



By-Laws of the New Brunswick Association of Social Workers

2020





**BY-LAWS OF THE
NEW BRUNSWICK ASSOCIATION
OF SOCIAL WORKERS**

INTERPRETATION

- 1.1.0 In these by-laws, expressions shall be interpreted in accordance with the *New Brunswick Association of Social Workers Act* (the "Act").
- 1.1.1 Unless otherwise stated, a majority vote means fifty percent plus one.
- 1.1.2 "Notice" means the delivery of paper or electronic communication to the last known address, email account, or facsimile number of all Members, as appearing in the records of the Association or if no such records, such address, email account, or facsimile number as the Association may consider to be the most likely place to promptly reach such persons.
- 1.1.3 "Days" means calendar days unless specified otherwise.
- 1.1.4 "Good Standing" means any Member who has satisfied the conditions of their membership and who is not in arrears in fees to the Association.

MEMBERSHIP

- 2.1.0 The sub-classifications of Membership shall be:
- (a) Practicing Members;
 - (b) Non-Practicing Members;
 - (c) Temporary Authorized Members;
 - (d) Student Members; and
 - (e) Honourary Members.
- 2.1.1 Practicing Members are persons who by virtue of being entered in the Register are entitled to work within the scope of practice of Social Work and represent themselves as Registered Social Workers.
- 2.1.2 Non-Practicing Members are persons that meet all requirements of Practicing Members, not entered in the Register, not entitled to work within the scope of practice

of Social Work, with the exception of work provided to the NBASW, and are not entitled to represent themselves as Registered Social Workers. Non-Practicing Members may include, but not be limited to: Out of province, Not Employed, Retired, Long-Term Disability, and Parental Leave.

- 2.1.3 Temporary Authorized Members are individuals entered in the Register as Registered Social Workers for a special purpose and limited time.
- 2.1.4 Student Members are persons enrolled in an accredited Bachelor or Master of Social Work program.
- 2.1.5 Honourary Members are persons deemed to have made some outstanding contribution to Social Work as confirmed by a unanimous vote by the Board.

Membership Entitlement

- 2.2.0 Practicing Members are entitled to attend and vote at Annual and Special Meetings of the Association, to be elected to the Board as provided for in these by-laws and serve on Committees of the Board.
- 2.2.1 Non-Practicing Members are entitled to attend and vote at Annual and Special Meetings, to be elected to the Board as provided for in these by-laws and serve on Committees of the Board.
- 2.2.2 Student Members are entitled to attend Annual and Special Meetings of the Association as observers and serve on Committees of the Board.
- 2.2.3 Temporary Authorized Members are entitled to attend Annual and Special Meetings of the Association as observers.
- 2.2.4 Honourary Members are entitled to attend Annual and Special Meetings of the Association.

COMMITTEE OF EXAMINERS

Composition & Authority

- 3.1.0 The Board shall appoint a Committee of Examiners.
- 3.1.1 The Examiners shall be responsible for the approval of all applications for entrance in the Register as well as the approval of all Student Memberships.
- 3.1.2 To carry out its duties, the Examiners may request that the Board appoint additional

members as may be required.

3.1.3 In carrying out their duties, the Examiners may:

- (a) determine proof required of education, good character and experience; and
- (b) administer examinations including location, fees, and examiners.

Academic Standards

3.2.0 The academic requirements for entrance in the Register as a Registered Social Worker shall be satisfied by proof of completion of an accredited Social Work program as approved by the Committee of Examiners.

3.2.1 The academic requirements for issuance of a Student Membership shall be satisfied by enrollment in an accredited Bachelor or Master of Social Work program as approved by the Examiners.

3.2.2 The academic requirements for issuance of a Non-Practicing Membership shall be satisfied by graduation from an accredited Social Work program as approved by the Examiners.

Delegation of Authority

3.3.0 The Examiners may delegate to the Registrar the authority to determine established requirements for entrance in the Register and the Directory, including if the applicant:

- (a) is a resident of Canada, entitled to be a resident of Canada, or an ordinary resident of a province or territory in Canada;
- (b) is of the age of legal majority;
- (c) has graduated from an accredited Social Work Program;
- (d) has provided satisfactory evidence of good character;
- (e) is, if applicable, in good standing with any other related regulating body of Social Work in any other jurisdiction; and
- (f) has paid the fees for examination.

3.3.1 The Examiners may delegate to the Registrar the authority to approve applications and notify unsuccessful applicants of their status and rights of appeal.

3.3.2 This section with necessary modifications, applies to applications for Student Members.

Policies & Procedures

3.4.0 The Policies and Procedures of the Examiners and the forms in relation thereto shall be contained in a document entitled "Policies and Procedures of the Committee of

Examiners" as approved by the Board.

FEES

- 4.1.0 The Board may establish annual increases to the fees not exceeding five percent and an aggregate increase over any consecutive three-year period may not exceed ten percent.
- 4.1.1 Increases beyond those contemplated above require approval of the Membership at an Annual General Meeting or Special Meeting of the Association.
- 4.1.2 Fees for services or products shall be established by the Board.

Waiver, Reduction, & Refunds

- 4.2.0 The Board may waive fees, reduce fees, or reduce or waive fees in arrears.
- 4.2.1 The Board shall waive fees for Honourary Members.
- 4.2.2 All fees, except those for administration of examinations and assessment of qualifications, shall be refunded to an applicant who is not entered in the Register.

Deadlines & Enforcement

- 4.3.0 Annual registration and related fees are due and payable by March 31.
- 4.3.1 Failure to comply with registration requirements and pay fees by March 31 shall result in the individual being struck from the Register.
- 4.3.2 Any individual struck from the Register shall be returned to the Register within a one-year period on payment of all outstanding fees and submission of all registration requirements.
- 4.3.3 Any individual struck from the Register for more than one year shall be required to make application to the Committee of Examiners for reinstatement.

MANAGEMENT

Head Office & Fiscal Year End

- 5.1.0 The Head Office of the Association shall be in Fredericton, New Brunswick.
- 5.1.1 The Fiscal Year End is March 31.

Elected Officers

- 5.2.0 The elected officers of the Association shall be the President, Vice-President, Secretary, and Treasurer.
- 5.2.1 The President is the Spokesperson for the Association and presides at meetings of the Executive Committee, Board, Annual General, and Special Meetings.
- 5.2.2 The Vice-President assists the President as necessary.
- 5.2.3 The Secretary issues Notices of all meetings and is responsible for maintaining minutes of all Board, Annual General, and Special Meetings of the Membership.
- 5.2.4 The Treasurer prepares and presents the Budget to the Board and applies all financial Rules adopted by the Board.

Annual Audit

- 5.3.0 A firm of Chartered Professional Accountants shall be appointed at each Annual Meeting to conduct an annual audit. The audit shall include an examination in to the financial condition of the Association, the preparation of a balance sheet, income statements and any other required reports. The audited statements shall be submitted by the Treasurer to the Board for approval before presentation to the Annual Meeting.

ANNUAL & SPECIAL MEETINGS

- 6.1.0 The Annual Meeting of the Association shall be held within April 1st and June 30th at a place within New Brunswick as determined by the Board.
- 6.1.1 The Board may call a Special Meeting of the Association within New Brunswick and shall call a Special Meeting within sixty days of receipt of a written request by ten or more Members entitled to attend and vote at such a meeting. The Notice of Special Meeting shall state the specific objects of that meeting and only that business may be conducted.
- 6.1.2 Notice of an Annual or Special Meeting shall be sent to the Members eligible to attend and vote at least thirty days before the date set for such meeting.
- 6.1.3 The agenda for the Annual Meeting shall include:
 - (a) call to order;
 - (b) appointment of a Parliamentarian;
 - (c) minutes of the last Annual Meeting and any Special Meeting;

- (d) business arising from the minutes;
- (e) adoption of agenda;
- (f) President's Report;
- (g) Executive Director's Report;
- (h) Registrar's Report;
- (i) Treasurer's Report;
- (j) committee reports;
- (k) correspondence;
- (l) ratification of the actions of the Board;
- (m) nominations and elections;
- (n) disposal of ballots;
- (o) installation of new officers;
- (p) appointment of auditors; and
- (q) new business.

- 6.1.4 Twenty-five members eligible to be present and vote shall constitute a quorum for the conduct of business at an Annual or Special Meeting.
- 6.1.5 No subject not directly tied to the Practice of Social Work shall be added to an agenda for an Annual or Special Meeting of the Association and the Association does not endorse political parties and political candidates.
- 6.1.6 The Public Representative on the NBASW Board of Directors is entitled to attend and vote at Annual and Special Meetings of the Association.

BOARD

Board Composition & Term

- 7.1.0 The composition of the Board shall be: President, Vice-President, Secretary, Treasurer, Immediate Past-President, eleven Chapter Representatives, the CASW Representative, one Mi'gmaq Representative, one Wolastoqiyik Representative, and one Public Representative.
- 7.1.1 The CASW, the Mi'gmaq, and the Wolastoqiyik Representatives are appointed by the Board as provided for in the Rules.
- 7.1.2 The term of the Elected Officers and appointed representatives shall be a maximum of two consecutive two-year terms, with the exception of the Past-President who will serve one year.
- 7.1.3 No individual may serve on the Board Executive for more than eight consecutive years, with an exception for the President, who has the responsibility to sit as the Past-President for one year after their mandate is completed.

Chapters, Term, Nomination, & Election

- 7.2.0 The established Chapters of the Association are Chaleur, Sussex, Restigouche, Grand-Falls/Edmundston, Charlotte County, Fredericton, Acadian Peninsula, Saint John, Miramichi, Woodstock, and Moncton.
- 7.2.1 Chapter Representatives to the Board are elected by Members of the Chapter as provided for in the “Chapter Manual” and approved by the Board.
- 7.2.2 The term of office for each Chapter Representative to the Board shall be a maximum of two consecutive, two-year terms.

Nomination Protocol

- 7.3.0 At least ninety days before the Annual Meeting, the Nominating Committee shall submit a report to the Registrar containing a list of nominees for Elected Office to ensure they are in good standing with the NBASW. Included with the list shall be a written statement from each nominee confirming an agreement to stand for election. The Committee shall undertake all reasonable efforts to make certain there is a nominee for all vacancies. The Committee report of candidates in good standing shall be submitted to the Board for their information.
- 7.3.1 Nominations for Elected Office may be made by any member entitled to attend and to vote at an Annual Meeting provided such nomination is made in writing and filed with the Secretary at least sixty days before the Annual Meeting. The written submission shall include the name of the nominee, the office for which the nomination is made, and the signatures of at least ten members entitled to attend and vote at an Annual Meeting in support of the nomination. New candidate submissions shall be accepted for not longer than fourteen days from the publication date of the slate of officers. The submission shall also include a written statement from the nominee confirming agreement to stand for election as nominated.
- 7.3.2 Nomination for Elected Office at an Annual General Meeting is not permitted from the floor on the day of the meeting.
- 7.3.3 The Chair of the Nominating Committee shall be appointed by the Board of Directors.

Election Protocol

- 7.4.0 Election of Officers shall be by secret ballot in accordance with procedures established by the Board. Instructions for voting shall be sent to all members entitled to attend and vote at an Annual Meeting at least thirty days prior to the Annual Meeting.
- 7.4.1 Counting of ballots shall be done by scrutineers appointed by the Board, following which all paper or electronic ballots and the scrutineers' report shall be delivered to

and retained by the Secretary until their disposal is authorized by a motion approved at the Annual Meeting. The scrutineers' report shall contain the:

- (a) names of successful candidates;
- (b) total number of valid ballots cast;
- (c) number of spoiled ballots; and
- (d) number of ballots received for each candidate for each position.

7.4.2 Except for subsection (d) outlined above, the Secretary shall present the scrutineers' report at the Annual General Meeting and in the Association Newsletter. After the Annual General Meeting, a candidate may confidentially request from the Secretary, the content of subsection (d) with respect to their election.

7.4.3 In the case of a tie vote for any office, the tie shall be broken by a coin toss.

7.4.4 Nothing in these by-laws precludes the establishment by the Board of any means of voting, including electronic voting, through which all members entitled to attend and vote may do so.

Board Vacancies

7.5.0 A vacancy shall be created when a member of the Board:

- (a) dies;
- (b) ceases to be a resident of New Brunswick;
- (c) fails to attend three meetings without valid reason, in which case the person on a majority vote of the Board is deemed to have resigned;
- (d) submits a letter of resignation that is accepted and approved by the Board;
- (e) is no longer in Good Standing; or
- (f) is no longer eligible for membership in the Chapter they represent, in which case the person is deemed to have resigned effective at the date of the Annual Meeting following such occurrence.

7.5.1 When the Office of President is vacant, the Vice-President shall assume the duties and functions of the President for the remainder of that term. This condition shall not constitute a vacancy in the office of Vice-President.

7.5.2 A vacancy in the Office of Vice-President may be filled by appointment by the Board. Such appointment shall be for the remainder of the term of office for which the Vice-President had been elected. The appointment of a Board member to the office of Vice-President shall constitute a vacancy on the Board.

7.5.3 Except for the Public Representative, Board vacancies shall be filled by an appointment by the Board. Appointments shall be made from persons eligible for election to the office that is vacant and shall continue until the expiry of the term of

the vacant office.

Amendments to the By-Laws

- 7.6.0 The Board may receive and consider written proposals for amendments to the by-laws from any ten Members who are eligible to attend and vote for such a proposal at an Annual or Special Meeting of the Members. Further, the Board may ratify amendments to the by-laws at any time for approval at an Annual or Special Meeting of the Members on provision of the notice provided in 7.6.1. If the Board ratifies such a proposal, in part or in whole, the proposal may proceed to the Annual or Special Meeting in accordance with the notice provided in 7.6.1 on written direction from the Members who drafted the proposal to the Board.
- 7.6.1 Notice of proposed amendments to by-laws shall be sent to all persons eligible to attend and vote at an Annual or Special Meeting, at least forty-five days prior to the Annual or Special Meeting, at which they will be voted on. Amendments to the by-laws shall be ratified by a majority of the Board and by two-thirds of the members, in attendance, in good standing, at any Annual Meeting or Special Meeting

Proxy Voting

- 7.7.0 Until such time as the Board establishes a mechanism wherein all members, eligible to attend and vote at Annual General and Special Meetings of the Association, may vote electronically or remotely, the Board will maintain Proxy voting.
- 7.7.1 On the establishment of an alternate mechanism of voting wherein all members, eligible to attend and vote at an Annual General and Special Meeting of the Association may vote electronically or remotely, Proxy voting will be no longer permitted.

Protection of Officers

- 7.8.0 The Association shall indemnify current and former: members of the Board, members of committees, officers, employees or appointees of the Board from any and all actions, claims, demands or suits arising out of any act, deed, matter or thing whatsoever, done or not done in or about the execution in good faith of their respective duties under the Act, By-laws, or Rules including any legal fees required to defend against any such suits.

Continued Competency Assurance

- 7.9.0 All members shall comply with the requirements of any policies and standards established by the Board with respect to continuing professional development and manner of practice for the purposes of the Act.
- 7.9.1 A failure to comply with paragraph 7.9.0 constitutes professional misconduct and is subject

to enforcement through the disciplinary procedures of the Act.

Provision of Documents

7.10.0 All members shall be issued with a copy of the Act, By-laws and Rules when requested and a copy of such documents shall be maintained on the Association's website.

COMPLAINTS & DISCIPLINE

Complaints Committee

8.1.0 No member of the Board may be a member of the Complaints Committee and no member of the Discipline Committee may be a member of the Complaints Committee.

8.1.1 The Complaints Committee shall conduct its affairs in panels of a minimum of three.

8.1.2 The Board may appoint alternate members to the Complaints Committee.

8.1.3 Panel composition shall be determined by the Chairperson.

8.1.4 The Complaints Committee may engage advisors or appoint additional members, having applicable experience or expertise, for purposes of any particular matter being considered by the Committee.

8.1.5 The Registrar shall act as secretary to the Complaints Committee and perform such other duties as the Committee, or the Board, may direct.

Discipline Committee

8.2.0 No member of the Board may be a member of the Discipline Committee and no member of the Complaints Committee may be a member of the Discipline Committee.

8.2.1 The Discipline Committee shall conduct its affairs in panels of a minimum of three.

8.2.2 The Board may appoint alternate members to the Discipline Committee.

8.2.3 Panel composition shall be determined by the Chairperson.

8.2.4 The Discipline Committee may engage advisors or appoint additional members having applicable experience or expertise for purposes of any particular hearing or matter being considered by the Committee.

8.2.5 For the purposes of any hearing, the Discipline Committee may issue a Summons to Witness in the form approved by the Board.

CODE OF ETHICS

9.1.0 The Association endorses the Canadian Association of Social Workers Code of Ethics.

9.1.1 Notwithstanding any Code of Ethics established by the Canadian Association of Social Workers, the Code of Ethics governing New Brunswick Social Work shall be that established by the Board in the Rules.

9.1.2 The Board, by Rule, may also establish standards and guidelines for the practice of Social Work.

9.1.3 The Board must engage and consult members in the development of substantive changes to the Codes of Ethics, standards and guidelines.

PROFESSIONAL CORPORATIONS

Professional Corporation's Register

10.1.0 The Registrar shall maintain a professional corporation's register containing the name of each professional corporation that is or was at any time permitted to carry on the practice of Social Work under the Act.

Application for Registration

10.2.0 Any corporation wishing to be entered in the corporation's register shall submit an application and any applicable fee to the Registrar in a Form approved by the Board.

10.2.1 The Registrar shall review all applications submitted and either enter the applicant corporation in the corporation's register if satisfied that the requirements of the Act, the By-laws, and the Rules have been met or notify the applicant corporation as to what prerequisites have not been met.

10.2.2 No application for entry in the corporation's register if any of the shares of the applicant corporation are legally or beneficially owned by a person other than:

- (i) a Registered Social Worker;
- (ii) a member of the extended family of a Registered Social Worker;
- (iii) a trust, all of the beneficiaries of which are persons described in (i) or (ii) above;
- (iv) a body corporate, all of the issued shares of which are legally or beneficially owned by persons described in (i), (ii) or (iii) above; and/or
- (v) a person (other than a person described in (i) or (ii) above) who is a resident of New Brunswick;

Unless, upon written application, the Registrar is satisfied that the ownership of the shares would not result in a contravention of the Act, By-laws or Rules.

Member Representing Corporation

10.3.0 Each corporation shall appoint a Registered Social Worker as its representative to whom all communications regarding the corporation may be sent or given and service by the Association or the Registrar shall be deemed good service on the corporation, its directors, officers and shareholders.

Name

10.4.0 The name of a professional corporation shall contain only the surnames, or the surnames and any combination of the given names or initials, of one or more Registered Social Workers, which names shall include RSW who practise Social Work on behalf of the corporation followed by the words "Professional Corporation" or "Corporation professionnelle" and which may also be followed by the abbreviation "Inc.".

10.4.1 A professional corporation may carry on the practice of Social Work under a name which does not contain its full corporate name, provided that the other name complies with the requirements of the Rules respecting non-corporate practice names and that the full corporate name of the professional corporation is shown on the letterhead and invoices issued by the professional corporation.

ADVANCE PRACTICE REGISTERED SOCIAL WORKER (APRSW)

11.1.0 An Advance Practice Registered Social Worker (APRSW) may practice social work as defined in the Act and may undertake diagnosis within the Social Work Scope of Practice which means the application of:

- (a) social work knowledge and theories; and
- (b) the independent use of the Diagnostic and Statistical Manual of Mental Disorders

published by the American Psychiatric Association, in the assessment, diagnosis, treatment and prevention of mental, emotional and behavioural disorders and conditions, for the sole purpose of providing psychosocial intervention to enhance personal, interpersonal and social functioning.

11.1.1 For the purposes of subsection 11(4) of the Act, the requirements for registration as an Advance Practice Registered Social Worker (APRSW) are:

- (a) graduation from an accredited program approved by the Committee of Examiners with a Master's degree in clinical social work;
- (b) a course of study in each of the following clinical content areas:
 - (i) human development and behaviour from a biopsychosocial perspective;
 - (ii) assessment and diagnosis based on the understanding and use of diagnostic criteria and evidence-based screening and assessment tools that are standardized and validated; and
 - (iii) psychotherapy and clinical practice including evidence-based approaches;
- (c) a minimum of 3000 hours of supervised clinical social work experience after having obtained a degree referred to in paragraph (a);
- (d) references from two individuals satisfactory to the Committee of Examiners:
 - (i) each of whom is an Advance Practice Registered social worker, a psychiatrist or other physician, or a registered psychologist;
 - (ii) each of whom has direct knowledge of the applicant's clinical practice; and
 - (iii) one of whom has directly supervised the applicant's clinical practice, if available;
- (e) satisfactory evidence of the good character of the person consistent with the responsibilities of a registrant and the standards expected of a registrant;
- (f) successful completion of the Association of Social Work Boards' clinical examination approved by the Committee of Examiners; and
- (g) receipt by the registrar of evidence of insurance against liability for negligence in an amount of at least \$2,000,000 per occurrence for Advance Practice Registered Social Workers working in private practice settings.