



Policy Brief on Bill 36: Implications for Accountability, Equity, and Public Trust in Social Work

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To: Public Bills Committee

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Purpose

This policy brief outlines critical concerns regarding the implications of Bill 36 on accountability mechanisms for social work practitioners and its potential impact on public trust, particularly for marginalized communities.

Overview of Key Issues

1. Jurisdictional Challenges

Bill 36 would limit the Nova Scotia College of Social Workers' (NSCSW) ability to evaluate the character and competence of social workers practicing in the province. This restriction undermines the College's capacity to ensure that all practitioners education, training and character meet the standard to provide complex services in overwhelmed areas of service such as child and family well-being.

2. Complaint Process Gaps

The NSCSW would not have jurisdiction over a social worker registered in another province and other regulatory bodies do not have jurisdiction to address complaints about misconduct occurring within Nova Scotia. This jurisdictional disconnect leaves residents vulnerable, with no clear or effective path to seek justice when harmed by a social worker regulated in another province.

3. Region-Specific Standards

The NSCSW is in the process of updating its Codes of Ethics and Standards of Practice, with a new ethical framework expected for approval by April. A core element of this framework includes an Afrocentric lens, explicitly designed to address the needs of African Nova Scotian service users. These provisions reflect Nova Scotia's unique historical and cultural landscape, offering protections and principles not found in other provinces' standards. Bill 36 would allow practitioners to bypass accountability to Nova Scotia's locally developed standards, instead holding them to the standards of their home jurisdiction. Consequently, Bill 36 fundamentally undermines efforts to tackle the





unique challenges faced by African Nova Scotians in the delivery of core health and social services, weakening the province's long-standing commitment to equity and justice in the provision of its services.

4. Barriers for Marginalized Communities

Bill 36 introduces additional obstacles to accountability, exacerbating challenges already faced by marginalized communities. Chapter 19 of the Mass Casualty Commission Report highlights this issue, noting, "Initiating a complaint can impose an onerous burden on less-empowered patients... All these demands can be barriers to reporting for the more marginalized patients." Under Bill 36, Nova Scotians receiving services from a social worker registered in another province would now need to engage with the regulatory body in that jurisdiction to seek accountability.

Bill 36 poses a significant threat to the integrity and equity of social work services in Nova Scotia by undermining localized accountability mechanisms and introducing barriers for marginalized communities. It weakens the NSCSW's ability to enforce standards, including Afrocentric and reparative principles, and shifts accountability to external bodies unfamiliar with Nova Scotia's unique needs. To protect public trust and ensure equitable service delivery, it is crucial to maintain proactive, locally governed oversight that prioritizes community safety and justice.

1. Jurisdictional Challenges

Preparedness through Accreditation and Rigorous Education:

The NSCSW mandates that all social workers must complete degree programs accredited by the Canadian Association for Social Work Education (CASWE) or have their credentials assessed to ensure equivalence to the accreditation standards. This ensures that all graduates possess comprehensive training, theoretical knowledge, and research-based education, preparing them to perform psychosocial interventions effectively across diverse and complex contexts.

In contrast, Alberta allows graduates from both CASWE-accredited degree programs and diploma programs to practice social work. This results in significant disparities in training and readiness. Diploma-trained social workers lack the depth of knowledge and competencies required for the full scope of professional practice. Consequently, most social work regulatory bodies across Canada, including the NSCSW, maintain a legitimate objective under the Canadian Free Trade Agreement (CFTA) to ensure quality of training of social workers. This objective prevents potential gaps in knowledge and competencies from impacting the delivery of social work services.

Accredited degree programs uphold a rigorous standard necessary for safeguarding public trust and ensuring social workers are well-prepared to meet the diverse needs of

communities. This prioritization of education ensures a consistent and professional standard of care across the province.

The Critical Need for Rigorous Training to Safeguard Social Work Standards and Public Safety

Training is crucial for building essential skills in social work, such as implementing psychosocial interventions, promoting human rights, engaging in systemic advocacy, and addressing social inequities. CASWE-accredited programs are explicitly designed to cultivate these competencies, ensuring social workers are well-equipped to handle the complex and demanding realities of their profession.

A lack of sufficient or timely training, as seen in the current child and family well-being systems already is putting service delivery at risk. Systemic reviews have highlighted cases where inadequate training left social workers unprepared, directly impacting their ability to fulfill job responsibilities effectively. Layering underqualified and undereducated registrants into this system further increases risk to incredibly vulnerable Nova Scotians that is already grossly strained by lack of training.

The implications of Bill 36 are significant, as it would require the NSCSW to register diploma-trained social workers. However, diploma programs typically offer training that is less rigorous and comprehensive than CASWE-accredited degrees. This disparity in standards between provinces exacerbates inequities in professional readiness and practice capabilities. The result is a weakened framework for protecting and empowering the communities that social workers serve.

Lack of Transparency in Practitioner Disciplinary Records

Bill 36 significantly compromises the NSCSW's capacity to proactively safeguard public safety by restricting access to critical information about practitioners' disciplinary histories in other jurisdictions. Under this legislation, social workers licensed outside of Nova Scotia may practice within the province without the NSCSW being informed of any past misconduct or disciplinary action taken against them by their home regulatory bodies. This lack of disclosure eliminates a crucial layer of oversight.

The absence of transparency prevents the NSCSW from identifying potential risks posed by practitioners. Disciplinary histories provide vital context for assessing risk and applying proactive regulation to ensure the safety of Nova Scotian. This leaves service users particularly vulnerable, as unvetted practitioners with a history of misconduct could deliver substandard or harmful care without the necessary accountability safeguards in place.

2. Complaint Process Gaps

Accountability Gaps for Out-of-Province Practitioners Under Bill 36



Bill 36 profoundly impacts Nova Scotians' ability to hold out-of-province social work practitioners accountable for professional misconduct. The legislation restricts the jurisdiction of the NSCSW, preventing it from investigating complaints against practitioners licensed in other provinces or territories. This limitation means Nova Scotians cannot rely on their provincial regulatory body to address grievances, even when harm arises from substandard practices or ethical breaches.

Equally troubling is the inability of regulatory bodies in the practitioner's home province or territory to intervene in cases of misconduct outside their jurisdiction. These organizations are often constrained by geographic mandates that limit their authority to in-province matters, leaving serious complaints unaddressed when they involve cross-border issues. This regulatory disconnect creates a dangerous accountability gap, where individuals harmed by out-of-province practitioners are left without any pathway for justice or resolution.

Thematic Analysis of Complaints (2020–2023)

Data from the thematic analysis of complaints (2020–2023) illuminates the critical need for robust oversight. The analysis highlights breaches of core values such as **integrity**, **competence**, and **professional relationships**, with remediation necessary to uphold public interest and ensure accountability. However, the introduction of Bill 36 exacerbates the risk of oversight failure. By effectively excluding out-of-province practitioners who serve Nova Scotians from the jurisdiction of the NSCSW, the capacity to ensure professional integrity and safeguard service users is significantly weakened.

Data snapshots

Composition of membership

Member class	2020	2021	2022	2023
Registered Social Workers (RSW)	1286	1353	1344	1351
RSW (Telepractice) <i>(this class was created in 2022)</i>	n/a	n/a	155	221
Social Worker Candidates (SWC)	429	437	450	492
Private Practitioners (PP)	300	338	377	433
Associates	118	129	119	101
Retired Associates	36	40	40	44
Students	117	139	167	197



Member class

(student members are not registered to practice)

Total membership

2020 2021 2022 2023

2286 2436 2652 2842

Quantity of complaints processed

2020 2021 2022 2023

New that year	24	21	28	31
Carried over from prior year	16	14	6	16
Total open complaint matters	41	35	34	47
Complaints closed	27	25	20	24

Domain

Practice settings

2020 2021 2022 2023

Child welfare	22	16	18	32
Healthcare	11	6	9	5
Private practice	4	1	3	7
Corrections	1			
Not-for-profit		1	4	3
Other	3			

Source of complaints

Complainant

2020 2021 2022 2023

Clients	32	19	22	32
Employers	5	5	6	6
Registrar	2		2	3
Third party	2	1	4	6



Decisions & outcomes

Action	2020	2021	2022	2023
Complaint dismissed	12	10	13	16
Letter of counsel	10	10	5	4
Referral to discipline	1			1
Reprimand by consent	2	1	1	1
Informal Resolution				1
Revocation	1	1		
Withdrawn			1	2

The regulatory void left by Bill 36 disproportionately harms those who rely on competent social work services, particularly the most vulnerable individuals within the system. Without accessible complaint mechanisms, public trust in social services erodes, and systems meant to protect individuals fail to deliver on their mandate.

3. Region-Specific Standards

African Nova Scotians face systemic inequities and challenges tied to historical injustices, such as slavery, segregation, and the lasting effects of systemic racism. The NSCSW's updated standards, rooted in an Afrocentric lens and principles of reparations, provide a crucial framework for addressing these realities. Under these standards, social workers are accountable for engaging in practices that promote healing, community empowerment, and reparative justice and Afrocentric practice recognizing the enduring impact of historical injustices.

Principles and Localized Standards at Risk

The NSCSW's revised Ethics and Standards embed critical values and standards that prioritize equity, cultural responsiveness and reparations. Among these are:

- Value 1: Respecting the Dignity and Worth of All People, which requires social workers to uphold the rights of African Nova Scotians by advocating for reparations.
- Value 2: Promoting Social Justice, which emphasizes dismantling systemic racism in alignment with "An Act to Dismantle Racism and Hate" (2022).



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- Value 7: Providing Competent Culturally Responsive Services, which mandates continuous professional development with a focus on Afrocentric and trauma-informed practices.

The standards necessitate proactive involvement in reparation efforts, including public education, advocacy for equitable policies, and support for trauma recovery among African Nova Scotians. Without adherence to these localized principles, out-of-province practitioners would not only lack accountability but potentially undermine the progress made toward equity and justice.

Impact on Service Users and Professional Accountability

The consequence of Bill 36 on service delivery is particularly concerning. The updated standards are designed to ensure that social workers are equipped to address the systemic barriers faced by African Nova Scotians. For instance, the Afrocentric framework prioritizes the recognition of cultural traditions, collective values, and family systems that are often overlooked by broader professional standards applied in other jurisdictions.

Without enforced alignment to these updated standards, out-of-province practitioners could inadvertently perpetuate harm. Service users from African Nova Scotian communities may encounter disparities in care, as practitioners unfamiliar with Nova Scotia's context fail to address their specific needs. This not only erodes trust between service users and the profession but risks widening the gap in equitable service delivery.

Furthermore, practitioners working under external standards would not face scrutiny for not applying these standards, as they are unaccountable to the NSCSW's ethical and professional framework. This weakens the oversight mechanisms necessary to ensure that all social workers in Nova Scotia are equipped to uphold the dignity, rights, and well-being of the populations they serve.

Ensuring Accountability Through Localized Standards

The preservation of accountability to Nova Scotia's standards is crucial in achieving equity, justice, and reparations. The Afrocentric framework and the reparative principles outlined in the updated Code of Ethics are essential tools for dismantling the structural inequities that have long impacted African Nova Scotians. The NSCSW's approach emphasizes a proactive, localized response to systemic racism, one that requires all social workers practicing in the province to align with these principles.

Bill 36 jeopardizes this progress by prioritizing regulatory convenience over ethical accountability. Allowing practitioners to bypass the NSCSW's standards not only weakens the profession's integrity but undermines the province's broader commitment to dismantling racism and promoting equity.

4. Barriers for Marginalized Communities



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Bill 36 introduces creates obstacles to accountability, exacerbating challenges already faced by marginalized communities. Evidence from the Mass Casualty Commission Report highlights the systemic barriers these groups encounter when seeking justice. For example, Chapter 19 emphasizes that initiating a complaint through a regulatory Body often imposes an "onerous burden on less-empowered patients," citing barriers such as time constraints, literacy challenges, and limited access to information. These factors disproportionately affect marginalized populations, making it difficult for them to report misconduct or pursue justice.

Amplified Barriers to Justice for Marginalized Communities Under Bill 36

The report also underscores the limitations of complaint-based systems, particularly for vulnerable groups. It notes that marginalized individuals often lack the resources or empowerment to navigate complex complaint mechanisms, which are further complicated by systemic inequities. For instance, the report highlights that even when concerning behaviour is observed, service users may hesitate to report due to a lack of safe and accessible pathways for flagging misconduct.

Under Bill 36, these challenges are amplified. Nova Scotians receiving services from social workers registered in other provinces would need to engage with the regulatory body in that jurisdiction to file complaints. This additional layer of complexity creates a significant barrier, particularly for marginalized populations who already struggle with navigating existing systems. The need to interact with an out-of-province regulatory body further isolates individuals from accessible and effective mechanisms for addressing complaints, undermining their ability to seek justice and protection.

Undermining Proactive Accountability Measures for Marginalized Communities

The Mass Casualty Commission Report also recommends proactive measures to address these systemic barriers, such as requiring professional licensing bodies to monitor their members actively and promote awareness of complaints mechanisms. These steps are crucial for ensuring accountability and protecting vulnerable populations. However, Bill 36 undermines these efforts by shifting accountability away from local regulatory bodies, thereby weakening the safeguards designed to protect marginalized communities in Nova Scotia.

Conclusion

The implications of Bill 36 represent a significant threat to the integrity, accountability, and equity of social work services in Nova Scotia. By undermining locally developed standards, eroding the capacity of the Nova Scotia College of Social Workers (NSCSW) to oversee practitioners, and introducing jurisdictional barriers to accountability, the proposed legislation jeopardizes the safety and well-being of service users, particularly marginalized communities.

This policy brief has outlined how Bill 36 weakens essential mechanisms for ensuring professional competence, ethical conduct, and justice for those affected by misconduct. It shifts

the accountability of out-of-province practitioners to external regulatory bodies unfamiliar with Nova Scotia's unique historical and cultural needs. This creates insurmountable barriers for marginalized individuals, who already face systemic challenges in navigating complaints processes.

Protecting public trust in social work services requires maintaining localized accountability mechanisms that reflect Nova Scotia's distinct priorities, such as the Afrocentric framework and reparative principles outlined in the NSCSW's updated Code of Ethics and Standards of Practice. These updates are not optional enhancements but necessary safeguards to address systemic inequities and ensure equitable service delivery for all communities.

Proactive regulatory measures are essential to close existing gaps in accountability and ensure practitioners are rigorously monitored and supported to uphold the highest professional standards. Such measures, including clear and accessible complaints processes, and robust local oversight, are critical to equity, justice, and community safety.

To uphold public trust and ensure the integrity of social work practice, it is imperative that local oversight and accountability mechanisms remain at the core of Nova Scotia's regulatory framework.

