

PRACTICE NOTES

➤ SHATTERED TRUST – THE SEXUAL ABUSE OF CLIENTS

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Content/trigger warning: The following article includes information about sexual misconduct. Readers are encouraged to seek support if needed.

➤ *Practice Notes is an educational tool designed to help Ontario social workers, social service workers, employers and members of the public gain a better understanding of recurring issues dealt with by the College's Professional Practice Department and Complaints Committee that may affect everyday practice. The notes offer general guidance only and College registrants' with specific practice inquiries should consult the College, since the relevant standards and appropriate course of action will vary depending on the situation.*

In 2022, the College saw a disturbing rise in sexual abuse-related complaints. Sexual abuse is one of the most egregious ways that registrants can harm their client and breach their professional obligations. This trend is alarming and more must be done to prevent the sexual abuse of clients and ensure that registrants maintain professional boundaries.

Trust is fundamental to the helping relationship and, if violated, often results in severe and long-lasting

damage. Registrants are expected to conduct themselves at all times in ways that uphold their clients' best interests.

The Standards of Practice state that:

[t]he influence of the professional relationship upon clients is pervasive and may endure long after the relationship has terminated. College members are aware of the potential for conflict of interest and abusive treatment of clients within the professional relationship. Behaviour of a sexual nature by a College member toward a client represents an abuse of power in the professional relationship. College members do not engage in behaviour of a sexual nature with clients.²

Power imbalances are inherent within the professional relationship between a registrant and client. Because of this, registrants must "establish and maintain clear and appropriate boundaries in

¹ Disclaimer: the term "member" and "registrant" are used interchangeably and synonymously as equivalent to the term "member" as used in the *Social Work and Social Service Work Act, 1998*, and the Regulations.

² Ontario College of Social Workers and Social Service Workers (OCSWSSW), *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle VIII: Sexual Misconduct, Introductory paragraph.

professional relationships for the protection of clients. Boundary violations include sexual misconduct and other misuse and abuse of the member's power."³

It is important for registrants to appreciate that under the Standards of Practice provisions regarding sexual misconduct, the prohibition against sexual relations with clients applies broadly, to prohibit registrants from providing clinical services to individuals with whom they have had a prior relationship of a sexual nature.⁴ In addition, the Standards of Practice regarding sexual misconduct provide that sexual relations between registrants and clients to whom the registrants have provided psychotherapy and/or counselling services are prohibited at any time following the termination of the professional relationship.⁵

The *Social Work and Social Service Work Act, 1998*⁶ and the Professional Misconduct Regulation under the Act also contain provisions defining and prohibiting the sexual abuse of clients by registrants. Under section 43(4) of the Act, "sexual abuse," with respect to a client by a member of the College means any of the following:

- (a) sexual intercourse or another form of physical sexual relations between the member and the client,
- (b) touching, of a sexual nature, of the client by the member, or
- (c) behaviour or remarks of a sexual nature by the member towards the client, other than behaviour or remarks of a clinical nature appropriate to the service provided.⁷

Under the Professional Misconduct Regulation, professional misconduct is defined to include (among other things):

5. Abusing a client physically, sexually, verbally, psychologically or emotionally, including sexually abusing a client within the meaning of [subsection 43\(4\)](#) of the [Act](#).⁸

Sexual misconduct or sexual abuse can occur in any practice setting, whether electronic or in-person, direct or indirect, and in the context of the provision of clinical or non-clinical interventions. Clients in these settings include individuals, families, groups, communities, organizations, research participants and students.⁹

Lastly, while it is beyond the scope of this Practice Note, it is important for registrants to appreciate that while the provisions relating to sexual abuse or sexual misconduct generally focus on conduct, behaviour or remarks relating to clients (and in some circumstances former clients), other standards may apply to similar conduct involving individuals who are not clients or former clients of a registrant. For example, the Standards prohibit registrants engaging in sexual activities with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client, or where such activities would compromise appropriate professional boundaries between the registrant and client.¹⁰ In addition, the Professional Misconduct Regulation defines misconduct to include 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.¹¹ This provision may be applied to a wide variety of conduct, including conduct in relation to individuals who are not clients or former clients.

³ OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle II: Competence and Integrity, Interpretation 2.2.

⁴ OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle VIII: Sexual Misconduct, Interpretation 8.5.

⁵ OCSWSSW, *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle VIII: Sexual Misconduct, Interpretation 8.7.

⁶ *Social Work and Social Service Work Act, 1998*, SO 1998, c. 31.

⁷ *Social Work and Social Service Work Act, 1998*, SO 1998, c. 31, s. 43(4).

⁸ *Social Work and Social Service Work Act, 1998*, SO 1998, c.31, O. Reg. 384/00.

⁹ Registrants should consult the definition of "Client" in the Glossary of *The Code of Ethics and Standards of Practice Handbook, Second Edition, 2008* to ensure that they have a clear understanding of who may constitute a "Client" for purposes of the sexual abuse and sexual misconduct provisions of the *Social Work and Social Service Work Act*, Regulation and Standards.

¹⁰ OCSWSSW, *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle VIII, Interpretation 8.9. See also Principle II, Interpretation 2.2.2.

¹¹ *Social Work and Social Service Work Act, 1998*, SO 1998, c.31, O. Reg. 384/00, s. 2.36.

In engaging in sexual misconduct and/or sexually abusing a client, a registrant not only violates professional boundaries within that relationship, they may also permanently destroy the client's trust in the social work and social service work professions generally and cause them permanent or long-lasting harm. While most registrants will never sexually abuse a client, registrants should, to mitigate risk, discuss the Standards of Practice as they relate to sexual misconduct or client sexual abuse with their colleagues, managers, supervisors, students and clients.

The following three scenarios provide examples of sexual abuse or sexual misconduct within the helping relationship.

SCENARIO 1 – A REGISTRANT'S MANDATORY REPORTING OBLIGATION

A registrant was contracted to provide psychoeducational training at an organization. Their main contact at the organization disclosed that they had had a sexual relationship with their former social worker – who had asked the contact to keep the relationship a secret. While the relationship had since ended, the contact was confused and traumatized by the experience. The registrant was distressed by their contact's situation and requested a consultation with the Professional Practice Department to determine next steps and reporting obligations.

During the consultation, the registrant was reminded to keep "the best interest of the client as the primary professional obligation."¹² The registrant recognized that they needed to remain objective to protect their contact's best interest. They were also advised to be "aware of their values, attitudes and needs and how these impact on their professional relationships with clients."¹³ As a result of the conversation, the registrant decided to seek support to manage their own feelings about the situation.

The contact also disclosed the identity of their former social worker to the registrant. The registrant asked Professional Practice staff if they needed to file a report about the social worker with the College. Professional Practice staff described the reporting obligations in the *Social Work and Social Service Act, 1998*, which require College registrants to file a report with the College if they have reasonable grounds to believe that another social worker or social service worker has sexually abused a client.¹⁴ The registrant decided to file a report and inform their contact of their reporting obligation.

The registrant indicated to Professional Practice staff that their contact would likely need support during the reporting process. As they had not provided direct clinical care to their contact, they questioned whether they should have a role in providing this support. Professional Practice staff referred the registrant to the Standards of Practice, which state that:

College members are responsible for being aware of the extent and parameters of their competence and their professional scope of practice and limit their practice accordingly. When a client's needs fall outside the College member's usual area of practice, the member informs the client of the option to be referred to another professional. If, however, the client wishes to continue the professional relationship with the College member and have the member provide the service, the member may do so provided that:

- (i) he or she ensures that the services he or she provides are competently provided by seeking additional supervision, consultation and/or education and
- (ii) the services are not beyond the member's professional scope of practice.

¹² OCSWSSW, *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Code of Ethics, Interpretation 1.

¹³ OCSWSSW, *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle I: Relationship with Clients, Interpretation 1.5.

¹⁴ OCSWSSW, "Mandatory Reports," 21 Mar. 2022, <https://www.ocswssw.org/public/complaints-and-discipline/mandatory-reports/>.

¹⁵ OCSWSSW, *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle I: Competence and Integrity, Interpretation 2.1.1.

Recommendations for particular services, referrals to other professionals or a continuation of the professional relationship are guided by the client's interests as well as the College member's judgment and knowledge.¹⁵

As a result of the consultation with Professional Practice staff, the registrant explained their reporting obligation to the contact and provided them with a list of available supports. They also reviewed the parameters of their professional relationship with the contact including the prospect of being assigned a new main contact at the organization.

SCENARIO 2 – A CLIENT WHO FAILS TO RESPECT BOUNDARIES

A registrant contacted the Professional Practice Department for a consultation when a client repeatedly expressed romantic feelings towards them during their online sessions. The registrant explained that the client was not adhering to boundaries that had been set previously, which included refraining from making comments on the registrant's appearance and/or using terms of endearment. The client had a complex history of trauma and difficulty connecting with professionals and had voiced distrust in the therapy process. While the registrant set boundaries repeatedly and explained to the client on several occasions that their conduct was inappropriate within a professional relationship, the client did not respect these limits. The registrant became frustrated but was unsure how to proceed. They had decided to seek guidance because the client appeared to be making progress despite continuing to cross boundaries.

The registrant understood it was their responsibility to ensure that sexual misconduct did not occur.¹⁶ They explained to the client that any behaviour of a sexual nature toward them was inappropriate and documented these conversations.¹⁷

Professional Practice staff referred the registrant to Principle VIII: Sexual Misconduct, which states that:

[i]f overtures or provocative sexual behaviour by a client toward a College member become intrusive to the provision of professional services, the College member may choose to terminate the relationship and may offer to assist the client to seek alternate services.¹⁸

The registrant decided that the client's disregard for professional boundaries was counterproductive to the therapy process and the professional relationship should be terminated. The registrant offered the client alternative service options. As a result of this challenging situation, they also decided to obtain support to help navigate the termination process, set professional boundaries and process their own emotions.

SCENARIO 3 – WHEN A REGISTRANT AND THEIR FORMER CLIENT ENTER A ROMANTIC RELATIONSHIP

A registrant contacted the Professional Practice Department upon learning that a colleague was engaged to their former social worker. The colleague said that they had exchanged texts of a personal and occasionally sexual nature with their former social worker during the professional relationship and then began a romantic relationship shortly after the counselling services ended. The registrant felt conflicted because they cared about their colleague, knew the colleague's partner and believed that the two were in a genuine and loving relationship. At the same time, the registrant was aware of their mandatory reporting obligation with respect to the sexual abuse of clients.

The registrant asked if they were required to report their colleague's consensual relationship to the College. Professional Practice staff explained that a romantic relationship with a client still falls under the definition¹⁹ of sexual abuse in the *Social Work and Social Service Work Act, 1998* and registrants have a reporting obligation²⁰ in relation to the sexual abuse of clients.

¹⁶ OCSWSSW, *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle VIII: Sexual Misconduct, Interpretation 8.1.

¹⁷ Ibid., Interpretation 8.4.

¹⁸ Ibid., Interpretation 8.4.1.

¹⁹ *Social Work and Social Service Work Act, 1998*.

²⁰ OCSWSSW, "Mandatory Reports." 21 Mar. 2022, <https://www.ocswssw.org/public/complaints-and-discipline/mandatory-reports/>.

²¹ OCSWSSW, *Code of Ethics and Standards of Practice Handbook, Second Edition, 2008*, Principle VIII: Sexual Misconduct, Interpretation 8.7.

The registrant also asked if their reporting obligation was any different because the sexual relationship between the colleague and their former social worker began in earnest after the professional relationship ended (although various personal and sexual texts and emails were exchanged before termination of the professional relationship). Professional Practice staff referred the registrant to the Standards of Practice, which state that:

[s]exual relations between College members and clients to whom the members have provided psychotherapy and/or counselling services, or with respect to whom the members have performed the controlled act of psychotherapy, are prohibited at any time following termination of the professional relationship.^{21, 22}

Professional Practice staff also referred the registrant to the definition of sexual abuse in the Act, which defines sexual abuse to include “behaviour or remarks of a sexual nature by the member towards the client, other than behaviour or remarks of a clinical nature appropriate to the service provided”.²³

The registrant indicated that they understood their reporting obligation but were uncertain about how to explain the process to their colleague. Professional Practice staff referred the registrant to previous [Practice Notes on sexual misconduct](#) which address how a registrant who may not set out to sexually abuse a client may do so after a series of smaller boundary violations such as contacting the client after hours or socializing with them.

The previous Practice Notes describe situations in which registrants engaged in sexual relationships with clients or former clients because they were unaware

of, or ignored, early warning signs. In these cases, registrants did not reflect on their own feelings and either disregarded, or were ill-informed about, the Standards of Practice and the prohibition on sexual relations with clients.

The registrant did not believe that their colleague felt exploited, nor did they believe that their colleague’s former social worker intended to abuse them. However, the registrant understood that clients receiving social work or social service work services are vulnerable, and that there is a fundamental power imbalance between client and registrant that is inherent to the professional relationship. The risk of client exploitation persists long after the professional relationship ends. After their conversation with Professional Practice staff, the registrant decided to report the sexual abuse to the College and speak to their manager about how to manage their relationship with their colleague moving forward.

REFLECTION

In the course of their practice, registrants should reflect regularly on the following questions to determine if they have crossed professional boundaries or are at risk of doing so:

- Do I ever put my own needs before a client’s?
- Do I ever feel uncomfortable disclosing aspects of my practice/conduct with clients to my colleagues?
- Do I avoid discussing certain clients during supervision or misuse supervision in an attempt to justify my actions with those clients?
- Have I stopped documenting my interactions with clients or am I documenting minimally?
- Have I asked a client to keep secrets?

²² Ibid., Interpretation 8.8 reads, “Sexual relations between College members and clients to whom the members have provided social work or social service work services, other than psychotherapy or counselling services and/or the performance of the controlled act of psychotherapy, are prohibited for a period of one (1) year following termination of the professional relationship.” Registrants should note that other provisions of the College’s Standards of Practice also apply to sexual relations between College registrants and clients or former clients. For example, sexual relations between a registrant and a former client will give rise to a dual relationship and create the potential for a conflict of interest. Prior to engaging in sexual relations with a former client, a registrant must evaluate not only whether such relations are permitted under Principle VIII and Interpretation 8.8, but also whether they give rise to a dual relationship and/or conflict of interest, or may contravene any other Standard of Practice of the College.

²³ *Social Work and Social Service Work Act, 1998*, s. 43(4)(c).

Answering “yes” to these questions may indicate that a registrant has crossed or is at risk of violating professional boundaries. Registrants are reminded that they have a professional obligation to conduct themselves appropriately and to seek supervision or other support, for the protection of clients.

CONCLUSION

The College continues to see a significant and concerning increase in sexual abuse-related complaints. A collective effort must be made to address this issue. These Practice Notes have provided examples of how

the sexual abuse of clients can occur and how it is an egregious violation of the helping relationship which causes immense harm. The Standards of Practice require registrants to maintain professional boundaries, engage in self-reflection, seek supervision and act upon their mandatory reporting obligations. Registrants also have an important role in helping to protect clients by speaking openly about the sexual abuse of clients, and encouraging others to do the same.