



On August 15, 2024 allegations of the Registrant's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. Please see the Notice of Hearing below:

**ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS**

IN THE MATTER OF Sections 26 and 28 of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, Chapter 31;

AND IN THE MATTER OF a hearing directed to be held by the Discipline Committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act, 1998*;

AND IN THE MATTER OF allegations respecting the professional conduct of Sharleen Cainer, a Social Worker and suspended registrant with the said College;

NOTICE OF HEARING

TAKE NOTICE that a hearing will take place on a date to be fixed by the Registrar at the hour of 9:30 o'clock in the forenoon (or as soon after that time as a panel can be convened for the purpose of conducting the hearing) electronically, in writing or in person at the Board Room of the Ontario College of Social Workers and Social Service Workers, 250 Bloor Street East, Suite 1000, Toronto, Ontario before the Discipline Committee of the Ontario College of Social Workers and Social Service Workers (to be confirmed). The hearing will be held pursuant to the provisions of sections 26 and 28 of the *Social Work and Social Service Work Act, 1998* (the "Act") and pursuant to the Regulations made thereunder, for the purpose of hearing and determining allegations of professional misconduct against you, Sharleen Cainer, which allegations were referred to the Discipline Committee pursuant to section 25(1) of the Act.

AND TAKE NOTICE that you are alleged to be guilty of professional misconduct within the meaning of section 26(2) of the Act in that you are alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the "**Professional Misconduct Regulation**"), Schedule "A" to By-law

No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the "**Code of Ethics**"), and Schedule "B" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the "**Handbook**")¹.

I. The following are particulars of the said allegations:

- a. On April 21, 2022, the Discipline Committee of the Ontario College of Social Workers and Social Service Workers (the "**College**") released a Discipline Order (the "**Discipline Order**") finding you in violation of sections 2.2, 2.19, 2.20, 2.21 and 2.36 of the Professional Misconduct Regulation and Principle IV of the Handbook as commented on in Interpretations 2.2.8, 4.1.1, 4.1.2 and 4.1.3;
- b. The Discipline Committee released its decision and reasons on May 9, 2022, and a corrected version on July 20, 2023;
- c. The Discipline Committee adopted the following Joint Submission on Penalty proposed by the parties;
- d. The Discipline Order, inclusive of footnotes, states as follows:
 - i. The Member shall be reprimanded in person or electronically by the Discipline Committee, and the fact and nature of the reprimand shall be recorded on the College's register.
 - ii. The Registrar is directed to suspend the Member's Certificate of Registration for a period of three (3) months, the first two (2) of which shall be served beginning on the date of the Panel's Order herein. The remaining one (1) month of the suspension shall be remitted if, on or before the fourteen (14) month anniversary of the Discipline Committee's Order herein, the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms, conditions and limitations imposed under paragraph 3 as set out below. If the Member fails to comply with those

¹ By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008 by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

terms, conditions and limitations, the Member shall serve the remaining one (1) month of the suspension, which shall be served immediately following the fourteen (14) month anniversary of the Discipline Committee's Order herein.²

iii. The Registrar shall be directed to impose a term, condition and limitation on the [Registrant's] Certificate of Registration, to be recorded on the Register:

A. Requiring the Member to, at her own expense, participate in and successfully complete a continuing education course, approved by the Registrar, on the topic of professional ethics.

B. Requiring the Member to, at her own expense,³ receive supervision of her social work practice by a regulated professional (the "Supervisor") who has been pre-approved by the Registrar for a period of one (1) year. The period of supervision shall begin on the two (2) month anniversary of the date of this Order (i.e. after the Member has served the initial two (2) months of her suspension), in accordance with the following terms:

a. The Supervision shall include:

i. discussions with the Member that focus on the Member's record-keeping obligations and the applicable provisions of the *Social Work and Social Service Work Act*,

² For greater clarity, the terms, conditions, and limitations imposed under paragraph 3 hereof will be binding on the Member regardless of the length of suspension served and the Member may not elect to serve the suspension in place of performing those terms, conditions and limitations. If the Member fails to comply with the terms, conditions and limitations, the Registrar may refer the matter to the Executive Committee of the College. The Executive Committee, pursuant to its authority, may take such action as it deems appropriate, which may include referring to the Discipline Committee allegations of professional misconduct arising from any failure to comply with the terms, conditions and limitations.

³ For greater clarity, all expenses relating to supervision, including the obligation to review College materials and to communicate with the College where necessary, are at the expense of the Member.

- v. The Member shall pay costs to the College in the amount of five thousand dollars (\$5,000) in accordance with the following payment schedule:
 - A. \$1,000 to be paid on or before the date of the hearing in this matter;
 - B. A further payment of \$166.82 to be paid on or before the two (2) month anniversary of the Discipline Committee's Order herein;
 - C. Twenty-three (23) further payments of \$166.66 to be paid on or before the (1st) day of each of the following twenty-three (23) months.
 - vi. Should the Member fail to make any payment in accordance with this payment schedule, the entire outstanding balance of the \$5,000 costs award shall immediately become payable.
- e. You contravened one or more term, condition or limitation that was imposed on your Certificate of Registration, and/or failed to comply with the Discipline Order, in that you:
- failed to provide the Registrar with proof of your successful completion for the professional ethics course approved by the Registrar on the topic of professional ethics;
 - failed to obtain written confirmation, signed by the Supervisor, of receipt of the Discipline Committee's decision, and provide this signed confirmation to the Registrar within 14 days of the Discipline Committee's written decision being rendered;
 - failed to provide the Registrar with two written reports, at months 6 and 12, providing details of the supervision and your progress;
 - engaged in the practice of social work without a Supervisor; and/or

- failed to pay costs to the College in accordance with the payment schedule outlined in the Discipline Order and/or failed to pay the outstanding balance of the costs award when the outstanding balance became immediately payable.

II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a), (b) and (c) of the Act:

- In that you violated **section 2.1 of the Professional Misconduct Regulation** by contravening a term, condition or limitation imposed upon your certificate of registration;
- In that you violated **section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook, commented on in Interpretations 2.2.8** by failing to avoid conduct in your social work or social service work practice which could reasonably be perceived as reflecting negatively on the professions of social work or social service work;
- In that you violated **section 2.31 of the Professional Misconduct Regulation** by failing to comply with an order of a panel of the Complaints Committee, Discipline Committee or Fitness to Practise Committee of the College; and
- In that you violated **section 2.36 of the Professional Misconduct Regulation** by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

AND FURTHER TAKE NOTICE that the parties (including the College and you) shall be given the opportunity to examine before the hearing any documents that will be given in evidence at the hearing.

AND FURTHER TAKE NOTICE that if the hearing is proposed to take place in writing, either of the parties (including the College and you) may, in accordance with the procedures set out in the *Statutory Powers Procedure Act*, RSO 1990, c S.22 (the “SPPA”) and the Discipline Committee’s Rules of

Procedure, seek to require that the hearing be held electronically or orally by satisfying the Discipline Committee that there is good reason for not holding a written hearing.

AND FURTHER TAKE NOTICE that if the hearing is proposed to take place electronically, either of the parties (including the College and you) may, in accordance with the procedures set out in the SPPA and the Discipline Committee's Rules of Procedure, seek to require that the hearing be held orally by satisfying the Discipline Committee that holding an electronic hearing is likely to cause the party significant prejudice.

AND FURTHER TAKE NOTICE that at the said hearing, you are entitled to be present and to be represented by counsel.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THIS NOTICE OF HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING, AND MAY DEAL WITH THE ABOVE ALLEGATIONS AGAINST YOU, IN YOUR ABSENCE AND WITHOUT ANY FURTHER NOTICE TO YOU.

Dated at Toronto, the 16th day of August 2024.

By: _____

Registrar and CEO
Ontario College of Social Workers and Social Service Workers