

**DISCIPLINE COMMITTEE OF THE
ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS**

Indexed as: Ontario College of Social Workers and Social Service Workers v Yu, 2020
ONCSWSSW 11

Decision 20201207
date:

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

HO CHEUNG YU

PANEL:	Charlene Crews, RSSW	Chair, Professional Member
	Sanjay Govindaraj, RSW	Professional Member
	Lisa Kostakis	Public Member

Appearances: Debra McKenna, counsel for the College
Camille Dunbar, counsel for the Member
Aaron Dantowitz, Independent Legal Counsel to the Panel

Heard: December 7, 2020

DECISION AND REASONS FOR DECISION ON PENALTY AND COSTS

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) on December 7, 2020 of the Ontario College of Social Workers and Social Service Workers (the “**College**”). In a decision dated June 16, 2020 (*Ontario College of Social Workers and Social Service Workers v Yu, 2020 OCSWSSW 3*), the Panel had made findings of professional misconduct against Ho Cheung (Leslie) Yu (the “**Member**”). The purpose of this hearing was to determine what order the Panel should make, having regard to those findings.

[2] The hearing was conducted by way of videoconference. The Member was present at the hearing. The following is the decision of the Panel and the reasons of the Panel for its decision on penalty and costs.

Submissions on Order

[3] The parties were in agreement on the issue of what order the Panel should make in light of the findings of professional misconduct. They presented to the Panel a Joint Submission on Penalty and Costs dated November 30, 2020 (“**Joint Submission**”) asking this Panel make an order as follows:

1. The Member is to be reprimanded by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College’s Register for an unlimited period of time.
2. The Registrar is directed to revoke the Member’s certificate of registration.
3. The period of time during which the Member may not re-apply to the College for a new certificate of registration or seek reinstatement shall be fixed at five (5) years from the date of the Discipline Committee’s order.
4. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the Member’s name, online and/or in print, including, but not limited to, in the official publication of the College, on the College’s website, and on the College’s public register.
5. The Member shall pay costs to the College in the amount of fifteen thousand dollars (\$15,000.00) inclusive of HST, within seven days of the Discipline Committee order.

Decision on Order

[4] Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel accepted the Joint Submission and made an order in the terms of the Joint Submission.

Reasons for Decision on Order

[5] The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its Members, and above all, protect the public. This is achieved through a penalty that considers the principles of general deterrence, specific deterrence, and, where appropriate, rehabilitation and remediation of the Members practice. The Panel also considered the principle that the Panel should accept a joint submission on penalty unless it is contrary to the public interest or would bring the administration of justice into disrepute.

[6] The Panel accepted the Joint Submission after careful consideration of the appropriateness and effectiveness of the proposed penalty. The Panel found that the proposed penalty served the objectives of specific and general deterrence and public protection.

[7] The Panel delivered an oral reprimand to the Member following the penalty hearing which met the principal of specific deterrence. The reprimand underscored the impact of the Member’s actions on the client, as well as to the Social Work and Social Service Work profession and public confidence in the profession as a whole.

[8] The Panel found revocation, along with a 5-year waiting period for any application for reinstatement, to be appropriate and in line with penalties imposed by other regulatory bodies which follow the zero tolerance mandate of the *Regulated Health Professions Act* (RHPA) for findings of sexual abuse and sexual misconduct.

[9] This order also meets the College's duty to protect the public and instill public confidence in the ability of the College to regulate the profession in the public interest by making it clear that public protection is at the forefront of the College's mandate and that sexual abuse will result in heavy sanction, including the most significant sanction a panel can order - revocation. Revocation also meets the principles of specific and general deterrence by communicating to the rest of the profession the seriousness with which the College views sexual abuse, and acts to deter the rest of the membership from engaging in similar conduct.

[10] The objectives of remediation and rehabilitation were not addressed in the Joint Submission, as the Member will not hold a certificate of registration with the College, however, this would be addressed should the Member apply for registration with the College in the future.

[11] The Panel was also satisfied that the publishing of the decision and penalty would act to protect the public and deter other Members from engaging in similar behaviors.

[12] The Panel recognized that the parties had agreed on costs and considered the amount to be reasonable.

I, Charlene Crews, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: December 22, 2020

Signed: _____

Charlene Crews
Sanjay Govindaraj
Lisa Kostakis