

# *The Social Workers Act*

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Chapter S-52.1 of the *Statutes of Saskatchewan, 1993* (effective April 1, 1995) as amended by the *Statutes of Saskatchewan, 1998, c.P-42.1; 2004, c.L-16.1; 2009, c.T-23.01; 2008, c.23; 2010, c.B-12, c.19 and c.20; 2013, c.35; 2014, c.E-13.1; 2015, c.21; 2018, c.42; 2020, c.9; and 2021, c.19.*

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.



## CHAPTER S-52.1

### An Act respecting Social Workers

#### Short title

1 This Act may be cited as *The Social Workers Act*.

#### Interpretation

2 In this Act:

- (a) “**association**” means the Saskatchewan Association of Social Workers continued pursuant to section 3;
- (b) “**bylaws**” means the valid and subsisting bylaws of the association;
- (c) “**council**” means the council of the association;
- (d) “**court**” means the Court of Queen’s Bench;
- (d.1) “**endorsement**” means an endorsement to a licence authorizing a practising member to engage in the practice of diagnosis;
- (e) “**member**” means a member of the association who is in good standing;
- (f) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (f.1) “**practice of diagnosis**” means the communication of a diagnosis identifying, as the cause of a person’s symptoms, a neuropsychological disorder or a psychologically-based psychotic, neurotic or personality disorder;
- (g) “**practising member**” means a member to whom an annual licence to practice social work is issued pursuant to this Act and the bylaws;
- (h) “**register**” means a register kept pursuant to section 19;
- (i) “**registrar**” means the registrar appointed pursuant to section 13.

1993, c.S-52.1, s.2; 2013, c35, s.3 ; 2018, c 42, s.65.

#### Association continued

3 The Saskatchewan Association of Social Workers, a corporation continued pursuant to *The Registered Social Workers Act*, is continued as a corporation.

1993, c.S-52.1, s.3.

#### Objects

4 The objects of the association are:

- (a) to establish, maintain and develop standards of knowledge, skill and competence among its members for the purpose of serving and protecting the public interest;

**cS-52.1****SOCIAL WORKERS**

- (b) to establish, maintain and develop standards of professional conduct among its members;
- (c) to promote, develop and sponsor activities appropriate to the strengthening and unification of the social work profession;
- (d) to provide a means by which the association through its members may take action on issues of social welfare;
- (e) to edit and publish books, papers, journals and other forms of literature respecting social work in order to disseminate information to members of the association as well as to members of the public at large;
- (f) to encourage specialized studies in social work among its members and to provide assistance and facilities for special studies and research;
- (g) to carry on any other activities related to the above.

1993, c.S-52.1, s.4.

**Membership**

**5** The membership of the association consists of:

- (a) those persons who are members of the Saskatchewan Association of Social Workers on the day before this Act comes into force; and
- (b) those persons who are admitted as members of the association pursuant to this Act and the bylaws.

1993, c.S-52.1, s.5.

**Property**

**6(1)** The association may acquire, hold, mortgage, lease, sell, or dispose of any property.

(2) All fees, fines and penalties receivable or recoverable pursuant to this Act are the property of the association.

(3) The association may:

- (a) invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act, 2009*;
- (b) sell or otherwise dispose of those investments; and
- (c) reinvest the proceeds of the disposition in similar investments.

1993, c.S-52.1, s.6; 2009, c.T-23.01, s.64.

**Meetings**

**7(1)** An annual meeting of the association is to be held at that time and place that is determined by the council in accordance with the bylaws.

(2) The procedure at an annual or special meeting is to be determined by bylaw.

## SOCIAL WORKERS

cS-52.1

- (3) A special meeting of the association for the transaction of the business that is specified in the resolution or demand is to be held:
- (a) on resolution of the council; or
  - (b) on the demand, in writing, of the number of members specified in the bylaws.
- (4) The registrar shall give notice of an annual or special meeting to each member by ordinary mail sent at least 14 days before the meeting.
- (5) The time for the notice of a meeting required pursuant to subsection (4) may be waived with the consent in writing of each member.

1993, c.S-52.1, s.7.

## COUNCIL

**Council**

- 8(1) The council shall govern, manage and regulate the affairs and business of the association.
- (2) The council consists of:
- (a) the number of members prescribed in the bylaws, which shall not be less than five, elected by the members in accordance with this Act and the bylaws; and
  - (b) two persons appointed pursuant to section 9.
- (3) For the purpose of clause (2)(a), no member is eligible to be elected a member of the council unless that member resides in Saskatchewan.
- (4) Members of the council elected pursuant to clause (2)(a) are entitled to remuneration and reimbursement for expenses in the amount prescribed in the bylaws.
- (5) Each member of the council mentioned in clause (2)(a) holds office for the term prescribed in the bylaws.

1993, c.S-52.1, s.8; 2008, c.23, s.3.

**Certain appointments**

- 9(1) The Lieutenant Governor in Council may appoint two persons who reside in Saskatchewan as members of the council.
- (2) Where the Lieutenant Governor in Council appoints a person as a member of the council, the term of office of that person is not to exceed three years.
- (3) Subject to subsection (4), a member of council appointed pursuant to this section holds office until the person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.

- (4) A member of council appointed pursuant to this section ceases to hold office if the person ceases to be a resident of Saskatchewan.
- (5) A member of the council appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of the council, but is ineligible to be an officer of the association.
- (6) A member of council appointed pursuant to this section shall be a member of the discipline committee.
- (7) The absence or inability to act as a member of the discipline committee by a member of the council appointed pursuant to this section or the failure to appoint a member of the council pursuant to this section does not impair the right of the other members of the discipline committee to act.
- (8) The minister shall remunerate and reimburse for expenses the members of council appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

1993, c.S-52.1, s.9; 2008, c.23, s.4.

#### **Resignation**

- 10(1)** An elected member of the council may resign by giving written notice of his or her resignation to the council.
- (2) A member of the council appointed pursuant to section 9 may resign by giving written notice of his or her resignation to the minister.
- (3) The resignation of a member of the council pursuant to subsection (1) or (2) is effective:
  - (a) on the date stated in the written notice; or
  - (b) if no date is stated in the written notice, on the date the written notice is received by the council or the minister, as the case may be.

1993, c.S-52.1, s.10.

#### **Vacancy**

- 11(1)** When a vacancy occurs in the elected membership of the council, the remaining members of the council may appoint another member to fill the vacancy until the earlier of:
  - (a) the expiry of the term of office of the council member who ceased to be a member of the council; or
  - (b) the date on which a member is elected to fill the vacancy in accordance with this Act and the bylaws.
- (2) A vacancy in the membership of the council does not impair the right of the remaining members of the council to act.

1993, c.S-52.1, s.11.

## SOCIAL WORKERS

cS-52.1

**Officers**

**12** The officers of the association are to be those that are:

- (a) designated in the bylaws; and
- (b) appointed or elected in accordance with the bylaws.

1993, c.S-52.1, s.12.

**Registrar**

**13(1)** The council shall appoint a registrar.

(2) The council may engage any employees that it considers necessary to carry out the duties and functions of the association.

(3) Subject to this Act and the bylaws, the council shall determine the duties, responsibilities and remuneration of employees of the association.

1993, c.S-52.1, s.13.

**Committees**

**14(1)** The council may establish any committees that are provided for by the bylaws or that it considers necessary.

(2) The council shall appoint members to any committees that are provided for by this Act or the bylaws or that are established pursuant to subsection (1).

(3) Committee members are eligible to be paid any remuneration that may be prescribed in the bylaws.

(4) The council may delegate to a committee that is:

- (a) provided for by this Act or by the bylaws; or
- (b) established pursuant to subsection (1);

any of its powers or duties on those terms or conditions that the council may determine.

(5) Subject to this Act and the bylaws, a committee may establish its own procedures.

1993, c.S-52.1, s.14.

## BYLAWS

**Procedure**

**15(1)** With the approval of a majority of those members who vote at an annual or special meeting, the association may make bylaws for any purpose set out in section 16.

- (2) The registrar shall notify each member, by ordinary mail, of each bylaw made pursuant to subsection (1) within 150 days after the bylaw is made.
- (3) Failure to comply with subsection (2) does not invalidate a bylaw.
- (4) No bylaw made pursuant to subsection 16(2) comes into force until it is:
  - (a) approved by the minister; and
  - (b) published in the Gazette.
- (5) The council shall file with the Director of Corporations two copies, certified by the registrar to be true copies, of:
  - (a) all bylaws made for a purpose set forth in subsection 16(1); and
  - (b) all amendments to bylaws described in clause (a);
 within 30 days after the bylaws are made.
- (6) Where a bylaw described in clause (5)(a) is amended, the council shall also file two copies, certified by the registrar to be true copies, of the bylaw with the amendment.
- (7) The registrar shall forward copies of proposed bylaws to all members by ordinary mail sent at least 14 days before the date of the annual or special meeting at which they are to be presented.

1993, c.S-52.1, s.15; 2010, c.B-12, s.63.

#### Bylaws

- 16(1)** Subject to this Act, bylaws may be made pursuant to section 15 for the following purposes:
- (a) prescribing the seal of the association;
  - (b) providing for the execution of documents by the association;
  - (c) respecting the banking and financial dealings of the association;
  - (d) fixing the fiscal year of the association and providing for the audit of the accounts and transactions of the association;
  - (e) respecting the management of the property of the association;
  - (f) prescribing the number of members of the council mentioned in clause 8(2)(a) and their terms of office;
  - (g) prescribing the duties of members of the council and officers of the association;
  - (h) prescribing remuneration and reimbursement for expenses for elected members of the council and members of committees;
  - (i) governing procedures for the election of those members of council mentioned in clause 8(2)(a);
  - (j) prescribing the organization, powers and procedures of the council and regulating the council in the performance of its duties;



- (k) respecting the holding and procedures of meetings of the council and annual or special meetings of the association;
  - (l) prescribing the amounts of registration, licensing, endorsement and other fees payable to the association, the times of payment and the penalties for late payment;
  - (m) providing for the receipt, management and investment of contributions, donations or bequests;
  - (n) establishing and governing scholarships, bursaries and prizes;
  - (o) authorizing the association to enter into agreements or arrangements with any person, group, association, organization or body corporate having goals or objectives similar to those of the association;
  - (p) establishing any committees that the council considers necessary and prescribing the manner of election or appointment of members to those committees.
- (2) Subject to this Act, bylaws may be made pursuant to section 15 for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency for:
    - (i) the registration of persons or any category of persons as members;
    - (ii) the issuing of licences; and
    - (iii) the granting of endorsements;
  - (b) prescribing:
    - (i) procedures governing the registration of persons or any category of persons as members of the association;
    - (ii) procedures governing the issuing of licences and the granting of endorsements; and
    - (iii) the terms and conditions of licences;
  - (c) providing for a code of professional ethics;
  - (d) setting standards of professional conduct, competency and proficiency of members;
  - (e) setting standards regarding the manner and method of the practice of members;
  - (f) setting requirements for maintenance of membership;
  - (g) setting standards for continuing education and the participation of members in continuing education;
  - (g.1) prescribing the requirements that must be met and criteria that must be satisfied to obtain and continue to hold an endorsement, including standards of training and education and additional and continuing training and education requirements;

- (h) prescribing procedures for:
  - (i) reviews pursuant to subsection 22(4); and
  - (ii) investigations and hearings by the professional conduct and discipline committees of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
- (i) governing the reinstatement of a member who has been expelled;
- (j) establishing categories of membership in the association, and prescribing the rights and privileges of each category;
- (k) prescribing the circumstances under which a member is required to attend re-entry education programs and courses and approving programs and courses for that purpose;
- (l) governing the approval of education programs for purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continuing approval of those programs;
- (m) prescribing the minimum amount of liability protection that a practising member, who is not employed pursuant to *The Public Service Act, 1998*, or any category of practising member is required to obtain;
- (n) respecting the reporting and publication of decisions and reports of the council and committees;
- (o) regulating advertising by members;
- (p) prescribing the number of members required to demand a special meeting of the association;
- (q) generally, for the better carrying out of this Act.

1993, c.S-52.1, s.16; 1998, c.P-42.1, s.42; 2013, c35, s.4.

#### **Filing of bylaws**

17(1) The association shall file with the minister two copies, certified by the registrar to be true copies, of:

- (a) all bylaws made for the purpose of subsection 16(2); and
  - (b) any amendments of a bylaw described in clause (a), together with two certified copies of the bylaw to which it relates.
- (2) Where the minister does not advise the association in writing within 90 days of receiving copies of the bylaw or amendment that the minister approves the bylaw or amendment, it is deemed not to be approved.
- (3) Where the minister approves a bylaw or an amendment to a bylaw, the minister shall file with the Director of Corporations two copies, certified by the registrar to be true copies, of the bylaw or amendment.
- (4) Where an amendment to a bylaw is filed pursuant to subsection (3), the minister shall file two copies, certified by the registrar to be true copies, of the bylaw with the amendment.

1993, c.S-52.1, s.17; 2010, c.B-12, s.63.

## MEMBERSHIP, LICENCES AND REGISTRATION

**Registration and licensing**

**18(1)** The council, in accordance with this Act and the bylaws, may register individuals as members.

(2) The council, in accordance with this Act and the bylaws, may issue:

(a) an annual licence to a member to practise as a social worker;

(b) **Not yet proclaimed.**

(c) a temporary licence to a person to practise as a social worker on any terms and conditions specified in the licence.

(3) The council, in accordance with this Act and the bylaws, may grant an endorsement to a practising member's licence.

2008, c.23, s.5; 2013, c35, s.5.

**Register**

**19(1)** The registrar, in accordance with the bylaws, shall keep or cause to be kept a register in which shall be entered the name and address of every member and practising member.

(2) The register is to be kept:

(a) at the head office of the association; and

(b) open for inspection by all persons, without fee, during normal office hours of the association.

(2.1) The register may be made available in any other manner acceptable to the registrar, including an electronic format.

(3) A certificate purporting to be signed by the registrar and stating that a named person was or was not, on a specified day or during a specified period, a member, a practising member or a suspended member according to the register is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the registrar's appointment or signature.

1993, c.S-52.1, s.19; 2020, c9, s.40.

**Annual register**

**20** On or before February 1 in each year, the association shall file with the Director of Corporations and the minister a list, to be called the annual register, certified by the registrar to be a true list, showing:

(a) the names of all members of the association as at December 31 in the preceding year;

(b) the addresses of the members mentioned in clause (a) as shown by the records of the association; and

(c) the respective dates of admission to membership in the association of the members mentioned in clause (a).

1993, c.S-52.1, s.20; 2010, c.B-12, s.63.

**Requirements for registration**

**21(1)** The council may register a person as a member and issue an annual licence to the person to practise as a social worker if the person produces evidence establishing to the satisfaction of the council that he or she:

- (a) has paid the prescribed fees;
- (b) is of good character;
- (c) has complied with the bylaws with respect to registration as a member;
- (d) is eligible according to the bylaws to be a member; and
- (e) either:
  - (i) holds a certificate or a bachelor's, master's or doctoral degree in social work from a university that is approved in the bylaws; or
  - (ii) has been registered as a member pursuant to paragraph 21(d)(ii)(B) as that paragraph existed immediately before the coming into force of this section.

(2) Notwithstanding clause (1)(e), the council may, in accordance with the bylaws, register as a member and issue an annual licence to a person to practise as a social worker if the person is a member in good standing, as a social worker, of any association of social workers in another jurisdiction within Canada.

(3) **Not yet proclaimed.**

(4) Notwithstanding that a person does not comply with the requirements in subsection (1), the council may issue a temporary licence to a person to practise as a social worker if the person produces evidence establishing to the satisfaction of the council that he or she:

- (a) is eligible, according to the bylaws, for a temporary licence;
- (b) has paid the prescribed fees; and
- (c) has complied with the bylaws with respect to receiving a temporary licence.

2008, c.23, s.6; 2010, c.19, s.38.

**Requirements for endorsement**

**21.1** The council may grant an endorsement to a practising member authorizing that member to engage in the practice of diagnosis if the member produces evidence establishing to the satisfaction of the council that he or she:

- (a) has paid the prescribed fees;
- (b) is a practising member; and
- (c) has complied with the bylaws with respect to the requirements that must be met and criteria that must be satisfied for the granting of an endorsement.

2013, c35, s.6.

## SOCIAL WORKERS

cS-52.1

**Delegation and appeal**

**22(1)** The council may delegate to the registrar the power to:

- (a) admit persons as members;
- (b) issue licences to social workers; or
- (c) do both of the things mentioned in clauses (a) and (b).

(2) Where a power has been delegated pursuant to subsection (1), the exercise of that power by the registrar is deemed to be an exercise of the power by the council.

(3) The council may impose any terms or conditions that it considers appropriate on a delegation pursuant to subsection (1).

(4) A person who is aggrieved by a decision of the registrar made pursuant to a delegated power may apply to the council to review that decision.

(5) On a review pursuant to subsection (4), the council shall hear the review and may:

- (a) direct the registrar to exercise the power in a manner that council considers appropriate; or
- (b) confirm the registrar's decision.

(6) On a review pursuant to subsection (4), the person aggrieved by the decision of the registrar has the right to appear in person before the council in support of the application.

1993, c.S-52.1, s.22.

**Notice of decision**

**23** The council shall cause the applicant to be informed in writing of its decision pursuant to subsection 22(5).

1993, c.S-52.1, s.23.

## PROHIBITION

**Prohibited practice**

**24(1)** No person other than a member shall engage in the practice of social work by using the title "social worker".

(2) No person shall engage in the practice of diagnosis unless the person:

- (a) is a practising member who has been granted an endorsement by the council; or
- (b) is authorized pursuant to another Act to engage in the practice of diagnosis.

2013, c35, s.7.

**Practice of diagnosis**

**24.01** Notwithstanding any other Act, if a member has been granted an endorsement pursuant to this Act and the bylaws, the member may engage in the practice of diagnosis.

2013, c35, s.7.

**DISCIPLINE****Interpretation re discipline provisions**

**24.1** In sections 24.2 to 39, “**member**” includes a former member.

2010, c.20, s.53.

**Proceedings against former members**

**24.2(1)** No proceedings conducted pursuant to this Act shall be commenced against a former member more than two years after the day he or she became a former member.

(2) For the purposes of this section, a proceeding is commenced when the professional conduct committee, pursuant to subsection 26(1), is requested by the council to consider a complaint or is in receipt of a written complaint alleging that a member is guilty of professional misconduct or professional incompetence.

2010, c.20, s.53.

**Professional conduct committee**

**25(1)** The professional conduct committee is established consisting of at least three persons appointed by the council, a majority of whom shall be members.

(2) No member of the discipline committee is eligible to be appointed as a member of the professional conduct committee.

1993, c.S-52.1, s.25.

**Investigation**

**26(1)** Where the professional conduct committee is requested by the council to consider a complaint, or is in receipt of a written complaint, alleging that a member is guilty of professional misconduct or professional incompetence, the professional conduct committee shall:

- (a) review the complaint; and
- (b) investigate the complaint by taking any steps it considers necessary, including summoning before it the member whose conduct is the subject of the complaint.

(2) On completion of its investigation, the professional conduct committee shall make a written report to the discipline committee recommending that:

- (a) the discipline committee hear and determine the formal complaint set out in the written report; or
- (b) no further action be taken with respect to the matter under investigation.

## SOCIAL WORKERS

## cS-52.1

- (3) The formal complaint set out in a written report made pursuant to clause (2)(a) may relate to any matter disclosed in the complaint received pursuant to subsection (1) or in the investigation conducted pursuant to subsection (1).
- (4) A report signed by a majority of the professional conduct committee is a decision of that committee.
- (5) The professional conduct committee shall provide or cause the registrar to provide a copy of a written report made pursuant to clause (2)(b) to:
- (a) the council;
  - (b) the person, if any, who made the complaint mentioned in subsection (1); and
  - (c) the member whose conduct is the subject of the complaint mentioned in subsection (1).
- (6) Subject to clause 39(6)(c), no statement or evidence given by the member whose conduct is the subject of the complaint to the professional conduct committee is to be used in evidence in any proceeding other than the investigation by that committee.

1993, c.S-52.1, s.26.

**Discipline committee**

- 27(1)** The discipline committee is established consisting of at least five members appointed by the council, one of whom shall be the member of council appointed pursuant to subsection 9(1).
- (2) No member of the professional conduct committee is eligible to be appointed as a member of the discipline committee.

1993, c.S-52.1, s.27.

**Discipline hearing**

- 28(1)** Where a report of the professional conduct committee recommends that the discipline committee hear and determine a complaint, the registrar shall, at least two weeks prior to the date the discipline committee is to sit:
- (a) send a copy of the formal complaint to the member whose conduct is the subject of the hearing; and
  - (b) serve notice on the member whose conduct is the subject of the hearing of the date, time and place of the hearing.
- (2) The professional conduct committee shall prosecute the complaint, but its members shall not participate in any other manner in the hearing of the complaint, except as witnesses when required.
- (3) The discipline committee shall hear the complaint and shall decide whether or not the member is guilty of professional misconduct or professional incompetence, notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any such matter to a court for adjudication.
- (4) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.

- (5) The discipline committee may employ, at the expense of the association, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing may be represented by counsel at his or her own expense.
- (6) The testimony of witnesses is to be under oath administered by the chairperson of the discipline committee.
- (7) At a hearing by the discipline committee, there is to be a full right:
- (a) to examine, cross-examine and re-examine all witnesses; and
  - (b) to adduce evidence in defence and reply.
- (8) On the application of the member whose conduct is the subject of a hearing or a member of the discipline committee, the local registrar of the court at any judicial centre, on payment of the appropriate fees, shall issue writs of *subpoena ad testificandum* or *subpoena duces tecum* and, where that writ is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.
- (9) Where the member whose conduct is the subject of the hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in subsection (1), may proceed with the hearing in his or her absence.
- (10) If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall:
- (a) notify the member of that fact; and
  - (b) if the discipline committee proposes to amend, add to or substitute the charge in the formal complaint and unless the member otherwise consents, adjourn the hearing for any period that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended formal complaint.
- (11) The person, if any, who made the complaint pursuant to section 26:
- (a) is to be notified by the registrar of the time and place of the hearing; and
  - (b) is entitled to attend the hearing.
- (12) Notwithstanding clause (11)(b), the discipline committee may exclude from any part of the hearing the person who made the complaint when the committee is of the opinion that evidence brought in the presence of that person will unduly violate the privacy of a person other than the member.



**Disciplinary powers**

29(1) Where the discipline committee finds a member guilty of professional misconduct or professional incompetence, it may make any one or more of the following orders:

- (a) an order that the member be expelled from the association and that his or her name be struck from the register;
- (b) an order that the member be suspended from the association for a specific period of time;
- (c) an order that the member be suspended pending the satisfaction and completion of any conditions specified in the order;
- (d) an order that the member may continue to practise only under conditions specified in the order which may include, but are not restricted to, an order that the member:
  - (i) not do specified types of work;
  - (ii) successfully complete specified classes or courses of instruction;
  - (iii) obtain medical treatment;
- (e) an order reprimanding the member; or
- (f) any other order that to it seems just.

(2) In addition to any order made pursuant to subsection (1), the discipline committee may order:

- (a) that the member pay to the association within a fixed period:
  - (i) a fine in a specified amount not exceeding \$2,000 for each finding and \$6,000 in the aggregate for all findings; and
  - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional conduct committee and the discipline committee and costs of legal services and witnesses; and
- (b) where the member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the association.

(3) The discipline committee shall send a copy of an order made pursuant to subsection (1) or (2) to the member whose conduct is the subject of the order and to the person, if any, who made the complaint.

(4) The discipline committee shall inform a member's employer of the order made against that member where that member has been found guilty of professional misconduct or professional incompetence.

(5) Where a member is expelled or suspended from the association, the registrar shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

**Professional misconduct**

**30(1)** Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, that:

- (a) is harmful to the best interests of the public or the members of the association;
- (b) tends to harm the standing of the profession of social work;
- (c) is a breach of this Act or the bylaws; or
- (d) is a failure to comply with an order of the professional conduct committee, the discipline committee or the council;

is professional misconduct within the meaning of this Act.

**(2)** Professional incompetence is a question of fact, but the display by a member of:

- (a) a lack of knowledge, skill or judgment; or
- (b) a disregard for the welfare of members of the public served by the profession;

of a nature or to an extent that demonstrates that the member is unfit to continue in the practice of the profession is professional incompetence within the meaning of this Act.

1993, c.S-52.1, s.30; 2015, c.21, s.54.

**Criminal conviction**

**31** The discipline committee may, by resolution, expel the member from the association where:

- (a) a member has been convicted of an indictable offence pursuant to the *Criminal Code*;
- (b) a report of the professional conduct committee is made to the discipline committee respecting the conviction mentioned in clause (a);
- (c) the discipline committee has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the discipline committee finds that the conduct of the member giving rise to the conviction makes the member unfit to continue to be a member.

1993, c.S-52.1, s.31.

**Duty to report**

**32** Where the professional conduct committee in its investigation pursuant to subsection 26(1) or the discipline committee at the conclusion of its hearing pursuant to section 28 believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to:

- (a) the president of the council; and
- (b) the Deputy Minister of Justice.

1993, c.S-52.1, s.32.

**Suspension**

**33** A judge of the court on the application of the council may direct that a member be suspended pending the disposition of a criminal charge where:

- (a) a criminal charge is laid against a member; and
- (b) the member has applied to the court for a stay of any disciplinary proceedings against the member.

1993, c.S-52.1, s.33.

**Appeal**

**34(1)** A member who has been found guilty by the discipline committee or who has been expelled pursuant to section 31 may appeal the decision or any order of the discipline committee within 30 days of the decision or order to a judge of the court by serving the registrar with a copy of the notice of appeal and filing the notice with a local registrar of the court.

(2) On receipt of a notice of appeal, the registrar shall file with the local registrar a true copy of:

- (a) the formal complaint and notice sent pursuant to subsection 28(1) or the report of the professional conduct committee pursuant to section 31;
- (b) the transcript of the evidence presented to the discipline committee; and
- (c) the decision and order of the discipline committee.

(3) The appellant or the appellant's solicitor or agent may obtain from the registrar a copy of the documents filed pursuant to subsection (2) on payment of the costs of producing them.

1993, c.S-52.1, s.34.

**Powers of judge**

**35** In hearing an appeal pursuant to section 34, the judge shall:

- (a) dismiss the appeal;
- (b) quash the finding of guilty;
- (c) direct a new hearing or further inquiries by the discipline committee;
- (d) vary the order of the discipline committee; or
- (e) substitute his or her own decision for the decision of the discipline committee;

and may make any order as to costs that the judge considers appropriate.

1993, c.S-52.1, s.35.

**Effect of appeal**

**36** The commencement of an appeal pursuant to section 34 does not stay the effect of a decision or order of the discipline committee, but, on five days' notice to the registrar, the appellant may apply to the court for a stay of proceedings pending the disposition of the appeal.

1993, c.S-52.1, s.36.

**Appeal to Court of Appeal**

**37** With leave of a judge of the Court of Appeal, a member who brings an appeal pursuant to section 34 or the association may appeal a decision of the court to the Court of Appeal on a question of law only.

2021, c 19, s.30.

**Effect of expulsion**

**38** Where a member is expelled or suspended from the association pursuant to this Act, that member's rights and privileges as a member are removed for the period during which he or she is expelled or suspended.

1993, c.S-52.1, s.38.

**Reinstatement**

**39(1)** A person who has been expelled as a member may apply to the council for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the council shall:

- (a) review the application; and
- (b) investigate the application by taking any steps it considers necessary.

(3) On the completion of its investigation, the council may:

- (a) where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, order that the person be reinstated as a member on any terms and conditions that the council considers appropriate; or
- (b) by order, refuse to reinstate the person.

(4) A decision of the majority of the members of the council is a decision of the council.

(5) Where, on an application pursuant to subsection (1), the council refuses to reinstate the person as a member, the applicant, within 30 days after the date of the order, may appeal the order of the council to a judge of the court and the judge may allow or disallow the appeal.

(6) On an appeal pursuant to subsection (5), the judge shall consider:

- (a) the proceedings before the council on the application for reinstatement;
- (b) the past record of the appellant as shown by the books and records of the association; and
- (c) the evidence taken before the council and any committee that dealt with the expulsion, the application for reinstatement and the report of the committee.

(7) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

1993, c.S-52.1, s.39.

## GENERAL

### Immunity

**40** No action lies or shall be instituted against:

- (a) members of the council;
- (b) the discipline committee;
- (c) the professional conduct committee;
- (d) any member of any committee; or
- (e) any officer, employee or agent;

of the association for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

1993, c.S-52.1, s.40.

**41 Repealed.** 2004, c.L-16.1, s.79.

### Offence and penalty

**42** Every person who contravenes section 24 is guilty of an offence and liable on summary conviction to a fine of:

- (a) in the case of a first offence, not more than \$2,000;
- (b) in the case of a second offence, not more than \$4,000; and
- (c) for each subsequent offence, not more than \$6,000 or to imprisonment for a term of not more than six months, or to both that fine and imprisonment.

1993, c.S-52.1, s.42.

### Limitation of prosecution

**43** No prosecution for a contravention of section 24 is to be commenced:

- (a) after the expiration of 24 months from the date of the alleged offence; and
- (b) without the consent of the Minister of Justice and Attorney General or the council.

1993, c.S-52.1, s.43.

**Report of termination of employment**

44 Any employer who terminates for cause the employment of a practising member shall report the termination to the association where the employer reasonably believes the cause is professional incompetence or professional misconduct.

1993, c.S-52.1, s.44.

**Review by Legislative Assembly**

45(1) One copy of all bylaws and amendments filed pursuant to section 15 or 17 with the Director of Corporations is to be laid before the Legislative Assembly by the minister responsible for the administration of *The Business Corporations Act* in accordance with section 13 of *The Executive Government Administration Act*.

(2) Where any bylaw or amendment laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, the bylaw or amendment ceases to have any effect and is deemed to have been revoked.

1993, c.S-52.1, s.45; 2010, c.B-12, s.63; 2014, c.E-13.1, s.62.

**Record of revocation and notification**

46(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw or amendment has ceased to have effect, the Clerk of the Legislative Assembly shall immediately forward two copies of the Votes and Proceedings to the Director of Corporations and at the same time advise him or her that the copies are forwarded pursuant to this subsection.

(2) On receipt of the copies mentioned in subsection (1), the Director of Corporations shall file one of the copies with the bylaw or amendment to which it relates and immediately forward the other copy to the association and at the same time advise the association that the copy is forwarded pursuant to this subsection.

1993, c.S-52.1, s.46; 2010, c.B-12, s.63.

**Report to minister**

47 The association shall file an annual report with the minister in the form, with the contents and in the time prescribed by the minister.

1993, c.S-52.1, s.47.

**Other Acts not to prohibit practice**

48 No provision of any other Act is to be construed as preventing a member from practising as a social worker for gain or reward.

1993, c.S-52.1, s.48.

**Compliance**

**49** Every member shall comply with this Act and the bylaws.

1993, c.S-52.1, s.49.

**Service of notices, etc.**

**50(1)** Any notice or other document that is required to be served pursuant to this Act may, unless otherwise provided for in this Act, be served by:

(a) personal service made:

(i) in the case of an individual, on that individual;

(ii) in the case of a partnership, on any partner; or

(iii) in the case of a corporation, on any officer or director;

(b) registered mail addressed to the last business or residential address of the person to be served known to the registrar.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing unless the person to whom it was mailed establishes that, through no fault of that person, the notice or document was not received or was received at a later date.

1993, c.S-52.1, s.50.

**R.S.S. 1978, c.R-15 repealed**

**51** *The Registered Social Workers Act* is repealed.

1993, c.S-52.1, s.51.

**Coming into force**

**52** This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1993, c.S-52.1, s.52.

