



On August 3, 2022 allegations of the Member's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. Please see the Notice of Hearing below:

**ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS**

IN THE MATTER OF Sections 26 and 28 of the *Social Work and Social Service Work Act, 1998, S.O. 1998, Chapter 31;*

AND IN THE MATTER OF a hearing directed to be held by the Discipline Committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act, 1998;*

AND IN THE MATTER OF allegations respecting the professional conduct of Joseph Pinckney, a Social Worker and suspended member of the said College;

NOTICE OF HEARING

TAKE NOTICE that a hearing will take place on a date to be fixed by the Registrar at the hour of 9:30 o'clock in the forenoon (or as soon after that time as a panel can be convened for the purpose of conducting the hearing) at the Board Room of the Ontario College of Social Workers and Social Service Workers, 250 Bloor Street East, Suite 1000, Toronto, Ontario before the Discipline Committee of the Ontario College of Social Workers and Social Service Workers. The hearing will be held pursuant to the provisions of sections 26 and 28 of the *Social Work and Social Service Work Act, 1998* (the "Act") and pursuant to the Regulations made thereunder, for the purpose of hearing and determining allegations of professional misconduct against you, Joseph Pinckney, which allegations were referred to the Discipline Committee pursuant to section 25(1) of the Act.

AND TAKE NOTICE that you are alleged to be guilty of professional misconduct within the meaning of section 26(2) of the Act in that you are alleged to have engaged in conduct that contravenes 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**")¹.

I. The following are particulars of the said allegations:

1. Now and 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**"). At all relevant times, you provided social work services to clients through your employment at Bridges Community Health Centre (the "**Facility**").
2. Between in or about January and November 2020, you provided social work services to "XX" and her four children. The services you provided to "XX" and her children included counselling services related to "XX"'s separation and divorce from her ex-husband.
3. During the period when "XX" was your client, you engaged in inappropriate communication, violated professional boundaries 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) Became "friends" with "XX" on Facebook;
 - (b) Exchanged personal cell phone numbers with "XX";
 - (c) Asked if "XX" and/or her daughter would perform some house cleaning for you and stating that you would compensate them and feed them in exchange;
 - (d) Had "XX" attend your home on at least one occasion;
 - (e) Invited "XX" to return to your home;
 - (f) Had a drink with "XX" socially;
 - (g) Exchanged numerous text messages with "XX" outside of office hours, including during the night;
 - (h) Sent "XX" messages that were personal, flirtatious, and/or unprofessional, including but not limited to by:

¹ 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.

- (i) Telling “XX” that she was beautiful, attractive, desirable, a “hell of a woman”, or words to that effect;
- (ii) Stating that “XX”’s feet were pretty and/or sexy;
- (iii) Inviting “XX” to spend time in your backyard;
- (iv) Inviting “XX” to use your hot tub and/or suggesting the two of you have a “pool day”;
- (v) Inviting “XX” to meet you for a drink;
- (vi) Suggesting that you and “XX” celebrate the sale of her home;
- (vii) Telling “XX” that your friend had sent you a joke involving a “dick pic” and that you were going to send it to her;
- (viii) Joking about harming and/or killing “XX”’s ex-husband;
- (ix) Suggesting and/or making arrangements to meet with “XX” socially after work and/or on the weekend;
- (x) Telling “XX” that you found her desirable, attractive, that you liked/loved her, that you had fallen for her, and/or that you saw things in her that only someone like you could love and appreciate;
- (xi) Telling “XX” that you felt the two of you had a connection;
- (xii) Asking “XX” if she liked you and/or found you attractive;
- (xiii) Asking “XX” if she was having a hard time processing her feelings for you;
- (xiv) Stating that the number of children “XX” had was not a “deal breaker” for you and/or suggesting that you were willing to get a bigger house to accommodate them; and/or
- (xv) Stating and/or implying that you wanted to be with “XX” sexually.

- 4. Your conduct caused “XX” to feel betrayed, given that you were someone she had gone to for help, trusted, and confided in.

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 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 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, 8.2.3, and 8.3) by:

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

(B) 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;

(C) failing to seek consultation/supervision and/or to develop an appropriate plan when you developed sexual feelings towards a client that could put the client at risk;

(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** by using information obtained during a professional relationship with a client or using 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.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

AND FURTHER TAKE NOTICE that the parties (including the College and you) shall be given the opportunity to examine before the hearing any documents that will be given in evidence at the hearing.

AND FURTHER TAKE NOTICE that at the said hearing, you are entitled to be present and to be represented by counsel.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THIS NOTICE OF HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING, AND MAY DEAL WITH THE ABOVE ALLEGATIONS AGAINST YOU, IN YOUR ABSENCE AND WITHOUT ANY FURTHER NOTICE TO YOU.

Dated at Toronto, the 4th day of August 2022.

By: _____
Registrar and CEO
Ontario College of Social Workers and Social Service Workers