



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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The Ontario College of Social Workers and Social Service Workers Use of Title and Holding Out Provisions

Introduction

The Ontario College of Social Workers and Social Service Workers (the College) regulates the practice of social work and social service work in Ontario. Established on March 1, 1999 by the *Social Work and Social Service Work Act, 1998* (the Act), the College serves and protects the public interest by setting standards for the professional and ethical practice of social work and social service work and by regulating the practice of social work and social service work in the public interest.

It is important that members of the College, employers and the public understand the use of title and holding out provisions applicable to social service workers and social workers (and other professions) in the province of Ontario.

Titles and designations—often used to convey information to others about an individual's role, activities or professional characteristics—are obtained from various sources, such as training or education, and job titles or descriptions. However, regardless of how they are obtained, in Ontario, and indeed in other provinces, many titles and designations are protected by legislation. "Social worker" and "social service worker" are two of the protected titles in Ontario under the Act, and their use is granted through registration or membership in the College.

While the use of title and holding out provisions may seem clear cut, several issues and concerns have arisen in the course of the College's operation. The intent of this article is to help identify and clarify issues related to use of title and holding out applicable to social workers and social service workers.

It should be emphasized, however, that while this article may help to identify and better clarify issues surrounding use of title and holding out, it is not intended to be an exhaustive summary of the relevant statutory use of title and holding out provisions, nor should this article serve as a substitute for individual review of the relevant statutory provisions. In the event of any discrepancy between this article and the Act and regulations or the *Regulated Health Professions Act* and its regulations, the Acts and regulations will prevail.

What is “title protection”?

It means that in Ontario:

- only people who are registered as social work members of the College can call themselves a “social worker,” “registered social worker,” “travailleur social,” or “travailleur social inscrit” or use an abbreviation of any of these titles¹; and
- only people who are registered as social service work members of the College can call themselves a “social service worker,” “registered social service worker,” “technicien en travail social,” or “technicien en travail social inscrit,” or use an abbreviation of any of these titles.²

What does the prohibition on “holding out” or “representing” oneself as a social worker or social service worker mean?

People who are **not** registered as social work or social service work members of the College are restricted from representing themselves to the public in any manner so as to lead members of the public to infer that they are social workers, registered social workers, social service workers, registered social service workers or registered members of the College.³

Why are “title protection” and the prohibitions on “holding out” and “representing” necessary for Ontario social workers and social service workers?

Public/Consumer protection

Consumers (individuals and organizations receiving services from social workers and social service workers) have a right to expect to receive professional and ethical services provided by professionals who abide by a code of ethics and standards of practice and who are competent in their field.

All social work and social service work members of the College have met academic and other entry-to-practice requirements, are trained in ethics, and are required to abide by the College’s *Code of Ethics and Standards of Practice*. Employers, clients, colleagues and other professionals have a right to know and to expect that a person calling themselves a social worker or social service worker is indeed an individual with skills and training and is accountable to the College.

Title protection and the prohibition on holding out promote the ability of members of the public to identify different health care and service providers. This is a cornerstone of public/consumer protection in professional regulation, because it helps consumers/members of the public to make informed choices about service providers.

Public confidence

Title protection and holding out provisions maintain public confidence in social workers and social service workers because members of the public know they are receiving services from trained, competent and accountable professionals.

¹ Subsection 46(1), *Social Work and Social Service Work Act, 1998*

² Subsection 46(2), *Social Work and Social Service Work Act, 1998*

³ Subsections 47(1) and (2), *Social Work and Social Service Work Act, 1998*

Why does Ontario need these statutory provisions for social workers and social service workers?

Many settings employ individuals to provide social work and social service work services without requiring these employees to be registered as members of the College. These provisions increase awareness among employers about who they are hiring for which positions.

Why doesn't the College insist that employers hire registered social workers or registered social service workers?

The College has no authority to regulate employers. There is no legal authority for the College to require an organization to employ members of the College or not to employ persons who are not members of the College. However, the College encourages employers to require registration with the College of those employees who are eligible to be members of the College and whose duties are within the scope of practice of the profession of social work or social service work. The College makes ongoing efforts to educate employers about the benefits of hiring regulated professionals and the statutory use of title and holding out provisions so that they can educate their staff on these legal requirements.

What are the consequences for an individual of non-compliance with these public protection provisions?

It is a provincial offence to contravene the statutory use of title or holding out provisions. Upon conviction, a person is liable to a fine of up to \$5,000 for a first offence, and up to \$10,000 for a subsequent offence. In addition, the Act permits the College to apply to a court for a court order which requires a person to comply with the legislation.

How have the courts interpreted statutory provisions prohibiting "holding out" or "representing" registered professional status?

Generally, the courts have taken an objective approach to determine whether there was a "holding out" offence. The intent of the person who is alleged to have committed the offence has not been seen as relevant. Rather, the courts look to the entire conduct of the person to see whether a reasonable member of the public would infer that the person was a social worker, social service worker or registered member of the College. It is not important that members of the profession may well understand what the qualifications of the person really are; in assessing the conduct, the court will examine how a lay person would interpret the representation.

How does the College learn that an individual may have contravened these statutory provisions?

The College learns of such individuals through various means including written reports from members of the public, members of the College and other professionals—some of which are anonymous; mandatory written reports from members of the College and employers; and written complaints from members of the public, members of the College, employers and other professionals.

How does the College deal with information that an individual may have contravened these statutory provisions?

The College's handling of this information depends on the circumstances. Typically, the College's Registrar corresponds with the individual, alerts the individual to the statutory title protection and/or holding out provisions and the statutorily prescribed consequences on conviction for breach of the statutory provisions, and requests that the individual notify the College of how they will

correct their practices. The College may take other steps to gather information and evidence regarding the allegations.

Does the College require its social work and social service work members to use any particular designation or title?

Social work members of the College must use the English designation RSW, or the French designation TSI or one of the titles “Social Worker” or “Registered Social Worker” following their name.⁴ Social service work members of the College must use the English designation RSSW or the French designation TTSI or one of the titles “Social Service Worker” or “Registered Social Service Worker” following their name.⁵

A College member who inappropriately uses a term, title or designation in respect of their professional practice⁶, or who fails to identify himself or herself as a social worker or social service worker when providing social work or social service work services⁷, may be found to have committed an act of professional misconduct. Similarly, College members must not misrepresent professional qualifications, education, experience or affiliation.⁸

Would the College consider an individual who is not a member of the College and who uses the designation “BSW” or “MSW” to have contravened the statutory holding out provisions?

Although such individuals may have earned their BSW (Bachelor of Social Work degree) or MSW (Master of Social Work degree), these individuals also must consider their responsibility to represent themselves, their knowledge and their skills and abilities in a clear, open and thorough manner and in keeping with Ontario law. In order to achieve transparency and avoid misleading or misrepresentative information, it is essential that the individual consider the general knowledge and expectations of the audience receiving the information. Thus, the College makes such determinations on a case-by-case basis, in the context of the circumstances of each individual situation. For example, the College would consider the setting in which the individual provided service, the nature of the clientele served by the individual, whether the client(s) believed service was provided by a registered social work member of the College, and whether a reasonable member of the public would infer that the individual was a registered social work member of the College.

I have a doctorate degree. Can I use the title “Doctor”?

A member of the College who holds an earned doctorate in social work is permitted to use the title “doctor”, a variation, abbreviation or an equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals provided that he or she complies with

⁴ Subsection 15 (1) and (2), O. Reg. 383/00 (Registration), made under the *Social Work and Social Service Work Act, 1998*

⁵ Subsection 16 (1) and (2), O. Reg. 383/00 (Registration), made under the *Social Work and Social Service Work Act, 1998*

⁶ Subsection 2.15, O. Reg. 384/00 (Professional Misconduct), made under the *Social Work and Social Service Work Act, 1998*

⁷ Subsection 2.16, O. Reg. 384/00 (Professional Misconduct), made under the *Social Work and Social Service Work Act, 1998*

⁸ Principle II, Interpretation 2.2.7, *OCSWSSW Standards of Practice, Second Edition, 2008*

the requirements under the Act, regulations and by-laws.¹ A member of the College who holds a doctorate that is not in social work may not use the title “doctor” in the course of providing or offering to provide health care in Ontario², although he or she may use the title in other contexts which do not involve providing or offering to provide health care.

Why doesn't the College insist that all individuals in Ontario who provide social work-like or social service work-like service become registered members of the College?

The College does not have any legal or other authority to do so. [There are no provisions in the Act that require a person engaged in activities that social workers or social service workers may perform to be registered with the College unless the person is using one of the protected titles or holding himself or herself out to be a social worker, social service worker, registered social worker or registered social service worker.] The College has, and will continue to educate members of the College, the public and employers about the statutory use of title and holding out provisions. The College also will continue to deal with cases brought to its attention regarding individuals who are not registered members of the College and who use the protected titles “social worker,” “registered social worker,” “travailleur social,” “travailleur social inscrit,” “social service worker,” “registered social service worker,” “technicien en travail social,” “technicien en travail social inscrit,” or an abbreviation of any of these titles; or who represent or hold themselves out, expressly or by implication, as a social worker or social service worker or a registered social worker or registered social service worker.

What should I do if I believe someone is improperly using a title or holding themselves out to be a social worker or social service worker?

You may inform the College Registrar, in writing, of your belief and of the reasons for your belief. You may include with your letter copies of any documents or other evidence in your possession supporting your belief.

Before doing so, you may wish to verify whether or not the individual you are concerned about is actually a registered member of the College. To do this, you must make a request in writing. This may be done by regular post, courier delivery, fax or by completing the online register inquiry form on the College website: www.ocswssw.org. Your request must include the name of the individual and sufficient information to allow the College to distinguish that individual from other individuals with similar names.

For more information on use of title and holding out provisions, contact the Professional Practice Department at practice@ocswssw.org or by telephone at 416-972-9882 or 1-877-828-9380.

¹ Section 47.3, *Social Work and Social Service Work Act, 1998*. Also refer to the *College's Communication to Members of OCSWSSW Regarding Use of the Title "Doctor"* document at <http://ocswssw.org/wp-content/uploads/2015/01/doctortitle.pdf>

² Subsection 33(1), *Regulated Health Professions Act*