



PERSPECTIVE

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BUILDING CAPACITY across the SPECTRUM

On June 9th, the College hosted its 2015 Annual Meeting and Education Day (AMED) at Toronto’s Metro Toronto Convention Centre. The theme of AMED 2015 was *Building Capacity across the Spectrum*, and the event featured a special tribute to Glenda McDonald, MSW, RSW, the College’s late founding Registrar and CEO.

This year’s AMED was a great success and had tremendous turnout, with more than 500 attendees. The AMED experience was further amplified online through a live webcast, which had 269 participants. For the first time, members could follow the event on Twitter.

During the event, attendees had plenty of opportunities for networking, engagement and learning.

“I really enjoyed the Annual Meeting and Education Day,” wrote an attendee in a follow-up survey. “The facility is always wonderful and most importantly easy to find. The lunch and networking is very good and I always take away valuable information... Thanks again for a very good day.”

Another attendee wrote, “It is the first time I attended the OCSWSSW Annual Meeting and I had a good time. Great experience. Looking forward to the next Annual Meeting.”

THE ANNUAL MEETING

Dr. Helena Jaczek, Ontario’s Minister of Community and Social Services, delivered the opening remarks during the morning portion of the event. She was followed by reports from College President Beatrice Traub-Werner, MSW, RSW and Acting Registrar Lise Betteridge, MSW, RSW as well as the auditor’s report. The President’s Report and Registrar’s Report can be found online at <http://bit.ly/2015presreport> and <http://bit.ly/2015Registrar>, respectively.

AMED 2015 was dedicated to Glenda McDonald, MSW, RSW, who passed away on May 25th. During a special tribute to Glenda, Lorie Shekter-Wolfson, MSW, RSW and Linda Jackson, MSW, RSW gave heartfelt remarks about their friend and colleague’s life and legacy. The College would like to thank members for their generous support and condolences following Glenda’s passing.

Elder law expert Laura Tamblyn Watts delivered an engaging keynote address at AMED 2015. In her address, *Living in the Grey Zone: Consent, Capacity and What Does the Law Say Anyway?*, Laura highlighted issues of consent and capacity and how these affect the professional lives of social workers and social service workers. Laura’s address was enormously popular, with 96% of attendees agreeing that the presentation was relevant and clearly presented. You can view Laura’s presentation at: <http://bit.ly/2015AMEDkeynote>.

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Dr. Helena Jaczek, Ontario's Minister of Community and Social Services

EDUCATIONAL SESSIONS

In the afternoon, AMED attendees were invited to participate in educational sessions that covered a wide range of important topics. Overall, the sessions were well received by participants. The College would like to thank all of our presenters for their informative presentations:

- Laura Tamblyn Watts, LLB, SJD cand.
Power of Attorney
- Deborah Filice, RSSW
Making a Difference in Housing and Homelessness Services
- Lisa Derencinovic, MSW, RSW
Unpacking Internalized Ableism: Counselling People with Vision Loss
- Andrew Mantulak, MSW, RSW
Ethics and Social Work Practice: A Case of Pediatric Transplantation
- Gwen Morgan, MSW, RSW and Larry Borins, MSW, RSW
Mindfulness Based Cognitive Therapy (MBCT)
- Lisa Pont, MSW, RSW
We Are All Connected: Working with Clients Who Overuse Technology
- Wendy Arscott, RSSW
Counselling Clients with Autism
- Nick Mulé, PhD, RSW
Public Policy and LGBTQ Populations: Social Work with Gender and Sexually Diverse People

The College would like to thank all participants, presenters and organizers for making AMED 2015 a successful event. We look forward to your participation at AMED 2016.

Proclamation of the *Psychotherapy Act, 2007*

Important update for OCSWSSW members who provide psychotherapy services and/or use the title “Psychotherapist”

On April 1, 2015, the Ontario College of Social Workers and Social Service Workers (OCSWSSW) learned that some of the long-awaited legislative changes concerning psychotherapy had been proclaimed into force. These developments affect members who practise psychotherapy and/or use the title “psychotherapist”, as well as those who wish to do so in future.

The government decided to proclaim into force most of the balance of the provisions of the *Psychotherapy Act*. These provisions:

- Create the new College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario (CRPO).
- Restrict the use of the titles “psychotherapist”, “registered psychotherapist” and “registered mental health therapist” to members of CRPO (among other things).

However, the government has **not at this time proclaimed into force** certain other provisions related to psychotherapy. These are:

- The provisions in the *Regulated Health Professions Act, 1991* (the “RHPA”) setting out the **controlled act of psychotherapy** and authorizing members of OCSWSSW to perform the controlled act of psychotherapy in compliance with the *Social Work and Social Service Work Act, 1998* (the “SWSSWA”), its regulations and bylaws.
- The provision in the SWSSWA permitting OCSWSSW members who are authorized to perform the controlled act of psychotherapy to use the title “psychotherapist”.

WHAT DOES THIS MEAN?

The delay in proclamation of these provisions has important implications for members of the OCSWSSW.

At this time, OCSWSSW members should note the following:

- OCSWSSW members **may continue to provide psychotherapy services** provided they are competent to do so.
- In addition to ensuring that they are familiar with the *Code of Ethics and Standards of Practice Handbook, Second Edition, 1998*, members should review the Practice Notes “‘But How Do I Know if I’m Competent’ – Issues to Consider” to ensure that they have considered and assessed their competence to provide psychotherapy services.
- Psychotherapy is not an entry-to-practice competency. Competent practice requires ongoing education and training, as well as regular supervision and consultation.
- Only members of the College of Registered Psychotherapists of Ontario (CRPO) are permitted to use the title “psychotherapist”, “registered psychotherapist” or “registered mental health therapist”.

The College continues to work with other colleges whose members will have access to the controlled act of psychotherapy and to communicate regularly with the government about this important issue.

For further information, please visit the Professional Practice page on the College website at www.ocswww.org or contact the Professional Practice Department at klanoue@ocswww.org.

Keeping Your Registration Current

A Professional Obligation

The *Social Work and Social Service Work Act, 1998* (the Act) and the registration regulation made under the Act (O. Reg. 383/00) permit the Registrar to suspend a member's certificate of registration for failure to pay fees, failure to provide required information and failure to comply with the Continuing Competence Program. Suspension of a member's certificate of registration in these circumstances is called an administrative suspension.

The Act and the registration regulation also permit the Registrar to revoke a certificate of registration, if an administrative suspension has been in effect for over two years.

Starting in the fall of 2015, the College will begin to revoke certificates of registration where an administrative suspension has been in effect for over two years. Persons whose certificate of registration has been suspended, whether they held a general or provisional certificate of registration, will be impacted by this process. Persons whose provisional certificate of registration has been suspended should review this article carefully, as the options for reapplying for membership after their provisional certificate of registration has been revoked may be limited.

When a certificate of registration is suspended or revoked, the College's online Public Register is updated with a notation indicating that the certificate of registration has been suspended or revoked, as the case may be. The Register is available on the College's website at <http://www.ocswssw.org/members/online-register/>

AVOIDING SUSPENSION AND REVOCATION

To avoid suspension and revocation of your certificate of registration, you should:

- Complete and sign the Annual Renewal of Registration form annually, and return it with payment of fees.

- Resign from the College by mailing, emailing or faxing a signed letter of resignation to the College. If a member resigns, a notation is made in the Register, indicating that the certificate is cancelled. This notation is different from a notation that would be made if the certificate has been suspended or revoked for non-payment of fees.

If your certificate of registration is revoked, you would be required to reapply to the College should you wish to become a member again. This means that you would be required to complete an application form, submit all of the required documentation, pay the prescribed fees, and meet the requirements for registration prescribed by the regulations, bylaws and policies in **existence at the time** that you reapply.

PROVISIONAL CERTIFICATES OF REGISTRATION

Persons with a suspended **provisional** certificate of registration may apply to have it reinstated. However, if a provisional certificate is revoked, they will be required to apply for a **general** certificate of registration in future because the window during which applicants could apply for the provisional category of registration has closed.

MEETING YOUR PROFESSIONAL OBLIGATIONS

Keeping your membership current is important. By doing so, you continue to enjoy uninterrupted benefits of membership. If your certificate of membership is suspended or revoked, you are no longer permitted to use any of the protected titles, or to represent or hold out, expressly or by implication, that you are a social worker/social service worker or registered social worker/registered social service worker.

College staff is always available to assist you. If you have any questions about how to avoid the suspension or revocation of your certificate of registration, please contact Paul Cucci, Membership Coordinator, at toll free telephone number, 1-877-828-9380, ext. 202, or Anne Vézina, Bilingual Membership Administrator, at ext. 211.

In Memoriam: Glenda McDonald

The College has been deeply impacted and very saddened by the loss of Glenda McDonald, our founding Registrar and CEO, who passed away on May 25, 2015.

Glenda will be greatly missed by her many friends and colleagues. Our thoughts continue to be with her family at this very difficult time.

Throughout her distinguished career, Glenda made an indelible mark on the social work and social service work professions in Ontario and beyond.

Glenda led the College through its creation and growth over the past 15 years. She was intensely passionate about

the organization's role and worked tirelessly to drive continuous improvement across all of our regulatory processes. In doing so, Glenda earned profound respect and forged strong relationships within the professions and with our many stakeholders.

Today and into the future, the College will stand as a testament to Glenda's professional legacy. Her vision and dedication helped position it as a leader in the regulatory community in Canada and internationally. Council and staff will continue to build on that solid foundation in Glenda's memory.

The College sincerely thanks its members for their heartfelt support and condolences during this difficult time.



Council Highlights for May 6 - 7, 2015

- Council reviewed the Statement of Financial Position as of March 2015, as well as the Statement of Operations for January to March 2015 and the memo regarding the Audited Financial Statements approved by the Executive Committee
- Council approved draft Bylaw No. 93, amending Bylaw No. 2 (Fees)
- Council approved draft Bylaw No. 94, amending Bylaw No. 66 (Standards of Practice)
- Council approved draft Bylaw No. 95, amending Bylaw No. 1 (Psychotherapy Services)
- Council discussed the proposed Complaint Form and Complaints Brochure, and approved draft amendments to Article 24, College Bylaw No. 1
- Council discussed the Council Evaluation Policy
- Council discussed the possibility of conducting a regulatory performance review; it was decided that Council may revisit this option as part of the strategic planning process
- After some discussion, Council decided to pursue amendments to the Registration Regulation which would create a retired social worker and retired social service worker category of membership
- Council approved amendments to the Language Proficiency Policy
- Council discussed and approved funding the Ontario Social Service Worker Educator Association Conference
- Reports were received from the following statutory and non-statutory committees: Complaints, Discipline, Fitness to Practise, Registration Appeals, Standards of Practice, Election, Nominating, Finance, Corporations, Titles and Designations, and Governance
- Council discussed and approved the Policy B-019 (Evaluation Policy)
- Council was updated on progress to date with respect to the task group on social work equivalency
- Council discussed the Professional Development Fund Pilot Project
- Professional development reports were shared by Judy Gardner, RSSW and Déirdre Smith, Public Member



2015 Election Results for Electoral District No. 4

The following are the results of the election of members of the College to the Council, which took place on May 28, 2015 in Electoral District No. 4. The results of this election process are now final as the College did not receive a request for a recount prior to June 12, 2015. The following candidates are declared elected by the Election Committee.

SOCIAL SERVICE WORKERS

As the number of candidates nominated for the following social service work category was equal to the number of candidates to be elected in that category, the following members of the College in the social service work category were elected by acclamation:

- Mary Long: Electoral District No. 4
- Jennifer Hamilton: Electoral District No. 4

SOCIAL WORKERS

The following members of the College are the candidates who received the greatest number of votes in the election in the social work category:

- Thomas Horn: Electoral District No. 4
- Henk Van Dooren (see In Memoriam message, page 11) who has been replaced by Donald Pantone, the social worker with the next highest number of votes in Electoral District No. 4

The College thanks all members who stood for election and congratulates those members who received the greatest number of votes or who were acclaimed in each membership category.

Council Highlights for September 10 – 11, 2015

- The following Council members were elected by Council to the Executive Committee:
 - Bob Thompson, RSW – President**
 - David Hodgson, Public Member – Vice-President**
 - Greg Clarke, RSSW – Vice-President**
 - Beatrice Traub-Werner, RSW – Executive Member**
 - Gary Cockman, RSSW – Executive Member**
 - Lily Oddie, Public Member – Executive Member**
- Finance training was provided to Council by Soberman LLP
- Council received an educational presentation on the role of the Executive Committee
- The Registrar presented her report to Council, including current registration numbers and details regarding the Educational Forums, the CCP and membership, and renewals
- Beatrice Traub-Werner, past President of Council, presented the President's report
- Council reviewed the evaluation results from the 2015 Annual Meeting and Education Day (AMED)
- Council approved a recommendation to name the Education Day portion of AMED and the regional Educational Forums in memory of Glenda McDonald, the College's first Registrar
- Council received an update on the public awareness campaign
- Council approved the recommendations of the Nominating Committee respecting the composition and chairmanship of statutory and non-statutory committees
- Council discussed the mandatory training for Council members, as well as the appointment of mentors
- Council received an update on the Professional Development Fund
- Council reviewed and approved Draft Bylaw 97 – amending Bylaw 1
- Council approved the amendments to the Governance Policy Item B – 023
- Proposed schedule of Council meeting dates was approved for 2015-2016
- Council reviewed the financial reports as of July 31, 2015
- Council reviewed the 2016 Budget – Draft Workplan
- Reports were received from the following statutory and non-statutory committees: Complaints, Discipline, Registration Appeals, Fitness to Practise, Standards of Practice, Election, Nominating, Finance, Corporations, Titles and Designations, and Governance

Appointment of New Registrar and CEO

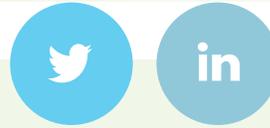


The College Council is pleased to announce the appointment of Lise Betteridge as Registrar and CEO of the College, effective September 1, 2015.

Lise has been the Acting Registrar since November 2014 and has had full responsibility for College operations for the past 10 months. During this time, she has managed the College with steadfast dedication. Lise has been an integral part of the team for over five-and-a-half years. She has demonstrated a strong commitment to serve and protect the public of Ontario and to support our members to enhance their ability to provide high-quality services to their clients.

Lise is a registered social worker who holds a Masters of Social Work degree from the University of Toronto. Since joining the staff of the College in 2010, Lise has held progressively senior leadership positions and was a vital part of some of the College's major initiatives, including preparation for the regulation of psychotherapy, the evolution of the Continuing Competence Program and the ongoing shift to online processes.

Please join us in welcoming Lise to her new role as Registrar and CEO.



The College Goes Social

In May, the College launched its social media networks on Twitter and LinkedIn to better communicate with members and the general public.

Through its social media platforms, the College intends to:

- Connect with members and the public
- Share opportunities, updates, research and tools
- Provide real-time engagement during College events, including the Annual Meeting and Education Day (AMED)

The launch has been very successful. Since May, the College has gained hundreds of new followers on our Twitter and LinkedIn accounts. Using the hashtag #AMED2015, the College live-tweeted the Annual Meeting and Education Day for the first time. We were happy to receive a lot of member engagement during and after the event.

The College welcomes members to connect with us on our social media platforms:

- Visit our Twitter account at: <https://twitter.com/ocswssw>
- Visit our LinkedIn account at: <http://bit.ly/OCSWSSW-LinkedIn>
- Visit our YouTube account at: <http://bit.ly/OCSWSSW-YouTube>

As always, members are welcome to comment on the College's social media accounts. The College encourages social media participants to engage in a dialogue that is respectful of other participants and of the College's social media Community Guidelines, which can be found online at: <http://www.ocswssw.org/resources/social-media/>.

For additional information about the College's social media platforms, please contact John Gilson, Communications Coordinator, at jgilson@ocswssw.org.

The Duty to Report under the *Child and Family Services Act*

INTRODUCTION

In a recent decision, the Office of the Chief Coroner of the Province of Ontario released 103 recommendations relating to an inquest into the death of a young child who had involvement with the child protection system. Of the 103 recommendations, a number focus on the duty to report child abuse and neglect as set out in the *Child and Family Services Act, R.S.O. 1990* (the "CFSA"). The inquest jury also recommended that the Ministry of Children and Youth Services further promote public and professional awareness to ensure suspected child abuse and neglect are consistently reported across the province. This article has been developed to assist members of the Ontario College of Social Workers and Social Service Workers (the "College") to better understand their **duty to report** under section 72 of the CFSA. It does not provide specific legal advice.¹

THE DUTY TO REPORT

Protecting the confidentiality of clients' information is a professional, ethical and legal obligation, and a central value in social work and social service work practice. Principle V: Confidentiality in the Standards of Practice requires members to "hold in strict confidence all information about clients" and to "disclose such information only when required or allowed by law to do so or when clients have consented to disclosure".² The College's Professional Misconduct Regulation, O. Reg. 384/00, also prohibits the disclosure of client information without consent, subject to certain exceptions. One of the exceptions is "as required or allowed by law". Members have a **duty to report** (an obligation to disclose certain confidential client information without consent) as required by section 72 of the CFSA. Because social workers and social service workers engage frequently (both directly and indirectly) with children who may be at risk of harm or in need of protection, they are in a unique position to recognize possible signs of child abuse and neglect; it is therefore imperative that they be well informed with respect to their duty to report under the CFSA.

THE CFSA AND A CHILD WHO IS IN NEED OF PROTECTION

Section 72 of the CFSA imposes a **duty to report** on any person, including those who perform professional or official duties with respect to children (including social workers and social service workers) if they have **reasonable grounds to suspect** that a child is in need of protection. The CFSA provides that a child is in need of protection if they have suffered or are at risk of suffering certain defined types of harm, or they fall within certain circumstances, listed in the CFSA.

Set out below is a description of the harms, risk and circumstances listed in section 72 of the CFSA:

PHYSICAL HARM includes situations in which:

- A child has suffered physical harm, or there is a risk that a child is likely to suffer physical harm inflicted by the person having charge of the child. This can include the use of deliberate physical force that results in pain or injury.
- A child has suffered physical harm, or there is a risk that a child is likely to suffer physical harm as a result of that person's neglect of or failure to adequately care for, provide for, supervise or protect the child.
- A child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide or refuses to provide the treatment, or is unavailable or unable to consent to the treatment.

SEXUAL HARM includes situations in which:

- A child has been sexually molested or sexually exploited, or there is a risk that the child is likely to be sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.

¹ Members should consider obtaining legal advice to help them with a specific situation.

² Code of Ethics and Standards of Practice Handbook, Second Edition 2008, Principle V: Confidentiality

The Duty to Report under the *Child and Family Services Act*

EMOTIONAL HARM includes situations in which:

- A child has suffered emotional harm, or there is a risk that the child is likely to suffer emotional harm, demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour or delayed development, and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
- A child has suffered emotional harm as described above or there is a risk that the child is likely to suffer such emotional harm, and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
- A child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.

ABANDONMENT includes situations in which:

- A child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody.
- A child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.

ACTS OF A CRIMINAL NATURE include situations in which:

- A child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the

child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.

- A child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately.

ISSUES TO CONSIDER WHEN MAKING A REPORT:

- As a social worker or social service worker, you are in a unique position to recognize possible signs of abuse and neglect.
- Reports of suspected child abuse or neglect and the information on which the suspicion is based must be made immediately to a **Children's Aid Society (CAS)**.
- A **child** is anyone under the age of 16, or who is 16 or 17 and subject to a child protection order.
- You must report **directly** to a CAS. You cannot rely on another person to make the report on your behalf.
- Your obligation to report is ongoing. You must make another report to a CAS if you have additional **reasonable grounds** to suspect a child is in need of protection, even if you have already made previous reports with respect to the same child.³
- You have a legal obligation to make a report to a CAS if you have additional reasonable grounds to suspect that one of the harms, risks or other circumstances listed in section 72 of the CFSA exists. The Ministry of Children and Youth Services states that "reasonable grounds" refers to information that an average person, using normal and honest judgment, would need to make a decision to report.³
- A person who performs professional or official duties with respect to children is guilty of an offence if he or she does not report a reasonable suspicion that a child may be in need of protection and the information on which it was based was obtained in the course of his or her professional or official duties. A person convicted of such offence is liable to a fine of up to \$1,000.00.
- The CFSA specifies that a person who acts in accordance

³ "Reporting Child Abuse and Neglect: It's Your Duty", Ministry of Children and Youth Services, <http://www.children.gov.on.ca/htdocs/English/documents/topics/childrensaidd/Reportingchildabuseandneglect.pdf>

The Duty to Report under the *Child and Family Services Act*

with the duty to report is protected from civil actions, unless the person acts maliciously or without reasonable grounds for the suspicion.

- You may need to weigh several factors and exercise **professional judgment** when determining whether or not you have a duty to report in a particular situation. This includes careful consideration of the case-specific details, relevant standards of practice and applicable legislation. In addition to seeking supervision/consultation, you may also choose to seek an opinion from a lawyer.
- In addition to the duty to report, you may have additional obligations to the client based on the **standards of practice**.
- For contact and other information about Ontario's CASs, please visit the Ontario Association of Children's Aid Societies' website at: www.oacas.org. You can also locate a CAS in the local telephone listings or, where available, by dialing 411.
- For more information on the duty to report under the CFSA, please visit: <http://www.children.gov.on.ca/htdocs/English/topics/childrensaids/reportingabuse/index.aspx>
- The "Reporting Child Abuse and Neglect: It's Your Duty" brochure (<http://www.children.gov.on.ca/htdocs/English/documents/topics/childrensaids/Reportingchildabuseandneglect.pdf>) is a useful resource which can be located on the website of the Ministry of Children and Youth Services or through Publications Ontario free of charge.

For further information about this issue, members are strongly encouraged to review *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008* and the Practice Notes called "Meeting Professional Obligations and Protecting Clients' Privacy: Disclosure of Information without Consent", which are available on the College's website at www.ocswssw.org.

In Memoriam: Hendrik (Henk) Van Dooren, MSW, RSW, Council and Non-Council Committee Member

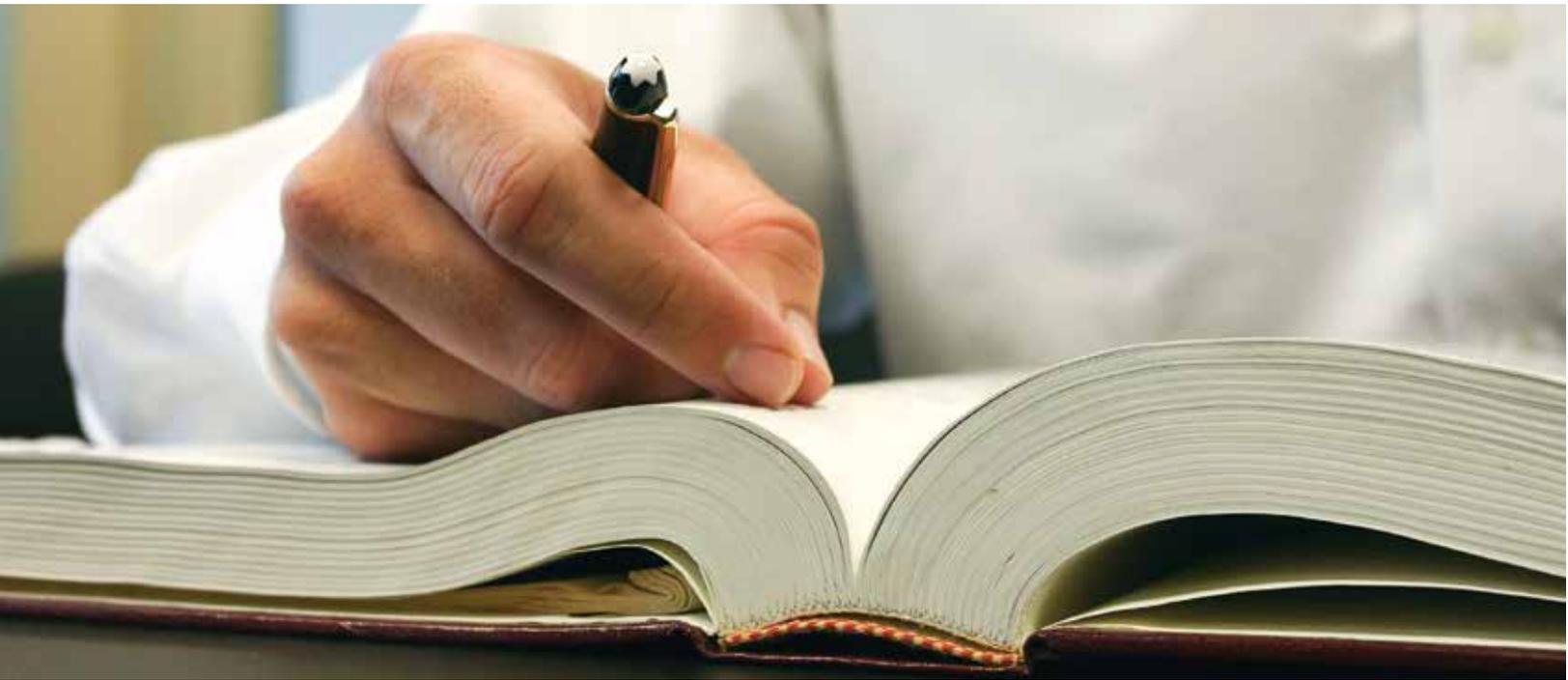
College Council, Committee and staff members were deeply saddened to learn of the recent passing of Council and Non-Council Committee Member Hendrik (Henk) Van Dooren, MSW, RSW on July 25, 2015.

Henk was a member of Council from 2009-2012 and a Non-Council Committee member from 2012-2015. He was recently re-elected in Electoral District No. 4 in May, 2015. Henk was a Marriage and Family Therapist who served the Hamilton and surrounding communities for over 45 years.

Henk's many contributions, insights and warmth were highly valued by all. He was well respected by his fellow Council members and he will be greatly missed.

Practice Notes: Dual Relationships: Ensuring Clients' Best Interests Are Paramount

KATHLEEN LANOUE, MSW, RSW, DIRECTOR, PROFESSIONAL PRACTICE



Practice Notes is designed as an educational tool 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 notes offer general guidance only and members with specific practice inquiries should consult the College, since the relevant standards and appropriate course of action will vary depending on the situation.

Members often call the College with questions about dual relationships. These are complex situations where a clear direction on how to proceed may not always be evident. It is essential that members consider the standards of practice¹ and apply their professional judgment in these situations to determine a course of action, keeping in mind that the best interests of their clients must be their paramount consideration. Members may be unsure as to whether or not a particular situation constitutes a dual relationship, and why some dual relationships can be problematic and should be avoided. This Practice Note provides an overview of dual relationships and reviews some of the

relevant standards of practice in order to assist members in understanding the potential risks and challenges that they pose.

WHEN IS A DUAL RELATIONSHIP A PROBLEM?

The standards of practice define a dual relationship as “a situation in which a College member, in addition to his/her professional relationship, has one or more other relationships with the client, regardless of whether this occurs prior to, during, or following the provision of professional services”.² They go on to say that “where dual relationships exist, there is a strong potential for conflict of interest and there may be an

¹ The *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, sets out the minimum standards of practice for all members of the Ontario College of Social Workers and Social Service Workers.

² *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle II: Competence and Integrity, Footnote 7

Practice Notes: Dual Relationships: Ensuring Clients' Best Interests Are Paramount

KATHLEEN LANOUE, MSW, RSW, DIRECTOR, PROFESSIONAL PRACTICE

actual or perceived conflict of interest”.³ Because of this heightened risk, and because members must “not provide a professional service to the client while the member is in a conflict of interest”⁴ members must carefully assess all dual relationships for this potential.⁵ Members must “embark on an evaluation of whether a dual relationship might impair professional judgment or increase the risk of exploitation or harm to clients”.⁶

Although the standards are clear, applying them to practice can be challenging. Consider the following scenario:

A member from a small community, working in a counselling agency, contacted the Professional Practice Department because she was unsure about how to handle a dilemma at work. She explained that in the previous week she had seen a client for an initial counselling session. Although she hadn't recognized the client by name, she quickly realized that she knew her from a community event at which the member had a palm-reading booth. The member explained that she reads palms as a hobby. At the recent event, she had read the client's palm and suggested that she make some life changes as result of what she saw. Although the member recognized that she was dealing with a dual relationship, she was uncomfortable sharing details about her hobby with her supervisor. She had not sought supervision nor had she disclosed any concerns about seeing the client to her supervisor. When the member contacted the College, she revealed that she felt uncomfortable providing services to the client, but wasn't sure how to address the situation.

When clients approach social workers or social service workers for assistance, it is usually at a vulnerable time in their lives. Members must always be aware that they are “in a position of power and responsibility with respect to all clients”.⁷ It is their professional responsibility to “establish and maintain clear and appropriate boundaries in professional relationships for the protection of clients”⁸ and to “distinguish their needs and interests from those of their clients to ensure that, within professional relationships, clients' needs and interests remain paramount”.⁹

When the member spoke to Professional Practice staff, it was evident that she was aware that she was in a dual relationship with her newly referred client. She also realized that given the nature of her prior relationship with the client, it would likely be problematic for her to continue to see her in a professional capacity. During the practice consultation, the member identified some of the ways that the client could be at increased risk of harm because of the dual relationship; for example, the member indicated that she had made comments during the palm reading that could be perceived by the client (or others) as professional advice. If similar issues were to come up in the context of the counselling, the client may become confused about the member's professional role and recommendations. This confusion could be heightened if the member ran into the client in the future, at a similar community event. It must be emphasized that although the member may be clear about the boundary between her palm-reading hobby and her professional role, the client may not be as certain.

During the discussion with Professional Practice staff, the member was also reminded that the standards of practice require members to evaluate “professional relationships... for potential conflicts of interest and seeking consultation to assist in identifying and

3 Ibid., Footnote 7

4 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle II: Competence and Integrity, Interpretation 2.2.1

5 Ibid., Footnote 6

6 Ibid., Footnote 7

7 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle II: Competence and Integrity, interpretation 2.2

8 Ibid., interpretation 2.2

9 *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle I: Relationship with Clients, interpretation 1.6

Practice Notes: Dual Relationships: Ensuring Clients' Best Interests Are Paramount

KATHLEEN LANOUE, MSW, RSW, DIRECTOR, PROFESSIONAL PRACTICE

dealing with such potential conflicts of interest".¹⁰ Supervisors and/or colleagues can provide invaluable assistance in identifying situations in which clients might be at risk and/or a member's professional judgment might be impaired. In fact, the standards of practice state that "College members (must) engage in the process of self review and evaluation of their practice and seek consultation when appropriate".¹¹ The member used good judgment in contacting the College to discuss her dilemma, but she was strongly advised to also involve her supervisor.

Members are responsible to approach all client relationships with a clear understanding of how ethical, professional and accountable practice is incumbent upon them. As illustrated in this scenario, it is the member's responsibility, not the client's, to understand, articulate and define clear boundaries. Reviewing the relevant standards of practice, consulting as appropriate, and applying one's professional judgment will assist members in clarifying boundaries and avoiding problematic dual relationships and situations where confusion about roles may result.

DUAL RELATIONSHIPS AND BLURRED BOUNDARIES

Bringing aspects of one's personal life into the workplace can blur boundaries and create dual relationships which could put clients at risk, as the following scenario illustrates:

A member employed in a small, remote community contacted the College because of a situation that had arisen as a result of his personal involvement in local charity events. The member explained that his volunteerism was well known in the small town where he lives and works and said that he has a great reputation as an active community member. Prior to calling the College, the member had decided to post a sponsorship sign-up sheet for the latest charity

run he was participating in on his door; he also put a donation box for the same event on his desk in his office. According to the member, several clients asked about the sheet and some sponsored him or offered donations. The member did not actively solicit donations. He was shocked when his supervisor told him that one of his clients had asked to be moved to another worker's caseload, saying that she was uncomfortable with being "asked" to give money when she came in for counselling. The member immediately removed the forms and donation box from his office and sought direction from the College to better understand how he could have avoided this unintended situation.

Unlike the member in the previous scenario, this member has (unintentionally) crossed boundaries and created a dual relationship with his clients by bringing his charitable fundraising efforts into the office. The standards of practice state that "boundary violations may include... social and financial violations" and "members are responsible for ensuring that appropriate boundaries are maintained in all aspects of professional relationships".¹² Although it was clear that the member's intentions were altruistic, he had blurred the lines between his professional and personal life. Being asked, even passively, to participate in an aspect of the member's personal life appears to have caused at least one client to feel that she was being pressured to sponsor the member. By posting a sign-up sheet and donation box, the member may have inadvertently caused his clients to feel obligated to donate in order to continue to receive services they need. Those who decide not to contribute may worry that their counselling will be impacted or that the member may look at them differently. While some clients might support the member's efforts, others could be left feeling confused, anxious or uncomfortable.

¹⁰ Ibid., interpretation 2.2.1

¹¹ Ibid., interpretation 2.1.5

¹² Code of Ethics and Standards of Practice Handbook, Second Edition 2008, Principle II: Competence and Integrity, interpretation 2.2

Practice Notes: Dual Relationships: Ensuring Clients' Best Interests Are Paramount

KATHLEEN LANOUE, MSW, RSW, DIRECTOR, PROFESSIONAL PRACTICE

As discussed in the previous scenario, it is incumbent on the member to ensure that his own interests (even those that are well intentioned and altruistic) do not take precedence over those of his clients. Although the member clearly intended no harm, he must accept responsibility for ensuring that professional boundaries remain intact.

In both of the scenarios described above, neither member intended to harm their clients. Members must be aware, however, that where there is a dual relationship, there is an increased likelihood that a conflict of interest (whether actual or perceived) will arise. At times, it is immediately apparent that a dual relationship is inappropriate; other problematic situations can be more difficult to distinguish. These two scenarios demonstrate how complex this issue can be.

In addition to their professional roles, members play many other roles, as community members, volunteers and members of families, with hobbies, interests and activities outside of their professional lives. At times, especially in smaller communities, dual relationships may be difficult to avoid. However, as the scenarios illustrate, social workers and social service workers can and must avoid those dual relationships that could impair their professional judgment or increase the risk of exploitation or harm to clients.¹³ In order to make this determination, members are advised to:

- Ensure that they regularly review and are familiar with the *Code of Ethics and Standards of Practice*
- Identify potentially risky relationships or situations
- Consider benefits and risks of potential courses of action before proceeding
- Document well and completely the timeline, reasons and rationale for their decision
- Engage in a process of self-reflection, and seek supervision and support
- Keep the best interests of clients as their paramount consideration

CONCLUSION

It is inevitable that members will, from time to time, encounter situations in which there is the potential for a dual relationship with a client. When these situations occur, it is essential that members are able to critically analyze the situation, consider the relevant standards of practice and apply their professional judgment so that they can make decisions that are in the best interests of their client. This article has highlighted some of the important considerations with respect to this issue, in order to provide guidance to members who are struggling with these complex and often difficult situations.

For more information, or to consult about a practice dilemma, please contact Kathleen Lanoue, MSW, RSW, Director, Professional Practice, at 416-972-9882 or 1-877-828-9380, ext. 226.

¹³ *Code of Ethics and Standards of Practice Handbook, Second Edition 2008*, Principle II: Competence and Integrity, interpretation 2.2.1

Discipline Decision Summary



This summary of the Discipline Committee's Decision and Reason for Decisions is published pursuant to the Discipline Committee's oral decision rendered on May 5, 2015 and written reasons dated August 21, 2015.

BY PUBLISHING THIS SUMMARY, 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; and
- Provide social workers, social service workers and members of the public with an understanding of the College's discipline process.

PROFESSIONAL MISCONDUCT DAVID MCNEILL HIGGINS, RSW FORMER MEMBER #424033

ALLEGATIONS

The College's allegations relate to Mr. Higgins' conduct or actions, in regard his guilty plea and subsequent conviction under section 271(1) of the *Criminal Code*, for having sexually assaulted a minor child.

PLEA

As Mr. Higgins was neither present nor represented at the hearing (although notified of the allegations and the hearing), he was deemed to have denied the allegations.

EVIDENCE

The evidence consisted of a Book of Documents which, in particular, included a certified copy of the Information from the Ontario Court of Justice and a certified copy of a court transcript from guilty plea and sentencing proceedings. These show that on October 20, 2011, a man named David Higgins, with the same birthdate and residing at the same address as Mr. Higgins, pleaded guilty to a charge of sexual assault contrary to subsection 271(1) of the *Criminal Code* of Canada.

FINDINGS

The panel concluded that all of the allegations of Mr. Higgins' professional misconduct were established by the evidence. Specifically, the Discipline Committee found that Mr. Higgins is guilty of professional misconduct as set out in Section 26(2) of the *Social Work and Social Service Work Act* (the "Act"), in that Mr. Higgins violated:

1. Section 2.29(ii) of the Professional Misconduct Regulation by contravening a federal law, the contravention of which is relevant to Mr. Higgins' suitability to practice, namely section 271(1) of the *Criminal Code*, R.S.C. 1985, c. C-46 when he was convicted of sexual assault with respect to a minor;
2. 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 the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional when Mr. Higgins was convicted of sexual assault with respect to a minor.

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PENALTY ORDER

The Discipline Committee ordered that:

1. Mr. Higgins' certificate of registration be revoked and that a notification of the revocation be recorded on the Register;
2. Mr. Higgins shall not apply to the Registrar of the College for a new certificate of registration for a period of five years from the date of the Discipline Committee's Order;
3. Mr. Higgins shall be reprimanded by the Committee in writing;
4. The finding and Order of the Discipline Committee be published, in detail, with Mr. Higgins' name (but without information which could identify the affected victim) in the official publication of the College, on the College's website and on any other media-related document that is provided to the public and is deemed appropriate by the College; and that
5. Mr. Higgins pay costs in the amount of \$5000.00 to the College.

THE DISCIPLINE COMMITTEE'S DECISION INCLUDED THE FOLLOWING REASONS FOR ITS PENALTY ORDER:

- Given the serious nature of the misconduct, the penalty order is reasonable and in the public interest.
- As Mr. Higgins did not participate in the hearing, a written reprimand was issued to ensure that he is aware of the position of the College and of the Discipline Committee.
- Revocation of Mr. Higgins' certificate of registration is a serious penalty; however, given the nature of Mr. Higgins' misconduct, the panel feels that revocation is necessary and appropriate to ensure the protection of the public.
- The order of costs was an appropriate penalty due to Mr. Higgins' non-participation in the hearing, noting that the actual cost of the hearing was much higher than the amount named in the cost order.
- The penalty provides specific deterrence to Mr. Higgins and general deterrence to all other members with a clear message that this type of conduct will not be tolerated and a similar order will be made for any who choose to engage in similar behaviour.

Discipline Decision Summary



This summary of the Discipline Committee's Decision and Reason for Decisions is published pursuant to the Discipline Committee's oral decision rendered on April 23, 2015 and written reasons dated July 13, 2015.

BY PUBLISHING THIS SUMMARY, 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; and
- Provide social workers, social service workers and members of the public with an understanding of the College's discipline process.

PROFESSIONAL MISCONDUCT EVERETT RANDALL HAMILTON, RSW

FORMER MEMBER #801139

AGREED STATEMENT OF FACT

The College and the Member submitted a written statement to the Discipline Committee in which the following facts were agreed:

1. From April 27, 2009 until May 10, 2013 (the "Material

Time"), the Member was employed as a social worker at a secure custody and detention facility for youth. The Member worked in the intake/assessment unit and his principle duties included providing frontline social work services and counselling to youth, many of whom were in crisis. It also included liaising with parents and probation officers.

2. The Member was the only social worker on the unit and additionally acted as case coordinator, providing clinical input to a unit team which included health professionals, clinical managers and youth service officers.
3. During the Material Time, while employed as a social worker at the detention facility, the Member engaged in the following conduct:
 - a. On numerous occasions within the Material Time, the Member falsified his timesheet to indicate that he worked hours that he did not work. On the days where he falsified his records, he either showed up to work late, departed early or departed for a lengthy period of time and then returned to work. However, he indicated on his timesheet that he had worked all scheduled hours. He continued to engage in that conduct despite being repeatedly notified, cautioned, counselled and suspended by his employer for falsifying his timesheets and misrepresenting his hours at work.
 - b. On numerous occasions within the Material Time, the Member was absent from work, came in late for work, left early or took breaks without permission, which was detrimental to his clients and colleagues, as follows:
 - i. The Member's clients were adversely impacted by his frequent absences as he was the only social worker available to clients in the unit. A notice was never provided regarding absences, and arrangements were not made in advance of the absences to ensure continuity of services to clients. At the intake/assessment stage, the Member's clients were new to

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- the facility and were often in crisis mode, requiring immediate attention.
- ii. The Member routinely failed to plan case management meetings or they were cancelled due to his absenteeism. He communicated poorly with the unit team and with other teams involved in transitioning clients from the various units within the detention facility, causing frustration for colleagues and leading to numerous complaints by managers, clinical staff and youth. The Member additionally failed to complete reports that he was required to complete, and reports that were completed were often deficient.
 - c. When confronted about his absences, the Member provided untruthful information to a manager when, on April 27, 2010, he advised that he had left a message with the shift office indicating that he was sick and would not be available for his shift. The Member later admitted that he lied when he was confronted with information that the shift office does not have voicemail and therefore he could not have left a message.
 - d. While employed at the detention facility the Member carried on secondary employment with a company. While he did report to his manager that he was employed by another company, he indicated that his employment with this company was part-time and conducted solely on his own time, during evenings and on weekends. However,
 - i. The Member was dishonest and provided inconsistent information about the scope of his secondary employment, sometimes indicating that it was restricted to screening clients after hours, by phone or over the internet, and at other times indicating that it required him to conduct face-to-face meetings with clients.
 - ii. The Member did not identify his secondary employment to the appropriate person within the detention facility contrary to his obligation do to so and contrary to the detention facility's policy on conflict of interest.
 - iii. The Member conducted work for his secondary employer during work hours at the detention facility for which he received payment by the detention facility.
 - iv. The Member used his employer's resources, including information technology and telephone, to service clients for his secondary employer.
 - v. The manner in which the Member carried on employment with his secondary employer was in violation of various directives, policies and procedures of his employer.
 - e. On or about May 10, 2013, the Member's employment was terminated by his employer after several internal investigations concerning the conduct outlined above led his employer to conclude that the Member acted in a manner which violated various directives, policies and procedures of the employer, that the Member falsely and/or fraudulently signed the attendance register to reflect, and be paid for, hours of work that he did not perform, and that the Member did work for a second employer while on duty and being paid by his employer which his employer concluded was "time theft" and placed the Member in a conflict of interest.
- ## DECISION
- The Discipline Committee accepted the Member's Plea and the Agreed Statement of Fact and found that the agreed facts support a finding that the Member committed acts of professional misconduct and, in particular, that the Member's conduct:
- 1. Violated sections 2.19 (falsifying a record), 2.21 (making a record, or issuing or signing a certificate, report or other document in the course of practising the profession that the Member knew or ought reasonably to have known is false, misleading or

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otherwise improper) and 2.24 (submitting an account or charge for services that the Member knew or ought to have known was false or misleading) of the Professional Misconduct Regulation.

2. Violated section 2.29 of the Professional Misconduct Regulation by contravening a provincial law, where the purpose of the law is to protect public health or is relevant to the Member's suitability to practice.
3. Violated section 2.10 of the Professional Misconduct Regulation by providing a service while the Member was in a conflict of interest, which is defined in the glossary to the College's *Code of Ethics and Standards of Practice* 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 in order for a conflict of interest situation to exist. It is sufficient if there is a reasonable apprehension that there may be such influence."

4. Violated section 2.2 of the Professional Misconduct Regulation and section 3 (carrying out professional duties and obligations with integrity and objectivity), 7 (engaging in another profession, occupation, affiliation or calling and allowing these outside interests to affect the relationship with the client) and 8 (providing social work or social service work services in a manner that discredits the profession of social work and diminishes the public's trust in the profession) of the Code of Ethics.
5. Violated section 2.2 of the Professional Misconduct Regulation, section 1 of the Code of Ethics (maintaining the best interest of the client as the primary professional obligation) and Principle I of the Handbook (commented on in Interpretations 1.5, 1.6 and 1.7) by:

- i. Failing to maintain an awareness of his values, attitudes and needs and how those impact on his professional relationships with clients;
- ii. Failing to distinguish his needs and interests from those of his clients to ensure that within professional relationships, clients' needs and interests remain paramount; and
- iii. Failing to maintain an awareness and consideration of the purpose, mandate and function of his employer organization and how those impact upon and limit professional relationships with clients.

6. Violated section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretation 2.2.8) by engaging in conduct which could reasonably be perceived as reflecting negatively on the professions of social work or social service work.
7. Violated section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretation 3.2) by failing to deliver client services and respond to client queries, concerns and/or complaints in a timely and reasonable manner.
8. Violated section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretation 4.1.2) by failing to generate a record that reflects the service provider and the identity of the service provider.
9. 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 the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional

PENALTY ORDER

The panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by the College and the Member and made an order in accordance with the

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terms of the Joint Submission as to Penalty. The Discipline Committee ordered that:

1. The Member shall be reprimanded in person and the reprimand be recorded on the Register.
2. The Registrar shall be directed to suspend the Member's Certificate of Registration for a period of ten months, the first two months of which shall be served commencing on the date of the Discipline Committee's Order herein. Upon completion of those first two months of the suspension, the remaining eight months of the suspension shall be suspended for a period of two years, commencing on the date of the Discipline Committee's Order herein. The remaining eight months of the suspension shall be remitted on the expiry of that two-year period if (on or before the second anniversary of the Discipline Committee's Order herein) the Member provides evidence satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed under paragraph 3 hereof. If the Member fails to comply with those terms and conditions, the Member shall serve the remaining eight months of the suspension, commencing two years from the date of the Discipline Committee's Order. For greater clarity, the terms and conditions imposed under paragraph 3 hereof will be binding on the Member regardless of the length of suspension served and the Member may not elect to serve the full suspension in place of performing those terms and conditions. If the Member fails to comply with the terms and conditions, the Registrar may refer the matter to the Executive Committee of the College. The Executive Committee, pursuant to its authority, may take such action as it deems appropriate, which may include referring to the Discipline Committee allegations of professional misconduct arising from any failure to comply with the terms and conditions.
3. The Registrar be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register,
 - a. Requiring the member, at his own expense, to engage in psychotherapy with a regulated professional approved by the Registrar of the College for a period of two years from the date of the Discipline Committee's Order, with bi-annual written reports as to the substance of the psychotherapy and the progress of the Member in respect of the topics identified below to be provided to the Registrar of the College by the therapist. The Member must attend for appointments at a frequency as directed by the therapist and must provide to the therapist the decision of the Discipline Committee as well as the prior decision of the Executive Committee dated April 13, 2005 and the prior decision of the Complaints Committee, dated November 15, 2010, receipt of which must be confirmed in writing to the Registrar. The psychotherapy must focus, at a minimum, on the admissions made by the member before the Discipline Committee and how they relate to the following topics:
 - i. The duty to maintain the best interests of the client as the primary professional obligation and the impact of the Member's conduct on clients.
 - ii. The duty to carry out professional obligations with integrity.
 - iii. The duty to ensure that if the Member is employed by multiple employers, that it does not affect his duties or relationship with clients.
 - iv. The duty to avoid conflicts of interest in the provision of social work services.
 - v. The duty to take responsibility for one's actions and to recognize the impact of those actions on clients and how those actions may impact on the public's confidence in the profession.

The Registrar may, if satisfied that the purpose of the therapy has been accomplished, at any time before the expiry of the two-year period, direct that the psychotherapy be discontinued,

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- b. Requiring the Member, for a period of two years following his receipt of the Discipline Committee's Decision and Reasons in this matter, should he currently be employed (or should he obtain any future or other employment) in a position in which his duties include the provision of social work services, to immediately provide his current, future and/or other employer(s) with a copy of the Decision and Reasons of the Discipline Committee, and to forthwith thereafter deliver any such employer's written confirmation of receipt of a copy of the Decisions and Reasons to the Registrar of the College;
- c. Requiring the Member for a period of two years following receipt of the Discipline Committee's Decision and Reasons in this matter to alert the Registrar in writing of his current employment and any change to employment status where the Member's duties include the provision of social work services. This notice requirement also applies should the Member become self-employed. The notice must be received by the Registrar in writing prior to commencing with any new employment;
- d. Requiring the Member for a period of two years following receipt of the Discipline Committee's Decision and Reasons in this matter to limit his employment to a single employer at any given time where his duties include the provision of social work services. The Member may request exemption from this condition and limitation from the Registrar or her designate and the granting of an exemption shall not be unreasonably withheld. A request for exemption should be made in writing and should include a description of the hours, roles and responsibilities of each employment opportunity.
- e. Prohibiting the Member from applying under Section 29 of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, Ch. 31, as amended, for the removal or modification of the terms, conditions or limitations imposed on his

Certificate of Registration for a period of two years from the date on which those terms, conditions and limitations are recorded on the Register.

- 4. The Discipline Committee's finding and Order (or a summary thereof) be published (with the Member's name) in the College's official publication on the College's website and on any other materials or in any other location that the College sees fit, at its own discretion, and the results of the hearing be recorded on the Register.
- 5. The Member be required to pay costs in the amount of \$1,500 in a certified cheque to be provided within two months of the Discipline Committee Hearing.

THE DISCIPLINE COMMITTEE CONCLUDED THAT:

- The penalty was appropriate and the restrictions on the Member's practice and the requirement that he engage in psychotherapy to specifically address the professional misconduct were especially important.
- The Member has been cooperative and has admitted all allegations.
- The Member has agreed to pay costs and the panel is satisfied that the awarding of costs was reasonable and the amount fair.
- The public will be adequately protected with the jointly agreed-upon measures.
- The penalty provides specific deterrence to the Member and general deterrence to all other members with a clear message that this type of conduct will not be tolerated and a similar order will be made for any who choose to engage in similar behaviour.

Discipline Decision Summary



This summary of the Discipline Committee's Decision and Reason for Decision is published pursuant to the Discipline Committee's penalty order.

BY PUBLISHING THIS SUMMARY, 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; and
- Provide social workers, social service workers and members of the public with an understanding of the College's discipline process.

PROFESSIONAL MISCONDUCT

JAMES CAMERON, RSW

FORMER MEMBER #800235

AGREED STATEMENT OF FACT

The College and the Member submitted a written statement to the Discipline Committee in which the following facts were agreed:

1. The Member was employed with an agency for approximately seven months (the "Counselling

Period") in 2009, where the Member provided social work services to Client "A" and Client "B" (collectively the "Clients"). In total, the Member provided eight counselling sessions to Client "A" alone and one counselling session to the Clients together.

2. The Clients were married throughout the Counselling Period, though they separated and lived apart during the Counselling Period.
3. During the Counselling Period, the Member provided counselling services to the Clients, and in particular to Client "A", in respect of marital issues, the breakdown of her marital relationship with Client "B", stressors related to the ensuing separation, medical issues affecting Client "A", self-esteem issues, mental health issues that had arisen with respect to a family member and Client "A"'s relationship with that family member.
4. In or about the Spring of 2012, the Member arranged to have coffee with Client "A" at a local coffee shop. The Member additionally claimed to have contacted the College to inquire about whether he may have sexual relations with Client "A". The Member did not document, record and/or retain notes from his conversation with a College representative.
5. The Member subsequently entered into a relationship with Client "A" where:
 - a. The Member went on a dinner date at a local lodge;
 - b. The Member traveled with Client "A" to visit Client "A"'s mother, who was facing physical and mental health issues. At Client "A"'s request, the Member subsequently discussed concerns regarding Client "A"'s mother's condition with her primary care worker;
 - c. The Member travelled with Client "A" to assist with the transfer of Client "A"'s mother to a care facility;

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- d. The Member spent Christmas and New Year's with Client "A" and her family;
 - e. The Member aggressively pursued a romantic relationship with Client "A" by sending her flowers on several occasions and by repeatedly calling her;
 - f. By March of 2013, the Member engaged in a romantic relationship with Client "A". During the course of the romantic relationship with Client "A", the Member engaged in sexual relations;
 - g. In or about April of 2013, the Member began residing with Client "A".
6. While pursuing a personal and romantic relationship with Client "A", the Member falsely advised her that he was not acting in contravention of the College's Act, the Code of Ethics or the Handbook as he had checked his clinical notes, which indicated, incorrectly, that more than five years had passed since his last session with Client "A". The Member additionally advised that he had consulted with a College representative prior to initiating the relationship, though he had no notes from that conversation.
7. At the time that the Member began the romantic relationship with Client "A" she was not legally divorced from Client "B". At no point did the Member disclose the romantic relationship to Client "B".
8. The Member admits that by reason of engaging in some or all of the conduct outlined above, he is guilty of professional misconduct as set out in section 26(2) (a) and (c) of the *Social Work and Social Service Work Act* (the "Act").
- Hearing. The Discipline Committee accepted the Member's Plea and the Agreed Statement of Fact and found that the agreed facts support a finding of professional misconduct and, in particular, that the Member's conduct:
- a. Violated Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.7 and Footnote 7) by failing to ensure that sexual misconduct did not occur, and by engaging in sexual relations with a client to whom he provided counselling services;
 - b. Violated Sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretation 1.5 and 1.6) by failing to maintain awareness of his own values, attitudes and needs and how these impact on his professional relationship with the client and by failing to distinguish his needs and interests from those of his client to ensure that his clients' needs and interests remain paramount;
 - c. Violated Sections 2.2, 2.10 and 2.28 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1(i), 2.2.1(ii), 2.2.2, 2.2.8 and Footnote 7) by engaging in a dual relationship that increased the risk of exploitation or harm to his client, by having sexual relations with his client in a manner that could create a conflict of interest and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work;
 - d. 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.

DECISION

Before the Member entered his plea, the College requested from the Panel and was granted permission to withdraw several allegations that were contained in the Notice of

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PENALTY ORDER

The panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by the College and the Member and made an order in accordance with the terms of the Joint Submission as to Penalty. The Discipline Committee ordered that:

1. The Member shall be reprimanded in writing and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The Registrar shall be directed to revoke the Member's Certificate of Registration.
3. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Member included, but with identifying information relating to the Member's clients or former clients removed, in the College's official publication and on the College's website.
4. The results of the hearing shall be recorded on the Register.

THE DISCIPLINE COMMITTEE CONCLUDED THAT:

- The Penalty Order is reasonable in light of the goals and principles of maintaining high professional standards, preserving public confidence in the College's ability to regulate members and, most importantly, protecting the public.
- The Member cooperated with the College and, by agreeing to the facts and proposed penalty, accepted responsibility for his actions.
- The Penalty Order provides both specific deterrence and general deterrence to deter members of the profession from engaging in similar misconduct.
- The Penalty Order is consistent with the decisions in analogous cases.

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SHARMAARKE ABDULLAHI – PUBLIC MEMBER

Sharmaarke Abdullahi has over 12 years of work experience in the policy, youth and community development field. He currently works for the City of Ottawa as a business consultant with Crime Prevention Ottawa. Prior to joining the City of Ottawa, Mr. Abdullahi worked for six years at Pinecrest Queensway Community Health Centre as a program coordinator and a community house coordinator. He has also worked as a part-time lecturer in the Social Service Worker program at Algonquin College. Mr. Abdullahi has served on various community boards and advisory committees in Ottawa including the Board of Directors of the Friends of University of Hargeisa School of Social Work Committee, which is a partnership with Carleton University School of Social Work and is a member of the United Way Ottawa Strong Neighbourhoods priorities goals committee to name a few. Mr. Abdullahi holds a Bachelor of Arts degree from Carleton University and a Master of Research degree in Public Policy from the Queen Mary University, London. Mr. Abdullahi is committed to community-based work, believing that this is how and where real change happens.

GREG CLARKE – ELECTED SOCIAL SERVICE WORKER

Greg Clarke, RSSW has worked in community mental health and addictions for over 25 years. He is the Past President of the Crisis Workers Society of Ontario. Greg is currently the Mental Health/Addictions Case Manager for the Scarborough Academic Family Health Team as well as a coordinator for the Responsible Gambling Council of Ontario. Greg provides training sessions, seminars and workshops for various agencies and organizations including the Bridge Program that provides training for foreign-trained mental health professionals. He has served two terms as Vice-President and was elected to Council in May 2008.

GARY COCKMAN – ELECTED SOCIAL SERVICE WORKER

Gary Cockman has been in the social service worker field for 17 years and is currently employed by Brainworks Inc., a client-centred company serving the brain injured population. Gary has previously served on Council from October 2003 to September 2004 and has had the pleasure to remain serving on each of the committees from 2001 to

this day. Gary looks forward to participating on Council for the remaining two years of his three-year term, and to be involved in the challenges facing Council in the future.

LINDA DANSON – ELECTED SOCIAL WORKER

Linda Danson holds a Masters of Social Work from McGill University. She has been a social worker for over 30 years. In Montreal she worked in family services, child protection and supervised social work students from McGill. Linda also taught courses at Concordia and McGill Universities, and she has had a private practice. Linda currently works part time for The Ottawa/ Pembroke Champlain Community Care Access as a staff therapist. She has been a guest lecturer at Algonquin College. She is the Vice-President of the Renfrew and District Food Bank. She has two adult sons and lives in the Ottawa Valley with her husband.

ROSE-MARIE FRASER – ELECTED SOCIAL WORKER

Rose-Marie Fraser is a social worker who is currently a Practice Leader at The University Health Network. She is the Research Chair for the Ontario Caregiver Coalition. She has diverse experience in research, forensics, mental health, family resources, community and policy at the Ministry of Community and Social Services. She is cross appointed with Factor-Inwentash Faculty of Social Work at the University of Toronto and prides herself on remaining involved with many grassroots organizations to advocate for social justice. Rose-Marie was first elected to Council in 2011.

JUDY GARDNER – ELECTED SOCIAL SERVICE WORKER

Judy Gardner graduated with honours from the Social Service Worker program at Centennial College and is currently working as an instructor in an Addictions and Community Service Work diploma program, where she plans, prepares and delivers classroom lectures based on the community service work curricula. In 2013, Judy completed two living crisis protocols for the City of Toronto Community Crisis Response Program. These were for the Dorset Park and Malvern areas in Scarborough, Ontario. Judy has over 10 years of frontline professional experience supporting adults with developmental disabilities. Group-facilitation is her specialty and her

New Council Roster for 2015-2016

social service work passions are community development and conflict mediation.

SHELLEY HALE – ELECTED SOCIAL SERVICE WORKER

Shelley is a registered social worker with over 20 years of experience in the field of mental health. She is currently the Director of Patient Care Services for the Royal Ottawa Operational Stress Injury Clinic at the Royal Ottawa Mental Health Centre. Shelley's previous clinical work experiences were all community based and her administrative career at The Royal has led her to complete a certificate in program management through the University of British Columbia and a Green Belt in addition to her social work studies.

JENNIFER HAMILTON – ELECTED SOCIAL SERVICE WORKER

Jennifer has over 20 years' experience working and volunteering in the human services field. Having graduated from Lakehead University in sociology and psychology with minors in women studies and law and politics, Jennifer is currently pursuing further education through Waterloo University. She has an extensive background working in family violence, the criminal justice system as well as child welfare. She teaches on a part-time basis at the college level and facilitates groups for people who have been charged with domestic abuse. She has been a member of numerous Boards of Directors of Social Service Agencies and is highly committed to excellence in the field. She believes in being a part of the solution through advocacy, education, credibility through governance and accountability, and giving a voice to the public and members of the College.

DAVID HODGSON – PUBLIC MEMBER

David Hodgson is a senior associate with SEG Management Consultants and President of Regulation Dynamics. He specializes in regulatory affairs and has provided consulting services to several regulatory bodies in Ontario and other provinces in the areas of strategic planning, governance, organization restructuring and government relations. Prior to his consulting career, he was the Registrar and CEO of the College of Audiologists and Speech-Language Pathologists of Ontario (CASLPO)

for 10 years. During this time he served a term as President of the Federation of Health Regulatory Colleges of Ontario and the Canadian Alliance of Regulators of Audiology and Speech-Language Pathology. Also, David was Registrar and CEO of the Ontario Architects Association, the regulatory body for architects. He came to the regulatory field after holding several senior positions in the Ontario Ministry of Housing, including Executive Director of Building Programs.

THOMAS HORN – ELECTED SOCIAL WORKER

Thomas Horn is currently employed as a social worker in a forensic psychiatry program and maintains a part-time private practice. He is a graduate member of the British Psychological Society and a member of the Academy of Certified Social Workers (ACSW) through NASW. He holds an undergraduate degree in psychology and sociology, a Master's degree in social work, and he has just completed the dissertation requirement for the Master of Science degree in criminology and criminal justice. With several publications to his name, Tom is an assistant professor (p/t) in the Department of Psychiatry and Behavioural Neurosciences at McMaster University, and an academic instructor in the School of Social Work at the University of Windsor.

MARY LONG – ELECTED SOCIAL SERVICE WORKER

Mary Long, a social service worker and retired member of the Ontario Public Service Employees Union, was elected as the first woman president of the Hamilton and District Labour Council on December 3, 2009. Mary has been the Safety Ambassador for the Workplace Safety and Insurance Board's "Safety starts with you" campaign, sharing her experiences following her husband's fatal workplace injury. It has been this tragedy that has largely defined Mary's volunteer and work commitments in recent years including co-founding a peer support group, through the Hamilton and District Labour Council, which counsels bereaved families through the impact of workplace fatalities. She has been the elected president of the Ontario Public Service Employees Union Local 216, where she has advocated for human rights and non-discriminatory practices.

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DARREN MADAHBEE – ELECTED SOCIAL SERVICE WORKER (ON LEAVE)

Darren Madahbee, RSSW is a mental health community worker for the Aundeck Omni Kaning First Nation Health Centre. He is educated in social service work and psychology that incorporates Anishinabek culture. An expert in suicide intervention and prevention, Darren is licensed with LivingWorks and is a SafeTALK trainer/instructor. Darren enjoys and frequently gives back to the community through coaching and mentoring children, and fundraising. Additionally, he runs and operates a Brazilian jiu-jitsu club, and was a coach and competitor in archery Aboriginal team Ontario.

LILY ODDIE – PUBLIC MEMBER

Prior to becoming a member of the Canada Immigration and Refugee Board, Dr. Lily Oddie was Coordinator of Employee Services at Orlick Industries, Hamilton, an elected member of the Ontario Provincial Legislature, Executive Director with YWCA of St. Catharines, Manager of Direct Services with the Hamilton-Wentworth John Howard Society, Director of McMaster University's Centre for Continuing Education, and Coordinator, Institutional Research and Evaluation, Athabasca University. She earned her Honours Bachelor of Arts in Psychology from Dalhousie University and her Master's and Doctorate in Educational Psychology from the University of Alberta. Lily was appointed to Council in September 2008.

DONALD PANTON – ELECTED SOCIAL WORKER

Donald Panton, RSW obtained a combined bachelor in gerontology and religious studies, and a bachelor of social work from McMaster University. He has certificates in palliative care, disaster chaplaincy, and spiritual care. Donald has been working as a health care aide at Hamilton Health Sciences since 1994, and was recently appointed as a casual part-time social worker in the Nursing Resource Team. Prior to this position, he worked as a health care aide at Brantwood Life Care and was a part-time lecturer (fashion/clothing and textiles) at the University of West Indies in Jamaica. Donald currently volunteers as a church elder, adult Sabbath School teacher and treasurer at Hamilton East SDA Church, and as a disaster preparedness chaplain for Ontario Conference

SDA Church. Donald has also served in various positions on the Unit Council of the Oncology unit, Grandview Adventist Academy school board, to name a few.

JOHN PRETTI – ELECTED SOCIAL WORKER

John Pretti is a social worker with more than 40 years' experience in the London community. He has a Bachelor's degree in psychology from the University of Western Ontario and a Master's degree in social work from the University of Toronto. John has extensive experience in health care planning and administration, teaching, as well as the development of social policy. John is currently employed part time as a counsellor at London Interfaith Counselling Centre. He also conducts capacity assessments in the southwestern region of the province. He has served on the boards of several community agencies and professional associations, including the Ontario Association of Social Workers and was previously elected to the College Council. John Pretti was re-elected in May 2013.

SOPHIA RUDDOCK – PUBLIC MEMBER

Sophia Ruddock was called to the Ontario bar in 1995 and has over 18 years of experience appearing before various administrative tribunals and agencies. She has practised in the areas of human rights, administrative law, health law and labour law. Currently, she acts as in-house counsel for an association, focusing on professional regulation.

DÉIRDRE SMITH – PUBLIC MEMBER

Déirdre Smith is the Manager of the Standards of Practice and Education unit of the Ontario College of Teachers where she has led the collaborative development of the Ethical Standards for the Teaching Profession and the Standards of Practice for the Teaching Profession. Smith has also coordinated the policy development of over 350 Additional Qualification (AQ) course guidelines and programs for teacher and leadership education. Smith has presented nationally and internationally on many topics including educational leadership, ethical practice, ethical standards and standards of practice. She has been published in the areas of cases, teacher education, leadership, inclusive education and ethics. Her experience as a professional facilitator, school principal,

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education consultant, special education administrator, teacher educator, youth counsellor and classroom teacher inform her work in policy development, teacher education, leadership formation, professional learning and organizational development

ROBERT THOMPSON – ELECTED SOCIAL WORKER

Bob Thompson is a social worker with more than 40 years' experience in the North Region and in Eastern Ontario. He holds a MSW degree from the University of Toronto. His private practice, Thompson Management Support Services, is based in Thunder Bay and specializes in management and organizational development. Prior to retirement from full-time employment, Bob worked extensively in the fields of youth justice and child welfare, and taught in the Social Service Worker Program at Confederation College. Bob is involved in community organizations, with a favourite being the Children's Aid Foundation of the District of Thunder Bay. Bob was elected to Council from Electoral District No. 1 in May 2010 and May 2013.

(HEDY) ANNA WALSH – PUBLIC MEMBER

Dr. (Hedy) Anna Walsh is an adjudicator with the Toronto Licensing Tribunal. She articulated with the Ontario Ministry of Health and Long-Term Care, provided legal research assistance to Baycrest Centre and interned with Health Canada's Policy Department and the University of Toronto's Research Ethics Board Health Sciences. She

also contributed to Toronto Board of Health, North York Local Health Committee and taught courses at the University of Toronto. Dr. Walsh holds a Bachelor of Laws degree from Osgoode Hall Law School, a Ph.D. from the Factor-Inwentash Faculty of Social Work, a Master of Health Science degree in Health Administration from the University of Toronto, a Bachelor of Science degree in Occupational Therapy from McGill University and CHE designation from the Canadian College of Health Leaders.

BEATRICE TRAUB-WERNER – ELECTED SOCIAL WORKER

Beatrice Traub-Werner was Director of Education at TAPE for 12 years, a position from which she resigned in the summer of 2012. Currently, she is Dean of Continuing Studies at the Adler Professional School and the Academic Instructor for the Bridge Training Program for Internationally Trained Psychologists and Allied Mental Health Professionals, a CIC-funded program provided by the Mennonite New Life Centre of Toronto. Upon completion of her Master of Social Work at the University of Toronto, Beatrice worked as a clinical social worker before becoming Admissions Coordinator and Adjunct Professor at the Faculty of Social Work, University of Toronto. Beatrice was elected to Council in May 2008.

Q & A



Q & A is a feature appearing in *Perspective* that answers members' questions on various topics relating to the College and the practice of social work and social service work. If you have any questions you would like answered, please send them via email to Jolinne Kearns, Communications Manager, at jkearns@ocswssw.org. Although not all questions will be published in subsequent issues of *Perspective*, all will be answered.

Q: Why aren't members of the College eligible for funding under the Allied Health Professional Development Fund?

A: The Ontario College of Social Workers and Social Service Workers (OCSWSSW) is the regulatory body for social workers and social service workers in Ontario. Its mandate is to serve and protect the public interest through self-regulation of the professions of social work and social service work. The OCSWSSW is accountable to the Ministry of Community and Social Services, whereas professionals regulated under the *Regulated Health Professions Act, 1991* (RHPA) are accountable to the Ministry of Health and Long-Term Care. The Allied Health Professional Development Fund (AHPDF) is a Health Force Ontario initiative. Members of the College have for some time expressed frustration about the fact that they are not eligible for funding through the AHPDF initiative. It is important to note, however, that only nine RHPA allied health professions are eligible for funding through the AHPDF, while there are 26 health professions regulated under the RHPA.

There have been some recent positive developments with respect to this issue, largely due to effective advocacy by the Ontario Association of Social Workers (OASW): the

Minister of Community and Social Services, Dr. Helena Jaczek, announced at the College's Annual Meeting and Education Day the creation of a \$1-million Professional Development Fund Pilot (PDF), established to fund training for registered social workers and social service workers in Ontario over the next two years. Launched in September 2015, the PDF will be administered by the OASW. Be sure to visit the College website for information about how to access this funding opportunity.

Bulletin Board

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 through the website at www.ocswssw.org, emailed to info@ocswssw.org, faxed to 416-972-1512 or mailed to the College office address. In addition to providing your new address, please also 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 for our records. The information may be sent 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.

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 Monique Guibert at mguibert@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

College Council meetings are open to the public and are held at the College office in Toronto. Visitors attend as observers only. Seating at Council meetings is limited. To reserve a seat, please fax your request to the College at 416-972-1512 or email mguibert@ocswssw.org. Please visit the College's website for the dates and times of upcoming 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 excellence in 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.





Ontario College of
Social Workers and
Social Service Workers

HOW TO REACH US:

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Information Assistant

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Contact Lisa, Richelle, Melanie, Anastasia or Francine for information on complaints, discipline and mandatory reporting.

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