



On August 15, 2024 allegations of the Registrant'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 Emma Clarkson (Nee Fritz), a Social Worker and registrant with 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) electronically, in writing or in person 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 (to be confirmed). 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, Emma Clarkson (Nee Fritz), 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. You are, and were at all times relevant to these allegations, a registered social work member with the Ontario College of Social Workers and Social Service Workers (the "**College**").
2. At all material times, you were employed by [employer] ("**[employer]**") as a Transitional Case Manager in the Community Mental Health Programs ("**CMHP**") in [location], Ontario. In this role, you provided individuals discharged from the hospital with intensive short-term crisis management and support, among other things.
3. As a Transitional Case Manager, you provided social work and counselling services to Client A between approximately October 14, 2022, and May 30, 2023, at which time Client A was discharged from your care but remained a client of CMHP.
4. During and subsequent to the social worker-client relationship you failed meet the standards of the profession, failed to maintain appropriate boundaries, and engaged in an inappropriate personal and sexual relationship with Client A, which included:
  - a) Becoming aware that Client A had feelings for you and taking no steps to draw boundaries;

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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.

- b) Communicating with Client A on your personal phone, and through social media outside of work and for purposes unrelated to social work;
  - c) Engaging in inappropriate and/or romantic texts with Client A;
  - d) In or around May 13, 2023, transporting Client A in your personal vehicle to another city, outside of the Mission Services' boundary area, outside working hours;
  - e) Accepting gifts from Client A; and
  - f) Engaging in a sexual activity with Client A, including sexual intercourse.
5. When initially confronted by a peer about taking Client A to another city outside your working hours, you initially lied, suggesting, among other things, you had permission from your employer to do same.
  6. When it came to the attention of your employer that you had taken Client A to another city outside working hours without permission, you were dishonest with your employer, [employment], and denied the personal and sexual relationship you had with your client at that time.
  7. In an attempt to cover up your inappropriate relationship with Client A, you failed to follow [employer's] policies and procedures when admitting Client A's sister to the organization's programs and services. Having served Client A, you were not permitted to handle Client A's sister's intake.
  8. When your inappropriate and sexual relationship was reported to your employer by a colleague, you filed an unsubstantiated harassment complaint against your colleague, which was found to violate [employer's] Whistleblower Policy.
  9. On August 14, 2023, you were terminated for cause.

**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 **sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.5, 1.6 and 1.7)** by:
- i. by failing to be aware of your values, attitudes and needs and how these impact on your professional relationship with your client;
  - ii. by failing to distinguish your needs and interests from those of your clients and to ensure that, within professional relationships, your clients' needs and interests remained paramount; and
  - iii. by failing to maintain an awareness and consideration of the purpose, mandate and function of your organization and how these impact on and limit professional relationships with clients.
- (b) In that you violated **sections 2.2, 2.5, 2.6 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.1.5, 2.2, 2.2.1, 2.2.2, 2.2.3, 2.2.8)** by:
- i. failing to engage in the process of self-review and evaluation of your practice and seeking consultation when appropriate;
  - ii. failing to ensure clients are protected from an abuse of power, including sexual misconduct, during and after the provision of professional services and/or failing to establish and maintain clear and appropriate boundaries in a professional relationship;
  - iii. by 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 or former client

would be at risk; failing to evaluate professional relationships and other situations involving clients or former clients for potential conflicts of interest; failing to avoid conflicts of interest and/or dual relationship with clients that could impair your professional judgment or increase the risk of exploitation or harm to clients; failing to declare a conflict of interest and taking appropriate steps to address it and eliminate it;

- iv. by having sexual relations with a client;
- v. by using your professional position of authority to coerce, improperly influence, harass, abuse or exploit a client or former client;
- vi. by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work.

- (c) In that you violated **Sections 2.2 and 2.10 of the Professional Misconduct Regulation** and **Principle III of the Handbook (commented on in Interpretations 3.7)** by failing to assume full responsibility for demonstrating that the client has not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurs with the client;
- (d) In that you violated **Section 2.5 of the Professional Misconduct Regulation** by abusing a client sexually, verbally psychologically or emotionally, including sexually abusing a client withing the meaning of subsection 43(4) of the *Act*;
- (e) In that you violated **sections 2.2 and 2.5 of the Professional Misconduct Regulation** and **Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2.1, 8.2.2, 8.2.3, 8.3, 8.4, 8.6, 8.7)** by:

- i. failing to ensure that sexual misconduct did not occur;
- ii. by engaging in sexual intercourse or another form of physical sexual relations between yourself and your client and/or former client;
- iii. by engaging in touching, of a sexual nature, of your client and/or former client;
- iv. by engaging in behavior or remarks of a sexual nature towards your client and/or former client which were not of a clinical nature appropriate to the service provided;
- v. by developing sexual feelings towards your client and/or former client that could put the client and/or former client at risk, and failing to seek consultation/supervision or develop an appropriate plan;
- vi. by failing to clearly state to the client and/or former client that behavior of a sexual nature is inappropriate by virtue of the professional relationship; and
- vii. by engaging in sexual relations with your client and former client after having provided counselling and social work services to that client.

(f) 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 if the hearing is proposed to take place in writing, either of the parties (including the College and you) may, in accordance with the procedures set out in the *Statutory Powers Procedure Act*, RSO 1990, c S.22 (the “SPPA”) and the Discipline Committee’s Rules of Procedure, seek to require that the hearing be held electronically or orally by satisfying the Discipline Committee that there is good reason for not holding a written hearing.

AND FURTHER TAKE NOTICE that if the hearing is proposed to take place electronically, either of the parties (including the College and you) may, in accordance with the procedures set out in the SPPA and the Discipline Committee’s Rules of Procedure, seek to require that the hearing be held orally by satisfying the Discipline Committee that holding an electronic hearing is likely to cause the party significant prejudice.

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 16<sup>th</sup> day of August 2024.

By: \_\_\_\_\_

Registrar and CEO  
Ontario College of Social Workers and Social Service Workers