

BY-LAW COMMITTEE
SUMMARY OF BY-LAW CHANGE CONSIDERATIONS
March 2020

Red – Content Change

Green – wording change

Blue – moved from another section or renumbered

General considerations

Remove word “registered” when referring to social workers throughout the By-Law

**Rationale: Individuals are required to be registered in order to use the title social worker.*

Definitions

Add reference to relevant legislation throughout definitions.

“**member**” means an individual whose name is entered in the register of social workers established by paragraph 9(1)(a) of the Act, which term includes the practising, temporary and non-practising categories of membership, as set out in section 2 of the Regulation

**Rationale: Non-practicing members and corporations are subject to the same requirements as practicing members, who are the only category authorized to use title social worker.*

“~~social work~~ student” means an individual whose name is entered in the register of students

**Rationale: All students are required to be social work students in accordance with Section 9(1) of the Social Work Profession Regulation.*

Part 1 – Organizational

1-5 – In achieving its vision and mission, the work of the college is based on values of respect, for the equality, worth and dignity of all people, social inclusion and social justice. The college shall strive to foster practices that reflect diversity, ~~including in indigenous communities and newcomer populations,~~ in enhancing and improving the social work profession.

**Rationale: Remove reference to any particular community or population so as not to exclude.*

~~1-5.13-1.7~~ The college ~~Committees~~ shall strive to ensure appropriate representation from Indigenous Peoples on its board and committees, which may include bringing in persons consulting with or adding individuals when needed on an ad hoc basis, particularly when dealing with a matter that predominately affects the interests of Indigenous Peoples.

**Rationale: Previously applied only to committees under section 3. Intention to broaden the scope of this statement.*

~~1-6 The Act, regulations and by-laws shall apply to all social workers employed in the province of Manitoba. (Legislation applied to all members. College cannot legally enforce residency requirement.~~

**Rationale: Legislation applies to all members registered with the College regardless of place of employment or residency. No residency requirement in legislation.*

1-7 (1-6) The board may establish chapters of the college for the purpose of:

- (a) acting on behalf of the college in promoting the goals, policies and strategic priorities of the organization as the board may direct, as well as representing the professional interests of social workers to the board;
- (b) identifying and advising the board on any matter relating to the administration and regulation of social work in Manitoba, including standards of practice, codes of ethics and practice guidelines, in terms of
 - (i) specific issues, concerns or needs arising within communities of interest in the Province of Manitoba, ~~which may~~ including but not limited to ethnic, spiritual, linguistic, familial or cultural factors, and areas of practice;
 - (ii) the aspirations and appropriate involvement of Indigenous Peoples in the practice of social work through the establishment of an Indigenous Peoples chapter; and

**Rationale: Must be clear that College must represent “professional” interests. Broaden the scope of the statement related to inclusiveness. Term “appropriate” is subjective and unnecessary.*

1-7.1 (1-6.1) A chapter must establish written terms of reference, in consultation with and acceptable to the college, that set out the chapter’s objectives and procedures in undertaking its activities.

**Rationale: Important to clearly set out the purpose and objectives of any chapter.*

1-7.3 (1-6.3) The chapter shall designate a representative member of the college as chairperson to act in a leadership role for the chapter, and the chairperson shall be responsible for ensuring that the views of the chapter are brought before the board.

**Rationale – Chair to be a member of the College to ensure they are aligned with the values of the profession and maintain a link to the College.*

Promotion of the welfare of members and of the profession

1-7 The college may develop, maintain and publish position statements of relevance to the profession of social work and the conditions, events and issues with which the profession is concerned. (Previously 7-1)

**Rationale – Previously under “Miscellaneous”. Better fit under “Organizational”.*

Part 2 – Governance

Election of members and social work students to the board

2-2 The procedure for the election of members, ~~and social work~~ students and public representatives to the board is established as follows:

- (a) Members and public representatives shall stand for election in the geographic region in Manitoba where they practice or reside. Social work Students shall be elected at large.
- (b) Elections ~~of members and social work students~~ will be conducted under the authority of the nominating committee of the board.
- (c) The nominating committee shall cause a notice of an election to be posted electronically on the college website and issued by email to all members ~~social work~~ students and public representatives ninety (90) calendar days prior to the date of the annual general meeting, and shall stipulate:
 - (i) the date of the election
 - (ii) the vacant board positions eligible for election
 - (iii) the procedures for nomination
 - (iv) the closure date for receipt of nominations
 - (v) the procedures for voting
 - (vi) the date of closure for voting
- (d) Nominations are to be closed ~~thirty (30)~~ sixty (60) calendar days ~~following the date on which notice was issued~~ prior to the date of the annual general meeting.
- (e) All forms and supporting documentation are to be completed and filed with the college prior to the date of closure for nominations.
- (f) Voting for election ~~of members and social work students to the board~~ will be conducted in accordance with section 4-8 of the by-laws using an electronic voting system. Where individual voters are unable to access the electronic means for voting, a mail-in ballot may be requested and provided for voting.
- (g) Candidates receiving the highest number of votes cast will be declared elected, having regard to the required number and composition of the board. Members and students are each entitled to one ballot, for the purposes of voting. Where there is a tie, the matter shall be referred to and decided by the nominating committee.
- (h) Results of the election will be published electronically on the college website and announced at the annual general meeting of the college.
- (i) Election procedures shall be in compliance with the by-laws and the terms specified in the college administrative policies, subject to the by- laws.

**Rationale –Elections procedures are the same for members, students and public representatives so no need for separate sections. Clarify timelines using AGM date as consistent reference point.*

Eligibility ~~Criteria for candidacy~~ for election of members ~~representatives~~ to the board

**Rationale – Wording consistency*

Eligibility of ~~social work~~ students ~~representatives~~ for election to the board

2-2.2 Any ~~social work~~ student member is eligible for nomination and election to the board.

Eligibility ~~Election~~ of public representatives for election to the board

2-3 Public representatives elected to the board must be residents of Manitoba, and must not be, nor have ever been, registered under the Act.

- ~~(a) The nominating committee shall give notice electronically on the college website of public representative vacancies ninety (90) calendar days in advance of the annual~~

- ~~general meeting and shall accept nominations for candidacy until sixty (60) days prior to the date of the annual general meeting.~~
- ~~(b) Public representatives shall be elected to the board at the same time as members are elected to the board.~~
- ~~(c) The names of the public representatives elected to the board shall be published electronically on the college website and announced at the annual general meeting of the college.~~
- ~~(d) Election criteria and procedures shall be in compliance with the terms specified in 2-2, paragraphs (b) to (h) as made applicable to public representatives.~~

**Rationale – Elections procedures compiled into one section.*

Appointment of public representatives where there are no, or too few, Nominations

2-3.1 Where no, or too few, nominations are received for public representatives for election to the board ~~pursuant to 2-3(a),~~

**If changes accepted, reference to 2-3(a) is incorrect.*

Vacancies

2-4 The following applies to vacancies:

**Rationale – Addition of heading*

2-5 The following terms of office apply to all boards ~~except the first board of the college:~~

- ~~(d) Despite anything else in this section 2-5, if the President's term on the board is scheduled to expire at the end of their officer term as president, the president may elect upon written notice to the board not less than one hundred twenty (120) days before the end of their term on the board, to extend their term on the board by one additional year, to act as past-president~~

**Rationale – Allows for consistency and succession planning.*

First board of the college

~~**2-5.1** This section establishes the first board of the college, as follows:~~

- ~~(a) Persons elected or appointed to the first board of the college shall be elected or appointed for one (1), two (2), and three (3) year terms to alternate the succession rates of persons serving on the board.~~
- ~~(b) Prior to the election of the first board, a determination will be made by the nominating committee as to which of the board positions shall be designated for one (1), two (2), and three (3) year terms.~~
- ~~(c) Following completion of the first board terms, all terms thereafter will be for the periods set out in 2-5.~~

**Rationale – Repeal section of the Regulation that is no longer relevant.*

General duties of the board

2-6 The board shall manage and conduct the business affairs of the college and may exercise the rights, powers and privileges of the college in the name of, and on behalf of, the college. In general, the duties of the board shall include, but are not limited to the following functions:

- ~~(j) Conduct fundraising and other fiscal support initiatives.~~

**Rationale – Not viewed as appropriate for a regulatory body to engage in fundraising.*

Officers of the board

2-7.1 The president and vice-president shall be elected by the board from amongst the ~~persons~~ **members of the college** serving on the board.

2-7.2 The secretary and the treasurer shall be appointed by the board. ~~The secretary and the treasurer may be, but are not required to be, appointed~~ from amongst the persons serving on the board.

**Rationale – Secretary and Treasurer should be members of the Board.*

Multiple Roles

2-7.5 A Board member may not hold more than one officer position, with the exception of President-Elect.

**Rationale – Maintain broad representation on the Executive Committee and allow for succession planning.*

2-7.6 An affiliated organizational representative on the Executive Committee may not hold an officer position.

**Rationale – CASW Representative already has specific duties, including a voting member at CASW meetings. MCSW President also has a vote at CASW meetings so this could create a conflict if one person held both positions.*

President

2-8.1 The president shall be elected by the board at the first meeting following the election of the board. The duties of the president shall include, but are not limited to, the following:

- (a) sitting as the presiding officer at all meetings of the board, executive committee, special meetings and all general meetings of the college;
- (b) taking efforts to ensure that all orders and resolutions of the board are put into effect
- (c) exercising general oversight over the governance affairs of the college, under the direction and oversight of the board;
- (d) (d) assuming other duties ~~as stipulated in the college administrative policies or as requested or determined by the board.~~

~~(b) ex officio member of all committees of the college, except the nominating committee;~~
~~(c) appointing the chairpersons of the board governance, regulatory, professional affairs and ad hoc committees whose selection is not otherwise specified in the by laws, subject to the approval of the board; and~~

**Rationale – Simplify/generalize duties. Committees have direct accountability to the Board. Perceived conflict of interest to have President as member of all committees. In practice, committees appoint a chair from among committee members.*

Past-president

2-8.2 (2-8.3) The past-president shall ~~be the president of the previous board. assume the role for the term of the newly elected president of the board.~~ The duties of the past-president shall be, but are not limited to the following:

- ~~(a) chair of the nominating committee;~~ (a) serving on the executive committee;
- (b) performing other duties as requested by the president or board; and
- ~~(d) assuming other duties as stipulated in the college administrative policies.~~

**Rationale – Simplify/generalize duties. Committees appoint chair from among committee members.*

Past-president of first board

~~**2-8.3** The past president of the first elected board shall be the president of the Transitional Board. In succeeding boards, the past president shall be the president of the previous board.~~

**Rationale – Repeal section of the Regulation that is no longer relevant.*

Vice-president

2-8.4 (2-8.4) The vice-president shall be elected by the board during its first meeting following the election of the board. The duties of the vice-president shall include, but are not limited to, the following:

- (a) exercising the duties of the president in the event of the president's inability ~~or unwillingness to death, absence or disability of the president,~~ fulfill the those duties of the president;
- (b) ~~be a member of~~ serving on the executive ~~b) act as chair of the strategic planning committee;~~ committee;
- (c) performing such other duties as may be requested by the board or president. ~~And~~
- ~~(d) act as a liaison between the board and the board governance committees as instructed by the board or president;~~
- ~~(e) provide leadership in the event a committee chair position is vacant and may continue to lead the committee affairs until such time as the vacancy is filled and approved by the board;~~
- ~~(g) assume other duties as stipulated in the college administrative policies.~~

**Rationale – Simplify/generalize duties. Committees appoint chair from among committee members. Chairs act as liaison to the Board. Acting chair would also be appointed by committee members from among members in the event committee chair position is temporarily vacant.*

Treasurer

~~**2-8.5a (2-8.4)**~~ The treasurer shall be appointed by the board during its first meeting following the election of the board. The duties of the treasurer shall include, but are not limited to, the following:

- (a) ~~member of~~ serving on the executive committee;
- (b) chairing of the finance committee;
- (c) together with designated administrative staff of the college, ~~overseeing~~ ~~be responsible for~~ the budget and financial transactions on behalf of the college and ~~receipt, deposit, disbursement, and withdrawal of all funds of the college and shall~~ rendering periodic financial reports to the board as the board may direct;
- (d) preparing and submitting an annual financial statement, duly audited by the auditors

for the college, to the annual general meeting of the college, which statement shall first be approved by the board;

- (e) securing the appointment of the auditor for the coming year;
 - (f) preparing an annual budget and presenting it to the board ~~prior to its presentation to the general membership; and~~
 - (g) ~~assuming performing~~ other duties ~~as stipulated in the college administrative policies,~~ or as requested by the ~~president or the~~ board.
- ~~(f) keeping, or cause to be kept, a full and accurate record of the financial transactions of the college;~~
- ~~(g) keeping all funds in such bank as the executive may determine from time to time~~

Secretary

2-8.5b (2.8.5) The secretary shall be appointed by the board during its first meeting following the election of the board. Duties of the secretary shall include, but are not limited to the following:

- (a) ~~member of~~ serving on the executive committee
- (b) managing and/or recording the minutes of all general, board and executive committee meetings, as necessary
- (c) managing and/or serving notice to the board of ~~MCSW~~ meetings of the college;
- (d) performing ~~Assuming~~ other duties ~~as stipulated in the college administrative policies,~~ or as requested by the ~~president or the~~ board.

Affiliated organizational representatives

2-8.6 The affiliated organizational representatives shall be members in good standing and shall be appointed by the board from amongst its members. The affiliated organizational representatives shall act on behalf of the college with associated organizations as the board may determine to be necessary. The duties of the affiliated organizational representatives shall be, but are not limited to, the following:

- (d) ~~assuming performing~~ other duties ~~as stipulated in the college administrative policies~~ or as assigned by the ~~president or the~~ board.

Recording secretary

2-8.7 The board shall appoint a board member or a college staff person to act as the recording secretary to the board and the executive committee. ~~The duties of the recording secretary shall be stipulated in the college administrative policies.~~

***Rationale – Simplify/generalize duties**

Establishment of committees

3-1 The board must establish a complaints committee, an inquiry committee and a continuing competence committee, and the board may establish and maintain whatsoever other committees it determines as necessary to oversee and conduct the affairs of the college. Such committees may include but are not limited to:

- (c) Professional affairs committees, which shall be chaired by any member in good standing:
 - ~~Aboriginal advisory~~ Indigenous Social Work committee

- Social justice committee
- Student liaison committee
- Professional ethics committee

**Rationale – Wording change to reflect current terminology*

3-1.1 The terms of reference for all committees ~~may shall~~ be developed by each committee ~~within a framework stipulated in the college administrative policies~~ and must be approved by the board prior to implementation.

**Rationale – Terms of Reference are not be optional. There is no framework required in college administrative procedures.*

~~**3-1.7** Committees shall strive to ensure appropriate representation from indigenous peoples, which may include bringing in persons when needed on an ad hoc basis, particularly when dealing with a matter that predominately affects the interests of indigenous peoples.~~

**Rationale - Remove 3-1.7 in favour of overarching statement 1-6.*

Registration committee

3-2 The board must establish a registration committee to provide advice or recommendations to the registrar, in respect of assessing:

- (d) whether the applicant’s past or present conduct affords reasonable grounds to believe that the applicant will engage in social work practice safely, competently and ethically
- (e) whether the applicant has any personal or professional conditions that may create a risk to the public

**Rationale: Added (d) and (e) as per Paragraph 4(2)(a) and Subsection 10(b) of the Regulation.*

3-2.1 The registration committee shall consist of members in good standing, in addition to the registrar ~~or the registrar’s designate~~, as an ex-officio member.

**Rationale – In practice, the Manager of Registration supports this committee.*

Exclusion from board after appeal by applicant

3-4 Where an application decision of the registrar has been appealed by the applicant under section 36 of the Act, no person who was involved in the review of the application or serving on the registration committee at the time the application was reviewed shall be involved in hearing the appeal if the person is also on the board.

**Rationale – Added to reflect best practice and management of conflict of interest.*

Meetings of the board

4-1 The procedures for meetings of the board are established as follows:

- (f) The president may convene an emergency special meeting of the board or any committee and may waive requirements for the seven (7) day notice ~~period that is otherwise required by the by-laws~~.

- (l) **With the exception of a resolution regarding a bylaw amendment**, a resolution in writing signed by a quorum of persons serving on the board without their meeting together shall be as valid as if it had been adopted at a meeting duly called and held, and consent to such resolution be evidenced by means of documents in the same form each signed by one or more persons on the board, or by means of facsimile, word processor, e-mail message from the person's address which is registered on the college database, or any other method of transmitting written material.

**Rationale – Clarity around notice requirement. Votes on bylaw amendments cannot be made electronically. In-person meeting required.*

Annual general meetings

4-2 There shall be at least one general meeting of the college, known as the annual general meeting, held each year.

- (c) **Subject to subsection 4-2(f)** all matters to come before the annual general meeting shall be submitted in writing to the registrar not less than thirty (30) calendar days prior to the date of the annual general meeting.
- (d) Proper notice of the annual general meeting shall be sent to all members in good standing, ~~social work~~ students and public representatives at least forty-five (45) calendar days in advance of the date of the meeting.

**Rationale - Switched order of 4-2 (c) and (d) for clarity of process.*

4-8.10 Voting (other than voting on ~~motions~~ **bylaw amendments**) may be conducted by electronic means established by the college, or by use of a printed mail-in ballot, or combination of methods approved by the board.

**Rationale – Restriction applies to voting on bylaw amendments.*

Rights, privileges and responsibilities of members and ~~social work~~ students

5-1 The rights, privileges and responsibilities of members and ~~social work~~ students are established as follows:

- (a) All members are required to:
- (v) complete the annual renewal of certification of **practice registration** by the designated date;
- (b) Members holding a valid certificate of practice are entitled to:
- (vi) practice as a ~~registered~~ social worker and to use the initials R.S.W. (or RSW) after their names.
- (c) Social work students are:
- (vi) not permitted to practice as a ~~registered~~ social worker and use the initials R.S.W. (or RSW) after their names.
- (d) Non-practising members who hold a certificate of registration are:
- (vi) not **permitted to practice as a registered social worker and use the initials R.S.W. (or RSW) after their names; engage in the practice of social work as defined in the Act and the by-law;**
 - (vii) not permitted to use the title "social worker" or designations "Registered Social Worker" and "R.S.W"

(viii) required to notify the college and apply for transfer to the practising category of membership a minimum of three (3) days prior to engaging in social work practice in Manitoba

(e) Temporary members in good standing are:

(v) able to practice as a ~~registered~~ social worker in accordance with the regulations, by-laws and administrative policies of the college and use the initials R.S.W. (or RSW) after their names.

**Rationale – Members and students are already referenced in heading. All members must renew Certificate of Registration. Certificate of Practice applies only to Practicing members. Changes to Non-Practicing requirement to be consistent with current Non-Practicing declarations.*

Fees

5-2.1 The fees payable to the college include but are not limited to ~~for~~ applications for registration, annual renewal of certificate of practice and certificate of registration, professional corporation permits, and reinstatement of registration as stipulated in the administrative policies of the College. ~~are set forth in Schedule A of this by-law.~~

**Rationale – Additional fees include late fees, NSF fees, workshop fees. Board Fee Policy sets out fees.*

Waiver or reduction of fee

5-2.2 The board or the registrar may, at the board or the registrar's discretion (as the case may be), waive or reduce any fee or assessment payable by a member or ~~or social work~~ student representative.

Renewals

5-3.3 (5-3.4)

(b) Social work students must renew their membership in the college before ~~October~~ September 1st of each year.

**Rationale – Change to coincide with beginning of academic term.*

Cancellation and reinstatement of certificate of registration

5-3.4 (5-3.5) Cancellation and reinstatement of a certificate of registration are subject to the following provisions:

(d) Members whose registration is subject to cancellation ~~for failure to meet renewal requirements~~ may apply for reinstatement before or on June 30th, by:

- (i) providing any information that the college may require within the timeline set by the board;
- (ii) paying the required fees as provided for in the by-laws; and
- (iii) completing all other requirements for renewal of certificate of registration, and reinstatement of registration, as stipulated in the Act, regulations, by-laws and other administrative policies of the college.

**Rationale – Reinstatement only applies in cases where renewal requirements were not met. Reinstatement provisions would not apply to cancellation for other reasons (i.e. under Section 16 of the*

SWPA).

Certificate of practice

5-4.2 (5.4.3) The certificate of practice is valid only for the period specified and can be renewed in accordance with the Act, regulations, the by-laws and the administrative policies for the college.

**Rationale – Important to reference requirement in the Act.*

Professional corporations

~~5-6.4~~ Permits issued by the registrar shall be valid only for the period of time specified on the permit and the corporation must apply for renewal of the permit prior to the expiration of the current permit.

~~Refusal to issue a permit to a corporation~~

~~5-6.6~~ The registrar shall have the authority to refuse to issue a permit if there is not sufficient evidence that the corporation is compliant with the provisions of the Act. A corporation that is refused a permit or renewal may appeal the decision to the board by submitting a written appeal directly to the president of the board.

**Rationale – Not necessary in By-Laws. Outlined in Part 5 of the Act.*

Part 6 – Administration

~~Protection from liability~~

~~6-2~~ No person acting on behalf of the college and its affairs shall be liable for any action of anything done by the person in good faith in the performance or exercise of duties under the Act, regulations or by laws; nor for the neglect or default in the performance or exercise in good faith of such a duty or power, except for any such actions as exercised through willful neglect, default or in willful contravention of the policies, by laws and regulations of the board and the college.

**Rationale – Not necessary in By-Laws. Outlined in Section 70 of the Act.*

Executive limitations

6-3 (6.2) No person shall have any authority to act on behalf of the board or college with respect to agents or employees of the college except as provided in the Act, regulations, by-laws, administrative policies of the college, or by motion of the board.

6-3.1 (6-2.1) The registrar shall have no authority to act on behalf of the board or college with respect to the transaction of the affairs of the college except as provided in the Act, regulations, by-laws, and the position description for the position, administrative policies of the college, or by motion of the board.

**Rationale – Reflects responsibilities under all relevant legislation.*

~~Protection of confidentiality~~

~~6-4~~ Every person acting on behalf of the college and its affairs shall preserve confidentiality in the course of conducting their duties, and must not communicate such information to another person except

~~in accordance with the code of ethics, standards of practice, administrative policy, and the by-laws and as required by law.~~

Exemptions from confidentiality

~~6-4.1~~ Confidential information may be disclosed in accordance with the terms stipulated in the Act.

**Rationale – Not necessary in By-Laws. Outlined in Section 71 of the Act.*

Salary schedule

6-7.4 (6-5.4) The ~~board~~ registrar shall maintain a salary schedule for all positions of employment within the college. The salary schedule shall be congruent with the policies and procedures stipulated in the administrative policies for the college.

** Specific salary schedule is operational and therefore the responsibility of the ED/Registrar. The Board approves the budget, which includes salary line.*

Salary increments

~~6-7.5~~ The procedures for salary increments are established as follows:

- ~~(a) Salary increments shall be specified in the salary schedule and shall remain in effect for a designated period of time specified in the administrative policies for the college.~~
- ~~(b) Changes to the salary schedule shall occur at the expiration of the designated period specified in the salary schedule and as defined in the administrative policies for the college.~~
- ~~(c) Employees, who have reached a maximum salary in accordance with the salary schedule, shall be eligible for an annual salary increment to be negotiated between designated representatives of the executive committee and the employees. Such considerations shall be referenced to those stipulated in the administrative policies for the college.~~

**Rationale – Salary schedule and increments are operational matters.*

Benefits

6-7.6 (6-5.5) The college shall maintain a benefits program for its employees, ~~the terms of which will be determined by the board and~~ as stipulated in the administrative policies for the college.

**Rationale – The terms of the benefits program are an operational matter.*

Appointment of legal counsel

6-8 (6.6) The ~~board or a committee of the~~ college may retain legal counsel for the purpose of ~~assisting the board or a committee in~~ carrying out any power or duty under the Act, the by-laws and regulations or any other matters pertaining to the affairs of the college.

**Rationale – More general reference to College is more accurate.*

Promotion of the welfare of the members and the profession

~~7-1~~ The college may develop, maintain and publish position statements of relevance to the profession of social work and the conditions, events and issues with which the profession is concerned.

**Rationale – Renumbered and moved out of Miscellaneous to be included in opening references in the By-*

Law.

7-4 (7-3) Code of Ethics

The college will endorse and adopt by resolution a code of ethics as a standard for the professional conduct of ~~social workers,~~ members and promote the code of ethics as a guide for all ~~social workers~~ members. The code of ethics shall be used as a principle guiding document in the evaluation of the professional conduct of a ~~social worker~~ member and shall be readily accessible through electronic publication on the college website or by request to the college.

**Rationale – All registrants are required to adhere to the code of ethics, regardless of whether they are in the Practicing category and “social workers” or in the Non-Practicing category and “non-practicing members”*