



## RETHINKING REGULATION: INCLUSIONS, EXCLUSIONS AND STRUGGLES

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### Résumé de l'article

Un récent rapport du gouvernement de la Colombie-Britannique sur le racisme envers les Autochtones dans les soins de santé remet en question l'affirmation suggérant que la réglementation des professionnels de la santé protège le public et qu'elle garantit des soins de grande qualité, professionnels et éthiques. Le permis d'exercer et la réglementation font depuis longtemps l'objet d'un débat dans le domaine du travail social, avec d'ardents défenseurs de chaque côté de celui-ci. La première section de cet article revient sur les arguments historiques et contemporains à ce sujet, dont ceux en faveur de la réglementation et ceux favorisant l'inclusion. L'article s'appuie sur des documents accessibles au public et essentiels aux questions liées au permis d'exercer et à la réglementation en Colombie-Britannique et sur deux cadres d'analyse des politiques sociales, à savoir l'analyse politique intersectionnelle autochtone (*Intersectional Indigenous Policy Analysis*) et le cadre d'analyse de Bacchi, pour explorer ce « qui est défini comme étant le problème » dans ce débat, et qui ces processus effacent, délégitiment ou positionnent comme étant problématique. L'analyse montre que le débat sur la réglementation est une série de pratiques de pouvoir qui guident les questions qui seront « soulevées et celles qui seront ignorées, » dont les notions de « préjudice » et de « protection, » tout en éclipsant simultanément les perspectives et les préoccupations des Autochtones et des autres cultures non dominantes. Notre analyse suggère en outre que l'inscription obligatoire contribue à la construction des problèmes auxquels sont confrontés les travailleuses sociales et les travailleurs sociaux de manière dépolitisée et étroite. De plus, celle-ci ne favorise pas la justice sociale, la réconciliation ou la décolonisation, et nécessite une sérieuse remise en question, particulièrement en cette période de changement et de défi.

# RETHINKING REGULATION: INCLUSIONS, EXCLUSIONS AND STRUGGLES

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**Abstract:** A recent government report in British Columbia on anti-Indigenous racism in health care calls into question the claim that regulating health care professionals protects the public and ensures a high standard of professional, ethical care. Licensure and regulation have long been debated in social work with strong advocates on each side. The first section of this article revisits the historical and contemporary pro-registration and pro-inclusion arguments. Drawing on publicly available documents central to licensure and regulation in BC, the article then draws on two policy analysis frameworks, namely Indigenous Intersectional-Based Policy Analysis and Bacchi’s framework to explore “what is the problem represented to be” and who is positioned as problematic and erased or delegitimized within these processes. The analysis shows that the regulation debate is a series of practices of power that frame which issues will be “raised and which will not be discussed” such as “harm” and “protection”, while simultaneously eclipsing Indigenous and other non-dominant cultural perspectives and concerns. Our analysis further suggests that mandatory registration constructs the problems facing social workers in depoliticized and narrow ways that do not extend social justice, reconciliation, or decolonization, and require a serious rethink at this moment of change and challenge.

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**Keywords:** social work licensure, Intersectional Indigenous Policy Analysis, Bacchi, harm, protection of the public

**Résumé:** Un récent rapport du gouvernement de la Colombie-Britannique sur le racisme envers les Autochtones dans les soins de santé remet en question l'affirmation suggérant que la réglementation des professionnels de la santé protège le public et qu'elle garantisse des soins de grande qualité, professionnels et éthiques. Le permis d'exercer et la réglementation font depuis longtemps l'objet d'un débat dans le domaine du travail social, avec d'ardents défenseurs de chaque côté de celui-ci. La première section de cet article revient sur les arguments historiques et contemporains à ce sujet, dont ceux en faveur de la réglementation et ceux favorisant l'inclusion. L'article s'appuie sur des documents accessibles au public et essentiels aux questions liées au permis d'exercer et à la réglementation en Colombie-Britannique et sur deux cadres d'analyse des politiques sociales, à savoir l'analyse politique intersectionnelle autochtone (*Intersectional Indigenous Policy Analysis*) et le cadre d'analyse de Bacchi, pour explorer ce « qui est défini comme étant le problème » dans ce débat, et qui ces processus effacent, délégitimisent ou positionnent comme étant problématique. L'analyse montre que le débat sur la réglementation est une série de pratiques de pouvoir qui guident les questions qui seront « soulevées et celles qui seront ignorées, » dont les notions de « préjudice » et de « protection, » tout en éclipsant simultanément les perspectives et les préoccupations des Autochtones et des autres cultures non dominantes. Notre analyse suggère en outre que l'inscription obligatoire contribue à la construction des problèmes auxquels sont confrontés les travailleuses sociales et les travailleurs sociaux de manière dépolitisée et étroite. De plus, celle-ci ne favorise pas la justice sociale, la réconciliation ou la décolonisation, et nécessite une sérieuse remise en question, particulièrement en cette période de changement et de défi.

**Mots-clés :** régulation du travail social, analyse politique intersectionnelle autochtone, Bacchi, préjudices, protection du public

IN REACTION TO “ONGOING DYSFUNCTION” on the part of the college of dental surgeons and other concerns about regulated health professions, the Ministry of Health in British Columbia (BC), Canada, has proposed the amalgamation of twenty-seven health profession regulatory colleges into five (Stuek, 2019, para. 1). The option to join one of these five colleges is not currently being extended to social workers in BC, some but not all of whom are regulated by government through an independent college. This moment of policy debate regarding regulatory colleges provides an opportunity to reflect on the question of state regulation and mandatory registration of the social work profession, and

highlights the long-term ambivalence and ongoing tensions around these issues (Kennedy-Kish et al., 2017). This article argues that the licensure of social workers has ambivalent impacts, including reinforcing the marginalization of Indigenous, racialized, rural, and other groups of people doing social work. As evidence that licensure does not protect the public, a recent British Columbia government – sponsored inquiry issued a hard-hitting report on systemic racism against Indigenous people in the healthcare system (Turpel-Lafond, 2020; for a similar report from Quebec regarding racism in public services, see Government of Quebec, 2020).

The Turpel-Lafond report confirmed that licensed social workers and other professionals were active in racist wrongdoings that resulted in “a range of negative impacts, harm, and even death” (Turpel-Lafond, 2020, p. 6). We cite this report as clear and recent evidence both of the failure of licensure to protect the public and of the problematic nature of licensure. Not only did licensure and protection of title fail to protect the public, particularly Indigenous people, in this situation, but none of the professionals had the skills, knowledge, or capacity to stop these injustices from happening. This article will attempt to make visible how licensure in the social work sector replicates the disempowerment demonstrated in the report. Further, given the Truth and Reconciliation Commission’s (2015) calls to action, and the pressing need to extend reconciliation and decolonization within social work (Eguchi et al., 2019; Johnson, 2016), the methods chosen in this short study seek to reveal the inclusions and exclusions of Indigenous perspectives and those of other marginalized and oppressed groups.

The analysis in this article focuses on one province in Canada: British Columbia (BC). We have chosen this region because it is where we are located. However, the literature confirms that the themes we analyze have been part of struggles around social work registration across the Anglophone world (Rennie, 2016; Terare & Rawsthorne, 2020; van Heugton, 2011). The literature further confirms that concerns about accountability and protection of the public have not been resolved by mandatory social work registration, for example, in the United Kingdom and New Zealand (Beddoe, 2014; Garrett, 2006; Rennie, 2016). Instead, accusations of negligence continue to plague practitioners, often resulting in calls for prosecuting individual social workers, demands for more extensive competency training, and cries for increased oversight in the wake of child welfare and healthcare tragedies (Beddoe, 2014; Garrett, 2006).

Though the policies explored in this article are based in BC, we are not targeting these policies as particularly pernicious. Nor are the people who pursue these policies lacking in good will or ethics. However, as Blackstock (2009) has suggested, such good intentions function as “a white noise barrier that substantially interferes with our ability to see negative outcomes resulting directly or indirectly from our works” (p. 28).

Conceptually, this article will argue that the professional regulation debate is at its core a debate about power (Baines, 2017; see also Smith, 1990, 2005). Power and practices of power are understood as discourses, policies, and practices that shape access to resources, affirming identities and voice, as well as advance or obstruct equity and fairness (Baines et al., 2018, Finn, 2020; Fraser, 2014). As Sellick et al. (2002) note, though professionalism may appear to operate in an apolitical, common-sense way, practices of power are an integral part of professionalization. These practices of power are used as a justifiable form of market-closure both to exclude those seen to not hold the requisite knowledge, ethics, and credentials, and to protect and enhance the legitimacy, economic advancement, and power of those inside the enclosure (Kennedy-Kish et al., 2017; Rosenberg & Rosenberg, 2006; Spolander et al., 2016). Hence, struggles around registration and licensure are struggles around how we as a profession are willing to be governed, how power will be practiced and distributed, and who is marginalized and discounted within dominant discourses (Bacchi, 2012, 2017; Bacchi & Goodwin, 2016).

This analysis focuses in particular on three exemplar social work licensure policies and some of the practices surrounding those policies. This article also draws on two policy analysis frameworks that were developed to expose the operation of power — namely, a feminist post-structuralist (Bacchi 2012, 2017; Bacchi & Goodwin, 2016) and Indigenous Intersectional-Based Policy Analysis (Clark, 2013). This analysis reveals some of the mechanisms by which registration and protected title narrow the ways that accountability and service to and protection of the public are thinkable and doable, and in the process how social work is narrowed and more deeply integrated into neoliberalism. We are also concerned about social work registration as a practice of power that constructs social work professionalism in ways that do not bring us closer to inclusion, equity, or social justice.

The goal of this study is not an exhaustive analysis, but rather a close analysis of some practices of power in key exemplars of registration policy and policy documents. These illustrations have been lifted out because they demonstrate some of the ways that policy debates are practices of power that frame which issues will be “raised and which will not be discussed,” as well as which populations are targeted and the ways this affects these populations and possibilities for change (Bacchi, 2012, p. 4). The article argues that licensure is not a neutral and legal-technical solution to a series of problems. Instead, as the analysis will show, registration and protected title for social workers are problematic practices of power because, amongst other issues, they work to marginalize Indigenous, racialized, and other minoritized social workers, and constrain our understanding of our responsibilities to and possibilities for service users and communities. Together, these logics create a context in which options are constricted, and there is little space for creative,

inclusive, critical thinking, for solutions, and for the expansion of equity and justice.

This article is composed of three sections. The first revisits the literature regarding pro and con arguments concerning social work registration. This provides a context, along with our policy frameworks, for analyzing three key BC social work registration policy documents. The third and final section of the article wraps up with further discussions and questions for future research, reflection, and action.

### **Pro-Registration and Pro-Inclusion Arguments on Mandatory Registration**

This highly focused literature review looks at the pro-registration and pro-inclusion arguments on mandatory registration of social workers and protection of title. Though we draw on local policy documents later in this article, we start here by underscoring that the issues raised go well beyond BC, with a global impact and reach. A rich literature exists outlining the various perspectives on registration in international comparative relief (Bartley et al., 2012; van Heugten, 2011; Weiss-Gal & Welbourne, 2008). A comprehensive body of literature also exists in single country analysis, including the UK (McLaughlin, 2007), Ireland (Kirwan & Melaugh, 2015), New Zealand (Rennie, 2016; van Heugten, 2011), Australia (Fotheringham, 2018; Hallahan & Wendt, 2020; McCurdy et al., 2020), and Canada (Baines, 2017; Jones, 2019; Sellick et al., 2002), as well as in single-province analyses, including British Columbia (Jones, 2019; Nash, 2019). We loosely group this literature into pro-registration (those supporting mandatory licensure of all social workers and protection of title) and pro-inclusion (those supporting social work as a broad, values-based, knowledge-informed profession, strongest when it draws on lived experience, multiple perspectives, and hybrid, diverse, and marginalized knowledges). The pro-registration and the pro-inclusion debates — and hence this literature review — are largely centered on ideas of professional risk, quality control, labour market controls, competency and exclusion, and further thoughts.

#### *Professional Risks*

Relying on neoliberal framings, the mandatory licensure argument pivots on promises of protection to the public and mechanisms to resolve the putative risk that the public faces from social workers (Hallahan & Wendt, 2020; Jones, 2019). Pro-registration groups are not required to define harm or risk to the public. Instead, this discourse operates as a shared social assumption that social workers are simultaneously both a laudable, skilled, values-based helping profession and also a high-risk and potentially harmful, fraudulent, and damaging group of individuals who require regulation to control or eliminate risk to the vulnerable

public (Hallahan & Wendt, 2020; Healy & Meagher, 2004; Payne & Askeland, 2016).

Risk is seen to lie in the incompetent or malicious individual practitioner that can be remedied by regulation, and in the process, all errors are seen as the exclusive failing and responsibility of the individual social worker (Baines, 2004; Beddoe, 2014). This construction of social work as at risk of perpetrating harm unless licensed eclipses the risks that are inherent in under-funded, poorly supervised, poorly supported social services operating at the sharp edge of neoliberalism, intractable social problems, and deep social need (Hyslop, 2016; Spolander et al., 2016). Instead, this conception adopts a neoliberal interpretation of risk, which is focused on individuals. This practice of power thus occludes other possible interpretations such as state and employer responsibilities, and hence under-resourced care is normalized while individual workers are held responsible for the system's shortcomings. As a practice of power, licensure downloads responsibility for aspects of the work that are often beyond the control of workers, and in the process, transfers risk from the under-funded welfare state to the individual (Beddoe, 2010). These neoliberal individualistic framings of risk continue to constrain service options and to justify harmful interventions and ongoing colonial control and neglect (Clark, 2016; Fortier & Hon-Sing Wong, 2019; Morley et al., 2022).

In contrast, pro-inclusion groups assert that there is no ongoing evidence that the public is at a high risk from social workers, or that the public's safety is enhanced through registration (Morley et al., 2022; Rennie, 2016). They point to the continued level of tragedies occurring in child welfare and elder care in jurisdictions in which mandatory registration has been introduced (Beddoe, 2014; Garrett, 2006). In BC, they can also point to the previously mentioned inquiry into anti-Indigenous racism in healthcare (Turpel-Lafond, 2020), which implicates all healthcare professionals, including social workers.

Though it may be clear to some professionals and regulators that licensure is worth the cost and effort, it cannot be assumed to be clear to the public. In order to justify the costs and government intervention associated with mandatory licensure, pro-registration groups such as the Australian Association of Social Workers (2014) have had to convince government and the public that their profession is a real and imminent risk to public safety (Deloitte Access Economics, 2016). This high-risk strategy may increase public suspicion of the profession and may further discredit social work (Healy & Meagher, 2004). Acknowledging that registration will involve substantial costs on part of the government, and therefore the taxpayers, the Australian Association of Social Workers hired a pro-market private consulting firm to calculate the cost of a child's life versus the public financial costs of registration. The association then argued that the financial benefits — should as few as 1.5 children's lives be saved per

year by registered social workers — will far outweigh the government costs of legislation (Deloitte Access Economics, 2016). Reducing a child's life to a price tag is repugnant, particularly since the study failed to provide evidence that licensure has an obvious link to reduction of child deaths anywhere in the world. Evidence from jurisdictions with mandatory registration shows little change in child welfare or health outcomes even as the discrediting of social work professionals continues (Garrett, 2006).

### *Quality Control*

Pro-registration groups simultaneously argue that mandatory registration ensures that social workers are ethical, skilled, and knowledge-based, thus protecting the public (Jones, 2019; Stokes, 2016). As a practice of power, this position conflates the bureaucratic process of registration with quality control, and — like other practices of power in the mandatory licensure debate — it operates ideologically and hegemonically, never having to provide solid evidence (Beddoe, 2014; van Heugten, 2011). Pro-inclusion groups counter this position, arguing that workplace-based supervisors are better positioned to assess whether workers are providing services in a skilled and ethical manner, particularly as they have the capacity to discipline those acting inappropriately, to recommend appropriate training, and to provide ongoing support to those requiring additional skills and knowledge (Kennedy-Kish et al., 2017). While both pro-registration and pro-inclusion groups view lifelong learning as an essential aspect of high-quality social work (Heron, 2019; Jones, 2019), pro-inclusion groups prefer the “carrot” approach of encouraging and incentivizing ongoing training, while pro-registration groups use the “stick” approach of loss of license for failing to undertake the requisite training.

Additionally, pro-inclusion groups argue that changing the larger inequitable socio-economic system would have more enduring and far-reaching impacts in terms of ensuring high quality and ethical social work practice than does the regulation and prosecution of a few individual offenders — especially since most individual offenders might be better dealt with through proactive supervision or, if absolutely needed, through civil or criminal charges (Dominelli, 2007; Lundy, 2011). Pro-inclusion groups also argue that, instead of lobbying government for mandatory registration, it would be more consistent with social work ethics and values to lobby for increased funding for human services and the elimination of poverty (Hyslop, 2016; Spolander et al., 2016).

### *Labour Market Controls*

Others explicitly link registration with anti-equity and anti-social justice agendas and practices of power, arguing that registration is “a tool in the service of a broader project to regulate the welfare state in the service of



market economic imperatives” (van Heugten, 2011, p. 175). Pro-inclusion groups point to the tensions underlying the protection of university-educated, more privileged social workers in the context of a profession committed to equity, empowering excluded groups and promoting social justice at every opportunity (Beddoe & Duke, 2009). Registration acts as a form of market closure that permits those within the enclosure to improve wages and conditions, while leaving those excluded less protected and even more vulnerable to market forces, exploitation, and marginalization (Baines, 2017; Rennie, 2016). Moreover, those within tend to have access to formal education, university credentials, and the resources to pay for registration, while those excluded rely on rich lived-experience, place-based knowledge, high-level organic skills, and deep local ties to equity-seeking communities and populations (Heron, 2019; Kennedy-Kish et al., 2017). Highlighting the racialization of these enclosure processes, those outside are frequently those with foreign credentials and education, or Indigenous people working in First Nations and Métis territories and communities (Baines, 2017; van Heugten, 2011). Such market closure exacerbates existing inequities and exclusions based on intersecting social relations such as class, race, gender, Indigeneity, (dis)ability, sexual identity, age, and region (Baines, 2017; Beddoe, 2014). In the case of immigrants, it also serves to privilege Western, Anglophone, and locally dominant forms of education that diminish and denigrate other systems of social work education (Bartley et al., 2012).

Pro-registration groups argue that registration provides legitimation and protection of the knowledge and skills of social work *vis-à-vis* other professionals in multi-disciplinary contexts such as hospitals or child welfare (Fotheringham, 2018; Nash, 2016). In contrast, pro-inclusion groups note that protection of title and of scope of practice does little more than try to defend the professional turf or the labour market share of various professional groups competing for jurisdiction and power in the shrinking public sector (Morley et al., 2022). As a less dominant profession in contexts such as healthcare, mandatory registration has not proven to be an effective way to protect social work jobs, with nurses, nursing assistants, and general workers often performing the same tasks and using skills (such as case management, psychosocial assessments, and discharge planning) that are often claimed to be exclusive to social work.

As McDonald (2006) notes, social work credentials indicate a particular knowledge base and perspective on social and individual problems, but these are not exclusive to social work; rather, they are shared by many allied professionals and community members engaged in social care. This makes it a more flexible and responsive knowledge base, rather than a rigid and defended one (Kennedy-Kish et al., 2017; MacDonald, 2006). Pro-inclusion groups argue that, in resource-strapped, interdisciplinary contexts, social work has drifted away from its shared core knowledge bases and values of social justice and empowerment of

communities and individuals (Brown, 2021; Hyslop, 2016; Spolander et al., 2016). Inclusive, high quality, social justice – engaged social work approaches are strongest when they are firmly grounded in the fluid and hybrid knowledges based in everyday struggles for resources, fairness, and social justice (Brown, 2021; Finn, 2020).

### *Competencies and Exclusions*

Another concern relates to the competency orientation promoted by pro-registration groups, who argue that teaching of “competencies” ensures skillful and ethical practice (Bogo et al., 2011; Stokes, 2016). Pro-inclusion groups counter that the standardization and fragmentation of competency-based tasks makes it easier to replace higher pay and higher credentialed social workers with lower skill or even unpaid labour (Aronson & Hemingway, 2011; Baines, 2019; van Heugten, 2011). Heron (2019) adds: “[l]icensure has failed to provide protection to the most vulnerable of social service providers, particularly full-time permanent positions” (p. 77).

While the pro-inclusion debate frames the issues in ways that extend the boundaries of social work practice and knowledge to involve those less heard from in social work (Heron, 2019), the pro-registration argument draws the boundaries of social work tightly, claiming exclusive professional knowledge and power aimed at protecting the public (Jones, 2019). The more fluid and flexible pro-inclusion view of social work provides context to reflect and think critically about social work practice, theory, and knowledge, and to draw on a variety of alternatives and options to the challenging questions facing humankind (Morley et al., 2022). As a consciously open approach, it explicitly fosters the space to generate new approaches to protecting the public and supporting those in need of service. Overall, the pro-inclusion perspective calls for more inclusive policies and a radical rethink of social work regulatory policies toward policies that extend social justice, decolonization, and equity (Heron, 2019). As such, these perspectives are an affirming practice of power that expands debate, provides space for voices less heard from in social work, and cultivates opportunities to generate new options and empowering ways of thinking and doing social work.

In contrast, as its solution to the challenges facing social work in the context of underfunded public sectors and high demands for services, the pro-registration perspective calls for an expansion of mandatory licensure and protection of title to cover all social work employment positions (Jones, 2019; Nash, 2019). Currently in BC, many sub-sectors of social work remain outside the regulatory framework, including community services, immigrant and refugee services, and domestic violence and sexual assault services. Under mandatory registration, all these workers would be required to hold social work degrees from

recognized educational institutes and to successfully pay for and complete the American-based licensure exam, making those unable or unwilling to write the exam or pay the annual fees ineligible for social work employment. The pro-registration perspective precludes other options for supporting high-quality practice and limits the space in which alternatives become thinkable and doable. By doing so, the pro-registration replicates inequities of gender, class, race, and Indigeneity currently present in larger society, and as a practice of power constrains options, narrows thinking, and simultaneously excludes those with alternate views and knowledge of social work and social care.

### **Policy Analysis Framework and the Study**

Licensure for social workers in BC is currently required only by a minority of employers, but as noted earlier, this is under debate within the provincial government and the sector. Social workers with the government, health regions, school boards, and other public sector agencies are exempt from registration, and it is uncommon for nonprofit organizations to require registration. As noted earlier, in BC, as in other parts of Canada, a commitment to reconciliation with Indigenous Peoples has meant that schools of social work are called upon to seek new approaches, practices, and knowledges that reflect Indigenous perspectives and decolonization themes (Eguchi et al., 2019; Johnson, 2016). However, this commitment to Indigenizing is not evident in social work registration. In BC, those wishing to be registered must write the American National Association of Social Work exam, with some minimal Canadian content included. This exam centres American mainstream biomedical approaches to social work practice, promoting professional imperialism and leaving little space for the more critical, Indigenous-engaged, anti-oppressive approaches reflected in Canadian accreditation standards for schools of social work (CASWE-ACFTS, 2014). The exam represents a deep schism between what is taught in most Canadian schools of social work and what the BC regulatory college tests for as evidence of appropriate practice.

As noted earlier, the goal of this study is not an exhaustive and definitive analysis, but rather an exploration of practices of power contained within exemplars of registration policy documents. We hope this may prompt others to undertake their own critical analysis within this ongoing debate. Since conceptually in this article, social work registration is seen as a set of policies and practices that can either reproduce relations of power and inequities or challenge them, we chose policy analysis frameworks containing the express goal of revealing the operation of power. We acknowledge that choosing these particular documents may occlude documents that present other discourses, but contend that the simple existence of the documents we review speaks to particular power relations. For our analysis, we adopt the frames of Indigenous Intersectional-Based

Policy Analysis (IIBPA) (Clark, 2013) and Bacchi's feminist post-structuralist policy analysis or "what is the problem represented to be" (WPR) (2012, 2017; Bacchi & Goodwin, 2016). These two frames were chosen in line with Freire's (1972) call for a deep deconstruction of processes and the raising of critical consciousness to expand policy debate beyond narrow limits that protect and advance certain specific interests and delegitimize those with alternative perspectives or larger views and goals. Thus, what is silenced in the policies and related documents is often as important as what is present (Bacchi, 2017; see also Smith, 1990, on conceptual practices of power).

IIBPA calls for a radical re-contextualization of policy, particularly as it pertains to the ongoing violence of colonization and policy processes that contribute to harm and risk-based constructions of Indigenous Peoples. The focus of analysis is on multiple levels and acknowledges Indigenous sovereignty and self-determination (Clark, 2013) as it advances agendas of truth before reconciliation and social justice. Similarly, Bacchi's WPR policy analysis framework explores how the problem is being discussed within selected policy, and who is positioned as problematic and delegitimized and excluded within these processes and practices of power (Bacchi, 2012; Clark, 2013).

The policy documents were analyzed by an initial search of terms associated with the two frames, and then described and analyzed for the use of these terms as well as what they suggest about how power will be practiced and distributed and who is marginalized and discounted within dominant discourses (Bacchi, 2012). The IIBPA terms reflect its explicit focus on a radical recontextualization of policy linked to Indigenous Peoples and included the terms listed in this reconceptualization, namely "Indigenous," "colonization," "reconciliation," "Indian Act," and "residential schools" (Clark, 2013). Reflecting the focus on "what is the problem presented to be" (Bacchi & Goodwin, 2016), the WPR argues that terms included that flag or signal a perceived problem are those requiring close examination. In the three exemplar policies analyzed, the following terms flagged or signaled perceived problems in social work, namely "accountability," "protecting the public," "preventable harm," "discipline," and "competence." Using these search terms, we reviewed three key publicly available documents concerning social work registration and protection of title: (1) the British Columbia 2008 Social Workers Act; (2) the "About Us" page on the British Columbia College of Social Workers (BCCSW, n.d.); and (3) the "Becoming a registered social worker in BC" page on the British Columbia Association of Social Workers website (BCASW, n.d.a). We chose these documents because they are in the public domain (on the internet), they are easily accessible, and they came up first in Google when using our searching the terms of "social work licensure" and "social work registration." Therefore, we can assume that these documents are very frequently encountered by those

seeking information on these topics and that they hold importance as documents that shape the way readers understand social work registration and licensure.

### Findings and Analysis

Though the two policy frames interweave well, in order to foreground Indigenous perspectives, IIBPA will be presented first and WPR second, with ongoing analysis across both frames.

#### *The British Columbia 2008 Social Workers Act*

The BC *Social Workers Act* is the central regulatory piece of legislation regarding social work legislation and of obvious central importance in any discussion of licensure. It did not contain the IIBPA search terms or equivalents, confirming that concepts such as Aboriginal, Indigenous, Native Canadian, colonial, postcolonial, and anti-colonial are not part of the official legislative discourse. This is a serious omission, given the importance of Indigenous perspectives and knowledges in building and sustaining ethical social work practice, particularly in the context of reconciliation, as well as evidence of ongoing institutionalized anti-Indigenous racism (Turpel-Lafond, 2020).

The legislation adopts a universalist view, which *de facto* represents and reinforces dominant groups and perspectives, and marginalizes all others (Brown, 2012). The universalist approach embedded in the Act can be seen as an exclusionary practice of power that is not consistent with reconciliation or decolonization of social work and other associated social justice processes and practices. Instead, it would seem that the Act furthers colonial processes in the eclipsing of Indigenous voices and perspectives. In particular, here we refer to the lack of evidence that the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) have been adhered to. These principles require that the full, prior, and informed consent be obtained “in matters of fundamental importance for their rights, survival, dignity, and well-being” (UN Department of Economic and Social Affairs, n.d.). Article 19 further asserts that this must be obtained “before adopting and implementing legislative or administrative measures that may affect them” (UN General Assembly, 2007, p. 6).

In terms of the WPR review, the Act does not contain any mention of the term “accountability,” though accountability to the public is one of the most repeated claim of pro-registration groups. However, the Act contains six mentions of the term “protect,” principally in terms of the duty of the college at all times to serve and protect the public. In terms of WPR, the problem is perceived to be a lack of protection for the public from harms perpetrated by social workers. In this case, social workers are the problem, and regulation is the solution. The Act assumes that there

is a shared understanding among the public and policymakers of the threats or harms presented by unregulated social work, and further that a consensus exists that regulation is a sufficient — if not the only — remedy.

Introduced in 2008 and reflecting the neoliberal drift underlying most BC legislation at that time, the use of the term “protect the public” is a discourse consistent with the risk society (Beddoe, 2010), in which risk is seen to be omnipresent and pernicious, and can only be controlled by regulation and the after-the-fact punishments. After-the-fact remedies are solutions applied after someone has experienced harm and has laid a complaint; such approaches have been strongly criticized for failing to prevent harm from happening. Though penalties for these harms are argued to provide a deterrent to others, there is no evidence to suggest that they are an effective deterrent, nor that they address the structural and systemic factors that may contribute to violations of the Code of Ethics or competencies.

Reinforcing after-the-fact remedies, the term “preventing harm” is not mentioned in the Act, though “harm” appears nine times. This term is used principally to note the different kinds of harm on which the disciplinary board should take action, namely: misconduct that involved physical harm, sexual abuse or sexual exploitation, significant emotional harm, or conduct that breaches the board’s standards of professional conduct or competence (*Social Workers Act*, 2008).

“Competence” is mentioned eight times, largely in general terms in relation to skill levels required of a registrant and the College’s responsibility to act when the board’s standards of professional conduct or competence is in question. A significant Canadian and international debate exists concerning the way that the concept of “competency” in the context of neoliberalism shifts social work from a theory-engaged social justice project to a series of technical, fragmented, standardized skills that are decontextualized and dumbed down (Aronson & Hemingway, 2011; Dominelli, 2007; Payne & Askeland, 2016). This debate is ignored within the Act.

A WPR analysis shows that “what the problem is represented to be” in the Act is inadequate competency on the part of registrants, completely disconnected from context or history. The source of this incompetence is not noted in the Act, though the broader social work literature suggests that contributing factors are austerity-ridden workplaces, overly heavy workloads, and fragmented, narrow, competency-based training (Aronson & Hemingway, 2011). However, the only remedies in the Act includes discipline from the College and requirements for ongoing competency training. The College Board is also charged with establishing and maintaining a continuing competence program to promote high practice standards amongst registrants (*Social Workers Act*, 2008). A WPR analysis reveals that the problem is seen to be the risk and harm posed to service users and society by *incompetent* individual social workers, rather than a

larger, managerialised, under-funded workplaces with little in the way of supports for workers (Baines, 2019; Payne & Askeland, 2016).

Discipline is mentioned in the Act four times in terms of social work being a discipline and 52 times in relation to the operation of a regulatory body dispensing discipline on registrants. From a WPR perspective, the Act dedicates substantially more space to delineating and regulating the operation of the disciplinary committee than on other aspects of the regulation narrative. This emphasis suggests that discipline of registrants requires strict rules as, otherwise, it may pose a serious risk to those adjudicating, those being adjudicated, and the state that gives them the mandate to discipline. Ironically, in this case, the WPR problem is seen to be how to protect the adjudication body, the government, and those being disciplined, rather than the public.

*The “About Us” page on the British Columbia College of Social Workers Website*

The BC College of Social Workers is a non-profit organization that derives its authority from the *Social Workers Act* and serves to regulate categories of social workers noted in the Act. The College regulates social workers through licensure (registration), standards for practice, and inquiry and discipline. In order to obtain registration, social workers must hold a degree from a recognized institution, write an American-based exam, pay ongoing fees, and participate in ongoing training aimed at maintaining quality practice.

A welcome change has happened on the home page of the BC College of Social Workers website, in that it now contains a link to an Indigenous Anti-Racism Statement. However, at the time of drafting this article (June 2020 to December 2021), our IIBPA analysis confirmed that the BC College of Social Workers “About Us” page contained none of the IIBPA search terms or similar iterations (BCCSW, n.d.). This silence on reconciliation and decolonization suggests that these issues are not part of the pro-registration official discourse. The seemingly neutral, professional discourse found on the earlier iteration of the page promotes the idea that there are no meaningful differences among those providing social work in BC, nor are there pressing social and political issues with which social work must meaningfully engage, such as reconciliation and decolonization. This neutrality provides an ideological smokescreen in which White, elite perspectives remained invisible, hegemonic, and difficult to shift, though welcome change can now be noted on the website. The amendment is important in signaling a shifting agenda, but on its own may not sufficiently alter the dominant discourse.

In preparing our article and in a spirit of collaboration, we consulted with a number of Indigenous social workers who had been waiting for meaningful changes to evolve from the BC College of Social Workers

Strategic Plan 2016 – 2018, the Board of Directors’ commitment to making “positive and lasting engagement with Indigenous communities a high priority” (British Columbia Association of Social Workers TDRR, n.d.), and the resultant establishment of the Towards Developing a Respectful Relationship Committee. The latter set out to:

- open a dialogue with self-identified professional Indigenous Social Workers in BC,
- understand the perception of social workers in Indigenous communities,
- understand the concerns and barriers to registration and regulation, and
- develop a collaborative and respectful plan to address the delivery of social work services by Registered Social Workers to Indigenous people and communities in BC (BCASW TDRR, n.d.).

In 2016, the College hired an Indigenous consulting firm, Nashwito Creek, to undertake this work with the guidance of the College and a group of Indigenous and non-Indigenous social workers (BCASW TDRR, n.d.). One of the Indigenous social workers on this committee, Jeane Riley (third author of this paper), shared that “even though we had a seat at table,” there was no power or sovereignty to implement the recommendations (personal communication, Feb, 11<sup>th</sup> 2021). The report was received by the Board in 2017 and included several recommendations, including addressing barriers to registration and making registration more accessible to Indigenous social workers as well as increasing Indigenous involvement and building respectful relations through time-sensitive engagement.

With respect to power, one key recommendation was to create an Indigenous committee to “oversee the work of the college” — a substantive shift in power that would centre the sovereignty called for in an IIBPA transformative policy process. One specific recommendation with respect to registration was to “increase the accessibility of applying for registration and continue discussions with Pearson VUE to increase examination centre locations in rural areas and explore introducing Indigenous components to the registration application process and continuing professional development (CPD) program” (BCASW TDRR, para. 3). At the time of writing, neither this nor other recommendations had been acted on, and requests for information about the recommendations have been ignored (personal communication, Jeane Riley, Feb. 11<sup>th</sup>, 2021). As Riley observed, “time and time again we say we are going to do something ... and we don’t, it is harmful for Indigenous communities ... its unethical — those people who took time out of their day to share their experience and to talk about how profession has harmed us... my heart hurts for the community members who came and shared and said ‘don’t let it stop... How do we work with the harm that has happened’” (personal communication, Feb. 11<sup>th</sup> 2021). This suggests that, in addition to the



registration procedure itself being exclusionary and by implication racist, the College does not seem to authentically seek transformative policy processes that would centre Indigenous leadership and oversight, thus omitting a substantive shift in power that would centre the sovereignty called for in an IIBPA transformative policy process.

In terms of a WPR analysis, the BC College of Social Workers' "About Us" page associates the term "harm" with preventable, as in, "[o]ur mandate is to protect members of the public from preventable harm while they are interacting with Registered Social Workers" (para. 1). The focus on the term "preventable" here suggests that there may be harm from interacting with Registered Social Workers that is not preventable. As noted earlier, Healy and Meagher (2004) observe the risk involved in signifying that the public needs to be protected, as it may raise serious suspicions about the profession and, rather than reassure the public, it may further undermine the profession's credibility and legitimacy. The strategies for prevention of harm are not detailed, as it assumed that the reader understands that registration provides safety while non-registration does not. Similarly, though harm is clearly the problem, it is not defined and hovers ideologically as an ominous but indescribable threat.

The term "competency" is presented as part of continuing professional excellence and yearly professional training. Registered Social Workers who are not practicing professional excellence or who fail to undergo further professional development are penalized. This position casts doubts on social workers' commitment to high-quality work and ongoing training and is punitive, compelling social workers to behave well rather than assuming that most social workers will work cooperatively to the best of their ability. Moreover, these assumptions are decontextualized, suggesting that excellent work emanates from registration requirements, rather than from shared norms and values, fostered in well-resourced, well-supported workplaces.

*The "Becoming a Registered Social Worker in BC" page on the British Columbia Association of Social Workers (BCASW) website*

The "Becoming a Registered Social Worker in BC" page notes that "their [the BC College of Social Workers'] mandate is to protect the public by registering social workers who meet the minimum requirements, encouraging high standards of practice and investigating and resolving complaints about the practice of Registered Social Workers" (BCASW, para. 1). Consistent with the other documents analyzed for this article, there is no mention of the IIBPA search terms, suggesting that a monoculture approach to mandatory registration — one that reproduces the dominance of White, colonialist, capitalist culture — is achievable and desirable.

In terms of a WPR analysis, the problem is seen to be the ominous threat to the public presented by unregistered social workers, while the exclusive solution to this vague threat is seen to lie in fostering high standards and investigating complaints. Fostering high standards through threat of removal of title is another after-the-fact remedy, rather than a preventive strategy. Further, there is no evidence to suggest that social work practice is lower quality in jurisdictions in which registration is not mandatory; however, this ideological discourse assumes that, if not forced to continually upgrade, social workers will avoid skill enhancement and upgrading.

### **Discussion and Conclusions**

This article makes contributions to the debate on social work registration first by summarizing pro-registration and pro-inclusion arguments on licensure and protection of title. Our analysis in this first section of the article concludes that the pro-registration position strictly demarcates the boundaries of social work and accords licensure the power to protect the public, though without providing evidence that this strategy is effective. Recent reports such as the Turpel-Lafond inquiry into anti-Indigenous racism in BC healthcare confirm that the public — and, in this case, Indigenous people in particular — were not protected by these practices of power. In contrast, the pro-inclusion argument raises questions about why social work boundaries are exclusionary and who is harmed in this process, as well as who is privileged. It advocates for more inclusive policies that support social justice and the full participation of Indigenous, racialized, and other marginalized and oppressed populations.

The article contributes further to the social work registration debate by analyzing policy and policy-connected documents as practices of power. Though the documents analyzed are positioned as neutral, technical, and apolitical, their framing of the “problem,” their solutions, and their implicit inclusions and exclusions silence most Indigenous perspectives and concerns as well as those of other less powerful groups. As part of this process of exclusion and de-legitimization, the documents centre the concerns and priorities of those seeking to extend narrow professional power.

Our analysis reveals the operation of power in a consistent eclipsing of Indigenous and other non-dominant perspectives, as well as the centering of a putatively professional, benign, monoculture social work discourse. Even though the BC College of Social Workers website now has three pages dedicated to the Indigenous Committee, and even though the BCASW site has a brief Indigenous Advisory page (n.d.b) and a Multicultural and Anti-Racism Committee page that reports regular activities, these perspectives are not part of the central regulatory documents or philosophy, nor do they centre sovereignty and decision-making power within these groups.

Transformative policy processes, as described in the IIBPA, would assist with the “identification of alternative policy responses and solutions specifically aimed at social and structural change that reduce inequities and promote social justice” (Hankivsky et al., 2014, p. 3). Our review suggests that neither of these organizations have engaged in substantive transformative policy processes; instead, we suggest that these websites appear as add-ons rather than central components of these bodies, and, in the case of the BCASW Indigenous Advisory page (n.d.b), at the time of writing, it currently was an inactive add-on.

Furthermore, it seems that the College’s and BCASW’s approach to registration and protection of title furthers colonial processes in the eclipsing of Indigenous sovereignty, leadership, and decision-making. Within this construction of uni-cultural and virtuous mandatory registration, the erasure of Indigenous and other non-dominant groups constructs their perspectives as problematic, which represents a further practice of power. In Bacchi’s terms, this process discounts these groups as they are presented as outsiders and raises questions about how they fit with the seemingly unthreatening, universal, mono-cultural standards of education, skill, professionalism, and regulation (2012, 2017; Bacchi & Goodwin, 2016). In the context of reconciliation, this seamless marginalization of Indigenous and other non-dominant perspectives represents an oppressive practice of power and extends the harm of colonialization (Eguchi et al., 2016; Fortier & Hon-Sing Wong, 2019).

Some Indigenous leaders are also deeply concerned that “unethical charlatans” promote their services to Indigenous groups who may have few other readily available options (personal communication, April 4<sup>th</sup>, 2020). They argue that mandatory registration can offer high standards of service and reasonable protection to Indigenous Peoples. While these goals are very important, mandatory registration does not address the shortage of skilled and credentialed social workers who are willing to work and remain in rural and remote areas (Daley, 2015). Those recruited from outside remote areas lack local ties and knowledge, and may reproduce exclusion and colonial practice (Clark, 2019; Daley, 2015). Strategies to hire and train-up those with local knowledge and community-engaged skills often provide more consistency and quality service (Terare, 2020; Terare & Rawsthorne, 2020). The requirement that these organic practitioners then write an American biomedical-based social work licensure exam cannot credibly claim to ensure high-quality service, extend reconciliation, or foster social justice – based social work practice.

In addition, as noted earlier, systemically marginalized groups — including Indigenous and racialized people — are less likely to meet requirements for registration such as formal, internationally recognized social work credentials (Bartley et al., 2012; Kennedy-Kish et al., 2017). These individuals may have extensive lived experience, strong organic social work skills and knowledge, and far-reaching community

engagement that can be effectively applied to the social problems facing many communities. Equally, some of these individuals may have social work degrees from other jurisdictions not recognized in Canada. Like other countries in the Global North, skills and degrees from the Global South are more likely to be discounted, leaving these highly competent individuals in the position of being unable to use their abilities in the interests of society (Bartley et al., 2012). These kinds of skills and knowledge are often desperately needed in under-served rural and remote Indigenous communities, compounding the intersection of multiple inequities.

Our analysis shows that current approaches to licensure do not extend social justice, reconciliation, or decolonization, and require a serious rethink at this moment of change and challenge. The profession needs to explore new, critical, inclusive solutions that reach far beyond the mandatory licensure discourse in order to nurture inclusive, values-based social work practice, knowledge, and theory in a context of decolonization, reconciliation, and far-reaching social justice. We end with a question: how might access to social justice and equity within social work be redefined through engagements that move beyond narratives of risk and registration to practices of accountability rooted in ongoing self-determination, sovereignty, social justice, and decolonization for all peoples?

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