

MANDATORY REPORTING

Mandatory Reporting - Employer

Subsection 74(1) of *The Social Work Profession Act* mandates employers to **promptly** report termination of employment of a Social Worker due to misconduct, incompetence or incapacity. The employer must promptly report the termination to the registrar and provide the Social Worker with a copy of the report.

Mandatory Reporting – Members

Subsection 73(1) of *The Social Work Profession Act* mandates members to inform the registrar if they believe that another member is suffering from a physical or mental condition or disorder of a nature or to an extent that

- a) The member is unfit to continue to practice; or
- b) The member's practice should be restricted

Content of Report

Employers should NOT use the College's Complaint Form to submit a mandatory report. The Complaint Form is intended for members of the public who wish to make a complaint about the conduct of a social worker.

The report from the employer should include:

- Name of Employer
- Name of Employer representative submitting report
- Name of the Social Worker who is the subject of the report;
- A statement about the reason the report is being made (i.e. due to the termination of the Social Worker)
- A detailed explanation or description of the professional misconduct, incompetence or incapacity for which the Social Worker was terminated;
- Relevant supporting documentation (i.e. letter of termination)

Failure to Report

The Act makes failure to report an offence. On conviction, there is a liability for a fine of up to \$10,000. Members of the College who fail to report may also face allegations of professional misconduct.

For complete information regarding mandatory reporting, please review *The Social Work Profession Act*, the Social Work Profession Regulation, the Manitoba College of Social Workers ByLaw, the Manitoba College of Social Workers Standards of Practice and Code of Ethics and the College website.

If you have further questions, please contact the College at 204-888-9477.