

Response to what we heard
Reopening of the Act Chapter Tour 2016
Executive Summary



February 2017

Introduction

This document highlights the key feedback received by the NBASW during its 2016 provincial chapter tour. The tour was intended to collect feedback from the membership about the proposed changes to the NBASW legislation. The current Act that governs the Association has been in effect since 1988 and there has been a general acknowledgement that some of the content of the Act is outdated and requires revision. The purpose of this document is to summarize for members the information that was received and identify the next steps in the process of modernizing the legislation.

Summary of Feedback

Feedback received from members can be grouped into two categories. The first category is feedback directly related to the content and wording of the Act itself. Within this category feedback was received on the following topics:

- The definition of the scope of practice provided in the draft legislation is too narrow and does not encompass the diverse types of work done by social workers. Following the consultation this section was amended to be more inclusive, and is similar to the definition in the 1988 legislation.
- The inclusion of the term *diagnosis* within the scope of practice section received mixed feedback. Some members acknowledged the need for social workers in the mental health field to participate in diagnosis while others felt that the medical origin of diagnosis is not compatible with social work's social model. The practice of social work has traditionally adopted theories from a wide range of sources including, when appropriate, the medical model. While this may not be the primary frame of reference for social work practice, many jurisdictions across Canada and the United States have come to include diagnosis within the social work scope of practice.
- Some members highlighted that the term "social worker" is no longer a protected title in the revised legislation, which only refers to the title "registered social worker". Following the consultation this section was modified to protect the term "social worker".
- The replacement of the title of Executive Director with Chief Executive Officer (CEO) resulted in feedback that the title CEO is often associated with the business field and may therefore not be appropriate for a leader in the social work field. A review of definitions shows that these terms are often used interchangeably and both positions hold the same fundamental responsibilities. In acknowledgment of feedback received from members, the draft Act has been edited to maintain the title of Executive Director.
- The introduction of professional corporations was well received by members, particularly those in private practice who may benefit from the tax advantages of forming a professional corporation.
- Some members expressed concern that minimum educational requirements are not explicitly stated in the legislation. While the legislation is the foundational document of the Association, it is a costly and difficult document to modify. As a result many organizations intentionally leave their legislation broad so that it remains relevant for years into the future, and instead allow for regulations and processes to be set out in by-laws. The revised Act seeks to allow for

educational requirements to be set out in by-laws, thereby retaining the ability of the NBASW to make changes on an as-needed basis.

- As part of discussions regarding minimum educational requirements concerns were raised about the number of individuals who have been accepted as members of the NBASW without the minimum of a Bachelor Degree in Social Work through equivalency or grandfathering. Currently 1.8% of the NBASW's members have been granted membership through grandfathering or equivalency. Grandfathering and equivalency have both been removed from the draft legislation.

The second category of feedback that was received does not directly impact the Act but has resulted in valuable discussions and opportunities to provide information and clarification. Some topics raised will require decisions to be made at the by-law level rather than in the legislation itself. Feedback received in this category included:

- Suggestions for proposed new categories of membership and modifications to existing categories. These suggestions included that: a unique category of membership be created for university professor with a social work degree teaching in a School of Social Work; retired social workers be permitted to use the title "Registered Retired Social Worker" or "Registered Social Worker (retired)"; registration of social service workers be introduced; and registration of student members be mandatory. The most significant feedback received was on the topic of social service workers. While some members expressed a belief that these individuals should be registered with the NBASW in order to protect the public, allow for control over minimum educational requirements, and control over their scope of practice, other members expressed anxiety about additional confusion regarding the scope of social work practice, and concerns about social service workers being hired as a lower cost alternative to social workers. While the draft legislation allows for the creation of categories of membership, it does not define these categories. Social service workers are not included in the legislation and there is currently no intention to introduce this category through by-laws.
- A question about potential conflict between the NBASW Discipline Committee's ability to restrict a social worker's practice and the NB Human Rights Act. This question has been addressed with the NB Human Rights Commission and as a result the NBASW does not believe a conflict exists with the NB Human Right Act. Certain responsibilities rest with the Discipline Committee when exercising this power such as ensuring the social worker has been appropriately accommodated and establishing that the social worker is unable to fulfill the required essential core duties of their specific role.
- Questions about services to children under the age of 16, medical consent of minors, and confidentiality within the Integrated Service Delivery model. Clarifying information on these topics is now available in the full *Response to what we heard* discussion paper available on the NBASW website. The NBASW Act was not the appropriate forum for this information.

Conclusion

While this document has discussed a broad range of topics raised during consultations, members are reminded that only those topics that directly impact the legislation will be considered during the annual general meeting in June 2017. These topics are: the definition of social work scope of practice, the inclusion of the term diagnosis, the title of CEO / Executive Director, the ability to create professional corporations, and the ability to create categories of membership (without defining those categories).

The draft Act will be voted on as a block (entire document) during the NBASW Annual General Meeting on Saturday June 3, 2017 in Bathurst. For those unable to attend, NBASW's by-laws allow for registered voting members to assign a proxy. Further information about voting by proxy can be accessed in section 15 of the NBASW by-laws at <http://bit.ly/2jZAnkC>. Voting will take place using the parliamentary procedure and following guidelines that have been adapted from the rules of order and debate used by the Association of Social Work Boards.

Following the adoption of the new legislation a next step will be to begin defining and operationalizing any new processes through the creation of by-laws. A similar provincial consultation process will take place with members' participation to inform the modification and creation of by-laws.

For further information about the 2016 chapter tour and consultation process please see the full *Response to what we heard* discussion paper available on the NBASW. Members are invited contact the NBASW office with questions.

Response to what we heard
Reopening of the Act
Chapter Tour 2016



February 2017

Table of Contents

Introduction.....	3
Draft Legislation	
• Scope of Practice definition.....	3
• Diagnosis.....	4
• Protection of the title “Social Worker”.....	5
• CEO / Executive Director.....	5
• Professional Corporations.....	6
• Minimum Educational Requirements.....	7
• Equivalency and Grandfathering.....	8
Categories of Membership	
• University Professors.....	9
• Retired Social Worker.....	9
• Social Service Workers.....	9
• Student Members.....	10
Other.....	11
Age of Consent	
• Services to children under age 16.....	12
• Medical consent of Minors.....	12
• Integrated Service Delivery.....	13
Voting.....	13
Conclusion.....	14
Appendix A.....	15
References.....	17

Introduction

The New Brunswick Association of Social Workers (NBASW) is the regulatory body and professional association representing close to 1,900 members provincially. The NBASW is an organization run by and for its members with the majority of work being done primarily through member volunteers and supported by a small office staff.

In 2013 the NBASW began the process to revise the New Brunswick Association of Social Worker' Act. The current Act governing the regulation of social work in New Brunswick has been in effect since 1988 and there has been a general acknowledgement that some of the content of the Act is outdated and requires revision. Work began with the development of policies and procedures for the Association's complaints and discipline committees. Through this process a number of gaps were identified in legislation requiring updates. Reopening the Act provides an exciting opportunity to make changes and improvements in order to: ensure that the Act meets the current legal and functional needs of the Association and its members, reflect the evolution of changes in laws governing professional bodies, allow for process improvements such as facilitating approval of new members, and review committee structures and composition to ensure maximum member engagement.

In 2016 the New Brunswick Association of Social Workers undertook an extensive tour of the province visiting all local Association chapters to collect feedback regarding the proposed changes to the Social Work Act. In addition to collecting feedback during the in-person chapter meetings, information regarding the changes was circulated via email and on the NBASW website and members were invited to provide written feedback. Consultations were also held with the Schools of Social Work at St. Thomas University and l'Université de Moncton. The following document is a summary of the feedback received from the membership as well as responses to address the questions and concerns raised. Feedback has been divided into two categories. The first category addresses feedback related to the content and wording of the Act itself, and is captured under the heading of draft legislation. The remainder of the document addresses feedback that was received that does not directly impact the Act but has resulted in valuable discussions and opportunities to provide information and clarification. In addition, some topics such as categories of membership will require decisions to be made at the by-law level rather than in the legislation itself.

Draft Legislation

Scope of Practice definition

A significant amount of feedback was received regarding the Scope of Practice section of the draft legislation. Several members indicated that they believe the definition provided in the draft is too narrow and does not encompass the diverse types of work done by social workers. Following the consultation it came to the Association's attention that a section of the draft

legislation was missing. The content below reflects the changes that have been made and added to the draft legislation. It should be noted that this section remains unchanged from the original legislation of 1988 with the exception of: the addition of “diagnosis”, the replacement of the word “remediation” with “rehabilitation”, and the inclusion of “collaboration with other health professionals” in subsection a.

“Practice of Social Work” means the assessment, diagnosis, rehabilitation and prevention of social problems, and the enhancement of social functioning of individuals, families, groups and communities by means of

- (a) the provision of direct counselling services within an established relationship between a social worker and a client, or in collaboration with other health professionals*
- (b) the development, promotion and delivery of human service programs, including that done in collaboration with other health professionals;*
- (c) the development and promotion of social policies aimed at improving social conditions and promoting social equality; and*
- (d) any other activities consistent with the objects of the Association*

Diagnosis

A significant change to the legislation being proposed is the inclusion of diagnosis within the scope of social work practice. Feedback received from membership about introducing diagnosis was for the most part positive. Several members expressed that their current role working in the mental health field calls for them to participate in diagnosis or that the role of social workers would be enhanced by the ability to diagnose. Others expressed concern that diagnosis originates from the medical model and is therefore not appropriate within social work’s social model. Both viewpoints are important and members are encouraged to consider the benefits and drawbacks of each.

The inclusion of diagnosis within the social work scope of practice has been adopted by social work associations in many Canadian provinces including British Columbia, Alberta, Manitoba and Saskatchewan. In North America at least 53 provinces or states allow for social workers to do some form of diagnosis. Francis J. Turner in his book *Diagnosis in Social Work* defines diagnosis as:

the process in which a professional opinion is formed stemming from the assessment of a situation as it emerges in our interactions with clients and their significant environments, an opinion on which we base our actions and for which we are prepared to be held professionally accountable. This professional opinion is based on a series of judgments that lead us to act or interact in particular ways with clients. (p.51)

Turner is clear about the fact that diagnosis is not a one-time process in which a label is imposed upon someone, and is much broader than the assigning of terms from the Diagnostic and Statistics Manual (DSM).

Turner's definition of diagnosis within the context of social work resembles the one used by social workers in Ontario. The NBASW proposes that diagnosis within New Brunswick could adopt a similar definition while expanding the role to include diagnosis of certain forms of mental health conditions and addictions.

Within the Canadian context mental health is currently a priority for both the provincial and federal governments. With the high demand for access to mental health services many provinces are struggling to meet the need. Allowing for a small number of specialized social workers to diagnose certain mental health conditions may permit a quicker and more efficient response to mental health needs. It should be understood that the intention is not to allow all Registered Social Workers to make diagnoses but rather that the NBASW would have the ability to establish qualifying criteria for social workers with the appropriate education and clinical experience to do so. In addition to practical applications in the mental health field, the ability to diagnose may be relevant in the context of social workers completing court ordered evaluations (such as parenting capacity assessments, home studies or child interviews) or social workers working in the field of addictions.

Protection of the title “social worker”

Feedback was received from membership about the importance of protecting the title of “social worker”. While the legislation from 1988 explicitly lists the uses of the title of “social worker or registered social worker” by any person who is not a member as an offense, the new draft legislation only refers to the title “registered social worker or R.S.W.”. In the event of an offence, legislation is typically reviewed to determine whether the individual acted in accordance with the *spirit* or intention of the law in addition to the literal interpretation of the law. It is likely that someone using the title “Social Worker” without being a registered member of the NBASW would likely be found in violation of the spirit of the law as use of this title implies that they are entitled to practice social work in New Brunswick. However, this is valuable feedback and the NBASW will reintroduce the title “social worker” to protected titles in the draft legislation in order to enhance clarity.

CEO / Executive Director

During consultations there was discussion regarding the proposed replacement of the title Executive Director with the term Chief Executive Officer (CEO). Some members expressed concern that the term CEO is associated with the business field and is therefore not reflective of the role of a leader working in the social work field.

While the term Executive Director was once the preferred language among non-profits, over the past few years a shift has taken place in which the term Chief Executive Officer (CEO) has been adopted by many organizations. A review of definitions shows that the two terms are often used interchangeably. According to *Road to Relevance: 5 Strategies for Competitive Associations*:

The CEO is the association's steward of strategy. A steward is a "person who manages another's property or financial affairs; one who administers anything as the agent of another or others". The CEO manages the association's strategy. The board directs and controls strategy. First, they (with the CEO's input) define the priorities and direction for the association...The effective board understands the importance of empowering the CEO with the stewardship of the association's strategy. (p.140)

In comparison, the HR Council describes the purpose and role of an Executive Director as:

The Executive Director is responsible for the successful leadership and management of the organization according to the strategic direction set by the Board of Directors. The Executive Director performs some or all of the following: Leadership, Operational planning and management, Program planning and management, Human resources planning and management, Financial planning and management, Community relations/advocacy, Risk management.

By examining the role of an Executive Director and CEO it becomes apparent that both hold the same fundamental responsibilities. Both titles describe a leader who is given strategic direction or vision by the board of directors and is entrusted with the responsibility of implementing this vision.

Professional Corporations

Another potential addition to the updated legislation is the ability for NBASW members to form professional corporations. A professional corporation is a corporation (legal entity separate from the individual) that provides a professional service (such as social work services) under the regulation of a regulatory body (such as the NBASW). Professional corporations are currently available to many other professionals such as lawyers, physicians and dentists. Psychologists in New Brunswick are also in the process of amending their legislation to allow for the creation of professional corporations.

While being part of a professional corporation is not a requirement for private social work practice, there may be financial incentives (ie. tax advantages) for some members to consider forming a professional corporation. The most significant financial advantage would likely be to members doing the majority of their work through a professional corporation. If professional corporations are permitted through the revised legislation, it would be recommended that members interested in this option consult with their accountant and legal counsel prior to establishing a professional corporation. The NBASW would be responsible for developing

processes and requirements for professional corporations through the introduction of new by-laws and establishing an annual registration fee.

Minimum Educational Requirements

Additional comments were received about the importance including the minimum educational standard for registration (Bachelor of Social Work) in the Act. The current legislation (1988) grants the NBASW the power to establish the “nature and extent of the education and practical experience in social work required by any person before being registered to practice social work in the Province”. In addition, the current legislation grants the Committee of Examiners the ability to approve membership for an individual who:

has obtained a Bachelors, Masters or Doctors degree in social work or the equivalent from a school of social work approved by the Committee;

has passed examinations prescribed by the Committee and in the opinion of the Committee has sufficient experience in social work to qualify for registration under this Act; or

is a registered member in good standing of an association of social workers approved by the Committee

In comparison, the draft Act seeks to provide the NBASW with the power to establish by-laws governing and regulating “the conditions precedent to membership in the Association”. The NBASW recognizes why members might wish to have a minimum educational requirement established in legislation, however, there are several issues that must be considered.

First, changing provincial legislation is a long and financially costly process. As such, changes to legislation are made infrequently and therefore proposed legislation should be developed with the intention to be broad enough to remain relevant for several years into the future. By including a specific educational requirement in the Act the NBASW would essentially limit its ability to adjust these requirements easily in the future. In addition, the Association is considering the option of allowing for new categories of membership. It is difficult to foresee what minimum educational requirements may be relevant for future categories of membership. By allowing membership requirements to be established through by-laws the NBASW retains the ability to make changes on an as-needed basis through by-laws that are voted on by membership. It should be noted that the NBASW currently has requirements for application for membership including an affidavit from an accredited Canadian university confirming successful completion of a social work degree. Through section 12(1) (a) of the current legislation (1988), the Committee of Examiners has the authority to make by-laws “prescribing the proofs to be furnished as to education, good character and experience”. It is the intention for the Committee of Examiners to retain this power in the revised legislation.

Equivalency and Grandfathering

As part of discussions regarding minimum educational requirements concerns were raised about the number of individuals who have been accepted as members of the NBASW without the minimum of a Bachelor Degree in Social Work. There are two ways in which members may have been admitted to the Association without this minimum educational requirement. The first is through the grandfathering process which allowed individuals who were already working in the field of social work in 1988 when the original legislation was passed, to become members of the NBASW regardless of education. The second possibility is through equivalency in which the NBASW recognized an individual's education and experience as equivalent to a social work degree.

Currently 1.8% of the NBASW's members have been granted membership through grandfathering or equivalency. This translates to 33 people who do not have at least a Bachelor of Social Work degree out of 1,876 total members. Grandfathering and equivalency have both been removed from the draft legislation.

This concludes the section of the document related to the content and wording of the Act itself. The following sections of the document address feedback that was received that does not directly impact the Act. In the case of Categories of Membership, these will be defined through the creation of by-laws.

Categories of Membership

A significant amount of feedback was received from membership about the potential creation of additional categories of membership. While the majority of feedback was on the topic of social service workers, it is important to clarify that categories of membership is a broader issue. The current Act of 1988 in section 6(t) grants the NBASW the power to:

Establish categories of membership in the Association, and prescribe the privileges, obligations and conditions of membership

The draft legislation seeks to maintain this same power but clarifies that the establishment of categories of membership may be done through the passing of by-laws. The draft legislation does not seek to define what the categories of membership will be. Again, the legislation is intentionally broad and allows for changes to be made on an as-needed basis through by-laws.

Because specific categories of membership will not be defined in the Act, it is not necessary at this time for a decision to be made about specific categories of membership, however, information has been provided below reflecting the feedback that was received from members about possible future categories.

University Professors

Feedback has been received expressing an interest in establishing a unique category of membership for university professors who hold a social work degree and are teaching in a School of Social Work. Consultations have taken place with the Schools of Social Work at l'Université de Moncton and St. Thomas University to discuss the draft legislation. These consultations were led by the NBASW Executive Director and the Chairperson of the Reopening of the Act Committee.

Retired Social Workers

Comments have also been received about modifying the current category of “retired” member to allow these individuals to use the title of “Registered retired social worker” or “Registered social worker (retired)”.

Social Service Workers

A great deal of feedback both favourable and critical was received about the idea of regulating the profession of social service workers in New Brunswick. Support for the idea focused on the importance of regulating this para-profession to ensure accountability and protection of the public. Several members commented that these types of para-professionals already exist without any type of governing body. The registration of social service workers would create a mechanism for complaints to ensure protection of the public as well as give the NBASW control over the minimum educational requirements and scope of practice of these para-professionals. In addition, social workers who currently contract social service workers for tasks such as supervised visitation or disability supports would have the added advantage of knowing that these para-professionals have an established minimum level of education and are held accountable for the service provided.

Concerns raised over the regulation of social service workers focused on the title of the workers (social service worker, social work assistant, social work technician) and unease over whether this potential new category of membership could lead to further confusion about the scope of social work practice. In addition, there was anxiety about whether social service workers might be hired instead of social workers due to their lower cost, creating the risk that people who do not have the necessary training and experience might be put in positions previously held by social workers.

Determining whether or not to regulate social service workers is a decision that will need to be made in the future, but that does not directly impact the proposed legislation, since the creation of categories of membership will be done through by-laws and not the Act itself. The NBASW acknowledges the valuable feedback received from the membership on the topic of social service workers. In the event of future discussions on this topic, the NBASW has noted the desire of the membership to have further information from other jurisdictions such as Alberta, Manitoba and

Ontario that have successfully regulated social service workers, specifically their experiences both positive and negative with the process.

Student Members

Feedback was also received recommending that the NBASW create a category of membership for practicing students that would make it mandatory for students to be registered with the NBASW if they are in a field placement that involves social work. Currently the NBASW by-law section 4.05 allows for student members however this category of membership is currently defined as:

A person who is enrolled in a social work degree program, and has paid the student membership for the current year shall be deemed to be a student member. A student member cannot use the title “social worker” or practise social work, and is a non-voting member.

The ability to require the registration of social work students is currently within the power of the NBASW through the creation of new by-laws. If the membership wishes to consider this revised category of membership in the future there are a variety of issues that should be considered.

Canadian Schools of Social Work hold the responsibility for ensuring that social work students are covered by the University’s liability insurance both in and out of classroom settings. In addition the Canadian Association of Social Work Education (CASWE) requires that all Schools of Social Work have procedures for assessing the professional suitability of their students for professional practice. In New Brunswick St. Thomas University’s *Professional Suitability in the School of Social Work* policy explains in great detail the expectation of students to abide by the Code of Ethics and well as the consequences of unethical actions. Similar policies exist in all accredited Canadian Schools of Social Work. As a result of these policies, it is the responsibility of the university to take appropriate actions to protect the profession of social work in the event of misconduct by a student.

Although social work students are currently held accountable for their actions through the Schools of Social Work, there is the potential for considerable benefits to students being registered with their local regulatory body and professional association. First, as students completing field placements, these students are representing the profession of social work in New Brunswick and are often working with the public. As the regulatory body responsible for protection of the public, the NBASW is well positioned to receive and respond to complaints from the public regarding social work students. Having students regulated by the same body as registered social workers also ensures that all people practicing social work are following the same policies and shared values. Lastly, many social work students who graduate will go on to become registered members of their provincial regulatory body. Through student membership, these individuals have the opportunity to become familiar with the role and services of regulatory bodies as well as benefit from networking and professional development opportunities available to members through professional associations.

It is important to note that the Canadian Association of Social Workers will no longer be requiring fees from the NBASW for student members. This could potentially allow the NBASW to eliminate the student fee.

There are currently a variety of professions in New Brunswick that require registration of students who are engaged in practice as part of their education. These include: Pharmacists and Pharmacy Technicians, Dieticians, and Physicians. In all cases these students are held to the same ethical standards and professional regulations as all other members, and the regulatory body provides for protection of the public in the event of misconduct by students.

Other

A question was raised by members about whether section 14(7) of the draft legislation is in violation of the New Brunswick Human Right Act. Section 14(7) states that:

The Discipline Committee may find an individual incompetent if in its opinion:

- (a) The individual has displayed a lack of knowledge, skill, judgment, or disregard for the welfare of the public of a nature or to an extent that demonstrates the individual is unfit to carry out the responsibilities of the Profession; or*
- (b) The individual is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public, that the individual no longer be permitted to engage in the practice of the Profession or the individual's practice of the Profession be restricted.*

After consultation with the New Brunswick Human Rights Commission, the NBASW does not believe this section of the legislation to be in conflict with the New Brunswick Human Rights Act however application of this power by the Discipline Committee entails certain responsibilities. It should be noted that the simple presence of a “physical or mental condition or disorder” is not sufficient to restrict a social worker’s practice. Onus rests with the Discipline Committee to establish that the limitations created by the “physical or mental condition or disorder” are in conflict with a *bona fide occupational qualification*. This means that as a result of the condition or disorder the social worker is unable to fulfill the required essential core duties of their specific social work role. In addition, responsibility rests with the Discipline committee to ensure that the social worker has been provided with needed accommodation that would allow them to continue in their role (duty to accommodate). Following a complaint and investigation, if there is evidence that the social worker’s condition has created a risk to the public and the above responsibilities of the Discipline Committee have been met, then limitations may be placed upon the social worker’s practice for a period of time or their right to practice may be suspended or revoked.

Age of Consent

Services to children under age 16

A question was raised by membership regarding whether information about serving children under the age of sixteen should be included in the revised Act. While the Association recognizes the importance of members having access to information to help inform their practice with children under the age of sixteen, the New Brunswick Association Social Workers' Act is not the appropriate medium for this content. Rather information about age of consent is contained in the *Family Services Act* and the *Mental Health Act*. In addition to these pieces of legislation, a variety of other resources have been developed both by the NBSAW and other organizations to address this topic.

In September 2003 the NBASW Board of Directors adopted the *Guideline Regarding Age of Consent*. This document provides various recommendations for social workers working with individuals under the age of sixteen. In addition, the Canadian Coalition for the Rights of Children wrote *Right in Principle, Right in Practice* a document about the implementation of the Convention on the Rights of the Child in Canada. This extensive document covers subjects like "Implementing All Children's Rights in Canada", "Protecting Children" and "Paying Attention to Vulnerable Children". This document can be a useful reference when practicing social work with children under the age of sixteen. Both documents mentioned above are resources that can be accessed online free of charge.

Medical Consent of Minors

Over the years there have been questions among members regarding the legal ability of minors to give medical consent, and some questions have re-emerged with the introduction of the province's Integrated Service Delivery (ISD) model. The NBASW's Executive Director has received the legal opinion of Noortje Kunnen, Senior Policy Advisor from the Department of Health on this topic which indicates that:

The Medical Consent of Minors Act only applies to such medical treatment which is restricted to a procedure that involves interference with the body (such as physical examination, injection of medications, invasive procedures, confinement, etc.) Other health care services are not deemed a medical treatment.

For those services not deemed a medical treatment the common law applies. At common law, "any person, regardless of age, has the legal authority to give consent if he or she has the mental capacity to do so". A youth can consent to non-medical treatment or counselling if a health care provider deems them to be a mature minor.

With information about medical consent being contained in the *Medical Consent of Minors Act* the NBASW does not have the authority to include new information on this topic within the New Brunswick Association of Social Workers' Act. However requesting clarifying information from the Department of Health such as that provided among continues to be a valuable option.

Integrated Service Delivery

A question was raised by membership about whether New Brunswick's new Integrated Service Delivery (ISD) model will impact the updating of the New Brunswick Association of Social Workers Act, specifically in relation to confidentiality. The NBASW does not foresee any complication or impact to the revision of the Act resulting from the existence of ISD. In 2013, the New Brunswick Legislative Assembly passed *An Act Respecting the Delivery of Integrated Services, Programs and Activities*. This piece of legislation addresses confidentiality and the sharing of information among the multiple government departments involved in ISD. In addition, the Integrated Service Delivery team uses a standardized consent form that allows for sharing of information between ISD team members, addressing any other concerns regarding confidentiality.

Voting

Questions were raised during the chapter tour about the process that will be used at the Annual General Meeting to vote on the draft legislation. The vote will take place on Saturday June 3, 2017 in Bathurst. The draft Act will be voted on as a block (entire document). For those unable to attend, NBASW's by-laws allow for registered voting members to assign a proxy. Section 15 of the by-laws states:

15.04 A voting member shall be permitted a proxy vote

15.05 The member appointing a proxy shall notify the Association office in writing on the prescribed form (Schedule B). Proxy forms shall be mailed to members at least one (1) month prior to the date of the annual meeting. Completed forms shall be received at the Association office by the Friday immediately preceding the annual meeting.

15.06 The appointed proxy must be a voting member.

15.06 No person shall not hold more than one (1) proxy.

The current by-laws allow for votes to be done at special meetings or at the annual meeting only. While the NBASW's membership could consider changing by-laws in the future to allow for additional forms of voting (by distance, virtually) current by-law only allows for in-person voting or voting by proxy.

Voting will take place using the parliamentary procedure. The following guidelines have been adapted from the rules of order and debate used by the Association of Social Work Boards.

Members are reminded to be respectful of speakers by limiting side conversations and use of electronic devices. Members wishing to speak at the AGM must stand at a microphone. Once the member has been recognized by the presiding officer the member is invited to begin by sharing their name, and should be mindful of any time limits and the rights of others who may want to speak. During debate speakers will be limited to two (2) minutes each and may speak no more than twice on the same issue. All individuals wishing to speak will be granted an opportunity to do so before any member is permitted to speak a second time. The presiding officer has the authority to reasonably limit the time for debate in order to maintain the scheduled agenda. The presiding officer will be responsible for facilitating discussion and encouraging participating from the membership. Participation in debate is limited to members of the NBASW. Motions will be accepted by the presiding officer verbally or in writing.

Conclusion

The NBASW acknowledges that the reopening of the Act is a significant step for social workers in New Brunswick and recognizes that this process may raise concerns for members. Receiving input from members has been a crucial step to ensuring that the proposed legislation will reflect the needs, values and practice of social workers in New Brunswick. The NBASW thanks all members for their involvement in this consultation process. Feedback received has been reviewed by the Reopening of the Act Committee and Board of Directors and has provided valuable input into the language and content that is important to members. Many suggestions made by members have now been incorporated into the draft legislation while others have been the basis for further discussion and consideration. In addition to consultation with NBASW membership, consultations continue to take place with relevant government departments and other interested parties.

While this document has discussed a broad range of topics raised during consultations, members are reminded that only those topics that directly impact the legislation will be considered during the annual general meeting in June 2017. These topics are: the title of CEO / Executive Director, the definition of social work scope of practice, the inclusion of the term diagnosis, the ability to create professional corporations, and the ability to create categories of membership (without defining those categories). Following the adoption of the new legislation a next step will be to begin defining and operationalizing any new processes through the creation of by-laws. A similar provincial consultation process will take place with members to inform the modification and creation of by-laws.

It is the hope of the NBASW that this discussion paper has reflected the concerns of members and the Association appreciates the opportunity to discuss and provide information on a variety of topics that impact the social work profession. As work continues on the reopening of the Act the NBASW's goal is to strike a balance between the needs and opinions of all members in order to produce a piece of legislation that successfully represents the diverse work done by social workers in New Brunswick.

Appendix A

These are the comments gathered from around the Province:

- Concern about technicians. Hard to take our place, for a population that is already confused about what we do. Difficult to outline the tasks.
- Nurse in charge of the response plan in their Act.
- The profession must be promoted.
- Committee of Examiners, good point.
- Will eliminate red tape.
- We cannot deny the fact that technicians do exist. We must face it one way or the other.
- Makes sense.
- A thing that we had been expecting for a long time.
- In mental health, we are called upon to make diagnoses, even though our Act remains silent on the issue.
- Registering as a corporation makes sense.
- The title "Social Worker" is limited to "R.S.W." Shouldn't we protect the "Social Worker" title?
- Pleased with the proposed change for the Complaints Committee.
- Integrating technicians could be a concern.
- Fear that technicians are taking more and more space, greater and greater roles.
- Transgender DOH was working on legislation in this regard.
- Not up at context, but when/or if we have diagnosis, we may be able to do this also, not just psychologist.
- These are very important discussions. Information is accessible to members online.
- Could we explore a live stream? A vote at distance?
- There is support for the process.
- Can we have a clearer scope of practice?
- Servicing children below 16, could this be in the Act?
- Knowing how government could replace Social Workers with Technicians, need to be cautious. Need more information.
- Concern with putting their scope (technician) in the by-law.
- See danger. We need to make sure we have control of the level of required education.
- Would like to hear the experience of other jurisdictions, in regard to the Technicians.
- Change the title of the slide to categories of membership.
- A minimum S.W. degree in the Act?
- Unacceptable that all the changes in the act were not reflected in the comparative document.
- Social workers who are not working in direct practice are not included in the scope of practice. Not broad enough for the definition.
- Make sure all changes have been noted in the comparative document, not a summary of changes.
- The title of CEO is seen to identify more with the business world.
- We would need specific e-mail from the Executive Director on specific issues,
- Social Services Technician, question?
- At the AGM, are there proxies?
- Will be voted as a block or by section?
- How will we determine the scope of practice of Social Service Technicians?
- Social Service Technician a double edge sword. What would be the complication down the road?
- Something will change one way or another.
- Diagnosis a medical model.

- The presentation was at an understandable level.
- We have a wall (the Act) we would have more doors to choose to open (by-laws)
- Social Workers have a professional degree. Preoccupation with Human Services Counselors being able to join, they are paid at minimum salary.
- It could be easier if we do have control of their (social service workers) practice.
- We would have to make sure they received social work training certificate.
- Worried about the minimum training they (social service workers) have at the present.
- Really like it (the changes proposed) the update, more ability. Like the part of including the Human Services Counselors.
- The Integrated Services Delivery (ISD) will affect our act, the confidentiality part.
- Support for the Registrar approving new applicants and role of Committee of Examiners.
- Expression of gratitude for the Chair and the committee members.
- See merit to have Social Service Technicians within our Association. Do we want to do this presentation at the two Schools of Social Work?
- The NBASW should have a category of membership for practising students. (Field placement, seeing client) making it mandatory (yet still free of charge) for student to be a member of NBASW if they are doing a field placement that involves them doing social work.
- Does Section 14.7 violate the Human Right Act? (b) The individual is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interest of the public – addiction? Competency should be based on create action and (H) should be covered in Section (A) Section does not make sense, skill members, maybe reworded?
- Great changes, good work.
- We should take the Human Services Counselors and Social Work Assistant. Add professional practice please.
- Do we vote on changes only or the draft act?
- Vote on Saturday?
- How many changes in total?
- Think it is great, having a roster for the Committees.
- The Social Service Technician portability between jurisdictions.
- The diagnosis will be useful.
- Great work, a mammoth task!

References

- Association of Social Work Boards. (2015). *Annual Meeting Rules of Order and Debate*. Retrieved from <https://www.aswb.org/wp-content/uploads/2015/09/DA-rules-of-order-final.pdf>
- Canadian Coalition for the Rights of Children. (2011). *Right in Principle, Right in Practice*. Retrieved from http://www.cccabc.bc.ca/res/pubs/pdf/CCRC_Report_UN_CRC.pdf
- Coerver, H. & Byers, M. (2013). *Road to Relevance : 5 strategies for competitive associations*. Washington, DC: ASAE – The Centre for Association Leadership.
- HR Council. (2017). *Getting the right people. Job Profile-Executive Director*. Retrieved from <http://hrcouncil.ca/hr-toolkit/right-people-job-descriptions-executive-director.cfm>
- New Brunswick Association of Dietitians. (2016). *Information on dietetic intern registration (Fact Sheet)*. Retrieved from: <http://www.adnb-nbad.com/wp-content/uploads/2016/09/Dietetic-Intern-Registration-Info-sheet.pdf>
- New Brunswick Association of Social Workers. (1989). *By-laws of the New Brunswick Association of Social Workers*. Fredericton, NB: Author.
- New Brunswick Association of Social Workers. (2003). *Guidelines Regarding the Age of Consent*. Fredericton, NB: Author.
- New Brunswick College of Pharmacists. (2016). *Regulations of the New Brunswick College of Pharmacists*. Retrieved from: <https://nbcph.in1touch.org/document/1733/2015%2007%2023%20REGS%20bilingual.pdf>
- New Brunswick Human Rights Commission. (2014). *Guideline on Accommodating Physical and Mental Disabilities at Work*. Retrieved from <http://www2.gnb.ca/content/dam/gnb/Departments/hrc-cdp/PDF/Guideline-Accommodating-Disability-at-Work-New-Brunswick.pdf>
- Province of New Brunswick. (1988). *An Act to Incorporate the New Brunswick Association of Social Workers*. Fredericton, NB: Queen's Printer.
- Province of New Brunswick. (2013). *An Act Respecting the Delivery of Integrated Services, Programs and Activities*. Fredericton, NB: Queen's Printer.
- Province of New Brunswick (1981). *An Act Respecting the New Brunswick Medical Society and the College of Physicians and Surgeons of New Brunswick*. Fredericton, NB: Queen's Printer

Province of New Brunswick. (1976). *Medical Consent of Minors Act*. Fredericton, NB: Queen's Printer.

Province of New Brunswick. (2011). *Mental Health Services Act*. Fredericton, NB: Queen's Printer.

Province of New Brunswick. (1980). *Family Services Act*. Fredericton, NB: Queen's Printer.

Public Legal Education and Information Service of New Brunswick. (2016). *Court-Ordered Evaluations Support Program (C-OESP)* (Brochure). Retrieved from: http://www.legal-info-legale.nb.ca/en/uploads/file/pdfs/Court_Ordered_EN.pdf

St. Thomas University School of Social Work. (2014). *Governing Professional Suitability in the School Of Social Work Policy*. Retrieved from http://w3.stu.ca/stu/academics/departments/social_work/documents/ProfessionalSuitability2014.pdf

Turner F. J. (2002). *Diagnosis in Social Work: New imperatives*. Binghamton, NY: The Haworth Social Work Practice Press