



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **SOCIAL WORK ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to March 25, 2017. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*  
*Tel: (902) 368-4292*  
*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



## SOCIAL WORK ACT

### Table of Contents

Section	Page
1. Definitions.....	5
<b>ASSOCIATION</b>	<b>6</b>
2. Body corporate.....	6
3. Objects .....	6
4. Executive.....	6
5. Bylaws .....	6
<b>REGISTRATION BOARD</b>	<b>7</b>
6. Board.....	7
7. Purpose of Board.....	8
7.1 Bylaws .....	9
8. Regulations .....	9
<b>REGISTRATION</b>	<b>10</b>
9. Qualifications .....	10
10. Authorized title .....	11
11. Expiry.....	11
12. Board may extend expiry date of certificate .....	11
<b>DISCIPLINE</b>	<b>12</b>
13. Complaint.....	12
13.1 Mediator, appointment .....	13
13.2 Members .....	13
13.3 Investigation Committee .....	14
13.4 Hearing Panel.....	15
13.5 Registrar to provide Board with copies of decisions .....	15
13.6 Publication of decision or part of it.....	15
13.7 Costs.....	15
14. Appeal.....	15
14.1 Service .....	16
<b>OFFENCE, LIABILITY</b>	<b>16</b>
15. Prohibition.....	16
15.1 Private practitioner, endorsement.....	16
16. <i>Idem</i> .....	16
17. Exemption .....	16
18. <i>Idem</i> .....	16
19. Penalty .....	17
20. Prosecution.....	17
21. Limitation period .....	17

22. Limitation of action .....17  
23. Transitional.....17





## SOCIAL WORK ACT

### CHAPTER S-5

#### 1. Definitions

In this Act

- (a) “**affected social worker**” means a social worker whose conduct is the subject of a complaint;
- (a.1) “**Association**” means the Prince Edward Island Association of Social Workers;
- (b) “**Board**” means the Prince Edward Island Social Work Registration Board;
- (c) “**certificate**” means a certificate of registration issued under section 9;
- (c.1) “**complainant**” means the person who has made a complaint under subsection 13(1) concerning the conduct of a social worker;
- (c.2) “**complaint**” means a complaint made under subsection 13(1);
- (c.3) “**conduct**” includes an act or omission;
- (d) “**Executive**” means the Executive of the Association;
- (d.1) “**Hearing Panel**” means a Hearing Panel appointed under clause 13.2(1)(b);
- (d.2) “**Investigation Committee**” means an Investigation Committee appointed under clause 13.2(1)(a);
- (d.3) “**mediation**” means a process for resolving complaints under this Act;
- (d.4) “**mediator**” means a mediator appointed under subsection 13.1(1);
- (e) “**Minister**” means the Minister of Community Services and Seniors;
- (e.1) “**Register**” means the Register required to be maintained under clause 7(2)(c);
- (e.2) “**Registrar**” means the Registrar appointed under subsection 6(6) and includes an alternate Registrar appointed under subsection 13(2);
- (f) “**social work**” means the assessment, diagnosis, treatment, evaluation and prevention of individual, interpersonal and societal issues, through the use of social work knowledge, skills, interventions and strategies, to assist individuals, couples, families, groups, organizations and communities to achieve optimum psychological and social functioning;
- (g) “**social worker**” means an individual who holds a valid certificate;
- (h) “**unprofessional conduct**” means
  - (i) conduct unbecoming a social worker, or professional misconduct, including gross negligence or incompetence,
  - (ii) conduct that is likely to
    - (A) be contrary to the best interests of the public or of the social work profession, or
    - (B) be contrary to any code of ethics adopted by the Board,

- (iii) carrying on the practice of social work while suspended in accordance with this Act,
- (iv) conduct that is in violation of this Act or the regulations, or
- (v) such other conduct as may be prescribed. *1988, c.62, s.1; 2005,c.40,s.32; 2008,c.62,s.1; 2010,c.31,s.3; 2012,c.17,s.2.*

## ASSOCIATION

### 2. Body corporate

The Prince Edward Island Association of Social Workers is constituted a body corporate composed of

- (a) persons who, at the time this Act comes into force, are members in good standing of that body known as the Prince Edward Island Association of Social Workers; and
- (b) persons granted membership pursuant to the bylaws of the Association. *1988, c.62, s.2.*

### 3. Objects

The purposes of the Association are

- (a) to promote the professional interests of members and activities appropriate to strengthening and unifying the social work profession;
- (b) to foster public awareness of the profession;
- (c) to represent the members in relations with other agencies;
- (d) to encourage and assist in developing high standards of practice, proficiency and continuing professional education;
- (e) to take action on issues with regard to social welfare. *1988, c.62, s.3.*

### 4. Executive

- (1) There shall be an Executive of the Association which shall, subject to this Act and the bylaws of the Association, conduct the affairs and exercise the powers of the Association.

#### Composition

- (2) The Executive shall consist of a president, vice-president, secretary, treasurer and such other members as may be considered appropriate, elected in such manner and holding office for such term as may be prescribed by the bylaws of the Association. *1988, c.62, s.4.*

### 5. Bylaws

- (1) The Association may make bylaws for the conduct of the affairs of the Association, including
  - (a) the election or appointment, qualifications, duties, terms of office, remuneration and removal of officers and servants of the Association;
  - (b) the calling and conduct of meetings of the Association and of the Executive, including voting procedures;
  - (c) the establishment and operation of committees;
  - (d) relationships or agreements with external agencies;
  - (e) membership, including any classes thereof;
  - (f) amendment of bylaws;



- (g) dues and any other assessment of members.

**Idem, approval**

- (2) Bylaws made under subsection (1) come into force only after approval by the members in a general meeting. 1988, c.62, s.5.

## REGISTRATION BOARD

### 6. Board

- (1) There is established as a corporate body a board to be known as the Prince Edward Island Social Work Registration Board.

**Composition**

- (2) The Board shall be composed of seven members nominated by the Association, in consultation with the Board, and appointed by the Minister, of whom
- (a) six shall be social workers and members of the Association; and
  - (b) one shall be an individual, other than a social worker, considered to represent the perspective of the general public.

**Term**

- (3) Members of the Board shall be appointed for a term of three years.

**Idem**

- (4) Members may not serve more than two consecutive terms on the Board.

**Application to current members**

- (4.1) For greater certainty, subsections (3) and (4), as they read immediately before the date this subsection comes into force, continue to apply in respect of any person who, immediately before the date this subsection comes into force, holds an appointment as a member of the Board until such time as that appointment has expired.

**Officers**

- (5) The Board shall select one of its members who is a social worker as its chairperson, and may appoint such other executive officers as it considers appropriate.

**Registrar**

- (6) The Board shall appoint a person who may be a member of the Board as Registrar.

**Procedure**

- (7) The Board shall determine its own procedure, pursuant to this Act.

**Termination of membership**

- (8) Any member of the Board shall cease to hold office who
- (a) becomes physically or mentally incapacitated;
  - (b) is convicted of an indictable offence;
  - (c) resigns;
  - (d) ceases to reside in the province;

- (e) in the case of an Association member, ceases to be a member in good standing of the Association; or
- (f) without an excuse that, in the opinion of the Board, is a reasonable one, misses three consecutive meetings of the Board.

**Completion of term**

- (9) In the event a Board member ceases to hold office before completing the appointed term, the Minister may appoint a new member, nominated by the Association, who shall hold office for the unexpired portion of the original term.

**Annual report**

- (10) The Board shall make an annual report to the Minister and to the Association concerning its general operation and performance of duties and may provide information to the Minister as may be requested from time to time. *1988, c.62, s.6; 2008, c.62, s.2.*

**7. Purpose of Board**

- (1) The purpose of the Board is to promote, preserve and protect the welfare of the public through the effective control and regulation of the practice of social work in the province.

**Functions**

- (2) The functions of the Board are to
  - (a) prescribe initial and continuing educational, proficiency and other qualifications for registration;
  - (b) examine applicants and judge entitlement to registration;
  - (c) issue certificates and to maintain the Register;
  - (d) assure adherence to established ethical guidelines;
  - (e) adopt a code of ethics and standards of practice;
  - (f) provide for the investigation of complaints and for the discipline of social workers in accordance with this Act and the regulations; and
  - (g) enter into agreements or other arrangements with the governing bodies that regulate the practise of social work in other jurisdictions to provide for the interjurisdictional practise of social workers and the continuation of control and regulation over the practice of social work.

**Board may appoint committees, panels**

- (3) The Board may appoint such committees or panels as may be necessary to perform its functions under this Act.

**Delegation**

- (4) The Board may delegate the powers and duties of the Board, as specified in the delegation, to a committee, panel, or a member of the Board or of the Association.

**Register**

- (5) When issuing a certificate to an applicant, the Board shall direct the Registrar to enter, and the Registrar shall then enter, all of the following information concerning the applicant in the Register:
  - (a) the name, address and phone number of the applicant;
  - (b) any conditions imposed on the certificate;
  - (c) the date of issue of the certificate;



- (d) the expiry date of the certificate;
- (e) the details of any endorsement added to the certificate;
- (f) such other information respecting the applicant as may be prescribed by the regulations. *1988, c.62, s.7; 2008, c.62, s.3; 2016, c.53, s.1.*

### 7.1 Bylaws

The Board may make bylaws, not inconsistent with this Act or the regulations, relating to the conduct of the affairs of the Board, including bylaws respecting

- (a) the election or appointment, qualifications, duties, terms of office, remuneration and removal of officers and servants of the Board;
- (b) the calling and conduct of meetings of the Board and officers of the Board;
- (c) the establishment and operation of committees;
- (d) the making, amendment and revocation of bylaws of the Board; and
- (e) the fees that are payable
  - (i) to take a prescribed examination to demonstrate professional competency or currency of professional knowledge and skills for the purpose of clause 9(1)(c) or (d), respectively,
  - (ii) for a certificate, pursuant to clause 9(3)(b), and
  - (iii) for an endorsement to a certificate, pursuant to subsection 9(5). *2016, c.53, s.2.*

### 8. Regulations

The Board may, after consultation with the Association and subject to the approval of the Lieutenant Governor in Council, make regulations

- (a) respecting standards of practice for social workers, including establishing or prescribing such standards and requiring compliance with them;
- (b) respecting the requirements and procedures for
  - (i) making applications for certificates, and
  - (ii) issuing certificates;
- (c) respecting the types of conduct that constitute unprofessional conduct by social workers for the purposes of clause 1(h);
- (d) respecting the process for reviewing, investigating, mediating and hearing complaints;
- (e) respecting
  - (i) the conduct of investigations by Investigation Committees,
  - (ii) matters of practice and procedure before Hearing Panels, and
  - (iii) the manner and form of hearings before Hearing Panels;
- (f) respecting the continuing professional education of social workers, including requiring social workers to participate in specified continuing professional education programs;
- (g) prescribing the procedures, standards and requirements for the addition of an endorsement to a certificate pursuant to subsection 9(5);
- (h) prescribing the requirements and procedures for the maintenance of the Register;
- (i) prescribing the examination that demonstrates professional competency or currency of professional knowledge and skills for the purpose of clause 9(1)(c) or (d),

- respectively, and requiring the applicant to pay the fee set out in the bylaws of the Board to take an examination administered or arranged by the Board;
- (j) prescribing requirements for the establishment and operation of professional corporations, for the purpose of engaging in the practise of social work;
  - (k) prescribing forms to be used under this Act;
  - (l) defining any word or expression that is used but not defined in this Act; or
  - (m) generally providing for the better administration of this Act. *1988, c.62, s.8; 2008,c.62,s.4; 2016,c.53,s.3.*

## REGISTRATION

### 9. Qualifications

- (1) An individual who wishes to apply for a certificate shall apply to the Board on the prescribed form and provide the Board with proof, satisfactory to the Board, that the applicant has the following qualifications:
- (a) successful completion of a degree program from a school of social work that is accredited or comparably recognized, at the time of the applicant's graduation, by the Canadian Association of Schools of Social Work;
  - (b) successful completion of such practical training as may be prescribed;
  - (c) professional competency, as demonstrated by such examination as may be prescribed;
  - (d) currency of professional knowledge and skills, as indicated by such requirements as may be prescribed regarding recentness of professional education, examination, active practice or refresher program;
  - (e) good standing with any regulatory body of social workers in Canada of which the applicant is a member.

#### Transitional

- (2) Repealed by *2008,c.62,s.5.*

#### Issuance of certificate

- (3) Subject to subsection (4), the Board shall, on receipt of an application made in accordance with subsection (1), issue a certificate to the applicant if
- (a) the Board is satisfied that the applicant has the qualifications referred to in subsection (1); and
  - (b) the applicant pays the fee set out in the bylaws of the Board.

#### Board may impose conditions on certificate

- (3.1) The Board may, when issuing a certificate under subsection (3), impose such conditions on the certificate as the Board considers appropriate.

#### Social worker must comply with conditions

- (3.2) No social worker shall fail to comply with any condition that is imposed under this section on the certificate issued to the social worker.

#### Refusal to register

- (4) The Board may refuse to issue a certificate to an applicant if



- (a) the applicant has been or is being investigated or disciplined for unprofessional conduct, negligence or incompetence by a regulatory body or professional organization from another jurisdiction where the applicant has practised social work, until that authority or organization declares the applicant to be in good standing;
- (b) the applicant has been convicted of an offence of such a nature and direct relevance to the practice of social work that, in the opinion of the Board, the applicant would pose a danger to clients; or
- (c) the Board is satisfied that the applicant does not meet the qualifications set out in subsection (1).

**Registrar shall give notification of refusal in writing**

- (4.1) Where the Board refuses to issue a certificate to an applicant, the Registrar shall cause a written notice of the refusal to be served on the applicant.

**Private practice endorsement**

- (5) The Board may, on application by a social worker made in accordance with the regulations, add an endorsement to the certificate of the social worker that authorizes the social worker to engage in the practise of social work as a private practitioner if the Board is satisfied that the social worker has met the prescribed requirements for the endorsement and paid the fee set out in the bylaws of the Board.

**Conditions**

- (6) The Board may, when adding an endorsement on a certificate under subsection (5), impose such conditions on the certificate as the Board considers appropriate. *1988, c.62, s.9; 2008, c.62, s.5; 2016, c.53, s.4.*

**10. Authorized title**

A social worker is authorized to use the title “Registered Social Worker” and the initials “R.S.W.”. *1988, c.62, s.10; 2008, c.62, s.6.*

**11. Expiry**

Unless a shorter term is specified by the Board on a certificate, a certificate expires one year after the date on which it is issued. *1988, c.62, s.11; 2008, c.62, s.7.*

**12. Board may extend expiry date of certificate**

- (1) A social worker seeking an extension of the term of his or her certificate shall submit a request, in writing, to the Board outlining the reasons for the request and the duration of the extension sought.

***Idem***

- (2) The Board may, on receipt of a request under subsection (1), extend the term of the certificate of the applicant for such period of time as the Board considers appropriate. *1988, c.62, s.12; 2008, c.62, s.8.*

## DISCIPLINE

### 13. Complaint

- (1) Subject to subsection (2), any person, including the Registrar, may make a complaint to the Registrar alleging that a social worker is guilty of unprofessional conduct.

#### Alternate Registrar

- (2) Where the Registrar is the complainant or the affected social worker, the Board shall appoint a person, who may be a member of the Board, as an alternate Registrar and who shall have all of the powers and duties of the Registrar under this Act and the regulations in respect of the complaint.

#### Additional information, writing

- (3) The Registrar, before proceeding under this section,
- (a) may require the complainant to provide additional information; and
  - (b) may, if the complaint was made orally, require the complainant to submit the complaint in writing and obtain the complainant's signature on the complaint.

#### Registrar's duties on receiving complaint

- (4) The Registrar shall, after receipt of a written complaint signed by the complainant,
- (a) cause to be served on the affected social worker
    - (i) a copy of the complaint, and
    - (ii) a written notice indicating that the affected social worker may submit a written response to the complaint to the Registrar in accordance with subsection (4.1); and
  - (b) cause to be served on the complainant, a copy of the written response, if any, that is submitted to the Registrar by the affected social worker within the time period referred to in clause (a).

#### Response to complaint

- (4.1) An affected social worker may, within 10 days after the notice and complaint is served on the affected social worker under subsection (4), submit a written response to the complaint to the Registrar.

#### Preliminary investigation

- (5) The Registrar shall, within 30 days after the expiry of the period referred to in subsection (4.1), conduct a preliminary investigation of the complaint.

#### Dismissal or referral of complaint

- (6) The Registrar shall, within 10 days after the completion of the preliminary investigation,
- (a) dismiss the complaint, if the Registrar determines that
    - (i) the complaint is frivolous or vexatious,
    - (ii) there is insufficient evidence to support the allegations in the complaint, or
    - (iii) the complaint has been resolved to the satisfaction of the Registrar; or
  - (b) refer the complaint
    - (i) to the Board for the appointment of a mediator, where the complainant and the affected social worker have agreed to mediation, or
    - (ii) to an Investigation Committee.



**Decision**

- (7) The Registrar shall cause
- (a) a written notice of his or her decision under subsection (6), together with the reasons for the decision; and
  - (b) a written notice of the right of the complainant under subsection (8) to request a review of the decision if the Registrar has decided to dismiss the complaint, to be served on the complainant and the affected social worker.

**Review of dismissal of complaint**

- (8) Where the Registrar dismisses a complaint under clause (6)(a), the complainant may, within 30 days after the notice under subsection (7) is served on the complainant, serve a written request on the Registrar to refer the complaint to an Investigation Committee for review.

**Referral of complaint to Investigation Committee**

- (9) The Registrar shall, within 10 days after the written request under subsection (8) is served on the Registrar, refer the complaint to an Investigation Committee for review.

**Affected social worker is Registrar, other official**

- (10) Where, in respect of a complaint, the affected social worker is a member of the Board or an Investigation Committee or Hearing Panel, the affected social worker shall not participate as a member of the Board, the Investigation Committee or Hearing Panel in any investigation or hearing respecting the complaint. *1988, c.62, s.13; 2008, c.62, s.9.*

**13.1 Mediator, appointment**

- (1) The Board shall appoint a mediator, agreed to by the complainant and the affected social worker, to attempt to resolve the complaint where
- (a) the Registrar has referred the complaint to the Board under subclause 13(6)(b)(i); or
  - (b) the Investigation Committee has referred the complaint to the Board under clause 13.3(2)(b).

**Provision of complaint and records to mediator**

- (2) On appointing a mediator to resolve the complaint, the Board shall provide the mediator with a copy of the complaint and any documents or records of proceedings which have taken place up to the date of the appointment, in respect of the complaint.

**Alternative complaint resolution**

- (3) A mediator shall attempt to resolve a complaint referred to him or her by the Board in accordance with the regulations. *2008, c.62, s.10.*

**13.2 Members**

- (1) The Board shall appoint, as necessary,
- (a) Investigation Committees comprised of three social workers; and
  - (b) Hearing Panels comprised of two social workers and one layperson.

**Chairperson of panels**

- (2) The Board shall appoint a chairperson for each Investigation Committee or Hearing Panel from among the members of such Committee or Panel who are social workers. *2008, c.62, s.10.*

### 13.3 Investigation Committee

- (1) An Investigation Committee shall
  - (a) conduct an investigation of a complaint, in accordance with the regulations, where the Registrar refers the complaint to the Investigation Committee under subclause 13(6)(b)(ii); or
  - (b) review the dismissal of a complaint by the Registrar under subsection 13(6) in accordance with the regulations, where the Registrar refers the complaint to the Investigation Committee under subsection 13(9).

#### Decision of Investigation committee

- (2) On the completion of an investigation of a complaint or a review of a dismissal of a complaint, an Investigation Committee may
  - (a) dismiss the complaint, where the Committee determines that the complaint is frivolous, vexatious or otherwise unsubstantiated;
  - (b) refer the complaint to the Board for the appointment of a mediator, where the complainant and the affected social worker have agreed to mediation;
  - (c) upon determining that the affected social worker has engaged in unprofessional conduct,
    - (i) issue a written reprimand to the social worker, or
    - (ii) impose conditions on the certificate of the social worker; or
  - (d) where the Committee determines that the gravity or complexity of the complaint warrants, refer the complaint to the Board for the appointment of a Hearing Panel to adjudicate the complaint.

#### Decision and reasons for decision

- (3) Where an Investigation Committee makes a decision under subsection (2), the Investigation Committee shall, within 14 days after making the decision, cause a written copy of its decision, together with the reasons therefor, to be served on the complainant, the affected social worker and the Registrar.

#### Affected social work not satisfied with decision

- (4) An affected social worker who is not satisfied with a decision made by the Investigation Committee under subsection (2), other than a decision made under clause (2)(d), may, within 10 days after the affected social worker is served with a written copy of the decision, request the Registrar to refer the complaint to the Board for the appointment of a Hearing Panel.

#### Appointment of Hearing Panel and referral of complaint

- (5) Upon receipt of a decision of an Investigation Committee to refer a complaint to the Board under clause (2)(d), or a request from an affected social worker to refer a complaint to the Board under subsection (4), the Board shall appoint a Hearing Panel and shall refer the complaint to the Hearing Panel.

#### Provision of documents to Hearing Panel

- (6) Upon the appointment of a Hearing Panel under subsection (5), the Registrar shall provide the Hearing Panel so appointed with
  - (a) a copy of the complaint;
  - (b) a copy of the response to the complaint of the affected social worker, if any, that was submitted to the Registrar under subsection 13(4.1); and



- (c) a copy of the written decision of the Investigation Committee served on the Registrar under subsection (3). *2008, c.62, s.10.*

### **13.4 Hearing Panel**

- (1) A Hearing Panel shall, in accordance with the regulations, hold a hearing respecting a complaint referred to it by the Board.

#### **Decision of Hearing Panel**

- (2) On completion of a hearing, a Hearing Panel may
- (a) if the Hearing Panel determines that the affected social worker is not guilty of unprofessional conduct, dismiss the complaint; or
  - (b) if the Hearing Panel determines that the affected social worker is guilty of unprofessional conduct,
    - (i) issue a written reprimand to the affected social worker,
    - (ii) impose conditions on the certificate of the affected social worker,
    - (iii) suspend the certificate of the affected social worker, or
    - (iv) revoke the certificate of the affected social worker.

#### **Decision and reasons for decision**

- (3) The Hearing Panel shall cause the complainant, the affected social worker and the Registrar to be served with a written copy of its decision under subsection (2) and reasons for the decision within 21 days after making the decision. *2008, c.62, s.10.*

### **13.5 Registrar to provide Board with copies of decisions**

The Registrar shall provide the Board with a copy of all decisions made by the Registrar, an Investigation Committee or a Hearing Panel. *2008, c.62, s.10.*

### **13.6 Publication of decision or part of it**

The Board may, if it considers it to be in the public interest, make all or part of any copy of a written decision of a Hearing Panel that is served on the Registrar under subsection 13.4(3), respecting any social worker, known to any person. *2008, c.62, s.10.*

### **13.7 Costs**

Where an Investigation Committee or a Hearing Panel determines that an affected social worker is guilty of unprofessional conduct, the Board may order the affected social worker to pay the costs of the investigation or hearing or both. *2008, c.62, s.10.*

## **14. Appeal**

- (1) An affected social worker may appeal a decision of a Hearing Panel under subsection 13.4(2) to the Supreme Court.

#### **Time for appeal**

- (2) An appeal made under subsection (1) shall be commenced within 30 days after the date a copy of the decision appealed from is served on the affected social worker. *1988, c.62, s.14; 2008, c.62, s.11.*

**14.1 Service**

- (1) Service of all notices and documents or copies of same required for the purposes of this Act may be made by personal service on the person to be served or by registered mail to the person to be served at his or her last known address.

**Deemed date of service**

- (2) Service by registered mail under subsection (1) is deemed to have been received by the addressee 10 days after the date of mailing. *2008,c.62,s.12.*

## OFFENCE, LIABILITY

**15. Prohibition**

No person other than a social worker shall

- (a) practice social work;
- (b) use the title “Social Worker” or “Registered Social Worker”, or make use of any abbreviation of such title; or
- (c) represent or hold out, expressly or by implication, that the person is a social worker or is entitled to engage in the practice of social work. *1988, c.62, s.15; 2008,c.62,s.13.*

**15.1 Private practitioner, endorsement**

No social worker shall engage in the practise of social work as a private practitioner unless the social worker has an endorsement on his or her certificate that authorizes the social worker to do so. *2008,c.62,s.14.*

**16. Idem**

No person shall employ anyone other than a social worker for the purpose of performing social work. *1988, c.62, s.16; 2008,c.62,s.15.*

**17. Exemption**

Notwithstanding sections 15 and 16, certain functions of or relating to social work may be performed by an aide or technician under the appropriate superintendence of a social worker and subject to such regulations as may be made regarding such persons and their work, if such person in no way purports to be qualified as a social worker. *1988, c.62, s.17; 2008,c.62,s.16.*

**18. Idem**

Nothing in this Act applies to or prevents the practice of any profession or occupation or performance of services that includes functions of or similar or complimentary to social work by

- (a) a qualified practitioner licensed or registered under any statute governing that profession or occupation; or
  - (b) such other person or class of persons as the Board recognizes,
- if such person in no way purports to be qualified as a social worker. *1988, c.62, s.18; 2008,c.62,s.17.*



**19. Penalty**

A person who violates section 15, 15.1 or 16 is guilty of an offence and liable on summary conviction to a fine not exceeding \$500. *1988, c.62, s.19; 2008,c.62,s.18.*

**20. Prosecution**

A prosecution for an offence under this Act must be brought within two years of the alleged commission of the offence. *1988, c.62, s.20.*

**21. Limitation period**

No action shall be brought against a social worker for negligence or malpractice in the provision of professional services except within two years of the termination of the services during the course of which the negligence or malpractice is alleged to have occurred. *1988, c.62, s.21; 2008,c.62,s.19.*

**22. Limitation of action**

No action or proceeding lies against the Board, its members or any person for anything done or not done by that person in good faith in the performance or intended performance of, or in the exercise of the person's powers or duties under this Act or the regulations. *1988, c.62, s.22; 2008,c.62,s.20.*

**23. Transitional**

Where a complaint has been made to the Registrar, and proceedings in respect of the complaint have not been completed, before the date this section comes into force the complaint shall be dealt with,

- (a) if no investigation has been commenced into the complaint, in accordance with this Act and the regulations as they read on the date this section comes into force; or
- (b) if an investigation has been commenced into the complaint, in accordance with this Act and the regulations as they read immediately before the date this section comes into force. *2008,c.62,s.21.*