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**REVIEW OF
THE *SOCIAL WORK & SOCIAL SERVICE WORK ACT, 1998***

- DISCUSSION PAPER -

INTRODUCTION

The Ministry of Community and Social Services is conducting a five-year review of the *Social Work and Social Service Work Act, 1998* to identify and address implementation problems, if any, resulting from the provisions of the Act since the Ontario College of Social Workers and Social Service Workers (OCSWSSW) was first established in 1999.

The review is not an evaluation of the College's performance, but whether there are legislative barriers to effective implementation of the College's responsibilities in support of the primary duty to serve and protect the public interest.

This discussion paper provides background on why the legislation was introduced; an overview of the legislation; sets out review questions that will assist stakeholders in identifying any implementation issues; and identifies the process for how stakeholders can contribute to the review.

BACKGROUND

1. Purpose of the Act

The *Social Work and Social Service Work Act, 1998*, which regulates the practice of social workers and social service workers, received Royal Assent on December 18, 1998. The Act was proclaimed in stages with the final section proclaimed on August 15, 2000.

Social workers and social service workers practise in many settings such as child welfare, children's mental health, facilities for the developmentally disabled, hospitals and home care. Social workers and social service workers apply knowledge, skills, values and principles to a wide range of complex personal and interpersonal, community and societal issues.

Unethical or incompetent practice of social workers and social service workers can seriously harm vulnerable people. The legislation provides public protection and a means to monitor and support excellence in practice, while building on government's directions regarding child protection and personal safety. The legislation recognizes the two professions of Social Work and Social Service Work. Ontario is the only jurisdiction to include social service workers in such legislation.

1.1 Overview of the Act

The Act provides identifiable professional designations for 'Social Workers' and for 'Social Service Workers'. The Act restricts the use of the following title(s):

- Social Worker/ Registered Social Worker (generally, holders of degrees: Bachelor of Social Work, Master of Social Work, Doctor of Social Work);
- Social Service Worker/Registered Social Service Worker (generally, holders of a two-year certificate in social services from a community college).

The Act protects the public by establishing a self-governing College to regulate the practices of social work and social service work. Membership in the College is mandatory for anyone who wishes to use the title social worker or social service worker.

The primary duty of the College is to serve and protect the public interest. In this regard the public has access to a registry of all members of the College. The College ensures that social workers and social service workers are accountable for their practice and are answerable to the College regarding complaints from the public. The College may take remedial and other suitable measures in the public interest. The College is accountable to the Minister of Community and Social Services for carrying out its work to protect the public interest. Under the Act, the College:

- sets standards of practice and ethics;
- oversees professional qualifications and certification;
- maintains a registry of members;
- maintains a public complaints process;
- disciplines members for professional misconduct or incompetence; and
- coordinates ongoing professional education.

The College is governed by a 21-member Council with equal representation of social workers and social service workers elected by members of the College and public members appointed by Order-in-Council. The Council manages the affairs of the College.

Accountability measures for the College include the following:

- The College reports annually to the Minister on its activities and financial affairs;
- The College must hold annual meetings of members;
- The government can require the College to provide information and reports, to take specific actions, or make, amend, or revoke a regulation;
- The registry of College members is accessible to the public;
- Council meetings are open to the public, with limited exceptions; and
- Ministerial review and Lieutenant Governor in Council approval are required for Council regulations (e.g., certificate of registration, and professional misconduct).

2. THE REVIEW

Under section 56(1) of the Act, the Minister of Community and Social Services must conduct a review of the Act by August 15, 2005. The intent of the five-year review was to identify any legislative barriers to the effective implementation of the Act that may not have been foreseen when the legislation was first introduced.

All public and stakeholders' responses to the two following questions will be received and collated by the Community Services Branch, Social Policy Development Division. Submissions will form the basis of a report for the Minister of Community and Social Services. The final report will be available for public review at the ministry's website at www.css.gov.on.ca.

2.1 Review Questions

If you wish to participate in this review, the Ministry of Community and Social Services will be accepting written responses to the following review questions until **March 15, 2005**.

- **Are the provisions in the Act adequate for achieving the objectives of the Act (i.e., public protection, quality social work and social service work services and accountability)?**
- **What changes to the Act, if any, should be considered by the government to improve the operations of the College in carrying out its roles and responsibilities?**

2.2 How/Where to send your submission:

Written submissions will be accepted by mail, fax or email.

- Submissions may be sent by email (please attach word documents only) to **swsswa.review@css.gov.on.ca**;
- Submissions may be faxed to **416-325-8865**; or
- Submissions may be forwarded by mail:

**Attention: Mohamad Haniff, Senior Policy Analyst
Ministry of Community & Social Services
Community Services Branch
56 Wellesley Street West, 12th Floor
Toronto, Ontario
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If you have any questions regarding this review, please send us an email at the above email address, or call Mohamad Haniff at 416-327-4866.

Thank you for your interest and for taking the time to participate in this review.