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Ethical, Legal & Workplace Requirements

ST Competency Level 1

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This presentation is for informational purposes only and does not constitute clinical or legal advice. Follow up with a BCBA or BCBA-D. It is recommended to develop a specific plan for your child or student.

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Objectives

- Main Objectives
 - Comply with legal, regulatory and workplace requirements
 - Duty to Report Child Abuse & Neglect
 - Privacy Laws
 - BACB Guidelines
 - ONTABA Standards

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Confidentiality Agreement

By continuing to participate in the presentation you are entering a formal agreement not to:

- Record any part of this presentation for personal or professional use
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<p>Legal, Regulatory & Workplace Requirements</p>	<p>Legal Depending on the location you work, there are various laws you are required to follow</p> <p>Regulatory Requirements set by your regulatory body, if applicable</p> <p>Workplace Policies and procedures for staff</p>
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	<p>Legal Requirements</p> <p>Duty to Report</p> <p>Privacy Laws</p>
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<p>Duty to Report</p>	
<ul style="list-style-type: none"> ● In Ontario, it is the law to report suspected child abuse or neglect. ● Everyone, including members of the public and professionals who work closely with children, is required by law to report suspected cases of child abuse or neglect. ● Report to a children's aid society (CAS). ● CASs are mandated under the Child and Family Services Act to investigate allegations of child abuse or neglect and to deliver child protection services. 	

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Race, national or ethnic origin	Age	Medical, educational or employment history
Religion	Marital status	Views or opinions about you as an employee
What is Personal Information?		
Financial information	DNA	Identifying numbers (e.g., SIN, driver's licence)

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Information that is not about an individual, because the connection with a person is too weak or far-removed (e.g., a postal code on its own as it covers a wide area with many homes)	Information about an organization such as a business	Information that has been rendered anonymous, as long as it is not possible to link that data back to an identifiable person
What is NOT Considered Personal Information?		
Certain information about public servants such as their name, position and title	A person's business contact information that an organization collects, uses or discloses for the sole purpose of communicating with that person in relation to their employment, business or profession	Government information

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Privacy Laws in Canada - Federal Laws

<p>The Personal Information Protection and Electronic Documents Act (PIPEDA):</p> <p>Applies to the commercial transactions of organizations that operate in Canada's private sector.</p>	<p>The Privacy Act:</p> <p>How federally regulated public bodies can collect, use, and disclose your personal information, and how you can request to access and update it.</p>
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What Does PIPEDA Not Apply to?

Unless they are engaging in commercial activities that are not central to their mandate and involve personal information, PIPEDA does not generally apply to:

- not-for-profit and charity groups
- political parties and associations.

Municipalities, universities, schools, and hospitals are generally covered by provincial laws. PIPEDA may only apply in certain situations. For example, if the organization is engaged in a commercial activity which is outside of its core activity such as, a university selling an alumni list.

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Privacy Laws in Ontario

The Public Sector:

Privacy - FIPPA, MFIPPA
Health - PHIPA

The Private Sector:

No specific privacy legislation
PIPEDA applies

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Regulatory Requirements

BACB
ONTABA

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Regulatory Requirements

BACB Guidelines
Professional and Ethical Compliance Code for Behavior Analysts

Applied Behavior Analysis Treatment of Autism Spectrum Disorder

Supervision and certification guidelines

ONTABA STANDARDS
Standards of Practice for BAs in Ontario

Evidence-based Practices for the Treatment of Challenging behaviour in Intellectual and Developmental Disabilities

Ethical Billing

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BACB Requirements

Professional and Ethical Compliance Code for Behavior Analysts

2.06 Maintaining Confidentiality

2.07 Maintaining Records

2.08 Disclosures

2.11 Records and Law

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Workplace Requirements

Policies and Procedures

Health and Safety

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Workplace Requirements

- There are numerous policies for staff
- Regularly updated
- Google drive and alphabeePRO



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AB Privacy Policy - Key Points

- Storing files (Electronically and hard copies)
- Transferring files (Electronically and hard copies)
- Password protection for electronic devices
- Emails
- Shared documents/sharing information
- Remote sessions
- Referring to clients in communications

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Summary



- Responsible for being aware of and complying with all legal, regulatory and workplace requirements
- BCBA's and BCaBa's are responsible for making sure workplace policies are in line with the BACB guidelines
- Ask your supervisor if you are unsure

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