

The Unlawful Practice of Social Work in Ontario by workers with Ontario's Office of the Children's Lawyer (OCL)

This Ontario government agency is skirting the law in Ontario by using unregistered workers to conduct shoddy social work investigations for the courts which are causing harm to children and their families at significant expense to the taxpayers of Ontario

By Vernon Beck, Child and Family Advocate – September 5, 2023

In Ontario, the “**PRACTICE of Social Work**” is regulated by provincial legislation under the *Social Work and Social Services Work Act, 1998*. The Act was passed into law more than 20 years ago to protect the public interest from professionals who may be incompetent and/or who fail to meet the professional standards expected by other members of their profession or by members of the public. Former Member of the Ontario Provincial Parliament, Mr. Frank Klees was one of the politicians in the Ontario Legislature who fought vigilantly on behalf of the citizens in Ontario to make the ACT a reality.

Below is a copy of Section 3(1) and Section 3(2) of the current ACT. Section 3(1) of the Act makes it clear that the purpose of the Act was to *protect the public interest*. Section 3(1)(2) 1. also makes it clear that the “*practice*” of social work is regulated under the Act. The bottom line is that any person who is providing services as a professional that would be seen as practicing “*social work*” is required under Ontario law to be regulated and a member of the Ontario College of Social Workers. The intent is to protect the public interest.



Ontario 

Social Work and Social Service Work Act, 1998, S.O. 1998, c. 31

Versions **Regulations under this Act** Revoked/spent regulations under this Act

current October 19, 2021 – (e-Laws currency date)

<https://www.ontario.ca/laws/statute/98s31#BK3>

Duty and objects

Duty to protect public interest

3 (1) In carrying out its objects, the College's primary duty is **to serve and protect the public interest**. 1998, c.31, s.3(1).

Objects

(2) The College has the following objects:

1. To regulate the practice of social work and the practice of social service work and to govern its members.

Ontario's Office of the Children's pretends that social worker are not social workers

In contravention to Ontario law, Ontario's OCL employs workers and assigns their workers titles from other licenced professions such as “*Clinician*” or “*Clinical Investigator*” or “*Clinical Agent*” in an attempt mislead the public into believing that their workers who engage in the practice of social work are not really “*social workers*”.

Ontario's OCL takes the position that because their social workers who engage in what would be social worker investigations, call themselves “*clinicians*” and not “*social workers*”, the law in Ontario which was intended to protect the public interest does not apply to their workers. Despite taxpayers paying a significant amount of tax dollars to the OCL workers, this agency takes the position that their workers do not have to be accountable to the same standards as other professionals who do the same work but who do call

themselves *social workers*.

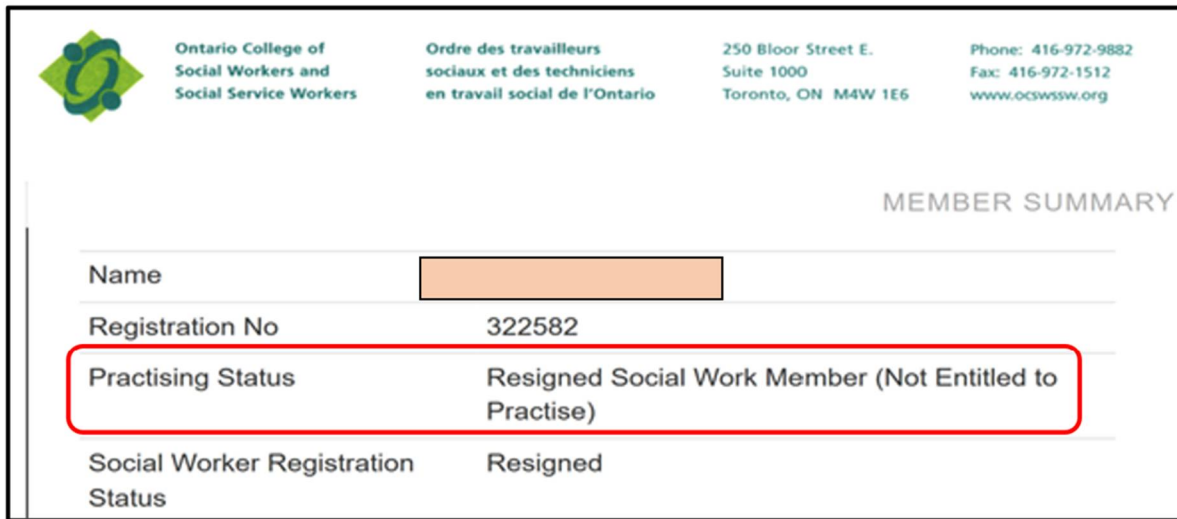
The position that Ontario's OCL takes makes no sense at all. Using the logic that the OCL uses, it should then be acceptable for any person to perform the same medical services as a doctor, providing they do not call themselves a "*doctor*". Similarly, using the same flawed logic, any person could be hired as a teacher in Ontario schools without being registered as a member with the Ontario College of Teachers, providing they did not call themselves a "*teacher*".

In effect, by hiring workers as professionals to provide social work services who are not registered and in effect not "*licensed*" with the Ontario College of Social Workers, Ontario's OCL is violating the very law which was intended to protect the public interest, especially for vulnerable children and families in crisis at time of family separation.

Some OCL clinicians refuse to be regulated and, in some cases, quit the College

Despite getting paid thousands of dollars to their "*clinical investigators*" some of the workers working for Ontario's OCL refuse to register, and in some cases, cancel their membership with the Ontario College of Social Workers. Many informed citizens of Ontario believe that workers with the OCL who do not want to be members with the College do this intentionally so that they can avoid being held accountable to the higher standards of professionalism expected by those who are members of the College.

Below is an actual listing of a worker who works for Ontario's Office of the Children's Lawyer at the time this article was written. The name of the OCL worker has been redacted for this article but the image below is a copy of the actual image accessible to the public from the College's website.




The former member of the College shown above terminated her membership with the College and is publicly listed as "*not entitled to practice*". Yet, at the time of writing this article, this same worker is now working with vulnerable children and families using the title assigned to her from Ontario's OCL as a "*clinical investigator*". This worker who has a Master of Social Work Degree and puts M.S.W. after her name is currently engaged in the practice of social work with the OCL.

What is even more shocking is that a review conducted on one of this worker's recent clinical reports reveals highly flawed and shoddy work being done by this worker. The recommendations made by this OCL worker were found to not help, but to cause harm to the children and the family involved. In effect, the taxpayers of Ontario are paying thousands of dollars to an unregistered social worker with the OCL to potentially cause harm to children and their family. In addition, this worker's shoddy report has prolonged litigation by giving one side the encouragement to go to court to win over the other party, rather than settle in the child's best interest.

It is the opinion of many reasonable and informed persons that **ALL** workers with Ontario's Office of the Children's Lawyer who are engaged in any kind of investigation involving the well-being of children and their families during family separation **MUST** be required to be registered with the College as a condition of employment. College membership is only \$400. It will cost the taxpayers nothing and enforcing membership will help to protect children and families from harm caused by incompetent and shoddy work by unregistered workers. Having OCL workers registered with the College as the law requires will save tax dollars in the long run.

Requiring that workers be registered with the College will also provide an additional layer of legal protection to taxpayers if a lawsuit is filed against the OCL. The OCL can be fined for failing to exercise due diligence in ensuring that its workers have conducted their investigations in a professional and competent manner and that its clinicians are working in compliance with the law in Ontario.

It's not just me raising concerns about Ontario's OCL doing a poor job and using unregistered workers. The same concerns about OCL workers and/or the quality of their reports has been expressed by some highly respected family court professionals who strongly support accountability and the administration of justice.




LAW TIMES NEWS

Poor-quality reports prolonging custody battles: rulings

William Clayton says he's 'done about five or six cases in the last few years where the Office of the Children's Lawyer has bungled it badly.'


To read the full article in Law Times
<https://www.lerners.ca/wp-content/uploads/2016/11/Poor-quality-reports-prolonging-custody-battles.pdf>



“Requiring clinical investigators with Ontario’s Office of the Children’s Lawyer (OCL), who are actually social workers, to be registered members in good standing with the Ontario College of Social Workers would most definitely be a move in a positive direction towards better serving the children and families who seek support from the OCL, and to better protect the public interest.”

Gene C. Colman
Gene C. Colman has been a respected member of the Bar since April 1979. He is the founder and Principal of the Gene C. Colman Family Law Centre in Toronto. Website:
<https://www.complexfamilylaw.com/>

The very same issue of child protection agencies in Ontario hiring persons to engage in the practice of social work without being registered with the College is another story for another article. Just like with the OCL, unregistered workers with many of Ontario's CAS agencies are failing children and families and there is little or no accountability to protect members of the public from these unregistered social workers.



“This notion that we have about social workers that they can choose to be registered or not be registered with the College cannot be in the public interest. The idea that children’s aid societies don’t hire social workers who are registered with the College is an abomination.”

Alfred Mamo LLB
Mr. Mamo is a practicing lawyer and member of the Law Society of Upper Canada. He has represented the children’s aid and has represented children as a lawyer with Ontario’s Office of the Children’s Lawyer

The bottom line is that steps need to be taken immediately by the Ministry of the Attorney General of Ontario to enforce the Social Work and Social Services Work Act (1998) which was made law for the purpose to protect the public interest. This may not be a solution to all the problems, but it will be a start.

The failure of the OCL to provide competent and professional reports to support children and families is unfortunately, just one of many problems contributing to the broken family court system in Canada today.




COURTS

Report to Supreme Court chief justice calls for family law overhaul

KIRK MAKIN - JUSTICE REPORTER
The Globe and Mail

An unreleased report commissioned by the country's top judge is urging a radical overhaul of Canada's family law system.

The report to Chief Justice Beverley McLachlin, scheduled for release next month, calls for restructuring the family law system from the ground up, with a focus on streamlining the court process and ending a fixation on combat.



Supreme Court Justice Thomas Cromwell told the Canadian Bar Association in Vancouver that broad-based action is needed to address Canada's serious and pressing problem with access to justice

“Estranged spouses and their children are seriously damaged by the adversarial system and that judges, lawyers and law schools must embrace a culture of mediation and settlement.”

The Honourable Thomas Cromwell, Supreme Court of Canada

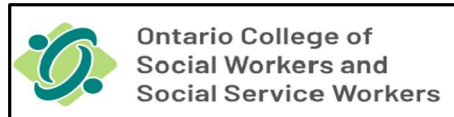
The blatant violation to the law in Ontario by those individuals who engage in the practice social work as professionals and get paid from the public purse and who think that they can get away with breaking the law because they do not call themselves “*social workers*” must be stopped. Vulnerable children and families in Ontario, especially those in crisis because of family separation and family court proceedings, deserve nothing less than properly licensed and properly regulated workers from a taxpayer funded Ontario government agency such as Ontario’s Office of the Children’s Lawyer. This is the Law in Ontario.

Attachments:

- 1) **What is a Social Worker? (Ref: Ontario College of Social Workers website)**
- 2) **Supplementary video testimony from children, parents and concerned citizens in Ontario about the poor performance of workers with Ontario’s Office of the Children’s Lawyer**

About the author

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What is a Social Worker?

Source: Ontario College of Social Workers (Sept 2023) <https://www.ocswssw.org/public/about-rsws-and-rssws/>

From individuals and families to organizations and communities, **social workers** collaborate with their clients to address challenges through a process of assessment, diagnosis, treatment, and evaluation.

Registered social workers have specialized university education and must participate in continued professional learning and skills development to fulfil the requirements of their professional regulatory body, the Ontario College of Social Workers and Social Service Workers.

Social workers serve in a variety of workplace settings, from hospitals and community centres to schools and social service agencies.

According to the [College's Code of Ethics and Standards of Practice](#), the scope of practice of the profession of **social work** means the assessment, diagnosis, treatment and evaluation of individual, interpersonal and societal problems through the use of social work knowledge, skills, interventions and strategies, to assist individuals, dyads, families, groups, organizations and communities to achieve optimum psychosocial and social functioning and includes, without limiting the generality of the foregoing, the following:

- SW1 – The provision of assessment, diagnostic, treatment and evaluation services within a relationship between a social worker and a client;
- SW2 – The provision of supervision and or consultation to a social worker, social work student or other supervisee;
- SW3 – The provision of social support to individuals and/or groups including relationship building, life skills instruction, employment support, tangible support including food and financial assistance, and information and referral services;
- SW4 – The provision of educational services to social work and social service work students;
- SW5 – The development, promotion, management, administration, delivery and evaluation of human service programs, including that done in collaboration with other professionals;
- SW6 – The provision of services in organizing and/or mobilizing community members and/or other professionals in the promotion of social change;
- SW7 – The provision of contractual consultation services to other social workers or professionals or organizations;
- SW8 – The development, promotion, implementation and evaluation of social policies aimed at improving social conditions and equality;
- SW9 – The conduct of research regarding the practice of social work, as defined in paragraphs (1) to (8) above; and;
- SW10 – Any other activities approved by the College.

In Ontario, in order to use the title Social Worker or Registered Social Worker or their French equivalents, or to hold out expressly or by implication that you are a social worker, you must be registered with the College. Typically, College registrants have obtained a Bachelor of Social Work degree (BSW), a Master of Social Work degree (MSW) or both. In Ontario, a BSW program is four years in duration and an MSW program is a further one to two years.

The position of the Ontario College on the registration of workers who practice social work

“The College's view is that the Act cannot accomplish the key objective of ensuring public safety and quality services if there are practitioners who have the academic qualifications of a social worker or social service worker and who provide services to members of the public within the scope of practice of the professions but are not regulated by the College.”

Source: <https://www.ocswssw.org/wp-content/uploads/5-Year-Review-Additional-Submission.pdf>

Testimony about Ontario's Office of the Children's Lawyer (OCL) from children and parents involved in family court matters

Video: Father speaks about abuse by Ontario's Office of the Children's Lawyer

This is one of the many testimonials from parents who have had tragic experiences with Ontario's Office of the Children's Lawyer.

<https://vimeo.com/13453478>

Video: Father tells how Ontario's Office of the Children's lawyer destroyed his children

This father from the region of Halton, Ontario describes his experience with Ontario's Office of the Children's Lawyer and how the involvement of the OCL helped to destroy his children.

<https://vimeo.com/1427550>

Video: Mother testifies of her horrible experience with Ontario's Office of the Children's Lawyer

Just like with so many other parents, this mother describes how Ontario's Office of the Children's Lawyer failed in her family court matter.

<https://vimeo.com/1112830>

Video: Do not use Ontario's Office of the Children's Lawyer says this mother!

This mother describes how the family court system brought in all kinds of services and expended all kinds of taxpayer funded resources, but in spite of all the taxpayer money being spent for all these services, none of the professionals listened to the one person who simply wanted to be heard – the child. The mother states that she was highly disappointed with the OCL and what she experiences were the “*politics within the OCL....Children have become careers for the OCL*”

<https://vimeo.com/821391>

Video (from the Ontario Legislature): It's time to stop Children's Aid Society workers from circumventing the law in Ontario

In this video taken in the Ontario Legislature, former Ontario MPP, Mr. Frank Klees, speaks about how children's aid society workers in Ontario are circumventing the intent of the Social Work and Social Services Work which was made into legislation to protect the public interest. CAS workers in Ontario are using the same strategy as clinical investigators with Ontario's Office of the Children's Lawyer to circumvent the law so that their social workers cannot be held accountable for providing taxpayer funded services to children and families in Ontario to the same high standard of practice and accountability as registered social workers with the Ontario College of Social Workers.

<https://www.youtube.com/watch?v=bPJpKoYTc-w>