

BILL NO. 34

(as passed)



*2nd Session, 58th General Assembly
Nova Scotia
50 Elizabeth II, 2001*

Government Bill

Social Workers Act (amended)

CHAPTER 19 OF THE ACTS OF 2001

The Honourable Peter G. Christie
Minister of Community Services

[First Reading](#): April 18, 2001

Second Reading: May 18, 2001

[Third Reading](#): May 29, 2001

Royal Assent: June 1, 2001



An Act to Amend Chapter 12

of the Acts of 1993, the Social Workers Act

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 12 of the Acts of 1993, the *Social Workers Act*, is amended by

(a) striking out "or employed by a partnership or corporation that provides social-work services" in the second, third and fourth lines of clause (j) and substituting "as determined by the Board";

(b) adding ", including a registered social worker (provisional)," immediately after "Province" in the third line of clause (k); and

(c) repealing clause (m) and substituting the following clause:

(m) "Registrar" means a person employed by the Association as Registrar of the Board;

2 Subsection 11(1) of Chapter 12 is amended by adding immediately after clause (k) the following clause:

(ka) prescribing standards of practice for social workers;

3 (1) Clause 15(1)(a) of Chapter 12 is amended by striking out "seven" in the first line and substituting "nine".

(2) Subsection 15(3) of Chapter 12 is amended by adding "and may continue to serve until re-appointed or replaced" immediately after "re-appointed" in the second and third lines.

4 (1) Subsection 16(1) of Chapter 12 is amended by striking out ", a Registrar, an Assistant Registrar" in the second and third lines.

(2) Subsection 16(2) of Chapter 12 is repealed.

5 Subsection 17(2) of Chapter 12 is amended by striking out "Five" in the first line and substituting "Six".

6 Clause 22(2)(c) of Chapter 12 is amended by adding "and who holds one or more of the degrees referred to in clauses (a) and (b)" immediately after "Council" in the last line.

7 Chapter 12 is further amended by adding immediately after Section 22 the following Section:

22A (1) The Board shall maintain a Register of Social Workers (Provisional) in which shall be entered the name of any person approved by the Board upon application who

(a) is a registered member in good standing of a Canadian association of social workers approved by the Council;

(b) is registered in an accredited faculty of social work;

(c) agrees to complete the requirements and obtain a bachelor of social work degree from an approved faculty of social work within a time frame approved by the Board, but not to exceed eight years from the date of application for registration pursuant to this Section;

(d) has filed with the Board proof as prescribed by the regulations;

(e) has paid the prescribed fee; and

(f) if employed, agrees to work under the supervision of a registered social worker, until qualifying as a registered social worker.

(2) Every person who meets the requirements of this Section and whose name appears on the Register of Social Workers (Provisional) may use the designation "Registered Social Worker (Provisional)" or initials designating the same.

(3) The Board shall, upon application, register as a registered social worker any registered social worker (provisional) who obtains a bachelor of social work degree from an accredited faculty of social work without any requirement of passing further examinations.

8 Subsection 25(1) of Chapter 12 is amended by adding ", 22A" immediately after "22" in the first line.

9 Chapter 12 is further amended by adding immediately after Section 25 the following Section:

25A Where a person ceases to be a member of the Association for any reason or ceases to be registered for any reason, the person remains subject to the jurisdiction of the Board in respect of any disciplinary matter arising out of the person's conduct while a member or while registered.

10 Subsection 28(1) of Chapter 12 is amended by adding ", conduct unbecoming" immediately after "misconduct" in the last line.

11 (1) Subsection 29(2) of Chapter 12 is repealed and the following subsection substituted:

(2) The Complaints Committee, in accordance with the information it receives, may

(a) dismiss the complaint;

(b) attempt to resolve the matter informally;

(c) with the consent of both parties, refer the matter, in whole or in part, for mediation;

(d) counsel the social worker or social worker candidate;

(e) reprimand the social worker or social worker candidate, with that person's consent;

(f) with the consent of the social worker or social worker candidate, require that person to undergo such treatment or re-education as the Committee considers necessary;

(g) refer the matter, in whole or in part, to the Discipline Committee.

(2) Subsections 29(5) to (7) of Chapter 12 are repealed and the following subsections substituted:

(5) Where, during an investigation, the Complaints Committee

(a) determines that it is desirable in the public interest to suspend the registration or restrict the registration of the person being complained of pending the completion of the investigation and, where the matter is referred to the Discipline Committee, the hearing and adjudication of the complaint;

(b) has furnished the person with the notice of such determination as is prescribed by the Complaints Committee; and

(c) has heard such explanation as is offered by the person at the suspension hearing or provided for in the notice, the Complaints Committee may suspend the registration of the person or restrict the registration of the person on a temporary basis.

(6) A decision pursuant to subsection (5) continues in force until final resolution by the Discipline Committee.

12 Chapter 12 is further amended by adding immediately after Section 29 the following Section:

29A (1) After the Complaints Committee refers a matter to the Discipline Committee pursuant to clause (g) of subsection (2) of Section 29, the registered social worker, registered social worker (provisional) or social worker candidate complained of may, at any time prior to the commencement of the hearing before the Discipline Committee, tender to the Complaints Committee a proposed settlement agreement, in writing, consented to by the legal counsel for the Board that includes an admission of a discipline matter or violation and the registered social worker, registered social worker (provisional) or social worker candidate's consent to a specified disposition, conditional upon the acceptance of the agreement by the Discipline Committee.

(2) The Complaints Committee may, in its discretion, recommend or refuse to recommend acceptance of the proposed settlement agreement by the Discipline Committee.

(3) Where the Complaints Committee recommends the acceptance of the proposed settlement agreement, the Committee shall instruct legal counsel for the Board to advise the Discipline Committee hearing the complaint of its recommendation.

(4) Where the Complaints Committee refuses to recommend the proposed settlement agreement, the hearing shall proceed without reference to the proposed settlement agreement.

(5) Where the Discipline Committee appointed to hear the complaint accepts the recommendation of the Complaints Committee, the Discipline Committee shall confirm its acceptance by written decision that incorporates the settlement agreement.

(6) Where the Discipline Committee appointed to hear the complaint rejects the recommendation of the Complaints Committee,

(a) it shall advise the Registrar of its decision;

(b) it shall proceed no further with the hearing of the complaint;

(c) a new Discipline Committee shall be appointed to hear the complaint and no member of the Discipline Committee that considered the proposed settlement agreement shall be a member of the new Discipline Committee; and

(d) the Complaints Committee retains jurisdiction over the complaint until the commencement of the hearing by the new Discipline Committee.

13 Subsection 30(6) of Chapter 12 is amended by striking out "or incompetence" in the third line and substituting ", conduct unbecoming, incompetence or breach of the Code of Ethics".

14 Subsections 32(1) and (2) of Chapter 12 are repealed and the following subsections substituted:

(1) In proceedings before the Discipline Committee, the parties to the proceedings include

(a) the Board; and

(b) the member of the Association whose conduct is being investigated.

(2) The following evidence is not admissible before a Discipline Committee unless the opposing party has been given, at least ten days before the hearing,

(a) in the case of written or documentary evidence, an opportunity to examine the evidence;

(b) in the case of evidence of an expert, a copy of the expert's written report or, where there is no written report, a written summary of the evidence; or

(c) in the case of evidence of a witness, the identity of the witness.

(2A) Notwithstanding subsection (2), a Discipline Committee may in its discretion allow the introduction of evidence that would be otherwise inadmissible under subsection (2) and may make directions it considers necessary to ensure that a party is not prejudiced.

15 (1) Clause 33(2)(a) of Chapter 12 is amended by striking out "or" in the third line and substituting ", conduct unbecoming,".

(2) Section 33 of Chapter 12 is further amended by adding immediately after subsection (3) the following subsection:

(3A) A member may be found guilty of conduct unbecoming by the Discipline Committee if the member has been guilty, in the opinion of the Committee, of

(a) conduct unbecoming as defined in the Code of Ethics; or

(b) misbehaviour done outside of a worker-client relationship that reflects on the member's integrity or competence and that could bring discredit to the profession.

16 Section 34 of Chapter 12 is amended by striking out "or incompetence" in the second and third lines and substituting ", conduct unbecoming, incompetence or a breach of the Code of Ethics".

17 Section 37 of Chapter 12 is repealed and the following Section substituted:

37 Where the registration of a member of the Association is revoked or suspended by the Complaints Committee or the Discipline Committee, the Registrar shall place a notice in such publication as the Registrar deems necessary in order to inform the public.

18 Section 38 of Chapter 12 is amended by adding "or a violation of the Code of Ethics or conduct unbecoming" immediately after "incompetence" in the fifth line.

19 Sections 44 and 45 of Chapter 12 are repealed and the following Section substituted:

44 The Discipline Committee and each member of the Discipline Committee have all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

20 Section 47 of Chapter 12 is repealed.

21 Chapter 12 is further amended by adding immediately after Section 50 the following Sections:

50A The member who is charged in a disciplinary matter shall appear at the hearing but, in the event of non-attendance by the member, the Discipline Committee, upon proof by affidavit, statutory declaration or other evidence acceptable to the Committee of service of a notice of the hearing, may proceed with the hearing and, without further notice to the member, render its decision and take such other action as it may take pursuant to this Act.

50B (1) The member complained against may appeal on any point of law from the findings of the Discipline Committee to the Nova Scotia Court of Appeal.

(2) The notice of appeal shall be served on the Registrar and the complainant.

(3) The record on appeal from the findings of a Discipline Committee shall consist of a copy of the transcript of the proceedings, the decision of the Committee and the evidence before the hearing, certified by the chair of the Committee.

(4) The *Civil Procedure Rules* governing appeals from the Supreme Court of Nova Scotia to the Nova Scotia Court of Appeal that are not inconsistent with this Act apply *mutatis mutandis* to an appeal to the Nova Scotia Court of Appeal pursuant to this Section.



This page and its contents published by the Office of the Legislative Counsel, Nova Scotia House of Assembly, and © 2001 Crown in right of Nova Scotia. Created June 5, 2001. Send comments to legc.office@gov.ns.ca.