



CODE OF ETHICS 2005

Canadian Association of Social Workers

This is Exhibit ".....^A....." referred
to in the affidavit of
ELIZABETH M. CEDIA.....
sworn to before me this 3RD.....
day of APRIL..... 20 12.....

A Notary Public in and for
the Province of Manitoba

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Acknowledgements

The Canadian Association of Social Workers (CASW) acknowledges with thanks the National Association of Social Workers (NASW) for permission to use sections of the copyrighted NASW 1999 *Code of Ethics* in the development of the CASW 2005 *Code of Ethics* and CASW 2005 *Guidelines for Professional Practice*.

The CASW also acknowledges that other codes of ethics and resources were used in the development of this *Code* and the *Guidelines for Professional Practice*, in particular the *Code of Ethics* of the Australian Association of Social Workers (AASW). These resources can be found in the Reference section of each document.

Purpose of the CASW Code of Ethics

Ethical behaviour lies at the core of every profession. The Canadian Association of Social Workers (CASW) *Code of Ethics* sets forth values and principles to guide social workers' professional conduct. A code of ethics cannot guarantee ethical behaviour. Ethical behaviour comes from a social worker's individual commitment to engage in ethical practice. Both the spirit and the letter of this *Code of Ethics* will guide social workers as they act in good faith and with a genuine desire to make sound judgements.

This *Code of Ethics* is consistent with the International Federation of Social Workers (IFSW) *International Declaration of Ethical Principles of Social Work* (1994, 2004), which requires members of the Canadian Association of Social Workers (CASW) to uphold the values and principles established by both the CASW and the IFSW. Other individuals, organizations and bodies (such as regulatory boards, professional liability insurance providers, courts of law, boards of directors of organizations employing social workers and government agencies) may also choose to adopt this *Code of Ethics* or use it as a basis for evaluating professional conduct. In Canada, each province and territory is responsible for regulating the professional conduct of social workers to ensure the protection of the public.¹

Recognition of Individual and Professional Diversity

The *Code of Ethics* does not provide a set of rules that prescribe how social workers should act in all situations. Further, the *Code of Ethics* does not specify which values and principles are most important and which outweigh others in instances of conflict. Reasonable differences of opinion exist among social workers with respect to which values and principles should be given priority in a particular situation. Further, a social worker's personal values, culture, religious beliefs, practices and/or other important distinctions, such as age, ability, gender or sexual orientation can affect his/her ethical choices. Thus, social workers need to be aware of any conflicts between personal and professional values and deal with them responsibly.

Ethical Behaviour Requires Due Consideration of Issues and Judgement

Social work is a multifaceted profession. As professionals, social workers are educated to exercise judgement in the face of complex and competing interests and claims. Ethical decision-making in a given situation will involve the informed judgement of the individual social worker. Instances may arise when social workers' ethical obligations conflict with agency policies, or relevant laws or regulations. When such conflicts occur, social workers shall make a responsible effort to resolve the conflicts in a manner that is consistent with the values and principles expressed in this *Code of Ethics*. If a reasonable resolution of the conflict does not appear possible, social workers shall seek appropriate consultation before making a decision. This may involve consultation with an ethics committee, a regulatory body, a knowledgeable colleague, supervisor or legal counsel.

¹ To find the IFSW declarations or information about your relevant regulatory body, visit the CASW website: www.casw-acts.ca and the MASW/MIRSW website: www.maswmirsw.ca

Preamble

The social work profession is dedicated to the welfare and self-realization of all people; the development and disciplined use of scientific and professional knowledge; the development of resources and skills to meet individual, group, national and international changing needs and aspirations; and the achievement of social justice for all. The profession has a particular interest in the needs and empowerment of people who are vulnerable, oppressed, and/or living in poverty. Social workers are committed to human rights as enshrined in Canadian law, as well as in international conventions on human rights created or supported by the United Nations.

As professionals in a country that upholds respect for diversity, and in keeping with democratic rights and freedoms, social workers respect the distinct systems of beliefs and lifestyles of individuals, families, groups, communities and nations without prejudice (United Nations Centre for Human Rights, 1992). Specifically, social workers do not tolerate discrimination² based on age, abilities, ethnic background, gender, language, marital status, national ancestry, political affiliation, race, religion, sexual orientation or socio-economic status.

² Throughout this document the term "discrimination" refers to treating people unfavourably or holding negative or prejudicial attitudes based on discernable differences or stereotypes. It does **not** refer to the positive intent behind programs, such as affirmative action, where one group may be given preferential treatment to address inequities created by discrimination.

Core Social Work Values and Principles

Social workers uphold the following core social work values:

Value 1: Respect for Inherent Dignity and Worth of Persons

Value 2: Pursuit of Social Justice

Value 3: Service to Humanity

Value 4: Integrity of Professional Practice

Value 5: Confidentiality in Professional Practice

Value 6: Competence in Professional Practice

The following section describes each of these values and discusses their underlying principles.

Value 1: Respect for Inherent Dignity and Worth of Persons

Social work is founded on a long-standing commitment to respect the inherent dignity and individual worth of all persons. When required by law to override a client's wishes, social workers take care to use the minimum coercion required. Social workers recognize and respect the diversity of Canadian society, taking into account the breadth of differences that exist among individuals, families, groups and communities. Social workers uphold the human rights of individuals and groups as expressed in The *Canadian Charter of Rights and Freedoms* (1982) and the United Nations *Universal Declaration of Human Rights* (1948).

Principles:

- Social workers respect the unique worth and inherent dignity of all people and uphold human rights.
- Social workers uphold each person's right to self-determination, consistent with that person's capacity and with the rights of others.
- Social workers respect the diversity among individuals in Canadian society and the right of individuals to their unique beliefs consistent with the rights of others.
- Social workers respect the client's right to make choices based on voluntary, informed consent.
- Social workers who have children as clients determine the child's ability to consent and where appropriate, explain to the child and to the child's parents/guardians, the nature of the social worker's relationship to the child.

- Social workers uphold the right of society to impose limitations on the self-determination of individuals, when such limitations protect individuals from self-harm and from harming others.
- Social workers uphold the right of every person to be free from violence and threat of violence.

Value 2: Pursuit of Social Justice

Social workers believe in the obligation of people, individually and collectively, to provide resources, services and opportunities for the overall benefit of humanity and to afford them protection from harm. Social workers promote social fairness and the equitable distribution of resources, and act to reduce barriers and expand choice for all persons, with special regard for those who are marginalized, disadvantaged, vulnerable, and/or have exceptional needs. Social workers oppose prejudice and discrimination against any person or group of persons, on any grounds, and specifically challenge views and actions that stereotype particular persons or groups.

Principles:

- Social workers uphold the right of people to have access to resources to meet basic human needs.
- Social workers advocate for fair and equitable access to public services and benefits.
- Social workers advocate for equal treatment and protection under the law and challenge injustices, especially injustices that affect the vulnerable and disadvantaged.
- Social workers promote social development and environmental management in the interests of all people.

Value 3: Service to Humanity

The social work profession upholds service in the interests of others, consistent with social justice, as a core professional objective. In professional practice, social workers balance individual needs, and rights and freedoms with collective interests in the service of humanity. When acting in a professional capacity, social workers place professional service before personal goals or advantage, and use their power and authority in disciplined and responsible ways that serve society. The social work profession contributes to knowledge and skills that assist in the management of conflicts and the wide-ranging consequences of conflict.

Principles:

- Social workers place the needs of others above self-interest when acting in a professional capacity.
- Social workers strive to use the power and authority vested in them as professionals in responsible ways that serve the needs of clients and the promotion of social justice.

- Social workers promote individual development and pursuit of individual goals, as well as the development of a just society.
- Social workers use their knowledge and skills in bringing about fair resolutions to conflict and in assisting those affected by conflict.

Value 4: Integrity in Professional Practice

Social workers demonstrate respect for the profession's purpose, values and ethical principles relevant to their field of practice. Social workers maintain a high level of professional conduct by acting honestly and responsibly, and promoting the values of the profession. Social workers strive for impartiality in their professional practice, and refrain from imposing their personal values, views and preferences on clients. It is the responsibility of social workers to establish the tenor of their professional relationship with clients, and others to whom they have a professional duty, and to maintain professional boundaries. As individuals, social workers take care in their actions to not bring the reputation of the profession into disrepute. An essential element of integrity in professional practice is ethical accountability based on this *Code of Ethics*, the *OFSW International Declaration of Ethical Principles of Social Work*, and other relevant provincial/territorial standards and guidelines. Where conflicts exist with respect to these sources of ethical guidance, social workers are encouraged to seek advice, including consultation with their regulatory body.

Principles:

- Social workers demonstrate and promote the qualities of honesty, reliability, impartiality and diligence in their professional practice.
- Social workers demonstrate adherence to the values and ethical principles of the profession and promote respect for the profession's values and principles in organizations where they work or with which they have a professional affiliation.
- Social workers establish appropriate boundaries in relationships with clients and ensure that the relationship serves the needs of the client.
- Social workers value openness and transparency in professional practice and avoid relationships where their integrity or impartiality may be compromised, ensuring that should a conflict of interest be unavoidable, the nature of the conflict is fully disclosed.

Value 5: Confidentiality in Professional Practice

A cornerstone of professional social work relationships is confidentiality with respect to all matters associated with professional services to clients. Social workers demonstrate respect for the trust and confidence placed in them by clients, communities and other professionals by protecting the privacy of client information and respecting the client's right to control when or whether this information will be shared with third parties. Social workers only disclose confidential information to other parties (including family members) with the informed consent of clients, clients' legally authorized representatives or when required by law or court order. The general expectation that social workers will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable and imminent harm to a client or others. In all instances, social workers disclose the least amount of confidential information necessary to achieve the desired purpose.

Principles:

- Social workers respect the importance of the trust and confidence placed in the professional relationship by clients and members of the public.
- Social workers respect the client's right to confidentiality of information shared in a professional context.
- Social workers only disclose confidential information with the informed consent of the client or permission of client's legal representative.
- Social workers may break confidentiality and communicate client information without permission when required or permitted by relevant laws, court order or this *Code*.
- Social workers demonstrate transparency with respect to limits to confidentiality that apply to their professional practice by clearly communicating these limitations to clients early in their relationship.

Value 6: Competence in Professional Practice

Social workers respect a client's right to competent social worker services. Social workers analyze the nature of social needs and problems, and encourage innovative, effective strategies and techniques to meet both new and existing needs and, where possible, contribute to the knowledge base of the profession. Social workers have a responsibility to maintain professional proficiency, to continually strive to increase their professional knowledge and skills, and to apply new knowledge in practice commensurate with their level of professional education, skill and competency, seeking consultation and supervision as appropriate.

Principles:

- Social workers uphold the right of clients to be offered the highest quality service possible.
- Social workers strive to maintain and increase their professional knowledge and skill.
- Social workers demonstrate due care for client's interests and safety by limiting professional practice to areas of demonstrated competence.
- Social workers contribute to the ongoing development of the profession and its ability to serve humanity, where possible, by participating in the development of current and future social workers and the development of new professional knowledge.
- Social workers who engage in research minimize risks to participants, ensure informed consent, maintain confidentiality and accurately report the results of their studies.

Glossary

Capacity

Capacity is the ability to understand information relevant to a decision and to appreciate the reasonably foreseeable consequences of choosing to act or not to act. Capacity is specific to each decision and thus a person may be capable of deciding about a place of residence, for example, but not capable with respect to deciding about a treatment. Capacity can change over time (Etchells, Sharpe, Elliot and Singer, 1996).

Recent references in law point to the concept of "a mature minor," which Rozovsky and Rozovsky (1990) define as "...one with capacity to understand the nature and consequences of medical treatment. Such a person has the power to consent to medical treatment and parental consent is not necessary" (p. 55). They quote the comments by The Honourable Justice Lambert in *Van Mol v. Ashmore*, which help clarify common law with respect to a minor's capacity to consent. He states:

At common law, without reference to statute law, a young person, still a minor, may give, on his or her own behalf, a fully informed consent to medical treatment if he or she has sufficient maturity, intelligence and capacity of understanding what is involved in making informed choices about the proposed medical treatment... once the capacity to consent has been achieved by the young person reaching sufficient maturity, intelligence and capability of understanding, the discussions about the nature of the treatment, its gravity, the material risks and any special and unusual risks, and the decisions about undergoing treatment, and about the form of the treatment, must all take place with and be made by the young person whose bodily integrity is to be invaded and whose life and health will be affected by the outcome.

Child

The *Convention on the Rights of the Child* passed by the United Nations in 1959 and ratified by Canada in 1990, define a child as a person under the age of 18 years unless national law recognizes an earlier age of majority (Alberta Law Reform Institute, 1991). The age of majority differs in provinces and territories in Canada. Under the *Criminal Code of Canada*, the age of consent is held to be over the age of 14 years; age in the context of the criminal code frequently refers to the capacity to consent to sexual relations. All jurisdictions in Canada have legislation regarding child protection, which defines the age of a child for the purposes of protection. In Canada, in the absence of provincial or territorial legislation, courts are governed by common law. Social workers are encouraged to maintain current knowledge with respect to legislation on the age of a child, as well as capacity and consent in their jurisdiction.

Client

A person, family, group of persons, incorporated body, association or community on whose behalf a social worker provides or agrees to provide a service or to whom the social worker is legally obligated to provide a service. Examples of legal obligation to provide service include a legislated responsibility (such as in child welfare) or a valid court order. In the case of a valid court order, the judge/court is the client and the person(s) who is ordered by the court to participate in assessment is recognized as an involuntary client.

Conduct Unbecoming

Conduct unbecoming is behaviour or conduct that does not meet social work standard or care requirements and is, therefore, subject to discipline. In reaching a decision in *Matthews and Board of Directors of Physiotherapy (1986) 54 O.R. (2d) 375*, Saunders J. makes three important statements regarding standards of practice, and by implication, professional codes of ethics”

1. Standards of practice are inherent characteristics of any profession.
2. Standards of practice may be written or unwritten.
3. Some conduct is clearly regarded as misconduct and need not be written down, whereas other conduct may be the subject of dispute within a profession. (See “Standard of Practice.”)

Confidentiality

A professional value that demands that professionally acquired information be kept private and not shared with third parties unless the client provides informed consent or a professional or legal obligation exists to share such information without client informed consent.

Discrimination

Treating people unfavourably or holding negative or prejudicial attitudes based on discernable differences or stereotypes (AASW, 1999).

Informed Consent

Voluntary agreement reached by a capable client based on information about foreseeable risks and benefits associated with the agreement (e.g., participation in counselling or agreement to disclose social work report to a third party).

Human Rights

Human rights are the rights of an individual that are considered the basis for freedom and justice, and serve to protect people from discrimination and harassment. Social workers may refer to the *Canadian Charter of Rights and Freedoms* enacted as Schedule B to the *Canada Act 1982 (U.K.) 1982, c. 11*, which came into force on April 17, 1982, as well as the *University Declaration of Human Rights (1948)* proclaimed by the United Nations General Assembly December 10, 1948.

Malpractice and Negligence

Behaviour that is included in “conduct unbecoming” and relates to social work practice behaviour within the parameters of the professional relationship that falls below standard of practice and results in, or aggravation of, injury to a client. It includes behaviour that results in assault, deceit, fraudulent misrepresentations, defamation of character, breach of contract, violation of human rights, malicious prosecution, false imprisonment or criminal conviction.

Self-Determination

Self-determination is a core social work value that refers to the right to self-direction and freedom of choice without interference from others. Self-determination is codified in practice through mechanisms of informed consent. Social workers may be obligated to limit self-determination when a client lacks capacity or in order to prevent harm (Regehr & Antle, 1997).

Social Worker

A person who is duly registered to practice social work in a province or territory; or where mandatory registration does not exist, a person with social work education from an institution recognized by the Canadian Association of Schools of Social Work (CASSW) or an institution

from outside of Canada that has been approved by the CASW, who is practicing social work and who voluntarily agrees to be subject to this *Code of Ethics*. **Note:** Social workers living in Quebec and British Columbia, whose social work education was obtained outside of Canada, follow a separate approval process within their respective provinces.

Standard of Practice

Standard of practice is the standard of care ordinarily expected of a competent social worker. It means that the public is assured that a social worker has the training, the skill and the diligence to provide them with social work services. Manitoba social workers are urged to refer to Manitoba Standards of Practice (MASW/MIRSW, 2004) (see "Conduct Unbecoming").

Voluntary

"In the context of consent, 'voluntariness' refers to a patient's right to make treatment decisions free of any undue influence, such as ability of others to exert control over a patient by force, coercion or manipulation. ...The requirement for voluntariness does not imply that clinicians should refrain from persuading patients to accept advice. Persuasion involves appealing to the patient's reason in an attempt to convince him or her of the merits of a recommendation. In attempting to persuade the patient to follow a particular course of action, the clinician still leaves the patient free to accept or reject this advice." (Etchells, Sharpe, Dykeman, Meslin and Singer, 1996, p. 1083).

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GUIDELINES FOR ETHICAL PRACTICE,
an attachment to this Code,
is available on the CASW Member's page of the CASW website
www.casw-acts.ca

April 2009 to March 2010
(please contact the MASW/MIRSW office for new information after April 2010)
NEW user name: Manitoba
NEW password: willow09