: CROSS-JURISDICTIONAL PRACTICE



ARE SOCIAL WORKERS AND SOCIAL SERVICE WORKERS PERMITTED TO PROVIDE SERVICES TO CLIENTS WHO LIVE TEMPORARILY IN ONTARIO?

College members are permitted to practise with clients who currently live in Ontario, regardless of whether the client is in Ontario on a temporary or

permanent basis. If the client continues to require services after returning to their home province or jurisdiction, members would need to consider the requirements in the College's Standards of Practice for appropriate termination of services and/or referral. In some instances, members may determine that it is in the best interests of the client for them to continue

to provide services. If that is the case, members are advised to contact the regulatory body in the province or jurisdiction in question to determine the requirements of the regulatory body in that province or jurisdiction, and to seek legal advice and contact their professional liability insurance provider, before continuing to provide services.

REFERRING TO THE STANDARDS OF PRACTICE

The College's Standards of Practice, which can be accessed in *The [Code of Ethics and Standards of Practice Handbook](#)*, set out the minimum standards of professional practice and conduct, in accordance with the *Social Work and Social Service Work Act*. The Standards of Practice are meant to be applied to members' practice in conjunction with any applicable legislation and with their professional judgment.

The Standards of Practice apply to the breadth and scope of social work practice and social service work practice. It is recognized that throughout the scope of practice for each profession, there are variations in approaches and that members vary their methods in response to the demands of a particular situation, including cross-jurisdictional practice. The Principles and Interpretations contained within the Standards of Practice prescribe the basis on which professional practice is conducted in a sound and ethical manner.

LEARN MORE

For more information on cross-jurisdictional practice and other practice-related matters, please contact the College's Professional Practice Department at practice@ocswssw.org. We also encourage employers, members and other stakeholders to visit our FAQs on cross-jurisdictional practice on the [College website](#).

BULLETIN BOARD

CHANGE OF INFORMATION NOTIFICATION

If you change employers or move, please advise the College in writing within 30 days. The College is required to have the current business address of its members available to the public. Notification of change of address can be done through the website at ocswssw.org, emailed to info@ocswssw.org, faxed to 416-972-1512 or mailed to the College office address. In addition to providing your new address, please provide your old address and College registration number.

If you **change your name**, you must advise the College of both your former name(s) and your new name(s) in writing and include a copy of the change of name certificate or marriage certificate for our records. The information may be sent by fax to 416-972-1512 or by mail to the College office address.

If you wish to **update your education**, you must ask your academic institution to forward an official transcript with the institution seal and/or stamp directly to the OCSWSSW.

PARTICIPATION IN THE WORK OF THE COLLEGE

If you are interested in volunteering for one of the College's committees or task groups, please email Amy Vrachidis at avranchidis@ocswssw.org to receive an application form. The College welcomes all applications; however, the number of available positions for non-Council members is limited by the statutory committee requirements in the *Social Work and Social Service Work Act* as well as the bylaws and policies of the College.

COUNCIL MEETINGS

College Council meetings are open to the public and are held at the College office in Toronto.

Visitors attend as observers only. Seating at Council meetings is limited. To reserve a seat, please fax your request to the College at 416-972-1512 or email Amy Vranichidis at avranichidis@ocswssw.org. Please visit the College's website for the dates and times of upcoming meetings.

MISSION STATEMENT

The Ontario College of Social Workers and Social Service Workers protects the interest of the public by regulating the practice of social workers and

social service workers and promoting ethical and professional practice.

VISION STATEMENT

The Ontario College of Social Workers and Social Service Workers strives for organizational excellence in its mandate in order to: serve the public interest; regulate its members; and be accountable and accessible to the community.

Perspective is the official publication of the Ontario College of Social Workers and Social Service Workers.

HOW TO REACH US

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Editor: John Gilson

If you require this publication in an alternate format, contact the College at 1-877-828-9380 or communications@ocswssw.org

WHO TO CONTACT AT THE COLLEGE

MEMBERSHIP/ ADMINISTRATION

For general membership inquiries, please email: info@ocswssw.org

For renewal inquiries, please email: renewals@ocswssw.org

OFFICE OF THE REGISTRAR

If you wish to contact the Office of the Registrar, or are seeking information related to the College Council, please email Amy Vrachidis, Senior Executive Assistant, at avrachidis@ocswssw.org

PROFESSIONAL PRACTICE

For professional practice inquiries, please email: practice@ocswssw.org

For inquiries related to the Continuing Competence Program (CCP), please email: ccp@ocswssw.org

COMMUNICATIONS

For inquiries regarding the College's website, newsletter, Annual Report and other publications, please email: communications@ocswssw.org

REGISTRATION

For general registration inquiries, please email: registration@ocswssw.org

If you are a graduate of a program not in social work or social service work and have a registration inquiry, please email: equivalency@ocswssw.org

COMPLAINTS AND DISCIPLINE

For information on complaints, discipline and mandatory reporting, please email: investigations@ocswssw.org

If you are aware of any individual who is illegally using a protected title and/or holding themselves out as a social worker or a social service worker, you may report this information to the College at titleprotection@ocswssw.org

