



Ontario College of
Social Workers and
Social Service Workers

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

On August 14, 2023, 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 Osaro Sylvester, 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, Osaro Sylvester, 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. At all relevant times, you were registered as a social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**").
2. From on or about January 3, 2012 to on or about June 2, 2022, you were employed by Peel Children's Aid Society ("**PCAS**") as a Child Protection Worker.
3. Between on or about March 1, 2023 and on or about March 2, 2023, you inappropriately searched and/or accessed confidential Child Protection Information Network ("**CPIN**") records on multiple occasions. Those improper searches and/or accesses included but were not limited to one or more searches and/or accesses related to:
 - a. The name of at least one relative and/or [redacted] two children (the "**Children**"); and
 - b. The name of another client of the Children's Aid Society.
4. In total, you accessed records that belonged to three different child protection agencies, resulting in privacy breaches relating to two to four different people. In addition, a number of your searches breached PCAS policies.
5. You had no legitimate employment reason to search for and/or access these records and/or did not have the necessary consent or authorization to do so. These searches and/or accesses violated the policies of PCAS and/or breached the *Child, Youth and Family Services Act, 2017*.
6. PCAS was required to report your conduct to the Information and Privacy Commissioner and to notify the clients whose records had been accessed.
7. On or about March 8, 2022, you attended [redacted] (the "**School**") where the Children were enrolled as students. You gained access to the School by representing yourself as a "social worker", an employee of the CAS, an employee of the PCAS, a child protection worker and/or as being from a "child protection agency".
8. While at the School you attempted to collect information about and/or to access the Children.
9. You had no employment purpose or other authorization to collect information about and/or to access the Children.

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.

10. On or about June 2, 2022, your employment at PCAS was terminated as a result of the conduct outlined above.

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 II of the Handbook (commented on in Interpretations 2.1.3 and 2.2.8)** by failing to maintain current knowledge of policies, legislation, programs and issues related to the community, its institutions and services in their areas of practice; by engaging in conduct that could reasonably be perceived as reflecting negatively on the professions of social work or social service work;
 - ii. **Principle III of the Handbook (commented on in Interpretation 3.7)** by failing to ensure that where a personal relationship does occur between the member and a client or former client, it is the member not the client or former client, who assumes full responsibility for demonstrating that the client or former client has not been exploited, coerced or manipulated, intentionally or unintentionally;
 - iii. **Principle IV of the Handbook (commented on in Interpretations 4.3.1)** by failing to manage records in a manner that protects client privacy and in accordance with any applicable privacy and other legislation, failing to comply with the requirements regarding access to client information including personal information in a record as set out in applicable privacy and other legislation, and/or failing to acquire and maintain an understanding of your employer's policies regarding access to information in a record;
 - iv. **Principle V of the Handbook (commented on in Interpretations 5.1 and 5.2)** by failing to respect the privacy of clients, failing to comply with applicable privacy and other legislation, and/or failing to acquire and maintain a thorough understanding of your employer's policies and practices relating to the management of client information;
- b) In that you violated **Section 2.3 of the Professional Misconduct Regulation** by doing anything to a client in the course of practising the profession in a situation in which consent is required by law, without such a consent;
- c) In that you violated **Section 2.29 of the Professional Misconduct Regulation** by contravening a federal, provincial or territorial law or a municipal by-law (namely, the *Child, Youth and Family Services Act, 2017*) where
- i. the purpose of the law or by-law is to protect public health, or
 - ii. the contravention is relevant to the member's suitability to practice; and/or
- d) 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 21st day of August, 2023.

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