



PERSPECTIVE

SPRING 2007 VOLUME 6, NUMBER 1

Report on the Five Year Review of the *Social Work and Social Service Work Act, 1998*

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



On November 1, 2006, the Minister of Community and Social Services released her final report on the five year review of the *Social Work and Social Service Work Act, 1998*. Since January 2005 the Ministry had been reviewing the current legislation to ensure that the public is well protected under the Act and that there are no legislative barriers to implementing the regulatory framework as described under the legislation. As you know, the review involved an extensive consultation process in which the College was actively involved. The Ministry received 97 written submissions and held two consultation sessions with key stakeholder groups, including the Ontario Association of Social Workers, the Ontario Association of Children's Aid

Societies, the Ontario Social Service Worker Educators Association and the Ontario Deans and Directors of Schools of Social Work.

The review concluded that the legislative framework set out in the Act accomplishes the objectives of public protection, quality social work and social service work practice and accountability. Although the College had requested that the scopes of practice be included in the legislation, the Ministry confirmed that the scope of practice is the responsibility of the College and the professions, and that the public interest is well served by the title protection provision currently in the Act.

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The Ministry also reinforced the importance of the College's complaints process. Several stakeholders had proposed that employees of government or government-funded agencies not be required to register with the College because they are already subject to multiple accountability mechanisms in their work environment. In the report however, the Ministry reinforced the importance of a regulatory College to provide public protection through a neutral third party with whom a member of the public can file a complaint against an employee of a government or government-funded agency.

Regarding the use of the "Doctor" title by those who have doctorate degrees in social work, the Ministry noted that this matter is currently under consideration by the Ministry of Health and Long-Term Care as part of the broader review of the *Regulated Health Professions Act*. In its written submission, the College contended that this change would provide the public with access to information that will inform their choice of professional when they are making decisions about services they need.

Another matter raised in the report is the composition of the College Council. Several stakeholders recommended that social worker representation on Council be increased according to the proportionate membership of the College. The Ministry, however, supported the College's stance that the current composition – seven elected social workers, seven elected social service workers and seven public members – is most effective in meeting the College's primary duty to serve and protect the public interest through maintaining the balance among the two professions and public member representation.

There were also a number of technical issues, proposed by the College, that were supported by the Ministry to improve the operations of the College in carrying out its roles and responsibilities to protect the public interest.

Council is pleased with the recommendations and provisions laid out in the report and we look forward to working closely with the Ministry in implementing them. To read the Minister's report in its entirety, please visit <http://www.mcsc.gov.on.ca/mcss/english/publications/reviewSSWA.htm>.

Bill 171, Health System Improvements Act, 2006

On December 12, 2006, the Ontario government introduced Bill 171, the *Health System Improvements Act, 2006*. The stated intent of the Bill is to “make the healthcare system more responsive to the needs of the public by strengthening and supporting health professionals and the various programs and services that make up the healthcare system.” The Bill amends a number of Acts, including the *Regulated Health Professions Act (RHPA)* and also includes new Acts, such as the *Psychotherapy Act* which establishes the new College of Psychotherapists of Ontario.

As you will know from articles published in the Winter 2006 and Fall 2006 issues of *Perspective*, the College participated in consultations on the invitation of the Health Professions Regulatory Advisory Council (HPRAC) beginning in Spring 2005 regarding the regulation of psychotherapy. HPRAC's *New Directions* report, which was released in May 2006, acknowledged that social work members of the OCSWSSW who are competent to do so, provide psychotherapy. The report included social workers and the College as equal players with nurses, psychologists and physicians, and their respective regulatory bodies. It was therefore a surprise when Bill 171 was introduced and did not follow the recommendations of HPRAC.

Bill 171 creates a controlled act related to treating, by means of psychotherapy technique, but only authorizes physicians, nurses, occupational therapists, psychologists and members of the new college to perform the controlled act. It does not

therefore authorize members of the OCSWSSW to perform psychotherapy or use the title “psychotherapist.”

Also, Bill 171, Schedule M amends the Harm Clause in the RHPA. “Serious physical harm” has been changed to “serious bodily harm” but no exemption appears to have been provided for members of the OCSWSSW. This too could have implications for members of the College.

We are aware of the significant impact Bill 171, in its current form, would have on our members. To this end, we have engaged Counsel Public Affairs, a government relations firm, to implement a pro-active strategy to press for amendments to Bill 171 as it moves through the legislative process, including 2nd reading and referral to a Standing Committee. The College will work with the Ministry of Health and Long-Term Care and the Ministry of Community and Social Services to ensure the Bill recognizes the key role College members play in the delivery of health and psychotherapy services to Ontarians and enables them to continue playing that role under the new proposed legislative framework.

Please check the College website regularly as updates will be posted as developments occur. To view the Bill in its entirety, please visit

www.ontla.on.ca/documents/Bills/38_Parliament/session2/b171_e.htm. Amendments to the RHPA are in Schedule M. The *Psychotherapy Act* is in Schedule Q.



Standards of Practice Update

As members know, the College's Standards of Practice Committee developed a two-phase consultation process to review the current standards. Phase 1 began in September 2002 and included three components: member focus groups, a member questionnaire and consultation with key stakeholder groups. This phase helped determine areas of priority in updating the standards. The College has embarked on phase 2 which will build on the phase 1 findings.

The following recommendations were made after the initial consultation and are the basis for phase 2 which will solicit further feedback about the revisions:

■ RECOMMENDATION #1

To accurately reflect current practice and build consensus, the Committee recommends that members and stakeholder groups contribute to the updating of the standards. The process should be open and participatory, while keeping within the statutory responsibilities of the College.

ACTION

The College has involved members and other key stakeholder groups throughout the process and will continue to do so during phase 2 of the consultation. For example, College members were recruited to assist the Committee in the consultation process via the *Perspective* newsletter and the website as well as selected from the membership database. Although this project has taken a number of years to complete, it has ensured that members and stakeholders have been actively involved in every step of the process.

■ RECOMMENDATION #2

To promote the use of the standards, the handbook should be made more user-friendly. This could be accomplished through the use of features such as tabs, an index and a glossary of key terms.

ACTION

The handbook has been updated to include tabs for easy navigation, an index and a glossary of key terms. These features will ensure the document is accessible and easy to use.

■ RECOMMENDATION #3

The standards should be updated to reflect the full range of practice for social workers and social service workers.

ACTION

The College enlisted two experts to review the standards and determine if they reflect both indirect practice (professional activities that do not involve immediate or personal contact with the client being served) as well as direct practice (professional activities on behalf of clients in which goals are reached through personal contact and immediate influence with those seeking services). Based on their recommendations, revisions were implemented to ensure the standards are applicable to members working in all practice areas.

■ RECOMMENDATION #4

Incorporate changes to specific items as identified in the member questionnaire.

ACTION

Changes to specific items have been made throughout the document. Some prominent themes also emerged which have been addressed. These include:

- Confusion about the scopes of practice statements. As a result, elaboration of the scopes of practice statements has been added to the footnotes of Principle II, Competence and Integrity. As well, an article "Scopes of Practice: Demystified" was published in the Fall/Winter 2004/05 issue of the *Perspective* newsletter. A scopes of practice position paper is also under development. The paper outlines the rationale for the differences between the scopes of practice for social work and social service work and how a scope of practice statement may help inform a job description.
- Record keeping and confidentiality were areas in which members stated they needed further guidance. Significant revisions were made to these principles to ensure consistency with the breadth of members' work settings and compliance with legislation that affects members.

Standards of Practice Update

■ RECOMMENDATION #5

The standards should continue to be stated in general terms to allow for professional judgement, but they should be supplemented by additional supports such as examples, articles, disciplinary reports, or telephone assistance for those who need additional guidance.

ACTION

Four additional practice guidelines have been developed in order to provide further support and guidance to members working in specific practice areas. The guidelines relate to capacity assessments; custody and access assessments; consent and confidentiality relating to children and youth; and medication practices.

Articles are also included in each issue of *Perspective* that detail specific practice situations and how the standards of practice can help members determine how to deal with these situations. Additionally, discipline decisions are published as they arise as directed by the Discipline Committee.

■ RECOMMENDATION #6

The Committee recommended that the College take further steps to educate members, employers, supervisors and the public about the function, purpose and application of the standards.

ACTION

The College has implemented a number of strategies in order to further educate members and external stakeholders about the standards of practice. The College's *Perspective* newsletter has become an important vehicle for updating readers on the progress of the revisions to the standards as well as providing members with guidance on practice issues and how they relate to the standards of practice.

Phone consultations continue to be available for members and employers wishing to discuss practice issues with College staff. The standards of practice provide guidance to those with specific practice questions and help determine appropriate courses of action.



College staff also provide numerous in-person information sessions to members and students across the province in order to educate them about the College and its mandate. Emphasis is placed on the importance of the standards of practice and how they are used to guide and assess the professional behaviour of members and to adjudicate issues of professional practice.

The standards of practice consultation is an important project that requires involvement and feedback from members of the College and external stakeholders. Phase 1 provided the Committee the opportunity to look closely at the revisions that needed to be made in order to ensure applicability to all members of the College, consistency with current legislation, and ongoing comprehensiveness and relevance. Phase 2 will allow for further feedback on the revisions based on the recommendations made and will be the final phase in the consultation process. It is hoped that phase 2 will be completed by the end of Summer 2007.

If you have any questions regarding the standards of practice, please contact Pamela Blake M.S.W., RSW, Director, Professional Practice and Education at 416-972-9882 or 1-877-828-9380 ext. 205 or e-mail pblake@ocsussw.org.

Registration Update

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

CAROLYN DANIELS, PH.D., RSW, DEPUTY REGISTRAR

In fulfilling its mandate to protect the public interest, the College ensures that individuals who hold certificates of registration for social work and social service work have met all the entry to practice requirements set out in the *Social Work and Social Service Work Act, 1998*, the Registration Regulation, the College by-laws and the registration policies. It is a priority of the registration department and the Registration Appeals Committee to ensure timely and efficient reviews of membership applications. To this end, the College has increased its efforts to expedite applications for general certificates of registration for those with social work degrees and social service work diplomas as well as those with a combination of academic qualifications and practical experience deemed to be substantially equivalent to accredited social work and social service work programs.

REGISTRATION APPEALS COMMITTEE

The Registration Appeals Committee is one of five statutory committees set out in the Act. Its mandate is to review matters related to the registration of members in the College. This includes the Registrar's proposal to refuse to issue a certificate of registration to an applicant or the proposal to place a term, condition or limitation to which the applicant has not consented on a certificate of registration. The Registration Appeals Committee, or an authorized panel of the Committee, reviews all written submissions and documentation related to a person's application for membership. The length of time it takes for the Committee or panel to render a decision depends on the unique circumstances of the individual's review.

In an effort to address the number of applications that require reviews, the Committee holds full-day, monthly meetings. As of last year, an additional monthly panel of the Committee meets to review applicants' requests and to address work load. From time to time, and in the spirit of expediency, the Committee or panel convenes by teleconference to address particular agenda items.

EQUIVALENCY PROJECT

In late 2006, the College embarked on a project to process outstanding applications for a general certificate of registration for social work based on a combination of academic qualifications and practical experience that is deemed substantially equivalent to the qualifications required for a degree in social work from a social work program accredited by the Canadian Association of Schools of Social Work (CASSW). Both the number of applications received by the College to date, and the detailed process required to review each application and supporting documents, results in a lengthy evaluation process in order to make the appropriate determination. With this in mind, the College launched its equivalency project in order to expedite these applications as soon as possible.

The first step of the project involved communicating with all equivalency applicants to ensure they had the most up-to-date information about the requirements and to give them the opportunity to provide the College with any updated information for their file.

In November 2006, three Equivalency Evaluators were recruited on a contract basis. After a thorough training process, they are now working closely with the Deputy Registrar to evaluate the applications. The College anticipates that all outstanding equivalency applications will be reviewed by the end of the year.

For more information about the application requirements and processes of the College or questions regarding your provisional certificate of registration, contact Mindy Coplevitch, M.S.W., RSW, Director of Registration, at 416-972-9882 or 1-877-828-9380, ext. 203 or e-mail mcoplevitch@ocswssw.org.

If you are a member of the College and have questions regarding your membership, please contact Lynda Belouin, Office Manager, at extension 212 or e-mail lbelouin@ocswssw.org.

The Essential Balance: Professional Excellence, Personal Self-Care

The College frequently deals with members whose conduct had a profound negative impact on their clients. Following are two recent examples:

The College was informed of concerns about a member who was employed as an intake worker and had disclosed confidential information without consent; documented information that was factually inaccurate thereby misrepresenting concerns about a client, which led to an inappropriate course of action; demonstrated poor judgement in communicating serious information; and consistently behaved in a rude manner to clients and members of the community. Further, he documented that he had consulted with a supervisor according to agency policy, yet had failed to do so.

In the second situation in which the member's role was to assist a client to obtain ODSP benefits (Ontario Disability Support Program), she did not respond to the client's needs or other organizations involved with the client in a timely and reasonable manner; did not take the initiative to ensure the ODSP application was completed in a timely fashion; did not return phone calls; and did not send out requested and promised material. The member also influenced the client to assume responsibility for the delays in completing the application. The member lied to other professionals about what actions she had taken to facilitate the client's application.

Both members attributed their conduct to the emotional effects of workplace demands coupled with stresses in their personal lives.

While the College does consider the workplace context in examining problematic conduct by members, concerns regarding these members are intensified by the steps that both took to conceal their practice deficiencies, as well as that both failed to recognize in a timely and responsible manner, obvious indicators of their inability to adequately fulfill their professional responsibilities.

Members are required to be "aware of their values, attitudes and needs and how these impact on their professional

relationships with clients"¹," distinguish their needs and interests from those of their clients to ensure that, within professional relationships, clients' needs and interests remain paramount"² and as part of maintaining competence, "engage in the process of self review and evaluation of their practice and seek consultation when appropriate."³

Had the members identified their difficulties at an earlier stage and taken appropriate steps to address them, for example, discussing workload stress with a supervisor and engaging in a process to more effectively deal with their stresses, the best interests of their clients could have been maintained.

Because of the issues these examples highlight as well as requests from members, the theme for the College's 2007 Annual Meeting and Education Day is *The Essential Balance: Professional Excellence, Personal Self-Care*. This is an important topic for practitioners in today's society and we hope to provide attendees with practical information on how to deal with stresses in their work and personal lives. We are pleased to have our keynote speaker, Marian Pitters, speak about self-care in her session entitled "Take Care of Yourself".

The event will take place on June 22, 2007 at the Old Mill Inn, Toronto. We will also be offering concurrent sessions in the afternoon on a range of topics, with members choosing to attend two of them. As was the case last year, we are expecting the event to be well-attended and therefore encourage you to register as soon as possible. All members will receive a detailed brochure in the mail in the coming weeks and information will be available on the College's website www.ocswssw.org.

The annual meeting and keynote portion of the day will be available via webcast for those unable to attend in person. The afternoon breakout sessions are not available through the webcast, however, information from the presenters will be available on the College's website following the event.

If you have any questions about the event, please contact Yvonne Doyle, Communications Coordinator at 416-972-9882 or 1-877-828-9380 ext. 220 or e-mail ydoyle@ocswssu.org.

¹Code of Ethics and Standards of Practice, Principle I, Relationship With Clients, 1.5
²Code of Ethics and Standards of Practice, Principle I, Relationship With Clients, 1.6

³Code of Ethics and Standards of Practice, Principle II, Competence and Integrity, 2.1.5

Practice Notes: Standardized Measures: Am I Qualified to Use Them?

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 dealt with by the College and the Complaints Committee that may affect everyday practice. The notes offer general guidance only and members with specific practice inquiries should review the *Social Work and Social Service Work Act*, the regulations and the Standards of Practice and consult the College, since the relevant standards and appropriate course of action will vary depending on the situation.

RECURRING ISSUE:

The current climate of increased professional accountability has led to a growing practice in the use of standardized measures. These include rating scales, checklists, questionnaires, inventories and tests. Administrators commonly gather data for the purposes of program planning and demonstrating the need for funding; clinicians are influenced by the emphasis on evidence-based practice; and researchers continue to collect information to fulfill a range of objectives, for example, to demonstrate treatment efficacy or cost-effectiveness of interventions. College members are frequently challenged to expand their role by using standardized measures in their professional practices and many members contact the College to determine if they are qualified to use them.

The impetus for using measurement tools comes from different sources. For example, an employer or funding source may require that information be collected or a member may desire to introduce more rigour into his or her practice to supplement clinical findings. Thus the reaction to the use of measures is mixed – some members feel the requirement to gather additional information is onerous or detracts from time otherwise spent with a client; others are eager to add measurement tools to their skill set.

While members employed by an organization may advocate on their client's behalf to ensure their client's needs are addressed¹, members are reminded that they must "maintain an awareness and consideration of the purpose, mandate and function of those organizations and how these impact on and limit their professional relationships with clients."² Administrators must balance the needs of clients with systemic needs and therefore members will need to comply with the policies of their organization, as long as these do not violate the standards of practice.³ Where the collection of data is a condition of a client receiving service,

"members inform clients of foreseeable risks as well as rights, opportunities and obligations associated with the provision of professional services."⁴ What is critical, no matter the context of the use of a tool, is that the member has the necessary competence to use it. Members are reminded that that they are "responsible for being aware of the extent and parameters of their competence and their professional scope of practice and limit their practice accordingly."⁵

College members must also "ensure that any professional recommendations or opinions they provide are appropriately substantiated by evidence and supported by a credible body of professional social work knowledge or a credible body of professional social service work knowledge."⁶ Evidence can include direct observation, information collected in clinical sessions and professional meetings, collateral information and information gathered from the use of clinical tools such as questionnaires, diagnostic assessment measures and rating scales.⁷

The use of measurement tools involves not only administration, but also scoring and interpretation of the results. Members are wise to clarify their role: Is the test or measure a self-report by the client or is the member required to administer the tool? Will the scoring be done by the



¹Code of Ethics and Standards of Practice, Principle III, Responsibility to Clients, 3.12
²Code of Ethics and Standards of Practice, Principle I, Relationship With Clients, 1.7
³Code of Ethics and Standards of Practice, Principle II, Competence and Integrity, 2.2.10
⁴Code of Ethics and Standards of Practice, Principle III, Responsibility to Clients, 3.6

⁵Code of Ethics and Standards of Practice, Principle II, Competence and Integrity, 2.1.1
⁶Code of Ethics and Standards of Practice, Principle II, Competence and Integrity, 2.1.4
⁷Code of Ethics and Standards of Practice, Principle II, Competence and Integrity, Footnote 1

Practice Notes:

Standardized Measures: Am I Qualified to Use Them?

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

member or by another party? Once collected, how will the information be used or applied? Will it form part of a data base or be used more specifically about an individual? What knowledge, skills and judgement are needed to undertake any or all of these tasks? How will the member ensure and demonstrate his or her competence?

VENDOR REQUIREMENTS

Many measures are copyrighted and official versions must be purchased from an established vendor. Depending on the measure or tool, vendors make their products available only to those professionals who are appropriately trained. Typically a degree, certificate or license in a health care profession or occupation in addition to appropriate training and experience in the administration, scoring and interpretation of the instrument must be demonstrated. Some products require that the user has completed graduate level courses in tests and measurements at a university or has received equivalent documented training. Some vendors indicate that a test is preferably administered by a clinical psychologist or psychiatrist who has received specific training in its use. It is important to recognize that it is not only the specific training that is essential but also the individual's previous education, training and experience which provide the necessary foundation for the additional training. Members contemplating using a particular measure are urged to determine the academic preparation and additional training that is required as a prerequisite for purchasing and using the measure.

A member who is responsible for scoring a test or measure that he or she has administered must consider whether he or she has the skills required. Scoring may be a simple task of adding numbers or may be complex, requiring intensive training and extended reliability testing. The interpretation of data and its application must also be done with care. Clinical information should be used as an adjunct to information that has been gathered from other sources, including the client, collateral or other documentation. It should not be used in isolation.

SOME FINAL WORDS OF CAUTION

Any member who is contemplating administering a measure that is diagnostic in nature should be aware of the restrictions imposed by the *Regulated Health Professions Act, 1991* (the "RHPA"). The RHPA establishes thirteen controlled acts and provides that "no person shall perform a controlled act...in the course of providing health care services to an individual unless (a) the person is a member authorized by a health profession act to perform the controlled act, or (b) the performance of the controlled act has been delegated to the person" by such an authorized member. This general prohibition is subject to certain exceptions.

One of the controlled acts defined by the RHPA is: "communicating to the individual...or his or her personal representative a diagnosis identifying a disease or disorder as the cause of symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual...will rely on the diagnosis." Social workers and social service workers are prohibited from performing this and other controlled acts (as defined in the RHPA) in the course of providing health care services to an individual. However, the provision of a social work diagnosis falls within the scope of practice for social workers, which includes "the provision of assessment, diagnostic, treatment and evaluation services between a social worker and client". The definition of social work diagnosis which has been adopted and applied by the College is as follows:



Scope of Practice Position Paper

In early 2006 the College began work on a position paper outlining the differences between the scope of practice for social work and the scope of practice for social service work. The project was undertaken as a result of a number of requests from members for guidelines which differentiate the scopes of practice of both professions.

At its May 2006 meeting, Council reviewed the first draft of the paper and recommended that before the final draft is published, consultation should take place with selected members and stakeholders to further refine the paper.

Once completed, the paper will outline the purpose of a scope of practice statement, the rationale for the differences between the scopes of practice for social work and social service work and how a scope of practice statement may be used by an employer to inform a job description.

We will keep members informed on the progress of this project. Once the position paper is published, it will be made available to both members and employers. Any updates will be posted on the College's website www.ocswssw.org.

A social work diagnosis defines that series of judgments made by a social worker based on social work knowledge and skills in regard to individuals, couples, families and groups. These judgements:

- (a) serve as the basis of actions to be taken or not taken in a case for which the social worker has assumed professional responsibility; and
- (b) are based on the Social Work Code of Ethics and Standards of Practice.

Such judgements and the procedures and actions leading from them are matters for which the social worker expects to be accountable.

Members who are contemplating administering a standardized measure that may also be administered by other regulated professionals, such as psychologists, should also note that only a person who is a registered member of the College of Psychologists of Ontario may use the word 'psychology' or 'psychological', an abbreviation or an equivalent in another language in any title or designation or in any description of services offered or provided."⁸

Used appropriately, objective measures are a useful tool in many areas of practice – for administrators to determine resource allocation and staffing patterns; for clinicians to strengthen their assessment findings and effectively monitor and evaluate client outcomes; and for researchers to contribute to the knowledge base of social work and social service work. It is essential that members ensure that any measure they use is within their scope of practice and that they have the necessary competence.

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

⁸Psychology Act, 1991

Legislation Update: Bill 124

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

The *Fair Access to Regulated Professions Act, 2006* received Royal Assent on December 20, 2006. The purpose of the legislation is to remove barriers and increase fairness for internationally-trained individuals looking to enter Ontario's 34 regulated professions.

The College has been informed by the Ministry of Citizenship and Immigration that the Act will be proclaimed into law in early 2007.

In preparation for proclamation, the College is currently reviewing its registration practices in order to ensure compliance with the Act. Particular attention is being paid to *Part III - Fair Registration Practices Code: Specific Duties*. This section outlines the specific duties required of us as a regulated profession.

Overall the College must ensure that registration practices are transparent, objective, impartial and fair. This includes ensuring that:

- the registration process is clearly communicated. This includes explaining which documents are required and also providing alternatives that are acceptable to the College if an applicant cannot secure the required documents;
- the registration fees are clearly communicated;
- the average length of time for the registration process is communicated;
- all individuals assessing qualifications and making registration decisions or internal review decisions are appropriately trained;
- when a third party assesses qualifications, the third party assessor's process is transparent, objective, impartial and fair;
- the Registrar's written decision is communicated clearly and in writing to the applicant within a reasonable time frame;
- the applicant has access to all records held by the College pertaining to the application;

- the applicant has a mechanism for an internal review of the Registrar's decision;
- the applicant can examine and make submissions on all documents which the Registration Appeals Committee intends to consider;
- the Registration Appeals Committee renders its decision in writing to the applicant within a reasonable time frame.

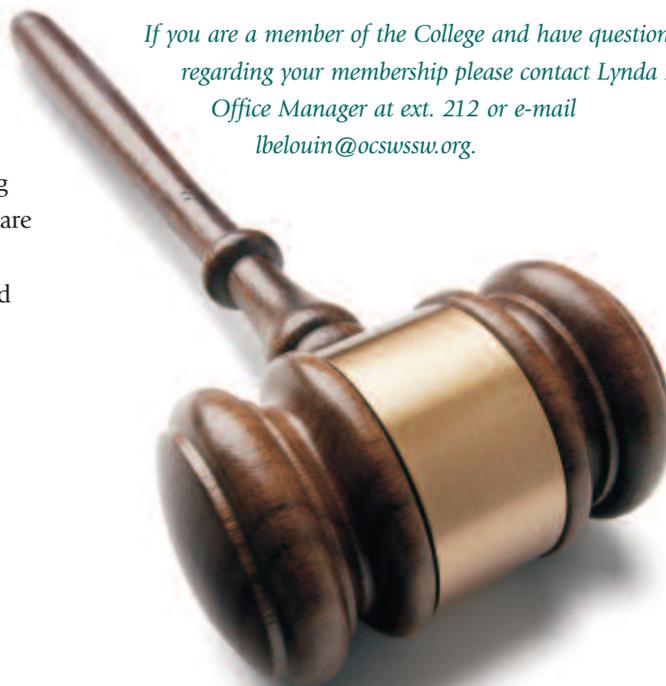
Furthermore, the College is ensuring compliance with the Act by providing the Fairness Commissioner with a fair registration practices annual report and the required audit information.

The College will continue to provide you with updated developments through our website www.ocswww.org.

You may view the Act by visiting www.citizenship.gov.on.ca.

For more information about the application process of the College, or your provisional certificate of registration, please contact Mindy Coplevitch, M.S.W., RSW, Director of Registration at 416-972-9882 or 1-877-828-9380 ext 203 or e-mail registration@ocswww.org.

If you are a member of the College and have questions regarding your membership please contact Lynda Belouin, Office Manager at ext. 212 or e-mail lbelouin@ocswww.org.



Mutual Recognition Agreement for the Social Work Profession

GLENDAL MCDONALD, M.S.W., RSW, REGISTRAR

The Council of the College recently approved the draft Mutual Recognition Agreement (MRA), developed by the Consortium of Social Workers, whose membership includes the ten social work regulatory bodies across Canada. The MRA is a requirement of Chapter 7, the Labour Mobility Chapter, of the Agreement on Internal Trade (AIT), a Federal-Provincial-Territorial agreement intended to address the movement of goods, services and capital throughout the country through the removal or reduction of barriers. Accordingly, the Social Work MRA establishes the conditions under which a social worker who is registered in one Canadian jurisdiction will have his/her qualifications recognized in another jurisdiction. Because Ontario is the only province to regulate social service workers, the agreement only applies to the social work profession at this time.

Human Resources and Skills Development Canada (HRSDC) funded the meetings and work of the Consortium required to develop the MRA. The work of the Consortium has been ongoing for a number of years. In 2005, meetings were held with representatives from social work regulatory bodies across Canada and representatives from HRSDC. The group worked through the following key processes in order to develop a draft MRA:

- Analysis of current regulatory practices
- Identification of areas of practice in which there is commonality
- Identification of areas of practice in which there is non-commonality (barriers), inclusive of practices that address a legitimate objective
- Reconciliation of standards
- Development of reconciliation of accommodation mechanisms where appropriate

Although the scope of practice for social work is not explicitly contained in each provincial legislation respecting the regulation of the social work profession, it was generally agreed that there was a high degree of commonality in the scope of practice of the social work profession across the country. Likewise, with respect to the entry to practice requirements in each province, Consortium members determined that approximately 90% of members in the



social work regulatory bodies across the country are guaranteed full labour mobility without recourse to any accommodation mechanism.

The most challenging aspect of the Consortium's deliberations concerned the mobility of those social workers registered other than on the basis of a recognized university degree in social work. The recognition of social workers registered on the basis of substantial equivalencies, grandparenting provisions or a college diploma raised challenges in some jurisdictions. Not all provinces have a legislative or regulatory framework permitting them to register, in their own jurisdiction, social workers on that basis. The final draft sets out the various accommodation mechanisms, some of which are dependent on legislative or regulatory changes, in each province pertaining to registered social workers in these situations.

From these discussions, a draft MRA was prepared and brought before each of the provincial regulatory bodies. A number of revisions were made before the document was finalized and signed in March 2007. All parties agreed to review and assess the effectiveness of the MRA within 12 months of signing, and then subsequently every three years making it clear that the agreement is a dynamic and evolving document that may be amended with the consent of all jurisdictions.

Discipline Decision Summaries

These summaries of the Discipline Committee's Decisions and Reasons for Decision are published either pursuant to the Discipline Committee's penalty order or with the agreement of the College member who is the subject of the Decisions.

By publishing such summaries, 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; and
- provide social workers, social service workers and members of the public with an understanding of the College's discipline process.

■ DISHONOURABLE AND UNPROFESSIONAL CONDUCT MEMBER, RSW

ALLEGATIONS AND PLEA

The Member admitted the following College allegations of professional misconduct:

1. Abusing a client physically, sexually, verbally, psychologically or emotionally, when the member established a personal and/or sexual relationship with the client.
2. Engaging in behaviour of a sexual nature with the client or former client.
3. Using information obtained during the member's professional relationship with the client, or using the member's professional position of authority to coerce, improperly influence, harass or exploit the client, or former client.
4. Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional when the member established a personal and/or sexual relationship with the client to whom the member provided counselling and/or psychotherapy services.
5. Failing to regard the well-being of the client, as the member's primary professional obligation when the member established and pursued a personal and/or sexual relationship with the client and, by doing so, failed to distinguish the member's own needs from those of the client, failed to appreciate how the member's needs might impact on the member's personal relationship with the client, placed the member's own needs before those of the client and failed to ensure that the client's interests were paramount.
6. Failing to maintain clear and appropriate boundaries in the member's professional relationship with the client when the member established a personal and/or sexual relationship with the client, to whom the member provided counselling services and/or psychotherapy services, thereby placing the member in a conflict of interest situation in which the member ought reasonably to have known that the client would be at risk and (or in the alternative) using the member's professional position of authority to abuse or exploit the client or former client.
7. Failing to ensure that professional services were provided responsibly to the client when the member established a personal and/or sexual relationship with the client, a client to whom the member provided counselling services and/or psychotherapy services, thereby placing the member in a conflict of interest situation and /or establishing a dual relationship with the client or former client which may have impaired the member's professional judgment or increased the risk of exploitation or harm to the client.

AGREED STATEMENT OF FACT

The College and the member submitted a written statement to the Discipline Committee, in which the following facts were agreed:

- The member is a social worker who, at all times relevant to the allegations, was employed by a hospital in Ontario as a Crisis Intervention Worker, providing crisis intervention counselling and other related social work services to clients of the hospital.

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- During the member's hospital employment, a client attended at the hospital's Crisis Intervention Service, where the member was on duty as the Crisis Intervention Counsellor.
- That day, the member provided the client with crisis intervention counselling concerning relationship problems with the client's partner and the client's suicidal feelings. In doing so, the member obtained background information from the client, including a history of drug and alcohol abuse and past suicide attempts.
- The client was voluntarily admitted to the hospital, but left the following morning. Later on the day of the client's departure from the hospital, the client contacted the member and advised the member that the client was going to commit suicide. When the member was unable to persuade the client to return to the hospital, the member called the police, who returned the client to the hospital where the client was admitted.
- Over the course of a week, the member visited the client in the hospital, although the member was not assigned to provide counselling services to the client during the client's hospital admission.
- During the client's hospital admission, in addition to providing counselling services to the client, the member gave the client a number of gifts, provided the client with the member's home telephone number and invited the client to contact the member after the client's discharge from the hospital.
- Immediately following the client's discharge from the hospital, the member contacted the client at the client's home and established a personal relationship with the client which continued for approximately 5 weeks. That relationship included having social contact and dates with the client; purchasing alcohol for the client, and consuming alcohol together; and, having physical sexual relations with the client including sexual intercourse and touching of a sexual nature.
- The client terminated the relationship with the member.
- The member's employment with the hospital was terminated for having a personal and sexual

relationship with a hospital client, when the member's conduct was reported to the hospital by one of the member's colleagues.

- The member admits that based on the above facts, the member is guilty of professional misconduct.
- The member voluntarily participated in and shared the cost of an assessment conducted by an expert assessor, at the request of the College, for the purpose of examining the nature of the member's conduct and prospects for rehabilitation.

FINDING

The Discipline Committee found the member engaged in all seven of the forms of professional misconduct listed earlier in this summary, and which were admitted by the member.

JOINT SUBMISSION ON PENALTY

The College and the member jointly submitted that:

1. The member be reprimanded and the reprimand be recorded on the register.
2. The Registrar be directed to impose a term, condition and limitation on the member's Certificate of Registration, to be recorded on the register:
 - a) prohibiting the member from providing social work services (as defined in the Scope of Practice of the Profession of Social Work set out in the College's Standards of Practice Handbook) to female clients, students or supervisees for a period of two years from the date on which this term, condition and limitation on the member's Certificate of Registration is recorded on the register;
 - b) suspending the member's Certificate of Registration for a period of 24 months, which suspension shall be suspended and shall not be imposed if the member provides evidence, satisfactory to the Registrar of the College, of compliance with the following requirements:
 - i. The member shall restrict the member's professional practice to the member's current employment for a period of 2 years from the date of the Discipline Committee's Order and shall not change his employment or professional practice

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during that period, except with the prior approval of the Registrar of the College. The member shall immediately notify the College Registrar, in writing, of any termination of, or proposed change in his current employment or professional practice and shall advise the College Registrar, in advance, of the nature and particulars of any future professional employment or practice in which the member proposes to engage within the said 2 year period, for the purpose of obtaining the Registrar's prior approval of such other employment of professional practice;

- ii. The member shall, at the member's own expense, be re-assessed by a specified expert assessor (or such other person as may be approved, in advance, by the Registrar of the College) on or before 2 years from the date of the Discipline Committee's Order and such assessment shall be provided to the Registrar of the College;
 - iii. The member shall engage in intensive insight-oriented psychotherapy with a therapist approved by the Registrar of the College for a period of two years from the date of the Discipline Committee's Order, with quarterly written reports as to the substance of that psychotherapy and the progress of the member to be provided to the Registrar of the College by the therapist;
 - iv. The member shall, at his own expense, participate in and successfully complete boundary prescriptive and/or social work ethics training, as prescribed by and acceptable to the College;
- c) requiring the member to receive supervision of his social work practice from an identified M.S.W., RSW (or from such other person as may be approved, in advance, by the Registrar of the College) for a period of five (5) years from the date of the Discipline Committee's Order, with monthly written reports as to the substance of that supervision and the progress of the member to be provided to the Registrar of the College by the supervisor; or reports with lesser frequency as the Registrar may from time to time determine, and
- d) prohibiting the member from applying under section 29 of the *Social Work and Social Service Work Act, 1998*

S.O. 1998. Ch. 31, as amended, for the removal or modification of the terms, conditions or limitations imposed on the member's certificate of registration for a period of 2 years from the date on which those terms, conditions and limitations are recorded on the register.

3. The Discipline Committee's finding and Order (or a summary thereof) be published, with identifying information removed, in the College's official publication and the results of the hearing be recorded on the register.

PENALTY ORDER

The panel of the Discipline Committee accepted the Joint Submission as to Penalty, and in so doing, made an order in accordance with the terms of the Joint Submission as to Penalty and, in addition, concerning the reprimand, required that the member attend before the panel of the Discipline Committee to receive an oral reprimand, and that the reprimand be recorded on the register indefinitely. The panel concluded that the penalty is reasonable and serves and protects the public interest. The panel noted that the member co-operated with the College, and by agreeing to the facts and proposed penalty, accepted responsibility for the member's actions. The panel further concluded that the penalty order meets the objectives of:

- general deterrence (a message to the profession to deter College members from engaging in similar professional misconduct);
- specific deterrence to the member; and,
- remediation and rehabilitation of the member.

APPLICATION FOR REMOVAL OF TERMS, CONDITIONS AND LIMITATIONS IMPOSED ON THE MEMBER'S CERTIFICATE OF REGISTRATION MEMBER, RSW

BACKGROUND – PREVIOUS DISCIPLINE COMMITTEE DECISION

A summary of the Discipline Committee's 2004 Decision, finding that the member had committed the following acts of professional misconduct, was previously published in Volume 4, Number 1 of *Perspective*:

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1. Abusing a client, physically, sexually, verbally, psychologically or emotionally (but not including sexual intercourse or another form of physical sexual relations with a client);
2. Using information obtained during the member's professional relationship with a client, or using the member's professional position of authority to coerce, improperly influence, harass or exploit a client or former client,
3. Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;
4. Failing to regard the well-being of the member's client, as the member's primary professional obligation and failing to facilitate self-determination in the client. In particular, the member failed to distinguish the member's own needs from those of the client, failed to appreciate how the member's needs might impact on the member's professional relationship with the client, placed the member's own needs before those of the client and failed to ensure that the clients' interests were paramount;
5. Failing to maintain clear and appropriate boundaries in the member's professional relationship with the client. In particular, the member was in a conflict of interest situation in which the member ought reasonably to have known that the client would be at risk, and the member used the professional position of authority to abuse or exploit the client.

By way of penalty, the Discipline Committee ordered that:

1. The Member be reprimanded and the reprimand be recorded on the Register.
 2. The Registrar be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register,
 - a) prohibiting the Member from providing psychotherapy services or counselling services, as defined in Principle VIII, footnotes 5 and 6 of the Colleges Standards of Practice, subject to specified exceptions;
 - b) restricting the scope of the Member's practice to engaging in the activities described in sub-paragraphs (ii), (iii), (iv), (v) and (vi) of the Scope of Practice of the Profession of Social Work, subject to specified exceptions;
 - c) prohibiting the Member from applying under section 29 of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, as amended, for the removal or modification of the terms, conditions or limitations imposed on his Certificate of Registration for a period of two years from the date of the Discipline Committee's order imposing the said terms, conditions and limitations.
3. The Discipline Committee's finding and order (or a summary thereof) be published, with identifying information removed, in the College's official publication and the results of the hearing be recorded on the Register.
 4. The Member engage in intensive insight-oriented psychotherapy for a period of two years from the date of the Discipline Committee's order and allow the psychotherapy to be monitored at the College's discretion.

APPLICATION FOR REMOVAL OF TERMS, CONDITIONS AND LIMITATIONS IMPOSED ON THE MEMBER'S CERTIFICATE OF REGISTRATION

In late 2006, the member provided the Discipline Committee with documentary evidence and written submissions to support his application to have the above-described terms, conditions and limitations removed from the member's Certificate of Registration.

The member's evidence and submissions included quarterly reports received by the College from the member's psychiatrist, from whom the member had received two years of intensive insight-oriented psychotherapy. These reports detailed the treatment the Member received and provided a favourable report.

In his submissions, the member took full responsibility for the conduct that resulted in the original imposition of terms, conditions and limitations, and the member described the measures taken to ensure that there would be no real or perceived boundary violations with clients in the future.

The College did not oppose the member's application.

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THE DISCIPLINE COMMITTEE'S DECISION

The panel of the Discipline Committee decided to grant the member's application, and directed the College Registrar to remove the terms, conditions and limitations previously imposed on the member's Certificate of Registration.

The panel of the Discipline Committee accepted the member's evidence of rehabilitation, including the member's ongoing psychotherapy and continued compliance with the terms and conditions previously imposed on the member's Certificate of Registration, and the member's submissions accepting responsibility for the conduct that resulted in the imposition of the terms, conditions and limitations.

While the panel was encouraged and impressed by the member's comments and understanding of the member's own vulnerabilities, the panel encouraged the Member to continue in psychotherapy, to continue to be aware of the member's own vulnerabilities, to continue receiving education in the area of boundary violation, and to raise the bar in the profession by educating the member's peers in the member's future writings in the areas of ethics and boundary violations. The panel also recommended that the member continue to engage in collegial consultation and to receive peer supervision where warranted.



A Tribute to Dr. Beverley Antle, Ph.D., RSW

The Council and staff of the College were deeply saddened to learn of the untimely death of Dr. Beverley Antle, President of the Ontario Association of Social

Workers, on November 11, 2006 as a result of a car accident. Dr. Antle was an Academic and Clinical Specialist and Associate Scientist at The Hospital for Sick Children in Toronto and a Research Associate and Sessional Instructor at the Faculty of Social Work, University of Toronto.

Beverley was born in Newfoundland and moved to Toronto in 1994 to pursue her Ph.D. in social work. She worked as a teaching assistant and research associate at the University of Toronto and was promoted to adjunct associate professor in 2003. Throughout her career, Beverley was instrumental in conducting research and developing new approaches to improving quality of life for children with life-long physical disabilities and chronic health conditions. She firmly believed that social work plays an important role in improving patient and family participation in treatment and decision-making.

Beverley was also the lead author of the revised Canadian Association of Social Workers Code of Ethics and she spoke regularly on the topic of ethics across the country. At the time of her death, she was serving her second term as President of the OASW.

Beverley's contribution to the profession is truly immeasurable. She personified the values and principles of social work and touched the lives of all who had the pleasure of knowing her. She will be remembered as an incredible visionary and social worker and a staunch supporter of the profession and the College.

At its December 4, 2006 meeting, the OCSWSSW Council approved a donation of \$25,000 to the Beverley Antle OASW Scholarship Fund. OASW established the scholarship through the University of Toronto Faculty of Social Work in her memory.

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: I am working in an outpatient mental health clinic. My client disclosed that she is having a sexual relationship with her physician. Do I have an obligation to report this to the College of Physicians and Surgeons?

A: In Ontario, social workers and social service workers are

regulated under the *Social Work and Social Service Work Act, 1998* (SWSSWA), while physicians and other health professionals are regulated under the *Regulated Health Professions Act, 1991* (RHPA). Under the SWSSWA, members of the OCSWSSW are required to report to the College if, in the course of their practice, they obtain reasonable grounds to believe that a registered social worker or social service worker has sexually abused a client. Members of the College do not have a mandatory reporting obligation in regard to health professionals regulated under the RHPA. By contrast, 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. Members working in a multi-disciplinary team should therefore be aware that their colleagues regulated under the RHPA would need to review their own reporting obligations in regard to the client.

Q: Why is it taking so long for the College to implement the Continuing Competence Program?

A: There are several reasons why the continuing competence program has yet to be introduced. Firstly, the program will be aligned with the revised standards of practice which have yet to be approved. Until the final phase of the standards consultation is complete and the document has gone before Council for approval,

the continuing competence program cannot be finalized. Secondly, the College is ensuring that members are involved throughout the process so as to ensure it is applicable, attainable and user-friendly. These consultation and testing phases take a significant amount of time and require thorough examination. Finally, when the College was created in 2000 it was decided to create a program based on current knowledge and trends rather than simply adopting the continuing competence program of the Ontario College of Certified Social Workers. This ensures that the program is useful, consistent and relevant to social work and social service work practice. We will continue to keep members up-to-date on the progress of both standards of practice consultation and the continuing competence program in future issues of *Perspective* as well as on the College's website.

Q: I was issued a provisional certificate of registration some time ago. When will the College inform me of the additional training that I am to undertake?

A: The College continues to work on the development and implementation of the additional training requirement. You will receive written communication from the Registrar when the additional training is launched. You can read more about provisional certificates of registration and the additional training requirement in Ontario Regulation 383/00, the registration regulation, by visiting http://www.e-laws.gov.on.ca/DBLaws/Regs/English/000383_e.htm.

Q: I understand that the College will be implementing examinations. As a College member, will that affect me?

A: Council has approved entry to practice examinations for both the social work and the social service work category for individuals applying for registration in the College. When the examinations are ready for administration, all individuals applying for registration in the College will be required to successfully complete an examination in addition to meeting all other registration requirements in place at the time.

Bulletin Board

Titles and Designations

Members are reminded that it is a requirement of the Registration Regulation made under the *Social Work and Social Service Work Act* for College members to use the title "Social Worker" or "Registered Social Worker"; "Social Service Worker" or "Registered Social Service Worker", in connection with their practice of social work or social service work. It is a further requirement of the Registration Regulation for members to use the designation RSW or RSSW in documentation used in connection with their practice.

The reason for these requirements is to clearly inform the public that individuals from whom they are receiving social work or social service work services are members of the College and are accountable for meeting the standards and requirements of the professions.

Election to Council in Districts 1, 2 and 5 – May 24, 2007

All College members in good standing who practise in electoral districts 1, 2 and 5 are eligible to vote in the May 24, 2007 election. There is one social work member position and one social service work member position available for each district. Council is responsible for governing and managing the affairs of the College and for developing policies that regulate the professions of social work and social service work. Council members play a leadership role in the regulation of members in these professions, reflecting the College's primary duty to serve and protect the public interest while promoting high standards of practice for the profession. If you have any questions, please contact Pat Lieberman at 416-972-9882 or 1-877-828-9380 ext. 207 or email plieberman@ocswssw.org

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 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 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. Please visit the College's website for the dates and times of upcoming meetings.





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.

Perspective is the official publication of the Ontario College of Social Workers and Social Service Workers. It is published twice a year.

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GRAPHIC DESIGN:
LAM Marketing & Design
www.lam.ca

Publication mail agreement: 40712081
Printed in Canada

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Catherine Painter
Information Assistant

Nadira Singh
Information Assistant

Contact 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 Lynda for information and inquiries about professional incorporation.

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

COMMUNICATIONS

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

PROFESSIONAL PRACTICE AND EDUCATION

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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.