

**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 Essa Rageh  
Egal, 2023 ONCSWSSW 5

Decision date: 2023/07/20

**BETWEEN:**

THE ONTARIO COLLEGE OF SOCIAL WORKERS  
AND SOCIAL SERVICE WORKERS

- and -

ESSA RAGEH EGAL

PANEL:	Charlene Crews Sandie Sidsworth Chisanga Chekwe	Chair, Professional Member Professional Member Public Member
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Appearances: Debra McKenna, counsel for the College  
No one appearing for the former Registrant  
Edward Marrocco, Independent Legal Counsel to the Panel

Heard: July 20, 2023

**DECISION AND REASONS FOR DECISION**

[1] This matter came on for the hearing of a motion via videoconference before a panel of the Discipline Committee (the “Panel”) of the Ontario College of Social Workers and Social Service Workers (the “College”) on July 20, 2023.

[2] The motion was brought by the College and sought an order staying the proceedings against a former registrant, Essa Egal, on grounds that Mr. Egal had already had his registration revoked by a previous discipline order made by a separate panel in another proceeding.

## **Publication Ban**

[3] At the outset of the hearing, College counsel successfully moved to obtain an order prohibiting the publication of any information which may seek to identify the complainant in the matter within. This would include the complainant's name or any other information that may be used to identify them. In the event that any records filed on the motion were sought for access by the public, those records are to be redacted consistent with the requirements of the order before release.

## **The Allegations**

[4] The allegations are contained in a Notice of Hearing dated August 4, 2022. That Notice of Hearing is Tab 2A of the College Motion Record which was made Exhibit 1 filed on the College's motion. The Member is alleged to be guilty of professional misconduct pursuant to the Social Work and Social Service Work Act, 1998, S.O. 1998, c 31 (the "Act") in that he is alleged to have engaged in multiple violations of Ontario Regulation 384/00 (the "Professional Misconduct Regulation") 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").

[5] The allegations set out in the Notice of Hearing and the particulars of those allegations are as follows:

1. At all times relevant to the allegations, you were a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "College").
2. Client "XX" began receiving counselling from you in or about 2014, when she was approximately 12 years old, to deal with her anxiety and panic attacks. "XX" received social work services from you through your private practice.
3. On or about February 23, 2019, "XX" had an appointment with you. She was approximately 17 years old at that time.
4. During the February 23, 2019 appointment, you violated professional boundaries, engaged in touching of a sexual nature of "XX", and/or engaged in behaviour or remarks of a sexual nature towards "XX" that were not of a clinical nature appropriate to the service provided. In particular, you:
  - (a) Touched "XX" on her stomach and/or torso area;
  - (b) Suggested that "XX" lift her shirt;
  - (c) Suggested that "XX" remove her shirt and/or her bra;
  - (d) Touched and/or massaged "XX"'s chest, back, and/or breasts; and/or
  - (e) Hugged "XX" and kissed her on the forehead.
5. "XX" had a panic attack as a result of your conduct.

6. "XX" disclosed your conduct to her mother and to another counsellor, who encouraged her to report your conduct to the College.

**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 and 1.6) by:

(A) failing to be aware of your values, attitudes and needs and how those impact on your professional relationship with clients;

(B) 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;

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

(A) failing to ensure clients are protected from an abuse of power during 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 your professional position of authority to coerce, improperly influence, harass, abuse or exploit a client;

(D) 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;

(iv) Principle VIII of the Handbook (commented on in Interpretations 8.1 and 8.2) by:

(A) failing to be solely responsible for ensuring that sexual misconduct did not occur;

(B) engaging in touching of a sexual nature of a client and/or engaging in behaviour or remarks of a sexual nature towards a client, other than

behaviour or remarks of a clinical nature appropriate to the service provided;

(b) In that you violated Section 2.5 of the Professional Misconduct Regulation in that you abused a client physically, sexually, verbally, psychologically or emotionally, including by sexually abusing a client within the meaning of subsection 43(4) of the Act;

(c) 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 or used your professional position of authority to coerce, improperly influence, harass, or exploit a client;

(d) In that you violated Section 2.28 of the Professional Misconduct Regulation by contravening the Act, regulations or by-laws; and/or (e) 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.

### **Motion by the College**

[6] The College moved to stay the above allegations on grounds that the public interest had already been served by the previous public outcome of proceedings against Mr. Egal, released earlier this year, which had resulted in the revocation of his registration with the College. The specific grounds for the College's motion were that:

1. On August 4, 2022 allegations of professional misconduct against Mr. Egal were referred to the Discipline Committee for a hearing. The allegations arose from a complaint by "XX" – a former client of Mr. Egal who reported that he had sexually abused her.

2. At all times material to the allegations Mr. Egal was a registrant of the College.

3. At the time the allegations involving "XX" were referred for a hearing, a decision was pending by the Discipline Committee in relation to earlier allegations of misconduct against Mr. Egal involving three other clients (the "2020 Allegations"). The 2020 Allegations also involved complaints of sexual abuse.

4. On December 16, 2022, the Discipline Committee released its decision relating to the 2020 Allegations and Mr. Egal was found by the Panel to have engaged in acts of professional misconduct, including sexual abuse.

5. As a result of the misconduct findings a penalty hearing proceeded on May 19, 2023. By decision dated June 6, 2023 the Panel had made several orders in relation to the 2020 Allegations, including revocation of Mr. Egal's certificate of registration with the College.

6. In light of the outcome of the 2020 Allegations and other factors to be considered, including the reasonable allocation of the College's resources and the expected toll of a hearing on witnesses, it is not in the public interest in the circumstances to proceed with a hearing and adjudicate the allegations referred on August 4, 2022.

7. Mr. Egal's registration has been revoked. He is not authorized to practise in Ontario, to use the restricted title of social worker and is prohibited from re-applying to the College for registration for a minimum period of five years.

8. To the College's knowledge, Mr. Egal is no longer a resident in Canada.

9. While the complainant's consent is not required, "XX" is supportive of the College seeking a stay of these proceedings in the circumstances.

10. Section 22(1) of the *Social Work and Social Service Work Act 1998* requires the Registrar to maintain a public register containing, among other things, information prescribed by the College's by-laws. This includes a notation of the fact of the referral and a notation of the result from that referral, including any findings made of misconduct, as required by section 25.04(g.5) of By-Law 1.

11. The public interest, including the interests of transparency, has been served by posting the outcome of the 2020 Allegations on the public register, as was required.

12. If the outstanding referral against Mr. Egal is disposed of by the Panel by way of a stay, the Registrar would also be required to post that information on the public register, along with the Panel's reasons for the stay in accordance with section 25.04(g.5) of By-Law 1.

13. The authorities relied on by the College include Rules 1.2, 1.4, 2, 5, and 8 of the *Rules of Procedure of the Discipline Committee* and section 26(1) and 28(7) of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, c.31.

[7] In support of its motion, the College filed an affidavit by the Director, Complaints and Discipline at the College, sworn July 14, 2023. That affidavit contained the Notice of Hearing for the within matter as well as both the Misconduct Decision on the 2020 Allegations and the Penalty Order against Mr. Egal which was made further to the 2020 Allegations.

### **Decision of the Panel**

[8] After hearing the submissions of counsel and reviewing the motion materials, the Panel granted the College's motion before the conclusion of the hearing with reasons for its decision to follow. These are the Panel's reasons for granting the College's motion.

### **Reasons for Decision**

[9] Taking all circumstances into account, the motion by the College is entirely reasonable and the Panel has no difficulty in granting it. In reaching its decision, the Panel took into account the public interest, the interests of the complainant, and prudent use of resources.

[10] On August 4, 2022, the within allegations against Mr. Egal were referred to the Discipline Committee for a hearing. These allegations arose from a complaint by a former client of Mr. Egal whom reported that he had sexually abused her. Mr. Egal was a registrant of the College when these allegations were made and referred to discipline. At that same time, a decision was pending from the Discipline Committee in relation to prior allegations of misconduct against Mr. Egal

involving three other clients. Those other allegations are referred to in the motion materials as the “2020 Allegations”. The 2020 Allegations also involved complaints of sexual abuse.

[11] On December 16, 2022 the Discipline Committee released its decision on the 2020 Allegations and found Mr. Egal engaged in acts of professional misconduct, including sexual abuse. A penalty hearing took place on May 19, 2023.

[12] By decision dated June 6, 2023, the panel had made several orders in relation to the 2020 Allegations, including directing revocation of Mr. Egal’s registration with the College. Thus, Mr. Egal can no longer practise as a social worker in Ontario. As of the date of these proceedings, Mr. Egal is no longer a registrant with the College. The fact that Mr. Egal’s registration has already been revoked renders additional proceedings unnecessary as Mr. Egal cannot be revoked again.

[13] The issue before the Panel is ultimately whether it is satisfied that the public interest regarding the current allegations has already been served by way of the misconduct findings and penalty order already made against Mr. Egal on the 2020 Allegations.

[14] The Panel agrees that the revocation of Mr. Egal’s registration protects the public from Mr. Egal being able to hold himself out as a social worker or provide services as a member of the College. The Panel is also mindful of the evidence filed by the College indicating that Mr. Egal no longer resides in Canada.

[15] The Panel recognizes the evidence filed by the College which states that the complainant is supportive of the motion to stay these proceedings. Although the complainant does not need to consent to the College’s motion, the Panel takes this opportunity to note that when considering allegations as serious as the ones before it, any objection from a complainant would be afforded weight.

[16] On the evidence before it, the Panel is satisfied that the public interest in the College’s ability to discipline Mr. Egal has been served. The public interest does not require this matter to proceed in circumstances where the respondent has already been revoked.

[17] In addition to the findings above, the Panel notes that continuing with these proceedings would be an imprudent use of College resources in these specific circumstances. Put differently, this prosecution would be unable to achieve anything more in terms of public protection than what has already been achieved. In this regard, the Panel notes that the order relating to the 2020 Allegations also includes a substantial outstanding cost award of \$100,000. In this instance, the

Panel agrees that College resources are better spent addressing complaints involving current practitioners rather than former practitioners with no current right to practise.

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

Date: August 7, 2023

Signed:

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Charlene Crews, Chair  
Sandie Sidsworth  
Chisanga Chekwe