

January 31, 2022

Health Professions Advisory Council
c/o Legislative Unit, Manitoba Health and Seniors Care
300 Carlton Street
Winnipeg, Manitoba R3B 3M9

**Re: The Federation of Associations of Counselling Therapists of Manitoba
Application for Regulation under *The Regulated Health Professions Act***

To Whom it May Concern:

I am pleased to submit a response to the above-captioned application on behalf of the Manitoba College of Social Workers (**MCSW**). MCSW is the provincial body that regulates the profession of social work in Manitoba. At present, we have approximately 2700 registered members.

MCSW derives its authority from *The Social Work Profession Act (SWPA)*, which was enacted in 2009 and came into force on April 1, 2015. The SWPA established a comprehensive and distinct legislative framework for recognizing the profession of social work. Its core definition of the practice of social work includes, among other things, express recognition of “counselling”:

- 2 The practice of social work is the application of social work knowledge, skills, values and practice methods in a person-in-environment context, with the following objectives:
 - (a) to accomplish the core functions of social work, including ...
 - (ii) counselling of individuals, families and groups ...

MCSW’s objects include “regulat[ing] and govern[ing] the professional conduct and discipline of its members, students and professional corporations, consistent with the principles of self-regulation and the public interest”: paragraph 4(4)(b) of the SWPA.

Given our mandate, we wish to express some initial concerns and questions about the Application for Regulation under *The Regulated Health Professions Act (Application)* made by The Federation of Associations of Counselling Therapists of Manitoba (**FACT-Manitoba**).

The guidelines which apply to your consideration of FACT-Manitoba’s application provide that decisions will be made only after lengthy consultation. The questionnaire that is appended to the *Application Process for Requests for Self-Regulation under The Regulated Health Professions Act* ask applicants to describe the consultations they have undertaken, with respect to other impacted regulators.

In that regard, we note that FACT-Manitoba contacted MCSW to request its support. In response, we expressed our concern that a person who uses their social work education and training to provide counselling services ought to remain regulated as social workers by MCSW, rather than being permitted

to remove themselves from our regulation and to obtain admission to a newly recognized professional body. As indicated above, the SWPA expressly places “counselling of individuals, families and groups” inside the “core functions of social work”.

FACT-Manitoba has not responded to this concern directly in communications with MCSW, nor has it addressed the issue in its Application. We remain concerned about confusion or dilution in the minds of the public as to the distinct identity of social workers and the value of the professional certification and education that supports the profession and practice of social work. In the interest of the public, qualified social work practitioners performing functions that fall within the core mandate of social work as identified in legislation should be registered as social workers.

The Application makes a number of statements about the social work profession which raise concerns. These include a characterization of the role of FACT’s potential practitioners in counselling as involving a “humanistic” based approach, as distinct from the approach of social workers (whatever that might be). It is our view that our members are trained about and exposed to a variety of perspectives in counselling. FACT-Manitoba’s proposed distinction does not do justice to the depth and range of the education and services that are offered by social workers.

It is not clear to us at this stage whether the amalgam of different specialties embraced by the Application is amenable to be dealt with under one overarching definition, and further, what educational or experiential requirements would be applied, and how or why the definition and requirements would equip FACT-Manitoba’s practitioners to perform the reserved acts the Application contemplates.

We have consulted with legal counsel, who confirmed our view that coordination of FACT-Manitoba’s proposal with the Manitoba legislative landscape requires careful attention. Different provinces have taken different approaches in response to similar proposals that request a newly recognized counselling profession. In fact, many provinces do not recognize counselling therapy as a distinct profession. While Alberta enacted legislation to recognize an umbrella profession along the lines of what is contemplated in the Application, we note that the Alberta legislation remains not yet in force.

The distinctive legislative landscape in Manitoba includes the SWPA, which is a piece of legislation wholly independent from *The Regulated Health Professions Act*. Instead, the SWPA has its own mechanisms for governance and self-regulation, including with respect to the definition and interpretation and application of “counselling” and other terms that are used in the SWPA. Accordingly, when a word such as “counselling” appears in the SWPA, it must be interpreted and applied in light of the objects and purposes of that particular legislation and its specific scheme and contents.

“Counselling” appears in the SWPA in the form of an express positive recognition of a core dimension of the social work profession; the word “counselling” appears in *The Regulated Health Professions Act*, by contrast, as merely an exception to a list of reserved acts that a non-regulated individual may not undertake. MCSW has the authority and the duty to interpret and apply the term “counselling” as it appears its enabling statute, and there is provision for MCSW’s board of directors to (with approval from the Lieutenant Governor in Council) define terms under the SWPA by regulation.

MCSW is therefore concerned about any potential statements or recommendations by this Council or otherwise through the review of the Application that would adversely impact in any way on the core

matters of education and training, scope of practice and ability of social workers to identify to the public the services they offer, all under the aegis of the SWPA.

The Application's request for "title protection" is another cause for concern. A claim to protection for phrases that involve counselling, including therapeutic counselling or counselling therapist, could limit the ability of social workers who engage in counselling under the authority of the SWPA to identify the services for which they are fully educated and qualified.

MCSW strongly believes that no discussions or outcomes in this process – including any definitions of "counselling" or "therapy" that might be recognized under a counsellor-specific regime – should have the effect, whether purposeful or inadvertent, of adversely affecting the understanding of what social workers do (including but not limited to social workers who are engaged in counselling). Nor should any outcomes place social work at a disadvantage with respect to the use of titles or with respect to the ability of those who seek the services of social workers for counselling to reimbursement from public or private insurance and other benefit plans.

MCSW looks forward to reviewing the submissions made to the Council, and requests the opportunity to provide further information and input as this process proceeds. It submits that a thorough and extensive examination of the Application is required, and that further discussion is needed more generally in respect of any possible impact on the definition, regulation and practice of social work in Manitoba. This brief submission is an opening statement on this matter, and we expressly request that MCSW be fully informed and consulted as this process unfolds in respect of discussions, interpretations or recommendations that in any way reflect upon or impact the stature, reputation, scope of practice and regulation of the social work profession in Manitoba.

Sincerely,



Barbara (Barb) Temmerman, MSW, RSW
Executive Director/Registrar