



## **PLEASE NOTE**

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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](#).

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**CHAPTER S-5**  
**SOCIAL WORK ACT**

- 1. In this Act** Definitions
- (a) “Association” means the Prince Edward Island Association of Social Workers; Association
- (b) “Board” means the Prince Edward Island Social Work Registration Board; Board
- (c) “certificate” means a certificate of registration, issued under section 9, authorizing a person to practise social work; certificate
- (d) “Executive” means the Executive of the Association; Executive
- (e) “Minister” means the Minister of Community Services, Seniors and Labour; Minister
- (f) “social work” means service that is performed, for remuneration or in a continual way and without immediate supervision, to aid clients to understand and resolve personal, family or social problems, in ways which, in the judgment of the Board as supported by common opinion among social-work educators, authorities and practitioners, require expert and comprehensive knowledge, skills, judgment and ethical conduct of a distinctly professional nature as provided for in education at a university school of social work; social work
- (g) “social worker” means a person holding a certificate and thus entitled to practise social work; social worker
- (h) “registered” means recorded in the register as being qualified to practise social work. 1988, c.62, s.1; 2005,c.40,s.32; 2010,c.31,s.3. registered

**ASSOCIATION**

- 2. The Prince Edward Island Association of Social Workers is constituted a body corporate composed of** Body corporate
- (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. The purposes of the Association are** Objects

- (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.

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| Executive              | <b>4.</b> (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.   |
| Bylaws                 | <b>5.</b> (1) The Association may make bylaws for the conduct of the affairs of the Association, including <ul style="list-style-type: none"> <li>(a) the election or appointment, qualifications, duties, terms of office, remuneration and removal of officers and servants of the Association;</li> <li>(b) the calling and conduct of meetings of the Association and of the Executive, including voting procedures;</li> <li>(c) the establishment and operation of committees;</li> <li>(d) relationships or agreements with external agencies;</li> <li>(e) membership, including any classes thereof;</li> <li>(f) amendment of bylaws;</li> <li>(g) dues and any other assessment of members.</li> </ul> |
| <i>Idem</i> , 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

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| Board       | <b>6.</b> (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 five members nominated by the Association and appointed by the Minister, of whom <ul style="list-style-type: none"> <li>(a) four shall be registered social workers and members of the Association; and</li> <li>(b) one shall be a person, other than a social worker, considered to represent the perspective of the general public.</li> </ul> |

- (3) Members of the Board shall be appointed for a term of two years, except for the initial members, two of whom shall be appointed for three-year terms. Term
- (4) Members may not serve more than three consecutive terms on the Board. *Idem*
- (5) The Board shall select one of its members who is a registered social worker as its chairman, and may appoint such other executive officers as it considers appropriate. Officers
- (6) The Board shall appoint a person who may be a member of the Board as Registrar. Registrar
- (7) The Board may determine its own procedure, pursuant to this Act. Procedure
- (8) Any member of the Board shall cease to hold office who Termination of membership
- (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.
- (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. Completion of term
- (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. Annual report
- 7.** (1) The purpose of the Board is to regulate the practice of social work in the province, to promote established standards and to safeguard the welfare of the public with regard to social work services. Objects of the Board
- (2) The functions of the Board are to Functions
- (a) prescribe initial and continuing educational, proficiency and other qualifications for registration, including fees therefor;
  - (b) examine applicants and judge entitlement to registration;
  - (c) issue certificates of registration and keep the official register of them;
  - (d) assure adherence to established ethical guidelines;

- (e) prescribe standards of practice;
- (f) investigate complaints and exercise discipline pursuant to this Act. 1988, c.62, s.7.

Regulations **8.** The Board, after consultation with the Association, may make regulations which shall come into effect upon approval by the Lieutenant Governor in Council. 1988, c.62, s.8.

#### REGISTRATION

Qualifications **9.** (1) A person seeking a certificate to practise as a social worker shall apply to the Board and shall provide proof of

- (a) successful completion of a degree program from a school of social work recognized by the Board, or an equivalent course of study acceptable to the Board;
- (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; and
- (e) good standing under any existing registration or comparable authorization, if applicable.

Transitional (2) Notwithstanding the requirements of subsection (1), a person shall be registered who

- (a) has such experience related to social work as may be acceptable to the Board; and
- (b) (i) on December 31, 1988, is a member in good standing of the Association, or
- (ii) before December 31, 1992, meets such training and other requirements as may be prescribed.

Issue of certificate (3) The Board shall issue a certificate of registration to an applicant who has to its satisfaction met the requirements of subsection (1) or (2) and paid the prescribed fee. 1988, c.62, s.9.

Effect of certificate **10.** The holder of a valid certificate is authorized thereby to practise social work, and to use the title "Registered Social Worker" and the initials "R.S.W." or any such similar designation as may be prescribed. 1988, c.62, s.10.

**11.** (1) Unless a shorter term has been imposed by the Board, a certificate expires one year from the date on which it is expressed to come into effect. Expiry

(2) A person who holds a certificate shall annually, prior to its expiry, apply to the Registrar for renewal thereof for the ensuing year, and if the Board has no reason to believe that the person is in violation of this Act, the regulations or the terms of his certificate, or does not satisfy such requirements for professional currency as may be prescribed, the Board shall renew the certificate upon payment of the prescribed fee. 1988, c.62, s.11. Renewal

**12.** (1) The holder of a certificate of registration who fails to have it renewed on or before the date of expiry, or to make a special arrangement for extension or deferred renewal that is acceptable to the Board, ceases, upon the expiry of the certificate of registration, to be entitled to practise as a registered social worker. Lapse

(2) Subject to the conditions of subsection 11(2), a person whose certificate lapses under subsection (1), Reissue

(a) if within two years thereafter he applies and pays the prescribed fee, shall be entitled to have his certificate reissued; or

(b) if he applies more than two years thereafter, may have his certificate reissued upon complying with such terms as the Board may direct. 1988, c.62, s.12.

#### DISCIPLINE

**13.** (1) Where the Board receives information in writing that a registered social worker is allegedly guilty of professional misconduct, gross negligence, or incompetence, it shall make due inquiry into the matter and either dismiss the complaint or, if it determines the complaint is well founded, impose any of the penalties provided for by subsection (2). Investigation

(2) If, after due inquiry, the Board finds the social worker guilty of professional misconduct, gross negligence, or incompetence it may Discipline

(a) suspend or cancel his certificate of registration;

(b) impose conditions on his certificate of registration;

(c) impose a retraining requirement;

(d) issue a reprimand;

(e) require payment to cover costs incurred because of the investigation and discipline; or

(f) impose any combination of the preceding measures.

(3) The Board shall not carry out a full investigation without first giving written notice to the social worker complained of, such notice to Hearing

include a copy of the complaint, a designation of a time and place for the hearing of the complaint, and notification to the person of the right to be represented by counsel at the hearing. 1988, c.62, s.13.

- Appeal **14.** (1) A person against whom a decision has been made under section 13 and whose livelihood is likely to be affected thereby may appeal that decision to the Supreme Court by filing a notice of appeal with the court and so informing the Board within thirty days of receiving notification of the decision of the Board.
- Allowance (2) A decision referred to in subsection (1) shall take effect only after the expiry of thirty days from the date on which the Board has made its decision known to the person affected or, where an appeal is made, after it has been dismissed by the Supreme Court.
- Reinstatement (3) The Board may, upon application, reinstate a suspended or revoked certificate of registration, if the applicant meets the requirements of section 9. 1988, c.62, s.14.

#### OFFENCE, LIABILITY

- Prohibition **15.** No person shall practise social work or attempt to act as, assume the title or designation of or otherwise purport to be or perform the professional functions of a social worker unless he holds a valid certificate of registration. 1988, c.62, s.15.
- Idem* **16.** No person shall employ anyone other than a registered social worker for the purpose of performing social work. 1988, c.62, s.16.
- Exemption **17.** 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 registered 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 registered social worker. 1988, c.62, s.17.
- Idem* **18.** 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 registered social worker. 1988, c.62, s.18.

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

**20.** 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. Prosecution

**21.** No action shall be brought against a registered 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. Limitation period

**22.** No action lies against the Board, its members or officers for anything done in good faith with respect to its functions under this Act. 1988, c.62, s.22. Liability of Board