



PERSPECTIVE

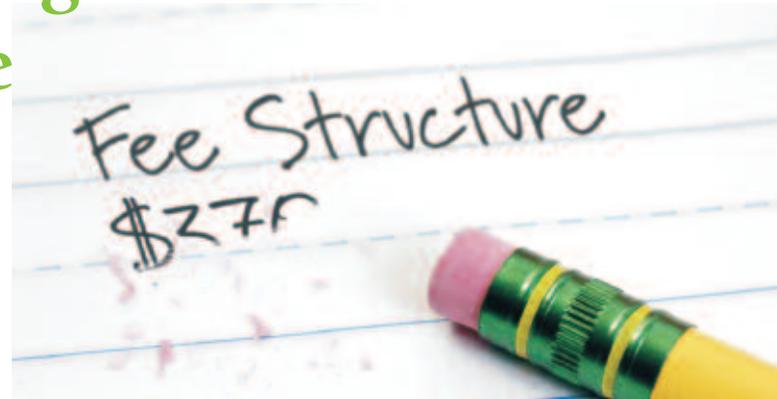
FALL 2006 VOLUME 5, NUMBER 2

Announcement: Changes to College Fee Structure

GLEND A MCDONALD, M.S.W., RSW, REGISTRAR

In 2000, transitional Council established the annual membership fee of \$370 based on a thorough review of estimated revenues and expenses for the first five years of the College's operations. For a number of years, the College has received feedback from members regarding the annual fee which they consider to be too high. Council considered the matter of a reduction in the membership fee in 2004, however, given the developmental stage of the College at the time coupled with the fact that some of the expenses projected by the transitional Council were not realized as quickly as was projected or to the amounts projected, Council felt that it would be more practical to review the matter of the annual fee at the conclusion of the initial business plan developed by the transitional Council. The conclusion of the first business plan came in late 2005 and Council began reviewing the possibility of a reduction in fees at that time.

After considering a number of possible financial scenarios, Council approved a By-law change at its May 10, 2006 meeting which will reduce the annual fee and registration fee for members effective **January 1, 2007**. Council considered a number of factors before approving this fee reduction. Although the College is in a strong financial position at this point in time, there are many expenses yet to be realized and Council determined that it would be financially prudent to ensure a healthy reserve fund to meet these future expenses as well as unanticipated expenses over the next five years. For example, the College still has to develop the entry to practice examination for both professions as well as complete the revision of the Standards of Practice and the launch of the Continuing



Competence Program. Additionally, the results of the 5-year review of the *Social Work and Social Service Work Act, 1998* (SWSSWA) have not yet been released and may have financial implications for the way the College carries out its business in the future. Nevertheless, this reduction is a way to respond to recommendations from the membership regarding the fee while remaining fiscally responsible during a critical time in the development of the College. The membership fee continues to be in line with similarly sized regulatory colleges in Ontario.

Within the new fee structure, there is a further reduction for those who are new graduates from recognized social work and social service work programs. A key priority within the College's strategic plan for 2005-2008 is to recruit and retain these graduates as members of the College. It is important that those individuals who are new to the two professions become members of the College and see membership in the College as a logical extension of the professional identity associated with obtaining a degree in social work or a diploma in social service work. The reduced fee for new graduates signals the importance of these potential new members to the College and recognizes the financial constraints that many new graduates face as they enter the workforce.

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Over the years, the College has also received feedback regarding the fees for those who are retired or not currently practising social work or social service work. While the College does not have an inactive category of membership, this is a complex issue that Council is currently reviewing. In order to create a new category of membership, the Registration Regulation made under the *Social Work and Social Service Work Act, 1998* will likely need to be amended. In addition to Council approval, any amendment to a Regulation under the SWSSWA must be reviewed and approved by the Ministry of Community and Social Services, under whose responsibility the SWSSWA falls. Any Regulation amendment must also have the approval of the provincial Cabinet. At the Council meeting that took place on September 18, 2006, Council approved in principle the creation of an inactive category of membership and directed that the Ministry of Community and Social Services be approached to ascertain whether there is support for the proposed amendments to the College's Registration Regulation. This is a lengthy process that will require consultation with members to determine, among other things, how many individuals may fall under this new category of membership. The College will keep members updated on this process and will post any updates online at www.ocswww.org.

The following are the changes made to the College's fee structure that will take effect on January 1, 2007:

- The registration fee, payable at the time of application to the College, will decrease from \$370 to \$340 and will continue to be pro-rated on a quarterly basis dependent upon the date when a certificate of registration is issued.
- The annual fee for members of the College will decrease from \$370 to \$340 per year. This change will be reflected on the 2007 annual renewal forms that will be sent to members this Fall.
- For new graduates (those who apply for registration in the College in the year in which they graduate from a social work or social service work program), the registration fee will decrease from \$370 to \$240 and will be pro-rated quarterly. Additionally, the annual fee for these new graduate members in the two subsequent years of their membership will be \$240, provided that the payment of the annual fee is made prior to the date on which the late payment penalty is effective.
- For new graduates, who graduate in 2006 and apply to the College in 2006, the registration fee will remain at \$370 and be pro-rated quarterly. However, the annual fee for these new graduate members will be \$240 for the two subsequent years of their membership provided that the payment of the annual fee is made prior to the date on which the late penalty is effective.
- The non-refundable application fee remains unchanged at \$75, payable when an application for registration is submitted to the College.

If you have any questions about the new fee structure, please contact the College via e-mail at info@ocswww.org.

New Council and Committee Roster for 2006-2007

The following is the listing of Council and committee members subsequent to the election of the Executive Committee and committee appointments which took place at the September 18-19, 2006 Council meeting. Council includes 21 persons representing equally the public, social service workers and social workers. For complete bios of Council members, please visit the College's website www.ocswssw.org.

Lisa Barazzutti – Public Member

Rachel Birnbaum – Elected Social Worker

Mary Ciotti – Elected Social Worker

Susan Clark – Public Member

Geneviève Côté – Elected Social Worker

Roman Delicart – Elected Social Service Worker

Zita Devan – Public Member

Joachim (Joe) Fecht – Elected Social Worker

Anita Gupta – Public Member

Shelley Hale – Elected Social Service Worker

Kevin Kennedy – Elected Social Service Worker

Michael Kopot – Elected Social Worker

Mukesh Kowlessar – Elected Social Service Worker

Norman MacLeod – Public Member

Sue-Ellen Merritt – Elected Social Service Worker

John Pretti – Elected Social Worker

Sylvia Pusey – Public Member

Judy Shanks – Elected Social Service Worker

Patricia Spindel – Public Member

Joanne Turner – Elected Social Worker

Colleen Zakoor – Elected Social Service Worker

New Council and Committee Roster for 2006-2007

Executive Committee:

Rachel Birnbaum, RSW - *President*
Sue-Ellen Merritt, RSSW - *First Vice-President*
Norman MacLeod, Public Member - *Second Vice-President*
Joe Fecht, RSW - *4th Executive Member*
Mukesh Kowlessar, RSSW - *5th Executive Member*
Zita Devan, Public Member - *6th Executive Member*

Complaints Committee:

Joe Fecht, RSW (*Chair*)
Anita Gupta, Public Member
Beth McCarthy-Kent, RSW (Non-Council)
Sue-Ellen Merritt, RSSW
Sylvia Pusey, Public Member
Colleen Zakoor, RSSW

Registration Appeals Committee:

John Pretti, RSW (*Chair*)
Lisa Barazzutti, Public Member
Mary Ciotti, RSW
Susan Clark, Public Member
Gary Cockman, RSSW (Non-Council)
Kevin Kennedy, RSSW

Discipline Committee:

Lisa Barazzutti, Public Member (*Chair*)
Susan Clark, Public Member
Geneviève Côté, RSW
Roman Delicart, RSSW
Shelley Hale, RSSW
Kevin Kennedy, RSSW
Michael Kopot, RSW
Paula Klein, RSW (Non-Council)
Patricia Spindel, Public Member

Fitness to Practise Committee:

Lisa Barazzutti, Public Member (*Chair*)
Susan Clark, Public Member
Geneviève Côté, RSW
Roman Delicart, RSSW
Shelley Hale, RSSW
Kevin Kennedy, RSSW
Michael Kopot, RSW
Paula Klein, RSW (Non-Council)
Patricia Spindel, Public Member

Standards of Practice Committee:

Shelley Hale, RSSW (*Chair*)
Lisa Barazzutti, Public Member
Linda Chodos, RSW (Non-Council)
Gary Cockman, RSSW (Non-Council)
Geneviève Côté, RSW
Suzanne Hainer, RSSW (Non-Council)
John Newman, RSSW (Non-Council)
Elaine Sauriol, RSW (Non-Council)
Patricia Spindel, Public Member
Joanne Turner, RSW

Nominating Committee:

Patricia Spindel, Public Member (*Chair*)
Roman Delicart, RSSW
Zita Devan, Public Member
Joe Fecht, RSW
Michael Kopot, RSW
Judy Shanks, RSSW

Election Committee:

Mary Ciotti, RSW (*Chair*)
Rachel Birnbaum, RSW
Roman Delicart, RSSW
Kevin Kennedy, RSSW
Sylvia Pusey, Public Member

Corporations Committee:

Mukesh Kowlessar, RSSW (*Chair*)
John Pretti, RSW
Sylvia Pusey, Public Member

Finance Committee:

Joanne Turner, RSW (*Chair*)
Anita Gupta, Public Member
Norman MacLeod, Public Member
Sue-Ellen Merritt, RSSW
Judy Shanks, RSSW
Glenn Thompson, RSW (Non-Council)

Governance Committee:

Zita Devan, Public Member (*Chair*)
Mary Ciotti, RSW
Susan Clark, Public Member
Geneviève Côté, RSW
Shelley Hale, RSSW
Colleen Zakoor, RSSW

Standards of Practice & Continuing Competence Update

In early 2006 the revised standards of practice underwent an extensive legal review. The review ensured that the standards are current and consistent with applicable legislation, enforceable in complaints and discipline matters and relevant to social work and social service work practice. This task is extremely challenging as it is necessary to balance all of these priorities while ensuring that terms are used consistently, the information is organized in a user-friendly manner and the content flows well. Additionally, the new practice guidelines that have been developed in the areas of children and youth, capacity assessments, medication practices and custody and access assessments, needed to be carefully examined as each guideline has its own separate issues that must be considered.

The legal review was completed in May 2006 and the Standards of Practice Committee was asked to further refine the standards and consider a number of issues that were raised by legal counsel during the review and to provide direction on these matters before the document is finalized. Following that, a number of volunteers involved in all areas of practice will take part in a final consultation and review of the standards and new guidelines before they are presented to Council for approval. The College is continuing to recruit members for this process and a sign-up form is available to download from the College's website at www.ocswssw.org (under Publication Archives). If you are interested in assisting the Standards of Practice Committee with this final phase, please fax the form to the College as soon as possible as the consultation process will begin shortly.

Following final approval by Council, the standards of practice and new guidelines will be printed and distributed to all members and will form the basis of the Continuing Competence Program that is also being developed by the Standards of Practice Committee. Once both the standards of practice and the Continuing Competence Program have been approved by Council, the College will communicate with members regarding the requirements of the Program.

If you have any questions regarding the standards of practice or the Continuing Competence Program, please contact Pamela Blake M.S.W., RSW, Director, Professional Practice and Education at 416-972-9882 or 877-828-9380 ext. 205 or e-mail: pblake@ocswssw.org.



eBulletin Announcement

Since the College distributed eBulletin sign-up forms with the 2006 renewal packages, there has been an overwhelming response from those interested in receiving information from the College via e-mail. Although the eBulletin does not replace the information that is mailed to members throughout the year (i.e. *Perspective*, Annual Report, renewal packages etc.), it is a way for the College to communicate with members and stakeholders in a timely manner. In mid-2006, the College sent two eBulletins to subscribers regarding the Annual Meeting and Education Day, the reduction in membership fees, the appointment of a new Deputy Registrar and the district 4 election. This proved to be a successful vehicle in which to keep members up-to-date on College developments during the months between the distribution of the *Perspective* newsletter. Unfortunately, a large number of e-mails bounced back to the College for various reasons, particularly because the e-mail address on file is no longer active or the recipient's e-mail filter identified it as junk mail. If you have signed up to receive the eBulletin and did not receive the two issues that were sent this year, please ensure you add ebulletin@ocswssw.org to your "white list" or alternatively, contact Yvonne Doyle at ydoyle@ocswssw.org to ensure the College has your correct e-mail address.

Complaints Process: Feedback

MARLENE ZAGDANSKI, DIRECTOR OF COMPLAINTS AND DISCIPLINE

This article forms part of the College's continuing effort to keep College members, employers of College members, and members of the public informed of the College's complaints process.

Since publication of detailed information about the complaints process on the College's website, in its brochure – *FAQ's College Complaints Process* – and in back issues of *Perspective*¹, the College continues to receive inquiries, and frequently individuals appear to misunderstand the complaints process. This may be attributed, in part, to the fact that, due to the number of complaints received², relatively few members of the College have been involved in the College's complaints process, and that, understandably, for

most regulated professionals, there is some degree of anxiety associated with a regulatory body's complaints process.

The following letter, received from a College member who was the subject of a complaint to the College, and reproduced with the College member's permission, is intended to assist social workers, social service workers, their employers and members of the public in their understanding of the College's complaints process.

Readers of this article are encouraged to review the previously published information about the complaints process, as it provides necessary procedural context for this article.

Dear Ms. Zagdanski:

I was of course very pleased to receive the response of the Complaints Committee regarding X's complaint about my professional performance. As I mentioned to you on the telephone, having never received a complaint such as this before I was concerned about the process and what the outcome would be. Most of all I was concerned that without face to face contact with the parties involved it would be difficult for the Committee to render a judgement.

First in terms of the process I want to thank you personally for explaining patiently and with as much detail as you were permitted to give, the importance of each person getting an opportunity to present their positions.

At times the process seemed cumbersome but I now see the merit in allowing ample time for responses and counter responses. During a quite anxiety producing process I really appreciated your time and calm explanations.

Each and every time I telephoned with questions (probably some which I had asked previously) you took the time and made sure I understood what to expect in terms of the process.

In terms of the outcome, the Panel Members went beyond what I would have even contemplated in their thoroughness. The lack of need to know the parties has become clear to me now as has the need for the Committee to take ample time to cover all of the Complainant's points. Only when I had the opportunity to read the finished document did I appreciate this and what was involved.

In summary I wish to thank you all. Although this was a very arduous process I felt that it was handled very competently and professionally by everyone at the College.

*Yours very truly,
"College Member"*

If you have any additional comments, questions and/or concerns regarding the complaints process, please contact Marlene Zagdanski, Director, Complaints and Discipline, at 416-972-9882 or 1-877-828-9380 ext. 208 or e-mail: mzagdanski@ocsussw.org.

¹ Readers may access the related information on the College's website at www.ocsussw.org. The College brochure – *FAQ's College Complaints Process* – is available from the College and on the College's website.

² As at the date of writing, the College had 11, 245 members, and had received approximately 250 complaints.

Annual Meeting & Education Day Wrap-Up



On June 23, 2006, close to 400 College members and invited guests gathered at the Metro Toronto Convention Centre for our 5th Annual Meeting and 3rd Education Day entitled *Committed to Excellence in Practice*. New this year, delegates were able to choose from a number of afternoon breakout sessions that followed the Keynote Address with Joe Rich, RSW. The afternoon sessions covered a wide variety of topics, including Ontario's Social Assistance Programs, Local Health Integration Networks, the *Personal Health Information Protection Act, 2004*, and Cultural Considerations in Mental Health Assessments and Service Delivery, among several others. The feedback received from delegates was very positive and the College hopes to continue offering a variety of concurrent sessions for future events.

The following are some of the comments we received from attendees:

"I had a great time and learned so much. Thank you for this opportunity!"

"Joe Rich was a breath of fresh air."

"Excellent! I didn't expect to laugh so much at this meeting. I appreciate all the changes to the annual meeting based on feedback from last year. Thanks for listening. I had no complaints."

"Great choice of workshops."

The College would like to thank the presenters who made the event such a success:

Joe Rich, RSW – *Relationship Thinking: Placing Practice Under the Relationship Microscope*

Mukesh Kowlessar, RSSW – *Ontario's Social Assistance Programs*

Debbie Tarhis, Partner, Weir Foulds LLP – *PHIPA: An Overview and PHIPA: Obligations of Health Information Custodians and Their Agents*

Paula Podolski, RSW – *Clients in Crisis: Assessing Risk & Utilizing Resources*

Wendy Chow, RSW – *Cultural Considerations in Mental Health Assessments and Service Delivery*

Helen Wong, RSW – *Internationally Educated Social Work Professionals Program – Bridging Employers, Social Workers and the Community*

Kay Blair, Executive Director, MicroSkills – *Creating an Inclusive Organization: New Perspectives and World Views*

Mimi Lowi-Young, CEO, Central West Local Health Integration Network – *Local Health Integration Networks: An Overview*

For those unable to attend the Annual Meeting and Education Day, webcasting was available once again for the Annual Meeting and Keynote portion of the event. The College will continue to offer webcasting for future events for those unable to join us in person. Because the afternoon breakout sessions were not available via webcast and to benefit those who were unable to participate in the event, the PowerPoint presentations from each of the breakout sessions are available to download in PDF format from the College's website at <http://www.ocswssw.org/sections/Events/AMED2006.html>.

We would like to thank all attendees for their participation and feedback and we look forward to welcoming you again in 2007.

Response to HPRAC'S New Directions Report

PAMELA BLAKE M.S.W., RSW, DIRECTOR, PROFESSIONAL PRACTICE AND EDUCATION

On May 19, 2006 the Health Professions Regulatory Advisory Council (HPRAC) submitted its report "Regulation of Health Professions in Ontario: New Directions" to the Minister of Health and Long-Term Care, Hon. George Smitherman, in response to his letter of referral of February 7, 2005. The report followed a year of extensive consultations on a wide range of issues.

The OCSWSSW has participated in a number of HPRAC consultations including a response to the 2001 HPRAC report "Adjusting the Balance", and more recently in regard to the consultation on the currency of, and any additions to, the 2001 HPRAC report, the regulation of Psychotherapy and the regulation of Personal Support Workers.

"Regulation of Health Professions in Ontario: New Directions" contains a host of recommendations, many of which would likely have little if any direct impact on the OCSWSSW. However, the College, in its response submitted on June 27, 2006, responded to four issues that have the potential to impact on the OCSWSSW in carrying out its statutory responsibilities and on its members. These issues are: the regulation of Psychotherapy, the Doctor title, the Harm Clause and Confidentiality Provisions.

The Regulation of Psychotherapy

Perhaps of most interest to members is the issue of the regulation of psychotherapy. Currently in Ontario, anyone may represent him or herself as a psychotherapist, or use the title "psychotherapist" regardless of credentials, training, education or experience. In its report, HPRAC recommends that:

- both psychotherapy and psychotherapists be regulated
- psychotherapy be distinguished from counselling
- a legally enforceable scope of practice for psychotherapy be established
- recognition be given to existing regulatory bodies that regulate members who provide psychotherapy, such as the OCSWSSW
- existing regulatory bodies whose members practise psychotherapy be directed to establish high

- minimum qualifications and general standards for the practice of psychotherapy in their professions
- a new College of Psychotherapists be established for currently unregulated psychotherapy providers

In its response, the College noted its agreement with HPRAC that the provision of psychotherapy services carries with it a significant risk of harm to recipients of these services, and that currently unregulated practitioners should be regulated in the public interest, through title protection and an enforceable scope of practice. The College expressed appreciation that HPRAC recognized that social work members of the OCSWSSW, who are competent to do so, provide psychotherapy.

The College did raise a number of concerns and an excerpt from the response follows:

"The OCSWSSW is of the opinion that the knowledge base that social workers acquire in their undergraduate and graduate social work studies is the building block for advanced training in psychotherapy. It therefore follows that the OCSWSSW would be the appropriate body to evaluate and to regulate individuals who have social work educational credentials and practise psychotherapy. The OCSWSSW views the new College of Psychotherapists as the appropriate body for individuals who are not eligible to become registered in an existing regulatory body. The OCSWSSW proposes that this principle be embodied in the legislative framework for the new College of Psychotherapists.

A concern arises in regard to the potential for a member of the OCSWSSW whose certificate of registration has been suspended or revoked or who has terms, conditions or limitations on his or her certificate of registration, to become a member of the new College of Psychotherapists and "start afresh", posing a risk of harm to the public. The OCSWSSW notes that under the Registration Regulation made under the *Social Work and Social Service Work Act*, an applicant must disclose "every finding of professional misconduct, incompetence or incapacity.....made by a professional association or other body that has self-regulatory responsibility" and would want to ensure that

Response to HPRAC'S New Directions Report

PAMELA BLAKE M.S.W., RSW, DIRECTOR, PROFESSIONAL PRACTICE AND EDUCATION

similar safeguards will be effected with the new college. An additional concern arises in regard to the proposed scope of practice. It is possible that members of the OCSWSSW competently perform activities that could fall under this definition, but are not referred to as psychotherapy, and further that they may not fulfill the requirements to practise psychotherapy. This concern is not adequately addressed by the exemption for "counsellors providing information, encouragement, advice or instruction about emotional, social, educational or spiritual matters", especially since "treatment that goes beyond the bounds of counselling" would not be exempted. The OCSWSSW suggests that a clearer distinction be made between psychotherapy, counselling and other interventions, to ensure that the scope of practice captures only psychotherapy."

The Doctor Title

Currently in the *Regulated Health Professions Act (RHPA)* there are restrictions on the use of the title "doctor" by health professionals in Ontario. This has an impact on social work members of the College who have attained a PhD following a graduate degree, most often a Master of Social Work degree. In the "*New Directions Report*", HPRAC proposes a less restrictive approach, however, the College expressed concerns that, even with the proposed amendments, there would continue to be unwarranted restrictions imposed on members of the OCSWSSW who have attained a PhD. In its submission, the College proposed further amendments to address these concerns.

The Harm Clause

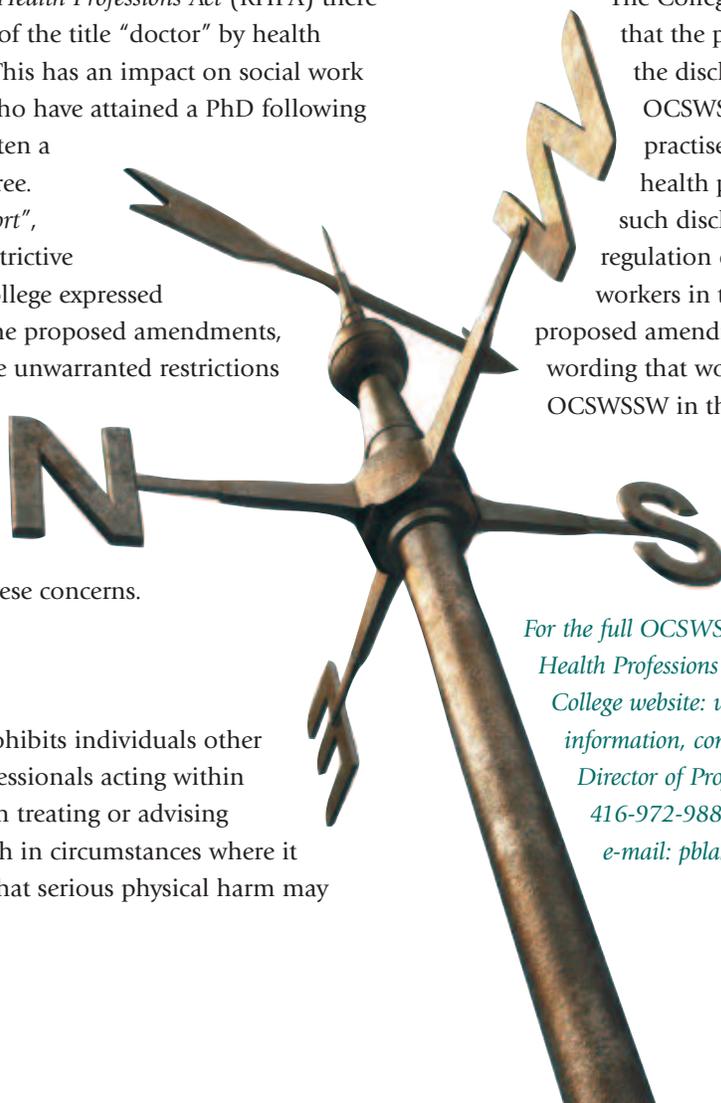
The RHPA harm clause prohibits individuals other than regulated health professionals acting within their scope of practice from treating or advising someone about their health in circumstances where it is reasonably foreseeable that serious physical harm may

result. The OCSWSSW agrees with the recommendation of an expanded definition of harm to "serious bodily harm" which would include physical, psychological and emotional harm. However, the College is concerned that the recommended changes do not consider the services provided by regulated professionals that are not governed by the RHPA, specifically, social workers and social service workers. In its submission, the College proposed wording to ensure that members of the OCSWSSW be treated in the same manner as members of the regulated health professions in regard to the harm clause.

Confidentiality Provisions

The OCSWSSW is in agreement with HPRAC's recommendation to allow RHPA colleges to disclose information when the purpose of the disclosure is to protect the public interest and members of the public from harm.

The College expressed concern, however, that the proposed wording does not permit the disclosure of information to the OCSWSSW. Since members of the College practise with members of the regulated health professions in health care settings, such disclosure would support the regulation of social workers and social service workers in the public interest. The College proposed amendments to HPRAC's recommended wording that would ensure the inclusion of the OCSWSSW in the confidentiality provisions.



For the full OCSWSSW response to "*The Regulation of Health Professions in Ontario: New Directions*" visit the College website: www.ocsussu.org. For more information, contact Pamela Blake, M.S.W., RSW, Director of Professional Practice and Education, at 416-972-9882 or 1-877-828-9380, ext. 205 or e-mail: pblake@ocsussu.org.

Registration Update: Bill 124 – An Act to Provide for Fair Registration Practices in Ontario’s Regulated Professions

MINDY COPLEVITCH, M.S.W., RSW, DIRECTOR OF REGISTRATION

In its effort to help internationally trained professionals enter and practise their respective professions, the provincial government has introduced Bill 124 – An Act to provide for fair registration practices in Ontario’s regulated professions. The purpose of this legislation is to remove barriers, and increase fairness for those looking to enter the workforce in Ontario. To this end, Mike Colle, Minister of Citizenship and Immigration, tabled the *Fair Access to Regulated Professions Act, 2006*. First reading of the bill took place in the provincial legislature on June 8, 2006.

As one of the regulatory bodies affected by the proposed legislation, the College was invited to attend round table forums hosted by the Ministry. These forums provided information and invited our questions and concerns. If passed, the Act would require 34 regulated professions in Ontario to adopt fair, transparent, impartial, and expeditious registration practices. The goals are to ensure that registration processes are consistent and accountable. The key elements of the new legislation would require provincial regulatory bodies to¹:

1. Review requirements for registration including academic courses and work experience;
2. Provide information about the supporting documents and credentials required to process the application, including alternative options if an applicant cannot obtain documentation for reasons beyond their control;
3. Provide thorough and transparent information about the registration process, the approximate length of time by which the applicant may receive the decision, the fees required, and the criteria required for registration;
4. Review an applicant’s application for registration and provide the applicant with the decision within a reasonable amount of time;
5. Provide the applicant with written reasons for the decision;

6. Ensure the applicant has the right to an internal review or appeal if they do not agree with the decision, and receive a written response to a request for a review or appeal;
7. Ensure that the individuals making decisions on registration, internal reviews or appeals are trained so that they have knowledge of the processes.

Additionally, under the proposed legislation, a Fairness Commissioner would be appointed to assess and oversee auditing and compliance with the legislation. The Fairness Commissioner will ensure that regulatory bodies treat all applicants fairly. The Commissioner’s oversight includes²:

1. Requiring the regulatory bodies to submit annual reports to ensure their admission practices are fair;
2. Conducting an audit of the registration practices and procedures of regulatory bodies every three years, or as needed;
3. Issuing a compliance order to a regulatory body that does not meet with the requirements;
4. Providing advice to the Minister and government on the fairness and transparency of registration processes.

The proposed legislation also includes a provision giving the courts authority to levy fines of up to \$50,000 for an individual and up to \$100,000 against a corporation for certain offences, including failure to comply with an order.

One of the ten responsibilities of the College is to issue certificates of registration and to renew, amend, suspend, cancel, revoke and reinstate those certificates based on the *Social Work and Social Service Work Act*, the Registration Regulation, the College by-laws and the registration policies. To date, the Registrar has issued over 12,000 certificates of registration. While the majority of applicants applying for membership in the College have received their academic credentials in Canada, the College has received applications

¹⁻² www.citizenship.gov.on.ca

Registration Update: Bill 124 – An Act to Provide for Fair Registration Practices in Ontario’s Regulated Professions

MINDY COPLEVITCH, M.S.W., RSW, DIRECTOR OF REGISTRATION

from individuals who were internationally trained. These include applicants from Argentina, Botswana, Chile, China, England, Hong Kong, India, Israel, Netherlands, Pakistan, Philippines, Poland, Romania, South Africa, and U.S.A.

The College will keep members up-to-date on the status of Bill 124 via our website and in future issues of *Perspective*. In the meantime, you can view the Bill online at www.e-laws.gov.on.ca.

For more information about the registration process, contact registration@ocswww.org or by telephone at 416-972-9882 or 1-877-828-9380.

If you are a member of the College and have questions regarding your membership, please contact Lynda Belouin, Membership Coordinator at 416-972-9882 or 1-877-828-9380 ext 212, or email: lbelouin@ocswww.org.

Program Equivalency Update

On March 29, 2006, Council approved the Human Services Counsellor Program at Durham College of Applied Arts and Technology and the Community Worker Program at George Brown College of Applied Arts and Technology as equivalent to a Social Service Work Program offered in Ontario at a College of Applied Arts and Technology.



Legislation Update



5 Year Review of the *Social Work and Social Service Work Act, 1998*

On May 8, 2006, a second stakeholder meeting with the Ministry of Community and Social Services took place regarding the 5-year review of the *Social Work and Social Service Work Act, 1998*. The meeting allowed stakeholders, including the College, to further clarify issues raised during the review. Stakeholders were informed that the Deputy Minister asked that the Ministry report on the review by the end of May 2006, however, at the time of publication, the report had not yet been made public. Further updates will be posted on the College's website at www.ocswww.org.

Bill 14, *Access to Justice Act*

Bill 14 is an Omnibus Bill, which among other things, proposes to regulate the paralegal profession and in so doing defines the term "legal services" very broadly. The College sent a letter to the Attorney General's office, with a copy to the Law Society of Upper Canada and the Ministry of Community and Social Services, expressing concerns over the definition which could restrict several services College members currently provide. The Bill was referred to the Standing Committee on Justice Policy and Glenda McDonald, Registrar and Debbie Tarshis, Legal Counsel, presented to the standing committee on April 27, 2006. Additional hearings on the Bill have been re-scheduled for the Fall of 2006.

Bill 190, *The Good Government Act*

Bill 190 was passed in the Legislature in June 2006. It includes more than 550 amendments to legislation from 16 different ministries. The majority of these amendments make technical changes designed to improve clarity, update names of organizations, and rationalize administrative processes.

The Act contains an amendment to the *Social Work and Social Service Work Act*, which allows the Council of the College to continue to meet when there are vacancies in Council membership, as long as the remaining number of members is not less than quorum.

Bill 123, *Transparency in Public Matters Act, 2005*

Bill 123 is a private member's bill, introduced by Ms. C. DiCocco, MPP from Sarnia/Lambton. This Bill requires that meetings of provincial and municipal boards, commissions and other public bodies be open to the public. It was referred to the Standing Committee on Regulations and Private Bills on June 13, 2005. The Bill was considered by the Committee on September 20, 2005 and November 30, 2005. Ms. DiCocco introduced amendments to the Bill so that it excludes regulatory Colleges. However, the Bill was withdrawn by Order of the House on April 18, 2006.

Further updates on these and other pieces of legislation are available online in the Council Meeting Highlights at http://www.ocswww.org/sections/council_info/councildates.asp.

Practice Notes: Where Do I Stand?: Understanding the Relationship Between the College and Your Employer

PAMELA BLAKE, M.S.W., RSW, DIRECTOR, PROFESSIONAL PRACTICE AND EDUCATION

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

Recurring issue:

Members employed by an organization at times seek clarification about the relationship between the College and their employer. The two interact in a number of ways:

- Registration in the College is a requirement of many employers, who may seek verification of a member's registration on a yearly basis.
- Employers who terminate the employment of a member of the College for reasons of "professional misconduct", "incompetence" or "incapacity" are required to file a written report with the Registrar of the College.¹
- Employers refer to the Code of Ethics and Standards of Practice to determine reasonable expectations of the social workers and social service workers they employ. The standards of practice set out the minimum standards of professional practice and conduct and can be used by employers to inform practices and set policies.
- Employers use the scopes of practice for social work and social service work, found in the Standards of Practice Handbook, to develop appropriate job descriptions.

For the most part, the standards of practice and employer requirements are complementary. However, there may be times when there is an apparent conflict between the two. When this situation arises, it is complicated by the fact that the College does not regulate employers and accordingly has no authority to set requirements for employers.

Nevertheless, the following interpretation found within the Standards of Practice is important to note:

"If there is a conflict between College standards of practice and a College member's work environment, the College member's obligation is to the 'Ontario College of Social Workers and Social Service Workers Code of Ethics' and the 'Standards of Practice Handbook'.²

The following scenario illustrates such a practice dilemma:

The administrator of a children's mental health centre receives a request for information about a former client from a lawyer. The client had been seen by a former social work employee of the centre, who had documented the client's disclosure of past abuse at the hands of her teacher. The administrator directed the current social worker to respond to the request for information in a "non-committal" way, suggesting that the centre did not have the requested information. The administrator admitted to being unsure about whether client consent was required to release the information.



¹ For more information about Mandatory Reporting, please refer to "FAQ's: Mandatory Reports to the College" on the College website www.ocswssw.org.

² OCSWSSW Code of Ethics and Standards of Practice, 2000, Principle II, Competence and Integrity, Interpretation 2.2.10

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The current social worker contacted the College to discuss her discomfort, that is, that the administrator, who was not a regulated professional, directed the social worker to respond on her behalf, in regard to a report not authored by the social worker herself, and moreover, in a way that was misleading.

A review of the standards of practice with the social worker led to a discussion of the following:

“College members do not make statements in the record, or in reports based on the record, or issue or sign a certificate, report or other document in the course of practising either profession that the member knows or ought reasonably to know are false, misleading, inaccurate or otherwise improper.”³

It is also an act of professional misconduct for a member to give information about a client to a person other than the client or his or her authorized representative except,

- i. with the consent of the client or his or her authorized representative,
- ii. as required or allowed by law, or
- iii. in a review, investigation or proceeding under the Act in which the professional conduct, competency or capacity of the member is in issue and only to the extent reasonably required by the member of the College for the purposes of the review, investigation or proceeding.⁴

The social worker was encouraged to discuss the relevant standards of practice and her professional obligations with the administrator, who was also the social worker’s supervisor, and to suggest obtaining a legal opinion regarding the need for client consent. Some time later the social worker contacted the College to report that she documented her concerns and her professional obligations

in a letter to her supervisor, who subsequently agreed to assume responsibility for addressing the request for information herself.

A conflict between the College standards of practice and the work environment is also illustrated in the following example:

A member who works for a crisis phone line contacts the College, concerned about her supervisor’s plan to periodically audio tape her phone contacts with clients for supervisory purposes. Her supervisor directed that clients not be informed of this possibility. His rationale was that clients would not feel comfortable disclosing personal information where there was a possibility that the phone call would be tape recorded, and that, for the most part, clients are anonymous callers.

The following interpretations from the standards of practice are relevant to this issue:

“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 para professionals, administrative co-workers, social work or social service work students, volunteers and appropriate accreditation bodies.”⁵

“College members obtain clients’ informed consent before photographing, audio or video taping or permitting third party observation of clients’ activities. Where case scenarios are presented for research, educational or publication purposes, client confidentiality is ensured through the alteration and disguise of identifying information.”⁶

Subsequent to the social worker discussing her accountability

³ OCSWSSW Code of Ethics and Standards of Practice, 2000, Principle IV, The Social Work and Social Service Work Record, Interpretation 4.1.7. Breaching this standard is also specifically defined as an act of professional misconduct under the Professional Misconduct Regulation made under the *Social Work and Social Service Work Act*, O.Reg. 384/00, paragraph 21 of section 2.

⁴ Professional Misconduct Regulation made under the *Social Work and Social Service Work Act*, O.Reg. 384/00, paragraph 11 of section 2.

⁵ OCSWSSW Code of Ethics and Standards of Practice, 2000, Principle V, Confidentiality, Interpretation 5.2

⁶ OCSWSSW Code of Ethics and Standards of Practice, 2000, Principle V, Confidentiality, Interpretation 5.4

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to the College and the standards of practice, her supervisor contacted the College himself. He expressed concern about losing social work staff due to the fact that this practice would involve a breach of their professional standards. He indicated a willingness to resolve the matter both for the clients of the agency and his employees.

In the previous case examples, the practices described by the College members were clearly a breach of the standards of practice. Other situations will be less clear cut, and will require an interpretation of the standards, using professional knowledge and judgement. Consider the following:

A community health centre receives referrals for two people who are married to each other and are each seeking case management services. Both have a serious mental illness, requiring medication as well as counselling, support and referral to community resources. The social worker is assigned both of these clients to her caseload. She expresses concerns about the appropriateness of this but is directed to proceed by her employer who has no clinical experience.

The following standards of practice were discussed with the social worker:

“College members and clients participate together in setting and evaluating goals. A purpose for the relationship between College members and clients is identified.”⁷

“Goals for relationships between College members and clients include the enhancement of clients' functioning and the strengthening of the capacity of clients to adapt and make changes.”⁸

“College members do not engage in professional relationships that constitute a conflict of interest or in situations in which members ought reasonably to have known that the client would be at risk in any way. College members avoid or declare

conflict of interest situations. College members do not provide a professional service to the client while the member is in a conflict of interest.”⁹

“College members avoid conflicts of interest and/or dual relationships with clients or former clients, or with students, employees and supervisees that could impair members' professional judgement or increase the risk of exploitation or harm to clients.”¹⁰

Potential scenarios and the inherent risks of assuming the role of case manager for two married individuals were discussed: Supposing over time, the goal of one of the individuals is to leave the marriage, while the goal of the other is to continue the marriage. How could the social worker assist both her clients who have conflicting goals? How could the social worker maintain confidentiality of client information, should the individuals not share information with each other, where the information in question clearly impacts on the social worker's ability to continue to provide services in a manner that meets the best interests of both clients? How could the social worker avoid destroying the trust of one or both of her clients? How could the social worker avoid favouring the interests of one of the clients over the interests of the other? A member is required to perform an analysis of the risks involved, and employ professional judgement in order to make a sound and ethical decision about whether it is in the client's best interest to accept a referral. This situation was fraught with potential risks. In the end, the social worker accepted the referral of only one of the individuals and offered to take on another client, unrelated to the first one. Her employer was unhappy with this decision, but declined the social worker's suggestion of contacting the College to discuss the standards of practice and the professional obligations of College members.

There may be times when a member believes that his or her work environment is in conflict with the College standards of practice but has expectations of the College that go beyond its jurisdiction.

⁷ OCSWSSW Code of Ethics and Standards of Practice, 2000, Principle I, Relationship With Clients, Interpretation 1.1

⁸ OCSWSSW Code of Ethics and Standards of Practice, 2000, Principle I, Relationship with Clients, Interpretation 1.1.1

⁹ OCSWSSW Code of Ethics and Standards of Practice, 2000, Principle II, Competence and Integrity Interpretation 2.2.1

¹⁰ OCSWSSW Code of Ethics and Standards of Practice, 2000, Principle III, Responsibility to Clients Interpretation 3.7

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For example, a social service worker contacts the College to complain that her employer is “going against” the College as he will not provide funding for her and her colleagues, who are also College members, to attend conferences. Rather her employer has asked them to perform research and present to one another on topics related to their practice.

While the standards of practice do require members to “remain current with emerging social work or social service work knowledge and practice relevant to their areas of professional practice”¹¹ and to “maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services in their areas of practice”¹² the standards do not dictate how this is accomplished. It is the professional responsibility of each member to ensure that his or her professional development is ongoing. While an employer’s support is most helpful in accomplishing this, the College has no authority to compel an employer to provide educational opportunities or funding for College members. In this situation the member was encouraged to identify her learning needs and to identify how she might address them, regardless of what resources, if any, her employer provides.

In summary, when there is a conflict between College standards and a College member’s work environment, the College member’s obligation is to comply with the “*Ontario College of Social Workers and Social Service Workers Code of Ethics*” and “*Standards of Practice Handbook*”. A range of situations can arise, which include those which are a clear breach of the College standards, those which require professional knowledge and judgement in interpreting the standards, and those which go beyond the jurisdiction of the College. When a conflict arises, members are encouraged to identify the relevant standards of practice, to discuss these and their professional obligations with the appropriate person(s) in the organization and to advocate for safe and ethical practice, in the best interests of clients. It may also be useful to document concerns and actions taken, or to put concerns in writing to one’s supervisor or manager. College staff members are also available to communicate with employers who are interested in gaining a better understanding of the College’s role and the obligations of its members.

For more information, contact Pamela Blake, M.S.W., RSW, Director of Professional Practice and Education, at 416-972-9882 or 1-877-828-9380, ext. 205 or e-mail: pblake@ocswssw.org.

¹¹ OCSWSSW Code of Ethics and Standards of Practice, 2000, Principle II, Competence and Integrity, Interpretation 2.1.2

¹² OCSWSSW Code of Ethics and Standards of Practice, 2000, Principle II, Competence and Integrity, Interpretation 2.1.3

Declaration of Elected Candidates: District 4

On May 25, 2006 the College held an election for social workers in electoral district No. 4. As no request for a recount was received, the Election Committee declared the following members of the College elected, as the candidates who received the greatest number of votes in the social work membership category in electoral district no. 4.

Mary Ciotti, *Social Worker* - electoral district No. 4

Joanne Turner, *Social Worker* - electoral district No. 4

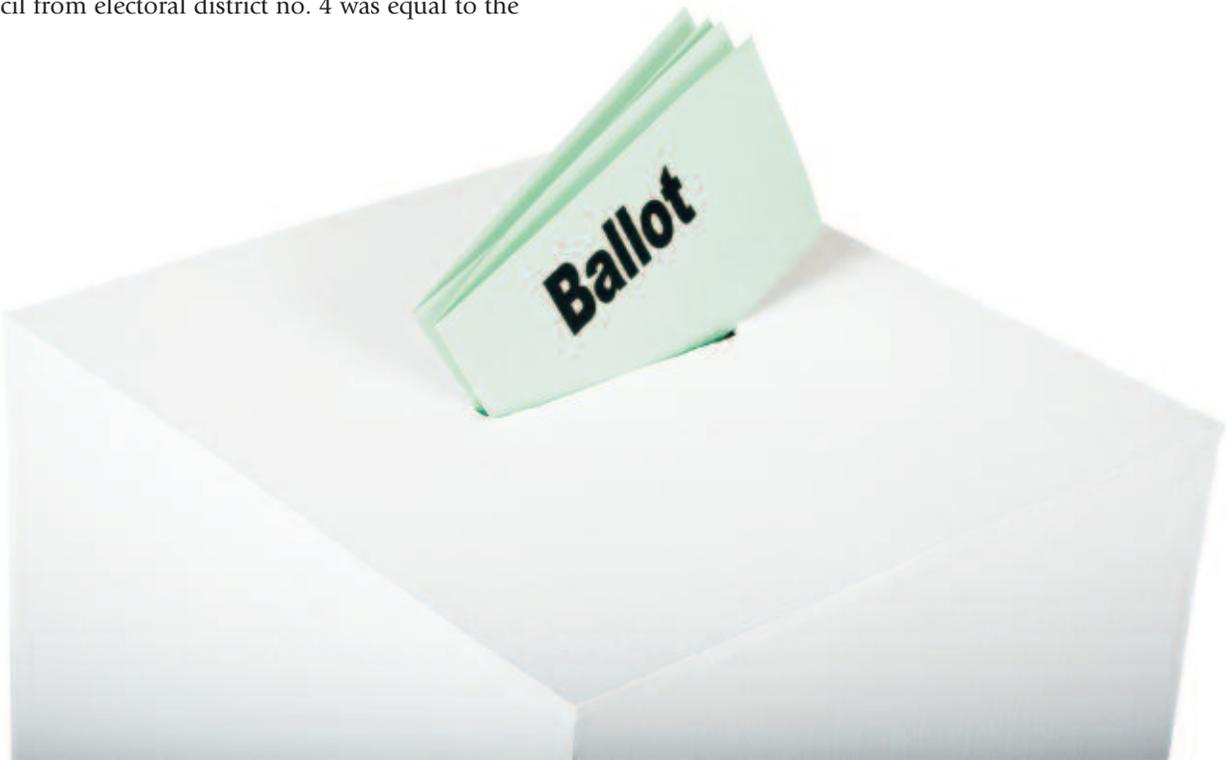
The number of social service worker candidates nominated to Council from electoral district no. 4 was equal to the

number of social service worker Council members to be elected in this electoral district. These members were declared elected by acclamation on February 27, 2006.

Roman Delicart, *Social Service Worker* - electoral district No. 4

Sue-Ellen Merritt, *Social Service Worker* - electoral district No. 4

The newly elected Council members began their term of office at the Council meeting that took place on September 18-19, 2006. In accordance with the by-laws of the College, the next election in electoral district no. 4 will take place in May 2009.



Deputy Registrar Appointment

The College is pleased to welcome Dr. Carolyn Daniels to the position of Deputy Registrar. Carolyn obtained her PhD in Social Work in 1996 from Wilfrid Laurier University and her Master of Social Work degree in 1980 from George Williams College at Aurora University. Carolyn brings to the position of Deputy Registrar 15 years of frontline social work experience in Children's Aid and teaching hospitals as well as over 10 years of management experience in health care, most recently as Director of Discharge Planning and Palliative and Bereavement Care at the Hospital for Sick Children. Carolyn has held several academic appointments over the years, most recently at University of Guelph. Her specialty is teaching statistics and research methods. Carolyn can be reached via e-mail at cdaniels@ocswssw.org.

Q & A

Q & A is a new feature appearing in *Perspective* that will answer member's questions on various topics relating to the College and the practice of social work and social service work. If you have any questions you would like answered, please send them via e-mail to Yvonne Doyle, Communications Coordinator at ydoyle@ocswssw.org. Although not all questions will be published in subsequent issues of *Perspective*, all will be answered.



Q: Is it possible to advertise in the College's publications such as *Perspective* or eBulletin?

A: Because the mandate of the College is public protection and regulating the practice of social work and social service work, the College does not offer advertising opportunities in any of its publications. This more appropriately belongs with professional associations whose mandate is to promote the profession it represents and the interests of those in that profession.

Q: If I sign up to receive the eBulletin, will I still receive information from the College via mail?

A: Yes. The eBulletin is an additional communications vehicle that is used to communicate quickly and inexpensively with members and stakeholders during the time between issues of the newsletter. You will continue to receive regular communications via mail such as *Perspective*, the Annual Report and annual renewal package. If you would like to receive the eBulletin and have not already signed up, please e-mail Yvonne Doyle at ydoyle@ocswssw.org.

Q: I was unable to attend the Annual Meeting and Education Day in June 2006 but would like to view the information presented that day. Where can I find it?

A: The PowerPoint presentations from the breakout sessions that took place are available to download in PDF format from the College's website at <http://www.ocswssw.org/sections/Events/AMED2006.html>. If you would like a hard copy of the delegate package which contains several articles relating to the breakout session topics as well as a resource list, please contact the College via e-mail at info@ocswssw.org.

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 <http://www.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 also provide your old address and College registration number. If you change your name, please 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.

Participation in the work of the College

If you are interested in volunteering for one of the College's committees or task groups, please e-mail Pat Lieberman at plieberman@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 by the by-laws and policies of the College.

Council Meetings

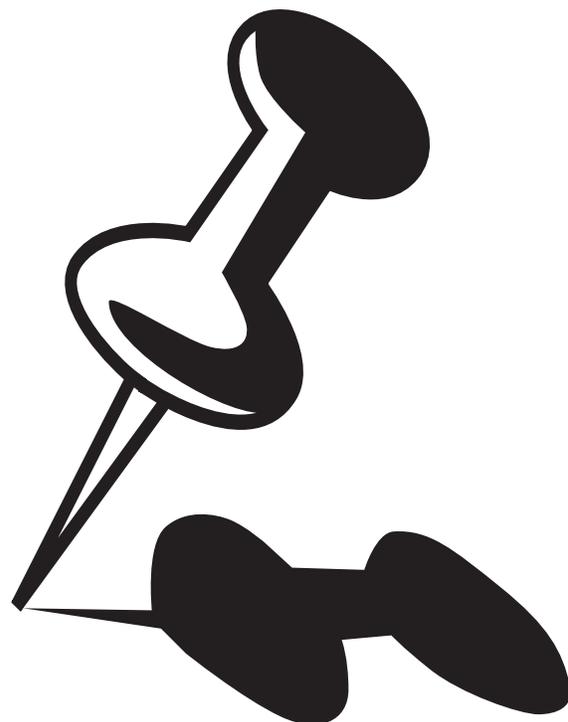
College Council meetings are open to the public and are held at the College office in Toronto. Visitors attend as observers only. Seating at Council meetings is limited. To reserve a seat, please fax your request to the College at 416-972-1512 or e-mail Pat Lieberman at plieberman@ocswssw.org.

Upcoming Meetings:

December 4 & 5, 2006
9:00 a.m. to 4:00 p.m.

Annual Renewals

Annual renewal time is just around the corner, so please keep an eye on your mailboxes in the coming weeks for renewal packages. As mentioned previously in this issue of *Perspective*, the annual renewal fee has been reduced to \$340. The fee is due on or before December 31, 2006. If your fee is received after January 31, 2007, a \$50 penalty will apply.





Ontario College of
Social Workers and
Social Service Workers

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 excellence in 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.

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Nadira Singh
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Contact Gail, Lynda, Anne, Catherine or Nadira for general information, status of application inquiries, register requests, as well as fees information and address changes. For general inquiries, please e-mail: info@ocswssw.org

Contact Gail for information and inquiries about professional incorporation.

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Contact Marlene or Anastasia for information on complaints, discipline and mandatory reporting.

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Contact Yvonne regarding the College's website, newsletter, Annual Report and other publications.

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Contact Pamela with professional practice questions.

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REMINDER:

If you change employers or move, advise the College in writing within 30 days. We are required to have the current business address of our members available to the public. Address change information can be e-mailed to info@ocswssw.org, faxed to 416-972-1512 or mailed to our office address. Changes of address must be made in writing and include your registration reference number, your old address and your new address information.