



College of Occupational  
Therapists of Ontario

# BYLAWS

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# BYLAWS

APRIL 2012

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## PART 1 DEFINITIONS AND APPLICATION

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### 1.01 DEFINITIONS

The following definitions shall apply to all parts of these Bylaws unless otherwise defined or required by the context:

#### **Act**

*Means the Occupational Therapy Act (1991, S.O. 1991) and the regulations thereunder.*

#### **Bylaws**

*Means the Bylaws passed pursuant to the authority of s. 94 of the Regulated Health Professions Act, Schedule 2, Health Professions Procedural Code, as amended by the Red Tape Reduction Act (1998).*

#### **Code**

*Means the Health Professions Procedural Code.*

#### **Registrar**

*Includes a person appointed by Council as Registrar or acting Registrar of the College.*

#### **Regulations**

*Means the regulations made under the Occupational Therapy Act (1991, S.O. 1991).*

#### **Informal Disposition or Resolution**

*Means a negotiated or imposed conclusion to a concern about a Registrant that involves either one or both of the following:*

- a) *an obligation to complete measures for enhancement (e.g., an acknowledgement and undertaking, requirement to participate in a remediation program) or*
- b) *educational action (e.g., a caution, an admonishment, an opportunity to correct any deficiencies and to enhance his or her knowledge, skills and judgment)*

*For greater clarity, an informal disposition or resolution does not include a simple reminder, guidance or advice.*

### 1.02 Changes of Number and Gender

These Bylaws are to be read with all changes of number and gender required by the context.

### 1.03 Headings for Reference Only

The headings in these Bylaws are for ease of reference only and shall not affect in any way the meaning or interpretation of these Bylaws.

## PART 2 HEAD OFFICE

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The head office of the College shall be located within the city in which the Provincial Legislature sits. The physical premises occupied by the College shall be determined by Council.

## PART 3 FINANCIAL MATTERS

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### 3.01 Fiscal Year

3.01.1 The fiscal year of the College shall be from June 1st to May 31st in the next calendar year.

3.01.2 In the event of the College being dissolved, the Council shall, after paying and making provisions for the payment of all debts and liabilities, transfer any assets that remain after dissolution to an organization with similar purposes which is exempt from income tax under the *Income Tax Act* (Canada) and whose incorporating documents or bylaws prohibit the organization from paying any of its income to or for the benefit of any of its members.

### 3.02 Signing Authorities

The College shall have at least three persons authorized annually by Council to sign contracts, documents, cheques or any instruments in writing requiring the signature of authorized officers of the College. Two of the three authorized signing authorities will be the President and the Registrar.

### 3.03 Banking

3.03.1 The Council shall appoint one or more banks chartered under the *Bank Act* for the use of the College (“the bank”).

3.03.2 All money belonging to the College shall be deposited in the name of the College with the bank.

3.03.3 The Registrar may endorse any cheque or other negotiable instrument for collection on the College’s account through the bank or for deposit to the credit of the College with the bank, in accordance with College policy.

### 3.04 Investment Funds

All monies belonging to the College may only be deposited or invested according to College policy, and in one or more of the following:

- 3.04.1 A major chartered bank or trust company or brokerage house.
- 3.04.2 Securities of the Government of Canada, the Government of any Province of Canada, or any municipal corporation in any Province of Canada.
- 3.04.3 Securities, the payment of principal and interest of which is guaranteed by the Government of Canada, or the Government of a Province of Canada.

**3.05 Execution of Contracts, Documents, Instruments**

- 3.05.1 Contracts, documents, or instruments in writing requiring the signature of the College shall be signed by the President or the Vice-President together with the Registrar and all contracts, documents, or instruments in writing so signed shall be binding upon the College without any further authorization or formality. Council may by resolution appoint any officer or officers or any person or persons on behalf of the College either to sign contracts, documents, or instruments in writing generally or to sign specific contracts, documents, or instruments in writing.
- 3.05.2 Except where otherwise provided by law, the Registrar may sign summonses, notices and orders on behalf of any committee of the College.
- 3.05.3
  - (a) The seal of the College shall, when required, be affixed to contracts, documents, or instruments in writing, signed as aforesaid, or by any other person or persons appointed as authorized to sign on behalf of Council.
  - (b) The seal of the College is the seal depicted below.



- 3.05.4 The term “contracts, documents, or instruments, in writing” as used in these Bylaws shall include, without limitation, deeds, mortgages, charges, conveyances, transfers and assignments of property, real or personal, immovable or moveable, agreements, conveyances, transfers and assignment of shares, share warrants, bonds, debentures, or other securities and all paper writing.
- 3.05.5 In particular, without limiting the generality of the foregoing, (a) the President or the Vice-President together with the Registrar, or (b) such other officer or officers or person or persons as may, from time to time be authorized by resolution of the Council, are authorized to sell, assign, transfer, charge, convert, or convey any and all shares, bonds, debentures, rights, warrants, or other securities owned by or registered in the name of the College and to sign and execute all assignments, transfers, conveyances, powers of attorney and other instruments that may be necessary for the foregoing purposes.

### **3.06 Retain Valuable Documents**

**3.06.1** The Registrar shall at all times keep and maintain for the benefit of the College copies of all contracts, agreements, certificates, approvals and all other documents to which the College is a party or which are otherwise pertinent to the administrative and domestic affairs of the College.

**3.06.2** The Registrar may arrange for the safekeeping of such documents with a chartered bank or trust company. The securities in which monies of the College may be invested pursuant to paragraph 3.04 are to be deposited with a bank or trust company for safekeeping.

## **PART 4 MANAGEMENT OF COLLEGE PROPERTY**

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The Registrar shall be responsible for the management and maintenance of all College property in accordance with directions issued from time to time by Council.

## **PART 5 ELECTION OF COUNCIL MEMBERS**

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### **5.01 Electoral Districts**

**5.01.1** The following electoral districts are established for the purpose of the election of members to the Council:

- (a) Electoral district 1 (Central East) composed of the Municipality of Toronto, the counties of Haliburton, Northumberland, Peterborough, Simcoe and Kawartha Lakes, and the regional municipalities of Durham, Peel and York.
- (b) Electoral district 2 (Central West) composed of the counties of Brant, Dufferin and Wellington, and the regional municipalities of Haldimand, Norfolk, Halton, Hamilton, Niagara and Waterloo.
- (c) Electoral district 3 (South West) composed of the counties of Essex, Bruce, Grey, Chatham-Kent, Lambton, Elgin, Middlesex, Oxford, Huron and Perth.
- (d) Electoral district 4 (Eastern) composed of the united counties of Prescott and Russell, Stormont, Dundas & Glengary, Lennox & Addington, Leeds & Grenville, the Municipality of Ottawa, the counties of Hastings, Prince Edward, Frontenac, Renfrew and Lanark.
- (e) Electoral district 5 (North East) composed of the districts of Sudbury, Parry Sound, Timiskaming, Nipissing, Algoma, Cochrane and Manitoulin and Muskoka.

- (f) Electoral district 6 (North West) composed of the territorial districts of Kenora, Rainy River and Thunder Bay.

**5.01.2** The electoral district in which a Registrant is eligible to vote is the district in which, on the date of the election, the Registrant principally practises, or if the Registrant is not engaged in the practise of occupational therapy, is the district in which, on that day, the Registrant principally resides.

**5.01.3** Subject to 5.01.2, a Registrant is entitled to vote in an election if the Registrant holds a valid general practising or provisional practising certificate of registration.

**5.01.4** The number of Registrants to be elected in an electoral district is as follows:

- (a) Electoral district 1                      3 Registrants
- (b) Electoral district 2                      2 Registrants
- (c) Electoral district 3, 4, 5 and 6      1 Registrant per district

## **5.02**                      **Year of Elections**

**5.02.1** An election of members to the Council was held in the month of March 1996 and shall be held in every third year after that for electoral districts 2 and 4.

**5.02.2** An election of members to the Council was held in the month of March 1997 and shall be held in every third year after that for electoral districts 3, 5 and 6.

**5.02.3** An election of members to the Council was held in March 1998 and shall be held in every third year after that for electoral district 1.

## **5.03**                      **Eligibility for Election**

**5.03.1** A Registrant is eligible for election to the Council in an electoral district if, on the date of election,

- (a) the Registrant is entitled to vote in an election in accordance with Bylaw 5.01.2 and 5.01.3;
- (b) the Registrant is not in default of payment of any fees required under these Bylaws;
- (c) the Registrant is not the subject of any disciplinary or incapacity proceeding;
- (d) the Registrant's certificate of registration has not been revoked or suspended in the six years preceding the date of the election as a result of a professional misconduct, incompetence or incapacity proceeding;
- (e) the Registrant's certificate of registration is not subject to a term, condition, or limitation imposed by a panel of the Discipline or Fitness to Practise Committee;

- (f) the Registrant has not been the subject of an Informal Disposition or Resolution with the College in the six years preceding the date of the election; and
- (g) the Registrant is not a director, officer, or employee of a voluntary organization of occupational therapists.

### **5.04 Terms of Office**

- 5.04.1** The term of office of a member elected to the Council is three years, commencing with the first regular Council meeting immediately following the election.
- 5.04.2** A member who has served on Council for more than nine consecutive years is not eligible for election until at least three years have passed since the member last served on the Council as an elected member.

### **5.05 Nominations**

- 5.05.1** The Registrar shall supervise the nomination of candidates including determining the eligibility for election of a nominated candidate.
- 5.05.2** No later than 120 days before the date of an election, the Registrar shall notify every member who is eligible to vote, of the date, time, and place of the election and of the nomination procedure.
- 5.05.3** The nomination of a candidate for election as a member of the Council shall be in writing and shall be submitted to the Registrar at least sixty days before the election.
- 5.05.4** The nomination shall be signed by the candidate and by at least three members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.
- 5.05.5** A candidate may withdraw his or her nomination for election to the Council by notifying the Registrar in writing at least forty-five days before the election.

### **5.06 Acclamation**

- 5.06.1** If the number of candidates nominated in an electoral district is less than or equal to the number of members to be elected in the electoral district, the Registrar shall declare the candidates to be elected by acclamation.

### **5.07 Second Call for Nominations**

- 5.07.1** If there are no candidates or an insufficient number of candidates in an electoral district who are eligible for election, there shall be a second call for nominations.
- 5.07.2** If a second call for nominations does not secure a sufficient number of eligible candidates, the Executive Committee shall nominate one or more members who are eligible for election.
- 5.07.3** A person who consents to a nomination by the Executive Committee shall be deemed to be a validly nominated candidate when the nomination is received by the Registrar.

## 5.08

### Voting Procedure

#### 5.08.1

Except for an election in which the Registrar has declared a candidate elected to the Council by acclamation, the Registrar shall, at least 30 days before the date of an election, send by first class mail to every Registrant entitled to vote in an electoral district in which an election is to take place:

- (a) a ballot, containing the names of each candidate in alphabetical order;
- (b) instructions for voting;
- (c) an envelope, capable of being sealed and inserted into the envelope mentioned in clause (d), and bearing the word “Ballot”;
- (d) an envelope addressed to the Registrar, with a place clearly marked for the registration number, to be used by the Registrant for mailing the ballot to the Registrar; and
- (e) biographical information about each candidate in a format determined by the Elections Committee.

#### 5.08.2

The instructions for voting shall be in legible type to the effect that:

- (a) a voter may cast as many votes on a ballot in an election of members to the Council as there are members to be elected to the Council from the electoral district in which the member is eligible to vote;
- (b) a voter shall not cast more than one vote for any one candidate;
- (c) the voter must place an “X” on the ballot to indicate the candidate or candidates of the voter’s choice;
- (d) when marked as instructed, the ballot must be placed in the smaller envelope, and the smaller envelope must be sealed and placed inside the larger envelope;
- (e) only one ballot may be placed in the smaller envelope, and only one smaller envelope may be placed inside the larger envelope. No other documentation, letters, forms, etc., are to be placed in the large envelope;
- (f) the voter must place their registration number on the place marked, to verify the vote placed is that of the Registrant;

- (g) the larger envelope must be received by 1400 hours on the election day; and
- (h) the ballot will not be counted in the election unless it has been marked and is otherwise in accordance with the instructions for voting.

### **5.09 Voting**

**5.09.1** A member may cast as many votes on a ballot in an election of members of the Council as there are members to be elected to the Council from the electoral district in which the member is eligible to vote.

**5.09.2** A member shall not cast more than one vote for any one candidate.

### **5.10 Interruption of Mail Service/Other Exceptional Circumstances**

**5.10.1** If there is an interruption of mail service during a nomination or election, the Registrar shall extend the holding of the nomination or election for such period of time as the Registrar considers necessary to compensate for the interruption.

**5.10.2** In exceptional circumstances, the Registrar may modify any time period respecting elections as the Registrar considers necessary to compensate for the exceptional circumstances.

### **5.11 Administration**

**5.11.1** The Registrar shall be the Chief Returning Officer and shall supervise and administer the election of candidates and, for the purpose of carrying out that duty the Registrar may, subject to these Bylaws:

- (a) appoint returning officers and scrutineers;
- (b) establish a deadline for the receiving of ballots;
- (c) establish procedures for the opening and counting of ballots;
- (d) provide for the notification of all candidates and members of the results of the election; and
- (e) provide for the destruction of ballots following an election.

**5.11.2** The Elections Committee members shall also act as Deputy Returning Officers.

**5.11.3** If a Deputy Returning Officer refuses to act or to continue to act or is impaired in the concurrent opinion of the President and the Registrar, the President shall appoint another member as a Deputy Returning Officer who is not a candidate for any electoral district.

**5.11.4** The Returning Officers shall honestly and accurately count the votes in each election, record the results of each count and thereby determine the result of each election.

**5.11.5** Subject to these Bylaws, all questions arising in the counting of ballots, the recording of results or the determination of the result shall be decided by a majority of the Returning Officers.

**5.11.6** All ballots and related materials prior to and after the count shall be kept in a locked area of the College offices until they are no longer required and are destroyed.

## **5.12** **Counting Votes**

**5.12.1** The Returning Officers shall receive ballots until 1400 hours on the election day and, at a time designated promptly thereafter, shall:

- (a) designate a College staff member to examine the larger envelopes to see whether they display the registration number of a Registrant entitled to vote in one of the elections being held, and whether any Registrant appears to have cast more than one ballot;
- (b) designate a College staff member to sort those envelopes which are eligible under clause (a) according to the electoral district indicated by the Registrant's name, open them and remove the smaller envelopes for each electoral district and set any others to one side unopened;
- (c) open the smaller envelopes for one electoral district at a time and examine the ballots therein and if:
  - (i) a ballot has been marked in accordance with section 5.08.2 (a), (b) and (c); and
  - (ii) the candidate or candidates of the voter's choice are eligible for election, count the ballot as a vote for the candidate or candidates and, if not, set it to one side uncounted;
- (d) record the number of ballots counted as votes for each candidate in each election and thereby the number of votes cast for each candidate; and
- (e) subject to subsection (ii), determine the candidate or candidates who received the largest number of votes in each election.

**5.12.2** Voting shall be secret and conducted so that no person knows for whom any Registrant voted.

**5.12.3** A candidate is entitled, in person or by an agent appointed for the purpose by the candidate in writing:

- (a) to be present and see the Returning Officers discharge their duties;

- (b) to examine the larger envelopes to see whether they display the registration number of the Registrant entitled to vote in the pertinent election; and
- (c) to examine all the ballots in the pertinent election to see whether they are to be counted as votes for a candidate.

### **5.13 Tie Vote**

If two or more candidates receive the same number of votes in an election, the Chief Returning Officer shall select one of the candidates by lot who shall be deemed to have received the largest number of votes in the election.

### **5.14 Documentation**

#### **5.14.1**

Promptly after determining the candidate or candidates who received the largest number of votes in each election, the Returning Officers shall make and sign, in duplicate, a return of the results of each election, indicating the candidate or candidates who were elected and including the total number of votes cast, the number of votes cast for each candidate and the number of ballots not counted as votes with an indication of reasons.

#### **5.14.2**

For each election, the Returning Officers shall retain in one or more containers, which are to be sealed:

- (a) all larger envelopes which do not display the registration number of a Registrant entitled to vote in the election, or which indicate that a Registrant appears to have cast more than one ballot, which shall be kept unopened; and
- (b) all ballots, which shall be kept segregated by those counted as votes and those not.

#### **5.14.3**

One of the returns shall be placed outside the sealed container containing the ballots counted as votes, and the Elections Committee Chair shall submit the other to the Council at its first meeting after the election.

#### **5.14.4**

Promptly after the return of an election has been made and signed, the Registrar shall:

- (a) declare the name of the candidate or candidates elected in that election; and
- (b) inform, first by telephone or facsimile transmission, and subsequently by mail:
  - (i) the President of the results of each election, the number of votes cast for each candidate and of any other election matter about which the President requests information;

- (ii) each candidate on Council of the results of the election and the number of votes cast for each candidate;
- (iii) each non-Council candidate of the results of the election and the number of votes cast for each candidate;
- (iv) each elected candidate of the time and place of the first regular meeting of the Council following the election; and
- (v) each defeated candidate that he or she may request a recount.

**5.14.5** The Registrar shall retain all larger envelopes received after 1400 hours on the election day, which the Registrar shall mark “late”.

**5.14.6** Unless the candidate has requested a recount or otherwise challenged an election or its results within fifteen (15) days of the election, the Elections Committee Chair shall make a motion, at the first regular meeting of Council following the election, that Council have all ballots, envelopes and other material from the election other than declarations and the return submitted, or to be submitted, destroyed by the Registrar.

## **5.15 Recounts**

**5.15.1** A candidate may require a recount by giving a written request to the Registrar no more than fifteen days after the date of the election or recount and paying the fee of \$300.00 to the College seven days prior to the recount. This fee will be refunded if the recount is in the candidate’s favour and she/he becomes elected.

**5.15.2** The Registrar shall hold the recount no more than fifteen days after receiving the request.

**5.15.3** If a candidate requests a recount, the President shall preside over the recount, and shall:

- (a) appoint a time and a place for the recount within 15 days from the receipt of the direction;
- (b) notify all candidates in the election of the fact and date of the recount and that they or their agents are entitled to be present to witness the recount and examine the envelopes, ballots and other documents;
- (c) appoint two different Council members to participate with the President in the recount;
- (d) if the two other Council members cannot agree whether to count a ballot as a vote, make the decision;
- (e) if two candidates receive an equal number of votes, direct the Registrar to cast a deciding vote by lot; and

- (f) declare the candidate who received the most votes to be elected to the Council for the pertinent electoral district.

**5.15.4** If it is the President who requests a recount, another member of Council shall be appointed by the Executive Committee to preside over the recount as outlined in S. 5.15.3.

**5.15.5** The President shall report to the Council at its next regular meeting following any recount, the procedures and results of the recount, and the Council shall:

- (a) declare itself to be satisfied with the results and make a motion that the Registrar destroy all ballots, envelopes and other material from the election other than the declarations and the return; or
- (b) take such action as it considers appropriate in the circumstances pending a final decision in accordance with clause (a) at its next regular meeting thereafter.

## PART 6 ACADEMIC APPOINTMENTS TO COUNCIL

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### **6.01 Academic Appointments**

**6.01.1** One or two person(s), at least one of whom will hold a full-time faculty appointment, shall be selected to sit on the Council as an academic appointment.

**6.01.2** The academic appointment shall be selected in the prescribed manner from members of the faculties of all programs in Ontario approved by the College of Occupational Therapists of Ontario.

**6.01.3** For the purposes of clause 5(1) (c) of the *Act*, a Registrant is eligible for selection for an academic appointment to the Council if, on the date of the election:

- (a) the Registrant has a faculty appointment in an occupational therapy program in Ontario approved by the College of Occupational Therapists of Ontario;
- (b) the Registrant is not in default of payment of any fees prescribed in these Bylaws;
- (c) the Registrant is not the subject of any disciplinary or incapacity proceeding;
- (d) the Registrant's certificate of registration has not been revoked or suspended in the six years preceding the date of the election as a result of professional misconduct, incompetence or incapacity proceeding;

- (e) the Registrant's certificate of registration is not subject to a term, condition or limitation imposed by a panel of the Discipline or Fitness to Practise Committees;
- (f) the Registrant has not been the subject of an Informal Disposition or Resolution with the College in the six years preceding the date of the selection; and
- (g) the Registrant is not a director, officer, or employee of a voluntary organization of occupational therapists.

## **6.02 Term of Office of Academic Appointment**

**6.02.1** The term of office for an academic appointment shall be three years.

**6.02.2** An appointee who has served on Council for more than nine consecutive years is not eligible for re-appointment until at least three years have passed since the member has last served on the Council.

## **6.03 Disqualification of Academic Members**

**6.03.1** The Council shall disqualify a selected academic member from sitting on the Council if the member:

- (a) ceases to have a faculty appointment in an occupational therapy program in Ontario approved by the College of Occupational Therapists of Ontario;
- (b) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
- (c) is found to be an incapacitated member by a panel of the Fitness to Practise Committee;
- (d) is the subject of an Informal Disposition or Resolution with the College;
- (e) is found by a majority of Council members to have seriously or consistently violated the Code of Conduct for Council Members;
- (f) fails, without cause, to attend two consecutive meetings of the Council;
- (g) fails, without cause, to attend three consecutive meetings of a committee of which he or she is a member or two hearings of a panel for which he or she has been selected; or
- (h) becomes a director, officer or employee of a voluntary organization of occupational therapists.

## PART 7 OFFICERS

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### 7.01 Election of Officers

- 7.01.1 The legal counsel for the College of Occupational Therapists of Ontario shall conduct the election of Officers at the first meeting of a new Council.
- 7.01.2 The election of President, Vice-President, Member-at-Large (Finance) and Member-at-Large (Education) shall be by secret ballot.
- 7.01.3 Two scrutineers for the election will be appointed from retiring Council members. Additionally, one College staff member will be assigned to assist with the count.
- 7.01.4 If there are more than two candidates in an election, successive ballots shall be conducted until one candidate receives a majority of the votes cast. The candidate or candidates who receive the fewest votes in a ballot shall be dropped in the next ballot.
- 7.01.5 In the case of a tie, one scrutineer will be directed to cast a deciding vote by lot.
- 7.01.6 At the conclusion of the full election of officers, legal counsel will hand the meeting to the newly elected President.
- 7.01.7 The term of office for the officers shall be one year.
- 7.01.8 The President may be removed from office by a two-thirds vote of the Council and the Council shall elect a new President from its members to hold office for the remainder of the year.
- 7.01.9 In the event an officer resigns, dies, or otherwise ceases to act, the Council shall elect a new officer from among its members to hold office for the remainder of the year.

### 7.02 President

- 7.02.1 The President of the College shall provide leadership for Council to ensure that strategic plans, objectives and policies are developed and implemented in accordance with the mandate of the College. The President is the chief spokesperson for the Council.
- 7.02.2 The duties of the President include:
- (a) convening and chairing all meetings of Council and the Executive Committee;
  - (b) receiving and reviewing all matters directed to the attention of the Council;
  - (c) receiving, reviewing and bring to the attention of the Executive Committee matters related to College governance;
  - (d) conducting evaluation of each Council meeting; in conjunction with Council, leading an annual evaluation of the Council's goals and activities for the purpose of future planning;
  - (e) facilitating communication of issues and concerns raised by statutory committee Chairpersons to the Executive Committee and Council;

- (f) collaborating with the Registrar in:
  - (i) identification of issues for Council consideration;
  - (ii) development of objectives and long-range plans for Council;
  - (iii) establishment of priorities for deliberation by Council and the Executive Committee;
  - (iv) development of a suitable public relations program for the College.
- (g) representing the College at official liaison and public functions including: OSOT, annual CLEAR conference and Federation of Health Regulatory Colleges of Ontario;
- (h) contributing to College publications and annual report;
- (i) annual review of the credit card expenses of the Registrar;
- (j) conducting an annual performance appraisal of the Registrar, following discussion with the Executive Committee;
- (k) representing the Executive Committee in negotiation of the Registrar's contract;

### **7.03**

#### **Vice-President**

#### **7.03.1**

The primary function of the Vice-President is to collaborate with the President on the activities of the Council and College. The Vice-President assumes the responsibilities of the President in his or her absence.

#### **7.03.2**

The duties of the Vice-President include:

- (a) chairing Council and the Executive Committee in the absence of the President;
- (b) receiving, reviewing and bringing to the attention of the Executive Committee matters related to College governance;
- (c) identifying issues of particular concern to the Council members and bringing them to the attention of the President;
- (d) coordination and monitoring of Council evaluation;
- (e) acting as secretary, as specified in the *Corporations Information Act*; and
- (f) representing the College at official liaison functions, as required.

### **7.04**

#### **Appointment of Committee Chairs**

#### **7.04.1**

The Executive Committee shall annually, at their first meeting after the election of officers appoint the statutory committee Chairs for the other statutory committees.

#### **7.04.2**

The terms of office for the statutory committee Chairs is one year.

- 7.04.3 In the event a statutory committee Chair resigns, dies or otherwise ceases to act, the Executive Committee shall appoint a new statutory committee Chair from among Council members to hold office for the remainder of the year.

## PART 8 COUNCIL

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### 8.01 Duties of Council Members

8.01.1 The primary function of Council members is to make decisions in the public interest, balancing this responsibility with an understanding of the occupational therapy profession and the environments in which it is practised. Council members establish the goals and policies of the College in accordance with the relevant legislation.

8.01.2 The duties of Council members include:

- (a) serving on Council and at least one statutory committee to which they are appointed;
- (b) serving on additional committees, task forces, standing committees or advisory groups from time to time;
- (c) reviewing all material sent in advance for Council and committee meetings;
- (d) developing and maintaining a knowledge of College functions and issues facing Council;
- (e) contributing constructively to Council and committee discussions, and understanding and respecting the rules of order as prescribed by Council;
- (f) identifying relevant expertise or contacts as resources;
- (g) acquiring a working knowledge of policies and procedures relating to their specific statutory committee(s);
- (h) communicating with Registrants, stakeholders and other interested parties in a manner consistent with confidentiality requirements and Council policy; and
- (i) identifying issues to be added to the Council or committee agenda in advance of any meeting.

8.01.3

Council members must also:

- (a) demonstrate accountability to the public through decision-making in the public interest;
- (b) abide by the Council code of conduct;
- (c) identify and address conflict of interest situations as set out in the Bylaws, including understanding and identifying cases in which prior knowledge may affect the ability to function on committee;
- (d) recognize and respect confidential information learned in the course of College activities;
- (e) understand the role of staff as resources to committees;
- (f) resolve any concerns with the committee Chairperson, Council President or Vice-President;
- (g) maintain good public relations with membership, the public, health care organizations, educational groups, and government bodies in their regions; and
- (h) attend Council and committee meetings regularly.

**8.02**

**Disqualification of Council Members**

**8.02.1**

The Council shall disqualify an elected member from sitting on the Council if the elected member:

- (a) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
- (b) is found to be an incapacitated member by a panel of the Fitness to Practise Committee;
- (c) is the subject of an Informal Disposition or Resolution with the College;
- (d) is found by a majority of Council members to have seriously or consistently violated the Code of Conduct for Council Members;
- (e) fails, without cause, to attend two consecutive meetings of the Council;

- (f) fails, without cause, to attend three consecutive meetings of a committee of which he or she is a member, or two hearings of a panel for which he or she has been selected;
- (g) ceases to either practise or reside in the electoral district for which the member was elected; or
- (h) becomes a director, officer, or employee of a voluntary organization of occupational therapists.

**8.02.2** An elected member who is disqualified from sitting on the Council ceases to be a member of the Council.

### **8.03** Vacancies on Council

**8.03.1** If the seat of an elected Council member becomes vacant in an electoral district not more than twelve months before the expiry of the member's term of office, the Council may:

- (a) leave the seat vacant;
- (b) appoint as an elected member, the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of the Council members for that electoral district; or
- (c) direct the Registrar to hold an election in accordance with these Bylaws for that electoral district.

**8.03.2** If the seat of an elected Council member becomes vacant in an electoral district more than twelve months before the expiry of the member's term of office, the Council shall direct the Registrar to hold an election in accordance with these Bylaws for that electoral district.

**8.03.3** The term of a member appointed under clause 8.03.1 (b) or elected under an election under clause 8.03.1 (c) or section 8.03.2 shall continue until the time the former Council member's term would have expired.

### **8.04** Employment of Agents

The Council may employ or authorize the Registrar to employ for and on behalf of the College, any agents or employees as the Council thinks fit in connection with the control, management and administration of the College, and in that respect may authorize those persons to assist the Council in exercising the powers of, and carrying out the duties of the College.

**8.04.1** In addition to any other qualification for a position of employment with the College that Council may deem appropriate, it shall be a qualification that the employee not be a member of Council, or if a member of Council, that he or she undertake to resign as a member of Council upon acceptance of any offer of employment from the College.

**8.05** **Appoint Members to Committees**

**8.05.1** Council shall appoint members to the committees.

**8.05.2** Subject to the *Act*, Regulations and Bylaws, the President may attend and participate in meetings of all committees. The President does not have a vote.

**8.06** **Prescribe Forms**

The form of certificate of registration shall be as attached as Schedule “A”.

**8.07** **Minutes**

The Council shall cause minutes to be kept of its proceedings and meetings to form a record of all motions and decisions, which shall be kept at the College office unless the Council otherwise decides.

The written record of the proceedings of a Council meeting when confirmed at a subsequent Council meeting, subject to any corrections made at such subsequent meeting, is conclusive proof of the accuracy of the contents of every such record.

**8.08** **Accounts**

The Council shall cause proper books of account to be kept in respect of all sums of money received and expended by the College which shall, unless the Council otherwise decides, be the responsibility of the Registrar.

**8.09** **Financial Records**

Financial statements for the College shall be prepared promptly at the close of each fiscal year and will be presented, after audit certification, to Council for receipt.

**8.10** **Audit**

The Council shall appoint a licensed public accountant as auditor of the College at least every fifth annual meeting for a term not exceeding five years. The audited report will be available to the public in the College’s annual report.

The audited report will be reviewed by the Executive Committee and received by Council.

**8.11** **Borrowing Funds**

The President or Vice-President, together with the Registrar and such other officer or person as may be authorized by resolution of the Council may:

- (a) borrow money upon the credit of the College;
- (b) issue, sell, or pledge debt obligations of the College, including without limitation bonds, debentures, notes, or similar obligations of the College, whether secured or unsecured;
- (c) charge, mortgage, hypothecate, or pledge all or any currently owned or subsequently acquired real or personal, movable or immovable property of the College, including book debts, rights, powers, franchises and undertakings, to secure any such debt obligations or any money borrowed, or other debt or liability of the College.

### **8.12 Compensation**

Elected members of Council when attending Council or committee meetings or otherwise conducting the business of the Council or any of the committees, shall be paid a stipend at a daily rate and travelling and maintenance expenses necessarily incurred, in accordance with policies approved by Council.

### **8.13 Making, Amending and Revoking Bylaws**

- 8.13.1** A Bylaw may be made, amended or revoked in the same manner as a resolution, except that motions which Council members agree to consider by a two-thirds vote of those in attendance do not apply to the making, amending or revoking of a Bylaw. These Bylaws or any section thereof may be added to, amended, or revoked by a majority vote at any meeting of Council.
- 8.13.2** Every Bylaw and every amendment and revocation thereof shall be numbered according to the order in which it was passed, certified by the President or Vice-President and by the Registrar, sealed and maintained in numerical order.
- 8.13.3** Notice of any proposed addition, amendment, or revocation of a Bylaw shall be provided to Council members two (2) weeks prior to the date of the Council meeting at which these will be considered.
- 8.13.4** The requirement for notice under paragraph 8.13.3 of this section may be waived by unanimous vote of all the members of the Council.
- 8.13.5** A Bylaw made pursuant to the authority of clauses (l.2), (l.3), (s), (t), (v), (w) or (y) of subsection 94(1) the *Health Professions Procedural Code*, as amended by the *Red Tape Reduction Act* (1998), must be circulated to every Registrant at least 60 days before it is approved by Council.

## PART 9 REGISTRAR AND INTERIM REGISTRAR

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### 9.01 Registrar

9.01.1 The Council shall appoint one of its employees as a Registrar.

9.01.2 The Registrar shall:

- (a) be responsible for the daily operations of the College including the management of all resources;
- (b) keep the register in the form required by these Bylaws and the Code;
- (c) carry out such duties as authorized or required by the Code, including the appointment of investigators authorized under s. 75;
- (d) give all notices required to be given to Council members and Registrants;
- (e) be the custodian of the seal of the College and of all books, papers, records, contracts and other documents belonging to the College;
- (f) supervise the nomination and election of Council members and non-Council members as described in these Bylaws;
- (g) represent the College and its positions to stakeholders;
- (h) provide leadership to Council and staff, related to College operations, Council directives and emerging issues in the practice and regulation of occupational therapy provincially, nationally and internationally; and
- (i) perform such other duties as may be determined from time to time, by Council.

### 9.02 Interim Registrar

The Council may appoint an interim Registrar to exercise the powers and to perform the duties, powers and functions of the Registrar when the Registrar is absent or unable to act or when there is a vacancy in the office of the Registrar.

## PART 10 MEETINGS OF THE COLLEGE

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### 10.01 Annual General Meeting

- 10.01.1** The College shall hold an annual meeting which shall be called by the President between August and November each year, unless otherwise determined by the Executive Committee and ratified by the majority of Council members.
- 10.01.2** The annual meeting shall take place in Ontario at a place, date and time designated by the President or the majority of Council members.
- 10.01.3** At every annual meeting in addition to any other business that may be transacted, the agenda shall include:
- (a) presentation to the Council of the reports of the committees established by the *Act*;
  - (b) the presentation of the financial statement;
  - (c) the presentation of the report of the auditor;
  - (d) not less than every five years, the recommendations from the Executive Committee for the appointment of auditors for a term not exceeding five fiscal years.

## PART 11 MEETINGS OF COUNCIL

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### 11.01 Regular Meetings

- 11.01.1** A regular meeting of Council shall be called by the President.
- 11.01.2** A regular Council meeting may only consider or transact:

- (a) matters brought by the Executive Committee;
- (b) recommendations in reports by committees;
- (c) routine and procedural matters in accordance with the rules of order.

### 11.02 Special Meetings

- 11.02.1** A special meeting of Council may be called by the President or the majority of Council members, who submit to the Registrar a written request for the meeting containing the matter or matters for decision at the meeting.
- 11.02.2** A *Notice of Special Meeting* shall state the business for which the meeting is called and contain sufficient information to permit the Council member to form a

reasoned judgement on the decision to be taken. No subject shall be considered at the meeting unless specifically mentioned in the notice.

**11.03 Convening of Meetings**

The President may at any time, or the Vice-President shall at the request of any four (4) members of Council, convene a meeting of the Council.

**11.04 Notice of Meeting**

**11.04.1** A *Notice of an Annual Meeting* shall be given in writing to all Council members at least fourteen (14) days prior to the scheduled date and, where possible, sent by mail, facsimile or similar method.

**11.04.2** A *Notice of a Regular Meeting* shall be given in writing to all Council members at least seven (7) days prior to the proposed date and, where possible, sent by mail, facsimile or similar method.

**11.04.3** A *Notice of a Special Meeting* shall be given in writing to all Council members at least fourteen (14) days prior to the proposed date, and where possible, sent by mail, facsimile or similar method.

**11.04.4** Where notice is given by mail the post mark shall constitute the date of notice.

**11.04.5** No regular or special meeting shall be made void because of an inadvertent or accidental error or omission in giving notice. Any Council members may waive notice of a meeting and ratify, approve and confirm any proceedings taken at the meeting.

**11.05 Parliamentary Procedure**

All meetings of the College shall be conducted in accordance with the most current edition of *Robert's Rules of Order* except to the extent that such rules are inconsistent with the *Act*, *Code*, or *Bylaws* of the College, in which case the *Act*, *Code* or *Bylaws*, as the case may be, shall govern.

**11.06 Chairperson**

The President of the Council and in the President's absence the Vice-President of the Council shall act as Chairperson of the meeting of the Council. In the absence of both the President and the Vice-President, a Chairperson shall be elected at the commencement of the meeting.

**11.07 Majority Vote**

Matters considered at any meeting of the Council shall be decided by a majority vote cast upon each matter by the members present at Council. Voting by proxy is not permitted at meetings of Directors.

**11.08 Tie Vote**

In cases of an equality of votes, the Chairperson shall have a deciding vote to break the tie.

### 11.09 **Written Resolutions**

A resolution in writing, signed by all persons entitled to vote on that resolution at a meeting of the Council or a committee of the College, is as valid as if it had been voted on at a meeting except where the *Act* requires a meeting or a hearing.

### 11.10 **Adjournment**

Any meeting of the Council may be adjourned at any time in order to later complete the business of that adjourned meeting.

### 11.11 **Electronic Communication**

Meetings of Council may be held in any manner that allows all persons participating to communicate with each other simultaneously and instantaneously.

## **PART 12 NON-COUNCIL MEMBERS OF COMMITTEES**

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### 12.01 **Non-Council Members of Committees**

12.01.1 In this Part, “non-Council member” means a Registrant of the College who is not a member of the Council.

12.01.2 A non-Council member is eligible for appointment to a committee of the College or, subject to Bylaw 12.03.2, is eligible for re-appointment to a committee of the College if, on the date of the appointment or re-appointment:

- (a) the Registrant practises occupational therapy in Ontario or resides in Ontario;
- (b) the Registrant is not in default of payment of any prescribed fees;
- (c) the Registrant is not the subject of any disciplinary or incapacity proceeding;
- (d) the Registrant’s certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment as a result of a professional misconduct, incompetence or incapacity proceeding;
- (e) the Registrant has not been the subject of an informal disposition or resolution with the College in the six years preceding the date of the appointment;
- (f) the Registrant’s certificate of registration is not subject to a term, condition or limitation imposed by the Registrar at the direction of a panel of the Discipline Committee or Fitness to Practise Committee; and
- (g) the Registrant is not a director, officer or employee of a voluntary organization of occupational therapists.

## **12.02 Selection of Non-Council Members**

- 12.02.1** A general call for individuals interested in appointments to committees will appear in each College newsletter. Specific requests will be added when required.
- 12.02.2** Each applicant must submit a current curriculum vitae and a letter indicating her/his areas of interest.
- 12.02.3** The Registrar will review applications in accordance with Bylaw 12 and/or applicable College policy. Applicants will be notified whether or not her/his application was confirmed.
- 12.02.4** All eligible applications will be kept on file for one year after which the candidate will be asked to reestablish her/his interest and update her/his application.
- 12.02.5** When vacancies arise or new committees are established, the Registrar will review the applications file, confirm the applicant's continued availability and interest, and provide the respective Chair with potential candidates.

## **12.03 Terms of Office of Non-Council Members**

- 12.03.1** The term of office of a member of a committee of the College who is a non-Council member is three years from the date of appointment or re-appointment to the committee.
- 12.03.2** No non-Council member may be a member of the same committee of the College for more than six consecutive years.

## **12.04 Disqualification of Non-Council Members**

- 12.04.1** The Council shall disqualify a non-Council member appointed to a committee of the College from sitting on the committee if the member:
- (a) neither practises occupational therapy in Ontario nor resides in Ontario;
  - (b) is found by a panel of the Discipline Committee to have committed an act of professional misconduct or to be incompetent;
  - (c) is found by a panel of the Fitness to Practise Committee to be an incapacitated member;
  - (d) is the subject of an Informal Disposition or Resolution of the College;
  - (e) fails, without cause, to attend three consecutive meetings of the committee or one of its subcommittees of which she or he is a member;
  - (f) is selected to sit on a panel of the committee and fails, without cause, to attend a hearing or proceeding of the panel;
  - (g) becomes a director, officer or employee of a voluntary organization of occupational therapists; or
  - (h) ceases to be a Registrant.

- 12.04.2** A non-Council member who is disqualified under s. 12.04.1 from sitting on a committee of the College, ceases to be a member of the committee, and the Council shall appoint a successor as soon after the disqualification as feasible.
- 12.04.3** The term of office of a person who is appointed as a successor under s. 12.04.2 expires when the term of office of the person being replaced would have expired.

## **PART 13 STATUTORY COMMITTEES & STANDING COMMITTEES**

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### **13.01 Executive Committee**

- 13.01.1** The Executive Committee shall be composed of:
- (a) the President, the Vice- President, the Member-at-Large (Finance) and the Member-at-Large (Education);
  - (b) the Executive Committee includes two professional members of the Council and two public members appointed to the Council by the Lieutenant Governor in Council.
- 13.01.2** The President of the Council shall be the Chair of the Executive Committee.
- 13.01.3** The Executive Committee is responsible for enhancing the effectiveness of Council by:
- (a) conducting business between meetings, on behalf of Council with the exception of making, amending or revoking a regulation or By-law;
  - (b) assisting in the development of Council agendas to reflect Council priorities;
  - (c) confirming background material to be presented by the Committee at each meeting to inform Council decision-making;
  - (d) recommending which, if any, agenda items to be closed to observers;
  - (e) serving as a Governance Committee of Council to make recommendations to Council with respect to:
    - (i) the structure and functioning of Council;
    - (ii) the role and function of statutory committees;
    - (iii) composition of committees;
    - (iv) the appointment process for Committee Chairs;
    - (v) the College's governance structure and governance policies; and
    - (vi) an annual Council evaluation process.

- (f) Monitoring the finances of the College, including:
  - (i) monitoring the College’s financial status;
  - (ii) reviewing the annual operating and capital budgets;
  - (iii) approving the audited statement;
  - (iv) annually reviewing the College investment plan;
  - (v) reviewing terms of office lease agreements as required;
  - (vi) assisting in the development of a policy framework related to compensation & salary administration; and
  - (vii) monitoring the compliance with financial policies.
- (g) providing oversight to the strategic planning process for the College;
- (h) conducting an annual performance review of the Registrar, including contract (re)-negotiation;
- (i) providing development opportunities and learning activities for council members;
- (j) conducting special projects as designated by the Council;
- (k) assigning of Executive members to subcommittees of the committee; and
- (l) assigning of a public member of the Committee to liaise with the Public Appointment Secretariat.

**13.01.4** Executive shall report to the Council at each Council meeting. All recommendations and decisions are to be reported and/or approved by the Council.

**13.02 Registration Committee**

**13.02.1** The Registration Committee shall be composed of:

- (a) two members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one College Registrant who is not a member of the Council.

**13.03 Inquiries, Complaints and Reports Committee**

**13.03.1** The Inquiries, Complaints and Reports Committee shall be composed of:

- (a) two members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council;
- (c) two College Registrants who are not members of the Council; and

- (d) it is recommended that one professional member have current experience in the mental health field.

### **13.04 Discipline Committee**

**13.04.1** The Discipline Committee shall be composed of:

- (a) three members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two or three College Registrants who are not members of the Council.

### **13.05 Fitness to Practise Committee**

**13.05.1** The Fitness to Practise Committee shall be composed of,

- (a) two members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one or two College Registrants who are not members of the Council.

### **13.05A.1 Hearing Core Group**

Council may establish a Hearings Core Group of members of the Discipline Committee and Fitness to Practise Committees who may do the following:

- (a) oversee administrative rules of procedure for the Discipline and Fitness to Practise Committees (Hearings Committees) and ensure that they are current and publicly available;
- (b) are available for frequent selection for hearing panels by the chair of the respective Hearings Committees.

### **13.06 Quality Assurance Committee**

**13.06.1** The Quality Assurance Committee shall be composed of:

- (a) two members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) two College Registrants who are not members of the Council.

### **13.07 Patient Relations Committee**

**13.07.1** The Patient Relations Committee shall be composed of:

- (a) two members of the Council who are members of the College;
- (b) two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- (c) one College Registrant who is not a member of the Council.

### **13.08 Vacancies on Statutory Committees**

**13.08.1** Where a vacancy arises in a statutory committee of Council, the committee Chair will review the applications with committee members. The committee will select an applicant(s) of choice and provide a recommendation to Council for approval at the next Council meeting.

**13.08.2** Where one or more vacancies occur in the membership of a statutory committee, the committee members remaining in office constitute the committee so long as their number is not fewer than the quorum prescribed by the *Act*.

### **13.09 Quorum**

**13.09.1** Where the *Act* does not prescribe a quorum, the quorum of a statutory committee is a simple majority.

### **13.10 Standing Committees**

**13.10.1** There are hereby established the following standing committees, in addition to those statutory committees required by the *Regulated Health Professions Act*:

- (a) Elections Committee;
- (b) Nominations Committee.

### **13.11 Elections Committee**

The Elections Committee shall include at least two (2) retiring Council members or Council members who are not candidates in the coming election.

### **13.12 Nominations Committee**

**13.12.1** The Nominations Committee shall include at least two (2) retiring Council members, or, if fewer than two members are retiring, then the Nominations Committee shall include one or two members who do not intend to stand for election as an officer or statutory committee Chair.

**13.12.2** If fewer than two members are retiring, then the Nominations Committee shall include one or two members who do not intend to stand for election as an officer or a statutory committee Chair.

### **13.13 Vacancies on Standing Committees**

- 13.13.1** Where a vacancy arises or a new standing committee, working group or task force is created, the standing committee Chair, or, in the case of working groups or task forces, the statutory committee Chair will review the applications with committee members. The committee will select an applicant(s) of choice and provide a recommendation to the Executive Committee for their approval at their next meeting.
- 13.13.2** Where one or more vacancies occur in the membership of a standing committee, the committee members remaining in office constitute the committee so long as their number is not fewer than the prescribed quorum.

## **PART 14 PROVISIONS APPLICABLE TO ALL COMMITTEES**

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### **14.01 Committee Procedures**

- 14.01.1** Unless otherwise prescribed in these Bylaws, the Council shall appoint a Chairperson for each committee.
- 14.01.2** The Executive Committee may and, if necessary for a committee to achieve its quorum shall, appoint members of the Council to fill any vacancies which occur in the membership of a committee.
- 14.01.3** Every appointment to a committee with the exception of non-Council committee appointments automatically expires at the meeting held in conjunction with the annual election of officers and statutory committee Chairs of Council.
- 14.01.4** Each committee shall meet from time to time at the direction of the Council or the Executive Committee or at the call of the Chair at a place in Ontario, date and time designated by the Chair.
- 14.01.5** No formal notice is required for a meeting of the committee but the Chair of the committee or delegate shall notify members at least two (2) weeks in advance of the meeting date and time, unless all members waive notice.
- 14.01.6** Unless the *Act* provides otherwise, a majority of members of a committee constitutes a quorum.
- 14.01.7** In cases of an equality of votes, the Chair shall have a deciding vote to break the tie vote except at hearings.
- 14.01.8** The Chair or her/his appointee for the purpose shall preside over meetings of the committee.
- 14.01.9** The terms of reference for committees must be approved by the Council and such terms of reference shall include the following:
- (a) the overall purpose of the committee;
  - (b) the responsibilities of the committee;
  - (c) the relationship (if any) to other committees, including reporting structure;

- (d) the composition of the committee;
- (e) the frequency of meetings; or
- (f) any other matters that Council deems appropriate.

- 14.01.10** The presiding officer shall record the proceedings of every committee meeting, or cause them to be recorded, and the written record of every committee meeting when confirmed at a subsequent committee meeting, subject to any corrections made at such subsequent meeting, is conclusive proof of the accuracy of the contents of every such record.
- 14.01.11** The written record of every committee meeting shall be deposited with the Registrar promptly after it has been signed by the presiding and recording officers.
- 14.01.12** An annual report will be submitted, in writing, by each statutory and standing committee to Council in October of each year.
- 14.01.13** When required by the Registrar, each committee Chair will submit an accounting of anticipated committee expenditures and revenues for the upcoming fiscal year.

## **PART 15 ELECTRONIC COMMUNICATION**

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Meetings of any committee or of panels that are held for a purpose other than conducting a hearing may be held in any manner that allows all persons participating to communicate with each other simultaneously and instantaneously.

## **PART 16 CONFLICT OF INTEREST**

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### **16.01 Conflict of Interest - General**

- 16.01.1** Every member of Council shall act in the best interests of the public receiving occupational therapy services in Ontario, and no member by reason of her/his appointment shall conduct herself/himself as a representative of any professional, socioeconomic, cultural or geographic group or other constituency. It is expected that all members of Council will speak with a united voice after a decision has been made or a policy has been set.
- 16.01.2** For the purposes of these Bylaws and all matters of Council conduct, a conflict of interest is defined to include real, apparent and potential conflicts.
- 16.01.3** Real, apparent, and potential conflicts exist where a private or personal interest may be sufficient to influence the objective discharge of a person's official duties.

## BYLAWS

- 16.01.4** A real conflict exists when (1) the member has a private interest, (2) the member knows of the private interest, and (3) there is sufficient connection between the private interest and the member's public responsibilities to influence the performance of them.
- 16.01.5** An apparent conflict exists when there is a reasonable apprehension, which reasonably well-informed persons could properly have, that a conflict of interest exists.
- 16.01.6** A potential conflict exists as soon as a real conflict is foreseeable.
- 16.01.7** Financial conflicts include:
- (a) interests in contracts which the College is considering entering into; and
  - (b) accepting benefits where the individual is exchanging the benefit for the individual's promise to influence College decision making.
- 16.01.8** The misuse of information is considered a conflict where information acquired in the course of performing College duties, is used for personal gain or for the personal gain or for the benefit of someone else.
- 16.01.9** Bias is a legal concept applied to members of all College-appointed panels. Panel members would usually be considered to have an appearance of bias where:
- (a) she/he had a prior involvement in the events giving rise to the College proceedings;
  - (b) she/he holds a personal interest in the outcome of the proceedings;
  - (c) she/he has taken a firm public stand on the issue before the proceedings; or
  - (d) she/he has a family relationship or employer/employee relationship with the individual involved in the proceedings.
- 16.01.10** Situations of perceived bias may arise during the selection of panel members. When considering declaring a conflict of interest it is important to balance perceived bias with the committee's viability to carry out its legislated functions.
- 16.01.11** Any member of Council or any non-Council member who recognizes that they are in a conflict of interest situation as defined herein will declare a conflict in the following manner:
- (a) If the conflict relates to the member's overall role, the member will notify the President as soon as possible.

- (b) If the conflict relates to the member's role in the matter of a specific item on the Council agenda, the member will notify the President prior to the meeting(s) at which the item will be discussed.
- (c) If the conflict relates to the member's role on a statutory committee, the member will notify the Chair of the committee, prior to any meeting or hearing related to the matter.

**16.01.12** The disposition of a conflict as reported above, will be done in the following manner:

- (a) If the conflict affects the member's overall role:
  - (i) the President will cause an investigation of the alleged conflict to be had through the Executive Committee; Council will be informed;
  - (ii) the Executive Committee's findings will be presented to Council for resolution;
  - (iii) the decision of Council will be considered final.
- (b) If a conflict relates to a member's role pertaining to an item on the Council agenda, the member will declare the conflict and provide a brief explanation to Council, and leave the meeting room for its discussion.
- (c) If the conflict relates to a member's role pertaining to a statutory committee, the Chair will appoint another member to the panel, if required.

**16.01.13** Any member who believes that another member has a conflict which has apparently not been declared, will, if possible, discuss the matter with the member. If the matter is not resolved to the satisfaction of the member who perceives the conflict, she/he will discuss it with the President.

- (a) The President will cause an investigation of the alleged conflict to be had through the Executive Committee; Council will be informed.
- (b) The Executive Committee's findings will be presented to Council for resolution.
- (c) The decision of Council will be considered final.

**16.01.14** Where the Council decides to disqualify an elected member based on the findings of an investigation related to conflict of interest, the President will request her/his resignation.

## BYLAWS

**16.01.15** Where the Council decides to disqualify an appointed member based on the findings of an investigation related to conflict of interest, the President will request the resignation of the member through the Minister of Health.

### **16.02** Conflict of Interest from an Involvement in a College Process

**16.02.1** A member of the Council or committee also has a conflict of interest where she/he is the subject of a complaint, investigation or inquiry which has been referred to the Discipline committee or to a Board of Inquiry.

**16.02.2** Where a member of the Council or a committee has a conflict of interest described in s. 16.02.1, she/he shall automatically and immediately cease all activity at or on behalf of the Council, a committee or the College itself until the matter has been concluded. Where there is no finding against the member, they will return to all activity.

**16.02.3** Where a member of the Council or a committee is required to cease an activity under s. 16.02.2, the College shall proceed expeditiously to facilitate the conclusion of the process.

**16.02.4** Nothing in this section prevents the use of other remedies for a conflict of interest by a member of the Council or a committee including disqualification from the Council or committee under these Bylaws.

## **PART 17 PUBLIC REGISTER**

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### **17.01** Public Register

**17.01.1** In addition to the information set out in section 23 of the *Code*, the following information about each Registrant shall be included in the public register:

- (a) a Registrant's full name as used in their location(s) of practise;
- (b) any changes in the Registrant's name since the beginning of her/his occupational therapy education;
- (c) the Registrant's registration number;
- (d) the class of certificate of registration held by the Registrant and the date on which the certificate was first issued;
- (e) the date and reason if a Registrant ceases to be registered;

- (f) all business addresses including postal code and business telephone numbers;
- (g) information from the Registrant's employer profile, except employment status category and hours;
- (h) languages spoken by the Registrant;
- (i) if an allegation of professional misconduct or incompetence against the Registrant has been referred to the Discipline Committee and not yet decided,
  - (i) a summary of the allegation,
  - (ii) an indication that the allegation has been referred to the Discipline Committee, and
  - (iii) the anticipated date of the hearing, if the date has been set;
- (j) if an allegation of incapacity against the Registrant has been referred to the Fitness to Practise Committee and not yet decided, an indication of the referral, and the date of referral;
- (k) if a finding of professional misconduct or incompetence or similar finding has been made in or outside Ontario by another regulatory body in respect of the Registrant and the finding has not been reversed on appeal or judicial review,
  - (i) that fact,
  - (ii) a summary of the order made,
  - (iii) where the finding is under appeal, a notation to that effect;
- (l) if a finding of incapacity or a similar finding has been made in or outside Ontario by another regulatory body in respect of the Registrant and the finding has not been reversed on appeal or judicial review,
  - (i) that fact,
  - (ii) a summary of the order made by the panel hearing the matter, and
  - (iii) where the finding is under appeal, a notation to that effect;

- (m) in addition to the name of every OT health corporation of which the Registrant is a shareholder, the business address, business telephone number, business electronic mail address, if there is one, and any operating names of the health profession corporation;
- (n) any information agreed to be placed on the public register by the College and the Registrant.

**17.01.2** The Registrar may give a direction under subsection 23 (2) of the *Code* before or after the initial entry of the Registrant's name in the register.

### **17.02** Providing Information to the Public

**17.02.1** The Registrar shall give any information contained in the register which is designated as public to any person in printed, oral or electronic form unless the information is subject to non-disclosure under either subsection 23(2) of the *Code*, or section 17.04.

### **17.03** Fees

**17.03.1** The Registrar may set and charge a fee for obtaining such information.

### **17.04** Non-Disclosure

**17.04.1** The Registrar may refuse to disclose information that is available to the public under these Bylaws if the Registrar has reasonable grounds to believe that disclosure may jeopardize the safety of an individual or the information is subject to a publication ban.

## **PART 18 INFORMATION TO BE PROVIDED BY REGISTRANTS**

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### **18.01** Information to Be Provided by Registrants

If requested, a Registrant shall promptly provide the College with the information required to be kept on the register and the following information in the manner determined by the Registrar:

- (a) name(s), including previous name(s) and name(s) used professionally;
- (b) home address including postal code;
- (c) home telephone number;
- (d) home facsimile number (optional);
- (e) electronic mail address;

- (f) birth date;
- (g) information regarding legal authorization to work in Canada;
- (h) gender;
- (i) languages spoken;
- (j) professional examinations written or intending to write;
- (k) educational designations received;
- (l) currency hours;
- (m) the address and telephone number of each place of practice of the Registrant;
- (n) business facsimile number(s);
- (o) employment status;
- (p) employment profile information;
- (q) information required for provincial and federal or College health human resource planning;
- (r) information on language fluency if any language other than the language with which they met the fluency requirement at initial registration is or could be used by the Registrant in their location(s) of practice;
- (s) information regarding her/his registration with and conduct reviewed by other occupational therapy regulatory bodies;
- (t) information regarding registration with and conduct reviewed by other regulated professional bodies;
- (u) information about any finding by a court that the member is guilty of any of the following:
  - (i) an offence under the *Criminal Code of Canada*;
  - (ii) an offence related to prescribing, compounding, dispensing, selling or administering drugs;

## BYLAWS

- (iii) an offence that occurred while the member was practicing or that was related to the practice of the member (other than a municipal bylaw infraction or an offense under the *Highway Traffic Act*);
  - (iv) an offence in which the member was impaired or intoxicated; or
  - (v) any other offense relevant to the member's suitability to practice the profession.
- (v) documentation of participation in a professional liability insurance policy acceptable to the College;
  - (w) information regarding the Registrant's participation in the College's Quality Assurance Program.

**18.01.2** A Registrant shall inform the College in writing of a change in the Registrant's name, home address, business address or business phone number or of a change of employer, employment status or employment profile information, within thirty (30) days of the change occurring.

**18.01.3** A Registrant shall inform the College of any change in information regarding legal authorization to work in Canada, within 30 days of the change occurring.

## PART 19 FEES

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### **19.01** Application Fee

**19.01.1** There shall be a non-refundable application fee of \$200.00 plus applicable taxes. No further application fee will be required if the applicant reapplies to the College or pursues further evaluation from the College within one year of payment of the application fee in question.

**19.01.2** Despite Bylaw 19.01, the reinstatement fee for an applicant who previously resigned his or her general practicing certificate of registration with the College and whose application does not involve a referral to the Registration Committee is \$40 plus applicable taxes.

### **19.02** Academic Equivalency Review Fee

An applicant for registration whose academic credentials must be assessed in order to determine equivalency with College requirements shall pay an academic equivalency review fee of \$150.00 plus applicable taxes in addition to the application fee.

### **19.03**

#### **Registration Fee**

#### **19.03.1**

The registration fee is an amount equal to the annual fee.

#### **19.03.2**

The College registration year is from June 1 to May 31. Registration fees are pro-rated on a quarterly basis for new Registrants. Pro-rated fees for registration between the following dates are as follows:

- (a) between June and August 31, \$657.55 plus applicable taxes;
- (b) between September 1 and November 30, \$493.17 plus applicable taxes;
- (c) between December 1 and February 28, \$328.78 plus applicable taxes;
- (d) between March 1 and May 31, \$164.39 plus applicable taxes.

#### **19.03.3**

The Registrar shall rebate a Registrant who resigns between June 1 and August 31, \$328.78 plus applicable taxes.

### **19.04**

#### **Annual Fee**

#### **19.04.1**

Every Registrant shall pay an annual fee in accordance with this section for each registration year.

#### **19.04.2**

A registration year begins on June 1 in one year and ends on May 31 in the following year.

#### **19.04.3**

The annual fee for a registration year must be paid on or before June 1 in the registration year.

#### **19.04.4**

The annual fee payable by a Registrant for a registration year is:

- (a) \$657.55 plus applicable taxes for a Registrant holding a general practising certificate or a provisional practising certificate; and
- (b) \$65.76 plus applicable taxes for a Registrant holding a temporary certificate.

#### **19.04.5**

A Registrant shall not pay an annual fee for the registration year in which the Registrant is issued a certificate of registration and has paid the registration fee.

#### **19.04.6**

On or before April 1 of any registration year, the Registrar shall notify each Registrant of the amount of their annual fee and of the fact that it is due on June 1.

#### **19.04.7**

If a person is first issued a certificate of registration between April 1 and June 1 of any registration year, the Registrar shall make reasonable efforts to notify the Registrant as soon as possible of the amount of her/his annual fee and of the fact that it is due on June 1.

#### **19.04.8**

The Registrar shall rebate a Registrant holding a general practicing certificate or a provisional practicing certificate who resigns between June 1 and August 31, \$328.78 plus applicable taxes.

### **19.05 Late Fee**

A Registrant who fails to pay an annual fee on or before the day on which it is due shall pay a penalty of \$100.00 plus applicable taxes, in addition to the annual fee.

### **19.06 Fee for Returned Cheques**

**19.06.1** The fee for the first cheque submitted to the College and returned as non-cashable is \$25.00 plus applicable taxes.

**19.06.2** Where a cheque has been returned, re-payment of the amount due, as well as the fee outlined in s. 19.06.1, shall be paid by money order or certified cheque.

**19.06.3** When a returned cheque is tendered in relation to the annual fee and it is not remedied by the deadline for the payment of the annual fee, then in addition to the fee for returned cheques, the late fee is applicable.

### **19.07 Fee for Replacement Documents**

**19.07.1** The fee for replacement tax receipt is \$10.00 plus applicable taxes.

**19.07.2** The fee for a replacement wallet card is \$10.00 plus applicable taxes.

**19.07.3** The fee for a replacement certificate of registration is \$25.00 plus applicable taxes.

### **19.08 Registrar's Fees**

**19.08.1** A person who requests the Registrar to do anything that the Registrar is required or authorized to do by statute, regulation or Bylaw shall pay,

- (a) if a fee is specified, the specified fee; or
- (b) if no fee is specified and if the Registrar has set a fee, the fee set by the Registrar.

### **19.09 Fees for Letters, Confirmations of Certified Documents**

**19.09.1** The fee for follow-up letters to a Registrant who has not complied with a request to which the Registrant must comply, such as a request to make available the Registrant's self-evaluation report to the Quality Assurance Committee or to provide a completed annual registration form is \$25.00 plus applicable taxes per letter.

**19.09.2** The fee for confirming documents or information for the purposes of administering the Mutual Recognition Agreement, including a certified copy of proof of graduation, transcripts of studies, examination results, registration status or standing with the College, is \$40.00 plus applicable taxes per request. A request can include confirmation of multiple items of information.

### **19.10 Fees for Professional Corporations**

**19.10.1** The fee for the issuance of a certificate of authorization, including any reinstatement of a certificate of authorization, for a professional corporation is \$500.00 plus applicable taxes.

- 19.10.2** The fee for the annual renewal of a certificate of authorization is \$250.00 plus applicable taxes.
- 19.10.3** A professional corporation of a Registrant listed in the College's records as a share holder of a professional corporation shall pay an administrative fee of \$25.00 plus applicable taxes for each notice sent by the Registrar to the corporation or Registrant for failure of the corporation to renew its certificate of authorization on time. The fee is due within 30 days of the notice being sent.
- 19.10.4** The fee for issuing a document or certificate respecting a professional corporation is \$25.00 plus applicable taxes.

## **PART 20 PROFESSIONAL LIABILITY INSURANCE**

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### **20.01 Professional Liability Insurance**

A Registrant must have professional liability insurance coverage and provide proof of such coverage to the Registrar, in the manner required by the Registrar, which meets the following requirements:

- (a) a liability limit of at least \$5 million per incident;
- (b) a minimum coverage of \$5 million for the annual policy period;
- (c) no deductible to the coverage;
- (d) at least one year of extension of the coverage for claims made when on an extended leave or after retirement or otherwise ceasing practice;
- (e) no additional terms, conditions or exclusion, other than those standard to the insurance industry.

### **20.02 Sexual Abuse Therapy and Counselling Fund Endorsement**

The professional coverage must include proof of a sexual abuse therapy and counselling fund endorsement that,

- (a) provides coverage for therapy and counselling for every person eligible for funding under subsection 85.7(4) of the Code; and
- (b) provides coverage, in respect of each such eligible person, for the maximum amount of funding that may be provided for the person under the *Regulated Health Professions Act, 1991*, for therapy and counselling as a result of sexual abuse by the Registrant.

## PART 21 THERAPY AND COUNSELLING FOR SEXUAL ABUSE

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### 21.01 Therapy and Counselling for Sexual Abuse

**21.01.1** A person receiving funding for sexual abuse counselling or therapy from a therapist or counsellor who is a Registrant of a regulated profession must sign a document:

- (a) indicating that she/he is aware of the therapist's or counsellor's training and experience;
- (b) confirming that the therapy or counselling is being provided;
- (c) confirming that the funds received are being used only for therapy or counselling.

**21.01.2** A person receiving funding for sexual abuse counselling or therapy from a therapist or counsellor who is not a Registrant of a regulated profession must sign a document:

- (a) indicating that she/he understands that the therapist or counsellor is not subject to professional discipline;
- (b) indicating that she/he is aware of the therapist's or counsellor's training and experience;
- (c) confirming that therapy or counselling is being provided; and
- (d) confirming that the funds received are being used only for therapy or counselling.

**21.01.3** The therapist or counsellor providing therapy to an individual who is eligible for funding must sign a document:

- (a) indicating that she/he has not at any time or in any jurisdiction been found guilty of professional misconduct of a sexual nature or been found civilly or criminally liable for an act of a similar nature;
- (b) detailing his or her training and experience;
- (c) confirming that the therapy or counselling is being provided; and
- (d) confirming that the funds received are being used only for therapy or counselling.

## PART 22 CODE OF ETHICS

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The *Code of Ethics* of the College is attached as Schedule “B” and forms part of these Bylaws.

## PART 23 AFFILIATIONS

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### 23.01 Federation of Health Regulatory Colleges of Ontario

The College shall maintain membership in the Federation of Health Regulatory Colleges of Ontario and actively participate in Federation activities as appropriate.

### 23.02 Association of Canadian Occupational Therapy Regulatory Organizations

The College shall maintain membership in the Association of Canadian Occupational Therapy Regulatory Organizations and actively participate in Association activities as appropriate.

### 23.03 Other Organizations

The College may maintain membership in additional organizations consistent with its objects as may seem appropriate to the Council from time to time.

## PART 24 MISCELLANEOUS PROVISIONS

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### 24.01 Severable

The provisions of these Bylaws hereof shall be deemed independent and severable and the invalidity in whole or in any part of these Bylaws does not affect the validity of the remainder of these Bylaws which shall continue in full force and effect as if such invalid portion had never been included herein.

SCHEDULE "A" CERTIFICATE OF REGISTRATION

College of  
Occupational Therapists  
of Ontario

Certificate of Registration

This is to certify that

\_\_\_\_\_ has complied with the necessary requirements and has met the qualifications of an Occupational Therapist as set out in the Regulated Health Professions Act, the Occupational Therapy Act, and related regulations. This certificate entitles the holder to use the professional designation "OT Reg." and is subject to terms, conditions and regulations.

Date \_\_\_\_\_

\_\_\_\_\_ Resident

Registration No. \_\_\_\_\_

\_\_\_\_\_ Registrar

Current year seal valid for registration.  
This certificate is the property of the College and can be revoked for acts of non-compliance.



## SCHEDULE “B” CODE OF ETHICS

A Code of Ethics outlines a set of values and principles. This *Code of Ethics* provides Registrants with information about the College of Occupational Therapists of Ontario’s (the College’s) expectations for ethical practice.

The Code of Ethics is intended for use in all contexts and domains of occupational therapy practice, and in all levels of decision making. It outlines the values occupational therapists promote as members of a self-regulating profession and it can be used to help clients, colleagues and members of the public understand our ethical commitments. As a critical component of the College’s Complaints, Discipline and Quality Assurance Programs, the Code of Ethics provides information that is crucial to all Registrants.

Ethical practice defines what is *good* – which means, what is *right*. The College expects all practitioners to commit to good practice. This commitment requires occupational therapists to consciously consider what is right in furthering the interests of our clients and what is right in protecting the public interest.

The *Code of Ethics—Commitment to Good Practice* forms the foundation for occupational therapists’ ethical obligations. It is the framework for the professional and personal conduct expectations outlined in the laws, regulations, College standards and guidelines that govern the practice of occupational therapy. The Code of Ethics articulates the fundamental reference points that guide ethical practice and to which the profession aspires.

### Fundamental Values of Occupational Therapists

Values are the ethical building blocks of human behaviour and interaction. They are at the heart of all our everyday exchanges, and shape how we relate to and perceive others.

Occupational therapists are in a position of duty and authority. They have a duty to the individuals who rely on their knowledge, skill and judgment. Occupational therapists are in a position of authority because they have access to personal and sensitive information, and provide services to people who are vulnerable. Consequently, they have a professional responsibility to uphold the College’s fundamental values.

While practice can take many forms and take place in a variety of contexts, occupational therapists must always aim for the same common goal – to enable clients to engage in meaningful ways with their world.

### Core Values

Occupational therapists are guided by two fundamental values: **RESPECT** and **TRUST**. These core values are as important as the laws, regulations, and College standards and guidelines under which occupational therapists are governed.

Our values relate to the obligations occupational therapists have as self-regulated professionals in whom the public places its respect and trust. The values of respect and trust give rise to the *principles of practice* that underpin occupational therapy practice.

## BYLAWS

### Respect

An occupational therapist promotes **respect** by applying the principles of:

#### Client-centred practice

- Determine what has meaning and purpose for the client;
- Recognize that clients are diverse and that each client is an individual;

#### Respect for Autonomy

- Recognize each client's right to make choices for him or herself;
- Honour the dignity and worth of each individual;

#### Collaboration and Communication

- Practise as a team member with clients and other professionals.

### Trust

An occupational therapist promotes **trust** by applying the principles of:

#### Honesty

- Truthfulness is a cornerstone of trust;

#### Fairness

- Practise justice and equity in dealings with others;

#### Accountability

- Take responsibility for decisions, actions, professional competence and judgement;

#### Transparency

- Full disclosure ensures integrity in relationships with clients, other professionals and society at large.

*The above lists of principles are neither definitive nor exhaustive. Additional principles may be needed in specific situations such as a pandemic or other emergency.*

### Regulating Practice

The Code of Ethics helps guide the College's judgement about the Registrant's conduct if a client files a complaint about the practice of an occupational therapist.

The College also considers the laws, regulations and its standards and guidelines to define the expectations of occupational therapists. In a situation in which these documents do not explicitly address a concern or complaint, the College would turn to the fundamental values and principles of practice for guidance on how to respond.

### **Reflecting on Practice**

Unexpected ethical issues can arise at any time. Therefore, it is imperative that all occupational therapists be aware of the core values and uphold them by applying the principles of practice in their everyday work. When an ethical issue is difficult to resolve, an occupational therapist should consult with colleagues and relevant resources, such as the College, managers or leaders.

Occupational therapists need to reflect on what these ethical expectations mean day-to-day, and their commitment to good practice. Reflective practice is essential to ensuring occupational therapists preserve and promote the respect and trust required to achieve the common goal of enabling individuals to engage in meaningful ways in his or her life.

## **GLOSSARY**

### **Client:**

*The client (also referred to as the patient in the RHPA) is the individual (or group of individuals) whose occupational performance issue(s) have resulted in a request for occupational therapy service. It is the client to whom the OT has a primary duty to apply the principles of practice.*

### **Practice/Service:**

*These two terms are used interchangeably and refer to the overall organizational and specific goal-directed tasks related to the provision of occupational therapy, including direct client care, research, consultation, education or administration.*

### **Registrant:**

*A member of the College of Occupational Therapists of Ontario.*

November 1996; June 2002. Acknowledgement: College of Dental Hygienists of Ontario.

