

**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 Fortier, 2023  
ONCSWSSW 9

Decision                    2023/08/24  
date:

**BETWEEN:**

THE ONTARIO COLLEGE OF SOCIAL WORKERS  
AND SOCIAL SERVICE WORKERS

- and -

KRYSTAL FORTIER

PANEL:	Rita Silverthorn	Chair, Professional Member
	Vera Mercier	Professional Member
	Chisanga Chekwe	Public Member

Appearances: Ben Kates, counsel for the College  
Krystal Fortier, self-represented  
Edward Marrocco, Independent Legal Counsel to the Panel

Heard: August 24, 2023

**DECISION AND REASONS FOR DECISION**

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) on August 24, 2023, at the Ontario College of Social Workers and Social Service Workers (the “**College**”).

**Publication ban**

[2] At the outset of the hearing, an order in the nature of a publication ban and which also authorized partial closure of portions of the hearing to members of the public was requested by the parties and granted.

[3] The terms of the order are as follows:

- (a) Evidence and submissions regarding the particulars of the Registrant's health circumstances shall be heard in absence of the public including members of the College.
- (b) No person shall publicly disclose, publish, broadcast, or transmit evidence regarding the particulars of the Registrant's health circumstances.
- (c) Volume 2 of a Joint Document book to be filed in evidence shall not be made public.

### **The Allegations**

[4] The allegations in this matter originate in a Notice of Hearing from August 2022. That Notice of Hearing was formally amended on consent and with leave of the Panel during the August 24, 2023 videoconference to correct a minor typographical error. The Amended Notice of Hearing was signed by the registrar that same day - August 24, 2023 - and made Exhibit 1 in the proceedings for ease of reference. The substance of the allegations as between the various Notices of Hearing is unchanged. When we refer to the Amended Notice of Hearing in these reasons, we are referring to the corrected Notice of Hearing, signed August 24, 2023, filed as Exhibit 1.

[5] In the Amended Notice of Hearing, Krystal Fortier (the "**Registrant**") is alleged to be guilty of professional misconduct pursuant to the *Social Work and Social Service Work Act*, 1998, SO 1998, c 31 (the "**Act**"). Specifically, she is alleged to be guilty of professional misconduct within the meaning of section 26(2) of the Act for engaging in conduct that contravened the Act, Ontario Regulation 384/00 (the "**Professional Misconduct Regulation**"), Schedule "A" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the "**Code of Ethics**"), and Schedule "B" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the "**Handbook**").<sup>1</sup>

[6] The allegations set out in the Amended Notice of Hearing are as follows:

#### **I. The following are particulars of the said allegations:**

1. Now and at all times relevant to the allegations, you were a registered social service worker with the Ontario College of Social Workers and Social Service Workers (the "**College**"). At all relevant times, you provided social service work services to clients through your employment at Collège Boréal as an instructor in the social service worker diploma program.
2. The scope of practice of the profession of social service work includes, among other things:
  - (a) The provision of supervision and/or consultation to a social service worker or social service work student or other supervisee; and
  - (b) the provision of educational services to social service work students.

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<sup>1</sup> By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008 by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

3. From time to time between January 2018 and February 2021, you provided some or all of the following social service work services to Client C1, in particular:
  - (a) Between in or about January 2018 and June 2018, you provided social service work services to Client C1 through the Victim Witness Assistant Program, including counselling.
  - (b) Between in or about January ~~2020~~ ~~2022~~ and February 2021, you provided social service work services in your capacity as part-time instructor at Collège Boréal. During that time, you were C1's instructor for all or part of two social service work courses and served as her supervisor.
  - (c) In and around December 2020, C1 consulted you regarding a domestic issue with potential legal ramifications. C1 approached you for guidance because you had invited her and your other students to contact you if they needed to speak with someone.
  - (d) Between January 2018 and February 2021, C1 disclosed to you confidential, personal, and sensitive information, including in relation to personal relationships and sexual abuse.
4. Between in and about September and December 2020, you provided social service work services to Clients C2 and C3 in your capacity as a part-time instructor at Collège Boréal. During that time, you were C2 and C3's instructor for one social service work course.
5. Between September and December 2020 you requested, and received, the personal telephone numbers of C1, C2, and C3 for the purpose of contacting them regarding class-related matters.
6. Between December 2020 and February 2021, you violated professional boundaries and/or engaged in behaviour that was not of a clinical nature appropriate to the service provided. In particular, you engaged in some or all of the following behaviour:
  - (a) Between approximately September and December 2020, you disclosed the details of your personal life to students, including to C1, C2, and C3, while instructing a social service work class, including details relating to:
    - (i) Your personal relationship(s);
    - (ii) Your family relationship(s); and
    - (iii) Your personal struggles with [redacted].
  - (b) Between December and February 2020, you requested loans or car rides from your current and/or former students in the social services worker program, in particular:
    - (i) On or about December 9, 2020, you sent text messages to C2 requesting a loan of \$40. You then accepted a loan of \$40 from C2.
    - (ii) In and around December 2020 and January 2021, you sent text messages to C3 requesting a loan of \$60.
    - (iii) On or about January 5, 2021, you sent text messages to C2 requesting a loan of \$20. You then accepted a loan of \$40 from C2.
    - (iv) On or about January 6, 2021, you sent text messages to C2 requesting a loan of \$40.
    - (v) In and around early January 2021, you sent text messages to C1 requesting a ride to the Metro grocery store.
    - (vi) On or about January 15, 2021, you sent text messages to C1 requesting a loan of \$100.
    - (vii) On or about February 2, 2021, you sent text messages to C1 requesting a ride to the Metro grocery store.
7. In and around early February 2021, C1, C2 and C3 reported your conduct to Collège Boréal staff.

8. On or about February 3, 2021, you denied to Collège Boréal that you had asked students for money or rides. Later that day, you admitted asking for rides but said you had forgotten that you had done so. You resigned from Collège Boréal.

**II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the Act:**

(a) In that you violated **Section 2.2 of the Professional Misconduct Regulation** and

(i) **Principle I of the Handbook (commented on in Interpretations 1.5, 1.6 and 1.7)** by failing to be aware of your values, attitudes and needs and how those impact on your professional relationship with clients; by failing to distinguish your needs and interests from those of your clients to ensure that, within your professional relationship, clients' needs and interests remained paramount; and, while employed by an organization, by failing to maintain an awareness and consideration of the purpose, mandate and function of that organization and how these impact on and limit professional relationships with clients.

(ii) **Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, 2.2.3, 2.2.4, and 2.2.8)** by:

(A) failing to ensure clients are protected from an abuse of power during and after the provision of professional services and/or failing to maintain clear and appropriate boundaries in a professional relationship;

(B) engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which you ought reasonably to have known that the client would be at risk;

(C) using information obtained in the course of a professional relationship and/or using your professional position of authority, to coerce, improperly influence, harass, abuse or exploit a client, former client, student, trainee, employee, colleague or research subject;

(D) soliciting or using information from clients to acquire, either directly or indirectly, advantage or material benefits; and

(E) engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social work;

(iii) **Principle III of the Handbook (commented on in Interpretation 3.7)** by failing to assume full responsibility for demonstrating that a client was not exploited, coerced or manipulated, intentionally or unintentionally; and

(b) In that you violated **Section 2.6 of the Professional Misconduct Regulation** in that you used information obtained during a professional relationship with a client and/or your professional position of authority to coerce, improperly influence, harass or exploit a client or former client;

(c) In that you violated **Section 2.10 of the Professional Misconduct Regulation** by providing a professional service while in a conflict of interest; and/or

(d) In that you violated **Section 2.36 of the Professional Misconduct Regulation** by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

## **Registrant's position**

[7] The Registrant admitted the allegations set out in the Amended Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Registrant's admissions were voluntary, informed and unequivocal.

## **The Evidence**

[8] The evidence in the proceeding was tendered by way of an Agreed Statement of Facts, which provided in relevant part as follows:

### **A. Background and Overview**

1. Krystal Fortier (the "**Registrant**") obtained a Diploma in Social Service Work from Collège Boréal in 2009. She has been a member of the Ontario College of Social Workers and Social Service Workers (the "**College**") since August 30, 2019. At all relevant times thereafter, the Registrant was registered as a social service worker with the College.
2. Between in or about January 2018 and June 2018, the Registrant provided social service work services to C1 as Victim Witness Service Worker as part of the Victim Witness Assistant Program ("**V-WAP**"). A copy of the job specification for the Registrant's role as Witness Service Worker is included at **Tab 1** of the Joint Document Brief.
3. Between September 2019 and February 2021, the Registrant worked intermittently at Collège Boréal's Timmins, Ontario campus as a part-time instructor in its social service worker diploma program, as follows:
  - (a) The Registrant taught "Techniques d'intervention en Travail social" ("Intervention Techniques in Social Work") in the fall semester of 2019.
  - (b) The Registrant taught "Croissance et développement de la personne" ("Belief and Development of the Person") at the start of the winter 2020 semester. The Registrant withdrew from her role as instructor part way through the semester, citing time constraints and challenges with the online learning platform.
  - (c) The Registrant taught "Techniques d'intervention en Travail social" in the fall semester of 2020. C1, C2, and C3 were among the students in that class.
  - (d) The Registrant taught in the social services work diploma program at the start of the winter 2021 semester. The Registrant missed several classes, including at least two classes in January 2021. On or about January 22, 2021, Collège Boréal replaced the Registrant with a different instructor.
  - (e) In and around fall 2020 and winter 2021 and until approximately February 3, 2021, the Registrant served as the co-op placement supervisor for a student, C1.
4. The Registrant provided social service work services to clients in her capacity as instructor and supervisor at Collège Boréal. The Registrant was required to be registered with the College as a Social Service Worker in order to work in that capacity. C1, C2 and C3 were the students of the Registrant and were also the Registrant's clients. In addition, C1 was the supervisee of the Registrant.

5. Between approximately September 2020 and February 2021, the Registrant engaged in boundary violations with C1, C2, and C3 during and/or within a year of their client relationship. The Registrant shared personal details about herself to C1, C2, and C3 during class lectures and contacted each of C1, C2, and C3 outside of the classroom to request financial loans and, in some cases, car rides.
6. The College received a report from Jennifer D'Aoust, manager of Postsecondary Programs at College Boréal, on March 30, 2021. Ms. D'Aoust reported that Collège Boréal had received information from three students raising inappropriate conduct on the part of the Registrant. The Registrant resigned her position at College Boréal in lieu of termination on February 3, 2021.

B. The Registrant's Dealings with C1, C2, and C3

*i. Services Provided to C1 Through V-WAP*

7. Between approximately January to June 2018, C1 was involved as a complainant in a criminal sexual assault matter. C1 received support through V-WAP. The Registrant was C1's support worker. The Registrant and C1 met on at least two occasions, once for an initial court appearance and once before an adjournment date. The V-WAP program subsequently assigned C1 to a different support worker.

*ii. Fall 2020 Instruction at Collège Boréal*

8. During the fall semester of 2020, between approximately September and December, the Registrant taught a class called "Techniques d'intervention en Travail social". There were four students in the class: C1, C2, C3, and C4 (the "Students").
9. The Registrant collected the phone numbers of the Students. She told the Students she would use the phone numbers for the purpose of communicating about the class, including class cancellations or any issues with assignments. The Registrant told the Students that she would "always be there for them if they needed someone to talk to at 3:00am", or words to that effect.
10. If the Registrant were to testify, her evidence would be that it was the ordinary practice of teachers at Collège Boréal to collect student phone numbers for the purpose of communicating about class.
11. From time to time, the Registrant messaged the Students by group chat to say that she was not feeling well. The Registrant cancelled several classes during the fall 2020 semester.
12. The Students felt that the Registrant occupied a considerable amount of class time discussing her personal life and portrayed herself as though she was going through a difficult time.
13. The Registrant shared specifics of her private life during class from time to time. For instance, the Registrant told the Students that she was in an abusive relationship with the father of her children, and that there were disputes about access to those children. The Registrant also told the Students about her history with [redacted] and shared personal experiences, particularly during discussions involving one student who was in [redacted]. The Registrant spoke of these personal experiences in detail.
14. The Registrant submitted final grades for the students at the end of December 2020.

*iii. Consultation with and Supervision of C1*

15. In December 2020, C1 had an altercation with her boyfriend. C1 was concerned that criminal charges could be laid against her. C1 contacted the Registrant for guidance because, among other things, the Registrant had invited the Students to contact her if they needed anything. C1 also contacted the Registrant because of the Registrant's knowledge and experience. The Registrant reassured C1 that the police "didn't have anything", or words to that effect. Ultimately, no charges were laid against C1.
16. The Registrant was also C1's supervisor for her co-op placement. While being supervised by the Registrant, C1 had difficulty obtaining her class materials from the Registrant and found the Registrant non-communicative. When C1 contacted the Registrant requesting the outstanding class materials, the Registrant's answers were not responsive to the request. Among other things, the Registrant told C1 that she was in bed and could not get up, or words to that effect.
17. If the Registrant were to testify, her evidence would be that her efforts to liaise with C1's co-op placement supervisor were hindered by restrictions related to COVID-19.

D. The Registrant's Requests from C1, C2, and C3

*i. The Registrant's Request for a Loan from C2*

18. On or about December 9, 2020, the Registrant texted C2, "Hi ... I have a favour to ask lol .... That as [*sic*] to stay between me and you ... can you lend me 40\$ until tomorrow." C2 replied to the Registrant, "Most definitely". The Registrant told C2 that C2 could email her the funds and provided C2 her email address. A copy of the text exchange between the Registrant and C2, with certified translation, is included at **Tab 2** of the Joint Document Book.
19. C2 sent the Registrant \$40 by way of e-transfer on December 9, 2020. C2 received a notification from her financial institution advising that the funds had been deposited in the Registrant's account. A copy of that notification is included at **Tab 3** of the Joint Document Book.
20. The Registrant repaid C2 \$40 some time after December 9, 2020. C2 received a notification from her financial institution advising that the funds had been deposited in her account. A copy of that notification is included at **Tab 3** of the Joint Document Book.

*ii. The Registrant's Second Request for a Loan from C2*

21. On January 5, 2021, the Registrant texted C2, "Hey girl can I borrow \$20". C2 responded: "Yeah...Np just give me a few minutes and il [*sic*] send it over." The Registrant later texted C2, "did you send it", and C2 responded, "Yeah." A copy of the text exchange between the Registrant and C2, with certified translation, is included at **Tab 2** of the Joint Document Book.
22. C2 sent the Registrant \$20 by way of e-transfer on January 5, 2021. C2 received a notification from her financial institution advising that the funds had been deposited in the Registrant's account. A copy of that notification is included at **Tab 3** of the Joint Document Book.

*iii. The Registrant's Third Request for a Loan from C2*

23. On January 6, 2021, the Registrant texted C2, "i'm sorry to ask again but can i borrow 40\$...sorry to ask [*sic*]". C2 responded, "Yeah it's no problem but will be a few hours Im [*sic*] at the hospital for surgery and don't have my bank card on me but when I get home I can send it." A copy of the text exchange between the Registrant and C2, with certified translation is included at **Tab 2** of the Joint Document Book.

*iv. The Registrant's request for a Loan from C3*

24. In and around late 2020 or early 2021, C3 received a text message from the Registrant asking to borrow \$60. C3 declined to lend the Registrant any money and advised that he could not help the Registrant financially.

*v. The Registrant's Request for a Ride from C1*

25. In and around early January 2021, the Registrant attempted to call C1 early in the morning. The Registrant then texted C1 to ask that C1 do her a "favour" and drive her to the Metro grocery store. C1 told the Registrant that she could not give the Registrant a ride because she was on her way to work. A copy of the home screen of C1's cellphone with notifications for two missed calls from an unknown number and a text from the Registrant's phone number is included at **Tab 4** of the Joint Document Book.

*vi. The Registrant's Request for Loan from C1*

26. The Registrant began reaching out to C1 after C1 consulted the Registrant about the issues she was having with her boyfriend in December 2020, referred to above in paragraph 14.

27. On January 15, 2021, the Registrant texted C1, "...i have a favour to ask...and please keep this between me and you...would I be able to borrow 100\$ until next thursday im [sic] leaving [my boyfriend] and he took all my money...it sounds so bad but I figured you would keep it between us."

28. C1 responded, "I'll for sure keep it between us. I'm super sorry to hear that [emoji] I wish I could help but I'm not getting paid for my placement so money is very tight for me at the moment...if you need help moving I can do that with my truck?" C1 also texted, "I feel really bad. I hope you're okay".

29. The Registrant responded, "don't feel bad ... thank you ... please keep this between us tho." C1 responded, "I will I promise". A copy of the text exchange between the Registrant and C1, with certified translation, is included at **Tab 4** of the Joint Document Book.

*vii. The Registrant's Second Request for a Ride from C1*

30. On February 2, 2021, at 6:14am, the Registrant texted C1, "Hey girl are you up". C1 responded, "Hey, I am now." The Registrant replied, "hahaha i know that was a pretty early text...are you working today".

31. After C1 responded that she was working, the Registrant asked, "ok is there by any chance you can come pick me up before work." C1 responded, "Where are you at? And where do you need a ride to? It's just cause I start at 8 and haven't showered yet lol." The Registrant replied, "i am home I just need to go to metro really quick...if you can't it's all good..." At 9:20am, C1 texted, "Hey I'm at my placement was running behind this morning and in a rush lol".

32. The Registrant then texted C1, "its all good" and sent additional messages related to her role as C1's co-op supervisor. Among other things, the Registrant asked C1 to "stop by" at her house so that she could give C1 some information regarding her co-op placement. A copy of the text exchange between the Registrant and C1, with certified translation, is included at **Tab 4** of the Joint Document Book.

### **E. Report and Resignation**

33. In and around late January or early February 2021, C3 reported the Registrant to Mélanie Dufresne, the Director of Collège Boréal's Timmins campus, advising that he had received an inappropriate text from her.
34. On or about February 2, 2021, C1 told Julie Levesque, a staff member at Collège Boréal, that she had not yet received her co-op course materials from the Registrant, that she had received a message from the Registrant asking her to pick up a binder at her house, and that she did not want to go. According to C1, she was reluctant to be in a vulnerable position with the Registrant after the Registrant had already asked her for money. Ms. D'Aoust, later approached C1 at the school and asked her not to answer the Registrant's messages or calls.
35. On February 3, 2021, staff members at Collège Boréal confronted the Registrant with the students' allegations at an internal meeting. At that meeting, the Registrant denied asking the students for money or rides. Later that day, the Registrant sent an email in which she admitted to having asked students for rides and tendered her resignation. Copies of the Registrant's email dated February 3, 2021, in the original French and translated to English, are included at **Tab 5** and **Tab 6** of the Joint Document Book, respectively.
36. On or about March 3, 2021, Ms. D'Aoust filed a mandatory report form about the Registrant with the College.

### **F. The Registrant's Personal Circumstances**

37. At the time of the signing of this Agreed Statement of Facts, the Registrant is experiencing adverse health circumstances. If the Registrant were to testify, her evidence would be that it is possible, if not likely, that her health circumstances played a role in her conduct at the material time. Nevertheless, the Registrant was at all times capable of meeting her professional obligations.

### **G. Admissions of Professional Misconduct**

38. The Registrant agrees that the following are standards of the profession, as set out in the *Code of Ethics and Standards of Practice Handbook* (the "**Handbook**"):
  - (a) Principle I addresses relationships with clients;
  - (b) Principle II addresses competence and integrity; and
  - (c) Principle III addresses responsibility to clients.
39. The Registrant admits that by reason of engaging in the conduct outlined above, she is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act, 1998*, SO 1998, c 31 (the "**Act**"), in that the Registrant:
  - (a) Violated section 2.2 of the O. Reg. 384/00: Professional Misconduct (the "**Professional Misconduct Regulation**"), and
    - (i) Principle I of the Handbook (commented on in Interpretations 1.5, 1.6 and 1.7) by failing to be aware of her values, attitudes and needs and how those impact on her professional relationship with clients; by failing to distinguish her needs and interests from those of her clients and to ensure that, within her professional relationship, clients' needs and interests remained paramount; and, while employed by an organization, by failing to maintain an awareness and

consideration of the purpose, mandate and function of that organization, and how these impact on and limit professional relationships with clients;

(ii) Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, 2.2.3, 2.2.4, and 2.2.8) by:

1. Failing to ensure clients are protected from an abuse of power during and after the provision of professional services and/or failing to maintain clear and appropriate boundaries in a professional relationship
2. Engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which she ought reasonably to have known that the client would be at risk
3. Using information obtained in the course of a professional relationship and/or using her professional position of authority, to coerce, improperly influence, harass, abuse or exploit a client, former client, student, trainee, employee, colleague or research subject
4. Soliciting or using information from clients to acquire, either directly or indirectly, advantage or material benefits; and
5. Engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social work;

(iii) Principle III of the Handbook (commented on in Interpretation 3.7) by failing to assume full responsibility for demonstrating that a client was not exploited, coerced or manipulated, intentionally or unintentionally; and

- (b) Violated section 2.6 of the Professional Misconduct Regulation in that she used information obtained during a professional relationship with a client and/or her professional position of authority to coerce, improperly influence, harass or exploit a client or former client;
- (c) Violated section 2.10 of the Professional Misconduct Regulation by providing a professional service while in a conflict of interest; and/or
- (d) Violated section 2.36 of the Professional Misconduct Regulation by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

### **Decision of the panel**

[9] Having considered the admissions of the Registrant, the evidence contained in the Agreed Statement of Facts, and the submissions of counsel, the Panel was satisfied that the Registrant committed the acts of professional misconduct alleged in the Amended Notice of Hearing. A finding of misconduct was returned that same day. The Panel found that the Registrant's conduct would reasonably be regarded by other registrants as dishonourable and unprofessional.

## **Reasons for Decision**

[10] The Panel found that the evidence in the Agreed Statement of Facts, together with the Registrant's admissions proved, on a balance of probabilities, each of the allegations made against the Registrant.

[11] With respect to allegation (a) in the Amended Notice of Hearing, the Panel found that the Registrant violated Section 2.2 of the Professional Misconduct Regulation, by contravening the standards set out in the Handbook in each of the three subparagraphs under allegation (a).

[12] With respect to allegation (a)(i) in the Amended Notice of Hearing, the Panel found that the Registrant violated Principle I of the Handbook (commented on in Interpretations 1.5, 1.6 and 1.7) by failing to be aware of the Registrant's own values, attitudes and needs and how these have an impact on the Registrant's professional relationship with clients; by failing to distinguish the Registrant's needs and interests from those of the Registrant's clients to ensure that, within the Registrant's professional relationship, clients' needs and interests remained paramount; and, while employed by an organization, by failing to maintain an awareness and consideration of the purpose, mandate and function of that organization and how these impact on and limit professional relationships with clients. The Registrant occupied a considerable amount of class time discussing her personal life and portrayed herself as a person going through a difficult time. This was a clear failure on the Registrant's part to distinguish her needs and interests from those of her clients, and ensure that the clients' needs and interests remained paramount.

[13] With respect to allegation (a)(ii) in the Amended Notice of Hearing, the Panel found that the Registrant violated Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, 2.2.3, 2.2.4, and 2.2.8) by: failing to ensure clients are protected from an abuse of power during and after the provision of professional services and/or failing to maintain clear and appropriate boundaries in a professional relationship. The Registrant requested loans from C1, C2, and C3, persons to whom she had provided social service work services. This constituted a conflict of interest in breach of section 2.10 of the Professional Misconduct Regulation and/or a situation in which the Registrant ought reasonably to have known that the clients would be at risk. The Registrant texted C1 to ask that C1 do her a "favour" and drive her to the Metro grocery store. C1 told the Registrant that she could not give the Registrant a ride because she was on her way to work. A request such as this from their service provider must have placed C1 under great pressure. Fortunately for C1, she had an immediate reason to decline the request.

[14] The Panel is also satisfied that the Registrant used information obtained in the course of a professional relationship and/or used her professional position of authority, to coerce, improperly influence, harass, abuse or exploit a client. For example, the text requests for \$100 on or about January 15, 2021, sent by the Registrant to C1 were exploitative in nature and therefore violated Principle II of the Handbook and section 2.6 of the Professional Misconduct Regulation. Further, the Panel is satisfied that the Registrant solicited or used information from clients to acquire, either directly or indirectly, advantage or material benefits. The Registrant's request to borrow money from clients is a clear example of inappropriate conduct in this regard.

[15] With respect to allegation (a)(iii) in the Amended Notice of Hearing, the Panel found that the Registrant violated Principle III of the Handbook (commented on in Interpretation 3.7) by failing to assume full responsibility for demonstrating that a client was not exploited, coerced or manipulated, intentionally or unintentionally.

[16] The admitted facts were more than sufficient to substantiate that the Registrant violated Section 2.36 of the Professional Misconduct Regulation by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

[17] In this case the Panel found that the conduct was both dishonourable and unprofessional. The Registrant engaged in conduct that unquestionably reflected negatively on her professionalism. Asking for money from clients, asking for rides in the way the Registrant did, and being preoccupied with personal problems while purporting to be providing professional services falls well below the standards expected of a College registrant. Moreover, the Registrant clearly knew what she was doing was unacceptable. By asking C1, for example, to keep the requests in confidence, the Registrant compounded her unprofessionalism with an element of moral failing. The Panel accepts that the Registrant's health issues may have impacted her ability to fully appreciate the wrongfulness of her conduct at the time it occurred. It is for this reason that the Panel did not find that the Registrant's conduct in this specific case rose to the level of being disgraceful. This finding does not in any way diminish the seriousness of what occurred. Registrants who engage in this kind of behaviour should anticipate that it may very well rise to the level of disgraceful conduct in the absence of substantive mitigating factors.

### **Penalty submissions**

[18] The parties were in agreement on the issue of penalty. They presented to the Panel a Joint Submissions as to Penalty ("**Joint Submission**") asking this Panel make an order as follows:

For the purpose of this joint submission as to penalty, the College of Social Workers and Social Service Workers of Ontario (the "**College**") and Krystal Fortier (the "**Registrant**") jointly submit the following facts for consideration by the panel of the Discipline Committee:

1. The Registrant desires to resign from the College and not to engage in conduct that falls within the scope of practice of social service work. Attached at "**Exhibit A**" is a copy of the Registrant's communication to the College expressing her request to resign her certificate of registration.
2. Provided this proposed penalty is accepted by the panel, the Registrar will forthwith accept the resignation of the Registrant pursuant to subsection 13(2) of the *Social Work and Social Service Work Act, 1998*, (the "**Act**").
3. The parties' joint submission takes into account the current health circumstances of the Registrant, the details of which have been provided to the panel confidentially.

Based on the findings of professional misconduct, as well as the facts stipulated above, the College and the Registrant jointly submit that the following penalty ought to be ordered:

1. The Registrant shall be reprimanded by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The Registrar shall be directed to suspend the Registrant's certificate of registration for a period of four months, with two months of the suspension to be remitted on condition that the Registrant completes the remedial training as specified at paragraph 3(a) (the "**Suspension**").

- a. In light of the Registrant's resignation of her certificate of registration, the Suspension shall be suspended and commence only on the date on which the Registrant obtains a new active certificate of registration.
  - b. If and when it commences, the Suspension shall continue for two months without interruption. Upon completion of those first two months, the Suspension's remaining two months shall be suspended for a period of 12 months from date on which the Registrant obtained a new active certificate of registration.
  - c. The remaining two months of the Suspension shall be remitted on the expiry of that 12-month period if, on or before the first anniversary of the receipt of a new active certificate of registration, the Registrant provides evidence, satisfactory to the Registrar, of compliance with the terms and conditions imposed under paragraph 3(a). For greater clarity, the terms and conditions imposed under paragraph 3 below will be binding on the Registrant regardless of the length of suspension served, and the Registrant may not elect to serve the full suspension in place of performing those terms and conditions.
  - d. If the Registrant fails to comply with the terms and conditions imposed at paragraph 3, the Registrar may refer the matter to the Executive Committee of the College. The Executive Committee, pursuant to its authority, may take such action as it deems appropriate, which may include referring to the Discipline Committee allegations of professional misconduct arising from any failure to comply with the terms and conditions.
3. The Registrar shall be directed to impose terms, conditions and limitations on the Registrant's certificate of registration as set out in paragraphs 3(a), 3(b), and 3(c), which order shall be suspended until such time as the Registrant obtains a new active certificate of registration. The Registrant acknowledges that the following terms on penalty provide a sufficient basis for the Registrar to impose terms, conditions and limitations on the Registrant's certificate of registration pursuant to subsection 18(5) of the Act. These terms, conditions, and limitations shall consist of the following:<sup>2</sup>
- a. The Registrant shall participate in and successfully complete, at her own expense, a boundaries and ethics training course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within 12 months from the date on which she obtains a new active certificate of registration;
  - b. For a period of 12 months following the date upon which the Registrant returns to or commences any activities that fall within the practice of social service work, in the event that the Registrant operates a private practice, the Registrant shall, at her own expense, receive supervision of her social service work practice and shall advise the Registrar of the name of the person who will be providing supervision of her social service work practice, who shall be a regulated professional and approved in advance by the Registrar.
    - i. The Registrant shall meet with her supervisor no fewer than once per month to discuss and review her social service work practice, and the approved supervisor shall provide two written reports to the Registrar, at months six and 12 providing details of the supervision.

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<sup>2</sup> If the Registrant is unable to meet the terms, conditions, and limitations hereby imposed upon her, then she is to contact the Registrar of the College within 14 days of discovering that the terms, conditions and limitations cannot be satisfied and advise the Registrar of the same.

- ii. The Registrant shall provide to the approved supervisor the Notice of Hearing as well as the Agreed Statement of Facts, Joint Submission as to Penalty and final decision of the Discipline Committee arising from this proceeding and provide written confirmation, signed by the supervisor, of receipt of these documents to the Registrar within 15 days of the Registrant's return to practice under supervision.
  - iii. In the event that the Registrant wishes to change supervisors, she shall forthwith advise the Registrar of her wish to terminate the approved supervisory relationship and present the name of her proposed new supervisor for approval in accordance with paragraph 3(b) and, upon the approval by Registrar, the Registrant shall comply with the requirements of paragraphs 3(b)(i) and (ii) in respect of her new supervisor for the balance of the 12-month period.<sup>3</sup>
  - iv. The Registrant shall seek consent from prospective clients to share personal health information with her supervisor to allow the supervisor to review client files and engage in supervision and shall anonymize all personal information of clients while discussing her client files with her supervisor.<sup>4</sup>
  - v. Forthwith upon completion of the supervision referred to above, in subparagraphs 3(b)(i) to (iv), the Registrant shall provide to the Registrar written confirmation from her supervisor(s) of such completion.<sup>5</sup>
- c. For a period of 12 months following the date upon which the Registrant obtains a new active certificate of registration, in the event the Registrant obtains employment to provide social work services, the Registrant shall:
- i. Ensure that the Registrar is notified of the name, address, and telephone number of all employer(s) at least 72 hours prior to commencing employment.
  - ii. Provide her employer(s) with a copy of the Notice of Hearing as well as the Agreed Statement of Facts, Joint Submission as to Penalty and final decision of the Discipline Committee arising from this proceeding; and
  - iii. Provide written confirmation, signed by a representative of her employer(s), of receipt of these documents to the Registrar within 15 days of commencing employment.

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<sup>3</sup> For clarity, the Registrant shall provide her new supervisor with the Notice of Hearing, the Agreed Statement of Facts and Joint Submission as to Penalty, and, if available, the final decision of the Discipline Committee and provide written confirmation, signed by the supervisor, of receipt of these documents to the Registrar within 15 days of the commencement of supervisory relationship. If the final decision of the Discipline Committee is not yet available at the commencement of the supervisory relationship, the Registrant must subsequently provide it to the approved supervisor within 72 hours of receipt.

<sup>4</sup> For greater clarity, while a client may refuse to sign a consent to release personal health information, the Registrant must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the supervisor.

<sup>5</sup> For greater clarity, the Registrant must receive a total of twelve (12) months of supervision to be in compliance with the provisions of subparagraph 3(b). If at any time the Registrant ceases to practice in private practice, the supervision period will stop running and will resume when her private practice supervision commences. The Registrant cannot fulfill the supervision requirement by refraining from engaging in the practice of social service work for a 12-month period. The supervision condition will run continuously until a total of twelve (12) months of supervision has been completed and the Registrant cannot practice without supervision until the term is completed.

4. Nothing herein shall limit or restrict the ability of the Registrar, when considering an application for registration from the Registrant, to refuse to issue a certificate of registration or to impose terms, conditions and limitations not contemplated in this joint submission in accordance with subsections 18(3) and (5) of the Act.
5. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Registrant included, in the College's official publication and on the College's website, and the results of the hearing shall be recorded on the Register and in any other media-related format that is provided to the public and is deemed appropriate by the College.
6. The Registrant shall pay costs to the College in the amount of \$1,000 to be paid in accordance with the following schedule:
  - a. \$250 to be paid within 90 days of the acceptance by the panel of this penalty;
  - b. \$250 to be paid within 180 days of the acceptance by the panel of this penalty;
  - c. \$250 to be paid within 270 days of the acceptance by the panel of this penalty;
  - d. \$250 to be paid within one year of the acceptance by the panel of this penalty.

In the event that either of the first two payments are not made in accordance with the schedule, the entire amount outstanding becomes immediately due.

[19] In support of the Joint Submission, both parties emphasized to the Panel that its terms were appropriate for this particular case. College counsel explained that there were unique mitigating circumstances in this matter which militated in favour of the Joint Submission notwithstanding that its terms may be perceptibly less severe than orders made in others cases with similar findings.

[20] College counsel noted that the unarguably negative impact of the Registrant's actions on the three clients (C1, C2 and C3) must not be minimized. College counsel also noted that the Registrant's request that clients keep her requests "quiet" should rightly be perceived as an acknowledgement in the moment that the Registrant knew her conduct was inappropriate.

[21] College counsel also however conceded that there were specific health circumstances applicable to this Registrant which served as mitigating factors. The particulars of those circumstances have been received in a portion of the hearing closed to the public. College counsel also reminded the Panel that the Registrant has no prior history of discipline and that she worked collaboratively with the College to reach a resolution which prevented a contested hearing.

[22] The Registrant agreed with and supported College counsel's presentation in respect of the Joint Submission.

### **Penalty decision**

[23] 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 consistent with its six provisions before the conclusion of the hearing.

**Reasons for penalty decision**

[18] The Panel recognizes that an appropriate penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its Registrants, 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 Registrant's practice. The Panel also acknowledges the well-established legal principle that a panel should accept a joint submission on penalty unless doing so it would be contrary to the public interest and bring the administration of justice into disrepute.

[19] With the benefit of the parties' submissions, the Panel had no reason to challenge the Joint Submission or to be concerned that it may be contrary to the public interest. There were legitimate health issues present on the facts of this matter. The Panel acknowledges the Registrant's willingness to nonetheless take full responsibility for her actions, and to cooperate with the College to reach a resolution which prevented a contested and costly hearing. The Panel also notes that the Registrant has no prior history of discipline. The Panel further notes that the Registrant has expressed her desire to resign from the College and no longer engage in conduct that falls within the scope of practice of social service work. An appropriate order on penalty must be tailored to the circumstances of each particular case. The Panel is satisfied that, for all of the facts noted above, the Joint Submission is appropriately tailored to the particulars of this case.

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

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Rita Silverthorn, Chair  
Vera Mercier  
Chisanga Chekwe