

Social Workers Act

CHAPTER 12 OF THE ACTS OF 1993

as amended by

2001, c. 19; 2005, c. 60; 2012, c. 48, s. 40; 2015, c. 52



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CHAPTER 12 OF THE ACTS OF 1993
amended 2001, c. 19; 2005, c. 60; 2012, c. 48, s. 40; 2015, c. 52

**An Act to Regulate the
Practice of Social Work**

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Short title

1 This Act may be cited as the *Social Workers Act*. 1993, c. 12, s. 1.

Interpretation

2 In this Act,

(a) “approved faculty of social work” means the Maritime School of Social Work of Dalhousie University, or any other faculty or school of social work approved by the Council;

(b) *repealed 2015, c. 52, s. 1.*

(c) “Board” means the Board of Examiners continued by this Act;

(d) “by-laws” means the by-laws made by the College pursuant to this Act;

(e) “Code of Ethics” means the code of ethics as adopted pursuant to this Act;

(ea) “College” means the Nova Scotia College of Social Workers continued by this Act;

(f) “Council” means the Council of the College;

(g) “judge” means a judge of the Supreme Court of Nova Scotia;

(h) “member of the College” means a member of the College in good standing;

(i) “prescribed fees” means both the registration fee and the membership fee as determined pursuant to this Act;

(j) “private practice” means the provision of social work services by a person who is self-employed as determined by the Board;

(k) “social worker” means a person registered pursuant to this Act to practise social work in the Province, including a registered social worker (provisional), but does not include a social worker candidate;

(l) “social worker candidate” means a person registered pursuant to this Act to practise social work in the Province as a candidate;

(m) “Registrar” means a person employed by the College as Registrar of the Board;

(n) “regulations” means the regulations made by the Council pursuant to this Act. 1993, c. 12, s. 2; 2001, c. 19, s. 1; 2015, c. 52, s. 1.

Exemptions from application of Act

3 This Act does not apply to

- (a) the practice of nursing;
- (b) the practice of teaching by a teacher as defined in Section 2 of the *Education Act*;
- (c) the practice of psychology by a person registered on the Register of Psychologists or the Register of Candidates pursuant to the *Psychologists Act*;
- (d) the practice of any occupation, calling or profession authorized by an Act of the Province;
- (e) the clergy;
- (f) a person from carrying out volunteer functions which may include, in part, components of the practice of social work, if the person does not perform such functions for remuneration and no representation is made by the person that the person is a social worker;
- (g) a person from carrying out, for remuneration, functions which include, in part, components of the practice of social work, if such functions are performed under the direct supervision of a social worker and no representation is made by the person that the person is a social worker; or
- (h) a person employed by a volunteer social agency, that is not providing to any significant extent social work services, from carrying out functions that include, in part, components of the practice of social work, if such functions are restricted to carrying out the approved and recognized purposes and responsibilities of the agency and no representation is made by the person that the person is a social worker,

and nothing in this Act requires any person to become registered pursuant to this Act to perform such functions. 1993, c. 12, s. 3.

Nova Scotia College of Social Workers

4 (1) The Nova Scotia Association of Social Workers is hereby continued as a body corporate under the name of the Nova Scotia College of Social Workers and is composed of the Association’s members.

(2) For greater certainty, all assets, property and liabilities held by the Association are vested in the College. 2015, c. 52, s. 2.

Objects of College

5 In order to

- (a) serve and protect the public interest;
- (b) preserve the integrity of the social-work profession; and
- (c) maintain public confidence in the ability of the social-work profession to regulate itself,

the College shall

- (d) regulate the practice of social work through
 - (i) the registration, licensing, professional conduct and other processes set out in this Act and the regulations,
 - (ii) the approval and promotion of a code of ethics, and
 - (iii) the development, approval and promotion of standards of practice, entry-level competencies and continuing competency requirements;
- (e) subject to clause (d), and in the public interest, advance and promote the practice of social work;
- (f) encourage members to participate in affairs promoting the practice of social work, in the best interest of the public;
- (g) advocate for the development, enhancement and promotion of policies to improve social conditions and promote social justice; and
- (h) do such other lawful acts and things as are incidental to the attainment of the purpose and objects of the College. 2015, c. 52, s. 3.

Practice of social work

5A (1) For the purpose of this Act, the practice of social work means the provision of professional services to clients through the use of social work knowledge, theory, skills, judgement and values acquired through a program from an approved faculty of social work.

(2) The professional services to clients referred to in subsection (1) may include

- (a) intervention through direct contact with clients, including assessment, case management, client-centered advocacy, education, consultation, counselling, crisis intervention and referral;
- (b) community development founded on the principles of social justice that focus on mobilizing individuals to employ their skills to effect community change by community capacity building and community-based participation research; and
- (c) direct or indirect provision of administrative, educational, policy or research services including

- (i) the development and promotion of social policies focused on improving social conditions and promoting social justice,
- (ii) the development, the provision and the administration of social-work services programs, and
- (iii) the supervision of individuals providing social work services; and
- (d) such other activities as may be prescribed by the regulations. 2015, c. 52, s. 3.

Members of College

6 (1) Subject to the by-laws, every person who is approved by the Board for registration pursuant to this Act is a member of the College.

(2) Each social worker and each social worker candidate shall pay to the College a registration fee as set by the Council.

(3) Each member of the College shall pay to the College a membership fee set by the College. 1993, c. 12, s. 6; 2015, c. 52, s. 4.

Personal liability of members

7 No member of the College is personally liable for any debts or liabilities of the College unless such member expressly agrees to be liable. 1993, c. 12, s. 7; 2015, c. 52, s. 5.

Head office

8 The head office of the College shall be at such place as the Council determines. 1993, c. 12, s. 8; 2015, c. 52, s. 6.

Powers respecting property

9 The College may acquire, by purchase or otherwise, and hold, mortgage and sell real and personal property for the purpose of carrying out its objects. 1993, c. 12, s. 9; 2015, c. 52, s. 7.

Annual convention and officers and committees

10 (1) There shall be a convention of the College not later than the thirty-first day of May in each year.

(2) The College, at each convention, shall elect a President, Vice-president, Secretary and Treasurer and may elect or appoint such other officers and committees as it considers advisable. 1993, c. 12, s. 10; 2015, c. 52, s. 8.

By-laws

11 (1) The College may make by-laws

- (a) providing for the government of the College and its members;
- (b) providing for the admission of persons as student, associate or honorary members of the College;
- (c) relating to the election or appointment of members of the Board and officers and members of the Council and the conduct and duties of members and officers of the College;
- (d) providing for the fixing and collecting of annual and other fees;
- (e) providing for establishing and maintaining a Register of Members of the College and for the issue of annual certificates of membership;
- (f) providing for the acquisition, holding, mortgaging and selling of real and personal property;
- (g) providing for the establishment of local branches of the College in any city, town or other locality within the Province;
- (h) adopting the code of ethics of the Canadian Association of Social Workers and amending the code as it applies to members of the College;
- (i) establishing a scale of suggested fees for social workers engaged in the private practice of social work;
- (j) prescribing the requirements and qualifications necessary for a social worker to engage in private practice;
- (k) establishing areas of specialization and prescribing the qualifications required to practise social work in such an area of specialization;
- (ka) prescribing standards of practice for social workers;
- (l) providing for the borrowing of money for the purposes of the College and the giving of security therefor;
- (m) relating to the powers of the College;
- (n) relating to all such other acts and things as may be necessary for the conduct of the business and meetings of the College.

(2) The by-laws made pursuant to subsection (1) shall be made by resolution of the members of the College present at a meeting of the College of which notice of the intention to make the by-laws has been given. 1993, c. 12, s. 11; 2001, c. 19, s. 2; 2015, c. 52, s. 9.

Council of College

- 12 (1)** The Council of the College is continued and consists of

(a) the President, Vice-president, Secretary, Treasurer, Immediate Past President and such other members as are elected or appointed in the manner provided by the by-laws, who shall hold office as provided by the by-laws; and

(b) the Chair of the Board.

(2) Notwithstanding subsection (1), the Council, as it existed immediately before the coming into force of this Act, is continued until the first election pursuant to subsection (1).

(3) In the case of the resignation, death or dismissal of the President, Vice-president or any elected member of the Council, the remaining members of the Council may fill, from among the members of the College, the vacancy so caused for the unexpired portion of the term.

(4) Where the Chair of the Board is unable to attend a meeting of the Council, the members of the Board may choose another member of the Board to attend in the place of the Chair of the Board. 1993, c. 12, s. 12; 2005, s. 60, s. 1; 2015, c. 52, s. 10.

Council meetings

13 (1) Meetings of the Council shall be held by order of the President or at the request of three members of the Council.

(2) The President, or in the President's absence, the Vice-president, or in the absence of both, a member of the Council chosen in accordance with the by-laws, shall chair all meetings of the Council.

(3) At any meeting of the Council, all matters shall be decided by a majority of the votes of the members of the Council present at the meeting and the chair shall vote only when the votes are equally divided. 1993, c. 12, s. 13.

Powers of the Council

14 The Council has charge of the business and affairs of the College and has and may exercise such powers and functions as are conferred or imposed upon it by this Act or the by-laws. 1993, c. 12, s. 14; 2015, c. 52, s. 11.

Board of Examiners

15 (1) The Board of Examiners is continued and consists of

(a) nine social workers appointed by the Council who represent the diversity of various fields of social-work practice and who reflect the sex, racial and ethnic composition of the College, one of whom is teaching at an approved school of social work; and

(b) three persons appointed by the Governor in Council who are neither social workers nor social worker candidates.

(2) Notwithstanding subsection (1), the Board, as it existed immediately before the coming into force of this Act, is continued until the first appointments pursuant to subsection (1).

(3) The members of the Board hold office for a term of two years and, subject to subsection (5), may be re-appointed and may continue to serve until re-appointed or replaced.

(4) Notwithstanding subsection (3), the Council shall, for the initial term only, appoint five members of the Board to a three-year term.

(5) No member of the Board may be re-appointed to a fourth consecutive term.

- (6) A member of the Board ceases to hold office if that person
- (a) becomes incapable of exercising that person's duties due to illness;
 - (b) resigns;
 - (c) ceases to reside in the Province;
 - (d) is found guilty of an offence pursuant to this Act;
 - (e) misses three consecutive meetings of the Board without having, in the opinion of the remaining members of the Board, a reasonable excuse; or
 - (f) ceases to be a member of the College.

(7) Where a vacancy occurs on the Board during any term, the position shall be filled in the same manner as the original appointment and that person shall complete the term of the office vacated. 1993, c. 12, s. 15; 2001, c. 19, s. 3; 2005, c. 60, s. 2; 2015, c. 52, s. 12.

Officers of Board

16 (1) The Board shall elect from among its members a Chair of the Board, a Vice-chair and a Secretary.

(2) *repealed 2001, c. 19, s. 4.*

1993, c. 12, s. 16; 2001, c. 19, s. 4.

Board meetings

17 (1) The Board shall meet once a year and at such other times as the Chair or a majority of members of the Board see fit and the Chair shall give notice of the time and place of each meeting to each member of the Board.

(2) Six members of the Board constitute a quorum. 1993, c. 12, s. 17; 2001, c. 19, s. 5.

Remuneration and expenses

18 Each member of the Board shall receive, in addition to reasonable travelling expenses, such remuneration as the Council determines for conducting business of the Board. 1993, c. 12, s. 18.

Examinations

19 The Board shall examine persons seeking to be registered as social workers or social worker candidates and social workers seeking to engage in private practice. 1993, c. 12, s. 19.

Regulations by Council

20 The Council may make regulations

- (a) prescribing the proofs to be furnished as to education, good character and experience;
- (b) prescribing the subjects for examination of candidates for registration as social workers;
- (c) relating to examinations and the duties and functions of examiners;
- (d) respecting matters relating to applications, complaints or discipline;
- (e) respecting professional development;
- (f) respecting such other matters as the Council considers necessary or advisable for the more effectual discharge of the functions or exercise of the powers of the Board;
- (g) respecting the re-instatement of members of the College;
- (h) respecting temporary registration;
- (i) respecting the resignation of members of the College;
- (j) respecting the complaint process;
- (k) respecting the hearing process. 1993, c. 12, s. 20; 2015, c. 52, s. 13.

Evidentiary effect of certificate

21 A certificate signed or purporting to be signed by the Registrar that a person was or was not a social worker or social worker candidate, or that the registration was suspended or cancelled on a date or during a period specified in the certificate, is admissible in evidence without further proof and is *prima facie* proof of the facts therein. 1993, c. 12, s. 21.

Register of Social Workers

22 (1) The Board shall maintain a Register of Social Workers in which shall be entered the name of any person approved by the Board for registration.

- (2) The Board shall register any person who
- (a) has obtained a doctoral or master's degree in social work, or a graduate-level diploma in social work, from an approved faculty of social work and
 - (i) has completed two years of experience that, in the opinion of the Board, demonstrates competence in the field of social work,
 - (ii) has passed the examinations required by the Board,
 - (iii) has filed with the Board proof as prescribed by the regulations, and
 - (iv) has paid the prescribed fees;
 - (b) has obtained a bachelor's degree in social work from an approved faculty of social work and
 - (i) has, subsequent to obtaining the degree, completed at least three years of experience that, in the opinion of the Board, demonstrates competence in the field of social work,
 - (ii) has passed the examinations required by the Board,
 - (iii) has filed with the Board proof as prescribed by the regulations, and
 - (iv) has paid the prescribed fees; or
 - (c) is a registered member in good standing of an association of social workers approved by the Council and who holds one or more of the degrees referred to in clauses (a) and (b) and who has completed at least two years of experience that, in the opinion of the Board, demonstrates competence in the field of social work.

(3) Clauses (a) and (b) of subsection (2) are effective twelve months after this Section comes into force. 1993, c. 12, s. 22; 2001, c. 19, s. 6; 2005, c. 60, s. 3.

Register of Social Workers (Provisional)

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. 2001, c. 19, s. 7.

Membership of existing practitioners

23 (1) *repealed 2015, c. 52, s. 14.*

(2) A person who is registered as a social worker immediately before the coming into force of this Act is deemed to be registered as a social worker pursuant to this Act, subject to the disciplinary proceedings pursuant to this Act and subject to payment of the prescribed fees pursuant to this Act. 1993, c. 12, s. 23; 2015, c. 52, s. 14.

Register of Social Worker Candidates

24 The Board shall maintain a Register of Social Worker Candidates in which shall be entered, upon application, the name of any person approved by the Board for registration who

(a) possesses a doctoral, master’s or bachelor’s degree in social work, or a graduate-level diploma in social work, from an approved faculty of social work or satisfies the Board that the applicant has successfully completed all the requirements for such a degree or diploma;

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

(c) has paid the prescribed fees. 1993, c. 12, s. 24; 2005, c. 60, s. 4.

Refusal to register

25 (1) Notwithstanding Sections 22, 22A and 23, the Board may refuse to register, upon investigation by the Registrar, an applicant who, in the opinion of the Board,

- (a) has obtained or attempted to obtain registration pursuant to this Act by fraud or misrepresentation;
 - (b) has violated the Code of Ethics;
 - (c) has been convicted of an offence pursuant to this Act;
 - (d) has been found guilty of conduct that is, in the opinion of the Board, conduct unbecoming of a registered social worker or registered social worker candidate;
 - (e) displays incompetence in the practice of social work;
- or
- (f) has failed to renew registration through non-payment of the prescribed fees.

(2) The Board shall inform the applicant, in writing, of its refusal to register the applicant.

(3) An applicant who has been refused registration may apply to the Board, within thirty days from the date of written receipt of the refusal, for a review by the Board of its decision, by providing to the Registrar a notice in writing indicating the grounds for the review.

(4) The Board shall, in every review hearing, give an opportunity to the applicant to be heard, to present evidence and to make representation.

(5) The Board shall confirm or vary the decision reviewed and shall give reasons for its decision. 1993, c. 12, s. 25; 2001, c. 19, s. 8.

Jurisdiction over former member

25A Where a person ceases to be a member of the College 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. 2001, c. 19, s. 9; 2015, c. 52, s. 15.

Professional Development Committee

26 The Council may establish a Professional Development Committee to advise the Council respecting the professional development of the members of the College. 1993, c. 12, s. 26; 2015, c. 52, s. 16.

Complaints Committee

27 (1) There is hereby established a Complaints Committee composed of three members of the Board, one of whom shall be a person that is appointed by the Governor in Council to the Board of Examiners.

(2) The Board shall name one alternate member of the Complaints Committee to be called upon by the chair to act as necessary.

(3) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

(4) Three members of the Complaints Committee constitute a quorum. 1993, c. 12, s. 27.

Complaint

28 (1) *repealed 2015, c. 52, s. 17.*

(2) Any person may make a written complaint to the College respecting a member of the College and, upon making a complaint, is entitled to be kept informed in respect of the investigation of the complaint and in respect of any disciplinary proceedings and to receive a copy of any decision respecting the disposition of the complaint and written reasons for the decision.

(3) No action lies against a complainant pursuant to this Act in respect of any complaint made by the complainant in good faith. 1993, c. 12, s. 28; 2001, c. 19, s. 10; 2015, c. 52, s. 17.

Duties and powers of Complaints Committee

29 (1) The Complaints Committee shall consider and investigate written complaints regarding the conduct of any member of the College[.]

(1A) The Complaints Committee and each member of the Complaints Committee have all of the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*, with the exception of the powers of contempt, arrest and imprisonment.

(1B) Upon receipt of a written complaint, the Complaints Committee shall, in accordance with the procedures set out in the regulations, process the complaint.

(1C) In a proceeding before the Complaints Committee, the respondent has the right to

- (a) be represented by legal counsel or by a union representative;
- (b) receive a copy of
 - (i) the written complaint,

(ii) written investigative reports provided to the Complaints Committee, if any, and

(iii) all other documents received by the Complaints Committee; and

(c) make submissions to the Complaints Committee in response to the material set out in clause (b).

(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.

(3) The Complaints Committee shall give its decision in writing to the Registrar for the purposes of subsection (4) and its reasons therefor.

(4) The Registrar shall deliver or send to the complainant, and to the member of the College complained against, a copy of the written decision of the Complaints Committee and its reasons therefor.

(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.

(7) *repealed 2001, c. 19, s. 11.*

1993, c. 12, s. 29; 2001, c. 19, s. 11; 2012, c. 48, s. 40; 2015, c. 52, s. 18.

Settlement agreement

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. 2001, c. 19, s. 12.

Discipline Committee

30 (1) There is hereby established a Discipline Committee composed of five persons appointed by the Board, three of whom are members of the Board, one of whom is a member of the College and one of whom is appointed to the Board by the Governor in Council.

(2) Members of the Board who are not appointed to the Discipline Committee, with the exception of the Registrar, shall be alternate members of the Committee and may be called upon by the chair of the Committee to act as necessary.

(3) Subject to subsection (4), five members of the Discipline Committee constitute a quorum and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee present at the hearing.

(4) Where the Discipline Committee commences a hearing and not more than two members become unable to act, the remaining members may complete the hearing and shall have the same authority as the full committee.

(5) The Board shall name one member of the Discipline Committee to be chair.

(6) The Board, by resolution, may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct, conduct unbecoming, incompetence or breach of the Code of Ethics on the part of a member of the College. 1993, c. 12, s. 30; 2001, c. 19, s. 13; 2015, c. 52, s. 19.

Notice of complaint

31 No disciplinary action may be taken against a member by the Disciplinary Committee unless that person has been given written notice of the complaint and of the time and place of the hearing of the complaint at least thirty days prior to the hearing. 1993, c. 12, s. 31.

Parties to disciplinary proceedings

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

- (a) the Board; and
- (b) the member of the College 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.

(3) Where the aggrieved person is not the complainant and is not a party to the proceedings before Discipline Committee, the aggrieved person is, upon request, entitled to be kept informed in respect of the proceedings and to receive a copy of any decision respecting disposition of the complaint giving rise to the proceeding and written reasons for the decision. 1993, c. 12, s. 32; 2001, c. 19, s. 14; 2015, c. 52, s. 20.

Hearings by Discipline Committee

33 (1) A party to a hearing of a complaint against a member of the College may at a hearing

- (a) be represented by counsel or an agent;
- (b) call and examine witnesses and present arguments and submissions;
- (c) conduct cross-examinations of witnesses reasonably required for a full and fair disclosure of the facts in relation to which the witnesses have given evidence.

(2) The Discipline Committee shall

- (a) when so directed by the Board or the Complaints Committee, hear and determine allegations of professional misconduct, conduct unbecoming, incompetence or a breach of the Code of Ethics against a member;
- (b) hear and determine matters referred to it pursuant to Sections 29 and 30; and
- (c) perform such other duties as are assigned to it by the Board.

(3) A member may be found guilty of professional misconduct by the Discipline Committee if

- (a) the member has been convicted in a court of competent jurisdiction of an offence that, in the opinion of the Committee, is relevant to the member's suitability to practice social work; or
- (b) the member has been guilty, in the opinion of the Committee, of professional misconduct.

(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.

(4) The Discipline Committee may determine a member to be incompetent if, in its opinion, the member has displayed in the member's professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public of such nature or extent to demonstrate the member is unfit to carry out the responsibilities of a person engaged in the practice of social work. 1993, c. 12, s. 33; 2001, c. 19, s. 15; 2015, c. 52, s. 21.

Powers of Discipline Committee

34 Where the Discipline Committee finds a member of the ~~Association~~ [College] guilty of professional misconduct, conduct unbecoming, incompetence or a breach of the Code of Ethics it may do one or more of the following:

- (a) revoke the member's right to practice social work;
- (b) suspend the member's right to practice social work for a stated period, not exceeding twenty-four months;
- (c) accept the undertaking of the member to limit the professional work of the member in the practice of social work to the extent specified in the undertaking;
- (d) impose terms and conditions on the right to practice social work including, but not limited to, the successful completion of a particular course or courses of study, as are specified by the Committee;
- (e) impose specific restrictions on the right to practice social work including, but not limited to, requiring the member to
 - (i) engage in the practice of social work only under the personal supervision and direction of another member,
 - (ii) not alone engage in the practice of social work,

- (iii) accept periodic inspections by the Committee as the Committee may specify, on such matters with respect to the member's practice for such period and times, and in such form, as the Committee may specify,
- (iv) report to the Registrar, or to such committee of the Board as the Committee may specify, on such matters with respect to the member's practice for such period and times, and in such form, as the Committee may specify;
- (f) reprimand or counsel the member and, if considered warranted, direct that the fact of the reprimand or counselling be recorded on the register;
- (g) revoke or suspend for a stated period of time the designation of the member by the College as a specialist in any branch of social work;
- (h) impose such fine as the Committee considers appropriate, to a maximum of two thousand dollars, to be paid by the member to the treasurer;
- (i) require the member to repay, waive or reduce the fee charged by the member in respect of the practice of social work related to the finding of professional misconduct or incompetence;
- (j) subject to Section 38, direct that a finding or order of the Committee be published in an official publication of the College in detail or in summary and either with or without the name of the member;
- (k) fix the costs of any investigation or procedures by the Complaints Committee and the Discipline Committee to be paid by the member to the College, including legal fees and audit fees;
- (l) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms or for such purpose as may be specified by the Committee, including, but not limited to,
 - (i) the successful completion by the member of a particular course or courses of study,
 - (ii) the production to the Committee of evidence satisfactory to it that any mental disorder in respect of which the penalty was imposed has been overcome. 1993, c. 12, s. 34; 2001, c. 19, s. 16; 2015, c. 52, s. 22.

Consequence of failure to comply with order

35 Any member of the College who fails to comply with a disciplinary order of the Discipline Committee shall have the member's registration revoked by the Board. 1993, c. 12, s. 35; 2015, c. 52, s. 23.

Continued practice or use of designation

36 Where a member of the College whose registration has been suspended or revoked by the Discipline Committee continues to use the designation of a "social worker", or continues to practice social work without falling within any of

the exemptions enumerated in Section 3, the Board may, by application to a judge, cause the person to be cited for contempt of court under the provisions of the Rules of Court in the same manner and to the same extent as if the person had refused to obey an order of the court. 1993, c. 12, s. 36; 2015, c. 52, s. 24.

Publication of revocation or suspension

37 Where the registration of a member of the College 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. 2001, c. 19, s. 17; 2015, c. 52, s. 25.

Publication of determination

38 The Discipline Committee shall, upon the request of the member of the College against whom the allegation was made, cause to be published as provided for in the regulations, the determination by the Committee that an allegation of professional misconduct or incompetence or a violation of the Code of Ethics or conduct unbecoming was unfounded. 1993, c. 12, s. 38; 2001, c. 19, s. 18; 2015, c. 52, s. 26.

Effective date of decision

39 Where the Discipline Committee revokes or suspends the registration of a member of the College, the decision takes effect on such date as the Committee determines, notwithstanding that an appeal is taken from the decision, unless the court to which the appeal is taken otherwise orders. 1993, c. 12, s. 39; 2015, c. 52, s. 27.

Delivery of copy of decision

40 Where the Discipline Committee finds a member of the College guilty of professional misconduct or incompetence or a breach of the Code of Ethics, a copy of the decision shall be delivered to the person complaining in respect of the conduct of the member. 1993, c. 12, s. 40; 2015, c. 52, s. 28.

Extension of membership on Discipline Committee

41 Where a proceeding is commenced before the Discipline Committee and the term of office of a member on the Board or on the Committee expires or is terminated, other than for cause, before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if the term of office of the member had not expired or been terminated. 1993, c. 12, s. 41.

Restriction on members of Discipline Committee

42 Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Board considering the referral of the matter to the Discipline Committee, or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or the representative of a party except upon notice

to and with the opportunity for all parties to participate, but the Committee may seek legal advice with respect to matters referred to in this Section. 1993, c. 12, s. 42.

Private hearings

43 Hearings of the Discipline Committee shall be held in private unless the party whose conduct is being investigated requests otherwise by notice delivered to the Registrar at least five days before the day fixed for the hearing, in which case the Committee shall conduct the hearing in public, except where

- (a) matters involving public security may be disclosed; or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public. 1993, c. 12, s. 43.

Powers, privileges and immunities of Committee

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*. 2001, c. 19, s. 19.

45 *repealed 2001, c. 19, s. 19.*

Administration of oaths

46 The testimony of any witness shall be taken under oath or affirmation which may be administered by the chair of the Discipline Committee or any person designated to do so on behalf of the chair. 1993, c. 12, s. 46.

47 *repealed 2001, c. 19, s. 20.*

Failure to comply with summons

48 Where a person on whom a summons has been served, either personally or by leaving a copy of the summons with some adult person at the person's last or most usual place of residence or business, fails to appear before the Discipline Committee or, upon appearing, refuses to be sworn or refuses without sufficient cause to answer any question or refuses to produce such records, reports or other documents relevant to the hearing, the Committee may, by application to a judge, cause the person to be cited for contempt under the provisions of the Rules of Court in the same manner and to the same extent as if the alleged contempt took place in proceedings before the Supreme Court of Nova Scotia. 1993, c. 12, s. 48.

Recording of oral evidence

49 The oral evidence taken before the Discipline Committee shall be recorded, and if a party requests a copy of the transcript, it shall be furnished at that party's expense. 1993, c. 12, s. 49.

Prerequisite to participation in decision

50 No member of the Discipline Committee shall participate in a decision of the Committee unless the member was present throughout the hearing and heard the evidence and argument of the parties. 1993, c. 12, s. 50.

Attendance at hearing

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. 2001, c. 19, s. 21.

Appeal

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. 2001, c. 19, s. 21.

Return of items in evidence

51 Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the party who produced them, be returned by the Committee within a reasonable time after the matter in issue has been finally determined. 1993, c. 12, s. 51.

Non-payment of fees

52 A hearing shall not be required to suspend a registrant who has failed to renew registration through non-payment of the prescribed fees. 1993, c. 12, s. 52.

Use of designation “Registered Social Worker”

53 Every person who meets the requirements of Section 22 or 23 and whose name appears on the Register of Social Workers has the right to use the designation “Registered Social Worker” or initials designating the same. 1993, c. 12, s. 53.

Use of designation “Social Worker Candidate”

54 Every person who meets the requirements of Section 24 and whose name appears on the Register of Social Worker Candidates has the right to use the designation “Social Worker Candidate” or initials designating the same. 1993, c. 12, s. 54.

Offences and penalties

55 (1) Except as provided in this Act or the by-laws, a person not registered to practice as a social worker pursuant to this Act, or whose registration is revoked or suspended, and who

- (a) practices as a social worker;
- (b) uses the title of social worker or registered social worker, or makes use of any abbreviation of such title, or any name, title or designation which may lead to the belief that the person is a social worker;
- (c) advertises or in any way or by any means represents the person as a social worker;
- (d) acts or represents the person in such manner as to lead to the belief that the person is authorized to fill the office of or to act as a social worker; or
- (e) engages in private practice as a social worker without approval of the Board in accordance with the regulations,

commits an offence and is liable upon summary conviction for the first offence to a fine of not less than five hundred dollars and not more than two thousand dollars and costs, and for any subsequent offence to a fine of not less than one thousand dollars and to a term of imprisonment of not more than six months, or both, and upon failure to pay a fine, to imprisonment for a term of not more than six months.

(2) A person who procures or attempts to procure admission to the College for that person or for another person by making, or causing to be made, any fraudulent representation or declaration, either oral or written, or who makes any false statement in any application, declaration or other document pursuant to this Act or the by-laws, commits an offence punishable on summary conviction.

(3) Upon conviction of a person for an offence pursuant to this Section, the judge convicting the person may, in addition to any other punishment imposed, immediately prohibit that person from engaging in the practice of social work or from doing anything for which the person was convicted.

(4) A person who fails to comply with an order pursuant to subsection (3) commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars and not more than five thousand dollars or to imprisonment for a term of not more than six months, or both, and on failure to pay the fine, to imprisonment for not more than six months. 1993, c. 12, s. 55; 2015, c. 52, s. 29.

Injunction

56 (1) In the event of a threatened or continuing violation of this Act or the regulations, the College may apply to a judge for an injunction to restrain the person from continuing or committing the violation and the judge, where the judge deems it to be just, may grant such an injunction.

(2) A judge may, on application, grant an interim injunction pending the hearing of an application for an injunction pursuant to subsection (1) where the judge is satisfied that there is reason to believe that a person is likely to commit or is continuing to commit a violation of this Act or the regulations.

(3) A judge may make such order as to costs as the judge considers proper in any proceedings pursuant to this Section. 1993, c. 12, s. 56; 2015, c. 52, s. 30.

Limitation on liability

57 The College, the Council, the Board, the Complaints Committee and the Discipline Committee are not liable for any loss or damage suffered by any person as a result of anything done by them in good faith in the administration of this Act, the by-laws or the regulations. 1993, c. 12, s. 57; 2015, c. 52, s. 31.

Repeal

58 Chapter 434 of the Revised Statutes, 1989, the *Social Workers Act*, is repealed. 1993, c. 12, s. 58.

Proclamation

59 This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 1993, c. 12, s. 59.

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|------------|---|----------------|
| Proclaimed | - | March 29, 1994 |
| In force | - | April 1, 1994 |