

SPRING 2022

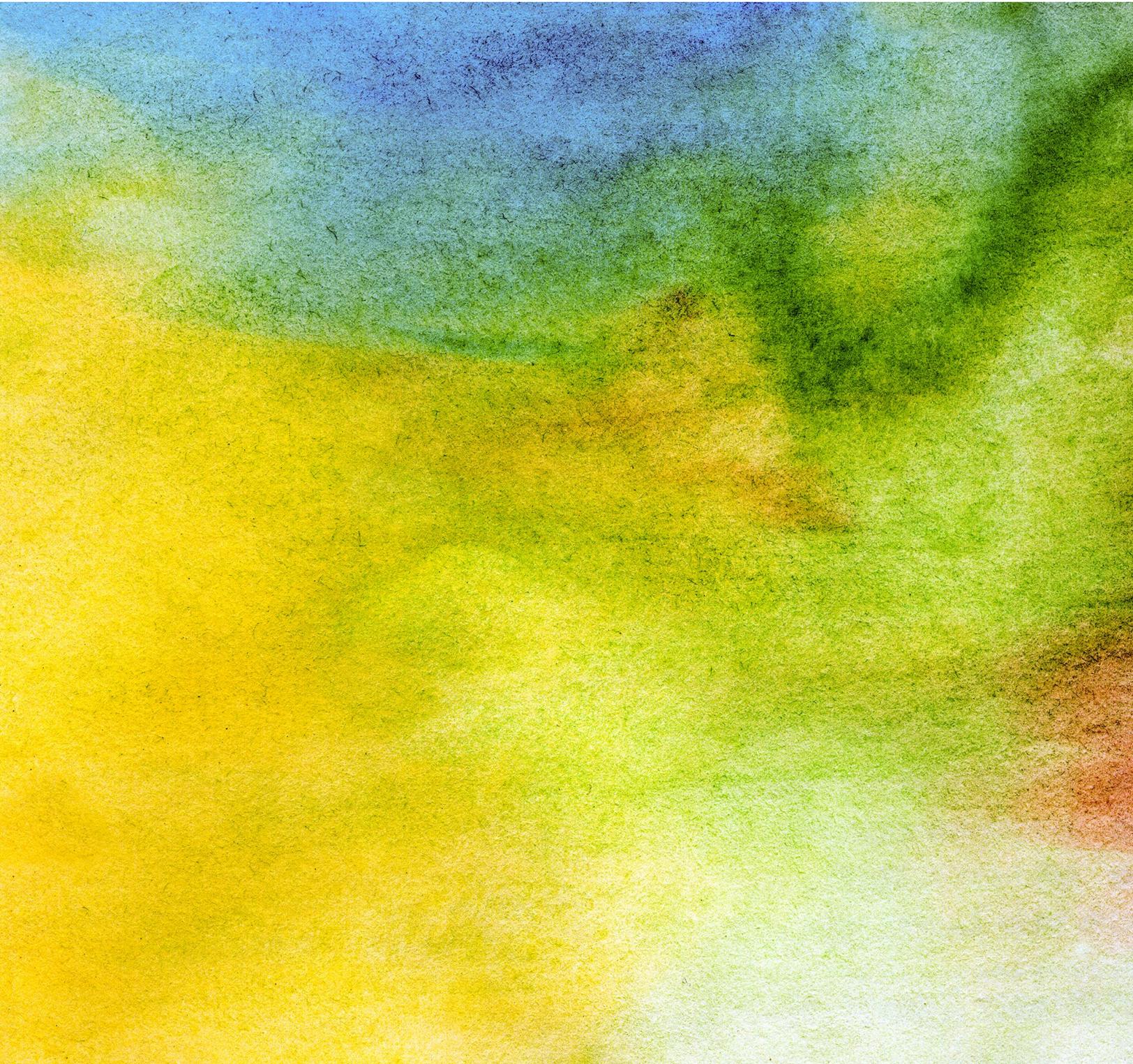
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# PERSPECTIVE

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A PUBLICATION OF THE ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS

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# MESSAGE FROM THE REGISTRAR AND CEO



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## INCREASING DIVERSITY, EQUITY AND INCLUSION AND THE IMPORTANT WORK AHEAD

Earlier this year, I had the pleasure of speaking with Dr. Carol Hopkins, RSW, the Chief Executive Officer of the Thunderbird Partnership Foundation, about the College's commitment to diversity, equity and inclusion as well as our Indigenous outreach efforts. My conversation with Carol was thought-provoking and inspiring, and led me to reflect further on the progress the College has made as an organization. I'd like to share some of it with you – our members – in this message.

Increasing diversity, equity and inclusion is a strategic priority in the College's 2020-2023 Strategic Plan. As part of this priority, the College seeks to develop partnerships with Indigenous communities to begin to implement the Truth and Reconciliation Commission of Canada's calls to action within the regulatory context. We recognize that forming these partnerships requires that we reflect critically upon our assumptions and examine how our policies, practices and processes may play a role in perpetuating systemic oppression.

We are very pleased to have Dr. Carol Hopkins as the keynote speaker for this year's Annual Meeting and Education Day (AMED) on June 10th, with a presentation focusing on Indigenous mental wellness.

Carol, who is of the Lenape Nation at Moraviantown and a renowned expert on Indigenous mental wellness, has spent more than 25 years in the field of First Nations substance use and mental health. I believe we will all benefit greatly from listening to Carol speak.

Over the past few years, we have prioritized the creation of resources focused on anti-racist and anti-oppressive social work and social service work practice. Most recently, we were fortunate to interview Cheryl McPherson, RSW, a Haudenosaunee woman, about ethical and competent responses to anti-Indigenous racism and other relevant subjects – from police involvement in mental wellness checks to land acknowledgements and more. This resource is presented in a spoken-word format inspired by the rich storytelling traditions of First Nation, Métis and Inuit peoples living in Canada. If you haven't done so already, I encourage you to [watch](#) our discussion with Cheryl.

We recognize that social workers and social service workers serve diverse communities across Ontario. As we have mentioned in previous communications, we are in the midst of conducting a comprehensive review of the College's Standards of Practice to help ensure that the professional standards which guide members' practice are current, responsive and inclusive. The first phase of this review included a

consultative process with input from members from diverse backgrounds, including First Nations, Métis and Inuit communities. We believe that this work will ultimately lead to more inclusive Standards of Practice that are reflective of our members and the communities they serve. We look forward to sharing the next steps in the review process with you soon.

I must emphasize that there is much for the College to learn and unlearn in the area of diversity, equity and inclusion – and much work remains. However, with the warmer days ahead, I remain both determined and optimistic about what we can achieve.

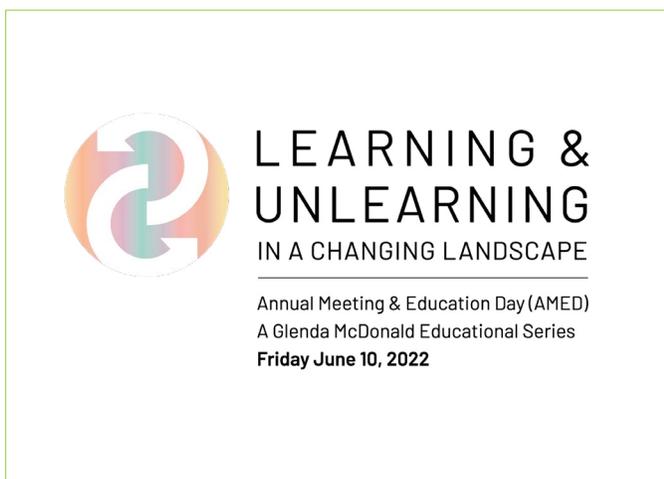
Before I end this message, I want to thank you for continuing to practise ethically and professionally, in service to your communities. These remain difficult and uncertain times for many, and we appreciate the work that you do!

Sincerely,

**Lise Betteridge**, MSW, RSW  
Registrar and CEO  
Ontario College of Social Workers and  
Social Service Workers

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## MARK YOUR CALENDARS! REMINDERS FOR MEMBERS



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### SAVE THE DATE FOR AMED 2022!

This year's Annual Meeting and Education Day (AMED) will take place entirely online via livestream on **Friday, June 10, 2022**. AMED is part of the Glenda McDonald Educational Series.

This year's theme is *Learning and Unlearning in a Changing Landscape*. The event will include a

keynote address by Dr. Carol Hopkins, RSW, and eight educational sessions that will take place throughout the day.

We encourage you to join us for this engaging virtual event. Registration for this year's event will open at the end of April.

For more information about the 2022 Annual Meeting and Education Day, please visit the AMED webpage or contact us at [amed@ocswssw.org](mailto:amed@ocswssw.org).

### GET READY TO VOTE! UPCOMING COUNCIL ELECTIONS

The election of Council members in Electoral District Nos. 1, 2 and 5 will take place on **Thursday May 26, 2022**. All College members who practise in [District Nos. 1, 2 and 5](#) are encouraged to participate in this important process.

For further information about Council elections, including the voting process, please visit the [College website](#) or contact Pat Lieberman at [plieberman@ocswssw.org](mailto:plieberman@ocswssw.org).

## WATCH COLLEGE COUNCIL MEETINGS ON YOUTUBE

You can now watch College Council meetings live on YouTube! Join us on **Thursday May 5th and Friday May 6th at 9:00 a.m. EST** and watch the next Council meeting as it unfolds in real-time.

The Council is the 21-member governing body and board of directors that manages and administers

College affairs. The policies developed by Council provide direction to the College and staff.

Council meetings are open to the public, and meeting dates and highlights are announced and published on the [College website](#). To request access to the YouTube livestream for our upcoming Council meetings on May 5 and 6, please email [oor@ocswssw.org](mailto:oor@ocswssw.org).

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# COLLEGE SEES NEARLY 60% INCREASE IN SEXUAL ABUSE-RELATED COMPLAINTS IN THE PAST TWO YEARS

## IMPORTANT CONSIDERATIONS TO ENSURE MEMBERS REMAIN COMPETENT AND PROFESSIONAL IN THEIR PRACTICE



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As the provincial regulator of social workers and social service workers, the College's mandate is to protect the public interest. The College fulfills this mandate in a number of ways, including through

its complaint and discipline processes. Everything that the College does comes down to safeguarding the public from unqualified, incompetent and unfit practitioners. As noted in an earlier [Perspective](#)

article, there is a growing trend of sexual abuse-related complaints against College members – an alarming trend that has continued into 2022.

“We recognize that the COVID-19 pandemic has been difficult for College members both personally and professionally,” notes Richelle Samuel, Director of Complaints and Discipline. “Notwithstanding the cumulative and ongoing impact of the pandemic, a member’s professional obligations remain unchanged. When a client receives services from a social worker or social service worker, they are seeking help at a time when they are vulnerable. There is an inherent power imbalance in this relationship, and members can do real harm to their clients if they take advantage of this imbalance in any way, and especially through the violation of sexual boundaries.”

The College is reminding all members of their obligation to adhere to the Code of Ethics and Standards of Practice and is providing the following information and resources to help support members in practising ethically and professionally.

## IT’S OKAY IF YOU’RE NOT OKAY

All members must regularly undertake a process of critical self-review and self-reflection. This is especially important now, as there are risk factors associated with the pandemic that may be impacting a member’s competence.

Members must examine the context of their situation critically and evaluate whether the ongoing challenges of the pandemic are affecting their judgment. Through the critical self-review process, if a College member notes any areas of concern when evaluating their own practice and/or behaviour, they should speak to a manager, colleague or their doctor and step back from their practice so that they can seek the support they need. Members are also encouraged to check in with their peers and colleagues to see if they are experiencing challenges and offer support, as needed.

**Important note:** College members are required to file a report with the College if they have reasonable grounds to believe that another social worker or social service worker has sexually abused a client.

### Self-Review Questions

Members should evaluate their own practice and determine if they are:

- impacted by social isolation;
- struggling to manage their mental health;
- extremely stressed or feel overburdened on an ongoing basis;
- misusing substances; and/or
- not seeking the support they need.

If a member answers “yes” to any of these questions, they should speak with their manager, supervisor immediately, consider whether they need to step away from practice, and/or seek appropriate support.

### Self-Reflection Questions

Members should consider the following questions about client interactions:

- Am I serving my needs instead of the client’s?
- Would I be uncomfortable disclosing anything about my conduct with colleagues?
- Have I stopped documenting interactions with my client?
- Have I asked my client not to tell anyone about our interactions?

If a member answers “yes” to any of these questions, they may be blurring boundaries and should speak to a manager or supervisor as soon as possible.

## UPHOLDING ETHICAL AND PROFESSIONAL PRACTICE

Under the *Social Work and Social Service Work Act*, the College is legislated to develop and enforce professional standards which are applicable to all College members. Members are required to adhere to the Code of Ethics and Standards of Practice, which sets out the minimum standards of professional practice and conduct for members.

The College expects members to review the [Code of Ethics and Standards of Practice Handbook](#) at least annually and when they are facing a particular issue or dilemma. This will help to ensure they are applying their professional judgment while practising social work or social service work. In particular, the College advises members to note the following principles:

- **Code of Ethics, Principle 8:** A social worker or social service worker shall not provide social work or social service work services in a manner that discredits the profession of social work or social service work or diminishes the public's trust in either profession;
- **Standards of Practice, Principle I, Interpretation 1.5:** College members are aware of their values, attitudes and needs and how these impact on their professional relationships with clients;
- **Standards of Practice, Principle I, Interpretation 1.6:** College members distinguish their needs and interests from those of their clients to ensure that, within professional relationships, clients' needs and interests remain paramount;
- **Standards of Practice, Principle II, Interpretation 2.1.5:** As part of maintaining competence and acquiring skills in social work or social service work practice, College members engage in the process of self-review and evaluation of their practice and seek consultation when appropriate;
- **Standards of Practice, Principle II, Interpretation 2.2.6:** College members do not engage in the practice of social work or social service work,

- i. while under the influence of any substance, or
- ii. while suffering from illness or dysfunction, which the member knows or ought reasonably to know impairs the member's ability to practise; and

- **Standards of Practice, Principle VIII:** College members are solely responsible for ensuring that sexual misconduct does not occur.

The College maintains rigorous complaints and discipline processes and investigates reports and complaints made by the public regarding a member's alleged conduct. Violating professional boundaries and engaging in sexual abuse is an extremely serious form of professional misconduct that can result in penalties up to and including the revocation of a member's certificate of registration with the College.

## PRACTICE RESOURCES

The following College resources are meant to provide further support and guidance to ensure that members are practising ethically and professionally.

- [Spring 2021 issue of Perspective: College Sees Uptick in Sexual Abuse-Related Complaints](#)
- [Practice Notes: The Slippery Slope to Sexual Misconduct: Be Informed, Be Aware](#)
- [Practice Notes: Dual Relationships: Ensuring Clients' Best Interests Are Paramount](#)
- [Practice Notes: Boundary Violations](#)
- [Practice Notes: "But How Do I Know If I'm Competent?" – Issues to Consider](#)
- [Mandatory Reporting Guide](#)
- [The Code of Ethics and Standards of Practice Handbook](#)

## A REMINDER ABOUT PROFESSIONAL OBLIGATIONS

The alarming rise in sexual abuse-related complaints must be stopped. College members must remember their ethical and professional obligations.

“All forms of sexual behaviour between a client and member are prohibited,” says Samuel. “Because of the inherent power imbalance in the relationship between members and their clients, there can never be true consent for sexual behaviour – even if the client ‘agrees’ to sexual contact.”

College members with any practice-related questions can contact the Professional Practice Department at [practice@ocswssw.org](mailto:practice@ocswssw.org).

College members who feel the need to report themselves or other College members for suspected sexual abuse can contact the Complaints and Discipline Department at [investigations@ocswssw.org](mailto:investigations@ocswssw.org).

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# COUNCIL MEETING HIGHLIGHTS FOR DECEMBER 1-2, 2021



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### December 1, 2021

- Mukesh Kowlessar, RSSW, President, provided his report to Council.
- Lise Betteridge, RSW, Registrar and CEO, and Denitha Breau, Deputy Registrar, presented their report to Council. The report provided updates under each strategic priority in the College’s

Strategic Plan and included information about the following: the College’s annual renewal for 2022; an operational update on registration and equivalency; the College’s IT initiatives, including prioritizing the digitization of College processes; the Professional Practice Department’s ongoing practice support and the upcoming video resource on ethical and competent responses to anti-Indigenous racism; the College’s ongoing

communication initiatives including the results of a public awareness campaign benchmark survey results and the redesign of the College's website; the ASWB entry-to-practice exams and how they relate to issues of diversity, equity and inclusion; and complaints and discipline.

- Council reviewed the Statement of Financial Position as of September 2021.
- Council reviewed the Statement of Operations for September 2021.
- Council reviewed and approved the 2022 Budget and Work Plan.
- Council approved the appointment of Crowe Soberman LLP as the College's auditors for the year ending December 31, 2021.
- Council reviewed and approved proposed revisions to the Conflict of Interest Policy.
- Reports were received from the following non-statutory committees: Standards of Practice; Election; Nominating; Finance; Governance; Corporations; and Titles and Designations.

### **December 2, 2021**

- Council reviewed a list of proposed topics for upcoming Council education sessions.

- Council reviewed and approved the revised Language Proficiency Policy, which addresses one of the requirements of the College's registration process.
- Council reviewed a summary of the College's 2021 Annual Meeting and Education Day (AMED) and recommended next steps for AMED 2022.
- Council reviewed and approved the proposed recommendations to Council from the DEI Task Group regarding the collection of race-based and other demographic data from members on a voluntary basis, as part of the College's annual renewal process.
- Council reviewed and approved the draft Appendix to the *Practice Guidelines for Medication Practices* on the administration of Naloxone recommended by the Standards of Practice Committee, subject to a final review by staff to consider the need for additional wording around documentation.
- Council reviewed a summary report about the College's 2021 Educational Forum.
- Reports were received from the following statutory committees: Executive; Complaints; Discipline; Registration Appeals; and Fitness to Practise.

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# COUNCIL MEETING HIGHLIGHTS FOR MARCH 2, 2022



- Mukesh Kowlessar, RSSW, President, provided his report to Council, which included an update about Council's upcoming governance training and review project launched by the Governance Working Group.
- Lise Betteridge, RSW, Registrar and CEO, and Denitha Breau, Deputy Registrar, presented their report to Council. The report provided updates under each strategic priority in the College's Strategic Plan and included information about the following: the College's 2022 renewal season and new member registrations; equivalency applications; staffing updates, including technology improvements to support staff operations; the role of the Professional Practice Department in upholding ethical professional practice, including the new practice resource on ethical and competent responses to anti-Indigenous racism; the College's ongoing communication initiatives, including the ongoing public awareness campaign, the College website and the upcoming Annual Meeting and Education Day; stakeholder and government relations; the Complaints and Discipline Department; and an operational update on the College's Return to Office Plan.
- Council reviewed the Statement of Financial Position as of December 2021.
- Council reviewed the Statement of Operations as of December 2021.
- Reports were received from the following statutory committees: Executive; Complaints; Discipline; Registration Appeals; and Fitness to Practise.
- Council reviewed updates to the College's Risk Register.
- Council reviewed and approved the Governance Committee's recommended amendments to Bylaw No. 1 to include the National Day for Truth and Reconciliation to the list of holidays.
- Council reviewed the Governance Committee's Council Evaluation Policy and Evaluation Template and the December Council meeting Evaluation Survey results.

- Council approved in principle the course of action laid out in the proposed Action Plan to Increase Engagement with Indigenous Communities recommended by the DEI Task Group, referred to the DEI Task Group further work on the creation of an appropriate Indigenous/FNMI task group, reference/advisory group or committee, and recommended that advice from the governance consultants be sought on this matter.
- Council approved a motion that the executive summary and full report from the consultants for Phase 1 of the review of the Standards of Practice be provided to Council following review by the Standards of Practice Committee.
- Reports were received from the following non-statutory committees: Standards of Practice; Election; Nominating; Finance; Governance; Corporations; and Titles and Designations.



IMAGE: College Council members participate in a governance training session on March 25, 2022. This session was part of Council’s governance training and review project launched in the fall.

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# PRACTICE NOTES

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## NAVIGATING CONFLICTS OF INTEREST

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# NAVIGATING CONFLICTS OF INTEREST



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BY CHRISTINA VAN SICKLE, MSW, RSW,  
DIRECTOR, PROFESSIONAL PRACTICE

*Practice Notes is an educational tool designed to help Ontario social workers, social service workers, employers and members of the public gain a better understanding of recurring issues dealt with by the Professional Practice Department and the Complaints Committee that may affect everyday practice. The Practice Notes offer general guidance only and College members with specific practice inquiries should consult the College, since the relevant standards and appropriate course of action will vary depending on the situation.*

Conflicts of interest can arise in any profession but given the nature of service provided by social workers and social service workers, it is critical that any conflicts of interest are dealt with swiftly and ethically. By doing so, members are keeping their clients' best

interests at the forefront and upholding the College's Standards of Practice.

The College's Professional Practice Department regularly receives inquiries from members who wonder whether they are engaged in a conflict of interest with an existing or prospective client. As each member's situation is unique and nuanced, College staff are not always able to provide a definitive answer as to whether a conflict of interest exists. Instead, the College provides direction to its members in the form of resources, including these Practice Notes, which they can refer to when faced with potential conflicts of interest.

## IDENTIFYING A CONFLICT OF INTEREST

Social work scholar Frederic Reamer wrote that "conflicts of interest occur when a social worker's [or social service worker's] services to, or relationship with a client is compromised, or might be

compromised, because of decisions in relation to another client, a colleague, herself or himself, or some other third party.”<sup>1</sup>

Further to this, The Standards of Practice define a conflict of interest as the following:

“Conflict of Interest” is defined as a situation in which a member has a personal, financial or other professional interest or obligation which gives rise to a reasonable apprehension that the interest or obligation may influence the member in the exercise of his or her professional responsibilities.

**Actual** influence is not required for a conflict of interest situation to exist. It is sufficient if there is a **reasonable apprehension** that there **may** be such influence.

One of the hallmarks of a conflict of interest situation is that a reasonable person, informed of all of the circumstances, would have a reasonable apprehension (in the sense of reasonable expectation or concern) that the interest might influence the member. The influence need not be actual but may simply be perceived. However, a mere possibility or suspicion of influence is not sufficient to give rise to a conflict of interest. The interest must be significant enough to give rise to a “reasonable apprehension” that the personal, financial or other professional interest may influence the member in the performance of his or her professional responsibilities.<sup>2</sup>

The definition in the Standards of Practice requires that members reflect broadly upon their practice and consider the perspectives of others. Members must also critically examine the context of their situation and evaluate whether any personal, financial or other professional interests or obligations may be affecting their judgment.

If a member answers “yes” to any of the following reflective questions, they may be facing a conflict of interest:

- Do I have a personal, financial or professional interest that could be influencing my professional judgment?
- Could someone reasonably perceive that I have a personal, financial or professional interest that may influence how I carry out my professional obligations?
- Would someone who is fully aware of this situation have a reasonable apprehension that I may put my own interests ahead of my client’s?

## THE DECISION-MAKING PROCESS

It can be challenging for members to remain objective when engaging in critical self-reflection; therefore, seeking the advice of a colleague, supervisor, manager or lawyer is strongly recommended when examining potential conflicts of interest.

It is also extremely important for members to document the evaluation process they used to determine whether or not a conflict of interest exists. Full documentation of all the efforts, evaluation and professional consultation that helped the member reach their decision should be kept as a formal record, in the event that they are required to review or explain their decision. This documentation should include the member’s responses to the reflective questions above, and reference to the College resources that they have considered.

When members are faced with challenging practice scenarios or ethical dilemmas, they are reminded to consult the Standards of Practice, which state that:

College members do not engage in professional relationships that constitute a conflict of interest or in situations in which members ought reasonably to have known that the client would be at risk in any way. College members do not provide a professional service to the client while the member is in a conflict of interest. College members achieve this by:

<sup>1</sup> Frederic Reamer, *The Social Work Ethics Casebook: Cases and Commentary* (Washington, DC: NASW Press, 2009).

<sup>2</sup> Ontario College of Social Workers and Social Service Workers (OCSWSSW), *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle II: Competence and Integrity, footnote 6.

- i. evaluating professional relationships and other situations involving clients or former clients for potential conflicts of interest and seeking consultation to assist in identifying and dealing with such potential conflicts of interest;
- ii. avoiding conflicts of interest and/or dual relationships<sup>3</sup> with clients or former clients, or with students, employees and supervisees, that could impair members' professional judgement or increase the risk of exploitation or harm to clients; and
- iii. if a conflict of interest situation does arise, declaring the conflict of interest and taking appropriate steps to address it and to eliminate the conflict.<sup>4</sup>

The following scenarios provide some examples of potential conflicts of interest and relevant reflective questions. These questions are not intended to be exhaustive, but rather to provide a framework for members to use when faced with similar dilemmas.

### SCENARIO 1 – STARTING A PRIVATE PRACTICE: SHOULD YOUR CLIENTS GO WITH YOU?

*For years, a member worked with several clients at a community agency that provided a range of support services. The member decided to leave the agency to start their own private practice; upon terminating with clients, the member was asked about why they were leaving the agency. Once they learned of the member's reason for departure, some clients asked if they could continue to work with the member at their private practice. The member thought that this would enhance continuity of care for their clients and decided to contact the Professional Practice Department to discuss further.*

The member was directed to the Standards of Practice which state that "College members do not solicit their employers' clients for private practice,"<sup>5</sup> but that "College members may accept referrals from their employers."<sup>6</sup> The member was unaware of whether they were permitted by their employer to accept agency clients into their private practice and had not yet discussed the situation with their manager. The member was encouraged to review their workplace policies and employment contract, and to discuss the matter with their supervisor or manager. As a result of the conversation with Professional Practice staff, the member realized that they may have been in breach of their workplace policies and/or contract, and/or in a conflict of interest had they accepted agency clients into their private practice.

During other practice consultations, members have stated that it would be unethical not to accept a client at their private practice because of the progress they had made with them; they have suggested that it was in the client's best interest to continue working together. Members should reflect upon whether their professional judgment is being impacted by their own self-interest. A scenario from the previous [Practice Notes: Private Practice – The Cost of Doing Business \("Avoiding Conflicts of Interest," page 2\)](#), directs members to consider whether accepting agency clients at their private practice is to support the needs of the client, or to fulfill their own personal, financial or professional interests.

Members have also suggested that if the client was the one to initiate the conversation about following a member to their private practice, this would not be a conflict of interest. Members are reminded that they

<sup>3</sup> "Dual Relationships" are defined in Principle II: Competence and Integrity, footnote 7 of the OCSWSSW Standards of Practice and discussed in [Practice Notes: Dual Relationships: Ensuring Clients Best Interests Are Paramount](#) and [Practice Notes: Dual Relationships: Approach with Caution](#).

<sup>4</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle II: Competence and Integrity, Interpretation 2.2.1.

<sup>5</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle III: Responsibility to Clients, Interpretation 3.3.

<sup>6</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle III: Responsibility to Clients, footnote 2.

must act ethically, regardless of a client’s expressed interest in working together, and the timing of this conversation. The Standards of Practice state that “College members distinguish their needs and interests from those of their clients to ensure that, within professional relationships, clients’ needs and interests remain paramount.”<sup>7</sup>

In this current scenario, the Professional Practice Department suggested that the member review the reflective questions below and the [ETHICS-A: Ethical Decision-Making Tool](#) to assist them in their decision-making process.

The member was asked to reflect on the following questions:

- Am I the only private practitioner who can help this client?
- Would this client benefit from working with another professional who has a different perspective?
- Does the client feel obligated to follow me to my private practice?
- Is the client trying to please me or are they otherwise demonstrating a strong attachment to me?
- Am I demonstrating a strong attachment toward my client?
- Am I considering taking on this client to boost my private practice roster of clients and/or to assist me financially?
- How will my colleagues or manager perceive me accepting agency clients into my private practice?

The member in this scenario initially thought that their inquiry was straightforward; they were surprised by the myriad of factors that they should

consider when facing a potential conflict of interest. The member stated that they would review their employment contract and discuss the matter with their manager. They also agreed to reflect further upon their motivation for taking clients from the agency to their private practice, and to discuss the reflective questions with trusted members of their professional network.

## SCENARIO 2 – WHEN CONFLICTS ARISE AT A BOARD MEETING

*A member, who sits on a board of directors, put forth a policy decision for the board’s consideration. Approval of the policy could significantly improve the member’s chances of receiving grant money for their research. When it came time to discuss the policy, the member (who was unfamiliar with rules of order and meeting protocols) did not recuse themselves from the conversation. The meeting quickly became tense, and several directors refused to discuss the matter any further while the member was present. The policy decision was postponed until a decision could be made about an appropriate process. Following the meeting, the member contacted the Professional Practice Department to discuss the situation.*

Conflicts of interest can arise for members in many situations — in volunteer positions or paid employment, and in direct or indirect practice. During the practice consultation, the member in this scenario was reminded that the Standards of Practice apply to “the breadth and scope of social work practice and social service work practice,”<sup>8</sup> which includes clinical and non-clinical practice.

The member was asked if the board had any policies, training or other information related to conflicts of interest. The member disclosed that they were absent from some board training, and while conflicts of interest had been discussed at past board meetings, they were not clear on what the procedures were once a potential conflict had been raised by a board member. Professional Practice staff noted that the Standards of Practice require College members to “maintain current knowledge of policies, legislation,

<sup>7</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle I: Relationship with Clients, Interpretation 1.6.

<sup>8</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Explanatory Note, page iv.

programs and issues related to the community, its institutions and services in their areas of practice.”<sup>9</sup> They encouraged the member to speak to the board chair to get clarification on meeting processes.

Professional Practice staff also reviewed the definition of a conflict of interest with the member and asked them to reflect on whether it could be perceived by the other board members that they were acting in their own self-interest by participating in the policy discussion. The member recognized that some board members may have thought that the member was acting in their own personal, financial or professional self-interest, but genuinely believed in the new policy and wanted to participate in the conversation. The member was reminded that, “[a]s part of maintaining competence and acquiring skills in social work or social service work practice, College members engage in the process of self-review and evaluation of their practice and seek consultation when appropriate.”<sup>10</sup>

The member was asked to reflect on the following questions:

- Could this policy decision directly impact me?
- Do I have a personal, professional or financial interest that could be influencing my decision making?
- Am I making excuses or rationalizing my decision not to recuse myself from the discussion?
- Am I overinvested in this process?
- Do others perceive that I am in a conflict of interest?

The member agreed that they felt personally invested in the proposed policy decision and that this could be impacting their objectivity. They decided to take a step back from the process to reflect further and,

when they were ready, to discuss the issue with the board chair.

## SCENARIO 3 & 4 – PROVIDING SERVICES TO FAMILY MEMBERS OF CLIENTS OR COLLEAGUES

*The responses to the following two scenarios have been grouped together because the reflective questions and processes that members might use when considering them are similar.*

*Scenario 3 – A member belongs to and works with an equity-deserving population. One of the member’s clients asked if the member could also work with their sibling. The member contacted the Professional Practice Department to discuss whether this was a conflict of interest.*

*Scenario 4 – A member who lives and works in rural Ontario was asked by a colleague to provide service to the colleague’s spouse. The member was uncertain about whether the situation presented a conflict of interest and called the Professional Practice Department for a practice consultation.*

In both scenarios, the members were advised to reflect on what their motivations were for taking on the new clients, as “[C]ollege members are aware of their values, attitudes and needs and how these impact on their professional relationships with clients.”<sup>11</sup> Members should be aware that they could be influenced by their personal desire to assist individuals from their own communities, and while this may be altruistic and understandable, it may be a sign that they should pause and reflect on the situation before making a decision. The members were also advised to review [Practice Notes: Boundary Violations \(Principle II, page 2\)](#) and [Practice Notes: Dual Relationships — Approach with Caution \(Scenario #1, page 1\)](#), which explore scenarios about members who considered working with a client’s sibling and a colleague’s spouse, respectively.

<sup>9</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle II: Competence and Integrity, Interpretation 2.1.3.

<sup>10</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle II: Competence and Integrity, Interpretation 2.1.5.

<sup>11</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle I: Relationship with Clients, Interpretation 1.5.

The Professional Practice Department suggests to members facing such scenarios to consider the following question: “are you the only practitioner who can serve this client?” If a member is practising in a well-populated area, there are often other service providers to whom the client can be referred. While it is occasionally the case that a member is the only professional who is able to provide service (perhaps due to geographic or other constraints), members are advised to consult widely within their network, to document thoroughly and to communicate their plan to all applicable parties in order to avoid any actual or perceived conflicts of interest.

The members in the scenarios above were asked to reflect on the following questions relating to the prospective client (referred to in the bullet points below as the “client”):

- Am I the only practitioner who can serve this client?
- Am I already familiar, because of my work with their sibling/spouse, with details about this client and might this influence my objectivity and/or my ability to effectively carry out my professional responsibilities?
- Is it possible that I already have information about this client that they may not have been willing to share with me?
- Is there a risk that I could unintentionally share information with the client and their sibling/spouse, thereby breaching client confidentiality?
- How will I manage the situation if the client tells me something that impacts my professional relationship or obligations to the sibling/spouse?
- What length of time has passed since I last worked with the sibling/spouse? Does this reduce any of the potential risks associated with working with the client?

The issues identified above demonstrate that working with the family member of a client or colleague can lead to actual or perceived conflicts of interest. While the arrangement may seem beneficial or convenient to both parties at first, it may present potential risks and may not be in the best interests of the new client. Additionally, the member may be (or perceived to be) motivated by self-interest if they decide to work with this individual. Members in these scenarios were encouraged to discuss the situation with their colleagues, manager or supervisor, and to consider obtaining legal consultation to help them determine the most prudent and ethical course of action.

## SCENARIO 5 – WHEN A CLIENT BECOMES YOUR COLLEAGUE

*A member consulted the Professional Practice Department to ask if a conflict of interest was created when a client was hired at the member’s agency — meaning the client was now also the member’s colleague. The member works for a social service agency that supports individuals with substance use issues, and the client was hired as a peer support worker. The member indicated that they had been asked to co-facilitate a group with their client and they were concerned about the potential conflict of interest and boundary issues that this situation could present.*

This situation is different from the previous scenarios because it was initiated by the member’s workplace; however, the member must still consider how their professional obligations to their client (and now colleague) will be influenced by their personal and professional interests and/or biases. The member is justified in their concerns about this new work arrangement because College members are required to “establish and maintain clear and appropriate boundaries in professional relationships for the protection of clients.”<sup>12</sup> Professional Practice staff recommended to the member that they review the [Practice Notes: Dual Relationships — Approach with Caution \(Scenario #2, page 2 and Scenario #4, page 3\)](#), which explores two scenarios in which a client becomes a member’s colleague and supervisee. In

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<sup>12</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle II: Competence and Integrity, Interpretation 2.2.

both scenarios, the member must navigate how to maintain professional boundaries.

The member in the current scenario also expressed concern over the client becoming more familiar with personal aspects of the member's life (as is common amongst colleagues) and felt that this familiarity may lead to a crossing of boundaries. Additionally, the member wondered how they should approach a situation in which information disclosed by the client within the therapeutic relationship with the member suggested that the client lacked the ability to provide safe and effective services as a peer support worker. The member questioned if they would be required to disclose the information to their manager or to human resources, and they were reminded that "[i]f there is a conflict between College standards of practice and a College member's work environment, the College member's obligation is to the "Ontario College of Social Workers and Social Service Workers Code of Ethics" and the "Standards of Practice Handbook." "<sup>13,14</sup>

The member realized that it was a conflict of interest to have both a therapeutic and collegial relationship with their client and understood that "College members do not engage in professional relationships that constitute a conflict of interest."<sup>15</sup> The member was struggling with how they should proceed, given that their manager did not share their viewpoint on the situation. Professional Practice staff encouraged the member to consider the following reflective questions, to document their responses and to share them with their manager.

- Am I the only practitioner who can serve this client?

- Is there another colleague who could co-facilitate the group with the peer support worker (client)?
- Could the peer support worker (client) be assigned to another group?
- How will I maintain appropriate personal boundaries in this situation?
- What direction do the College's Standards of Practice provide on conflicts of interest?
- How can I articulate to my organization that my primary professional responsibility is to my client and the College?
- What is the best way to communicate the conflict of interest to the peer support worker (client)?
- Could the peer support worker (client) be referred to another agency for service?

Following their call with the Professional Practice Department, the member decided to speak to the peer support worker (client) about the conflict of interest and to obtain their consent to discuss the situation with their manager. With client consent, the member would be in a position to meet with their manager to discuss the reflective questions above, document the results of the conversation and establish a plan as to how to move forward. This could include requesting a joint meeting with their manager and the peer support worker (client) to clearly explain the conflict of interest and to discuss how professional boundaries will be maintained, or to discuss with the peer support worker (client) the plan to refer them to another agency for service.

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<sup>13</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle II: Competence and Integrity, Interpretation 2.2.10.

<sup>14</sup> A social worker or social service worker shall advocate for workplace conditions and policies that are consistent with the Code of Ethics and Standards of Practice of the Ontario College of Social Workers and Social Service Workers. A social worker or social service worker will use professional judgement in determining how to advocate. Such advocacy may take the form of documenting concerns and discussing them with a supervisor or manager, or other key person in the organization.

<sup>15</sup> OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle II: Competence and Integrity, Interpretation 2.2.1.

## CONCLUSION

Conflicts of interest are often nuanced and complex. It can be very challenging for members to identify when self-interest is influencing the fulfillment of their professional responsibilities. Members must continually employ a process of self-reflection and consult with their professional network to

maintain objectivity when considering these issues. Conflicts of interest, whether actual or perceived, present potential risks to clients. This is one of the many reasons that College members must remain committed to professional and ethical practice.

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# DISCIPLINE DECISION SUMMARIES



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The College publishes summaries of decisions of the Discipline Committee and/or provides links to full-text, neutralized versions of its decisions. Information that is subject to a publication ban or that could reveal the identity of witnesses or clients, including the name of the facility, has been removed as necessary, or has been anonymized. As of January 2019, decisions are also available via the [Canadian Legal Information Institute](#) (CanLII).

By publishing decisions, the College endeavours to:

- Illustrate for social workers, social service workers and members of the public what does or does not constitute professional misconduct.
- Provide social workers and social service workers with direction about the College's Standards of Practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances.
- Implement the Discipline Committee's decision.
- Provide social workers, social service workers and members of the public with an understanding of the College's discipline process.

## SHERI ANNE ONGENA, #816287

The Discipline Committee of the Ontario College of Social Workers and Social Service Workers found that Sheri Anne Ongena is guilty of professional misconduct in that she violated sections 2.2, 2.5, 2.6, 2.10, 2.28, and 2.36 of O. Reg. 384/00 (Professional Misconduct) to the *Social Work and Social Service Work Act*, Principles I, II, III and VIII of the *Code*

*of Ethics and Standards of Practice Handbook* (Standards of Practice), and Interpretations 1.1, 1.5, 1.6, 2.2.1, 2.2.2, 2.2.3, 2.2.8, 3.7, 8.1, 8.2, 8.3, 8.4, 8.6, 8.7, and 8.8 of the College's Standards of Practice.

[Sheri Anne Ongena #816287 \(Discipline Decision Summary and Reasons and Written Reprimand\)](#)

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# FAQ: THE COLLEGE'S COMPLAINTS PROCESS



## FAQ

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What's involved in the Ontario College of Social Workers and Social Service Workers' complaints process and how long does it typically take?

As part of its duty to serve and protect the public interest, the College is required to have a formal complaints process, which gives members of the public the ability to have their complaint about a member's alleged conduct or actions submitted to the College's Complaints Committee. The process ensures fairness to both the individual making the complaint, called the "Complainant," and the College member who is the subject of the complaint.

### WHAT'S INVOLVED IN THE COMPLAINTS PROCESS?

Following the College's receipt of a complaint, the complaints process typically involves the following steps:

1. The Complainant can expect to receive communication from the College acknowledging receipt of the complaint and advising of the process that will follow.
2. The complaint is reviewed and assessed to determine if it meets the prescribed legal requirements to be investigated. The complainant may be contacted to clarify their complaint.
3. The member complained against is notified in writing of the College's receipt of a complaint and is provided with a copy of the complaint form or a written summary of the complaint and is given at least 35 days to provide the College with a written response to the complaint.
4. The College investigator will conduct an investigation into the matter, which includes gathering information about the issues raised in the complaint.
5. The information gathered by the investigator is put before the Complaints Committee, which carefully reviews the information to determine the appropriate regulatory response.
6. The Committee makes a decision, which may include taking no action with respect to the complaint, issuing a letter of concern to the

member complained against; requiring the member to appear before the Committee to be cautioned or referring the matter to the College's Fitness to Practise or Discipline Committees for a hearing.

The Complaints Committee considers all complaints made against members; however, in accordance with the College's governing legislation, **not all complaints are investigated**. The Committee uses its best efforts to dispose of a complaint within the timeframe suggested in the College's governing legislation. However, this is not always possible, and investigations may take longer than this timeframe.

### WHAT CAN DELAY AN INVESTIGATION?

- The receipt of large volumes of documentation. It is always best to err on the side of submitting less documentation than more as the investigator will contact a complainant to ask for any information that may be needed for the investigation.

- Lengthy allegations. It is best not to duplicate concerns and to limit concerns to those of the most importance.
- Adding additional information/allegations during the course of the investigation.
- Contacting witnesses.
- Requests for extensions from the member and/or complainant.
- Obtaining information from various sources

For more information about the College's complaints process, please visit our [website](#).

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# BULLETIN BOARD

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## CHANGE OF INFORMATION NOTIFICATION

If you change employers or move, please advise the College in writing within 30 days. The College is required to have the current business address of its members available to the public. Notification of change of address can be done by sending the new employer address to [info@ocswssw.org](mailto:info@ocswssw.org), faxed to 416-972-1512 or mailed to the College office address. In addition to providing your new address, please provide your old address and College registration number.

If you change your name, you must advise the College of both your former name(s) and your new name(s) in writing and include a copy of the change of name certificate or marriage certificate or other official government document for our records. The information may be sent by email to [info@ocswssw.org](mailto:info@ocswssw.org), or by fax to 416-972-1512 or by mail to the College office address.

If you wish to update your education, you must ask your academic institution to forward an official transcript with the institution seal and/or stamp directly to the OCSWSSW by regular mail or by email to [info@ocswssw.org](mailto:info@ocswssw.org).

## PARTICIPATION IN THE WORK OF THE COLLEGE

If you are interested in volunteering for one of the College's committees or task groups, please email [oor@ocswssw.org](mailto:oor@ocswssw.org) to receive an application form. The College welcomes all applications; however, the number of available positions for non-Council members is limited by the statutory committee requirements in the *Social Work and Social Service Work Act* as well as the bylaws and policies of the College.

## COUNCIL MEETINGS

Council meetings can now be viewed in real time via YouTube livestream. To view a Council meeting on YouTube, please email [oor@ocswssw.org](mailto:oor@ocswssw.org). Please visit the College's website for the dates and times of upcoming Council meetings.

## MISSION STATEMENT

The Ontario College of Social Workers and Social Service Workers protects the interest of the public by regulating the practice of social workers and social service workers and promoting ethical and professional practice.

## VISION STATEMENT

The Ontario College of Social Workers and Social Service Workers strives for organizational excellence in its mandate in order to: serve the public interest; regulate its members; and be accountable and accessible to the community.

*Perspective* is the official member publication of the Ontario College of Social Workers and Social Service Workers.

## HOW TO REACH US

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LinkedIn: [Ontario College of Social Workers and Social Service Workers](https://www.linkedin.com/OCSWSSW)

Instagram: [@ocswssw\\_otsttso](https://www.instagram.com/ocswssw_otsttso)

**Editor:** John Gilson

If you require this publication in an alternate format, contact the College at [communications@ocswssw.org](mailto:communications@ocswssw.org)

## WHO TO CONTACT AT THE COLLEGE

### MEMBERSHIP/ ADMINISTRATION

For general membership inquiries, please email: [info@ocswssw.org](mailto:info@ocswssw.org)

For renewal inquiries, please email: [renewals@ocswssw.org](mailto:renewals@ocswssw.org)

### OFFICE OF THE REGISTRAR

If you wish to contact the Office of the Registrar, or are seeking information related to the College Council, please email [oor@ocswssw.org](mailto:oor@ocswssw.org)

### PROFESSIONAL PRACTICE

For professional practice inquiries, please email: [practice@ocswssw.org](mailto:practice@ocswssw.org)

For inquiries related to the Continuing Competence Program (CCP), please email: [ccp@ocswssw.org](mailto:ccp@ocswssw.org)

### COMMUNICATIONS

For inquiries regarding the College's website, newsletter, Annual Report and other publications, please email: [communications@ocswssw.org](mailto:communications@ocswssw.org)

### REGISTRATION

For general registration inquiries, please email: [registration@ocswssw.org](mailto:registration@ocswssw.org)

If you are a graduate of a program not in social work or social service work and have a registration inquiry, please email: [equivalency@ocswssw.org](mailto:equivalency@ocswssw.org)

### COMPLAINTS AND DISCIPLINE

For information on complaints, discipline and mandatory reporting, please email: [investigations@ocswssw.org](mailto:investigations@ocswssw.org)

If you are aware of any individual who is illegally using a protected title and/or holding themselves out as a social worker or a social service worker, you may report this information to the College at [titleprotection@ocswssw.org](mailto:titleprotection@ocswssw.org)

