



Ontario College of  
Social Workers and  
Social Service Workers

Ordre des travailleurs  
sociaux et des techniciens  
en travail social de l'Ontario

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On January 26, 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 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**")<sup>1</sup>.

**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**").

**ALLEGATIONS IN RESPECT OF [X.X.]**

2. Between in or about December 2017 and November 2020, you provided social work services to [X.X.] The services you provided to [X.X.] included counselling services.
3. [X.X.] disclosed that she had a drug addiction, a history of sexual abuse, and past suicidal ideation.
4. During your sessions with [X.X.], you discussed yourself, your life, and/or your issues in a manner that you knew or ought reasonably to have known would not benefit [X.X.], amounted to ineffective and/or improper counselling, and/or that violated professional boundaries, including by:

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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.

- (a) Discussing yourself and/or your own personal matters for a disproportionate amount of time;
  - (b) Redirecting the conversation to yourself instead of issues raised by [X.X.];
  - (c) Engaging in inappropriate and/or unnecessary self-disclosure, including but not limited to the following:
    - (i) Providing details of your marriage and your marital problems;
    - (ii) Stating that you and your wife were splitting up;
    - (iii) Discussing your immediate and extended family and/or planned get-togethers or activities you would do with family and your children;
    - (iv) Stating that you were single;
    - (v) Stating that you had purchased the home from your wife;
    - (vi) Stating that you had a previous workplace injury and/or an injured back;
    - (vii) Discussing your hunting and/or ice fishing experience, and/or your plans to engage in these activities; and/or
    - (viii) Discussing your plans to have a beer.
5. By virtue of the conduct described in paragraph 4 above, you failed to appropriately focus on the issues for which [X.X.] was seeking counselling. As a result, [X.X.] did not feel that her concerns were being properly addressed.
6. During the period when [X.X.] was your client, you engaged in inappropriate communication, violated professional boundaries and/or engaged in behaviour or remarks of a sexual nature towards [X.X.] that were not of a clinical nature appropriate to the service provided. In particular, you:
- (a) Looked up [X.X.]’s phone number and began sending her text messages;
  - (b) Added [X.X.] as a “friend” on Facebook and exchanged messages with her via Facebook Messenger

- (c) Sent [X.X.] messages in the evening, late at night and/or in the early hours of the morning;
- (d) Sent [X.X.] messages that were personal, flirtatious, and/or unprofessional, including but not limited to by:
  - (i) Offering to go to [X.X.]’s home to conduct a counselling session;
  - (ii) Asking [X.X.] if she was “still using” and, when she indicated she was, asking if she would let you watch her use methamphetamine so that you could see the effect it had on her;
  - (iii) Stating that [X.X.] allowing you to watch her use methamphetamine would give you a better understanding of what it did and would make you a better social worker/counsellor;
  - (iv) Saying that you would pay for the methamphetamine if [X.X.] let you watch her take it;
  - (v) Inviting [X.X.] to drive to your home and indicating that if she did, you would give her money for methamphetamine, gas, and her time, and/or offering to go to [X.X.]’s house to give her money for drugs;
  - (vi) Offering to bring [X.X.] to your house and to give her some cocaine from your neighbour;
  - (vii) Stating that you were looking for someone to do some light housekeeping and asking [X.X.] if she would be interested;
  - (viii) Informing [X.X.] that you were and/or had been attracted to her, that she was a “lovely woman”, and/or that you were hoping she would be interested in you after you separated from your wife;
- (e) Told [X.X.] that she was a “beautiful woman”;
- (f) Told [X.X.] that you were going to be in her town and offering to drop by her house;
- (g) Gave [X.X.] money for gas; and/or

- (h) Messaged [X.X.] while you were under the influence of alcohol and/or drugs, and/or informed her that you had been drinking.
7. When [X.X.] told you that she was feeling uncomfortable and was considering getting another counsellor, you repeatedly messaged [X.X.] and attempted to encourage, coerce, and/or bribe her in exchange for her not reporting your behaviour to the Facility and/or the College, including but not limited to by:
- (a) Asking if [X.X.] was planning on ruining your career;
  - (b) Offering to give her a birthday gift of \$100 with “no strings attached”;
  - (c) Asking to have a conversation with [X.X.] before she did anything;
  - (d) Stating that you had children and that if [X.X.] did not report you, you would compensate her for your inappropriate actions and any harm you had caused;
  - (e) Offering to pay for her to see another therapist or for a drug treatment program of [X.X.]’s choice if she did not report you;
  - (f) Repeatedly suggesting that you and [X.X.] come to a mutual and beneficial agreement wherein you would give her money to pay off her debt in exchange for her agreement not to report your conduct and her deleting the messages between you; and/or
  - (g) Stating that [X.X.] had you “by the balls” and that you would do “just about anything” for her silence.
8. [X.X.] seriously considered your offer in light of her significant debt, but ultimately reported your conduct to the Facility.
9. When your superior(s) at the Facility spoke with you following [X.X.]’s report, you attempted to paint [X.X.] as someone who wanted money, was trying to blackmail you, and/or was trying to ruin your career.
10. When your superior(s) confronted you about [X.X.]’s allegations, you initially denied them. Only after your superior(s) informed you that they had proof of your conduct did you admit to it.
11. The Facility ultimately terminated your employment because of your conduct in respect of [X.X.]

## **ALLEGATIONS IN RESPECT OF [W.W.]**

12. [W.W.] began receiving counselling services from you in or about the spring of 2018. She sought counselling for anxiety/depression and for grief relating to the death of her partner. [W.W.] disclosed that she had been sexually abused as a child.
13. During one of [W.W.]'s early sessions, you provided her with your personal phone number and told her that she could text you any time.
14. During your sessions with [W.W.], you discussed yourself, your life, and/or your issues in a manner that you knew or ought reasonably to have known would not benefit [W.W.], amounted to ineffective and/or improper counselling, and/or that violated professional boundaries, including by:
  - (a) Discussing yourself and/or your own personal matters for a disproportionate amount of time;
  - (b) Redirecting the conversation to yourself instead of issues raised by [W.W.];
  - (c) Engaging in inappropriate and/or unnecessary self-disclosure, including but not limited to the following:
    - (i) Providing details of your marriage and/or your marital problems;
    - (ii) Stating that you had never met a woman who met all your needs;
    - (iii) Discussing your immediate and extended family and/or planned get-togethers or activities you would do with family and your children;
    - (iv) Stating that your house was being redone;
    - (v) Discussing your back injury; and/or
    - (vi) Discussing your hunting and/or ice fishing experience, and/or your plans to engage in these activities.
15. By virtue of the conduct described in paragraph 14 above, you failed to appropriately focus on the issues for which [W.W.] was seeking counselling.

As a result, [W.W.] did not feel that her concerns were being properly addressed, felt like she was having coffee with a friend, and/or felt like she was counselling you more than you were counselling her.

16. During the period when [W.W.] was your client, you engaged in inappropriate communication, violated professional boundaries and/or engaged in behaviour or remarks of a sexual nature towards [W.W.] that were not of a clinical nature appropriate to the service provided. In particular, you:
  - (a) Offered to try to find her a bicycle and/or to fix up a bicycle for her;
  - (b) Offered to help [W.W.] move into a new residence;
  - (c) Offered to take [W.W.] out for fish and chips on her birthday and/or indicated that you had taken other clients out for their birthdays, for dinner, or for coffee;
  - (d) Sent [W.W.] text messages late in the evening/night and/or in the early hours of the morning that were personal and/or unprofessional;
  - (e) On or about April 10, 2020, engaged in a text message exchange in which you made comments including but not limited to:
    - (i) That you had feelings for [W.W.];
    - (ii) That you found [W.W.] attractive in many ways;
    - (iii) That maybe you and [W.W.] should explore a relationship;
    - (iv) That you were not supposed to engage in a relationship with a client but that you wouldn't tell if she wouldn't;
    - (v) That you loved that [W.W.] did not wear a bra and expressing that you loved and/or enjoyed breasts;
    - (vi) Asking [W.W.] about her sexual preferences and/or disclosing information about your sexual preferences;
    - (vii) That sex could be great with the right person, and asking [W.W.] if she agreed;
    - (viii) That you had a lot of things on your "fuck bucket list" that you wanted to experience;

- (ix) That you were thinking about running your hands up and down [W.W.]’s body;
  - (x) Asking [W.W.] if she was aroused and/or asking her to describe how badly she “wanted” you;
  - (xi) In response to [W.W.]’s statement that the two of you should stop for the night, asking her if she really wanted you to stop or if she wanted you to come over; and/or
  - (xii) Sending [W.W.] a picture of your erect penis.
17. After the text message exchange that occurred on or about April 10, 2020, [W.W.] asked you to refer her to another counsellor.
18. You encouraged [W.W.] not to report your behaviour by asking her to keep your text messages between the two of you, and told her that you could lose your job.

#### **ALLEGATIONS IN RESPECT OF [Y.Y.]**

19. [Y.Y.] received counselling services from you between approximately February 2018 and November 2020. She was seeking counselling for various concerns, including but not limited to her involvement with a Children’s Aid Society and an abusive relationship.
20. [Y.Y.] disclosed to you that she had been a prostitute in the past, that she had been sexually abused as a child and teenager, and that she had been diagnosed with bipolar disorder and borderline personality disorder.
21. During the period when [Y.Y.] was seeing you for counselling services, you violated professional boundaries and/or sexually abused [Y.Y.] including but not limited to by:
- (a) Engaging in a romantic and sexual relationship with [Y.Y.] that included sexual intercourse;
  - (b) Dropping off food and clothes for [Y.Y.] and/or her children; and/or
  - (c) Conducting your counselling sessions with [Y.Y.] as if they were social interactions instead of a counselling relationship, which

resulted in [Y.Y.]’s sessions not being used effectively to focus on the issues for which she was seeking counselling.

22. Your conduct caused [Y.Y.] to fall in love with you and to believe that you were going to be in a relationship with her after you left your wife. However, you subsequently informed her that this was not going to happen because she had multiple children.
23. After your employment with Bridges was terminated, you continued to have contact with [Y.Y.]
24. [Y.Y.] was hurt and upset by your conduct, including by her discovery that you were involved with other women.

**ALLEGATIONS IN RESPECT OF [Z.Z.]**

25. [Z.Z.] received counselling services from you from in or about February 2018 to in or about November 2020.
26. During your sessions with [Z.Z.], you discussed yourself, your life, and/or your issues in a manner that you knew or ought reasonably to have known would not benefit [Z.Z.], amounted to ineffective and/or improper counselling, and/or that violated professional boundaries, including by:
  - (a) Discussing yourself and/or your own personal matters for a disproportionate amount of time;
  - (b) Redirecting the conversation to yourself instead of issues raised by [Z.Z.];
  - (c) Engaging in inappropriate and/or unnecessary self-disclosure, including but not limited to the following:
    - (i) Discussing your dog, your immediate and extended family and/or planned get-togethers or activities you would do with family and your children;
    - (ii) Discussing hunting with your family; and/or
    - (iii) Discussing the fact that you had to miss Thanksgiving.
27. By virtue of the conduct described in paragraph 26 above, you failed to appropriately focus on the issues for which [Z.Z.] was seeking counselling.

As a result, [Z.Z.] felt uncomfortable and/or that her concerns were not being properly addressed.

28. [Z.Z.] also learned of your sexual relationship with [Y.Y.] This caused [Z.Z.] to experience trust issues.

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

(ii) **Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, 2.2.2, 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) engaging in a sexual relationship with a client;

(D) 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;

- (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 Interpretations 3.2, 3.7, and 3.8) by:**
- (A) failing to deliver client services and/or respond to client queries, concerns, and/or complaints in a timely and reasonable manner;
  - (B) failing to assume full responsibility for demonstrating that a client was not exploited, coerced or manipulated, intentionally or unintentionally;
  - (C) providing services in a manner that did not conform to College standards and/or providing a service that you knew or ought reasonably to know is not likely to benefit the client;
- (iv) **Principle VIII of the Handbook (commented on in Interpretations 8.1, 8.2.1, 8.2.3, 8.6, and 8.7) by:**
- (A) failing to be solely responsible for ensuring that sexual misconduct did not occur;
  - (B) engaging in sexual intercourse or another form of physical sexual relations with a client;
  - (C) 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;
  - (D) engaging with sexual relations with a client at the time of referral, assessment, counselling, psychotherapy, or other professional services;
  - (E) engaging in sexual relations with a client to whom you provided psychotherapy and/or counselling;

- (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.