



Ontario College of
Social Workers and
Social Service Workers

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

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On January 26, 2022 allegations of the Member's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. Please see the Notice of Hearing below:

ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS

IN THE MATTER OF Sections 26 and 28 of the *Social Work and Social Service Work Act*, 1998, S.O. 1998, Chapter 31;

AND IN THE MATTER OF a hearing directed to be held by the Discipline Committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act*, 1998;

AND IN THE MATTER OF allegations respecting the professional conduct of Steven Finlay, a Social Worker and member of the said College;

NOTICE OF HEARING

TAKE NOTICE that a hearing will take place on a date to be fixed by the Registrar at the hour of 9:30 o'clock in the forenoon (or as soon after that time as a panel can be convened for the purpose of conducting the hearing) at the Board Room of the Ontario College of Social Workers and Social Service Workers, 250 Bloor Street East, Suite 1000, Toronto, Ontario before the Discipline Committee of the Ontario College of Social Workers and Social Service Workers. The hearing will be held pursuant to the provisions of sections 26 and 28 of the *Social Work and Social Service Work Act*, 1998 (the "**Act**") and pursuant to the Regulations made thereunder, for the purpose of hearing and determining allegations of professional

misconduct against you, Steven Finlay, which allegations were referred to the Discipline Committee pursuant to section 25(1) of the Act.

AND TAKE NOTICE that you are alleged to be guilty of professional misconduct within the meaning of section 26(2) of the Act in that you are alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the "**Professional Misconduct Regulation**"), Schedule "A" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the "**Code of Ethics**"), and Schedule "B" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the "**Handbook**")¹.

I. The following are particulars of the said allegations:

1. You obtained a Master's Degree in Social Work from Wilfrid Laurier University in 1983.
2. Now, and since 2017, you were a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**").
3. Prior to your registration with the College, you provided individual and couples counseling in Ontario.
4. In or about September 2004 to in or about January 2005, you engaged in individual counseling sessions with a client, [X.X.] (the "**Client**"). At the time that the client sought your services, she was a 32-year-old woman who:
 - (a) had a religious conservative background;
 - (b) was caring for her two small children, a toddler and an infant; and
 - (c) sought your services for support with marital issues.
5. From in or about November 2004 to in or about January 2005, you provided individual and/or couples' counselling to the Client and her husband.

¹ By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008 by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

6. You engaged in a sexual relationship with the Client from in or about February of 2005 to in or around April of 2005. During the said sexual relationship, you videorecorded a sexual encounter between the Client and yourself on at least one occasion.
7. Following the sexual relationship with the Client, she and her husband divorced.
8. In or about November 14, 2005, the Client made a complaint (the “**2005 Complaint**”) to the American Association of Marriage and Family Therapists (“**AAMFT**”).
9. At all times relevant to the Report, you were registered as a member of the AAMFT.
10. At no time prior or subsequent to your registration with the College did you disclose to the College that there had been a complaint made against you, by the Client, to the AAMFT.
11. In or about January 25, 2021, the College received a mandatory report (the “**Mandatory Report**”) regarding your sexual relationship with the Client.
12. The Client continued to experience distress over the sexual relationship between you and herself for many years. The past sexual relationship has also contributed to the Client’s PTSD.
13. Prior to receiving the Mandatory Report, the College, including the Registration Committee, had no knowledge of your sexual relationship with the Client.

II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the Act:

- (a) In that you violated **Section 2.36 of the Professional Misconduct Regulation** by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

AND FURTHER TAKE NOTICE that the parties (including the College and you) shall be given the opportunity to examine before the hearing any documents that will be given in evidence at the hearing.

AND FURTHER TAKE NOTICE that at the said hearing, you are entitled to be present and to be represented by counsel.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THIS NOTICE OF HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING, AND MAY DEAL WITH THE ABOVE ALLEGATIONS AGAINST YOU, IN YOUR ABSENCE AND WITHOUT ANY FURTHER NOTICE TO YOU.