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VOLUME

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to  
C-60 r. 12

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# REVISED REGULATIONS OF QUÉBEC

## VOLUME 3

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| <b>MUNICIPAL CODE</b>  |           | <i>R.S.Q., c. C-35</i>  |             |
| Regulation respecting the application of article 161 <i>a</i> of the Municipal Code . . . . .  | C.M., r.1 | Regulation respecting procedure when a municipal corporation in default submits a plan of financial reorganization to its creditors . . . . .   | C-35, r.1   |
| Tariff of fees payable to election officers pursuant to article 256 of the Municipal Code . . . . .  | C.M., r.2 | Règlement sur la rémunération des sténographes officiels lors des enquêtes de la Commission municipale de Québec . . . . .  | C-35, r.2   |
| Tarif d'honoraires pour la délivrance de documents faisant partie des archives d'une municipalité suivant l'article 171 du Code municipal . . . . .                          | C.M., r.3 | <b>AN ACT RESPECTING PUBLIC INQUIRY COMMISSIONS</b>   |             |
| <b>GENERAL AND VOCATIONAL COLLEGES ACT</b>   |           | <i>R.S.Q., c. C-37</i>  |             |
| <i>R.S.Q., c. C-29</i>   |           | Règles sur les modalités de gestion administrative, financière et d'engagement de personnel des commissions d'enquête instituées en vertu de la Loi sur les commissions d'enquête . . . . . | C-37, r.1   |
| Regulation respecting the admission of students to a college of general and vocational instruction and the related or ancillary powers that a college may exercise . . . . . | C-29, r.1 | Regulation respecting reports of public inquiry commissions . . . . .   | C-37, r.2   |
| Regulation respecting the conditions of employment of senior and management staff of general and vocational colleges . . . . .   | C-29, r.2 | <b>MONTREAL URBAN COMMUNITY ACT</b>   |             |
| Regulation respecting the conditions of employment of principals of general and vocational colleges . . . . .  | C-29, r.3 | <i>S.Q., 1969, c. 84 ; after consolidation : An Act respecting the Communauté urbaine de Montréal</i>   |             |
| Regulation respecting tuition fees that a general and vocational college must charge students from outside Québec . . . . .  | C-29, r.4 | <i>R.S.Q., c. C-37.2</i>  |             |
| <b>PETROLEUM PRODUCTS TRADE ACT</b>  |           | Regulation respecting the ethics and discipline of the policemen of the Communauté urbaine de Montréal . . . . .  | C-37.2, r.1 |
| <i>R.S.Q., c. C-31</i>   |           | <b>COMPANIES ACT</b>  |             |
| Regulation respecting the application of the Petroleum Products Trade Act . . . . .  | C-31, r.1 | <i>R.S.Q., c. C-38</i>  |             |
| <b>AN ACT RESPECTING THE BREAD TRADE</b>   |           | Regulation respecting notices of change in legal domicile under the Companies Act . . . . .   | C-38, r.1   |
| <i>R.S.Q., c. C-32</i>   |           | Regulation respecting fees to be paid under Part 1A of the Companies Act . . . . .  | C-38, r.2   |
| Regulation respecting the bread trade . . . . .  | C-32, r.1 | Regulation respecting fees to be paid under Parts I, II and III of the Companies Act . . . . .  | C-38, r.3   |
| <b>AN ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES</b>  |           | Regulation respecting the form and content of the articles, certificates and other documents required to be registered under Part 1A of the Companies Act . . . . .                         | C-38, r.4   |
| <i>R.S.Q., c. C-34</i>   |           | Forms required for the application of the Companies Act . . . . .   | C-38, r.5   |
| Rules of proof, procedure and practice of the Commission des affaires sociales . . . . .   | C-34, r.1 | Regulation respecting the power of the Director to affix his signature by means of an automatic device or facsimile . . . . .   | C-38, r.6   |



| Title   | Reference | Title  | Reference  |
|---|-----------|--|------------|
| Regulation respecting firm names of companies governed by Part I of the Companies Act . . . . .   | C-38, r.7 | Regulation respecting the Relief Fund of the Ordre des comptables agréés du Québec . . . . .   | C-48, r.7  |
| Regulation respecting firm names of companies governed by Part IA of the Companies Act . . . . .  | C-38, r.8 | Regulation respecting terms and conditions for election to the Bureau of the Ordre des comptables agréés du Québec . . . . .               | C-48, r.8  |
| Regulation respecting firm names of corporations governed by Part III of the Companies Act . . . . .  | C-38, r.9 | Regulation respecting an equivalence standard for a permit to be issued by the Ordre des comptables agréés du Québec . . . . .             | C-48, r.9  |
| <b>CEMETERY COMPANIES ACT</b><br><i>R.S.Q., c. C-40</i>   |           | Regulation respecting the procedure for conciliation and arbitration of accounts of chartered accountants . . . . .                        | C-48, r.10 |
| Tariff of fees payable under the Cemetery Companies Act . . . . .   | C-40, r.1 | Regulation respecting the procedure of the professional inspection committee of chartered accountants . . . . .                            | C-48, r.11 |
| <b>TRUST COMPANIES ACT</b><br><i>R.S.Q., c. C-41</i>  |           | Regulation respecting advertising by chartered accountants . . . . .   | C-48, r.12 |
| Regulation respecting the issuing of subordinated notes and acceptance of subordinated shareholder loans under the Trust Companies Act . . . . .        | C-41, r.1 | Regulation respecting dues payable to the Ordre des comptables agréés du Québec by candidates to the profession . . . . .                  | C-48, r.13 |
| Tariff of duties and fees payable under the Trust Companies Act . . . . .   | C-41, r.2 | Regulation respecting the refresher training period for chartered accountants and the limitation of the right to practise . . . . .        | C-48, r.14 |
| <b>EXTRA-PROVINCIAL COMPANIES ACT</b><br><i>R.S.Q., c. C-46</i>   |           | Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Ordre des comptables agréés du Québec . . . . . | C-48, r.15 |
| Regulation respecting fees to be paid under the Extra-Provincial Companies Act . . . . .  | C-46, r.1 | <b>AN ACT RESPECTING ARTISTIC, LITERARY AND SCIENTIFIC COMPETITIONS</b><br><i>R.S.Q., c. C-51</i>  |            |
| Regulation respecting the firm names of extra-provincial companies . . . . .  | C-46, r.2 | Règlement sur les conditions relatives aux prix du Québec . . . . .  | C-51, r.1  |
| <b>CHARTERED ACCOUNTANTS ACT</b><br><i>R.S.Q., c. C-48</i>  |           | <b>AN ACT RESPECTING THE CONSEIL CONSULTATIF DE LA JUSTICE</b><br><i>R.S.Q., c. C-54</i>   |            |
| Regulation respecting the business of the Bureau and general meetings of the Ordre des comptables agréés du Québec . . . . .                            | C-48, r.1 | Règlement de régie interne du Conseil consultatif de la justice . . . . .  | C-54, r.1  |
| Code of ethics of chartered accountants . . . . .   | C-48, r.2 | <b>AN ACT RESPECTING THE CONSEIL CONSULTATIF DU TRAVAIL ET DE LA MAIN-D'OEUVRE</b><br><i>R.S.Q., c. C-55</i>                               |            |
| Regulation respecting the records of a chartered accountant who ceases to practise . . . . .  | C-48, r.3 | Règlement du Conseil consultatif du travail et de la main-d'oeuvre . . . . .   | C-55, r.1  |
| Regulation respecting students in accounting and examinations . . . . .   | C-48, r.4 |  |            |
| Regulation respecting students in accounting registered with the Ordre des comptables agréés du Québec and respecting their training employer . . . . . | C-48, r.5 |  |            |
| Regulation respecting the indemnity fund of the Ordre des comptables agréés du Québec . . . . .   | C-48, r.6 |  |            |

| <b>Title</b>   | <b>Reference</b> | <b>Title</b>   | <b>Reference</b> |
|--|------------------|--|------------------|
| <b>AN ACT RESPECTING THE CONSEIL DES UNIVERSITÉS</b><br><i>R.S.Q., c. C-58</i>   |                  | Regulation respecting the basis of secondary school organization . . . . . | C-60, r.12       |
| Règlement sur le paiement des allocations de présence et des frais de déplacement et de séjour des membres du Conseil des universités et de ses organismes . . . . . | C-58, r.1        |  |                  |
| <b>AN ACT RESPECTING THE CONSEIL DU STATUT DE LA FEMME</b><br><i>R.S.Q., c. C-59</i>   |                  |  |                  |
| Règlement de régie interne du Conseil du statut de la femme . . . . .  | C-59, r.1        |  |                  |
| <b>AN ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L'ÉDUCATION</b><br><i>R.S.Q., c. C-60</i>  |                  |  |                  |
| Regulation respecting the general framework for the organization of kindergarten and of elementary and secondary education . . . . .                                 | C-60, r.1        |  |                  |
| Regulation of the Catholic committee of the Conseil supérieur de l'éducation respecting confessional educational institutions recognized as Catholic . . . . .       | C-60, r.2        |  |                  |
| Regulation of the Protestant committee of the Conseil supérieur de l'éducation respecting confessional educational institutions recognized as Protestant . . . . .   | C-60, r.3        |  |                  |
| Regulation respecting the criteria for evaluating years of schooling as a factor in establishing the qualifications of teaching personnel . . . . .                  | C-60, r.4        |  |                  |
| Regulation respecting college level studies . . . . .  | C-60, r.5        |  |                  |
| Regulation respecting pupil timetables . . . . .   | C-60, r.6        |  |                  |
| Regulation respecting teaching permits and teaching diplomas . . . . .   | C-60, r.7        |  |                  |
| Regulation respecting the internal management of the Catholic committee of the Conseil supérieur de l'éducation . . . . .  | C-60, r.8        |  |                  |
| Regulation respecting the internal management of the Protestant committee of the Conseil supérieur de l'éducation . . . . .  | C-60, r.9        |  |                  |
| Regulation respecting the internal management of the Conseil supérieur de l'éducation . . . . .  | C-60, r.10       |  |                  |
| Regulation respecting the basis of elementary school and preschool organization . . . . .  | C-60, r.11       |  |                  |



c. C-26, r.1

**Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations**

Professional Code  
(R.S.Q., c. C-26, s. 184)

**DIVISION I  
UNIVERSITY LEVEL DIPLOMAS**

**1.01.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Ordre des architectes du Québec :

(a) *Baccalauréat en architecture* of the Université Laval ;

(b) *Baccalauréat en architecture* of the Université de Montréal ;

(c) Bachelor of Architecture of McGill University.

**1.02.** The *Baccalauréat ès sciences appliquées (arpentage)*, of the Université Laval gives access to the permit issued by the Ordre des arpenteurs-géomètres du Québec.

**1.03.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Barreau du Québec :

(a) *Baccalauréat en droit* of the Université Laval ;

(b) *Licence en droit* of the Université de Montréal ;

(c) *Licence en droit* of the Université de Sherbrooke ;

(d) *Baccalauréat spécialisé en sciences juridiques* of the University of Québec ;

(e) Bachelor of Civil Law of McGill University ;

(f) *Licence en droit* of the University of Ottawa.

**1.04.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Corporation professionnelle des conseillers en relations industrielles du Québec :

(a) *Baccalauréat ès sciences sociales (relations industrielles)* of the Université Laval ;

(b) *Baccalauréat ès sciences (relations industrielles)* of the Université de Montréal ;

(c) Bachelor of Arts (Major in Industrial Relations), Bachelor of Commerce (Major in Industrial Relations), of McGill University.

**1.05.** The following diplomas awarded by the teaching establishments designated below give access to the permit and specialist's certificates issued by the Ordre des dentistes du Québec :

(a) *Doctorat en médecine dentaire* of the Université Laval ;

(b) *Doctorat en médecine dentaire* of the Université de Montréal ;

(c) Doctor of Dental Surgery of McGill University.

**1.06.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Corporation professionnelle des diététistes du Québec :

(a) *Baccalauréat ès sciences de la santé (diététique)* of the Université Laval ;

(b) *Baccalauréat ès sciences (nutrition)* of the Université de Montréal ;

(c) Bachelor of Science in Food Science (Major in Nutrition), Bachelor of Science in Food Science (Major in Dietetics), Bachelor of Science in Food Science (Major in Food Administration), of McGill University.

**1.07.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Corporation professionnelle des ergothérapeutes du Québec :

(a) *Baccalauréat ès sciences de la santé (ergothérapie)* of the Université Laval ;

(b) *Baccalauréat ès sciences (ergothérapie)* of the Université de Montréal ;

(c) Bachelor of Science in Occupational Therapy of McGill University.

**1.08.** The *Baccalauréat ès sciences appliquées (génie forestier)* of the Université Laval gives access to the permit issued by the Ordre des ingénieurs forestiers du Québec.

**1.09.** The following diplomas awarded by the teaching establishments designated below give access to the permit and specialist's certificates issued by the Corporation professionnelle des médecins du Québec :

- (a) *Doctorat en médecine* of the Université Laval ;
- (b) *Doctorat en médecine* of the Université de Montréal ;
- (c) *Doctorat en médecine* of the Université de Sherbrooke ;
- (d) Doctor of Medicine and Master of Surgery of McGill University.

**1.10.** The *Doctorat en médecine vétérinaire* of the Université de Montréal gives access to the permit issued by the Ordre des médecins vétérinaires du Québec.

**1.11.** The *Licence en optométrie* of the Université de Montréal gives access to the permit issued by the Ordre des optométristes du Québec.

**1.12.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Corporation professionnelle des orthophonistes et audiologistes du Québec :

- (a) *Maîtrise en orthophonie et audiologie* of the Université de Montréal ;
- (b) Master of Science (Applied) in Human Communication Disorders of McGill University.

**1.13.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Ordre des pharmaciens du Québec :

- (a) *Baccalauréat en pharmacie* of the Université Laval ;
- (b) *Baccalauréat ès sciences (pharmacie)* of the Université de Montréal.

**1.14.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Corporation professionnelle des physiothérapeutes du Québec :

- (a) *Baccalauréat ès sciences de la santé (physiothérapie)* of the Université Laval ;
- (b) *Baccalauréat ès sciences (physiothérapie)* of the Université de Montréal ;
- (c) Bachelor of Science in Physical Therapy of McGill University.

**1.15.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Corporation professionnelle des travailleurs sociaux du Québec :

- (a) *Baccalauréat en service social* of the Université Laval ;
- (b) *Baccalauréat ès sciences (service social)* of the Université de Montréal ;
- (c) *Baccalauréat en service social* of the Université de Sherbrooke ;
- (d) *Baccalauréat spécialisé en travail social* of the University of Québec ;
- (e) Bachelor of Social Work of McGill University.

**1.16.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Corporation professionnelle des urbanistes du Québec :

- (a) *Maîtrise en urbanisme* of the Université de Montréal ;
- (b) Master of Urban Planning of McGill University.

**1.17.** In addition to the diplomas mentioned in section 2.02, the following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Ordre des infirmières et infirmiers du Québec :

- (a) *Baccalauréat ès sciences de la santé (sciences infirmières)* of the Université Laval ;
- (b) *Baccalauréat ès sciences (nursing)* of the Université de Montréal ;
- (c) Bachelor of Sciences in Nursing of McGill University.

**1.18.** The diploma in notarial law of the teaching establishments designated below, issued upon the attainment of the following diplomas awarded by these same establishments, gives access to the permit issued by the Chambre des notaires du Québec :

- (a) *Baccalauréat en droit* of the Université Laval ;
- (b) *Licence en droit* of the Université de Montréal ;
- (c) *Licence en droit* of the Université de Sherbrooke ;
- (d) Bachelor of Civil Law of McGill University ;
- (e) *Licence en droit* of the University of Ottawa.

**1.19.** In addition to the diploma mentioned in section 2.01, the *Baccalauréat ès sciences (majeure en hygiène den-*

taire) of the Université de Montréal gives access to the permit issued by the Corporation professionnelle des hygiénistes dentaires du Québec.

**1.20.** The following diplomas awarded by the establishments designated hereunder give access to the permit issued by the Ordre des agronomes du Québec :

(a) *Baccalauréat ès sciences appliquées (bio-agronomie)*, *Baccalauréat ès sciences appliquées (agro-économie)*, *Baccalauréat ès sciences appliquées (vivres)*, *Baccalauréat ès sciences appliquées (génie rural)*, of the Université Laval ;

(b) Bachelor of Science in Agriculture (Agricultural Economics Major), Bachelor of Science in Agriculture (Animal Science Major), Bachelor of Science in Agriculture (Plant Science Major), Bachelor of Science in Agriculture (Soil Science Major), Bachelor of science in Agriculture (General Agricultural Science Major), Bachelor of Science in Agricultural Engineering, Bachelor of Science in Agriculture (Botanical Sciences Major), Bachelor of Science in Agriculture (Environmental Biology Major), Bachelor of Science in Agriculture (Microbiology Major), Bachelor of Science in Agriculture (Zoological Sciences Major), Bachelor of Science in Agriculture (Agricultural Land Planning and Development), Bachelor of Science in Agriculture (Environmental Conservation), Bachelor of Science in Agriculture (Community Resource Development), Bachelor of Science in Agriculture (Resource Economics and Management), Bachelor of Science in Agriculture (Wildlife Resources) of McGill University.

**1.21.** The following diplomas awarded by the teaching establishments designated below give access to the permit issued by the Ordre des ingénieurs du Québec :

(a) *baccalauréat ès sciences appliquées (génie civil)*, *baccalauréat ès sciences appliquées (génie électrique)*, *baccalauréat ès sciences appliquées (génie mécanique)*, *baccalauréat ès sciences appliquées (génie chimique)*, *baccalauréat ès sciences appliquées (génie physique)*, *baccalauréat ès sciences appliquées (génie métallurgique)*, *baccalauréat ès sciences appliquées (génie minier)*, *baccalauréat ès sciences appliquées (génie géologique)*, *baccalauréat ès sciences appliquées (génie rural)* of the Université Laval ;

(b) *baccalauréat en ingénierie (génie civil)*, *baccalauréat en ingénierie (génie électrique)*, *baccalauréat en ingénierie (génie mécanique)*, *baccalauréat en ingénierie (génie chimique)*, *baccalauréat en ingénierie (génie physique)*, *baccalauréat en ingénierie (génie métallurgique)*, *baccalauréat en ingénierie (génie minier)*, *baccalauréat en ingénierie (génie géologique)*, *baccalauréat en ingénierie (génie industriel)* of the Université de Montréal ;

(c) *baccalauréat en ingénierie (génie chimique)*, *baccalauréat en ingénierie (génie civil)*, *baccalauréat en ingénierie (génie électrique)*, *baccalauréat en ingénierie (génie mécanique)* of the Université de Sherbrooke ;

(d) *baccalauréat en ingénierie (génie électrique)*, *baccalauréat en ingénierie (génie industriel)*, *baccalauréat en ingénierie (génie géologique)*, *baccalauréat en ingénierie (génie unifié)*, *baccalauréat en technologie de la construction civile*, *baccalauréat en technologie de l'électricité*, *baccalauréat en technologie de la mécanique* of the University of Québec ;

(e) Bachelor of Engineering (Chemical), Bachelor of Engineering (Civil), Bachelor of Engineering (Honours Electrical), Bachelor of Engineering (Electrical), Bachelor of Engineering (Mechanical), Bachelor of Engineering (Honours Mechanical), Bachelor of Engineering (Metallurgical), Bachelor of Engineering (Mining), Bachelor of Science in Agricultural Engineering of McGill University ;

(f) Bachelor of Engineering (Civil Engineering), Bachelor of Engineering (Electrical Engineering), Bachelor of Engineering (Mechanical Engineering), of Concordia University.

## 1.22.

See French Text D. 3243-80, G.O. II, 1981, p. 2849.

## DIVISION II COLLEGE LEVEL DIPLOMAS

**2.01.** In addition to the diploma mentioned in section 1.19, the diploma of collegiate studies awarded by the Minister of Education following upon studies completed in the discipline contemplated at the François-Xavier Garneau, Trois-Rivières, Maisonneuve, Bourgmarché (campus of St. Hyacinthe) John Abbott, Édouard-Montpetit and St. Jérôme general and vocational colleges gives access to the permit issued by the Corporation professionnelle des hygiénistes dentaires du Québec.

The attestation (*attestation d'études collégiales post-scolaires*) awarded by the Minister of Education following upon studies completed in the discipline contemplated at a general and vocational college mentioned in the first paragraph also gives access to the permit issued by the Corporation professionnelle des hygiénistes dentaires du Québec.

**2.02.** In addition to the diplomas mentioned in section 1.17, the following give access to the permit issued by the Ordre des infirmières et infirmiers du Québec :

(a) the diploma of collegiate studies awarded by the Minister of Education following upon studies completed in the discipline contemplated at the Gaspésie, Matane, Rimouski, Rivière-du-Loup, Saguenay-Lac-Saint-Jean (campus of Alma, Chicoutimi, Jonquière), François-Xavier-Garneau, La Pocatière, Lévis-Lauzon, Limoilou, Sainte-Foy, Thetford Mines, Shawinigan, Trois-Rivières, Victoriaville, Sherbrooke, Sherbrooke (Granby campus), Bois-de-Boulogne, Maisonneuve, Saint-Laurent, Vieux-Montréal, Joliette, Saint-Jérôme, Bourchemin (Drummondville, Saint-Hyacinthe, Tracy campus), Édouard-Montpetit, Saint-Jean-sur-Richelieu, Valleyfield, Hull, Rouyn-Noranda, Côte-Nord (Manicouagan, Mingan campus), Dawson, John Abbott, Vanier, Séminaire Saint-Georges-de-Beauce and Collège Jean-Marie-Vianney general and vocational colleges ;

(b) the certificate of collegiate studies, nursing training programme for *garde-bébés and puéricultrices* awarded by the director general of collegiate education of the Ministère de l'Éducation following upon studies completed in the discipline contemplated at the Limoilou, Maisonneuve, Bois-de-Boulogne and Sherbrooke general and vocational colleges ;

(c) the certificate of collegiate studies, nursing training programme reserved for nursing assistants, awarded by the director general of collegiate education of the Ministère de l'Éducation following upon studies completed in the discipline contemplated at the Bois-de-Boulogne, Saguenay-Lac-St-Jean (Chicoutimi campus), Côte-Nord (Mingan campus), Dawson, Hull, Limoilou, Bourchemin, (Drummondville campus), Maisonneuve, Rimouski, Rouyn-Noranda, Sherbrooke, Trois-Rivières, Saint-Jérôme, La Pocatière general and vocational colleges ;

(d) the attestation (*attestation d'études collégiales post-scolaires*) awarded by the Minister of Education following upon studies completed in the discipline contemplated at a general and vocational college mentioned in this section.

**2.03.** The diploma of collegiate studies awarded by the Minister of Education following upon studies completed in the discipline contemplated at the Édouard-Montpetit General and Vocational College gives access to the permit issued by the Ordre des opticiens d'ordonnances du Québec.

The attestation (*attestation d'études collégiales post-scolaires*) awarded by the Minister of Education following upon studies completed in the discipline contemplated at the Édouard-Montpetit General and Vocational College also gives access to the permit issued by the Ordre des opticiens d'ordonnances du Québec.

**2.04.** The diploma of collegiate studies awarded by the Minister of Education following upon studies completed in the discipline contemplated at the Édouard-Montpetit General and Vocational College gives access to the permit issued by the Corporation professionnelle des techniciens dentaires du Québec.

The attestation (*attestation d'études collégiales post-scolaires*) awarded by the Minister of Education following upon studies completed in the discipline contemplated at the Édouard-Montpetit General and Vocational College also gives access to the permit issued by the Corporation professionnelle des techniciens dentaires du Québec.

**2.05.** The diploma of collegiate studies awarded by the Minister of Education following upon studies completed in the discipline contemplated at the Sainte-Foy, Ahuntsic, Rimouski, Sherbrooke and Dawson general and vocational colleges gives access to the permit issued by the Ordre des techniciens en radiologie du Québec.

The attestation (*attestation d'études collégiales post-scolaires*) awarded by the Minister of Education following upon studies completed in the discipline contemplated at a general and vocational college mentioned in the first paragraph also gives access to the permit issued by the Ordre des techniciens en radiologie du Québec.

**2.06.** The diploma of collegiate studies awarded by the Minister of Education following upon studies completed in the discipline contemplated at the Rimouski, Rosemont, Saguenay-Lac-Saint-Jean (Chicoutimi campus), Saint-Jérôme, Sainte-Foy, Bourchemin (Saint-Hyacinthe campus), Shawinigan, Saint-Jean-sur-Richelieu, Sherbrooke and Dawson general and vocational colleges gives access to the permit issued by the Corporation professionnelle des technologistes médicaux du Québec.

The attestation (*attestation d'études collégiales post-scolaires*) awarded by the Minister of Education following upon studies completed in the discipline contemplated at a general and vocational college mentioned in the first paragraph also gives access to the permit issued by the Corporation professionnelle des technologistes médicaux du Québec.

**2.07.** The following documents give access to the permit issued by the Ordre des denturologistes du Québec :

(a) the diploma of collegiate studies awarded by the Minister of Education following studies completed in denturology techniques at the Édouard-Montpetit General and Vocational College ;

(b) the attestation of college studies awarded by the Minister of Education following studies completed in den-

turology techniques at the Édouard-Montpetit General and Vocational College.

### **DIVISION III SECONDARY LEVEL DIPLOMA**

**3.01.** The certificate of secondary studies terminated with mention “nursing assistant” awarded by the Minister of Education following upon studies completed at the Commission des écoles catholiques de Montréal, the Commission des écoles catholiques de Québec, the Protestant School Board of Greater Montreal, the Protestant Regional School Board of Châteauguay Valley and the Commissions scolaires de l'Amiante, du Bas-Saint-Laurent, des Bois-Francs, Carignan, Charlevoix, de la Chaudière, Chauveau, Chomedey de Laval, Du Rivage, du Cuivre, Dollard-des-Ormeaux, Eastern Townships, l'Estrie, du Golfe, du Grand-Portage, Harricana, Henri-Bourassa, Honoré-Mercier, Jean-Talon, Lac-Saint-Jean, Lanaudière, La Vérendrye, Louis-Frédette, de la Mauricie, Louis-Hémon, Meilleur, des Monts, North Island, Orléans, L'Outaouais, Pascal-Taché, de la Péninsule, Provencher, Saguenay, Saint-François, Salaberry, de Tilly, Vieilles-Forges, and Yamaska gives access to the permit issued by the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec.

**3.02.** The cumulative report of the Ministère de l'Éducation mentioning “nursing assistant” also gives access to the permit issued by the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec when granted :

(a) to babysitters or paediatric nurses who have completed an upgrading course provided by the Ministère de l'Éducation in one of the school boards listed in section 3.01 ; or

(b) to persons who have successfully completed a course in the prescribed discipline provided by the Ministère de l'Éducation for native people of the territories covered by the Agreement concerning James Bay and Northern Québec and the Inuits, in one of the school boards listed in section 3.01.

### **DIVISION IV OTHER DIPLOMAS**

**4.01.** The following diplomas issued by the teaching establishments listed below give access to a permit issued by the Ordre des chiropracticiens du Québec :

(a) Doctor's degree in chiropractic of the Los Angeles College of Chiropractic ;

(b) Doctor's degree in chiropractic of the Northwestern College of Chiropractic ;

(c) Doctor's degree in chiropractic of the Canadian Memorial Chiropractic College ;

(d) Doctor's degree in chiropractic of the National College of Chiropractic ;

(e) Doctor's degree in chiropractic of the Texas Chiropractic College ;

(f) Doctor's degree in chiropractic of the New York Chiropractic College ;

(g) Doctor's degree in chiropractic of the Palmer College of Chiropractic ;

(h) Doctor's degree in chiropractic of the Logan College of Chiropractic ;

(i) Doctor's degree in chiropractic of the Western States College of Chiropractic ;

(j) Doctor's degree in chiropractic of the Cleveland Chiropractic College ;

(k) Doctor's degree in chiropractic of the Life Chiropractic College.

### **DIVISION V FINAL PROVISIONS**

**5.01.** The diplomas which give access to the permits issued by the professional corporations mentioned in Schedule 1 are those required by such corporations before the coming into force of the Professional Code (R.S.Q., c. C-26) and until this Regulation is amended in respect thereof.

**5.02.** This Regulation does not affect the rights of a person :

(a) holding a diploma which, on 26 November 1975, gives access to the permit or specialist's certificates of a professional corporation ;

(b) who, on 26 November 1975, is registered in a course giving access to a diploma contemplated in paragraph a, if he should next obtain such diploma.

### **SCHEDULE 1 (s. 4.01)**

Corporation professionnelle des administrateurs agréés du Québec

Ordre des chimistes du Québec

Ordre des comptables agréés du Québec

Corporation professionnelle des comptables en administration industrielle du Québec

Corporation professionnelle des comptables généraux licenciés du Québec

Corporation professionnelle des conseillers d'orientation du Québec

Corporation professionnelle des évaluateurs agréés du Québec

Corporation professionnelle des psychologues du Québec.

*Amended in French D. 3243-80, G.O. II, 1981, p. 2849.*

O.C. 4951-75, (1975) 107 O.G. II, 5759, and (1976) 108 O.G. II, 2909

O.C. 1825-76, (1976) 108 O.G. II, 3511

O.C. 2224-76, (1976) 108 O.G. II, 4147

O.C. 2144-78, (1979) 111 G.O., 189

O.C. 1453-79, (1979) 111 G.O., 6147

O.C. 819-81, (1981) 113 G.O. II, 1085

O.C. 1755-81, (1981) 113 G.O. II, 2064 and 2711

O.C. 1984-81, (1981) 113 G.O. II, 2709





c. C-26, r.2

**Regulation respecting compensation for travel and living expenses of directors appointed by the Office des professions du Québec to the Bureau of professional corporations**

Professional Code  
(R.S.Q., c. C-26, s. 78)

**DIVISION I  
PROVISIONS AND INTERPRETATION**

**1.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Code” : the Professional Code (R.S.Q., c. C-26) ;
- (b) “director” : a director appointed in accordance with section 78 of the Code ;
- (c) “corporation” : a professional corporation whose name appears in Schedule I to the Code or that is incorporated in accordance with the Code ;
- (d) “secretary” : the secretary of a corporation or the person designated by the Bureau.

**2.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**DIVISION II  
TRAVEL AND LIVING ALLOWANCES**

**3.** The travel and living allowance of directors are those contemplated in the *Règles sur les frais de déplacement du personnel engagé à honoraires* (c. A-6, r.17).

**4.** The Office shall reimburse a corporation for travel and living allowances according to the terms and conditions provided in the rules referred to in section 3, upon presentation to the Office by the secretary of an application for reimbursement for such effect. It is the responsibility of the secretary to verify for each application for reimbursement that the director's travel or living expenses were actually incurred during the performance of his administrative duties.

Notwithstanding the first paragraph, the Office is responsible for reimbursing a director's travel and living expenses outside Québec only if the secretary of the Office has given prior authorization for such a trip.

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O.C. 1918-78, (1979) 111 G.O., 559



c. C-26, r.3

## **Regulation respecting the standards for the issue and holding of permits to practise radiology**

Professional Code  
(R.S.Q., c. C-26, s. 186)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Order” : the Ordre des chiropraticiens du Québec ;
- (b) “Bureau” : the Bureau of the Order ;
- (c) “chiropractor” : a person who is entered on the roll of the Order ;
- (d) “committee” : the committee responsible for the issue and holding of radiology permits ;
- (e) “secretary” : the secretary of the Order ;
- (f) “permit” : a radiology permit issued in accordance with this Regulation.

**2.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**3.** The committee consists of 3 members appointed by the Bureau from among the chiropractors who hold a permit and have been practising for at least 3 years. They take office upon their appointment and remain in office until their death, resignation, replacement or striking off the roll ; a person in charge of the committee is appointed from among them by the Bureau.

The first 3 members are appointed by the Bureau from among the chiropractors who have been practising for at least 3 years and who have taken a 4-year course of study in chiropractic in accordance with paragraph *b* of section 6.

**4.** The committee holds its sittings on the dates and at the times and places determined by the person in charge of the committee. Two members constitute a quorum.

**5.** The duties of the committee are :

- (a) to study applications for permits and to recommend that the Bureau issue a permit where a candidate meets the conditions prescribed in this Regulation ;
- (b) to carry out inspections of all chiropractors to insure that they meet the standards for the holding of permits ;
- (c) to recommend to the Bureau the renewal, non-renewal or withdrawal of the permit of each chiropractor holding such a permit ;
- (d) to make recommendations to the Bureau respecting the content of the examination in radiology that chiropractors may be required to take.

### **DIVISION III STANDARDS FOR THE ISSUE OF PERMITS**

**6.** The Bureau issues a permit to a chiropractor who :

- (a) has filed his application in writing with the secretary in accordance with the Form in Schedule A ; and
- (b) has followed a 4-year course of study in chiropractic including a minimum of :
  - i. 55 hours in radiation protection ;
  - ii. 120 hours in radiological technique ;
  - iii. 125 hours in diagnostic radiology ; or
- (c) has passed the examination in radiology of the Order.

**7.** The date, time and place of the annual examination in radiology is determined by the Bureau.

**8.** At least 60 days before the date prescribed for the examination, the secretary notifies each candidate who has filed an application for a permit in accordance with the Form in Schedule A and who, to obtain a permit, must take the examination in radiology of the Order, of the date and place of that examination.

**9.** At least 30 days before the date prescribed for the examination, a candidate sends the following documents to the secretary :

- (a) a copy, duly completed, of the Registration Form in Schedule B ;
- (b) his academic record ;

(c) 4 copies of a recent photograph measuring 5 square centimetres and authenticated under his signature as being his own ;

(d) a certified extract of his act of birth or satisfactory proof of the date and place of birth ; and

(e) the sum of 50 \$ for the examination registration fee.

**10.** The examination covers the following subjects :

(a) radiation protection ;

(b) radiological techniques ; and

(c) diagnostic radiology.

**11.** The examination must comprise a written part, an oral part and a practical part.

**12.** The Bureau must send a copy of the examination to the Office des professions du Québec.

**13.** The Office des professions du Québec may delegate one or more observers to the examination.

**14.** The examination is evaluated as follows :

(a) the letter "A" means "excellent" ;

(b) the letter "B" means "good" ;

(c) the letter "C" means "satisfactory" ;

(d) the letter "D" means "unsatisfactory".

**15.** Where a candidate obtains a mark of "C" or more, he passes the examination.

**16.** A candidate is excluded from the examination who :

(a) makes use of or tries to make use of unauthorized books, documents, notes or other material ;

(b) plagiarizes, attempts to plagiarize, or helps another candidate to plagiarize ; or

(c) prevents the examination from proceeding normally.

**17.** A candidate may not have access to the room where the examination takes place after another candidate has already handed in his paper and left the room.

**18.** Candidates' anonymity is ensured at the correction of the written part of the examination.

**19.** When the correction or evaluation has been completed, the person in charge draws up the list of candidates who passed the examination and that of those who failed. A report is then signed by the committee members and immediately sent to the Bureau.

**20.** Within 30 days after the committee has written its report, the Bureau informs each candidate of his mark and whether he has passed or failed.

**21.** Where a candidate obtains the mark of "D" he may, within 30 days after receiving notice of his failure, request the Bureau to review the evaluation and correction of his examination. The Bureau, after consultation with the committee, may change the mark given to the candidate.

**22.** A candidate who fails the examination may take a supplemental at a later examination session. If he fails at that second session, he may take another supplemental at a third session only after a period of additional theoretical or practical training, as the case may be, of a maximum duration of one year, the programme of which has been elaborated by the committee and approved by the Bureau. In elaborating the programme, the candidate's knowledge and deficiencies noted at the examination must be taken into account.

**23.** The examination papers are destroyed 6 months after the date of the examination.

#### **DIVISION IV PERMITS**

**24.** The secretary sends a permit in accordance with the Form in Schedule C to each candidate who meets the requirements of section 6.

**25.** The permit issued by the Bureau includes the authorization for its holder to practise radiology.

**26.** The committee enters the name of the permit holder and his permit number in a register which it keeps up to date by entering pertinent information concerning that holder as the committee is informed thereof.

The committee keeps the register at the corporate seat of the Order.

Upon request, the secretary must disclose whether a person is entered in the register and whether the permit he holds is still valid.

- 27.** Regular inspections at intervals not exceeding 5 years must be carried out in respect of every holder concerning his permit.
- 28.** Inspection programmes in respect of permits are organized by the committee.
- 29.** The committee draws up and keeps up to date a file on every permit holder ; that file contains a summary of the holder's qualifications and experience in the field of radiology as well as all the documents pertaining to the inspections carried out in his respect under this Regulation.
- 30.** A permit holder is entitled to consult the file relating to his permit and to obtain a copy thereof.
- 31.** At least 10 days before the date fixed for the inspection of a chiropractor in respect of his permit, the committee sends to that chiropractor, by registered or certified mail, a notice in accordance with the Form in Schedule D.
- 32.** A chiropractor who cannot receive an investigator on the prescribed date must, upon receipt of his notice, advise the committee thereof and decide on a new date with the committee.
- 33.** Notwithstanding section 31, where sending a notice could compromise the purposes of the inspection, the committee may authorize the investigator to proceed without a notice.
- 34.** An investigator must, if he is so requested, produce a certificate attesting his authority signed by the person in charge of the committee.
- 35.** A chiropractor in respect of which an inspection is carried out must be present at that inspection.
- 36.** An inspection may cover :
- (a) the chiropractor's radiology equipment, subject to the provisions of the Regulation respecting the application of the Public Health Protection Act (c. P-35, r.1) ;
  - (b) the chiropractor's competence in radiology ; and
  - (c) the manner in which he practises radiology.
- 37.** The investigator draws up an inspection report and forwards it to the committee for study within 15 days following his inspection.
- 38.** After studying the investigator's report, the committee sends to the Bureau, within 30 days after receiving the inspection report, one of the following recommendations concerning the chiropractor in respect of whom the inspection was carried out :
- (a) that his permit remain valid ;
  - (b) that the chiropractor be required to change all or part of his radiology installations under penalty of withdrawal or non-renewal of his permit, if the installations are not adapted to the practice of chiropractic ;
  - (c) that the chiropractor be required to serve a period of refresher training in radiology under penalty of withdrawal or non-renewal of his permit ; or
  - (d) that the chiropractor's permit be withdrawn either temporarily or permanently.
- 39.** The recommendations of the committee are adopted by a majority vote of its members.
- 40.** The committee may be assisted by experts who take part in the deliberations but who are not entitled to vote.
- 41.** Each committee member and expert takes the oath or makes the solemn affirmation of discretion prescribed in Schedule II of the Professional Code (R.S.Q., c. C-26).
- 42.** A committee member immediately informs the other members of any risk of collusion or partiality within the committee of which he has knowledge.
- 43.** A committee member who is related to a candidate by blood or marriage up to the degree of first cousin inclusively, may not participate in the recommendation concerning that candidate.
- 44.** The office of the committee is situated at the corporate seat of the Order. All the committee reports and other documents are kept at that office.
- 45.** Where the Bureau receives, in respect of a chiropractor's permit, one of the recommendations referred to in paragraphs *b*, *c* and *d* of section 38, it must permit the chiropractor to be heard and to present a full and complete defence.
- 46.** For such purpose, the Bureau summons the chiropractor and sends him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :
- (a) a notice specifying the date and time of the hearing ;

(b) a statement of the facts and reasons for summoning him before the Bureau; and

(c) a copy of the investigator's report concerning him.

**47.** The chiropractor or witness summoned before the Bureau may be assisted by an advocate.

**48.** The Bureau receives the oath or solemn affirmation of the chiropractor and the witnesses through a commissioner for oaths.

**49.** The Bureau may proceed *ex parte* if the chiropractor does not appear on the date and at the time prescribed.

**50.** The depositions are recorded at the request of the chiropractor or the Bureau.

**51.** The Bureau and the chiropractor pay their own expenses except for recording expenses which are shared equally between them.

**52.** Notwithstanding section 51, where the Bureau requests that the depositions be recorded, it assumes all the expenses thereof.

**53.** Within 30 days of the hearing, the Bureau notifies the chiropractor of its decision whether or not to pursue the committee's recommendations.

**54.** The Bureau must notify the Minister of Social Affairs of any decision related to paragraphs *b*, *c* and *d* of section 38.

**55.** A chiropractor who ceases to be entered on the roll of the Order loses the right to use his permit as long as he is not reentered on the roll.

## DIVISION V MISCELLANEOUS PROVISIONS

**56.** Notwithstanding paragraphs *b* and *c* of section 6, the Bureau issues a temporary permit to a chiropractor who, on 11 April 1979, practises radiology within the meaning of the Public Health Protection Act (R.S.Q., c. P-35) and applies therefor.

**57.** A chiropractor who applies for a temporary permit is not required to meet the conditions prescribed in section 6 until 1 January 1981.

**58.** This Regulation comes into force on 11 April 1979 and remains in force for a 5-year period commencing on that date.

## SCHEDULE A

(s. 6)

### APPLICATION FOR A PERMIT

I . . . . ., the undersigned,  
residing at . . . . .  
hereby declare that :

(1) I am entered on the roll of the Ordre des chiropraticiens du Québec ;

(2) My consulting-room is situated at . . . . .  
. . . . . ;

(3) I am enclosing with this application the documents required by the Regulation respecting the standards for the issue and holding of permits to practise radiology (R.R.Q., c. C-26, r.3)

I request the Bureau to issue me a permit in accordance with the Professional Code (R.S.Q., c. C-26).

. . . . . date . . . . . applicant's signature . . . . .

## SCHEDULE B

(s. 9)

### REGISTRATION FOR THE EXAMINATION

I . . . . ., the undersigned,  
residing at . . . . .  
hereby declare that :

(1) I am entered on the roll of the Ordre des chiropraticiens du Québec ;

(2) My consulting-room is situated at . . . . .  
. . . . . ;

(3) I wish to register for the examination in radiology that will take place on . . . . .

(4) I am enclosing with my registration the following documents :

- my academic record ;
- 4 copies of a photograph ;
- a certified copy of my act of birth

or . . . . . ; and

— the sum of . . . . . \$ for the examination registration fee.

. . . . . date . . . . . applicant's signature . . . . .

**SCHEDULE C**

(s. 24)

**RADIOLOGY PERMIT**

Permit No. : .....

Permit holder : .....

Address : .....

.....

In accordance with the Professional Code (R.S.Q., c. C-26), this document certifies that the holder of this permit is authorized to practise radiology.

Ordre des chiropraticiens du Québec.

.....  
date.....  
secretary's signature**SCHEDULE D**

(s. 31)

**ORDRE DES CHIROPRACTIENS DU QUÉBEC****COMMITTEE RESPONSIBLE FOR THE ISSUE  
AND HOLDING OF RADIOLOGY PERMITS****Notice of inspection**

Notice is given that, within the framework of the Regulation respecting the standards for the issue and holding of permits to practise radiology (R.R.Q., c. C-26, r.3), an investigator from our committee will carry out an inspection in respect of your permit on ..... 19... at ..... h.....

The investigator will call on you at .....

Signed at ..... on ..... 19...

The committee responsible for the issue and holding of  
radiology permits.Per : .....  
secretary of the committee



c. C-26, r.4

## **Regulation respecting standards for the preparation and content of annual reports of professional corporations**

Professional Code  
(R.S.Q., c. C-26, s. 183)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Code” : the Professional Code (R.S.Q., c. C-26) ;
- (b) “Minister” : the Minister responsible for the application of the Code and the Acts constituting exclusive professions ;
- (c) “corporation” : a professional corporation whose name appears in Schedule I to the Code or which is incorporated in accordance with this Code ;
- (d) “Office” : the Office des professions du Québec established under the Code.

**1.02.** The annual report of a corporation must correspond to the period of a fiscal year ending on 31 March.

**1.03.** The annual report must at least contain the information indicated in Divisions II to VI.

**1.04.** In the month following the date of its annual general meeting, the corporation shall send 210 copies of its annual report to the Office which shall then send the necessary copies to the Minister for tabling in the National Assembly.

### **DIVISION II PRESENTATION**

**2.01.** The presentation of the annual report shall include the following :

- (a) 3 letters of presentation :
  - i. a letter from the Minister to the President of the National Assembly ;

- ii. a letter from the corporation to the Minister ; and
- iii. a letter from the corporation to the Office ;
- (b) the list of the members of the Bureau and the administrative committee, if there be one ; and
- (c) the president’s report.

### **DIVISION III ACTIVITY REPORTS**

**3.01.** The report on the activities of the Bureau of a corporation shall contain :

- (a) the list of permanent employees of the corporation and their title ;
- (b) a list of the main resolutions adopted by the Bureau ;
- (c) the number of ordinary and special meetings of the latter ; and
- (d) the number of decisions of the Bureau approving or rejecting the recommendations of the professional inspection committee.

**3.02.** The report on the activities of the administrative committee, if there be one, shall contain :

- (a) the number of ordinary and special meetings of the latter ; and
- (b) a list of the main resolutions adopted by the committee.

**3.03.** The report on the activities of the professional inspection committee shall contain :

- (a) the list of the members of the committee and investigators, where applicable ;
- (b) the programme for the general supervision of the practice of the profession ;
- (c) the number of audits prepared within the framework of the programme for the general supervision of the practice of the profession ;
- (d) a synthesis on the recommendations of the committee made as a result of such general supervision ;
- (e) the number of special inquiries on the conduct of a member ;

(f) the number of special inquiries as a result of which the committee recommended that a member of the corporation be required to follow a period of refresher training ;

(g) the number of special inquiries as a result of which the committee recommended limiting the right of a member to practice his professional activities for the duration of a period of refresher training ; and

(h) the number of special inquiries as a result of which the committee sent the record to the committee on discipline.

**3.04.** The report on the activities of the syndic and the activities related to reconciliation and arbitration shall contain :

(a) the number of complaints received ;

(b) the number of complaints lodged before the committee on discipline ;

(c) the number of matters in dispute submitted for conciliation ;

(d) the number of matters in dispute settled at the conciliation stage ; and

(e) the number of matters in dispute submitted to the council on arbitration.

**3.05.** The report on the activities of the committee on discipline shall contain :

(a) the list of the members of the committee ;

(b) the number and nature of the complaints received ;

(c) the number of complaints rejected ; and

(d) the number and nature of the penalties imposed.

**3.06.** The report on the activities of any other committee respecting the protection of the public shall contain :

(a) the term of office of the committee ;

(b) the list of the members of the latter ; and

(c) the number of meetings of the committee.

#### **DIVISION IV GENERAL INFORMATION**

**4.01.** The annual report shall also contain :

(a) the number of registrations where applicable and the number of permits for each category :

- i. in force at the beginning of the fiscal year ;
- ii. issued during that year ;

iii. revoked during that year ; and

iv. in force at the end of that year ;

(b) the total number of members entered on the roll of the corporation at the end of the fiscal year and the distribution of the latter according to the electoral regions of the corporation delimited under section 65 of the Code or, if they exist, according to the divisions ;

(c) the amount of the annual assessment and of any additional assessment, as well as the date of payment of the latter ;

(d) the list of committees appointed by the Bureau which were not mentioned previously.

#### **DIVISION V FINANCIAL STATEMENTS**

##### *§1. General presentation*

**5.01.01.** A corporation must at least furnish the following financial statements :

(a) a balance sheet as at 31 March ;

(b) a statement of profit and loss for the fiscal year ending on 31 March ; and

(c) a statement of the progression of the financial situation for the fiscal year ending on 31 March.

**5.01.02.** The financial statements must be furnished for each existing fund.

**5.01.03.** A corporation must mention in its financial statements as well as in the notes and tables relating thereto all information pertinent to a complete statement of the financial situation.

**5.01.04.** The presentation of the balance sheet, of the statement of profit and loss and of the statement of progression of the financial situation must allow comparison of each entry of the fiscal year which has expired with that of the preceding fiscal year.

**5.01.05.** Every event and transaction concluded between the date of the balance sheet and the date of the auditor's report must be mentioned in a note or in the financial statement if they are liable to perceptibly influence the financial situation or results of the fiscal year.

**5.01.06.** The recommendations contained in the Manual of the CICA, Toronto, Canadian Institute of Chartered Accountants, shall apply *mutatis mutandis* to the preparation of the financial statements of the corporations contemplated in this Regulation.



**5.01.07.** Notwithstanding section 5.01.06, the financial statements must comply with Subdivisions 2 and 3 of this Division.

**§2. Balance sheet**

**5.02.01.** (1) The corporation must specify in a note or schedule the important factors which each entry in the balance sheet covers as well as the corresponding amounts.

(2) Subsection 1 shall only apply to entries appearing in the balance sheet for the fiscal year just ended.

**5.02.02.** The regrouping of entries must comply with the following presentation without, however, retaining an entry when its balance is nil or minimal :

**(A) Assets :**

**(1) Short-term assets :**

- i. cash ;
- ii. short-term investments ;
- iii. accounts receivable ;
- iv. assessments receivable ;
- v. accrued interest receivable ;
- vi. deferred charges ;
- vii. others, (specify).

**(2) Long-term investments :**

- i. bonds ;
- ii. shares ;
- iii. hypothecs ;
- iv. others (specify).

**(3) Capital assets :**

- i. land (specify in a note the amount of the municipal evaluation) ;
  - ii. immoveables at cost price, less the depreciation accumulated (specify in a note the amount of the municipal evaluation) ;
  - iii. material, tools and furniture at cost price, less the depreciation accumulated ;
  - iv. improvement incumbent upon the tenant, less the depreciation accumulated ;
  - v. constructions under way ;
  - vi. others (specify).
- (4) Others (specify).**

**(B) Liabilities and surpluses (or deficits) :**

**(1) Short-term liabilities :**

- i. bank loans ;
- ii. bank overdrafts ;
- iii. accounts payable and accrued expenses ;
- iv. revenues collected in advance ;
- v. assessments posted ;
- vi. others (specify).

**(2) Long-term liabilities :**

- i. bonds ;
- ii. hypothecs ;
- iii. others (specify).

**(3) Surpluses (or deficits) :**

- i. unappropriated surpluses (or deficits) :
    - (a) balance at the beginning of the fiscal year ;
    - (b) corrections applied to former fiscal years ;
    - (c) revenue surpluses on expenses for the fiscal year or expense surpluses over revenues ;
    - (d) transfers ;
    - (e) others (specify) ;
    - (f) balance at the end of the fiscal year ;
  - ii. reserve (specify the entries mentioned below for each reserve) :
    - (a) balance at the beginning of the fiscal year ;
    - (b) revenue surpluses over expenses for the fiscal year or expenses surpluses over revenues ;
    - (c) transfers ;
    - (d) others (specify) ;
    - (e) balance at the end of the fiscal year ;
  - iii. surplus or deficit total at the end of the fiscal year.
- (4) Others (specify).**

**§3. Statement of revenues and expenses**

**5.03.01.** (1) The corporation must specify in a note or schedule the important factors which cover each entry in the statement of revenues and expenses as well as the corresponding amounts.

(2) Subsection 1 shall not apply to the entries retained for the fiscal year just ended.

**5.03.02.** The statement of revenues and expenses shall be presented according to function or activity or, in default thereof, according to the nature of the revenues and expenses.

1. Presentation according to function or activity

**5.03.03.** Where the statement of revenues and expenses is presented according to function or activity, the corporation shall comply with the provisions prescribed in sections 5.03.04 to 5.03.13.

**5.03.04.** The following entries shall be used to distribute the revenue associated with each function or activity, or to distribute the aggregate of the revenues without, however, retaining an entry when its balance is nil or minimal :

- (a) assessments (gross and net, where applicable) ;
- (b) entries and admissions to practice ;
- (c) revenue from examinations ;
- (d) sale of publications, books and booklets ;
- (e) fines ;
- (f) revenue from investments ;
- (g) others (specify).

**5.03.05.** The corporation must distribute its revenues among the following functions or activities without, however, retaining a function or activity when no expense has been incurred, for the :

- (a) functioning of the professional inspection committee ;
- (b) functioning of the committee on discipline ;
- (c) organization of refresher courses and continuous training periods for the members of the corporation ;
- (d) application of the procedure of recognition of the equivalence of the diplomas conferred outside Québec ;
- (e) application of the procedure for conciliation and arbitration of the accounts of the members of the corporations ;
- (f) other functions or activities (specify).

**5.03.06.** The expenses associated with each of the functions or activities mentioned in section 5.03.05 shall be distributed among the following categories, where applicable :

- (a) direct expenses ;
- (b) share of general management expenses.

**5.03.07.** The direct expenses shall comprise all costs directly attributable to a function or activity and which are easily determinable.

**5.03.08.** (1) The distribution of direct expenses shall be made among the following entries without, however, retaining an entry when its balance is nil or minimal :

- (a) salaries (only for full-time or part-time employees specifically assigned to a function or activity) ;
- (b) social benefits (only for the employees mentioned in subparagraph a) ;
- (c) fees (legal and others) ;
- (d) travel and living-out expenses ;
- (e) communication expenses ;
- (f) postal expenses ;
- (g) advertising expenses ;
- (h) printing or photocopy expenses ;
- (i) supplies ;
- (j) rental (equipment, rooms...) ;
- (k) others (specify).

(2) However when an amount of money is entered in the salary column and such amount represents the salary of only one employee, a corporation may enter expenses for salaries, fees and social benefits in a single column entitled : salaries, fees and social benefits.

**5.03.09.** The general administration costs shall include all expenses which are not considered direct expenses of a function or activity.

**5.03.10.** The distribution of shares for general administration expenses bound to each function or activity must be made among the following entries without however, retaining an entry when its balance is nil or minimal :

- (a) depreciation ;
- (b) rent ;
- (c) maintenance (repairs, electricity, heating, insurance...) ;
- (d) taxes ;
- (e) interest ;
- (f) supplies ;

- (g) documentation and data ;
- (h) postal expenses ;
- (i) communication expenses (telephone, telex, telegraph, messages...);
- (j) printing and photocopy expenses ;
- (k) fees (verification, legal departments and others) ;
- (l) salaries ;
- (m) social benefits ;
- (n) travel and living-out expenses ;
- (o) advertising expenses ;
- (p) assessments and affiliations (other then those deducted from the revenues from the assessments) ;
- (q) rental (equipment, rooms...);
- (r) others (specify).

**5.03.11.** The corporation must furnish in a note or schedule the necessary explanations respecting the method used to distribute the general administration expenses among the various functions or activities.

**5.03.12.** The corporation must specify in a note the nature and the amount of the capital assets made during the year for each function or activity mentioned in section 5.03.05.

**5.03.13.** The corporation must specify in a note or in the financial statement the nature and the amount of the revenue associated with each function or activity mentioned in section 5.03.05.

2. Presentation according to the nature of the revenues and expenses

**5.03.14.** Where the statement of revenues and expenses is presented according to the nature of the revenues and expenses, the corporation must comply with the provisions prescribed in sections 5.03.15 to 5.03.20.

**5.03.15.** The entries of the revenue mentioned in section 5.03.04 shall be used to distribute the profits of the corporation without however, retaining an entry when its balance is nil or minimal.

**5.03.16.** The entries of the expenses mentioned in section 5.03.10 shall be used to distribute the expenses of the corporation without, however, retaining an entry when its balance is nil or minimal.

**5.03.17.** The corporation must furnish in a note the direct expenses associated with each of the functions or activities mentioned in paragraphs *a, b, c, d, and e* of section 5.03.05 and those associated with any other function or activity deemed pertinent by the latter.

**5.03.18.** The corporation must comply with sections 5.03.07 and 5.03.08 respecting the determination and distribution of direct expenses.

**5.03.19.** The corporation must specify in a note or schedule the nature and the amount of the capital assets made during the year for each of the functions or activities mentioned in paragraphs *a, b, c, d and e* of section 5.03.05 and for any other function or activity deemed pertinent by the latter.

**5.03.20.** The corporation must specify in a note or schedule the nature and the amount of the revenues associated with each of the functions or activities mentioned in paragraphs *a, b, c, d and e* of section 5.03.05 and with any other function or activity deemed pertinent by the latter.

## DIVISION VI BUDGETARY ESTIMATES

**6.01.** A corporation must present its budgetary estimates for the next fiscal year solely if it intends to file an application for a grant to the Minister during the said year.

**6.02.** The corporation must present the budgetary estimates respecting the current administration under the same form as that used to present the statement of revenues and expenses.

**6.03.** The corporation must, in addition, specify in a note or schedule the investments it intends to make during the fiscal year as well as the methods of financing anticipated therefor.

**6.04.** The corporation must specify in a note or schedule the important factors which are covered by each entry appearing in the budgetary estimates as well as the corresponding amounts.



c. C-26, r.5

## Regulation respecting the granting of annual subsidies to professional corporations

Professional Code  
(R.S.Q., c. C-26, s. 198)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Code” : the Professional Code (R.S.Q., c. C-26) ;
- (b) “Minister” : the Minister responsible for the application of the laws respecting the professions ;
- (c) “corporation” : a professional corporation whose name appears in Schedule I to the Code or which is constituted in accordance with the Code ;
- (d) “Office” : the Office des professions du Québec established by the Code.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The object of this Regulation is to determine the conditions and procedures governing the granting of an annual subsidy awarded by the Minister to a corporation to enable the latter to meet all the obligations prescribed by law.

### DIVISION II TERMS AND CONDITIONS FOR A SUBSIDY APPLICATION

**2.01.** (1) A corporation required to hold its annual meeting within 3 months following the end of its fiscal year must submit its application for a subsidy 4 months before the beginning of the fiscal year for which the subsidy is requested.

(2) A corporation required to hold its annual general meeting within 9 months following the end of its fiscal year must submit its application for a subsidy 2 months before the beginning of the fiscal year for which the subsidy is requested.

**2.02.** A subsidy application must :

- (a) be made in writing and bear the signature of the president or the secretary of the corporation ;
- (b) be addressed to the secretary of the Office, at the corporation seat of the latter ;
- (c) indicate the amount requested ;
- (d) specify the purposes for which it is submitted.

**2.03.** The Office may require a corporation to furnish other information or documents pertaining to a subsidy application, in particular, a review of the budgetary estimates contained in its last annual report.

**2.04.** The Minister may grant a subsidy to a corporation that establishes that the granting of a subsidy appears necessary to defray the expenses incurred as a result of programs for :

- (a) the application of the provisions of the Code concerning discipline or professional inspection ;
- (b) the organization of refresher courses or training periods for its members ;
- (c) the procedure for recognizing the equivalence of diplomas issued outside Québec.

**2.05.** Despite section 2.04, the Minister may grant a subsidy to a newly formed corporation to defray the expenses necessary for its setting up.

Such subsidy may, however, only be granted to a corporation for the first 3 fiscal years of its existence.

The deadlines for submitting an application prescribed in section 2.01 do not apply to a subsidy referred to in this section.

**2.06.** A corporation that benefited from a subsidy must furnish the Office with a certified report concerning the utilization of such subsidy within one month following the date of its annual general meeting.

Upon request by the Office, the corporation must also furnish any other information or document relating to such utilization.

**2.07.** The granting of a subsidy under the authority of this Regulation is subject to the regulations made under

the Financial Administration Act (R.S.Q., c. A-6), in this matter.

### **DIVISION III**

#### **RECOMMENDATION AND DECISION**

**3.01.** The Office must forward its recommendations to the Minister regarding every subsidy application submitted thereto.

**3.02.** After studying the recommendations of the Office, the Minister shall decide whether it is necessary to grant the subsidy sought by the corporation and, where applicable, shall fix the amount thereof.

**3.03.** A subsidy is granted for the duration of a fiscal year.

**3.04.** A subsidy may be paid in one or several installments.

An instalment may be paid only if the corporation proves to the Office that it has actually invested or paid amounts for the same purposes as the subsidy granted by the Minister.

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O.C. 568-75, (1975) 107 O.G.II, 993  
O.C. 1108-80, (1980) 112 G.O.II, 1837



c. C-26, r.6

## Rules of practice of the Professions Tribunal

Professional Code  
(R.S.Q., c. C-26, s. 178)

### DIVISION I GENERAL PROVISIONS

**1.01.** These Rules of practice are made under section 178 of the Code.

**1.02.** In these Rules, unless the context indicates otherwise, the following words mean :

- (a) “Code” : the Professional Code (R.S.Q., c. C-26) ;
- (b) “tribunal” : the Professions Tribunal established under section 162 of the Code ;
- (c) “secretary” : the secretary of the committee on discipline whose decision is appealed from ;
- (d) “clerk” : a clerk of the Provincial Court.

**1.03.** The Interpretation Act (R.S.Q., c. I-16) and articles 6, 7 and 8 of the Code of Civil Procedure (R.S.Q., c. C-25), with present and future amendments, apply to these Rules.

### DIVISION II SERVICE AND NOTICE

**2.01.** Unless otherwise provided, the services prescribed in sections 162 to 178 of the Code and in these Rules are made in accordance with the Code of Civil Procedure ; the powers of the judge or of the prothonotary prescribed in article 138 of the Code of Civil Procedure shall be exercised by a judge of the tribunal.

**2.02.** Unless otherwise provided, every motion preliminary or incidental to the hearing of the appeal must be served with a notice of presentation upon the interested parties and also, in the case of a motion filed pursuant to subparagraph *b* of the fourth paragraph of section 164 of the Code, to the secretary. Such service must be made at least one clear juridical day before the date of such filing.

### DIVISION III FILING OF PETITION IN APPEAL, OF RECORD AND FACTUMS

**3.01.** The clerk of the judicial district in which a petition in appeal is filed must immediately notify the chairman of the tribunal thereof and furnish him all the information relating to that appeal, in particular the names of the parties, the case number and the names and addresses of the parties’ advocates.

**3.02.** As soon as he has sent to the clerk the original and the copies of the record contemplated in section 164 of the Code, the secretary must forward to the parties by registered or certified mail a notice to that effect and indicate therein the exhibits contained in the record in identifying them by letters and numbers.

**3.03.** The factums prescribed in section 167 of the Code must be filed in the following manner :

(a) the title of the case must appear on the first page of the factums and must contain the number of the record in the office of the Provincial Court, mention of the committee on discipline that decided the case in first instance and the names of the parties, that of the appellant being first mentioned, with their designation and mention of their respective capacities of complainant or respondent in first instance and of appellant or respondent in appeal, as the case may be ;

(b) the text of the factum must be printed or typed on legal size sheets, that is, approximately 21 centimetres by 35 centimetres ;

(c) the text must be double-spaced and the impression of all the copies must be equally legible ;

(d) each sheet must be typewritten on the front only, with a suitable margin on the left-hand side ;

(e) every tenth line must be numbered in the left-hand margin ;

(f) the pages must be numbered consecutively and the folios placed at the top.

### DIVISION IV CHANGE IN THE PLACE OF HEARING

**4.01.** Where it is decided, in accordance with section 172 of the Code, that the appeal shall not be heard in the judicial district in which the petition in appeal was filed,

the clerk of that district shall forward the record to the clerk of the judicial district in which the tribunal is to hold its sittings.

Within 3 days of receipt of the record, the clerk of the judicial district in which the tribunal is to hold its sittings shall notify the chairman of the tribunal and the parties thereof.

#### **DIVISION V**

##### **DATE OF HEARING AND FORMATION OF BENCH**

**5.01.** Upon a request by one of the parties, the chairman of the tribunal or a judge designated by him shall fix the date for hearing a motion preliminary or incidental to the hearing of the appeal.

**5.02.** The chairman of the tribunal or a judge designated by him shall appoint the judges who are to sit at the hearing of an appeal as well as the judge or judges who are to sit for the hearing of a preliminary or incidental motion.

#### **DIVISION VI**

##### **FORWARDING OF RECORD**

**6.01.** Within 30 days of the final decision of the tribunal, the clerk of the judicial district in which the tribunal held its sittings shall forward the original of the record contemplated in section 164 of the Code to the secretary.



c. C-26, r. 7

## Regulation respecting the membership rolls of professional corporations

Professional Code  
(R.S.Q., c. C-26, s. 183)

### DIVISION I DEFINITIONS AND INTERPRETATION

**1.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Code” : the Professional Code (R.S.Q., c. C-26) ;
- (b) “corporation” : a professional corporation whose name appears in Schedule I to the Code or which is constituted in accordance with the Code ;
- (c) “secretary” : the secretary of a corporation ;
- (d) “roll” : the list of the members in good standing of a corporation, prepared in accordance with this Regulation.

**2.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II CONTENT OF ROLL

**3.** The roll of a corporation shall be entitled : “Roll of ... (name of the corporation)”.

**4.** The roll shall include, with respect to each person thereon registered, the following information :

- (a) his surname and given names ;
- (b) if he does not practise under his own name alone, the firm-name of his office or the name of his employer ;
- (c) the address of his head office or that of his employer, including the municipality and, if the latter is located outside Québec, the name of the province or country in which it is located ;
- (d) the year in which he was first registered on the roll ;
- (e) his date of birth ;
- (f) his sex ;
- (g) his citizenship ;

(h) the sector of activities in which he principally practises his profession, established in accordance with one of the following categories :

- i. private practice ;
- ii. in the employ of an enterprise, company or cooperative of the private sector ;
- iii. in the employ of a body of the public or parapublic sector ;
- iv. other ;
- (i) where applicable, mention of his specialist’s certificate.

**5.** A person who wishes to be entered on the roll and who does not practise his profession must, for the purposes of paragraph c of section 4, provide an address where he may be reached or that of his domicile.

**6.** A corporation whose constitutive act takes into account, for purposes of elections, the domicile or residence of its members, must enter on its roll the address of such place for each of its members.

### DIVISION III PREPARATION, UPDATING AND PUBLICATION OF THE ROLL

**7.** The secretary of a corporation prepares the roll and keeps it up-to-date by promptly entering thereon any change respecting the information contained of which he has been informed.

**8.** The secretary must keep the roll at the corporate seat of the corporation.

**9.** Upon request, a corporation must make known if a person is entered on the roll or, where applicable, if that person holds a specialist’s certificate. It may also provide any other information contained on the roll.





c. C-26, r.8

## Regulation dividing Québec into regions for the application of section 65 of the Professional Code

Professional Code  
(R.S.Q., c. C-26, s. 65)

**I.** For the purposes of section 65 of the Professional Code (R.S.Q., c. C-26), the territory of Québec comprises the 10 regions described in Schedule A.

### SCHEDULE A

(s. 1)

**(1) Region No. 1 or the Lower St. Lawrence-Gaspesia Region :** This region comprises 4 subregions :

(a) subregion 01 which comprises the following municipalities and territories : Cap-aux-Meules ; Chandler ; Cloridorme ; Fatima ; Gaspé ; Grande-Entrée ; Grande-Rivière ; Grande-Rivière-Ouest ; Grande-Vallée ; Grosse-Île ; Havre-aux-Maisons ; Île-d'Entrée ; Île-du-Havre-Aubert ; L'Étang-du-Nord ; Murdochville ; Newport ; Pabos ; Pabos-Mills ; Percé ; Petite-Vallée, Petit-Pabos ; Sainte-Thérèse-de-Gaspé ; Saint-François-de-Pabos ; unorganized territories Gaspé-Est ; unorganized territories Gaspé-Ouest east part ;

(b) subregion 03 which comprises the following municipalities and territories : Capucins ; Cap-Chat ; Grosses-Roches ; La Martre ; Les Méchins ; Marsoui ; Mont-Saint-Pierre ; Rivière-à-Claude ; Sainte-Anne-des-Monts ; Sainte-Madeleine-de-la-Rivière-Madeleine ; Saint-Jean-de-Cherbourg ; Saint-Joachim-de-Tourelle ; Saint-Maxime-du-Mont-Louis ; Saint-Paulin-Dalibaire ; Saint-Thomas-de-Cherbourg ; unorganized territories Gaspé-Ouest north part ; unorganized territories Gaspé-Ouest west part ; unorganized territories Matane north-east part ; unorganized territories Matane south part ;

(c) subregion 04 which comprises the following municipalities and territories : Bonaventure ; Caplan ; Carleton ; Escuminac ; Grande-Cascapédia ; Hope ; Hope Town ; L'Ascension-de-Patapédia ; Maria (township) ; Maria (Indian Reservation) ; New Carlisle ; New Richmond ; Nouvelle ; Paspébiac, Paspébiac-Ouest ; Pointe-à-la-Croix ; Port-Daniel east part ; Port-Daniel west part, Restigouche (Indian Reservation) ; Restigouche (township) ; Restigouche southeast part ; Sainte-Germaine-de-l'Anse-aux-Gascons ; Sainte-Alexis-de-Matapédia ; Saint-Alphonse ; Saint-Elzéar ; Saint-Fidèle-de-Restigouche ;

Saint-François-d'Assise ; Saint-Godefroy ; Saint-Jules ; Matapédia ; Saint-Omer ; Saint-Siméon ; Shigawake ; unorganized territories Bonaventure east-central part ; unorganized territories Bonaventure east part ; unorganized territories Bonaventure northwest part ; unorganized territories Bonaventure southwest part ; unorganized territories Matapédia southeast part ;

(d) subregion 07 which comprises the following municipalities and territories : Amqui ; Baie-des-Sables ; Bic ; Causapsal ; Esprit-Saint-Fleurialt ; Grand-Métis ; La Rédemption ; Lac-au-Saumon ; Les Boules ; Luceville ; Matane ; Métis-sur-Mer ; Mont-Joli ; Mont-Label ; Petite-Matane ; Price ; Rimouski ; Rimouski-Est ; Sainte-Angèle-de-Mérici (parish) ; Sainte-Angèle-de-Mérici (village) ; Sainte-Anne-de-la-Pointe-au-Père ; Sainte-Blandine ; Sainte-Félicité (parish) ; Sainte-Félicité (village) ; Sainte-Flavie ; Sainte-Florence ; Sainte-Irène ; Sainte-Jeanne-d'Arc ; Sainte-Luce ; Sainte-Marguerite ; Sainte-Marie-de-Sayabec ; Sainte-Odile-sur-Rimouski ; Sainte-Paule ; Saint-Adelme ; Saint-Alexandre-des-Lacs ; Saint-Anaclet-de-Lessard ; Saint-Antoine-de-Padoue-de-Kempt ; Saint-Benoît-Joseph-Labre ; Saint-Charles-Garnier ; Saint-Cléophas ; Saint-Damase ; Saint-Donat ; Saint-Edmond ; Saint-Eugène-de-Ladrière ; Saint-Fabien ; Saint-François-Xavier-des-Hauteurs ; Saint-Gabriel ; Saint-Jacques-le-Majeur-de-Causapsal ; Saint-Jean-Baptiste ; Saint-Jean-Baptiste-Vianney ; Saint-Jérôme-de-Matane ; Saint-Joseph-de-Lepage ; Saint-Léandre ; Saint-Léon-le-Grand ; Saint-Luc ; Saint-Marcellin ; Saint-Moise ; Saint-Narcisse-de-Rimouski ; Saint-Nil ; Saint-Noël ; Saint-Octave-de-Métis ; Saint-Pierre-du-Lac ; Saint-Raphaël-d'Alberville ; Saint-René-de-Matane ; Saint-Tharcisius ; Saint-Ulric ; Saint-Ulric-de-Matane ; Saint-Valérien ; Saint-Zénon-du-Lac-Humqui ; Sayabec ; unorganized territories Bonaventure west-central part ; unorganized territories Matapédia centre part ; unorganized territories Matapédia northwest part ; unorganized territories Matapédia west part ; unorganized territories Rimouski centre part ; unorganized territories Rimouski south part ; Trinité-des-Monts ; Val-Brillant.

**(2) Region No. 2 or the Saguenay-Lac-Saint-Jean Region :** This region comprises 2 subregions :

(a) subregion 01 which comprises the following municipalities and territories : Alma ; Arvida ; Bagotville (parish) ; Bagotville (village) ; Bégin ; Bourget ; Chapais ; Chibougamau ; Chicoutimi (township) ; Chicoutimi (city) ; Chicoutimi-nord ; Delisle ; Desbiens ; Dumas ; Grande-Baie ; Hébertville ; Hébertville-Station ; Jon-

quière; Kénogami (township); Kénogami (city); L'Ascension-de-Notre-Seigneur; Labrecque; Lac-à-la-Croix; Lamarche; Larouche; Laterrière; Mistassini; Notre-Dame-de-Laterrière; Otis; Péribonka; Port-Alfred; Rivière-du-Moulin; Saguenay; Sainte-Croix; Sainte-Monique; Sainte-Rose-du-Nord; Sainte-Ambroise; Saint-Augustin; Saint-Bruno (without designation); Saint-Bruno (village); Saint-Coeur-de-Marie; Saint-David-de-Falardeau; Saint-Dominique-de-Jonquières; Saint-Fulgence; Saint-Gédéon (parish); Saint-Gédéon (village); Saint-Henri-de-Taillon; Saint-Honoré; Saint-Jean; Saint-Jean-Vianney; Saint-Jérôme (parish); Saint-Jérôme (village); Saint-Joseph-d'Alma; Saint-Ludger-de-Milot; Shipshaw; Taché; unorganized territories Chicoutimi centre part; unorganized territories Chicoutimi north part; unorganized territories Chicoutimi northeast part; unorganized territories Chicoutimi northwest part; unorganized territories Chicoutimi south part; unorganized territories Chicoutimi southwest part; unorganized territories Lac-Saint-Jean-Est; unorganized territories Lac-Saint-Jean-Ouest centre part; unorganized territories Lac-Saint-Jean-Ouest east part; unorganized territories Lac-Saint-Jean-Ouest northeast part; unorganized territories Lac-Saint-Jean-Ouest west part; Tremblay; Waswanipi;

(b) subregion 04 which comprises the following municipalities and territories: Albal (township); Albal (village); Chambord; Dolbeau; Girardville; Lac Bouchette; Mistassini; Normandin (township); Normandin (village); Notre-Dame-de-la-Doré; Notre-Dame-de-Lorette; Ouïatchouan; Roberval (without designation); Roberval (city); Sainte-Hedwige; Sainte-Jeanne-d'Arc; Saint-André-du-Lac-Saint-Jean; Saint-Edmond; Saint-Eugène; Saint-Félicien (without designation); Saint-Félicien (town); Saint-François-de-Sales; Saint-Méthode; Saint-Michel-de-Mistassini; Saint-Prime; Saint-Stanislas; Saint-Thomas-Didyme; unorganized territories Lac-Saint-Jean-Ouest east-central part; unorganized territories Lac-Saint-Jean-Ouest west-central part; unorganized territories Lac-Saint-Jean-Ouest southeast part; unorganized territories Lac-Saint-Jean-Ouest southwest part.

(3) **Region No. 3 or Québec Region**: This region comprises 3 subregions:

(a) subregion 01 which comprises the following municipalities and territories: Andréville; Auclair; Bien-court; Cabano; Cacouna; Dégelis; Kamouraska; L'Isle-Verte; Lac-des-Aigles; Mont-Carmel; Notre-Dame-des-Neiges-des-Trois-Pistoles; Notre-Dame-des-Sept-Douleurs; Notre-Dame-du-Lac; Notre-Dame-du-Portage; Packington; Pohénégamook; Rivière-du-Loup; Sainte-Françoise; Sainte-Hélène; Sainte-Rita; Saint-Alexandre; Saint-André; Saint-Antonin; Saint-

Arsène; Saint-Athanase; Saint-Clément; Saint-Cyprien; Saint-Denis; Saint-Éloi; Saint-Elzéar; Saint-Épiphanie; Saint-Eusèbe; Saint-François-Xavier-de-Viger; Saint-Georges-de-Cacouna (parish); Saint-Georges-de-Cacouna (village); Saint-Germain; Saint-Godard-de-Lejeune; Saint-Guy; Saint-Honoré; Saint-Hubert; Saint-Jean-Baptiste-de-l'Isle-Verte; Saint-Jean-de-Dieu; Saint-Jean-de-la-Lande; Saint-Joseph-de-Kamouraska; Saint-Joseph-de-la-Rivière-Bleue (parish); Saint-Joseph-de-la-Rivière-Bleue (village); Saint-Juste-du-Lac; Saint-Louis-de-Kamouraska; Saint-Louis-du-Ha Ha; Saint-Marc-du-Lac-Long; Saint-Mathieu-de-Rioux; Saint-Médard; Saint-Michel-du-Squatec; Saint-Modeste; Saint-Pascal (without designation); Saint-Pascal (town); Saint-Patrice-de-la-Rivière-du-Loup; Saint-Paul-de-la-Croix; Saint-Philippe-de-Néri; Saint-Simon; unorganized territories Temiscouata southeast part; unorganized territories Rimouski northwest part; unorganized territories Rimouski southwest part; unorganized territories Rivière-du-Loup east part; unorganized territories Rivière-du-Loup west part; unorganized territories Témiscouata southwest part; Trois-Pistoles; Whithworth; Woodbridge;

(b) subregion 03 which comprises the following municipalities and territories: Ancienne-Lorette; Armagh; Baie-Saint-Paul (parish); Baie-Saint-Paul (village); Beaulieu; Beaupré; Bernières; Berthier-Sur-Mer; Cap-à-l'Aigle; Cap-Saint-Ignace; Cap-Santé; Charlesbourg; Charlesbourg-Est; Charny; Château-Richer; Clermont; Courville; Deschambault; Donnacona; Fossambault-sur-le-Lac; Francoeur; Giffard; Honfleur; L'Ange-Gardien; L'Islet; L'Islet-sur-Mer; La Baleine; La Durantaye; La Malbaie; La Pocatière; Lac Delage; Lac Frontière; Lac Saint-Charles; Lac Saint-Joseph; Lac Sergent; Laurier-Station; Lauzon; Leclercville; Les Éboulements; Lévis; Lorette; Loretteville; Lotbinière; Louis-Joliette; Lyster; Montmagny; Montminy; Montmorency; Nelson; Neuville; Notre-Dame-Auxiliatrice-de-Buckland; Notre-Dame-des-Laurentides; Notre-Dame-des-Monts; Notre-Dame-de-Bon-Secours-de-L'Islet; Notre-Dame-de-Portneuf; Notre-Dame-du-Rosaire; Notre-Dame-du-Sacré-Coeur-d'Issoudun; Orsainville; Pointe-aux-Trembles; Pointe-au-Pic; Pont-Rouge; Portneuf; Québec; Rivière-à-Pierre; Rivière-Boyer; Rivière-du-Gouffre; Rivière-Malbaie; Rivière-Ouelle; Sainte-Agathe (parish); Sainte-Agathe (village); Sainte-Agnès; Sainte-Anastasie-de-Nelson; Sainte-Anne-de-Beaupré; Sainte-Anne-de-la-Pocatière; Sainte-Apolline-de-Patton; Sainte-Brigitte-de-Laval; Sainte-Catherine; Sainte-Christine; Sainte-Claire; Sainte-Croix (parish); Sainte-Croix (village); Sainte-Emmélie; Sainte-Euphémie-sur-Rivière-du-Sud; Sainte-Famille, I.O.; Sainte-Félicité; Sainte-Foy; Sainte-Hélène-de-Breakyville; Sainte-Hénédine; Sainte-

Jeanne-de-Pont-Rouge ; Sainte-Louise ; Sainte-Lucie-de-Beauregard ; Sainte-Marguerite ; Sainte-Marie (parish) ; Sainte-Marie (town) ; Sainte-Perpétue ; Sainte-Thérèse-de-Lisieux ; Saints-Gervais and Protais ; Saint-Adalbert ; Saint-Agapitville ; Saint-Agapite-de-Beaurivage ; Saint-Aimé-des-Lacs ; Saint-Alban (parish) ; Saint-Alban (village) ; Saint-Anselme (parish) ; Saint-Anselme (village) ; Saint-Antoine-de-l'Isle-aux-Grues ; Saint-Antoine-de-Tilly ; Saint-Apollinaire ; Saint-Aubert ; Saint-Augustin-de-Desmaures ; Saint-Basile ; Saint-Basile-Sud ; Saint-Bernard (parish) ; Saint-Bernard (village) ; Saint-Bernard-de-l'Île-aux-Coudres ; Saint-Cajetan-d'Armagh ; Saint-Casimir (parish) ; Saint-Casimir (village) ; Saint-Casimir-Est ; Saint-Charles ; Saint-Charles-Boromé ; Saint-Charles-des-Grondines (parish) ; Saint-Charles-des-Grondines (village) ; Saint-Cyrille-de-Lessard ; Saint-Damase-de-L'Islet ; Saint-Damien-de-Buckland ; Saint-David-de-L'Auberivière ; Saint-Dunstan-du-Lac-Beauport ; Saint-Édouard-de-Lotbinière ; Saint-Elzéar ; Saint-Elzéar-de-Beauce ; Saint-Émile ; Saint-Étienne ; Saint-Étienne-de-Beaumont ; Saint-Eugène ; Saint-Fabien-de-Panet ; Saint-Félix-du-Cap-Rouge ; Saint-Férol-les-Neiges ; Saint-Fidèle-de-Mont-Murray ; Saint-Firmin ; Saint-Flavien (parish) ; Saint-Flavien (village) ; Saint-François-de-Sales-de-la-Rivière-du-Sud ; Saint-François-Xavier-de-la-Petite-Rivière ; Saint-François, I.O. ; Saint-Gabriel-de-Valcartier ; Saint-Gabriel-L'Allemand ; Saint-Gabriel-Ouest ; Saint-Gilbert ; Saint-Gilles ; Saint-Henri ; Saint-Henri-de-Lauzon ; Saint-Hilarion ; Saint-Irénée ; Saint-Isidore (parish) ; Saint-Isidore (village) ; Saint-Janvier-de-Joly ; Saint-Jean-Chrysostome ; Saint-Jean-de-Boischatel ; Saint-Jean-Port-Joli ; Saint-Jean, I.O. ; Saint-Joachim ; Saint-Joseph-de-Deschambault ; Saint-Joseph-de-la-Pointe-de-Lévy ; Saint-Joseph-de-la-Rive ; Saint-Juste-de-Bretenières ; Saint-Lambert-de-Lauzon ; Saint-Laurent, I.O. ; Saint-Lazare ; Saint-Léonard-de-Portneuf ; Saint-Louis-de-L'Isle-aux-Coudres ; Saint-Louis-de-Lotbinière ; Saint-Louis-de-Pintendre ; Saint-Malachie ; Saint-Marcel ; Saint-Marc-des-Carrières ; Saint-Maxime ; Saint-Michel ; Saint-Michel-Archange ; Saint-Narcisse-de-Beaurivage ; Saint-Nazaire-de-Dorchester ; Saint-Nérée ; Saint-Nicolas ; Saint-Octave-de-Dosquet ; Saint-Omer ; Saint-Onésime-d'Ixworth ; Saint-Pacôme (parish) ; Saint-Pacôme (village) ; Saint-Pamphile ; Saint-Patrice-de-Beaurivage (parish) ; Saint-Patrice-de-Beaurivage (village) ; Saint-Philémon ; Saint-Pierre-de-la-Rivière-du-Sud ; Saint-Pierre, I.O. ; Saint-Raphaël (parish) ; Saint-Raphaël (village) ; Saint-Raymond (parish) ; Saint-Raymond (town) ; Saint-Redempteur ; Saint-Roch-des-Aulnets ; Saint-Romuald-d'Etchemin ; Saint-Siméon (parish) ; Saint-Siméon (village) ; Saint-Sylvestre (parish) ; Saint-Sylvestre (village) ; Saint-Thuribe ; Saint-Tite-des-Caps ; Saint-Ubalde ; Saint-Urbain ; Saint-Vallier (par-

ish) ; Saint-Vallier (village) ; Shannon ; Sillery ; Stoneham and Tewkesbury ; Taschereau-Fortier ; unorganized territories Charlevoix-Est ; unorganized territories Charlevoix-Ouest ; unorganized territories Kamouraska west part ; unorganized territories Montmagny ; unorganized territories Montmorency 1 ; unorganized territories Portneuf centre part ; unorganized territories Portneuf northeast part ; unorganized territories Québec south part ; unorganized territories Saguenay south part ; Tourville ; Val-Alain ; Val-Bélair ; Vanier ; Villeneuve ;

(c) subregion 05 which comprises the following municipalities and territories : Aubert-Gallion ; Beauceville ; Beaulac ; Bernierville ; Black-Lake ; Courcelles ; Disraëli (parish) ; Disraëli (village) ; East-Broughton ; East-Broughton-Station ; Garthby ; Gayhurst southeast part ; Halifax-Sud ; Inverness (township) ; Inverness (village) ; Ireland ; Ireland north part ; L'Enfant-Jésus ; La Guadeloupe ; Lac Etchemin ; Lac Poulin ; Lac-Drolet ; Lambton (township) ; Lambton (village) ; Leeds ; Leeds east part ; Linière ; Notre-Dame-de-la-Providence ; Risborough and part of Marlow ; Rivière-Blanche ; Robertsonville ; Sacré-Coeur-de-Jésus ; Sacré-Coeur-de-Marie south part ; Sainte-Anne-du-Lac ; Sainte-Aurélie ; Sainte-Clothilde ; Sainte-Germaine-du-Lac-Etchemin ; Sainte-Justine ; Sainte-Praxède ; Sainte-Rose-de-Watford ; Sainte-Sabine ; Saints-Anges ; Saints-Martyrs-Canadiens ; Saint-Alfred ; Saint-Antoine-de-Pontbriand ; Saint-Benjamin ; Saint-Benoît-Labre ; Saint-Camille-de-Lellis ; Saint-Côme-de-Kennebec ; Saint-Cyprien ; Saint-Edouard-de-Frampton ; Saint-Éphrem-de-Beauce ; Saint-Éphrem-de-Tring ; Saint-Évariste-de-Forsyth ; Saint-Fortunat ; Saint-François-de-Beauce ; Saint-François Ouest ; Saint-Frédéric ; Saint-Gédéon (parish) ; Saint-Gédéon (village) ; Saint-Georges ; Saint-Georges-Est ; Saint-Georges-Ouest ; Saint-Hilaire-de-Dorset ; Saint-Honoré ; Saint-Jacques-de-Leeds ; Saint-Jacques-le-Majeur-de-Wolfestown ; Saint-Jean-de-Brébeuf ; Saint-Jean-de-la-Lande ; Saint-Joseph-des-Érables ; Saint-Joseph-de-Beauce (parish) ; Saint-Joseph-de-Beauce (town) ; Saint-Joseph-de-Coleraine ; Saint-Jules ; Saint-Julien ; Saint-Léon-de-Standon ; Saint-Louis-de-Gonzague ; Saint-Luc ; Saint-Ludger ; Saint-Magloire-de-Bellechasse ; Saint-Martin ; Saint-Méthode-de-Frontenac ; Saint-Odilon-de-Cranbourne ; Saint-Philibert ; Saint-Pierre-de-Broughton ; Saint-Prosper ; Saint-René ; Saint-Robert-Bellarmin ; Saint-Sébastien (parish) ; Saint-Sébastien (village) ; Saint-Séverin ; Saint-Simon-les-Mines ; Saint-Théophile ; Saint-Théophile-de-la-Beauce ; Saint-Victor ; Saint-Victor-de-Tring ; Saint-Zacharie (without designation) ; Saint-Zacharie (village) ; Shenley ; unorganized territories Beauce ; Thetford-Mines ; Thetford south part ; Tring-Jonction ; Vallée-Jonction.

(4) **Region No. 4 or the Trois-Rivières Region** : This region comprises 2 subregions :

(a) subregion 01 which comprises the following municipalities : Arthabaska ; Aston-Jonction ; Chenier ; Chesterville ; Chester-Est ; Chester-Nord ; Chester-Ouest ; Daveluyville ; Drummondville ; Drummondville-Sud ; Durham-Sud (without designation) ; Durham-Sud (village) ; Grantham-Ouest ; Halifax-Nord ; Halifax-Sud southwest part ; Kingsey ; Kingsey Falls (without designation) ; Kingsey Falls (village) ; L'Avenir (without designation) ; L'Avenir (village) ; Laurierville ; Lefebvre ; Maddington ; Norbertville ; Notre-Dame-de-Lourdes ; Notre-Dame-de-Bon-Conseil (parish) ; Notre-Dame-du-Bon-Conseil (village) ; Plessisville (parish) ; Plessisville (town) ; Princeville (parish) ; Princeville (town) ; Sainte-Anne-du-Sault ; Sainte-Brigitte-des-Saults ; Sainte-Clothilde-de-Horton (parish) ; Sainte-Clothilde-de-Horton (village) ; Sainte-Élizabeth-de-Warwick ; Sainte-Eulalie ; Sainte-Julie ; Sainte-Perpétue ; Sainte-Séraphine ; Sainte-Sophie ; Sainte-Victoire-d'Arthabaska ; Saint-Albert-de-Warwick ; Saint-Bonaventure ; Saint-Christophe-d'Arthabaska ; Saint-Cyrille ; Saint-Edmond-de-Grantham ; Saint-Eugène ; Saint-Germain-de-Grantham (parish) ; Saint-Germain-de-Grantham (village) ; Saint-Guillaume (parish) ; Saint-Guillaume (village) ; Saint-Jacques-de-Horton ; Saint-Joachim-de-Courval ; Saint-Léonard ; Saint-Léonard-d'Aston ; Saint-Louis-de-Blandford ; Saint-Lucien ; Saint-Majorique-de-Grantham ; Saint-Nicéphore ; Saint-Norbert-d'Arthabaska ; Saint-Pierre-Baptiste ; Saint-Pie-de-Guire ; Saint-Raphaël south part ; Saint-Rémi-de-Tingwick ; Saint-Rosaire ; Saint-Samuel ; Saint-Valère ; Saint-Zéphirin-de-Courval ; Tringwick ; Ulverton ; Victoriaville ; Warwick (township) ; Warwick (town) ; Wenden and Simpson ; Wickham ;

(b) subregion 03 which comprises the following municipalities and territories : Annaville ; Baieville ; Baie-de-Shawinigan ; Bécancour (town) ; Bécancourt (Indian Reservation) ; Belleau ; Boucher ; Cap-de-la-Madeleine ; Champlain ; Charette ; Coucoucache ; Deschaillons ; Deschaillons-sur-Saint-Laurent ; Fortierville ; Grand-Mère ; Grands-Piles ; Grand-Saint-Esprit ; Haute-Mauricie ; Hunterstown ; La Pérade ; La Tuque ; La Visitation-de-Champlain ; La Visitation-de-la-Bienheureuse-Vierge-Marie ; La Visitation-de-la-Pointe-du-Lac ; Lac Édouard ; Langelier ; Lemieux ; Les Becquets ; Louiseville ; Manseau ; Maskinongé ; Montauban ; Nicolet ; Nicolet Sud ; Notre-Dame-des-Ange ; Notre-Dame-de-Pierreville ; Notre-Dame-du-Mont-Carmel ; Obedjiwan ; Odanak ; Parent ; Pierreville ; Pointe-du-Lac ; Sainte-Angèle ; Sainte-Anne-d'Yamachiche ; Sainte-Anne-de-la-Pérade ; Sainte-Cécile-de-Lévrard ; Sainte-Françoise ; Sainte-Geneviève-de-Batiscan ; Sainte-Marie ; Sainte-Marie-de-

Blandford ; Sainte-Marthe-du-Cap-de-la-Madeleine ; Sainte-Monique (parish) ; Sainte-Monique (village) ; Sainte-Philomène-de-Fortierville ; Sainte-Sophie-de-Lévrard ; Sainte-Thècle (parish) ; Sainte-Thècle (village) ; Saint-Ursule ; Saint-Adelphe ; Saint-Alexis ; Saint-Antoine-de-la-Baie-du-Febvre ; Saint-Antoine-de-la-Rivière-du-Loup ; Saint-Barnabé ; Saint-Boniface-de-Shawinigan ; Saint-Célestin ; Saint-Édouard ; Saint-Elie ; Saint-Elphège ; Sainte-Etienne-des-Grès ; Saint-François-du-Lac (parish) ; Saint-François-du-Lac (village) ; Saint-François-Xavier-de-Batiscan ; Saint-Georges ; Saint-Gérard-des-Laurentides ; Saint-Jacques-de-Parisville ; Saint-Jean-Baptiste-de-Nicolet ; Saint-Jean-des-Piles ; Saint-Joseph-de-Blandford ; Saint-Joseph-de-la-Baie-du-Febvre ; Saint-Joseph-de-Maskinongé ; Saint-Justin ; Saint-Léon-le-Grand ; Saint-Louis-de-France ; Saint-Luc ; Saint-Mathieu ; Saint-Maurice ; Saint-Narcisse ; Saint-Paulin (parish) ; Saint-Paulin (village) ; Saint-Pierre-les-Becquets ; Saint-Prosper ; Saint-Rémi ; Saint-Roch-de-Mékinac ; Saint-Sévère ; Saint-Séverin ; Saint-Stanislas (parish) ; Saint-Stanislas (village) ; Saint-Sylvère (parish) ; Saint-Sylvère (village) ; Saint-Théophile ; Saint-Thomas-de-Pierreville ; Saint-Timothée ; Saint-Tite (parish) ; Saint-Tite (village) ; Saint-Wenceslas (without designation) ; Saint-Wenceslas (village) ; Shawinigan ; Shawinigan-Sud ; unorganized territories Abitibi east part ; unorganized territories Champlain centre part ; unorganized territories Champlain north part ; unorganized territories Champlain southeast part ; unorganized territories Champlain southwest part ; unorganized territories Québec north part ; unorganized territories Saint-Maurice north part ; unorganized territories Saint-Maurice south part ; Trois-Rivières ; Trois-Rivières-Ouest ; Villeroy ; Weymontachi ; Yamachiche.

(5) **Region No. 5 or the Eastern Townships Region** which comprises the following municipalities : Asbestos ; Ascot ; Ascot Corner ; Audet ; Ayer's Cliff ; Barford ; Barnston ; Barnston-Ouest ; Beebe Plain ; Bishopton ; Brompton ; Brompton Gore ; Bromptonville ; Bury ; Cleveland ; Clifton east part ; Coaticook ; Compton (township) ; Compton (village) ; Compton Station ; Cookshire ; Danville ; Deauville ; Ditton ; Dixville ; Dudswell ; East-Angus ; Eaton ; Emberton ; Fleurimont ; Fontainebleau ; Frontenac ; Hampden ; Ham-Nord ; Hatley (township) ; Hatley (village) ; Hatley west part ; Hereford ; Kingsbury ; La Patrie ; Lac Mégantic ; Lennoxville ; Lingwick ; Magog (township) ; Magog (city) ; Marbleton ; Marston ; Martinville ; Melbourne (township) ; Melbourne (village) ; Milan ; Nantes ; Newport ; North Hatley ; Notre-Dame-des-Bois ; Notre-Dame-de-Lourdes-de-Ham ; Ogden ; Omerville ; Orford ; Piopolis ; Richmond ; Rock Forest ; Rock Island ; Sainte-Catherine-de-Hatley ; Sainte-Cécile-de-Whitton ; Sainte-Edwidge-de-Clifton ; Saint-Adrien ; Saint-Augustin-de-

Woburn ; Saint-Camille ; Saint-Claude ; Saint-Denis-de-Brompton ; Saint-Élie-d'Oxford ; Saint-François-Xavier-de-Brompton ; Saint-Georges-de-Windsor (township) ; Saint-Georges-de-Windsor (village) ; Saint-Gérard ; Saint-Grégoire-de-Greenlay ; Saint-Herménégilde (without designation) ; Saint-Herménégilde (village) ; Saint-Isidore-d'Auckland ; Saint-Joseph-de-Ham-Sud ; Saint-Malo ; Saint-Mathieu-de-Dixville ; Saint-Romain ; Saint-Venant-de-Hereford ; Sawyerville ; Scotstown ; Sherbrooke ; Shipton ; Stanstead ; Stanstead Plain ; Stanstead-Est ; Stoke ; Stornoway ; Stratford ; Trois-Lacs ; Val-Racine ; Waterville ; Weedon ; Weedon-Centre ; Westbury ; Windsor (township) ; Windsor (town) ; Wotton ; Wottonville.

(6) **Region No. 6 or the Montréal Region** : This region comprises 8 subregions :

(a) subregion 01 which comprises the following municipalities : Abercorn ; Ange-Gardien ; Austin ; Bedford (township) ; Bedford (town) ; Béthanie ; Bolton-Est ; Bolton-Ouest ; Bonsecours ; Brome ; Bromont ; Cowansville ; Dunham ; East Farnham ; Eastman ; Farham ; Frelighsburg (parish) ; Frelighsburg (village) ; Granby (township) ; Granby (city) ; Lac Brome ; Lawrenceville ; Maricourt ; Notre-Dame-de-Stanbridge ; Phillipsburg ; Potton ; Racine ; Rainville ; Roxton ; Roxton Falls ; Sainte-Anne-de-la-Rochelle ; Sainte-Cécile-de-Milton ; Sainte-Pudentienne (parish) ; Sainte-Pudentienne (village) ; Sainte-Sabine ; Saint-Alphonse ; Saint-Ange-Gardien ; Saint-Armand-Ouest ; Saint-Benoît-du-Lac ; Saint-Césaire (parish) ; Saint-Césaire (town) ; Saint-Étienne-de-Bolton ; Saint-Ignace-de-Stanbridge ; Saint-Joachim-de-Shefford ; Saint-Paul-d'Abbotsford ; Saint-Pierre de Véronne at Pike-River ; Saint-Valérien-de-Milton ; Shefford ; Stanbridge ; Stanbridge-Station ; Stukely-Sud (without designation) ; Stukely-Sud (village) ; Sutton (township) ; Sutton (town) ; Valcourt (township) ; Valcourt (village) ; Warden ; Waterloo ;

(b) subregion 02 which comprises the following municipalities : Clarenceville ; Henryville (without designation) ; Henryville (village) ; Iberville ; Lacadie ; Lacolle ; Marieville ; Napierville ; Notre-Dame-de-Bonsecours ; Notre-Dame-du-Mont-Carmel ; Richelieu ; Saint-Angèle-de-Monnoir ; Saint-Anne-de-Sabrevois ; Sainte-Brigide-d'Iberville ; Sainte-Marie-de-Monnoir ; Saint-Alexandre (parish) ; Saint-Alexandre (village) ; Saint-Athanase ; Saint-Bernard-de-Lacolle ; Saint-Blaise ; Saint-Cyprien ; Saint-Édouard ; Saint-Georges-de-Clarenceville ; Saint-Grégoire ; Saint-Grégoire-le-Grand ; Saint-Jacques-le-Mineur ; Saint-Jean ; Saint-Luc ; Saint-Mathias ; Saint-Michel ; Saint-Patrice-de-Sherrington ; Saint-Paul-de-l'Île-aux-Noix ; Saint-Rémi (parish) ; Saint-Rémi (town) ; Saint-Sébastien ; Saint-Thomas ; Saint-Valentin ; Venise-en-Québec ;

(c) subregion 03 which comprises the following municipalities : Beauharnois ; Châteauguay ; Châteauguay-Centre ; Coteau-du-Lac ; Coteau-Landing ; Dorion ; Dundee ; Elgin ; Franklin ; Godmanchester ; Grande-Île ; Havelock ; Hemmingford (township) ; Hemmingford (village) ; Hinchinbrook ; Howick ; Hudson ; Huntingdon ; Île-Cadieux ; Île-Perrot ; La Station-du-Coteau ; Lery ; Les Cèdres ; Maple Grove ; Melocheville ; Mercier ; Notre-Dame-de-l'Île-Perrot ; Ormstown ; Pincourt ; Pointe-des-Cascades ; Pointe-du-Moulin ; Pointe-Fortune ; Rigaud ; Rivière-Beaudette ; Sainte-Barbe ; Sainte-Claire-d'Assise ; Sainte-Clothilde ; Sainte-Justine-de-Newton ; Sainte-Madeleine-de-Rigaud ; Sainte-Marthe (parish) ; Sainte-Marthe (village) ; Sainte-Martine ; Saint-Anicet ; Saint-Chrysostôme ; Saint-Clet (parish) ; Saint-Clet (village) ; Saint-Étienne-de-Beauharnois ; Saint-Ignace-du-Coteau-du-Lac ; Saint-Jean-Chrysostôme ; Saint-Joseph-de-Soulanges ; Saint-Lazare ; Saint-Louis-de-Gonzague ; Saint-Malachie-d'Ormstown ; Saint-Paul-de-Châteauguay ; Saint-Polycarpe (parish) ; Saint-Polycarpe (village) ; Saint-Stanislas-de-Kostka ; Saint-Télesphore ; Saint-Timothée (parish) ; Saint-Timothée (village) ; Saint-Urbain-Premier ; Saint-Zotique ; Salaberry-de-Valleyfield ; Saint-Régis ; Terrasse-Vaudreuil ; Très-Saint-Rédempteur ; Très-Saint-Sacrement ; Vaudreuil ; Vaudreuil-sur-le-Lac ;

(d) subregion 04 which comprises the following municipalities : Acton Vale ; Beloeil ; Douville ; La Présentation ; McMasterville ; Mont-Saint-Hilaire ; Notre-Dame-de-Saint-Hyacinthe ; Otterburn Park ; Rougemont ; Sainte-Christine ; Sainte-Hélène ; Sainte-Hélène-de-Bagot ; Sainte-Madeleine ; Sainte-Rosalie (parish) ; Sainte-Rosalie (village) ; Saint-André-d'Acton ; Saint-Barnabé ; Saint-Bernard south part ; Saint-Charles ; Saint-Charles-sur-Richelieu ; Saint-Damase (parish) ; Saint-Damase (village) ; Saint-Denis (parish) ; Saint-Denis (village) ; Saint-Dominique ; Saint-Éphrem-d'Upton ; Saint-Hugues (parish) ; Saint-Hugues (village) ; Saint-Hyacinthe ; Sainte-Hyacinthe-le-Confesseur ; Saint-Jean-Baptiste ; Saint-Joseph ; Saint-Jude ; Saint-Liboire (parish) ; Saint-Liboire (village) ; Saint-Mathieu-de-Beloeil ; Saint-Michel-de-Rougemont ; Saint-Nazaire-d'Acton ; Saint-Pie (parish) ; Saint-Pie (village) ; Saint-Simon ; Saint-Théodore-d'Acton ; Saint-Thomas-d'Aquin ; Upton ;

(e) subregion 06 which comprises the following municipalities : Anjou ; Baie-d'Urfé ; Beaconsfield ; Boucherville ; Brossard ; Candiac ; Carignan ; Caughnawaga ; Chambly ; Côte-Saint-Luc ; Delson ; Dollard-des-Ormeaux ; Dorval ; Greenfield Park ; Hampstead ; Île-Dorval ; Kirkland ; La Prairie ; Lachine ; Lasalle ; Laval ; Lemoyne ; Longueuil ; Montréal ; Montréal-Est ; Montréal-Nord ; Montréal-Ouest ; Mont-Royal ; Notre-

Dame; Outremont; Pierrefonds; Pointe-Claire; Pointe-aux-Trembles; Roxboro; Sainte-Anne-de-Bellevue; Sainte-Catherine; Sainte-Geneviève; Sainte-Julie; Sainte-Théodosie-Calixa-Lavallée; Saint-Amable; Saint-Basile-le-Grand; Saint-Bruno-de-Montarville; Saint-Constant; Saint-Hubert; Saint-Isidore; Saint-Jean-de-Dieu; Saint-Lambert; Saint-Laurent; Saint-Léonard; Saint-Marc; Saint-Mathieu; Saint-Philippe; Saint-Pierre; Saint-Raphaël-de-l'Île-Bizard; Senneville; Varennes; Verchères; Verdun; Westmount;

(f) subregion 07 which comprises the following municipalities : Contrecoeur (parish); Contrecoeur (village); Massueville; Sainte-Anne-de-Sorel; Sainte-Victoire-de-Sorel; Saint-Aimé; Saint-Antoine-de-Padoue; Saint-Antoine-sur-Richelieu; Saint-David; Saint-Gérard-Majella; Saint-Joseph-de-Sorel; Saint-Louis; Saint-Marcel; Saint-Michel-d'Yamaska; Saint-Ours (parish); Saint-Ours (town); Saint-Pierre-de-Sorel; Saint-Robert; Saint-Roch-de-Richelieu; Sorel; Tracy; Yamaska; Yamaska-Est;

(g) subregion 08 comprises the following municipalities and territories : Berthierville; Charlemagne; Chertsey; Crabtree; Entre-lacs; Joliette; L'Assomption (parish); L'Assomption (town); L'Épiphanie (parish); L'Épiphanie (town); La Plaine; La Visitation-de-la-Sainte-Vierge-de-L'Isle-du-Pads; Lac Paré; Lachenaie; Lanoraie-d'Autray; Laurentides; Lavaltrie; Mascouche; Masson and Laviolette; Notre-Dame-des-Prairies; Notre-Dame-de-Lourdes; Rawdon (township); Rawdon (village); Repentigny; Sacré-Coeur-de-Jésus; Sainte-Béatrix; Sainte-Élizabeth; Sainte-Émilie-de-L'Énergie; Sainte-Geneviève-de-Berthier; Sainte-Julienne; Sainte-Marcelline-de-Kildare; Sainte-Marie-Salomé; Sainte-Mélanie; Saint-Alexis (parish); Saint-Alexis (village); Saint-Alphonse-de-Rodriguez; Saint-Ambroise-de-Kildare; Saint-Antoine-de-Lavaltrie; Saint-Barthélemi; Saint-Calixte; Saint-Charles-Borromée; Saint-Charles-de-Mandeville; Saint-Cléophas; Saint-Côme; Saint-Cuthbert; Saint-Damien; Saint-Didace; Saint-Esprit; Saint-Félix-de-Valois (parish); Saint-Félix-de-Valois (village); Saint-Gabriel; Saint-Gabriel-de-Brandon; Saint-Gérard-Magella; Saint-Ignace-de-Loyola; Saint-Jacques (parish); Saint-Jacques (village); Saint-Jean-de-Matha; Saint-Joseph-de-Lanoraie; Saint-Liguori; Saint-Lin; Saint-Michel-des-Saints; Saint-Norbert; Saint-Paul; Saint-Paul-l'Ermite; Saint-Pierre; Saint-Roch-de-l'Achigan; Saint-Roch-Ouest; Saint-Sulpice; Saint-Thomas; Saint-Viateur; Saint-Zénon; unorganized territories Berthier south part; unorganized territories Joliette east-central part; unorganized territories Joliette south part; unorganized territories Maskinongé south part;

(h) subregion 09 which comprises the following municipalities and territories : Amherst; Arundel; Barkmere; Bellefeuille; Blainville; Bois-des-Filion; Bréboeuf; Brownsburg; Calumet; Carillon; Chathan; Deux-Montagnes; Doncaster; Estérel; Gore; Greenville (township); Greenville (village); Harrington; Huberdeau; Ivry-sur-le-Lac; L'Annonciation north part; La Conception; La Macaza; La Minerve; Labelle; Lac Carré; Lac Supérieur; Lac Tremblant Nord; Lachute; Lac-des-Plages; Lac-des-Seize-Îles; Lafontaine; Lantier; Lorraine; Mille-Isles; Mirabel; Montcalm; Mont-Gabriel; Mont-Rolland; Mont-Tremblant; Morin Heights; New Glasgow; Notre-Dame-de-la-Merci; Oka (without designation); Oka (Indian Reservation); Oka-sur-le-Lac; Piedmont; Pointe-Calumet; Rosemère; Sainte-Adèle; Sainte-Agathe; Sainte-Agathe-des-Monts; Sainte-Agathe-Sud; Sainte-Anne-des-Lacs; Sainte-Anne-des-Plaines; Sainte-Lucie; Sainte-Marguerite-du-Lac-Masson; Sainte-Marthe-sur-le-Lac; Sainte-Sophie; Sainte-Thérèse; Sainte-Thérèse-Ouest; Saint-Adolphe-d'Howard; Saint-André-d'Argenteuil; Saint-André-Est; Saint-Antoine; Saint-Colomban; Saint-Donat; Saint-Eustache; Saint-Faustin; Saint-Hippolyte; Saint-Jérôme; Saint-Joseph-du-Lac; Saint-Jovite (parish); Saint-Jovite (village); Saint-Louis-de-Terrebonne; Saint-Placide (parish); Saint-Placide (village); Saint-Sauveur; Saint-Sauveur-des-Monts; Shawbridge; Terrebonne; unorganized territories Joliette centre part; unorganized territories Labelle southeast part; unorganized territories Montcalm south-centre part; unorganized territories Montcalm south part; Val des Lacs; Val-David; Val-Morin; Wentworth; Wentworth-Nord.

(7) **Region No. 7 or the Outaouais Region** : This region comprises 2 subregions :

(a) subregion 01 which comprises the following municipalities and territories : Aldfield; Alleyn and Cawood; Angers; Aylmer; Aylwin; Bowman; Bristol; Bryson; Buckingham (township); Buckingham (town); Buckingham west part; Buckingham southeast part; Campbell's Bay; Chapeau; Chénéville; Chichester; Clarendon; Denholm; Deschênes; Duhamel; Eardly; Fassett; Fort-Coulonge; Gatineau; Grand-Calumet; Hincks; Hull; Hull west part; Isle-aux-Allumettes east part; Isles-des-Allumettes; L'Ange-Gardien; Lac Simon; Leslie; Clapham and Huddersfield; Litchfield; Lochaber; Lochaber north part; Lochaber west part; Low; Lucerne; Mansfield and Pontrefract; Manuan; Masham-Nord; Masson; Mayo; Montebello; Montpellier; Mulgrave and Derry; Notre-Dame-de-Bon-Secours north part; Notre-Dame-de-la-Paix; Notre-Dame-de-la-Salette; Onslow; Onslow south part; Papineauville; Perkins; Plaisance; Pointe-Gatineau; Ponsonby; Portage-du-Fort; Portland-Ouest; Quyon; Rapid Lake; Rapid-

des-Joachims ; Ripon (township) ; Ripon (village) ; Saint-Angélique ; Sainte-Cécile-de-Masham ; Saint-André-Avellin (parish) ; Saint-André-Avellin (village) ; Shawville ; Sheen ; Esher ; Aberdeen and Malakoff ; Templeton ; Templeton-Est ; Templeton-Est east part ; Templeton-Ouest ; unorganized territories Berthier centre part ; unorganized territories Berthier north part ; unorganized territories Gatineau ; unorganized territories Joliette west centre part ; unorganized territories Joliette north part ; unorganized territories Maskinongé north part ; unorganized territories Montcalm north-central part ; unorganized territories Montcalm north part ; unorganized territories Papineau ; unorganized territories Pontiac centre part ; unorganized territories Pontiac north part ; unorganized territories Pontiac south part ; Thorne ; Thurso ; Touraine ; Val-des-Bois ; Vinoy ; Wakefield (township) ; Wakefield (village) ; Wakefield east part ; Waltham and Bryson ;

(b) subregion 03 which comprises the following municipalities and territories : Aumond ; Blue Sea ; Bois-Franc ; Bouchette ; Cameron ; Chute-Sainte-Philippe ; Décarie ; Deleage ; Dorion ; Egan-Sud ; Ferme-Neuve (parish) ; Ferme-Neuve (village) ; Gracefield ; Grand-Remous ; Kiamika ; L'Annonciation ; L'Ascension ; Lac Nominigüe ; Lac Saint-Paul ; Lac-des-Écorces (without designation) ; Lac-des-Écorces (village) ; Lac-du-Cerf ; Lytton ; Maniwaki (Indian Reservation) ; Maniwaki (town) ; Marchand ; Messine ; Montcerf ; Mont-Laurier ; Mont-Saint-Michel ; Northfield ; Notre-Dame-de-Pontmain ; Notre-Dame-du-Laus ; Robertson and Pope ; Sagouay ; Sainte-Anne-du-Lac ; Sainte-Thérèse-de-la-Gatineau ; Saint-Aimé-du-Lac-des-Îles ; unorganized territories Labelle north part ; unorganized territories Labelle northeast part ; unorganized territories Labelle southwest part ; unorganized territories Montcalm west part ; Turgeon ; Val-Barette ; Wright.

(8) **Region No. 8 or the Northwest Region** : This region comprises 2 subregions :

(a) subregion 01 which comprises the following municipalities and territories : Angliers ; Bellettre ; Cadillac ; Duhamel-Ouest ; Duparquet ; Évain (without designation) ; Évain (village) ; Fugèreville ; Guérin ; Lac Simon ; Latulipe and Gaboury ; Lorrainville ; Malartic ; Moffet ; Nédelec ; Noranda ; Notre-Dame-de-Lourdes-de-Lorrainville ; Notre-Dame-du-Nord ; Pascalis ; Rouyn ; Saint-Bruno-de-Guigues ; Saint-Édouard-de-Fabre ; Saint-Eugène-de-Guigues ; Saint-Isidore ; Saint-Placide-de-Bearn ; Sullivan ; Témiscaming ; unorganized territories Abitibi south part ; unorganized territories Abitibi southwest part ; unorganized territories Abitibi southwest west part ; unorganized territories Témiscamingue centre part ; unorganized territories Témiscamingue north part ; unorganized territories Témiscamingue northeast part ; unor-

ganized territories Témiscamingue northwest part ; unorganized territories Témiscamingue south part ; Témiscaming ; Val d'Or ; Ville-Marie ; Winneway ;

(b) subregion 03 which comprises the following municipalities and territories : Amos (town) ; Amos (Indian Reservation) ; Amos-Est ; Authier ; Barraute ; Barville ; Belcourt ; Champneuf ; Clermont ; Clerval ; Colombourg ; Fiémont and Barraute ; La Motte ; La Reine (without designation) ; La Reine (village) ; La Sarre (town) ; LaSarre (township) ; Landrienne ; Launay ; Lebel-sur-Quévillon ; Macamic (parish) ; Macamic (town) ; Matagami ; Normétal ; Palmarolle ; Pouliaries ; Privat ; Roquemaure ; Sainte-Germaine-Boulé ; Sainte-Hélène-de-Mancebourg ; Saint-Félix-de-Dalquier ; Saint-Jacques-de-Dupuy ; Saint-Janvier ; Saint-Lambert ; Saint-Laurent ; Saint-Marc-de-Figuery ; Saint-Mathieu ; Senneterre (parish) ; Senneterre (town) ; Taschereau ; unorganized territories Abitibi centre part ; unorganized territories Abitibi west-centre part ; unorganized territories Abitibi south-centre part ; unorganized territories Abitibi southwest centre part ; unorganized territories Abitibi north part ; unorganized territories Abitibi northwest part ; unorganized territories Abitibi west part ; Trécesson ; Val-Saint-Gilles.

(9) **Region No. 9 or North Shore Region** : This region comprises 2 subregions :

(a) subregion 01 which comprises the following municipalities and territories : Baie-Comeau ; Baie-Trinité ; Bergeronnes ; Bersimis ; Chute-aux-Outardes ; Colombyer ; Escoumains ; Escoumins ; Forestville ; Godbout ; Grandes-Bergeronnes ; Hauterive ; Les Sept-Cantons-Unis-du-Saguenay ; Pointe-aux-Outardes ; Pointe-Lebel ; Raguénau ; Sacré-Coeur ; Sainte-Anne-de-Portneuf ; Saint-Luc-de-Laval ; Saint-Paul-du-Nord ; Sault-au-Mouton ; Tadoussac ; unorganized territories Saguenay west central part ; unorganized territories Saguenay north part ; unorganized territories Saguenay northwest part ; unorganized territories Saguenay west part ;

(b) subregion 03 which comprises the following municipalities and territories : Aguanish ; Baie-Johan-Beetz ; North Shore of the Gulf of the Saint-Lawrence ; De Grasse ; Gagnon ; Gallix ; Havre-Saint-Pierre ; Anticosti Island ; Letellier ; Longue-Pointe ; Mingan ; Moisie ; Natashquan (township) ; Natashquan (Indian Reservation) ; Port-Cartier ; Rivière-au-Tonnerre ; Rivière-Pentecôte ; Rivière Saint-Jean ; Romaine ; Sept-Îles (city) ; Sept-Îles (Indian Reservation) ; Seven Islands ; unorganized territories Saguenay centre part ; unorganized territories east centre part ; unorganized territories Saguenay east part ; unorganized territories Saguenay northeast part.

(10) **Region No. 10 or New Québec Region**, which comprises the following municipalities and territories :

(a) Eastmain ; Fort George ; Great Whale River ; Nemaska ; Paint-Hills ; Rupert House ; Schefferville (town) ; Schefferville (Indian Reservation), unorganized territories New Québec territory northeast part, unorganized territories New Québec territory centre part ; unorganized territories New Québec territory east part ; unorganized territories New Québec territory north part ; unorganized territories New Québec territory west part ;

(b) the territory of the James Bay region which comprises the territory bounded to the west by the western boundary of Québec, to the south by the parallel of latitude 49°00 North, to the east by the electoral districts of Roberval, Lac Saint-Jean, Dubuc and Saguenay and also by the northern prolongation of the western boundary of the electoral district of Saguenay and to the north by the parallel of latitude 55°00 North.





c. C-26, r.9

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des administrateurs agréés du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des administrateurs agréés du Québec ;
- (b) “Bureau” : the Bureau of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II THE BUREAU**

**2.01.** Each year, at the first meeting following the annual meeting of the Corporation, the Bureau shall elect from among its elected members 3 vice-presidents and a treasurer.

**2.02.** The Bureau shall be convened by the secretary by means of a written notice sent at least 10 days prior to the date of the meeting.

**2.03.** In case of emergency, the president of the Corporation may convene a meeting of the Bureau provided that :

- (a) all the directors are notified by telephone or telegram at least 3 days prior to the meeting ; and
- (b) all the directors absent at that meeting acknowledge that they have been convened in accordance with paragraph *a*.

**2.04.** Notwithstanding sections 2.02 and 2.03, a meeting of the Bureau shall be deemed to be regularly held if all

the members are present and waive the notice of convocation.

### **DIVISION III OATH OF DISCRETION**

**3.01.** At the first meeting of the Bureau immediately following the taking of office by a director, the first item on the agenda must be the swearing in of the new director. The latter must take the oath or solemn affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

### **DIVISION IV THE ADMINISTRATIVE COMMITTEE**

**4.01.** The administrative committee of the Corporation shall consist of the following directors : the president of the Corporation, the 3 vice-presidents, the treasurer and an appointed director.

**4.02.** The secretary of the Corporation shall act as the secretary of the administrative committee but shall not have the right to vote.

**4.03.** The administrative committee shall be convened by means of a written notice sent at least 7 days prior to the date of the meeting.

**4.04.** In case of emergency, the president may convene a meeting of the administrative committee provided that :

- (a) all the members of the administrative committee are notified by telephone or telegram at least 3 days prior to the meeting ; and
- (b) all members of the administrative committee absent at that meeting acknowledge that they have been convened in accordance with paragraph *a*.

**4.05.** Notwithstanding sections 4.03 and 4.04, a meeting of the administrative committee shall be deemed to be regularly held if all the members of the administrative committee are present and waive the notice of convocation.

**4.06.** In the absence of the president of the Corporation, one of the 3 vice-presidents shall preside over the meetings of the administrative committee.

**4.07.** Every notice of convocation to a meeting of the administrative committee must be transmitted to the former president whose term of office has expired, and who shall act as a special adviser but shall not have the right to vote.

**4.08.** All decisions shall be taken by majority vote of the members present ; in the case of a tie-vote, the chairman of the meeting shall have the casting-vote.

## **DIVISION V**

### **GENERAL MEETINGS**

**5.01.** The annual general meeting of the members of the Corporation shall be held between 15 May and 15 June every year.

**5.02.** The quorum for the general meetings of the Corporation shall be 50 members.

**5.03.** Where the quorum is not reached at a general meeting, the secretary shall draw up the minutes to this effect and another general meeting shall be convened.

**5.04.** All decisions shall be taken by majority vote. In the case of a tie-vote, the chairman of the meeting shall have the casting-vote.

## **DIVISION VI**

### **MISCELLANEOUS PROVISIONS**

**6.01.** The corporate seat of the Corporation is situated within the territory of the Communauté urbaine de Québec.

**6.02.** The seal of the Corporation is that which is imprinted on the copy of this Regulation held by the secretary of the Corporation.

**6.03.** The graphic sign of the Corporation shall consist of a gilded pentagon, of irregular shape, inside which there is the Mercury helmet. The sides of the pentagon mean : FORESEE — ORGANIZE — DIRECT — COORDINATE — CONTROL.

**6.04.** The president, or if he is unable to act, one of the 3 vice-presidents, shall be the only persons authorized to be spokesmen of the Corporation in expressing opinions in public on matters relating to the practice of the profession, or to designate a representative for that purpose.

**6.05.** Subject to section 6.04, a director shall not express his personal opinion in public in matters relating to the practice of the profession, unless he warns such public

in clearly stating that the ideas which he puts forward are his own and that the authorities of the Corporation are not necessarily in agreement with him.

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O.C. 1784-75, (1975) 107 O.G.II, 1375 and 2129  
O.C. 492-77, (1977) 109 O.G.II, 1185  
O.C. 1454-79, (1979) 111 G.O., 5753



c. C-26, r.10

## Code of ethics of chartered administrators

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) “Corporation” : the Corporation professionnelle des administrateurs agréés du Québec ;

(b) “administrator” : a person entered on the roll of the Corporation ;

(c) “client” : a person or an employer who has recourse to the professional services of an administrator.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** Every administrator must, unless he has sound reasons to the contrary, support every measure likely to improve the quality and availability of professional services in the field in which he practises.

**2.02.** In the practice of his profession, the administrator must bear in mind the general effect which his research and work may have on society.

**2.03.** The administrator must promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### *§1. General provisions*

**3.01.01.** Before accepting a mandate, the administrator must bear in mind the extent of his proficiency, knowledge and the means at his disposal. He must not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.02.** The administrator must at all times acknowledge the client’s right to consult another administrator, a member of another professional corporation or any other competent person with whom he must, where necessary, work in close collaboration.

**3.01.03.** The administrator must not practise under conditions or in situations likely to impair the quality of his services.

**3.01.04.** The administrator must not interfere in the personal affairs of his client in matters that do not fall within the generally recognized competence of the profession, so as not to unduly restrict his client’s autonomy.

**3.01.05.** The administrator must, in the practice of his profession, identify himself in relation to his client as a chartered administrator. He must, in particular, sign and make known his capacity as chartered administrator on any report or document produced in the practice of his profession.

#### *§2. Integrity*

**3.02.01.** The administrator must discharge his professional duties with integrity.

**3.02.02.** The administrator must avoid any misrepresentation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires he must, with the latter’s authorization, consult a colleague, a member of another professional corporation or another competent person, or send his client to one of these persons.

**3.02.03.** The administrator must inform his client as soon as possible of the extent and the terms and conditions of the mandate entrusted to him by the latter and obtain his agreement thereto.

**3.02.04.** The administrator must set out in a complete and objective manner to his client the nature and implications of the problem as he sees it on the basis of all the facts brought to his attention.

**3.02.05.** Where the administrator deems that the client's interest requires a change in the original mandate, he must notify the client thereof no matter how the duration of the mandate may be affected thereby.

**3.02.06.** The administrator must refrain from expressing opinions or giving advice that is contradictory or incomplete. To this end, he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

**3.02.07.** The administrator must notify his client as early as possible of any error he has made while rendering him a professional service which could be prejudicial to the latter and which cannot be easily rectified.

**3.02.08.** The administrator must take reasonable care of the property entrusted to him by a client and he may not lend or use it for purposes other than those for which it was entrusted to him.

**3.02.09.** The administrator who holds a sum of money for the account of a client must, unless indicated otherwise in writing by the client, deposit such sum of money in a trust account.

**3.02.10.** The administrator must refrain from endorsing any cheque made to the order of a client unless he has received an authorization to that effect from the latter and on the condition that the endorsement is made solely for deposit in a trust account.

**3.02.11.** The administrator must notify his client of any illegal act likely to benefit that client and of which he became aware in the execution of his mandate.

### *§3. Availability and diligence*

**3.03.01.** In the practice of his profession, the administrator must display reasonable availability and diligence.

**3.03.02.** In addition to opinion and advice, the administrator must provide his client with any explanation

necessary to the understanding and evaluation of the services rendered him.

**3.03.03.** The administrator must give an accounting to his client when so requested by the latter.

**3.03.04.** The administrator must display objectivity and impartiality when persons other than his clients ask him for information.

**3.03.05.** Unless he has sound and justifiable grounds for doing so, an administrator may not cease to act for the account of a client. The following shall, in particular, constitute sound and justifiable grounds :

- (a) loss of the client's confidence ;
- (b) the fact that the administrator is in a situation of conflict of interest or in a situation such that his professional independence could be called in question ;
- (c) the fact of being incited by the client to perform illegal, unfair or fraudulent acts.

**3.03.06.** Before ceasing to act for the account of a client, the administrator must send an advance notice of withdrawal within a reasonable time and ensure that such termination of service is not prejudicial to his client.

### *§4. Liability*

**3.04.01.** The administrator must, in the practice of his profession, completely bind his personal civil liability. He is thus prohibited from entering in a contract of professional services a clause directly or indirectly excluding, in whole or in part, the said liability.

### *§5. Independence and impartiality*

**3.05.01.** The administrator must subordinate his personal interest to that of his client.

**3.05.02.** The administrator must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** The administrator must at all times safeguard his professional independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, an administrator :

- (a) is in conflict of interest when the interests in question are such that he might tend to favour certain of them

over those of his client or where his judgment and loyalty towards the latter might be unfavourably affected ;

(b) is not an objective adviser if he derives a direct or indirect, real or possible, personal benefit from any given act.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interest, the administrator must notify his client thereof and ask him for authorization to continue his mandate.

**3.05.05.** An administrator may share his fees with another person only to the extent that such sharing corresponds to a distribution of services and responsibility.

**3.05.06.** An administrator shall not receive, other than the remuneration to which he is entitled, any benefit, allowance or commission relative to the practice of his profession. Nor shall he pay, offer to pay or undertake to pay such benefit, allowance or commission.

**3.05.07.** For a given service, the administrator must only accept fees from one source, unless explicitly agreed upon otherwise among all the parties concerned. He shall accept the payment of these fees only from his client or the latter's representative.

**3.05.08.** The administrator shall generally act, in the same matter, for only one of the parties in question. If his professional duties require that he act otherwise, the administrator must specify the nature of his responsibilities and must keep all the interested parties informed that he will cease to act if the situation becomes irreconcilable with his duty of impartiality.

#### *§6. Professional secrecy*

**3.06.01.** An administrator must respect the secrecy of confidential information obtained in the practice of his profession.

**3.06.02.** The administrator may be released from professional secrecy only upon the authorization of his client or when so ordered by law.

**3.06.03.** When an administrator asks a client to give him confidential information or when he allows such information to be given to him, he must ensure that the client is fully aware of the purpose of the interview and of the various uses which might be made of such information.

**3.06.04.** The administrator must not disclose the fact that his services have been required by a person if such disclosure could be prejudicial to that person.

**3.06.05.** The administrator must avoid indiscreet conversations concerning a client and the services rendered to him.

**3.06.06.** The administrator must not make use of confidential information which could be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another.

#### *§7. Accessibility of records*

**3.07.01.** The administrator must respect the right of his client to consult the documents which concern him in every record made in his regard and to obtain a copy of such documents.

#### *§8. Determination and payment of fees*

**3.08.01.** The administrator must charge and accept fair and reasonable fees.

**3.08.02.** The fees are fair and reasonable if they are warranted by the circumstances and correspond to the services rendered. In determining his fees, the administrator must in particular take the following factors into account :

(a) the time given to the carrying out of the professional service ;

(b) the complexity and extent of the service ;

(c) the performance of unusual services or services requiring exceptional competence or celerity.

**3.08.03.** The administrator must provide his client with all the explanations necessary to the understanding of his statement of fees and the terms and conditions of payment.

**3.08.04.** The administrator must apply the same mode of fee computation for the same work done for clients.

**3.08.05.** Unless he has particular reasons for so doing and that are justifiable under the circumstances, the administrator must refrain from demanding advance payment for his services ; he must, on the other hand, notify his client of the approximate cost of his services.

**3.08.06.** The administrator may collect interest on outstanding accounts only after having duly notified his

client. The interest thus charged must be at a reasonable rate.

**3.08.07.** Before having recourse to legal proceedings, the administrator must have exhausted all the other means at his disposal for obtaining payment of his fees.

**3.08.08.** When an administrator entrusts the collection of his fees to another person he must, as far as possible, make sure that the latter will act with tact and moderation.

**3.08.09.** The administrator must refrain from paying himself from the funds he holds for a client, unless the latter agrees thereto.

#### **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

##### *§1. Derogatory acts*

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code, the following acts are derogatory to the dignity of the profession of administrator :

(a) pressing or repeated inducement to have recourse to his professional services ;

(b) communicating with the plaintiff without the prior written permission of the syndic or his assistant where he is informed that an investigation into his professional conduct or competence is to be made, or where the service of a complaint has been made against him ;

(c) not bringing to the attention of the Corporation that he has reason to believe that an administrator is incompetent or does not act in conformity with professional ethics ;

(d) continuing a mandate for the account of a client when, to his knowledge, the latter is acting fraudulently.

##### *§2. Relations with the Corporation and colleagues*

**4.02.01.** An administrator whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee, is requested by the Corporation, must accept that duty unless he has exceptional reasons for refusing it.

**4.02.02.** An administrator must answer promptly all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.02.03.** An administrator shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him. He shall not, in particular, take credit for work done by a colleague.

**4.02.04.** An administrator must, before accepting a consultation mandate whereby he replaces another administrator, contact the latter to ask him whether there are factors which he should take into account before deciding to accept the mandate.

**4.02.05.** An administrator who is consulted by a colleague must give the latter his opinion and recommendations as promptly as possible.

**4.02.06.** An administrator who is called upon to collaborate with a colleague must maintain his professional independence. He may ask to be dispensed from doing any task required of him that is contrary to his conscience or his principles.

##### *§3. Contribution to the advancement of the profession*

**4.03.01.** An administrator must, as far as he is able, contribute to the development of the profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuing training periods.



c. C-26, r.11

## Regulation respecting the records of a chartered administrator who ceases to practise

Professional Code  
(R.S.Q., c. C-26, s. 91)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made under section 91 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des administrateurs agréés du Québec ;

(b) “administrator” : whosoever is entered on the roll of the Corporation ;

(c) “secretary” : the secretary of the Corporation ;

(d) “records” : the records, books and registers that an administrator must keep in the practice of his profession ;

(e) “transferee” : the administrator to whom are transferred the records of another administrator upon the latter’s permanent cessation of practice ;

(f) “provisional custodian” : the administrator to whom are entrusted the records of another administrator during the latter’s temporary cessation of practice.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.04.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technique for the preservation of records.

**1.05.** In the case of an administrator who is a member or an employee of a partnership of administrators or an employee of a physical or moral person, this Regulation shall not apply to the records of such partnership or employer used by that administrator in the practice of his profession. This Regulation shall, however, apply when all the members of a partnership of administrators cease to practise.

**1.06.** An agreement respecting the transfer or provisional custody of the records of an administrator who ceases to practise must be certified in writing and sent to the secretary.

### DIVISION II PERMANENT CESSATION OF PRACTICE

**2.01.** Subject to sections 2.02 and 2.03, where an administrator ceases permanently to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a transferee, notify the secretary, by registered or certified mail, that he shall cease to practise his profession effective from such date and give him the name, address and telephone number of the transferee ; or

(b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where an administrator ceases to practise his profession as a result of his being struck off the roll, the secretary must ensure that the administrator who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the administrator who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of an administrator, the secretary must, as soon as he is notified thereof, ensure that the assigns of the administrator find a transferee as quickly as possible.

**2.04.** The transferee of the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of an administrator who ceases permanently to practise :

- (a) notify, in writing, the clients of that administrator :
  - i. of the fact that he is in the possession of the latter’s records ;
  - ii. of his address, telephone number and business hours ; and
  - iii. of their right to consult another administrator ;

(b) cause to be published twice, at an interval of 10 days, in at least one French language daily newspaper and, where applicable, in at least one English language daily newspaper circulated in the region in which that administrator practised his profession, an advertisement indicating his address, telephone number and office hours and specifying that he is in possession of that administrator's records.

The transferee must send to the secretary a copy of the advertisement contemplated in subparagraph *b* of the first paragraph.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to take cognizance of the documents concerning him in any record made in his regard and to obtain copies of such documents. The fees for the obtainment of such copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of an administrator who has ceased permanently to practise his profession, he may at any time, after consulting that administrator, entrust the records to a transferee.

**2.07.** While he has custody of the records of an administrator who has ceased permanently to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that administrator's patients.

**2.08.** Subject to section 2.06, the secretary must retain for a minimum period of 5 years the records he receives pursuant to this Division.

### **DIVISION III TEMPORARY CESSATION OF PRACTICE**

**3.01.** Subject to section 3.02, where an administrator ceases temporarily to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail that he ceases temporarily to practise his profession effective from such date, and give him the date on which he intends to resume practising his profession together with the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** Where an administrator ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the administrator who is struck off find a provisional custodian within 15 days of the delay for appeal or final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the administrator who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must communicate to the patients of the administrator whose records he has custody of, the pertinent information respecting the progress of their record, keep such records up to date, and take the other necessary preservation measures in order to safeguard the interests of that administrator's patients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except in the case where an administrator ceases to practise as a result of a temporary striking off lasting under 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or provisional custodian, as the case may be, must return the records to the administrator immediately upon termination of the period of temporary cessation of practice.

**3.07.** A member who no longer wishes to resume practising his profession during or after the expiry of the period in which he has ceased temporarily to practise, must comply with Division II.





c. C-26, r.12

## **Regulation respecting the indemnity fund of the Corporation professionnelle des administrateurs agréés du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 89)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des administrateurs agréés du Québec ;

(b) “administrator” : a person entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II CONSTITUTION OF FUND**

**2.01.** The Bureau shall establish an indemnity fund to be used to repay the amounts of money or other securities used by an administrator for purposes other than those for which they had been delivered to him in the practice of his profession.

**2.02.** The fund shall be maintained at a minimum amount of 20 000 \$ and shall consist of :

(a) the sums of money allocated therefor by the Bureau where necessary ;

(b) assessments fixed for such purpose ;

(c) the sums of money recovered pursuant to section 159 of the Professional Code ;

(d) the interest yielded by the sums of money constituting the fund ; and

(e) the sums of money which may be paid by an insurance company under a group insurance policy taken out by the Corporation for all its members.

**2.03.** The Bureau is authorized to conclude any group insurance or reinsurance contract for the constitution of the fund and to pay the premiums out of the fund.

**2.04.** The accounts and bookkeeping in respect of the fund shall be separate from that of the Corporation.

**2.05.** The sums of money constituting the fund shall be invested by the Bureau in the following manner :

(a) the part of the sums that the Bureau anticipates using at call shall be deposited in a banking institution ;

(b) the other part shall be invested in accordance with article 9810 of the Civil Code.

### **DIVISION III CLAIMS ON THE FUND**

**3.01.** A claim on the fund shall be forwarded to the secretary of the Corporation at the latter’s corporate seat.

**3.02.** The secretary shall enter the claim on the agenda for the first meeting of the Bureau following its receipt.

**3.03.** A claim must :

(a) be submitted in writing ;

(b) state the facts in support thereof ;

(c) indicate the amount claimed ; and

(d) be sworn to.

**3.04.** A claim in respect of an administrator may be filed whether or not there has been, with respect to the latter, a decision of the committee on discipline, the Professions Tribunal or of any other competent court.

**3.05.** To be acceptable, a claim must be filed in the course of the year during which the claimant is aware of illegal utilization.

**3.06.** The Bureau may extend the time period prescribed in section 3.05 if it so deems expedient.

## **DIVISION IV INDEMNITY**

**4.01.** The Bureau may designate a person or a committee to hold an inquiry and to submit a report to it concerning a claim.

**4.02.** At the request of the person or of the committee designated to hold an inquiry, the claimant or the administrator concerned must :

- (a) provide all the details and documents relative to the claim ;
- (b) produce any pertinent proof.

**4.03.** The Bureau shall decide whether it is expedient to allow a claim in whole or in part and, where applicable, shall fix the indemnity. Its decision is final.

**4.04.** The indemnity payable to a claimant is limited to 20 000 \$.

**4.05.** Before receiving the indemnity fixed by the Bureau, the claimant must sign a discharge in favour of the Corporation with subrogation in all his rights against the offending administrator up to the amount of the indemnity.



c. C-26, r.13

**Regulation respecting the regular  
members of the Corporation  
professionnelle des administrateurs agréés  
du Québec**

Professional Code  
(R.S.Q., c. C-26)

**1. Regular members :** A candidate may be accepted as a regular member of the Corporation :

(a) if he holds a university diploma in commercial or administrative science evidencing completion of a regular course given by a university and meeting the requirements of the Corporation or if he has qualified in the Corporation's entrance examination ; and

(b) if he is employed in management or if his duties require administrative ability and knowledge of enterprise of all kinds or if his main occupation is that of consulting administrator ; and

(c) if he is not already a member of a professional corporation, unless he fills managerial duties.

Only regular Corporation members in good standing may vote and hold office in the Corporation.

**2. Admission :** Applications for regular membership must be sent to the corporate seat of the Corporation in the manner prescribed by the board of directors. Each application must be supported by at least 2 Corporation members in good standing.

Each application must be accompanied by the candidate's formal signed undertaking to respect the Act, by-laws and code of professional ethics governing the Corporation, as well as by a cheque covering registration fees.

A candidate is finally admitted as member of the Corporation when his application has been accepted by majority vote of the board of directors and when his annual dues have been paid.

**3.** This Regulation shall remain in force until 1 January 1984.

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O.C. 1247-68, (1968) 100 O.G., 3819  
O.C. 1574-70, (1970) 102 O.G., 1036 and 2500  
O.C. 2700-71, (1971) 103 O.G., 4639 and 7562  
O.C. 3483-81, (1981) 113 G.O. II, 4126



c. C-26, r.14

## **Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des administrateurs agréés du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des administrateurs agréés du Québec ;
- (b) “Bureau” : the Bureau of the Corporation ;
- (c) “member” : whoever is entered on the roll of the Corporation ;
- (d) “region” : one of the regions within the meaning of the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II TERM OF OFFICE**

**2.01.** The president and the directors shall be elected for a term of 2 years.

### **DIVISION III ELECTION PROCEDURE**

**3.01.** Between the 45th and the 60th day preceding the date of the closing of the poll, the secretary shall send to each member of the Corporation a list of the members of the region in which he principally practises his profession together with a nomination paper.

**3.02.** To be valid, every nomination paper must contain or be accompanied by the written consent of the person nominated.

**3.03.** A member shall not sign more nomination papers than there are offices of director to be filled for his region. A signature appearing on a number of nomination papers in excess of the number of offices of director to be filled shall be struck off all papers.

**3.04.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest to the validity of the nomination paper.

**3.05.** In addition to the documents described in section 69 of the Professional Code, the secretary of the Corporation shall, at least 15 days prior to the date of the closing of the poll, send to each member of the Corporation a brief curriculum vitae of each candidate indicating in particular his age, the date of his admission and, where applicable, his principal activities within the Corporation.

**3.06.** The ballot-paper certified by the secretary must contain the following data and information :

- (a) the name and graphic sign of the Corporation ;
- (b) the year of the election ;
- (c) the identification of the region ;
- (d) the names in alphabetical order of the candidates for the offices of director in the region in which the member principally practises his profession ;
- (e) the number of seats to be filled in the region ; and
- (f) the date and hour of the closing of the poll.

**3.07.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent to him is lost or otherwise unusable, provided such member makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**3.08.** The closing of the poll is fixed at 30 April at 18 h.

**3.09.** The 5 scrutineers shall be appointed from among the members of the Corporation.

**3.10.** The secretary and the scrutineers shall swear under oath that they will faithfully fulfil their duty before any person authorized to administer such oath.

**3.11.** The counting of the votes shall be done at the corporate seat of the Corporation.

**3.12.** Every ballot-paper shall be void :

- (a) on which the voter casts his vote otherwise than by a cross ;
- (b) which contains more crosses than the number of seats to be filled in the region ;
- (c) which is not certified by the secretary ;
- (d) which is soiled, erased or which contains any identification mark of the elector ;
- (e) which is not returned in the envelope provided by the secretary and on which the word "ELECTION" is written.

**3.13.** The secretary's decision respecting the validity of a ballot-paper shall be final.

**3.14.** The secretary shall declare elected the candidates who have obtained the most votes ; he shall have the results of the vote countersigned by the scrutineers.

**3.15.** Immediately after the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.

**3.16.** The secretary shall send a copy of the report referred to in section 3.15 to each candidate.

**3.17.** The secretary must also make a detailed report of the election at the first meeting of the Bureau following the election.

**3.18.** Where, during the election period, the secretary is unable to act for any reason deemed sufficient by the Bureau, the latter shall designate a member of the Corporation to replace the secretary. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

**3.19.** Where the general meeting fails to exercise the option set forth in section 64 of the Professional Code with respect to the mode of election of the president, such election shall be held according to the last choice expressed by the general meeting for a previous election.

The choice of the mode of election of the president by the general meeting shall not be modified within 4 months preceding the date of the closing of the poll.

**3.20.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation shall apply *mutatis mutandis* to his election.

sions of this Regulation shall apply *mutatis mutandis* to his election.

**3.21.** Where the president is elected by the vote of the elected directors, his election shall be held at the first meeting of the Bureau following the taking of office of the directors.

#### DIVISION IV TRANSITIONAL PROVISIONS

**4.01.** The number of offices to be filled for each region shall vary each year, having regard to the total number of offices to be filled and the terms of office due to expire.

**4.02.** At the 1976 election, the following number of directors shall be elected in the regions listed below :

- (a) Northeastern region : 1 director ;
- (b) Saguenay-Lac-Saint-Jean region : 1 director ;
- (c) Québec region : 2 directors ;
- (d) Trois-Rivières region : 1 director ;
- (e) Eastern Townships region : 1 director ;
- (f) Montréal region : 1 director.

**4.03.** At the 1977 election, the following number of directors shall be elected in the regions listed below :

- (a) Outaouais-Northwestern region : 1 director ;
- (b) Québec region : 2 directors ;
- (c) Montréal region : 3 directors.



c. C-26, r.15

## Regulation respecting the procedure for conciliation and arbitration of accounts of chartered administrators

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made under section 88 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des administrateurs agréés du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “administrator” : the member of the Corporation whose accounts is the object of a dispute with a client ;
- (d) “council” : the council for the arbitration of accounts set up under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the correspondent syndics of the Corporation.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II CONCILIATION

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic in forwarding him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which an action for a claim concerning

the account contested is served by the administrator upon the client.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall forward to the administrator a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### DIVISION III ARBITRATION

#### *§1. Submission to arbitration*

**3.01.01.** A client shall apply for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall forward to the administrator, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the administrator shall sign it and return it to the secretary.

#### *§2. Formation of council*

**3.02.01.** In order to settle the dispute between the client and the administrator, the Bureau shall set up an arbitration council composed of 3 members of the Corporation and shall designate a chairman from among them. The Bureau shall also appoint a clerk to assist the council in the exercise of its functions.

**3.02.02.** The clerk shall notify the arbitrators and the parties of the formation of the council.

**3.02.03.** A motion for recusation for an arbitrator shall only be made for one of the causes set forth in article 234 in the Code of Civil Procedure (R.S.Q., c. C-25) and must be forwarded in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or makes the affirmation of discretion prescribed in Schedule II to the Professionnal Code.

**3.02.05.** In the case of the death or inability to act of one of the arbitrators, the others shall terminate the matter and their decision shall be valid. In the event that the chairman dies or is unable to act, the Bureau shall appoint a chairman from among the 2 other arbitrators on the council.

### §3. Hearing

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall proceed with dispatch to the hearing of the dispute according to the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, such party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrators.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure shall apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### §4. Award of arbitrators

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that time period.

**3.04.02.** The council decides as arbitrator and renders the decision it considers most appropriate.

**3.04.03.** The decision shall be rendered by the majority of the members of the council ; in default of a majority, the decision shall be taken by the chairman.

The reasons for the decision must be given and it must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign it, the others must make mention thereof and the decision shall be as valid as if it had been signed by all.

The clerk shall forward the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees, namely, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount which is the object of the arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The award is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and members of the Bureau.

## SCHEDULE 1

(s. 2.02)

### APPLICATION FOR CONCILIATION

I, the undersigned, .....  
(name and address)

.....  
in person or (where applicable) representing .....  
for the purposes of this application, as attested to by the  
authorization annexed hereto, being duly sworn, solemnly  
declare :

(1) ..... claims from me  
(name of administrator)

the sum of ..... for professional services rendered  
between ..... and .....  
as attested to by the account a copy of which is annexed  
hereto ;

(2) I refuse to pay this account for the following reason(s) : .....

.....  
but (where applicable) I acknowledge that I owe the sum  
of ..... for the professional services referred to in  
such account ;

(3) I apply for conciliation by the syndic pursuant to  
Division II of the Regulation respecting the procedure for  
conciliation and arbitration of accounts of chartered administrators (R.R.Q., c. C-26, r.15), of which I declare  
having received a copy and taken cognizance.

Sworn to or solemnly declared before me

at .....  
this ..... 19...

And I have signed

.....  
(signature of client or his duly authorized representative)

.....  
(commissioner for oaths)

## SCHEDULE 2

(s. 3.01.01)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
(name and address)

in person or (where applicable) representing .....

..... for the purposes of this submission,  
as attested to by the authorization annexed hereto,  
hereinafter referred to as "party of the first part",  
and

.....  
(name and address)

member of the Corporation professionnelle des administrateurs agréés du Québec, hereinafter referred to as  
"party of the second part",

who make the following declarations and agreements :

(1) The party of the second part claims from the party  
of the first part the sum of ..... for professional  
services rendered between .....  
and ..... as attested to by the account a  
copy of which is annexed hereto ;

(2) The party of the first part refuses to pay this account  
for the following reason(s) :

.....  
.....

.....  
but (where applicable) the party of the first part acknowledges  
that he owes the sum of ..... for the  
professional services referred to in such account ;

(3) The dispute between the parties bears on the entire  
account or (where applicable) on that part of the account  
which exceeds that which the party of the first part acknowledges  
to owe to the party of the second part, namely  
the sum of ..... ;

(4) The dispute between the parties will be settled by  
arbitration held in accordance with Division III of the  
Regulation respecting the procedure for conciliation and  
arbitration of accounts of chartered administrators  
(R.R.Q., c. C-26, r. 15), of which the parties declare having  
received a copy and taken cognizance ;

(5) The party of the first part renounces to the benefit  
of any time elapsed with respect to the prescription ;

(6) The party of the second part undertakes, for the  
duration of the arbitration, not to claim before the civil  
courts that part of the account which is the object of the  
dispute ;

(7) The award of the arbitrators binds the parties and  
the rules set forth in Book VII of the Code of Civil Procedure  
shall apply to its enforcement ;

(8) This submission may only be annulled with the  
written consent of the parties.

.....  
(signature of client or his duly authorized representative)



Signed at .....

this ..... 19...

.....  
(signature of administrator)

Signed at .....

this ..... 19...



c. C-26, r.16

## **Regulation respecting the procedure of the professional inspection committee of chartered administrators**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under section 90 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean ;

(a) “committee” : the professional inspection committee ;

(b) “Corporation” : the Corporation professionnelle des administrateurs agréés du Québec ;

(c) “administrator” : every person whose name is entered on the roll ;

(d) “records” ; the records, books and registers kept by an administrator in the practice of his profession, as well as :

i. the documents or reports in which he has in fact collaborated among the records, books and registers kept by his colleagues or employer ; and

ii. any property entrusted to him by a client ;

(e) “investigator” : the committee, one of its members, or a person authorized to assist the committee in the exercise of its functions.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II THE COMMITTEE**

**2.01.** The committee is composed of 4 members appointed by the Bureau from among the administrators who have been practising for at least 3 years.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The Bureau of the Corporation designates the secretary of the committee.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each administrator who is the object of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the administrator’s academic qualifications and experience as well as all the records pertaining to the inspection of which he is the object under this Regulation.

**3.03.** An administrator is entitled to consult his record and to obtain a copy thereof.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the administrators according to the programme established by it.

**4.02.** Each year, the Bureau shall publish the committee’s general supervision programme in the bulletin of the Corporation.

**4.03.** At least 15 days before the date fixed for the verification of an administrator’s records by an investigator, the committee shall, through its secretary, send the administrator in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If an administrator cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the administrator has been unable to take cognizance of the notice referred to in section 4.03, he shall so inform the com-

mittee which shall fix a new date for the verification and notify the administrator thereof.

**4.06.** An investigator must, if required to do so, produce a certificate attesting to his capacity, signed by the secretary of the committee.

**4.07.** The administrator whose records are the object of verification may be present or be represented by a mandatory.

**4.08.** If he has reason to believe that the committee should subject an administrator to a special inquiry, the investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF AN ADMINISTRATOR**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of an administrator, or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send the administrator in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Notwithstanding the first paragraph, where the sending of a notice to the administrator could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make such inquiry without notice.

**5.03.** An investigator may give the employer, representative or employee of an administrator notice of the order to allow him access to the records of that administrator.

**5.04.** Where records are held by a third party, the administrator must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the administrator refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that an administrator be required to serve a period of refresher training and that the right of such administrator to engage in professional activities during that period be limited, it shall notify the Bureau and the administrator in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that an administrator be required to serve a period of refresher training and that the right of such administrator to engage in professional activities during that period be limited, it must permit the administrator in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the administrator and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

- (a) a notice specifying the date and hour of the hearing ;
- (b) a statement of the facts and reasons for convening him before the committee ; and
- (c) a copy of the report made by the investigator concerning him.

**6.04.** An administrator or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall administer the oath or solemn affirmation to the administrator and the witnesses through the intermediary of a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the administrator, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the administrator does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the administrator or of the committee.

**6.09.** The committee and the administrator shall pay their own costs, with the exception of recording costs which shall be shared equally between them.

Notwithstanding the first paragraph, where the recording of depositions is made at the request of the committee, the latter shall assume the costs thereof.

**6.10.** In its recommendations concerning an administrator, the committee shall take into account the type of professional activities in which the administrator is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reason on which they are based shall be given, signed by the members of the committee who concurred in them, and forwarded to the Bureau and the administrator in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the continuing training courses organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code might be laid against an administrator, it shall notify the syndic of the Corporation.

#### SCHEDULE A

(s. 4.03)

CORPORATION PROFESSIONNELLE DES  
ADMINISTRATEURS AGRÉÉS DU QUÉBEC  
PROFESSIONAL INSPECTION COMMITTEE

#### NOTICE OF VERIFICATION

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers on . . . . . ,  
at . . . . . h.

Signed at . . . . . , on . . . . . 19...

The professional inspection committee

Per : . . . . .  
secretary of the committee

#### SCHEDULE B

(s. 5.02)

CORPORATION PROFESSIONNELLE DES  
ADMINISTRATEURS AGRÉÉS DU QUÉBEC  
PROFESSIONAL INSPECTION COMMITTEE

#### NOTICE OF SPECIAL INQUIRY

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on . . . . . at . . . . . h...

Signed at . . . . . , on . . . . . 19...

The professional inspection committee

Per . . . . .  
secretary of the committee



c. C-26, r.17

## Regulation respecting advertising by chartered administrators

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made under section 92 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) "Corporation" : the Corporation professionnelle des administrateurs agréés du Québec ;
- (b) "administrator" : whosoever is entered on the roll of the Corporation.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.04.** The items that an administrator may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** An administrator may not enter on his professional card any data other than :

- (a) his name and, where applicable, that of his partners ;
- (b) his profession and, where applicable, his membership in another professional corporation ;
- (c) his specialty, if he has a specialist's certificate recognized by the Corporation ;
- (d) his academic degrees ;
- (e) the address of his business office, his telephone number and business hours ;
- (f) the graphic sign of the Corporation or of his employer ;

- (g) the name of his employer, where applicable ; and
- (h) the title of the position he occupies with that employer.

**2.02.** The professional card shall not measure more than 6 centimetres in width and 11 centimetres in length.

### DIVISION III INFORMATION MEDIA

**3.01.** An administrator may publish or allow to be published in newspapers, magazines, periodicals, directories or other printed matter an advertisements containing all or part of the data set forth in section 2.01. Such advertisement may not, however, exceed one square decimetre (that is, approximately 16 square inches) and shall not appear more then once in the same issue of a newspaper, magazine, periodical, directory or other printed matter.

Such advertisement may, however, appear more than once in the same issue of a telephone directory.

**3.02.** Upon the opening of his business office, his entering an existing business office or his first entry on the roll of the Corporation, or upon his appointment to a post related to the practice of the profession, an administrator may publish an advertisement containing his photograph and certain biographical data in newspaper, magazines, periodicals, directories or other printed matter.

Such advertisement shall not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter nor in more than 2 issues of the same newspaper, magazine, periodical, directory or other printed matter.

The photograph authorized in the first paragraph shall not exceed 64 square centimetres (that is, approximately 9 square inches).

### DIVISION IV STATIONERY

**4.01.** An administrator may enter on his stationery all or part of the data set forth in section 2.01.

### DIVISION V BUSINESS OFFICE

**5.01.** The administrator may post up a sign containing all or part of the data set forth in section 2.01 on one of the

outer walls of the immovable in which his business office is situated or on the land on which the immovable is erected.

If the immovable in which his business office is situated is at a crossroads, the administrator may post up such sign on the outer walls or on the land facing each of the converging roads.

**5.02.** Inside his business office, the administrator may post up a sign conspicuous to the public containing all or part of the data set forth in section 2.01.

**5.03.** Signs authorized under this Division shall not exceed 25 square decimetres (that is, approximately 2,8 square feet).

## **DIVISION VI**

### **GRAPHIC SIGN OF THE CORPORATION**

**6.01.** The Corporation is represented by a graphic sign in compliance with the original held by the secretary of the Corporation and containing the following items :

- (a) a gilded pentagon, of irregular configuration ; and
- (b) the helmet of Mercury in white.

**6.02.** When an administrator reproduces the graphic sign of the Corporation for advertising purposes, he must ensure that this sign complies with the original held by the secretary of the Corporation and that it does not exceed 25 square decimetres (that is, approximately 2,8 square feet).



c. C-26, r.18

## Regulation respecting refresher training periods for chartered administrators

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des administrateurs agréés du Québec ;
- (b) “administrator” : a person entered on the roll of the Corporation ;
- (c) “training period” : period of refresher training contemplated by this Regulation ;
- (d) “trainee administrator” : an administrator who is required to serve a training period ;
- (e) “tutor” : an administrator responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** If the Bureau considers that the level of competence of a member does not meet the standards required for the protection of the public, it may oblige an administrator to serve a training period where :

- (a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;
- (b) his name is re-entered on the roll after failing to have it entered thereon for more than 5 years ;
- (c) his name is re-entered on the roll after he has been struck off for more than 5 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period considered, in virtue of section 2.10, not in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days after the time at which an administrator is liable to have to serve such training period.

**2.03.** A training period may, in particular, consist of one or more of the following activities :

- (a) a period of practical training ;
- (b) studies ;
- (c) courses ;
- (d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau’s decision to oblige an administrator to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

**2.07.** A tutor shall submit a report to the Bureau within 5 days after completion of his mandate, stating, with reasons in support thereof, whether the trainee administrator acted, while under his supervision, in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee administrator or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee administrator a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required in virtue of sections 2.07 and 2.08, the Bureau shall decide, within 20 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

reduce the conditions of limitation of the trainee administrator's right to practise.

**4.05.** An administrator must comply with every decision of the Bureau rendered in accordance with this Regulation.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it so deems necessary for the protection of the public, limit the trainee administrator's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or he is not authorized to practise ;

(b) by determining the professional acts which he is authorized or he is not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or that certain of them, be performed under the supervision of another administrator or group of administrators.

**3.02.** The Bureau's decision to limit a trainee administrator's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period or limiting a trainee administrator's right to practise, the Bureau must give the administrator concerned the opportunity to be heard. For such purpose, the Bureau must give the administrator a written notice of at least 5 days of the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee administrator's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the administrator in question by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee administrator's right to practise shall take effect 30 days after being sent to or served on the latter.

**4.04.** During the training period, the Bureau may, upon a duly reasoned request by the trainee administrator and communicated to his tutor, reduce the duration and requirements of the training period and, where applicable,





c. C-26, r.19

**Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des administrateurs agréés du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des administrateurs agréés du Québec, the territory of Québec shall be divided into 7 regions :

- (a) the North-Eastern region ;
- (b) the Saguenay-Lac-Saint-Jean region ;
- (c) the Québec region ;
- (d) the Trois-Rivières region ;
- (e) the Eastern Townships region ;
- (f) the Montréal region ;
- (g) the Outaouais-North-Western region.

**2.** The territory of the North-Eastern region is that of regions 1 and 9 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The territory of the Saguenay-Lac-Saint-Jean region is that of region 2 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Québec region is that of region 3 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Trois-Rivières region is that of region 4 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Eastern Townships region is that of region 5 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Montréal region is that of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Outaouais-North-Western region is that of regions 7, 8 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the North-Eastern region, 1 for the Saguenay-Lac-Saint-Jean region, 4 for the Québec region, 1 for the Trois-Rivières region, 1 for the Eastern Townships region, 4 for the Montréal region and 1 for the Outaouais-North-Western region.

**4.** A chartered administrator shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 17 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 16 persons including the president.



c. C-26, r.20

## **Regulation respecting the business of the Bureau and general meeting of the Corporation professionnelle des comptables en administration industrielle**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** The definitions contained in the Professional Code (R.S.Q., c. C-26) shall, unless the context indicates otherwise, apply to this Regulation.

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) "Corporation" : the Corporation professionnelle des comptables en administration industrielle du Québec ;
- (b) "Bureau" : the Bureau of the Corporation ;
- (c) "member" : every person entered on the roll.

**1.03.** All matters concerning the business of the Corporation normally effective on a non-judicial day may be validly postponed to the next judicial day.

**1.04.** The corporate seat of the Corporation is situated at 1509 Sherbrooke Street West, Montréal.

**1.05.** The seal of the Corporation is that whose reproduction is stamped on the copy of this Regulation held by the secretary of the Corporation.

**1.06.** Where the secretary of the Corporation is incapacitated by illness, absence or otherwise, the Bureau shall, by resolution, appoint a member of the Bureau to replace him.

### **DIVISION II ADMINISTRATIVE COMMITTEE**

**2.01.** The administrative committee shall, in addition to the president of the Corporation, consist of a vice-chairman and a treasurer, both appointed within the committee, and 2 administrators.

**2.02.** The secretary of the Corporation shall act as secretary of the administrative committee and shall not have the right to vote.

**2.03.** The vice-chairman shall have the powers of the chairman in the latter's absence of following his inability to attend the meeting or his refusal to act as chairman.

**2.04.** The treasurer shall have the following powers and duties : he shall

(a) keep all the funds and all the titles of the Corporation and deposit them in the name of the Corporation in the bank(s) or with the trustee(s) recommended by the Bureau ;

(b) sign with another person appointed by the Bureau all cheques, drafts, promissory notes and money orders issued by the Corporation ;

(c) make payments or alienate securities according to the Bureau's instructions ;

(d) sign the books and financial statements of the Corporation, where necessary ;

(e) provide a surety if the Bureau so requires.

### **DIVISION III GENERAL MEETINGS**

**3.01.** The quorum for a general meeting shall be 50 members.

**3.02.** Any involuntary omission to forward a notice of a general meeting or any fortuitous event preventing receipt thereof shall not invalidate any decision taken at such meeting.

**3.03.** Only the members who are present shall have the right to vote at meetings. All decisions shall be taken by a majority vote. In case of a tie-vote, the president shall have a casting vote.

**3.04.** The president may, with the consent of the meeting, adjourn any meeting without the obligation of giving notice of such adjournment. The meeting upon resumption may only bear on the matters specified in the notice of convocation.



c. C-26, r.21

## Code of ethics of industrial accountants

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des comptables en administration industrielle du Québec ;

(b) “member” : whosoever is entered on the roll of the Corporation ;

(c) “client” : an employer or a person who requires the professional services of a member.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** The member, unless there be valid reasons to the contrary, must support every measure likely to improve the quality and availability of professional services in the field in which he practises.

**2.02.** In the practice of his profession, the member must bear in mind the probable general effect which his research and work may have on society.

**2.03.** The member must promote measures of education and information in the field in which he practises.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### §1. General provisions

**3.01.01.** Before rendering a professional service, the member must give consideration to any limitations imposed by his capacity, his conversance with the type of service, and the means at his disposal. He must not, in par-

ticular, undertake work for which he is insufficiently prepared unless he obtains the necessary assistance.

**3.01.02.** The member must recognize at all times the right of the client to consult a colleague, a member of another professional corporation or another competent person.

**3.01.03.** The member must refrain from practising in conditions or in circumstances liable to compromise the quality of his services.

#### §2. Integrity

**3.02.01.** The member must carry out his professional obligations with integrity.

**3.02.02.** The member must avoid any misrepresentation with respect to his level of competence or to the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires, he must, upon the latter's authorization, consult a colleague, a member of another professional corporation or another competent person, or invite the client to consult one of these persons.

**3.02.03.** The member must ensure that his client is informed of the data necessary to the understanding of the nature and extent of the problem as appears to him from all the facts brought to his attention.

**3.02.04.** The member must not express his opinion or give contradictory or incomplete advice. To that end, he must try to know all the facts before giving an opinion or counsel.

**3.02.05.** The member must inform his client as early as possible of any error committed in the carrying out of his mandate that might cause the client prejudice when such information may be useful to the latter in minimizing the prejudice.

**3.02.06.** The member must notify his client of any illegal act likely to be beneficial to his client which came to his knowledge in the exercise of his mandate.

### *§3. Availability and diligence*

**3.03.01.** In the practice of his profession, the member must display reasonable availability and diligence.

**3.03.02.** In addition to opinion and counsel, the member must furnish his client with any explanations necessary to the understanding and appreciation of the services he provides him.

**3.03.03.** The member must give an accounting to his client when so requested by the latter.

**3.03.04.** Before ceasing his functions for the account of a client, the member must give a reasonable advance notice of withdrawal and ensure that such termination of service is not prejudicial to his client.

### *§4. Liability*

**3.04.01.** The member is prohibited from inserting in a contract for professional services any clause directly or indirectly excluding, in whole or in part, his personal civil liability.

### *§5. Independence and impartiality*

**3.05.01.** In the performance of his professional duties, the member must subordinate his personal interest to that of his client.

**3.05.02.** The member must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** The member must safeguard his professional independence at all times and avoid any situation which would put him in conflict of interest. Without restricting the generality of the foregoing, a member is :

(a) in conflict of interest when the interests concerned are such that he may be influenced to favour certain of them over those of his client or whereby his judgment and loyalty towards the latter may be unfavourably affected ;

(b) no longer an independent adviser in respect of a given act if he finds a personal advantage, direct or indirect, existing or possible, therein.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interest, the member must notify his client thereof. He must, in particular, reveal his business re-

lations, liens or interests which may place him in conflict of interest with that client.

**3.05.05.** Save for remuneration and other compensation he receives from his client, a member shall refrain from receiving, paying or agreeing to pay any gratuity, rebate or commission in respect of his professional services.

### *§6. Professional secrecy*

**3.06.01.** The member must respect the secrecy of all confidential information, documents or writings obtained in the practice of his profession.

**3.06.02.** The member shall be released from professional secrecy only with the authorization of his client or whenever so ordered by law.

**3.06.03.** The member must not disclose a request for his services made by a person when such fact is likely to cause prejudice to that person.

**3.06.04.** The member must avoid indiscreet conversations concerning a client and the services rendered him.

**3.06.05.** The member shall not make use of confidential information to the prejudice of a client or with a view to obtaining, directly or indirectly, an advantage for himself or for another person.

### *§7. Accessibility of records*

**3.07.01.** The member must respect the right of his client to take cognizance of the documents which concern him in any record constituted in his respect and to obtain a copy of such documents.

### *§8. Determination and payment of fees*

**3.08.01.** The member must charge and accept fair and reasonable remuneration ; the remuneration is fair and reasonable if it is justified by circumstances and corresponds to the services rendered.

**3.08.02.** The member must, if so requested, provide his client with all the explanations required for the understanding of his account and for the terms and conditions of payment.

## **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

### **§1. Derogatory acts**

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession :

(a) pressing or repeated inducement to make use of his own professional services ;

(b) communicating with the plaintiff without the prior written permission of the syndic or his assistant whenever he is informed of an inquiry into his professional conduct or competence or whenever a complaint has been laid against him ;

(c) failure to notify the Corporation that he has reason to believe that a member is incompetent or does not adhere to professional ethics ;

(d) signing a letter, report, statement or any other document or lending his name thereto if he knows that the document is false or misleading or that it has been prepared in a manner which may tend to render it misleading or to present the real situation in a misleading manner ;

(e) participating in any manner whatsoever in the committing of an illegal act by his client or that is likely to be advantageous to his client.

### **§2. Relations with the Corporation and colleagues**

**4.02.01.** The member whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee, is requested by the Corporation must accept that duty unless he has exceptional grounds for refusing.

**4.02.02.** The member must answer promptly all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.02.03.** The member must not abuse the good faith of a colleague, a member of the Ordre des comptables agréés du Québec or a member of the Corporation professionnelle des comptables généraux licenciés du Québec, or be guilty of breach of trust or disloyal practices towards them.

**4.02.04.** The member must, as far as he is able, provide the persons mentioned in section 4.02.03 who are in

his employment or under his supervision, with the opportunity to improve themselves.

### **§3. Contribution to the advancement of the profession**

**4.03.01.** The member must, as far as he is able, assist his colleagues and students by sharing his knowledge and experience through his participation in courses and training periods organized by the Corporation for its members.



c. C-26, r.22

## **Regulation respecting conditions for admission, examinations, apprenticeship, revocation of registration and issuance of permits for industrial accountants**

Professional Code  
(R.S.Q., c. C-26)

### **DIVISION I CONDITIONS FOR ADMISSION AS A REGISTERED STUDENT**

**1.** To be admitted as a registered student of the Corporation professionnelle des comptables en administration industrielle du Québec, a person must be either :

(a) the holder of a CEGEP diploma (DEC) or equivalent ; or

(b) a mature candidate with a sufficient background of education and experience to indicate to the Corporation that the individual possesses an acceptable combination of knowledge and skill to enable him to follow the courses leading to the R.I.A. designation with a reasonable chance of success. The experience normally required in this context is a minimum of 5 years in a position or positions related to administration. Admission as a mature candidate is subject to approval of the admissions committee of the Corporation.

**2.** Every candidate must complete the registration form and pay registration fees as well as any registered student fees, as determined by the Bureau of the Corporation.

**3.** The Bureau may re-admit, with re-instatement of full rights, a person whose student status has been revoked in accordance with sections 19 and 20, subject to the following conditions :

(a) the request for re-admission must be submitted to the Corporation within 2 years of the date of revocation of enrolment ;

(b) the request for re-admission must be accompanied by :

i. a re-admission fee ;

ii. all arrears of student fees.

**4.** Any former student whose student status has been revoked according to sections 19 and 20 for more than 2 years, and who applies for re-admission, will be considered as a new candidate for admission and will be subject to all regulations in effect at the date of the new application.

### **DIVISION II EXAMINATIONS**

**5.** The Corporation sets examinations in all subjects within the program of studies. However a student registered with the Corporation who takes equivalent courses given by a Québec university and who passes examinations set by that institution may be exempted from the Corporation examinations, subject to a recommendation from the university and to the completion of the prescribed form. Nonetheless, exemptions for equivalent examinations passed will not be granted in the following courses :

**Courses in which the Corporation examination is mandatory**

**Code**

**41** Advanced Management Accounting ;

**43** Advanced Financial Accounting ;

**53** Management : Processes and Problems.

A student is responsible for applying for course exemptions as soon as he has completed the recognized equivalent courses in a Québec educational institution as determined by the Bureau.

**6.** A registered student will be admitted as a candidate for examination provided he :

(a) i. has been recommended as a candidate by a Québec university ; or

ii. can produce evidence, satisfactory to the Corporation, of having taken one or more courses which provide adequate preparation for the examination ; and

(b) makes application for examination in suitable form with all necessary information and documents ;

(c) pays the examination fee within the time allowed by the Bureau ; and

(d) has paid all applicable annual dues.

**7.** Two examination sessions are held each year in each subject at times and places determined by the Corporation.

**8.** If a student fails an examination, he must re-write the examination at one of the next 2 examination offerings in this subject following the failure.

**9.** A student who fails the examination at the second attempt must retake the course or courses leading to the examination. Section 6 will apply to the new course enrolment.

**10.** The pass mark in an examination set by the Corporation is 60%.

**11.** A student can request in writing, within 15 days of the mailing of the results, a mathematical check of the mark obtained in an examination. The mark resulting from the mathematical check is final. The re-assessment is the only type of appeal accorded to the student.

**12.** Writing an examination under false pretences or through presentation of false or falsified documents, plagiarism or participation to plagiarism will result in an automatic mark of zero for the examination. The Bureau may also apply sanctions prescribed in section 21.

Any student who cheats at an examination, who is a party to any cheating, who writes an examination under false pretences or who presents fraudulent documents in support of his examination application will automatically receive a mark of zero on the examination and will be subject to the sanctions provided in section 21.

**13.** A student who attempts an examination and who does not turn in any answer papers will automatically receive a mark of zero.

**14.** A student who is accepted for examination but who does not attend the examination is accorded the mark of zero unless he submits in writing a satisfactory explanation to the Bureau as to the reasons for being absent. Such explanation must be in the hands of the Bureau within 30 days following the examination date. The decision of the Bureau as to the acceptability of the explanation will be final.

**15.** Before taking any disciplinary action against a registered student relative to section 12, the Bureau must give the student the opportunity of an adequate hearing.

### **DIVISION III APPRENTICESHIP**

**16.** Each student must serve an apprenticeship period of 2 years which consists of employment in a full-time capacity in a position of employment which is consistent with the objectives of the Corporation. This apprenticeship period must be served while the candidate is a registered student of the Corporation and may be completed even though the student has not finished all of the subjects listed in section 5.

**17.** The Bureau may recognize, in part or in whole, any apprenticeship completed in accordance with the regulations of a Provincial Society of Industrial Accountants other than that of Québec.

### **DIVISION IV REVOCATION OF REGISTRATION**

**18.** The Bureau will revoke the registration of any student who tenders fraudulent diplomas or documents.

**19.** The Bureau revoke the registration of a student who fails to pay the annual dues before 1 February of each year.

**20.** The Bureau will revoke the registration of any student who so requests.

**21.** The Bureau may revoke the registration of a student who is guilty of one of the infractions described in section 12.

**22.** The Bureau may revoke the registration of any student who is found to be in violation of the Professional Code (R.S.Q., c. C-26), any rule or resolution adopted by the Corporation or to have been guilty of conduct incompatible with the Code of ethics of the Corporation.

**23.** Before taking disciplinary action against a registered student relative to sections 18, 21 and 22, the Bureau must give the student the opportunity of a hearing.

### **DIVISION V ISSUANCE OF PERMIT**

**24.** In order to have issued to him the permit to use the title R.I.A. in accordance with section 40 of the Professional Code (R.S.Q., c. C-26), the student must :

(a) have successfully completed the program of studies of the Corporation ;

(b) have passed the compulsory examinations as determined by the Corporation ;

(c) have completed the required apprenticeship period ;

(d) have submitted a request in prescribed form for a permit ; and

(e) have paid the appropriate fee to obtain the permit which allows the use of the R.I.A. title, as determined by the Bureau of the Corporation.

**25.** This Regulation remains in force until 1 January 1984.





c. C-26, r.23

## Regulation respecting the records of an industrial accountant who ceases to practise

Professional Code  
(R.S.Q., c. C-26, s. 91)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des comptables en administration industrielle du Québec ;

(b) “member” : whosoever is entered on the roll of the Corporation ;

(c) “secretary” : the secretary of the Corporation ;

(d) “records” : the records, books and registers that a member must keep in the practice of his profession ;

(e) “transferee” : the member to whom are transferred the records of another member upon the latter’s permanent cessation of practice ;

(f) “provisional custodian” : the member to whom are entrusted the records of another member during the latter’s temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technique for the preservation of records.

**1.04.** In the case of a member who is a partner or an employee of a partnership of professionals, or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer used by that member in the practice of his profession. This Regulation shall, however, apply when all the members of a partnership of professionals cease to practise.

**1.05.** An agreement respecting the transfer or provisional custody of the records of a member who ceases to practise must be certified in writing and sent to the secretary.

### DIVISION II PERMANENT CESSATION OF PRACTICE

**2.01.** Subject to sections 2.02 and 2.03, where a member ceases permanently to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a transferee, notify the secretary, by registered or certified mail, that he shall cease to practise his profession effective from such date and give him the name, address and telephone number of the transferee ; or

(b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where a member ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the member who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the member who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of a member, the secretary must, as soon as he is notified thereof, ensure that the assigns of the member find a transferee as quickly as possible.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a member who ceases permanently to practise :

(a) notify, in writing, the clients of that member :

i. of the fact that he is in the possession of the latter’s records ;

ii. of his address, telephone number and business hours ; and

iii. of their right to consult another member ;

(b) cause to be published twice, at an interval of 10 days, in at least one French language daily newspaper and, where applicable, in at least one English language daily newspaper circulated in the region in which that member practised his profession, an advertisement indicating his address, telephone number and office hours and specifying that he is in possession of that member’s records.

The transferee must send to the secretary a copy of the advertisement contemplated in subparagraph *b* of the first paragraph.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to consult the documents concerning him in any record made in his regard and to obtain copies of such documents. The fees for the obtainment of such copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of a member who has ceased permanently to practise his profession, he may at any time, after consulting that member, entrust the records to a transferee.

**2.07.** While he has custody of the records of a member who has ceased permanently to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interest of that member's clients.

**2.08.** Subject to section 2.06, the secretary must retain for a minimum period of 5 years the records he receives pursuant to this Division.

### DIVISION III

#### TEMPORARY CESSATION OF PRACTICE

**3.01.** Subject to section 3.02, where a member ceases temporarily to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail that he ceases temporarily to practise his profession effective from such date, and give him the date on which he intends to resume practising his profession together with the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** Where a member ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the member who is struck off find a provisional custodian within 15 days of the delay for appeal or final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the member who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must communicate to the clients of the member whose records he has custody of, the pertinent information respecting the progress of their record, keep such records up to date, and take the other necessary preservation measures in order to safeguard the interests of that member's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except in the case where a member ceases to practise as a result of a temporary striking off lasting under 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or provisional custodian, as the case may be, must return the records to the member immediately upon termination of the period of temporary cessation of practice.

**3.07.** A member who no longer wishes to resume practising his profession during or after the expiry of the period in which he has ceased temporarily to practise, must comply with Division II.



c. C-26, r.24

**Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des comptables en administration industrielle du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

**DIVISION I  
DEFINITIONS AND SCOPE**

**1.01.** The general provisions of the Regulation respecting the business of the Bureau and general meeting of the Corporation professionnelle des comptables en administration industrielle du Québec (c. C-26, r.20) shall apply to this Regulation.

**DIVISION II  
MODES OF ELECTION**

**2.01.** The date of closing of the poll for the election of the directors of the Corporation shall be the last juridical day of April.

**2.02.** At least 90 days prior to the closing of the poll, the Bureau shall appoint an election co-ordination committee whose duty shall be submit to the secretary, at least 30 days prior to the date of closing of the poll, a report bearing on the election of the directors for the following year.

**2.03.** At least 90 days prior to the date of closing of the poll, the secretary shall advise each member of the Corporation of :

- (a) the date of closing of the poll ;
- (b) their right to propose candidates for the post of directors ;
- (c) the terms and conditions governing the procedure for presentation of the candidates.

**2.04.** Counting of the votes shall be done at the corporate seat of the Corporation.

**2.05.** Immediately following the election of the candidates, the secretary shall draw up under his signature a

general report of the election and of the result of the vote and send a copy thereof to each candidate.

**2.06.** In cases where the general meeting decides that the president is elected by a general vote of the members, the pertinent provisions of this Division shall apply to his election.

**DIVISION III  
TERM OF OFFICE**

**3.01.** The term of office of the president and the directors of the Corporation shall be one year.



c. C-26, r.25

## Regulation respecting the procedure for conciliation and arbitration of accounts of industrial accountants

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des comptables en administration industrielle du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “member” : every person whose name is entered on the roll of the Corporation ;
- (d) “client” : a person who has recourse to the professional services of a member ;
- (e) “council” : the council for the arbitration of accounts set up under Division III ;
- (f) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II CONCILIATION

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic by sending him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which the action for a claim concerning

the account contested is served by the member upon the client.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall send the member a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic's report or, in default of such report, within 45 days from the date of receipt by the syndic of his application for conciliation, have recourse to arbitration in accordance with Division III.

### DIVISION III ARBITRATION

#### *§1. Submission to arbitration*

**3.01.01.** A client shall apply for arbitration by filing with the secretary 2 copies of a “submission to arbitration” in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall send the member, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the member must sign it and return it to the secretary.

#### *§2. Formation of council*

**3.02.01.** In order to settle the dispute between the client and the member, the Bureau shall set up an arbitration council composed of 3 members of the Corporation and appoint a chairman from among them. The Bureau shall also appoint a clerk to assist the council in the exercise of its functions.

**3.02.02.** The clerk shall notify the arbitrators and the parties of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator shall only be made to the Bureau for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be communicated in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of the death or inability to act of one of the arbitrators, the others shall complete the matter and their decision shall be valid. If the chairman dies or is unable to act, the Bureau shall appoint a chairman from among the other 2 arbitrators of the council.

### **§3. Hearing**

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and the parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall proceed with dispatch to the hearing of the dispute in accordance with the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, that party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrators.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure shall apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### **§4. Arbitration award**

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that time.

**3.04.02.** The council decides as mediator and renders the decision it considers most appropriate.

**3.04.03.** The decision is rendered by the majority of the members of the council ; in default of a majority, the decision is rendered by the chairman.

The reasons for the decision must be given and it must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign, the others must make mention thereof and the decision shall be as valid as if it had been signed by all of them.

The clerk shall communicate the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudicate as to the arbitration fees, namely, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount which is the subject of the arbitration as set forth in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless adjudicate as to the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless otherwise expressly directed by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and members of the Bureau.

# SCHEDULE 1

(s. 2.02)

## APPLICATION FOR CONCILIATION

I, the undersigned, ..... (name)

..... (address)

in person or (where applicable) representing .....

..... for the purpose of this application, as attested by the authorization annexed hereto, being duly sworn or having solemnly declared, declare :

(1) ..... (name of member)

claims from me the sum of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) :

.....

but (where applicable) I acknowledge that I owe the sum of ..... for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of industrial accountants (R.R.Q., c. C-26, r.25), of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me

at .....

this ..... 19....

And I have signed

..... (signature of client or his duly authorized representative)

..... (commissioner for oaths)

# SCHEDULE 2

(s. 3.01.01)

## SUBMISSION TO ARBITRATION

Entered into by :

..... (name)

..... (address)

in person or (where applicable) representing .....

..... for the purposes of this submission, as attested by the authorization annexed hereto, hereinafter referred to as the "client",

and

..... (name)

..... (address)

member of the Corporation professionnelle des comptables en administration industrielle du Québec, hereinafter referred to as the "member",

who make the following declarations and agreements :

(1) The member claims from the client the sum of

for professional services rendered between .....

..... and ..... , as attested by the account a copy of which is annexed hereto ;

(2) The client refuses to pay this account for the following reason(s) : .....

but (where applicable) acknowledges that he owes the sum of ..... for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that portion of the account which exceeds that which the client acknowledges to owe to the member, namely, the sum of ..... ;

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of industrial accountants (R.R.Q., c. C-26, r.25) ;

(5) The client renounces to the benefit of any time elapsed with respect to the prescription ;

(6) The member undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is the subject of the dispute ;

(7) The arbitration award is binding upon the parties and the rules set forth in Book VII of the Code of Civil Procedure shall apply to its enforcement ;

(8) This submission may only be annulled with the written consent of the parties.

.....  
(signature of client or his duly authorized  
representative)

Signed at .....

this ..... 19...

.....  
(signature of member)

Signed at .....

this ..... 19...



c. C-26, r.26

## **Regulation respecting the procedure of the professional inspection committee of industrial accountants**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des comptables en administration industrielle du Québec ;

(b) “member” : whoever is entered on the roll of the Corporation ;

(c) “committee” : the professional inspection committee ;

(d) “records” : the records, books and registers kept by a member in the practice of his profession, as well as :

i. the documents or reports in which he has in fact collaborated among the records, books and registers kept by his colleagues or employer ; and

ii. any property entrusted to him by a client ;

(e) “investigator” : the committee, one of its members, or a person authorized to assist the committee in the exercise of its functions.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II THE COMMITTEE**

**2.01.** The committee is composed of 6 members appointed by the Bureau from among the members who have been practising for at least 3 years.

**2.02.** The Bureau designates the chairman and the secretary of the committee.

**2.03.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each member who is the object of an inspection under this Regulation.

**3.02.** The professional record contains the documents relative to an inspection of which a member is the object under this Regulation as well as a summary of his academic qualifications and professional experience.

**3.03.** A member is entitled to consult his record and to obtain a copy thereof.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the members according to the programme established by it.

**4.02.** Each year, the Bureau shall publish the committee’s general supervision programme and a report on the latter’s activities for the preceding year in the bulletin of the Corporation.

**4.03.** At least 15 days before the date fixed for the verification of a member’s records by an investigator, the committee shall, through its secretary, send the member in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If a member cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the member has been unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the verification and notify the member thereof.



**4.06.** An investigator must, if required to do so, produce a certificate attesting to his capacity, signed by the secretary of the committee.

**4.07.** The member whose records are the object of verification may be present or be represented by a mandatory.

**4.08.** If he has reason to believe that the committee should subject a member to a special inquiry, the investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A MEMBER**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a member or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send the member in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Notwithstanding the first paragraph, where the sending of a notice to the member could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make such inquiry without notice.

**5.03.** An investigator may give the employer, representative or employee of a member notice of the order to allow him access to the records of that member.

**5.04.** Where records are held by a third party, the member must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the member refuses to receive an investigator, the latter shall immediately notify the syndic of the Corporation.

**5.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** The committee shall submit a report to the Bureau and forward its recommendations after study of the investigator's report and within 30 days of its receipt.

**6.02.** Where the committee recommends that a member be required to serve a period of refresher training and that the right of such member to engage in professional activities during that period be limited, it must permit the member in question to present a full and complete defence relative to the appraisal of his competence. In such case, the committee is not required to submit the report within 30 days of receipt of the investigator's report.

**6.03.** For such purpose, the committee shall convene the member and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

- (a) a notice specifying the date and hour of the hearing ;
- (b) a statement of the facts and reasons for convening him before the committee ;
- (c) a copy of the report made by the investigator concerning him.

**6.04.** A member or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall administer the oath or solemn affirmation to the member and the witnesses through a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the member, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the member does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the member or of the committee.

**6.09.** The committee and the member shall pay their own costs with the exception of recording expenses which shall be shared equally between them if the member requests the recording. Where the recording is made at the request of the committee, the Corporation shall assume the expenses thereof.

**6.10.** In its recommendations concerning a member, the committee shall take into account the type of professional activities in which the member is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 60 days after the end of the hearing. The reasons on which they are based shall be given, signed by the members of the committee who concurred in them, and forwarded to the Bureau and the member in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the continuing training courses organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26), might be laid against a member, it shall notify the syndic of the Corporation.

#### SCHEDULE A

(s. 4.03)

#### CORPORATION PROFESSIONNELLE DES COMPTABLES EN ADMINISTRATION INDUSTRIELLE DU QUÉBEC

#### PROFESSIONAL INSPECTION COMMITTEE

##### Notice of verification

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers on . . . . .

19... , at . . . . . h.

Signed at . . . . . , on . . . . . 19...

The professional inspection committee

Per : . . . . .  
secretary of the committee

tigator to make a special inquiry into your professional competence on . . . . . ,  
at . . . . . h.

Signed at . . . . . , on . . . . . 19...

The professional inspection committee

Per : . . . . .  
secretary of the committee

#### SCHEDULE B

(s. 5.02)

#### CORPORATION PROFESSIONNELLE DES COMPTABLES EN ADMINISTRATION INDUSTRIELLE DU QUÉBEC

#### PROFESSIONAL INSPECTION COMMITTEE

##### Notice of special inquiry

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an inves-



c. C-26, r.27

## Regulation respecting advertising by industrial accountants

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des comptables en administration industrielle du Québec ;
- (b) “member” : a person entered on the roll of the Corporation ;
- (c) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items that a member may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** A member may not enter on his professional card any data other than :

- (a) his name and that of his partners and the other professionals employed by him ;
- (b) his profession and, where applicable, his membership in another professional corporation ;
- (c) his specialty, if he has a specialist’s certificate recognized by the Corporation ;
- (d) his academic degrees ;
- (e) the address of his business office, his telephone number and business hours ;
- (f) the graphic sign of the Corporation ;
- (g) where applicable, the name and graphic sign of his employer and, in the case where the latter is a firm, the

names of the members of such firm and those of the other professionals employed by it ;

(h) where applicable, the title of his position.

**2.02.** The professional card shall not measure more than 6 centimetres in width and 11 centimetres in length.

### DIVISION III INFORMATION MEDIA

**3.01.** A member may publish or allow to be published in newspapers, magazines, periodicals, directories or other printed matter an advertisement containing all or part of the data set forth in section 2.01. Such advertisement may not, however, exceed one square decimetre and shall not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter.

Such advertisement may, however, appear more than once in the same issue of a telephone directory.

**3.02.** Upon the opening of his business office, his entering an existing business office or his first entry on the roll of the Corporation, or upon his appointment to a post related to the practice of the profession, a member may publish an advertisement containing his photograph and certain biographical data in newspapers, magazines, periodicals, directories or other printed matter.

Such advertisement shall not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter nor in more than 2 issues of the same newspaper, magazine, periodical, directory or other printed matter.

The photograph authorized in the first paragraph shall not exceed 64 square centimetres.

### DIVISION IV STATIONERY

**4.01.** A member may enter on his stationery all or part of the data set forth in section 2.01.

### DIVISION V BUSINESS OFFICE

**5.01.** The member may post up a sign containing all or part of the data set forth in section 2.01 on one of the outer walls of the immovable in which his business office is situated or on the land on which the immovable is erected.

If the immovable in which his business office is situated is at a crossroads, the member may post such sign on the outer walls or on the land facing each of the converging roads.

**5.02.** Inside his business office, the member may post a sign conspicuous to the public containing all or part of the data set forth in section 2.01.

**5.03.** Signs authorized under this Division shall not exceed 25 square decimetres.

#### **DIVISION VI** **GRAPHIC SIGN OF THE CORPORATION**

**6.01.** The Corporation is represented by a graphic sign in conformity with the original held by the secretary, the form of which original is reproduced below :



**6.02.** When a member reproduces the graphic sign of the Corporation for advertising purposes, he must ensure that such sign complies with the original held by the secretary of the Corporation and that it does not exceed 25 square decimetres.



c. C-26, r. 28

**Regulation dividing Québec into regions  
for the purposes of elections to the  
Bureau of the Corporation  
professionnelle des comptables en  
administration industrielle du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des comptables en administration industrielle du Québec, the territory of Québec shall be divided into 4 regions :

- (a) the Eastern region ;
- (b) the North-Central region ;
- (c) the South-Central region ;
- (d) the Western region.

**2.** The Eastern region shall comprise regions 1, 2, 3, 9 and 10, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The North-Central region shall comprise region 4, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The South-Central region shall comprise region 5, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Western region shall comprise regions 6, 7 and 8, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** Four directors shall be elected to represent the Eastern region, 1 for the North-Central region, 1 for the South-Central region and 7 for the Western region.

**4.** An industrial accountant shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 17 person, including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 16 persons including the president.



c. C-26, r.29

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des comptables généraux licenciés du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** The definitions contained in the Professional Code (R.S.Q., c. C-26) shall, unless the context indicates otherwise, apply to this Regulation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16) with present and future amendments shall apply to this Regulation.

**1.03.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) "Corporation" : the Corporation professionnelle des comptables généraux licenciés du Québec ;
- (b) "Bureau" : the Bureau of the Corporation.

### **DIVISION II BUREAU**

**2.01.** Every year, at the first meeting following the annual meeting of the Corporation, the Bureau shall elect from among its elected members, a first and second vice-chairman.

**2.02.** The Bureau shall be convoked by the secretary by a written notice sent at least 10 days prior to the date of the meeting.

**2.03.** In case of emergency, the president of the Corporation may convoke a meeting of the Bureau provided that :

- (a) all the directors be notified by telephone or telegram at least 3 days prior to the meeting; and
- (b) all the directors absent at that meeting recognize that they have been convoked in accordance with paragraph a.

**2.04.** Notwithstanding sections 2.02 and 2.03, a meeting of the Bureau shall be deemed to be validly held when all directors are present and renounce the notice of convocation.

### **DIVISION III OATH OF SECRECY**

**3.01.** Every director shall take the oath of secrecy or the solemn affirmation prescribed in Schedule 1.

### **DIVISION IV ADMINISTRATIVE COMMITTEE**

**4.01.** The administrative committee of the Corporation shall consist of the following directors : the president of the Corporation, the first and second vice-chairman, an elected director and an appointed director.

**4.02.** The secretary of the Corporation shall act as secretary of the administrative committee and shall not have the right to vote.

**4.03.** The administrative committee shall be convoked by a written notice sent at least 7 days prior to the date of the meeting.

**4.04.** In case of emergency, the president may call a meeting of the administrative committee provided that :

- (a) all the members of the administrative committee be notified by telephone or telegram at least 3 days prior to the meeting ; and
- (b) all the members of the administrative committee absent at such meeting recognize that they have been convoked in accordance with paragraph a.

**4.05.** Notwithstanding sections 4.03 and 4.04, a meeting of the administrative committee shall be deemed to have been validly held where all the members of the administrative committee are present and renounce the notice of convocation.

**4.06.** If the president of the Corporation is absent, one of the 2 vice-chairmen shall preside over the meetings of the administrative committee.

**4.07.** Every notice of convocation at a meeting of the administrative committee must be transmitted to the last

president to have terminated his term who shall act as a special advisor and shall not have the right to vote.

**4.08.** All decisions shall be taken by a majority vote of the members present ; in case of a tie-vote, the chairman of the meeting shall have a casting vote.

#### **DIVISION V GENERAL MEETINGS**

**5.01.** The annual general meeting of the members of the Corporation shall be held on the first Saturday in the month of June each year.

**5.02.** The quorum for a general meeting of the Corporation shall be 50 members.

**5.03.** In the event that a quorum is not reached at a general meeting, the secretary shall draw up the minutes to that effect and another general meeting shall be convoked.

**5.04.** All decisions shall be taken by a majority vote. In case of a tie-vote, the chairman of the meeting shall have a casting vote.

#### **DIVISION VI MISCELLANEOUS**

**6.01.** The corporate seat of the Corporation is situated at 5165 Queen Mary Road, Montréal.

**6.02.** The seal of the Corporation is that whose reproduction appears on the copy of this Regulation held by the secretary of the Corporation.

#### **SCHEDULE 1**

(s. 3.01)

#### **OATH OR AFFIRMATION OF SECRECY**

I .....  
swear (or solemnly affirm) that I shall not reveal and make known, without being authorized thereto under the Act or by the Bureau, any matter which I may have taken cognizance of in the performance of my duty as director, with the exception of the resolutions or regulations duly adopted by the Bureau.



c. C-26, r.30

## Code of ethics of certified general accountants

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des comptables généraux licenciés du Québec ;

(b) “member” : whoever is entered on the roll of the Corporation ;

(c) “client” : a person or an employer who requires the professional services of a member ;

(d) “opinion” : a part of the auditor’s report which accompanies a financial statement signed by a member in such cases where the law so permits ;

(e) “comments” : a declaration, made by a member, to the effect that he has prepared the financial statement according to generally recognized accounting principles and according to the mandate entrusted to him by his client. This declaration shall mention any exception from the accounting principles stated previously and the effect on the financial statements if this effect is material ;

(f) “firm” : a professional accountant practising alone or in partnership with other professional accountants, with or without members as employees ;

(g) “management consulting” : the examination and identification of management and business problems related to technical matters, the policy, the organization, the management, the finances and the administration of the enterprise and the recommendation of appropriate solutions ;

(h) “the practice of professional accountancy” : the offering of services to the public consisting of examining or auditing, in the cases where the law so permits, of the records and the documents so as to prepare the necessary financial statements or to make a report thereon and the required services for this purpose .

Without limiting the scope of the foregoing, these services include, for the purpose of this Regulation :

i. industrial and commercial accounting, that is to say, the analysis and interpretation thereof as an expert, the advice and counsel given in that capacity, as well as the examination and establishment of systems and procedures and the preparation of the financial statements, but excluding any record-keeping ;

ii. auditing in such cases as the law permits ;

iii. taxation services ;

(i) “related functions” : the following services when they are offered to the public ;

i. management consulting ;

ii. trusteeship in bankruptcy and administration of bankrupt companies and estates ;

iii. data processing, including manual bookkeeping, mechanical and electronic data processing ;

iv. business brokerage, negotiating and advising on the sale, acquisition or merger of business organizations ;

v. estate administration and settlement ;

vi. estate planning ;

vii. financial counselling and consulting ;

viii. insurance counselling and consulting ;

ix. valuation ;

(j) “practising member” : a member engaged in one or more of the professional activities or functions listed on paragraph h ;

(k) “professional accountant” : a person, whether or not a member of the Corporation, who is entitled to practise as a professional accountant ;

(l) “colleague” : a member of the Certified General Accountants Association of Canada ;

(m) “provincial corporation” : a corporation of certified general accountants, duly constituted as a corporation in any province or in any Canadian territory other than in Québec ;

(n) “student” : a duly registered student in accounting.

**1.02.** The Interpretation Act (R.S.Q., c. I-16) applies to this Regulation.

**1.03.** A member must make sure that the persons, whether employees or partners, who are associated with



him in the professional practice of the activities covered therein, comply with this Regulation. In a partnership, each partner is responsible for compliance with this Regulation by the partnership.

**1.04.** A member shall permit others to carry out on his behalf acts which, if he carried them out himself, would place him in violation of this Regulation.

**1.05.** A member who is engaged in a related activity without also being engaged in the practice of public accountancy, is not bound by sections 2.05, 2.06, 2.07 and 2.08 in conducting his affairs or his organization's affairs.

## **DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC**

**2.01.** Unless he has sound reasons to the contrary, a member must support every measure likely to improve the quality and availability of professional services in the field in which he practises.

**2.02.** In the practice of his profession a member must bear in mind the general effect which his research and work may have on society.

**2.03.** A member must promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.

**2.04.** A member shall keep up-to-date with new developments in his profession in order to ensure a quality of professional service in accordance with the needs of his client.

**2.05.** Each office, opened in Québec by a member or a partnership of members practising professional accountancy, shall be under the personal charge and management of a member who shall be generally present and no member may personally manage more than one office.

This section does not apply to part-time offices.

**2.06.** A practising member must not hold out or imply that he has an office in a given area when he is, in fact, only represented by another professional accountant who is neither his partner nor his employee. Similarly, a practitioner who thus represents another professional accountant, must not hold out or imply that he maintains an office for such professional accountant.

**2.07.** A member must not be an employee, shareholder or director of any incorporated company engaged in the practice of professional accountancy in Canada unless such company is also engaged in the practice of professional accountancy in a province other than Québec in accordance with the regulations of that provincial corporation.

**2.08.** Members engaged in the practice of professional accountancy may operate an organization separate from their firm only for the following related activities and functions :

- (a) management consulting ;
- (b) trustee in bankruptcy ;
- (c) electronic data processing.

They may do so either as an individual, a partner or director, officer or shareholder of a corporation and may associate with non-members for this purpose. However, except in the case of electronic data processing, such partnership with non-members shall be restricted to non-members who are or were actively engaged in the operation of this separate organization.

**2.09.** Before commencing an assignment in any of the related activities and functions for a client whose duly appointed auditor is another professional accountant, a member engaged in the practice of professional accountancy who is associated with a separate organization carrying on the practice of any of the related activities and functions, must first notify or must ensure that the organization notifies, such professional accountant of the assignment.

**2.10.** A member engaged in the practice of professional accountancy, who is the owner, partner, director, officer or shareholder of a separate organization carrying on the practice of one or more of the related activities and functions mentioned in section 2.08, must ensure that such organization complies with this Regulation as if it were a firm of professional accountants engaged in the practice of professional accountancy and any member employed by such separate organization shall be accountable for any infringement of this Regulation to which he is a party.

## **DIVISION III DUTY AND OBLIGATION TOWARDS THE CLIENT**

### *§1. General provisions*

**3.01.01.** Before accepting a mandate, a member must bear in mind the extent of his proficiency, knowledge

and the means at his disposal. He must not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.02.** A member must at all times acknowledge, his client's right to consult a colleague, a member of another professional corporation or any other competent person.

**3.01.03.** A member must not practise under conditions or in situations which could impair the quality of his services.

**3.01.04.** A member must seek to establish a relationship of mutual trust between himself and his client. He must, for such purpose :

(a) refrain for, practising his profession in an impersonal manner ;

(b) conduct his interviews so as to respect the scale of values and the personal convictions of his client, where his client has informed him thereof.

**3.01.05.** A member must not interfere in the personal affairs of his client in matters that do not fall within the generally recognized competence of the profession, so as not to unduly restrict his client's autonomy.

**3.01.06.** A member must not make omissions or performs acts contrary to present professional standards or present scientific knowledge.

## *§2. Integrity*

**3.02.01.** A member must discharge his professional duties towards his client with integrity.

**3.02.02.** A member must avoid any misrepresentation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires he must, with the latter's authorization, consult a colleague, a member of another professional corporation or another competent person, or refer him to one of these persons.

**3.02.03.** A member must personally assume the responsibility and management of each business office maintained by himself or his associates, or entrust them to another member.

**3.02.04.** A member must inform his client as soon as possible of the nature and extent of the services required by the latter and obtain his agreement thereto.

**3.02.05.** A member must set out in a complete and objective manner to his client the nature and significance of the problem as he sees it on the basis of the facts brought to his attention.

**3.02.06.** A member must refrain from expressing opinions or giving advice that is contradictory or incomplete. To this end, he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice and he must not, in particular, make a commentary or recommendation respecting a financial statement unless he has all the information necessary to justify such commentary or such recommendation.

**3.02.07.** A member must not issue a financial statement unless such statement has been prepared by him or under his supervision.

**3.02.08.** A member must not issue a commentary on a financial statement prepared in a manner which may cause such statement to be misleading.

**3.02.09.** A member must reveal any information not given in a financial statement, and which may cause such statement to be misleading.

**3.02.10.** A member must correct any error appearing in a financial statement that he has prepared or assisted in preparing and if, for some reason, such correction cannot be made, he must divulge any significant error.

**3.02.11.** A member must not associate himself with any financial statement if he is not convinced of its validity or if he has reservations about it to the extent where he believes such statement to be misleading.

**3.02.12.** A member must inform his client that he cannot guarantee the making of forecasts based on future transactions.

**3.02.13.** A member must conform to the recognized standards for the presentation of financial reports unless he informs his client to the contrary and clearly indicates that the financial report does not conform to these standards.

**3.02.14.** A member must take reasonable care of the property entrusted to him by a client and he may not lend it or use it for purposes other than those for which it was entrusted to him.

**3.02.15.** A member must refrain from endorsing any cheque made to the order of a client unless he has received an authorization to that effect from the latter and on con-

dition that the endorsement is made solely for deposit in the client's account or in a trust account.

**3.02.16.** A member must notify his client of any illegal act likely to benefit that client and of which he became aware in the execution of his mandate.

**3.02.17.** A member must avoid performing any unnecessary or superfluous professional acts in the practice of his profession and must not perform any act that is inappropriate or disproportionate to the needs of his client.

**3.02.18.** Where he is acting within the meaning of the law a member :

(a) must not express an opinion on a financial statement unless the audit thereof was made by him or under his supervision ;

(b) must not give an opinion on a financial statement prepared in a manner which may cause it to be misleading ;

(c) must reveal any error appearing on a financial statement about which he expresses an opinion that alters the significance of such financial statement ;

(d) must not issue opinion on a financial statement if his objections are of sufficient importance to render such opinion contradictory or inconclusive ;

(e) where he is given the mandate of auditor, and where he draws up an unaudited financial statement during the period of his mandate, it must be indicated on each page of the financial statement that it was prepared without being audited and reference must be made thereto in the auditor's report.

### *§3. Availability and diligence*

**3.03.01.** A member must display reasonable availability and diligence in the practice of his profession.

**3.03.02.** In addition to opinion and counsel, a member must provide his client with any explanation necessary to the understanding and evaluation of the services rendered to him.

**3.03.03.** A member must give an accounting to his client when so requested by the latter.

**3.03.04.** A member must be objective and impartial when persons other than his clients ask him for information.

**3.03.05.** Unless he has sound and reasonable grounds to the contrary a member may not cease to act on behalf of a client. The following shall, in particular, constitute sound and reasonable grounds :

(a) loss of the client's confidence :

(b) the fact that the member is in a situation of conflict of interest or in a context whereby his professional independence could be called into question ;

(c) the fact of being incited by the client to perform illegal, unfair or fraudulent acts.

**3.03.06.** Before he ceases to exercise his functions for the account of a client, a member must forward an advance notice of withdrawal within a reasonable time and must make sure that his withdrawal will not prejudice such client.

### *§4. Liability*

**3.04.01.** A member must, in the practice of his profession, completely bind his personal civil liability. He is thus prohibited from entering in a contract of professional services a clause directly or indirectly excluding in whole or in part, the said liability.

### *§5. Independence and impartiality*

**3.05.01.** A member must subordinate his personal interest to that of his client.

**3.05.02.** A member must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** A member must at all times safeguard his professional independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a member :

(a) is in conflict of interest when the interests in question are such that he might tend to favour certain of them over those of his client or where his judgment and loyalty towards the latter might be unfavourably affected ;

(b) is in conflict of interest when he is acting within the scope of the law as an auditor with respect to a business, organization or partnership in which his partner, his employer, his employee or himself has a financial interest ;

(c) is not an independent counsellor in respect of a given act if he gains personal advantage therefrom, whether direct or indirect, present or future.

**3.05.04.** A member must reveal to his client any relationships, ties or interests, in particular those of a business or personal nature, likely to place him in a conflict of interest situation with that client.

**3.05.05.** As soon as he ascertains that he is in a situation of conflict of interest, a member must notify his client thereof and, as quickly as possible, either remove the cause of the situation or terminate his mandate.

**3.05.06.** A member may share his fees with a colleague only to the extent that such sharing corresponds to a distribution of services and responsibility.

**3.05.07.** A member shall not receive, other than the remuneration to which he is entitled, any benefit, allowance or commission relative to the practice of his profession. Nor shall he pay, offer to pay or undertake to pay such benefit, allowance or commission.

**3.05.08.** For a given service, a member must only accept fees from one source, unless explicitly agreed upon otherwise among all the parties concerned. He must accept the payment of these fees only from his client or the latter's representative.

**3.05.09.** A member must generally act, in a given matter, for only one of the parties in question. If his professional duties require that he act otherwise, a member must specify the nature of his responsibilities and must keep all the interested parties informed that he will cease to act if the situation becomes irreconcilable with his duty of impartiality.

#### *§6. Professional secrecy*

**3.06.01.** A member must respect the secrecy of confidential information obtained in the practice of his profession.

**3.06.02.** A member may be released from professional secrecy only upon the authorization of his client or when so ordered by law.

**3.06.03.** When a member asks a client to give him confidential information or when he allows such information to be given to him, he must ensure that the client is fully aware of the purpose of the interview and the various uses which might be made of such information.

**3.06.04.** A member must not disclose the fact that his services have been required by a person if such disclosure could be prejudicial to that person.

**3.06.05.** A member must avoid indiscreet conversations concerning a client and the services rendered to him.

**3.06.06.** A member must not make use of confidential information which could be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another.

#### *§7. Accessibility of records*

**3.07.01.** A member must respect the right of his client to consult the documents which concern him in every record made in his regard and to obtain at his expense a copy of any of these documents at actual cost.

#### *§8. Determination and payment of fees*

**3.08.01.** A member shall charge and accept fair and reasonable fees.

**3.08.02.** The fees are fair and reasonable if they are warranted by the circumstances and correspond to the services rendered. In determining his fees, a member must in particular take the following factors into account :

- (a) his experience ;
- (b) the time devoted to the carrying out of his professional service ;
- (c) the complexity and importance of the service ;
- (d) the responsibility assumed ;
- (e) the performance of unusual services or of services requiring exceptional competence or celerity.

**3.08.03.** A member must not demand advance payment for his services except for a particular reason and justified by circumstances. However, he may request an advance to cover out-of-pocket expenses necessary for the completion of the professional services required.

**3.08.04.** A member must inform his client of the approximate cost of his professional services.

**3.08.05.** A member must provide his client with a detailed statement of his fees.

**3.08.06.** A member must provide his client with all the explanations necessary to the understanding of his statement of fees and the terms and conditions of payment.

**3.08.07.** A member may collect interest on outstanding accounts only after having duly notified his client. The interest thus charged must be at a reasonable rate.

**3.08.08.** Before having recourse to legal proceedings, a member must have exhausted all the other means at his disposal for obtaining payment of his fees.

**3.08.09.** When a member entrusts the collection of his fees to another person, he must make sure that it is the custom of the latter to act with tact and moderation.

**3.08.10.** A member must not take his own remuneration out of funds he is holding for a client, unless the said client consents thereto.

#### **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

##### *§1. Derogatory acts*

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), it is derogatory to the dignity of the profession for any member of the Corporation :

(a) to allow illegal use of the title restricted to members of the Corporation or to contribute, in such use, in particular, by joining a partnership which advertises itself as a partnership of "certified general accountants" if all the partners are not members of the Corporation ;

(b) to communicate with the plaintiff without the written and prior permission of the Syndic or his assistant where he is informed by the Syndic or his assistant that one, or the other, is making an investigation into his conduct or professional competence or when he has received notice of a complaint in accordance with section 132 of the Professional Code ;

(c) to fail to notify the Corporation that he has reason to believe that a member is incompetent, does not adhere to professional ethics or has obtained a permit by fraudulent means ;

(d) to fail to advise the Corporation that he intends on his own account to use legal means in respect of insolvent debtors ;

(e) to be found guilty of an offence against any tax or securities legislation, either in Canada or in a foreign

country, by final judgment of a court of competent jurisdiction ;

(f) to make an assignment of his assets or be declared bankrupt by a final judgment of a court of competent jurisdiction ;

(g) to fail to inform the Corporation without delay that he has made an assignment of his assets or has been declared bankrupt by a court of competent jurisdiction ;

(h) to fail to notify the Corporation, should the occasion arise, that he has reason to believe that a member practises his profession in a manner detrimental to his clients, to his employer or to the public, or does not observe the Code of ethics, the Professional Code, the regulations of the Corporation or is incompetent.

##### *§2. Relations with the corporation and colleagues*

**4.02.01.** A member must answer promptly all correspondence addressed to him by the executive director, the syndic, investigators or members of the professional inspection committee in the discharge of their duties.

**4.02.02.** A practising member must not adopt any method of soliciting clients which could affect the dignity of the profession and, particularly, he must not induce any person in a pressing and repeated manner to resort to his professional services.

**4.02.03.** A member whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Corporation, must accept that duty unless he has exceptional reasons for refusing it.

**4.02.04.** A member who is consulted by a colleague must give the latter his opinion and recommendations as promptly as possible.

**4.02.05.** A member who is called upon to collaborate with a colleague must maintain his professional independence. He may ask to be excused from performing any task entrusted to him that is contrary to his conscience or principles.

**4.02.06.** A member must not, directly or indirectly, solicit a mandate in professional accountancy or in a related function from a client of another professional accountant. A member shall likewise not solicit the clientele of a deceased professional accountant for 90 days after the death of such professional accountant.

**4.02.07.** Before accepting to replace another professional accountant in a mandate with respect to any func-

tion relating to the practice of professional accountancy, a member shall first communicate with such professional accountant and inquire whether there are any factors he should take into account in deciding whether or not to accept the mandate. Such professional accountant shall reply within a reasonable period of time.

**4.02.08.** A member who accepts a mandate in professional accountancy or a related function jointly with another member or a professional accountant, shall assume joint and several liability for the entire mandate. He shall not deal with any question concerning the mandate without due notice to his professional colleague.

**4.02.09.** Before commencing a special assignment for a client of another professional accountant, every member who practises professional accountancy shall first notify the other professional accountant of the mandate, unless it is prohibited in writing by the terms of his mandate.

**4.02.10.** A member shall not abuse the good faith of a professional colleague or be guilty of a breach or trust or disloyal practices. In particular :

(a) a member must not claim credit for work attributable to a professional colleague ; this shall not preclude a member relying on the opinion of the other auditors, without naming them, in the audit of consolidated financial statements ;

(b) a member who accepts to do a special assignment for a client and another professional accountant, whether his services were retained on the recommendation of the latter or by any other manner, shall not carry out any procedure without good reason which would tend to weaken the professional accountant's relationship with his client ;

(c) a member, whose services are retained upon the recommendation of a professional accountant, shall not extend or propose to extend the scope of his mandate without the consent of the referring accountant ; on the other hand, the referring accountant shall not withhold such consent unreasonably ;

(d) a member, unless limited or restricted in writing in special circumstances by the terms of his mandate, shall first submit any proposed criticism of the work of a professional colleague or professional accountant to such professional colleague or professional accountant so that any such criticism is made with full knowledge of the facts and in a spirit of professional courtesy and of prudence.

**4.02.11.** A member must inform every student applying for employment as to whether his firm or his office is approved for the training of student in accounts.

*§3. Contribution to the advancement of the profession*

**4.03.01.** A member must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuing training periods.



c. C-26, r.31

**Règlement sur les conditions d'admission  
à la Corporation professionnelle des  
comptables généraux licenciés du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

See French Edition



c. C-26, r.32

## Regulation respecting the records of a certified general accountant who ceases to practise

Professional Code  
(R.S.Q., c. C-26, s. 91)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des comptables généraux licenciés du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “records” : the records, books and registers that a member must keep in the practice of his profession ;
- (d) “transferee” : the member to whom are transferred the records of a member upon a permanent cessation of practice ;
- (e) “provisional custodian” : the professional to whom are entrusted the records of a member during a temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means for the keeping of records.

**1.04.** In the case of a certified general accountant who is a member or an employee of a partnership of certified general accountants or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer which are used by that certified general accountant in the practice of his profession. This Regulation shall, however, apply when all the members of a partnership of certified general accountants cease to practise.

**1.05.** An agreement respecting the transfer of provisional custody of the records of a member who ceases to practise must be certified in writing and sent to the secretary.

### DIVISION II PERMANENT CESSATION OF PRACTICE

**2.01.** Subject to sections 2.02 and 2.03, where a member permanently ceases to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a transferee, notify the secretary by registered or certified mail of the date on which he will cease to practise his profession and give him the name, address and telephone number of the transferee ; or

(b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where a member ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the member who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the member who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of a member, the secretary must, as soon as he is notified thereof, ensure that the assigns of the deceased member find a transferee as quickly as possible.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a member who permanently ceases to practise :

- (a) notify, in writing, the clients of that member :
  - i. of the fact that the latter's records are in his possession ;
  - ii. of his address, telephone number and office hours ;
  - and
  - iii. of their right to consult another member ;

(b) cause to be published twice, at an interval of 10 days, in at least one French language daily newspaper and where applicable, in at least one English language daily newspaper circulated in the region in which the member practised his profession, an advertisement indicating his



address, telephone number and office hours and specifying that the records of that member are in his possession.

The transferee must send the secretary a copy of the advertisement contemplated in subparagraph *b* of the first paragraph.

**2.05.** The transferee or the secretary, as the case may be, must respect a person's right to take cognizance of the documents concerning that person in any record made in his regard and to obtain copies of such documents. The fees for obtaining such copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of a member who has permanently ceased to practice his profession, he may at any time, after consulting that member, entrust those records to a transferee.

**2.07.** While he has custody of the records of a member who has permanently ceased to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that member's clients.

**2.08.** Subject to section 2.06, the secretary must retain the records he receives pursuant to this Division for a minimum of 5 years.

### DIVISION III

#### TEMPORARY CESSATION OF PRACTICE

**3.01.** Subject to section 3.02, where a member temporarily ceases to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail of the date on which he will temporarily cease to practice his profession, give him the date on which he intends to resume practising his profession, and also the name, address and telephone number of the provisional custodian ; or

(b) if he has found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** Where a member ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the member who is struck off find a provisional custodian within 15 days of the expiry of the delay for appeal or final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the member who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must give the clients of the member whose records are in his custody the pertinent information respecting the progress of their record, keep such records up-to-date, and take the other necessary preservation measures in order to safeguard the interests of that member's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except where a member ceases to practise as a result of a temporary striking off lasting under 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or provisional custodian, as the case may be, must return the records to the member immediately upon termination of the period of temporary cessation of practice.

**3.07.** A member who no longer wishes to resume the practice of his profession during or after the expiry of the period in which he had temporarily ceased to practise, must comply with Division II.



c. C-26, r.33

## **Regulation respecting the indemnity fund of the Corporation professionnelle des comptables généraux licenciés du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 89)

### **DIVISION I DEFINITION AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the word “Corporation” means the Corporation professionnelle des comptables généraux licenciés du Québec.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II ESTABLISHMENT OF A FUND**

**2.01.** The Bureau shall establish an indemnity fund to be used to repay the amounts of money or other securities used by a member for purposes other than those for which they had been delivered to him in the practice of his profession.

**2.02.** The fund shall be maintained at a minimum amount of 20 000 \$ in cash or in securities and may be constituted in one or more of the following ways :

- (a) the sums of money that the Bureau assigns thereto as necessary ;
- (b) the contributions fixed for this purpose ;
- (c) the sums of money recovered under section 159 of the Professional Code (R.S.Q., c. C-26) ;
- (d) the interest earned on the sums of money making up the fund ; and
- (e) the sums of money that may be paid by an insurance company by virtue of a guarantee bond subscribed by the Corporation.

**2.03.** The Bureau is authorized to conclude an agreement with an insurance company for the obtaining of a guarantee bond.

**2.04.** The accountancy of the fund shall be separate from that of the Corporation.

**2.05.** The sums of money constituting the fund shall be invested by the Bureau in the following manner :

- (a) that part of the sums which the Bureau anticipates using in the short term shall be deposited with a banking institution ;
- (b) the other part shall be invested in accordance with article 981o of the Civil Code.

### **DIVISION III CLAIMS ON THE FUND**

**3.01.** A claim on the fund shall be addressed to the secretary of the Corporation at the corporate seat of the latter.

**3.02.** The secretary shall place the claim on the agenda of the first meeting of the Bureau that follows its receipt.

**3.03.** A claim must :

- (a) be submitted in writing ;
- (b) indicate the supporting facts ;
- (c) indicate the amount claimed ; and
- (d) be sworn to.

**3.04.** A claim respecting a member may be submitted whether or not a decision has been taken by the committee on discipline, the Professions Tribunal or any other competent tribunal.

**3.05.** To be receivable, a claim must be submitted during the year that the claimant learned of the illegal use.

**3.06.** The Bureau may extend the time limitation provided for in section 3.05, if it so deems appropriate.

### **DIVISION IV INDEMNIFICATION**

**4.01.** The Bureau may designate a person or a committee to hold an inquiry and submit a report with regard to a claim.

**4.02.** At the request of the person or committee designated to hold an inquiry, the claimant or the member contemplated must :

- (a) provide all details and documents relating to the claim ;
- (b) produce all pertinent proof.

**4.03.** The Bureau shall decide if a claim is to be allowed in whole or in part and, where applicable, fix the indemnity therefor. Its decision is final.

**4.04.** The maximum indemnity payable out of the said fund is established at 20 000 \$ for the total claims concerning a member.

Where the Bureau has reasons to believe that claims exceeding the said total could be submitted to it with respect to a particular member, the Bureau must draw up an inventory of the sums of money held in trust on behalf of such member and advise the persons likely to submit a claim.

Where the total of the claims allowed by the Bureau exceeds the maximum indemnity provided for in the first paragraph, the said maximum indemnity shall be divided in proportion to the amounts of the said claims.

**4.05.** Before receiving the indemnity fixed by the Bureau, the claimant must sign a quittance in favour of the Corporation with subrogation of all his rights against the offending professional up to the total amount of the indemnity.



c. C-26, r.34

## **Regulation respecting terms and conditions for the election of the president and directors to the Corporation professionnelle des comptables généraux licenciés du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** The definitions contained in the Professional Code (R.S.Q., c. C-26) apply to this Regulation unless the context indicates a different meaning.

**1.02.** In this Regulation, unless the context indicates a different meaning, the following terms mean :

(a) “Corporation” : the Corporation professionnelle des comptables généraux licenciés du Québec ;

(b) “Bureau” : the Bureau of the Corporation ;

(c) “member” : whosoever is entered on the roll of the Corporation ;

(d) “region” : every region within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des comptables généraux licenciés du Québec (c. C-26, r.39).

**1.03.** If a date contemplated in this Regulation falls on a non-juridical day, it shall be automatically deferred to the next juridical day.

**1.04.** For the purposes of this Regulation, non-juridical days are those mentioned in the Code of Civil Procedure (R.S.Q., c. C-25).

**1.05.** Members who principally practise their profession outside Québec shall, for the exercise of their right to vote in the election of directors, be considered to form part of the Outaouais Region.

### **DIVISION II ELECTIONS**

**2.01.** The date of closing of the poll shall take place at 18 h, 10 days prior to the date of the annual meeting of the Corporation.

**2.02.** Between the 60<sup>th</sup> and 45<sup>th</sup> day preceding the date of closing of the poll, the secretary shall send to each member of the region where a director must be elected, a notice of election on which must appear the first paragraph of section 67 of the Professional Code, a complete list of the members of that region and a nomination paper.

**2.03.** The written consent of the candidate for the office of director must appear on the nomination paper.

**2.04.** A member may obtain a new ballot-paper from the secretary if his has been lost or has become unusable in any way, on condition that such member make a solemn written declaration certifying that his ballot-paper has been lost or is unusable.

**2.05.** The secretary must seal the opening of the ballot-box at the hour fixed for closing in the presence of 2 scrutineers who shall sign their names on the seal for identification purposes.

**2.06.** The counting of the votes shall be held at the corporate seat of the Corporation.

**2.07.** Every ballot-paper containing more votes than the number of offices of directors to be filled shall be null and void.

**2.08.** The decision of the secretary concerning the validity of a ballot-paper shall be final.

**2.09.** Following the counting of the vote, the secretary shall draw up a report to be countersigned by the scrutineers. This report shall be placed in a sealed envelope to be kept until the annual general meeting at which it shall be opened and the winning candidates declared elected.

### **DIVISION III TERM OF OFFICE**

**3.01.** The term of office of each director shall be 3 years.

**3.02.** The term of office of the president shall be one year.

#### **DIVISION IV TRANSITIONAL PROVISIONS**

**4.01.** In order to ensure a rotation of directors elected for each region, the number of offices to be filled for each region shall be the following for the 1976, 1977 and 1978 years :

(a) for the 1976 year, 1 director for the Trois-Rivières Region ; 3 directors for the Montréal Region to offices numbers 1, 2 and 3 ; 1 director for the Québec Region to office number 11 ; 1 director for the North-west and New Québec Region ;

(b) for the 1977 year, 1 director for the Québec Region to office number 12 ; 1 director for the Outaouais Region ; 1 director for the Sherbrooke Region ; 3 directors for the Montréal Region to offices numbers 4, 5 and 6 ; 1 director for the Lower St. Lawrence — North Shore Region ;

(c) for the 1978 year, 1 director for the Chicoutimi Region, 4 directors for the Montréal Region to offices numbers 7, 8, 9 and 10 ; 2 directors for the Québec Region to offices numbers 13 and 14.



c. C-26, r.35

## **Regulation respecting the procedure for conciliation and arbitration of accounts of certified general accountants**

Professional Code  
(R.S.Q., c. C-26, s. 88)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des comptables généraux licenciés du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “member” : the member of the Corporation whose account is the object of a dispute with a client ;
- (d) “council” : the council for the arbitration of accounts set up under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II CONCILIATION**

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic in sending him, by registered or certified mail, an application in the form prescribed in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which an action for a claim concerning the account contested is served by the member upon the client.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall forward

the member a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation has not brought about an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### **DIVISION III ARBITRATION**

#### *§1. Submission to arbitration*

**3.01.01.** A client applies for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall forward to the member, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the member shall sign it and return it to the secretary.

#### *§2. Formation of council*

**3.02.01.** In order to settle the dispute between the client and the member, the Bureau shall set up an arbitration council composed of 3 members of the Corporation and designate a chairman from among them. The Bureau shall also appoint a clerk to assist the council in the performance of its duties.

**3.02.02.** The clerk shall notify the parties and the arbitrators of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator may only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be forwarded in writing to the clerk, the arbitrators and the other party within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of death or inability to act of one of the arbitrators, the others shall settle the matter and their decision shall be valid. If the chairman of the council dies or is unable to act, the Bureau shall appoint a chairman from among the other 2 arbitrators of the council.

### §3. Hearing

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and the parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall proceed with dispatch to the hearing of the dispute according to the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, that party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of hearing and have them signed by the arbitrators.

The minutes constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure (R.S.Q., c. C-25) shall apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### §4. Arbitration award

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that period.

**3.04.02.** The council decides as mediator and renders the decision it considers most appropriate.

**3.04.03.** The decision is rendered by the majority of the members of the council ; in default of a majority, the decision shall be rendered by the chairman.

The reasons for the decision must be given and it must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign, the others must indicate such refusal and the decision shall be as valid as if it had been signed by all of them.

The clerk shall forward the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees, that is, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount which is the object of the arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorney, the syndic and the members of the Bureau.

### SCHEDULE 1

(s. 2.02)

#### APPLICATION FOR CONCILIATION

I, the undersigned, .....  
(name and address)

.....  
in person or (where applicable) representing .....

..... for the purposes of this application, as attested by the authorization annexed hereto, being duly sworn or having solemnly declared, declare that :

(1) .....  
(name of member)

claims from me the sum of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) :

.....  
.....  
.....

but (where applicable) I acknowledge that I owe the sum of ..... for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of certified general accountants (R.R.Q., c. C-26, r.35), of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me

at .....

this ..... 19...

And I have signed

.....  
(signature of client or his duly authorized representative)

.....  
(Commissioner for oaths)

## SCHEDULE 2

(s. 3.01.01)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
(name and address)

in person or (where applicable) representing .....

..... for the purposes of this submission, as attested by the authorization annexed hereto, hereinafter referred to as "party of the first part",

and

.....  
(name and address)

member of the Corporation professionnelle des comptables généraux licenciés du Québec

hereinafter referred to as "the party of the second part", who make the following declarations and agreements :

(1) The party of the second part claims from the party of the first part the sum of ..... for professional services rendered between .....

and ..... as attested by the account a copy of which is annexed hereto ;

(2) The party of the first part refuses to pay this account for the following reason(s) :

.....  
.....  
.....

but (where applicable) the party of the first part acknowledges that he owes the sum of ..... for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that part of the account which exceeds that which the party of the first part acknowledges that he owes to the party of the second part, namely, the sum of .....

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of certified general accountants (R.R.Q., c. C-26, r.35) of which the parties declare having received a copy and taken cognizance ;

(5) The party of the first part renounces to the benefit of any time elapsed with respect to the prescription ;

(6) The party of the second part undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is the object of the dispute ;

(7) The award binds the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) apply to its enforcement ;

(8) This submission may only be annulled with the written consent of the parties.

.....  
(signature of client or his duly authorized representative)

Signed at .....

this ..... 19...

.....  
(signature of member)



Signed at .....

this ..... 19...



c. C-26, r.36

## **Regulation respecting the procedure of the professional inspection committee of certified general accountants**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “committee” : the professional inspection committee ;
- (b) “Corporation” : the Corporation professionnelle des comptables généraux licenciés du Québec ;
- (c) “member” : a person who is entered on the roll of the Corporation ;
- (d) “records” : the records, books and registers kept by a member in the practice of his profession, as well as :
  - i. among the records, books and registers of his employer or colleagues, the documents or reports in which he has in fact collaborated ; and
  - ii. a property that has been entrusted to him by a client ;
- (e) “investigator” : the committee, one of its members, or a person authorized to assist the committee in the exercise of its functions.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 5 members appointed by the Bureau from among the members who have been practising for at least 3 years. They shall take office upon their appointment and shall remain in office until they die, resign, are replaced or struck off the roll.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The Bureau designates the secretary of the committee.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each member of the Corporation who is the object of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the member's academic qualifications and experience as well as the documents pertaining to the inspection of which he is the object under this Regulation.

**3.03.** A member is entitled to consult his record and to obtain a copy thereof.

**3.04.** The committee shall keep a register in which are entered, in chronological order, the date of each verification or inquiry, the address at which it was made, the name of the member concerned, the name of the member's employer where applicable, and the name of the investigator who made the verification or the inquiry.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the members of the Corporation in accordance with the programme established by it.

**4.02.** Each year, the Bureau shall publish in the bulletin of the Corporation or in the annual report, if the latter is sent to all the members, the committee's general supervision programme and a report on the latter's activities for the preceding year, omitting, however, the identification in any manner whatsoever of the members who were the object of an inspection and of the other persons concerned.

**4.03.** At least 15 days before the date fixed for the verification of a member's records by an investigator, the committee shall, through its secretary, send the member in

question by registered or certified mail a notice in accordance with the form in Schedule A.

**4.04.** If a member cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the member was unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the verification and notify the member thereof.

**4.06.** An investigator must, if so required to do, produce a certificate attesting his capacity signed by the secretary of the committee.

**4.07.** The member whose records are the object of verification may be present or be represented by a mandatory.

**4.08.** The investigator shall draw up a verification report and forward it to the committee for study within 15 days after completion of his verification.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A MEMBER**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a member, or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the member in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Notwithstanding the first paragraph, where the sending of a notice to the member could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make such inquiry without giving the said notice.

**5.03.** An investigator may give the employer, representative or employee of a member notice of the order to allow him access to the records of that member.

**5.04.** Where records are held by a third party, the member must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the member refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that a member be required to serve a period of refresher training and that the right of such member to engage in professional activities during such period be limited, it shall notify the Bureau and the member in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that a member be required to serve a period of refresher training and that the right of such member to engage in professional activities during such period be limited, it must permit the member in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the member and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

- (a) a notice specifying the date and hour of the hearing ;
- (b) a statement of the facts and reasons for convening him before the committee ; and
- (c) a copy of the report made by the investigator concerning him.

**6.04.** A member or witness summoned before the committee may be assisted by a third party.

**6.05.** The committee shall administer the oath or solemn affirmation to the member and the witnesses through the intermediary of a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the member, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the member does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the member or of the committee.

**6.09.** The committee and the member shall pay their own costs, with the exception of the recording costs which shall be shared equally between them.

Notwithstanding the first paragraph, where the committee requests the recording of depositions, it shall pay all the costs thereof.

**6.10.** In its recommendations concerning a member, the committee shall take into account the type of professional activities in which the member is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons shall be given on which they are based, signed by the members of the committee who concurred in them and forwarded to the Bureau and the member in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the continuing refresher training periods organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26) might be laid against a member, it shall notify the syndic of the Corporation.

#### **SCHEDULE A** (s. 4.03)

**CORPORATION PROFESSIONNELLE DES  
COMPTABLES GÉNÉRAUX LICENCIÉS DU  
QUÉBEC**

**PROFESSIONAL INSPECTION COMMITTEE**

#### **Notice of verification**

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers on . . . . .

19... at . . . . . h. . . . . The investigator will call upon you, at . . . . .

Signed at . . . . . on . . . . .  
19. . .

The professional inspection committee,

Per : . . . . .  
secretary of the committee

#### **SCHEDULE B** (s. 5.02)

**CORPORATION PROFESSIONNELLE DES  
COMPTABLES GÉNÉRAUX LICENCIÉS DU  
QUÉBEC**

**PROFESSIONAL INSPECTION COMMITTEE**

#### **Notice of special inquiry**

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on . . . . .

19... at . . . . . h . . . . . The investigator will call upon you at . . . . .

Signed at . . . . . on . . . . .  
19. . .

The professional inspection committee,

Per : . . . . .  
secretary of the committee



c. C-26, r.37

## Regulation respecting advertising by certified general accountants

Professional Code  
(R.S.Q., c. C.26, s. 92)

### DIVISION I DEFINITIONS AND INTERPRETATION

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des comptables généraux licenciés du Québec ;

(b) “member” : whosoever is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items that a member may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** A member may not enter on his professional card anything other than :

(a) his name, those of his partners and the members employed by him and, where applicable, the firm name of the partnership to which he belongs ;

(b) his profession and, where applicable, his membership in another professional corporation ;

(c) his specialty, if he has a specialist's certificate recognized by the Corporation ;

(d) his academic degrees ;

(e) the address of his business office, his telephone and telecommunication numbers and his business hours ;

(f) where applicable, the name and graphic sign of his employer and, if the latter is a partnership, the names of the members thereof and of the other members employed by such partnership ;

(g) where applicable, the title of his function.

**2.02.** The professional card shall not measure more than 6 centimetres in width and 11 centimetres in length.

### DIVISION III INFORMATION MEDIA

**3.01.** A member may publish or allow to be published in newspapers, magazines, periodicals, directories or other printed matter an advertisement containing all or part of the data set forth in section 2.01. Such advertisement may not, however, exceed one square decimetre and shall not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter.

Such advertisement may, however, appear more than once in the same issue of a telephone directory.

**3.02.** Upon the opening of his business office, his entering an existing business office, his first entry on the roll of the Corporation, or upon his appointment to a post related to the practice of the profession, a member may publish an advertisement containing his photograph and certain biographical data in newspapers, magazines, periodicals, directories or other printed matter.

Such advertisement shall not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter nor in more than 5 issues of the same newspaper, magazine, periodical, directory or other printed matter.

The photograph authorized in the first paragraph shall not exceed 64 square centimetres.

**3.03.** In the cases prescribed in the first paragraph of section 3.02 and upon a change of address, a member may forward a notice to his clients containing all or part of that which is indicated in section 2.01 and informing them of the matter which gave rise to the forwarding of such notice.

### DIVISION IV STATIONERY

**4.01.** A member may enter on his stationery all or part of the data set forth in section 2.01.

**DIVISION V**  
**BUSINESS OFFICE**

**5.01.** The member may post up a sign containing all or part of the data set forth in section 2.01 on one of the outer walls of the immovable in which his business office is situated or on the land on which the immovable is erected.

If the immovable in which his business office is situated is at a crossroads, the member may post up such sign on the outer walls or on the land facing each of the converging roads.

**5.02.** Inside his business office, the member may post up a sign conspicuous to the public containing all or part of the data set forth in section 2.01.

**5.03.** Signs authorized under this Division shall not exceed 25 square decimetres.



c. C-26, r.38

## Regulation respecting refresher training periods for certified general accountants

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des comptables généraux licenciés du Québec ;

(b) “member” : a person entered on the roll of the Corporation ;

(c) “training period” : a period of refresher training contemplated by this Regulation ;

(d) “trainee member” : a member who is required to serve a training period ;

(e) “tutor” : a member responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16) with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** If the Bureau considers that the level of competence of a member does not meet the standards required for the protection of the public, it may oblige a member to serve a training period where :

(a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;

(b) his name is re-entered on the roll after failing to have it entered thereon for more than 5 years ;

(c) his name is re-entered on the roll after he has been struck off for more than 5 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period considered, in virtue of section 2.10, not in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days after the time at which a member is liable to have to serve such training period.

**2.03.** A training period may, in particular, consist of one or more of the following activities :

(a) period of practical training ;

(b) studies ;

(c) courses ;

(d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau’s decision to oblige a member to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

**2.07.** A tutor shall submit a report to the Bureau within 5 days after completion of his mandate stating, with reasons in support thereof, whether the trainee member acted, while under his supervision, in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee member or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee member a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required under sections 2.07 and 2.08, and after consulting the profes-

sional inspection committee, the Bureau shall decide, within 20 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it so deems necessary for the protection of the public, limit the trainee member's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or he is not authorized to practise ;

(b) by determining the professional acts which he is authorized or he is not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or that certain of them, be performed under the supervision of another member or group of members.

**3.02.** The Bureau's decision to limit a trainee member's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period or limiting a trainee member's right to practise, the Bureau must give the member concerned the opportunity to be heard. For such purpose, the Bureau must give the member a written notice of at least 5 days after the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee member's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the member in question by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee member's right to practise shall take effect 30 days after being sent to or served on the latter.

**4.04.** During the training period, the Bureau may, upon a duly reasoned request by the trainee member and communicated to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the trainee member's right to practise.

**4.05.** A member must comply with every decision of the Bureau rendered in accordance with this Regulation.





c. C-26, r. 39

**Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des comptables généraux licenciés du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des comptables généraux licenciés du Québec, the territory of the Québec shall be divided into 8 regions :

- (a) the Lower St. Lawrence-Gaspesia-North Shore region ;
- (b) the Saguenay-Lac-Saint-Jean region ;
- (c) the Québec region ;
- (d) the Trois-Rivières region ;
- (e) the Eastern Townships region ;
- (f) the Montréal region ;
- (g) the Outaouais region ;
- (h) the Northwest-New Québec region.

**2.** The territory of the Lower St. Lawrence-Gaspesia-North Shore region is that of regions 1 and 9 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The territory of the Saguenay-Lac-Saint-Jean region is that of region 2 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Québec region is that of region 3 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Trois-Rivières region is that of region 4 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Eastern Townships region is that of region 5 described in the Regulation dividing Québec into

regions for the application of section 65 of the Professional Code.

The territory of the Montréal region is that of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Outaouais region is that of region 7 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Northwest-New Québec region is that of regions 8 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the Lower St. Lawrence-Gaspésie-North Shore region, 1 for the Saguenay-Lac-Saint-Jean region, 4 for the Québec region, 1 for the Trois-Rivières region, 1 for the Eastern Townships region, 10 for the Montréal region, 1 for the Outaouais region and 1 for the Northwest-New Québec region.

**4.** A certified general accountant shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 25 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 24 persons including the president.



c. C-26, r.40

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des conseillers d'orientation du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under section 93 and paragraphs *a* and *k* of section 94 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) "Corporation" : the Corporation professionnelle des conseillers d'orientation du Québec ;

(b) "member" : a person entered on the roll of the Corporation.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II GENERAL MEETINGS AND QUORUM**

**2.01.** The annual general meetings shall be held at the place, date and hour fixed by the Bureau.

**2.02.** The quorum for general meetings is fixed at 35 members.

**2.03.** The notice of convocation to a general meeting shall be sent to each member at the address indicated on the roll of the Corporation at the time when the notice is sent.

**2.04.** The special general meetings shall be held at the place, date and hour determined by the president, the administrative committee or the Bureau.

**2.05.** At the general meetings, the decisions shall be taken by majority vote of the members present. In the case

of a tie-vote, the chairman of the meeting shall have a casting vote.

### **DIVISION III BUREAU**

**3.01.** Upon the designation of the members of the administrative committee, the elected members of the Bureau shall elect from among themselves a vice-president who becomes *ex-officio* a member of the administrative committee.

**3.02.** The regular meetings of the Bureau shall be held at the corporate seat of the Corporation, or at any other place determined by the administrative committee, which shall also fix the date and hour thereof.

**3.03.** The special meetings of the Bureau shall be held at the corporate seat, or at any other place determined by the administrative committee or the president, who shall also fix the date and hour thereof.

**3.04.** The secretary must forward to each director, at least 10 days prior to the meeting, a notice indicating the place, date and hour of the meetings, as well as the agenda.

**3.05.** In case of emergency, the president of the Corporation may convene a meeting of the Bureau provided that :

(a) all the directors are notified by telephone or telegram at least 3 days before the meeting ; and

(b) all the directors absent from the meeting acknowledge that they have been convened in accordance with paragraph *a*.

**3.06.** Notwithstanding sections 3.04 and 3.05, a meeting of the Bureau shall be deemed to be regularly held if all the directors are present and waive the notice of convocation.

### **DIVISION IV OATH OF DISCRETION**

**4.01.** The members of the Bureau shall take the oath or affirmation of discretion, in accordance with the form prescribed in Schedule II to the Professional Code.

## **DIVISION V ADMINISTRATIVE COMMITTEE**

**5.01.** The Bureau shall delegate to the administrative committee all its powers, except those which it exercises by regulation.

**5.02.** The secretary of the Corporation shall act as the secretary of the administrative committee, but shall not be entitled to vote.

**5.03.** The administrative committee shall be convened by means of a written notice accompanied with the agenda sent at least 5 days before the date of the meeting.

**5.04.** In case of emergency, the president may convene a meeting of the administrative committee provided that :

(a) all the members of the administrative committee are notified by telephone or telegram at least 2 days before the meeting ; and

(b) all the members of the administrative committee absent from that meeting acknowledge that they have been convened in accordance with paragraph a.

**5.05.** Notwithstanding sections 5.03 and 5.04, a meeting of the administrative committee shall be deemed to be regularly held if all the members of the administrative committee are present and waive the notice of convocation.

**5.06.** Where the president of the Corporation is absent, the vice-president shall preside over the meetings of the administrative committee.

**5.07.** All the decisions shall be taken by majority vote of the members present ; in the case of a tie-vote, the chairman of the meeting shall have a casting vote.

## **DIVISION VI ALLOWANCE AND REMUNERATION**

**6.01.** The elected or appointed directors and the members of the committees of the Corporation shall be entitled, when they attend a meeting, to an allowance for travel and room and board expenses. A lump sum may also be paid to them.

**6.02.** The sums contemplated in section 6.01 shall be determined by the Bureau.

## **DIVISION VII MISCELLANEOUS PROVISION**

**7.01.** Subject to the Professional Code, the questions of procedure which are not prescribed in this Regulation are governed *mutatis mutandis* by the rules contained in V. Morin, *Procédure des assemblées délibérantes*, latest edition.



c. C-26, r.41

## Code of ethics of guidance counsellors

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) “Corporation” : the Corporation professionnelle du conseillers d’orientation du Québec ;

(b) “guidance counsellor” : whosoever is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** Every guidance counsellor must, unless he has sound reasons to the contrary, support every measure aimed at improving the quality and availability of professional services in the field which he practises.

**2.02.** In the practice of his profession, the guidance counsellor must bear in mind the general effect which his research and work may have on society.

**2.03.** The guidance counsellor must promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### §1. General provisions

**3.01.01.** Before accepting a mandate, the guidance counsellor must bear in mind the extent of his proficiency, knowledge and the means at his disposal. He must not, in

particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.02.** The guidance counsellor must at all times acknowledge the client’s right to consult another guidance counsellor, a member of another professional corporation or another competent person.

**3.01.03.** The guidance counsellor must not practise under conditions or in situations likely to impair the quality of his services.

**3.01.04.** The guidance counsellor must seek to establish a relationship of mutual trust between himself and his client. For such purpose, the guidance counsellor must, in particular :

(a) refrain from practising his profession in an impersonal manner ;

(b) conduct his interviews so as to respect the scale of values and the personal convictions of his client.

**3.01.05.** The guidance counsellor must not interfere in the personal affairs of his client in matters that do not fall within the generally recognized competence of the profession, so as not to unduly restrict his client’s autonomy.

#### §2. Integrity

**3.02.01.** The guidance counsellor must discharge his professional duties with integrity.

**3.02.02.** The guidance counsellor must avoid any misrepresentation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires he must, with the latter’s authorization, consult a colleague, a member of another professional corporation or another competent person, or send his client to one of these persons.

**3.02.03.** The guidance counsellor must inform his client as soon as possible of the objective and terms and conditions of the mandate entrusted to him by the latter and obtain his consent thereto.

**3.02.04.** The guidance counsellor must set out in a complete and objective manner to his client the nature and implications of the problem as he sees it on the basis of all the facts brought to his attention.

**3.02.05.** The guidance counsellor must refrain from expressing opinions or giving advice that is contradictory or incomplete. To this end, he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

**3.02.06.** The guidance counsellor must notify his client as early as possible of any error he has made while rendering him a professional service which could be prejudicial to the latter and which cannot be easily rectified.

### *§3. Availability and diligence*

**3.03.01.** In the practice of his profession, the guidance counsellor must display reasonable availability and diligence.

**3.03.02.** In addition to opinion and advice, the guidance counsellor must provide his client with any explanation necessary to the understanding and evaluation of the services rendered him.

**3.03.03.** The guidance counsellor must display objectivity and impartiality when a person asks him for information, in particular on the nature of the professional services he renders.

**3.03.04.** Unless he has sound and justifiable grounds for doing so, a guidance counsellor may not cease to act for the account of a client. The following shall, in particular, constitute sound and justifiable grounds :

- (a) loss of the client's confidence ;
- (b) the fact that the guidance counsellor is in a situation of conflict of interest or in a situation such that his professional independence could be called in question ;
- (c) the fact of being incited by the client to perform illegal, unfair or fraudulent acts.

**3.03.05.** Before ceasing to act for the account of a client, the guidance counsellor must send an advance notice

of withdrawal within a reasonable time and ensure that such termination of service is not prejudicial to his client.

### *§4. Liability*

**3.04.01.** The guidance counsellor must, in the practice of his profession, completely bind his personal civil liability. He is thus prohibited from entering in a contract of professional services a clause directly or indirectly excluding, in whole or in part, the said liability.

### *§5. Independence and impartiality*

**3.05.01.** The guidance counsellor must subordinate his personal interest to that of his client.

**3.05.02.** The guidance counsellor must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** The guidance counsellor must at all times safeguard his professional independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a guidance counsellor :

(a) is in conflict of interest when the interests in question are such that he might tend to favour certain of them over those of his client or where his judgment and loyalty towards the latter might be unfavourably affected ;

(b) is not an objective adviser if he derives a direct or indirect, real or possible, personal benefit from any given act.

**3.05.04.** The guidance counsellor must refuse to act as a selecting or recruiting agent with regard to the person to whom he renders professional services.

**3.05.05.** As soon as he ascertains that he is in a situation of conflict of interest, the guidance counsellor must notify his client thereof and ask him for authorization to continue his mandate.

**3.05.06.** A guidance counsellor may share his fees with another person only to the extent that such sharing corresponds to a distribution of services and responsibility.

**3.05.07.** A guidance counsellor shall not receive, other than the remuneration to which he is entitled, pay,

or undertake to pay any benefit, allowance or commission relative to the practice of his profession.

**3.05.08.** For a given service, the guidance counsellor must only accept fees from one source, unless explicitly agreed upon otherwise among all the parties concerned. He shall accept the payment of these fees only from his client or the latter's representative.

**3.05.09.** The guidance counsellor shall generally act, in the same matter, for only one of the parties in question. If his professional duties require that he act otherwise, the guidance counsellor must specify the nature of his responsibilities and must keep all the interested parties informed that he will cease to act if the situation becomes irreconcilable with his duty of impartiality.

#### *§6. Professional secrecy*

**3.06.01.** A guidance counsellor must respect the secrecy of confidential information obtained in the practice of his profession.

**3.06.02.** The guidance counsellor may be released from professional secrecy only with the authorization of his client or when so ordered by law. He must not, in particular, reveal or communicate psychometric test results without his client's explicit authorization, except where the object of such tests so requires.

**3.06.03.** Unless otherwise authorized by his client, the guidance counsellor may reveal only the bare information details respecting the guidance programme of the institutional milieu in which he practises his profession, or which are required within a research framework, and provided no prejudice to his client will result therefrom.

**3.06.04.** When a guidance counsellor asks a client to give him confidential information or when he allows such information to be given to him, he must ensure that the client is fully aware of the purpose of the interview and of the various uses which might be made of such information.

**3.06.05.** The guidance counsellor must not disclose the fact that his services have been required by a person if such fact is liable to cause prejudice to that person.

**3.06.06.** The guidance counsellor must avoid indiscreet conversations concerning a client and the services rendered him.

**3.06.07.** The guidance counsellor must not make use of confidential information which could be prejudicial to a

client or with a view to obtaining a direct or indirect benefit for himself or for another.

**3.06.08.** The guidance counsellor must, when he ceases his professional duties for an employer, ensure, as much as possible, that the confidentiality of the records for which he was responsible is protected. Where the confidentiality of the records could be endangered, he must notify the secretary of the Corporation thereof.

#### *§7. Accessibility of records*

**3.07.01.** The guidance counsellor must respect the right of his client to consult the documents which concern him in every record made in his regard and to obtain a copy of such documents. He may, nevertheless, refuse an application from a client to that effect if the latter's interest so requires.

#### *§8. Determination and payment of fees*

**3.08.01.** The guidance counsellor must charge and accept fair and reasonable fees.

**3.08.02.** The fees are fair and reasonable if they are warranted by the circumstances and correspond to the services rendered. In determining his fees, the guidance counsellor must in particular take the following factors into account :

- (a) the time given to the carrying out of the professional service ;
- (b) the complexity and extent of the service ;
- (c) the performance of unusual services or services requiring exceptional competence or celerity.

**3.08.03.** The guidance counsellor must provide his client with all the explanations necessary to the understanding of his statement of fees and the terms and conditions of payment.

**3.08.04.** The guidance counsellor must refrain from demanding advance payment for his services ; he must, on the other hand, notify his client of the approximate cost of his services.

**3.08.05.** The guidance counsellor may collect interest on outstanding accounts only after having duly notified his client. The interest thus charged must be at a reasonable rate.

**3.08.06.** Before having recourse to legal proceedings, the guidance counsellor must have exhausted all the other means at his disposal for obtaining payment of his fees.

**3.08.07.** The guidance counsellor shall not sell his accounts, except to a colleague.

**3.08.08.** When a guidance counsellor entrusts the collection of his fees to another person, he must make sure that it is the custom of the latter to act with tact and moderation.

#### **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

##### *§1. Derogatory acts*

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession of guidance counsellor :

(a) pressing or repeated inducement to have recourse to his professional services ;

(b) doing any act or thing conducive to obtaining from a person a mandate which he knows has already been entrusted to a colleague ;

(c) communicating with the plaintiff without the written and prior permission of the syndic or his assistant where he is informed that an investigation into his conduct or professional competence is to be made, or where the service of a complaint has been made against him ;

(d) giving, out of complaisance or for any other reason, a false certificate respecting the pedagogical or psychological attainments or aptitudes of a client ;

(e) consuming, distributing or selling narcotics in the exercise of his functions ;

(f) requiring, offering, promising, accepting or agreeing to accept a sum of money or any benefit for the purpose of contributing to have a procedure or decision of the Corporation adopted or rejected ;

(g) appointing or allowing the appointment of a person in his employ, or with whom he is associated, as a guidance counsellor where that person is not a member of the Corporation ;

(h) falsifying, destroying, appropriating or unduly keeping a record, or part of a record, in the practice of his profession ;

(i) offering for remuneration a professional service to a person of the institutional milieu in which the guidance counsellor practises his profession.

##### *§2. Relations with the Corporation and colleagues*

**4.02.01.** A guidance counsellor whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee, is requested by the Corporation, must accept that duty unless he has exceptional reasons for refusing it.

**4.02.02.** A guidance counsellor must answer promptly all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.02.03.** A guidance counsellor shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him. He shall not, in particular, take credit for work done by a colleague.

**4.02.04.** A guidance counsellor who is consulted by a colleague must give the latter his opinion and recommendations as promptly as possible.

**4.02.05.** A guidance counsellor who is called upon to collaborate with a colleague must maintain his professional independence. He may ask to be excused from doing any task asked of him that is contrary to his conscience or his principles.

##### *§3. Contribution to the advancement of the profession*

**4.03.01.** A guidance counsellor must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuing training periods.



c. C-26, r.42

## **Regulation respecting the preservation, use or destruction of the records, books and registers of a guidance counsellor who ceases to practise**

Professional Code  
(R.S.Q., c. C-26, s. 91)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under section 91 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des conseillers d’orientation du Québec ;

(b) “secretary” : the secretary of the Corporation ;

(c) “records” : the records, books and registers which a guidance counsellor must keep in the practice of his profession ;

(d) “assignee” : the guidance counsellor to whom a professional’s records are assigned upon a permanent cessation of practice ;

(e) “temporary custodian” : the guidance counsellor to whom a professional’s records are entrusted during a temporary cessation of practice.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.04.** Nothing in this Regulation must be interpreted as excluding the use of data processing or any other technical means for the preservation of records.

**1.05.** In the case of a guidance counsellor who is a member of or employed by a partnership of guidance counsellors or by a physical or moral person, this Regulation shall not apply to the records of such partnership or employer used by the guidance counsellor in the practice of his profession. This Regulation shall apply, however, when all the members of a partnership of guidance counsellors cease to practise.

**1.06.** An agreement respecting the assignment or temporary custody of the records of a guidance counsellor who ceases to practise must be attested to in writing and forwarded to the secretary.

### **DIVISION II PERMANENT CESSATION OF PRACTICE**

**2.01.** Subject to sections 2.02 and 2.03, when a guidance counsellor permanently ceases to practise his profession he must, not later than 15 days before the date fixed for the cessation of his practice :

(a) if he has found an assignee, notify the secretary, by registered or certified mail, of the date on which he will cease to practise his profession and give him the name, address and telephone number of the said assignee ; or

(b) if he is unable to find an assignee, inform the secretary thereof, by registered or certified mail, and notify him that he will give custody of his records to him on the date fixed for the cessation of practice.

**2.02.** Where a guidance counsellor ceases to practise his profession as a result of a permanent striking off the roll, the secretary must ensure that such guidance counsellor finds an assignee within 60 days of the final decision of striking off.

If an assignee cannot be found upon the expiry of such period, the records of the guidance counsellor who has been struck off shall be placed in the secretary’s custody.

**2.03.** Upon the death of a guidance counsellor, the secretary must, as soon as he is notified thereof, see to it that the legal heirs of the deceased guidance counsellor find an assignee as soon as possible.

**2.04.** The assignee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a guidance counsellor who has permanently ceased to practise :

(a) notify, in writing, the clients of the said guidance counsellor :

- i. of the fact that the latter’s records are in his possession ;
- ii. of his address, telephone number and office hours ; and
- iii. of their right to consult another guidance counsellor ;



(b) cause to be published twice, at 10 days' interval, in at least one French language daily newspaper and, where applicable, in at least one English language daily newspaper circulated in the region where such guidance counsellor practised his profession, a public advertisement mentioning his address, telephone number and office hours and notifying the public that the said guidance counsellor's records are in his possession.

The assignee must forward a copy of the public advertisement contemplated in subparagraph *b* of the first paragraph to the secretary.

**2.05.** The assignee or the secretary, as the case may be, must respect the right of a person to consult the documents which concern him in any record made in his respect and obtain copies of such documents. The expenses for the obtaining of such copies shall be paid by the person requesting them.

**2.06.** When the secretary has custody of the records of a guidance counsellor who has permanently ceased to practise his profession, he may, at any time, after consulting the said guidance counsellor, entrust such records to an assignee.

**2.07.** While he has custody of the records of a guidance counsellor who has permanently ceased to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of the said guidance counsellor's clients.

**2.08.** Subject to section 2.06, the secretary must keep the records he has received under this Division for a period of not less than 5 years.

### DIVISION III

#### TEMPORARY CESSATION OF PRACTICE

**3.01.** Subject to section 3.02, when a guidance counsellor temporarily ceases to practise his profession, he must, not later than 15 days before the date fixed for the cessation of practice :

(a) if he has found a temporary custodian, notify the secretary by registered or certified mail of the date on which he will temporarily cease to practise his profession, informing him of the date on which he intends to resume practising his profession and the name, address and telephone number of the temporary custodian ; or

(b) if he has not found a temporary custodian, inform the secretary thereof by registered or certified mail and notify him that he shall give custody of his records to him on the date fixed for the cessation of practice.

**3.02.** When a guidance counsellor ceases to practise his profession as a result of a temporary striking off the roll, the secretary must ensure that such guidance counsellor finds a temporary custodian within 15 days of the expiry of the time allowed for appeal or of the final decision of striking off.

When a temporary custodian cannot be found upon the expiry of the said period, custody of the records of the guidance counsellor who has been struck off shall be entrusted to the secretary.

**3.03.** The temporary custodian must inform the clients of the guidance counsellor whose records are in his custody of the present state of their records, keep these records up to date, and take the other necessary preservation measures in order to safeguard the interests of the said guidance counsellor's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except where a guidance counsellor ceases to practise as a result of a temporary striking off of less than 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or the temporary custodian, as the case may be, must return his records to the guidance counsellor immediately after the end of the period of temporary cessation of practice.

**3.07.** A guidance counsellor who no longer wishes to resume the practice of his profession during or after the expiry of the period in which he has temporarily ceased to practise must comply with Division II.



c. C-26, r.43

## **Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des conseillers d'orientation du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under paragraph *b* of section 94 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des conseillers d'orientation du Québec ;

(b) “member” : a person entered on the roll of the Corporation ;

(c) “region” : one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des conseillers d'orientation du Québec (c. C-26, r. 50).

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II TERM OF OFFICE**

**2.01.** The president shall be elected for a term of 3 years.

**2.02.** The directors shall be elected for a term of 2 years.

**2.03.** For the purpose of alternating representation on the Bureau, the number of directors to be elected shall be according to the following distribution :

(a) in even years, the directors representing the North-Eastern, Québec, South Shore and Laurentian regions ;

(b) in odd years, the directors representing the Saguenay-Lac-Saint-Jean, Central, Metropolitan Montréal and Outaouais-North-Western regions.

### **DIVISION III ELECTION PROCEDURE**

**3.01.** Every year, between the 45<sup>th</sup> and 60<sup>th</sup> day preceding the date of the closing of the poll, the secretary shall send to each of the members practising their profession principally in the regions in which an election is held a list of the members of that region as well as a nomination paper and a calendar of the elections.

**3.02.** A member may not sign more nomination papers than there are offices of director to be filled for his region. A signature appearing on a number of nomination papers in excess of the number of offices of director to be filled shall be struck off all papers.

**3.03.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest to the validity of the nomination paper.

**3.04.** In addition to the documents described in section 69 of the Professional Code, the secretary of the Corporation shall, at least 15 days prior to the date of closing of the poll, send to each member practising his profession principally in the regions in which an election is held, a brief curriculum vitae of each candidate in his region indicating in particular his age, the date of his admission and, where applicable, his principal activities within the Corporation.

**3.05.** The ballot-paper certified by the secretary must contain the following data and information :

(a) the name and graphic sign of the Corporation ;

(b) the year of the election ;

(c) the identification of the region ;

(d) the names in alphabetical order of the candidates for the offices of director in the region in which the member principally practises his profession ;

(e) the number of seats to be filled in the region ; and

(f) the date and hour of the closing of the poll.

**3.06.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent to him is lost or otherwise unusable, provided such elector makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**3.07.** The closing of the poll is fixed at 18 h, at least 10 clear days before the date of the annual general meeting of the Corporation which is fixed by the Bureau.

**3.08.** The scrutineers shall be appointed from among the members of the Corporation.

**3.09.** The secretary and the scrutineers shall take the oath to faithfully fulfil their duties before any person authorized to receive oaths.

**3.10.** The counting of the votes shall be carried out at the corporate seat of the Corporation.

**3.11.** The following ballot-papers shall be void : every ballot-paper :

(a) on which the voter casts his vote otherwise than by a cross ;

(b) which contains more crosses than the number of seats to be filled in the region ;

(c) which is not certified by the secretary ;

(d) which is spoiled, erased or which contains any identification mark of the elector ;

(e) which is not returned in the envelope provided by the secretary and on which the word "ELECTION" is written.

**3.12.** The secretary's decision regarding the validity of a ballot-paper shall be final.

**3.13.** The secretary shall declare elected the candidates who have obtained the most votes ; he shall have the results of the vote countersigned by the scrutineers.

**3.14.** Immediately after the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.

**3.15.** The secretary shall send a copy of the report referred to in section 3.14 to each candidate.

**3.16.** The secretary must also make a detailed report of the election at the first meeting of the Bureau following the election.

**3.17.** If, during the election period, the secretary is unable to act for any reason deemed sufficient by the administrative committee, the latter shall designate a member to replace the secretary. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

**3.18.** Where the president is elected by a vote of the elected directors, his election shall be held during the first meeting of the Bureau after the directors have taken office.

**3.19.** The ballot-papers shall be kept at the corporate seat of the Corporation in a sealed ballot box for at least 30 days after the secretary has declared the candidates who obtained the most votes elected. When the said 30 days have expired, the administrative committee may order the secretary to destroy the ballot-papers.

#### **DIVISION IV** **ELECTION OF THE PRESIDENT BY A** **GENERAL VOTE**

**4.01.** Where the election of the president is made by a general vote of the members, the provisions of this Regulation shall apply *mutatis mutandis*.



c. C-26, r.44

## **Regulation respecting equivalence standards for a permit to be issued by the Corporation professionnelle des conseillers d'orientation du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) "Corporation" : the Corporation professionnelle des conseillers d'orientation du Québec ;

(b) "equivalence of diploma" : the recognition by the Bureau that a diploma attests the attainment by a candidate of a level of knowledge equivalent to that attained by the holder of a diploma recognized as giving access to the permit ;

(c) "equivalence of training" : the recognition by the Bureau that a candidate's training shows that the latter has attained a level of knowledge equivalent to that attained by the holder of a diploma recognized as giving access to the permit ;

(d) "credit" : the quantitative value allotted to the work load required from a student, one credit corresponding to 45 hours of attendance at a course of personal work ;

(e) "secretary" : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The secretary shall send a copy of this Regulation to the candidate who wishes to have an equivalence recognized.

### **DIVISION II PROCEDURE FOR THE RECOGNITION OF AN EQUIVALENCE**

**2.01.** A candidate who wishes to have an equivalence recognized must furnish the secretary with those among

the following documents which are required in support of his application :

(a) his academic record including a description of the courses taken ;

(b) proof that he obtained his diploma ;

(c) proof of the official recognition of his diploma ;

(d) an attestation that he has participated in a training period ;

(e) an attestation of his pertinent working experience ;

and pay the fees for examination of his record which must not exceed 50 \$.

**2.02.** The secretary shall send the documents prescribed in section 2.01 to a committee set up by the Bureau to examine applications for equivalence and make a suitable recommendation. At the first meeting following receipt of the committee's report, the Bureau decides whether or not it will recognize the equivalence and informs each candidate of its decision in writing.

**2.03.** Within 15 days following a decision not to recognize an equivalence, the Bureau must inform each candidate in writing of the programme of studies, training periods or examinations which he would be required to pass, considering his present level of knowledge, to obtain such equivalence.

### **DIVISION III STANDARDS FOR EQUIVALENCE OF DIPLOMA**

**3.01.** A candidate who holds a diploma issued by an educational establishment situated outside Québec shall be granted an equivalence if he has met the conditions prescribed in section 2.01 and if his diploma was obtained upon completion of university studies comprising the equivalent of at least 120 credits distributed as follows :

(a) a minimum of 30 credits relative to the environment with special reference to the various external determinants of orientation ;

(b) a minimum of 60 credits on counselling methods.

**3.02.** A candidate who has a combination of diplomas in guidance counselling or in related fields shall be granted an equivalence if :

(a) each of his diplomas was obtained upon completion of university studies ; and

(b) his overall programme of studies at the university level meets the requirements defined in section 3.01.

**3.03.** Notwithstanding section 3.01 if the diploma for which an application for equivalence is made was obtained 5 years or more prior to application, the equivalence may be refused if the knowledge acquired by the candidate no longer corresponds to the material now being taught as a result of developments in the profession.

However, the equivalence must be recognized if the candidate's pertinent working experience and the training he has acquired since then have enabled him to attain the required level of knowledge.

#### **DIVISION IV STANDARDS FOR EQUIVALENCE OF TRAINING**

**4.01.** A candidate shall be granted an equivalence of training if :

(a) he proves that his level of knowledge is equivalent to that attained upon completion of university studies in guidance counselling comprising the credits defined in section 3.01 ; and

(b) the candidate has at least 5 years of pertinent working experience.

**4.02.** To determine whether a candidate has shown that his level of knowledge corresponds to that required in paragraph a of section 4.01, the Bureau shall take all the following factors into account :

(a) the fact that the candidate holds one or several diplomas obtained in Québec or elsewhere ;

(b) the courses he has taken ;

(c) the training periods he has served ; and

(d) the total number of years of schooling.

Where the evaluation made under the first paragraph is not sufficient to reach a decision, the Bureau may prescribe an examination or a training period to complete the evaluation.



c. C-26, r.45

## Regulation respecting the procedure for conciliation and arbitration of accounts of guidance counsellors

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made under section 88 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des conseillers d’orientation du Québec ;

(b) “secretary” : the secretary of the Corporation ;

(c) “guidance counsellor” : the member of the Corporation whose account is the object of a dispute with a client ;

(d) “council” : the council for the arbitration of accounts set up under Division III ;

(e) “syndic” : the syndic, assistant syndic or one of the associated syndics of the Corporation.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II CONCILIATION

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic by forwarding him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which the action for a claim concerning

the account contested is served by the guidance counsellor upon the client.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall forward to the guidance counsellor a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### DIVISION III ARBITRATION

#### §1. Submission to arbitration

**3.01.01.** A client shall apply for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall forward to the guidance counsellor, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the guidance counsellor shall sign it and return it to the secretary.

#### §2. Formation of council

**3.02.01.** In order to settle the dispute between the client and the guidance counsellor, the Bureau shall set up an arbitration council composed of 3 members of the Corporation and shall designate a chairman from among them. The Bureau shall also appoint a clerk to assist the council in the exercise of its functions.

**3.02.02.** The clerk shall notify the arbitrators and the parties of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be forwarded in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code.

**3.02.05.** In the case of the death or inability to act of one of the arbitrators, the others shall terminate the matter and their decision shall be valid. In the event that the chairman dies or is unable to act, the Bureau shall appoint a chairman from among the 2 other arbitrators on the council.

*§3. Hearing*

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall proceed with dispatch to the hearing of the dispute according to the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, such party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrators.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure shall apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

*§4. Award of arbitrators*

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that time period.

**3.04.02.** The council decides as arbitrator and renders the decision it considers most appropriate.

**3.04.03.** The decision shall be rendered by the majority of the members of the council ; in default of a majority, the decision shall be taken by the chairman.

The reasons for the decision must be given and it must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign it, the others must make mention thereof and the decision shall be as valid as if it had been signed by all.

The clerk shall forward the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees.

The total amount of the arbitration fees shall in no case exceed 10% of the amount which is the object of the arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorney, the syndic and members of the Bureau.

**SCHEDULE 1**  
(s. 2.02)

**APPLICATION FOR CONCILIATION**

I, the undersigned, .....  
(name and address)  
.....

in person or (where applicable) representing .....  
 ..... for the purposes of this application, as attested to by the authorization annexed hereto, being duly sworn, declare :

(1) ..... claims from me  
 (name of guidance counsellor)  
 the sum of ..... for professional services rendered between ..... and ..... as attested to by the account a copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) : .....  
 .....  
 .....

but (where applicable) I acknowledge that I owe the sum of ..... for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of guidance counsellors (R.R.Q., c. C-26, r.45), of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me

at .....  
 this ..... 19..

And I have signed

.....  
 (signature of client or his duly authorized representative)

.....  
 (commissioner for oaths)

## SCHEDULE 2

(s. 3.01.01)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
 (name and address)

in person or (where applicable) representing .....  
 ..... for the purposes of this submission, as attested to by the authorization annexed hereto, hereinafter referred to as "party of the first part",

and

.....  
 (name and address)

member of the Corporation professionnelle des conseillers d'orientation du Québec, hereinafter referred to as "party of the second part", who make the following declarations and agreements :

(1) The party of the second part claims from the party of the first part the sum of ..... for professional services rendered between ..... and ..... , as attested to by the account a copy of which is annexed hereto ;

(2) The party of the first part refuses to pay this account for the following reason(s) : .....  
 .....  
 .....

but (where applicable) the party of the first part acknowledges that he owes the sum of ..... for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account on (where applicable) on that of the account which exceeds that which the party of the first part acknowledges to owe to the party of the second part, namely the sum of ..... ;

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of guidance counsellors (R.R.Q., c. C-26, r.45), of which the parties declare having received a copy and taken cognizance ;

(5) The party of the first part renounces to the benefit of any time elapsed with respect to the prescription ;

(6) The party of the second part undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is the object of the dispute ;

(7) The award of the arbitrators binds the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) shall apply to its enforcement ;

(8) This submission may only be annulled with the written consent of the parties.

.....  
 (signature of client or his duly authorized representative)

Signed at .....  
 this ..... 19..

.....  
 (signature of guidance counsellor)

Signed at .....  
 this ..... 19..





c. C-26, r.46

## Regulation respecting the procedure of the professional inspection committee of guidance counsellors

Professional Code  
(R.S.Q., c. C-26, s. 90)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made under section 90 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “committee” : the professional inspection committee ;

(b) “Corporation” : the Corporation professionnelle des conseillers d’orientation du Québec ;

(c) “guidance counsellor” : a person who holds a permit issued by the Corporation and is entered on the roll of the latter ;

(d) “records” : the records, books and registers kept by a guidance counsellor in the practice of his profession, including :

i. among the records, books and registers of his employer or colleagues, the documents in which he has in fact collaborated ; and

ii. a property that has been entrusted to him by a client ;

(e) “investigator” : the committee, one of its members, or a person authorized to assist the committee in the exercise of its functions.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II COMMITTEE

**2.01.** The committee is composed of 5 members appointed by the Bureau from among the guidance counsellors who have been practising for at least 3 years. They

shall take office upon their appointment and shall remain in office until they are replaced by the Bureau.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The Bureau of the Corporation designates the secretary of the committee.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### DIVISION III DRAWING UP OF A PROFESSIONAL RECORD

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each guidance counsellor’s who is the object of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the guidance counsellor’s academic qualifications and experience as well as all the records pertaining to the inspection of which he is the object under this Regulation.

**3.03.** A guidance counsellor is entitled to consult his record and to obtain a copy thereof provided that he send his request to the committee chairman and that he pay the costs for the photocopies.

### DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION

**4.01.** The committee shall supervise the practice of the profession by the members of the Corporation in accordance with the programme established by it.

**4.02.** Each year, the Bureau shall publish the committee’s general supervision programme in the bulletin of the Corporation.

**4.03.** At least 15 days before the date fixed for the verification of a guidance counsellor’s records by an investigator, the committee shall, through its secretary, send the guidance counsellor in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If a guidance counsellor cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the guidance counsellor was unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the verification and notify the guidance counsellor thereof.

**4.06.** An investigator must, if so required to do, produce a certificate attesting to his capacity, signed by the secretary of the committee.

**4.07.** The guidance counsellor whose records are the object of verification may be present or be represented by a mandatory.

**4.08.** If he has reason to believe that the committee should subject a guidance counsellor to special inquiry, the investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A GUIDANCE COUNSELLOR**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a guidance counsellor, or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the guidance counsellor in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Notwithstanding the first paragraph, where the sending of a notice to the guidance counsellor could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make such inquiry without giving the said notice.

**5.03.** An investigator may give the employer, representative or employee of a guidance counsellor notice of the order to allow him access to the records of that guidance counsellor.

**5.04.** Where records are held by a third party, the guidance counsellor must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the guidance counsellor refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that a guidance counsellor be required to serve a period of refresher training and that the right of such guidance counsellor to engage in professional activities during such period be limited, it shall notify the Bureau and the guidance counsellor in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that a guidance counsellor be required to serve a period of refresher training and that the right of such guidance counsellor to engage in professional activities during such period be limited, it must permit the guidance counsellor in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the guidance counsellor and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

- (a) a notice specifying the date and hour of the hearing ;
- (b) a statement of the facts and reasons for convening him before the committee ; and
- (c) a copy of the report made by the investigator concerning him.

**6.04.** A guidance counsellor or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall receive the oath or solemn affirmation of the guidance counsellor and the witnesses through the intermediary of a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the guidance counsellor, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the guidance counsellor does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the guidance counsellor or of the committee.

**6.09.** The committee and the guidance counsellor shall pay their own costs, with the exception of the recording costs which shall be shared equally between them.

Notwithstanding the first paragraph, where the committee requests the recording of depositions, it must pay all the costs thereof.

**6.10.** In its recommendations concerning a guidance counsellor, the committee shall take into account the type of professional activities in which the guidance counsellor is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons shall be given on which they are based, signed by the members of the committee who concurred in them and forwarded to the Bureau and the guidance counsellor in question without delay.

**6.12.** The committee may also make the recommendations to the Bureau on the continuing refresher training periods organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code might be laid against a guidance counsellor, it shall notify the syndic of the Corporation.

#### SCHEDULE A

(s. 4.03)

#### CORPORATION PROFESSIONNELLE DES CONSEILLERS D'ORIENTATION DU QUÉBEC PROFESSIONAL INSPECTION COMMITTEE

##### Notice of verification

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers on . . . . . 19...

at . . . . . h. . . . .

Signed at . . . . . , on . . . . . 19...

The professional inspection committee

Per : . . . . .  
(secretary of the committee)

#### SCHEDULE B

(s. 5.02)

#### CORPORATION PROFESSIONNELLE DES CONSEILLERS D'ORIENTATION DU QUÉBEC PROFESSIONAL INSPECTION COMMITTEE

##### Notice of special inquiry

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on . . . . . 19...

at . . . . . h. . . . .

Signed at . . . . . , on . . . . . 19...

The professional inspection committee

Per : . . . . .  
(secretary of the committee)



c. C-26, r.47

## Regulation respecting advertising by guidance counsellors

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made under section 92 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des conseillers d’orientation du Québec ;

(b) “guidance counsellor” : a person who holds a permit issued by the Corporation and is entered on the roll of the latter.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.04.** The items that a guidance counsellor may include in his public advertisements and the conditions under which he may advertise are those described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** A guidance counsellor shall not enter on his professional card anything other than :

(a) his name and, where applicable, that of his partners, followed by the initials designating guidance counsellors as provided in the Professional Code ;

(b) his profession and, where applicable, his affiliation with another professional corporation ;

(c) his academic titles ;

(d) his specialty, where he holds a specialist’s certificate recognized by the Corporation ;

(e) his office address and, where applicable, his home address, his telephone number and his office hours ;

(f) the graphic sign of the Corporation ; and  
(g) the name of his employer, where applicable.

**2.02.** The professional card shall not measure more than 6 centimetres wide by 11 centimetres long.

### DIVISION III NEWS MEDIA

**3.01.** A guidance counsellor may publish or allow to be published in newspapers, magazines, periodicals, directories or in any other printed matter, an advertisement containing all or part of that which is indicated in section 2.01. The said advertisement shall not, however, exceed 1 square decimetre and may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter.

Such advertisement may, however, appear more than once in the same issue of a telephone directory.

**3.02.** Upon the opening of his business office, of his taking up a position in a business office or in an existing service or of his first entry on the roll of the Corporation, or upon appointment to a position connected with the practice of the profession, a guidance counsellor may publish an advertisement containing his photograph and certain biographical notes in newspapers, magazines, periodicals or other printed matter.

This advertisement may not appear more than once in the same issue of a newspaper, magazine, periodical or other printed matter, nor in more than 2 issues of the same newspaper, magazine, periodical or other printed matter.

The photograph authorized in the first paragraph may not exceed 64 square centimetres.

### DIVISION IV STATIONERY

**4.01.** A guidance counsellor may enter on his stationery all or part of that which is indicated in section 2.01.

## **DIVISION V BUSINESS OFFICE**

**5.01.** On one of the outer walls of the building in which his business office is located or on the land on which such building is erected, the guidance counsellor may post up a sign mentioning all or part of that indicated in section 2.01.

If the building in which his business office is located is at a crossroads, the guidance counsellor may post up such sign on the outer walls or on the land facing each of the converging roads.

**5.02.** Inside his business office, the guidance counsellor may post up in public view a sign mentioning all or part of that which is indicated in section 2.01.

**5.03.** The signs authorized under this Division shall not exceed 25 square decimetres.

## **DIVISION VI GRAPHIC SIGN OF THE CORPORATION**

**6.01.** The Corporation is represented by a graphic sign in conformity with the original held by the secretary of the Corporation and consisting in a graphic juxtaposition of the letters CPCOQ.

**6.02.** When a guidance counsellor reproduces the graphic sign of the Corporation for advertising purposes, he must ensure that the sign complies with the original kept by the secretary of the Corporation and that it does not exceed 25 square decimetres.



c. C-26, r.48

## Regulation respecting refresher training periods for guidance counsellors

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des conseillers d’orientation du Québec ;

(b) “guidance counsellor” : a person entered on the roll of the Corporation ;

(c) “training period” : period of refresher training contemplated by this Regulation ;

(d) “trainee guidance counsellor” : a guidance counsellor who is required to serve a training period ;

(e) “tutor” : a guidance counsellor responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** If the Bureau considers that the level of competence of a guidance counsellor does not meet the standards required for the protection of the public, it may oblige a guidance counsellor to serve a training period where :

(a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;

(b) his name is re-entered on the roll after failing to be entered thereon for more than 5 years ;

(c) his name is re-entered on the roll after being struck off for more than 5 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period not considered, in virtue of section 2.10, to be in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days after the time at which a guidance counsellor is liable to have to serve such training period.

**2.03.** A training period may, in particular, consist of one or several of the following activities :

(a) a period of practical training ;

(b) studies ;

(c) courses ;

(d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau’s decision to oblige a guidance counsellor to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

**2.07.** A tutor must submit a report to the Bureau within 10 days after completing his mandate, stating, with reasons in support thereof, whether the trainee guidance counsellor acted while under his supervision in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee guidance counsellor or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee guidance counsellor a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required in virtue of sections 2.07 and 2.08, the Bureau shall decide, within 30 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it so deems necessary for the protection of the public, limit the trainee guidance counsellor's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or is not authorized to practise ;

(b) by determining the professional acts which he is authorized or is not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or certain of them, be performed under the supervision of another guidance counsellor or group of guidance counsellors.

**3.02.** The Bureau's decision to limit a trainee guidance counsellor's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period or limiting a trainee guidance counsellor's right to practise, the Bureau must give the guidance counsellor concerned the opportunity to be heard. For such purpose, the Bureau must give the guidance counsellor a written notice of at least 5 days of the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee guidance counsellor's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the guidance counsellor in question by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee guidance counsellor's right to practise shall take effect 30 days after being sent to or served on the latter.

**4.04.** During the training period, the Bureau may, upon a duly reasoned request by the trainee guidance counsellor and communicated to his tutor, reduce the du-

ration and requirements of the training period and, where applicable, reduce the conditions of limitation of the trainee guidance counsellor's right to practise.

**4.05.** A guidance counsellor must comply with every decision of the Bureau rendered in accordance with this Regulation.



c. C-26, r.49

## Regulation respecting the keeping of records and consulting and other offices by guidance counsellors

Professional Code

(R.S.Q., c. C-26, s. 94, par. c and d)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des conseillers d’orientation du Québec ;

(b) “guidance counsellor” : whosoever is entered on the roll of the Corporation ;

(c) “consulting office” : the place where a guidance counsellor receives the persons to whom he provides professional services, excluding in particular the place mentioned in section 3.02 and the workroom of the employees of that guidance counsellor.

**1.02.** The Interpretation Act (R.S.Q., c. I-16) applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means in constituting and keeping the records of a guidance counsellor.

**1.04.** Division III applies only to the consulting offices where a guidance counsellor practises on his own account or for the account of another guidance counsellor or a partnership of guidance counsellors.

**1.05.** Notwithstanding section 1.04, a guidance counsellor who does not practise on his own account or for the account of a partnership, must, after having informed his employer or his immediate superior, notify the Corporation if the consulting office he must use to receive the persons to whom he renders professional services is not designated so as to respect the right of the client to confidentiality.

### DIVISION II KEEPING OF RECORDS

**2.01.** Subject to section 2.07, the guidance counsellor must keep, in the premises where he practises his profession, a record for each of his clients.

**2.02.** The guidance counsellor must enter the following items and information in each record :

(a) the name and given names of the client at birth, his address, telephone number, date of birth, sex ;

(b) the date of opening the record ;

(c) a summary description of the reasons for the consultation ;

(d) a summary of the main factors, on the family, social and medical level as well as on the professional level, which have influenced the personal progress of the client ;

(e) a description of the professional services rendered and their date ;

(f) notes on the client’s history and on his personal and professional progress as a result of the services rendered ;

(g) where applicable, the data respecting the aptitudes, interests and personality of the client obtained following psychometric tests or other methods of appraisal ;

(h) the recommendations made to the client ;

(i) the annotations, correspondence and other documents pertaining to the professional services rendered ; and

(j) the signature of the guidance counsellor who has entered the items mentioned above.

**2.03.** A guidance counsellor must keep each record up-to-date until he ceases to render professional services to the person concerned by that record.

**2.04.** A guidance counsellor must keep each record for a period of at least 5 years from the date of the last service rendered.

**2.05.** A guidance counsellor must keep his records in a room or cabinet which is not readily accessible to the pub-



lic and which may be locked by means of a key or otherwise.

When, in accordance with section 1.03, the guidance counsellor uses data processing or any other technical means in constituting and keeping his records, he must ensure that their confidentiality is respected.

**2.06.** Where a client withdraws a document from the record which concerns him, or asks the guidance counsellor to give the information contained in the record to a third party, the guidance counsellor must insert a note in the record to that effect, signed by the client and dated.

**2.07.** When a guidance counsellor is a member of or employed by a partnership, or if he is employed by a natural or artificial person, he may enter in the records of such partnership or of such employer all or part of the items or information referred to in section 2.02 in respect of persons to whom services are rendered. If these items or information are not thus entered in the records of the partnership or employer, he must keep a record for each of these persons.

The guidance counsellor must sign or initial each entry or report that he puts in a record of his partnership or employer.

Where a guidance counsellor practises in an establishment within the meaning of the Act respecting health services and social services, (R.S.Q., c. S-5), the recipient's record within the meaning of the Act and its regulations shall be considered, for the purpose of this Regulation, as the record of that guidance counsellor if he may enter or have entered therein, in report form or otherwise, the information referred to in section 2.02; in such case, the guidance counsellor need not comply with sections 2.04 to 2.06.

The guidance counsellor must sign or initial each entry that he puts in such record.

### **DIVISION III**

#### **KEEPING OF CONSULTING OFFICES AND OTHER OFFICES**

**3.01.** The guidance counsellor's consulting office must be so designated that the conversations of the persons therein cannot be overheard outside that office.

**3.02.** The guidance counsellor must have a waiting room near his consulting office for the purpose of receiving the persons to whom he renders professional services.

**3.03.** The guidance counsellor must post his permit in public view.

**3.04.** The guidance counsellor must place in public view in his consulting office a copy of the Code of ethics of guidance counsellors (c. C-26, r.41) and, in the case of a guidance counsellor who charges fees to his clients, the Regulation respecting the procedure for conciliation and arbitration of accounts of guidance counsellors (c. C-26, r.45). He must also write the address of the Corporation on each of these regulations.

**3.05.** Subject to sections 3.03 and 3.04, the guidance counsellor may, in addition to decorative or utilitarian objects, display in his consulting office and in the other premises connected with the practice of his profession only the diplomas relating to the practice.

**3.06.** The guidance counsellor who is absent from his consulting office for more than 5 consecutive working days must take the necessary measures to inform the persons likely to get in touch with him of the duration of his absence.



c. C-26, r.50

**Regulation dividing Québec into regions  
for the purposes of elections to the  
Bureau of the Corporation  
professionnelle des conseillers  
d'orientation du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des conseillers d'orientation du Québec, the territory of Québec shall be divided into 8 regions :

- (a) the North-Eastern region ;
- (b) the Saguenay-Lac-Saint-Jean region ;
- (c) the Québec region ;
- (d) the Central region ;
- (e) the South Shore region ;
- (f) the Metropolitan Montréal region ;
- (g) the Laurentian region ;
- (h) the Outaouais-North-Western region.

**2.** The territory of the North-Eastern region is that of regions 1 and 9 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r. 8).

The territory of the Saguenay-Lac-Saint-Jean region is that of region 2 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Québec region is that of region 3 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Central region is that of regions 4 and 5 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the South Shore region is that of subregions 01, 02, 03, 04 and 07 of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Metropolitan Montréal region is that of subregion 06 of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Laurentian region is that of subregions 08 and 09 of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Outaouais-North-Western region is that of regions 7, 8 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the North-Eastern region, 1 for the Saguenay-Lac-Saint-Jean region, 3 for the Québec region, 1 for the Central region, 1 for the South Shore region, 4 for the Metropolitan Montréal region, 1 for the Laurentian region and 1 for the Outaouais-North-Western region.

**4.** A guidance counsellor shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 17 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 16 persons including the president.



c. C-26, r.51

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des conseillers en relations industrielles du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des conseillers en relations industrielles du Québec ;
- (b) “Bureau” : the Bureau of the Corporation ;
- (c) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II OATH OF DISCRETION**

**2.01.** At the first meeting of the Bureau immediately following the taking of office of a director, the latter must take the oath or affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

### **DIVISION III BUREAU**

**3.01.** The elected members of the Bureau shall elect from among themselves a vice-president and a treasurer.

**3.02.** The meetings of the Bureau shall be held at the place, on the date and at the hour which the president or, in his absence, the vice-president, shall fix.

**3.03.** A regular meeting of the Bureau shall be called by the secretary by means of a notice of convocation accompanied with an agenda at least 5 days before the date of the meeting.

**3.04.** A special meeting of the Bureau shall be called by the secretary provided that :

(a) all the directors are notified by telephone or telegram, at least 2 days before the meeting, of the hour, date and place of the meeting ; and

(b) all the directors absent from the meeting acknowledge that they had been convened in accordance with subparagraph a.

Only the matters for which it was convened may be discussed at a special meeting.

**3.05.** Notwithstanding sections 3.03 and 3.04, a meeting of the Bureau shall be deemed to be regularly held if all the directors are present and waive the notice of convocation.

**3.06.** The secretary shall act as secretary of the Bureau but shall not have the right to vote.

**3.07.** In the absence of the president or, when present, he wishes to leave the chair, the vice-president, or in his absence, the person designated by the Bureau, shall replace him until his arrival or return.

**3.08.** Having first ascertained that there is a quorum, the president or his replacement shall declare the meeting opened. At a regular meeting, the Bureau shall then proceed to the adoption of the agenda, then to the adoption of the minutes of the preceding meeting. At the request of a director, the Bureau may alter the minutes but only if they contain errors or are inconsistent with the decisions taken. If they are consistent therewith, they shall be adopted as read.

**3.09.** Whenever the president or his replacement adjourns the meeting of the Bureau for lack of a quorum, the hour of adjournment and the names of the directors then present shall be entered in the minutes.

**3.10.** The vote shall be taken by show of hands unless the chairman calls for a vote by roll call. However, in all matters, a director may request a secret ballot. In such case, the chairman shall give the directives for the carrying out of such order without there being any discussion relative to the secret nature of the vote.

**3.11.** The Bureau usually sits *in camera*. It may, when the majority of the directors so wish, hold meetings in

public or authorize certain persons to be present at the meeting.

#### **DIVISION IV GENERAL MEETINGS**

**4.01.** The general meetings shall be held at the place, date and hour which the Bureau shall determine.

**4.02.** The annual meetings shall be called by the secretary by means of a written notice sent to the members of the Corporation at the address mentioned on the roll of the Corporation at least 30 days prior to the date of the holding of such meeting.

**4.03.** The quorum for a general meeting of the Corporation is fixed at 25 members.

**4.04.** Where the quorum is not reached at a general meeting, the secretary shall draw up the minutes to that effect and shall call another general meeting.

**4.05.** The decisions shall be taken by majority vote. In the case of a tie-vote, the chairman of the meeting shall have a casting vote.

**4.06.** To be accepted at an annual general meeting, a motion respecting a matter which is not entered on the agenda must be received in writing at the corporate seat of the Corporation, attention of the secretary, at least 10 days prior to the holding of that meeting.

**4.07.** Unless it complies with the requirements of section 4.06, no motion respecting a matter which is not entered on the agenda shall be accepted during an annual general meeting without the unanimous consent of the members present.

**4.08.** Notwithstanding sections 4.06 and 4.07, a motion to determine the mode of election of the president or to approve a resolution passed by the Bureau fixing the amount of the annual assessment and of any additional assessment must be on the agenda accompanying the notice of convocation of a general meeting.

**4.09.** Upon putting a motion to a vote, the vote shall be taken by a show of hands. However, upon the request of at least 15 members, the vote shall be taken by secret ballot.

#### **DIVISION V MISCELLANEOUS**

**5.01.** The corporate seat of the Corporation is situated in the territory of the Communauté urbaine de Montréal.

**5.02.** The seal of the Corporation is that whose imprint appears in the copy of this Regulation kept by the secretary of the Corporation.

**5.03.** The graphic sign and the name of the Corporation must appear on all correspondence and official documents of the Corporation.

**5.04.** The president, or if the latter is unable to act, the vice-president or the secretary, shall be the only persons authorized to speak for the Corporation on matters relating to the practice of the profession.

**5.05.** Notwithstanding section 5.04, the president, or where the latter is unable to act, the vice-president, may authorize a representative to speak for the Corporation on matters relating to the practice of the profession.

**5.06.** Subject to section 5.05, a director may not express his personal opinion in public on matters relating to the practice of the profession, unless he clearly and unmistakably forewarns his audience that the ideas he is expressing are his own and are not necessarily shared by the authorities of the Corporation.

**5.07.** Subject to the Professional Code (R.S.Q., c. C-26), the questions of procedure not provided for in this Regulation are governed *mutatis mutandis* by the rules contained in *Procédure des assemblées délibérantes*, V. Morin, latest edition.



c. C-26, r.52

## Code of ethics of industrial relations counsellors

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des conseillers en relations industrielles du Québec ;
- (b) “counsellor” : whoever is entered on the roll of the Corporation ;
- (c) “client” : a person or an employer who has recourse to the professional services of a counsellor.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II GENERAL DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** Unless he has sound reasons to the contrary, a counsellor must support every measure likely to improve the quality and availability of professional services in the field in which he practises.

**2.02.** In the practice of his profession, a counsellor must, where applicable, bear in mind :

- (a) the protection of the physical and mental health of the persons under his authority or supervision ;
- (b) the necessary hygiene and safety measures in the work environment in which he practises his profession ;
- (c) the relative value of the results of psychometric tests which he uses in the practice of his profession ;
- (d) the importance of the measures for receiving and initiating new employees ;
- (e) the importance of promotion, advancement, training and staff upgrading courses and programmes ;

(f) the confidentiality of the records of persons under his authority or supervision and of the confidential information which he possesses concerning these persons.

Within the framework of his duties, a counsellor must make the pertinent recommendations to his client on the matters listed in the first paragraph.

**2.03.** In the practice of his profession, a counsellor must bear in mind the general effect which his research and work may have on society.

**2.04.** A counsellor must promote measures of education and information in the field in which he practises. In the practice of his profession, he must also, unless he has sound reasons to the contrary, do what is required to ensure such education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### *§1. General provisions*

**3.01.01.** Before undertaking professional service, a counsellor must bear in mind the extent of his proficiency, knowledge and the means at his disposal. He must not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.02.** A counsellor must at all times acknowledge his client's right to consult another counsellor, a member of another professional corporation or any other competent person.

**3.01.03.** A counsellor must not practise under conditions or in situations which could impair the quality of his services.

**3.01.04.** A counsellor must try to establish a mutual trust relationship between the client and himself.

**3.01.05.** A counsellor must not interfere in the personal affairs of his client in matters that do not fall within the generally recognized competence of the profession.

**3.01.06.** In the practice of his profession, a counsellor must identify himself in relation to his client as an industrial relations counsellor.

## *§2. Integrity*

**3.02.01.** A counsellor must discharge his professional duties towards his client with integrity and competence.

**3.02.02.** A counsellor must avoid any misrepresentation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires he must, with the latter's authorization, consult another counsellor, a member of another professional corporation or another competent person, or refer him to one of these persons.

**3.02.03.** A counsellor must inform his client as early as possible of the extent and the terms and conditions of the mandate entrusted to him by the latter.

**3.02.04.** A counsellor must set out in a complete and objective manner to his client the nature and scope of the problem as he sees it on the basis of the facts brought to his knowledge.

**3.02.05.** A counsellor must try to gain a complete knowledge of the facts before giving an opinion or advice. A counsellor must not, in particular, accept, alone or without a competent counsellor, a mandate in respect of which he does not have, and is unable to acquire in the proper time, the necessary competence.

**3.02.06.** A counsellor must take reasonable care of the property entrusted to him by a client and he may not lend it or use it for purposes other than those for which it was entrusted to him.

**3.02.07.** A counsellor must notify his client of any illegal act likely to benefit that client and of which he became aware in the execution of his mandate.

**3.02.08.** A counsellor must refer to his client any offer of settlement that is made to him.

**3.02.09.** A counsellor is free to accept or to refuse a mandate. However, he must not accept a number of mandates in excess of that which the interest of his clients may require.

## *§3. Availability and diligence*

**3.03.01.** A counsellor must display reasonable availability and diligence in the practice of his profession.

**3.03.02.** In addition to opinion and counsel, a counsellor must provide his client with any explanation necessary to the understanding and evaluation of the services rendered to him.

**3.03.03.** A counsellor must give an accounting to his client when so requested by the latter.

**3.03.04.** A counsellor must be objective when persons other than his clients ask him for information.

**3.03.05.** Unless he has sound and reasonable grounds to the contrary, a counsellor may not cease to act for the account of a client. The following shall, in particular, constitute sound and reasonable grounds :

(a) loss of the client's confidence ;

(b) the fact that the counsellor is in a situation of conflict of interest or in a situation such that his professional independence could be called in question ;

(c) the fact of being incited by the client to perform illegal, unfair or fraudulent acts.

**3.03.06.** Before he ceases to exercise his functions for the account of a client, the counsellor must forward and advance notice of withdrawal within a reasonable time and ensure, as far as possible, that such termination of service is not prejudicial to his client.

**3.03.07.** A counsellor must appear in person or be represented at the time fixed for any proceeding relative to the practice of his profession unless he is prevented therefrom for good and sufficient reason and has, where possible, given prior notice of his absence to his client and to the other parties concerned.

## *§4. Liability*

**3.04.01.** A counsellor is prohibited from inserting in a contract of professional services any clause directly or indirectly excluding, in whole or in part, his personal civil liability.

## *§5. Independence and impartiality*

**3.05.01.** A counsellor must subordinate his personal interest to that of his client.

**3.05.02.** A counsellor must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** A counsellor must safeguard his professional independence at all times and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a counsellor is in conflict of interest when the interests in question are such that he might tend to favour certain of them over those of his client or whereby his judgment and loyalty towards the latter may be unfavourably affected.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interest, the counsellor must notify his client thereof and ask for authorization to continue his mandate.

**3.05.05.** A counsellor must not receive, other than the remuneration to which he is entitled, any benefit, allowance or commission relative to the practice of his profession. Nor shall he pay, offer to pay or undertake to pay such benefit, allowance or commission.

**3.05.06.** A counsellor may share his fees with another person only to the extent that such sharing corresponds to a distribution of services and responsibilities.

**3.05.07.** For a given service, the counsellor must only accept fees from one source, unless explicitly agreed otherwise by all the parties concerned. He shall accept payment of these fees only from his client or the latter's representative.

**3.05.08.** Generally, a counsellor shall only act, in the same matter, for one party representing the same interests. If his professional duties require that he act otherwise, the counsellor must specify the nature of his duties or responsibilities and must keep all the parties concerned informed that he will cease to act if the situation becomes irreconcilable with his duty of impartiality.

#### *§6. Professional secrecy*

**3.06.01.** A counsellor must respect the secrecy of all confidential information acquired in the practice of his profession.

**3.06.02.** A counsellor may be released from professional secrecy only upon the authorization of his client or when so ordered by law.

**3.06.03.** A counsellor must take reasonable care to prevent his partners, employees or the other persons whose services he retains from disclosing or making use of the confidential information obtained from a client.

**3.06.04.** A counsellor must avoid indiscreet conversations concerning a client and the services rendered him.

**3.06.05.** A counsellor shall not make use of confidential information to the prejudice of a client or with a view to obtaining a direct or indirect benefit for himself or for another.

#### *§7. Accessibility of records*

**3.07.01.** A counsellor must respect the right of his client to consult the documents that concern him in any record made in his regard and to obtain a copy of such documents.

#### *§8. Determination and payment of fees*

**3.08.01.** A counsellor must charge fair and reasonable fees.

**3.08.02.** Fees are fair and reasonable if they are warranted by the circumstances and in proportion to the services rendered. A counsellor must, in particular, take the following factors into account when determining his fees :

- (a) the time spent in carrying out the professional service ;
- (b) the complexity and extent of the service ;
- (c) the performance of unusual services or services requiring exceptional competence or celerity.

**3.08.03.** A counsellor must provide his client with all the explanations necessary to the understanding of his statement of fees and of the terms and conditions of payment.

**3.08.04.** A counsellor must refrain from demanding advance full payment for his services ; however, he must notify his client of the approximate cost of his services.

**3.08.05.** A counsellor may collect interest on outstanding accounts only after having notified his client. The interest thus charged must be at a reasonable rate.

**3.08.06.** Before having recourse to legal proceedings, a counsellor must have exhausted all the other means at his disposal for obtaining payment of his fees.

**3.08.07.** Where a counsellor entrusts the collection of his fees to another person he must, as far as possible, ensure that the latter will act with tact and moderation.

#### **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

##### *§1. Derogatory acts*

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession of industrial relations counsellor :

(a) communicating with the plaintiff without the prior written permission of the syndic or his assistant when he is informed that an inquiry into his professional conduct or competence will be held or when he has received the service of a complaint against him ;

(b) inducing someone to use criminal or violent means to achieve his aims, or resorting to such means ;

(c) refusing to counsel or to represent a person with a complaint or claim against a colleague, for the sole reason that it concerns a colleague ;

(d) drawing up and incomplete or false report of declaration concerning a person under his authority or supervision.

##### *§2. Relations with the Corporation and colleagues*

**4.02.01.** The counsellor whose participation on a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Corporation, must accept that duty unless he has reasonable grounds for refusing it.

**4.02.02.** A counsellor must reply promptly to all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.02.03.** A counsellor shall not be guilty of disloyal practices towards a colleague.

**4.02.04.** A counsellor who is consulted by a colleague must give the latter his opinion and recommendations as promptly as possible.

**4.02.05.** A counsellor who is called upon to collaborate with a colleague must maintain his professional independence. He may ask to be dispensed from doing any task required of him that is against his conscience or principles.

##### *§3. Contribution to the advancement of the profession*

**4.03.01.** A counsellor must, as far as he is able, contribute to the development of his profession by sharing his knowledge and experience with his colleagues and students and by participating in courses and continuing training periods recommended by the Corporation.





c. C-26, r.53

**Règlement sur certaines conditions et  
modalités de délivrance des permis de la  
Corporation professionnelle des  
conseillers en relations industrielles du  
Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

See French Edition



c. C-26, r.54

## **Regulation respecting the records of an industrial relations counsellor who ceases to practise**

Professional Code  
(R.S.Q., c. C-26, s. 91)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des conseillers en relations industrielles du Québec ;

(b) “counsellor” : a person who is entered on the roll of the Corporation ;

(c) “secretary” : the secretary of the Corporation ;

(d) “records” : the records, books and registers that a counsellor must keep in the practice of his profession ;

(e) “transferee” : the counsellor to whom are transferred the records of another counsellor who ceases to practise permanently ;

(f) “provisional custodian” : the counsellor to whom are entrusted the records of another counsellor during his temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means for the keeping of the records.

**1.04.** In the case of a counsellor who is a member or an employee of a partnership of professionals or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer used by that counsellor in the practice of his profession. This Regulation shall, however, apply where all the members of a partnership of professionals cease to practise.

**1.05.** An agreement respecting the transfer or provisional custody of the records of a counsellor who ceases to

practise must be certified in writing and sent to the secretary.

### **DIVISION II PERMANENT CESSATION OF PRACTICE**

**2.01.** Subject to sections 2.02 and 2.03, where a counsellor ceases permanently to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a transferee, notify the secretary by registered or certified mail that he will cease to practise his profession effective from such date, and give him the name, address and telephone number of the transferee ; or

(b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where a counsellor ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the counsellor who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the counsellor who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of a counsellor, the secretary must, as soon as he is notified thereof, ensure that the assigns of the deceased counsellor find a transferee as quickly as possible.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a counsellor who ceases permanently to practise, notify that counsellor's clients in writing :

(a) that he has custody of the latter's records ;

(b) of his address, telephone number and office hours ; and

(c) of their right to consult another counsellor.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to take cognizance of the documents concerning him in any record made in his regard and to obtain copies of such documents. The fees

for obtaining such copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of a counsellor who has ceased permanently to practise his profession, he may at any time, after consulting that counsellor, entrust the records to a transferee.

**2.07.** While he has custody of the records of a counsellor who has ceased permanently to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that counsellor's clients.

**2.08.** Subject to section 2.06, the secretary must retain for a minimum period of 3 years the records he receives pursuant to this Division.

### **DIVISION III** **TEMPORARY CESSATION OF PRACTICE**

**3.01.** Subject to section 3.02, where a counsellor ceases temporarily to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail that he will cease temporarily to practise his profession effective from such date and advise him of the date on which he intends to resume practising his profession and the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** Where a counsellor ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the counsellor who is struck off find a provisional custodian within 15 days of the expiry of the time allowed for appeal or the final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the counsellor who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must communicate to the clients of the counsellor whose records he has custody of, the pertinent information respecting the progress of their record, keep such records up to date, and take the other necessary preservation measures in order to safeguard the interests of that counsellor's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except in the case where a counsellor ceases to practise as a result of a temporary striking off lasting under 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or provisional custodian, as the case may be, must return the records to the counsellor immediately upon termination of the period of temporary cessation of practice.

**3.07.** A counsellor who no longer wishes to resume practising his profession during or after the expiry of the period in which he has temporarily ceased to practise, must comply with Division II.



c. C-26, r.55

**Règlement sur l'équivalence de diplômes  
universitaires relativement aux  
conseillers en relations industrielles**

Professional Code  
(R.S.Q., c. C-26)

See French Edition



c. C-26, r.56

## **Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des conseillers en relations industrielles du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “region” : one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des conseillers en relations industrielles du Québec (c. C-26, r.62) ;

(b) “Corporation” : the Corporation professionnelle des conseillers en relations industrielles du Québec ;

(c) “counsellor” : a person whose name is entered on the roll of the Corporation ;

(d) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II TERM OF OFFICE**

**2.01.** The president and the directors are elected for a term of one year. They are eligible for re-election but may not hold office for more than 4 consecutive terms.

### **DIVISION III ELECTION PROCEDURE**

**3.01.** Between the 45th and 60th day preceding the date of the closing of the poll, the secretary shall send each counsellor a list of the counsellors of the region in which he principally practises his profession and also a nomination paper.

**3.02.** A counsellor may not sign more nomination papers than there are offices of director to be filled for his region. A signature appearing on a number of nomination papers in excess of the number of offices of director to be filled shall be struck off all papers.

**3.03.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest the validity of the nomination paper.

**3.04.** In addition to the documents described in section 69 of the Professional Code (R.S.Q., c. C-26), the secretary of the Corporation shall, at least 15 days prior to the date of closing of the poll, send each counsellor a brief curriculum vitae of each candidate stating, in particular, his age, the date of his admission, his present occupation and, where applicable, his principal activities within the Corporation.

**3.05.** The ballot-paper certified by the secretary must contain the following data and information :

(a) the name and graphic sign of the Corporation ;

(b) the year of the election ;

(c) the identification of the region ;

(d) the names in alphabetical order of the candidates for the offices of director in the region in which the counsellor principally practises his profession ;

(e) the number of seats to be filled in the region ; and

(f) the date and hour of the closing of the poll.

**3.06.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent to him is lost or otherwise unusable, provided such elector makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**3.07.** The closing of the poll is fixed at 17 h on the second last Friday of April.

**3.08.** The scrutineers shall be appointed from among the counsellors.

**3.09.** The secretary and the scrutineers shall take the oath to faithfully carry out their duties before any person authorized to administer the oath.

**3.10.** The votes shall be counted at the corporate seat of the Corporation or at any other place designated by the secretary at least 15 days before the date of closing of the poll. Any counsellor may attend the counting of the votes.

**3.11.** The following ballot-papers shall be void : every ballot-paper :

(a) on which the voter cast his vote otherwise than by a cross ;

(b) which contains more or fewer crosses than the number of seats to be filled in the region ;

(c) which is not certified by the secretary ;

(d) which contains any identification mark of the elector ;

(e) which is not returned in the envelope provided by the secretary and on which the word "ELECTION" is written.

**3.12.** The secretary's decision regarding the validity of a ballot-paper is final.

**3.13.** The secretary shall declare elected the candidates who have obtained the most votes : he shall have the results of the vote countersigned by the scrutineers.

**3.14.** Immediately after the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.

**3.15.** The secretary shall send a copy of the report referred to in section 3.14 to each candidate. This report shall, in particular, state the number of ballot-papers and official envelopes which the secretary has had printed and his manner of dealing with them.

**3.16.** The secretary must also make a detailed report of the election at the first meeting of the Bureau following the election.

**3.17.** If, during the election period, the secretary is unable to act for any reason deemed sufficient by the Bureau, the latter shall designate a counsellor to replace the secretary. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

**3.18.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation shall apply *mutatis mutandis* to his election.

**3.19.** Where the president is elected by a vote of the elected directors, his election shall be held during the first meeting of the Bureau after the directors have taken office.



c. C-26, r.57

## **Regulation respecting the procedure for conciliation and arbitration of accounts of industrial relations counsellors**

Professional Code  
(R.S.Q., c. C-26, s. 88)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des conseillers en relations industrielles du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “counsellor” : the member of the Corporation whose account is the subject of a dispute with a client ;
- (d) “council” : the council for the arbitration of accounts constituted under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation .

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II CONCILIATION**

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic in sending him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which an action for a claim concerning the account contested is served by the counsellor on the client.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall send to the counsellor a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### **DIVISION III ARBITRATION**

#### *§1. Submission to arbitration*

**3.01.01.** A client applies for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2 duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall send to the counsellor, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the counsellor shall sign it and return it to the secretary.

#### *§2. Formation of council*

**3.02.01.** In order to settle the dispute between the client and the counsellor, the Bureau shall set up an arbitration council composed of 3 members of the Corporation and designate a chairman from among them. The Bureau shall also appoint a clerk to assist the council in the performance of its duties.

**3.02.02.** The clerk shall notify the arbitrators and the parties of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be forwarded in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or make the affirmation of discretion provided in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of death or inability to act of one of the arbitrators or of the chairman, the Bureau shall appoint a new arbitrator or a new chairman who will be made acquainted with the record in the presence of the parties.

### §3. Hearing

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and the parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall proceed with dispatch to the hearing of the dispute in accordance with the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, that party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrators.

Unless they contain a serious and obvious error, the minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### §4. Arbitration award

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that period.

**3.04.02.** The council decides as mediator and renders the decision it considers most appropriate.

**3.04.03.** The decision is rendered by the majority of the members of the council ; in default of a majority, the decision is rendered by the chairman.

The reasons for the decision must be given and it must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign, the others must indicate such refusal and the decision shall be as valid as if it had been signed by all of them.

The clerk shall forward the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees, that is, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount which is the subject of the arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless expressly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and the members of the Bureau.

### SCHEDULE 1 (s. 2.02)

#### APPLICATION FOR CONCILIATION

I, the undersigned, .....  
(name and address)





Signed at .....

this ..... 19...



c. C-26, r.58

## **Regulation respecting the procedure of the professional inspection committee of industrial relations counsellors**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “committee” : the professional inspection committee ;
- (b) “Corporation” : the Corporation professionnelle des conseillers en relations industrielles du Québec ;
- (c) “counsellor” : a person whose name is entered on the roll of the Corporation ;
- (d) “records” : the records, books and registers kept by a counsellor in the practice of his profession, as well as the documents or reports in which he has in fact collaborated among the records, books and registers kept by his colleagues or employer ;
- (e) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 3 members appointed by the Bureau from among the counsellors who have been practising for the last 10 years. They shall take office as soon as they are appointed and continue in office until their death, resignation, replacement or striking off the roll.

One of the representatives of the Corporation in the committee set up under subparagraph *b* of the first paragraph of section 184 of the Professional Code (R.S.Q., C-26) may also attend a meeting of the committee as observer.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The Bureau of the Corporation designates the secretary of the committee.

**2.04.** The secretariat of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said secretariat.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each counsellor who is the subject of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the counsellor's academic qualifications and experience as well as all the documents pertaining to an inspection of which he has been the subject under this Regulation.

**3.03.** A counsellor is entitled to consult his record and to obtain a copy thereof.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the counsellors in accordance with the programme established by the Bureau.

**4.02.** Each year, the Bureau shall publish the committee's general supervision programme and a report on the latter's activities for the preceding year in the bulletin of the Corporation, without identifying in any way, however, the professionals who were, the subject of an inspection and the other persons involved.

**4.03.** At least 15 days before the date fixed for the verification of a counsellor's records by an investigator, the committee shall, through its secretary, send the counsellor in question, by registered or certified mail, a notice in the form in Schedule A.

**4.04.** If a counsellor cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the counsellor was unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the verification and notify the counsellor thereof.

**4.06.** An investigator must, if required to do so, produce a certificate attesting his capacity, signed by the secretary of the committee.

**4.07.** The counsellor whose records are the object of a verification may be present or be represented by a mandatory.

**4.08.** The investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A COUNSELLOR**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a counsellor or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send the counsellor in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Notwithstanding the first paragraph, where the sending of a notice to the counsellor could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make such inquiry without notice.

**5.03.** An investigator may give the employer, representative or employee of a counsellor notice of the order to allow him access to the records of that counsellor.

**5.04.** Where records are held by a third party, the counsellor must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the counsellor refuses to receive an investigator, the latter shall immediately notify the syndic thereof.

**5.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of the investigator's report, has reason to believe that it should not recommend to the Bureau that a counsellor be required to serve a period of refresher training and that the counsellor's right to engage in professional activities during such period be limited, in whole or in part, it shall notify the Bureau and the counsellor within 15 days of its decision.

**6.02.** Where the committee, after study of the investigator's report, has reason to believe that it should recommend to the Bureau that a counsellor be required to serve a period of refresher training and that the counsellor's right to engage in professional activities during such period be limited, in whole or in part, it must permit the counsellor in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the counsellor and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

- (a) a notice specifying the date and hour of the hearing ;
- (b) a statement of the facts and reasons for convening him before the committee ; and
- (c) a copy of the report made by the investigator concerning him.

**6.04.** A counsellor or witness summoned before the committee may be assisted by an advocate or any other person.

**6.05.** The committee shall administer the oath or solemn affirmation to the counsellor and the witnesses through a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the counsellor, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the counsellor does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the counsellor or of the committee.

**6.09.** The committee and the counsellor shall pay their own costs, with the exception of recording expenses which shall be shared equally between them.

Notwithstanding the first paragraph, where the recording is made at the request of the committee, it shall assume the expenses thereof.

**6.10.** In its recommendations concerning a counsellor, the committee shall take into account the type of professional activities in which the counsellor is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members with 90 days after the end of the hearing. The reasons on which they are based shall be given, signed by the members of the committee who endorsed them, and forwarded to the Bureau and the counsellor in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the activities and continuing training courses organized by the Corporation for its members. It may also make recommendations to the Bureau in respect of the general supervision programme.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code might be laid against a counsellor, it shall notify the syndic of the Corporation.

#### **SCHEDULE A** (s. 4.03)

#### **CORPORATION PROFESSIONNELLE DES CONSEILLERS EN RELATIONS INDUSTRIELLES DU QUÉBEC**

#### **PROFESSIONAL INSPECTION COMMITTEE**

##### **Notice of verification**

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers on .....

19... at ..... h

Signed at ....., on ....., 19...

The professional inspection committee.

Per : .....  
Secretary of the committee

#### **SCHEDULE B** (s. 5.02)

#### **CORPORATION PROFESSIONNELLE DES CONSEILLERS EN RELATIONS INDUSTRIELLES DU QUÉBEC**

#### **PROFESSIONAL INSPECTION COMMITTEE**

##### **Notice of special inquiry**

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on ..... 19...

at ..... h

Signed at ....., on ....., 19...

The professional inspection committee.

Per : .....  
Secretary of the committee



c. C-26, r.59

## Regulation respecting advertising by industrial relations counsellors

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des conseillers en relations industrielles du Québec ;

(b) “counsellor” : a person who is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items that a counsellor may include in his advertisements and the conditions under which he may advertise are those described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** A counsellor shall not enter on his professional card anything other than :

(a) his name, those of his partners and the professionals employed by him and, where applicable, the firm name of the partnership to which he belongs ;

(b) his profession and, where applicable, his membership in another professional corporation ;

(c) his specialty, if he has a specialist's certificate recognized by the Corporation ;

(d) his academic degrees ;

(e) his business office address, telephone number and business hours ;

(f) the graphic sign of the Corporation ;

(g) where applicable, the name and graphic sign of his employer and, if the latter is a partnership, the names of

the members thereof and of the professionals employed by such partnership ; and

(h) the title of his post with that employer.

**2.02.** The professional card shall not measure more than 6 centimetres in width by 11 centimetres in length.

### DIVISION III INFORMATION MEDIA

**3.01.** A counsellor may publish or allow to be published in newspapers, magazines, periodicals, directories or other printed matter an advertisement containing all or part of that which is indicated in section 2.01. The said advertisement shall not, however, exceed 1 square decimetre and may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter.

Such advertisement may, however, appear more than once in the same issue of a telephone directory.

**3.02.** Upon the opening of his business office, his taking up a position in an existing business office, his first entry on the roll of the Corporation, or upon appointment to a position connected with the practice of the profession, a counsellor may publish an advertisement containing his photograph and certain biographical notes in newspapers, magazines, periodicals, directories or other printed matter.

This advertisement may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter, nor in more than 2 issues of the same newspaper, magazine, periodical, directory or other printed matter.

The photograph authorized in the first paragraph may not exceed 64 square centimetres.

### DIVISION IV STATIONERY

**4.01.** A counsellor may enter on his stationery all or part of that which is indicated in section 2.01.

### DIVISION V BUSINESS OFFICE

**5.01.** On one of the outer walls of the immovable in which he has his business office, or on the land on which

such immovable is erected, the counsellor may post up a sign containing all or part of that which is indicated in section 2.01.

If the immovable in which he has his business office is at a crossroads, the counsellor may post up such sign on the outer walls or on the land facing each of the converging roads.

**5.02.** Inside his business office, the counsellor may post up, in public view, a sign mentioning all or part of that which is indicated in section 2.01.

**5.03.** The signs authorized under this Division may not exceed 25 square decimetres.

## **DIVISION VI**

### **GRAPHIC SIGN OF THE CORPORATION**

**6.01.** The Corporation is represented by a graphic sign in conformity with the original kept by the secretary of the Corporation and composed of the juxtaposition of the letters C, R and I.

**6.02.** Whenever a counsellor reproduces the graphic sign of the Corporation for advertising purposes, he must ensure that the sign is in conformity with the original kept by the secretary of the Corporation and that it does not exceed 25 square decimetres.



c. C-26, r.60

## Regulation respecting refresher training periods for industrial relations counsellors

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des conseillers en relations industrielles du Québec ;
- (b) “counsellor” : whosoever is entered on the roll of the Corporation ;
- (c) “training period” : a refresher training period contemplated by this Regulation ;
- (d) “trainee counsellor” : a counsellor required to serve a training period ;
- (e) “tutor” : a counsellor responsible for verifying whether a training period or part of a training period is in conformity with the objectives and the terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** The Bureau may, if it considers that the level of competence of a member does not meet the standards required for the protection of the public, require a counsellor to serve a training period where :

- (a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;
- (b) his name is re-entered on the roll after failing to be entered thereon for more than 5 years ;
- (c) his name is re-entered on the roll after having been struck off for more than 5 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period not considered, in virtue of section 2.10, to be in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days from the time when a counsellor is liable to be required to serve it.

**2.03.** A training period may, in particular, consist of one or more of the following activities :

- (a) a practical training period ;
- (b) studies ;
- (c) courses ;
- (d) research work.

**2.04.** A training period may not exceed 1 000 hours, nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau’s decision to require a counsellor to serve a training period must specify the objectives, the duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and the time when the training period must be held and, where necessary, designate one or several tutors.

**2.07.** A tutor shall submit a report to the Bureau within 5 days after completion of his mandate stating, with supporting grounds, whether the trainee counsellor acted, while under his supervision, in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee counsellor or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee counsellor a copy of the report at the same time that he submits that report to the Bureau pursuant to section 2.07 or 2.08.



**2.10.** After study of each of the reports required in virtue of sections 2.07 and 2.08, the Bureau shall decide, within 20 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined. Where no decision has been made within this time period, the training shall be deemed to be in conformity with the objectives and the terms and conditions determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it so considers necessary for the protection of the public, limit the trainee counsellor's right to practise during all or part of the training period in any of the following ways :

(a) by determining when and where he is authorized or not authorized to practise ;

(b) by determining the professional acts which he is authorized or not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or certain of them, be performed under the supervision of another counsellor or group of counsellors.

**3.02.** The Bureau's decision to limit a trainee counsellor's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period, limiting a trainee counsellor's right to practise, or deciding that the training period completed is not in conformity with the objectives and the terms and conditions determined, the Bureau must give the counsellor concerned the opportunity to be heard. For such purpose, the Bureau must give the counsellor a written notice of at least 5 days of the date of the hearing.

**4.02.** The counsellor may be accompanied by an adviser at the hearing.

**4.03.** The reasons for a decision prescribing a training period, limiting a trainee counsellor's right to practise, or ruling on the validity of a completed training period, must be given in writing and served on the counsellor concerned in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or sent to him by registered or certified mail.

**4.04.** The Bureau's decision prescribing a training period or limiting a trainee counsellor's right to practise

shall take effect 30 days after being sent to or served on the latter.

**4.05.** During a training period, the Bureau may, upon a request thereto by the trainee counsellor giving his reasons therefor, and communicated to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the trainee counsellor's right to practise.

**4.06.** A counsellor is required to comply with every decision of the Bureau rendered in accordance with this Regulation.



c. C-26, r.61

## Regulation respecting the keeping of records and consulting offices by industrial relations counsellors

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des conseillers en relations industrielles du Québec ;
- (b) “counsellor” : whosoever is entered on the roll of the Corporation ;
- (c) “consulting office” : the place where a counsellor usually receives the persons for whom he provides professional services, excluding in particular the place mentioned in section 3.02 and the workroom of the employees of that counsellor.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means in constituting and keeping the records of a counsellor.

**1.04.** Division III shall apply only to the consulting office in which a counsellor practises on his own account or for the account of another counsellor or a partnership of counsellors.

### DIVISION II KEEPING OF RECORDS

**2.01.** Subject to section 2.07, the counsellor must keep in the premises where he practises his profession a record for each of his clients.

**2.02.** The counsellor must enter the following items and information in each record :

- (a) the date of opening the record ;

- (b) the name, address and telephone number of the client ;

- (c) a summary description of the reasons for the consultation ;

- (d) a description of the professional services rendered and their date ;

- (e) the recommendation made to the client ; and

- (f) the correspondence and other documents which belong to the client and relating to the professional services rendered.

**2.03.** A counsellor must keep each record up-to-date until he ceases to render professional services to the person concerned in that record.

**2.04.** A counsellor must keep each record for a period of at least 3 years from the date of the last service rendered.

**2.05.** A counsellor must keep his records in a room or cabinet which is not readily accessible to the public and which may be locked by means of a key or otherwise.

When, in accordance with section 1.03, the counsellor uses data processing or any other technical means in the constituting and keeping of his records, he must ensure that their confidentiality is respected.

**2.06.** When a client asks to take a document which belongs to him out of the record of a counsellor, the latter must insert a note in that record signed by the client indicating the nature of the document and the date on which it was taken out.

**2.07.** Where a counsellor is a member of or employed by a partnership, or if he is employed by a natural or artificial person, the records kept by such partnership or employer concerning the persons to whom services were rendered by that counsellor shall be deemed, for the purposes of this Regulation, the latter's records if he may enter therein the items or information referred to in section 2.02 ; if he cannot do so, he must keep a record for each of these persons.

The counsellor must sign or initial each entry or report that he inserts in a record in accordance with the first paragraph.

### **DIVISION III**

#### **KEEPING OF CONSULTING OFFICES**

**3.01.** The counsellor's consulting office must be so appointed that the conduct and conversations of the persons therein cannot be learned outside that office.

**3.02.** The counsellor must have a place near his consulting office where the persons to whom he renders professional services are received.

**3.03.** The counsellor must post his permit in public view.

**3.04.** The counsellor must place in public view, in the place referred to in section 3.02, a copy of the Code of ethics of industrial relations counsellors (c. C-26, r.52) and of the Regulation respecting the procedure for conciliation and arbitration of accounts of industrial relations counsellors (c. C-26, r.57). He must also write the address of the Corporation on each of these regulations.

**3.05.** Subject to sections 3.03 and 3.04, the counsellor may, in addition to decorative or utilitarian objects unlikely to mislead his clients with respect to his professional background, display in his consulting office and in the other premises connected with the practice of his profession only the diplomas relating to the practice of his profession.

**3.06.** The counsellor who is absent from his consulting office for more than 5 consecutive working days must take the necessary measures to inform the persons likely to get in touch with him of the duration of his absence.



c. C-26, r.62

**Regulation dividing Québec into regions  
for the purposes of elections to the  
Bureau of the Corporation  
professionnelle des conseillers en  
relations industrielles du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des conseillers en relations industrielles du Québec, the territory of Québec shall be divided into 2 regions :

- (a) the Eastern region ;
- (b) the Western region.

**2.** The Eastern region shall comprise regions 1, 2, 3, 8, 9 and 10, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The Western region shall comprise regions 4, 5, 6 and 7, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** Two directors shall be elected to represent the Eastern region and 4 for the Western region.

**4.** An industrial relations counsellor shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 9 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 8 persons including the president.



c. C-26, r.63

## **Regulation respecting admission to the Corporation professionnelle des diététistes du Québec**

Professional Code  
(R.S.Q., c. C-26)

**1. Application :** To become an active member of the Corporation, the applicant must submit to the membership committee, an application form in duplicate, accompanied by the annual fee. Upon approval of the admission committee, the applicant shall become a member of the Corporation provided that no infringement to the Act was committed by claiming, using or assuming the title of dietician or professional dietician during one or more fiscal years before submitting the application.

**2.** This Regulation remains in force until 1 January 1984.

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O.C. 2166-62 of 28.12.62

O.C. 2477-64, (1965) 97 G.O., 842 and 2029

O.C. 69-66 of 13.01.66

O.C. 3483-81, (1981) 113 G.O. II, 4126



c. C-26, r.64

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des diététistes du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made pursuant to section 93 and paragraphs *a*, *b* and *k* of section 94 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des diététistes du Québec ;

(b) “dietician” : every person entered on the roll of the Corporation.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II OATH OF DISCRETION OF THE DIRECTORS**

**2.01.** At the first meeting of the Bureau held immediately after a director has taken office, the first item on the agenda must be the swearing in of the new director. The latter shall take the oath or solemn affirmation of discretion prescribed in Schedule II to the Professional Code.

### **DIVISION III GENERAL MEETINGS**

**3.01.** The quorum for a general meeting shall be fixed at 50 members.

**3.02.** To be accepted at a general meeting, a motion must be sent in writing for the attention of the secretary at

the corporate seat of the Corporation at least 10 days prior to the holding of a meeting.

**3.03.** Unless it complies with the requirements of section 3.02, no motion shall be accepted during the holding of a general meeting without the unanimous consent of the members present.

**3.04.** Notwithstanding sections 3.02 and 3.03, a motion to determine the mode of election of the president must be on the agenda accompanying the notice of convocation of a general meeting.

**3.05.** Upon putting a motion to the vote, the vote shall be taken by simple majority. However, upon the request of at least 5 members, the vote shall be taken by secret ballot.

**3.06.** In the case of a tie-vote, the president of the Corporation shall have a casting vote.

**3.07.** If there is no quorum at the hour on which the meeting of the members has been called, the said meeting may, after an interval of one-half hour, be adjourned by the meeting chairman for a period not exceeding 1 month and the secretary must then give new notice thereof to all members.

**3.08.** The president of the Corporation may adjourn a meeting with the consent of the latter without it being necessary to give notice of such adjournment. The meeting thus continued may only discuss the items on the agenda of the first meeting.

**3.09.** Subject to the Professional Code, the matters of procedure not covered by this Regulation shall be governed *mutatis mutandis* by the rules contained in *Procédures des assemblées délibérantes*, V. Morin, Montréal, 1969.

### **DIVISION IV BUREAU**

**4.01.** The Bureau must hold a first meeting within 30 days following the counting of the votes for the election of its members.

**4.02.** At such meeting, the elected members, must choose from among them the president, where the general

meeting decides that the latter is not elected by general vote, and the vice-president.

**4.03.** The members of the Bureau shall be convened by the secretary by means of an ordinary letter mailed at least 5 days before the date of the meeting and signed by the president or the secretary.

**4.04.** The Bureau shall itself determine the place, date and hour of its meetings.

**4.05.** In the absence of the president or vice-president, the Bureau may designate one of its members to preside over one of its meetings.

**4.06.** As soon as there is a quorum, the president or, in his absence, the vice-president or, in the latter's absence, the person appointed in accordance with section 4.05, shall take the chair and call the directors to order.

**4.07.** Where the president is absent or where, being present, he wishes to leave the chair, the vice-president or, in the latter's absence, the person appointed in accordance with section 4.05, shall replace him until his arrival or return.

**4.08.** Whenever the president or presiding director adjourns the meeting for lack of a quorum, the hour of adjournment and the names of the directors then present shall be entered in the minutes.

**4.09.** In order to be considered, a motion must be seconded.

A director may move an amendment to a motion. A director may also move a sub-amendment. In such case, the vote shall be taken first on the sub-amendment, then on the amendment and finally on the main motion.

**4.10.** The vote shall be taken by show of hands. However, in all cases, a director may request a secret ballot. In that event, the chairman shall give the directives for carrying out such order without there being any discussion with respect to the secret nature of the vote.

**4.11.** The Bureau may sit *in camera* on any matter when the majority of the members present are in favour of such a measure. In such case, only the directors and the persons authorized by the Bureau may remain in the room.

**4.12.** Section 3.09 applies *mutatis mutandis* to this Division.

## **DIVISION V ADMINISTRATIVE COMMITTEE**

**5.01.** The administrative committee of the Corporation is composed of the following directors :

(a) the president and vice-president of the Corporation ;

(b) 2 directors who are elected and 1 director who is appointed.

**5.02.** The administrative committee shall be convened by means of a written notice sent at least 5 days prior to the date of the meeting.

**5.03.** In case of emergency, the president may convene a meeting of the administrative committee provided that :

(a) all the members of the administrative committee are notified by telephone or telegram at least 2 days before the meeting ; and

(b) all the members of the administrative committee absent from the meeting acknowledge that they have been convened in accordance with paragraph a.

**5.04.** Notwithstanding sections 5.02 and 5.03, a meeting of the administrative committee shall be deemed to be regularly held if all the members of the administrative committee are present and waive the notice of convocation or if all the members of the administrative committee are convened to a telephone conference and waive the notice of convocation.

**5.05.** The secretary of the Corporation shall act as secretary of the administrative committee but shall not have the right to vote.

**5.06.** The decisions shall be taken by majority vote of the members present ; in the case of a tie-vote, the chairman of the meeting shall have a casting-vote.

**5.07.** The administrative committee shall exercise all the powers assigned to the Bureau by the Professional Code, except those powers which the Bureau must exercise by regulation.

## **DIVISION VI MISCELLANEOUS PROVISIONS**

**6.01.** The corporate seat of the Corporation shall be situated within the territory of the Communauté urbaine de Montréal.

**6.02.** The seal of the Corporation consists of the graphic sign of the Corporation and the following words :  
“La Corporation professionnelle des diététistes du Québec”.

**6.03.** The secretary shall have custody of the seal.

**6.04.** The fees for re-entry on the roll of a person who has voluntarily ceased to be entered thereon or who has been struck off are 25 \$.





c. C-26, r.65

## Code of ethics of dieticians

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I DEFINITIONS AND INTERPRETATION

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Corporation” : the Corporation professionnelle des diététistes du Québec ;
- (b) “dietician” : every person whose name is entered on the roll of the Corporation ;
- (c) “client” : any person, including an employer, to whom the dietician renders a professional service ;
- (d) “service” : any act a dietician may perform in the practice of his profession.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** Every dietician must, unless he has sound reasons to the contrary, support every measure aimed at improving the quality and availability of professional services in his field of practice.

**2.02.** In the practice of his profession, the dietician must bear in mind the general effect which his research and work may have on society.

**2.03.** The dietician must promote measures of education and information pertinent to the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.

**2.04.** The dietician must keep abreast of the latest developments in the practice of the profession in order to assure clients of the highest possible quality of service.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### *§1. General provisions*

**3.01.01.** Before accepting a mandate, the dietician must bear in mind the extent of his proficiency, knowledge and the means at his disposal. He must not, in particular, undertake any work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.02.** The dietician must at all times acknowledge the client's right to consult a colleague, a member of another professional corporation or another competent person.

**3.01.03.** The dietician must not practise under conditions or in situations which could impair the quality of his services.

**3.01.04.** The dietician must seek to establish a relationship of mutual trust between himself and his client.

#### *§2. Integrity*

**3.02.01.** The dietician must carry out his professional duties with integrity.

**3.02.02.** The dietician must avoid any false representation with respect to his competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires he must, with the latter's authorization, consult a colleague, a member of another professional corporation or another competent person, or send his client to one of these persons.

**3.02.03.** The dietician must set out in a complete and objective manner to his client the nature and implications of the problem as he sees it on the basis of the facts brought to his attention.

**3.02.04.** The dietician must inform his client of the extent and conditions of the services such client requests and obtain his consent to that effect.

**3.02.05.** The dietician must refrain from expressing his opinions or giving advice without having full knowledge of the facts.

**3.02.06.** The dietician must correct as early as possible any error he might have made while rendering a professional service.

**3.02.07.** The dietician must avoid performing any unnecessary or superfluous professional acts in the practice of his profession and must not perform any act that is inappropriate or disproportionate to the needs of his client.

**3.02.08.** The dietician must not make omissions or perform acts contrary to current professional standards or scientific knowledge.

### *§3. Availability and diligence*

**3.03.01.** In the practice of his profession, the dietician must display reasonable availability and diligence.

**3.03.02.** In addition to opinions and advice, the dietician must provide his client with any explanation necessary to the understanding and evaluation of the services rendered him.

**3.03.03.** The dietician must be objective and impartial whenever persons likely to become his clients ask him for information.

**3.03.04.** Unless he has sound and reasonable grounds to the contrary, a dietician may not cease to act for the account of a client. The following shall, in particular, constitute sound and reasonable grounds :

(a) loss of the client's confidence ;

(b) the fact that the dietician is in a situation of conflict of interest or in a context whereby his professional independence could be called into question ;

(c) the fact of being incited by the client to perform illegal, unfair or fraudulent acts.

**3.03.05.** Before ceasing to exercise his functions for the account of a client, the dietician must give an advance notice of withdrawal within a reasonable time.

### *§4. Liability*

**3.04.01.** The dietician must, in the practice of his profession, completely bind his personal civil liability. He is thus prohibited from entering in a contract of profes-

sional services any clause directly or indirectly excluding, in whole or in part, the said liability.

### *§5. Independence and impartiality*

**3.05.01.** The dietician must subordinate his personal interest to that of his client.

**3.05.02.** The dietician must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** The dietician must at all times safeguard his professional independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a dietician is in conflict of interest when the interests in question are such that he might tend to favour certain of them over those of his client or where his judgment and his loyalty towards the latter might be unfavourably affected.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interests, the dietician must notify his client thereof and ask him for authorization to continue his services.

**3.05.05.** A dietician shall not receive, in addition to the remuneration to which he is entitled, any benefit, discount or commission relative to the practise of his profession. Nor shall he pay, offer to pay or undertake to pay such benefit, allowance or commission.

**3.05.06.** For a given service, the dietician must only accept fees from a single source, unless explicitly agreed upon otherwise by all the parties concerned. He must accept the payment of these fees only from his client or the latter's representative.

### *§6. Professional secrecy*

**3.06.01.** A dietician must respect the secrecy of all confidential information obtained in the practice of his profession.

**3.06.02.** The dietician may be released from professional secrecy only with the authorization of his client or when so ordered by law.

**3.06.03.** The dietician must not disclose the fact that his services have been requested by a person where such disclosure could be prejudicial to that person.

**3.06.04.** The dietician must avoid indiscreet conversations concerning a client and the services rendered him.

**3.06.05.** The dietician shall not make use of confidential information which may be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another person.

*§7. Accessibility of records*

**3.07.01.** The dietician must respect the right of his client to consult the documents which concern him in any record made in his respect by the dietician and to obtain a copy of such documents.

However, when the services of a dietician are required upon prescription by a member of another professional corporation, the dietician shall allow the client concerned to consult the documents in his record only with the authorization of the professional who has so requested his services.

*§8. Determination and payment of fees*

**3.08.01.** The dietician must charge and accept fair and reasonable fees.

**3.08.02.** Fees are fair and reasonable if they are warranted by the circumstances and proportionate to the services rendered. In determining his fees, the dietician must in particular take the following factors into account :

- (a) the time given to the carrying out of the professional service ;
- (b) the complexity and magnitude of the service ;
- (c) the performance of unusual services or services requiring exceptional competence or celerity.

**3.08.03.** The dietician must provide his client with any explanation necessary to the understanding of his statement of fees and the terms and conditions of payment.

**3.08.04.** The dietician must refrain from demanding complete advance payment for his services ; he must, on the other hand, notify his client of the approximate cost of his services.

**3.08.05.** The dietician may collect interest on outstanding accounts only after having duly notified his client.

**3.08.06.** The dietician must refrain from having recourse to legal proceedings for payment of his fees before receipt of the syndic's report where the client has applied for conciliation in that matter.

**DIVISION IV  
DUTIES AND OBLIGATIONS TOWARDS THE  
PROFESSION**

*§1. Derogatory acts*

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession :

- (a) obtaining or causing to be obtained for a client, unwarranted or improper benefits, in particular through falsifying a declaration, report or any document respecting a client ;
- (b) selling or acting as a sales agent in recommending any product to his client ;
- (c) offering, recommending or claiming to use a secret, miraculous or infallible dietetic treatment ;
- (d) guaranteeing the curing of a client directly or indirectly, explicitly or implicitly ;
- (e) selling or promoting the sale of any product while suggesting that such product is a complement to the dietetic treatment where the dietician draws direct or indirect financial gain from such sale ;
- (f) lending his name in his capacity as dietician to a trade name or approving such name in the same capacity ;
- (g) endorsing a product in such a manner as to mislead the public ;
- (h) making a glaring omission in the evaluation of the client's needs ;
- (i) appointing or allowing the appointment of a person in his employ, or with whom he is associated, as a dietician where that person is not a member of the Corporation ;
- (j) communicating with the plaintiff where he is informed of an inquiry into his professional conduct or competence or whenever a complaint has been served on him.

*§2. Relations with the Corporation and colleagues*

**4.02.01.** A dietician whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee, is requested by the

Corporation must accept that duty unless he has exceptional reasons for refusing it.

**4.02.02.** A dietician must answer promptly all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.02.03.** A dietician shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him.

**4.02.04.** When a dietician is consulted by a colleague, he must give the latter his opinion and his recommendations as soon as possible.

**4.02.05.** A dietician, in his work milieu, must collaborate with his colleagues, the members of other professional corporations and any other competent person and seek to maintain harmonious relationships.

**4.02.06.** When a dietician is asked to do work already given to another member of the Corporation or to a member of another professional corporation beforehand, he must, before accepting it, ascertain from such member if his services have terminated in fact, insofar as he is aware of the existence of such services.

*§3. Contribution to the advancement of the profession*

**4.03.01.** A dietician must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuing training periods.



c. C-26, r.66

## Regulation establishing a committee on training in dietetics

Professional Code  
(R.S.Q., c. C-26, s. 184)

### DIVISION I GENERAL PROVISION

**1.01.** In this Regulation, the expression “institution representative” means the person appointed by a university to co-ordinate on behalf of such university the setting up and working of the committees established by the Government under subparagraph *b* of the first paragraph of section 184 of the Professional Code.

### DIVISION II SETTING UP OF COMMITTEE

**2.01.** A committee shall be set up composed as follows :

- (a) 3 representatives of the Corporation professionnelle des diététistes du Québec ;
- (b) 1 representative of the *Département de nutrition* of the Université de Montréal designated by the latter's institution representative ;
- (c) 1 representative of the *Département de diététique* of the Université Laval designated by the latter's institution representative ;
- (d) 1 representative of the School of Food Science of McGill University designated by the latter's institution representative ;
- (e) 1 representative of the students in dietetics of the Université de Montréal ;
- (f) 1 representative of the students in dietetics of the Université Laval ;
- (g) 1 representative of the students in dietetics of McGill University.

### DIVISION III MANDATE OF COMMITTEE

**3.01.** The mandate of the committee is to submit to the bodies or groups represented on the committee, as well as to the Office des professions du Québec, the Conference of

Rectors and Principals of the universities of Québec, the committee on Programmes of the Ministère de l'Éducation and of the Conseil des universités, and to the institution representative of each university referred to in section 2.01, its recommendations on the following matters :

- (a) the study programmes and professional training periods in dietetics ;
- (b) the examinations and other modes of evaluation ;
- (c) continuing training.

### DIVISION IV COMMITTEE PROCEDURE

**4.01.** Each member of the committee is entitled to vote.

**4.02.** The members of the committee shall choose a chairman from among themselves.

**4.03.** The secretariat of the committee shall be the responsibility of the Corporation professionnelle des diététistes du Québec.

**4.04.** The chairman shall fix the date and hour of the meetings of the committee, convene the meetings and preside over them.

**4.05.** The quorum of the committee shall be 5 members.

**4.06.** The secretary shall draw up the minutes of each meeting of the committee and send a copy thereof to the bodies, groups and persons referred to in section 3.01.

**4.07.** The recommendations of the committee are made by majority vote ; in the case of a tie-vote, the chairman shall cast an additional vote.

**4.08.** The recommendations shall not bind the bodies or groups represented on the committee.

**4.09.** The recommendations that are not accepted by the bodies or groups represented on the committee shall be returned to the latter for review.

**4.10.** The committee must hold at least one meeting a year.



c. C-26, r.67

## **Regulation respecting the records of a dietician who ceases to practise**

Professional Code  
(R.S.Q., c. C-26, s. 91)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des diététistes du Québec ;
- (b) “dietician” : whoever is entered on the roll of the Corporation ;
- (c) “secretary” : the secretary of the Corporation ;
- (d) “records” : the records, books and registers that a dietician must keep in the practice of his profession ;
- (e) “transferee” : the dietician to whom are transferred the records of a dietician upon the latter’s permanent cessation of practice ;
- (f) “provisional custodian” : the dietician to whom are entrusted the records of a dietician during the latter’s temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means for the preservation of records.

**1.04.** In the case of a dietician who is a member or an employee of a partnership of dieticians or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer used by the dietician in the practice of his profession. This Regulation shall, however, apply when all the members of a partnership of dieticians cease to practise.

**1.05.** An agreement respecting the transfer or provisional custody of the records of a dietician who ceases to practise must be certified in writing and sent to the secretary.

### **DIVISION II PERMANENT CESSATION OF PRACTICE**

**2.01.** Subject to sections 2.02 and 2.03, where a dietician ceases permanently to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

- (a) if he has found a transferee, notify the secretary by registered or certified mail that he will cease to practise his profession effective from such date, and give him the name, address and telephone number of the transferee ; or
- (b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where a dietician ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the dietician who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the dietician who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of a dietician, the secretary must, as soon as he is notified thereof, ensure that the assigns of the dietician find a transferee as quickly as possible.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a dietician who ceases permanently to practise, cause to be published once, in at least one french language daily newspaper and, where applicable, in at least one English language daily newspaper, circulated in the region in which that dietician practised his profession, an advertisement indicating his address, telephone number and office hours and notifying the public that he is in possession of that dietician’s records.

The transferee must forward a copy of the advertisement contemplated in the first paragraph to the secretary.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to consult the documents concerning him in any record made in his regard and to obtain copies of such documents. The fees for ob-

taining such copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of a dietitian who has ceased permanently to practise his profession, he may at any time, after consulting that dietitian, entrust the records to a transferee.

**2.07.** While he has custody of the records of a dietitian who has ceased permanently to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that dietitian's clients.

**2.08.** Subject to section 2.06, the secretary must retain for a minimum period of 5 years the records he has received pursuant to this Division.

### DIVISION III

#### TEMPORARY CESSATION OF PRACTICE

**3.01.** Subject to section 3.02, where a dietitian ceases temporarily to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail that he will cease temporarily to practise his profession effective from such date, and give him the date on which he intends to resume practising his profession together with the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on date fixed for the cessation of his practice.

**3.02.** Where a dietitian ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the dietitian who is struck off find a provisional custodian within 15 days of the expiry of the time for appeal or final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the dietitian who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must communicate to the clients of the dietitian whose records he has custody of, the pertinent information respecting the progress of their records, keep such records up to date, and take the other necessary preservation measures in order to safeguard the interests of that dietitian's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except in the case where a dietitian ceases to practise as a result of a temporary striking off lasting under 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or provisional custodian, as the case may be, must return the records to the dietitian immediately upon termination of the period of temporary cessation of practice.

**3.07.** A dietitian who no longer wishes to resume practising his profession during or after the expiry of the period in which he has temporarily ceased to practise, must comply with Division II.



c. C-26, r.68

## **Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des diététistes du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I DEFINITION AND INTERPRETATION**

**1.01.** For the purposes of this Regulation, the word “region” means one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des diététistes du Québec (c. C-26, r.76).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II TERMS OF OFFICE**

**2.01.** The president and directors shall be elected for a term of 2 years.

### **DIVISION III ELECTION PROCEDURE**

**3.01.** Between the 45th and the 60th day preceding the date of the closing of the poll, the secretary shall send to each member of the Corporation a list of the members of the region in which he principally practises his profession together with a nomination paper.

**3.02.** To be valid, every nomination paper must contain or be accompanied by the written consent of the nominated person.

**3.03.** The latest hour of receipt of the nomination papers on the last day on which they may be received by the secretary is fixed at 18 h.

**3.04.** A member may not sign more nomination papers than there are offices of directors to be filled in his region. A signature appearing on a number of nomination

papers in excess of the number of offices of directors to be filled shall be struck off all nomination papers.

**3.05.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt personally to the candidate or send it to him by mail. This receipt shall attest to the validity of the nomination paper.

**3.06.** In addition to the documents described in section 69 of the Professional Code (R.S.Q., c. C-26), the secretary of the Corporation, shall send to each member of the Corporation, at least 15 days prior to the date of the closing of the poll, a brief curriculum vitae of each candidate indicating his age, the date of his admission and, where applicable, his principal activities within the Corporation.

**3.07.** The ballot-paper certified by the secretary must contain the following :

- (a) the name of the Corporation ;
- (b) the year of the election ;
- (c) the identification of the region ;
- (d) the names in alphabetical order of the candidates for the office of director in the region in which the member principally practises his profession ;
- (e) the number of seats to be filled in the region ;
- (f) the date and hour of the closing of the poll.

**3.08.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent is lost or is unusable in any way, on condition that such elector make a solemn declaration in writing attesting that his ballot-paper was lost or is unusable.

**3.09.** The closing of the poll is fixed at 1 April, at 18 h.

**3.10.** The 5 scrutineers shall be designated from among the members of the Corporation.

**3.11.** The secretary as well as the scrutineers shall swear before any person authorized to administer the oath that he will faithfully discharge their duties.

**3.12.** The counting of the votes shall be done at the corporate seat of the Corporation.

**3.13.** Every ballot-paper shall be void :



(a) on which the voter cast his vote other than by a cross ;

(b) which contains more crosses than the number of offices to be filled in the region ;

(c) which is not certified by the secretary ;

(d) which is soiled, has erasures or which contains an identification mark of the elector ;

(e) which is not returned in the envelope provided by the secretary and on which the word "ELECTION" is written.

**3.14.** The decision of the secretary concerning the validity of a ballot-paper shall be final.

**3.15.** The secretary shall declare elected the candidates who have obtained the most votes ; he shall have the result of the vote countersigned by the scrutineers.

**3.16.** Immediately following the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.

**3.17.** The secretary must send to each candidate a copy of the report referred to in section 3.16.

**3.18.** The secretary must also submit a detailed report of the election at the first meeting of the Bureau following the election.

**3.19.** Where, during the election period, the secretary is unable to act for any reason deemed sufficient by the Bureau, the latter shall designate a member of the Corporation to replace the secretary. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary for whom he is substituting.

**3.20.** Where the president is elected by a general vote of the members of the Corporation, the applicable provisions of this Regulation shall apply to his election *mutatis mutandis*.

**3.21.** Where the president is elected by a general vote of the directors elected, his election shall be held at the first meeting of the Bureau which follows the coming into office of the directors.



c. C-26, r.69

## **Regulation respecting equivalence standards for a permit to be issued by the Corporation professionnelle des diététistes du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) "Corporation" : the Corporation professionnelle des diététistes du Québec ;
- (b) "equivalence of diploma" : the recognition by the Bureau that a diploma attests that a candidate has attained a level of knowledge equivalent to that attained by a holder of a diploma recognized as giving access to the permit ;
- (c) "equivalence of training" : the recognition by the Bureau that the candidate's training demonstrates he has attained the same level of knowledge as a permit holder ;
- (d) "credit" : the quantitative value attributed to the workload required of a student, one credit corresponding to 45 hours of attendance at a course or individual work according to the estimation of the university ;
- (e) "secretary" : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The secretary forwards a copy of this Regulation to candidates who wish to have an equivalence recognized.

### **DIVISION II PROCEDURE FOR THE RECOGNITION OF AN EQUIVALENCE**

**2.01.** A candidate who wishes to have an equivalence recognized must provide the secretary with those of the following documents necessary to support his application :

- (a) his academic record together with a description of courses taken ;
- (b) proof of receiving his diploma ;
- (c) an attestation that he has served a training period including a description of the latter ;
- (d) an attestation of his relevant work experience.

The documents prescribed in this section must be written in either French or English.

**2.02.** The candidate must forward to the secretary for the study of his record :

- (a) 25 \$, if he holds a diploma awarded by a Canadian university ;
- (b) 50 \$, if he holds a diploma awarded by a non-Canadian university.

**2.03.** The secretary forwards the documents prescribed in section 2.01 to the admissions committee, which studies applications for equivalence and makes the appropriate recommendation. At the first meeting following receipt of the committee's report, the Bureau rules upon recognition of the equivalence and informs each candidate in writing of its decision.

**2.04.** Within 15 days following its decision not to acknowledge the equivalence, the Bureau must inform each candidate in writing of the programme of studies, training periods or examinations whose satisfactory completion, account taken of his present level of knowledge, would allow him to be granted such equivalence.

### **DIVISION III STANDARDS FOR EQUIVALENCE OF DIPLOMA**

**3.01.** A candidate who holds a diploma granted by an educational establishment outside Québec is accorded an equivalence if the diploma was received after university studies equivalent to at least 90 credits, 57 of which credits are distributed as follows :

- (a) human sciences : 9 credits including at least 2 credits in each of the following subjects :
  - i. behavioral sciences ;
  - ii. communication or education sciences ;

(b) biological sciences : 15 credits including at least 2 credits in each of the following subjects :

- i. microbiology ;
- ii. human physiology ;
- iii. biochemistry ;

(c) food science and nutrition : 21 credits including at least 2 credits in each of the following subjects :

- i. food science ;
- ii. normal nutrition ;
- iii. therapeutic nutrition ;

(d) administrative science : 12 credits including at least 2 credits in each of the following subjects :

- i. principles of administration and financial management ;
- ii. labour relations ;
- iii. quantity food management.

**3.02.** A candidate who holds a combination of diplomas in the fields of the human sciences, biological sciences, food science, nutrition, and administrative science or in a related field is entitled to an equivalence if :

- (a) each of the diplomas was obtained after university studies ; and
- (b) the entire university study programme comprises the equivalent of credits defined in section 3.01.

**3.03.** Notwithstanding section 3.01, where the diploma that is the subject of an application for equivalence was obtained 5 years or more before such application, the equivalence may be refused if the knowledge acquired by the candidate no longer corresponds to the knowledge presently taught as a result of the evolution of the profession.

However, the equivalence must be recognized if the pertinent work experience of the candidate and the training which he acquired since then has enabled him to attain the required level of knowledge.

#### **DIVISION IV** **STANDARDS FOR EQUIVALENCE OF** **TRAINING**

**4.01.** A candidate is granted a training equivalence if he proves that he has a level of knowledge equivalent to that acquired :

(a) upon completion of university studies in dietetics, nutrition or food sciences that include the equivalent of credits defined in section 3.01 ; and

(b) upon completion of professional training periods.

**4.02.** In order to determine whether a candidate shows that he has the level of knowledge required under section 4.01, the Bureau shall take the following factors into account :

- (a) the fact that the candidate holds one or several diplomas obtained in Québec or elsewhere ;
- (b) the courses taken ;
- (c) the training periods served ; and
- (d) the total number of academic years.

Where the appreciation made under the first paragraph does not allow a decision to be made, the Bureau may require an examination or training period to complete the said appreciation.



c. C-26, r.70

## Regulation respecting the procedure for conciliation and arbitration of accounts of dieticians

Professional Code  
(R.S.Q., c. C-26 s. 88)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Corporation” : the Corporation professionnelle des diététistes du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “dietician” : the member of the Corporation whose account is the subject of a dispute with a client ;
- (d) “arbitrator” : the member of the Corporation appointed under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II CONCILIATION

**2.01.** The syndic must transmit a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic in sending him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which an action for a claim concerning the account contested is served by the dietician on the client.

**2.04.** Within 10 days from the date which he receives the application for conciliation, the syndic shall transmit

to the dietician a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

**2.08.** The syndic may, for valid reasons, extend the time limits prescribed in this Division. In such case, he shall inform both parties thereof by registered or certified mail.

### DIVISION III ARBITRATION

#### §1. Submission to arbitration

**3.01.01.** A client applies for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall send to the dietician, by registered or certified mail a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the dietician must sign it and return it to the secretary.

#### §2. Appointment of arbitrator

**3.02.01.** In order to settle the dispute between the client and dietician, the administrative committee shall designate a member of the Corporation as arbitrator.

**3.02.02.** The secretary shall notify the arbitrator and the parties of the appointment of the arbitrator.

**3.02.03.** A motion for recusation of the arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be communicated in writing to the secretary, the arbitrator and the other parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The administrative committee shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrator must take the oath or make the affirmation of discretion provided in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of death or inability to act of the arbitrator, the administrative committee shall appoint a new arbitrator to terminate the matter and his decision shall be valid.

### §3. Hearing

**3.03.01.** The arbitrator shall fix the date, hour and place of the hearing. The secretary shall notify the parties in writing at least 10 days prior to that date.

**3.03.02.** The arbitrator may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The arbitrator shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The arbitrator shall proceed with dispatch to the hearing of the dispute in accordance with the procedure and mode of evidence he deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the arbitrator or one of the parties so requests. In the latter case, that party shall assume the cost thereof.

**3.03.06.** The secretary shall draw up the minutes of the hearing and have them signed by the arbitrator.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### §4. Arbitration award

**3.04.01.** The arbitrator must render his decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that period.

**3.04.02.** The arbitrator decides as mediator and renders the decision he considers most appropriate.

**3.04.03.** The decision, which the arbitrator shall immediately transmit to the parties, must be accompanied with the reasons underlying that decision and signed by the arbitrator.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees, that is, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 15% of the amount which is the subject of the arbitration as fixed in section 3 of the submission to arbitration, appearing as Schedule 2.

Where an agreement is reached between the parties before the decision of the arbitrator is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless expressly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and the members of the administrative committee.

## SCHEDULE 1

(s. 2.02)

### APPLICATION FOR CONCILIATION

I, the undersigned, .....  
(name and address)

.....  
in person or (where applicable) representing .....  
..... for the purposes of this application, as attested by the authorization annexed hereto, solemnly declaration or being duly sworn, declare that :

(1) ..... claims from me the sum  
(name of dietician)

of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) :

.....  
 .....  
 .....

but (where applicable) I acknowledge that I owe the sum of ..... for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of dieticians (R.R.Q., c. C-26, r.70) of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me

at .....

this ..... 19...

And I have signed

.....  
 (signature of client or his duly authorized representative)

.....  
 commissioner for oaths

## SCHEDULE 2

(ss. 3.01.01 and 3.04.05)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
 (name and address)

in person or (where applicable) representing ..... for the purposes of this submission, as attested by the authorization annexed hereto, hereinafter referred to as "the party of the first part",

and

.....  
 (name and address)

member of the Corporation professionnelle des diététistes du Québec, hereinafter referred to as "the party of the second part", who make the following declarations and agreements :

(1) The party of the second part claims from the party of the first part the sum of ..... for professional services rendered between ..... and ....., as attested by the account a copy of which is annexed hereto ;

(2) The party of the first part refuses to pay this account for the following reason(s) :

.....  
 .....  
 .....

but (where applicable) the party of the first part acknowledges that he owes the sum of ..... for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that part of the account which exceeds that which the party of the first part acknowledges to owe the party of the second part, namely, the sum of ..... ;

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of dieticians (R.R.Q., c. C-26, r.70) of which the parties declare having received a copy and taken cognizance ;

(5) The party of the first part renounces to the benefit of any time elapsed with respect to the prescription ;

(6) The party of the second part undertakes for the duration of the arbitration, not to claim before the civil courts that part of the account which is the object of the dispute ;

(7) The arbitration award is binding upon the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) apply to its enforcement ;

(8) This submission may be annulled only with the written consent of the parties.

.....  
 (signature of client or his duly authorized representative)

Signed at .....

this ..... 19...

.....  
 (signature of dietician)

Signed at .....

this ..... 19...



c. C-26, r.71

## **Regulation respecting the procedure of the professional inspection committee of dieticians**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “committee” : the professional inspection committee ;

(b) “Corporation” : the Corporation professionnelle des diététistes du Québec ;

(c) “dietician” : whoever is entered on the roll of the Corporation ;

(d) “records” : the records, books and registers which a dietician keeps in the practice of his profession and the documents or reports in which he has in fact collaborated in the records, books and registers of his colleagues or his employer, including an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) ;

(e) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 5 members appointed by the Bureau from among the dieticians who have been practising for at least 3 years.

**2.02.** The quorum of the committee shall be 3 members.

**2.03.** The committee shall hold its sittings on the dates and at the places determined by it or its chairman. It shall also determine the frequency thereof.

**2.04.** The Bureau of the Corporation designates the secretary of the committee and determines the duration of the term of office of the members.

**2.05.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each member of the Corporation who is the object of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the dietician's academic qualifications and experience as well as all the records pertaining to the inspection of which he is the object under this Regulation.

**3.03.** A dietician is entitled to consult his record and to obtain a copy thereof.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the members of the Corporation according to the programme established by it.

**4.02.** Each year, the Bureau shall publish the committee's general supervision programme in the bulletin of the Corporation.

**4.03.** At least 15 days before the date fixed for the inspection of a dietician's records by an investigator, the committee shall, through its secretary, send the dietician, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If a dietician cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the dietician was unable to take cognizance of the notice referred

to in section 4.03, he shall so inform the committee which shall fix a new date for the inspection and notify the dietician thereof.

**4.06.** An investigator must, if so required to do, submit a certificate attesting to his qualifications, signed by the secretary of the committee.

**4.07.** The dietician whose records are the object of inspection may be present or be represented by a mandatory.

**4.08.** If he has reason to believe that the committee should subject a dietician to a special inquiry, the investigator shall draw up an inspection report and forward it to the committee for study within 15 days following his inspection.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A DIETICIAN**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a dietician, or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the dietician in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Where the sending of a notice to the dietician could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make the inquiry without such notice.

**5.03.** An investigator may give the employer, representative or employee of a dietician notice of the order to allow him access to the records of that dietician.

**5.04.** Where records are held by a third party, the dietician must, at the investigator's request, authorize the latter to take cognizance of a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the dietician refuses to receive an investigator, the committee shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not necessary to recommend to the Bureau that a dietician be required to serve a period of refresher training and that the right of such dietician to engage in professional activities during such period be limited, it shall notify the Bureau and the dietician in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that a dietician be required to serve a period of refresher training and that the right of such dietician to engage in professional activities during such period be limited, it must permit the dietician in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the dietician and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** A dietician or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall administer the oath or receive the solemn affirmation of the dietician and the witnesses through the intermediary of a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the dietician, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the dietician does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the dietician or of the committee.



**6.09.** The committee and the dietician shall pay their own costs, with the exception of recording expenses which shall be shared equally between them. However, where the recording of depositions is made at the request of the committee, the latter shall assume the expenses thereof.

**6.10.** In its recommendations concerning a dietician, the committee shall take into account the type of professional activities in which the dietician is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons shall be given on which they are based, signed by the members of the committee who concurred in them, and forwarded to the Bureau and the dietician in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the continuing refresher training periods organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26) might be laid against a dietician, it shall notify the syndic of the Corporation.

#### **SCHEDULE A**

(s. 4.03)

#### **CORPORATION PROFESSIONNELLE DES DIÉTÉTISTES DU QUÉBEC**

#### **PROFESSIONAL INSPECTION COMMITTEE**

##### **Notice of inspection**

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will examine your records, books and registers on . . . . .  
19. . . at . . . . . h . . . . .

Signed at . . . . .

on . . . . . 19. . .

The professional inspection committee

Per : . . . . .  
secretary of the committee

#### **SCHEDULE B**

(s. 5.02)

#### **CORPORATION PROFESSIONNELLE DES DIÉTÉTISTES DU QUÉBEC**

#### **PROFESSIONAL INSPECTION COMMITTEE**

##### **Notice of special inquiry**

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on . . . . .  
19. . . at . . . . . h . . . . .

Signed at . . . . .

on . . . . . 19. . .

The professional inspection committee

Per : . . . . .  
secretary of the committee



c. C-26, r.72

## Regulation respecting advertising by dieticians

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des diététistes du Québec ;

(b) “dieticians” : a person entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items that a dietician may include in his public advertisements and the conditions under which he may advertise are those described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** A dietician shall not enter on his professional card anything other than :

(a) his name and, where applicable, that of his partners ;

(b) his profession and, where applicable, his membership in another professional corporation ;

(c) his specialty, if he has a specialist's certificate recognized by the Corporation ;

(d) where applicable, his main field of activities among the following : clinical dietician, therapist-dietician, administrative dietician, community dietician, nutritionist-dietician, consultant dietician, teaching dietician, research dietician ;

(e) his academic titles ;

(f) his business address, telephone number and business hours ;

(g) the graphic sign of the Corporation ; and

(h) the name of the employer, where applicable.

**2.02.** The professional card shall not measure more than 6 centimetres in width by 11 centimetres in length.

### DIVISION III INFORMATION MEDIA

**3.01.** A dietician may publish or allow to be published in newspapers, magazines, periodicals, directories or in any other printed matter any advertisement containing all or part of that indicated in section 2.01. The said advertisement shall not, however, exceed 1 square decimetre.

**3.02.** Upon the opening of his business office, his taking up a position in an existing business office, his first entry on the roll of the Corporation, or upon appointment to a position connected with the practice of the profession, a dietician may publish a photograph of himself and certain biographical notes in newspapers, magazines, periodicals or other printed matter.

The photograph authorized in the first paragraph may not exceed 64 square centimetres.

**3.03.** Where the dietician uses the information media to advertise his services to the public, he must identify himself as a dietician and describe the services he offers.

### DIVISION IV STATIONERY

**4.01.** A dietician may enter on his stationery all or part of that indicated in section 2.01.

### DIVISION V BUSINESS OFFICE

**5.01.** On one of the outer walls of the immovable in which his business office is located or on the land on which such immovable is erected, the dietician may post a sign containing all or part of that indicated in section 2.01.

If the immovable in which his business office is located is at a crossroads, the dietician may post such sign on the outer walls or on the land facing each of the converging roads.

**5.02.** Inside his business office, the dietician may post, in public view, a sign containing all or part of that indicated in section 2.01.

**5.03.** The signs authorized under this Division may not exceed 25 square decimetres.

**DIVISION VI**  
**GRAPHIC SIGN OF THE CORPORATION**

**6.01.** The Corporation is represented by a graphic sign in conformity with the original kept by the secretary of the Corporation and containing the following elements : a broken circle simultaneously forming the letters C, P, D, Q.



**6.02.** When a dietician reproduces the graphic sign of the Corporation for advertising purposes, he must ensure that the sign is in conformity with the original kept by the secretary of the Corporation and that it does not exceed 25 square decimetres.



c. C-26, r.73

## Regulation respecting refresher training periods for dieticians

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des diététistes du Québec ;
- (b) “dietician” : a person entered on the roll of the Corporation ;
- (c) “training period” : period of refresher training contemplated by this Regulation ;
- (d) “period of refresher training” : updating program ;
- (e) “trainee dietician” : a dietician who is required to serve a training period ;
- (f) “tutor” : dietician responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** If the Bureau considers that the level of competence of a dietician does not meet the standards required for the protection of the public, it may oblige the dietician to serve a training period where :

- (a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;
- (b) his name is re-entered on the roll after failing to be entered thereon for more than 5 years ;
- (c) his name is re-entered on the roll after being struck off for more than 3 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period not considered, in virtue of section 2.10, to be in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days after the time at which a dietician is liable to have to serve such training period.

**2.03.** A training period may, in particular, consist of one or several of the following activities :

- (a) a period of practical training ;
- (b) studies ;
- (c) courses ;
- (d) research work or reading.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau's decision to oblige a dietician to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

**2.07.** A tutor must submit a report to the Bureau within 5 days after completion of his mandate, stating, with reasons in support thereof, whether the trainee dietician acted, while under his supervision, in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee dietician or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee dietician a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required in virtue of sections 2.07 and 2.08, the Bureau shall decide, within 20 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it so deems necessary for the protection of the public, limit the trainee dietician's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or he is not authorized to practise ;

(b) by requiring that his professional activity be performed only under the supervision of another dietician or group of dieticians.

**3.02.** The Bureau's decision to limit a trainee dietician's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period or limiting a trainee dietician's right to practise, the Bureau must give the dietician concerned the opportunity to be heard. For such purpose, the Bureau must give the dietician a written notice of at least 5 days of the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee dietician's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the dietician in question by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or, by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee dietician's right to practise shall take effect 30 days after being sent to or served on the latter.

**4.04.** During the training period, the Bureau may, upon a duly reasoned request by the trainee dietician and communicated to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the trainee dietician's right to practise.

**4.05.** A dietician must comply with every decision of the Bureau rendered in accordance with this Regulation.



c. C-26, r.74

## **Regulation respecting the keeping of consulting offices by dieticians**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des diététistes du Québec ;

(b) “dietician” : every person whose name is entered on the roll of the Corporation ;

(c) “consulting office” : the place where a dietician provides professional services, excluding in particular the place mentioned in section 2.02 and the workroom of the employees of such dietician.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** This Regulation shall apply only to a dietician who practises on his own account or for the account of a dietician or a partnership of dieticians.

### **DIVISION II KEEPING OF CONSULTING OFFICES**

**2.01.** The dietician’s consulting office must be so designed that the identity and conservations of the persons therein cannot be learned outside that office.

**2.02.** The dietician must have a place near his consulting office for the purpose of receiving the persons to whom he renders professional services.

**2.03.** The dietician must place in public view in the place mentioned in section 2.02, his permit and a copy of the Code of ethics of dieticians (c. C-26, r.65) and the Regulation respecting the procedure for conciliation and arbitration of accounts of dieticians (c. C-26, r.70). He must also write the address of the Corporation on each of these regulations.

**2.04.** Subject to section 2.03, the dietician, in addition to decorative or utilitarian objects, may display in his consulting office and in the other premises related to the practice of his profession only the diplomas relating to the practice of dietetics and, where applicable, the diploma which gives access to a permit issued by another corporation recognized under the Professional Code (R.S.Q., c. C-26).

**2.05.** The dietician who is absent from his consulting office for more than 5 consecutive working days must take the necessary measures to inform the persons likely to get in touch with him of the duration of his absence.



c. C-26, r.75

## Regulation respecting the keeping of records by dietitians

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des diététistes du Québec ;

(b) “dietician” : every person whose name is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means in constituting and keeping the records of a dietician.

### DIVISION II KEEPING OF RECORDS

**2.01.** Subject to sections 2.07 and 2.08, the dietician must keep a record for each of his clients in the premises where he practises his profession.

**2.02.** The dietician must enter the following items and information in each record :

(a) the date of opening the record ;

(b) where the client is an individual, the name and given names of the client at birth, the sex, address, telephone number, date of birth, and the health insurance number where such information is relevant ;

(c) where the client is a partnership, body or establishment, its name, style, the name of the representative, the business address and telephone number ;

(d) a summary description of the reasons for the consultation ;

(e) a description of the professional services rendered and their date ;

(f) the evaluation and evolution reports ;

(g) the recommendations made to the client ;

(h) the reports provided ;

(i) the notes, correspondence and other documents pertaining to the professional services rendered, in particular the prescriptions requiring his services.

**2.03.** A dietician must keep each record up-to-date until he ceases to render professional services to the person concerned in that record.

**2.04.** A dietician must keep each record for a period of at least 5 years from the date of the last service rendered.

**2.05.** A dietician must keep his records in a room or cabinet which is not readily accessible to the public.

When, in accordance with section 1.03, the dietician uses data processing or any other technical means in constituting and keeping his records, he must ensure that their confidentiality is respected.

**2.06.** When a document in a record is given to the client, the dietician must insert a note in that record indicating the nature of the document and the date on which it was taken out.

**2.07.** Where a dietician is a member or employed by a partnership, or if he is employed by a natural or artificial person, the records kept by such partnership or employer in respect of the persons to whom services are rendered by that dietician shall be deemed, for the purposes of this Regulation, to be the latter's records if he may enter therein the items or information referred to in section 2.02 ; if he cannot do so, he must keep a record for each of these persons.

The dietician must sign or initial each entry or report that he puts in a record of his partnership or employer.

**2.08.** Where a dietician practises in an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5), the recipient's record

within the meaning of that Act and its regulations shall be considered, for the purposes of this Regulation, as the record of that dietitian.





c. C-26, r.76

**Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des diététistes du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des diététistes du Québec, the territory of Québec shall be divided into 8 regions :

- (a) the Lower St. Lawrence-Gaspésie region ;
- (b) the Saguenay-Lac-Saint-Jean region ;
- (c) the Québec-North Shore region ;
- (d) the Trois-Rivières region ;
- (e) the Eastern Townships region ;
- (f) the Montréal region ;
- (g) the Outaouais region ;
- (h) the North Western-New Québec region.

**2.** The territory of the Lower St. Lawrence-Gaspésie region is that of region 1 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The territory of the Saguenay-Lac-Saint-Jean region is that of region 2 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Québec-North Shore region is that of regions 3 and 9 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Trois-Rivières region is that of region 4 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Eastern Townships region is that of region 5 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of Montréal region is that of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Outaouais region is that of region 7 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the North Western-New Québec region is that of regions 8 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the Lower St. Lawrence-Gaspésie region, 1 for the Saguenay-Lac-Saint-Jean region, 2 for the Québec-North Shore region, 1 for the Trois-Rivières region, 1 for the Eastern Townships region, 5 for the Montréal region, 1 for the Outaouais region and 1 for the North Western-New Québec region.

**4.** A dietician shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 17 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 16 persons including the president.



c. C-26, r.77

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des ergothérapeutes du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des ergothérapeutes du Québec ;
- (b) “occupational therapist” : whoever is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II GENERAL MEETINGS**

**2.01.** The quorum for a general meeting shall be fixed at 25 members.

**2.02.** The Bureau shall fix the date, place and agenda of the annual general meeting of the members.

**2.03.** To be received at a general meeting, a motion must be sent, in writing, to the corporate seat of the Corporation for the attention of the secretary at least 10 days prior to the holding of a meeting.

**2.04.** Unless it meets the requirements of section 2.03, no motion shall be accepted during the holding of a general meeting without the unanimous consent of the members present.

**2.05.** Notwithstanding sections 2.03 and 2.04, a motion to determine the method of election of the president must appear on the agenda accompanying the notice of convocation of a general meeting.

**2.06.** Upon putting a motion to the vote, the vote shall be taken by a simple majority. However, upon the request of at least 15 members, the vote shall be taken by secret ballot.

**2.07.** In the case of a tie-vote, the chairman of the Corporation shall have a casting vote.

**2.08.** If there is no quorum at the hour at which the meeting of the members has been called, the said meeting may, after the lapse of one-half hour, be adjourned by the meeting chairman for a period not exceeding one month and the secretary must then give a new notice to all members.

**2.09.** The president of the Corporation may adjourn a meeting with the consent of the latter without it being necessary to give notice of such adjournment. The meeting then continued may only discuss the items on the agenda of the first meeting.

**2.10.** Subject to the Professional Code (R.S.Q., c. C-26), in particular section 84, the matters of procedure not covered by this Regulation shall be governed *mutatis mutandis* by the rules contained in *Procédure des assemblées délibérantes*, V. Morin, Montréal, 1969.

### **DIVISION III BUREAU**

**3.01.** The Bureau must hold a first meeting within 30 days following the counting of votes for the election of its members.

**3.02.** At such meeting, the elected members must choose from among them the president, where the general meeting decides that the latter be not elected by general vote, and the vice-president.

**3.03.** The members of the Bureau shall be convened by the secretary by means of an ordinary letter mailed at least 10 days before the date of the meeting and signed by the president or the secretary.

**3.04.** In case of emergency, the president may convene a meeting of the Bureau provided that :

- (a) all the members of the Bureau are notified by telephone or telegram at least 24 hours before the meeting ; and

(b) all the members of the Bureau absent from the meeting acknowledge that they have been convened in accordance with paragraph a.

**3.05.** Notwithstanding sections 3.03 and 3.04, a meeting of the Bureau shall be deemed to be regularly held if all the members of the Bureau are present and waive the notice of convocation, or if all the members of the Bureau are convened to a telephone conference and waive the notice of convocation.

**3.06.** In the absence of the president or vice-president, the Bureau may designate one of its members to preside over one of its meetings.

**3.07.** As soon as there is a quorum, the president or, in his absence, the vice-president or, in the absence of the latter, the person appointed in accordance with section 3.06, shall take the chair and call the directors to order.

**3.08.** Where the president is absent or where, being present, he wishes to leave the chair, the vice-president or, in the latter's absence, the person appointed in accordance with section 3.06, shall replace him until his arrival or return.

**3.09.** As soon as the president or presiding director has taken the chair, the secretary shall read the minutes of the preceding meeting.

At the request of a director, the Bureau may alter the minutes but only if they contain errors or are inconsistent with the decisions taken. If they are consistent therewith, they shall be adopted as read.

**3.10.** Whenever the president or presiding director adjourns the meeting for lack of a quorum, the hour of adjournment and the names of the directors then present shall be entered in the minutes.

**3.11.** In order to be considered, a motion must be seconded.

A director may move an amendment to a motion. A director may also move a sub-amendment. In such case, the vote shall be taken first on the sub-amendment, then on the amendment and finally on the leading motion.

**3.12.** The vote shall be taken by show of hands. However, in all matters, a director may request a secret ballot. In such case, the chairman shall give the directives for the carrying out of such order without there being any discussion relative to the secret nature of the vote.

**3.13.** The Bureau may sit *in camera* on any matter when the majority of the members present are in favour of such measure. In such case, only the directors and the persons authorized by the Bureau may remain in the room.

**3.14.** The secretary of the Corporation shall act as secretary of the Bureau but shall not have the right to vote.

**3.15.** Section 2.10 applies *mutatis mutandis* to this Division.

#### DIVISION IV REMUNERATION OF DIRECTORS

**4.01.** The directors elected or appointed who attend meetings of the Bureau are entitled to the following allowances :

- (a) a lump sum for attendance at a meeting ;
- (b) a lump sum for travel expenses ;
- (c) a lump sum for lodging expenses.

**4.02.** Similar allowances, but whose amounts may differ, shall be paid to consulting experts whose services are retained by the Corporation.

**4.03.** The remuneration of the president and the amounts mentioned in sections 4.01 and 4.02 shall be determined by resolution of the Bureau.

#### DIVISION V OATH OF DISCRETION OF THE DIRECTORS

**5.01.** Every director shall take the oath or solemn affirmation of discretion prescribed in Schedule II to the Professional Code.

#### DIVISION VI ADMINISTRATIVE COMMITTEE

**6.01.** The administrative committee shall be convened by means of a written notice sent at least 7 days prior to the date of the meeting.

**6.02.** In case of emergency, the president may convene a meeting of the administrative committee provided that :

(a) all the members of the administrative committee are notified by telephone or telegram at least 24 hours before the meeting ; and

(b) all the members of the administrative committee absent from the meeting acknowledge that they have been convened in accordance with paragraph a.

**6.03.** Notwithstanding sections 6.01 and 6.02, a meeting of the administrative committee shall be deemed to be regularly held if all the members of the administrative committee are present and waive the notice of convocation or if all the members of the administrative committee are convened to a telephone conference and waive the notice of convocation.

**6.04.** The secretary of the Corporation shall act as secretary of the administrative committee but shall not have the right to vote.

**6.05.** The decisions shall be taken by majority vote of the members present ; in the case of a tie-vote, the chairman of the meeting shall have a casting-vote.

**6.06.** The administrative committee shall exercise all the powers assigned to the Bureau by the Professional Code, except those powers which the Bureau must exercise by regulation.

#### **DIVISION VII**

##### **CONSTITUTION OF THE COMMITTEE ON DISCIPLINE AND APPOINTMENT OF A SYNDIC**

**7.01.** The committee on discipline shall consist of 3 members, including a chairman who shall be the advocate appointed to that office by the Government. The other members must be occupational therapists who have been entered on the roll for at least 5 years.

**7.02.** Every year, at its meeting which precedes the annual general meeting, the Bureau shall appoint the 2 members of the Corporation to the committee on discipline, as well as 2 substitutes. The Bureau shall appoint at the same time the secretary of the committee on discipline and the syndic.

**7.03.** Where one of the members of the Corporation on the committee on discipline or the secretary of the committee is unable to act, the president of the Corporation shall designate a substitute to replace him from among those appointed by the Bureau.

#### **DIVISION VIII**

##### **MISCELLANEOUS PROVISIONS**

**8.01.** The corporate seat of the Corporation shall be situated in the territory of the Communauté urbaine de Montréal.

**8.02.** The seal of the Corporation consists of the graphic sign of the Corporation and the following words : "La Corporation professionnelle des ergothérapeutes du Québec".

**8.03.** The secretary shall have custody of the seal of the Corporation.

**8.04.** Every contract or document binding the Corporation shall be signed by the president or vice-president, as well as by the secretary or treasurer.



c. C-26, r.78

## Code of ethics of occupational therapists

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) "Corporation" : the Corporation professionnelle des ergothérapeutes du Québec ;

(b) "occupational therapist" : every person who is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q. c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** An occupational therapist must, unless he has sound reasons to the contrary, support every measure likely to improve the quality and availability of professional services in the field in which he practises.

**2.02.** In the practice of his profession, an occupational therapist must take into account the general effect which his research and work may have on society.

**2.03.** An occupational therapist must promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.

**2.04.** An occupational therapist must be well informed on new developments in the field of occupational therapy practice so as to offer professional services of the highest quality.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### §1. General provisions

**3.01.01.** An occupational therapist must refuse any request for service which lies beyond his professional competence or in respect of which all the essential data is not supplied to him.

**3.01.02.** An occupational therapist must at all times recognize his client's right to consult a colleague, a member of another professional corporation or any other competent person.

**3.01.03.** An occupational therapist must refrain from practising in conditions or situations which could impair the quality of his services.

**3.01.04.** An occupational therapist must endeavour to establish a relationship of mutual trust between the client and himself. To this end, he must in particular :

(a) refrain from practising his profession in an impersonal manner ;

(b) conduct his interviews in such a way as to respect his client's scale of values and personal convictions, when the latter informs him thereof.

#### §2. Integrity

**3.02.01.** An occupational therapist must accomplish his professional tasks with integrity.

**3.02.02.** An occupational therapist must avoid any false representation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires, he must, with the latter's authorization, consult a colleague, a member of another professional corporation or another competent person, or refer him to one of these persons.

**3.02.03.** An occupational therapist must, as soon as possible, inform his client of the nature and method of the treatment he requires and, where applicable, must obtain his agreement in the matter.

**3.02.04.** An occupational therapist must refrain from expressing opinions or giving advice that is contradictory or incomplete. To this end, he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

**3.02.05.** Unless he has sound and reasonable grounds to the contrary, an occupational therapist must explain to his client in a complete and objective manner the nature and implications of the problem as it appears to him from the sum total of facts which have been brought to his attention.

**3.02.06.** An occupational therapist who ascertains that his treatment is not likely to improve the client's functional independence must notify him thereof immediately.

### *§3. Availability and diligence*

**3.03.01.** An occupational therapist must display reasonable availability and diligence in the practice of his profession.

**3.03.02.** In addition to opinion and counsel, an occupational therapist must provide his client with any explanation necessary to the understanding and evaluation of the services rendered to him.

**3.03.03.** An occupational therapist must give an account of his services to his client when so requested by the latter.

**3.03.04.** Where an occupational therapist is called upon to pursue work previously entrusted to another occupational therapist or a member of another professional corporation, he must, before accepting such work, inquire into the latter's mandate to see if it has actually terminated, provided he knows of this mandate.

**3.03.05.** Unless he has sound and reasonable grounds to the contrary, an occupational therapist shall not cease to act on behalf of a client. The following shall, in particular, constitute just and reasonable grounds :

(a) the fact that the occupational therapist is placed in a situation of conflict of interest or in a context such that his professional independence could be called in question ;

(b) the fact of being incited by the client to perform illegal, unfair or fraudulent acts.

**3.03.06.** Before ceasing to provide his services to a client, an occupational therapist must notify him thereof within a reasonable lapse of time and ensure that this will not cause him serious prejudice.

### *§4. Liability*

**3.04.01.** An occupational therapist must, in the practice of his profession, fully commit his personal civil liability. He is thus prohibited from inserting in a contract of professional services any clause directly or indirectly excluding, in whole or in part, such liability.

### *§5. Independence and impartiality*

**3.05.01.** An occupational therapist must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.02.** An occupational therapist must safeguard his professional independence at all times and avoid any situation which could put him in conflict of interest. Without restricting the generality of the foregoing, an occupational therapist :

(a) is in conflict of interest when the interests at hand are such that he may be influenced to favour certain of them over those of his client or his judgment towards the latter may be unfavourably affected ;

(b) is not free to advise a client on a given act if he can derive a direct or indirect, real or possible personal benefit therefrom.

**3.05.03.** Except for the remuneration to which he is entitled, an occupational therapist shall not receive, pay or undertake to pay any benefit, rebate or commission in connection with the practice of his profession.

### *§6. Professional secrecy*

**3.06.01.** An occupational therapist must respect the secrecy of confidential information obtained in the practice of his profession.

**3.06.02.** An occupational therapist shall be released from professional secrecy only with the written authorization of his client or when so ordered by law.

**3.06.03.** An occupational therapist must avoid indiscreet conversations concerning a client or the services rendered to him.

**3.06.04.** An occupational therapist shall not make use of confidential information which may be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another person.

**3.06.05.** Clinical data obtained in the practice of the profession or in the course of research may be used for publication or teaching purposes only if the identity of the persons concerned is kept confidential.

**3.06.06.** An occupational therapist must obtain the written permission of the client concerned when using audiovisual techniques for purposes of therapy, teaching or research.

*§7. Accessibility of records*

**3.07.01.** An occupational therapist must respect the right of his client to consult the documents which concern him in every record made in his regard and to obtain a copy of such documents, unless this is prejudicial to the client.

*§8. Determination and payment of fees*

**3.08.01.** An occupational therapist must charge and accept fees which are justified by the circumstances and in proportion to the services rendered. In determining his fees, he must, in particular, take into account the following factors :

- (a) the time given for carrying out the professional service ;
- (b) the complexity and importance of the service ;
- (c) the performance of unusual services or services requiring exceptional competence or celerity.

**3.08.02.** An occupational therapist must provide his client with all the explanations required for the understanding of his statement of fees and the terms and conditions of payment.

**3.08.03.** An occupational therapist must refrain from demanding advance payment of his services ; he must, on the other hand, notify his client of the approximate cost of his services.

**3.08.04.** An occupational therapist may collect interest on outstanding accounts only after having duly notified his client. The interest thus charged must be at a reasonable rate.

**3.08.05.** Before having recourse to legal proceedings, an occupational therapist must have exhausted all the other means at his disposal to obtain payment of his fees.

**3.08.06.** An occupational therapist must refrain from selling his accounts, except to a colleague.

**3.08.07.** When an occupational therapist appoints another person to collect his fees, he must ensure that the latter will act with tact and moderation.

**DIVISION IV  
DUTIES AND OBLIGATIONS TOWARDS THE  
PROFESSION**

*§1. Derogatory acts*

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession :

- (a) prompting a person in pressing or repeated terms to resort to his professional services ;
- (b) communicating with the plaintiff without the prior written permission of the syndic or his assistant when he is informed that an inquiry into his professional conduct or competence is to be held or when a complaint has been served against him ;
- (c) producing or causing to be produced for any person unjustified or illicit benefits, in particular by falsifying a declaration, report or any document respecting a client or by having an interest in the sale or rental of therapeutic equipment ;
- (d) not bringing to the attention of the Corporation that he has reason to believe that a person applying to be admitted to the Corporation does not meet the required conditions ;
- (e) allowing a person who is not a member of the Corporation to use the title "occupational therapist" or not immediately informing the Corporation when he knows that a person uses the said title without being a member of the Corporation.

*§2. Relations with the Corporation and colleagues*

**4.02.01.** An occupational therapist whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Corporation must accept that duty unless he has exceptional grounds for refusing.

**4.02.02.** An occupational therapist must promptly answer all correspondence addressed to him by the syndic of the Corporation, investigators or the members of the professional inspection committee.

**4.02.03.** An occupational therapist shall not abuse a colleague's good faith or be guilty of breach of trust or dis-

loyal practises towards him. He must not, in particular, take credit for work done by a colleague.

**4.02.04.** An occupational therapist must, in his field of work, co-operate with his colleagues and members of other professions and seek to maintain harmonious relations with them.

*§3. Contribution to the advancement of the profession*

**4.03.01.** An occupational therapist must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students, and his participation in courses and continuing training periods.





c. C-26, r.79

**Règlement constituant le comité de la  
formation en ergothérapie**

Professional Code  
(R.S.Q., c. C-26, s. 184)

See French Edition



c. C-26, r.80

## Regulation respecting the records of an occupational therapist who ceases to practise

Professional Code  
(R.S.Q., c. C-26, s. 91)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des ergothérapeutes du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “records” : the records, books and registers that an occupational therapist must keep in the practice of occupational therapy ;
- (d) “transferee” : the occupational therapist to whom are transferred the records of an occupational therapist upon the latter’s permanent cessation of practice ;
- (e) “provisional custodian” : the occupational therapist to whom are entrusted the records of an occupational therapist during the latter’s temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means for the preservation of records.

**1.04.** In the case of an occupational therapist who is a member or an employee of a partnership of occupational therapists or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer used by the occupational therapist in the practice of occupational therapy. This Regulation shall, however, apply when all the members of a partnership of occupational therapists cease to practise.

**1.05.** An agreement respecting the transfer or provisional custody of the records of an occupational therapist

who ceases to practise must be certified in writing and sent to the secretary.

### DIVISION II PERMANENT CESSATION OF PRACTICE

**2.01.** Subject to sections 2.02 and 2.03, where an occupational therapist ceases permanently to practise occupational therapy, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

- (a) if he has found a transferee, notify the secretary by registered or certified mail that he will cease to practise occupational therapy effective from such date, and give him the name, address and telephone number of the transferee ; or
- (b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where an occupational therapist ceases to practise occupational therapy as a result of his being permanently struck off the roll, the secretary must ensure that the occupational therapist who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the occupational therapist who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of an occupational therapist, the secretary must, as soon as he is notified thereof, ensure that the assigns of that occupational therapist find a transferee as quickly as possible ; if the transferee has not been found within a reasonable time, the records of the deceased occupational therapist shall be entrusted to the secretary.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of an occupational therapist who ceases permanently to practise :

- (a) notify, in writing, the clients of that occupational therapist :
  - i. of the fact that he is in possession of the latter’s records ;

ii. of his address, telephone number and business hours ; and

iii. of their right to consult another occupational therapist ;

(b) cause to be published twice, at an interval of 10 days, in at least one French language daily newspaper and where applicable, in at least one English language daily newspaper, circulated in the region in which that occupational therapist practised occupational therapy, an advertisement indicating his address, telephone number and business hours and notifying the public that he is in possession of that occupational therapist's records.

The transferee must forward a copy of the advertisement contemplated in subparagraph *b* of the first paragraph to the secretary.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to consult the documents concerning him in any record made in his regard and to obtain copies of such documents, unless such consultation would be prejudicial to the client. The fees for obtaining these copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of an occupational therapist who has ceased permanently to practise occupational therapy, he may at any time, after consulting that occupational therapist, entrust the records to a transferee.

**2.07.** While he has custody of the records of an occupational therapist who has ceased permanently to practise occupational therapy, the secretary must take the necessary preservation measures in order to safeguard the interests of that occupational therapist's clients.

**2.08.** Subject to section 2.06, the secretary must retain for a minimum period of 5 years the records he has received pursuant to this Division.

### DIVISION III TEMPORARY CESSATION OF PRACTICE

**3.01.** Subject to section 3.02, where an occupational therapist ceases temporarily to practise occupational therapy, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail that he will cease temporarily to practise occupational therapy effective from such date, and give him the date on which he intends to return practising occupational therapy together with

the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** Where an occupational therapist ceases to practise occupational therapy as a result of his being temporarily struck off the roll, the secretary must ensure that the occupational therapist who is struck off find a provisional custodian within 15 days of the expiry of the time for appeal or final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the occupational therapist who is struck off shall be entrusted to the secretary.

**3.03.** Section 2.04 applies *mutatis mutandis* to this Division except in the case where an occupational therapist ceases to practise as a result of a temporary striking off lasting under 6 months.

**3.04.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.05.** The secretary or provisional custodian, as the case may be, must return the records to the occupational therapist immediately upon termination of the period of temporary cessation of practice.

**3.06.** An occupational therapist who no longer wishes to resume practising occupational therapy during or after the expiry of the period in which he has temporarily ceased to practise, must comply with Division II.



c. C-26, r.81

## Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des ergothérapeutes du Québec

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I DEFINITION AND INTERPRETATION

**1.01.** In this Regulation, the word “region” means one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des ergothérapeutes du Québec (c. C-26, r.88).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TERM OF OFFICE

**2.01.** The president and the directors shall be elected for a term of 2 years.

*Amended in French D. 231-80, G.O.II, 1980, p. 1069.*

#### **2.02.**

*See French Text D. 231-80, G.O.II, 1980, p. 1069.*

### DIVISION III ELECTION PROCEDURE

**3.01.** Between the 45th and the 60th day preceding the date of the closing of the poll, the secretary shall send to each member of the Corporation a list of the members of the region in which he principally practises his profession together with a nomination paper.

**3.02.** A member shall not sign more nomination papers than there are offices of director to be filled for his region. A signature appearing on a number of nomination papers in excess of the number of offices of directors to be filled shall be struck off all nomination papers.

**3.03.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the

candidate in person or send it to him by mail. Such receipt shall attest to the validity of the nomination paper.

**3.04.** In addition to the documents described in section 69 of the Professional Code (R.S.Q., c. C-26), the secretary of the Corporation shall, at least 15 days prior to the date of the closing of the poll, send to each member of the Corporation a brief curriculum vitae of each candidate indicating in particular his age, the date of his admission and, where applicable, his principal activities within the Corporation.

**3.05.** The ballot-paper certified by the secretary must contain the following data and information :

- (a) the name and graphic sign of the Corporation ;
- (b) the year of the election ;
- (c) the identification of the region ;
- (d) the names in alphabetical order of the candidates for the offices of director in the region in which the member principally practises his profession ;
- (e) the number of seats to be filled in the region ;
- (f) the date and hour of the closing of the poll.

**3.06.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent to him is lost or otherwise unusable, provided such member makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**3.07.** The closing of the poll is fixed at 1 April at 18 h.

**3.08.** The 5 scrutineers shall be appointed from among the members of the Corporation. They shall be entitled to reimbursement for their travel expenses.

**3.09.** The secretary and the scrutineers shall swear under oath before any person authorized to administer such oath that they will faithfully fulfil their duty.

**3.10.** The counting of the votes shall be done at the corporate seat of the Corporation.

**3.11.** Every ballot-paper shall be void :

- (a) on which the voter casts his vote otherwise than by a cross ;

(b) which contains more crosses than the number of seats to be filled in the region ;

(c) which is not certified by the secretary ;

(d) which is spoiled, erased or which contains any identification mark of the elector ;

(e) which is not returned in the envelope provided by the secretary and on which the word "ELECTION" is written.

**3.12.** The secretary's decision respecting the validity of a ballot-paper shall be final.

**3.13.** The secretary shall declare elected the candidates who have obtained the most votes ; he shall have the results of the vote countersigned by the scrutineers.

**3.14.** Immediately after the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.

**3.15.** The secretary shall send a copy of the report referred to in section 3.14 to each candidate.

**3.16.** The secretary must also make a detailed report of the election at the first meeting of the Bureau following the election.

**3.17.** Where, during the election period, the secretary is unable to act for any reason deemed sufficient by the Bureau, the latter shall designate a member of the Corporation to replace the secretary. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

**3.18.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation shall apply *mutatis mutandis* to his election.

**3.19.** Where the president is elected by the vote of the elected directors, his election shall be held at the first meeting of the Bureau following the taking of office of the directors.



c. C-26, r.82

**Règlement sur le permis d'exercice d'un  
ergothérapeute**

Professional Code  
(R.S.Q., c. C-26)

*See French Edition*



c. C-26, r.83

## **Regulation respecting the procedure for conciliation and arbitration of accounts of occupational therapists**

Professional Code  
(R.S.Q., c. C-26, s. 88)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des ergothérapeutes du Québec ;

(b) “secretary” : the secretary of the Corporation ;

(c) “occupational therapist” : the member of the Corporation whose account is the object of a dispute with a client ;

(d) “arbitrator” : the arbitrator appointed under Division III ;

(e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II CONCILIATION**

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic by forwarding to him by registered or certified mail the form prescribed in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which an action for a claim concerning the account contested is served by the occupational therapist upon the client.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall forward the occupational therapist a copy of such application by registered or certified mail.

**2.05.** The syndic shall act upon the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Should the conciliation not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### **DIVISION III ARBITRATION**

#### *§1. Submission to arbitration*

**3.01.01.** A client shall request arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the request for arbitration, the secretary shall forward to the occupational therapist, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the occupational therapist shall sign it and return it to the secretary.

#### *§2. Appointment of arbitrator*

**3.02.01.** In order to settle the dispute between the client and the occupational therapist, the Bureau shall designate a member of the Corporation as arbitrator. The Bureau shall also appoint a clerk to assist him in the exercise of his functions.

**3.02.02.** The clerk shall notify the parties of the appointment of the arbitrator.

**3.02.03.** A motion for recusation of an arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be forwarded in writing to the clerk, the arbitrator and the other party within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrator must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of the death or inability to act of the arbitrator, the Bureau shall appoint a new arbitrator.

### §3. Hearing

**3.03.01.** The arbitrator shall fix the date, hour and place of the hearing. The clerk shall notify the parties in writing at least 10 days prior to such date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The arbitrator shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The arbitrator shall proceed with dispatch to the hearing of the dispute according to the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the arbitrator or one of the parties so requests. In the latter case, such party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrator.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure shall apply *mutatis mutandis* to the arbitration held in virtue of this Regulation.

### §4. Decision of arbitrator

**3.04.01.** The arbitrator must render his decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that time period.

**3.04.02.** The arbitrator decides as mediator and renders the decision he considers most appropriate.

**3.04.03.** The decision must give reasons therefor and be signed by the arbitrator.

The clerk shall forward the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees.

The total amount of the arbitration fees shall in no case exceed 10% of the amount which is the object of the arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the arbitrator is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their advocate, the syndic and members of the Bureau.

## SCHEDULE 1

(s. 2.02)

### APPLICATION FOR CONCILIATION

I, the undersigned .....  
(name and address)

.....  
in person or (where applicable) representing .....

..... for the purposes of this application, as attested to by the authorization annexed hereto, solemnly declare (for being duly sworn, declare that) :

(1) ..... has claimed from me the  
(name of occupational therapist)  
sum of ..... for professional services rendered  
between ..... and .....  
as attested to in the account annexed hereto ;



.....

.....

.....

this . . . . . 19. . . . . commissioner for oaths

.....

.....

.....

.....

Signed at . . . . . Signed at . . . . .  
this . . . . . 19... this . . . . . 19...



c. C-26, r.84

## **Regulation respecting the procedure of the professional inspection committee of occupational therapists**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “committee” : the professional inspection committee ;

(b) “Corporation” : the Corporation professionnelle des ergothérapeutes du Québec ;

(c) “records” : the records, books and registers kept by an occupational therapist in the practice of his profession, as well as the documents or reports in which he has in fact collaborated in the records, books and registers of his colleagues or his employer, including an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) ;

(d) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions ;

(e) “occupational therapist” : whoever is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 3 members appointed by the Bureau from among the occupational therapists who have been practising for at least 3 years. They shall take office upon their appointment and remain therein until they die, resign, are replaced or struck off the roll.

**2.02.** The quorum of the committee shall be 3 members and it shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The Bureau of the Corporation designates the secretary of the committee.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** The committee shall draw up and keep up-to-date a professional record for each occupational therapist.

**3.02.** The professional record contains a summary of the occupational therapist's academic qualifications and experience as well as all the records pertaining to the inspection of which he is the object under this Regulation.

**3.03.** When a special inquiry is held with respect to him, an occupational therapist is entitled to consult his record and to obtain a copy thereof.

**3.04.** Subject to section 3.03, the occupational therapist's record may only be consulted by the members of the committee, its secretary and the members of the Bureau.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the members of the Corporation according to the programme established by it.

**4.02.** Each year, the Bureau shall publish the committee's general supervision programme in the bulletin of the Corporation.

**4.03.** At least 15 days before the date fixed for the inspection of an occupational therapist's records by an investigator, the committee shall, through its secretary, send the occupational therapist in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If an occupational therapist cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the occupational therapist was unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the inspection and notify the occupational therapist thereof.

**4.06.** An investigator must submit a certificate attesting to his qualifications signed by the secretary of the committee.

**4.07.** The occupational therapist whose records are the object of inspection may be present or be represented by a health professional working with him.

**4.08.** If he has reason to believe that the committee should subject an occupational therapist to special inquiry, the investigator shall draw up an inspection report and forward it to the committee for study within 15 days following his inspection.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF AN OCCUPATIONAL THERAPIST**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of an occupational therapist, or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the occupational therapist in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Where the sending of a notice to the occupational therapist could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make the inquiry without such notice.

**5.03.** An investigator may give the employer, representative or employee of an occupational therapist notice of the order to allow him access to the records of the occupational therapist.

**5.04.** Where records are held by a third party, the occupational therapist must, at the investigator's request authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the occupational therapist refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that an occupational therapist be required to serve a period of refresher training and that the right of such occupational therapist to engage in professional activities during such period be limited, it shall notify the Bureau and the occupational therapist in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that an occupational therapist be required to serve a period of refresher training and that the right of such occupational therapist to engage in professional activities during such period be limited, it must permit the occupational therapist in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the occupational therapist and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** An occupational therapist or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall receive the oath or solemn affirmation of the occupational therapist and the witnesses through the intermediary of a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the occupational therapist, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the occupational therapist does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the occupational therapist or of the committee.

**6.09.** The committee and the occupational therapist shall pay their own costs, with the exception of recording expenses which shall be shared equally between them. However, where the recording of depositions is made at the request of the committee, the latter shall assume the expenses thereof.

**6.10.** In its recommendations concerning an occupational therapist, the committee shall take into account the type of professional activities in which the occupational therapist is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons shall be given on which they are based, signed by the members of the committee who concurred in them, and forwarded to the Bureau and the occupational therapist in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the continuing refresher training periods organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26) might be laid against an occupational therapist, it shall notify the syndic of the Corporation.

#### SCHEDULE A

(s. 4.03)

#### CORPORATION PROFESSIONNELLE DES ERGOTHÉRAPEUTES DU QUÉBEC

Professional inspection committee

##### Notice of inspection

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will examine your records, books and registers on .....  
19... at ..... h.

Signed at .....  
on ..... 19...

The professional inspection committee

Per : .....  
secretary of the committee

#### SCHEDULE B

(s. 5.02)

#### CORPORATION PROFESSIONNELLE DES ERGOTHÉRAPEUTES DU QUÉBEC

Professional inspection committee

##### Notice of special inquiry

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on .....  
19... at ..... h.

Signed at .....  
on ..... 19...

The professional inspection committee

Per : .....  
secretary of the committee



c. C-26, r.85

## Regulation respecting advertising by occupational therapists

Professional Code  
(R.S.Q., c. C-26 s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following word and expression mean :

(a) “Corporation” : the Corporation professionnelle des ergothérapeutes du Québec ;

(b) “occupational therapist” : whosoever is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items which an occupational therapist may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** The professional card of an occupational therapist shall not contain anything other than :

(a) his name and that of his partners, where applicable ;

(b) his profession ;

(c) his university degrees ;

(d) his address, telephone number and business hours ; and

(e) the graphic sign of the Corporation.

**2.02.** The professional card shall not measure more than 6 centimetres in width by 11 centimetres in length.

### DIVISION III INFORMATION MEDIA AND STATIONERY

**3.01.** An occupational therapist may publish or allow to be published in newspapers, magazines, periodicals, directories or other printed matter an advertisement containing all or part of the data set forth in section 2.01. The said advertisement shall not, however, exceed 1 square decimetre, or about 16 square inches.

**3.02.** The stationery of an occupational therapist may contain all or part of the data set forth in section 2.01.

**3.03.** (1) Upon a change of associates, the opening of his consulting room, the taking up of a position in an existing consulting room, his entry on the roll of the Corporation for the first time, or upon appointment to a position related to the practice of the profession, an occupational therapist may publish a notice to such effect, together with his photograph and certain biographical notes, in newspapers, magazines, periodicals or other printed matter.

(2) The photograph authorized in subsection 1 shall not exceed 64 square centimetres.

### DIVISION IV ADVERTISING ON THE PREMISES OF THE CONSULTING ROOM

**4.01.** (1) On one of the outer walls of the building in which a consulting room is located or on the lot on which such building is erected, the occupational therapist may place a sign indicating his name followed by the expression “occupational therapist” in letters not exceeding 20 centimetres. This notice may be accompanied by the graphic sign of the Corporation.

(2) If the building in which a consulting room is located is at a crossroads, the occupational therapist may place such sign on the outer walls or on the land facing each of the converging roads.

**4.02.** Inside a consulting room a sign may be posted up in public view on which the name of the occupational therapist is inscribed followed by the expressions “occupational therapist”, in letters not exceeding 15 centimetres.

**4.03.** The signs authorized pursuant to this Division shall not exceed 25 square decimetres (or about 2,8 square feet).



c. C-26, r.86

## Regulation respecting refresher training periods for occupational therapists

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) "Corporation" : the Corporation professionnelle des ergothérapeutes du Québec ;
- (b) "occupational therapist" : a person entered on the roll of the Corporation ;
- (c) "training period" : period of refresher training contemplated by this Regulation ;
- (d) "trainee occupational therapist" : an occupational therapist who is required to serve a training period ;
- (e) "tutor" : an occupational therapist responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** If the Bureau considers that the level of competence of an occupational therapist does not meet the standards required for the protection of the public, it may oblige an occupational therapist to serve a training period where :

- (a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;
- (b) his name is re-entered on the roll after failing to be entered thereon for more than 5 years ;
- (c) his name is re-entered on the roll after being struck off for more than 5 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period not considered, in virtue of section 2.10, to be in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days after the time at which an occupational therapist is liable to have to serve such training period.

**2.03.** A training period may, in particular, consist of one or several of the following activities :

- (a) a period of practical training ;
- (b) studies ;
- (c) courses ;
- (d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau's decision to oblige an occupational therapist to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

**2.07.** A tutor must submit a report to the Bureau within 5 days after completion of his mandate, stating with reasons in support thereof, whether the trainee occupational therapist acted while under his supervision in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee occupational therapist or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee occupational therapist a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required in virtue of section 2.07 or 2.08, the Bureau shall decide, within 30 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it deems necessary for the protection of the public, limit the trainee occupational therapist's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized, or conversely, he is not authorized to practise ;

(b) by determining the professional acts which he is authorized, or conversely, he is not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or certain of them, be performed under the supervision of another occupational therapist or group of occupational therapists.

**3.02.** The Bureau's decision to limit a trainee occupational therapist's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISION OF THE BUREAU**

**4.01.** Before prescribing a training period, limiting a trainee occupational therapist's right to practise or deciding that a completed training period does not comply with the objectives and terms and conditions it has determined, the Bureau must give the occupational therapist the opportunity to be heard. To that end, the Bureau must give the occupational therapist a written notice of at least 5 days of the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee occupational therapist's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the occupational therapist in question by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee occupational therapist's right to practise shall take effect 30 days after being sent to or served on the latter.

**4.04.** During the training period, the Bureau may, upon a duly reasoned request by the trainee occupational therapist and communicated to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the trainee occupational therapist's right to practise.

**4.05.** An occupational therapist must comply with every decision of the Bureau rendered in accordance with this Regulation.





c. C-26, r.87

## Regulation respecting the keeping of records and consulting offices by occupational therapists

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) "Corporation" : the Corporation professionnelle des ergothérapeutes du Québec ;

(b) "occupational therapist" : every person who is entered on the roll of the Corporation ;

(c) "consulting office" : the place where an occupational therapist provides services, excluding in particular the place mentioned in section 3.02 and the workroom of the employees of that professional.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means in constituting and keeping the records of an occupational therapist.

**1.04.** Division III shall only apply to the consulting office where an occupational therapist practises on his own account or for the account of an occupational therapist or partnership of occupational therapists.

### DIVISION II KEEPING OF RECORDS

**2.01.** An occupational therapist must keep in the premises where he practises his profession a record for each of his clients.

**2.02.** An occupational therapist must enter the following items and information in each record :

(a) the date of opening the record ;

(b) the name and given names of the patient at birth, his address, telephone number, date of birth and sex ;

(c) a summary description of the reasons for the consultation ;

(d) a description of the professional services rendered and their date ;

(e) the recommendations made to the patient ;

(f) the annotations, correspondence and other documents pertaining to the professional services rendered.

**2.03.** An occupational therapist must keep each record up-to-date until he ceases to render professional services to the person concerned by that record.

**2.04.** An occupational therapist must keep each record for a period of at least 5 years from the date of the last service rendered.

**2.05.** An occupational therapist must keep his records in a room or cabinet which is not readily accessible to the public and which may be locked by means of a key or otherwise.

**2.06.** Where a patient withdraws a document from the record which concerns him, the occupational therapist must insert a note in that record signed by the patient indicating the nature of the document and the date on which it is withdrawn.

**2.07.** Where an occupational therapist practises in an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5), he must keep a record of occupational therapy services in accordance with sections 2.01 and 2.02.

He must also enter in the record of the recipient of the establishment in which he practises, a summary description of the reasons for the consultation, the professional services rendered as well as their date and the recommendations made to the patient.

The occupational therapist must sign or initial any entry or report he inserts in the recipient's record.

### **DIVISION III**

#### **KEEPING OF CONSULTING OFFICES**

**3.01.** The occupational therapist's consulting office must be so designed that the identity and conversations of the persons therein cannot be learned outside that office.

**3.02.** The occupational therapist must have a waiting room near his consulting office for the purpose of receiving the persons to whom he renders professional services.

**3.03.** The occupational therapist must post his permit in public view .

**3.04.** The occupational therapist must place in public view in the place referred to in section 3.02 a copy of the Code of ethics of occupational therapists (c. C-26, r.78) and of the Regulation respecting the procedure for conciliation and arbitration of accounts of occupational therapists (c. C-26, r.83). He must also write the address of the Corporation on each of these regulations.

**3.05.** Subject to sections 3.03 and 3.04, the occupational therapist may, in addition to decorative or utilitarian objects, display in his consulting office and in the other premises connected with the practice of his profession only the diplomas relating to the practice.

**3.06.** The occupational therapist who is absent from his consulting office for more than 5 consecutive working days must take the necessary measures to inform the persons likely to get in touch with him of the duration of his absence.



c. C-26, r.88

**Regulation dividing Québec into regions  
for the purposes of elections to the  
Bureau of the Corporation  
professionnelle des ergothérapeutes du  
Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des ergothérapeutes du Québec, the territory of Québec shall be divided into 2 regions :

- (a) the Eastern region ;
- (b) the Western region.

**2.** The Eastern region shall comprise regions 1, 2, 3, 4, 5, 9 and 10, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The Western region shall comprise regions 6, 7 and 8, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the Eastern region and 5 for the Western region.

**4.** An occupational therapist shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 9 persons including the president. If the president is elected by a vote of the elected directors, the Bureau shall consist of 8 persons including the president.

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O.C. 713-74, (1974) 106 O.G.II, 683  
O.C. 456-76, (1976) 108 O.G.II, 1769



c. C-26, r.89

**Règlement sur l'admission à la  
Corporation professionnelle des  
évaluateurs agréés du Québec et sur la  
rémunération minimale de l'évaluateur  
agréé**

Professional Code  
(R.S.Q., c. C-26)

See French Edition



c. C-26, r.90

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des évaluateurs agréés du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Corporation” : the Corporation professionnelle des évaluateurs agréés du Québec ;
- (b) “appraiser” : a person who is entered on the roll of the Corporation ;
- (c) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II BUREAU**

**2.01.** At the time of appointment of the members of the administrative committee, the elected members of the Bureau shall elect from among themselves a first and a second vice-chairman who shall become *ex officio* members of the administrative committee.

**2.02.** The Bureau determines the place, date and time of its regular meetings.

**2.03.** The administrative committee determines the place, date and time of the special meetings of the Bureau.

**2.04.** At least 6 days prior to a meeting of the Bureau, the secretary sends to all the directors, by mail or by messenger, a notice of convocation together with the agenda. The time limit is reduced to 48 hours for a special meeting.

**2.05.** A director may waive in writing a notice of convocation for a meeting of the Bureau ; in such case, he shall be deemed to have been regularly convened.

**2.06.** Notwithstanding sections 2.03 and 2.04, a meeting of the Bureau is deemed to be regularly held if all the directors are present and waive the notice of convocation.

### **DIVISION III ADMINISTRATIVE COMMITTEE**

**3.01.** The administrative committee is composed of the following persons : the chairman, the first and the second vice-chairman, one elected and one appointed director.

**3.02.** The secretary acts as the secretary of the administrative committee but does not have the right to vote.

**3.03.** The administrative director attends the meetings of the administrative committee but does not have the right to vote.

**3.04.** The secretary convenes the administrative committee by a written notice sent at least 3 days prior to the meeting, indicating the place, date and time of such meeting.

**3.05.** In emergencies, the chairman or 2 members of the administrative committee may order that a meeting of the administrative committee be held if :

(a) all the members of the administrative committee are notified by telephone or telegram at least 48 hours before the meeting ; and

(b) all the members of the administrative committee absent from the meeting acknowledge that they had been convened in accordance with paragraph a.

**3.06.** Notwithstanding sections 3.04 and 3.05, a meeting of the administrative committee shall be deemed to be regularly held if all the members of the administrative committee are present and waive the notice of convocation.

**3.07.** The first vice-chairman or if he is absent, the second vice-chairman replaces the chairman of the meeting when he is absent or unable to act, and performs the same duties and has the same powers as the latter.

**3.08.** The decisions are taken by a majority vote of all the members present. In the case of a tie-vote, the chairman of the meeting shall have a casting vote.

**3.09.** The vote is taken by a show of hands unless 3 members request that it be taken by secret ballot.

**3.10.** Notwithstanding section 8.05, the chairman decides on any matter of procedure not provided for in this Division.

**3.11.** Between meetings of the Bureau, the administrative committee exercises all the powers except for those that the Bureau must exercise by regulation.

#### **DIVISION IV GENERAL MEETINGS**

**4.01.** A statement by the secretary of the Corporation certifying the mailing of the notices required for convening a general meeting of the members constitutes *prima facie* proof of the sending out of these notices.

**4.02.** The quorum for a general meeting is 50 members.

**4.03.** In the absence of the chairman, a general meeting is presided by the first vice-chairman or, in the absence of the latter, by the second vice-president ; if both vice-chairmen are absent, the members of the meeting shall appoint, by majority vote, a director as chairman of the meeting.

**4.04.** The decisions are made by majority vote of the members present. In the case of a tie-vote, the chairman of the meeting shall have a casting vote.

**4.05.** The vote is taken by a show of hands unless 3 members request that it be taken by secret ballot.

**4.06.** The auditors elected at the general annual meeting submit a written report on their auditing at the next general annual meeting of the members of the Corporation.

**4.07.** The auditors of the books and accounts of the Corporation must be chartered accountants. Their remuneration is determined by the Bureau.

#### **DIVISION V ADMINISTRATION OF PROPERTY**

**5.01.** The funds and securities received or held by the Corporation are deposited in the financial institutions approved by the Bureau.

**5.02.** Any contract, undertaking or transaction to which the Corporation is party must be signed by at least 2 directors or by one director and the administrative director. This also applies for cheques and bank notes.

#### **DIVISION VI REMUNERATION AND ALLOWANCES**

**6.01.** The directors are reimbursed for any expenses incurred by them to attend the meetings of the Bureau or the administrative committee.

The Bureau may also grant a special remuneration to a director for having performed special services requested of him by the Corporation and that go beyond the services ordinarily requested of a director.

#### **DIVISION VII SWEARING IN OF DIRECTORS**

**7.01.** At the first meeting of the Bureau immediately following the taking of office of a director, the first subject on the agenda must be the swearing in of the new director ; the latter must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

#### **DIVISION VIII MISCELLANEOUS**

**8.01.** The corporate seat of the Corporation shall be in the territory of the Communauté urbaine de Montréal.

**8.02.** The seal of the Corporation is that whose imprint appears in the copy of this Regulation kept by the secretary.

**8.03.** The permit issued by the Corporation must be signed by the chairman and the secretary or by the persons officially designated to act on their behalf.

**8.04.** The secretary or any other employee of the Corporation specially designated for such task by the Bureau must keep a register or registers containing the following information :

(a) all the regulations of the Corporation ;

(b) the name, address and occupation of all the members or former members of the Bureau and the administrative committee with the date of the commencement and termination of their mandate ;

(c) a copy of the minutes of the meetings of the Bureau and the administrative committee and the general meetings.

**8.05.** Subject to the Professional Code, the matters of procedure not provided for in this Regulation are governed *mutatis mutandis* by the rules contained in *Procédures des assemblées délibérantes*, V. Morin, latest edition.

**8.06.** The administrative director may only be dismissed in accordance with section 85 of the Professional Code.



c. C-26, r.91

## Code of ethics of chartered appraisers

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des évaluateurs agréés du Québec ;

(b) “appraiser” : person who is entered on the roll of the Corporation ;

(c) “court” : a court of justice and any body having judicial or quasi-judicial jurisdiction before which the appraiser is called to give his opinion on the value of any property or right.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II GENERAL DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** Every appraiser must, unless he has sound reasons to the contrary, support every measure likely to improve the quality and availability of professional services in the field in which he practises.

**2.02.** In the practice of his profession, the appraiser must bear in mind the general effect which his research and work may have on society.

**2.03.** An appraiser must promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession and upon request from the Corporation, perform the necessary acts to ensure such education and information.

**2.04.** It is the duty of every appraiser, no matter in what milieu he practises his profession, to be objective, frank and honest.

**2.05.** An appraiser must not, directly or indirectly, publish or distribute a report or make comments that he knows to be false or that are overtly false, in particular, with respect to a court, one of its members or a public body in the exercise of his power of expropriation or real estate assessment.

**2.06.** An appraiser may not, by fraudulent or illegal means, attempt to influence the course of justice.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### §1. General provisions

**3.01.01.** An appraiser may not refuse a mandate unless he has sound reasons to the contrary.

**3.01.02.** Before accepting a mandate, the appraiser must bear in mind the extent of his proficiency, knowledge and experience and the means at his disposal. He must not, in particular, undertake or continue assessment work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.03.** An appraiser may not deny a client’s right to consult one of his colleagues, a member of another professional corporation or any other competent person.

**3.01.04.** An appraiser must not practise under conditions or in situations likely to impair the quality of his services.

**3.01.05.** An appraiser must not interfere in his client’s personal affairs regarding matters that do not come under the duties generally attributed to the profession.

**3.01.06.** An appraiser must endeavour to establish a relation of mutual trust between himself and his client. To this end, he must in particular :

(a) refrain from practising his profession in an impersonal manner ;



(b) conduct his interviews in such a way as to respect his client's scale of values and personal convictions, when the latter informs him thereof.

## **§2. Integrity**

**3.02.01.** An appraiser must discharge his professional duties with integrity. Without restricting the generality of the foregoing, an appraiser must not :

(a) mislead or attempt to mislead a court or cast doubts, by illegal means, in favour of his client ;

(b) encourage his client or another person to perform an act or make a statement that he as an appraiser would not be able to perform or say in court, to one of its members or other parties called upon to appear before the court ;

(c) testify before a judge, a magistrate or a person performing judicial or quasi-judicial duties to whom he or one of his colleagues is related or related through marriage either by direct or collateral line up to the second degree ;

(d) prevent or attempt to prevent another person from being assisted by an appraiser or represented by an advocate ;

(e) abuse a client's good faith or be guilty of breach of trust or disloyal practices towards him.

**3.02.02.** An appraiser must avoid any misrepresentation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires, he must, with the latter's authorization, consult another appraiser, a member of another professional corporation or another competent person, or refer him to one of these persons.

**3.02.03.** An appraiser must refuse a mandate that is conditional to a predetermined conclusion respecting the value of any property or right.

**3.02.04.** An appraiser must inform his client as soon as possible of the extent and terms and conditions of the mandate entrusted to him by the latter and obtain his approval.

**3.02.05.** An appraiser must set out in a complete and objective manner to his client the nature and significance of the problem as he sees it on the basis of the facts which have been brought to his attention.

**3.02.06.** An appraiser must refrain from expressing opinions or giving advice that is contradictory or incomplete. To this end, he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

**3.02.07.** When an appraiser draws up an assessment report, he must forward a copy of it to his client, unless the latter consents in writing to release him from this obligation.

**3.02.08.** An appraiser who is called upon to give an opinion other than a preliminary opinion on any expropriated property or right must in all cases draw up an assessment report.

**3.02.09.** An assessment report must include the following items :

(a) the date of assessment ;

(b) the purpose of the assessment ;

(c) a complete description of the property or right being assessed ;

(d) where applicable, an accurate description of any situation that might influence the conclusion of the report ;

(e) in the case of a partial assessment, indication that the stated value may not be used in the compilation of an overall value unless the conditions and restrictions of such assessment are clearly described ;

(f) a brief explanation of the method used to arrive at the conclusions in the report ;

(g) an explanation of the type of value concluded on in the report ;

(h) the total amount of the value concluded on in the report ;

(i) an indication specifying that the appraiser does not have any direct or indirect, real or possible interest in the property or right being assessed, or if he has such interest, a statement to that effect and a precise description of such interest ;

(j) the name of the experts who collaborated on the assessment ;

(k) the date on which the report was made ; and

(l) a statement drafted in accordance with the form provided in Schedule 1.

Notwithstanding the first paragraph, the appraiser may omit to include in the assessment report the particulars of the items that must appear therein if these particulars are

available in writing in the appraiser's record and if mention thereof is made in his report.

**3.02.10.** An appraiser must refrain from filing an assessment report containing an assessment based on anticipated income and expenses unless the report contains a detailed analysis of such income and expenses and a statement to the effect that they are normal and reflect market conditions.

**3.02.11.** Where an appraiser has not determined the value of income-producing property by the method of capitalization of the net income produced by the property, he must note this in his assessment report and indicate the reasons why he did not use such method.

**3.02.12.** An appraiser must refrain from submitting an assessment report in which the assessment is based on works whose completion is not assured, unless the report clearly states that the assessment is based on a hypothesis that has not yet been proven. In addition, the appraiser must include in the report all the circumstances relating to the works that are taken for granted in the determination of the value.

**3.02.13.** An appraiser must not give an opinion on the assessment of any property or right for which the assessment is based on the absence of any legal restrictions or encumbrances such as hypothecs, servitudes or others, unless :

- (a) the appraiser has sound reasons to believe in such absence of legal restrictions or encumbrances ; or
- (b) the appraiser has obtained a legal opinion to this effect.

The appraiser must, in the assessment report, state the reasons for the legal opinion mentioned in the first paragraph and indicate that the assessment is thus conditional to the absence of legal restrictions or encumbrances.

**3.02.14.** The appraiser must take reasonable care of any property and documents entrusted to him by a client and he may not lend or use them for purposes other than those for which they were entrusted to him. He must not withhold the said property or documents, except in cases where he is allowed to do so by law.

**3.02.15.** The appraiser must notify his client of any illegal act likely to benefit that client and which came to his knowledge in the execution of his mandate.

### *§3. Availability and diligence*

**3.03.01.** An appraiser must display reasonable availability and diligence in the practice of his profession. He must, in particular, at the request of his client, inform the latter of the approximate time required for the carrying out of his mandate.

**3.03.02.** In addition to opinion and counsel, an appraiser must provide his client with any explanation necessary to the understanding and evaluation of the services rendered to him.

**3.03.03.** An appraiser must give an account of his services to his client when so requested by the latter. He must, in particular, submit to his client or if the latter is represented by an advocate, to the latter, any offer of settlement made to him.

**3.03.04.** An appraiser must be objective and impartial when persons other than his clients ask him for information.

**3.03.05.** Unless he has sound and reasonable grounds to the contrary, an appraiser may not cease to act for the account of a client. The following shall, in particular, constitute sound and reasonable grounds :

- (a) loss of the client's confidence ;
- (b) the fact that the appraiser is in a situation of conflict of interest or a situation where his professional independence could be questioned ;
- (c) inducement by the client to perform illegal, unfair or fraudulent acts ;
- (d) realization by the appraiser that it is unfeasible or difficult for him to ensure the quality of professional services to which his client is entitled.

**3.03.06.** Before he ceases to act for the account of a client, an appraiser must send advance notice of abandonment within a reasonable lapse of time and ensure that such termination of service is not detrimental to his client.

**3.03.07.** An appraiser must, when his presence is required, be present or be represented at the time set for any judicial or quasi-judicial proceedings relative to the practice of his profession, unless he is prevented from doing so for reasons beyond his control and has given, whenever possible, advance notice of his absence to his client and to the other interested parties.

#### §4. *Liability*

**3.04.01.** An appraiser must, in the practice of his profession, fully commit his personal civil liability. He is thus prohibited from inserting in a contract of professional services any clause directly or indirectly excluding, in whole or in part, such liability.

#### §5. *Independence and impartiality*

**3.05.01.** An appraiser must subordinate his personal interest to that of his client.

**3.05.02.** An appraiser must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client and if necessary in the interest of his client, notify him thereof.

**3.05.03.** An appraiser must safeguard his professional independence at all times and avoid any situation which could put him in conflict of interest. Without restricting the generality of the foregoing, an appraiser is in conflict of interests :

(a) when the interests at hand are such that he may be influenced to favour certain of them over those of his client and his judgment and loyalty towards the latter may be unfavourably affected ;

(b) when he assesses any property or right in which he or one of his partners has a direct or indirect, real or possible interest ;

(c) when he or one of his partners participates, as a member of a quasi-judicial body, in a decision or a recommendation respecting the rights and obligations of his client ;

(d) when he derives a direct or indirect, real or possible, personal advantage from acting as an adviser in any professional act.

**3.05.04.** As soon as ascertains that he is in a situation of conflict of interests, the appraiser must notify his client thereof and ask him for authorization to continue his mandate.

**3.05.05.** An appraiser may share his fees with another person only to the extent that such sharing corresponds to a distribution of services and responsibilities.

**3.05.06.** Except for the remuneration to which he is entitled, an appraiser may not receive any benefit, rebate or commission in connection with the practice of his

profession. Furthermore, he may not pay, offer to pay or undertake to pay such benefit, rebate or commission.

**3.05.07.** For a given service, the appraiser must only accept fees from one source unless explicitly agreed upon otherwise among all the parties concerned. He may accept payment of these fees only from his client or the latter's representative, unless his client is informed thereof.

**3.05.08.** An appraiser shall generally act in the same matter for only one of the parties concerned. If his professional duties require that he act otherwise and, in particular, as arbitrator or mediator, the appraiser must specify the nature of his responsibilities and notify all the interested parties that he will cease to act if the situation becomes irreconcilable with his duty to act impartially.

#### §6. *Professional secrecy*

**3.06.01.** An appraiser must respect the secrecy of confidential information obtained in the practice of his profession and in particular, the conclusions of an assessment carried out on behalf of his client.

**3.06.02.** An appraiser may be released from professional secrecy only with the written authorization of his client or when so ordered by law.

**3.06.03.** When an appraiser asks a client to give him confidential information or when he allows such information to be given him, he must ensure that the client is fully aware of the purpose of the interview and of the various uses which can be made of such information.

**3.06.04.** An appraiser must not disclose the fact that a person has requested his services unless the nature of the case so requires or unless he has received written authorization from his client.

**3.06.05.** An appraiser must avoid indiscreet conversations concerning a client and the services rendered him.

**3.06.06.** An appraiser must not use confidential information for purposes other than those for which they were entrusted to him or, in particular, with a view to obtaining a direct or indirect benefit for himself or for others.

*§7. Accessibility of records*

**3.07.01.** An appraiser must respect the right of his client to consult the documents which concern him in every record made in his regard and to obtain a copy of such documents.

*§8. Determination and payment of fees*

**3.08.01.** An appraiser must charge and accept fair and reasonable fees.

**3.08.02.** The fees are fair and reasonable if they are warranted by the circumstances and correspond to the services rendered. In determining his fees, the appraiser must in particular take the following factors into account :

- (a) the time given to the carrying out of the professional service ;
- (b) the complexity and extent of the service ;
- (c) the performance of unusual services or services requiring exceptional competence or celerity.

**3.08.03.** An appraiser must provide his client with all the explanations necessary to the understanding of his statement of fees and the terms and conditions of payment.

**3.08.04.** An appraiser must notify his client of the approximate cost of his services and of the disbursements necessary for the carrying out of his mandate.

**3.08.05.** At the time of the agreement between the appraiser and a client with respect to the professional fees that the latter will have to pay the appraiser, the latter must decide with his client whether or not the fees, expenses or other sums that he may receive from another party will be deducted from the fees determined in the agreement. In addition, the appraiser must notify his client of the approximate amount of such fees, expenses or other sums.

**3.08.06.** An appraiser must refrain from demanding advance payment of his professional fees. He may, however, demand an advance to cover the cost of any disbursements necessary for the carrying out of his mandate.

**3.08.07.** An appraiser may collect interest on outstanding accounts only after having duly notified his client. The interest thus charged must be at a reasonable rate.

**3.08.08.** Before having recourse to legal proceedings, an appraiser must have exhausted all the other means at his disposal to obtain payment of his fees.

**3.08.09.** When an appraiser appoints another person to collect his fees, he must, as far as possible, ensure that the latter will act with tact and moderation.

**DIVISION IV  
DUTIES AND OBLIGATIONS TOWARDS THE  
PROFESSION**

*§1. Derogatory acts*

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession :

- (a) prompting a person in pressing or repeated terms to resort to his professional services ;
- (b) attempting to obtain from a person a mandate that he knows to have been entrusted to a colleague ;
- (c) coming to terms in any way with any person in order to obtain clients or business ;
- (d) knowingly increase or decrease an estimate on the value of property, rights or damages, even on a provisional basis, in order to obtain a mandate ;
- (e) communicating with the plaintiff without the prior written permission of the syndic or his assistant, where he is informed of an inquiry into his professional conduct or competence or whenever a complaint has been served on him ;
- (f) not bringing to the attention of the Corporation that he has reason to believe that an appraiser is incompetent or does not act in conformity with professional ethics ;
- (g) not bringing to the attention of the Corporation that he has reason to believe that a person applying to be admitted to the Corporation does not meet the required conditions ;
- (h) voluntarily delaying the carrying out of a mandate ;
- (i) making representations, on his client's behalf, before a court without notifying the opposing party or the latter's attorney or appraiser ;
- (j) paying or otherwise rewarding agents or any person for contacting persons likely to require his professional services ;

(k) ordering or prompting another appraiser to perform an act contrary to the regulations of the Corporation.

.....  
signature

§2. Relations with the Corporation and colleagues

**4.02.01.** An appraiser whose participation on a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Corporation, must accept that duty unless he has exceptional reasons for refusing it.

**4.02.02.** An appraiser must answer promptly all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.02.03.** An appraiser shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him. He must not, in particular, take credit for work done by a colleague.

**4.02.04.** An appraiser must not accept a mandate respecting a contract already entered into with a colleague without having notified his client of a possible duplication of costs and services.

**4.02.05.** An appraiser who is consulted by a colleague must give the latter his opinion and recommendations as promptly as possible.

**4.02.06.** An appraiser who is called upon to collaborate with a colleague must maintain his professional independence. If he is asked to perform a task that is against his conscience or principles, he must refuse that task.

§3. Contribution to the advancement of the profession

**4.03.01.** An appraiser must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuing training periods.

SCHEDULE 1

(s. 3.02.09)

I the undersigned .....  
(name and address of appraiser)

.....  
certify that, to the best of my knowledge, the information in this report together with the resulting opinions are exact, subject to the reserves provided therein.

.....  
date



c. C-26, r.92

## **Regulation respecting the records of a chartered appraiser who ceases to practise**

Professional Code  
(R.S.Q., c. C-26, s. 91)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des évaluateurs agréés du Québec ;

(b) “appraiser” : any person entered on the roll of the Corporation ;

(c) “secretary” : the secretary of the Corporation ;

(d) “records” : the records, books and registers that a chartered appraiser must keep in the practice of his profession ;

(e) “transferee” : the appraiser to whom the records of another appraiser are transferred upon a permanent cessation of practice ;

(f) “provisional custodian” : the appraiser to whom are entrusted the records of another appraiser during a temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means for the preservation of records.

**1.04.** In the case of an appraiser who is a member or an employee of a partnership of appraisers or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer used by the appraiser in the practice of his profession. This Regulation shall, however, apply when all the members of a partnership of appraisers cease to practise.

**1.05.** Every agreement respecting the transfer or provisional custody of the records of an appraiser who

ceases to practise must be certified in writing and sent to the secretary.

### **DIVISION II PERMANENT CESSATION OF PRACTICE**

**2.01.** Subject to sections 2.02 and 2.03, where an appraiser ceases permanently to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a transferee, notify the secretary by registered or certified mail that he will cease to practise his profession effective from such date and give him the name, address and telephone number of the transferee ; or

(b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where an appraiser ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the appraiser who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the appraiser who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of an appraiser, the secretary must, as soon as he is notified thereof, ensure that the assigns find a transferee as quickly as possible.

**2.04.** The transferee or the secretary, as the case may be, must within 30 days following the date on which he takes possession of the records of an appraiser who ceases permanently to practise :

(a) notify, in writing, the clients who have consulted that appraiser :

i. of the fact that he is in possession of the latter's records ;

ii. of his address, telephone number and business hours ; and

iii. of their right to consult another appraiser ; or

(b) cause to be published twice, at an interval of 10 days, in at least one French language daily newspaper and where applicable, in at least one English language daily

newspaper, circulated in the region in which that appraiser practised his profession, an advertisement indicating his address, telephone number and business hours and notifying the public that he is in possession of that appraiser's records.

The transferee must forward a copy of the advertisement contemplated in subparagraph *b* of the first paragraph to the secretary.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to consult the documents concerning him in any record made in his regard and to obtain copies of such documents. The fees for obtaining such copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of an appraiser who has ceased permanently to practise his profession, he may at any time, after consulting that appraiser, entrust the records to a transferee.

**2.07.** While he has custody of the records of an appraiser who has ceased permanently to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that appraiser's clients.

**2.08.** Subject to section 2.06, the secretary must retain for a minimum period of 5 years the records he has received pursuant to this Division.

### **DIVISION III TEMPORARY CESSATION OF PRACTICE**

**3.01.** Subject to section 3.02, when an appraiser temporarily ceases to practise his profession, he must, no later than 15 days prior to the date fixed for the cessation of practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail of the date on which he will temporarily cease to practise his profession, and the date on which he intends to resume practising his profession, stating the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** When an appraiser ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the appraiser who has been struck off find a provisional custodian within 15 days of

the expiry of the time allowed for appeal or of the final decision regarding the striking off.

When a provisional custodian has not been found upon the expiry of the said period, custody of the records of the appraiser who has been struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must communicate to the clients of the appraiser whose records are in his custody the pertinent information respecting the progress of their record, keep these records up-to-date and take the other necessary preservation measures in order to safeguard the interests of that appraiser's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except where an appraiser ceases to practise as a result of his being temporarily struck off for less than 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or the provisional custodian, as the case may be, must return the appraiser's records to him immediately upon termination of the period of temporary cessation of practice.

**3.07.** An appraiser who no longer wishes to resume the practice of his profession during or after the expiry of the period in which he had temporarily ceased to practise must comply with Division II.



c. C-26, r.93

## **Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des évaluateurs agréés du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des évaluateurs agréés du Québec ;

(b) “appraiser” : a person whose name is entered on the roll of the Corporation ;

(c) “region” : one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des évaluateurs agréés du Québec (c. C-26, r.98).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II TERM OF OFFICE**

**2.01.** The president and the directors are elected for a term of 2 years.

### **DIVISION III ELECTION PROCEDURE**

**3.01.** Between the 45<sup>th</sup> and 60<sup>th</sup> day preceding the date of the closing of the poll, the secretary shall send a nomination paper to each member of the Corporation.

**3.02.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest the validity of the nomination paper.

**3.03.** The ballot-paper shall be certified by the secretary under his signature ; it may be reproduced by lithography or other mechanical means.

**3.04.** The ballot-paper certified by the secretary must contain the following data :

(a) the name and graphic sign of the Corporation ;

(b) the year of the election ;

(c) the identification of the region ;

(d) the names in alphabetical order of the candidates for the offices of director in the region in which the member principally practises his profession ;

(e) the number of seats to be filled in the region ; and

(f) the date and hour of the closing of the poll.

**3.05.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper is lost or otherwise unusable, provided such elector makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**3.06.** The closing of the poll is fixed at 18 h on the third Tuesday of November.

**3.07.** The 3 scrutineers shall be appointed from among the members of the Corporation.

**3.08.** The votes shall be counted at the corporate seat of the Corporation.

**3.09.** The following ballot-papers shall be void : every ballot-paper

(a) on which the voter casts his vote otherwise than by a cross ;

(b) which contains more or less crosses than the number of seats to be filled in the region ;

(c) which is not certified by the secretary ;

(d) which is spoiled, erased or which contains any identification mark of the elector ;

(e) which is not returned in the envelope provided by the secretary and on which the word “ELECTION” is written.

**3.10.** The secretary’s decision regarding the validity of a ballot-paper is final.

**3.11.** The secretary shall declare elected the candidates who have obtained the most votes ; he shall have the results of the vote countersigned by the scrutineers.



**3.12.** Immediately after the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote. Such report shall be filed with the Bureau.

**3.13.** The secretary shall send to each candidate a copy of the report referred to in section 3.12.

**3.14.** If, during the election period, the secretary is unable to act for any cause deemed sufficient by the Bureau, the latter shall designate a member of the Corporation to replace the secretary. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

**3.15.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation shall apply *mutatis mutandis* to his election.

**3.16.** Where the president is elected by a vote of the elected directors, his election shall be held during the first meeting of the Bureau after the directors have taken office.



c. C-26, r.94

## Regulation respecting the procedure for conciliation and arbitration of accounts of chartered appraisers

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I DEFINITIONS AND INTERPRETATION

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des évaluateurs agréés du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “appraiser” : a member of the Corporation whose account is disputed by a client ;
- (d) “council” : the council for the arbitration of accounts set up under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II CONCILIATION

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic by sending him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which the action for a claim by the appraiser concerning the account contested is served upon the client.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall send the

appraiser a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic's report or, in default of such report, within 45 days from the date of receipt by the syndic of his application for conciliation, have recourse to arbitration in accordance with Division III.

### DIVISION III ARBITRATION

#### *§1. Submission to arbitration*

**3.01.01.** A client shall apply for arbitration by filing with the secretary 2 copies of a “submission to arbitration” in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** The application for arbitration must be sent before the day on which the action for a claim by the appraiser concerning the account contested is served upon the client.

**3.01.03.** Within 5 days from the receipt of the application for arbitration, the secretary shall send the appraiser, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.04.** Within 10 days from the receipt of such copy, the appraiser must sign it and return it to the secretary.

#### *§2. Formation of council*

**3.02.01.** In order to settle the dispute between the client and the appraiser, the Bureau shall set up an arbitration council composed of 3 members of the Corporation and appoint a chairman from among them.

The administrative director shall act as clerk of the arbitration council to assist the latter in the exercise of its functions unless the Bureau designates another person as clerk.

**3.02.02.** The clerk shall notify the arbitrators and the parties of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator shall only be made to the Bureau for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be communicated in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of the death or inability to act of one of the arbitrators, the others shall terminate the matter and their decision shall be valid. If the chairman dies or is unable to act, the Bureau shall appoint a chairman from among the other 2 arbitrators of the council.

### §3. Hearing

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and the parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall proceed with dispatch to the hearing of the dispute in accordance with the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, that party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrators.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure (R.S.Q., c. C-25) shall apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### §4. Arbitration award

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that time.

**3.04.02.** The council decides as mediator and renders the decision it considers most appropriate.

**3.04.03.** The decision is rendered by the majority of the members of the council ; in default of a majority, the decision is rendered by the chairman.

The reasons for the decision must be given and it must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign, the others must take mention thereof and the decision shall be as valid as if it had been signed by all of them.

The clerk shall communicate the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudicate as to the arbitration fees, namely, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount which is the subject of the arbitration as set forth in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless adjudicate as to the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless expressly directed by the parties, shall issue a copy of thereof in whole or in part only to the latter, their attorneys, the syndic and members of the Bureau.

**SCHEDULE 1**

(s. 2.02)

**APPLICATION FOR CONCILIATION**

I, the undersigned .....  
(name and address)

in person or (where applicable) respecting .....

..... for the purpose of this application, as attested by the authorization annexed hereto, being duly sworn or having solemnly declared, declare :

(1) ..... claims  
(name of appraiser)

from me the sum of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) :

.....  
.....  
.....

but (where applicable) I acknowledge that I owe the sum of ..... for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered appraisers (R.R.Q., c. C-26, r.94), of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me

at .....  
this ..... 19...

And I have signed

.....  
(signature of client or his duly authorized representative)

.....  
(commissioner for oaths)

**SCHEDULE 2**

(s. 3.01.01)

**SUBMISSION TO ARBITRATION**

Entered into by :

.....  
(name and address)

in person or (where applicable) representing .....

..... for the purpose of this submission, as attested by the authorization annexed hereto, hereinafter referred to as the "party of the first part" ,  
and

.....  
(name and address)

member of the Corporation professionnelle des évaluateurs agréés du Québec, hereinafter referred to as the "party of the second part" , who make the following declarations and agreements :

(1) The party of the second part claims from the party of the first part the sum of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) The party of the first part refuses to pay this account for the following reason(s) :

.....  
.....  
.....

but (where applicable) acknowledges that the party of the first part owes the sum of ..... for the professional services referred to in such account, and has deposited that sum in trust with the secretary of the Corporation ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that portion of the account which exceeds that which the party of the first part acknowledges to owe to the party of the second part, namely, the sum of ..... ;

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered appraisers (R.R.Q., c. C-26, r.94) of which the parties declare having received a copy and taken cognizance ;

(5) The party of the first part renounces to the benefit of any time elapsed with respect to the prescription ;

(6) The party of the second part undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is the subject of the dispute ;

(7) The arbitration award is binding upon the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) shall apply to its enforcement ;

(8) This submission may only be annulled with the written consent of the parties.

.....  
(signature of client or his duly authorized representative)

Signed at .....

this ..... 19...

.....  
(signature of appraiser)

Signed at .....

this ..... 19...



c. C-26, r.95

## **Regulation respecting the procedure of the professional inspection committee of chartered appraisers**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “committee” : the professional inspection committee ;
- (b) “Corporation” : the Corporation professionnelle des évaluateurs agréés du Québec ;
- (c) “appraiser” : any person who is entered on the roll of the Corporation ;
- (d) “records” : the records, books and registers that an appraiser keeps in the practice of his profession, and :
  - i. the documents or reports in which he has in fact collaborated among the records, books and registers kept by his colleagues or employer ; and
  - ii. the titles to property, financial statements and other documents entrusted to him by a client ;
- (e) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 6 members appointed by the Bureau from among the appraisers who have been practising for at least 3 years.

**2.02.** The committee shall hold its sittings on the date and at the places determined by it or by its chairman.

**2.03.** The administrative director shall act as secretary of the committee unless the Bureau designates another person as secretary.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each member of the Corporation who is the subject of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the appraiser’s academic qualifications and experience as well as all the records pertaining to an inspection made in his respect under this Regulation.

**3.03.** An appraiser is entitled to consult his record and to obtain a copy thereof.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the members of the Corporation in accordance with the programme established by it.

**4.02.** Each year, the Bureau shall publish the committee’s general supervision programme in the bulletin of the Corporation.

**4.03.** At least 15 days before the date fixed for the verification of the appraiser’s records by an investigator, the committee shall, through its secretary, send the appraiser in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If an appraiser cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, advise the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the appraiser was unable to take cognizance of the notice re-

ferred to in section 4.03, he shall inform the committee which shall fix a new date for the verification and notify the appraiser thereof.

**4.06.** An investigator must, if he is required to do so, produce a certificate attesting his authority signed by the secretary of the committee.

**4.07.** The appraiser whose records are submitted to a verification may be present or be represented by a mandatory.

**4.08.** The investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V SPECIAL INQUIRY INTO THE CONDUCT OR COMPETENCE OF AN APPRAISER**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the conduct or competence of an appraiser or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the appraiser in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Notwithstanding the first paragraph, where the sending of a notice to the appraiser could jeopardize the object for which a special inquiry is to be held, the committee may authorize an investigator to make the inquiry without such notice.

**5.03.** An investigator may give the employer, representative or employee of an appraiser, notice of the order to allow him access to the records of that appraiser.

**5.04.** The appraiser may insist on being present or being represented by an attorney at any inquiry held in accordance with this Division. Such insistence may not, however, delay an inquiry in the case provided for in the second paragraph of section 5.02.

**5.05.** The investigator may, in addition to the information or documents he requires, include in the record the information or documents relative to the inquiry and submitted by the appraiser.

**5.06.** Where records are kept by a third party, the appraiser must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.07.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.08.** If the appraiser refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.09.** The investigator shall draw up a report and send it to the committee for study within 30 days after the end of his inquiry.

**5.10.** Subject to the second paragraph of section 5.02, sections 4.04, 4.05 and 4.06 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that an appraiser be required to serve a period of refresher training and that the right of such appraiser to engage in professional activities during such period be limited, it shall notify the Bureau and the appraiser in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that an appraiser be required to serve a period of refresher training and that the right of such appraiser to engage in professional activities during such period be limited, it must permit the appraiser in question to present a full and complete defence relative to the evaluation of his competence.

**6.03.** For such purpose, the committee shall convene the appraiser and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** An appraiser or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall administer the oath or the solemn affirmation of the appraiser and the witnesses through a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the appraiser, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the appraiser, without legitimate reason, does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the appraiser or of the committee.

**6.09.** The committee and the appraiser shall pay their own costs, with the exception of recording expenses that shall be shared equally between the committee and the appraiser.

Notwithstanding the first paragraph, where the recording of depositions is made at the request of the committee, the latter shall assume the expenses thereof.

**6.10.** In its recommendations concerning an appraiser, the committee shall take into account the type of professional activities in which the appraiser is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons on which they are based shall be given, signed by the members of the committee who endorsed them, and forwarded to the Bureau and the appraiser in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the continuing training courses organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26) might be laid against an appraiser, it shall notify the syndic of the Corporation.

#### SCHEDULE A

(s. 4.03)

#### CORPORATION PROFESSIONNELLE DES ÉVALUATEURS AGRÉÉS DU QUÉBEC PROFESSIONAL INSPECTION COMMITTEE

##### Notice of verification

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers, on . . . . .

19... at . . . . . h.

Signed at . . . . . on . . . . . ,  
19. . .

The professional inspection committee

Per : . . . . .  
secretary of the committee

#### SCHEDULE B

(s. 5.02)

#### CORPORATION PROFESSIONNELLE DES ÉVALUATEURS AGRÉÉS DU QUÉBEC

##### Professional Inspection Committee

##### Notice of special inquiry

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on . . . . .

19... at . . . . . h.

Signed at . . . . . on . . . . . , 19...

The professional inspection committee

Per : . . . . .  
secretary of the committee





c. C-26, r.96

## Regulation respecting advertising by chartered appraisers

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) “Corporation” : the Corporation professionnelle des évaluateurs agréés du Québec ;

(b) “appraiser” : a person who is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items that an appraiser may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** An appraiser may not enter on his professional card anything other than :

(a) his name, the names of his partners and the appraisers employed by him and, where applicable, the firm name of the partnership in which he is a member ;

(b) his profession, his membership in the Corporation and, where applicable, his membership in another professional corporation ;

(c) his specialization, if he has a specialist’s certificate recognized by the Corporation ;

(d) his academic or military titles ;

(e) his business address, telephone number and business hours ;

(f) the name and graphic sign of his employer, where applicable, and where the latter is a partnership, the names of its members and the appraisers it employs ;

(g) the title of his position, where applicable.

### DIVISION III INFORMATIONAL DOCUMENT

**3.01.** The appraiser may prepare a written document to be distributed to a potential client. Such document, in addition to indicating the composition of the office of appraisers and its activities, may contain a list of the work carried on by the office, with photographs and a description of such work, provided the appraiser has obtained the written authorization from any client whose name or the name of whose immoveable he may wish to mention.

### DIVISION IV INFORMATION MEDIA

**4.01.** An appraiser may publish or allow to be published in newspapers, magazines, periodicals, directories or in any other printed matter, an advertisement containing any or all of the items mentioned in section 2.01. The said advertisement shall not, however, exceed 1 square decimetre per group of 5 appraisers constituting an appraisal office with a maximum of one-quarter of a page, except for specialized publications which are not intended for the general public ; in the latter case, the advertisement shall not exceed half a page.

The appraiser may also publish in the directories or on the professional lists, in addition to that which is mentioned in section 2.01, information on his professional experience and on the organization of his office.

**4.02.** At the time of the opening of his business office, his admission to an office or his first entry on the roll of the Corporation, or at the time of his appointment to a position related to the practice of his profession, an appraiser may publish his photograph and certain biographical data in newspapers, magazines, periodicals or any other printed matter.

The photograph authorized in the first paragraph shall not exceed 64 square centimetres.

### DIVISION V STATIONERY

**5.01.** An appraiser may enter on his stationery all or part of the items mentioned in section 2.01.

The appraiser may only use the stationery of his client where the said client is his regular employer.

## **DIVISION VI BUSINESS OFFICE**

**6.01.** On one of the outer walls of the premises or of the immovable in which his office is located or on the land on which such immovable is built, an appraiser may post up a sign indicating any or all of the items mentioned in section 2.01.

If the immovable in which his office is located is at a crossroads, the appraiser may post up such sign on the outer walls or on the land facing each of the converging roads.

If the appraiser's office is located in an immovable with multiple lessees, the appraiser may, in addition, post up his name and that of his office on the bulletin boards identifying the lessees of the immovable, at the places allowed for that purpose, in the elevators and on the floor where his office is located.

**6.02.** Inside his office, an appraiser may post up, in public view, a sign containing any or all of the items mentioned in section 2.01.

**6.03.** The signs authorized under this Division may not exceed 25 square decimetres except where there exist, for the immovable in which such office is located, identification specifications for premises that necessitate a larger uniform dimension.

## **DIVISION VII GRAPHIC SIGN OF THE CORPORATION**

**7.01.** The Corporation is represented by a graphic sign in conformity with the original kept by the secretary of the Corporation.



c. C-26, r.97

## Regulation respecting refresher training periods for chartered appraisers

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des évaluateurs agréés du Québec ;
- (b) “appraiser” : a person entered on the roll of the Corporation ;
- (c) “training period” : a period of refresher training contemplated in this Regulation ;
- (d) “trainee appraiser” : an appraiser who is required to serve a training period ;
- (e) “tutor” : an appraiser responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** If the Bureau considers that the level of competence of a member does not meet the standards required for the protection of the public, it may oblige that appraiser to serve a training period where :

- (a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years after the date on which he was entitled to the issuance of such permit ;
- (b) his name is re-entered on the roll after failing to be entered thereon for more than 5 years ;
- (c) his name is re-entered on the roll after having been struck off for more than 5 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline under section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period not considered, under section 2.10, in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days after an appraiser becomes liable to have to serve such training period.

**2.03.** A training period may, in particular, consist of one or several of the following activities :

- (a) a period of practical training ;
- (b) studies ;
- (c) courses ;
- (d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau’s decision to oblige an appraiser to serve a training period must specify the objectives, duration and terms and conditions of that training period.

**2.06.** The Bureau shall determine where and when the training period must be held and, if necessary, shall designate one or several tutors.

**2.07.** A tutor must submit a report to the Bureau within 5 days after completion of his mandate stating, with reasons in support, if the trainee appraiser acted, while under his supervision, in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee appraiser or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee appraiser a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required under sections 2.07 and 2.08, the Bureau shall decide, within 20

days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it deems it necessary for the protection of the public, limit the trainee appraiser's right to practise during all or part of the training period, in particular in one or several of the following ways :

- (a) by determining when and where he is authorized or is not authorized to practise ;
- (b) by determining the professional acts which he is authorized or is not authorized to perform ;
- (c) by requiring that the professional acts he is authorized to perform, or that certain of them, be performed under the supervision of another appraiser or group of appraisers.

**3.02.** The Bureau's decision to limit a trainee appraiser's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period or limiting a trainee appraiser's right to practise, the Bureau must give the appraiser concerned the opportunity to be heard. For such purpose, the Bureau must give the appraiser a written notice of at least 5 days of the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee appraiser's right to practise or ruling on the validity of a completed training period, must be given in writing and served upon the appraiser in question in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or sent to him by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee appraiser's right to practise shall take effect 30 days after being sent or served on the latter.

**4.04.** During the training period, the Bureau may, upon a duly reasoned request by the trainee appraiser transmitted to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the trainee appraiser's right to practise.

**4.05.** An appraiser must comply with every decision of the Bureau rendered in accordance with this Regulation.



c. C-26, r.98

**Regulation dividing Québec into regions  
for the purposes of elections to the  
Bureau of the Corporation  
professionnelle des évaluateurs agréés du  
Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des évaluateurs agréés du Québec, the territory of Québec shall be divided into 4 regions :

- (a) the Eastern region ;
- (b) the North-Central region ;
- (c) the South-Central region ;
- (d) the Western region.

**2.** The Eastern region shall comprise regions 1, 2, 3, 9 and 10, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The North-Central region shall comprise region 4, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The South-Central region shall comprise region 5, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Western region shall comprise regions 6, 7 and 8, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** Four directors shall be elected to represent the Eastern region, 1 for the North-Central region, 1 for the South-Central region and 7 for the Western region.

**4.** A chartered appraiser shall vote in the region in which he principally practises his professions for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 17 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 16 persons including the president.



c. C-26, r.99

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des hygiénistes dentaires du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I DEFINITION AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the word “Corporation” means the Corporation professionnelle des hygiénistes dentaires du Québec.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II GENERAL MEETINGS**

**2.01.** The quorum for a general meeting is fixed at 20 members.

**2.02.** A general meeting shall be held at the place determined by the Bureau.

**2.03.** To be accepted at an annual general meeting, a motion respecting a subject which is not in the agenda must be sent in writing to the corporate seat of the Corporation, attention of the secretary, at least 10 days before the holding of such meeting.

**2.04.** Unless it complies with the requirements of section 2.03, no motion respecting a subject which is not on the agenda shall be accepted during the holding of an annual general meeting without the unanimous consent of the members present.

**2.05.** Upon putting a motion to the vote, the vote shall be taken by show of hands. However, upon the request of at least 5 members, the vote shall be by secret ballot.

**2.06.** All decisions shall be taken by majority vote. In the case of a tie-vote, the chairman of the meeting shall have a casting vote.

**2.07.** If there is no quorum at the hour for which the general meeting of the members has been called, the said meeting, after an interval of one-half hour, may be adjourned by the chairman of the meeting for a period not exceeding 1 month and the secretary must then give new notice thereof to all members.

### **DIVISION III BUREAU AND ADMINISTRATIVE COMMITTEE**

**3.01.** The Bureau must hold a meeting at the corporate seat of the Corporation within 30 days following the counting of the votes for the election of its members.

**3.02.** At such meeting, the Bureau shall appoint the president and the members of the permanent committees.

**3.03.** The Bureau shall fix the date, hour and place of its other meetings.

**3.04.** The members of the Bureau shall be convened by means of a written notice forwarded at least 7 days prior to the date fixed for the meeting. Such period shall be at least 2 days in the case of a special meeting.

**3.05.** Notwithstanding section 3.04, a meeting of the Bureau shall be considered to be regularly held if all the members of the Bureau are present and waive the notice of convocation.

**3.06.** If there is no quorum at the hour for which the meeting of the Bureau was convened, it may, after the expiry of one-half hour, be adjourned by the chairman to a later date which must not exceed 1 month and a notice shall be forwarded to all the members to that effect.

**3.07.** At a meeting of the Bureau, the vote shall be taken by show of hands unless one of the members asks for a secret vote.

**3.08.** The chairman may, with the consent of the majority of the members, adjourn a meeting regularly held to a later date without the necessity of forwarding another notice of convocation. No subject which was not on the agenda of that meeting may, however, be discussed or voted thereat.

**3.09.** In the absence of the president, or upon his request, a meeting of the Bureau shall be presided over by the vice-president or by another member of the Bureau.

**3.10.** The Bureau may authorize any person other than the directors to attend these meetings.

**3.11.** To settle any question of procedure which is not covered by this Regulation, automatically there shall be reference to the Professional Code (R.S.Q., c. C-26), or to the *Procédure des assemblées délibérantes* by Victor Morin, 1969 edition, which shall apply *mutatis mutandis*.

**3.12.** Subject to sections 3.01 and 3.02, this Division applies *mutatis mutandis* to the administrative committee.

#### DIVISION IV

##### TAKING OF OATH OF DIRECTORS

**4.01.** At the first meeting of the Bureau which follows the taking of office of a director, the latter must be sworn or take the oath of discretion contained in Schedule II to the Professional Code.

#### DIVISION V

##### ALLOWANCES

**5.01.** The president and the directors who attend a meeting of the Bureau or who are expressly authorized by the Bureau to represent the Corporation shall be entitled to the following allowances :

(a) a lump sum for their attendance at a meeting, established in relation to the duration of the meeting ;

(b) a lump sum for travelling expenses, established in relation to the distance covered ;

(c) a lump sum for lodging expenses.

**5.02.** The lump sums mentioned in section 5.01 shall be determined by resolution of the Bureau.

#### DIVISION VI

##### **6.01.**

*See French Text D. 82-81, G.O. II, 1981, p. 561.*



c. C-26, r.100

## Code of ethics of dental hygienists

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des hygiénistes dentaires du Québec ;

(b) “dental hygienist” : every person who is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** Unless he has sound reasons to the contrary, a dental hygienist must support every measure likely to improve the quality and availability of professional services in the field in which he practises.

**2.02.** In the practice of his profession, a dental hygienist must bear in mind the general effect his research and work may have on society.

**2.03.** A dental hygienist must promote measures of education and information in the field in which he practises. In the practice of his profession, he must also, unless he has sound reasons to the contrary, do what is required to ensure such education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### §1. General provisions

**3.01.01.** Before accepting a mandate, a dental hygienist must bear in mind the extent of his proficiency and knowledge and the means at his disposal. He must not, in

particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.02.** A dental hygienist must at all times acknowledge his client's right to consult another dental hygienist, a member of another professional corporation or other competent person.

**3.01.03.** A dental hygienist must not practise in situations likely to impair the quality of his services.

**3.01.04.** A dental hygienist must attempt to establish a relationship of mutual trust between himself and his client. To this end, the dental hygienist must, in particular :

(a) avoid practising his profession in an impersonal manner ;

(b) conduct his interviews in such a way as to respect his client's scale of values and personal convictions where the latter informs him thereof.

**3.01.05.** A dental hygienist must refrain from intervening in the personal affairs of his client on subjects not within the competence generally acknowledged as belonging to the profession, so as not to unduly restrict his client's autonomy.

**3.01.06.** A dental hygienist must refrain from making omissions or performing acts contrary to current professional standards or scientific data.

#### §2. Integrity

**3.02.01.** A dental hygienist must discharge his professional duties towards his client with integrity.

**3.02.02.** A dental hygienist must avoid any misrepresentation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires he must, with the latter's authorization, consult another dental hygienist, a member of another professional corporation or another competent person, or refer him to one of those persons.

**3.02.03.** A dental hygienist must refrain from expressing an opinion or giving advice that is contradictory



or incomplete. To this end, he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

**3.02.04.** A dental hygienist must take reasonable care of any property entrusted to him by a client and he may not lend it or use it for purposes other than those for which it was entrusted to him.

### *§3. Availability and diligence*

**3.03.01.** A dental hygienist must display reasonable availability and diligence in the practice of his profession.

**3.03.02.** In addition to opinion and counsel, a dental hygienist must provide his client with any explanation necessary to the understanding and evaluation of the services rendered to him.

**3.03.03.** A dental hygienist must account for his services to his client when so requested by the latter.

**3.03.04.** A dental hygienist must be objective and impartial when persons other than his clients ask him for information.

**3.03.05.** Unless he has sound and reasonable grounds to the contrary, a dental hygienist may not cease to act for the account of a client. The following shall, in particular, constitute sound and reasonable grounds :

- (a) loss of the client's confidence ;
- (b) the fact that the dental hygienist is in a situation of conflict of interest or a situation where his professional integrity could be questioned ;
- (c) lack of collaboration by the client.

**3.03.06.** Before he ceases to act for the account of a client, a dental hygienist must ensure that such termination of service is not prejudicial to his client.

### *§4. Liability*

**3.04.01.** A dental hygienist must, in the practice of his profession, fully commit his personal civil liability. It is thus prohibited for him to include in a contract for professional services a clause excluding such liability, directly or indirectly, in whole or in part.

### *§5. Independence and impartiality*

**3.05.01.** A dental hygienist must subordinate his personal interest to that of his client.

**3.05.02.** A dental hygienist must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** A dental hygienist must avoid any situation which could put him in conflict of interest. Without restricting the generality of the foregoing, a dental hygienist :

(a) is in conflict of interest when the interest in question are such that he might tend to favour certain of them over those of his client or where his judgment and loyalty towards the latter might be unfavourably affected ;

(b) is not an objective adviser in respect of a given act if he derives a direct or indirect, real or possible personal benefit therefrom.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interest, the dental hygienist must notify his client thereof and ask his authorization to continue his mandate.

**3.05.05.** A dental hygienist may share his fees with another person only to the extent that such sharing corresponds to a distribution of services and responsibility.

**3.05.06.** Except for the remuneration to which he is entitled, a dental hygienist shall not receive, pay, offer to pay or undertake to pay any benefit, rebate or commission in connection with the practice of his profession.

**3.05.07.** For a given service, a dental hygienist must only accept fees from a single source, unless explicitly agreed upon otherwise among the parties concerned. He must only accept payment of these fees from his client or the latter's representative.

**3.05.08.** A dental hygienist must avoid performing any unnecessary or superfluous professional acts in the practice of his profession and must not perform any act that is inappropriate or disproportionate to the needs of his client.

### *§6. Professional secrecy*

**3.06.01.** A dental hygienist must respect the secrecy of confidential information obtained in the practice of his profession.

**3.06.02.** A dental hygienist may be released from professional secrecy only with the written authorization of his client or when so ordered by law.

**3.06.03.** When a dental hygienist asks a client to give him confidential information or when he allows such information to be given him, he must ensure that the client is fully aware of the purpose of the interview and of the various uses which can be made of such information.

**3.06.04.** A dental hygienist must not disclose the fact that a person has requested his services unless the nature of the case so requires.

**3.06.05.** A dental hygienist must avoid indiscreet conversations concerning a client and the services rendered him.

**3.06.06.** A dental hygienist must not make use of confidential information which could be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another.

### *§7. Accessibility of records*

**3.07.01.** A dental hygienist must respect the right of his client to consult the documents which concern him in every record made in his regard and to obtain a copy of such documents.

### *§8. Determination and payment of fees*

**3.08.01.** A dental hygienist must request and accept fair and reasonable fees.

**3.08.02.** The fees are fair and reasonable if they are justified by circumstances and are in proportion to the services rendered. In determining his fees, a dental hygienist must, in particular, take the following factors into account :

- (a) the time spent in carrying out the professional service ;
- (b) the complexity and extent of the service ;
- (c) the performance of unusual service or services requiring exceptional competence or celerity.

**3.08.03.** A dental hygienist must provide his client with all the explanations required for an understanding of his statement of fees and the terms and conditions of payment.

**3.08.04.** A dental hygienist must refrain from demanding advance payment for his services ; he must, however, inform his client of the probable approximate cost of his services.

**3.08.05.** A dental hygienist may collect interest on outstanding accounts only after having duly notified his client. The interest thus charged must be at a reasonable rate.

**3.08.06.** Before having recourse to legal proceedings, a dental hygienist must have exhausted all the other means at his disposal to obtain payment of his fees.

**3.08.07.** A dental hygienist must not sell his accounts to anyone other than another dental hygienist.

**3.08.08.** When a dental hygienist appoints another person to collect his fees, he must, as far as possible, ensure that the latter will act with tact and moderation.

## **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

### *§1. Derogatory acts*

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession :

- (a) prompting a person in pressing or repeated terms to resort to his professional services ;
- (b) communicating with the plaintiff without the prior written permission of the syndic or his assistant when he is informed that an inquiry into his professional conduct or competence is to be made or when a complaint has been served against him ;
- (c) not bringing to the attention of the Corporation that he has reason to believe that a dental hygienist is incompetent or does not respect professional ethics ;
- (d) demanding, accepting or offering any benefit for the use of his professional title in advertising a commercial product with a view to promoting its sale ;
- (e) consulting, collaborating or coming to an agreement with a person who does not have the scientific knowledge appropriate to the treatment of the client ;

(f) voluntarily and unjustifiably stopping treatment of a client who needs supervision ;

(g) refusing, without good reason, to provide treatment ;

(h) claiming fees for professional acts that he has not performed or of which he gives a false description ;

(i) providing a receipt or other document for the purpose of falsely stating that his services have been rendered ;

(j) billing a client for a professional service or part of a professional service the cost of which is assumed by a third party ;

(k) entering false information in a client's record or adding notes under another person's signature ;

(l) altering notes previously entered in a client's record or replacing part thereof with the intention of falsifying them ;

(m) failing to post up in his place of work his name followed by the title "dental hygienist" or, if this is impossible, failing to wear a name tag on which is written his name followed by the title "dental hygienist" ;

(n) failing to report to the Bureau of the Corporation a person who uses the title of dental hygienist but who is not entered on the roll of the Corporation ;

(o) practising his profession while under the influence of alcohol, drugs, hallucinogens, narcotic or anaesthetic preparations or any other substance which may cause intoxication or a weakening or disturbance of the faculties or unconsciousness.

## *§2. Relations with the Corporation and colleagues*

**4.02.01.** A dental hygienist whose participation on a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Corporation, must accept that duty unless he has exceptional reasons for refusing it.

**4.02.02.** A dental hygienist must answer promptly all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.02.03.** A dental hygienist shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him. He must not, in particular, take credit for work done by a colleague.

**4.02.04.** A dental hygienist who is consulted by a colleague must give the latter his opinion and recommendations as promptly as possible.

**4.02.05.** A dental hygienist who is called upon to collaborate with a colleague must maintain his professional independence. If he is asked to perform a task that is against his conscience or principles, he may ask to be excused therefrom.

## *§3. Contribution to the advancement of the profession*

**4.03.01.** A dental hygienist must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuing training periods.



c. C-26, r.101

**Regulation respecting terms and conditions for permits to be issued by the Corporation professionnelle des hygiénistes dentaires du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

**DIVISION I  
DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) "Corporation" : the Corporation professionnelle des hygiénistes dentaires du Québec ;
- (b) "person" : a person who is the holder of :
  - i. a diploma recognized by the Government under subparagraph *a* of the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) ;
  - ii. a diploma recognized as equivalent by the Bureau of the Corporation under subparagraph *g* of the first paragraph of section 86 of the said Code ; or
  - iii. training recognized as equivalent by the Bureau of the Corporation under subparagraph *h* of the first paragraph of section 86 of the said Code.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**DIVISION II  
TERMS FOR ISSUING PERMITS**

**2.01.** A person must, in order to obtain a permit, submit to the Bureau of the Corporation an application to that effect accompanied by the following :

- (a) a certified copy of his diploma as well as an official summary of his marks which lead to the issuance of the diploma ;
- (b) 2 recent photographs of passport format bearing his signature on the back ;
- (c) a certified copy of his act of birth or satisfactory proof of the date and place of birth ;

(d) proof :

- i. that he is a Canadian citizen ; or
- ii. that he was legally admitted to Canada to remain therein permanently, that he is domiciled in Québec and that he has bound himself to apply for Canadian citizenship as soon as he is able to do so pursuant to the Citizenship Act (S.C., 1974-75-76, c. 108) ;
- (e) proof, in a case in which the law so requires, that he has a working knowledge of the French language determined in accordance with the standards established for such purpose by regulation of the Government ;
- (f) a certified cheque or money order in the amount of 25 \$ covering the expenses for the opening of the record.

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O.C. 4844-75, (1975) 107 O.G.II, 4831 and 5683  
O.C. 2244-78, (1978) 110 G.O., 4459



c. C-26, r.102

## Regulation respecting the records of a dental hygienist who ceases to practise

Professional Code  
(R.S.Q., c. C-26, s. 91)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des hygiénistes dentaires du Québec ;
- (b) “dental hygienist” : whoever is entered on the roll of the Corporation ;
- (c) “secretary” : the secretary of the Corporation ;
- (d) “records” : the records, books and registers that a dental hygienist must keep in the practice of his profession ;
- (e) “transferee” : the dental hygienist to whom are transferred the records of a dental hygienist upon the latter’s permanent cessation of practice ;
- (f) “provisional custodian” : the dental hygienist to whom are entrusted the records of a dental hygienist during the latter’s temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means for the preservation of records.

**1.04.** In the case of a dental hygienist who is a member or an employee of a partnership of dental hygienists or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer used by the dental hygienist in the practice of his profession. This Regulation shall, however, apply when all the members of a partnership of dental hygienists cease to practise.

**1.05.** An agreement respecting the transfer or provisional custody of the records of a dental hygienist who

ceases to practise must be certified in writing and sent to the secretary.

### DIVISION II PERMANENT CESSATION OF PRACTICE

**2.01.** Subject to sections 2.02 and 2.03, where a dental hygienist ceases permanently to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

- (a) if he has found a transferee, notify the secretary by registered or certified mail that he will cease to practise his profession effective from such date, and give him the name, address and telephone number of the transferee ; or
- (b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where a dental hygienist ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the dental hygienist who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the dental hygienist who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of a dental hygienist, the secretary must, as soon as he is notified thereof, ensure that the assigns of the dental hygienist find a transferee as quickly as possible.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a dental hygienist who ceases permanently to practise :

- (a) notify, in writing, the clients of that dental hygienist :
  - i. of the fact that he is in possession of the latter’s records ;
  - ii. of his address, telephone number and office hours ; and
  - iii. of their right to consult another dental hygienist ;

(b) cause to be published twice, at an interval of 10 days, in at least one French language daily newspaper and, where applicable, in at least one English language daily newspaper circulated in the region in which that dental hygienist practised his profession, an advertisement indicating his address, telephone number and office hours and notifying the public that he is in possession of that dental hygienist's records.

The transferee must send a copy of the advertisement contemplated in subparagraph *b* of the first paragraph to the secretary.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to take cognizance of the documents concerning him in any record made in his regard and to obtain copies of such documents. The fees for obtaining such copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of a dental hygienist who has permanently ceased to practise his profession, he may at any time, after consulting that dental hygienist, entrust the records to a transferee.

**2.07.** While he has custody of the records of a dental hygienist who has ceased permanently to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that dental hygienist's clients.

**2.08.** Subject to section 2.06, the secretary must retain for a minimum period of 5 years the records he has received pursuant to this Division.

### DIVISION III

#### TEMPORARY CESSATION OF PRACTICE

**3.01.** Subject to section 3.02, where a dental hygienist ceases temporarily to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail that he will cease temporarily to practise his profession effective from such date, and give him the date on which he intends to resume practising his profession together with the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** Where a dental hygienist ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the dental hygienist who is struck off find a provisional custodian within 15 days of the expiry of the time for appeal or final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the dental hygienist who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must communicate to the clients of the dental hygienist whose records he has custody of the pertinent information respecting the progress of their record, keep such records up to date and take the other necessary preservation measures in order to safeguard the interests of that dental hygienist's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except in the case where a dental hygienist ceases to practise as a result of a temporary striking off lasting under 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or provisional custodian, as the case may be, must return the records to the dental hygienist immediately upon termination of the period of temporary cessation of practice.

**3.07.** A dental hygienist who no longer wishes to resume practising his profession during or after the expiry of the period in which he has temporarily ceased to practise, must comply with Division II.



c. C-26, r.103

## **Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des hygiénistes dentaires du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des hygiénistes dentaires du Québec ;

(b) “region” : one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des hygiénistes dentaires du Québec (c. C-26, r. 109).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II TERM OF OFFICE**

**2.01.** The president and the directors shall be elected for a term of 3 years.

### **DIVISION III ELECTION PROCEDURE**

**3.01.** Between the 45th and 60th day preceding the date of the closing of the poll, the secretary shall send each member of the Corporation a list of the members of the region in which he principally practises his profession as well as a nomination paper.

**3.02.** Every nomination paper must be accompanied by an up-to-date curriculum vitae of the person nominated.

**3.03.** A member may not sign more nomination papers than there are offices of director to be filled for his region. A signature appearing on a number of nomination

papers in excess of the number of offices of director to be filled shall be struck off all papers.

**3.04.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest the validity of the nomination paper.

**3.05.** In addition to the documents described in section 69 of the Professional Code (R.S.Q., c. C-26), the secretary of the Corporation shall, at least 15 days prior to the date of closing of the poll, send to each member of the Corporation a brief curriculum vitae of each candidate indicating in particular his age, the date of his admission and, where applicable, his principal activities within the Corporation.

**3.06.** The ballot-paper certified by the secretary must contain the following data and information :

(a) the name and graphic sign of the Corporation ;

(b) the year of the election ;

(c) the identification of the region ;

(d) the names in alphabetical order of the candidates for the offices of director in the region in which the member principally practises his profession ;

(e) the number of seats to be filled in the region ;

(f) the date and hour of the closing of the poll.

**3.07.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent to him is lost or otherwise unusable, provided such elector makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**3.08.** The closing of the poll is fixed at 18 h on the first Friday of April.

**3.09.** The scrutineers shall be appointed from among the members of the Corporation.

**3.10.** The secretary and the scrutineers shall take the oath to faithfully fulfil their duties before any person authorized to administer oaths.

**3.11.** The counting of the votes shall be carried out at the corporate seat of the Corporation.

**3.12.** The following ballot-papers shall be void ; every ballot-paper :

- (a) on which the voter cast his vote otherwise than by a cross ;
- (b) which contains more crosses than the number of seats to be filled in the region ;
- (c) which is not certified by the secretary ;
- (d) which is spoiled, erased or which contains any identification mark of the elector ;
- (e) which is not returned in the envelope provided by the secretary and on which the word "ELECTION" is written.

**3.13.** The secretary's decision regarding the validity of a ballot-paper shall be final.

**3.14.** The secretary shall declare elected the candidates who have obtained the most votes ; he shall have the results of the vote countersigned by the scrutineers.

**3.15.** Immediately after the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.

**3.16.** The secretary shall send a copy of the report referred to in section 3.15 to each candidate.

**3.17.** The secretary must also make a detailed report of the election at the first meeting of the Bureau following the election.

**3.18.** If, during the election period, the secretary is unable to act for any reason deemed sufficient by the Bureau, the latter shall designate a member of the Corporation to replace the secretary. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

**3.19.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation shall apply *mutatis mutandis* to his election.

**3.20.** Where the president is elected by a vote of the elected directors, his election shall be held during the first meeting of the Bureau after the directors have taken office.

## **DIVISION IV TRANSITIONAL AND FINAL PROVISIONS**

**4.01.** For the first election held pursuant to this Regulation, the date of the closing of the poll is fixed at 1 April 1977, at 18 h.

**4.02.** In the 1977 election, 4 directors shall be elected ; 1 of these directors shall be elected in the Eastern region and the 3 others shall be elected in the Western region.

In the 1978 election, 2 directors shall be elected ; both of these directors shall be elected in the Eastern region.

**4.03.** Notwithstanding section 2.01, the term of office of the director elected in the Eastern region and that of one of the 3 directors elected in the Western region, at the first election held pursuant to this Regulation shall be 2 years.

**4.04.** Notwithstanding sections 3.08 and 4.02, 7 directors, 2 of whom are from the Eastern region and 5 of whom are from the Western region shall be elected at a poll whose date of closing is fixed at 18 h on 7 June 1978.

**4.05.** Notwithstanding section 2.01, the term of office of the directors elected at the poll mentioned in section 4.04 shall terminate on the following dates :

- (a) for one director of the Eastern region and one of the Western region, on the first Friday of April 1980 ;
- (b) for 3 directors of the Western region, on the first Friday of April 1981 ;
- (c) for one director of the Eastern region and one of the Western region, on the first Friday of April 1982.





c. C-26, r.104

## **Regulation respecting equivalence standards for a permit to be issued by the Corporation professionnelle des hygiénistes dentaires du Québec**

Professional Code

(R.S.Q., c. C-26, s. 94, par. *f* and *g*)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des hygiénistes dentaires du Québec ;

(b) “diploma equivalence” : the recognition by the Bureau that a diploma attests the attainment by a candidate of a level of knowledge equivalent to that attained by the holder of a diploma recognized as giving access to the permit ;

(c) “training equivalence” : the recognition by the Bureau that the training of a candidate indicates that the latter has attained a level of knowledge equivalent to that attained by the holder of a diploma recognized as giving access to the permit ;

(d) “credit” : the quantitative value allotted to the work load required from a student, one credit corresponding to 45 hours of attendance at a course and personal work ;

(e) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The secretary shall forward a copy of this Regulation to any candidate who wishes to have an equivalence recognized.

### **DIVISION II PROCEDURE FOR THE RECOGNITION OF AN EQUIVALENCE**

**2.01.** A candidate who wishes to have an equivalence recognized must provide the secretary with those of the following documents necessary to support his application :

(a) his academic record including the description of the courses taken ;

(b) proof of the obtainment of his diploma ;

(c) an attestation of his participation in a training period ;

(d) an attestation of his relevant work experience.

**2.02.** The secretary shall send the documents prescribed in section 2.01 to a committee formed by the Bureau which shall study the application for equivalence and make a suitable recommendation. At the first meeting following receipt of the report of the committee, the Bureau shall rule upon recognition of the equivalence and inform each candidate in writing of its decision.

**2.03.** Within 15 days following its decision not to acknowledge the equivalence, the Bureau must inform each candidate in writing of the programme of studies, training periods or examinations whose satisfactory completion, account taken of his present level of knowledge, would allow him to be granted such equivalence.

### **DIVISION III STANDARDS FOR DIPLOMA EQUIVALENCE**

**3.01.** A candidate who holds a diploma issued by an educational establishment situated outside Québec shall be granted an equivalence if such diploma was obtained upon completion of university or college studies comprising the equivalent of at least 24,5 credits distributed as follows :

(a) at least 1 credit in each of the following subjects :

- i. dental materials ;
- ii. nutrition ;
- iii. pre-clinic operative dentistry ;

(b) at least 1,5 credits in the following subject : practical and theoretical radiology ;

(c) at least 2 credits in the following subject : pre-clinic dental hygiene ;

(d) at least 2,5 credits in each of the following subjects :

- i. dental anatomy and anatomy of head and neck ;

- ii. systemic and dental pathology with 0,5 credits in pharmacology ;
- (e) at least 3 credits in courses concerning public health and preventive dentistry ;
- (f) at least 10 credits of clinical training of which :
  - i. 8 credits are in dental hygiene ; and
  - ii. 2 credits are in operative dentistry.

**3.02.** Notwithstanding paragraph *a* of section 3.01, where the diploma that is the subject of an application for equivalence was obtained 5 years or more before such application, the equivalence may be refused if the knowledge acquired by the candidate no longer corresponds to the knowledge presently taught as a result of the evolution of the profession.

However, the equivalence must be recognized if the pertinent work experience of the candidate and the training which he acquired since then has enabled him to attain the required level of knowledge.

*Amended in French A.C. 2676-79, G.O. II, 1979, p. 6865.*

#### **DIVISION IV**

#### **STANDARDS FOR TRAINING EQUIVALENCE**

**4.01.** A candidate shall be granted a training equivalence if he proves that he has a level of knowledge equivalent to that attained upon completion of university studies or college studies in dental hygiene that include the credits defined in paragraph *a* of section 3.01.

*Amended in French A.C. 2676-79, G.O. II, 1979, p. 6865.*

**4.02.** In order to determine whether a candidate shows that he has the level of knowledge required under section 4.01, the Bureau shall take the following factors into account :

- (a) the fact that the candidate holds one or several diplomas obtained in Québec or elsewhere ;
- (b) the courses taken ;
- (c) the training periods served ;
- (d) the total number of academic years ; and
- (e) the nature and duration of experience.

Where the appreciation made under the first paragraph does not allow a decision to be made, the Bureau may require an examination or training period to complete the said appreciation.



c. C-26, r.105

## **Regulation respecting the procedure for conciliation and arbitration of accounts of dental hygienists**

Professional Code  
(R.S.Q., c. C-26; s. 88)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) "Corporation" : the Corporation professionnelle des hygiénistes dentaires du Québec ;
- (b) "secretary" : the secretary of the Corporation ;
- (c) "dental hygienist" : the member of the Corporation whose account is the subject of a dispute with a client ;
- (d) "council" : the council for the arbitration of accounts constituted under Division III ;
- (e) "syndic" : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II CONCILIATION**

**2.01.** The syndic must send a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic by sending him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which an action for a claim concerning the account contested is served by the dental hygienist on the client.

**2.04.** Within 5 days of the date on which he receives the application for conciliation, the syndic shall send the dental hygienist a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible, and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic's report or, in the absence of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### **DIVISION III ARBITRATION**

#### *§1. Submission to arbitration*

**3.01.01.** A client applies for arbitration by filing with the secretary 2 copies of a "submission to arbitration" drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall send the dental hygienist, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the dental hygienist must sign it and return it to the secretary.

#### *§2. Formation of the council*

**3.02.01.** In order to settle the dispute between the client and the dental hygienist, the Bureau shall set up an arbitration council made up of 3 members of the Corporation and shall appoint a chairman from among them. The Bureau shall also appoint a clerk to assist the council in the exercise of its functions.

**3.02.02.** The clerk shall notify the arbitrators and the parties of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator may only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be sent in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or make the affirmation of discretion provided in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of the death or inability to act of one of the arbitrators, the others shall terminate the matter and their decision shall be valid. In the case of death or inability to act of the chairman, the Bureau shall name one of the other 2 arbitrators of the council as chairman.

### §3. Hearing

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and the parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a specified time, a statement of his claim with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall proceed with dispatch to the hearing of the dispute in accordance with the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. Whoever makes the request shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrators.

The minutes constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### §4. Arbitration award

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that time period.

**3.04.02.** The council decides as mediator and renders the decision it considers most appropriate.

**3.04.03.** The decision is rendered by the majority of the members of the council ; in default of a majority, the decision is rendered by the chairman.

The reasons for the decision must be given and the decision must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign, the others must make mention thereof and the decision shall be as valid as if it had been signed by all of them.

The clerk shall communicate the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees, that is, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount that is the object of the arbitration as established in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision of the council is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and members of the Bureau.

## SCHEDULE 1

(s. 2.02)

### APPLICATION FOR CONCILIATION

I, the undersigned, .....  
(name and address)

.....  
in person or (where applicable) representing .....

..... for the purposes of this application, as attested by the authorization annexed hereto, being duly sworn, or having solemnly declared, declare that :

(1) .....  
(name of dental hygienist)

claims from me the sum of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) :

.....  
.....  
.....

but (where applicable) I acknowledge that I owe the sum of ..... for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of dental hygienists (R.R.Q., c. C-26, r.105) of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me

And I have signed

at .....  
(signature of client or his duly authorized representative)

this ..... 19...  
commissioner for oaths

## SCHEDULE 2

(s. 3.01.01)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
(name and address)

in person or (where applicable) representing .....

..... for the purposes of this submission, as attested by the authorization annexed hereto, hereinafter referred to as "the party of the first part",

and

.....  
(name and address)

member of the Corporation professionnelle des hygiénistes dentaires du Québec, hereinafter referred to as "the party of the second part",

who make the following declarations and agreements :

(1) The party of the second part claims from the party of the first part the sum of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) The party of the first part refuses to pay the account for the following reason(s) :

.....  
.....  
.....  
.....

but (where applicable) the party of the first part acknowledges that he owes the sum of ..... for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that part of the account which exceeds that which the party of the first part acknowledges owing to the party of the second part, namely, the sum of .....

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of dental hygienists (R.R.Q., c. C-26, r.105) of which the parties declare having received a copy and taken cognizance ;

(5) The party of the first part renounces to the benefit of any time elapsed with respect to prescription ;

(6) The party of the second part undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is the object of the dispute ;

(7) The arbitration award is binding upon the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) apply to its enforcement ;

(8) This submission may only be annulled with the written consent of both parties.

.....  
(signature of client or his duly authorized representative) (signature of dental hygienist)

Signed at ..... Signed at .....

this ..... 19... this ..... 19...



c. C-26, r.106

## **Regulation respecting the procedure of the professional inspection committee of dental hygienists**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “committee” : the professional inspection committee ;
- (b) “Corporation” : the Corporation professionnelle des hygiénistes dentaires du Québec ;
- (c) “dental hygienist” : any person entered on the roll of the Corporation ;
- (d) “records” : the records, books and registers which a dental hygienist keeps in the practice of his profession ; and
  - i. the documents or reports in which he has in fact collaborated among the records, books and registers kept by his colleagues or employer, including an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) ; and
  - ii. any property that has been entrusted to him by a client ;
- (e) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 5 members appointed by the Bureau from among the dental hygienists who have been practising for at least 3 years. They shall take office upon their appointment and remain in office until they die, resign, are replaced or struck off the roll.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or its chairman.

**2.03.** The Bureau of the Corporation shall designate the secretary of the committee.

**2.04.** The secretariat of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each dental hygienist of the Corporation who is the subject of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the dental hygienist's academic qualifications and experience as well as all the records pertaining to the inspection of which he is the subject under this Regulation.

**3.03.** A dental hygienist is entitled to consult his record and to obtain a copy thereof.

**3.04.** The committee shall keep a register in which shall be entered, in chronological order, the date of each verification or inquiry, the address where it was made, the name of the dental hygienist concerned, the name of the dental hygienist's employer, where applicable, and the name of the investigator who made the verification or inquiry.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the members of the Corporation in accordance with the programme established by it.

**4.02.** Each year, the Bureau shall publish the committee's general supervision programme in the bulletin of the Corporation and a report of the latter's activities during the preceding year, omitting therefrom, however, identification in any manner whatsoever of the dental hygienists who have been subject to an inspection and the other persons involved.

**4.03.** At least 15 days before the date fixed for the verification of a dental hygienist's records by an investigator, the committee shall, through its secretary, send the dental hygienist in question a notice in accordance with the form in Schedule A by registered or certified mail.

**4.04.** If a dental hygienist cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the dental hygienist was unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the verification and notify the dental hygienist thereof.

**4.06.** An investigator must, if so required to do, produce a certificate attesting his authority signed by the secretary of the committee.

**4.07.** The dental hygienist whose records are the object of verification may be present or be represented by a mandatory.

**4.08.** The investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V**

##### **SPECIAL INQUIRY INTO THE COMPETENCE OF A PROFESSIONAL**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a dental hygienist, or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the dental hygienist in question a notice in accordance with the form in Schedule B by registered or certified mail.

Notwithstanding the first paragraph, where the sending of a notice to the dental hygienist could jeopardize the object for which a special inquiry is to be held, the committee may authorize an investigator to make the inquiry without such notice.

**5.03.** An investigator may give the employer, representative or employee of a dental hygienist, notice of the order to allow him access to the records of that dental hygienist.

**5.04.** Where records are held by a third party, the dental hygienist must, at the investigator's request, authorize the latter to take cognizance of a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the dental hygienist refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and send it to the committee for study within 30 days after the end of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI**

##### **RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that a dental hygienist be required to serve a period of refresher training and that the right of such dental hygienist to engage in professional activities during such period be limited, it shall notify the Bureau and the dental hygienist in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that a dental hygienist be required to serve a period of refresher training and that the right of such dental hygienist to engage in professional activities during such period be limited, it must permit the dental hygienist in question to present a full and complete defence relative to the evaluation of his competence.

**6.03.** For such purpose, the committee shall convene the dental hygienist and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** A dental hygienist or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall administer the oath or the solemn affirmation of the dental hygienist and the witnesses through a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the dental hygienist, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the dental hygienist does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the dental hygienist or of the committee.

**6.09.** The committee and the dental hygienist shall pay their own costs, with the exception of recording expenses which shall be shared equally between them.

Notwithstanding the first paragraph, where the recording of depositions is made at the request of the committee, the latter shall assume the expenses thereof.

**6.10.** In its recommendations concerning a dental hygienist, the committee shall take into account the type of professional activities in which the dental hygienist is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons shall be given on which they are based, signed by the members of the committee who concurred in them, and forwarded to the Bureau and the dental hygienist in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the continuing refresher training periods organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26) might be laid against a dental hygienist, it shall notify the syndic of the Corporation.

**DIVISION VII**  
**TRANSITIONAL AND FINAL PROVISION**

**7.01.** Notwithstanding section 2.01, a dental hygienist may be a member of the professional inspection committee even if he has not been practising his profession for at least 3 years, if he is appointed before 1 January 1979.

**SCHEDULE A**  
(s. 4.03)

**CORPORATION PROFESSIONNELLE DES  
HYGIÉNISTES DENTAIRES DU QUÉBEC**  
**PROFESSIONAL INSPECTION COMMITTEE**

**Notice of verification**

Notice is given that ; within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers, on . . . . .

19. . . at . . . . . h.

The investigator will call upon you at . . . . .

. . . . .

Signed at . . . . . on . . . . . 19. . .

The professional inspection committee

per : . . . . .  
secretary of the committee

**SCHEDULE B**  
(s. 5.02)

**CORPORATION PROFESSIONNELLE DES  
HYGIÉNISTES DENTAIRES DU QUÉBEC**  
**PROFESSIONAL INSPECTION COMMITTEE**

**Notice of special inquiry**

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on . . . . .

19. . . at . . . . . h.

The investigator will call upon you at . . . . .

. . . . .

Signed at . . . . . on . . . . . 19. . .

The professional inspection committee

per : . . . . .  
secretary of the committee





c. C-26, r.107

## Regulation respecting advertising by dental hygienists

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Corporation” : the Corporation professionnelle des hygiénistes dentaires du Québec ;
- (b) “dental hygienist” : a person who is entered on the roll of the Corporation ;
- (c) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items that a dental hygienist may include in his public advertisements and the conditions under which he may advertise are those described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** A dental hygienist shall not enter on his professional card anything other than :

- (a) his name, those of his partners and of the other dental hygienists employed by him ;
- (b) his profession and, where applicable, his membership in another professional corporation ;
- (c) his specialty, if he has a specialist's certificate recognized by the Corporation ;
- (d) his academic titles ;
- (e) his business address, telephone number and business hours ;
- (f) the graphic sign of the Corporation ;
- (g) where applicable, the name and graphic sign of his employer and, if the latter is a partnership, the names of

the members thereof and of the other professionals employed by such partnership ; and

- (h) where applicable, the title of his function.

**2.02.** The professional card shall not measure more than 6 centimetres in width by 11 centimetres in length.

### DIVISION III INFORMATION MEDIA

**3.01.** A dental hygienist may publish or allow to be published in newspapers, magazines, periodicals, directories or in any other printed matter, and advertisement containing all or part of that which is indicated in section 2.01. The said advertisement shall not, however, exceed 1 square decimetre and may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter.

Such advertisement may, however, appear more than once in the same issue of a telephone directory.

**3.02.** Upon the opening of his business office, his taking up a position in an existing business office, his first entry on the roll of the Corporation, or upon appointment to a position connected with the practice of the profession, a dental hygienist may publish an advertisement containing a photograph of himself and certain biographical notes in newspapers, magazines, periodicals, directories or other printed matter.

This advertisement may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter, nor in more than 2 issues of the same newspaper, magazine, periodical, directory or other printed matter.

The photograph authorized in the first paragraph may not exceed 64 square centimetres.

### DIVISION IV STATIONERY

**4.01.** A dental hygienist may enter on his stationery all or part of that which is indicated in section 2.01.

### DIVISION V BUSINESS OFFICE

**5.01.** On one of the outer walls of the immovable in which his business office is located or on the land on which

such immovable is erected, the dental hygienist may post up a sign containing all or part of that which is indicated in section 2.01.

If the immovable in which his business office is located is at a crossroads, the dental hygienist may post up such sign on the outer wall or on the land facing each of the converging roads.

**5.02.** Inside his business office, the member may post up, in public view, a sign containing all or part of that which is indicated in section 2.01.

**5.03.** The signs authorized under this Division may not exceed 25 square decimetres.

#### **DIVISION VI** **GRAPHIC SIGN OF THE CORPORATION**

**6.01.** The Corporation is represented by a graphic sign in conformity with the original kept by the secretary of the Corporation and containing the following :

- (a) a black circle symbolizing the rotation of dental instruments ;
- (b) a white circle and a white line in centre representing a buccal mirror ;
- (c) upper and lower contours stylizing a periodontal probe ;
- (d) finally, the whole is entered inside a distorted H.

**6.02.** When a dental hygienist reproduces the graphic sign of the Corporation for advertising purposes, he must ensure that the sign is in conformity with the original kept by the secretary of the Corporation and that it does not exceed 25 square decimetres.



c. C-26, r.108

## Regulation respecting refresher training periods for dental hygienists

Professional Code  
(R.S.Q., c. C-26, s. 94, par. j)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des hygiénistes dentaires du Québec ;
- (b) “dental hygienist” : a person entered on the roll of the Corporation ;
- (c) “training period” : a period of refresher training contemplated by this Regulation ;
- (d) “trainee dental hygienist” : a dental hygienist who is required to serve a training period ;
- (e) “tutor” : a dental hygienist responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** If the Bureau considers that the level of competence of a dental hygienist does not meet the standards required for the protection of the public, it may oblige that dental hygienist to serve a training period where :

- (a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;
- (b) his name is re-entered on the roll after failing to be entered thereon for more than 5 years ;
- (c) his name is re-entered on the roll after being struck off for more than 5 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period not considered, in virtue of section 2.10, to be in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days after the time at which a dental hygienist is liable to have to serve such training period.

**2.03.** A training period may, in particular, consist of one or several of the following activities :

- (a) a period of practical training ;
- (b) studies ;
- (c) courses ;
- (d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau's decision to oblige a dental hygienist to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

**2.07.** A tutor must submit a report to the Bureau within 5 days after completion of his mandate, stating, with reasons in support thereof, whether the trainee dental hygienist acted, while under his supervision, in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee dental hygienist or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee dental hygienist a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required in virtue of sections 2.07 and 2.08, the Bureau shall decide, within 20 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it so deems necessary for the protection of the public, limit the trainee dental hygienist's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or is not authorized to practise ;

(b) by determining the professional acts which he is authorized or is not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or that certain of them, be performed under the supervision of another dental hygienist or group of dental hygienists.

**3.02.** The Bureau's decision to limit a trainee dental hygienist's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period or limiting a trainee dental hygienist's right to practise, the Bureau must give the dental hygienist concerned the opportunity to be heard. For such purpose, the Bureau must give the dental hygienist a written notice of at least 5 days of the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee dental hygienist's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the dental hygienist in question by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee dental hygienist's right to practise shall take effect 30 days after being sent to or served on the latter.

**4.04.** During the training period, the Bureau may, upon a duly reasoned request by the trainee dental hygienist and communicated to his tutor, reduce the duration and requirements of the training period and, where appli-

cable, reduce the conditions of limitation of the trainee dental hygienist's right to practise.

**4.05.** A dental hygienist must comply with every decision of the Bureau rendered in accordance with this Regulation.



c. C-26, r.109

**Regulation dividing Québec into regions  
for the purposes of elections to the  
Bureau of the Corporation  
professionnelle des hygiénistes dentaires  
du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des hygiénistes dentaires du Québec, the territory of Québec is divided into 2 regions :

- (a) the Western region ;
- (b) the Eastern region.

**2.** The territory of the Western region is that of regions 5, 6, 7 and 8 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The territory of the Eastern region is that of regions 1, 2, 3, 4, 9 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** Eight directors shall be elected to represent the Western region and 5 for the Eastern region.

**4.** The directors elected prior to 17 May 1978 shall remain in office to represent the region in which they practise their profession until the expiry of their term of office.

**5.** A dental hygienist shall vote in the region in which he principally practises his profession for the candidates of that region. He shall vote, in addition, for a candidate for the office of president where the president is elected by a general vote.

**6.** If the president is elected by a general vote, the Bureau shall consist of 17 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 16 persons including the president.



c. C-26, r.110

## **Regulation respecting the business of the Bureau of the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under paragraph *a* of section 94 of the Professional Code (R.S.Q., c. C-26).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) "Corporation" : the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec ;
- (b) "Bureau" : the Bureau of the Corporation ;
- (c) "secretary" : the secretary general of the Corporation.

*Amended in French D. 83-81, G.O. II, 1981, p. 563.*

### **DIVISION II BUREAU**

**2.01.** The Bureau shall elect the vice-president and treasurer from among the 3 elected directors of the Bureau who are members of the administrative committee.

The secretary and the assistant secretary shall be appointed by the directors of the Bureau.

*Amended in French D. 83-81, G.O. II, 1981, p. 563.*

**2.02.** The Bureau shall be convened at the president's request by the secretary by means of a written notice together with the agenda sent at least 10 days prior to the date of the meeting.

Special meetings of the Bureau shall be convened by the secretary at the request of the president or one-quarter of the members of the Bureau.

**2.03.** In case of emergency, the president of the Corporation may convene a special meeting of the Bureau by telegram, stating the agenda, sent at least 3 days before the meeting.

**2.04.** Notwithstanding sections 2.02 and 2.03, a meeting of the Bureau shall be considered to be regularly held if all the directors are present and waive the notice of convocation.

**2.05.** The president or the administrative committee shall determine the agenda for each meeting.

The agenda may not be modified without the consent of the majority of the members of the Bureau present.

At a special meeting, no other subjects than those on the agenda for that meeting may be discussed.

**2.06.** Each time the president adjourns the meeting for lack of a quorum, the time of adjournment and the names of the directors then present shall be recorded by the secretary.

**2.07.** The vote shall be taken by show of hands except when a director requests a secret ballot. In the latter case, the president shall determine the procedure to be followed.

The decisions of the Bureau are taken by the majority of the members present. In the case of a tie-vote, the president shall have a casting vote.

### **DIVISION III ADMINISTRATIVE COMMITTEE**

**3.01.** The secretary of the Corporation shall act as secretary of the administrative committee and of the Bureau and shall not have the right to vote.

If the secretary is absent or unable to act, the assistant secretary shall perform his duties.

**3.02.** The meetings of the administrative committee are convened by means of a written notice by the secretary sent at least 7 days prior to the date of the meeting together with the agenda prepared by the secretary under the direction of the president.

**3.03.** In case of emergency, the president may convene a meeting of the administrative committee by telegram sent at least 3 days before the meeting.

**3.04.** Notwithstanding sections 3.02 and 3.03, a meeting of the administrative committee shall be considered to be regularly held if all the members of the administrative committee are present and waive the notice of convocation.

**3.04.01.** In the absence of the president of the Corporation, the vice-president shall preside over the meetings of the administrative committee.

*Repealed in French D. 83-81, G.O. II, 1981, p. 563.*

**3.05.** Decisions shall be taken by majority vote of the members present ; in the case of a tie-vote, the president shall have a casting vote.

#### **DIVISION IV OFFICERS**

**4.01.** The president shall perform the duties devolving upon him under the Professional Code, the regulations and resolutions of the Corporation.

**4.02.** The vice-president shall perform the duties of the president where the latter is absent or unable to act. He may exercise all the other powers entrusted to him by the Bureau.

*Amended in French D. 83-81, G.O. II, 1981, p. 563.*

**4.03.** The treasurer is responsible for the accounting books of the Corporation and shall submit periodic financial reports to the Bureau. He shall supervise the financial operations of the Corporation and exercise all the other powers entrusted to him by the Bureau.

*Amended in French D. 83-81, G.O. II, 1981, p. 563.*

#### **DIVISION V DELEGATION**

**5.01.** The administrative committee shall exercise all the powers attributed to the Bureau under the Professional Code except the powers that the latter must exercise by regulation.

#### **DIVISION VI MISCELLANEOUS AND FINAL PROVISIONS**

**6.01.** With the exception of any provisions contrary to or inconsistent with the Professional Code and this Regulation, the rules set forth in *Procédure des assemblées délibérantes* by Victor Morin shall apply to the meetings provided for in this Regulation as well as to the annual general meeting of the members of the Corporation.

#### **6.02.**

*See French Text D. 971-80, G.O. II, 1980, p. 2055.*



c. C-26, r.111

## Code of ethics of nursing assistants

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I DEFINITIONS AND INTERPRETATION

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) “Corporation” : the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec ;

(b) “member” : every person who holds a permit issued by the Corporation and whose name is entered on the roll of the latter.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** Every member must, unless he has sound reasons to the contrary, support every measure aimed at improving the quality and availability of professional services in the field in which he practises.

**2.02.** In the practice of his profession, the member must bear in mind the general effect which his research and work may have on society.

**2.03.** The member must promote measures of education and information pertinent to the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS THE PATIENT

#### *§1. General provisions*

**3.01.01.** Before accepting a mandate, the member must bear in mind the extent of his proficiency, knowledge and the means at his disposal. He must not, in particular,

administer treatment for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.02.** The member must at all times acknowledge the patient's right to consult a colleague, a member of another professional corporation or another competent person.

**3.01.03.** The member must maintain the highest degree of quality in the treatment administered in the practice of his profession.

**3.01.04.** The member must at all times keep his theoretical and technical knowledge up to date.

**3.01.05.** The member must cooperate in every circumstance in the preservation of life, the alleviation of suffering, the treatment of disease and the promotion of health.

**3.01.06.** The member must, within the framework of his training, knowledge and experience, co-operate with the multidisciplinary medical team to ensure that patients receive the highest quality of service.

**3.01.07.** The member must not practise under conditions or in situations likely to impair the quality of his services.

**3.01.08.** The member must seek to establish a relationship of mutual trust between the patient and himself. For such purpose, the member must in particular :

(a) refrain from practising his profession in an impersonal manner ;

(b) practise his profession in a manner that respects the scale of values and the personal convictions of his patient when these are revealed to him by the latter.

**3.01.09.** The member must perform only the acts for which he is qualified ; in case of emergency, when the patient's life is in danger, he must refer that patient as quickly as possible to the persons qualified to handle such cases.

**3.01.10.** The member must not interfere in the personal affairs of his patient in matters that do not fall within



the generally recognized competence of the profession, so as not to unduly restrict his patient's autonomy.

## *§2. Integrity*

**3.02.01.** The member must carry out his professional duties with integrity.

**3.02.02.** The member must avoid any false representation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the patient so requires, he must consult a colleague, a member of another professional corporation or another competent person, or send his client to one of these persons.

**3.02.03.** The member must refrain from expressing his opinions or giving contradictory or incomplete advice. To this end he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

**3.02.04.** The member must take reasonable care of the property entrusted to him by a patient and may not lend or use it for purposes other than those for which it was entrusted to him.

## *§3. Availability and diligence*

**3.03.01.** In the practice of his profession, the member must display reasonable availability and diligence.

**3.03.02.** The member must, in the practice of his profession, fully commit his personal civil liability. He is thus prohibited from entering in a contract of professional services a clause directly or indirectly excluding, in whole or in part, the said liability.

**3.03.03.** In addition to opinion and advice, the member must, within the limits of his competence, provide his patient with any explanation necessary to the understanding and evaluation of the services rendered him.

**3.03.04.** The member must be objective and impartial when persons likely to become his patients ask him for information.

**3.03.05.** Unless he has sound and reasonable grounds to the contrary, a member may not cease to act for the account of a patient. The following shall, in particular, constitute sound and reasonable grounds :

- (a) loss of the patient's confidence ;

- (b) the fact that the member is in a situation of conflict of interest or in a situation such that his professional independence could be called in question ;

- (c) inducement by the patient to perform illegal, unfair or fraudulent acts.

**3.03.06.** Before terminating his care of a patient, the member must forward an advance notice of withdrawal within a reasonable time and ensure that such termination of service is not prejudicial to his patient.

## *§4. Independence and impartiality*

**3.04.01.** The member must subordinate his personal interest to that of his patient.

**3.04.02.** The member must ignore any intervention by a third party which could have an effect on the performance of his professional duties to the detriment of his patient.

**3.04.03.** The member must at all times safeguard his professional independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a member :

- (a) is in conflict of interest when the interests in question are such that he might tend to favour some of them over those of his patient or where his judgement and his loyalty towards the latter might be unfavourably affected ;

- (b) is not an objective adviser if he derives a direct or indirect, real or possible, benefit from any given act.

**3.04.04.** As soon as he ascertains that he is in a situation of conflict of interest, the member must notify his patient thereof and ask him for authorization to continue his mandate.

**3.04.05.** A member shall not pay or receive any commission relative to the exercise of his profession.

**3.04.06.** A member shall not share his fees with a person who is not a member of the Corporation or remit such fees to him.

**3.04.07.** A member may share his fees with a colleague only to the extent that such sharing corresponds to a distribution of services and responsibility.

**3.04.08.** For a given service, the member must only accept fees from a single source, unless explicitly agreed

upon otherwise among all the parties concerned. He must accept the payment of these fees only from his patient or the latter's representative.

*§5. Professional secrecy*

**3.05.01.** A member must respect the secrecy of all confidential information obtained in the practice of his profession.

**3.05.02.** The member may be released from professional secrecy only with the authorization of his patient or when so ordered by law.

**3.05.03.** When a member asks a patient to give him confidential information or when he allows such information to be given to him, he must ensure that the patient is fully aware of the object of the conversation and of the various uses which can be made of such information.

**3.05.04.** Unless the nature of the case so requires, the member must not disclose the fact that his services have been requested by a person.

**3.05.05.** The member must avoid indiscreet conversations concerning a patient and the services rendered him.

**3.05.06.** The member shall not make use confidential information to the prejudice of a patient or with a view to obtaining a direct or indirect benefit for himself or for another person.

*§6. Accessibility of records*

**3.06.01.** The member must respect the right of his patient to consult the documents which concern him in every record made in his regard by that member and to obtain a copy of such documents.

However, when his services are required upon prescription by a person who is a member of another professional corporation, the member shall allow the patient concerned to consult the documents in his record only with the authorization of the professional who has so requested his services.

*§7. Determination and payment of fees*

**3.07.01.** The member must charge and accept fair and reasonable fees.

**3.07.02.** Fees are fair and reasonable if they are warranted by the circumstances and proportionate to the ser-

vices rendered. In determining his fees, the member must in particular take the following factors into account :

- (a) the time given to the carrying out of the professional service ;
- (b) the complexity and importance of the service ;
- (c) the performance of unusual services or services requiring exceptional competence or celerity.

**3.07.03.** The member must provide his patient with all the explanations necessary to the understanding of his statement of fees and the terms and conditions of payment.

**3.07.04.** The member must refrain from demanding advance payment for his services ; he must, on the other hand, notify his client of the approximate cost of his services.

**3.07.05.** The member may collect interest on outstanding accounts only after having duly notified his patient. The interest thus demanded must be at a reasonable rate.

**3.07.06.** Before having recourse to legal proceedings, the member must have exhausted all the other means at his disposal to obtain payment of his fees.

**3.07.07.** The member must not sell his accounts, except to a colleague.

**3.07.08.** When a member appoints another person to collect his fees, he must ensure as much as possible that the latter will act with tact and moderation.

## DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

*§1. Derogatory acts*

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession :

- (a) undue solicitation of clientele, whether directly or indirectly ;
- (b) directly or indirectly allowing the title of nursing assistant to be used illegally ;
- (c) voluntary filing of a false, misleading or accommodating report ;

(d) personally making excessive use of narcotics, controlled drugs, psychotropic substances including alcohol or any other product which could affect his faculties during the performance of his duties ;

(e) the unwarranted dispensing to a patient of narcotics, controlled drugs, psychotropic substances including alcohol, or any product which could affect the patient's health ;

(f) favouring a patient to the detriment of other patients for his own personal gain ;

(g) refusing to give professional information to a member of the multidisciplinary team or, as the case may be, to any competent person who so requests in the performance of his duties and when the needs of his patient so require ;

(h) communicating with the plaintiff without the prior written permission of the syndic or his assistant where he is informed that an investigation into his professional conduct or competence will be held or where notice of a complaint has been served on him.

## *§2. Relations with the Corporation and colleagues*

**4.02.01.** A member whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee, is requested by the Corporation, must accept that duty unless he has exceptional reasons for refusing it.

**4.02.02.** A member must answer as promptly as possible all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.02.03.** A member shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him.

**4.02.04.** When a member is consulted by a colleague, he must give the latter his opinion and his recommendations as promptly as possible.

**4.02.05.** A member who is called upon to co-operate with a colleague must maintain his professional independence. He may ask to be excused from doing any task requested of him that is contrary to his conscience or his principles.

**4.02.06.** A member elected as president or as a member of the administrative committee of the Corporation must, upon election, resign any position held in a union, federation of unions, association or group that represents

the socio-economic interests of all or part of the members of the Corporation.

## *§3. Contribution to the advancement of the profession*

**4.03.01.** A member must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuing training periods.

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O.C. 2234-77, (1977) 109 O.G. II, 3667  
O.C. 3312-78, (1979) 111 G.O., 2349



c. C-26, r.112

**Règlement sur le comité de la formation  
concernant la profession d'infirmière et  
infirmier auxiliaire**

Professional Code  
(R.S.Q., c. C-26, s. 184)

See French Edition



c. C-26, r.113

## **Regulation respecting terms and conditions for permits to be issued by the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec**

Professional Code

(R.S.Q., c. C-26, s. 94, par. i)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec ;

(b) “administrative committee” : the administrative committee of the Corporation ;

(c) “secretary” : the secretary of the Corporation ;

(d) “member” : every person who holds a permit issued by the Corporation and who is entered on the roll of the latter.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II TERMS AND CONDITIONS FOR ISSUING PERMITS**

**2.01.** The administrative committee shall issue a permit to the person who applies therefor to the secretary and includes the following with his application :

(a) an attestation that he holds a diploma recognized by the Government pursuant to subparagraph *a* of the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) or recognized equivalent by the administrative committee pursuant to subparagraph *g* of the first paragraph of section 86 of the said Code, or who has had training recognized equivalent by the administrative committee pursuant to subparagraph *h* of the first paragraph of section 86 of the said Code ;

(b) a copy of his birth certificate or satisfactory proof of the date and place of his birth ;

(c) proof, where the law so requires, that he has a working knowledge of the French language determined in accordance with the standards established for such purpose by regulation of the Government ; and

(d) an amount of 15 \$ covering the expenses for the opening of the record.

**2.02.** The administrative committee shall issue a temporary permit contemplated in section 41 of the Professional Code to the person who applies therefor to the secretary and includes the following with his application :

(a) proof that he is legally authorized outside Québec to practise the same profession as the members of the Corporation ;

(b) a copy of his birth certificate or satisfactory proof of the date and place of his birth ; and

(c) an amount of 15 \$ covering the expenses for the opening of the record.

**2.03.** The administrative committee shall issue the restrictive permit contemplated in section 40 of the Charter of the French language (R.S.Q., c. C-11) to the person who makes application therefor to the secretary and includes the following with his application :

(a) proof that he is a member of a similar corporation in another province ;

(b) a copy of his birth certificate or satisfactory proof of the date and place of his birth ; and

(c) an amount of 15 \$ covering the expenses for the opening of the record.



c. C-26, r.114

## Regulation respecting the records of a nursing assistant who ceases to practise

Professional Code  
(R.S.Q., c. C-26, s. 91)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made under section 91 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec ;

(b) “secretary” : the secretary of the Corporation ;

(c) “member” : every person who holds a permit issued by the Corporation and who is entered on the roll of the latter ;

(d) “records” : the records, books and registers that a member must keep in the practice of his profession ;

(e) “transferee” : the member to whom are transferred the records of a member upon the latter’s permanent cessation of practice ;

(f) “provisional custodian” : the member to whom are entrusted the records of a member during the latter’s temporary cessation of practice.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.04.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technique for the preservation of records.

**1.05.** In the case of a member who is a partner or an employee of a partnership of professionals or an employee of a physical or moral person, this Regulation shall not apply to the records of such partnership or employer used by such member in the practice of his profession. This Regulation shall, however, apply when all the partners of a partnership of professionals cease to practise.

**1.06.** An agreement respecting the transfer or provisional custody of the records of a member who ceases to practise must be certified in writing and sent to the secretary.

### DIVISION II PERMANENT CESSATION OF PRACTICE

**2.01.** Subject to sections 2.02 and 2.03, where a member ceases permanently to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a transferee, notify the secretary, by registered or certified mail, that he will cease to practise his profession effective from such date, and give him the name, address and telephone number of the transferee ; or

(b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where a member ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the member who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the member who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of a member, the secretary must, as soon as he is notified thereof, ensure that the assigns of the deceased member find a transferee as quickly as possible.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a member who ceases permanently to practise :

- (a) notify, in writing, the patients of that member :
  - i. of the fact that he is in possession of the latter’s records ;
  - ii. of his address, telephone number and business hours ; and
  - iii. of their right to consult another member ;

(b) cause to be published twice, at an interval of 10 days, in at least one French language daily newspaper and, where applicable, in at least one English language daily newspaper circulated in the region in which that member practised his profession an advertisement indicating his address, telephone number and office hours and specifying that he is in possession of that member's records.

The transferee must send to the secretary a copy of the advertisement contemplated in subparagraph *b* of the first paragraph.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to take cognizance of the documents concerning him in any record made in his regard and to obtain copies of such documents. The fees for the obtainment of such copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of a member who has ceased permanently to practise his profession, he may at any time, after consulting that member, entrust the records to a transferee.

**2.07.** While he has custody of the records of a member who has ceased permanently to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that member's patients.

**2.08.** Subject to section 2.06, the secretary must retain for a minimum period of 5 years the records he receives pursuant to this Division.

**2.09.** The records, books and registers received by the secretary of the Corporation shall be microfilmed and kept in trust by the secretary for a minimum period of 5 years.

**2.10.** The secretary of the Corporation may destroy such records, books and registers only after the period specified in section 2.09.

### **DIVISION III TEMPORARY CESSATION OF PRACTICE**

**3.01.** Subject to section 3.02, where a member ceases temporarily to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail that he ceases temporarily to practise his profession effective from such date, and give him the date on which he intends to resume prac-

tising his profession together with the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** Where a member ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the member who is struck off find a provisional custodian within 15 days of the delay for appeal or final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the member who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must communicate to the patients of the member whose records he has custody of, the pertinent information respecting the progress of their record, keep such records up to date, and take the other necessary preservation measures in order to safeguard the interests of that member's patients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except in the case where a member ceases to practise as a result of a temporary striking off lasting under 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or provisional custodian, as the case may be, must return the records to the member immediately upon termination of the period of temporary cessation of practice.

**3.07.** A member who no longer wishes to resume practising his profession during or after the expiry of the period in which he has ceased temporarily to practise, must comply with Division II.



c. C-26, r.115

**Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec**

Professional Code

(R.S.Q., c. C-26, s. 94, par. b)

**DIVISION I**

**GENERAL PROVISIONS**

**1.01.** The definitions contained in the Professional Code (R.S.Q., c. C-26) shall, unless the context indicates otherwise, apply to this Regulation.

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) "Corporation" : the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec ;
- (b) "Bureau" : the Bureau of the Corporation ;
- (c) "member" : anyone who is entered on the roll ;
- (d) "region" : one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec (c. C-26, r.121).

**1.03.** The Interpretation Act (R.S.Q., c. I-16) shall, with present and future amendments, apply to this Regulation.

**DIVISION II**

**ELECTION PROCEDURE**

**2.01.** Before the elections, the secretary shall prepare the complete list of the members according to regions.

**2.02.** The time limit for the receipt of nomination papers on the last day on which they may be received by the secretary shall be fixed at 17 h.

**2.03.** The date and time for the closing of the poll is fixed at 1 May at 17 h.

**2.04.** The ballot-paper shall contain :

- (a) the name of the Corporation ;
- (b) the year of election ;
- (c) the identification of the region ;
- (d) the names in alphabetical order of the candidates for the office of director in the region where the member principally practises his profession and facing each name, a white square to cast the vote ;
- (e) the number of seats to be filled in the region ;
- (f) the date and time for the closing of the poll.

**2.05.** Every ballot-paper shall be void :

- (a) on which the voter cast his vote other than by a cross ;
- (b) which contains more crosses than the number of seats to be filled in the region ;
- (c) which is not returned in the envelope provided for such purpose ;
- (d) which is not received at the corporate seat of the Corporation at the address of the secretary before the date and time of the closing of the poll.

**2.06.** The decision of the secretary concerning the validity of a ballot-paper shall be final.

**2.07.** The secretary shall draw up a report on the counting of the votes which shall be countersigned by the scrutineers.

**2.08.** Where the secretary is sick, absent or unable to act for election purposes, he shall be replaced by a person designated by resolution of the administrative committee.

**2.09.** The secretary of the Corporation shall forward to the Bureau and to each candidate a general report of the elections within 10 days following the end of the counting of the votes.

**DIVISION III**

**TERMS OF OFFICE**

**3.01.** The term of office of the president shall be 4 years.

**3.02.** The directors are elected for a period of 4 years.



**3.03.** The directors shall be elected to the Bureau of the Corporation as follows :

(a) in the Lower St. Lawrence — Gaspé — North Shore, Saguenay — Lac-Saint-Jean, Québec, Bois-Franc — Mauricie, Eastern Townships and South Shore regions, the term of office of the 10 directors to be elected in 1982 and thereafter shall be 4 years ;

(b) in the Montréal, Laurentian, Outaouais and Northwestern — New Québec regions, the term of office of the 10 directors to be elected in 1981 and thereafter shall be 4 years.

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O.C. 3430-74, (1974) 106 O.G. II, 3805 and 4339

O.C. 827-77, (1977) 109 O.G. II, 1697

Decision of 15.09.81, (1981) 113 G.O. II, 3551



c. C-26, r.116

**Regulation respecting equivalence standards for a permit to be issued by the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. f and g)

**DIVISION I  
GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) “Corporation” : the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec ;

(b) “equivalence of diploma” : the recognition by the administrative committee that a diploma attests the attainment by a candidate of a level of knowledge equivalent to that attained by the holder of a diploma recognized as giving access to the permit ;

(c) “equivalence of training” : the recognition by the administrative committee that the training of a candidate indicates that he has attained a level of knowledge equivalent to that attained by the holder of a permit ;

(d) “training in puericulture” : the training that infant-care nurses and pediatric nurses undergo in order to be able to give the nursing care which is required for the treatment of sick children from 0 to 16 years of age ;

(e) “diploma in puericulture” : a diploma relating to the skills acquired by infant-care nurses and pediatric nurses in order to be able to give the nursing care which is required for the treatment of sick children from 0 to 16 years of age ;

(f) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16) applies to this Regulation.

**1.03.** The secretary shall forward a copy of this Regulation to the candidate who wishes to have an equivalence recognized.

**DIVISION II  
PROCEDURE FOR THE RECOGNITION OF AN EQUIVALENCE**

**2.01.** A candidate who wishes to have an equivalence recognized must furnish to the secretary those among the following documents which are necessary to support his application :

(a) his academic record, including the description of the courses taken ;

(b) proof that he has obtained his diploma ;

(c) an attestation that he participated in a training period ;

(d) an attestation of his pertinent work experience.

**2.02.** The secretary shall forward the documents prescribed in section 2.01 to a committee formed by the administrative committee in order to study applications for equivalence and make suitable recommendations. At the first meeting following receipt of the report of that committee, the administrative committee decides whether or not it recognizes the equivalence and informs each candidate of its decision in writing.

**2.03.** Within 15 days of its decision not to acknowledge the equivalence, the administrative committee must inform each candidate in writing of the curriculum, training periods or examinations whose satisfactory completion, account taken of his present level of knowledge, would allow him to be granted such equivalence.

**DIVISION III  
STANDARDS FOR EQUIVALENCE OF A DIPLOMA**

**3.01.** A candidate who holds a diploma issued by an educational establishment situated outside Québec shall be granted an equivalence if such diploma was obtained upon completion of secondary studies comprising the equivalent of at least 1 100 hours distributed as follows :

(a) **Theoretical courses :**

|                      |          |
|----------------------|----------|
| Psychology           | 15 hours |
| Mental hygiene       | 10 hours |
| Anatomy/Physiology   | 60 hours |
| General hygiene      | 10 hours |
| Microbiology/Asepsis | 20 hours |

|                   |           |
|-------------------|-----------|
| Nursing technique | 100 hours |
| Pharmacology      | 15 hours  |
| Dietotherapy      | 20 hours  |
| Nutrition         | 10 hours  |

Nursing care in :

|                                 |          |
|---------------------------------|----------|
| Medicine/Gerontology/Geriatrics | 60 hours |
| Surgery                         | 50 hours |
| Gynecology                      | 25 hours |
| Obstetrics                      | 20 hours |
| Puericulture                    | 10 hours |
| Pediatrics                      | 25 hours |
| Psychiatry                      | 20 hours |

(b) **Clinical training periods :**

|                        |           |
|------------------------|-----------|
| Medicine/Geriatrics    | 170 hours |
| Surgery                | 120 hours |
| Gynecology             | 35 hours  |
| Obstetrics/post-partum | 90 hours  |
| Nursery                | 20 hours  |
| Pediatrics             | 120 hours |
| Psychiatry             | 75 hours. |

**3.02.** A candidate who holds more than one diploma as a nursing assistant or in a related field shall be granted an equivalence if :

(a) each of the diplomas was obtained upon completion of secondary studies ; and

(b) his overall curriculum at the secondary level comprises the equivalent of the number of hours given in paragraph *a* of section 3.01.

**3.03.** Notwithstanding paragraph *a* of section 3.01, where the diploma being considered for an equivalence was obtained 5 years or more before the application, the equivalence may be refused if the knowledge acquired by the candidate no longer corresponds, due to subsequent advances in the profession, to current teaching.

However, the equivalence must be recognized if the pertinent work experience of the candidate and the training which he was able to acquire since that time enabled him to attain the required level of knowledge.

#### **DIVISION IV** **STANDARDS FOR EQUIVALENCE OF** **TRAINING**

**4.01.** A candidate shall be granted an equivalence of training if he shows that he has :

(a) a level of knowledge equivalent to that attained by nursing assistants upon completion of secondary studies

that included the hours given in paragraph *a* of section 3.01 ; and

(b) at least 3 years' pertinent work experience.

**4.02.** In order to determine if a candidate has shown that he has the level of knowledge required under paragraph *a* of section 4.01, the administrative committee shall take into account all of the following factors :

(a) the nature and duration of his experience ;

(b) the fact that the candidate holds one or more diploma obtained in Québec or elsewhere ;

(c) the courses taken ;

(d) the training periods completed ; and

(e) the total number of years of schooling.

Where the evaluation made by virtue of the first paragraph does not enable the administrative committee to take a decision, the latter may prescribe an examination or a training period in order to complete the evaluation.

**4.03.** Notwithstanding any provision to the contrary, a candidate with training in puericulture shall be granted an equivalence as prescribed in section 4.01 if he shows that he has :

(a) one or more diplomas in puericulture obtained in Québec ; and

(b) at least 3 years' pertinent work experience.



c. C-26, r.117

## Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I DEFINITIONS AND INTERPRETATION

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “member” : every person holding a permit issued by the Corporation, whose name is entered on the roll of the latter and whose account is the object of a dispute with a patient ;
- (d) “council” : the council for the arbitration of accounts set up under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation ;
- (f) “administrative committee” : the administrative committee of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II CONCILIATION

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A patient who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic in forwarding him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which the action for a claim concerning

the account contested is served by the member upon the patient.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall forward to the member a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the patient may, within 15 days from the date of receipt of the syndic's report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### DIVISION III ARBITRATION

#### §1. Submission to arbitration

**3.01.01.** A patient applies for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall forward to the member, by registered or certified mail, a copy of the submission to arbitration signed by the patient.

**3.01.03.** Within 10 days from the receipt of such copy, the member shall sign it and return it to the secretary.

#### §2. Formation of council

**3.02.01.** In order to settle the dispute between the patient and the member, the administrative committee shall set up an arbitration council composed of 3 members of the Corporation and designate a chairman from among them. The administrative committee shall also appoint a clerk to assist the council in the performance of its duties.

**3.02.02.** The clerk shall notify the arbitrators and the parties of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be forwarded in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The administrative committee shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or make the affirmation of discretion provided in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of death or inability to act of one of the arbitrators, the others shall settle the matter and their decision shall be valid. If the chairman dies or is unable to act, the administrative committee shall appoint a chairman from among the other 2 arbitrators of the council.

### *§3. Hearing*

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and the parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall proceed with dispatch to the hearing of the dispute according to the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, that party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrators.

The minutes constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### *§4. Arbitration award*

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that period.

**3.04.02.** The council decides as mediator and renders the decision it considers most appropriate.

**3.04.03.** The decision is rendered by the majority of the members of the council ; in default of a majority, the decision is rendered by the chairman.

The reasons for the decision must be given and it must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign, the others must indicate such refusal and the decision shall be as valid as if it had been signed by all of them.

The clerk shall forward the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees, that is, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount which is the object of the arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitrations is filed with the secretary who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and the members of the administrative committee.

(s. 2.02)

I, the undersigned . . . . .  
(name and address)

(1) ..... claims  
(name of professional)

.....

.....

.....

.....

.....  
(signature of patient or his duly authorized representative)

Sworn to or solemnly declared before me  
at .....  
this ..... 19...  
.....  
commissioner for oaths

(s. 3.01.01)

Entered into by :

.....  
(name and address)

.....

.....

(7) This submission may be annulled only with the written consent of the parties.

.....  
(signature of patient or his duly authorized representative)

Signed at .....

this ..... 19...

.....  
(signature of professional)

Signed at .....

this ..... 19...



c. C-26, r.118

## **Regulation respecting the procedure of the professional inspection committee of nursing assistants**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under section 90 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “committee” : the professional inspection committee ;

(b) “Corporation” : the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec ;

(c) “member” : any person who holds a permit issued by the Corporation and is entered on the roll of the latter ;

(d) “records” : the records, books and registers which a member keeps in the practice of his profession, and the documents or reports in which he has in fact collaborated in the records, books and registers of his colleagues or his employer, including an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) ;

(e) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 3 persons. They are appointed from among the members who have been practising for at least 6 years. They shall remain in office until they are replaced.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or its chairman.

**2.03.** The administrative committee of the Corporation shall designate the secretary of the committee who is not a member of the committee.

**2.04.** The quorum of the committee when it sits shall be 3 members.

**2.05.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each member of the Corporation who is the object of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the member's academic qualifications and experience as well as all the records pertaining to the inspection of which he is the object under this Regulation.

**3.03.** A member is entitled to consult his record and to obtain a copy thereof.

**3.04.** The committee shall keep a register in which shall be entered, in chronological order, the date of each verification or inquiry, the address where it was made, the name of the member concerned, the name of the member's employer, where applicable, and the name of the investigator who made the verification or inquiry.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the members according to the programme established by the administrative committee after consulting the professional inspection committee.

**4.02.** Each year, the administrative committee shall publish the general supervision programme in the review of the Corporation.



**4.03.** At least 15 days before the date fixed for the verification of a member's records by an investigator, the committee shall, through its secretary, send the member contemplated, by registered or certified mail, a notice in accordance with the form in Schedule A.

When that member practises in an establishment within the meaning of the Act respecting health services and social services, a copy of that notice shall be forwarded to the general manager of that establishment.

**4.04.** If a member cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the member was unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the verification and notify the member thereof.

**4.06.** A certificate bearing the signature of the secretary of the committee to the effect that such person is authorized to make verifications shall constitute sufficient identification. An investigator must, if so required to do, produce such certificate.

**4.07.** The member whose records are the object of verification may be present or be represented by a mandatory.

**4.08.** If he has reason to believe that the committee should subject a member to a special inquiry, the investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A MEMBER**

**5.01.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the member in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

When that member practises in an establishment within the meaning of the Act respecting health services and social services, a copy of that notice shall be forwarded to the general manager of that establishment.

**5.02.** Notwithstanding section 5.01, where the sending of a notice to the member could jeopardize the objects for which a special inquiry is to be held, the committee may

authorize an investigator to make the inquiry without such notice.

**5.03.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.04.** If the member refuses to see an investigator, to comply with section 5.03 or transgresses section 114 of the Professional Code, the investigator shall immediately notify the syndic of the Corporation.

**5.05.** When an inquiry has been made within the scope of this Division, the investigator must forward his report to the secretary of the committee not later than 30 days after termination of his inquiry.

**5.06.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to this Division.

**5.07.** With the authorization of the committee, an investigator may, for the purposes of the inquiry, call at all times except Saturdays and non-judicial days upon a member, an establishment or the management of an establishment.

**5.08.** An investigator may give a member and the employer, employee or representative of that member the order to allow him access to the records of that member.

**5.09.** Where records are held by a third party, the member must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee has reason to believe that it is not expedient to recommend to the administrative committee that a member be required to serve a period of refresher training and that the right of such member to engage in professional activities during such period be limited, it shall notify the administrative committee and the member in question within a period of 15 days following its decision.

**6.02.** Where the committee has reason to believe that it is expedient to recommend to the administrative committee that a member be required to serve a period of refresher training and that the right of such member to engage in professional activities during such period be limited, it must permit the member in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the member and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** A member or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall administer the oath or receive the solemn affirmation of the member and the witnesses through the intermediary of a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the member, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the member does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the member or of the committee.

**6.09.** The committee and the member shall pay their own costs, with the exception of recording expenses which shall be shared equally between them.

Notwithstanding the first paragraph, where the recording of depositions is made at the request of the committee, the latter shall assume the expenses thereof.

**6.10.** In its recommendations concerning a member, the committee shall take into account the type of professional activities in which the member is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons on which they are based shall be given, signed by the members of the committee who concurred in them, and forwarded to the administrative committee and the member in question without delay.

**6.12.** The committee may also make recommendations to the administrative committee on the continuing refresher training periods organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code might be laid against a member, it shall notify the syndic of the Corporation.

## SCHEDULE A

(s. 4.03)

### CORPORATION PROFESSIONNELLE DES INFIRMIÈRES ET INFIRMIERS AUXILIAIRES DU QUÉBEC

#### PROFESSIONAL INSPECTION COMMITTEE

##### Notice of verification

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers, on . . . . .  
19. . . at . . . . . h, at . . . . .  
city of . . . . .

Signed at . . . . .  
on . . . . . 19. . .

*The professional inspection committee*

Per : . . . . .  
secretary of the Committee

## SCHEDULE B

(s. 5.02)

### CORPORATION PROFESSIONNELLE DES INFIRMIÈRES ET INFIRMIERS AUXILIAIRES DU QUÉBEC

#### PROFESSIONAL INSPECTION COMMITTEE

##### Notice of special inquiry

Notice is given that the committee has designated an investigator to make a special inquiry into your professional competence on . . . . . 19. . . at  
. . . . . h, at . . . . . city of . . . . .

Signed at . . . . .  
on . . . . . 19. . .

*The professional inspection committee*

Per : . . . . .  
secretary of the committee

O.C. 4002-76, (1976) 108 O.G. II, 7171

Decision of 15.09.81, (1981) 113 G.O. II, 3547



c. C-26, r.119

## Regulation respecting advertising by nursing assistants

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made under section 92 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec ;

(b) “member” : every person who holds a permit issued by the Corporation and who is entered on the roll of the latter.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.04.** The items that a member may include in his public advertisements and the conditions under which he may advertise are those described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** A member shall not enter on his professional card anything other than :

- (a) his name ;
- (b) his profession and, where applicable, his membership in another professional corporation ;
- (c) his specialty, if he has a specialist’s certificate recognized by the Corporation ;
- (d) his academic titles ;
- (e) his business office address, telephone number and business hours ;
- (f) the graphic sign of the Corporation ; and

(g) where applicable, the name of his employer.

**2.02.** The professional card shall not measure more than 6 centimetres in width by 11 centimetres in length.

### DIVISION III INFORMATION MEDIA

**3.01.** A member may publish or allow to be published in newspapers, magazines, periodicals, directories or in any other printed matter, an advertisement containing all or part of that which is indicated in section 2.01. The said advertisement shall not, however, exceed 1 square decimetre and may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter.

**3.02.** Upon the opening of his business office, his taking up a position in an existing business office, his first entry on the roll of the Corporation, or upon appointment to a position connected with the practice of the profession, a member may publish a photograph of himself and certain biographical notes in newspapers, magazines, periodicals, directories or other printed matter.

This advertisement may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter, nor in more than 2 issues of the same newspaper, magazine, periodical, directory or other printed matter.

**3.03.** The photograph authorized under section 3.02 may not exceed 64 square centimetres.

### DIVISION IV STATIONERY

**4.01.** A member may enter on his stationery all or part of that which is indicated in section 2.01.

### DIVISION V BUSINESS OFFICE

**5.01.** On one of the outer walls of the immovable in which his business office is located or on the land on which such immovable is erected, the member may post up a sign containing all or part of that which is indicated in section 2.01.

**5.02.** If the immovable in which his business office is located is at a crossroads, the member may post up such

sign on the outer wall or on the land facing each of the converging roads.

**5.03.** Inside his business office, the member may post up, in public view, a sign mentioning all or part of that which is indicated in section 2.01.

**5.04.** The signs authorized under this Division may not exceed 25 square decimetres.

#### **DIVISION VI**

##### **GRAPHIC SIGN OF THE CORPORATION**

**6.01.** The Corporation is represented by a graphic sign in conformity with the original kept by the secretary of the Corporation and containing the following items : an out-stretched hand with a cross in the centre.

**6.02.** When a member reproduces the graphic sign of the Corporation for advertising purposes, he must ensure that the sign conforms to the original kept by the secretary of the Corporation, in particular with respect to its position and typography, and that it does not exceed 25 square decimetres.



c. C-26, r.120

## Regulation respecting refresher training periods for nursing assistants

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec ;

(b) “administrative committee” : the administrative committee of the Corporation ;

(c) “member” : every person who holds a permit issued by the Corporation and who is entered on the roll of the said Corporation ;

(d) “training period” : period of refresher training contemplated by this Regulation ;

(e) “trainee” : a person who is required to serve a training period ;

(f) “tutor” : a member responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the administrative committee.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** If the administrative committee considers that the level of competence of a member does not meet the standards required for the protection of the public, it may oblige a member to serve a training period where :

(a) his name is entered on the roll more than 5 years after he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;

(b) his name is re-entered on the roll after failing to be entered thereon for more than 5 years ;

(c) his name is re-entered on the roll after being struck off for more than 5 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period not considered, in virtue of section 2.10, to be in conformity with the objectives and the terms and conditions determined by the administrative committee.

**2.02.** A training period may not be prescribed more than 90 days after the time when a member is liable to have to serve such training period.

**2.03.** A training period may include one or more of the following activities :

(a) a period of practical training ;

(b) studies ;

(c) courses ;

(d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The administrative committee's decision to oblige a member to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The administrative committee shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

**2.07.** A tutor must submit a report to the administrative committee within 5 days after completion of his mandate, stating, with reasons in support thereof, whether the trainee acted while under his supervision in conformity with the objectives and the terms and conditions determined by the administrative committee.

**2.08.** The trainee or his tutor may be required to submit additional reports to the administrative committee on the dates determined by the latter.

**2.09.** The tutor must also send the trainee a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the administrative committee.

**2.10.** After study of each of the reports required in virtue of sections 2.07 and 2.08, the administrative committee shall decide, within 20 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The administrative committee may, if it so deems necessary for the protection of the public, limit the trainee's right to practise during all or part of the training period, in particular in one or more of the following ways :

(a) by determining when and where he is authorized or not authorized to practise ;

(b) by determining the professional acts which he is authorized or not authorized to perform ;

(c) by requiring that the professional acts he is authorized to perform, or some of them, be performed under the supervision of another member or group of members.

**3.02.** The administrative committee's decision to limit a trainee's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE ADMINISTRATIVE COMMITTEE**

**4.01.** Before prescribing a training period or limiting a trainee's right to practise, the administrative committee must give the member concerned the opportunity to be heard. For such purpose, the administrative committee must give the member a written notice of at least 5 days prior to the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the member in question by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

**4.03.** The administrative committee's decision prescribing a training period or limiting a trainee's right to practise shall take effect 30 days after being sent to or served on the latter.

**4.04.** During the training period, the administrative committee may, upon a duly reasoned request by the trainee and communicated to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the trainee's right to practise.

**4.05.** A member must comply with every decision of the administrative committee rendered in accordance with this Regulation.



c. C-26, r.121

**Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des infirmières et infirmiers auxiliaires du Québec, the territory of Québec is divided into 10 regions :

- (a) the Lower St. Lawrence — Gaspé — North Shore region ;
- (b) the Saguenay — Lac-Saint-Jean region ;
- (c) the Québec region ;
- (d) the Bois-Franc — Mauricie region ;
- (e) the Eastern Townships region ;
- (f) the South Shore region ;
- (g) the Montréal region ;
- (h) the Laurentian region ;
- (i) the Outaouais region ;
- (j) the Northwestern — New Québec region.

**2.** The Lower St. Lawrence — Gaspé — North Shore region comprises regions 1 and 9 whose territory is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r. 8).

The Saguenay — Lac-Saint-Jean region comprises region 2 whose territory is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Québec region comprises region 3 whose territory is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Bois-Franc — Mauricie region comprises region 4 whose territory is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Eastern Townships region comprises region 5 whose territory is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The South Shore region comprises subregions 01, 02 and 03 of region 6 whose territory is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Montréal region comprises subregions 04, 06 and 07 of region 6 whose territory is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Laurentian region comprises subregions 08 and 09 of region 6 whose territory is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Outaouais region comprises region 7 whose territory is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Northwestern — New Québec region comprises regions 8 and 10 whose territory is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the Lower St. Lawrence — Gaspé — North Shore region, 1 for the Saguenay — Lac-Saint-Jean region, 4 for the Québec region, 2 for the Bois-Franc — Mauricie region, 1 for the Eastern Townships region, 1 for the South Shore region, 7 for the Montréal region, 1 for the Laurentian region, 1 for the Outaouais region and 1 for the Northwestern — New Québec region.

**4.** A nursing assistant shall vote for the candidates nominated in the region in which he principally practises his profession. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 25 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 24 persons including the president.



c. C-26, r.122

**Regulation respecting the business of the Bureau, the oath of discretion and general meetings of the Corporation professionnelle des orthophonistes et audiologistes du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

**DIVISION I  
GENERAL PROVISION**

**1.01.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, shall apply to this Regulation.

**DIVISION II  
GENERAL MEETINGS AND QUORUM**

**2.01.** The Bureau shall fix the date, place and agenda of the general meetings.

**2.02.** The quorum for the general meetings is fixed at 25 members.

**2.03.** The decisions shall be taken by majority vote of the members present. In the case of a tie-vote, the chairman shall have a casting-vote.

**2.04.** To be received at a general meeting, a motion must be sent, in writing, to the corporate seat of the Corporation for the attention of the secretary at least 10 days prior to the holding of a meeting.

**2.05.** Unless it meets the requirements of section 2.04, no motion shall be accepted during the holding of a general meeting unless it is unanimously agreed to by the members present.

**2.06.** Notwithstanding sections 2.04 and 2.05, a motion to determine the method of election of the president must appear on the agenda together with the notice of convocation of a general meeting.

**2.07.** If there is no quorum at the hour at which the general meeting has been called, the said meeting may, after the lapse of one half-hour, be adjourned by the meet-

ing chairman for a period not exceeding 1 month and the secretary shall then give a new notice to all members.

**DIVISION III  
OATH OF DISCRETION**

**3.01.** At the first meeting of the Bureau immediately following the taking of office of a director, the latter must take the oath or affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

**DIVISION IV  
BUREAU**

**4.01.** Subject to section 82 of the Professional Code, the Bureau shall fix the date and place of its meetings.

**4.02.** The secretary of the Corporation must forward to all the directors, at least 7 days prior to the date of the meeting, a notice of convocation indicating the place, date and hour of the latter as well as the agenda ; such delay may be at least 2 days in the case of a special meeting.

**4.03.** Notwithstanding section 4.02, a meeting of the Bureau is considered to be regularly held when all directors are present and waive the notice of convocation.

**4.04.** The vote shall be taken by secret ballot each time 2 members of the Bureau so request.

**4.05.** The Bureau may authorize any person other than the directors to attend its meetings.

**4.06.** The president may participate in the work of the committees formed by the Corporation, except in that of the committee on discipline and the professional inspection committee.

**DIVISION V  
MEMBERS' FEES AND ALLOWANCES**

**5.01.** The directors elected or appointed who attend a meeting of the Bureau are entitled to the following allowances :

(a) a lump sum for their attendance at a meeting ;



(b) a lump sum for their travel expenses if they must travel more than 32 kilometres (about 20 miles) return trip to attend the meeting.

**5.02.** Similar allowances, but whose amounts may differ, shall be paid to expert consultants whose services are retained by the Corporation from time to time.

**5.03.** The remuneration of the president and the amounts mentioned in sections 5.01 and 5.02 shall be determined by resolution of the Bureau.

#### **DIVISION VI MEMBERS' ASSESSMENTS**

**6.01.** The treasurer shall send to all the members of the Corporation, at least 30 days prior to the date on which the annual assessment is due, a notice indicating the amount of the said assessment as well as the date on which it is due.

**6.02.** A member who does not pay his assessment within the periods prescribed must pay in addition to the assessment due, the administration expenses caused by the delay, but not exceeding 10% of the annual assessment.

**6.03.** A remittance of 50% of the annual assessment may be granted to a member :

(a) who practises his profession in Québec and who is absent for the entire duration of the fiscal year for which the assessment is due ;

(b) who is registered as a full time student in a teaching institution recognized by the Ministère de l'Éducation.

**6.04.** A member who wishes to avail himself of section 6.03 must so advise the treasurer within 30 days of his registration as a student or within 30 days of the beginning of his absence and furnish him the appropriate documentary proof.

**6.05.** A member who returns to Québec during the fiscal year for which he has availed himself of section 6.03 must advise the treasurer thereof and pay the difference between the amount he has already paid and the entire assessment for the current year.

**6.06.** The amount of the annual assessment shall be reduced by 50% when one-half or more of the fiscal year has expired at the time of the entry of the member on the roll of the Corporation.

#### **DIVISION VII MISCELLANEOUS**

**7.01.** The corporate seat of the Corporation is situated in the territory of the Communauté urbaine de Montréal.

**7.02.** The seal of the Corporation is that whose imprint appears in the copy of this Regulation retained by the secretary of the Corporation.

**7.03.** Subject to the Professional Code and in particular section 84, the questions of procedure which are prescribed in this Regulation are governed *mutatis mutandis* by the rules contained in *Procédure des assemblées délibérantes*, Victor Morin, latest edition.



c. C-26, r.123

## Code of ethics of speech therapists and audiologists

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) "Corporation" : the Corporation professionnelle des orthophonistes et audiologistes du Québec ;

(b) "member" : every person whose name is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** Every member must, unless he has sound reasons to the contrary, support every measure aimed at improving the quality and availability of professional services in his field of practice.

**2.02.** In the practice of his profession, the member must bear in mind the general effect which his research and work may have on society.

**2.03.** The member must promote measures of education and information pertinent to the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS THE CLIENT

#### §1. General provisions

**3.01.01.** Before accepting a mandate, the member must bear in mind the extent of his proficiency, knowledge and the means at his disposal. He must not, in particular,

undertake any work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.02.** The member must at all times acknowledge the client's right to consult a colleague, a member of another professional corporation or another competent person.

**3.01.03.** The member must not practise under conditions or in situations likely to impair the quality of his services.

**3.01.04.** The member must seek to establish a relationship of mutual trust between himself and his client. For such purpose, the member must, in particular :

(a) refrain from practising his profession in an impersonal manner ;

(b) conduct his interviews so as to respect the scale of values and the personal convictions of his client when these are revealed to him by the latter.

**3.01.05.** The member must not interfere in the personal affairs of his client in matters that do not fall within the generally recognized competence of the profession, so as not to unduly restrict his client's autonomy.

#### §2. Integrity

**3.02.01.** The member must carry out his professional duties with integrity.

**3.02.02.** The member must avoid any false representation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires he must, with the latter's authorization, consult a colleague, a member of another professional corporation or another competent person, or send his client to one of these persons.

**3.02.03.** The member must inform his client as soon as possible of the extent and terms and conditions of the mandate entrusted to him by the latter and obtain his consent to this effect.

**3.02.04.** The member must set out in a complete and objective manner to his client the nature and implications

of the problem as he sees it on the basis of the facts brought to his attention.

**3.02.05.** The member must refrain from expressing his opinions or giving contradictory or incomplete advice. To this end he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

**3.02.06.** The member must notify his client as early as possible of any error he has made while rendering him a professional service which could be prejudicial to the latter and which cannot be easily rectified.

**3.02.07.** The member must take reasonable care of the property entrusted to him by a client and may not lend or use it for purposes other than those for which it was entrusted to him.

**3.02.08.** The member must notify his client of any illegal act likely to benefit that client and of which he became aware in carrying out his mandate.

### *§3. Availability and diligence*

**3.03.01.** In the practice of his profession, the member must display reasonable availability and diligence.

**3.03.02.** In addition to opinions and advice, the member must provide his client with any explanations necessary for the understanding and evaluation of the services rendered to him.

**3.03.03.** The member must give an accounting to his client when the latter so requests.

**3.03.04.** The member must be objective and impartial whenever persons other than his clients ask him for information.

**3.03.05.** Unless he has sound and reasonable grounds to the contrary, a member may not cease to act for the account of a client. The following shall, in particular, constitute sound and reasonable grounds :

- (a) loss of the client's confidence ;
- (b) the fact that the member is in a situation of conflict of interest or in a situation such that his professional independence could be called in question ;
- (c) the fact of being incited by the client to perform illegal, unfair or fraudulent acts.

**3.03.06.** Before he ceases to exercise his functions for the account of a client, the member must forward an advance notice of withdrawal within a reasonable time and

ensure that such termination of services is not prejudicial to his client.

### *§4. Liability*

**3.04.01.** The member must, in the practice of his profession, completely bind his personal civil liability. He is thus prohibited from entering in a contract of professional services a clause directly or indirectly excluding, in whole or in part, the said liability.

### *§5. Independence and impartiality*

**3.05.01.** The member must subordinate his personal interest to that of his client.

**3.05.02.** The member must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** The member must at all times safeguard his professional independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a member :

(a) is in conflict of interest when the interests in question are such that he might tend to favour certain of them over those of his client or his judgment and his loyalty towards the latter might be unfavourably affected ;

(b) is not an objective adviser if he derives a direct or indirect, real or possible, benefit from any given act.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interest, the member must notify his client thereof and ask him for authorization to continue his mandate.

**3.05.05.** A member may share his fees with another person only to the extent that such sharing corresponds to a distribution of services and responsibility.

**3.05.06.** A member shall not receive, other than the remuneration to which he is entitled, pay, or undertake to pay any benefit, discount or commission relative to the practice of his profession.

**3.05.07.** For a given service, the member must only accept fees from a single source, unless explicitly agreed upon otherwise among all the parties concerned. He must accept the payment of these fees only from his client or the latter's representative.

### *§6. Professional secrecy*

**3.06.01.** A member must respect the secrecy of confidential information obtained in the practice of his profession.

**3.06.02.** The member may be released from professional secrecy only with the authorization of his client or when so ordered by law.

**3.06.03.** When a member asks a client to give him confidential information or when he allows such information to be given to him, he must ensure that the client is fully aware of the purpose of the interview and of the various uses which might be made of such information.

**3.06.04.** Unless the nature of the case so requires, the member must not disclose the fact his services have been requested by a person.

**3.06.05.** The member must avoid indiscreet conversations concerning a client and the services rendered to him.

**3.06.06.** The member shall not make use of confidential information which may be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another person.

### *§7. Accessibility of records*

**3.07.01.** The member must respect the right of his client to consult the documents which concern him in every record made in his respect and to obtain a copy of such documents, unless he is of the opinion that taking cognizance of his record would be prejudicial to such client's health.

### *§8. Determination and payment of fees*

**3.08.01.** The member must charge and accept fair and reasonable fees.

**3.08.02.** The fees are fair and reasonable if they are warranted by the circumstances and correspond to the services rendered. In determining his fees, the member must in particular take the following factors into account :

- (a) the time given to the carrying out of the professional service ;
- (b) the complexity and importance of the service ;

(c) the performance of unusual services or services requiring exceptional competence or celerity.

**3.08.03.** The member must provide his client with all the explanations necessary to the understanding of his statement of fees and the terms and conditions of payment.

**3.08.04.** The member must refrain from demanding advance payment for his services ; he must, on the other hand notify his client of the approximate cost of his services.

**3.08.05.** The member may collect interest on outstanding accounts only after having duly notified his client. The interest thus demanded must be at a reasonable rate.

**3.08.06.** Before having recourse to legal proceedings, the member must have exhausted all the other means at his disposal for obtaining payment of his fees.

**3.08.07.** The member shall not sell his accounts, except to a colleague.

**3.08.08.** When a member entrusts the collection of his fees to another person, he must, as far as possible, make sure that the latter will act with tact and moderation.

## **DIVISION IV**

### **DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

#### *§1. Incompatible duties and responsibilities*

**4.01.01.** The member shall not hold any direct or indirect financial interest in the sale of hearing aids or other therapeutic devices used by speech therapy and audiology clients.

#### *§2. Derogatory acts*

**4.02.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession :

- (a) pressing or repeated incitement to have recourse to his professional services ;
- (b) communicating with the plaintiff without the prior written permission of the syndic or his assistant when he is informed that an investigation into his professional con-

duct or competence will be held or when he has received the service of a complaint against him ;

(c) failure to notify the Corporation that he has reason to believe that a member is incompetent or does not act in compliance with the professional code of ethics.

*§3. Relations with the Corporation and colleagues*

**4.03.01.** A member whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Corporation, must accept that duty unless he has exceptional reasons for refusing it.

**4.03.02.** A member must answer as quickly as possible all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.03.03.** A member shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him. He shall not, in particular, take credit for work done by a colleague.

**4.03.04.** When a member is consulted by a colleague, he must give the latter his opinion and his recommendations as quickly as possible.

**4.03.05.** A member who is called upon to cooperate with a colleague must retain his professional independence. He may ask to be excused from doing any task asked of him that is contrary to his conscience or his principles.

*§4. Contribution to the advancement of the profession*

**4.04.01.** A member must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuing training periods recommended by the Corporation.



c. C-26, r.124

## Regulation respecting the committee on training in speech therapy and audiology

Professional Code  
(R.S.Q., c. C-26, s. 184)

### DIVISION I GENERAL PROVISION

**1.01.** In this Regulation, the expression “institution representative” means the person appointed by a university to co-ordinate on behalf of such university the setting up and working of the committees established by the Government under subparagraph *b* of the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26).

### DIVISION II SETTING UP OF COMMITTEE

**2.01.** The committee shall be set up composed as follows :

(a) 2 representatives of the Corporation professionnelle des orthophonistes et audiologistes du Québec, one representing the speech therapy sector and the other the audiology sector ;

(b) one representative of the speech therapy and audiology department of the Université de Montréal, designated by the latter's institution representative ;

(c) one representative of the School of Human Communication Disorders of McGill University, designated by the latter's institution representative ;

(d) one representative of the students in speech therapy and audiology of the speech therapy and audiology department of the Université de Montréal ;

(e) one representative of the students in speech therapy and audiology of the School of Human Communication Disorders of McGill University.

### DIVISION III MANDATE OF COMMITTEE

**3.01.** The mandate of the committee is to submit to the bodies or groups represented on the committee as well as to the Office des professions du Québec, the Conference of Rectors and Principals of the universities of Québec, the Joint Committee on Programmes of the Ministère de

l'Éducation and of the Conseil des universités and to the institution representative of each university referred to in section 2.01, its recommendations on the following matters :

(a) study programmes in speech therapy and audiology ;

(b) examinations and other modes of evaluation ;

(c) professional training periods ;

(d) professional examinations ;

(e) continuing training.

### DIVISION IV COMMITTEE PROCEDURE

**4.01.** Each member of the committee is entitled to vote.

**4.02.** The members of the committee appoint a chairman from among themselves.

**4.03.** The secretariat of the committee is the responsibility of the Corporation professionnelle des orthophonistes et audiologistes du Québec.

**4.04.** The chairman fixes the date and hour of the meetings of the committee, convenes the meetings and presides over them.

**4.05.** The quorum of the committee is 4 members.

**4.06.** The secretary draws up the minutes of each meeting of the committee and sends a copy thereof to the bodies, groups and persons referred to in section 3.01.

**4.07.** The recommendations of the committee are made by majority vote ; in the case of a tie-vote, the chairman casts an additional vote.

**4.08.** The recommendations do not bind the bodies or groups represented on the committee.

**4.09.** The recommendations that are not accepted by the bodies or groups represented on the committee are returned to the latter for review.

**4.10.** The committee must hold at least one meeting a year.



c. C-26, r.125

## **Regulation respecting the records of a speech therapist and audiologist who ceases to practise**

Professional Code  
(R.S.Q., c. C-26, s. 91)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des orthophonistes et audiologistes du Québec ;

(b) “member” : whoever is entered on the roll of the Corporation ;

(c) “secretary” : the secretary of the Corporation ;

(d) “records” : the records, books and registers which a member must keep in the practice of his profession ;

(e) “transferee” : the member to whom the records of another member are transferred upon a permanent cessation of practice ;

(f) “provisional custodian” : the member to whom the records of another member are entrusted during a temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation must be interpreted as excluding the use of data processing or any other technical means for the preservation of the records of a member who ceases to practise, provided that the confidentiality of the information contained in these records be assured.

**1.04.** In the case of a member who is a partner or an employee of a natural person or artificial person, this Regulation shall not apply to the records of such partnership or employer which the member uses in the practice of his profession. This Regulation shall apply, however, when all the members of a partnership of professionals cease to practise.

**1.05.** An agreement respecting the transfer or provisional custody of the records of a member who ceases to practise must be certified in writing and sent to the secretary.

### **DIVISION II PERMANENT CESSATION OF PRACTICE**

**2.01.** Subject to sections 2.02 and 2.03, when a member permanently ceases to practise his profession he must, not later than 15 days before the date fixed for the cessation of his practice :

(a) if has found a transferee, notify the secretary by registered or certified mail that he will cease to practise his profession effective from such date and give him the name, address and telephone number of the said transferee ; or

(b) if he is unable to find a transferee, inform the secretary thereof by registered or certified mail and advise him that he will give him custody of his records on the date fixed for the cessation of practice.

**2.02.** Where a member ceases to practise his profession as a result of a permanent striking off the roll, the secretary must see to it that the member who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee cannot be found upon the expiry of such period, custody of the records of the member who is struck off shall be entrusted to the secretary.

**2.03.** Upon the death of a member, the secretary must, as soon as he is notified thereof, see to it that the assigns of the deceased member find a transferee as soon as possible.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a member who ceases permanently to practise, cause to be published twice, at 10 days interval, in at least one French language daily newspaper and, where applicable, in at least one English language daily newspaper, circulated in the region where such member practised his profession, an advertisement giving his address, telephone number and office hours and notifying the public that he has possession of the records of that member.

The transferee must forward to the secretary a copy of the advertisement contemplated in the first paragraph.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to take cognizance of the documents which concern him in any record made in his respect and to obtain copies of such documents. The fees for obtaining such copies shall be paid by the person requesting them.

**2.06.** When the secretary has custody of the records of a member who has permanently ceased to practise his profession, he may, at any time, after consulting the said member, entrust such records to a transferee.

**2.07.** While he has custody of the records of a member who has permanently ceased to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that member's clients.

**2.08.** Subject to section 2.06, the secretary must retain the records he has received pursuant to this Division for a period of not less than 5 years from the time when a member ceases permanently to practise.

### DIVISION III

#### TEMPORARY CESSATION OF PRACTICE

**3.01.** Subject to section 3.02, when a member temporarily ceases to practise his profession, he must, not later than 15 days before the date fixed for the cessation of practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail that he is temporarily ceasing to practise his profession effective from such date, informing him of the date on which he intends to resume practising his profession and giving him the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of practice.

**3.02.** When a member ceases to practise his profession as a result of a temporary striking off the roll, the secretary must see to it that the member who is struck off find a provisional custodian within 15 days of the expiry of the time allowed for appeal or of the final decision regarding the striking off.

When a provisional custodian cannot be found upon the expiry of the said period, custody of the records of the member who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must give the clients of the member whose records he has custody of, the pertinent information respecting the progress of their record, keep these records up to date, and take the other necessary preservation measures in order to safeguard the interests of such member's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except in the case where a member ceases to practise for a period of less than 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or the provisional custodian, as the case may be, must return his records to the member immediately upon termination of the period of temporary cessation of practice.

**3.07.** A member who no longer wishes to resume the practice of his profession during or after the expiry of the period in which he has temporarily ceased to practise must comply with Division II.





c. C-26, r.126

## **Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des orthophonistes et audiologistes du Québec**

Professional Code  
(R.S.Q., c. C-26)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** For the purposes of this Regulation, the word “region” means one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des orthophonistes et audiologistes du Québec (c. C-26, r.133).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II TERM OF OFFICE**

**2.01.** The president and the directors shall be elected for a term of 2 years.

### **DIVISION III ELECTION PROCEDURE**

**3.01.** Between the 45th and the 60th day preceding the date of the closing of the poll, the secretary shall send to each member of the Corporation a list of the members of the region in which he principally practises his profession together with a nomination paper.

**3.02.** To be valid, every nomination paper must contain or be accompanied by the written consent of the person nominated.

**3.03.** A member shall not sign more nomination papers than there are offices of director to be filled for his region. A signature appearing on a number of nomination papers in excess of the number of offices of director to be filled shall be struck off all papers.

**3.04.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest to the validity of the nomination paper.

**3.05.** In addition to the documents described in section 69 of the Professional Code (R.S.Q., c. C-26), the secretary of the Corporation shall, at least 15 days prior to the date of the closing of the poll, send to each member of the Corporation a brief curriculum vitae of each candidate indicating in particular his age, the date of his admission and, where applicable, his principal activities within the Corporation.

**3.06.** The ballot-paper certified by the secretary must contain the following data and information :

- (a) the name of the Corporation ;
- (b) the year of the election ;
- (c) the identification of the region ;
- (d) the names in alphabetical order of the candidates for the offices of director in the region in which the member principally practises his profession ;
- (e) the number of seats to be filled in the region ;
- (f) the date and hour of the closing of the poll.

**3.07.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent to him is lost or otherwise unusable, provided such member makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**3.08.** The closing of the poll is fixed at 1 May at 17 h.

**3.09.** The 5 scrutineers shall be appointed from among the members of the Corporation.

**3.10.** The secretary and the scrutineers shall swear under oath that they will faithfully fulfil their duty before any person authorized to administer such oath.

**3.11.** The counting of the votes shall be done at the corporate seat of the Corporation.

**3.12.** Every ballot-paper shall be void :

- (a) on which the voter casts his vote otherwise than by a cross ;

- (b) which contains more crosses than the number of seats to be filled in the region ;
- (c) which is not certified by the secretary ;
- (d) which is soiled, erased or which contains any identification mark of the elector ;
- (e) which is not returned in the envelope provided by the secretary and on which the word "ELECTION" is written.

**3.13.** The secretary's decision respecting the validity of a ballot-paper shall be final.

**3.14.** The secretary shall declare elected the candidates who have obtained the most votes ; he shall have the results of the vote countersigned by the scrutineers.

**3.15.** Immediately after the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.

**3.16.** The secretary shall send a copy of the report referred to in section 3.15 to each candidate.

**3.17.** The secretary must also make a detailed report of the election at the first meeting of the Bureau following the election.

**3.18.** Where, during the election period, the secretary is unable to act for any reason deemed sufficient by the Bureau, the latter shall designate a member of the Corporation to replace the secretary. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

**3.19.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation shall apply *mutatis mutandis* to his election.

**3.20.** Where the president is elected by the vote of the elected directors, his election shall be held at the first meeting of the Bureau following the taking of office of the directors.



c. C-26, r.127

**Règlement sur les normes d'équivalence  
pour la délivrance d'un permis de la  
Corporation professionnelle des  
orthophonistes et audiologistes du  
Québec**

Professional Code

(R.S.Q., c. C-26, s. 94, par. *f*)

See French Edition



c. C-26, r.128

## **Regulation respecting the procedure for conciliation and arbitration of accounts of speech therapists and audiologists**

Professional Code  
(R.S.Q., c. C-26, s. 88)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des orthophonistes et audiologistes du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “member” : the speech therapist or audiologist whose account is the object of a dispute with a client ;
- (d) “council” : the council for the arbitration of accounts set up under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II CONCILIATION**

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic in forwarding him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which the action for a claim concerning the account contested is served by the member upon the client.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall forward

to the member a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic's report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### **DIVISION III ARBITRATION**

#### *§1. Submission to arbitration*

**3.01.01.** A client shall apply for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall forward to the member, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the member shall sign it and return it to the secretary.

#### *§2. Formation of council*

**3.02.01.** In order to settle the dispute between the client and the member, the Bureau shall set up an arbitration council composed of one member of the Corporation. The Bureau shall also appoint a clerk to assist the council in the exercise of its functions.

**3.02.02.** The clerk shall notify the parties of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be forwarded in writing to the clerk, the arbitrator and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrator must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of the death or inability to act of the arbitrator, the Bureau shall appoint a new arbitrator.

### §3. Hearing

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall proceed with dispatch to the hearing of the dispute according to the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, such party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the chairman.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure shall apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### §4. Award of arbitrators

**3.04.01.** The council must render its decisions within 60 days following the end of the hearing, unless the parties agree in writing to extend that period.

**3.04.02.** The council decides as mediator and renders the decision it considers most appropriate.

**3.04.03.** The reasons for the decision must be given and it must be signed by the arbitrator. The clerk shall forward the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees, namely the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount which is the object of the arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and members of the Bureau.

## SCHEDULE 1

(s. 2.02)

### APPLICATION FOR CONCILIATION

I, the undersigned, .....  
(name and address)  
.....  
in person or (where applicable) representing .....  
..... for the purposes of this application, as attested by the authorization annexed hereto, being duly sworn, declare :

(1) ..... claims from me  
(name of member)  
the sum of ..... for professional services rendered between .....  
and ..... as attested by the account a copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) :

.....  
 .....  
 .....  
 but (where applicable) I acknowledge that I owe the sum of ..... for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of speech therapists and audiologists (R.R.Q., c. C-26, r.128), of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me

at .....

this ..... 19...

And I have signed

.....  
 (signature of client or his duly authorized representative)

.....  
 (commissioner for oaths)

## SCHEDULE 2

(s. 3.01.01)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
 (name and address)

in person or (where applicable) representing .....

..... for the purposes of this submission, as attested by the authorization annexed hereto, hereinafter referred to as "party of the first part",

and

.....  
 (name and address)

member of the Corporation professionnelle des orthophonistes et audiologistes du Québec, hereinafter referred to as "party of the second part", who make the following declarations and agreements :

(1) The party of the second part claims from the party of the first part the sum of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) The party of the first part refuses to pay this account for the following reason(s) :

.....  
 .....  
 .....  
 but (where applicable) the party of the first part acknowledges that he owes the sum of ..... for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that part of the account which exceeds that which the party of the first part acknowledges to owe to the party of the second part, namely the sum of ..... ;

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of speech therapists and audiologists (R.R.Q., c. C-26, r.128), of which the parties declare having received a copy and taken cognizance ;

(5) The party of the first part renounces to the benefit of any time elapsed with respect to the prescription ;

(6) The party of the second part undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is the object of the dispute ;

(7) The award of the arbitration binds the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) shall apply to its enforcement ;

(8) This submission may only be annulled with the written consent of the parties.

Signed at .....

this ..... 19...

.....  
 (signature of client or his duly authorized representative)

Signed at .....

this ..... 19...

.....  
 (signature of member)



c. C-26, r.129

## **Regulation respecting the procedure of the professional inspection committee of speech therapists and audiologists**

Professional Code  
(R.S.Q, c. C-26, s. 90)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “committee” : the professional inspection committee ;
- (b) “Corporation” : the Corporation professionnelle des orthophonistes et audiologistes du Québec ;
- (c) “records” : the records, books and registers relating to the practice of the profession by a member of the Corporation and including :
  - i. among the records, books and registers of his employer or colleagues, the documents in which he has in fact collaborated ; and
  - ii. any property that has been entrusted to him by a client ;
- (d) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions.

**1.02.** The Interpretation Act (R.S.Q, c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 3 members appointed by the Bureau from among the professionals who have been practising for at least 3 years

*Amended in French D.2436-80, G.O.II, 1980, p.5621.*

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The Bureau of the Corporation designates the secretary of the committee.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept in the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each member of the Corporation who is the object of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the professional's academic qualifications and experience as well as all the records pertaining to the inspection of which he is the object under this Regulation.

**3.03.** A professional is entitled to consult his record and to obtain a copy thereof.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the members of the Corporation according to the programme established by it.

**4.02.** Each year, the Bureau shall publish the committee's general supervision programme in the bulletin of the Corporation.

**4.03.** At least 15 days before the date fixed for the inspection of a professional's records by an investigator, the committee shall, through its secretary, send the professional in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If a professional cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the professional was unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the verification and notify the professional thereof.

**4.06.** An investigator must, if so required to do, submit a certificate attesting to his qualifications, signed by the secretary of the committee.

**4.07.** The professional whose records are the object of verification may be present or be represented by mandatory.

**4.08.** If he has reason to believe that the committee should subject a professional to special inquiry, the investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V**

##### **SPECIAL INQUIRY INTO THE COMPETENCE OF A PROFESSIONAL**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a professional, or designate an investigator for such purpose.

**5.02.** (1) At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the professional in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

(2) Notwithstanding subsection 1, where the sending of a notice to the professional could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make such inquiry without such notice.

**5.03.** An investigator may give the employer, representative or employee of a professional notice of the order to allow him access to the records of that professional.

**5.04.** Where records are held by a third party, the professional must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the professional refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI**

##### **RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that a professional be required to serve a period of refresher training and that the right of such professional to engage in professional activities during such period be limited, it shall notify the Bureau and the professional in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report has reason to believe that it is expedient to recommend to the Bureau that a professional be required to serve a period of refresher training and that the right of such professional to engage in professional activities during such period be limited, it must permit the professional in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the professional and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** A professional or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall receive the oath or solemn affirmation of the professional and the witnesses through the intermediary of a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the professional, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the professional does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the professional or of the committee.



**6.09.** (1) The committee and the professional shall pay their own costs, with the exception of recording expenses which shall be shared equally between them.

(2) Notwithstanding subsection 1, where the recording of depositions is made at the request of the committee, the latter shall assume the expenses thereof.

**6.10.** In its recommendations concerning a professional, the committee shall take into account the type of professional activities in which the professional is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons shall be given on which they are based, signed by the members of the committee who concurred in them and forwarded to the Bureau and the professional in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the refresher training periods organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26) might be laid against a professional, it shall notify the syndic of the Corporation.

## DIVISION VII

### DECISION OF THE BUREAU

**7.01.** The Bureau shall study the recommendations of the committee at the first meeting held following their receipt ; it shall take the decision it deems appropriate and notify the professional and the committee as soon as possible.

## SCHEDULE A

(s. 4.03)

### CORPORATION PROFESSIONNELLE DES ORTHOPHONISTES ET AUDIOLOGISTES DU QUÉBEC

#### PROFESSIONAL INSPECTION COMMITTEE

##### Notice of verification

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers on . . . . . 19...

at . . . . . h.

Signed at . . . . .

on . . . . . 19...

The professional inspection committee

Per : . . . . .  
secretary of the committee

## SCHEDULE B

(s. 5.02)

### CORPORATION PROFESSIONNELLE DES ORTHOPHONISTES ET AUDIOLOGISTES DU QUÉBEC

#### PROFESSIONAL INSPECTION COMMITTEE

##### Notice of special inquiry

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on . . . . . 19...

at . . . . . h.

Signed at . . . . .

on . . . . . 19...

The professional inspection committee

Per : . . . . .  
secretary of the committee



c. C-26, r.130

## **Regulation respecting advertising by speech therapists and audiologists**

Professional Code  
(R.S.Q., c. C-26, s. 92)

### **DIVISION I DEFINITION AND INTERPRETATION**

**1.01.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.02.** In this Regulation, unless the context indicates otherwise, the word “professional” means a speech therapist, an audiologist or a speech therapist-audiologist.

### **DIVISION II GENERAL PRINCIPLE**

**2.01.** The items which a professional may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

### **DIVISION III CONTENT AND FORM OF THE PROFESSIONAL CARD**

**3.01.** A professional shall not enter on his professional card any data other than :

- (a) his name and that of his partners, where applicable ;
- (b) his profession ;
- (c) his university degrees ;
- (d) the address and telephone number of his office and domicile ; and
- (e) his business hours.

**3.02.** The professional card shall not be more than 6 centimetres wide and 11 centimetres long.

### **DIVISION IV INFORMATION MEDIA AND STATIONERY**

**4.01.** A professional may publish or allow to be published in newspapers, magazines, periodicals, directories or any other printed matter an advertisement containing all or part of the data set forth in section 3.01. Such advertisement shall not however, exceed 1 square decimetre (that is, about 16 square inches).

**4.02.** A professional may enter on his stationery all or part of the data set forth in section 3.01.

### **DIVISION V OFFICE**

**5.01.** The professional may install inside and outside his office, a sign whose dimensions do not exceed 25 square decimetres (that is, about 2,8 square feet) ; this sign shall contain only the items set forth in section 3.01.



c. C-26, r.131

## Regulation respecting refresher training periods for speech therapists and audiologists

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des orthophonistes et audiologistes du Québec ;

(b) “member” : every person who is entered on the roll of the Corporation ;

(c) “training period” : period of refresher training contemplated by this Regulation ;

(d) “trainee” : a member who is required to serve a training period ;

(e) “tutor” : a member responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** If the Bureau considers that the level of competence of a member does not meet the standards required for the protection of the public, it may oblige a member to serve a refresher training period where :

(a) his name was entered on the roll more than 5 years after he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;

(b) his name is re-entered on the roll after failing to have it entered thereon for more than 5 years ;

(c) his name is re-entered on the roll after having been struck off for more than 5 years ;

(d) the professional inspection committee or the committee on discipline, pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26), recommends that he serve a refresher training period ;

(e) he has served a training period considered, in accordance with section 2.10, not in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days after the member becomes liable to have to serve such training period.

**2.03.** A training period may, in particular, consist of one or more of the following activities :

(a) a period of practical training ;

(b) studies ;

(c) courses ;

(d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau’s decision to oblige a member to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

**2.07.** A tutor shall submit a report to the Bureau within 5 days after completion of his mandate stating, with reasons in support thereof, whether the trainee acted, while under his supervision, in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee a copy of the report pursuant to sections 2.07 and 2.08 at the same time as he sends it to the Bureau.

**2.10.** After studying each of the reports required under sections 2.07 and 2.08, the Bureau shall decide, within 20 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it deems it necessary for the protection of the public, limit the trainee's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or he is not authorized to practise ;

(b) by determining the professional acts which he is authorized or he is not authorized to perform ;

(c) by requiring that the professional acts that he is authorizing to perform, or that certain of them, be performed under the supervision of another member or a group of members.

**3.02.** The Bureau's decision to limit a trainee's right to practise must be conveyed to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period or limiting a trainee's right to practise, or deciding that a completed training period is not in conformity with the objectives and terms and conditions determines, the Bureau must give the member concerned the opportunity to be heard.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee's right to practise or ruling on the validity of a completed training period, must be given in writing and served on the member concerned in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or delivered by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee's right to practise shall take effect 30 days after mailing to or service on the latter.

**4.04.** During the training period, the Bureau may, upon a duly justified request by the trainee communicated to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the trainee's right to practise.

**4.05.** A member must comply with every decision of the Bureau rendered in accordance with this Regulation.



c. C-26, r.132

**Règlement sur la tenue des dossiers et  
des cabinets de consultation des  
orthophonistes et audiologistes**

Professional Code

(R.S.Q., c. C-26, s. 94, par. *c* and *d*)

See French Edition



c. C-26, r.133

**Regulation dividing Québec into regions  
for the purposes of elections to the  
Bureau of the Corporation  
professionnelle des orthophonistes et  
audiologistes du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des orthophonistes et audiologistes du Québec, the territory of Québec shall be divided into 2 regions :

- (a) the Eastern region ;
- (b) the Western region.

**2.** The Eastern region shall comprise regions 1, 2, 3, 4, 5, 9 and 10, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The Western region shall comprise regions 6, 7 and 8, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the Eastern region and 5 for the Western region.

**4.** A speech therapist or audiologist shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 9 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 8 persons including the president.



c. C-26, r.134

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des physiothérapeutes du Québec**

Professional Code

(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under section 93 and paragraph *a* of section 94 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des physiothérapeutes du Québec ;

(b) “member” : every person who holds a permit issued by the Corporation and is entered on the roll of the latter ;

(c) “secretary” : the general secretary of the Corporation.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II ADMINISTRATIVE COMMITTEE**

**2.01.** The administrative committee of the Corporation shall exercise all the powers conferred upon the Bureau under sections 29, 86 and 106 of the Professional Code.

**2.02.** A meeting of the administrative committee shall be convened by means of a written notice transmitted in person or sent by mail to each member of the committee. The members of the committee must receive such notice at least 2 days before the meeting. The notice must indicate the date, place and hour of the meeting.

**2.03.** In case of emergency, a meeting of the administrative committee may be held provided that :

(a) all the members of the administrative committee are convened by telephone or telegram ; and

(b) all the members of the administrative committee absent from that meeting acknowledge that they have been convened in accordance with paragraph *a*.

*Amended in French D.84-81, G.O.II, 1981, p.571.*

**2.04.** Notwithstanding sections 2.02 and 2.03, a meeting of the administrative committee shall be deemed to be regularly held if all the members of the administrative committee are present and waive the notice of convocation, or if all the members of the administrative committee are convened to a telephone conference and waive the notice of convocation.

### **DIVISION III MEETINGS**

**3.01.** The annual general meeting of the members of the Corporation shall be held at the place and on the date fixed by the administrative committee.

**3.02.** The presence of 50 members shall constitute the quorum required for a general meeting.

**3.03.** The notice of convocation for the annual general meeting must state the place, date and agenda of the meeting.

**3.04.** The agenda of the annual general meeting shall be drawn up by the administrative committee. It must include the following items :

(a) the opening of the meeting ;

(b) the proclamation of the results of the election of the members of the Bureau and of the president of the Corporation, where applicable ;

(c) the reading and adoption of the minutes of the last meeting ;

(d) the submission of the annual report of the administrative committee and of the Bureau ;

(e) the study of the financial statements and the auditor's report ;

(f) the election of the auditor for the following fiscal year ;

(g) other business ;

(h) the adjournment of the meeting.

**3.05.** The notice of convocation to a special general meeting must state the place, date and agenda of the special general meeting.

**3.06.** Only the matters entered on the agenda shall be discussed at the special general meeting.

**3.07.** A meeting of the Bureau, of the administrative committee, and a general meeting of the members may, if there is no quorum within the hour following that fixed for its holding, be adjourned by the members present as many times as necessary to reach a quorum for a period not exceeding one month without any other notice than an announcement to that effect made at the meeting.

**3.08.** A meeting at which there is a quorum may also be adjourned in the same manner for a period determined by vote. Where there is a quorum at a meeting thus adjourned, any matter which could have been dealt with if the meeting had been held in accordance with the regular convocation may be discussed.

**3.09.** Meetings of the Bureau shall be convened by a written notice mailed to all the members of the Bureau at least 7 days prior to the meeting. The notice must state the place, date and agenda of the said meeting.

#### **DIVISION IV PRESIDENT**

**4.01.** The president shall have a casting vote at general meetings and meetings of the administrative committee.

#### **DIVISION V MISCELLANEOUS PROVISIONS**

**5.01.** The seal of the Corporation is that whose stamp appears on the copy of this Regulation held by the secretary.

**5.02.** The corporate seat of the Corporation is situated within the territory of the Communauté urbaine de Montréal.

**5.03.** The administrative committee of the Corporation shall appoint a general secretary from among the members of the Corporation.





c. C-26, r.135

## Regulation respecting professional liability insurance for physiotherapists

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des physiothérapeutes du Québec ;
- (b) “physiotherapist” : whoever is entered on the roll of the Corporation ;
- (c) “secretary” : the general secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II LIABILITY INSURANCE

**2.01.** A physiotherapist must hold an insurance contract establishing a guarantee against the liability which he may incur owing to fault or negligence committed in the practice of his profession.

**2.02.** The insurance contract must include the following minimum conditions :

- (a) the amount of the guarantee must be a minimum of 200 000 \$ per claim and 500 000 \$ for the whole of the claims respecting the guarantee period ;
- (b) where the insured voluntarily ceases to practise his profession or dies, the insurer undertakes to sign with the insured or his legal heirs an insurance contract the guarantee of which covers services rendered or the omission to render services by the insured in the performance of his duties prior to the coming into force of such contract ;
- (c) the obligation, on the insurer’s part, to pay in the place and stead of the insured, within the scope of the limits of the guarantee, any amount which the latter must legally pay to a third party as damages for every claim

made during the period covered by the guarantee and resulting from professional services rendered ;

(d) the obligation, on the insurer’s part, to assume the facts and case of the insured and assume his defence in any action instituted against him ; the costs and expenses of the proceedings against the insured, including those of the defence and the interests upon judgment, shall be the responsibility of the insurer in addition to the amounts prescribed in paragraph a ;

(e) the obligation, on the insurer’s part, to give a notice to the Corporation within the 30 days following the modification, cancellation or non-renewal of the insurance contract ;

(f) the obligation, on the insurer’s part, to notify the Corporation when it pays a sum of money because of the fault or negligence of a physiotherapist committed in the practice of his profession.

**2.03.** The exceptions which may be prescribed in the insurance contract shall not be valid in respect of a third party contemplated in paragraph c of section 2.02 to whom the insured must legally pay damages save where the exceptions refer to claims resulting from acts performed by the insured during a criminal act for which the insured is neither the author nor the accomplice, or which results from a nuclear energy risk.

**2.04.** The guarantee must cover the services rendered or the omission to render services, prior to the coming into force of the insurance contract and up to the expiry of the period covered by the guarantee.

**2.05.** The Corporation may conclude with an insurer of its choice a group insurance policy comprising the minimum conditions mentioned in this Division.

**2.06.** The physiotherapist who joins the group insurance policy concluded in accordance with section 2.05 shall be deemed to fulfill the conditions required by this Regulation, subject to the payment of his annual premium.

**2.07.** Except where he is insured under section 2.05 the physiotherapist must, each year, provide the secretary, prior to the date prescribed for the payment of his annual assessment, with proof that he holds an insurance policy in force for a period of 12 months effective from that date and that it complies with this Regulation.

However, where a physiotherapist is entered or is reentered on the roll on a date other than that prescribed in the first paragraph, he must provide the secretary with proof that he holds an insurance policy in force at least up to the date prescribed for the payment of the next annual assessment and that it complies with this Regulation.



c. C-26, r.136

## Code of ethics of physiotherapists

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des physiothérapeutes du Québec ;

(b) “physiotherapist” : whosoever is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** A physiotherapist, except for sound reasons to the contrary, must support every measure likely to improve the quality and availability of professional physiotherapy services.

**2.02.** In the practice of his profession, a physiotherapist must take into account the general effect which his research and work may have on society.

**2.03.** A physiotherapist must promote measures of education and information in the field of physiotherapy. Except for sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure that the public is provided with such education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### *§1. General provisions*

**3.01.01.** Subject to the research carried out in a recognized scientific milieu, a physiotherapist must practice his profession in accordance with the generally recognized principles of physiotherapy.

**3.01.02.** In the practice of his profession, a physiotherapist must take into consideration the limits of his capacity, knowledge and also the means at his disposal. He must not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.03.** A physiotherapist must acknowledge the right of the client to consult another physiotherapist, a member of another professional corporation or another competent person at all times.

**3.01.04.** A physiotherapist must refrain from practising in conditions or situations which could impair the quality of his services.

**3.01.05.** A physiotherapist must attempt to establish a relation of mutual confidence between himself and his client. For that purpose, he must, in particular :

(a) refrain from practising his profession in an impersonal manner ;

(b) conduct his interviews in such a way as to respect his client's scale of values and personal convictions where the latter informs him thereof.

**3.01.06.** A physiotherapist must refrain from intervening in the personal affairs of his client on subjects which are not under the competence generally acknowledged to the profession.

**3.01.07.** Subject to Subdivision 6 of this Division, a physiotherapist must collaborate with the members of his client's family or with any other person when the client's interest so requires.

**3.01.08.** Before treating a client, a physiotherapist must obtain a diagnosis established by a physician, except in the case of prophylaxis or first aid, in which case a phys-

iotherapist must immediately refer the client to a physician for purposes of diagnosis.

**3.01.09.** A physiotherapist must, in practising his profession, identify himself to his client as a physiotherapist. He must, in particular, post up in his work premises in a conspicuous place his name followed by the title "physiotherapist" or, if he cannot do so, wear on his person an insignia on which is indicated his name followed by the title "physiotherapist".

## *§2. Integrity*

**3.02.01.** A physiotherapist must accomplish his professional tasks with integrity.

**3.02.02.** A physiotherapist must avoid any false representation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires, he must, upon the latter's authorization, consult a colleague or a member of another professional corporation or another competent person, or refer him to one of these persons.

**3.02.03.** A physiotherapist must, unless he has sound and reasonable ground to the contrary, reveal to his client in a complete and objective manner the nature and the method of the treatment to be given him.

**3.02.04.** A physiotherapist must not express his opinion or give contradictory or incomplete advice. To that end he must try to know all the facts before giving an opinion or advice.

**3.02.05.** A physiotherapist must immediately inform his client of any prejudicial error which cannot be easily rectified committed by him while rendering a professional service to that client.

**3.02.06.** A physiotherapist must, in practising his profession, avoid performing or repeating professional acts without good reason and must refrain from performing an act which is inappropriate or disproportionate to his client's need.

## *§3. Availability and diligence*

**3.03.01.** In the practice of his profession, a physiotherapist must display reasonable availability, attention and diligence.

**3.03.02.** In addition to opinion and advice, a physiotherapist must, unless he has sound and reasonable grounds to the contrary, provide his client with the explanations necessary for the understanding and evaluation of the treatment which is given him.

**3.03.03.** A physiotherapist must display objectivity and impartiality when persons other than his clients ask him for information.

**3.03.04.** Unless he has sound and reasonable grounds to the contrary, a physiotherapist shall not cease or refuse to give the treatment a client requires. The following shall, in particular, constitute just and reasonable grounds :

(a) loss of the client's confidence by the physiotherapist ;

(b) incompatibility of character between the physiotherapist and the client ;

(c) the fact of being incited by the client to perform illegal, unfair or fraudulent acts ;

(d) the fact that the physiotherapist is in a situation of conflict of interest or placed in such a context that his professional independence could be called in question.

**3.03.05.** Where the physiotherapist ceases or refuses to give the treatment which the client requires, he must, as far as possible, ensure that the client can receive the care needed.

## *§4. Civil liability*

**3.04.01.** A physiotherapist must, in the practice of his profession, fully commit his personal civil liability. It is thus prohibited for him to include in a contract for professional services a clause excluding such liability, directly or indirectly, in whole or in part.

## *§5. Independence and impartiality*

**3.05.01.** A physiotherapist must subordinate his personal interests to that of his client.

**3.05.02.** A physiotherapist must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** A physiotherapist must safeguard his professional independence at all times and avoid any situation which could put him in conflict of interest. Without restricting the generality of the foregoing, a physiotherapist

pist is in conflict of interest when the interests concerned are such that he may be influenced to favour certain of them over those of his client or whereby his judgment and loyalty towards the latter may be unfavourably affected.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interest, the physiotherapist must notify his client thereof and ask his authorization to continue his mandate.

**3.05.05.** A physiotherapist may share his fees with a colleague only to the extent that such sharing corresponds to a distribution of services and responsibility.

**3.05.06.** Except for the remuneration to which he is entitled, a physiotherapist shall not receive, pay or undertake to pay any benefit, rebate or commission in connection with the practice of his profession.

**3.05.07.** For a service given, the physiotherapist must only accept fees from a single source, unless explicitly agreed upon otherwise among the parties concerned. He must accept the payment of these fees only from his client, representative of mandatory.

#### *§6. Professional secrecy*

**3.06.01.** A physiotherapist must respect the secrecy of confidential information obtained in the practice of his profession.

**3.06.02.** A physiotherapist shall be released from professional secrecy only with the written authorization of his client or when so ordered by law.

**3.06.03.** When a physiotherapist asks a client to give him confidential information or when he allows such information to be given him, he must ensure that the client is fully aware of the purpose of the interview and of the various uses which can be made of such information.

**3.06.04.** A physiotherapist must avoid indiscreet conversations concerning a client or the treatment given him.

**3.06.05.** A physiotherapist shall not make use of confidential information which may be prejudicial to a client or with a view to obtaining, directly or indirectly, a benefit for himself or for another person.

**3.06.06.** A physiotherapist must not disclose the request for his services by a person when such disclosure could be detrimental to that person.

#### *§7. Accessibility of records*

**3.07.01.** Unless he has sound and reasonable grounds to the contrary, a physiotherapist must respect the right of his client to consult the documents which concern him in every physiotherapy record made in his regard and to obtain a copy of such documents.

#### *§8. Determination and payment of fees*

**3.08.01.** A physiotherapist must request and accept fair and reasonable fees.

**3.08.02.** The fees are fair and reasonable if they are justified by circumstances and are in proportion to the services rendered. The physiotherapist must, in particular, take into account the following factors when fixing his fees :

- (a) the time given for treatment ;
- (b) the difficulty and magnitude of the treatment ;
- (c) the performance of unusual treatment requiring exceptional competence or celerity.

**3.08.03.** A physiotherapist must provide his client with all the explanations required for the understanding of his statement of fees and for the terms and conditions of payment.

**3.08.04.** A physiotherapist must refrain from demanding advance payment for his services ; he must, on the other hand, notify his client of the approximate cost of his services.

**3.08.05.** A physiotherapist may collect interest on outstanding accounts only after having duly notified his client. The interest thus demanded must be at a reasonable rate.

**3.08.06.** Before having recours to legal proceedings, a physiotherapist must have exhausted all the other means at his disposal to obtain payment of his fees.

**3.08.07.** When a physiotherapist appoints another person to collect his fees, he must, as far as possible, ensure that the latter is accustomed to act with tact and moderation.

## **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

### *§1. Incompatible offices and functions*

**4.01.01.** A physiotherapist shall not, directly or indirectly, in particular through intermediaries or through an artificial person, hold a financial interest in an aesthetic centre or clinic.

**4.01.02.** A physiotherapist shall not sell or otherwise provide, for profit, articles or equipment necessary for rehabilitation and, in particular, crutches, canes, walkers or pharmaceutical products.

### *§2. Derogatory acts*

**4.02.01.** In addition to the derogatory acts referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following are derogatory to the dignity of the profession :

(a) prompting a person in pressing or repeated terms to resort to his own professional services ;

(b) communicating with the plaintiff without the prior written permission of the syndic or his assistant whenever he is informed of an inquiry into his professional conduct or competence or whenever a complaint has been served against him ;

(c) not bringing to the attention of the Corporation that he has reason to believe that a professional is incompetent or does not conform to professional ethics ;

(d) not bringing to the attention of the Corporation that he has reason to believe that a person who requests admission to the Corporation does not fulfill the conditions required ;

(e) requiring, accepting or offering money or any other benefit for the purpose of contributing to have a proceeding or decision of the Corporation adopted or rejected ;

(f) consulting, collaborating or agreeing, in the treatment of a patient, with a person who does not have the appropriate knowledge in the field in which he practises ;

(g) guaranteeing, directly or indirectly, the healing of an illness ;

(h) remaining alone with his client where he uses an examination or treatment technique liable to cause a loss of consciousness ;

(i) abusing, in the practice of his profession, the inexperience, ignorance, naivety or bad state of health of his client ;

(j) producing or causing to be produced for his client an unjustified material benefit, in particular by falsifying a declaration, report or any document respecting the health of a client or the treatment given to the latter ;

(k) claiming fees for undisputed professional acts ;

(l) billing a client for a professional service or a part of a professional service the cost of which is assumed by a third-party.

### *§3. Relations with the Corporation and colleagues*

**4.03.01.** The physiotherapist whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is required by the Corporation must accept that duty unless he has exceptional grounds for refusing.

**4.03.02.** The physiotherapist must promptly answer all correspondence addressed to him by the syndic of the Corporation, investigators or the members of the professional inspection committee.

**4.03.03.** The physiotherapist must not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him. He must not, in particular, accept merit for the work performed by a colleague.

**4.03.04.** The physiotherapist consulted by a colleague must provide the latter with his opinion and recommendations promptly.

**4.03.05.** The physiotherapist called upon to collaborate with a colleague must maintain his professional independence. If he is given a task contrary to his conscience or principles, he may ask to be dispensed therefrom.

### *§4. Contribution to the advancement of the profession*

**4.04.01.** The physiotherapist must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students, and his participation in courses, scientific conventions and training periods.



c. C-26, r.137

## Regulation establishing a committee on training in physiotherapy

Professional Code  
(R.S.Q., c. C-26, s. 184)

### DIVISION I GENERAL PROVISION

**1.01.** In this Regulation, the expression “institution representative” means the person appointed by a university to co-ordinate on behalf of such university the setting up and working of the committees established by the Government under subparagraph *b* of the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26).

### DIVISION II SETTING UP OF COMMITTEE

**2.01.** A committee shall be set up composed as follows :

(a) 3 representatives of the Corporation professionnelle des physiothérapeutes du Québec ;

(b) one representative of the *école de Réadaptation de l'Université de Montréal*, designated by the institution representative of that university ;

(c) one representative of the School of Physical and Occupational Therapy of McGill University, designated by the institution representative on that university ;

(d) one representative of the *école de Réadaptation de l'Université Laval*, designated by the institution representative of that university ;

(e) one representative of the students in physiotherapy of the *école de Réadaptation de l'Université de Montréal* ;

(f) one representative of the students in physiotherapy of the School of Physical, and Occupational Therapy of McGill University ;

(g) one representative of the students in physiotherapy of the *école de Réadaptation de l'Université Laval*.

### DIVISION III MANDATE ON COMMITTEE

**3.01.** The mandate of the committee is to submit to the bodies or groups represented on the committee as well as

to the Office des professions, the Conference of Rectors and Principals of the universities of Québec, the committee on programmes of the Ministère de l'Éducation and of the Conseil des universités and to the institution representative of each university referred to in section 2.01, its recommendations on the following matters :

- (a) the study programs in physiotherapy and the professional training periods ;
- (b) the examinations and other modes of evaluation ;
- (c) the professional examinations ;
- (d) continuing training.

### DIVISION IV COMMITTEE PROCEDURE

**4.01.** Each member of the committee is entitled to vote.

**4.02.** The members of the committee shall choose a chairman from among themselves.

**4.03.** The secretariat of the committee shall be the responsibility of the Corporation professionnelle des physiothérapeutes du Québec.

**4.04.** The chairman shall fix the date and hour of the meetings of the committee, convene the meetings and preside over them.

**4.05.** The quorum of the committee shall be 5 members.

**4.06.** The secretary shall draw up the minutes of each meeting of the committee and send a copy thereof to the bodies, groups and persons referred to in section 3.01.

**4.07.** The recommendations of the committee are made by majority vote ; in the case of a tie-vote, the chairman shall cast an additional vote.

**4.08.** The recommendations shall not bind the bodies or groups represented on the committee.

**4.09.** The recommendations that are not accepted by the bodies or groups represented on the committee shall be returned to the latter for review.

**4.10.** The committee must hold at least 3 meetings a year.





c. C-26, r.138

## **Regulation respecting the preservation of the records of a physiotherapist**

Professional Code  
(R.S.Q., c. C-26, s. 91)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des physiothérapeutes du Québec ;
- (b) “physiotherapist” : every person whose name is entered on the roll of the Corporation ;
- (c) “secretary” : the secretary of the Corporation ;
- (d) “records” : the records, books and registers that a physiotherapist must keep in the practice of his profession ;
- (e) “transferee” : the physiotherapist to whom a physiotherapist’s records are transferred upon a permanent cessation of practice ;
- (f) “provisional custodian” : the physiotherapist to whom a physiotherapist’s records are entrusted during a temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation must be interpreted as excluding the use of data processing or any other technical means for the preservation of records of a physiotherapist who ceases to practise, provided that the confidentiality of the information contained in these records be assured.

**1.04.** Where a physiotherapist is a member of or employed by a partnership of physiotherapists or by a natural or artificial person, this Regulation shall not apply to the records of that partnership or that employer which are used by the physiotherapist in the practice of his profession. This Regulation shall apply, however when all the members of a partnership of physiotherapists cease to practise.

**1.05.** An agreement respecting the transfer or temporary custody of the records of a physiotherapist who ceases to practise must be made in writing and forwarded to the secretary.

### **DIVISION II PERMANENT CESSATION OF PRACTICE**

**2.01.** Subject to sections 2.02 and 2.03, when a physiotherapist permanently ceases to practise his profession, he must, not later than 15 days before the date fixed for the cessation of his practice :

- (a) if he has found a transferee, notify the secretary by registered or certified mail of the date on which he will cease to practise his profession and give him the name, address and telephone number of such transferee ; or
- (b) if he is unable to find a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of practice.

**2.02.** When a physiotherapist ceases to practise his profession as a result of a permanent striking off the roll, the secretary must see to it that the physiotherapist who is struck off finds a physiotherapist within 60 days of the final decision of striking off.

If a transferee cannot be found upon the expiry of such period, custody of the records of the physiotherapist who is struck off shall be entrusted to the secretary.

**2.03.** Upon the death of a physiotherapist, the secretary must, as soon as he is notified thereof, see to it that the assigns of the deceased physiotherapist find a transferee as quickly as possible.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a physiotherapist who has permanently ceased to practise, cause to be published twice, at 10 days interval, in at least one French language daily newspaper and, where applicable, in at least one English language daily newspaper circulated in the region where such physiotherapist practised his profession, a public advertisement mentioning his address, telephone number and office hours and notifying the public that he has possession of the said physiotherapist’s records.

The transferee must forward a copy of the public advertisement contemplated in the first paragraph to the secretary.

**2.05.** The transferee or the secretary, as the case may be, must respect a person's right to consult the documents which concern him in any record made in his respect and to obtain copies of such documents. The fees for obtaining such copies shall be paid by the person requesting them.

**2.06.** When the secretary has custody of the records of a physiotherapist who has permanently ceased to practise his profession, he may, at any time, after consulting the physiotherapist, entrust such records to a transferee.

**2.07.** While he has custody of the records of a physiotherapist who has permanently ceased to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that physiotherapist's clients.

**2.08.** Subject to section 2.06, the secretary must keep the records he has received under this Division for a period of not less than 5 years from the date of the last entry in his records.

### **DIVISION III TEMPORARY CESSATION OF PRACTICE**

**3.01.** Subject to section 3.02, when a physiotherapist temporarily ceases to practise his profession, he must, not later than 15 days before the date fixed for the cessation of practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail of the date on which he will temporarily cease to practise his profession, informing him of the date on which he intends to resume the practice of his profession and the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**3.02.** When a physiotherapist ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must see to it that the physiotherapist who is struck off find a provisional custodian within 15 days of the expiry of the time allowed for appeal or of the final decision of striking off.

When a provisional custodian cannot be found upon the expiry of that period, custody of the records of the physio-

therapist who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must give the clients of the physiotherapist whose records are in his custody the pertinent information regarding the progress of their record, keep these records up-to-date and take the other necessary preservation measures in order to safeguard the interests of that physiotherapist's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except in the case of a physiotherapist who ceases to practise as a result of his being temporarily struck off for less than 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or the provisional custodian, as the case may be, must return the records to the physiotherapist immediately upon termination of the period of temporary cessation of practice.

**3.07.** A physiotherapist who no longer wishes to resume the practice of his profession during or after the expiry of the period in which he has temporarily ceased to practise must comply with Division II.



c. C-26, r.139

**Règlement sur les exigences pédagogiques  
de la Corporation professionnelle des  
physiothérapeutes du Québec**

Professional Code  
(R.S.Q., c. C-26)

See French Edition



c. C-26, r.140

## **Regulation respecting terms and conditions for elections to the Bureau of the Corporation professionnelle des physiothérapeutes du Québec**

Professional Code  
(R.S.Q., c. C-26)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under paragraph *b* of section 94 of the Professional Code (R.S.Q., c. C-26).

**1.02.** For the purposes of this Regulation, the word “region” means one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des physiothérapeutes du Québec (c. C-26, r. 146).

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II ELECTION PROCEDURES**

**2.01.** The president and directors shall be elected for 2 year terms.

For the purpose of alternating representation on the Bureau, the number of directors to be elected shall be distributed as follows :

(a) in even years : 4 directors representing the Montréal Region, 2 directors representing the Québec Region, and 1 director representing the Eastern Townships Region ;

(b) in odd years : 2 directors representing the Montréal Region, 1 director representing the Trois-Rivières Region, 1 director representing the Saguenay-Lac-Saint-Jean Region, 1 director representing the Bas Saint-Laurent, Gaspésie and Côte-Nord Region, and 1 director representing the Outaouais and Northwestern Region.

**2.02.** Between the 45th and 60th day preceding the date of the closing of the poll, the secretary shall send to each member of the Corporation a list of the members of

the region in which he principally practises his profession together with a nomination paper.

**2.03.** A member shall not sign more nomination papers than there are offices of director to be filled for his region. A signature appearing on a number of nomination papers in excess of the number of offices of director to be filled shall be struck off all papers.

**2.04.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest to the validity of the nomination paper.

**2.05.** In addition to the documents described in section 69 of the Professional Code, the secretary of the Corporation shall, at least 15 days prior to the date of the closing of the poll, send to each member of the Corporation a brief curriculum vitae of each candidate indicating in particular his age, the date of his admission and, where applicable, his principal activities within the Corporation.

**2.06.** The ballot-paper certified by the secretary must contain the following data and information :

- (a) the name of the Corporation ;
- (b) the year of the election ;
- (c) the identification of the region ;
- (d) the names in alphabetical order of the candidates for the offices of director in the region in which the member principally practises his profession ;
- (e) the number of seats to be filled in the region ;
- (f) the date and hour of the closing of the poll.

**2.07.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent to him is lost or otherwise unusable, provided such member makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**2.08.** The closing of the poll is fixed at 17 h, on the 30th day preceding the date fixed for the annual general meeting.

**2.09.** The secretaries and scrutineers shall swear, before a person authorized to administer the oath, that they will faithfully perform their duty.

**2.10.** The counting of the votes shall be done at the corporate seat of the Corporation.

**2.11.** Every ballot-paper shall be void :

- (a) on which the voter casts his vote otherwise than by a cross ;
- (b) which contains more crosses than the number of seats to be filled in the region ;
- (c) which is not certified by the secretary ;
- (d) which is spoiled, erased or which contains any identification mark of the elector ;
- (e) which is not returned in the envelope provided by the secretary and on which the word "ELECTION" is written.

**2.12.** The secretary's decision respecting the validity of a ballot-paper shall be final.

**2.13.** The secretary shall declare elected the candidates who have obtained the most votes ; he shall have the results of the vote countersigned by the scrutineers.

**2.14.** Immediately after the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.

**2.15.** The secretary must submit the report referred to in section 2.14 to the Bureau of the Corporation at the first meeting of the Bureau following the election.

**2.16.** Where, during the election period, the secretary is unable to act for any reason deemed sufficient by the Bureau, the latter shall designate a member of the Corporation to replace the secretary. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

**2.17.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation shall apply *mutatis mutandis* to his election.

**2.18.** Where the president is elected by a general vote of the elected directors, his election shall be held at the first meeting of the Bureau following the taking of office by the directors.

### **DIVISION III** **TRANSITIONAL PROVISION**

**3.01.** Despite section 2.01, the 7 directors whose terms end in 1980 will be replaced at the 1980 elections in accordance with paragraph *a* of the second paragraph of section 2.01. Those whose terms end in 1981 will be replaced at the 1981 elections in accordance with paragraph *b* of the second paragraph of section 2.01.

dance with paragraph *a* of the second paragraph of section 2.01. Those whose terms end in 1981 will be replaced at the 1981 elections in accordance with paragraph *b* of the second paragraph of section 2.01.

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O.C. 646-76, (1976) 108 O.G.II, 2209  
O.C. 909-78, (1978) 110 G.O., 4243  
O.C. 2254-79, (1979) 111 G.O., 6545



c. C-26, r.141

## **Regulation respecting the procedure for conciliation and arbitration of accounts of physiotherapists**

Professional Code  
(R.S.Q., c. C-26)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under section 88 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des physiothérapeutes du Québec ;
- (b) “secretary” : the general secretary of the Corporation ;
- (c) “physiotherapist” : a member of the Corporation whose account is the object of a dispute with a client ;
- (d) “council” : the council for the arbitration of accounts set up under Division III ;
- (e) “syndic” : the syndic, assistant or one of the corresponding syndics of the Corporation ;
- (f) “administrative committee” : the administrative committee of the Corporation.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II CONCILIATION**

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A person who has a dispute with a physiotherapist with respect to the amount of an account for professional services rendered must, before seeking arbitration, apply for conciliation by the syndic by sending him by registered or certified mail the form prescribed in Schedule I duly completed.

**2.03.** The application for conciliation must be sent before the day on which an action for a claim concerning the account contested is served on behalf of the physiotherapist upon the client.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall forward the physiotherapist a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation has not brought about an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### **DIVISION III ARBITRATION**

#### *§1. Submission to arbitration*

**3.01.01.** A client applies for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed, signed and sworn.

**3.01.02.** The application must not be submitted for the purpose of unduly delaying payment.

**3.01.03.** Within 5 days from the receipt of the application for arbitration, the secretary shall forward the physiotherapist, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.04.** Within 10 days from the receipt of such copy, the physiotherapist must sign it and return it to the secretary.

## §2. Formation of Council

**3.02.01.** In order to settle the dispute, the administrative committee shall set up an arbitration council composed of 3 members of the Corporation and appoint a chairman from among them. The secretary shall designate the clerk of the council.

**3.02.02.** The clerk designated shall notify the arbitrators and the parties of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be forwarded in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation. The clerk shall send the motion for recusation to the administrative committee which shall decide thereon and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code.

**3.02.05.** In the case of the death or inability to act of one of the arbitrators, the others shall settle the matter and their decision shall be valid. If the chairman dies or is unable to act, the administrative committee shall appoint as chairman one of the other 2 arbitrators of the council.

**3.02.06.** The motion shall not be withdrawn without the written consent of the client and of the physiotherapist.

## §3. Hearing

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and the parties thereof in writing at least 10 days prior to such date.

**3.03.02.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default. The parties may be represented by an advocate.

**3.03.03.** The council shall proceed with dispatch to the hearing of the dispute according to the procedure and mode of evidence it deems appropriate.

**3.03.04.** The clerk shall draw up and sign the minutes of the hearing ; the minutes shall constitute *prima facie* proof of their content.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, the party shall assume the cost thereof.

**3.03.06.** Articles 945 and 947 of the Code of Civil Procedure shall apply *mutatis mutandis* to the arbitration held in virtue of this Regulation.

## §4. Award of arbitrators

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that time limit.

**3.04.02.** The award is rendered by a majority of the arbitrators ; failing a majority vote, the chairman decides. The reasons for the decision must be given and it must be signed by the arbitrators who endorsed it.

**3.04.03.** The clerk shall forward the decision to the parties without delay.

**3.04.04.** The council must, in its award, adjudge on the arbitration fees.

**3.04.05.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.06.** The total amount of the arbitration fees, including the remuneration of the arbitrators, shall in no case exceed 15% of the amount which is the object of the arbitration.

Where an agreement is reached between the parties before the award of the council is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.07.** The award is final.

**3.04.08.** The physiotherapist must abide by the procedure for arbitration prescribed in this Regulation and the arbitration award.

**3.04.09.** The complete record of arbitration is filed with the secretary who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their advocate, the syndic and the members of the administrative committee.

# SCHEDULE 1

(s. 2.02)

## APPLICATION FOR CONCILIATION

I, the undersigned, .....  
(name)

.....  
(address)

in person or (where applicable) representing .....

..... for the purposes of this application, as attested to by the authorization annexed hereto, being duly sworn, or having solemnly declared, affirm that :

(1) .....  
(name of physiotherapist)

claims from me the sum of ..... \$ for professional services rendered between ..... and ..... as attested to by the account a copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) :

.....  
.....

but (where applicable) I acknowledge that I owe the sum of ..... \$ for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of physiotherapists (R.R.Q., c. C-26, r.141) of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me And I have signed

at .....  
(signature of client or his duly authorized representative)

this ..... 19...  
Commissioner for oaths for  
the district of .....

# SCHEDULE 2

(s. 3.01.01)

## SUBMISSION TO ARBITRATION

Entered into by :

.....  
(name and address)

in person or (where applicable) representing ..... for the purposes of this submission, as attested to by the authorization annexed hereto, hereinafter referred to as "part of the first part",

and

.....  
(name and address)

member of the Corporation professionnelle des physiothérapeutes du Québec, hereinafter referred to as "party of the second part",

who make the following declarations and agreements :

(1) The party of the second part claims from the party of the first part the sum of ..... \$ for professional services rendered between ..... and ..... as attested to by the account a copy of which is annexed hereto ;

(2) The party of the first part refuses to pay this account for the following reason(s) : .....

.....

but (where applicable) the party of the first part acknowledges that he owes the sum of ..... \$ for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that part of the account which exceeds that which the party of the first part acknowledges that he owes to the party of the second part, namely, the sum of ..... \$ ;

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of physiotherapists (R.R.Q., c. C-26, r.141), of which the parties declare having received a copy and taken cognizance ;

(5) The party of the first part renounces to the benefit of any time elapsed with respect to the prescription ;

(6) The party of the second part undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is the object of the dispute ;



(7) The arbitrary decision binds the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) apply to its enforcement.

.....  
(signature of client or his duly  
authorized representative)

.....  
(signature of physiotherapist)

Signed at ..... Signed at .....  
this ..... 19... this ..... 19....



c. C-26, r.142

## **Regulation respecting the procedure of the professional inspection committee of physiotherapists**

Professional Code  
(R.S.Q., c. C-26)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** The Regulation is made under section 90 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “committee” : the professional inspection committee ;

(b) “Corporation” : the Corporation professionnelle des physiothérapeutes du Québec ;

(c) “physiotherapist” : a person who holds a permit issued by the Corporation and is entered on the roll of the latter ;

(d) “records” : the records, books and registers kept by a physiotherapist in the practice of his profession, as well as the documents or reports in which he has in fact collaborated among the records, books and registers kept by his colleagues or employer, including an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) ;

(e) “investigator” : the committee, one of its members, or a person authorized to assist the committee in the exercise of its functions.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 5 members appointed by the Bureau from among the physiotherapists who have been practising for at least 5 years. At least one of the members of the committee must be a member of the teaching staff of a university or teaching institution affiliated to a Québec university.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The Bureau of the Corporation designates the secretary of the committee.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each physiotherapist who is the object of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the physiotherapist’s academic qualifications and experience as well as all the records pertaining to the inspection of which he is the object under this Regulation.

**3.03.** A physiotherapist is entitled to consult his record and to obtain a copy thereof.

**3.04.** The general secretary of the Corporation shall have custody of the professional records thus drawn up.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the physiotherapists according to the programme established by it.

**4.02.** Each year, the Bureau shall forward the committee’s general supervision programme to all physiotherapists.

**4.03.** At least 15 days before the date fixed for the verification of a physiotherapist’s records by an investigator, the committee shall, through its secretary, send the physiotherapist in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If a physiotherapist cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the physiotherapist has been unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the verification and notify the physiotherapist thereof.

**4.06.** An investigator must, if so required to do, produce a certificate attesting to his capacity, signed by the secretary of the committee.

**4.07.** The physiotherapist whose records are the object of verification may be present or be represented by a mandatory.

**4.08.** If he has reason to believe that the committee should subject a physiotherapist to special inquiry, the investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V**

##### **SPECIAL INQUIRY INTO THE COMPETENCE OF A PHYSIOTHERAPIST**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a physiotherapist, or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the physiotherapist in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

**5.03.** Notwithstanding section 5.02, where the sending of a notice to the physiotherapist could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make such inquiry without such notice.

**5.04.** An investigator may give the employer, representative or employee of a physiotherapist notice of the order to allow him access to the records of that physiotherapist.

**5.05.** Where records are held by a third party, the physiotherapist must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.06.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.07.** If the physiotherapist refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.08.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.09.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI**

##### **RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that a physiotherapist be required to serve a period of refresher training and that the right of such physiotherapist to engage in professional activities during such period be limited, it shall notify the Bureau and the physiotherapist in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that a physiotherapist be required to serve a period of refresher training and that the right of such physiotherapist to engage in professional activities during such period be limited, it must permit the physiotherapist in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the physiotherapist and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the place, date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** A physiotherapist or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall receive the oath or solemn affirmation of the physiotherapist and the witnesses through the intermediary of a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the physiotherapist, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the physiotherapist does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the physiotherapist or of the committee.

**6.09.** The committee and the physiotherapist shall pay their own costs.

**6.10.** In its recommendations concerning a physiotherapist, the committee shall take into account the type of professional activities in which the physiotherapist is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons shall be given on which they are based, signed by the members of the committee who concurred in them, and forwarded to the Bureau and the physiotherapist in question without delay.

**6.12.** The committee may also make the recommendations it deems useful to the Bureau on the continuing training courses organized by the Corporation for its members. Such recommendations must be included in the committee's annual report.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code might be laid against a physiotherapist, it shall notify the syndic of the Corporation.

#### SCHEDULE A

(s. 4.03)

#### CORPORATION PROFESSIONNELLE DES PHYSIOTHÉRAPEUTES DU QUÉBEC PROFESSIONAL INSPECTION COMMITTEE

##### Notice of verification

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers on .....  
..... at ..... h .....

Signed at Montréal, on ..... 19...

The professional inspection committee

Per : .....  
secretary of the committee

#### SCHEDULE B

(s. 5.02)

#### CORPORATION PROFESSIONNELLE DES PHYSIOTHÉRAPEUTES DU QUÉBEC

#### PROFESSIONAL INSPECTION COMMITTEE

##### Notice of special inquiry

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on ..... at ..... h  
.....

Signed at Montréal, on ..... 19...

The professional inspection committee

Per : .....  
secretary of the committee.



c. C-26, r.143

## Regulation respecting advertising by physiotherapists

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I DEFINITIONS AND INTERPRETATION

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des physiothérapeutes du Québec ;

(b) “physiotherapist” : whosoever is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II GENERAL PRINCIPLE

**2.01.** The items that a physiotherapist may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

### DIVISION III PROFESSIONAL CARD AND STATIONERY

**3.01.** A physiotherapist may not enter on his professional card any data other than :

- (a) his name followed by the word “physiotherapist” ;
- (b) the name of his partners and of the physiotherapists employed by him or, where applicable, the firm name of the partnership to which he belongs ;
- (c) his academic titles and professional affiliations ;
- (d) his office and home address and telephone number ;
- (e) his office hours ;
- (f) his permit number and an indication that he practises his profession after diagnosis by a physician ;

(g) the graphic sign of the Corporation ;

(h) where applicable, the name and graphic sign of his employer and, if the latter is a partnership, the names of the partners and of the physiotherapists employed by such partnership ;

(i) where applicable, the title of his function.

**3.02.** The professional card shall not measure more than 6 centimetres by 11 centimetres.

**3.03.** The physiotherapist may enter on his stationery all or part of that indicated in section 3.01.

### DIVISION IV INFORMATION MEDIA

**4.01.** A physiotherapist may publish or allow to be published in newspapers, magazines, periodicals, directories or other printed matter an advertisement containing all or part of the data set forth in section 3.01. This advertisement may not, however, exceed one square decimetre.

**4.02.** Upon a change of partners, the opening of his business office, his entering an existing office, his first entry on the roll of the Corporation, or upon his appointment to a post related to the practice of the profession or, as regards paragraph *b* hereafter, upon a change of address, the physiotherapist may :

(a) publish his photograph and certain biographical data in newspapers, magazines, periodicals, directories or other printed matter ; and

(b) distribute to the members of the Corporation professionnelle des médecins du Québec, and to the hospitals or other establishments within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5), a brochure, a card or a letter containing all or part of the data set forth in section 3.01.

The photograph referred to in the first paragraph shall not exceed 64 square centimetres.

**4.03.** The physiotherapist may use a public information medium to express his views on a subject related to the practice of the profession and to make himself known in the capacity of physiotherapist.

**DIVISION V**  
**BUSINESS OFFICE**

**5.01.** The physiotherapist may post up only one sign visible outside his business office and 2 signs inside such office, covering a maximum area of 25 square decimetres and containing all or part of the data set forth in section 3.01.

If the building in which his business office is located is a crossroads, a sign visible from the outside may be placed facing each of the converging roads.

**5.02.** A physiotherapist shall not use luminous signs of any kind.



c. C-26, r.144

## Regulation respecting refresher training periods for physiotherapists

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des physiothérapeutes du Québec ;
- (b) “physiotherapist” : a person entered on the roll of the Corporation ;
- (c) “training period” : a period of refresher training contemplated by this Regulation ;
- (d) “trainee physiotherapist” : a physiotherapist who is required to serve a training period ;
- (e) “tutor” : a physiotherapist responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** If the Bureau considers that the level of competence of a physiotherapist does not meet the standards required for the protection of the public, it may oblige a physiotherapist to serve a training period where :

- (a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;
- (b) his name is re-entered on the roll after failing to be entered thereon for more than 5 years ;
- (c) his name is re-entered on the roll after being struck off for more than 5 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 to 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period not considered, in virtue of section 2.10, to be in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days after the time at which a physiotherapist is liable to have to serve such training period.

**2.03.** A training may, in particular, consist of one or several of the following activities :

- (a) a period of practical training ;
- (b) studies ;
- (c) courses ;
- (d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau's decision to oblige a physiotherapist to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

**2.07.** A tutor must submit a report to the Bureau within 5 days after completion of his mandate, stating, with reasons in support thereof, whether the trainee physiotherapist acted while under his supervision in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee physiotherapist or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee physiotherapist a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required in virtue of sections 2.07 and 2.08, the Bureau shall decide, within 20 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it so deems necessary for the protection of the public, limit the trainee physiotherapist's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or he is not authorized to practise ;

(b) by determining the professional acts which he is authorized or he is not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or certain of them, be performed under the supervision of another physiotherapist or group of physiotherapists.

**3.02.** The Bureau's decision to limit a trainee physiotherapist's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period or limiting a trainee physiotherapist's right to practise, the Bureau must give the physiotherapist concerned the opportunity to be heard. For such purpose, the Bureau must give the physiotherapist a written notice of at least 5 days of the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee physiotherapist's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the physiotherapist in question by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee physiotherapist's right to practise shall take effect 30 days after being sent to or served on the latter.

**4.04.** During the training period, the Bureau may, upon a duly reasoned request by the trainee physiotherapist and communicated to his tutor, reduce the duration and requirements of the training period and, where appli-

cable, reduce the conditions of limitation of the trainee physiotherapist's right to practise.

**4.05.** A physiotherapist must comply with every decision of the Bureau rendered in accordance with this Regulation.





c. C-26, r.145

## Regulation respecting the keeping of records and consulting rooms by physiotherapists

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des physiothérapeutes du Québec ;
- (b) “physiotherapist” : a person whose name is entered on the roll of the Corporation ;
- (c) “consulting room” : the place where a physiotherapist receives in private the persons to whom he provides professional services.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means in the drawing up and keeping of the records of a physiotherapist.

**1.04.** Division III shall only apply to the consulting room where a physiotherapist practises on his own account or for the account of a physiotherapist or partnership of physiotherapists.

**1.05.** Notwithstanding section 1.04, a physiotherapist who does not practise on his own account or for the account of a physiotherapist or partnership of physiotherapists must, if the consulting room and the other rooms he must use in the practice of his profession are not kept clean, notify the Corporation after informing his employer or immediate superior.

### DIVISION II KEEPING OF RECORDS

**2.01.** Subject to section 2.07, the physiotherapist must keep a record for each of his clients at the place where he practises his profession.

**2.02.** The physiotherapist must enter the following items and information in each record :

- (a) the date of the record was opened ;
- (b) the name and given names of the client at birth, his address, telephone number, date of birth and sex ;
- (c) the diagnosis made by the physician ;
- (d) the physical evaluation of the client, in particular, a description of his past record and of the conditions related to the pathological condition of the client together with a description of the problems identified and listed in order of importance ;
- (e) a treatment schedule for each problem ;
- (f) a description of the professional services rendered and the date thereof ;
- (g) his recommendations to the client ;
- (h) notes on the evaluation of the client's condition and his response to treatment ;
- (i) the physical evaluation of the client at the end of treatment ;
- (j) the signature of the physiotherapist who has rendered the professional services followed by the title “physiotherapist” or an abbreviation of that title ;
- (k) the annotations, correspondence and documents pertaining to the professional services rendered ;
- (l) the fee, where applicable ;
- (m) any pertinent information he knows of and that concerns the services rendered by other professionals in the health field.

**2.03.** A physiotherapist must keep each record up-to-date until he ceases to render professional services to the person concerned in that record.

**2.04.** A physiotherapist must keep each record for at least 5 years from the date of the last service rendered.

**2.05.** A physiotherapist must keep his records in a room or cabinet which is not readily accessible to the public and which can be locked by means of a key or otherwise.

**2.06.** When a client takes a document from the record concerning him the physiotherapist must insert in that record a note signed by the client stating the nature of the document and the date on which it was taken out.

**2.07.** If a physiotherapist is employed by or is a member of a partnership of physiotherapists or if he is employed by a natural or artificial person he may use the records kept by such partnership or employer respecting persons to whom he renders services if he may enter therein the items or information referred to in section 2.02 ; if he cannot do so, he must keep a record for each of these persons.

The physiotherapist must sign or initial any entry or report that he puts in a record of his employer or the partnership to which he belongs.

Where a physiotherapist practises in an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5), the record of the recipient within the meaning of that Act and its regulations is deemed, for the purposes of this Regulation, to be the record of that physiotherapist ; in such case, the physiotherapist is not obliged to conform to sections 2.04 to 2.06.

The physiotherapist must sign or initial each entry that he puts in that record.

### **DIVISION III KEEPING OF CONSULTING ROOMS**

**3.01.** The physiotherapist's consulting room must be so designed that the conversations of the persons therein cannot be learned by others.

**3.02.** A physiotherapist's consulting room and, where applicable, the waiting room and the other rooms used in the practice of his profession, must be kept clean.

**3.03.** A physiotherapist must place in public view in the place mentioned in section 3.02 a copy of the Code of ethics of physiotherapists (c. C-26, r.136) and the Regulation respecting the procedure for conciliation and arbitration of accounts of physiotherapists (c. C-26, r.141). He

must also write the address of the Corporation on each of these regulations.

**3.04.** Subject to section 3.03, a physiotherapist, in addition to decorative or utilitarian objects, may only display in his consulting room and in the other rooms used in the practice of his profession only the diplomas related to the practice of his profession.

**3.05.** A physiotherapist shall keep in his consulting room and in the other rooms used in the practice of his profession only the equipment and instruments required in the practice of the profession.

**3.06.** A physiotherapist who is absent from his consulting room for more than 5 consecutive working days must take the necessary measures to inform the persons likely to get in touch with him of the duration of his absence.



c. C-26, r.146

**Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des physiothérapeutes du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des physiothérapeutes du Québec, the territory of Québec shall be divided into 7 regions :

- (a) the Bas Saint-Laurent, Gaspésie and Côte-Nord region ;
- (b) the Saguenay-Lac-Saint-Jean region ;
- (c) the Québec region ;
- (d) the Trois-Rivières region ;
- (e) the Cantons de l'Est region ;
- (f) the Montréal region ;
- (g) the Outaouais and Nord-Ouest region.

**2.** The territory of the Bas Saint-Laurent, Gaspésie and Côte-Nord region is that of regions 1 and 9 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The territory of the Saguenay-Lac-Saint-Jean region is that of regions 2 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Québec region is that of region 3 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Trois-Rivières region is that of region 4 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Cantons de l'Est region is that of region 5 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Montréal region is that of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Outaouais and Nord-Ouest region is that of regions 7 and 8 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the Bas Saint-Laurent, Gaspésie and Côte-Nord region, one for the Saguenay-Lac-Saint-Jean region, 2 for the Québec region, one for the Trois-Rivières region, one for the Cantons de l'Est region, 6 for the Montréal region and one for the Outaouais and Nord-Ouest region.

**4.** A physiotherapist shall vote in the region in which he principally practises his profession, for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 17 persons including the president. If the president is elected by a vote of the elected directors, the Bureau shall consist of 16 persons including the president.



c. C-26, r.147

## Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des psychologues du Québec

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des psychologues du Québec ;

(b) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II BUREAU

**2.01.** Upon the designation of the members of the administrative committee, the elected members of the Bureau shall elect from among them a vice-president who shall become *ex-officio* a member of the administrative committee.

**2.02.** The administrative committee shall fix the date, place and hour of the regular meetings of the Bureau.

**2.03.** The special meetings of the Bureau shall be held at the place fixed by the president or, in his absence, the vice-president.

**2.04.** A regular meeting of the Bureau shall be convened by the secretary by means of a notice of convocation accompanied with an agenda at least 10 days before the date of the meeting.

**2.05.** A special meeting of the Bureau may be convened by the secretary provided that :

(a) all the directors are notified by telephone or telegram at least 3 days before the meeting of the hour, date and place of the meeting ; and

(b) all the directors absent from the meeting acknowledge that they have been convened in accordance with subparagraph a.

Only the matters for which it was convened may be discussed at a special meeting.

**2.06.** Notwithstanding sections 2.04 and 2.05, a meeting of the Bureau shall be deemed to be regularly held if all the directors are present and waive the notice of convocation.

**2.07.** The secretary shall act as secretary of the Bureau but shall not have the right to vote.

**2.08.** In the absence of the president or vice-president, or where they wish to leave the chair, the Bureau shall designate one of its members to preside over the meeting.

**2.09.** After having ascertained that there is a quorum, the president or his replacement shall declare the meeting opened. At a regular meeting, the Bureau shall then proceed to the adoption of the agenda, then to the adoption of the minutes of the preceeding meeting. At the request of a director, the Bureau may alter the minutes but only if they contain errors or are inconsistent with the decisions taken. If they are consistent therewith, they shall be adopted as read.

**2.10.** Whenever the president or his replacement adjourns the meeting of the Bureau for lack of a quorum, the hour of adjournment and the names of the directors then present shall be entered in the minutes.

**2.11.** In order to be considered, a motion must be seconded. A director may move an amendment to a motion. A director may also move a sub-amendment. In such case, the vote shall be taken first on the sub-amendment, then on the amendment and finally on the leading motion.

**2.12.** The vote shall be taken by shows of hands unless the chairman require a vote by roll call. However, in all matters, a director may request a secret ballot. In such case, the chairman shall give the directives for the carrying out of such order without there being any discussion relative to the secret nature of the vote.

**2.13.** The Bureau usually sits *in camera*. It may, when the majority of the directors so wish, hold meetings in

public or authorize certain persons to remain in the room at the meeting.

### **DIVISION III OATH OF DISCRETION**

**3.01.** At the first meeting of the Bureau immediately following the taking of office of a director, the first item on the agenda must be the swearing-in of the new director. The latter must take the oath or affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

### **DIVISION IV ADMINISTRATIVE COMMITTEE**

**4.01.** The secretary of the Corporation shall act as secretary of the administrative committee but shall not have the right to vote.

**4.02.** A regular meeting of the administrative committee shall be convened by the secretary by means of a written notice of at least 10 days prior to the date of the meeting.

**4.03.** The president may convene a special meeting of the administrative committee provided that :

(a) all the members of the administrative committee are notified by telephone or telegram at least 2 days before the meeting ; and

(b) all the members of the administrative committee absent from the meeting acknowledge that they have been convened in accordance with subparagraph a.

Only the matters for which it was convened may be discussed at a special meeting.

**4.04.** Notwithstanding sections 4.02 and 4.03, a meeting of the administrative committee shall be deemed to be regularly held if all the members of the administrative committee are present and waive the notice of convocation.

**4.05.** In the absence of the president of the Corporation, the vice-president shall preside over the meetings of the administrative committee.

**4.06.** The decisions shall be taken by majority vote of the members present : in the case of a tie-vote, the chairman shall have a casting vote.

### **DIVISION V GENERAL MEETING**

**5.01.** The general meetings shall be held at the place, date and hour which the administrative committee shall determine.

**5.02.** The quorum for a general meeting of the Corporation shall be fixed at 50 members.

**5.03.** Where the quorum has not been reached at a general meeting, the secretary shall draw up the minutes to that effect and shall convene another general meeting.

**5.04.** The decisions shall be taken by majority vote. In the case of a tie-vote, the chairman of the meeting shall have a casting-vote.

### **DIVISION VI ADOPTION OF REGULATIONS**

**6.01.** The tabling of a draft regulation must be preceded by a notice of motion made at a former regular meeting of the Bureau.

The notice of motion :

(a) must be in writing ;

(b) must contain the tenor of the draft regulation which is to be subsequently submitted to the Bureau ; and

(c) need not be seconded.

**6.02.** Notwithstanding section 6.01, a notice of motion may be made at a special meeting of the Bureau if mention of such notice is given in the notice of convocation or if all the members of the Bureau are present and agree thereto.

**6.03.** At the meeting which immediately follows that at which the tabling of a notice of motion was made or at a subsequent meeting, the member of the Bureau who tabled the notice of motion or, where he is absent or is unable to act, his duly authorized representative, must table the draft regulation to the directors present by making known the reason for and expediency of the draft regulation.

**6.04.** Once the tabling has been made, the directors present must give their opinion on the principle of the draft regulation.

If the principle thereof is rejected, the chairman shall announce the rejection of the draft regulation and shall proceed to the next item on the agenda.

If the principle thereof is adopted, the examination of the draft regulation shall be proceeded with immediately

or at a subsequent meeting, and only after having made a section by section study shall the Bureau adopt it with or without modification or reject it.

**6.05.** A draft regulation may only be adopted if the secretary of the Corporation has sent a copy thereof to all the members of the Corporation at least 30 days before its adoption by the Bureau.

**6.06.** The written comments of the members of the Corporation must be received by the secretary at least 15 days before the date of the meeting of the Bureau at which the draft regulation is to be studied in order to be tabled at that meeting.

**6.07.** A regulation may only be modified, replaced or revoked by another regulation adopted in the manner above described and subject to the same procedure.

#### **DIVISION VII ADMINISTRATION OF PROPERTY**

**7.01.** The monies collected by the secretary on behalf of the Corporation shall be deposited in the financial institutions approved by the Bureau.

**7.02.** The president or the secretary may approve the payment of any current expenses such as salaries, rent, telephone, taxes and other similar expenses, whatever the amount, as well as any other expenses, under 1 000 \$. Every expense over 1 000 \$ which is not a current expense must be approved by the administrative committee.

**7.03.** The president and the secretary acting jointly may invest the non-utilized portions of the revenue appearing in the operations budget for the current year in a trust corporation or in a chartered bank, provided that such investments take the form of guaranteed deposit certificates. The same applies to the Corporation surpluses.

**7.04.** The administrative committee shall prepare budgetary estimates at the beginning of every fiscal year and shall submit them for the approval of the Bureau.

**7.05.** Expenses must be within the limits of the budget approved by the Bureau with the exception of current expenses which may be incurred prior to budget approval.

**7.06.** The contracts, commitments or transactions to which the Corporation is a party must be signed by the secretary and the president, or by the vice-president in the

absence of the president. The same applies to cheques and bank documents.

#### **DIVISION VIII ANNUAL ASSESSMENT**

**8.01.** A resolution of the Bureau fixing the amount of the annual assessment shall be approved by the majority of the members of the Corporation who are present and who shall express themselves on the matter at a general meeting. A motion to approve such resolution must appear on the agenda accompanying the notice of convocation of such meeting.

**8.02.** The secretary shall send to all the members of the Corporation, at least 30 days prior to the date on which the assessment is payable, a notice indicating the amount of the said assessment as well as the date on which it is due.

**8.03.** A member of the Corporation who is in arrears in the payment of his assessment shall be summoned, by registered or certified mail, to pay the said assessment as well as the costs which may not exceed 10% of the amount of the annual assessment. If he has not paid his assessment within a period of 30 days from the mailing of such letter, he shall be struck off the roll.

**8.04.** Subject to this division, the member of the Corporation who is entered on the roll on the date on which the assessment is payable must pay it in whole. However, the member who ceases to practise his profession, temporarily or permanently, need not pay the assessment if he so advises the secretary in writing prior to the date on which the assessment is payable.

**8.05.** Notwithstanding section 8.04, the member who wishes to pay the annual assessment in 2 instalments may do so upon payment of the administrative costs which may not exceed 5% of the amount of the annual assessment and by forwarding to the Corporation, prior to the date on which the assessment is payable, a payment for one-half of the assessment. For the remaining half, he shall forward with his first payment a cheque bearing another date of payment not exceeding the due date of the first payment by 3 months.

**8.06.** The member who is struck off the roll for non-payment of an assessment within the determined time limits may renew the practice of his profession under the following conditions :

(a) payment of the assessments due and unpaid at the time of his striking off ;

(b) payment of the assessments for the current year ;  
and

(c) payment of the reentry fees which may not exceed 10% of the amount of the annual assessment.

However, upon petition received under oath and for reasons which are beyond the control of the applicant, the administrative committee may release such member from the payment of the amounts mentioned in subparagraphs a and c of the first paragraph.

**8.07.** In the case of reentry on the roll of the Corporation or of a first entry on the roll, the amount of the assessment shall be calculated in proportion to the months yet to elapse in the current fiscal year, effective upon the first of the month following the date of his entry of reentry on the roll by the secretary. Such entry or reentry shall entail administrative costs which may not exceed 10% of the amount of the annual assessment.

**8.08.** A reduction of 80% of the amount of the annual assessment shall be granted to the member of the Corporation :

(a) who is absent from Québec for the entire duration of the fiscal year for which the assessment is collected ;

(b) who is registered as a full time student in a university study programme ; or

(c) who is 65 years of age and who wishes to remain entered on the roll of the Corporation without practising.

**8.09.** A member of the Corporation who wishes to avail himself of section 8.08 must so advise the secretary and provide him with the appropriate documentary proof each year prior to the date on which the assessment is payable.

**8.10.** Where section 8.08 no longer applies to a member of the Corporation during the year of assessment in which he availed himself thereof, he must notify the secretary and pay the difference between the amount he has already paid pursuant to that section and the amount of the annual assessment. The first amount shall be computed in proportion to the months already elapsed in the fiscal year, and, the other amount in proportion to the months yet to elapse.

**8.11.** A member of the Corporation who has availed himself of paragraph b of section 8.08 may not do so for more than 2 consecutive years.

## **DIVISION IX CORPORATION SEAL**

**9.01.** The secretary shall have custody of the seal of the Corporation.

## **DIVISION X MISCELLANEOUS PROVISIONS**

**10.01.** The corporate seat of the Corporation is situated in the territory of the Communauté urbaine de Montréal.

**10.02.** The graphic sign and the name of the Corporation must appear on all correspondence and official documents of the Corporation.

**10.03.** The language of deliberations and administration of the Corporation shall be French.

**10.04.** The president, or if the latter is unable to act, the vice-president, shall be the only persons authorized to speak for the Corporation on matters respecting the practice of the profession.

**10.05.** Notwithstanding section 10.04, the president, or where the latter is unable to act, the vice-president, may authorize a representative to speak for the Corporation on matters respecting the practice of the profession.

**10.06.** Subject to the Professional Code (R.S.Q., c. C-26), the questions of procedure which are not prescribed in this Regulation are governed *mutatis mutandis* by the rules contained in *Procédure des assemblées délibérantes*, V. Morin, latest edition.



c. C-26, r.148

**Règlement sur certaines conditions et  
modalités de délivrance des permis  
d'exercice de la Corporation  
professionnelle des psychologues du  
Québec**

Professional Code

(R.S.Q., c. C-26, s. 94, par. *a* and *i*)

See French Edition





c. C-26, r.149

**Règlement sur les dossiers d'un  
psychologue cessant d'exercer sa  
profession**

Professional Code  
(R.S.Q., c. C-26, s. 91)

See French Edition



c. C-26, r.150

## Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des psychologues du Québec

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I DEFINITIONS AND INTERPRETATION

**1.01.** For the purposes of this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des psychologues du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “region” : one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des psychologues du Québec (c. C-26, r. 155).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TERMS OF OFFICE

**2.01.** The president and the directors shall be elected for a term of 2 years.

### DIVISION III DATE OF CLOSING OF THE POLL

**3.01.** The deadline for the closing of the poll shall be 17 h, at least 10 clear days before the date of the annual general meeting of the Corporation.

### DIVISION IV NOMINATION PROCEDURE

**4.01.** At least 10 weeks prior to the date of the closing of the poll, the secretary shall send to each member of the Corporation :

- (a) a notice of election ;

(b) a list of the members of the region in which he principally practises his profession, or an *addendum* to the official list of the members of the Corporation whose names are listed by region, which list is already in the possession of each of the members ; and

- (c) a nomination paper.

**4.02.** The nomination paper prescribed in paragraph c of section 4.01 must be remitted to the secretary not later than 17 h at least 30 days prior to the date of the closing of the poll.

**4.03.** A member shall not sign more nomination papers than there are offices of director to be filled for his region. A signature appearing on a number of nomination papers in excess of the number of offices of director to be filled shall be struck off all papers.

**4.04.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest to the validity of his nomination.

### DIVISION V BALLOT-PAPER

**5.01.** Subject to the Professional Code (R.S.Q., c. C-26), the ballot-paper for the office of director must contain :

- (a) the name of the electoral region ;
- (b) the names in alphabetical order and in capital letters, and the given names, of the candidates for that region ;
- (c) the number of directors to be elected in that electoral region ;
- (d) the year of the election ; and
- (e) the name and graphic sign of the Corporation.

**5.02.** The secretary is bound to account to the candidates at the counting of the votes for the number of official ballot-papers and envelopes which he caused to be printed and also for the manner in which he disposed thereof.

## DIVISION VI SCRUTINEERS

**6.01.** At its meeting immediately preceding the date of the closing of nominations, the administrative committee shall appoint the scrutineers.

*Amended in French D. 233-80, G.O.II, 1980, p. 1077.*

**6.02.** The following persons shall not be entitled to become scrutineers :

- (a) the president of the Corporation ;
- (b) the secretary of the Corporation ;
- (c) the directors in office at the time of the election ;
- (d) the candidates for the election in progress ; and
- (e) the members of the profession inspection committee, the syndic and his assistants.

## DIVISION VII VOTING

**7.01.** At least 15 days before the date of the closing of the poll, the secretary shall mail to each voter the following documents at the same time as he advises them of such date :

- (a) a ballot-paper for the offices of director ;
- (b) where the president is elected by a general vote, a ballot-paper for the office of president ;
- (c) an envelope addressed to the secretary of the Corporation on which the word "ELECTION", the name of the voter, his address and his region are written ;
- (d) an envelope in which the ballot-paper for the office of director is to be inserted and on which the words "Corporation professionnelle des psychologues du Québec" and "Ballot-paper — director" are written ;
- (e) where the president is elected by a general vote, an envelope in which the ballot-paper for the office of president is to be inserted and on which the words "Corporation professionnelle des psychologues du Québec" and "Ballot-paper — president" are written ;
- (f) a brief curriculum vitae of each candidate who has furnished one to the secretary, stating in particular his age, the date of his admission to the Corporation and, where applicable, a description of his principal activities within the Corporation ; and
- (g) a circular letter describing in detail the procedure to be followed in voting.

**7.02.** If a group of candidates wish to team up in one or several regions, or for the aggregate offices, the secretary shall annex to the documents for mailing described in section 7.01 a circular letter to that effect.

**7.03.** On the day on which he sends the ballot-papers, the secretary shall affix the seals to the ballot boxes in the presence of the scrutineers. The latter must certify in writing, under oath or solemn affirmation, that the ballot boxes were empty when the seals were affixed.

There must be only one ballot box for each electoral region. The boxes shall be kept in a safe place at the corporate seat of the Corporation until the counting of the votes.

**7.04.** An elector may obtain a new ballot-paper from the secretary where the first ballot-paper sent is lost or otherwise unusable, provided that such elector makes a written solemn declaration certifying that his ballot-paper is lost or unusable.

**7.05.** A member shall not send the ballot-paper addressed to him to another member.

**7.06.** Each ballot-paper must be received by the secretary, by mail or in person, in the official envelope which was sent to him for such purpose, before 17 h, on the day fixed for the closing of the poll.

**7.07.** The secretary shall, without opening them, deposit in the appropriate ballot-box all the envelopes bearing the word "ELECTION".

**7.08.** Where several envelopes from the same voter are received by the secretary, the first one received shall be valid, the other ones shall be discarded.

**7.09.** Every day, during the election period, except on Saturdays, Sundays and holidays, the secretary shall strike off the list of electors the names of those who have returned their envelope bearing the word "ELECTION".

**7.10.** Where, during the election period, the secretary is absent or unable to act because of sickness or for any other reason deemed sufficient by the administrative committee, the latter shall designate a member of the Corporation to act in lieu of the secretary. The member thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

## DIVISION VIII COUNTING OF THE VOTES

**8.01.** The counting of the votes shall be done at the corporate seat of the Corporation.

**8.02.** The secretary shall open the ballot box for the first electoral region and, with the help of the scrutineers, shall take out the envelopes containing the ballot-papers. Where the president is elected by a general vote, the envelopes containing the "Ballot-paper — president" shall be deposited in another ballot box.

**8.03.** The secretary, with the help of the scrutineers, shall then remove the ballot-papers from the envelopes on which the word "Ballot-paper — director" is written and shall then count the votes.

**8.04.** The secretary shall continue in this manner for each electoral region, keeping the counting of the votes for the office of president until the end where the president is elected by a general vote.

**8.05.** In counting the votes, the secretary and the scrutineers must reject any ballot-paper :

- (a) which is not in accordance with the provisions of section 5.01 ;
- (b) which does not contain any vote ;
- (c) which is spoiled, erased or which contains any identification mark of the elector ;
- (d) on which the cross was not made within the square(s) reserved for voting, according to whether there are one or several candidates to be elected ;
- (e) on which a vote was cast for a person who was not nominated or for a candidate who withdrew ; or
- (f) on which there are more votes than offices to be filled.

**8.06.** The decision of the secretary and of the scrutineers with respect to the validity of a ballot-paper is final and shall be taken by majority vote. In the case of a tie-vote, the secretary shall have a casting vote.

**8.07.** The secretary shall declare elected the candidates who obtained the most votes and shall have the results of the vote countersigned by the scrutineers.

**8.08.** After the election, the secretary shall draw up under his signature a general report of the election including the results of the vote and shall forward a copy thereof

to each candidate. A copy of such report shall also be tabled at the general meeting and at the first meeting of the Bureau following the election.

**8.09.** The secretary must retain at the corporate seat of the Corporation the counted ballot-papers for a period of 12 months following the date of the closing of the poll.

## DIVISION IX GENERAL PROVISION

**9.01.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation shall apply *mutatis mutandis* to his election.

*See French Text D. 233-80, G.O.II, 1980, p. 1077.*



c. C-26, r.151

## Regulation respecting the procedure for conciliation and arbitration of accounts of psychologists

Professional Code  
(R.S.Q., c. C-26)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made under section 88 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des psychologues du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “psychologist” : the member of the Corporation whose account is the object of a dispute with a client ;
- (d) “arbitrator” : the arbitrator appointed under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with the present and future amendments, applies to this Regulation.

### DIVISION II CONCILIATION

**2.01.** The syndic or the secretary shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a psychologist with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic in forwarding him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be made before the day on which the action for a claim concerning

the account contested is served by the psychologist upon the client.

**2.04.** Within 10 days from the date on which he receives the application for conciliation, the syndic shall forward to the psychologist a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt by the syndic of his application for conciliation, have recourse to arbitration in accordance with Division III.

**2.08.** The syndic may, for valid reasons, extend the time limits prescribed in this Division of the Regulation. In such case, he shall inform both parties thereof by registered or certified mail.

### DIVISION III ARBITRATION

#### *§1. Application for arbitration*

**3.01.01.** A client applies for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 10 days from the receipt of the application for arbitration, the secretary shall forward to the psychologist, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the psychologist shall sign it and return it to the secretary.

## §2. Appointment of arbitrator

**3.02.01.** In order to settle the dispute between the client and the psychologist, the administrative committee shall appoint an arbitrator who is a member of the Corporation.

**3.02.02.** The secretary shall notify the arbitrator and the parties of the appointment of the said arbitrator.

**3.02.03.** A motion for recusation of an arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25), and must be forwarded in writing to the arbitrator and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The administrative committee shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrator must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code.

**3.02.05.** In the case of the death or inability to act of the arbitrator, the administrative committee shall designate another arbitrator who shall terminate the matter and his decision shall be valid.

## §3. Hearing

**3.03.01.** The arbitrator shall fix the date, hour and place of the hearing and shall notify the parties in writing at least 10 days prior to that date.

**3.03.02.** The arbitrator may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The arbitrator shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The arbitrator shall proceed with dispatch to the hearing of the dispute according to the procedure and mode of evidence he deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the arbitrator or one of the parties so requests. In the latter case, that party shall assume the cost thereof.

**3.03.06.** Articles 945 and 947 of the Code of Civil Procedure shall apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

## §4. Arbitration award

**3.04.01.** The arbitrator must render his decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that time period.

**3.04.02.** The arbitrator decides as mediator and renders the decision he considers most appropriate.

**3.04.03.** The decision rendered by the arbitrator must contain the reasons therefore and be signed by him and be immediately forwarded to the parties.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees, namely, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 15% of the amount which is the object of the arbitration as fixed in section 3 of the submission to arbitration appearing as Schedule 2.

Where an agreement is reached between the parties before the decision of the arbitrator is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and the members of the administrative committee.

## SCHEDULE 1

(s. 2.02)

### APPLICATION FOR CONCILIATION

I, the undersigned, .....  
(name and address)

.....  
in person or (where applicable) representing .....

..... for the purposes of this application, as attested to by the authorization annexed hereto, declare :

1. .... claims from me  
(name of psychologist)

the sum of .....\$ for professional services

rendered between ..... and .....  
 as attested to by the account, a copy of which is annexed  
 hereto.

2. I refuse to pay this account for the following reason(s) :

.....  
 .....  
 .....

but (where applicable) I acknowledge that I owe the sum  
 of ..... \$ for the professional services referred  
 to in this account.

3. I apply for conciliation by the syndic pursuant to  
 Division II of the Regulation respecting the procedure for  
 conciliation and arbitration of accounts of psychologists  
 (R.R.Q., c. C-26, r.151), of which I declare having received a copy and taken cognizance.

And I have signed

.....  
 (signature of client or his duly authorized representative)

## SCHEDULE 2

(ss. 3.01.01 and 3.04.05)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
 (name and address)

in person or (where applicable) representing .....

..... for the purposes of this submission,  
 as attested to by the authorization annexed  
 hereto,

hereinafter referred to as "the client",

and

.....  
 (name and address)

member of the Corporation professionnelle des psychologues  
 du Québec, hereinafter referred to as "the psychologist",  
 who make the following declarations and agreements :

1. The psychologist claims from the client the sum of  
 ..... \$ for professional services rendered  
 between .....

and ..... as attested to by the account a  
 copy of which is annexed hereto ;

2. The client refuses to pay this account for the following  
 reason(s) :

but (where applicable) the client acknowledges that he  
 owes the sum of ..... \$ for the professional  
 services referred to in such account ;

3. The dispute between the parties bears on the entire  
 account or (where applicable) on that part of the account  
 which exceeds that which the client acknowledges to owe  
 to the psychologist, namely, the sum of .....  
 ..... \$ ;

4. The dispute between the parties will be settled by arbitration  
 held in accordance with Division III of the Regulation  
 respecting the procedure for conciliation and arbitration  
 of accounts of psychologists (R.R.Q., c. C-26, r.151),  
 of which the parties declare having received a copy and  
 taken cognizance ;

5. The client renounces to the benefit of any time  
 elapsed with respect to the prescription ;

6. The psychologist undertakes, for the duration of the  
 arbitration, not to claim before the civil courts that part  
 of the account which is the object of the dispute ;

7. The award of the arbitrators binds the parties and the  
 rules set forth in Book VII of the Code of Civil Procedure  
 (R.S.Q., c. C-25) shall apply to its enforcement ;

8. This submission may only be annulled with the written  
 consent of the parties.

.....  
 (signature of client or his duly  
 authorized representative)

.....  
 (signature of psychologist)

Signed at ..... Signed at .....

this ..... 19... this ..... 19...



c. C-26, r.152

## Regulation respecting the professional inspection committee of psychologists

Professional Code  
(R.S.Q., c. C-26)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made under section 90 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “committee” : the professional inspection committee ;

(b) “Corporation” : the Corporation professionnelle des psychologues du Québec ;

(c) “psychologist” : the member entered on the roll of the Corporation ;

(d) “records” : the records and reports kept by a psychologist in the practice of his profession, and also the documents in which he has in fact collaborated in the records and reports kept by his colleagues or his employer, including an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) ;

(e) “secretary” : the secretary of the professional inspection committee ;

(f) “investigator” : the committee, one of its members or a person authorized to assist it in the course of an appraisal or special inquiry into the competence of a psychologist.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendements, applies to this Regulation.

### DIVISION II COMMITTEE

**2.01.** The committee is composed of 3 members appointed by the Bureau from among the psychologists who have been practising for at least 3 years.

**2.02.** The term of office of the members of the committee shall be 2 years and is renewable.

**2.03.** The committee shall hold its meetings on the dates and at the places determined by it or by its chairman.

**2.04.** The Bureau of the Corporation designates the secretary of the committee.

**2.05.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### DIVISION III DRAWING UP OF A PROFESSIONAL RECORD

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each psychologist who is the object of an appraisal or inquiry under this Regulation.

**3.02.** The professional record shall contain :

(a) a general data card concerning the psychologist ;

(b) a summary of his academic qualifications ;

(c) a summary of his professional experience ;

(d) the appraisal or inquiry report ;

(e) the committee’s report, following an appraisal or inquiry ;

(f) any other document relating to the appraisal or inquiry of which the psychologist is the object pursuant to this Regulation.

**3.03.** A psychologist is entitled to consult the report described in paragraph *e* of section 3.02 of this Division and to obtain a copy thereof.

**3.04.** Notwithstanding section 3.03 of this Division, only the members of the committee, its secretary, or the administrative committee shall have access to the professional record of the psychologist.



#### **DIVISION IV OBJECTIVES AND PROGRAMME OF THE COMMITTEE**

**4.01.** The committee shall supervise the practice of the profession and, for such purpose, shall appraise the competence of the members of the Corporation in accordance with the programme established by it. In particular, the committee shall appraise the competence of each psychologist and make, in accordance with the procedure prescribed in Division VI, special inquiries into the competence of a psychologist.

#### **DIVISION V PROCEDURE OF APPRAISAL**

**5.01.** At least 15 days before the date fixed for the appraisal of the competence of a psychologist by an investigator, the committee shall, through its secretary, send the psychologist in question a notice in accordance with the form in Schedule 1.

**5.02.** If a psychologist cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**5.03.** When an investigator ascertains that the psychologist was unable to take cognizance of the notice referred to in section 5.01, he shall so inform the committee which shall fix a new date for the appraisal and notify the psychologist thereof.

**5.04.** An investigator must, if so required to do, produce a certificate attesting to his capacity signed by the secretary of the committee.

**5.05.** The psychologist who is the object of an appraisal must be present during the visit of the investigator.

**5.06.** The investigator shall draw up an appraisal report which he forwards to the secretary of the committee within 15 days after termination of the appraisal.

#### **DIVISION VI SPECIAL INQUIRY INTO THE COMPETENCE OF A PSYCHOLOGIST**

**6.01.** At the request of the Bureau, the administrative committee or on its own initiative, the committee shall make a special inquiry into the competence of a psychologist, or designate an investigator for such purpose.

**6.02.** At least 5 clear days before the date of the special inquiry the committee shall, through its secretary, send to the psychologist in question, by registered or certified mail, or by means of a bailiff, a notice in accordance with the form in Schedule 2.

Notwithstanding the first paragraph, where the sending of a notice to the psychologist could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make such inquiry without notice.

**6.03.** An investigator may give the employer, representative or employee of a psychologist notice of the order to allow him access to the records of that psychologist.

**6.04.** Where records are held by a third party, the psychologist must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**6.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**6.06.** If the psychologist refuses to receive an investigator, the latter shall immediately notify the syndic.

**6.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**6.08.** An investigator must, if so required to do, produce a certificate attesting to his capacity signed by the secretary of the committee.

**6.09.** The psychologist is entitled to be present when his records are the object of verification by an investigator.

#### **DIVISION VII RECOMMENDATIONS OF THE COMMITTEE**

**7.01.** Where the committee, after study of an investigator's appraisal or inquiry report, has reason to believe that it is not expedient to recommend to the administrative committee that a psychologist be required to serve a period of refresher training and that the right of such psychologist to engage in professional activities during such period be limited, it shall notify the psychologist in question within 15 days following its decision. If an inquiry was requested by the Bureau or the administrative committee in accordance with section 6.01 of this Regulation, it shall notify the Bureau or the administrative committee.

**7.02.** Where the committee, after study of an investigator's appraisal or inquiry report, has reason to believe

that it is expedient to recommend to the administrative committee that a psychologist be required to serve a period of refresher training and that the right of such psychologist to engage in professional activities during such period be limited, it must permit the psychologist in question to present a full complete defence relative to the appraisal of his competence made by the committee.

**7.03.** For such purpose, the committee shall forward to the psychologist in question, by registered or certified mail or by bailiff :

(a) its proposed recommendation accompanied by the facts and reasons which lead the committee to make such recommendation ;

(b) a notice informing him of the procedures and deadlines granted him to contest such recommendation.

**7.04.** Within 10 days following the notice prescribed in section 7.03, the psychologist must make known to the committee if he wishes to contest the recommendation of the committee.

**7.05.** If the psychologist wishes to contest the recommendation of the committee, the committee shall convene him and forward him, by registered or certified mail, or by bailiff, 15 days before the date prescribed for the hearing, a notice specifying the date and place of the hearing.

**7.06.** The committee shall administer the oath or solemn affirmation of the psychologist and the witnesses through a commissioner for oaths.

**7.07.** The hearing shall be held *in camera* unless the committee, at the request of the psychologist, considers that it is in the public interest that it not be held in this manner.

**7.08.** The committee may proceed *ex parte* if the psychologist does not appear on the date and at the hour prescribed.

**7.09.** The depositions shall be recorded at the request of the psychologist or of the committee.

**7.10.** The committee and the psychologist shall pay their own costs, with the exception of recording costs which shall be shared equally between them.

Notwithstanding the first paragraph, where the committee requests the recording of depositions, it shall assume all the costs thereof.

**7.11.** In its recommendations concerning a psychologist, the committee shall take into account the type of activities in which the psychologist is generally engaged.

**7.12.** The recommendations of the committee are made by the majority of its members within 30 days after the end of the hearing. The reasons shall be given on which they are based, signed by the members of the committee who concurred in them and immediately forwarded to the administrative committee and the psychologist in question and also to the Bureau, where the latter requested the inquiry, in accordance with section 6.01 of this Regulation.

## DIVISION VIII MISCELLANEOUS PROVISIONS

**8.01.** The committee may also make recommendations to the administrative committee on the continuing refresher training periods organized by the Corporation for its members.

**8.02.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code might be laid against a psychologist, it shall notify the syndic of the Corporation.

## SCHEDULE 1 (s. 5.01)

### CORPORATION PROFESSIONNELLE DES PSYCHOLOGUES DU QUÉBEC PROFESSIONAL INSPECTION COMMITTEE

#### notice : professional appraisal

Pursuant to Division VI of the Professional Code (R.S.Q., c. C-26) and the Regulation respecting the professional inspection committee of psychologists (R.R.Q., c. C-26, r.152) the professional inspection committee shall appraise the competence of each member of the Corporation in accordance with the programme established by it. It is within the framework of its general programme for supervision of the practice of the profession of psychologist for the current year that the committee wishes to inform you that it will make, in your presence, a professional appraisal, on . . . . . 19... , at your offices.

For that purpose, it has designated . . . . . to meet you.

Signed at . . . . . , on . . . . . 19...

The professional inspection committee

Per : . . . . .  
secretary of the committee

**SCHEDULE 2**

(s. 6.02)

**CORPORATION PROFESSIONNELLE DES  
PSYCHOLOGUES DU QUÉBEC****PROFESSIONAL INSPECTION COMMITTEE****notice : special inquiry**

Pursuant to Division VI of the Professional Code (R.S.Q., c. C-26) and the Regulation respecting the professional inspection committee of psychologists (R.R.Q., c. C-26, r. 152), notice is given that the committee will make a special inquiry into your professional competence, on

..... 19... ,

at your offices, at ..... h .....

Signed at ....., on ..... 19...

The professional inspection com-  
mitteePer : .....  
secretary of the committee



c. C-26, r.153

## Regulation respecting advertising by psychologists

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Corporation” : the Corporation professionnelle des psychologues du Québec ;
- (b) “psychologist” : a person entered on the roll of the Corporation ;
- (c) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items that a psychologist may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** A psychologist may not enter on his professional card anything other than :

- (a) his name and that of his partners and other professionals employed by him ;
- (b) his profession and, where applicable, his membership in another professional corporation ;
- (c) his specialty, if he has a specialist’s certificate recognized by the Corporation ;
- (d) his academic titles ;
- (e) his address, telephone number and business hours ;
- (f) the graphic sign of the Corporation ;
- (g) the name and graphic sign of his employer, where applicable, and where the latter is a partnership, the

names of its members and the other professionals it employs ;

- (h) the title of his position, where applicable.

**2.02.** The professional card shall not measure more than 6 centimetres in width by 11 centimetres in length.

### DIVISION III FOLDERS OR BROCHURES

**3.01.** A psychologist may publish or participate in the publication of a folder or brochure containing the following information :

- (a) all or part of the items mentioned in section 2.01 ;
- (b) a brief description of the services that he offers to the public ;
- (c) a brief description of the methods and approaches that he uses in the practise of his profession ;
- (d) the hours and dates when and the places where he offers his services, where applicable ;
- (e) the terms and conditions for registration in the activities relating to the services provided by him, where applicable.

### DIVISION IV INFORMATION MEDIA

**4.01.** A psychologist may publish or allow to be published in newspapers, magazines, periodicals, directories or in any other printed matter, an advertisement containing all or part of the items mentioned in sections 2.01 and 3.01. The said advertisement shall not, however, exceed one square decimetre and may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter.

Such advertisement may, however, appear more than once in the same edition of a telephone directory.

**4.02.** A psychologist may publish an advertisement containing his photograph and certain biographical information in newspapers, magazines, periodicals, directories or other printed matter when he first opens an office, joins an existing office, upon his initial entry on the roll of the Corporation, or when he is appointed to a position relating to the practice of his profession.

The said advertisement may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter, nor in more than 2 issues of the same newspaper, magazine, periodical, directory or other printed matter.

The photograph authorized in the first paragraph may not exceed 64 square centimetres.

#### **DIVISION V STATIONERY**

**5.01.** A psychologist may enter on his stationery all or part of the items mentioned in section 2.01.

#### **DIVISION VI BUSINESS OFFICE**

**6.01.** On one of the outer walls of the immovable in which his office is located or on the land on which such immovable is erected, a psychologist may post up a sign indicating all or part of the items mentioned in section 2.01.

If the immovable in which his office is located is at a crossroads, the psychologist may post up such sign on the outer walls or on the land facing each of the converging roads.

**6.02.** Inside his office, a psychologist may post up, in public view, a sign containing all or part of the items mentioned in section 2.01.

**6.03.** The signs authorized under this Division may not exceed 25 square decimetres.

#### **DIVISION VII GRAPHIC SIGN OF THE CORPORATION**

**7.01.** The Corporation is represented by a graphic sign in conformity with the original kept by the secretary of the Corporation.

**7.02.** When a psychologist copies the graphic sign of the Corporation for advertising purposes, he must ensure that the sign conforms with the original kept by the secretary of the Corporation and does not exceed 25 square decimetres.



c. C-26, r.154

**Règlement sur les qualifications requises,  
l'admission, les études d'équivalence, la  
cotisation et la déontologie des  
psychologues**

Professional Code  
(R.S.Q., c. C-26)

See French Edition



c. C-26, r. 155

## **Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des psychologues du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des psychologues du Québec, the territory of Québec shall be divided into 9 regions :

- (a) the Lower St. Lawrence-Gaspesia region ;
- (b) the Saguenay- Lac-Saint-Jean region ;
- (c) the Québec region ;
- (d) the Trois-Rivières region ;
- (e) the Eastern Townships region ;
- (f) the Montréal-South region ;
- (g) the Montréal region ;
- (h) the Laurentian region ;
- (i) the Outaouais-Northwest region.

**2.** The territory of the Lower St. Lawrence-Gaspesia region is that of regions 1 and 9 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r. 8).

The territory of the Saguenay-Lac-Saint-Jean region is that of region 2 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Québec region is that of region 3 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Trois-Rivières region is that of region 4 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Eastern Townships region is that of region 5 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Montréal-South region is that of subregions 01, 02, 03, 04 and 07 and of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Montréal region is that of subregion 06 of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Laurentian region is that of subregion 08 and 09 of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Outaouais-Northwest region is that of regions 7, 8 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the Lower St. Lawrence-Gaspesia region, 1 for the Saguenay-Lac-Saint-Jean region, 3 for the Québec region, 1 for the Trois-Rivières region, 1 for the Eastern Townships region, 1 for the Montréal-South region, 10 for the Montréal region, 1 for the Laurentian region and 1 for the Outaouais-Northwest region.

**4.** A psychologist shall vote in the region in which he principally practises his profession, for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 25 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 24 persons including the president.



c. C-26, r. 156

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des techniciens dentaires du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Corporation” : the Corporation professionnelle des techniciens dentaires du Québec ;
- (b) “Bureau” : the Bureau of the Corporation ;
- (c) “president” : the president of the Corporation ;
- (d) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II OATH OF DISCRETION**

**2.01.** At the first meeting of the Bureau immediately following the taking of office of a director, the latter must take the oath or affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

### **DIVISION III BUREAU**

**3.01.** The members of the Bureau shall meet, whether for a regular or a special meeting, at the place, on the date and at the hour which the president shall fix.

**3.02.** When requested to do so by the president, the secretary shall convene the members of the Bureau to a regular meeting by a written notice sent at least 5 clear days before the date of such meeting. The notice of convocation must include the items on the agenda.

**3.03.** When requested to do so by the president, the secretary shall convene a special meeting of the members of the Bureau, either by a written notice sent by mail or telegram or by a verbal notice given by telephone, at least 48 hours before such meeting. Every notice of convocation to a special meeting of the Bureau must include the place, the date, the hour and the purpose of the meeting. A special meeting may only deal with the subjects for which it was convened.

**3.04.** The certificate signed by the secretary to the effect that a regular or special meeting has been convened in accordance with the foregoing provisions constitutes *prima facie* proof of the legality and conformity of such notice.

**3.05.** Notwithstanding sections 3.02 and 3.03, a regular or special meeting of the Bureau is considered to be held in due form when all the directors are present and waive the notice of convocation.

**3.06.** The secretary shall act as secretary of the Bureau. If he is a director, he has the right to vote.

**3.07.** If the president is absent or is present but wishes to leave the chair, the vice-president or, in his absence, the person designated by the Bureau, shall replace him until his arrival or return.

**3.08.** Having first ascertained that there is a quorum, the president or his replacement shall declare the meeting open. At a regular meeting, the Bureau shall then proceed to the adoption of the agenda, then to the adoption of the minutes of the preceding meeting. At the request of a director, the Bureau may alter the minutes but only if they contain errors or are inconsistent with the decisions taken. If they are consistent, they shall be adopted as read.

**3.09.** Whenever the president or his replacement adjourns the meeting of the Bureau for lack of a quorum, the hour of adjournment and the names of the directors then present shall be entered in the minutes.

**3.10.** The vote shall be taken by show of hands unless the president or his replacement calls for a vote by roll call. However, in all matters, a director may request a secret ballot. In such case, the president or his replacement shall give the directives for the carrying out of such order without any discussion relative to the secret nature of the vote.



**3.11.** The Bureau usually sits *in camera*. It may, when the majority of the directors so wish, hold meetings in public or authorize certain persons to be present at the meeting.

**3.12.** The deliberations of the Bureau shall be conducted by the president. Where any difficulty in the holding of a meeting occurs, the president shall refer to the latest edition of the manual entitled *Procédure des assemblées délibérantes* by Victor Morin, latest edition.

#### **DIVISION IV GENERAL MEETINGS**

**4.01.** The general meetings shall be held at the place, date and hour determined by the Bureau.

**4.02.** The general meetings shall be convened by the secretary by means of a written notice sent to the members of the Corporation at their respective addresses as they appear on the roll of the Corporation at least 30 days before the date of the holding of such meeting for an annual meeting and at least 10 days before the date of the holding of such meeting for a special meeting.

**4.03.** The quorum for a general meeting of the Corporation is fixed at 10% of the number of members in good standing entered on the roll of the Corporation on the date when notice of convocation of such meeting is given.

**4.04.** Where the quorum is not reached at a general meeting, the secretary shall draw up the minutes to that effect and shall convene another general meeting at the place, date and hour determined by the Bureau.

**4.05.** Decisions shall be taken by majority vote. In the case of a tie-vote, the chairman of the meeting shall have a casting vote.

**4.06.** At all general meetings, the vote is taken by a show of hands unless at least 10% of the members present entitled to vote request that the vote be taken by secret ballot. In such case, the chairman of the meeting shall designate 2 scrutineers to take the vote.

**4.07.** To be accepted at an annual general meeting, a motion respecting a matter which is not entered on the agenda must be received in writing at the corporate seat of the Corporation, attention of the secretary, at least 10 days before such meeting is held, unless two-thirds of the members present agree that such motion be discussed at the meeting.

**4.08.** A general meeting may be adjourned by a resolution supported by a majority of the members present, in which case only matters on the agenda of that meeting may be discussed when the meeting resumes.

**4.09.** Sections 3.04, 3.06, 3.07 and 3.12 apply *mutatis mutandis* to this Division.

**4.10.** Notwithstanding section 4.07, a motion determining the mode of election of the president must appear on the agenda accompanying the notice of convocation of a general meeting.

#### **DIVISION V MISCELLANEOUS**

**5.01.** The seal of the Corporation is that imprinted on the copy of this Regulation kept by the secretary of the Corporation.

**5.02.** The graphic sign and name of the Corporation must appear on all correspondence and official documents of the Corporation.

**5.03.** The president or, if the latter is unable to act, the vice-president, shall be the only persons authorized to speak for the Corporation on matters relating to the practice of the profession.

**5.04.** Notwithstanding section 5.03, the president or, where the latter is unable to act, the vice-president, may authorize a representative to speak for the Corporation on matters relating to the practice of the profession.

**5.05.** Subject to section 5.04, a director may not express his personal opinion in public on matters relating to the practice of the profession, unless he clearly forewarns his audience that the ideas he is expressing are his own and are not necessarily shared by the authorities of the corporation.

**5.06.** The corporate seat of the Corporation shall be situated in the territory of the Communauté urbaine de Montréal.



c. C-26, r.157

## Code of ethics of dental technicians

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) “Corporation” : the Corporation professionnelle des techniciens dentaires du Québec ;

(b) “dental technician” : every person whose name is entered on the roll of the Corporation ;

(c) “client” : a dentist, denturologist or physician who signs a prescription for the making or repair or a dental prosthesis.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** A dental technician must, unless he has sound reasons to the contrary, support every measure likely to improve the quality and availability of professional services in the field of the making and repair of dental prosthesis.

**2.02.** In the practice of his profession, a dental technician must bear in mind the general effect his research and work may have on society.

**2.03.** A dental technician must promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### *§1. General provisions*

**3.01.01.** Before agreeing to render a professional service to a client, a dental technician must bear in mind the extent of his proficiency, knowledge and the means at his disposal. More specifically, he must not undertake work for which the means of his disposal are insufficient or for which he is insufficiently prepared without obtaining the necessary assistance.

**3.01.02.** A dental technician must all times recognize his client's right to consult a colleague, a member of another professional corporation, or any other competent, qualified person.

**3.01.03.** A dental technician must not practise under conditions or circumstances that could impair the quality of his services.

In particular, a dental technician who is the director of a laboratory must ensure that the laboratory under his direction, or whose services he retains, conforms to the laws and regulations in force and contains the installations and equipment necessary to the rendering of those professional services that correspond to the mandates he accepts.

**3.01.04.** A dental technician must try to establish a relationship of mutual trust between the client and himself. He must, therefore, practise his profession in such manner as to ensure the client all the professional services to which the latter is entitled in accordance with the prescription he fills. In the practice of his profession, he must not give an opinion on subjects unrelated to dental technology.

**3.01.05.** A dental technician must not do anything, whether by commission or omission, which contravenes current professional standards or scientific knowledge.

#### *§2. Integrity*

**3.02.01.** A dental technician must discharge his professional duties with integrity.

**3.02.02.** A dental technician must avoid any false representation with respect to his level of competence, the efficiency of his own services and those generally provided by the members of his profession and the scope of the services he is able to provide with the means at his disposal. If the quality of the services requested of him so requires he must consult a colleague, a member of another professional corporation or another competent, qualified person, or send his client to one of these persons.

**3.02.03.** A dental technician must take reasonable care of any property entrusted to him by a client and he may not lend it or use it for purposes other than those for which it was entrusted to him.

**3.02.04.** A dental technician must inform his client of any illegal act likely to benefit that client and of which he has become aware while carrying out his mandate. He must further inform his client that he refuses to perform an illegal act of any kind and particularly one which is likely to benefit that client.

#### *§3. Availability and diligence*

**3.03.01.** A dental technician must display reasonable availability and diligence in the practice of his profession.

**3.03.02.** In addition to such opinion and advice as he is qualified to give his client, a dental technician must provide that client, if the latter so requests, with any explanation necessary to the understanding and evaluation of the composition, properties and quality of the dental prosthesis provided and the professional services rendered to that client.

**3.03.03.** A dental technician must give an accounting to his client when so requested by the latter.

**3.03.04.** A dental technician must be objective and impartial when a dentist, denturologist or physician who is not his client asks him for information.

**3.03.05.** Unless he has sound and reasonable grounds to the contrary, a dental technician may not cease to act for the account of a client in regard to a mandate he has already accepted. The following shall, in particular, constitute sound and reasonable grounds :

(a) loss of the client's confidence ;

(b) the fact that the dental technician is in a situation of conflict of interest or in a context where his professional independence or his integrity could be questioned ;

(c) the fact of being incited by the client to perform illegal, unfair or fraudulent acts.

**3.03.06.** When a dental technician ceases to act for the account of a client with respect to a specific mandate, he must immediately give that client notice thereof in writing.

#### *§4. Liability*

**3.04.01.** A dental technician must, in the practice of his profession, completely bind his personal civil liability with respect to his client. He is thus prohibited from entering in a contract of professional services with a client a clause directly or indirectly excluding, in whole or in part, the said liability.

#### *§5. Independence and impartiality*

**3.05.01.** A dental technician must subordinate his personal interest to that of his client.

**3.05.02.** A dental technician must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** A dental technician must at all times safeguard his professional independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a dental technician :

(a) is in conflict of interest when the interests in question are such that he might tend to favour certain of them over those of his client or where his judgment and loyalty towards the latter might be unfavourably affected ;

(b) is not an objective adviser if he derives a direct or indirect, real or possible, personal benefit from any given act.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interest, a dental technician must notify his client thereof and ask him for authorization to continue his mandate.

**3.05.05.** A dental technician may share his fees with another person only to the extent that such sharing corresponds to a distribution of services and responsibility.

**3.05.06.** A dental technician shall not receive, other than the remuneration to which he is entitled, any benefit, allowance or commission relative to the practice of his profession.

**3.05.07.** For a given service, a dental technician must only accept fees from one source, unless explicitly agreed upon otherwise by all the parties concerned. He shall accept the payment of these fees only from his client or the latter's representative.

#### *§6. Professional secrecy*

**3.06.01.** A dental technician must respect the secrecy of all confidential information obtained in the practice of his profession.

**3.06.02.** A dental technician may be released from professional secrecy only upon the authorization of his client or when so ordered by law.

**3.06.03.** When a dental technician asks a client to give him confidential information or when he allows such information to be given to him, he must ensure that the client is fully aware of the purpose of the interview and of the various uses which might be made of such information.

**3.06.04.** A dental technician must avoid indiscreet conversations concerning a client and the services rendered to him.

**3.06.05.** A dental technician must not make use of confidential information which could be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another.

#### *§7. Accessibility of records*

**3.07.01.** A dental technician must respect the right of his client to consult the documents which concern him in every record made in his regard and to obtain a copy of such documents.

#### *§8. Determination and payment of fees*

**3.08.01.** A dental technician must charge fair and reasonable fees. Fees are fair and reasonable if they are warranted by the circumstances and in proportion to the services rendered. A dental technician must take the following specific factors into account when determining his fees :

(a) the time spent in carrying out the professional service ;

(b) the complexity and extent of the service ;

(c) the performance of unusual services or services requiring exceptional competence or celerity ;

(d) the cost of the materials used and the extent of the means necessary to the provision of a specific professional service.

**3.08.02.** A dental technician must provide his client with all the explanations necessary to the understanding of his statement of fees and the terms and conditions of payment.

**3.08.03.** A dental technician must, if requested to do so, notify his client of the probable approximate cost of his services.

He may not demand advance payment of his fees, except in special cases where he has sound reason to do so and has reached an agreement to that effect with his client.

**3.08.04.** When a client entrusts a mandate to a dental technician, such client must be informed of the rate of interest that will be charged if he neglects to pay the dental technician's fees within a reasonable, previously established, time period. The interest thus charged must be at a reasonable rate.

**3.08.05.** Before having recourse to legal proceedings, a dental technician must have exhausted all other reasonable means at his disposal for obtaining payment of his fees.

**3.08.06.** Where a dental technician entrusts the collection of his fees to another person he must, as far as possible, ensure that the latter will act with tact and moderation.

### **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

#### *§1. Incompatible professions and occupations*

**4.01.01.** The professions of dentist, denturologist, physician and dental hygienist are incompatible with the practice of the profession of dental technician.

#### *§2. Derogatory acts*

**4.02.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession :

(a) communicating with the plaintiff without the written and prior permission of the syndic or his assistant where he is informed that an investigation into his conduct or professional competence is to be made, or where the service of a complaint has been made against him ;

(b) not bringing to the attention of the Corporation that he has reason to believe that a dental technician is incompetent or does not respect professional ethics ;

(c) manufacturing, repairing or allowing that a dental prosthesis be manufactured or repaired without the written prescription of a dentist, denturologist or physician ;

(d) using in the manufacture or repair of a dental prosthesis materials other than those specified in the dentist's, denturologist's or physician's prescription without having first given the dentist, denturologist or physician the dental technician's reasons for such substitution of materials. The use of a substance containing the same properties as the substance prescribed designated by a different brand name is not considered a substitution of materials within the meaning of this paragraph ;

(e) accepting to perform professional acts which come within the jurisdiction of dentists, denturologists, physicians and dental hygienists, subject to the acts described in paragraph 1 of section 37 of the Professional Code ;

(f) providing a receipt or other document for the purpose of falsely stating that his services have been rendered ;

(g) claiming fees for professional acts that he has not performed or of which he gives a false description ;

(h) billing a client for a professional service or part of a professional service the cost of which is assumed by a third party.

### *§3. Relations with the Corporation and colleagues*

**4.03.01.** A dental technician whose participation on a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Corporation, must accept that duty unless he has sound reasons for refusing it.

**4.03.02.** A dental technician must answer promptly all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.03.03.** A dental technician must not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him. He must not, in particular, take credit for work done by a colleague.

**4.03.04.** A dental technician who is consulted by a colleague must give the latter his opinion and recommendations as promptly as possible.

**4.03.05.** A dental technician who is called upon to collaborate with a colleague must maintain his professional independence. He may ask to be excused from doing any task asked of him that is contrary to his conscience or his principles.

### *§4. Contribution to the advancement of the profession*

**4.04.01.** A dental technician must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and with students, and by his participation in courses and continuing training periods.



c. C-26, r.158

## **Regulation respecting the records of a dental technician who ceases to practise**

Professional Code  
(R.S.Q., c. C-26, s. 91)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) “Corporation” : the Corporation professionnelle des techniciens dentaires du Québec ;

(b) “dental technician” : a person who is entered on the roll of the Corporation ;

(c) “client” : a dentist, denturologist or physician who has signed a prescription for the manufacture or repair of dental prostheses ;

(d) “record” : property entrusted to a dental technician by a client.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Subject to section 1.04, this Regulation applies to any dental technician who ceases to practise his profession, whether of his own accord, due to his being temporarily or permanently struck off the roll or because of death.

**1.04.** In the case of a dental technician who is a member or an employee of a partnership of dental technicians or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer which are used by the dental technician in the practice of his profession. This Regulation shall, however, apply when all the members of a partnership of dental technicians cease to practise.

### **DIVISION II CESSATION OF PRACTICE**

**2.01.** Where a dental technician ceases to practise his profession, the Corporation must ensure that the records of that dental technician are returned to the clients within the time limit determined by it.

**2.02.** The records which are not returned to the clients within the time limit determined in accordance with section 2.01 must be immediately remitted to the Corporation.

**2.03.** The Corporation shall send to the clients the records which are remitted to it in accordance with section 2.02.

**2.04.** While the Corporation has custody of the records of a dental technician who has ceased to practise his profession, it must take the necessary preservation measures in order to safeguard the interests of that dental technician’s clients.



c. C-26, r.159

## **Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des techniciens dentaires du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des techniciens dentaires du Québec ;

(b) “region” : one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des techniciens dentaires du Québec (c. C-26, r.165).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II TERM OF OFFICE**

**2.01.** The president and directors shall be elected for a term of 4 years.

### **DIVISION III ELECTION PROCEDURE**

**3.01.** Between the 45th and the 60th day preceding the date of the closing of the poll, the secretary shall send to each member of the Corporation a list of the members from the region in which he principally practises his profession together with a nomination paper.

**3.02.** To be valid, every nomination paper must contain or be accompanied by the written consent of the person nominated.

**3.03.** A member shall not sign more nomination papers than there are offices of director to be filled for his region. A signature appearing on a number of nomination

papers in excess of the number of offices of director to be filled shall be struck off all papers.

**3.04.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest to the validity of the nomination paper.

**3.05.** In addition to the documents described in section 69 of the Professional Code (R.S.Q., c. C-26), the secretary of the Corporation shall, at least 15 days prior to the date of the closing of the poll, send to each member of the Corporation a brief curriculum vitae of each candidate indicating in particular his age, the date of his admission and, where applicable, his principal activities within the Corporation.

**3.06.** The ballot-paper certified by the secretary must contain the following data and information :

- (a) the name and graphic sign of the Corporation ;
- (b) the year of the election ;
- (c) the identification of the region ;
- (d) the names in alphabetical order of the candidates for the offices of director in the region in which the member principally practises his profession ;
- (e) the number of seats to be filled in the region ;
- (f) the date and hour of the closing of the poll.

**3.07.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent to him is lost or otherwise unusable, provided such elector makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**3.08.** The closing of the poll is fixed on the first Friday of April at 18 h.

**3.09.** The scrutineers shall be appointed from among the members of the Corporation.

**3.10.** The secretary and scrutineers shall swear under oath before any person authorized to administer such oath that they will faithfully fulfil their duty.

**3.11.** The counting of the votes shall be done at the corporate seat of the Corporation.

**3.12.** Every ballot-paper shall be void :

- (a) on which the voter cast his vote other than by a cross ;
- (b) which contains more crosses than the number of seats to be filled in the region ;
- (c) which is not certified by the secretary ;
- (d) which is spoiled, erased or which contains any identification mark of the elector ;
- (e) which is not returned in the envelope provided by the secretary and on which the word "ELECTION" is written.

**3.13.** The secretary's decision respecting the validity of a ballot-paper is final.**3.14.** The secretary shall declare elected the candidates who have obtained the most votes ; he shall have the result of the vote countersigned by the scrutineers.**3.15.** Immediately after the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.**3.16.** The secretary shall send a copy of the report referred to in section 3.15 to each candidate.**3.17.** The secretary must also submit a detailed report of the election at the first meeting of the Bureau following the election.**3.18.** Where, during the election period, the secretary is unable to act for any reason deemed sufficient by the Bureau, the latter shall designate a member of the Corporation to replace him. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.**3.19.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation shall apply *mutatis mutandis* to this election.**3.20.** Where the president is elected by the vote of the elected directors, his election shall be held at the first meeting of the Bureau following the taking of office of the directors.





c. C-26, r.160

**Règlement sur les normes d'équivalence  
pour la délivrance d'un permis de  
technicien dentaire**

Professional Code

(R.S.Q., c. C-26, s. 94, par. *f* and *g*)

See French Edition



c. C-26, r.161

## Regulation respecting the procedure for conciliation and arbitration of accounts of dental technicians

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I GENERAL DIVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des techniciens dentaires du Québec ;
- (b) “dental technician” : a person entered on the roll of the Corporation whose account with a client is disputed ;
- (c) “client” : a dentist, denturologist or physician who has signed a prescription for the manufacture or repair of a dental prosthesis ;
- (d) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation ;
- (e) “secretary” : the secretary of the Corporation.

**1.02.** For the purposes of this Regulation, the contestation of the account of a dental technician may include not only the price of professional services but also the price of the materials and labour used to manufacture or repair a dental prosthesis.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II CONCILIATION

**2.01.** The syndic must send a copy of this Regulation to every person who so requests, or who applies for conciliation with respect to an account of a dental technician, or who seeks information on the procedure to be taken to contest an account.

**2.02.** A client who has a dispute with a dental technician with respect to the amount of an account for profes-

sional services must, before seeking arbitration, apply for conciliation by the syndic in sending him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which an action for a claim concerning the account contested is served by the dental technician on the client.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall transmit to the dental technician a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt by the syndic of his application for conciliation, have recourse to arbitration in accordance with Division III.

### DIVISION III ARBITRATION

#### *§1. Submission to arbitration*

**3.01.01.** A client applies for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall send to the dental technician, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the dental technician must sign it and return it to the secretary.

## §2. Appointment of arbitrator

**3.02.01.** In order to settle the dispute between the client and dental technician, the Bureau shall designate a dental technician as arbitrator. The Bureau shall also appoint a clerk to assist him in his functions.

**3.02.02.** The clerk shall notify the parties of the appointment of the arbitrator.

**3.02.03.** A motion for recusation of the arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be communicated in writing to the clerk, the arbitrator and the other party within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrator must take the oath or make the affirmation of discretion provided in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of death or inability to act of the arbitrator, the Bureau shall appoint a new arbitrator.

## §3. Hearing

**3.03.01.** The arbitrator shall fix the date, hour and place of the hearing. The clerk shall notify the parties in writing at least 10 days prior to that date.

**3.03.02.** The arbitrator may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The arbitrator shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The arbitrator shall proceed with dispatch to the hearing of the dispute in accordance with the procedure and mode of evidence he deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the arbitrator or one of the parties so requests. In the latter case, that party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrator.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

## §4. Arbitration award

**3.04.01.** The arbitrator must render his decision within 60 days following the end of the hearing unless the parties agree in writing to extend that period.

**3.04.02.** The arbitrator decides as mediator and renders the decision he considers most appropriate.

**3.04.03.** The reasons for the decision must be given and the decision must be signed by the arbitrator. It must be sent to the parties by the clerk, as soon as the latter receives it from the arbitrator.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge with respect to the arbitration fees, that is, the disbursements actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount that is under arbitration as established in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the arbitrator is rendered, the latter shall nevertheless adjudge with respect to the arbitration fees in accordance with this section.

**3.04.06.** The arbitrator's decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless expressly authorized by the parties to the contrary, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and the members of the Bureau.

## SCHEDULE 1

(s. 2.02)

### APPLICATION FOR CONCILIATION

I, the undersigned, .....  
(name and address)

.....  
in person or (where applicable) representing .....

..... for the purposes of this application, as attested by the authorization annexed hereto,

being duly sworn, or having solemnly declared, declare that :

(1) ..... claims  
(name of dental technician)

from me the sum of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) : .....

but (where applicable) I acknowledge that I owe the sum of ..... for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of dental technicians (R.R.Q., c. C-26, r. 161), of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me

at .....

this ..... 19...

And I have signed

.....  
(signature of client or his duly authorized representative)

.....  
(commissioner for oaths)

## SCHEDULE 2

(s. 3.01.01)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
(name and address)

in person or (where applicable) representing .....

..... for the purpose of this submission, as attested by the authorization annexed hereto, hereinafter referred to as "the party of the first part",

and

.....  
(name and address)

member of the Corporation professionnelle des techniciens dentaires du Québec, hereinafter referred to as "the party of the second part", who make the following declarations and agreements :

(1) The party of the second part claims from the party of the first part the sum of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) The party of the first part refuses to pay this account for the following reason(s) :

.....

but (where applicable) the party of the first part acknowledges that he owes the sum of ..... for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that part of the account which exceeds that which the party of the first part acknowledges to owe to the party of the second part, namely, the sum of ..... ;

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of dental technicians (R.R.Q., c. C-26, r. 161) of which the parties declare having received a copy and taken cognizance ;

(5) The party of the first part waives the benefit of any time elapsed with respect to the prescription ;

(6) The party of the second part undertakes for the duration of the arbitration not to claim before the civil courts that part of the account which is the object of the dispute ;

(7) The arbitration award is binding upon the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) apply to its enforcement ;

(8) The submission may be annulled only with the written consent of the parties.

.....  
(signature of client or his duly authorized representative)

Signed at .....

this ..... 19...

.....  
(signature of dental technician)

Signed at .....

this ..... 19...



c. C-26, r.162

## **Regulation respecting the procedure of the professional inspection committee of dental technicians**

Professional Code  
(R.S.Q., c. C-26, ss. 90 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “committee” : the professional inspection committee ;
- (b) “Corporation” : the Corporation professionnelle des techniciens dentaires du Québec ;
- (c) “dental technician” : any person who is entered on the roll of the Corporation ;
- (d) “client” : a dentist, denturologist or physician who has signed a prescription for the manufacture or repair of dental prosthesis ;
- (e) “records” : the following documents and property :
  - i. the documents kept by a dental technician in the practice of his profession or, when he has in fact collaborated in a given case, those held by his employer or one of his colleagues in respect of that case ; these documents shall in particular include the client’s prescription and a statement of the professional services rendered by the dental technician ;
  - ii. any property entrusted to a dental technician by a client or property entrusted by a client to his employer or one of his colleagues, where he has rendered professional services in respect of that property, as well as the material used in the manufacture or repair of a dental prosthesis ;
- (f) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 3 members appointed by the Bureau from among the dental technicians who have been practising for a least 3 years. They shall take office as soon as they are appointed and remain in office until their death, resignation, replacement or striking off the roll. The Bureau must see to it that any member of the committee who has been in office for 4 years is replaced.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The Bureau shall designate the secretary of the committee.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each dental technician who is the subject of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the dental technician’s academic qualifications and experience as well as all the records pertaining to an inspection made in his respect under this Regulation.

**3.03.** A dental technician is entitled to consult his record and to obtain a copy thereof.

**3.04.** The committee shall keep a register in which shall be entered, in chronological order, the date of each verification or inquiry, the address where it was made, the name of the dental technician concerned, the name of the dental technician’s employer, where applicable, and the name of the investigator who made the verification or inquiry.

#### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by dental technicians in accordance with the programme established by it.

**4.02.** Each year, the Bureau shall publish the committee's general supervision programme in the bulletin of the Corporation or other publication sent to all the dental technicians as well as a report on the latter's activities during the preceding year, omitting therefrom, however, identification in any manner whatsoever of the dental technicians who have been the subject of an inspection and the other persons involved.

**4.03.** At least 15 days before the date fixed for the verification of a dental technician's records by an investigator, the committee shall, through its secretary, send the dental technician in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If a dental technician cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, advise the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the dental technician was unable to take cognizance of the notice referred to in section 4.03, he shall inform the committee which shall fix a new date for the verification and notify the dental technician thereof.

**4.06.** An investigator must produce a certificate attesting his authority signed by the secretary of the committee.

**4.07.** The dental technician whose records are submitted to a verification may be present or be represented by a mandatory or a proxy.

**4.08.** The investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A DENTAL TECHNICIAN**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a dental technician or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the dental technician in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Notwithstanding the first paragraph, where the sending of a notice to the dental technician could jeopardize the object for which a special inquiry is to be held, the Bureau may authorize an investigator to make the inquiry without such notice.

**5.03.** An investigator may give the employer, representative or employee of a dental technician, notice of the order to allow him access to the records of that dental technician.

**5.04.** Where records are kept by a third party, the dental technician must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the dental technician refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and send it to the committee for study within 30 days after the end of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that a dental technician be required to serve a period of refresher training and that the right of such dental technician to engage in professional activities during such period be limited, it shall notify the Bureau and the dental technician in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that a dental technician be required to serve a period of refresher training and that the right of such dental technician to engage in professional activities during such period be limited, it must permit the dental technician in question to present a full and complete defence relative to the evaluation of his competence.

**6.03.** For such purpose, the committee shall convene the dental technician and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** A dental technician or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall administer the oath or the solemn affirmation of the dental technician and the witnesses through a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the dental technician, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the dental technician does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the dental technician or of the committee.

**6.09.** The committee and the dental technician shall pay their own costs except in the following cases where the recording of depositions is made at the request of the dental technician, the recording expenses shall be shared equally between the Corporation and the dental technician or, where such recording is made at the request of the committee, they shall be assumed in full by the Corporation.

**6.10.** In its recommendations concerning a dental technician, the committee shall take into account the type of professional activities in which the dental technician is generally engaged, with regard to the means at his disposal.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons on which they are based shall be given, signed by the members of the committee who endorsed them, and forwarded to the Bureau and the dental technician in question without delay. If one member refuses to sign the recommendations of the committee, the others must make mention of such refusal and

their decision shall be as valid as if it had been signed by all of them.

**6.12.** The committee may also make recommendations to the Bureau on the continuing training courses organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26) might be laid against a dental technician, it shall notify the syndic of the Corporation.

## DIVISION VII REPORTS OF THE COMMITTEE

**7.01.** The annual report of the committee provided for in section 115 of the Professional Code shall be submitted not later than on 15 April each year.

**7.02.** In addition to the annual report prescribed in section 7.01, the Bureau may ask the committee to submit interim reports containing the following information :

(a) the number of dental technicians who have been the subject of an inspection or inquiry since the date of the last report ;

(b) a description of the problems noted in the carrying out of its duties.

## SCHEDULE A (s. 4.03)

### CORPORATION PROFESSIONNELLE DES TECHNICIENS DENTAIRE DU QUÉBEC PROFESSIONAL INSPECTION COMMITTEE

#### Notice of verification

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers, on . . . . .  
19... at . . . . . h.

The investigator will call on you at . . . . .

Signed at . . . . . on . . . . . 19...

The professional inspection committee,

Per : . . . . .  
(secretary of the committee)

**SCHEDULE B**

(s. 5.02)

**CORPORATION PROFESSIONNELLE DES  
TECHNICIENS DENTAIRES DU QUÉBEC  
PROFESSIONAL INSPECTION COMMITTEE****Notice of special inquiry**

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on .....

19... at ..... h. The investigator will call on you at .....

Signed at ....., on ..... 19...

The professional inspection committee

Per : .....  
(secretary of the committee)





c. C-26, r.163

## Regulation respecting advertising by dental technicians

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Corporation” : the Corporation professionnelle des techniciens dentaires du Québec ;
- (b) “dental technician” : a person entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items that a dental technician may include in his advertisements and the conditions under which he may advertise are those described in this Regulation.

**1.04.** Within the scope of this Regulation, a dental technician may advertise as long as he avoids :

- (a) any misrepresentation and false or untrue advertising ;
- (b) any item that could lead to believe that he is able to render professional services he cannot render, considering the limit of his aptitudes, knowledge and the means at his disposal ;
- (c) any item which could lead to believe that he can provide professional services he is not entitled to render.

### DIVISION II PROFESSIONAL CARD

**2.01.** A dental technician shall not enter on his professional card anything other than :

- (a) his name and, where applicable, the names of his partners, the other professionals employed by him, the

other professionals by whom he is employed and the undertaking which employs him ;

- (b) his profession ;
- (c) his specialty, if he has a specialist’s certificate recognized by the Corporation ;
- (d) his academic titles ;
- (e) his business address, home address, telephone number and business hours ;
- (f) where applicable, the graphic sign of the undertaking which employs him ;
- (g) where applicable, the title of his function.

**2.02.** The professional card shall not measure more than 6 centimetres in width by 11 centimetres in length.

### DIVISION III INFORMATION MEDIA

**3.01.** A dental technician may publish or allow to be published any advertisement containing all or part of that indicated in section 2.01, in telephone directories or other similar publications, and in newspapers, magazines, periodicals, directories or in any other printed matter mentioned in section 3.02.

**3.02.** A dental technician may publish or allow to be published in newspapers, magazines, periodicals, directories or in any other printed matter of a scientific nature or generally intended for persons working in a field of activity directly or indirectly related to dentistry, denturology, medicine and, generally, in health services, advertising material relating to :

- (a) the practice of his profession ;
- (b) the professional services he is able to provide ;
- (c) the dental prosthesis he is able to manufacture or repair ; and
- (d) the materials, labour, equipment and laboratories he uses in the practice of his profession.

**3.03.** A dental technician may send to dentists, denturologists and physicians, advertising material, particu-

larly written or audio visual material, in relation to the items mentioned in paragraphs *a* to *d* of section 3.02.

#### **DIVISION IV STATIONERY**

**4.01.** A dental technician may enter on his stationery all or part of that indicated in section 2.01.

#### **DIVISION V BUSINESS OFFICES**

**5.01.** On one of the outer walls of the building in which his business office is located or on the land on which such building is erected, the dental technician may post up a sign mentioning his firm name or, failing such, his name.

If the building in which his business office is located is at a crossroads, the dental technician may post up such sign on the outer walls or on the land facing each of the converging roads.

**5.02.** Inside his business office, the dental technician may post up, in public view, a sign mentioning his firm name or, failing such, his name.

**5.03.** The signs authorized under this Division may not exceed 25 square decimetres.

#### **DIVISION VI SERVICE VEHICLES**

**6.01.** A dental technician who uses a delivery vehicle may only enter thereon the items which are compulsory pursuant to an Act, regulation or order. Such items may be posted on the vehicles only at the places which are compulsory pursuant to such Act, regulation or order and the size of the lettering may not exceed the minimum dimensions prescribed by such Act, regulation or order.



c. C-26, r.164

## Regulation respecting refresher training periods for dental technicians

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des techniciens dentaires du Québec ;
- (b) “dental technician” : every person who is entered on the roll of the Corporation ;
- (c) “training period” : period of refresher training contemplated by this Regulation ;
- (d) “trainee dental technician” : a dental technician who is required to serve a training period ;
- (e) “tutor” : a dental technician responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The sending of a document pursuant to this Regulation shall be registered or certified mail, by personal delivery to the addressee, or by bailiff in accordance with the applicable provisions of the Code of Civil Procedure (R.S.Q., c. C-25).

### DIVISION II TRAINING PERIOD

**2.01.** If the Bureau considers that the level of competence of a dental technician does not meet the standards required for the protection of the public, it may oblige a dental technician to serve a refresher training period where :

- (a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;

- (b) his name is re-entered on the roll after failing to have it entered thereon for more than 5 years ;

- (c) his name is re-entered on the roll after he has been struck off for more than 5 years ;

- (d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

- (e) he has served a training period considered, in virtue of section 2.10, not in conformity with the objectives and the terms and conditions determined by the Bureau, following consultation with the committee on admission to the practice constituted in accordance with section 86 of the Professional Code.

**2.02.** A training period may not be prescribed more than 90 days after the time at which a dental technician is liable to have to serve such training period.

**2.03.** A training period may, in particular, consist of one or more of the following activities :

- (a) a period of practical training ;
- (b) studies ;
- (c) courses ;
- (d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau's decision to oblige a dental technician to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

**2.07.** Within 5 days after completion of his mandate, a tutor must submit a report to the Bureau stating, with supporting reasons, whether or not the trainee dental technician while under supervision acted in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee dental technician or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee dental technician a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required under sections 2.07 and 2.08, the Bureau shall decide, within 20 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### DIVISION III

#### LIMITATION OF PROFESSIONAL ACTIVITIES

**3.01.** The Bureau may, if it so deems necessary for the protection of the public, limit the trainee dental technician's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or he is not authorized to practise ;

(b) by determining the professional acts which he is authorized or he is not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or that certain of them, be performed under the supervision of another dental technician, a group of dental technicians or another competent person.

**3.02.** The Bureau's decision to limit a trainee dental technician's right to practise must be transmitted to his employer or his partners, where applicable.

### DIVISION IV

#### DECISIONS OF THE BUREAU

**4.01.** Before prescribing a training period or limiting a trainee dental technician's right to practise, the Bureau must give the dental technician concerned the opportunity to be heard. For such purpose, the Bureau must give the dental technician a written notice of at least 5 days prior to the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee dental technician's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the dental technician in question.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee dental technician's right to practise shall take effect 30 days after being sent to the latter.

**4.04.** During the training period, the Bureau may, upon a duly justified request by the trainee dental technician communicated to his tutor, reduce, after consultation with the tutor, the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the trainee dental technician's right to practise.

**4.05.** A dental technician must comply with every decision of the Bureau rendered in accordance with this Regulation.



c. C-26, r.165

**Regulation dividing Québec into regions  
for the purposes of elections to the  
Bureau of the Corporation  
professionnelle des techniciens dentaires  
du Québec**

*Professional Code*  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des techniciens dentaires du Québec, Québec shall be divided into 2 regions :

- (a) the Western region ;
- (b) the Eastern region.

**2.** The territory of the Western region is that of regions 5, 6, 7 and 8 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The territory of the Eastern region is that of regions 1, 2, 3, 4, 9 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** Five directors shall be elected to represent the Western region and one to represent the Eastern region.

**4.** A dental technician shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall be composed of 9 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall be composed of 8 persons including the president.



c. C-26, r.166

## **Regulation respecting the business of the Bureau of the Corporation professionnelle des technologistes médicaux du Québec**

Professional Code  
(R.S.Q., c. C-26)

### **DIVISION I INTERPRETATION**

**1.01.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II BUREAU**

**2.01.** The Bureau must hold a first meeting within 30 days following the counting of the votes for the election of its members.

**2.02.** At such meeting, the elected members must choose from among them the president, where the general meeting decides that the latter shall not be elected by a general vote, and the vice-president.

**2.03.** The members of the Bureau shall be convened by the secretary by means of an ordinary letter mailed at least 15 days prior to the date of the meeting and signed by the president or the secretary.

**2.04.** In the absence of the president and vice-president, the Bureau may designate one of its members to preside over one of its meetings.

**2.05.** As soon as there is a quorum, the president or, in his absence, the vice-president or, in the absence of the latter, the person appointed in accordance with section 2.04 shall take the chair and call the directors to order.

**2.06.** Where the president is absent or where, being present, he wishes to leave the chair, the vice-president or, in the absence of the latter, the person appointed in accordance with section 2.04, shall replace him until his arrival or return.

**2.07.** (1) As soon as the president or the presiding director has taken the chair, the secretary shall read the minutes of the preceding meeting.

(2) Upon the request of a director, the Bureau may modify the minutes, but only if they contain errors or are inconsistent with the decisions taken. If they are consistent therewith, the minutes shall be approved as read.

**2.08.** Whenever the president or presiding director adjourns the meeting for lack of a quorum, the time of adjournment and the names of the directors then present shall be entered in the minutes.

**2.09.** (1) In order to be considered, a proposal must be seconded.

(2) A director may propose an amendment to a proposal. A director may also propose a sub-amendment. In such case, the vote shall be taken first on the sub-amendment, then on the amendment and finally on the leading proposal.

**2.10.** The vote shall be taken by show of hands. However, in all matters, a director may request a secret ballot. In such case, the chairman shall give the directives for the carrying out of such order without there being any discussion relative to the secret nature of the ballot.

**2.11.** The Bureau may sit *in camera* on any item when the majority of the members present are in favour of such measure. Where applicable, only the directors and the persons authorized by the Bureau may remain in the room.

**2.12.** In settling any item of procedure which is not covered by the Professional Code (R.S.Q., c. C-26) and this Regulation, Robert's Rules of Order (Seventy-Fifth Anniversary The Ryerson Press Edition, Toronto), shall automatically be referred to and shall apply *mutatis mutandis*.

### **DIVISION III REMUNERATION OF THE DIRECTORS**

**3.01.** A director shall receive, for each meeting of the Bureau at which he is present, the same indemnities as those fixed for the members of the committees of the Corporation.

## **DIVISION IV**

### **OATH OF DISCRETION OF THE DIRECTORS**

**4.01.** Every director shall take the oath or solemn affirmation of discretion prescribed in Schedule 1.

## **DIVISION V**

### **ADMINISTRATIVE COMMITTEE**

**5.01.** The administrative committee shall be convened by means of a written notice sent at least 7 days prior to the date of the meeting.

**5.02.** In case of emergency, the president may convene a meeting of the administrative committee provided that :

(a) all the members of the administrative committee are notified by telephone or telegram at least 24 hours prior to the meeting ; and

(b) all members of the administrative committee absent at that meeting acknowledge that they have been convened in accordance with paragraph a.

**5.03.** Notwithstanding sections 5.01 and 5.02, a meeting of the administrative committee shall be deemed to be regularly held if all the members of the administrative committee are present and waive the notice of convocation, or if all members of the administrative committee are convened to a telephone conference and waive the notice of convocation.

**5.04.** The secretary of the Corporation shall act as the secretary of the administrative committee but shall not have the right to vote.

**5.05.** The decisions shall be taken by majority vote of the members present ; in the case of a tie-vote, the chairman of the meeting shall have the casting vote.

**5.06.** The administrative committee shall exercise all the powers assigned to the Bureau by the Professional Code, excepting those powers which the Bureau must exercise by regulation.

## **DIVISION VI**

### **CONSTITUTION OF THE COMMITTEE ON DISCIPLINE AND APPOINTMENT OF A SYNDIC**

**6.01.** The committee on discipline shall consist of 3 members, including a chairman who shall be the advocate appointed to that office by the Government. The other members must be medical technologists who have been entered on the roll for at least 5 years.

**6.02.** Every year, at the meeting which precedes the annual general meeting, the Bureau shall appoint the 2 members of the Corporation who are to sit on the committee on discipline, and also 2 substitutes. The Bureau shall appoint at the same time the secretary of the committee on discipline and the syndic.

**6.03.** Where one of the members of the Corporation on the committee on discipline is unable to act, the president of the Corporation shall designate a substitute to replace him from among those appointed by the Bureau.

Where the secretary of the committee is unable to act, the president of the Corporation shall appoint a person to replace him.

## **DIVISION VII**

### **MISCELLANEOUS PROVISIONS**

**7.01.** The corporate seat of the Corporation shall be situated within the territory of the Communauté urbaine de Montréal.

**7.02.** The seal of the Corporation shall consist of the graphic sign of the Corporation and the following words : "The Corporation professionnelle des technologistes médicaux du Québec".

**7.03.** The secretary shall have custody of the seal of the Corporation.

## **SCHEDULE 1**

(s. 4.01)

### **OATH OR AFFIRMATION OF DISCRETION**

I, ..... swear (or solemnly affirm) that I will not reveal or make known, without being authorized therefor by law or by the Bureau, anything whatsoever of which I have taken cognizance in the performance of my duties of director, with the exception of the resolutions and regulations duly passed or made by the Bureau.

....., the .....

.....

Signature

Oath or affirmation of discretion  
taken before me on the day, month  
and year mentioned above.

.....

Commissionner for oaths



c. C-26, r.167

## **Regulation respecting the general meeting and elections to the Bureau of the Corporation professionnelle des technologistes médicaux du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** The definitions contained in the Professional Code (R.S.Q., c. C-26) shall apply to this Regulation unless the context indicates otherwise.

**1.02.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des technologistes médicaux du Québec ;

(b) “Bureau” : the Bureau of the Corporation established in accordance with the Professional Code ;

(c) “medical technologist” or “member” : every member entered on the roll ;

(d) “roll” : the list of members in good standing of the Corporation.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments shall apply to this Regulation.

### **DIVISION II GENERAL MEETING**

**2.01.** The Bureau shall fix by resolution the date, place and agenda of the annual general meeting of the members.

**2.02.** Fifty members present and who have the right to vote shall constitute a quorum at every general meeting.

**2.03.** At all general meetings, the decisions shall be taken by a majority vote of the members present and who have the right to vote. In case of a tie-vote, the president shall have a casting-vote.

### **DIVISION III ELECTION PROCEDURES**

**3.01.** If the general meeting fails to avail itself of the option prescribed in section 64 of the Professional Code with respect to the mode of electing the president, such election shall be held according to the last choice expressed by the general meeting for a previous election. The choice by the general meeting of the mode of electing the president shall not be modified within the 4 months preceding the date of the closing of the poll.

**3.02.** The election of the president, where the general meeting decides that it be by a vote of the elected directors, shall be held at the first meeting of the Bureau following the counting of the votes for the election of the members of the Bureau.

**3.03.** One vice-president, designated from among the members of the Bureau, shall replace the president in case of the incapacity of or refusal to act by the latter.

**3.04.** The directors shall be elected for a term of 2 years and the president for a term of one year.

**3.05.** During the month of March preceding the election of the directors, the secretary shall send by mail to the address of all the medical technologists a list of the members, a nomination paper and shall indicate to them the latest date for the receipt of such papers.

**3.06.** To be valid, every nomination paper must contain or be accompanied by the written consent of the nominated professional.

**3.07.** The latest hour of receipt of the nomination papers on the last day of the period on which they may be received by the secretary, shall be fixed at 17 h.

**3.08.** Upon receipt of the nomination paper, the secretary shall deliver an official receipt personally to the candidate or send it to him by mail. This receipt shall attest to the validity of the nomination paper.

**3.09.** In addition to the documents mentioned in the Professional Code, the secretary of the Corporation shall send prior to 15 April to each medical technologist as many envelopes as there are ballot-papers to be returned.



**3.10.** The names of the candidates must be entered in alphabetical order on the ballot-papers.

**3.11.** The voter must place his ballot-paper in the envelope specially marked for the election of the directors and, where applicable, his other ballot-paper in the envelope specially marked for the election of the president. He must seal these envelopes and place them in the pre-addressed envelope on which the word "ELECTION" is written and which was sent to him by the secretary. He must sign the pre-addressed envelope in his usual signature and enter his address thereon but shall not make any markings on the envelopes containing his ballot-papers.

**3.12.** Ballot-papers must have been received by the secretary on or prior to 1 May, before 17 h in the envelope furnished for such purpose by the secretary.

**3.13.** Counting of the votes shall be done at the corporate seat of the Corporation.

**3.14.** The 5 scrutineers shall be designated by the Bureau from among the medical technologists. They shall each be entitled to reimbursement for their travelling expenses.

**3.15.** If a voter loses, soils or destroys his ballot-paper, he may obtain another by applying to the secretary.

**3.16.** If the secretary receives several pre-addressed envelopes in the name of the same voter, he must, subject to verification of the signature of the sender, accept the ballot-papers contained in the first envelope which he received.

**3.17.** The secretary and the scrutineers shall examine, without opening them, the envelopes pre-addressed for the purposes of the election. They shall reject the envelopes which do not bear the usual signature of the voter.

**3.18.** The secretary shall then open the envelopes accepted and place in the various ballot boxes the envelopes which contain the ballot-papers for the election of the directors of the various regions. The secretary may reject all the ballot-papers contained in the pre-addressed envelope if the procedure followed by the voter is irregular.

**3.19.** The secretary shall reject, at the time of counting, any ballot-paper which contains an identification mark of the voter and also any ballot-paper which is soiled, erased or otherwise marked than with a cross within the squares reserved for such purpose.

**3.20.** The scrutineers, who do not accept the decision of the secretary may report to the Bureau and require that an order number be entered on the ballot-papers which are the object of dispute.

**3.21.** The secretary shall declare elected the candidates who have obtained the most votes.

**3.22.** Where, during the election period, the secretary is absent or unable to act by reason of death, sickness or any other reason deemed sufficiently by the Bureau, the Bureau shall designate a medical technologist to act in lieu and stead of the secretary. The medical technologist thus designated shall assume for the purposes of the election all the rights and obligations of the secretary for whom he is substituting.

**3.23.** Prior to his taking office, the person who is designated to replace the secretary in accordance with section 3.22 shall swear before any person authorized to administer the oath that he will faithfully fulfil his duty.

**3.24.** Immediately following the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.

**3.25.** The secretary must send to each of the candidates a copy of the report referred to in section 3.24.

**3.26.** The secretary must also submit a detailed report of the election at the first meeting of the Bureau following the election.

**3.27.** For the purpose of alternating representation on the Bureau, the number of directors to be elected shall be distributed as follows :

(a) in even years, the directors representing the Saguenay-Lac-Saint-Jean, Trois-Rivières, Montréal, Laurentides, Montréal South Shore and North Western Nouveau-Québec regions ;

(b) in uneven years, the directors representing the Bas-Saint-Laurent-Gaspésie, Québec, Cantons de l'Est, Outaouais and Côte-Nord regions.

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O.C. 4303-74, (1974) 106 O.G.II, 3469, 5169

O.C. 1233-79, (1979) 111 G.O., 3521



c. C-26, r.168

## Regulation respecting professional liability insurance for medical technologists

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des technologistes médicaux du Québec ;
- (b) “medical technologist” : a person who is entered on the roll of the Corporation ;
- (c) “committee” : the committee on the examination of insurance contracts ;
- (d) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II COMMITTEE

**2.01.** The Bureau shall appoint the 3 members of the committee each year and designate a chairman from among them.

**2.02.** The committee shall hold its sittings on the dates and at the hour and place determined by its chairman. The quorum of the committee shall be 2 members.

**2.03.** The committee shall verify, in particular by studying the proofs of insurance provided for in section 3.05, whether each medical technologist is complying with the obligation prescribed in section 3.01 and report thereon to the Bureau.

**2.04.** The committee shall make the recommendations it deems appropriate to the Bureau and submit an annual report on its activities.

### DIVISION III LIABILITY INSURANCE

**3.01.** A medical technologist must be covered by an insurance contract establishing a guarantee against the liability which he may incur owing to fault or negligence committed in the exercise of his profession.

**3.02.** The insurance contract must provide that :

- (a) the coverage is for an amount of not less than 500 000 \$ per claim and 500 000 \$ for the aggregate of claims relative to the term of the coverage ;
- (b) the insurer undertakes to pay in lieu and stead of the insured, within the limits of the coverage, any amount that the insured may legally be bound to pay in damages to a third party respecting a claim filed during the period of coverage and resulting from professional services rendered or that should have been rendered by the insured or his employees in the performance of their duties ;
- (c) the coverage applies to services rendered or to the failure to render services prior to the coming into force of the insurance contract until the expiry of the period of coverage ;
- (d) when the insured ceases to practise his profession of his own will or dies, the insurer undertakes to sign with the insured or his legal heirs an insurance contract with a coverage for services rendered or failed to be rendered by the insured or his employees in the performance of their duties prior to the coming into force of such contract ;
- (e) the insurer undertakes to take up the interest of the insured and to assume his defence in any action brought against him before a court of civil jurisdiction ; the costs and expenses of suits against the insured, including those of the defence and interest upon conviction, are borne by the insurer over and above the amounts prescribed in paragraph a.

**3.03.** An exclusion contained in an insurance contract pertaining to acts committed under the influence of narcotics, soporifics, drugs or alcohol may not apply to a third party referred to in paragraph b of section 3.02 to whom the insured is legally bound to pay damages.

**3.04.** Where the Corporation has taken out a liability insurance policy in accordance with this Division for all or

part of its members, a medical technologist may join this group insurance policy for the purposes of section 3.01.

An insurance certificate must be issued to each medical technologist joining the insurance policy taken out by the Corporation and a copy of this insurance policy must be given to him upon written request.

**3.05.** Except if he is insured under section 3.04, the medical technologist must furnish proof to the secretary before 1 April each year that he holds an insurance policy in force for a period of 12 months from that date and that it is in compliance with this Regulation. However, where the name of a medical technologist is entered or re-entered on the roll on a date other than 1 April, he must furnish proof to the secretary that he holds an insurance policy in force at least until 1 April following and that it is in compliance with this Regulation.



c. C-26, r.169

## Code of ethics of medical technologists

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) “Corporation” : the Corporation professionnelle des technologistes médicaux du Québec ;

(b) “medical technologist” : every person whose name is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** The medical technologist must, unless he has sound reason to the contrary, support every measure likely to improve the quality and availability of professional services in the field in which he practises.

**2.02.** In the practice of his profession, the medical technologist must bear in mind the general effect which his research and work may have on society.

**2.03.** The medical technologist must promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS PATIENTS

#### *§1. General provisions*

**3.01.01.** Before making an analysis or an examination, the medical technologist must bear in mind the extent of his proficiency and the means at his disposal.

**3.01.02.** A medical technologist must at all times recognize his patient’s right to consult a colleague, a member of another professional corporation, or any other competent person.

**3.01.03.** A medical technologist must refrain from practising under conditions or circumstances that could impair the quality of his services.

**3.01.04.** A medical technologist must respect the life of his patient. Thus, he may not refuse to provide his services when patient’s life is in danger.

**3.01.05.** The medical technologist may not act alone in making examinations that could create a disorder in the patient’s condition necessitating the assistance of another person to administer treatment.

#### *§2. Integrity*

**3.02.01.** The medical technologist must discharge his professional duties with integrity.

**3.02.02.** The medical technologist must avoid any misrepresentation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the patient so requires he must, with the latter’s authorization, consult a colleague, a member of another professional corporation or another competent person, or send his patient to one of these persons.

**3.02.03.** The medical technologist must refrain from transmitting erroneous or incomplete results. Where applicable, before transmitting results, he must also ensure that the quality controls generally recognized as necessary have been implemented.

### *§3. Availability and diligence*

**3.03.01.** A medical technologist must show reasonable availability and diligence in the practice of his profession.

**3.03.02.** In addition to opinion and counsel, the medical technologist must furnish his patient with the explanations necessary for the understanding and evaluation of the services he renders him.

### *§4. Liability*

**3.04.01.** A medical technologist must, in the practice of his profession, commit his full personal civil liability. It is thus prohibited for him to include in contract for professional services a clause excluding such liability directly or indirectly, in whole or in part.

### *§5. Independence and impartiality*

**3.05.01.** A medical technologist must subordinate his personal interest to that of his patient.

**3.05.02.** A medical technologist must ignore any intervention by a third party which could affect the performance of his professional duties to the prejudice of his client.

**3.05.03.** A medical technologist may share his fees with a colleague only to the extent that such sharing corresponds to a distribution of services and responsibility.

**3.05.04.** Except for the remuneration to which he is entitled, a medical technologist must refrain from receiving, paying or undertaking to pay any discount, benefit or commission relating to the practice of his profession.

### *§6. Professional secrecy*

**3.06.01.** A medical technologist must respect the secrecy of confidential information obtained in the practice of his profession.

**3.06.02.** A medical technologist may be released from professional secrecy only with the authorization of his patient or whenever so ordered by law.

**3.06.03.** A medical technologist must avoid indiscreet conversations concerning a patient and the services rendered to that patient.

**3.06.04.** A medical technologist shall not make use of confidential information to the prejudice of a patient or with a view to obtaining, directly or indirectly, an advantage for himself or for another person.

### *§7. Accessibility of records*

**3.07.01.** The medical technologist must respect the right of his client to consult the documents which concern him in every record made in his regard and to obtain a copy of such documents.

However, where such services are required in response to a signed request by a member of another professional corporation, the medical technologist may not allow the patient concerned in a laboratory test to consult the documents in the record made in his regard without authorization from the professional who signed the request.

### *§8. Determination and payment of fees*

**3.08.01.** A medical technologist must demand and accept fair and reasonable fees.

**3.08.02.** Fees are fair and reasonable if they are warranted by the circumstances and correspond to the services rendered. In determining his fees, a medical technologist must in particular take the following factors into account :

- (a) the time devoted to the carrying out of the professional service ;
- (b) the complexity and importance of the service ;
- (c) the allowance for unusual services or services requiring exceptional competence or celerity.

## **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

### *§1. Derogatory acts*

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession :

- (a) practising the profession of medical technologist while under the influence of alcoholic beverages, drugs, hallucinogens, narcotics or anaesthetics, or any other substance producing intoxication or reducing or disturbing the faculties or resulting in unconsciousness ;

- (b) filing of a false analysis or examination report ;
- (c) acting as a sales agent in recommending any laboratory equipment or material to his employer ;
- (d) the appointing or allowing the appointment of a person in his employ or with whom he is associated, as a medical technologist where that person is not a member of the Corporation.

*§2. Relations with the Corporation and colleagues*

**4.02.01.** A medical technologist whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee on discipline or a professional inspection committee is requested by the Corporation, must accept that duty unless he has exceptional reasons for refusing it.

**4.02.02.** A medical technologist must answer as promptly as possible all correspondence addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.02.03.** A medical technologist shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him. He shall not, in particular, take credit for work performed by a colleague.

**4.02.04.** When a medical technologist is consulted by a colleague, he must give the latter his opinion and his recommendations as promptly as possible.

**4.02.05.** A medical technologist must, in his occupational milieu, co-operate with his colleagues and the members of other professions and endeavour to maintain harmonious with them.

*§3. Contribution to the advancement of the profession*

**4.03.01.** A medical technologist must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuing training periods.



c. C-26, r.170

## **Regulation respecting the records of a medical technologist who ceases to practise**

Professional Code  
(R.S.Q., c. C-26, s. 91)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des technologistes médicaux du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “records” : the records, books and registers which a medical technologist must keep in the practice of his profession ;
- (d) “transferee” : the medical technologist to whom the records of a medical technologist are transferred upon a permanent cessation of practice ;
- (e) “provisional custodian” : the medical technologist to whom the records of a medical technologist are entrusted during a temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation is to be construed as excluding the use of data processing or any other technical means for the keeping of records.

**1.04.** In the case of a medical technologist who is a member or an employee of a partnership of medical technologists or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer used by that medical technologist in the practice of his profession. This Regulation shall apply, however, when all the members of a partnership of medical technologist cease to practise.

**1.05.** An agreement respecting the transfer or provisional custody of the records of a medical technologist who ceases to practise must be certified in writing and sent to the secretary.

### **DIVISION II PERMANENT CESSATION OF PRACTICE**

**2.01.** Subject to sections 2.02 and 2.03, when a medical technologist permanently ceases to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a transferee, notify the secretary by registered or certified mail of the date on which he will cease to practise his profession and give him the name, address and telephone number of the said transferee ; or

(b) if he is unable to find a transferee, inform the secretary thereof by registered or certified mail and advise him that he will give him custody of his records on the date fixed for the cessation of practice.

**2.02.** Where a medical technologist ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the medical technologist who has been struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the medical technologist who has been struck off be entrusted to the secretary.

**2.03.** Upon the death of a medical technologist, the secretary must, as soon as he is notified thereof, see to it that the assigns of the deceased medical technologist find a transferee as quickly as possible.

**2.04.** The transferee or secretary, as the case may be, within 30 days following the date on which he takes possession of the records of a medical technologist who has permanently ceased to practise, must :

- (a) notify the clients of such medical technologist in writing :
  - i. that the latter's records are in his possession ;
  - ii. stating his address, telephone number and office hours ; and
  - iii. advising them of their right to consult another medical technologist ;

(b) cause to be published twice, at a 10 day interval, in at least one French language daily newspaper and, where applicable, in at least one English language daily newspaper in the area in which such medical technologist prac-

tised his profession, and advertisement indicating his address, telephone number and office hours and stating that he has possession of the records of such medical technologist.

The transferee must forward a copy of the advertisement contemplated in subparagraph *b* of the first paragraph to the secretary.

**2.05.** The transferee or the secretary, as the case may be, must respect each person's right to consult the documents which concern him in any record made in his respect and to obtain copies of such documents. The fees for obtaining such copies shall be paid by the person requesting them.

**2.06.** Where the secretary has custody of the records of a medical technologist who has permanently ceased to practise his profession, he may at any time, after consulting that medical technologist, entrust the records to a transferee.

**2.07.** While he has custody of the records of a medical technologist who has permanently ceased to practise his profession the secretary must take the necessary preservation measures in order to safeguard the interests of that medical technologist's clients.

**2.08.** Subject to section 2.06, the secretary must retain the records he has received under this Division for a period of not less than 5 years.

### **DIVISION III** **TEMPORARY CESSATION OF PRACTICE**

**3.01.** Subject to section 3.02, when a medical technologist temporarily ceases to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail of the date on which he will temporarily cease to practise his profession, and the date on which he intends to resume practising his profession, stating the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** When a medical technologist ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the medical technologist who has been struck off find a provisional cus-

todian within 15 days of the expiry of the time allowed for appeal or of the final decision regarding the striking off.

When a provisional custodian has not been found upon the expiry of the said period, custody of the records of the medical technologist who has been struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must communicate to the clients of the medical technologist whose records are in his custody the pertinent information respecting the progress of their record, keep these records up-to-date and take the other necessary preservation measures in order to safeguard the interests of that medical technologist's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except where a medical technologist ceases to practise as a result of his being temporarily struck off for less than 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or the provisional custodian, as the case may be, must return the medical technologist's records to him immediately upon termination of the period of temporary cessation of practice.

**3.07.** A medical technologist who no longer wishes to resume the practice of his profession during or after the expiry of the period in which he had temporarily ceased to practise must comply with Division II.





c. C-26, r.171

## **Regulation respecting the procedure for conciliation and arbitration of accounts of medical technologists**

Professional Code  
(R.S.Q., c. C-26, s. 88)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des technologistes médicaux du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “medical technologist” : the member of the Corporation whose account is the object of a dispute with a client ;
- (d) “council” : the council for the arbitration of accounts constituted under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II CONCILIATION**

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic in sending him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which an action for a claim concerning the account contested is served by the medical technologist on the client.

**2.04.** Within 5 days from the date on which he received the application for conciliation, the syndic shall send to the medical technologist a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### **DIVISION III ARBITRATION**

#### *§1. Submission to arbitration*

**3.01.01.** A client applies for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall send to the medical technologist by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the medical technologist shall sign it and return it to the secretary.

#### *§2. Formation of council*

**3.02.01.** In order to settle the dispute between the client and the medical technologist, the Bureau shall set up an arbitration council composed of 3 members of the Corporation and designate a chairman from among them. The Bureau shall also appoint a clerk to assist the council in the performance of its duties.

**3.02.02.** The clerk shall notify the arbitrators and the parties of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator may only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25), and must be forwarded in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or make the affirmation of discretion provided in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of death or inability to act of one of the arbitrators, the others shall terminate the matter and their decision shall be valid. In the case of death or inability to act of the chairman, the Bureau shall appoint a chairman from among the 2 other arbitrators on the council.

### §3. Hearing

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and the parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall proceed with dispatch to the hearing of the dispute in accordance with the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, that party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by arbitrators.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### §4. Arbitration award

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that period.

**3.04.02.** The council decides as mediator and renders the decision it considers most appropriate.

**3.04.03.** The decision is rendered by the majority of the members of the council ; in default of a majority, the decision is rendered by the chairman.

The reasons for the decision must be given and it must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign, the others must indicate such refusal and the decision shall be as valid as if it had been signed by all of them.

The clerk shall forward the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees, that is, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount which is the object of the arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless expressly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and the members of the Bureau.

### SCHEDULE 1

(s. 2.02)

#### APPLICATION FOR CONCILIATION

I, the undersigned, .....  
(name and address)

.....  
in person or (where applicable) representing .....

..... for the purposes of this application, as attested by the authorization annexed hereto, being duly sworn or having solemnly declared, declare that :

(1) ..... claims  
(name of medical technologist)  
 from me the sum of ..... for professional services rendered between ..... and ....., as attested by the account a copy of which annexed hereto ;

(2) I refuse to pay this account for the following reasons(s) :

.....  
 .....  
 .....

but (where applicable) I acknowledge that I owe the sum of ..... for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of medical technologists (R.R.Q., c. C-26, r. 171), of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me

And I have signed

at .....  
(signature of client or his duly authorized representative)

this ..... 19...  
commissioner for oaths

## SCHEDULE 2

(s. 3.01.01)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
(name and address)

in person or (where applicable) representing .....

..... for the purposes of this submission, as attested by the authorization annexed hereto, hereinafter referred to as "the party of the first part",

and

.....  
(name and address)

member of the Corporation professionnelle des technologistes médicaux du Québec, hereinafter referred to as "the party of the second part",

who make the following declarations and agreements :

(1) The party of the second part claims from the party of the first part the sum of ..... for professional services rendered between ..... and ..... , as attested by the account a copy of which is annexed hereto ;

(2) The party of the first part refuses to pay this account for the following reason(s) :

.....  
 .....  
 .....  
 .....

but (where applicable) the party of the first part acknowledges that he owes the sum of ..... for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that part of the account which exceeds that which the party of the first part acknowledges to owe to the party of the second part, namely, the sum of ..... ;

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of medical technologists (R.R.Q., c. C-26, r. 171), of which the parties declare having received a copy and taken cognizance ;

(5) The party of the first part renounces to the benefit of any time elapsed with respect to the prescription ;

(6) The party of the second part undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is the object of the dispute ;

(7) The arbitration award is binding upon the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) apply to its enforcement ;

(8) This submission may be annulled only with the written consent of the parties.

.....  
(signature of client or his duly authorized representative)      (signature of medical technologist)

Signed at ..... Signed at .....  
 this ..... 19... this ..... 19...



c. C-26, r.172

## **Regulation respecting the procedure of the professional inspection committee of medical technologists**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “committee” : the professional inspection committee ;
- (b) “Corporation” : the Corporation professionnelle des technologistes médicaux du Québec ;
- (c) “records” : the records, books and registers kept by a medical technologist in the practice of his profession, as well as :
  - i. the documents or reports in which he has in fact collaborated in the records, books and registers kept by his colleagues or employer, including an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) or a laboratory within the meaning of the Public Health Protection Act (R.S.Q., c. P-35) ; and
  - ii. a sample or specimen entrusted to him for analysis ;
- (d) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions ;
- (e) “medical technologist” : whoever is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 5 members appointed by the Bureau from among the medical technologists who have been practising for at least 3 years. They take office upon their appointment and remain therein un-

til death, or until they resign, are replaced or are struck off the roll.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The Bureau of the Corporation designates the secretary of the committee.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept in the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** The committee shall draw up and keep up-to-date a professional record for each medical technologist.

**3.02.** The professional record contains a summary of the medical technologist academic qualifications and experience as well as all the records pertaining to the inspection of which he is the object under this Regulation.

**3.03.** When a medical technologist is the object of a special inquiry, he is entitled to consult his record and to obtain a copy thereof.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the members of the Corporation according to the programme established by it.

**4.02.** Each year, the Bureau shall cause to be published the committee's general supervision programme in the bulletin of the Corporation.

**4.03.** At least 15 days before the date fixed for the inspection of a medical technologist's records by an investigator, the committee shall, through its secretary, send the medical technologist in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If a medical technologist cannot receive an investigator on the prescribed date, he must, upon receipt of the

notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the medical technologist was unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the inspection and notify the medical technologist thereof.

**4.06.** An investigator must produce a certificate attesting to his capacity, signed by the secretary of the committee.

**4.07.** The medical technologist whose records are the object of inspection, may be present or be represented by a health specialist working with him.

**4.08.** If he has reason to believe that the committee should subject a medical technologist to special inquiry, the investigator shall draw up an inspection report and forward it to the committee for study within 15 days following his inspection.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A MEDICAL TECHNOLOGIST**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a medical technologist, or designate an investigator for such purposes.

**5.02.** (1) At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the medical technologist in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

(2) Notwithstanding subsection 1, where the sending of a notice to the medical technologist could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make such inquiry without such notice.

**5.03.** An investigator may advise the employer, representative or employee of a medical technologist of the order to allow him access to the records of that medical technologist.

**5.04.** Where records are held by a third party, the medical technologist must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the medical technologist refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.08.** Section 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that a medical technologist be required to serve a period of refresher training and that the right of such medical technologist to engage in professional activities during such period be restricted, it shall notify the Bureau and the medical technologist in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that a medical technologist be required to serve a period of refresher training and that the right of such medical technologist to engage in professional activities during such period be restricted, it must permit the medical technologist in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the medical technologist and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** A medical technologist or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall receive the oath or solemn affirmation of the medical technologist and the witnesses through the intermediary of a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the medical technologist, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the medical technologist does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the medical technologist or of the committee.

**6.09.** (1) The committee and the medical technologist assume their own expenses, with the exception of recording fees which shall be shared equally between them.

(2) Notwithstanding subsection 1, where the recording of depositions is made at the request of the committee, the latter shall pay all the fees.

**6.10.** In its recommendations concerning a medical technologist, the committee shall take into account the type of professional activities in which the medical technologist is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons prompting the recommendations shall be given, signed by the members of the committee who made them and forwarded to the Bureau and the medical technologist in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the refresher training periods organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26), might be laid against a medical technologist, it shall notify the syndic of the Corporation.

**SCHEDULE A**  
(s. 4.03)

**CORPORATION PROFESSIONNELLE DES  
TECHNOLOGISTES MÉDICAUX DU QUÉBEC  
PROFESSIONAL INSPECTION COMMITTEE**

**Notice of inspection**

Notice is given that, within the framework of the programme for general supervision of the practice of the

profession, an investigator from our committee will inspect your records, books and registers on . . . . 19. . .  
at . . . . . h . . . . .

Signed at . . . . .  
on . . . . . 19. . .

The professional inspection committee

Per : . . . . .  
secretary of the committee

**SCHEDULE B**  
(s. 5.02)

**CORPORATION PROFESSIONNELLE DES  
TECHNOLOGISTES MÉDICAUX DU QUÉBEC  
PROFESSIONAL INSPECTION COMMITTEE**

**Notice of special inquiry**

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on . . . . . 19. . . at . . . . . h . . . .  
. . . . .

Signed at . . . . .  
on . . . . . 19. . .

The professional inspection committee

Per : . . . . .  
secretary of the committee



c. C-26, r.173

## Regulation respecting advertising by medical technologists

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I DEFINITIONS AND INTERPRETATION

**1.01.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.02.** In this Regulation, unless the context indicates otherwise, the word “laboratory” means : a place outside an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) and equipped for all types of technical analyses and laboratory examinations in the field of medical biology, in accordance with the Public Health Protection Act (R.S.Q., c. P-35) and the regulations made under its authority.

### DIVISION II GENERAL PRINCIPLE

**2.01.** The items which a medical technologist may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

### DIVISION III PROFESSIONAL CARD

**3.01.** A medical technologist shall not enter on his professional card any data other than :

- (a) his name and that of his partners, where applicable ;
- (b) his profession ;
- (c) his university degrees ;
- (d) his address, telephone number and office hours ;
- (e) the graphic sign of the Corporation ; and
- (f) the name of his employer, where applicable.

**3.02.** Such card shall not be more than 6 centimetres in width and 11 centimetres in length.

### DIVISION IV INFORMATION MEDIA AND STATIONERY

**4.01.** A medical technologist may publish or allow to be published in newspapers, magazines, periodicals or any other printed matter and advertisement containing all or part of the data set forth in section 3.01.

**4.02.** A medical technologist may enter on his stationery all or part of the data set forth in section 3.01.

**4.03.** Upon the opening of his laboratory, when taking up a post in an existing laboratory or when entered on the roll of the Corporation for the first time, or upon appointment to a position related to the practice of the profession, a medical technologist may publish or allow to be published his photograph and certain biographical data in newspapers, magazines, periodicals or in other printed matter.

### DIVISION V ADVERTISING ON THE PREMISES OF THE LABORATORY

**5.01.** (1) On one of the outer walls of the building in which a laboratory is located or on the lot on which such building is erected, a medical technologist who is the owner of that laboratory may post up a sign indicating his name followed by the expression “medical technologist” in letters not exceeding 20 centimetres. This notice may be accompanied by the graphic sign of the Corporation.

(2) If the building in which a medical laboratory is located is at a crossroads, the medical technologist who is the owner of that laboratory may post up such sign on the outer walls or on the land facing each of the converging roads.

**5.02.** Inside a laboratory a non-luminous sign may be placed in public view on which the name of the medical technologist who is the owner thereof is clearly written in letters not exceeding 15 centimetres, followed by the expression “medical technologist”.

### DIVISION VI GRAPHIC SIGN OF THE CORPORATION

**6.01.** The Corporation is represented by a graphic sign in conformity with the original held by the secretary of the Corporation and containing the following elements : a *fleur-de-lys*, a microscope and a vert snake knotted around

a sword, the 3 separated by a *tau*, the whole on a surbased oval escutcheon.

**6.02.** Whenever a medical technologist reproduces the graphic sign of the Corporation for advertisement purposes, he must ensure that such sign complies with the original held by the secretary and does not exceed 25 square decimetres.

## **DIVISION VII**

### **MISCELLANEOUS PROVISIONS**

**7.01.** A medical technologist shall not furnish any person, authorized to prescribe under a law of Québec, prescription blanks or note-books bearing, in writing or in print, his address and telephone number, joined to the name, the address or telephone number of the medical technologist or laboratory.

**7.02.** A medical technologist shall not allow a person authorized to prescribe under a law of Québec to advertise that fact, or to advertise his laboratory, on the face or back of a printed or handwritten sheet used for writing a prescription of whatsoever nature.





c. C-26, r.174

## Regulation respecting refresher training periods for medical technologists

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des technologistes médicaux du Québec ;

(b) “medical technologist” : a person who is entered on the roll of the Corporation ;

(c) “training period” : a refresher training period contemplated by this Regulation ;

(d) “trainee medical technologist” : a medical technologist required to serve a training period ;

(e) “tutor” : a medical technologist responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions fixed by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** The Bureau may, if it considers that a member’s level of competence does not meet the standards required for the protection of the public, require a medical technologist to serve a refresher training period where :

(a) his name is entered on the roll more than 5 years after he has obtained his permit or more than 5 years following the date on which he was entitled to the issuance of such permit ;

(b) his name is re-entered on the roll after failing to be entered thereon for more than 5 years ;

(c) his name is re-entered on the roll after having been struck off for more than 5 years ;

(d) a recommendation to that effect concerning him is made by the professional inspection committee or the committee on discipline pursuant to sections 113 and 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period considered, in virtue of section 2.10, not to be in conformity with the objectives and the terms and conditions determined by the Bureau ;

(f) he has not practised his profession for more than 5 years.

**2.02.** A training period may not be prescribed more than 90 days from the time when a medical technologist is liable to be required to serve it.

**2.03.** A training period may, in particular, consist of one or several of the following activities ;

(a) a period of practical training ;

(b) studies ;

(c) courses ;

(d) research work.

**2.04.** A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau’s decision to oblige a medical technologist to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place and time of the training period and, where necessary, shall designate one or several tutors.

**2.07.** A tutor must submit a report to the Bureau within 15 days after completing his mandate, stating, with reasons in support thereof, whether the trainee medical technologist acted while under his supervision in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee medical technologist or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee medical technologist a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required in virtue of sections 2.07 and 2.08, the Bureau shall decide at a meeting after completion of the training period whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it so deems necessary for the protection of the public, limit the trainee medical technologist's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or is not authorized to practise ;

(b) by determining the professional acts which he is authorized or is not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or certain of them, be performed under the supervision of another medical technologist or group of medical technologists.

**3.02.** The Bureau's decision to limit a trainee medical technologist's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period or limiting a trainee medical technologist's right to practise, the Bureau must give the medical technologist concerned the opportunity to be heard. For such purpose, the Bureau must give the medical technologist a written notice of at least 5 days of the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee medical technologist's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the medical technologist in question by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee medical technologist's right to practise shall take effect 30 days after being sent to or served on the latter.

**4.04.** During the training period, the Bureau may, upon a duly reasoned request by the trainee medical technologist and communicated to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce the conditions of limitation of the trainee medical technologist's right to practise.

**4.05.** A medical technologist must comply with every decision of the Bureau rendered in accordance with this Regulation.



c. C-26, r.175

## Regulation respecting the keeping of records by medical technologists

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) “Corporation” : the Corporation professionnelle des technologistes médicaux du Québec ;

(b) “medical technologist” : whosoever is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means in the drawing up and keeping of the records of a medical technologist.

### DIVISION II KEEPING OF RECORDS

**2.01.** Subject to section 2.07, a medical technologist must keep a record for each of his clients at the place where he practises his profession.

**2.02.** A medical technologist must enter the following items and information in each record :

- (a) the date of opening of the record ;
- (b) the name and given names of the client at birth, the address, telephone number, health insurance number, date of birth, sex and, in the case of a married person, the name of the spouse of the client ;
- (c) the name and address of the health professional who referred the said client to him, where applicable ;
- (d) the requests or prescription made by a health professional or the reports provided ;
- (e) a brief description of the reasons for the consultation ;

(f) a description of the professional services rendered and their date ;

(g) the nature of the specimens sampled, where applicable ;

(h) the analysis and examination methods used ;

(i) the results obtained ;

(j) the recommendations made to the client ; and

(k) the notes, correspondence and other documents pertaining to the professional services rendered.

**2.03.** A medical technologist must keep each record up-to-date until he ceases to render professional services to the person concerned by that record.

**2.04.** A medical technologist must keep each record for at least 5 years from the date of the last service rendered.

**2.05.** A medical technologist must keep his records in a room or cabinet which is not readily accessible to the public and which may be locked by means of a key or otherwise.

When, in accordance with section 1.03, the medical technologist uses data processing or any other technical means in the drawing up and keeping of his records, he must ensure that they remain confidential.

**2.06.** Where a client takes a document from the record concerned him, the medical technologist must insert in that record a note signed by the client stating the nature of the document and the date on which it was taken out.

**2.07.** Where a medical technologist is a member of or employed by a partnership, or if he is employed by a natural or artificial person, the records kept by such partnership or employer in respect of the persons to whom services are rendered by that medical technologist shall be deemed, for the purposes of this Regulation, to be the latter's records if he may enter therein the items or information referred to in section 2.02 ; if he cannot do so, he must keep a record for each of these persons.

The medical technologist must sign or initial each entry or report that he puts in a record of his partnership or employer.

Where a medical technologist practises in an establishment within the meaning of the Act respecting health ser-

vices and social services (R.S.Q., c. S-5), the recipient's record within the meaning of that Act and its regulations shall be considered, for the purposes of this Regulation, as the record of that medical technologist if he may enter or have entered therein, in report form or otherwise, the information referred to in section 2.02 ; in such case, the medical technologist need not comply with sections 2.04 to 2.06.

The medical technologist must sign or initial each entry that he puts in the said record.



c. C-26, r.176

**Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des technologistes médicaux du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des technologistes médicaux du Québec, the territory of Québec shall be divided into 11 regions ;

- (a) the Lower St. Lawrence-Gaspésie region ;
- (b) the Saguenay-Lac-Saint-Jean region ;
- (c) the Québec region ;
- (d) the Trois-Rivières region ;
- (e) the Eastern Townships region ;
- (f) the Montréal region ;
- (g) the Laurentian region ;
- (h) the South Shore region ;
- (i) the Outaouais region ;
- (j) the North-Western-New Québec region ;
- (k) the North Shore region.

**2.** The territory of the Lower St. Lawrence-Gaspésie region is that of region 1 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r. 8).

The territory of the Saguenay-Lac-Saint-Jean region is that of region 2 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Québec region is that of region 3 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Trois-Rivières region is that of region 4 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Eastern Townships region is that of region 5 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Montréal region is that of subregion 06 of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Laurentian region is that of subregions 08 and 09 of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the South Shore region is that of subregions 01, 02, 03, 04 and 07 of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Outaouais region is that of region 7 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the North Western-New Québec region is that of regions 8 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the North Shore region is that of region 9 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the Lower St. Lawrence-Gaspésie region, 1 for the Saguenay-Lac-Saint-Jean region, 4 for the Québec region, 2 for the Trois-Rivières region, 2 for the Eastern Townships region, 5 for the Montréal region, 1 for the Laurentian region, 1 for the South Shore region, 1 for the Outaouais region, 1 for the North Western-New Québec region and 1 for the North Shore region.

**4.** A medical technologist shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall be composed of 25 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall be composed of 24 persons including the president.



c. C-26, r.177

**Règlement sur les affaires du Bureau et  
les assemblées générales de la  
Corporation professionnelle des  
technologues des sciences appliquées du  
Québec**

Professional Code

(R.S.Q., c. C-26, ss. 93 and 94, par. *a* and *k*)

See French Edition



c. C-26, r.178

**Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des technologues des sciences appliquées du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** To provide for adequate regional representation on the Bureau of the Corporation professionnelle des technologues des sciences appliquées du Québec, the territory of Québec is divided into 9 regions :

- (a) the Bas Saint-Laurent region ;
- (b) the Saguenay-Lac-Saint-Jean region ;
- (c) the Québec region ;
- (d) the Trois-Rivières region ;
- (e) the Cantons de l'Est region ;
- (f) the Montréal region ;
- (g) the Outaouais region ;
- (h) the Nord-Ouest region ;
- (i) the Côte-Nord and Nouveau-Québec region.

**2.** The Bas Saint-Laurent region comprises region 1, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The Saguenay-Lac-Saint-Jean region comprises region 2, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Québec region comprises region 3, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Trois-Rivières region comprises region 4, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Cantons de l'Est region comprises region 5, the territory of which is described in the Regulation dividing

Québec into regions for the application of section 65 of the Professional Code.

The Montréal region comprises region 6, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Outaouais region comprises region 7, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Nord-Ouest region comprises region 8, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The Côte-Nord and Nouveau-Québec region comprises regions 9 and 10, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** Eight directors are elected to represent the Montréal region :

- (a) 5 directors are elected for subregions 02, 03 and 06 ;
- (b) 1 director for subregions 01 and 04 ;
- (c) 1 director for subregions 08 and 09 ;
- (d) 1 director for subregion 07.

**4.** Four directors are elected to represent the Québec region :

- (a) 2 directors are elected for subregion 03 ;
- (b) 1 director for subregion 05 ;
- (c) 1 director for subregion 01.

**5.** Two directors are elected to represent the Trois-Rivières region, 1 for the Côte-Nord and Nouveau-Québec region, 1 for the Bas Saint-Laurent region, 1 for the Saguenay-Lac-Saint-Jean region, 1 for the Cantons de l'Est region, 1 for the Outaouais region, and 1 for the Nord-Ouest region.

**6.** The directors elected before 14 October 1981 remain in office to represent the region in which they practise their profession until the expiration of their term, in accordance with section 3 of the Act to repeal the Act respecting Cer-



tified Technicians and to amend certain legislative provisions (S.Q., 1980, c. 12).

**7.** A technician votes in the region where he practises his profession, for the candidates in that region. He also votes for a candidate for the office of president, where the president is elected by a general vote.

**8.** If the president is elected by a general vote, the Bureau consists of 25 persons, including the president ; if the president is elected by a vote of the elected directors, the Bureau consists of 24 persons, including the president.



c. C-26, r.179

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des travailleurs sociaux du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made pursuant to section 93 and paragraph *a* of section 94 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des travailleurs sociaux du Québec ;

(b) “Bureau” : the Bureau of the Corporation.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II BUREAU**

**2.01.** At the first meeting of the Bureau following the annual general meeting of the members of the Corporation, the elected members of the Bureau must choose from among themselves the president, where the general meeting decides that the latter is not elected by a general vote, and also the vice-president and the treasurer.

**2.02.** The members of the Bureau shall be convened by the secretary by means of a written notice sent at least 10 days prior to the date of the meeting.

**2.03.** In case of emergency, the president of the Corporation may convene a meeting of the Bureau provided that :

(a) all the directors are notified by telephone or telegram at least 3 days prior to the meeting ; and

(b) all the directors absent from that meeting acknowledge that they have been convened in accordance with paragraph *a*.

**2.04.** Notwithstanding sections 2.02 and 2.03, a meeting of the Bureau shall be deemed to be regularly held if all the directors are present and waive the notice of convocation.

**2.05.** In the absence of the president and vice-president, the Bureau may designate one of its members to preside over one of its meetings.

**2.06.** The members present at a meeting are bound to vote, unless they have grounds for recusation deemed sufficient by the chairman of the meeting.

**2.07.** The meetings of the Bureau are normally held at the corporate seat of the Corporation in the presence of the members of the Bureau who take part therein. They may, however, be held by telephone conference by way of exception to the preceding and in such case sections 2.02, 2.03 and 2.04 apply and minutes of the meeting must be drawn up and approved in writing by all the members who took part in the meeting.

### **DIVISION III ADMINISTRATIVE COMMITTEE**

**3.01.** The administrative committee of the Corporation is composed of the following directors : the president, the vice-president, the treasurer, one elected director and one appointed director.

**3.02.** The secretary of the Corporation or one of his assistants shall act as the secretary of the administrative committee, but shall not be entitled to vote.

**3.03.** The administrative committee shall be convened by the secretary by means of a written notice sent at least 7 days prior to the date of the meeting.

**3.04.** In case of emergency, the president may convene a meeting of the administrative committee provided that :

(a) all the members of the administrative committee are notified by telephone or telegram at least 3 days before the meeting ; and

(b) all the members of the administrative committee absent from the meeting acknowledge that they have been convened in accordance with paragraph a.

**3.05.** Notwithstanding sections 3.03 and 3.04, a meeting of the administrative committee shall be deemed to be regularly held if all the members of the administrative committee are present and waive the notice of convocation.

**3.06.** In the absence of the president of the Corporation, the vice-president, or in the latter's absence, the treasurer, shall preside over the meetings of the administrative committee.

**3.07.** A notice of convocation to a meeting of the administrative committee may be sent to the last outgoing president, who shall then act as a special adviser, but shall not be entitled to vote.

**3.08.** The decisions shall be taken by majority vote of the members present ; in the case of a tie-vote, the chairman of the meeting shall have a casting-vote.

**3.09.** The administrative committee shall exercise all the powers assigned to the Bureau by the Professional Code, except those powers which the Bureau must exercise by regulation.

**3.10.** The meetings of the administrative committee are normally held at the corporate seat of the Corporation in the presence of the members of the administrative committee who take part therein. They may, however, be held by telephone conference by way of exception to the preceding and in such case sections 3.03, 3.04 and 3.05 apply and minutes of the meeting must be drawn up and approved in writing by all the members who took part in the meeting.

#### **DIVISION IV GENERAL MEETINGS**

**4.01.** The annual general meeting shall be held on the date and at the place determined by the Bureau.

**4.02.** The quorum for general meetings is fixed at 50 members.

**4.03.** At general meetings, the decisions shall be taken by majority vote of the members present. In the case of a tie-vote, the chairman of the meeting shall have a casting-vote.

#### **DIVISION V MISCELLANEOUS PROVISIONS**

**5.01.** The official language of deliberations and administration of the Corporation is French.

**5.02.** With the consent of the administrative committee the president, the vice-president or another member of the Corporation shall be the only persons authorized to speak for the Corporation on matters relative to the practice of the profession.

**5.03.** The corporate seat of the Corporation is situated within the territory of the Communauté urbaine de Montréal or at any other place designated by the Bureau.

**5.04.** The seal of the Corporation is that imprinted on the copy of this Regulation held by the secretary of the Corporation.

**5.05.** Where the secretary of the Corporation is unable to act due to illness, absence or otherwise, the Bureau shall designate a member of the Corporation to replace him.

**5.06.** Subject to the Professional Code, the matters of procedure which are not prescribed in this Regulation shall be governed *mutatis mutandis* by the rules contained in *Procédure des assemblées délibérantes*, V. Morin, latest edition.

**5.07.** The fee required by the Corporation for re-entry of a person who has been struck off the roll is 30 \$.

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O.C. 2416-76, (1976) 108 O.G.II, 4783

O.C. 270-79, (1979) 111 G.O., 2351

Decision of 28.08.81, (1981) 113 G.O.II, 3757



c. C-26, r.180

## Code of ethics of social workers

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Corporation” : the Corporation professionnelle des travailleurs sociaux du Québec ;

(b) “social worker” : a person who is entered on the roll of the Corporation ;

(c) “client” : any person, group, community or organization that benefits from a social worker’s services ;

(d) “third party” : any person, group or institution not involved in the client/social worker relationship.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II GENERAL DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** A social worker must, in the course of his activities, bear in mind the professional standards generally recognized in the field of social work. He must, in particular, bear in mind the general effect his professional activities may have on his clients as well as on society.

**2.02.** A social worker must promote and support every measure likely to improve the quality and availability of professional services in the field of social work.

**2.03.** A social worker, acknowledging that one of the key objectives of his profession is to educate and inform the public concerning social work, must perform the acts he deems appropriate to attain this objective.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS THE CLIENT

#### *§1. General provisions*

**3.01.01.** A social worker must familiarize himself with the ethical factors pertaining to the clientele and the context in which he will work. Before accepting a mandate and while carrying it out, a social worker must take into account the limitations of his competence and the means at his disposal. He must not undertake work for which he is not prepared without obtaining the necessary help.

**3.01.02.** A social worker must at all times recognize his client’s right to consult a colleague, a member of another professional corporation, or any other competent person.

**3.01.03.** A social worker must refrain from practising under conditions likely to seriously impair the quality of his services ; if financial, institutional or political pressures are brought to bear on him in the practice of his profession, he must clearly inform his client of the consequences those kind of pressures might entail.

**3.01.04.** A social worker must do everything in his power to establish a relationship of trust between himself and his client. To this end, the social worker must, in particular :

(a) refrain from practising his profession in an impersonal manner ;

(b) respect, in all his interventions, the values and convictions of his client.

**3.01.05.** A social worker must not make an assessment of his client’s situation and must not perform any acts involving him unless he has sufficient data to judge the situation clearly and to act with a minimum of efficiency in the interest of his client.

**3.01.06.** A social worker must refrain from intervening in his client’s personal affairs when he is not qualified to do so.

**3.01.07.** A social worker must refrain from acting contrary to the standards generally recognized in his profession.

*§2. Integrity and objectivity*

**3.02.01.** A social worker must discharge his professional duties with integrity and objectivity.

**3.02.02.** A social worker must inform his client on all the aspects of his professional activities likely to help him make a decision as to whether he should have recourse to his services.

**3.02.03.** A social worker must inform his client as soon as possible of the extent and consequences of the mandate entrusted to him by the latter or a third party on his behalf and obtain his approval.

**3.02.04.** A social worker must, in a thorough and objective manner, explain to his client the nature and scope of the problem submitted to him together with possible solutions and their implications.

**3.02.05.** A social worker must avoid any misrepresentation with respect to his competence or the efficiency of his own services and of those generally provided by the members of his Corporation.

**3.02.06.** If the well-being of a client so requires, a social worker may, with his client's authorization consult another social worker, a member of another professional corporation or another competent person ; he may also refer his client to any one of those persons.

**3.02.07.** A social worker must as far as possible, refrain from rendering professional services to members of his own family, close friends, colleagues at work, and employees or students that he teaches.

**3.02.08.** A social worker must behave in a fitting manner with his client and be above reproach in all respects.

**3.02.09.** A social worker may not do anything to force a person to make confessions against his will.

**3.02.10.** A social worker must not receive any monetary remuneration from clients other than his fees.

**3.02.11.** In the practice of his profession, a social worker must act with moderation and not go beyond the necessary measures required to meet his patient's needs unless he has sufficient grounds for so doing. A social worker must also avoid performing acts not suited or corresponding to his client's needs.

*§3. Availability and diligence*

**3.03.01.** A social worker must be available and diligent when practising his profession. If he cannot carry out a client's request within a reasonable time, he must explain the reasons therefor to his client.

**3.03.02.** A social worker must provide his client with any information necessary to understand and assess services rendered or to be rendered.

**3.03.03.** Unless a social worker has sound and reasonable grounds to the contrary, he may not cease to render services to a client. The following are considered sound and reasonable grounds :

- (a) loss of a client's confidence ;
- (b) if the social worker's services are no longer beneficial to a client ;
- (c) if a social worker is in a situation of conflict that jeopardizes his relationship with his client ;
- (d) if a social worker is incited by a client to perform illegal, unfair or fraudulent acts.

**3.03.04.** A social worker who unilaterally ceases to offer his services to a client, must notify the latter within a reasonable time and ensure that such termination of services is not prejudicial to him.

*§4. Liability*

**3.04.01.** A social worker must, in the practice of his profession, completely bind his civil and professional liability. He is prohibited from entering in a contract of professional services any clause directly or indirectly excluding, partially or completely, the said liability.

*§5. Independence and impartiality*

**3.05.01.** A social worker must subordinate his personal interests to those of his client.

**3.05.02.** A social worker must ignore any intervention by a third party which might influence the performance of his professional duties to the detriment of his client.

**3.05.03.** A social worker must safeguard his professional independence at all times and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a social worker :

- (a) is in conflict of interest where the interests in question are such that he might tend to favour certain of them

over those of his client or where his judgment and loyalty towards the latter are unfavourably affected ;

(b) is not an objective adviser if he derives a direct or indirect, real or possible, personal benefit from any given act.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interest, or that he might soon be in one, he must inform his client thereof and ask the latter whether he is authorized to continue his mandate.

**3.05.05.** Where applicable, a social worker may share his fees with another person to the extent that such sharing corresponds to the distribution of services and responsibility.

**3.05.06.** With the exception of the remuneration to which he is entitled, a social worker must not receive or grant any benefits, rebates or commissions in connection with the practice of his profession. Further, he must not pay or offer to pay such benefits, rebates or commissions.

**3.05.07.** For a given service, a social worker must only accept fees from a single source, unless it is otherwise agreed by all parties concerned. He must only accept payment of those fees from his client or the latter's representative.

**3.05.08.** In a situation of conflict of interest, a social worker must act for the account of only one of the parties concerned. If his professional duties require that he act otherwise, he must specify his responsibilities and notify all parties concerned that he will cease to act if the situation becomes incompatible with his duty to be impartial.

#### *§6. Professional secrecy*

**3.06.01.** A social worker must respect the secrecy of all confidential information obtained in the practice of his profession ; he may not be released from professional secrecy without the written authorization of his clients or when so ordered by law.

**3.06.02.** When a social worker asks a client to give or entrust confidential information to him, he must ensure that the client is fully aware of the uses that can be made of the information.

**3.06.03.** A social worker must not disclose the names of any of his clients unless the circumstances render such disclosure necessary or inevitable ; he must then notify his clients as soon as possible thereof.

**3.06.04.** A social worker must avoid indiscreet conversations concerning a client and the services rendered to him ; he must ensure that the persons with whom he works do not discuss confidential information among themselves or with third parties.

**3.06.05.** A social worker must not reveal his client's identities when using information obtained from them for teaching or scientific purposes.

**3.06.06.** A social worker must inform the participants of group sessions that some aspects of their private lives may be revealed and must bind them to respect the confidentiality and privacy of any information obtained during the session.

**3.06.07.** A social worker called upon to carry out an expert evaluation before a court must inform the persons involved in the expert evaluation of his mandate. His report and the deposition thereof in court must contain only information related to the case.

**3.06.08.** The contents of a client's record kept by a social worker must not be revealed, entrusted or given to a third party, in whole or in part, without the written authorization of the client concerned or where the law so requires.

**3.06.09.** If a social worker wishes to tape or film an interview, he must obtain written permission from his client and ensure that measures are taken to safeguard the confidentiality of the tape recording or film.

**3.06.10.** Where a social worker is working with a couple or a family, the right of each member of the couple or family to professional secrecy must be safeguarded. A social worker must keep the information in the record or the information provided by each of the members of the couple or family secret if they so wish.

**3.06.11.** A social worker must not use confidential information to the detriment of his client or with a view to deriving a direct or indirect personal advantage for himself or for others.

**3.06.12.** A social worker should not refuse his services to clients who are not willing to release him from professional secrecy, except in exceptional cases.

### §7. *Accessibility of records*

**3.07.01.** Unless he has valid reasons to the contrary, a social worker must respect a client's right to consult the documents in his record that concern him and to obtain copies thereof. A valid reason is if the consultation of documents in the record is extremely detrimental to a client.

**3.07.02.** If another professional requests professional advice, a social worker may not allow the client concerned to consult any documents concerning him in his record without authorization from the professional who requested such service.

### §8. *Determination and payment of fees*

**3.08.01.** A social worker must charge and accept fair and reasonable fees.

**3.08.02.** The fees are fair and reasonable if they are warranted by the circumstances and correspond to the services rendered. In determining his fees, the social worker must in particular take the following factors into account :

- (a) the time devoted to carrying out professional services ;
- (b) the complexity and extent of services ;
- (c) the performance of unusual services or services requiring exceptional competence or celerity.

**3.08.03.** A social worker provides his clients with any explanations necessary to understand fees to be paid and payment procedures.

**3.08.04.** A social worker must refrain from requesting advance payment for his services. He must give his client an estimate of the cost of his services.

**3.08.05.** A social worker collects interest on outstanding accounts only after having duly notified his clients. Interests collected in this way are at a reasonable rate.

**3.08.06.** Before resorting to legal proceedings, a social worker must have exhausted all the other means at his disposal for obtaining payment of his fees.

**3.08.07.** When a social worker entrusts the collection of his fees to another person he must make sure that

the latter, to the best of his knowledge, acts with tact and moderation.

## DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

### §1. *Derogatory acts*

**4.01.01.** In addition to the acts mentioned in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following are derogatory to the dignity of the profession :

- (a) pressing or repeated inducement to resort to his professional services ;
- (b) claiming from a client a sum of money for a professional service or part of a professional service whose cost is assumed by a third party, unless there is a formal agreement between the social worker, his client and the third party to such effect ;
- (c) advising or inciting clients to perform illegal or fraudulent acts ;
- (d) communicating, directly or indirectly, with the plaintiff without the prior written permission of the Corporation's syndic or his assistant when the social worker is informed of an inquiry into his professional conduct or competence or whenever a complaint has been served on him ;
- (e) neglecting to inform the Corporation if he has reason to believe that a social worker is incompetent or is going against the professional code of ethics ;
- (f) providing a receipt or any other document that falsely indicates that services have been rendered ;
- (g) claiming fees for professional acts not rendered ;
- (h) forwarding a bill to clients covering fees for interviews, communications and correspondence with the syndic when the latter asks the social worker for explanations or information concerning a complaint filed by a client or another person ;
- (i) not immediately informing the Corporation when he knows that a candidate does not meet the Corporation's admission criteria ;
- (j) allowing a person who is not a member of the Corporation to use the title of social worker ;
- (k) inciting a client to whom he renders services within the framework of his practice in an organization to become his client in private practice.

## *§2. Professional relations*

**4.02.01.** A social worker must answer promptly all correspondence addressed to him by the syndic of the Corporation, the assistant syndic, investigators, or members of the professional inspection committee.

**4.02.02.** A social worker must not abuse the good faith of a fellow social worker or be guilty of breach of trust or disloyal practices towards him. He must not, in particular, take credit for work done by or in collaboration with a fellow social worker.

**4.02.03.** A social worker consulted by another social worker must give the latter his opinion and recommendations as soon as possible.

**4.02.04.** A social worker practising jointly with other social workers or other persons must ensure that such practice is in no way detrimental to his clients.

**4.02.05.** A social worker called upon to collaborate with another social worker or with another person must keep his professional independence. If he is entrusted a task that goes against his professional conscience or the standards of his profession, he must decline from carrying out such task.

**4.02.06.** A social worker who is requested by the Corporation to participate on a council for the arbitration of accounts, on a committee on discipline or a professional inspection committee must accept that duty unless he has exceptional grounds for refusing.

**4.02.07.** A social worker must, insofar as he is able, contribute to the development of his profession either by sharing his knowledge and experience with other social workers and students or by participating in courses and continuing training periods.

## *§3. Public statements*

**4.03.01.** In any of his public statements concerning social work, a social worker must avoid making any purely sensational or extreme affirmations.

**4.03.02.** A social worker who gives information to the public on the procedures and techniques in the field of social work, may underline, if necessary, the restrictions with respect to the use of those procedures and techniques.

**4.03.03.** A social worker must be objective and moderate when he publicly comments on any traditional or

new methods used in the field of social work differing from the ones used by him, where they meet professional and scientific standards.

**4.03.04.** A social worker must take care to point out the relative value of certain types of professional activities in any activity intended for the public such as conferences or public demonstrations, newspaper or magazine articles, and programmes or messages sent out by mail.

**4.03.05.** A social worker must refrain from participating as a social worker in advertising that recommends that the public buy or use a particular product.

## *§4. Interpreting evaluation criteria*

**4.04.01.** A social worker must carefully interpret data gathered during his observations and any expert evaluations carried out as well as data received from his colleagues. In any written or verbal report on social work, he must endeavour to reduce any possibility of such information being misinterpreted or used wrongly by presenting information in a style suited to the persons for whom it is intended.

## *§5. Precautions to be taken with regard to research work*

**4.05.01.** Before undertaking a research project, a social worker must determine the consequences that his work may have on the participants and must in particular :

(a) ascertain that all persons collaborating in the research project fully respect the participants ;

(b) obtain the consent of the participants after having notified them of all of the facets of the project, including any possible risks.

**4.05.02.** A social worker must be honest and frank with participants when methodology requires that certain facets of the project not be revealed to the participants. He must explain the reasons for not disclosing those facets and make sure that the quality of the relationship with the participants is maintained.

**4.05.03.** A social worker must respect a person's right to refuse to participate or to cease participating in a research project.

**4.05.04.** A social worker must be especially careful when undertaking an experiment during which the mental or physical health of a person might be affected.



**4.05.05.** A social worker must make sure that when using questionnaires, records or other research or evaluation methods that any information concerning the private life of a person is not detrimental to that person.

**4.05.06.** Data gathered by a social worker for research purposes for the account of a client or an employer remain the property of that client. The use of such data by the social worker for publication or other purposes must comply with the procedure established by the client as well as to the provisions governing royalties.



c. C-26, r.181

**Règlement sur le comité de la formation  
en service social de la Corporation  
professionnelle des travailleurs sociaux  
du Québec**

Professional Code

(R.S.Q., c. C-26, s. 184, par. 1, subpar. b)

See French Edition



c. C-26, r.182

**Regulation respecting terms and conditions for permits to be issued by the Corporation professionnelle des travailleurs sociaux du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. i)

**DIVISION I  
GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Corporation” : the Corporation professionnelle des travailleurs sociaux du Québec ;
- (b) “secretary” : the secretary of the Corporation.

**DIVISION II  
TERMS AND CONDITIONS FOR ISSUING PERMITS**

**2.01.** The Bureau issues permits to persons who send an application to the secretary, accompanied by the following items :

- (a) an official attestation that the person holds a diploma recognized by the Government under subparagraph *a* of the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) or recognized as equivalent by the Bureau under subparagraph *g* or *h* of the first paragraph of section 86 of the said Code ;
- (b) a sum of 30 \$ covering the cost of opening a record.



c. C-26, r.183

## Regulation respecting the records of a social worker who ceases to practise

Professional Code  
(R.S.Q., c. C-26, s. 91)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des travailleurs sociaux du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “records” : the records, books and registers that a social worker must keep in the practice of his profession ;
- (d) “transferee” : the social worker to whom are transferred the records of a social worker upon a permanent cessation of practice ;
- (e) “provisional custodian” : the social worker to whom are entrusted the records of a social worker during temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technique for the preservation of records.

**1.04.** In the case of a social worker who is a member or an employee of a partnership of social workers or an employee of a nature or artificial person, this Regulation shall not apply to the records of such partnership or employer used by a social worker in the practice of his profession. This Regulation shall, however, apply when all the members of a partnership of social workers cease to practise.

**1.05.** An agreement respecting the transfer or provisional custody of the records of a social worker who ceases to practise must be certified in writing and sent to the secretary.

### DIVISION II PERMANENT CESSATION OF PRACTICE

**2.01.** Subject to sections 2.02 and 2.03, where a social worker ceases permanently to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

- (a) if he has found a transferee, notify the secretary by registered or certified mail that he shall cease to practise his profession effective from such date and give him the name, address and telephone number of the transferee ; or
- (b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where a social worker ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the social worker who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the social worker who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of a social worker, the secretary must, as soon as he is notified thereof, ensure that the assigns of the social worker find a transferee as quickly as possible.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a social worker who ceases permanently to practise :

- (a) notify, in writing, the clients of that social worker :
  - i. of the fact that he is in the possession of the latter's records ;
  - ii. of his address, telephone number and office hours ; and
  - iii. of their right to consult another social worker ;
- (b) cause to be published twice, at an interval of 10 days, in at least one French language daily newspaper and, where applicable, in at least one English language daily newspaper circulated in the region in which that social worker practised his profession, an advertisement indicating his address, telephone number and office hours and

specifying that he is in possession of that social worker's records.

The transferee must send to the secretary a copy of the advertisement contemplated in subparagraph *b* of the first paragraph.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to consult the documents concerning him in any record made in his regard and to obtain copies of such documents. The fees for the obtainment of such copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of a social worker who has ceased permanently to practise his profession, he may at any time, after consulting that social worker, entrust the records to a transferee.

**2.07.** While he has custody of the records of a social worker who has ceased permanently to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that social worker's clients.

**2.08.** Subject to section 2.06, the secretary must retain for a minimum period of 5 years the records he receives pursuant to this Division.

### DIVISION III

#### TEMPORARY CESSATION OF PRACTICE

**3.01.** Subject to section 3.02, where a social worker ceases temporarily to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail that he ceases temporarily to practise his profession effective from such date and give him the date on which he intends to resume practising his profession together with the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** Where a social worker ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the social worker who is struck off find a provisional custodian within 15 days of the expiry of the delay for appeal or final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the social worker who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must communicate to the clients of the social worker whose records he has custody of, the pertinent information respecting the progress of their record, keep such records up to date, and take the other necessary preservation measures in order to safeguard the interests of that social worker's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except in the case where a social worker ceases to practise as a result of a temporary striking off lasting under 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or provisional custodian, as the case may be, must return the records to the social worker immediately upon termination of the period of temporary cessation of practice.

**3.07.** A social worker who no longer wishes to resume practising his profession during or after the expiry of the period in which he has temporarily ceased to practise, must comply with Division II.



c. C-26, r.184

## Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des travailleurs sociaux du Québec

Professional Code  
(R.S.Q., c. C-26, s. 94, par. b)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expression mean :

(a) “Corporation” : the Corporation professionnelle des travailleurs sociaux du Québec ;

(b) “social worker” : a person entered on the roll of the Corporation ;

(c) “region” : one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des travailleurs sociaux du Québec (c. C-26, r.190).

**1.02.** The Interpretation Act (R.S.Q., c. I-16) applies to this Regulation.

### DIVISION II TERM OF OFFICE

**2.01.** The president is elected for a term of one year.

**2.02.** The directors are elected for a term of 4 years. They may not be elected for more than 2 consecutive terms.

### DIVISION III ELECTION PROCEDURE

**3.01.** Between the 45<sup>th</sup> and 60<sup>th</sup> day preceding the date of the closing of the poll, the secretary shall send each member of the Corporation a list of the members of the region in which the member principally practises his profession as well as a nomination paper.

**3.02.** A member may not sign more nomination papers than there are positions of director to be filled for his region. A signature appearing on a number of nomination

papers that is greater than the number of director positions to be filled will be struck off all the nomination papers.

**3.03.** Upon receipt of a nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest the validity of the nomination.

**3.04.** In addition to the documents described in section 69 of the Professional Code (R.S.Q., c. C-26), the secretary of the Corporation shall, at least 15 days prior to the date of closing of the poll, send each member of the region concerned a brief curriculum vitae of each candidate mentioning, in particular, his age, the date of his admission and, where applicable, his principal activities within the Corporation.

**3.05.** The ballot-paper certified by the secretary must contain the following items and information :

(a) the name and graphic sign of the Corporation ;

(b) the year of the election ;

(c) the identification of the region ;

(d) the names, in alphabetical order, of the candidates for the offices of director in the region in which the member principally practises his profession ;

(e) the number of seats to be filled in the region ;

(f) the date and hour of the closing of the poll.

**3.06.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent to him is lost or otherwise unusable, provided such elector makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**3.07.** The closing of the poll is fixed at 20 h on the 4<sup>th</sup> Friday of April each year.

**3.08.** The 3 scrutineers are appointed from among the members of the Corporation.

**3.09.** The votes are counted at a place determined by the Bureau.

**3.10.** Every ballot-paper shall be void :

(a) on which the voter casts his vote otherwise than by a cross ;

(b) that contains more crosses than the number of seats to be filled in the region ;

(c) that is not certified by the secretary ;

(d) that is spoiled, erased or which contains any identification mark of the elector ;

(e) that is not returned in the envelope provided by the secretary and on which the word "BALLOT-PAPER" is written.

**3.11.** The secretary's decision regarding the validity of the ballot-paper is final and may not be appealed.

**3.12.** The secretary declares elected the candidates who have obtained the most votes ; he has the results of the vote countersigned by the scrutineers.

**3.13.** Immediately after the election of the candidates, the secretary draws up under his signature a report of the election and of the result of the vote. Such report is placed in a sealed envelope which is kept until the annual meeting at which it is opened and the candidates declared elected.

**3.14.** The secretary shall send a copy of the report referred to in section 3.13 to each of the candidates.

**3.15.** The secretary must also report on the election at the first meeting of the Bureau following the election.

**3.16.** If, during the election period, the secretary is unable to act for any reason deemed sufficient by the Bureau, the latter shall designate a member of the Corporation to replace the secretary. The person thus designated assumes, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

**3.17.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation apply *mutatis mutandis* to his election.

**3.18.** Where the president is elected by a vote of the elected directors, his election is held during the first meeting of the Bureau after the directors have taken office.

#### **DIVISION IV TRANSITIONAL PROVISIONS**

**4.01.** At the election of 1980, in the regions mentioned below, there shall be an election of the following number of directors :

(a) Montréal region : 5 directors ;

(b) Québec region : 1 director ;

(c) Cantons de l'Est region : 1 director ;

(d) Trois-Rivières region : 1 director ;

(e) Saguenay — Lac-Saint-Jean region : 1 director ;

(f) Outaouais region : 1 director.

**4.02.** At the election of 1982, in the regions mentioned below, there shall be an election of the following number of directors :

(a) Montréal region : 4 directors ;

(b) Québec region : 2 directors ;

(c) Cantons de l'Est region : 1 director ;

(d) Trois-Rivières region : 1 director ;

(e) Nord-Ouest — Nouveau-Québec region : 1 director ;

(f) Nord-Est region : 1 director.



c. C-26, r.185

**Règlement sur les normes d'équivalence  
de diplômes pour la délivrance d'un  
permis de la Corporation professionnelle  
des travailleurs sociaux du Québec**

Professional Code

(R.S.Q., c. C-26, s. 94, par. *f* and *g*)

See French Edition





c. C-26, r.186

## Regulation respecting the procedure for conciliation and arbitration of accounts of social workers

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des travailleurs sociaux du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “social worker” : the member of the Corporation whose account is the object of a dispute with a client ;
- (d) “arbitrator” : the arbitrator appointed under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II CONCILIATION

**2.01.** The syndic shall forward a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a social worker with respect to the amount of an account for professional service must, before seeking arbitration, apply for conciliation by the syndic in forwarding him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day on which the action for a claim concerning the account contested is served by the social worker upon the client.

**2.04.** Within 10 days from the date on which he receives the application for conciliation, the syndic shall forward

to the social worker a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic’s report or, in default of such report, within 45 days from the date of receipt by the syndic of his application for conciliation, have recourse to arbitration in accordance with Division III.

**2.08.** The syndic may, for sound reasons extend the times limits prescribed in this Division. In such case, he shall inform both parties thereof by registered or certified mail.

### DIVISION III ARBITRATION

#### *§1. Submission to arbitration*

**3.01.01.** A client shall apply for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form prescribed in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 10 days from the receipt of the application for arbitration, the secretary shall forward to the social worker, by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the social worker shall sign it and return it to the secretary.

#### *§2. Appointment of arbitrator*

**3.02.01.** In order to settle the dispute between the client and the social worker, the administrative committee shall appoint an arbitrator who is a member of the Corporation. The administrative committee shall also appoint a clerk to assist the arbitrator in the exercise of his functions.

**3.02.02.** The clerk shall notify the arbitrator and the parties of the appointment of the said arbitrator.

**3.02.03.** A motion for recusation of an arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be forwarded in writing to the clerk, the arbitrator and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The administrative committee shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrator must take the oath or make the affirmation of discretion prescribed in Schedule II of the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the case of the death or inability to act of the arbitrator, the administrative committee shall appoint another arbitrator to terminate the matter and his decision shall be valid.

### §3. Hearing

**3.03.01.** The arbitrator shall fix the date, hour and place of the hearing. The clerk shall notify the parties in writing at least 10 days prior to that date.

**3.03.02.** The arbitrator may ask each party to submit, within a given time limit, a statement of his pretensions with documents in support thereof.

**3.03.03.** The arbitrator shall convene the parties, hear them, receive their evidence, or, if they offer none, record their default.

**3.03.04.** The arbitrator shall proceed with dispatch to the hearing of the dispute according to the procedure and mode of evidence he deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the arbitrator or one of the parties so requests. In the latter case, such party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrator.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure shall apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### §4. Award of arbitrator

**3.04.01.** The arbitrator must render his decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that period.

**3.04.02.** The arbitrator decides as mediator and renders the decision he considers most appropriate.

**3.04.03.** The reasons for the decision rendered by the arbitrator must be given and signed by him.

The clerk shall forward the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

**3.04.05.** The decision must adjudge on the arbitration fees, that is, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 15% of the amount which is the object of the arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the arbitrator is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of arbitration is filed with the secretary who, unless explicitly authorized by the parties, may issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and members of the administrative committee.

## SCHEDULE 1

(s. 2.02)

### APPLICATION FOR CONCILIATION

I, the undersigned .....  
(name and address)

.....  
in person or (where applicable) representing .....

..... for the purposes of this application, as attested by the authorization annexed hereto, declare :

(1) .....  
(name of social worker)

claims from me the sum of .....\$ for professional

services rendered between ..... and .....  
 ..... as attested by the account a  
 copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) : .....

but (where applicable) I acknowledge that I owe the sum of ..... \$ for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of social workers (R.R.Q., c. C-26, r.186) of which I declare having received a copy and taken cognizance.

.....  
 (signature of client or his duly authorized representative)

Signed at .....  
 this ..... 19...

## SCHEDULE 2

(s. 3.01.01)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
 (name and address)

in person or (where applicable) representing .....  
 ..... for the purposes of this submission, as attested by the authorization annexed hereto, hereinafter referred to as "the client",  
 and

.....  
 (name and address)

member of the Corporation professionnelle des travailleurs sociaux du Québec, hereinafter referred to as "the social worker",

who make the following declarations and agreements :

(1) The social worker claims from the client the sum of ..... \$ for the professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) The client refuses to pay this account for the following reason(s) :

but (where applicable) the client acknowledges that he owes the sum of ..... \$ for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that part of the account which exceeds that which the client acknowledges to owe to the social worker, namely, the sum of ..... \$ ;

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of social workers (R.R.Q., c. C-26, r.186), of which the parties declare having received a copy and taken cognizance ;

(5) The client renounces to the benefit of any time elapsed with respect to the prescription ;

(6) The social worker undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is the object of the dispute ;

(7) The arbitration award binds the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) shall apply to its enforcement ;

(8) This submission may only be annulled with the written consent of the parties.

.....  
 (signature of client or his duly authorized representative)

Signed at .....  
 this ..... 19...

.....  
 (signature of social worker)

Signed at .....  
 this ..... 19...



c. C-26, r.187

## **Regulation respecting the procedure of the professional inspection committee of social workers**

Professional Code  
(R.S.Q., c. C-26)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under section 90 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “committee” : the professional inspection committee ;

(b) “Corporation” : the Corporation professionnelle des travailleurs sociaux du Québec ;

(c) “records” : the records, books and registers kept by a social worker in the practice of his profession, including :

i. the documents or reports in which he has in fact collaborated in the records, books and registers kept by his colleagues or his employer, as the case may be, including an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) ; and

ii. any property that has been entrusted to him by a client ;

(d) “investigator” : the committee, one of its members, or a person authorized to assist the committee in the exercise of its functions.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 3 members appointed by the Bureau from among the social workers who have been practising for at least 3 years.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The members of the committee shall designate a secretary from among themselves.

**2.04.** The office of the committee is situated at the corporation seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each member of the Corporation who is the object of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the social worker's academic qualifications and experience as well as all the documents pertaining to the inspection of which he is the object under this Regulation.

**3.03.** A social worker is entitled to consult his record and to obtain a copy thereof.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the professional competence of the members of the Corporation in accordance with the programme established by it and approved by the Bureau.

**4.02.** Each year, the Bureau may publish the committee's general supervision programme in the bulletin of the Corporation.

**4.03.** At least 15 days before the date fixed for the verification of a social worker's records by an investigator, the committee shall, through its secretary, send the social worker in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If a social worker cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the social worker was unable to take cognizance of the notice re-

ferred to in section 4.02, he shall so inform the committee which shall fix a new date for the verification and notify the social worker thereof.

**4.06.** An investigator must, if so required to do, produce a certificate attesting to his capacity signed by the secretary of the committee.

**4.07.** The social worker whose records are the object of verification may be present or be represented by a mandatory.

**4.08.** The investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A SOCIAL WORKER**

**5.01.** At the request of the Bureau or the administrative committee or on its own initiative, the committee shall make a special inquiry into the competence of a social worker, or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the social worker in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Notwithstanding the first paragraph, where the sending of a notice to the social worker could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make such inquiry without notice.

**5.03.** An investigator may give the employer, representative or employee of a social worker notice of the order to allow him access to the records of that social worker.

**5.04.** Where records are held by a third party, the social worker must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the social worker refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and forward it to the committee for study within 30 days after termination of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that a social worker be required to serve a period of refresher training and that the right of such social worker to engage in professional activities during such period be limited, it shall notify the Bureau and the social worker in question within 15 days following its decision.

**6.02.** Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that a social worker be required to serve a period of refresher training and that the right of such social worker to engage in professional activities during such period be limited, it must permit the social worker in question to present a full and complete defence relative to the appraisal of his competence.

**6.03.** For such purpose, the committee shall convene the social worker and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** A social worker or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall administer the oath or solemn affirmation of the social worker and the witnesses through a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the social worker, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the social worker does not appear on the date and at the hour prescribed.

**6.08.** The deposition shall be recorded at the request of the social worker or of the committee.

**6.09.** The committee and the social worker shall pay their own costs, with the exception of the recording costs which shall be shared equally between them.

Notwithstanding the first paragraph, where the committee requests the recording of depositions, it must pay all the costs thereof.

**6.10.** In its recommendation concerning a social worker, the committee shall take into account the type of professional activities in which the social worker is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons shall be given on which they are based, signed by the members of the committee who concurred in them and forwarded to the Bureau and the social worker in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the continuing refresher training periods organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code might be laid against a social worker, it shall notify the syndic of the Corporation.

#### **SCHEDULE A**

(s. 4.03)

#### **CORPORATION PROFESSIONNELLE DES TRAVAILLEURS SOCIAUX DU QUÉBEC PROFESSIONAL INSPECTION COMMITTEE**

##### **Notice of verification**

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers on . . . . . 19...

at . . . . . h . . . . .

Signed at . . . . . on . . . . . 19...

The professional inspection committee

Per : . . . . .  
(secretary of the committee)

#### **SCHEDULE B**

(s. 5.02)

#### **CORPORATION PROFESSIONNELLE DES TRAVAILLEURS SOCIAUX DU QUÉBEC PROFESSIONAL INSPECTION COMMITTEE**

##### **Notice of special inquiry**

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on . . . . . 19...

at . . . . . h . . . . .

Signed at . . . . . on . . . . . 19...

The professional inspection committee

Per : . . . . .  
(secretary of the committee)



c. C-26, r.188

## Regulation respecting advertising by social workers

Professional Code  
(R.S.Q., c. C-26)

### DIVISION I GENERAL PROVISIONS

**1.01.** This Regulation is made pursuant to section 92 of the Professional Code (R.S.Q., c. C-26).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items which a social worker may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** The professional card of a social worker shall not contain anything other than :

- (a) his name and that of his partners, where applicable ;
- (b) his profession and, where applicable, his membership in another professional corporation ;
- (c) his specialty, if he has a specialist's certificate recognized by the Corporation.
- (d) his university degrees ;
- (e) the address of his business office, his telephone number and business hours.
- (f) the graphic sign of the Corporation ; and
- (g) the name of his employer, where applicable.

**2.02.** The professional card shall not measure more than 6 centimetres in width by 11 centimetres in length.

### DIVISION III INFORMATION MEDIA

**3.01.** A social worker may publish or allow to be published in newspapers, magazines, periodicals, directories

or other printed matter an advertisement containing all or part of the data set forth in section 2.01. The said advertisement shall not, however, exceed one square decimetre and shall not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter.

Such advertisement may, however, appear more than once in the same issue of a telephone directory.

**3.02.** Upon the opening of his business office, his taking up of a position in an existing business office or his first entry on the roll of the Corporation, or upon appointment to a position related to the practice of the profession, a social worker may publish a notice containing his photograph and certain biographical notes in newspapers, magazines, periodicals, directories or other printed matter.

Such advertisement may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter nor in more than 2 issues of the same newspaper, magazine, periodical, directory or other printed matter.

The photograph authorized in the first paragraph shall not exceed 64 square centimetres.

### DIVISION IV STATIONERY

**4.01.** A social worker may enter on his stationery all or part of the data set forth in section 2.01.

### DIVISION V BUSINESS OFFICE

**5.01.** On one of the outer walls of the building in which his business office is located or on the lot on which such building is erected, the social worker may place a sign containing all or part of the data set forth in section 2.01.

If the building in which his business office is located is at a crossroads, the social worker may place such sign on the outer walls or on the land facing each of the converging roads.

**5.02.** Inside his business office, the social worker may place in public view a sign containing all or part of the data set forth in section 2.01.

**5.03.** The signs authorized under this Division shall not exceed 25 square decimetres.

**DIVISION VI**  
**GRAPHIC SIGN OF THE CORPORATION**

**6.01.** The Corporation is represented by a graphic sign complying with the original held by the secretary of the Corporation and consisting of a graphic juxtaposition of the letters TSP.

**6.02.** Where a social worker reproduces the graphic sign of the Corporation for advertising purposes, he must ensure that such sign complies with the original held by the secretary of the Corporation and that it does not exceed 25 square decimetres.





c. C-26, r.189

## Regulation respecting refresher training periods for social workers

Professional Code  
(R.S.Q., c. C-26, s. 94)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Corporation” : the Corporation professionnelle des travailleurs sociaux du Québec ;
- (b) “social worker” : a person entered on the roll of the Corporation ;
- (c) “training period” : a refresher training period contemplated by this Regulation ;
- (d) “trainee social worker” : a social worker required to serve a training period ;
- (e) “tutor” : a social worker responsible for verifying whether a training period or part of a training period is in conformity with the objectives and terms and conditions determined by the Bureau.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II TRAINING PERIOD

**2.01.** The Bureau may, if it considers that the level of competence of a member does not meet the standards required for the protection of the public, oblige that social worker to serve a training period where :

- (a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;
- (b) his name is re-entered on the roll after failing to have it entered thereon for more than 5 years ;
- (c) his name is re-entered on the roll after having been struck off for more than 5 years ;

(d) he is the subject of a recommendation to that effect by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period considered, in virtue of section 2.10, not in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.02.** A training period may not be prescribed more than 90 days after the time when a social worker is liable to have to serve such training period.

**2.03.** A training period may, in particular, consist of one or more of the following activities :

- (a) a period of practical training ;
- (b) studies ;
- (c) courses ;
- (d) research work.

**2.04.** A training period may not exceed 1 000 hours, nor extend over a period of more than 12 consecutive months.

**2.05.** The Bureau's decision to oblige a social worker to serve a training period must specify the objectives, duration and the terms and conditions of that training period.

**2.06.** The Bureau shall determine the place where and time when the training period must be held and, where necessary, designate one or several tutors.

**2.07.** A tutor shall submit a report to the Bureau within 5 days after completion of his mandate stating, with reasons in support thereof, whether the trainee social worker has acted, while under his supervision, in conformity with the objectives and the terms and conditions determined by the Bureau.

**2.08.** The trainee social worker or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

**2.09.** The tutor must also send the trainee social worker a copy of the report pursuant to sections 2.07 and 2.08 at the same time as he sends it to the Bureau.

**2.10.** After study of each of the reports required in virtue of sections 2.07 and 2.08, the Bureau shall decide, within 20 days after completion of the training period, whether it is in conformity with the objectives and the terms and conditions it has determined.

### **DIVISION III**

#### **LIMITATION OF PROFESSIONAL ACTIVITIES**

**3.01.** The Bureau may, if it so deems necessary for the protection of the public, limit the trainee social worker's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or, conversely, he is not authorized to practise ;

(b) by determining the professional acts which he is authorized or, conversely, he is not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or that certain of them, be performed under the supervision of another social worker or group of social workers.

**3.02.** The Bureau's decision to limit a trainee social worker's right to practise must be transmitted to his employer, where applicable.

### **DIVISION IV**

#### **DECISIONS OF THE BUREAU**

**4.01.** Before prescribing a training period or limiting a trainee social worker's right to practise, the Bureau must give the social worker concerned the opportunity to be heard. For such purpose, the Bureau must give the social worker a written notice of at least 5 days of the date of the hearing.

**4.02.** The reasons for a decision prescribing a training period, limiting a trainee social worker's right to practise, or ruling on the validity of a completed training period, must be given in writing and transmitted to the social worker in question by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

**4.03.** The Bureau's decision prescribing a training period or limiting a trainee social worker's right to practise shall take effect 30 days after being sent to or served on the latter.

**4.04.** During the training period, the Bureau may, upon a duly reasoned request by the trainee social worker and communicated to his tutor, reduce the duration and

requirements of the training period and, where applicable, reduce the conditions of limitation of the social worker's right to practise.

**4.05.** A social worker must comply with every decision of the Bureau rendered in accordance with this Regulation.



c. C-26, r.190

**Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des travailleurs sociaux du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des travailleurs sociaux du Québec, the territory of Québec shall be divided into 8 regions :

- (a) the North-Eastern region ;
- (b) the Saguenay-Lac-Saint-Jean region ;
- (c) the Québec region ;
- (d) the Trois-Rivières region ;
- (e) the Eastern Townships region ;
- (f) the Montréal region ;
- (g) the Outaouais region ;
- (h) the North-Western-New Québec region.

**2.** The territory of the North-Eastern region is that of regions 1 and 9 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The territory of the Saguenay-Lac-Saint-Jean region is that of region 2 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Québec region is that of region 3 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Trois-Rivières region is that of region 4 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Eastern Townships region is that of region 5 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Montréal region is that of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Outaouais region is that of region 7 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the North-Western-New Québec region is that of regions 8 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the North-Eastern region, 1 for the Saguenay-Lac-Saint-Jean region, 3 for the Québec region, 2 for the Trois-Rivières region, 2 for the Eastern Townships region, 9 for the Montréal region, 1 for the Outaouais region and 1 for the North-Western-New Québec region.

**4.** A social worker shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 25 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 24 persons including the president.



c. C-26, r.191

## **Regulation respecting the business of the Bureau and general meetings of the Corporation professionnelle des urbanistes du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des urbanistes du Québec ;
- (b) “secretary” : the secretary of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II OATH OF DISCRETION**

**2.01.** At the first meeting of the Bureau immediately following the taking of office of a director, the latter must take the oath or affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

### **DIVISION III BUREAU**

**3.01.** The first meeting of the Bureau following the election shall be held during an adjournment or suspension of the proceedings of the general annual meeting. At this meeting, the Bureau shall appoint :

- (a) the vice-president who becomes *ex officio* member of the administrative committee ;
- (b) the other members of the administrative committee ;
- (c) the secretary ;
- (d) the treasurer ; and
- (e) the members of the various committees of the Corporation whose mandate expires on that date.

At the second meeting of the Bureau following the general meeting, it shall appoint the members of the various committees of the Corporation whose mandate expires on that date.

**3.02.** The president fixes the date, place and hour of the regular meetings of the Bureau.

All the meetings held in any given year constitute a session.

**3.03.** Special meetings of the Bureau are held at the place determined by the president or, in his absence, by the vice-president.

**3.04.** A regular meeting of the Bureau shall be called by the secretary by means of a notice of convocation sent to each director at least 10 days before the date of the meeting.

**3.05.** A special meeting of the Bureau shall be convened by the secretary within 2 days following receipt of a written request to this effect provided that :

- (a) all the directors are notified by registered or certified mail at least 5 days before the date fixed for the meeting ; or
- (b) all the directors are notified by telephone or telegram at least 2 days before the date fixed for the meeting.

Only the matters for which it was convened may be discussed at a special meeting.

**3.06.** A notice of convocation shall contain :

- (a) the date, hour and place of the meeting ;
- (b) the agenda ;
- (c) a request to confirm attendance and, in the case of a special meeting, the names of the directors who called it, where applicable.

**3.07.** Despite sections 3.04 and 3.05, a meeting of the Bureau shall be deemed to be regularly held if all the directors are present and waive the notice of convocation.

**3.08.** In the absence of the president of the Corporation, the vice-president shall preside over the meetings of the Bureau.

**3.09.** If there is no quorum, the meeting is postponed and the secretary shall enter in the minutes the time and the names of the directors present.

**3.10.** The vote shall be taken by show of hands unless the president calls for a vote by roll call. However, in all cases, a director may request a secret ballot. In such case, the president shall give the directives for the carrying out of such order without there being any discussion as to the secret nature of the vote.

**3.11.** The Bureau usually sits *in camera*. It may, when the majority of the directors so wish, hold meetings in public or authorize certain persons to remain in the room during the meeting.

**3.12.** The Bureau may authorize the secretary to publish certain extracts of the minutes of a meeting.

**3.13.** The president may take part in the proceedings of all the committees of the Corporation with the exception of those of the committee on discipline.

#### DIVISION IV

##### ADMINISTRATIVE COMMITTEE

**4.01.** The administrative committee is composed of the following persons : the president, the vice-president, the secretary, one elected member and one appointed member.

**4.02.** A regular meeting of the administrative committee shall be convened by the secretary by means of a written notice sent at least 5 days prior to the date of the meeting.

**4.03.** At the request of the president, the secretary shall convene a special meeting of the administrative committee provided all the members of such committee are notified by telephone or telegram at least 2 days before the meeting.

Only the matters for which it was convened may be discussed at a special meeting.

**4.04.** The decisions are taken by majority vote of the members present ; in the case of a tie-vote, the president shall have a casting vote.

**4.05.** Within 40 days after a decision is taken by the administrative committee, the Bureau may modify or rescind that decision without prejudice to the rights acquired by third parties.

**4.06.** Matters of procedure not governed by this Division are governed *mutatis mutandis* by the rules set forth for the carrying out of the business of the Bureau.

#### DIVISION V

##### GENERAL MEETINGS

**5.01.** The general meetings shall be held at the place, on the date and at the hour determined by the Bureau.

**5.02.** The quorum for a general meeting is 20 members.

**5.03.** Where the quorum is not reached at a general meeting, the secretary shall draw up minutes to that effect and call another general meeting.

**5.04.** The decisions are taken by majority vote. In the case of a tie-vote, the chairman of the meeting shall have a casting vote.

**5.05.** To be accepted at an annual general meeting, a motion on a matter which is not entered on the agenda must be sent in writing to the attention of the secretary and received at the corporate seat of the Corporation at least 10 days prior to the holding of that meeting.

**5.06.** Unless it complies with the requirements of section 5.05, no motion on a matter which is not entered on the agenda shall be accepted during an annual general meeting without the unanimous consent of the members present.

**5.07.** Notwithstanding sections 5.05 and 5.06, a motion to determine the mode of election of the president must be on the agenda accompanying the notice of convocation of a general meeting.

**5.08.** Matters of procedure not governed by this Division are governed *mutatis mutandis* by the rules set forth for the carrying out of the business of the Bureau.

#### DIVISION VI

##### REMUNERATION AND ADMINISTRATION OF PROPERTY

**6.01.** The directors who attend a meeting of the Bureau that has been duly convened or who are authorized to represent the Corporation are entitled to the following allowances :

(a) a lump sum for their attendance at a meeting, determined according to the duration of the meeting ;

(b) a lump sum for travelling expenses determined according to the distance covered ; and

(c) a lump sum for accommodation expenses.

In addition, if the secretary is a director, he shall receive an additional allowance to cover costs attributable to his duties.

**6.02.** The moneys collected by the secretary in the name of the Corporation shall be deposited in financial institutions approved by the Bureau.

**6.03.** The president and the secretary shall approve the payment of current expenses for amounts under 200 \$. Any expense in excess of that amount and not provided for in the budget must be approved by the Bureau.

**6.04.** The Bureau may invest the surplus of the Corporation only in material intended for use by the Corporation, in bonds, guaranteed deposit certificates or in funds managed by trust companies provided these funds are not used for the purchase of company shares.

**6.05.** The president and the secretary acting jointly may invest the unexpended share of the revenues appearing in the operating budget for the current year in a trust company, chartered bank or credit union for a period not exceeding 2 years, provided these investments are made in the form of guaranteed deposit certificates.

**6.06.** The administrative committee shall draw up the budget estimates at the beginning of each fiscal year and submit them to the approval of the Bureau.

**6.07.** Expenses must not exceed the limits set down in the budget approved by the Bureau with the exception of current expenses which may be made before the budget is approved.

**6.08.** The president, secretary and one director appointed by the Bureau are empowered to sign banking transactions. The signature of 2 of them is required in each case.

## **DIVISION VII**

### **ASSESSMENT OF MEMBERS**

**7.01.** The secretary shall send each member of the Corporation, at least 30 days prior to the date on which the annual assessment is due, a notice indicating the amount of the assessment and the date on which it must be paid.

**7.02.** A member who is late in paying the assessment shall be sent a formal notice, by registered or certified mail, to pay this assessment plus the expenses incurred by the Corporation. If the member has not paid his assessment within 30 days following the date on which the notice is mailed, he shall be struck off the roll.

**7.03.** The member who is entered on the roll on the date on which the assessment becomes payable must pay it in full.

However, the town planner who wishes to pay the annual assessment in 2 instalments may do so by forwarding to the Corporation, before the date on which the assessment becomes payable, an instalment covering one-half the assessment, the other half becoming payable 6 months later.

**7.04.** A refund of 75% of the amount of the assessment is granted to the member who shows that :

(a) he has not practised his profession during the fiscal year for which the assessment is collected ; or

(b) his activities as full-time professor or researcher in a university are not connected with teaching or research which is part of an urban planning programme recognized or about to be recognized by the Corporation ; or

(c) he is absent from Québec for the entire duration of the fiscal year for which the assessment is collected ; or

(d) he is registered as a full-time student in an educational institution to take a course in urban planning or courses related to urban planning.

**7.05.** A member who wishes to avail himself of section 7.04 must submit a request each year to the secretary, with documents in support thereof, at least 15 days before the expiry date for payment of the assessment.

**7.06.** A member who is entered on the roll more than 6 months after the date on which the assessment becomes payable shall be granted a 50% reduction on the amount of the assessment.

**7.07.** The member who is struck off the roll of the Corporation for failure to pay the assessment within the prescribed time limits may be re-entered on the roll provided he :

(a) pays the assessments due and not paid at the time he was struck off ;

(b) pays, where applicable, the assessments for the current year ; and

(c) pays re-entry fees in the amount of 25 \$.

However, upon justified request received under oath and due to circumstances out of the applicant's control, the Bureau may release that member in whole or in part from payment of the amounts mentioned.

#### **DIVISION VIII MISCELLANEOUS**

**8.01.** The corporate seat of the Corporation shall be in the territory of the Communauté urbaine de Montréal.

**8.02.** The seal of the Corporation is that whose imprint appears in the copy of the regulation kept by the secretary of the Corporation.

**8.03.** The Corporation shall give each new member a seal bearing that member's name, the words "Corporation professionnelle des urbanistes du Québec" and the graphic sign of the Corporation.

**8.04.** The seal is the property of the Corporation and must be returned to it not later than 8 days after the name of the member is struck off the roll or his permit is revoked.

**8.05.** The permit and the certificate given by the Corporation are signed by the president and the secretary or by the persons designated by the Bureau to replace them.

**8.06.** The seal of the Corporation is affixed on each permit and on each specialist's certificate.

**8.07.** The permit and the specialist's certificate are the property of the Corporation and must be returned to the secretary within 8 days following their revocation.

**8.08.** Subject to the Professional Code, matters not provided for in this Regulation shall be governed *mutatis mutandis* by the rules contained in the *Procédure des assemblées délibérantes* V. Morin, latest edition.



c. C-26, r.192

## Code of ethics of town planners

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) “Corporation” : the Corporation professionnelle des urbanistes du Québec ;

(b) “town planner” : a person who holds a permit issued by the Corporation and who is entered on the roll of the latter.

**1.02.** The Interpretation Act (R.S.Q., c.I-16), with present and future amendments, applies to this Regulation.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** Every town planner must, unless he has sound reasons to the contrary, support every measure likely to improve the quality and availability of professional services in the field in which he practises.

**2.02.** In the practice of his profession, the town planner must bear in mind the general effect which his research and work may have on society and more specifically the general interest of the population directly or indirectly affected by the latter.

**2.03.** In the practice of his profession, the town planner must also bear in mind the quality of the physical environment concerned and always view land, as a natural resource of public concern, which is limited and irreplaceable.

**2.04.** For each option studied within the framework of a project, the town planner must inform his client of the consequences that each of these may entail for the population and the physical environment, both within and outside the territories specifically concerned by this project.

**2.05.** It is the town planner’s social responsibility to promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### *§1. General provisions*

**3.01.01.** Before accepting a mandate, the town planner must bear in mind the extent of his proficiency, knowledge and the means at his disposal taking into account, in particular, the importance, nature and urgency of the work to be carried out. He must also ensure that the necessary information is available and can be transmitted to him.

**3.01.02.** The town planner may not deny a client’s right to consult one of his colleagues, a member of another professional corporation or any other competent person.

**3.01.03.** The town planner must not practise under conditions or in situations likely to impair the quality of his services.

**3.01.04.** The town planner must endeavour to establish a relation of mutual trust between himself and his client. To this end, the town planner must, in particular, refrain from practising his profession in an impersonal manner.

**3.01.05.** The town planner must not interfere in the personal affairs of his client so as not to unduly restrict the latter’s autonomy.

#### *§2. Integrity*

**3.02.01.** The town planner must discharge his professional duties with integrity.

**3.02.02.** The town planner must avoid any false representation with respect to his level of competence or the efficiency of his own services. If the good of the client so requires he must, with the latter’s authorization, consult a colleague, a member of another professional corporation



or another competent person, or refer his client to one of these persons.

**3.02.03.** Before accepting a mandate, the town planner must inform his client of the extent and terms and conditions of such mandate and obtain his agreement thereto. If new developments occur in the course of his mandate which could affect its extent or its terms and conditions, the town planner must notify his client thereof as soon as possible and obtain his consent.

**3.02.04.** Before accepting another mandate for all or part of a territory on which he has already carried out a study, the town planner must inform all the parties concerned and obtain their consent.

**3.02.05.** As soon as he finds out that the object of the contract offered him or carried out by him and the territory to which it pertains conflicts in whole or in part with a contract being executed by a colleague, the town planner must inform his client and that colleague thereof.

**3.02.06.** The town planner must set out in a complete and objective manner to his client the nature and significance of the problem as he sees it on the basis of the facts which have been classified or brought to his attention.

**3.02.07.** The town planner must refrain from expressing opinions or giving advice that is contradictory or incomplete. To this end, he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice.

**3.02.08.** The town planner must notify his client as early as possible of any error he has made while rendering him a professional service which could be prejudicial to the latter and which cannot be easily rectified.

**3.02.09.** The town planner must take reasonable care of the property entrusted to him by a client and he may not lend or use it for purposes other than those for which it was entrusted to him.

**3.02.10.** A town planner must notify his client of any illegal act likely to benefit that client and which came to his attention in the execution of his mandate.

### *§3. Availability and diligence*

**3.03.01.** In the practice of his profession, the town planner must display reasonable availability and diligence.

**3.03.02.** The town planner must use the means and devote the time required for the execution of the mandate entrusted to him by his client, according to its importance and nature and the work it involves.

**3.03.03.** In addition to opinion and advice, the town planner must provide his client with any explanation necessary to the understanding and evaluation of the services rendered to him.

**3.03.04.** Unless specified otherwise in the contract, the town planner must give an accounting to his client regarding the execution of his mandate when so requested by the latter.

**3.03.05.** The town planner must display objectivity and impartiality when persons liable to become his clients ask him for information.

**3.03.06.** Unless he has sound and reasonable grounds to the contrary, a town planner may not cease to act for the account of a client. The following shall, in particular, constitute sound and reasonable grounds :

- (a) loss of the client's confidence ;
- (b) the fact of being incited by the client to perform illegal, unfair or fraudulent acts or acts contrary to the rules of the trade ;
- (c) the fact that the town planner is in a situation of conflict of interest or in a situation such that his professional independence could be called into question ;
- (d) failure by the client to systematically fulfill the obligations stipulated in the contract ;
- (e) a state of health rendering the town planner incapable of accomplishing his task.

**3.03.07.** Before he ceases to exercise his functions for the account of a client, the town planner must forward an advance notice of withdrawal within a reasonable time and ensure that such termination of service is not prejudicial to his client.

### *§4. Liability*

**3.04.01.** The town planner must, in the practice of his profession, completely bind his personal civil liability. He is thus prohibited from entering in a contract of professional services a clause directly or indirectly excluding, in whole or in part, the said liability.

**3.04.02.** The town planner must affix his signature and his seal on all documents prepared by him or under his immediate supervision or in which he has collaborated.

### *§5. Independence and impartiality*

**3.05.01.** The town planner must subordinate his personal interest to that of his client.

**3.05.02.** The town planner must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client, unless such intervention is made in the public interest.

**3.05.03.** The town planner must all times safeguard his professional independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a town planner :

(a) is in conflict of interest when the interest in question are such that he might tend to favour certain of them over those of his client or where his judgment and loyalty towards the latter might be unfavourably affected ;

(b) is not an objective adviser in respect of a given act if he derives a direct or indirect, real or possible personal benefit therefrom.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interests, the town planner must notify his client thereof and ask him for authorization to continue his mandate.

**3.05.05.** Where a town planner has a personal interest involving real estate on the territory concerned which could influence his professional services, he must inform his client thereof and, if necessary, refuse the contract or propose its annulment.

**3.05.06.** A town planner may share his fees with another person only to the extent that such sharing corresponds to a distribution of services and responsibility.

**3.05.07.** A town planner shall not receive, other than the remuneration to which he is entitled, or pay or undertake to pay any benefit, allowance or commission relative to the practice of his profession.

**3.05.08.** For a given service, the town planner must only accept fees from one source, unless explicitly agreed upon otherwise among all the parties concerned. He may accept payment of these fees only from his client or the latter's representative.

**3.05.09.** The town planner shall generally act, in the same matter, for only one of the parties in question. If his professional duties require that he act otherwise, the town

planner must specify the nature of his responsibilities and must keep all the interested parties informed that he will cease to act if the situation becomes irreconcilable with his duty of impartiality.

**3.05.10.** Where a town planner acts on a regular basis as recognized adviser in matters of town planning for the account of a municipality, he may not conduct studies or prepare plans, projects or reports for the account of another client concerning any part of the territory of the municipality, without prior written authorization in each case from the municipal council.

Such authorization is, however, not required if the studies, plans, projects or reports carried out for the client's account are not intended to be submitted for the municipal council's approval.

### *§6. Professional secrecy*

**3.06.01.** The town planner must respect the secrecy of confidential information obtained in the practice of his profession.

**3.06.02.** The town planner may be released from professional secrecy only upon the authorization of his client or his employer or when so ordered by law.

**3.06.03.** When a town planner asks a client to give him confidential information or when he allows such information to be given to him, he must ensure that the client is fully aware of the purpose of the disclosure and of the various uses which might be made thereof.

**3.06.04.** The town planner must not disclose the fact that his services have been required by a person if such disclosure could be prejudicial to that person.

**3.06.05.** The town planner must avoid indiscreet conversations concerning a client and the services rendered to him.

**3.06.06.** The town planner must not make use of confidential information which could be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another.

### *§7. Accessibility of records*

**3.07.01.** The town planner must respect the right of his client to consult the documents which concern him in every record made in his regard and to obtain a copy of such documents.

### *§8. Determination and payment of fees*

**3.08.01.** The town planner must charge and accept fair and reasonable fees.

**3.08.02.** The fees are fair and reasonable if they are warranted by the circumstances and correspond to the services rendered. In determining his fees, the town planner must in particular take the following factors into account :

- (a) the time given to the carrying out of the professional service ;
- (b) the complexity and extent of the service ;
- (c) the performance of unusual services or services requiring exceptional competence or celerity.

**3.08.03.** The town planner must provide his client with all the explanations necessary to the understanding of his statement of fees and the terms and conditions of payment.

**3.08.04.** Unless stipulated otherwise in the contract, the town planner must refrain from demanding advance payment for his services. He must, on the other hand, notify his client of the approximate cost of his services.

**3.08.05.** The town planner may collect interest on outstanding accounts only after having duly notified his client.

**3.08.06.** Before having recourse to legal proceedings, the town planner must have exhausted all the other means at his disposal for obtaining payment of his fees.

**3.08.07.** The town planner may sell his accounts only to a colleague.

**3.08.08.** When a town planner entrusts the collection of his fees to another person he must make sure that the latter generally acts with tact and moderation.

## **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

### *§1. Incompatible duties and responsibilities*

**4.01.01.** Real estate brokerage activities are incompatible with the practice of the profession of town planner.

### *§2. Derogatory acts*

**4.02.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the

following acts are derogatory to the dignity of the profession :

- (a) pressing or repeated inducement to have recourse to his professional services ;
- (b) the hiring of commission agents to solicit prospective clients ;
- (c) communicating with the plaintiff without the prior written permission of the syndic or his assistant when he is informed that an investigation into his professional conduct or competence is to be made, or when he has received the service of a complaint against him ;
- (d) not bringing to the attention of the Corporation that he has reason to believe that a town planner is incompetent or does not act in conformity with professional ethics ;
- (e) corrupt practice or collusion in view of obtaining a contract or any other direct or indirect personal benefit ;
- (f) collusion with any person for the purpose of promoting or preventing the carrying out or modification of a project.

### *§3. Relations with the Corporation and colleagues*

**4.03.01.** A town planner who is asked by the Corporation to act as tutor, to participate in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee, must accept that duty unless he has exceptional reasons for refusing it.

**4.03.02.** A town planner must answer as quickly as possible any mail addressed to him by the syndic of the Corporation, investigators or members of the professional inspection committee.

**4.03.03.** A town planner must respect his colleagues as professionals. In judging a colleague, he must display objectivity, fairness and moderation.

**4.03.04.** A town planner shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him. He shall not, in particular :

- (a) attempt to obtain work from a client which, to his knowledge, has already been entrusted to a colleague ;
- (b) offer his professional services to persons who have already retained the services of his employer for a project which is in progress, where the offer relates to that project.

**4.03.05.** A town planner shall not take credit for work done by a colleague. He must mention the sources used in the preparation of any plans, projects and reports filed by him.

**4.03.06.** A town planner who is consulted by a colleague must give the latter his opinion and recommendations as promptly as possible.

**4.03.07.** A town planner who is called upon to collaborate with a colleague must maintain his professional independence. He may ask to be dispensed from doing any task required of him that is contrary to his conscience or his principles.

*§4. Contribution to the advancement of the profession*

**4.04.01.** A town planner must, as far as he is able, contribute to the development of the profession through the exchange of his knowledge and experience with his colleagues, students and any person working in another field, and by his participation in courses and continuing training periods as well as in information programmes on urban planning.



c. C-26, r.193

**Règlement sur le comité d'éducation et  
d'examens des urbanistes**

Professional Code  
(R.S.Q., c. C-26)

See French Edition



c. C-26, r.194

## Regulation constituting a committee on training in town planning

Professional Code  
(R.S.Q., c. C-26, s. 184)

### DIVISION I GENERAL PROVISION

**1.01.** In this Regulation, the expression “institution representative” means the person appointed by a university to co-ordinate on behalf of such university the setting up and working of the committees established by the Government under subparagraph *b* of the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26).

### DIVISION II SETTING UP OF COMMITTEE

**2.01.** A committee shall be set up composed as follows :

- (a) 2 representatives of the Corporation professionnelle des urbanistes du Québec ;
- (b) 1 representative of the *Institut d'urbanisme* of the Université de Montréal designated by the latter's institution representative ;
- (c) 1 representative of the School of Urban Planning of McGill University designated by the latter's institution representative ;
- (d) 2 representatives of the students in town planning, one from the *Institut d'urbanisme* of the Université de Montréal, the other from the School of Urban Planning of McGill University.

### DIVISION III MANDATE OF COMMITTEE

**3.01.** The mandate of the committee is to submit to the bodies or groups represented in the committee as well as to the Office des professions du Québec, the Conference of rectors and principals of the universities of Québec, the joint committee on programmes of the Ministère de l'Éducation and of the Conseil des universités and to the institutions representative of each university referred to in section 2.01, its recommendations on the following matters :

- (a) the study programmes in town planning ;
- (b) the examinations and other means of evaluation ;
- (c) the professional training periods ;
- (d) the professional examinations ;
- (e) continuing training.

### DIVISION IV COMMITTEE PROCEDURE

**4.01.** Each member of the committee is entitled to vote.

**4.02.** The members of the committee shall choose a chairman from among themselves.

**4.03.** The secretariat of the committee shall be the responsibility of the Corporation professionnelle des urbanistes du Québec.

**4.04.** The chairman shall fix the date and hour of the meetings of the committee, convene the meetings and preside over them.

**4.05.** The quorum of the committee shall be 4 members.

**4.06.** The secretary shall draw up the minutes of each meeting of the committee and send a copy thereof to the bodies, groups and persons mentioned in section 3.01.

**4.07.** The recommendations of the committee are made by majority vote ; in the case of a tie-vote, the chairman shall cast an additional vote.

**4.08.** The recommendations shall not bind the bodies or groups represented in the committee.

**4.09.** The recommendations that are not accepted by the bodies or groups represented in the committee shall be returned to the latter for review.

**4.10.** The committee must hold at least one meeting a year.



c. C-26, r.195

## Regulation respecting the records of a town planner who ceases to practise

Professional Code  
(R.S.Q., c. C-26, s. 91)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Corporation” : the Corporation professionnelle des urbanistes du Québec ;
- (b) “town planner” : every person who is entered on the roll of the Corporation ;
- (c) “secretary” : the secretary of the Corporation ;
- (d) “records” : the records, books and registers that a town planner must keep in the practice of his profession ;
- (e) “transferee” : the town planner to whom are transferred the records of a town planner upon the latter’s permanent cessation of practice ;
- (f) “provisional custodian” : the town planner to whom are entrusted the records of a town planner during the latter’s temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation shall be interpreted as excluding the use of data processing or any other technical means for the preservation of records.

**1.04.** In the case of a town planner who is a member or an employee of a partnership of town planners or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer used by the town planner in the practice of his profession. This Regulation shall, however, apply when all the members of a partnership of town planners cease to practise.

**1.05.** An agreement respecting the transfer or provisional custody of the records of a town planner who ceases to practise must be certified in writing and sent to the secretary.

### DIVISION II PERMANENT CESSATION OF PRACTICE

**2.01.** Subject to sections 2.02 and 2.03, where a town planner ceases permanently to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a transferee, notify the secretary by registered or certified mail of the date on which he will cease to practise his profession, and give him the name, address and telephone number of the transferee ; or

(b) if he has not found a transferee, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of his records on the date fixed for the cessation of his practice.

**2.02.** Where a town planner ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the town planner who is struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the town planner who has been struck off shall be entrusted to the secretary.

**2.03.** Upon the death of a town planner, the secretary must, as soon as he is notified thereof, ensure that the signs of that town planner find a transferee as quickly as possible.

**2.04.** The transferee or the secretary, as the case may be, must, within 30 days following the date on which he takes possession of the records of a town planner who ceases permanently to practise, notify, in writing, the clients of that town planner :

- (a) of the fact that he is in possession of the latter’s records ;
- (b) of his address, telephone number and office hours ; and
- (c) of their right to consult another town planner.

**2.05.** The transferee or the secretary, as the case may be, must respect the right of a person to consult the documents concerning him in any record made in his regard and to obtain copies of such documents. The fees for obtaining these copies shall be paid by the person who makes the request.

**2.06.** Where the secretary has custody of the records of a town planner who has ceased permanently to practise his profession he may at any time, after consulting that town planner, entrust the records to a transferee.

**2.07.** While he has custody of the records of a town planner who has ceased permanently to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that town planner's clients.

**2.08.** Subject to section 2.06, the secretary must retain for a minimum period of 5 years the records he has received pursuant to this Division.

### DIVISION III

#### TEMPORARY CESSATION OF PRACTICE

**3.01.** Subject to section 3.02, where a town planner ceases temporarily to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail of the date on which he will cease temporarily to practise his profession and give him the date on which he intends to resume practising his profession together with the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

**3.02.** Where a town planner ceases to practise his profession as a result of his being temporarily struck off the roll, the secretary must ensure that the town planner who is struck off find a provisional custodian within 15 days of the expiry of the time for appeal or final decision regarding the striking off.

If a provisional custodian has not been found upon the expiry of that period, the records of the town planner who is struck off shall be entrusted to the secretary.

**3.03.** The provisional custodian must communicate to the clients of the town planner whose records are in his custody, the pertinent information respecting the progress of their record, keep such records up-to-date, and take the other necessary preservation measures in order to safeguard the interests of that town planner's clients.

**3.04.** Section 2.04 applies *mutatis mutandis* to this Division except in the case where a town planner ceases to

practise as a result of a temporary striking off lasting under 6 months.

**3.05.** Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

**3.06.** The secretary or provisional custodian, as the case may be, must return the records to the town planner immediately upon termination of the period of temporary cessation of practice.

**3.07.** A town planner who no longer wishes to resume practising his profession during or after the expiry of the period in which he has temporarily ceased to practise, must comply with Division II.





c. C-26, r.196

## **Regulation respecting terms and conditions for election to the Bureau of the Corporation professionnelle des urbanistes du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “Corporation” : the Corporation professionnelle des urbanistes du Québec ;

(b) “region” : one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Corporation professionnelle des urbanistes du Québec (c. C-26, r.203).

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II TERM OF OFFICE**

**2.01.** The president and the directors are elected for a term of 2 years. Renewal is made each year for 3 directors, 2 of whom are from administrative region 06 and 1 from the remainder of Québec.

### **DIVISION III ELECTION PROCEDURE**

**3.01.** Between the 45th and 60th day preceding the date of the closing of the poll, the secretary shall send each member of the Corporation a list of the members of the region in which he principally practises his profession, a nomination paper, and a notice indicating the closing date for submitting candidacies.

**3.02.** Any member who wishes to submit his candidacy must complete a duly signed nomination paper and give the following information :

(a) date of entering the Corporation ;

(b) age ;

(c) activities within the Corporation (proposed) ;

(d) present duties ;

(e) work address.

In order to be valid, the nomination paper must contain the name and signature of 5 members from the candidate's region.

**3.03.** Upon receipt of the nomination paper duly completed, the secretary shall give an official receipt to the candidate in person or send it to him by mail. Such receipt shall attest the validity of the nomination paper.

**3.04.** In addition to the documents described in section 69 of the Professional Code (R.S.Q., c. C-26), the secretary of the Corporation shall, at least 15 days prior to the date of closing of the poll, send each member of the Corporation the following information on each candidate : his age, the date of his admission, his principal activities within the Corporation, his present duties and his work address.

**3.05.** The ballot-paper certified by the secretary must contain the following data :

(a) the name and graphic sign of the Corporation ;

(b) the year of the election ;

(c) the identification of the region ;

(d) the names in alphabetical order of the candidates for the offices of director in the region in which the member principally practises his profession ;

(e) the number of seats to be filled in the region ;

(f) the date and hour of the closing of the poll ; and

(g) the return address for the ballot papers.

**3.06.** An elector may obtain a new ballot-paper from the secretary if the first ballot-paper sent to him is lost or otherwise unusable, provided such elector makes a solemn declaration in writing certifying that his ballot-paper is lost or unusable.

**3.07.** The closing of the poll is fixed at 10 h on the 3<sup>rd</sup> Friday of April each year.

**3.08.** The 3 scrutineers shall be designated by the Bureau from among the members of the Corporation.

**3.09.** The votes shall be counted during the annual general meeting of the members.

**3.10.** The following ballot-papers shall be void : every ballot-paper :

(a) on which the voter cast his vote otherwise than by a cross with X ;

(b) which contains more crosses than the number of seats to be filled in the region ;

(c) which is not certified by the secretary ;

(d) which is spoiled, erased or which contains any identification mark of the elector ;

(e) which is not returned in the envelope provided by the secretary and on which the word "ELECTION" is written.

**3.11.** The secretary's decision regarding the validity of a ballot-paper is final.

**3.12.** The secretary shall declare elected the candidates who have obtained the most votes ; he shall have the results of the vote countersigned by the scrutineers.

**3.13.** Immediately after the election of the candidates, the secretary shall draw up under his signature a general report of the election and of the result of the vote.

**3.14.** The secretary must send a copy of the report referred to in section 3.13 to each candidate.

**3.15.** The secretary must also make a detailed report of the election at the first meeting of the Bureau following the election.

**3.16.** If, during the election period, the secretary is unable to act for any reason deemed sufficient by the Bureau, the latter shall designate a member of the Corporation to replace the secretary. The person thus designated shall assume, for the purposes of the election, all the rights and obligations of the secretary whom he replaces.

**3.17.** Where the president is elected by a general vote of the members of the Corporation, the pertinent provisions of this Regulation shall apply *mutatis mutandis* to his election.



c. C-26, r.197

## Regulation respecting the procedure for conciliation and arbitration of accounts of town planners

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des urbanistes du Québec ;
- (b) “secretary” : the secretary of the Corporation ;
- (c) “town planner” : the member of the Corporation whose account is the object of a dispute with a client ;
- (d) “council” : the council for the arbitration of accounts constituted under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendements, applies to this Regulation.

### DIVISION II CONCILIATION

**2.01.** The syndic must send a copy of this Regulation to every person who so requests.

**2.02.** A client who has a dispute with a member of the Corporation with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic by sending him by registered or certified mail the form in Schedule 1 duly completed.

**2.03.** The application for conciliation must be sent before the day the client is served notice of a claim made by the town planner concerning the contested account.

**2.04.** Within 5 days from the date on which he receives the application for conciliation, the syndic shall send the

town planner a copy of such application by registered or certified mail.

**2.05.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**2.06.** The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

**2.07.** Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic's report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

### DIVISION III ARBITRATION

#### *§1. Submission to arbitration*

**3.01.01.** A client applies for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form in Schedule 2, duly completed and bearing his signature.

**3.01.02.** Within 5 days from the receipt of the application for arbitration, the secretary shall transmit to the town planner by registered or certified mail, a copy of the submission to arbitration signed by the client.

**3.01.03.** Within 10 days from the receipt of such copy, the town planner shall sign it and return it to the secretary.

#### *§2. Formation of council*

**3.02.01.** In order to settle the dispute between the client and the town planner, the Bureau shall form an arbitration council consisting of 3 members of the Corporation and designate a chairman from among them. The Bureau shall also appoint a clerk to assist the council in the exercise of its functions.

**3.02.02.** The clerk, shall notify the arbitrators and the parties of the formation of the council.

**3.02.03.** A motion for recusation of an arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be sent in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

**3.02.04.** Before acting, the arbitrators must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.02.05.** In the event of death or incapacity of one of the arbitrators, the other arbitrators shall terminate the matter and their decision shall be valid. In the event of death or incapacity of the chairman, the Bureau shall appoint a chairman from among the other 2 arbitrators of the council.

### §3. Hearing

**3.03.01.** The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and the parties in writing at least 10 days prior to that date.

**3.03.02.** The council may ask each party to submit, within a given time limit, a statement of his claims with documents in support thereof.

**3.03.03.** The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

**3.03.04.** The council shall promptly institute investigation of the dispute in accordance with the procedure and mode of evidence it deems appropriate.

**3.03.05.** The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, such party shall assume the cost thereof.

**3.03.06.** The clerk shall draw up the minutes of the hearing and have them signed by the arbitrators.

The minutes shall constitute *prima facie* proof of their content.

**3.03.07.** Articles 945 and 947 of the Code of Civil Procedure apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

### §4. Arbitration award

**3.04.01.** The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that time period.

**3.04.02.** The council decides as mediator and renders the decision it considers most appropriate.

**3.04.03.** The decision is rendered by the majority of the members of the council ; in default of a majority, the decision is rendered by the chairman.

The reasons for the decision must be given and the decision must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign it, the others must make mention thereof and the decision shall be as valid as if it had been signed by all the arbitrators.

The clerk shall transmit the decision to the parties without delay.

**3.04.04.** The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the opposing party.

**3.04.05.** The decision must allocate the arbitration fees, that is, the costs actually incurred by the Corporation for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount which is the object of the arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless allocate the arbitration fees in accordance with this section.

**3.04.06.** The decision is final.

**3.04.07.** The complete record of the arbitration is filed with the secretary who, unless expressly authorized by the parties to the contrary, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and members of the Bureau.

### SCHEDULE 1

(s. 2.02)

#### APPLICATION FOR CONCILIATION

I, the undersigned .....  
(name and address)

.....  
in person or (where applicable) representing .....

..... for the purposes of this application, as attested by the authorization annexed hereto, solemnly declare or being duly sworn, declare that :

(1) ..... claims from me the sum  
(name of town planner)  
of ..... for professional services rendered between  
..... and ....., as attested  
by the account a copy of which is annexed hereto ;

(2) I refuse to pay this account for the following reason(s) :

.....  
.....  
.....

but (where applicable) I acknowledge that I owe the sum of ..... for the professional services referred to in such account ;

(3) I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of town planners (R.R.Q., c. C-26, r.197), of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me

And I have signed

at .....  
(signature of client or his duly authorized representative)

this ..... 19...  
commissioner for oaths

## SCHEDULE 2

(s. 3.01.01)

### SUBMISSION TO ARBITRATION

Entered into by :

.....  
(name and address)

in person or (where applicable) representing .....

..... for the purposes of this submission, as attested by the authorization annexed hereto, hereinafter referred to as "the party of the first part",

and

.....  
(name and address)

member of the Corporation professionnelle des urbanistes du Québec, hereinafter referred to as "the party of the second part",

who make the following declarations and agreements :

(1) The party of the second part claims from the party of the first part the sum of ..... for professional services rendered between ..... and ..... as attested by the account a copy of which is annexed hereto ;

(2) The party of the first part refuses to pay this account for the following reason(s) :

.....  
.....  
.....  
.....

but (where applicable) the party of the first part acknowledges that he owes the sum of ..... for the professional services referred to in such account ;

(3) The dispute between the parties bears on the entire account or (where applicable) on that part of the account which exceeds that which the party of the first part acknowledges to owe to the party of the second part, namely, the sum of ..... ;

(4) The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of town planners (R.R.Q., c. C-26, r.197), of which the parties declare having received a copy and taken cognizance ;

(5) The party of the first part renounces to the benefit of any time elapsed with respect to the prescription ;

(6) The party of the second part undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is the object of the dispute ;

(7) The arbitration award is binding upon the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) apply to its enforcement ;

(8) This submission may be annulled only with the written consent of the parties.

.....  
(signature of client or his duly authorized representative) (signature of town planner)

Signed at ..... Signed at .....

this ..... 19... this ..... 19...



c. C-26, r.198

## **Regulation respecting the procedure of the professional inspection committee of town planners**

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I DEFINITIONS AND INTERPRETATION**

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “committee” : the professional inspection committee ;
- (b) “Corporation” : the Corporation professionnelle des urbanistes du Québec ;
- (c) “town planner” : any person who is entered on the roll of the Corporation ;
- (d) “records” : the records, inquiries, studies and reports which a town planner prepares and keeps in the practice of his profession and :
  - i. the documents to which he has contributed among the records, inquiries, studies and reports set up by his colleagues or employer ;
  - ii. the various records, reports, documents that have been entrusted to him by a colleague or employer ;
  - iii. any property that has been entrusted to him by a client ;
- (e) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions.

**1.02.** The Interpretation Act (R.S.Q, c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II COMMITTEE**

**2.01.** The committee is composed of 3 members appointed by the Bureau from among the town planners who have been practising for at least 5 years. They shall take office as soon as they are appointed and remain in office until their death, resignation, replacement or striking off the roll.

**2.02.** The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

**2.03.** The Bureau of the Corporation shall designate the secretary of the committee.

**2.04.** The office of the committee is situated at the corporate seat of the Corporation. All the minutes, reports and other documents of the committee are kept at the said office.

### **DIVISION III DRAWING UP OF A PROFESSIONAL RECORD**

**3.01.** As its activities progress, the committee shall draw up and keep up-to-date a professional record for each town planner of the Corporation who is the subject of an inspection under this Regulation.

**3.02.** The professional record contains a summary of the town planner's academic qualifications and experience as well as all the records pertaining to an inspection of which he has been the subject under this Regulation.

**3.03.** A town planner is entitled to consult his record and to obtain a copy thereof.

**3.04.** The committee shall keep a register in which shall be entered, in chronological order, the date of each verification or inquiry, the address where it was made, the name of the town planner concerned, the name of the town planner's employer, where applicable, and the name of the investigator who made the verification or inquiry.

### **DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION**

**4.01.** The committee shall supervise the practice of the profession by the members of the Corporation in accordance with the programme established by it.

**4.02.** Each year, the Bureau shall publish the committee's general supervision programme in the bulletin of the Corporation as well a report of the latter's activities during the preceding year, omitting therefrom, however, identification in any manner whatsoever of the town planners who have been the subject of an inspection and the other persons involved.

**4.03.** At least 15 days before the date fixed for the verification of a town planner's records by an investigator, the committee shall, through its secretary, send the town planner in question, by registered or certified mail, a notice in accordance with the form in Schedule A.

**4.04.** If a town planner cannot receive an investigator on the prescribed date, he must, upon receipt of the notice, notify the secretary of the committee and decide on another date with him.

**4.05.** When an investigator ascertains that the town planner was unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the verification and notify the town planner thereof.

**4.06.** An investigator must, where requested, produce a certificate attesting his authority signed by the secretary of the committee.

**4.07.** The town planner whose records are the subject of verification may be present or be represented by a mandatory.

**4.08.** The investigator shall draw up a verification report and forward it to the committee for study within 15 days following his verification.

#### **DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A TOWN PLANNER**

**5.01.** At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a town planner or designate an investigator for such purpose.

**5.02.** At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the town planner in question, by registered or certified mail, a notice in accordance with the form in Schedule B.

Notwithstanding the first paragraph, where the sending of a notice to the town planner could jeopardize the object for which a special inquiry is to be held, the committee may authorize an investigator to make the inquiry without such notice.

**5.03.** An investigator may give the employer, representative or employee of a town planner, notice of the order to allow him access to the records of that town planner.

**5.04.** Where records are held by a third party, the town planner must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

**5.05.** An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

**5.06.** If the town planner refuses to receive an investigator, the latter shall immediately notify the syndic.

**5.07.** The investigator shall draw up a report and send it to the committee for study within 30 days after the end of his inquiry.

**5.08.** Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

#### **DIVISION VI RECOMMENDATIONS OF THE COMMITTEE**

**6.01.** Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that a town planner be required to serve a period of refresher training and that the right of such town planner to engage in professional activities during such period be limited, it shall notify the Bureau and the town planner in question within 30 days following its decision.

**6.02.** Where the committee, after study of an investigator's report has reason to believe that it is expedient to recommend to the Bureau that a town planner be required to serve a period of refresher training and that the right of such town planner to engage in professional activities during such period be limited, it must permit the town planner in question to present a full and complete defence relative to the evaluation of his competence.

**6.03.** For such purpose, the committee shall convene the town planner and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

**6.04.** A town planner or witness summoned before the committee may be assisted by an advocate.

**6.05.** The committee shall administer the oath or the solemn affirmation of the town planner and the witnesses through a commissioner for oaths.

**6.06.** The hearing shall be held *in camera* unless the committee, at the request of the town planner, considers that it is in the public interest that it not be held in this manner.

**6.07.** The committee may proceed *ex parte* if the town planner does not appear on the date and at the hour prescribed.

**6.08.** The depositions shall be recorded at the request of the town planner or of the committee.

**6.09.** The committee and the town planner shall pay their own costs, with the exception of recording expenses which shall be shared equally between them.

Notwithstanding the first paragraph, where the recording of depositions is made at the request of the committee, the latter shall assume the expenses thereof.

**6.10.** In its recommendations concerning a town planner, the committee shall take into account the type of professional activities in which the town planner is generally engaged.

**6.11.** The recommendations of the committee are made by the majority of its members within 90 days after the end of the hearing. The reasons on which they are based shall be given, signed by the members of the committee who endorsed them, and forwarded to the Bureau and the town planner in question without delay.

**6.12.** The committee may also make recommendations to the Bureau on the continuing training courses organized by the Corporation for its members.

**6.13.** When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26) might be laid against a town planner, it shall notify the syndic of the Corporation.

## SCHEDULE A

(s. 4.03)

### CORPORATION PROFESSIONNELLE DES URBANISTES DU QUÉBEC

#### PROFESSIONAL INSPECTION COMMITTEE

##### Notice of verification

Notice is given that, under the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers, on .....

19... at ..... h.

The investigator will call upon you at .....

Signed at .....  
on ..... 19...

The professional inspection committee

Per : .....  
secretary of the committee

## SCHEDULE B

(s. 5.02)

### CORPORATION PROFESSIONNELLE DES URBANISTES DU QUÉBEC

#### PROFESSIONAL INSPECTION COMMITTEE

##### Notice of special inquiry

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on .....

19... at ..... h.

The investigator will call upon you at .....

Signed at .....  
on ..... 19...

The professional inspection committee

Per : .....  
secretary of the committee





c. C-26, r.199

## Regulation respecting advertising by town planners

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Corporation” : the Corporation professionnelle des urbanistes du Québec ;
- (b) “town planner” : every person whose name is entered on the roll of the Corporation.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** The items that a town planner may include in his public advertisements and the conditions under which he may advertise are those described in this Regulation.

### DIVISION II PROFESSIONAL CARD

**2.01.** A town planner may avail himself of the advertising referred to in this Division provided that he enter on his professional card :

- (a) his name ;
- (b) his profession ; and
- (c) the address of his office.

**2.02.** Subject to section 2.01, a town planner shall not enter on his professional card anything other than :

- (a) the names of his partners, the mention “and partners” after his name and the names of town planners or other professionals working for him ;
- (b) his specialty if he has a specialist’s certificate recognized by the Corporation ;
- (c) his academic titles and, where applicable, his membership in another professional corporation ;
- (d) his telephone number and business hours ;

- (e) the graphic sign of the Corporation ;
- (f) the name and graphic sign of his employer or partnership ; and
- (g) the title of his position.

**2.03.** The professional card shall not measure more than 6 centimetres by 11 centimetres.

### DIVISION III INFORMATION MEDIA

**3.01.** A town planner may publish or allow to be published an advertisement in newspapers, magazines, periodicals, directories, or in any other printed matter, provided the items mentioned in section 2.01 are entered thereon. Such advertisement may also contain all or part of that indicated in section 2.02.

The said advertisement shall not, however, exceed one square decimetre and appear more than once in the same issue.

**3.02.** Upon the opening of his office, his taking up a position in an existing office, his first entry on the roll of the Corporation, or upon appointment to a position connected with the practice of the profession, a town planner may publish an advertisement containing a photograph of himself and certain biographical notes in newspapers, magazines, periodicals, directories or other printed matter.

Such advertisement shall not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter, nor in more than 2 issues of the same newspaper, magazine, periodical, directory or other printed matter.

The photograph authorized in the first paragraph may not exceed 64 square centimetres.

### DIVISION IV STATIONERY

**4.01.** A town planner may use professional stationery provided the items indicated in section 2.01 are entered thereon. He may also enter all or part of that indicated in section 2.02.

## **DIVISION V**

### **SIGN**

**5.01.** The town planner may post a sign on one of the outer walls of the building in which his office is located, on the land on which such building is erected or on a plate advertising a project in which he has participated, provided such sign contains that indicated in section 2.01. Such sign may also contain all or part of that indicated in section 2.02.

If the building in which his office is located is at a cross-roads, the town planner may post such sign on the walls or on the land facing each of the converging roads.

**5.02.** Inside his office, the town planner may post a sign in public view provided it contains that indicated in section 2.01. Such sign may also contain all or part of that indicated in section 2.02.

**5.03.** The signs authorized under this Division may not exceed 25 square decimetres.

## **DIVISION VI**

### **GRAPHIC SIGN OF THE CORPORATION**

**6.01.** The Corporation is represented by a graphic sign in conformity with the original kept by the secretary of the Corporation and containing the following elements : a stylized sun surrounded by the words "Corporation professionnelle des urbanistes du Québec".

**6.02.** When a town planner reproduces the graphic sign of the Corporation for advertising purposes, he must ensure that the sign is in conformity with the original kept by the secretary of the Corporation and that it does not exceed 25 square decimetres.



c. C-26, r.200

**Règlement sur les stages de  
perfectionnement des urbanistes**

Professional Code

(R.S.Q., c. C-26, s. 94, par. j)

See French Edition



c. C-26, r.201

## Tariff of professional fees of town planners

Professional Code  
(R.S.Q., c. C-26)

**1.** This Tariff determines the minimum remuneration which the urbanist in consulting practice must receive for professional services rendered, in the absence of an agreement stipulating a higher remuneration.

**2.** The expression “urbanist” as used herein, means a member of the Corporation des urbanistes du Québec.

**3.** Remuneration for the professional services of an urbanist shall be by fees established on a *per diem* basis at rates which shall not be less than :

|                  |         |
|------------------|---------|
| Principals ..... | 150 \$  |
| Urbanists .....  | 120 \$. |

Remuneration for services of collaborators will be on the basis of rates which shall be no less than :

|                   |        |
|-------------------|--------|
| Technicians ..... | 84 \$  |
| Draftsmen .....   | 54 \$. |

**4.** For the purpose of calculating the remuneration, 6 hours shall be taken as a working day ; if more or less than 6 hours in any one day is occupied by the work, the time shall be charged in proportion to the daily rate.

**5.** All time expended on the work whether in the urbanist's office, at the client's premises, or elsewhere, shall be included. If travelling time is required during normal working hours, the time so used is properly chargeable. If such travelling is done outside of normal working hours, the time is chargeable up to a maximum of 3 hours per day.

**6.** The actual time, to the nearest half hour, spent on the project by the urbanist and his staff must be properly recorded daily.

**7.** In addition, the urbanist shall be reimbursed for the actual cost of all disbursements made by him for expenses

properly incurred in the performance of his services, including the following :

(a) living and travelling expenses of employees and principals when away from the home office on business connected with the project ;

(b) identifiable communication expenses such as long distance telephone, teletype, telegraph, postage and express charges ;

(c) cost of outside services, including any work for which it is necessary to use the services of other persons or firms ;

(d) identifiable editing and reproduction costs such as blueprinting, photostating, mimeographing, printing, etc.

**8.** Should the client desire at any time to inspect or audit the urbanist's time and out-of-pocket expenses records in order to substantiate the time and expenses claimed, the urbanist will allow such inspection or audit at a mutually agreeable time. The urbanist shall render all assistance required to facilitate such inspection or audit.

**9.** This Tariff remains in force until 1 January 1984.



c. C-26, r.202

**Règlement sur la tenue des dossiers et  
des cabinets de consultation des  
urbanistes**

Professional Code

(R.S.Q., c. C-26, s. 94, par. *c* and *d*)

See French Edition



c. C-26, r.203

**Regulation dividing Québec into regions  
for the purposes of elections to the  
Bureau of the Corporation  
professionnelle des urbanistes du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Corporation professionnelle des urbanistes de Québec, the territory of Québec shall be divided into 2 regions :

- (a) the Montréal region ;
- (b) the West-North-Eastern Croissant region.

**2.** The Montréal region shall comprise region 6, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r. 8).

The West-North-Eastern Croissant region shall comprise regions 1, 2, 3, 4, 5, 7, 8, 9 and 10, the territory of which is described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** Four directors shall be elected to represent the Montréal region and 2 for the West-North-Eastern Croissant region.

**4.** A town planner shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 9 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 8 persons including the president.



c. C-27, r.1

## Regulation respecting certification in logging operations and right of access permits to forestry camps

Labour Code  
(R.S.Q., c. C-27, s. 138)

### DIVISION I PERMIT

**1.** Any permit to pass and have access to a forestry camp, pursuant to section 8 of the Labour Code (R.S.Q., c. C-27), must be the subject of a written application to the labour commissioner-general and shall mention the following :

- (a) the name and address of the petitioning association of employees ;
- (b) the limit holder's name and the employer's name, if the limit holder is not also the employer ;
- (c) the group of employees involved ;
- (d) the territory concerned ;
- (e) the approximate number of camps in the logging operation.

The application must be signed by an authorized representative of the petitioning association of employees.

**2.** The permit to have access to forestry camps shall mention :

- (a) the name of the association of employees represented ;
- (b) the limit holder's name and the employer's name, if the limit holder is not also the employer ;
- (c) the group of employees involved ;
- (d) the effective date and the expiry date of the permit.

**3.** The exercise of the permit is personal and for this purpose, the permit must be signed beforehand by the labour commissioner-general and countersigned by the representative appointed by the representative employees' association.

Upon the request of the association of employees wishing to change representatives, the labour commissioner-general may immediately issue a new permit, whose issue

shall render the previous permit null and void. The new permit shall be valid until the expiry date of the permit it replaces. The labour commissioner-general shall make this change known to the limit holder and to the employer, if the limit holder is not also the employer.

**4.** The labour commissioner-general shall give the limit holder and likewise the employer, if the limit holder is not also the employer, a notice of at least 5 days before the effective date of the permit.

**5.** Any employees' association is entitled to 2 permits if there are 100 employees or less contemplated by an application for a permit. Moreover, it is entitled to one additional permit for any other group of one hundred employees or of any fraction of such number.

The labour commissioner-general shall verify with the employer the number of employees concerned.

**6.** The representatives of a certified association, authorized by collective agreement, do not count in the calculation of the total number of permits, established according to the standards determined in section 5.

**7.** Upon receipt of a complaint denouncing serious disturbances, the labour commissioner-general shall immediately dispatch a certification agent to the spot to carry out an investigation regarding the complaint and report to him thereon.

**8.** Upon receipt of a circumstantial report, the labour commissioner-general may suspend the exercise of the permit of the representative he considers responsible for the disturbances ; he may also extend this suspension for the time he determines.

**9.** When a permit is suspended, the association may appoint a substitute. Section 3 applies, while taking into account necessary changes.

### DIVISION II CERTIFICATION SYSTEM

**10.** Any association of employees may, under the conditions mentioned in section 1, obtain at any time a permit to pass and have access to a camp for a group of employees not represented by a certified association. The permit so issued is valid for 30 days as of the date mentioned on it.

In such a case, the permit may not be renewed for the benefit of the same association of employees more than once within the 12 months following the issue date of the initial permit.

**11.** When an association of employees is already certified to represent a group of employees and when a collective agreement binding these employees expires between 1 February and 31 July, another association may recruit only during the preceding month of September; when a collective agreement expires between 1 August and 31 January, recruiting is permitted during the preceding month of July. When a forestry camp permit is issued, it is valid only for the appropriate period.

**12.** When a petition for certification entails the ordering of a vote by secret ballot, the permit is automatically renewed as of the 36<sup>th</sup> hour prior to the hour established for the holding of the vote.

**13.** During any period when an association is entitled to recruit pursuant to section 11 and within the 3 juridical days that follow, the association of employees may file a petition for certification with the office of the labour commissioner-general or forward it, by registered or certified mail, as the case may be.

**14.** To establish the representative character of an association of employees, the labour commissioner takes into account only memberships given during the appropriate period mentioned in section 11; any resignation from an association must be reported to him during this period.

**15.** Voting shall be held between the 15<sup>th</sup> and the 30<sup>th</sup> day following the labour commissioner's order to hold the vote. However, the latter will delay his order for voting if the voting is to be held between 15 December and 15 June.

**16.** The voters' list contains the names of employees who, as of the voting day, have received wages during the 15-day period prior to the voting date and the names of employees who are on an authorized leave of absence during this period. The parties agree upon the voter's list; lacking agreement, the labour commissioner decides.

**17.** When there are several associations one of which is already certified and when none of them obtains, during the ballot, the absolute majority required to be entitled to certification, the association already certified keeps its certification.

**18.** The provisions of the Regulation respecting the exercise of the right of association under the Labour Code (c.

C-27, r.3), not inconsistent with this Regulation, shall continue to apply.





c. C-27, r.2

## **Regulation respecting the filing of an arbitration award and the information concerning the duration of arbitration procedures**

Labour Code  
(R.S.Q., c. C-27, s. 138)

### **DIVISION I FILING OF AN ARBITRATION AWARD**

**1.** The clerk of the office of the labour commissioner-general shall forward to the president of the council of arbitration or to the president of the court of arbitration, as the case may be, an attestation showing the date of reception of an arbitration award filed in accordance with section 89 and 101.6 of the Labour Code (R.S.Q., c. C-27). A similar attestation may be forwarded to any interested party who makes a written request.

### **DIVISION II INFORMATION TO BE GIVEN BY THE PRESIDENT OF THE COURT OF ARBITRATION**

**2.** The president of the court of arbitration must, at the same time as he files an arbitration award under section 101.6 of the Labour Code, make a written declaration in accordance with section 3.

**3.** The declaration in section 2 must contain the following particulars :

- (a) the name and address of the members of the court of arbitration ;
- (b) the manner and date of nomination of the president of the court of arbitration ;
- (c) mention of the section of the Labour Code in virtue of which the court of arbitration intervened ;
- (d) the nature of the grievance and the date it was filed ;
- (e) the name and address of the employee's association and the employer's association ;
- (f) the sector in which the enterprise carries out its activities ;
- (g) the date of the award or withdrawal of the grievance and the date of the report to the court of arbitration

of the said award or withdrawal before the beginning of the inquiry ;

- (h) the hearing dates ;
- (i) the date of receipt of the factums of the parties, as the case may be ;
- (j) the date of sittings if the court of arbitration is made up of 3 members ;
- (k) the date the award was rendered ;
- (l) the date the award was sent to be filed.



c. C-27, r.3

## **Regulation respecting the exercise of the right of association under the Labour Code**

Labour Code  
(R.S.Q., c. C-27)

### **DIVISION I GENERAL SCOPE**

#### *§1. Introductory provisions*

**1.** In this Regulation, “party” means any person designated or recognized as such by the labour commissioner-general, any labour commissioner or any certification agent or legitimately seeking to be recognized as such by rights.

**2.** Subject to the Labour Code (R.S.Q., c. C-27), the time limits prescribed by this Regulation are mandatory. However, a labour commissioner may extend them for any valid reason, provided the parties agree thereto.

#### *§2. Rules applicable to all proceedings*

**3.** Any document brought before the labour commissioner-general shall be at his Québec City or Montréal office; documents should be submitted in duplicate whenever possible.

**4.** When, in pursuance of section 24 of the Labour Code, a party applies to a certification agent or a labour commissioner before whom a matter has been referred, it must also file a copy of the said application with the labour commissioner-general.

**5.** For the purposes of section 27 of the Labour Code, the Québec City and Montréal offices serve the administrative regions described in Schedule I.

**6.** Any party wishing to make facts known or wishing to make certain remarks to the labour commissioner-general shall do so within 10 days after receipt of a notice to that effect.

**7.** The labour commissioner-general or a labour commissioner may have any document served :

(a) according to all regular methods for making service provided for in the Code of Civil Procedure (R.S.Q., c. C-25) ;

(b) by forwarding a copy by registered or certified mail, to the addressee at his last known home or business address ;

(c) if circumstances so warrant, the labour commissioner-general may, on his own or upon request, authorize that a document be served by means of a public notice in newspapers ;

(d) the labour commissioner-general or a labour commissioner may have any document served through a certification agent.

#### *§3. Investigation*

**8.** Any investigation carried out by the labour commissioner shall be tape-recorded and may be taken down in shorthand. The labour commissioner decides where the investigation is to take place and shall conduct it, whenever possible, in the region where the enterprise concerned is located.

### **DIVISION II PETITION FOR CERTIFICATION AND VOTE**

#### *§1. Petition for certification*

**9.** Any petition for certification shall be accompanied by a certified true copy of the resolution provided for in section 25 of the Labour Code and shall contain the following informations :

(a) the name of the petitioning association and, if applicable, the body to which it is affiliated ;

(b) the number of members of the petitioning association, as exactly as possible, who are concerned in the petition ;

(c) a description of the bargaining unit sought ;

(d) the employer’s name and the address of the establishment(s) concerned ;

(e) mention that the petition has been forwarded to the employer.

The above mentioned documents should be submitted in duplicate whenever possible.

**10.** Upon receipt of a petition for certification, the labour commissioner-general shall forward a copy thereof to every body wishing to be advised of such petitions. The employer shall post the list of employees involved in the petition for certification for 5 days.

**11.** If a group of employees, or part thereof, covered by the petition is already certified or is already involved in another petition for certification, the labour commissioner-general must notify the certified association or the petitioning association thereof, and enclose a copy of the petition with such notice.

## §2. Vote

**12.** When a labour commissioner orders a vote to be taken, the labour commissioner-general appoints a returning officer.

Voting is governed by sections 12 to 25.

**13.** The sections 12 to 25 apply, taking into account any changes required when voting is ordered by the certification agent under paragraphs *b* and *c* of section 28 and under the second paragraph of section 37 of the Labour Code. The certification agent acts as the returning officer.

**14.** The returning officer convenes the interested parties as soon as possible and determines the agenda for such meeting.

**15.** For the purposes of voting, the employer shall draw up a list of employees according to the bargaining unit agreed upon by the parties or, if necessary, according to the decision of the labour commissioner. The list shall contain the family name, given name and address of the said employees.

**16.** The employer gives the returning officer as many copies as the latter wishes for the smooth running of the voting.

**17.** The minutes shall mention any topic of disagreement between the parties as well as any refusal to sign the minutes.

The returning officer transmits a copy of the said minutes to the labour commissioner responsible for the file, for decision.

**18.** Only those persons on the voters list and still employees on the voting day may vote.

**19.** Any employee who has been dismissed, suspended or transferred and whose reinstatement has been ordered

under the Labour Code may vote, unless he has refused to resume his duties after having been duly called back to work.

**20.** The parties are forbidden to engage in any type of propaganda (electioneering) 36 hours prior to the opening of the polls.

**21.** The returning officer or his deputy shall post the voting notice and the voters list in one or more conspicuous places for employees, at least 48 hours before the polls open.

**22.** Each party involved in a vote appoints no more than 2 representatives for each poll. These representatives shall be authorized by their respective association to be present at the vote; if a representative has been substituted, he may not return in such capacity during voting hours. Such representatives may under no circumstances communicate with a voter.

**23.** Before voting begins, the returning officer or his deputy shall, in the presence of the duly-authorized representatives of the parties :

- (a) check the ballots ;
- (b) check and lock each ballot box ;
- (c) supply each representative with a list of employees who have the right to vote ;
- (d) prepare a voting booth ;
- (e) see that the vote takes place in an orderly manner. Should there be any disorder, he can immediately halt the vote. He shall then prepare minutes and transmit them immediately, in duplicate, to the labour commissioner-general or to the labour commissioner before whom the matter was referred.

**24.** The returning officer or his deputy shall handle the vote as follows :

- (a) draw up a numbered list of voters as they appear ;
- (b) give a ballot to each person eligible to vote as he appears ;
- (c) initial the back of the ballot so that the initials may be seen when the ballot has been folded after voting ;
- (d) see that the voter cast his ballot with all the freedom required and assist the voter, if requested ;

(e) take back the folded ballot and place it in the ballot box in full view of all.

**25.** Once ballots have been cast, the returning officer or his deputy shall, in the presence of the representatives of the parties :

- (a) receive all the ballot boxes ;
- (b) count the vote by dividing the ballots according to whom they favour and discarding all irregular ballots ;
- (c) allow a representative of each party to check, under his supervision, the ballots of each category ;
- (d) place the ballots of each category in separate envelopes and label each as to its contents ;
- (e) place the unused ballots in an envelope and label same as to its contents ;
- (f) draw up the minutes of the vote, recording therein all objections brought forth and have the minutes signed by the parties' representatives ;
- (g) place all the envelopes containing ballots into a large envelope, enclose the minutes, write the names of the parties on each envelope, seal the envelope and have it signed by the representatives of the parties.

### DIVISION III COMPLAINTS

#### *§1. Complaint under section 12 of the Labour Code*

**26.** Any complaint lodged under section 12 of the Labour Code shall :

- (a) mention the plaintiff's name and address ;
- (b) specify the name of the persons and of the employer or employee association against whom the complaint is being lodged ;
- (c) concisely state the facts on which it rests.

**27.** Upon receipt of a complaint, the labour commissioner-general forwards a copy thereof to the persons involved and immediately entrusts the investigation to a labour commissioner who, in turn, sets a final date for the parties to produce any document relevant to the complaint. No written protest may delay the labour commissioner's investigation.

#### *§2. Complaint under section 15 et seq. of the Labour Code*

**28.** Any complaint lodged under section 15 et seq. of the Labour Code shall be forwarded to the labour commissioner-general and shall mention :

- (a) the plaintiff's name and address ;
- (b) the name and address of the employer against whom the complaint is being lodged ;
- (c) the exact date on which the plaintiff claims to have been dismissed, suspended or transferred ;
- (d) a statement of the plaintiff claiming that he believes to have been illegally dismissed, suspended or transferred because he has exercised a right conferred upon him by the Labour Code.

**29.** Upon receipt of a complaint, the labour commissioner-general forwards a copy thereof to the persons involved and immediately entrusts the investigation to a labour commissioner who, in turn, sets a final date for the parties to produce any document relevant to the complaint. No written protest may delay the labour commissioner's investigation.

### DIVISION IV MISCELLANEOUS PETITIONS

#### *§1. Petition for repeal of certificate under section 41 of the Labour Code*

**30.** When a petition for repeal of certification submitted under section 41 of the Labour Code, entails revising the representative character of the association, section 36.1 of the Labour Code applies, taking into consideration any necessary changes.

#### *§2. Petition attesting an association's status, pursuant to article 60 of the Code of Civil Procedure*

**31.** An employee association wishing to obtain the certificate provided for in article 60 of the Code of Civil Procedure shall apply in writing to the labour commissioner-general.

#### *§3. Petition for suspending negotiations, under section 42 of the Labour Code*

**32.** When a party wishes to have negotiations or the time limits for collective bargaining suspended and prevent the renewal of a collective agreement in pursuance of section 42 of the Labour Code, it shall :

(a) apply to the labour commissioner-general or the labour commissioner before whom the matter was referred, and state the grounds for its petition ;

(b) forward by registered or certified mail, a copy of its petition to the parties and advise thereof the labour commissioner-general or the labour commissioner before whom the matter was referred, while taking section 4 into account.

**33.** Any objection to such petition shall be filed with the labour commissioner-general or, as the case may be, to the labour commissioner before whom the matter was referred, within the 10 days following receipt of the copy of the petition.

Should there be no objection within the established time limit, the labour commissioner shall process the petition immediately.

**34.** The labour commissioner shall decide whether or not the facts and circumstances warrant that the parties be convened for a hearing ; such hearing shall be held as soon as possible.

*§4. Permit to pass or have access to mining camps under section 9 of the Labour Code*

**35.** A permit to pass or to have access to mining camps under section 9 of the Labour Code must be applied for in writing and must mention the name of the owner or mining concession holder, or the name of the subcontractor(s), the reasons for applying for the permit, the territory for which it is sought and the association represented by the applicant. Moreover, the said permit shall mention whether employees are living on lands under the owner's control.

**36.** When issued, a permit shall state the name of the representative, the name of the association represented, the territory concerned and the term for which it is issued.

The permit is valid only when countersigned by the representative.

**37.** The labour commissioner-general shall forthwith advise the owner, the mining concession holder or the subcontractor referred to in the permit and send him a copy thereof.

*§5. Amendment*

**38.** A labour commissioner may allow a party to amend a petition, a complaint or its claims ; the labour commissioner shall determine when and how it may be done.

A certification agent may also allow a party to amend a petition ; the certification agent shall determine when and how it may be done. However, such amendment may only concern subparagraph *a* to *e* of the first paragraph of section 9 hereof and must be accepted by the parties concerned.

**DIVISION V**  
**MISCELLANEOUS**

*§1. Appeal*

**39.** At any time a party may obtain a copy of the recording of the testimony at 15 \$ for each tape. A party may obtain from the stenographer a copy of the stenographic notes, provided it pays the fees for such notes.

*§2. Forms*

**40.** For the purposes of the Labour Code and of this Regulation, the parties may use the forms supplied by the labour commissioner-general. Such forms are only suggested models and their use is not mandatory.

*§3. Files*

**41.** The labour commissioner-general supplies a copy of the petition for certification or of the decision of a certification agent or labour commissioner to all parties concerned.

Upon request, he may also supply a copy of any decision handed down by himself, by a labour commissioner or by a certification agent, and a copy of any collective agreement, at 0,25 \$ for each page.

**42.** The collective agreement to be filed, pursuant to section 72 of the Labour Code, is accepted when the following conditions are met :

(a) the names of the association and the employer are the same as those appearing in the certification ;

(b) the copies or the true copies of the collective agreement are signed by the association and by the employer ;

(c) the collective agreement is dated ;

(d) the collective agreement is written in the official language.

**43.** The office of the labour commissioner-general issues a certificate attesting to the filing of a collective agreement ; if necessary, it informs the party that has filed the collective agreement of the reason for the refusal of the filing.

**44.** When an identical collective agreement concluded between an employer's association and an employees' association is filed, section 72 of the Labour Code is considered as having been respected by each employer governed by this agreement, if the said employer has authorized, in writing, his association to sign and to file this agreement and if it includes his address, his file number and the number of employees concerned.

## **SCHEDULE I**

(s. 5)

### **QUÉBEC AND MONTRÉAL OFFICES**

For the purposes of section 27 of the Labour Code (R.S.Q., c. C-27), the Québec and Montréal offices respectively serve the following administrative regions :

#### **Québec offices**

##### **Region No. 1 :**

**Bas-Saint-Laurent and Gaspésie (Lower St. Lawrence and the Gaspé Region)**

- sub-region 01 : Gaspé
- sub-region 03 : Sainte-Anne-des-Monts

##### **Region No. 2 :**

**Saguenay-Lac-Saint-Jean**

- sub-region 01 : Chicoutimi
- sub-region 04 : Roberval

##### **Region No. 3 :**

**Québec**

- sub-region 01 : Rivière-du-Loup
- sub-region 03 : Québec
- sub-region 04 : Chaudière

##### **Region No. 4 :**

**Trois-Rivières**

- sub-region 01 : Bois-Francs
- sub-region 03 : Mauricie

##### **Region No. 9 :**

**Côte-Nord (North Coast)**

- sub-region 01 : Saguenay
- sub-region 03 : Mingan

#### **Montréal offices**

##### **Region No. 5 :**

**Cantons de l'Est (Eastern Townships)**

##### **Region No. 6 :**

**Montréal**

- sub-region 01 : Granby
- sub-region 02 : Saint-Jean
- sub-region 03 : Beauharnois
- sub-region 04 : Saint-Hyacinthe
- sub-region 06 : Greater Montréal
- sub-region 07 : Richelieu
- sub-region 08 : Joliette
- sub-region 09 : Terrebonne

##### **Region No. 7 :**

**Outaouais (Ottawa Valley)**

- sub-region 01 : Hull
- sub-region 03 : Labelle

##### **Region No. 8 :**

**Nord-Ouest (North-West)**

- sub-region 01 : Rouyn-Noranda
- sub-region 03 : Abitibi

##### **Region No. 10 :**

**Nouveau-Québec (New Québec).**

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O.C. 3361-69, (1969) 101 O.G., 6290 and 6532

O.C. 792-70, (1970) 102 O.G., 1820

O.C. 2289-70, (1970) 102 O.G., 3695

O.C. 665-79, (1979) 111 G.O., 2451



c. C-27, r.4

## **Regulation respecting the remuneration of members of the councils of arbitration and courts of arbitration and the place of sittings under the Labour Code**

Labour Code  
(R.S.Q., c. C-27, s. 103)

### **DIVISION I FEES AND TRAVEL ALLOWANCES OF THE MEMBERS OF A COUNCIL OF ARBITRATION AND OF A COURT OF ARBITRATION**

**1.** For a sitting of the council of arbitration or of the court of arbitration for the choice of president, members receive 15 \$.

**2.** For a full day of work, that is 2 sittings, the fees are established as follows :

(a) the president of the council of arbitration or of the court of arbitration receives 200 \$ ;

(b) if one of the above-mentioned persons already receives a salary from the Government, he shall receive 150 \$ ;

(c) the other members of the council of arbitration or of the court of arbitration receive 50 \$.

**3.** For a sitting of a half day's duration or an evening :

(a) the president of the council of arbitration or of the court of arbitration receives 100 \$ ;

(b) if one of the above-mentioned persons already receives a salary from the Government, he shall receive 50 \$ ;

(c) the other members of the council of arbitration or of the court of arbitration receives 15 \$.

**4.** When a day of inquiry includes 3 sittings, the fees to be paid are those established in section 2.

**5.** The sessions for the private sittings and the drafting of the award are remunerated according to sections 2, 3 and 4.

However, the fees for this purpose must not be paid for a duration exceeding 3 full days.

**6.** For a trip of 80 kilometres (50 mi.) to and from the destination, travel allowances are as follows :

(a) the president of the council of arbitration or of the court of arbitration receives 35 \$ ;

(b) the other members of the council of arbitration or of the court of arbitration receives 30 \$.

**7.** (1) The actual stopover fees in a hotel establishment are reimbursed upon presentation of receipts.

(2) The actual costs for meals are reimbursed without receipts up to 15 \$ per full day. If the trip lasts less than a full day, actual costs for meals are reimbursed without receipts up to 2,75 \$ for breakfast, 5 \$ for lunch and 7,25 \$ for dinner.

(3) The actual transportation costs are reimbursed upon presentation of receipts. If a member of the council of arbitration or of the court of arbitration travels by car, he is reimbursed at the rate of 0,11 \$ per kilometre (0,18 \$ per mile).

**8.** The fees and expenses of the members of the council of arbitration are payable by the Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu.

All statements of fees and expenses must be submitted in duplicate, accompanied by vouchers and verified by the government employee appointed for this purpose by the Minister of Labour, Manpower and Income Security.

**9.** Unless otherwise provided in the collective agreement, the parties assume jointly and equally the payment of fees and expenses for the president of the court of arbitration. Each party pays the salary and the expenses of the members of the court that it has chosen.

**10.** An indemnity shall be paid in accordance with the terms and conditions set forth in sections 2 and 3 to available arbitrators within the scope of the activities of the accelerated grievance arbitration service and who have not heard grievances.

The credit required for payment of such indemnities shall be taken from the budget of the Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu.

**DIVISION II**  
**PREMISES FOR SITTINGS FOR THE**  
**ARBITRATION OF GRIEVANCES**

**11.** In Québec and Montréal, the inquiry and hearing sittings must be held whenever possible, in the premises that the Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu keeps at the disposal of those parties concerned.

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O.C. 563-76, (1976) 108 O.G.II, 2187  
O.C. 2822-76, (1976) 108 O.G.II, 5331  
O.C. 2695-78, (1979) 111 G.O., 6653  
O.C. 1163-80, (1980) 112 G.O.II, 1845





c. C.M., r.1

## Regulation respecting the application of article 161a of the Municipal Code

### Municipal Code

**1.** Unless otherwise provided for in this Regulation, the documents in the custody of the secretary-treasurer must be kept permanently.

**2.** On resolution of the council, the originals and copies of the documents referred to in section 1 may be withdrawn from the custody of the secretary-treasurer and sent to the Keeper of the Archives nationales after an agreement with the latter where they date back to over 30 years ago.

**3.** On resolution of the council, the originals and copies of the following documents may be withdrawn from the custody of the secretary-treasurer and sent to the Keeper of the Archives nationales after an agreement with the latter, effective from the day given in each case :

(a) any traffic circulation plan showing the location of traffic lights, maximum speed limits, one-way streets and other provisions related to the control of traffic and parking : effective from the day on which the new traffic circulation plan is put into force ;

(b) any construction plan of a municipal building : effective from the day on which the building is substantially destroyed ;

(c) any plan of a park or playground : effective from the day on which the park or playground ceases to exist, or effective from the day on which its facilities are substantially modified through the destruction, removal or moving of structures and equipment ;

(d) any report, paper or other document submitted by an officer : effective from the date of the resolution of the council provided for in this section ;

(e) any document establishing the results of a municipal census : effective from the day on which the preparation of a document establishing the results of a subsequent municipal census relating to the same subjects is completed ;

(f) any periodic report made to the council by the chief of police on the activities of his service : upon the ex-

piry of a 2-year period beginning on the day on which the report is sent ;

(g) any budget : upon the expiry of a 10-year period beginning on the day on which it was adopted by the council ;

(h) any account book or part thereof : upon the expiry of a 10-year period beginning on the day on which the most recent entry was made in the account book or part thereof ;

(i) any report of the chairman of a municipal election : upon the expiry of a 6-year period beginning on the day on which it is sent to the secretary-treasurer ;

(j) the report of the auditors : upon the expiry of a 6-year period beginning on the day on which it is filed with the council.

**4.** The secretary-treasurer shall submit to the council an inventory of the documents that will be sent to the Keeper or destroyed.

**5.** The documents sent to the Keeper of the Archives nationales must be accompanied by an inventory.

**6.** Despite section 2, on resolution of the council, the originals and copies of the following documents may be withdrawn from the custody of the secretary-treasurer and destroyed, effective from the day given in each case :

(a) any debenture redeemed or note repaid : upon the expiry of a 31-year period beginning on the date due ;

(b) any interest coupon paid : upon the expiry of a 6-year period beginning on the date due ;

(c) any voucher in support of a financial transaction, namely the receipts and expenditures of the municipal corporation : upon the expiry of a 10-year period beginning on the day on which the transaction was completed to the satisfaction of the parties.

**7.** The documents must be destroyed in the presence of the secretary-treasurer and a councillor. As soon as the documents are destroyed, the secretary-treasurer and the councillor must attest the fact at the bottom of a suitable inventory, by means of a sworn statement bearing their signatures and duly dated.

**8.** The sworn statement and the inventory prescribed in section 4 may not be destroyed. A copy thereof must be sent to the Keeper of the Archives nationales.

**9.** The Keeper of the Archives nationales may, after consultation with the municipality, destroy the documents enumerated in section 3.

**10.** The documents destroyed in accordance with this Regulation are no longer part of the archives of the municipality.

**11.** The Keeper of the Archives nationales may issue copies of the documents that were sent to him to anyone who makes a request therefor. He must do so where the request is addressed to him through the secretary-treasurer, pursuant to section 12.

**12.** The secretary-treasurer must issue, to anyone making a request therefor, copies of the documents kept at the office of the municipality and copies of the documents sent to the Keeper of the Archives nationales upon payment of the fees exigible under the law.



c. C.M., r.2

## **Tariff of fees payable to election officers pursuant to article 256 of the Municipal Code**

### **Municipal Code**

**1.** Pursuant to article 256 of the Municipal Code, the tariff of fees, costs and disbursements payable to the election officers, members of the committee of revision of the schedule to the valuation roll other than the presiding officer, and the persons designated herein who carry out any duties related to a municipal election is the following :

(a) **presiding officer** : 0,23 \$ per elector for the first 2 500 electors entered on the electoral list ; 0,07 \$ per elector for the next 22 500, and 0,025 \$ for the remainder.

In no case may the presiding officer receive less than 200 \$ or more than 4 000 \$.

The presiding officer is also entitled to 200 \$ for the polling day ;

(b) **election clerk** : three-quarters of the presiding officer's fee ;

(c) **enumerators** : 35 \$ plus 0,30 \$ per name ;

(d) **members of the committee of revision** : 66 \$ per day of sitting ;

(e) **deputy presiding officers** : 66 \$, meals included ;

(f) **poll-clerks** : 55 \$, meals included ;

(g) **special constables** : 44 \$, meals included.



c. C.M., r.3

**Tarif d'honoraires pour la délivrance de  
documents faisant partie des archives  
d'une municipalité suivant l'article 171  
du Code municipal**

Municipal Code

See French Edition



c. C-29, r.1

**Regulation respecting the admission of students to a college of general and vocational instruction and the related or ancillary powers that a college may exercise**

General and Vocational Colleges Act  
(R.S.Q., c. C-29, s. 18)

**1.** To be admitted to a college, a student must :

- (a) fulfill the general conditions for admission to pursue college studies under the Regulation respecting college level studies (c. C-60, r.5) ;
- (b) meet the specific requirements of the program selected ;
- (c) fulfill the particular conditions of the college ;
- (d) register at the college on the dates determined by the principal.

**2.** Registration for each course normally takes place before the beginning of the term. For serious reasons the executive committee of the college may order a new registration to be held during the term.



c. C-29, r.2

## **Regulation respecting the conditions of employment of senior and management staff of general and vocational colleges**

General and Vocational Colleges Act  
(R.S.Q., c. C-29, s. 18)

### **PART I REMUNERATION POLICY GENERAL PROVISIONS**

**1.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “college” : a college established under the General and Vocational Colleges Act (R.S.Q., c. C-29) and under the Act respecting the Collège régional du Saguenay — Lac Saint-Jean (S.Q., 1975, c. 120) ;

(b) “Minister” : the Minister of Education ;

(c) “person or personnel” : the senior and management staff of colleges ;

(d) “body in the education sector” : a school board, regional school board or a general and vocational college ;

(e) “association” : the Association des cadres et des gérants des collèges du Québec ;

(f) “pavillon” : group of premises used for instruction or services in which distinct campus or college administrative units are not located ;

(g) “campus” : designates firstly the place in which the premises used for instruction and services (viz. residence halls, sports centres) are situated and secondly, the group of instructional units and services diversely under the administration of the college or associated thereto ;

(h) “administrators” : principals and assistant principals, senior and management staff of bodies in the education sector.

**2.** **Field of application :** Unless there are express provisions to the contrary, this Regulation applies to all senior and management staff of colleges.

### **CHAPTER I RULES DETERMINING STAFF SIZE**

#### **3. Jurisdiction :**

(1) This Chapter includes the specific and general administrative rules respecting the determination of the number of staff of senior executive and senior and management staff in a college.

(2) Such rules shall apply to the colleges classified in the following 4 categories :

(a) category 1 : college with a single campus, with or without a pavillon ; college with a single campus and main office ;

(b) category 2 : a college with several campuses with the college main offices situated at the main campus. Other campuses come under its administration ;

(c) category 3 : a regional college governed by the General and Vocational Colleges Act, a college with main offices and one or several campuses under its administration ;

(d) category 4 : regional college governed by the Act respecting the Collège régional du Saguenay — Lac Saint-Jean (S.Q., 1975, c. 120), college with main offices and regrouping colleges with a view to overall planning and the planning of certain services.

#### **General rules**

**4.** The administrative rules shall indicate the maximum number of positions for groups of senior executives and senior staff in every category of college.

**5.** In the case of plurality of duties, the classification of the senior executive shall be made in accordance with the classification rules prescribed in Division I of Chapter III.

**6.** The size of every college shall be established by the total clientele defined in accordance with the provisions described in Division I of Chapter III.

**7.** The maximum number of positions of senior executive and senior staff for colleges with a single campus (category 1) is as follows :

(a) for colleges with 1 000 to 5 499 students : senior executives and senior staff

| Clientele \ Staff  |              |              |              |              |              |              |              |              |              |  |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--|
|  | 1000 to 1499 | 1500 to 1999 | 2000 to 2499 | 2500 to 2999 | 3000 to 3499 | 3500 to 3999 | 4000 to 4499 | 4500 to 4999 | 5000 to 5499 |  |
| Maximum number of positions authorized for levels 0, 1 and 2 | 9            | 10           | 11           | 12           | 13           | 14           | 15           | 16           | 17           |  |

(b) colleges with less than 1 000 students and those with more than 5 500 shall be the subject of a study and preliminary authorization by the Minister for the allocation of the number of positions of senior executives and senior staff.

**8.** Taking into account special and exceptional situations, the Minister may, after studying the request made by the college, authorize the addition of a senior staff position to the number of positions permitted by the administrative rules in the Table of section 7.

**9.** The maximum number of senior executive and senior staff positions for multi-campus colleges (category 2) shall be identical to that of single campus colleges, unless, after the case has been studied by the Minister, it is shown that it is necessary to increase such number.

**10.** The maximum number of senior executive and senior staff positions for regional colleges (categories 3 and 4) shall be determined by the Minister.

**11.** The college shall establish the rules determining the size of its management staff.

**12.** If the total clientele on 20 September is less than the minimum clientele of the class serving to determine the maximum number of senior staff positions for the current year, the college is entitled to a maximum period of one year to effect an administrative reorganization and readjust its staff.

**13.** The Minister may recognize a senior or management staff position not appearing in Chapter II in the case of exceptional situations, such as the realization of experimental administrative structures or the position of in-

dividual pedagogical aid not provided by a senior staff member.

**14.** The coordinator of individual pedagogical aid in office in 1971-72 shall be considered as senior staff level 2 (C-2). Such position is included in the maximum number of authorized senior staff positions.

## CHAPTER II JOB CLASSIFICATION AND ELIGIBILITY REQUIREMENTS

### DIVISION I JOB CLASSIFICATION

**15.** The classification system for management positions contains the following categories :

(a) senior staff, subdivided into the subcategories of :

- i. senior staff of services levels 1 and 2 ;
- ii. senior staff of a campus levels 1 and 2 ;

(b) management staff divided into the subcategories of :

- i. superintendents ;
- ii. foremen.

**16.** An employment group is a unit in the classification system in which may be grouped a number of positions with similar characteristics with respect to their nature and the complexity of the work and as to the qualifications and skills required.

**17.** Some employment groups include subdivisions defining specific work activities and duties.

**18.** The definition of every position is a definitional type used as reference to describe the responsibilities of a person in a specific position.

**19.** A position may include all or some of the assignments and responsibilities of more than one position.

**20.** The classification of college staff positions appears in Schedule I.

**21.** If no employment group described in this Chapter is suitable to the classification of a given position, the interested organization shall submit the case to the Minister.

The submitted file must contain the following :

- (a) a detailed description of the position ;

(b) the rank of such position in the structure of the body ;

(c) the qualifications required by the body in order to fill such position.

## **DIVISION II ELIGIBILITY REQUIREMENTS**

**22.** The qualifications determined in the job classification constitute minimum requirements.

**23.** A person who has, on 7 December 1977, a senior or management staff position shall be considered eligible for such position or any other position at the same level or at a lower level in the same field of activities in every college.

**24.** If a college is unable to find a candidate qualified for a given position, it may appoint a candidate who does not have the required academic background for the performance of such duties but who has more relevant experience than the required minimum.

**25.** A college may appoint, to a given position, a candidate whose background meets the eligibility requirement and whose exceptional qualities compensate for less experience than that prescribed in the eligibility requirements.

**26.** The equivalence prescribed in sections 24 and 25 shall be established by the college after consulting its senior staff and management staff with a view to determining the manner of applying such principles.

**27.** The manner of application includes the formation of equivalence committees and the composition, mandate, convening procedures and the functioning of the said committees.

**28.** Every problem resulting from the application of sections 23 to 28 shall be submitted to interested senior staff association.

## **CHAPTER III JOB CLASSIFICATION PLAN**

### **General provisions**

**29.** Classification plans shall be used to determine the remuneration of the personnel.

**30.** The Minister shall determine the classification plans for staff positions in cooperation with the colleges and after consulting the interested associations.

**31.** Classifications for every level of management shall be determined as a function of the nature and complexity of the responsibilities inherent in each position.

**32.** Every classification includes one or several classes which shall be determined by school clientele or by other criteria suitable to certain classifications.

**33.** A year of experience corresponds normally to a continuous year of experience in a senior or management staff position.

**34.** Continuous experience is defined as uninterrupted experience in a staff classification.

**35.** A change of college does not interrupt the continuity of experience for the purposes of remuneration.

**36.** The continuity of experience shall not be affected where the person has been reassigned outside the plan in accordance with procedures respecting the administrative and school reorganization.

**37.** The duration of the interruption contemplated in sections 35 and 36 shall not be added to the years of experience in a position.

**38.** The continuity of experience shall not be affected where the person is absent following a prescribed leave authorized (with or without pay) by the college.

**39.** The duration of such interruption shall either be added or not added to the continuous years of experience in a position in accordance with the prior agreements authorizing the leave.

## **DIVISION I CLASS**

**40.** The class of a position shall be determined in accordance with the classification retained for such position in the classification plans for the positions and according to class.

**41.** In the case of a position comprising the total assignments and responsibilities for more than one position at the same level of administration or management, the highest classification shall apply.

**42.** Subject to section 47, class shall be determined in relation to the total clientele of all the positions.



**43.** Total clientele includes the student clientele (the clientele of regular sessions enrolled on 20 September and summer session clientele) and the adult clientele.

**44.** Total clientele is calculated by the number of students, converted into full-time equivalents, enrolled in all the programmes at the college level, described in the Annual Bulletin of College Instruction.

**45.** For the purposes of this Chapter, every 600 hours of instruction provided to adults during the preceeding school year shall be counted as one full-time student.

**46.** For the purposes of this Chapter, every 500 hours of instruction provided to adult students enrolled for summer session is counted as one full-time student.

**47.** The determination of class for the position of general maintenance foreman is based on the eligibility requirements of floor space and for the position of superintendent of community services on the number and nature of establishments.

#### **Change in class of a college**

**48.** Change in class shall be made on 1 October of every school year for the school year in progress.

**49.** Changes in staff salary prescribed in section 48 shall be made on 1 October in accordance with the provisions of reclassification as defined in Division III of Chapter IV and have effect from the preceding 1 July.

#### **DIVISION II CLASSIFICATION PLAN**

**50.** The classification plans for staff positions are described in Tables 1 to 3 of Schedule II.

**51.** Special cases include every position that is not classified in the classification plan described above and which is classified in the classification plan for which no class exists in the corresponding remuneration plan.

**52.** Every special case shall be the subject of a special analysis and suitable decision by the Minister transmitted to the interested college.

### **CHAPTER IV REMUNERATION**

#### **DIVISION I SALARY SCALE**

**53.** The readjusted salary scale of 30 June 1979 is given in Table 1 of Schedule III.

**54.** The readjusted salary scale of 30 June 1980 is given in Table 2 of Schedule III.

**55.** The 1979-1980 and 1980-1981 personnel salary scales are given in Tables 3 and 4 of Schedule III.

**56.** For the year 1979-1980, the minimum and maximum rates of the readjusted salary scales of 30 June 1979 are increased by 7%.

**57.** For the year 1980-1981, the minimum and maximum rates of the 1979-1980 salary scales are increased by 7%.

#### **DIVISION II SALARY READJUSTMENT ON 30 JUNE AND ANNUAL INCREASE OF 1 JULY**

**58.** Salary of personnel is revised, where applicable, on 30 June 1979, in order to take the salary scale readjustment on that date into account, through applying the salary readjustment formula prescribed in Table 5 of Schedule III.

**59.** The same formula is used *mutatis mutandis* for the salary readjustment on 30 June 1980 for managers at the foreman level.

**60.** The annual increase is granted on 1 July of each year.

**61.** The annual increase is granted to a person in office on 30 June and still in office on the following 1 July.

**62.** Every change comprising a promotion, transfer, demotion, reassignment or reclassification from one school year to another shall be made by first granting the annual promotion and then the promotion, transfer, demotion, reassignment or reclassification.

**63.** The annual salary increase of a staff member must take into account his position in the salary scale as well as the duration of employment.

**64.** Annual increase corresponds to annual promotion.

**65.** The annual increase with respect to evaluation shall be established proportionate to the performance (null, unsatisfactory, good, excellent, exceptional) of the staff.

**66.** The college must institute a system for evaluating its staff.

**67.** The annual increase may consist either of a salary increase or a lump sum, or of both a salary increase and a lump sum.

**68.** Annual increases are determined in 2 steps :

- (a) by computing a total payroll for that purpose ;
- (b) by dividing up that payroll.

**69.** The total payroll for the payment of annual increases to personnel for the year 1979-1980, including lump sums, consists of :

(a) 9,5% of the total readjusted annual salaries on 30 June 1979 for senior and management staff at the superintendent level in office on 30 June and still in office on 1 July, 8% of which may be used as salary increases, and the difference between 9,5% and the percentage used for salary increases which may be used for lump sums ; and

(b) 7% of the total readjusted annual salaries on 30 June 1979 for managers at the foreman level, which may be used for salary increases.

**70.** The total payroll for paying annual increases to staff for the 1980-1981 year, including lump sums, consists of :

(a) 9,5% of the total annual salaries for senior and management staff at the superintendent level in office on 30 June and still in office on 1 July, 8% of which may be used for salary increases and the difference between 9,5% and the percentages used for salary increases, which may be used for lump sums ; and

(b) 7% of the total readjusted annual salaries on 30 June 1980 for managers at the superintendent level, which may be used for salary increases.

**71.** The college is not bound to divide up all of the total.

**72.** The annual increase for a level 1 senior staff member is set at a percentage of between 0% and 13% of his annual salary established on 30 June, readjusted where applicable.

**73.** The annual increase for a level 2 senior staff member and for a manager is set at a percentage of between 6% and 13% of his annual salary established on 30 June, readjusted where applicable.

**74.** A person's new salary resulting from the enforcement of sections 72 and 73 must not exceed the maximum salary rate in his new scale. A person whose salary reaches the maximum rate of his new salary scale may be granted a lump sum not exceeding 2,5% of his annual salary on the preceding 30 June.

### **DIVISION III GENERAL PLAN FOR SALARY ADMINISTRATION**

#### *§1. First appointment*

**75.** The first appointment consists of the assignment of any person to a position governed by the classification plans of senior and management staff prescribed in Schedule II.

**76.** Where the person contemplated by a first appointment to a position governed by this Regulation comes from outside the education sector, his salary shall be established by taking into account his background and experience as well as the eligibility requirements of the position.

Where the person contemplated by a first appointment to a position governed by this Regulation comes from within the education sector, he shall receive either the minimum rate prescribed in the salary scale of his new class or the rate of salary which ensures him an annual increment of up to 15% of his former annual salary, whichever is greater, without however exceeding the maximum rate provided in his new salary scale.

**77.** Such new salary shall be determined by taking for the basis of calculation, the salary such person received or would have received during the course of the year of his first appointment to a position of senior or management staff in accordance with the salary scales in force on the date of his first appointment.

#### *§2. Promotion within the plan*

**78.** Promotion within the plan consists of the appointment of staff from another position governed by the classification plans of this Regulation, but in a class having a salary scale whose maximum rate prescribed in the salary scale of his new class is higher than that of his former class.

**79.** The person promoted shall receive, effective from the date of his promotion, the salary prescribed in the salary scale of his new class which ensures him an annual increase in salary that may attain 10% of the salary received prior to promotion without however exceeding the maximum rate prescribed in the salary scale of his new class.

### §3. *Transfer*

**80.** Transfer consists of the appointment of a person to another position governed by the classification plans of this Regulation, but in a class having a salary scale whose maximum rate prescribed in the salary scale of his new class is identical to that of his former class.

**81.** A transferred person continues to receive effective from the date of his transfer, in his new class, the same rate of salary as received in his former class.

### §4. *Demotion within the plan*

**82.** Demotion within the plan consists of the appointment of a person to another position governed by the classification plans of this Regulation, but to a class with a salary scale whose maximum rate prescribed in the salary scale of his new class is less than that of his former class.

**83.** Demotion within the plan may be voluntary, punitive or administrative.

### §5. *Voluntary demotion*

**84.** Demotion is voluntary where it follows the request of a person and is accepted by the college.

**85.** In such case, the person who is the subject of a voluntary demotion shall receive, effective upon the date of his demotion, the rate of salary prescribed in the salary scale of his new class which corresponds to a decrease in salary equal to the smaller of the following 2 amounts :

(a) the difference between the maximum rate of his former class and the maximum rate of his new class ;

(b) a decrease of 10% of the salary received before demotion, without however having the new salary exceed the maximum salary prescribed in the salary scale of his new class.

**86.** The college may grant a person who is the subject of a voluntary demotion the benefits prescribed in section 92.

### §6. *Punitive demotion*

**87.** Demotion is punitive where it is the result of a decision taken by the college and comprises a disciplinary measure.

**88.** In such case, the annual increase is not acquired.

**89.** The person thus demoted shall receive, effective from the date of such demotion, the salary prescribed in the salary scale of his new class which corresponds to a decrease of salary equal to the smaller of the following 2 amounts :

(a) the difference between the maximum rate of his former class and the maximum rate of his new class ;

(b) a decrease of 10% of the salary received before demotion without however having his new salary exceed the maximum rate of the salary prescribed in the salary scale of his new class.

### §7. *Administrative demotion*

**90.** Demotion is administrative where it is the result of a decision by the college.

**91.** The person thus demoted receives, effective from the date of his demotion, the salary prescribed in the salary scale of his new class which corresponds to a decrease in salary equal to the smaller of the following 2 amounts :

(a) the difference between the maximum salary of his former class and the maximum of his new class ;

(b) a decrease of 10% of the salary received before demotion, without however having the new salary exceed the maximum salary prescribed in the salary scale of his new class.

**92.** The person thus demoted shall be entitled to the procedures of salary readjustment described in Division II of Chapter VI. Moreover, in the case of mutual agreement, the provisions prescribed in Division I of Chapter VI shall apply.

### §8. *Reassignment outside the plan*

**93.** Reassignment outside the plan consists of the reassignment to a post which is not governed by the classification plans of this Regulation or the Regulation respecting the conditions of employment of principals of general and vocational colleges (c. C-29, r.3).

**94.** The working conditions of a person thus reassigned outside the plan are those prescribed for the new position to which he is assigned.

**95.** Reassignment outside the plan is administrative where it is the result of a decision made by the college.

**96.** The provisions of internal and external reassignment prescribed in Division I of Chapter VI, with the exception of sections 177 and 180, shall apply to a person affected by an administrative reassignment outside the plan. Moreover, in the case of mutual agreement, the provisions prescribed in Division II of Chapter VI shall apply.

**97.** In the case of voluntary reassignment outside the plan, the college may grant the person thus reassigned the benefits prescribed in section 96.

#### *§9. Reclassification*

**98.** Reclassification consists of the assignment of a person to another class comprising a salary scale whose maximum rate of salary is higher or lower than that of his former class, provided such person retains the same classification in the same college.

**99.** A person whose class is changed to a class which has a salary scale whose maximum salary is higher than that of his previous class shall receive, effective from the date of reclassification, the salary prescribed in the salary scale of his new class which shall ensure him an annual increase in salary equal to the difference between the maximum rate of his new class and the maximum rate of his former class.

**100.** A person thus assigned a new class with a salary scale whose maximum rate is less than that of his previous class shall continue to receive, effective from the date of reclassification into a new class, the same salary as received in his former class.

**101.** Where the salary of the reclassified person is higher than that of the maximum salary of the new class, such person shall receive the salary prescribed for the new class. In such case, the interested person shall be entitled to a lump sum payment equal to the difference between his salary and the maximum rate of his new class in order to allow him to maintain his remuneration for a period that shall not exceed one year effective from the date of his reclassification.

#### *§10. Temporary assignment*

**102.** Temporary assignment contemplates every person temporarily assigned to a position in the senior or management staff in the absence of the office holder in order to ensure the permanence and continuity of administration.

**103.** Annual vacations of a person do not constitute an absence within the meaning of section 102.

**104.** Where it is expedient to temporarily assign a person, such person shall receive, effective from the date of his assignment and for the duration of his assignment, a salary supplement determined pursuant to sections 105 to 107.

**105.** The difference between the annual salary prescribed by the application of section 106 and the annual salary of such person in his former salary scale shall constitute the annual salary supplement.

**106.** The salary prescribed for the new classification shall be determined, for the duration of the assignment pursuant to the provisions of this Division, as if the assignment were permanent.

**107.** The actual salary supplement shall be determined proportionate to the duration of the temporary assignment.

#### *§11. Provisional appointment*

**108.** For the purposes of sections 109 to 111, provisional appointment is defined as follows :

(a) the terms of the appointment shall be established prior to the provisional appointment ;

(b) when the term of office is finished, the appointment automatically ends, without further notice ;

(c) in order to continue, such appointment must be explicitly renewed whenever the term of office ends, or at least once a year ;

(d) the total duration of the provisional appointment of a person must not exceed 24 months.

**109.** Sections 108 to 111 do not apply to persons performing at present the duties of senior and management staff contemplated by this Regulation unless such persons are already the subject of a provisional appointment.

**110.** The college shall use the provisions of provisional appointment every time it anticipates that a position to be filled will cease to exist in a limited period of time.

**111.** In the case where it is expedient to make a provisional appointment, the person so appointed shall receive, effective upon the date of such appointment and for the duration of the appointment, a salary supplement determined in the same manner as for temporary assignments.

#### *§12. Administrative assignment*

**112.** Administrative assignment consists of the appointment, on a temporary basis, of a person to a position with a lower salary scale as a result of a decision made by the college in view of instituting and applying a management policy requiring competence from such person.

**113.** The person thus assigned to a new position in the plan shall continue to receive effective from the date of his administrative assignment the same salary as that of his former classification.

### **DIVISION IV ALLOWANCES RESPECTING ISOLATION AND DISTANCE**

**114.** This Division treats the retainer allowances for the staff of the Collège régional d'enseignement général et professionnel de la Côte-Nord (Mingan campus).

**115.** The person performing duties in the territory of the Mingan campus of the Collège régional d'enseignement général et professionnel de la Côte-Nord is entitled every year to a retainer allowance as an annual premium equivalent to 8% of his salary.

### **DIVISION V FRINGE BENEFITS**

#### *§1. Integrated pension and insurance plan*

**116.** The staff receives the protection of an integrated pension and insurance plan which includes the following benefits :

- (a) health insurance ;
- (b) salary insurance ;
- (c) life insurance ;
- (d) pension plan for widows (or disabled widowers) ;
- (e) pension plan for orphans.

**117.** Participation in the plan is obligatory.

**118.** The rate of contribution by staff to the plan shall be fixed at 0,6% of annual salary.

**119.** Participation by a person in the plan shall terminate on the first of the following dates :

- (a) the date on which the participant leaves a position of senior or management staff ;
- (b) the date of his retirement.

#### *§2. Bank of sick leave days*

### **Establishment and approval of bank of days**

**120.** The coming into force of this integrated pension and insurance plan of sick days on 1 January 1974 terminates the accumulation of sick days with or without cash surrender value in the bank of sick leave days for the staff.

**121.** The number of days accumulated for every employee shall be stopped 1 January 1974 when this plan is implemented or on the date a new senior or management staff member assumes duties.

**122.** For the establishment of the bank, the days accumulated by the person in another position in the service of the college or in a college succeeded by the latter, are taken into account.

**123.** The person who on 1 January 1974 benefitted from a salary guarantee plan or salary insurance shall have 8 days cumulative but non-cash surrender value days recognized for each of the years during which such person was covered by such plan.

**124.** The Minister shall proceed from declarations of the college and of the person who certifies the bank of sick leave days of any person who was in office when the said plan was implemented.

### **Reimbursement of days with cash surrender value**

**125.** Persons who, pursuant to a resolution or rule of the college were entitled to a bank of cash surrender sick days, retain their right to reimbursement of the days with cash surrender value accumulated on 1 January 1974 or on the date they assume duties, it being specified that even if no new day is credited, the percentage of reimbursable sick leave days shall be determined by considering the years of service prior as well as subsequent to 1 January 1974.

**126.** The terms and conditions of reimbursement prescribed in section 125 are those established by resolution or by rule in a college before 25 January 1972.

**127.** The provisions of this Division shall not effect the amendment of the value already fixed for days with cash surrender whose value has been determined by resolution or regulation of the college.

**Utilization for purposes of reimbursement of years not contributed to a retirement plan**

**128.** Days with cash surrender value credited to a person in office on 1 January 1974, may be used for the purpose of buying back previous years of service in the Government and Public Employees Retirement Plan (GPERP) or in the Teachers Pension Plan (TPP) where the Act allows such repurchase.

**129.** The monetary value of these days with cash surrender value shall be established in accordance with the annual salary of the person at the time the repurchase is made proportionate to the percentage of cash surrender value acquired at the time of repurchase.

**130.** Where the percentage of cash surrender is less than 50%, the value of the cash surrender days shall be established pursuant to the sections 131 and 132 respecting the use of days with no cash surrender value.

**131.** Days with no cash surrender value credited to a person in office on 1 January 1974, may be used for purposes of repurchasing years for which no contribution was made to the Government and Public Employees Retirement Plan (GPERP) or in the Teachers Pension Plan (TPP) where the Act allows such repurchase.

**132.** The value of days with no cash surrender value shall be established in accordance with the annual salary of the senior or management staff member at the time the repurchase is made at 50% of the value such days would have if they were cash surrender value days.

**Use for purposes of pre-retirement**

**133.** Days with cash surrender value credited to a person in office on 1 January 1974, may be used for purposes of pre-retirement at the rate of one day of pre-retirement for every day with 100% cash surrender value.

**134.** Days with less than 100% cash surrender value may be used for the same purpose proportionate to their value.

**135.** Where the percentage of cash surrender value is less than 50%, the value of days with cash surrender value for purposes of pre-retirement shall be established pursuant to section 136 respecting the use of days without cash surrender value.

**136.** Days without cash surrender value credited to a person in office on 1 January 1974 may be used for the purposes of pre-retirement at one half-day of pre-retirement for every day without cash surrender value.

**Other uses**

**137.** Sick leave days credited to a person completed on 1 January 1974 or on the date such person assumed senior or management staff duties, may be used where the resolutions of the college adopted before 25 January 1972 planned for such use, particularly for purposes of professional improvement or maternity leave.

**138.** At the time of a reassignment outside the plan, the terms and conditions of use for the banks of sick leave days completed on 1 January 1974, or on the date a new staff member assumed duties, shall be determined by the rules of use prescribed for the staff category to which the person is demoted.

**Retirement plan**

**139.** The Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), shall apply to staff of colleges, subject to sections 5 to 14 of this Act.

**DIVISION VI  
EMPLOYMENT BENEFITS**

**§1. Annual vacations**

**140.** The college shall determine the dates for annual vacations after consulting the staff.

**141.** Staff annual vacations shall be 20 working days or 25 working days if the person has 15 years of continuous service in the employ of the college.

**142.** Vacations are acquired at the end of every contractual year.

**143.** For every part of a year of employment, annual vacations are calculated on a *pro rata* basis.

**144.** In the case of definitive cessation of employment, the persons unable to take all or a part of their acquired vacation shall receive a vacation indemnity on a *pro rata* basis for the duration of employment during the contractual year prior to departure.

**145.** Such indemnity shall be calculated on the basis of 1/260<sup>th</sup> of the annual salary for every day of vacation not taken.

## **DIVISION VII**

### **COST OF REPRESENTATION**

**146.** The college shall establish a policy for entertainment and representation : the college shall establish a list of senior staff members who may take on costs of representation and assume responsibility for the sums thus prescribed.

**147.** No expense incurred for such purpose may be reimbursed without the presentation of supporting vouchers.

## **CHAPTER V**

### **PROFESSIONAL IMPROVEMENT COURSES**

**148.** The general policy with respect to professional improvement courses for administrators of bodies of the education sector concerns the programmes of activities complementary to those which may be given by the body. These activities are defined, in particular, as additional financial assistance, counselling, organizational programmes, functional programmes and evaluation of needs.

**149.** Professional improvement includes programmes of activity increasing knowledge, developing skills or changing the attitudes of an employee in the performance of his duties.

**150.** Three types of professional improvement are contained within this definition : organizational, functional, or personal improvement :

(a) organizational improvement comprises the activities likely to improve the functioning of a service, establishment or body ;

(b) functional improvement comprises the activities aimed at perfecting the performance of a function ;

(c) personal improvement comprises the activities fulfilling a personal desire or need that is not directly related to the duties of the position.

**151.** Retraining applies to a range of activities which provide a complement of training considered necessary to a person in preparation for another position or for a change of assignments within the same position.

**152.** The Minister of Education establishes an overall professional improvement plan for all college administrators.

**153.** The Minister is advised by an advisory committee on professional improvement courses for college administrators. The Association des directeurs généraux des collèges, the Association des cadres et gérants des collèges du Québec, the Fédération des collèges d'enseignement général et professionnel and the Department are represented on the committee.

**154.** The sums allotted to the general professional improvement policy are determined annually by the Minister.

**155.** The advisory committee on professional improvement courses for college administrators establishes the criteria and principles for dividing up the sums allotted to the general professional improvement policy among the various groups of administrators concerned.

## **PART II**

### **POLICY RESPECTING STABILITY OF EMPLOYMENT**

#### **General provisions**

**156.** In this Part, unless the context indicates otherwise, the following words and expressions mean :

(a) "school and administrative reorganization" : a reorganization resulting from :

i. the application of an Act, a regulation of the Minister of Education or the application of an administrative policy approved by the Minister of Education ;

ii. a decrease in the student population ;

iii. an agreement between the college and its personnel ;

(b) "engagement" : the establishment of a relationship of employment between a person and the college ;

(c) "appointment" : the mandate entrusted to a person by the college ;

(d) "non-renewal of engagement" : the discontinuation of the relationship of employment of a person by the college at the end of the engagement if the end is specified ;

(e) "cancellation of engagement" : the discontinuation of the relationship of employment by the person himself or by the college during the mandate if the end of the engagement is unspecified ;

(f) "dismissal" : the discontinuation of the relationship of employment by the college for good reason at any time.

**157.** The college hires and appoints its personnel by resolution or by written contract.

**158.** If the college decides to cancel or not to renew the appointment (mandate) of a person, the latter keeps his relationship of employment, and the provisions respecting demotion or reassignment outside the plan apply.

**159.** The person who is dismissed, whose engagement is cancelled by the college or not renewed, may invoke the provisions respecting specific recourse prescribed in Division III of Chapter VII.

## CHAPTER VI PROCEDURES RESPECTING STABILITY OF EMPLOYMENT

### **160. Jurisdiction :**

(1) This Chapter applies to staff who have completed 2 years of service in the employ of the college.

(2) Notwithstanding subsection 1, this Chapter applies equally to staff who have less than 2 years of service and are relocated pursuant to external reassignment procedures prescribed in this Chapter.

(3) This Chapter shall not apply to persons who are the subject of a temporary assignment or of a provisional appointment.

**161.** The purpose of this Chapter is to ensure stability of employment, mobility and a better balance between available resources and positions taking into account qualifications, skills and staff aptitudes, job security in a sector and salary with respect to the position occupied.

## DIVISION I PROCEDURES RESPECTING REASSIGNMENT IN THE CASE OF AN EXCESS OF STAFF FOLLOWING A SCHOOL OR ADMINISTRATIVE REORGANIZATION AND IN THE CASE OF AN AGREEMENT BETWEEN THE COLLEGE AND ITS PERSONNEL

### *§1. Adjustment period*

**162.** In the case of a decrease in clientele, the college which has the number of senior and management positions decreased in accordance with rules for determination of number of staff established for the previous academic year shall be entitled to a maximum adjustment period of one year to readjust its senior staff and management staff totals.

### *§2. Availability*

**163.** Where it is expedient to reassign staff for reason of surplus, the college shall notify the local committee of the association and consult the latter on the means to be employed in order to readjust staff prior to putting staff on an availability list.

**164.** The college consider the possibilities for retiring, professional improvement, transfer or other movements for the purpose of readjusting its staff.

**165.** The college shall, where expedient, put its excess staff on an availability list following an educational or administrative reorganization or a mutual agreement.

**166.** In such case, the college shall determine the list of staff to be retained and those to be placed on the availability list for the following school year, in accordance with the criteria established by the college after the local committee of the association has been consulted.

**167.** A staff member may be substituted for a member on the availability list provided the college accepts the substitution.

**168.** The college shall notify the person placed on the availability list at least 2 months before his reassignment.

**169.** The college shall transmit to the placement bureau the name of the person placed on the availability list. If the person placed on the availability list becomes a surplus employee within the meaning of this Division in his college, he shall be subject to the provisions of external reassignment described in sections 181 to 193.

**170.** The person placed on the availability list may choose one of the following possibilities :

- (a) reassignment (in the same college or in another body) ;
- (b) severance pay ;
- (c) pre-retirement leave.

### *§3. Reassignment*

**171.** The person placed on the availability list is entitled to another position in the college or in another body in the education sector subject to the eligibility requirements of the body and the standard requirements of the position to be filled.



#### §4. *Internal reassignment*

**172.** The college shall take the measures necessary to ensure, as soon as possible, the integration of such person within its staff plan.

**173.** If no position is available in the employee group to which the person belonged prior to his appointment or in his standard reference group determined by the college after consultation with the person, the college shall assign him to such group (outside the plan) as a surplus employee for the amount of time necessary (2 years maximum) to attain permanent status or employment security, as the case may be.

**174.** Following such time period necessary to attain permanent status in the senior staff for an internal reassignment, the person who becomes surplus in the meaning of the collective agreement to which he is subject, for the reason that his years of experience as senior or management staff are not completely recognized, is entitled again to the guarantee of employment within his college pursuant to sections 171 and 173.

**175.** Unless there are express provisions to the contrary, the person thus reassigned outside the plan is no longer governed by this Regulation but rather by the provisions contained in the collective agreements, the regulation or the policies which apply to the new group to which he now belongs.

**176.** Where the new life insurance, sickness or salary insurance may not be applied until 1 September, the person demoted between 30 June and 1 September shall retain, until such date, his former integrated pension and insurance plan.

**177.** The provisions of the salary readjustment procedures prescribed in Division II apply to personnel demoted within the plan or reassigned outside the plan following administrative reorganization within the meaning of subparagraphs i and ii of paragraph a of section 156, without taking into account the 2-year limit for maintaining the salary level.

**178.** Where there is a common agreement, the provisions of the salary readjustment procedures in Division II apply, taking into account the 2-year period for maintaining the salary level.

**179.** Notwithstanding section 175, the person thus reassigned outside the plan shall retain his privileges with respect to his bank of sick days provided in Chapter IV and shall continue to accumulate his years of service for the purposes of annual vacations.

**180.** The person thus reassigned outside the plan within the meaning of sub-paragraphs i and ii of paragraph a of section 156 shall remain on the eligibility list of the college with priority for a senior staff or management position of the same level or lower than that previously held.

#### §5. *External reassignment*

**181.** The person placed on the eligibility list and assigned as a surplus employee to another group of employees is entitled to placement services in order to be reassigned to another senior or management staff position or to any other position compatible with his competence in another body in the education sector.

**182.** The Department and the Fédération des collèges d'enseignement général et professionnel in collaboration with the association agree to form one placement committee with the following mandate :

(a) to specify the manners of functioning and coordinating activities with respect to external reassignment of staff to a senior or management position or any other position compatible with their competence in a body in the education sector and to use, for such purpose, the services of the placement bureau of the education sector ;

(b) to analyse every problem resulting from the application of the provisions related to this Division, including certain special cases for the 1976-77 academic year submitted by the college or the association and to propose solutions to the college.

**183.** The main purpose of the placement bureau shall be to relocate staff within their region.

**184.** The present placement structures shall also be placed at the disposal of any person of a college wishing to avail himself of them even if such person is not surplus staff.

**185.** In order to facilitate the reassignment of staff placed on the availability list and assigned as surplus staff, the colleges shall notify the placement bureau of vacant positions likely to be filled by means of external recruitment as well as the eligibility requirements for such positions.

**186.** Upon receipt of the notice provided for in section 185, the placement bureau shall refer to the college persons placed on the availability list of this bureau and who are eligible for the position and shall also inform the available persons.

**187.** The college shall accept the candidature of the person so referred and receive him in accordance with its selection procedure. In such a case, the person shall be entitled to the reimbursement, by his college, of his travel and lodging costs, if applicable, according to the rates in force at his college.

**188.** In the case where a person placed on the availability list and assigned as a surplus employee refuses a senior or management or any other staff position which reflects his competence, the placement committee may recommend to the college concerned to suspend the benefits granted by this Chapter.

**189.** Every person placed on the availability list and registered at the placement bureau for the purpose of external reassignment to a senior or management staff position shall retain the benefits of the senior and management staff insurance plan for a maximum duration of 2 years effective from the date on which he is placed on the availability list.

**190.** The person reassigned to another body shall be reimbursed the monetary part of the benefits recognized to his bank of sick leave days by the college he has left.

**191.** The person who, pursuant to the procedures provided for in this Chapter, is reassigned to another body in the education sector shall transfer the non-monetary benefits recognized under the integrate pension and insurance plan and shall continue to accumulate his years of service for the purposes of the granting of annual vacations.

**192.** The person placed on the availability list and who benefits from the salary readjustment procedures transfers this benefit when he is reassigned to another college in a senior or management staff position or in any other position compatible with his competence.

**193.** Where the reassignment of the person requires a move of more than 30 miles from one place of work to another, such person has the right to moving expenses in accordance with the same provisions as those in force for other staff in the education sector.

#### *§6. Severance pay*

**194.** The person placed on an availability list and who does not avail himself of the internal or external reassignment benefits nor the pre-retirement benefit may be entitled to severance pay. A person who is reassigned to another body of the education sector following a mutual agreement shall be excepted from this provision.

**195.** Such severance pay equals one month of salary per year of service in a senior or management staff position in the college without however exceeding the equivalent of 6 months of salary. It does not include accumulated vacation days nor sick leave days with cash value.

**196.** The academic dean, campus principal and the assistant academic dean of a regional college who has completed 3 continuous years of service as a senior staff member at a college shall benefit from the severance pay provided for in sections 60 to 70 of the Regulation respecting the conditions of employment of principals of general and vocational colleges (c. C-29, r.3).

#### *§7. Pre-retirement leave*

**197.** The person placed on the availability list who does not avail himself of the internal or external reassignment benefits nor severance pay and has one year or less before the date of his pre-retirement in accordance with the benefits recognized in his bank of sick days or has one year or less from the effective date of his retirement, as the case may be, shall be eligible for pre-retirement leave.

**198.** In such case, the interested person retains the right to payable benefits recognized in his bank of sick days.

**199.** At the request of the college, the person who has only a few years left before the actual date on which he reaches retirement age, and who is placed on the availability list, shall have his case reviewed by the Minister of Education.

### **DIVISION II SALARY READJUSTMENT PROCEDURE**

**200.** Every person shall be remunerated in accordance with the classification plan to which he belongs and which corresponds with the duties performed.

#### *§1. Salary*

**201.** A person who is the subject of an administrative demotion or a reassignment outside the plan shall receive the annual salary to which he is entitled in his new classification.

**202.** Salary after demotion shall be calculated in accordance with the terms and conditions described in Chapter IV inasmuch as the new classification of such person is a position of senior staff or management staff.

**203.** Salary after reassignment outside the plan shall be calculated in accordance with the particular terms and conditions described in the policies, agreements or collective agreements governing such person in his new classification.

## *§2. Salary readjustment*

**204.** Such person shall receive, where applicable, a readjustment payment calculated in accordance with sections 205 to 207 for each of the 2 years following the demotion or reassignment outside the plan.

**205.** For each of the 2 years following demotion or reassignment outside the plan the readjustment payment represents the difference between the annual salary before demotion or reassignment outside the plan determined in accordance with the rules of annual promotion and annual salary after demotion or reassignment outside the plan.

**206.** The readjustment payment constitutes a lump sum payment, paid in accordance with the same terms and conditions of the annual salary and constitutes at the same time a portion of the annual salary of the person for the purposes of contribution to the Teachers Pension Plan or the Government and Public Employees Retirement Plan.

**207.** No readjustment payment may be made for a period exceeding 2 years for the same demotion or same administrative reassignment outside the plan.

## **CHAPTER VII RECOURSE AND RIGHT OF APPEAL**

### **General provisions**

**208.** This Chapter applies to all personnel, with the exception of Division III which does not apply to a person on probation in accordance with the administrative policies of his college, or to a person who is appointed provisionally in accordance with section 108. Moreover, Division III of this Chapter does not apply to the application of stability of employment procedures.

**209.** In this Chapter association means, *mutatis mutandis*, the person himself where the latter is not a member of the interested association.

### **DIVISION I PROFESSIONAL RELATIONS COMMITTEE**

**210.** Where a local committee of the association exists, the college establishes a joint standing professional rela-

tions committee for the purposes of studying and proposing a solution to any problem that may arise between the college and a manager or senior staff member, or between the college and the local committee of the association relating to the interpretation and enforcement of this Regulation and of the college's administrative policies, that cannot be solved by administrative organization procedures.

The committee is formed by local representatives of the association and of the college.

Where the local committee of an association does not exist, a professional relations committee is formed at the request of the person who then designates his representatives.

**211.** The professional relations committee studies the problem and makes its recommendations to the college within 15 days of the date of receiving the request.

**212.** The college then informs the person or the local committee of the association, where applicable, of its decision with the reasons thereof in writing, within 20 consecutive days of receiving the recommendation of the professional relations committee.

### **DIVISION II RECOURSE COMMITTEE**

**213.** If a person or local committee is not satisfied or if the college has not made its decision known within the period prescribed in section 212, the person or local committee is entitled to a 10-day period, commencing upon the expiry of the period prescribed in section 212, for requesting the association to submit the problem before the recourse committee.

**214.** The association is entitled to a 20-day period, commencing on the date of receiving the request of the person or local committee, for submitting the problem before the recourse committee.

**215.** The recourse committee is a standing committee formed by representatives of the association and of the Fédération des collèges d'enseignement général et professionnel.

**216.** The recourse committee determines its own rules of procedure, and one of the parties may resort to advisors where deemed necessary.

**217.** The committee studies the problem, carries out an investigation and sends its recommendations to the college within 45 days after the request of the association provided for in section 214.

**218.** At the request of one of the parties, the committee may appoint a third person, chosen by the parties, to preside over the committee and to participate in the preparation of the recommendation that the third person will send to the college.

**219.** Where the parties fail to agree upon the choice of a third person, the latter is designated by the first chairman of the appeal committee from a list of chairmen of the appeal committee.

**220.** The costs incurred by the third person and his fees are assumed by the Ministère de l'Éducation.

**221.** Reasons must be given for the recommendation sent to the college by the third person.

**222.** The college informs the persons or the local committee, where applicable, of its decision with the reasons therefor in writing, within 30 days after the date of receiving the recommendations of the recourse committee.

### **DIVISION III SPECIAL RECOURSE AND APPEAL COMMITTEE**

**223.** The college may dismiss its personnel, or cancel or not renew the engagement thereof.

**224.** The college which decides to cancel or not renew the engagement of a person must notify that person in writing at least 60 days in advance giving the main reasons for its decision.

**225.** Instead of the recourse committee, the person concerned who wishes to contest the non-renewal or cancellation of his engagement or his dismissal notifies his association, which then submits the complaint to the appeal committee within 20 days after the date of the notice of the college provided for in section 224.

**226.** In that case, the complaint must be addressed to the first chairman of the appeal committee with a copy sent to the college, and the name of the representative designated by the association concerned must be included.

**227.** Within 15 days after receiving its copy, the college notifies the first chairman of the appeal committee of the appointment of its representative.

**228.** The first chairman of the appeal committee is chosen by the Ministère de l'Éducation, the Fédération des collèges d'enseignement général et professionnel and the association.

**229.** On the request of the first chairman, the 2 representatives of the parties agree to designate a chairman from a list of chairmen established by the Ministère de l'Éducation, the Fédération des collèges d'enseignement général et professionnel and the association; together, these 2 representatives and the chairman will form the appeal committee.

**230.** Failing agreement on the choice of a chairman, the first chairman of the appeal committee is responsible for appointing the chairman from a list prepared for that purpose within 30 days of the date of the request of the first chairman.

**231.** The chairman of the appeal committee convenes the parties as soon as possible. The committee follows the procedures it determines and must render a decision within 30 days after the parties have presented their versions. However, a decision rendered after the prescribed time period has expired is not nullified.

**232.** The appeal committee to which the complaint has been referred determines if the grounds for the college's decision are valid and sufficient.

**233.** If the appeal committee decides that the grounds for the college's decision are not valid and sufficient, it may :

(a) order the college to rescind its decision and to reintegrate the person into his position or into an equivalent position of the same level ;

(b) order the college to change its decision to a suspension and to reintegrate the person into his position or into an equivalent position of the same level ;

(c) order the college to change its decision to a reassignment into another position within or outside the plan in accordance with sections 172 to 179 ;

(d) order the college to pay the person indemnity for damages, the amount and conditions of which are set in section 237.

In all cases, the amount of compensation for the actual loss of salary incurred is determined, where applicable, by the appeal committee.

**234.** The decision of the appeal committee is unanimous or by majority ; any member dissenting to the decision or part of the decision may write a separate report.

**235.** The decision of the appeal committee is final and executory, except for the case referred to in section 237.

**236.** The college must execute the decision of the appeal committee within 30 days.

**237.** If a person does not wish to accept the decision of the appeal committee rendered pursuant to section 233, he is considered to have resigned and is then entitled to an indemnity for damages equal to the equivalent of 2 months' salary per year of service as senior or management staff member ; however, the indemnity may not be less than the equivalent of 3 months' salary, nor greater than the equivalent of 12 months' salary.

For the purposes of the integrated pension and insurance plan, the person is considered employed by the college until the indemnity for damages is paid in full.

**238.** The costs incurred by the chairmen and their fees are chargeable to the Ministère de l'Éducation.

**239.** The costs incurred by the 2 members of the appeal committee and their fees are chargeable to the parties they represent.

**240.** At the request of the association or college, the time limits prescribed in this Chapter may be changed after written agreement between the parties.

**241.** Only those persons who were dismissed or not reengaged, or whose engagement was cancelled after 3 June 1981, may avail themselves of the provisions of this Division.

### PART III ADMINISTRATIVE POLICY

#### CHAPTER VIII ADMINISTRATIVE POLICY

**242.** The colleges must draw up an administrative policy for their personnel.

**243.** The administrative policy of the college shall concern in particular :

- (a) consultation and participation of staff ;
- (b) administrative organization and rules for staff size ;
- (c) eligibility requirements and definition of positions (additional to eligibility requirements) ;
- (d) classification of the person in the classification plans for positions ;
- (e) employment, including :
  - i. selection ;

- ii. engagement and appointment ;
- iii. probation ;
- iv. evaluation ;
- v. the professional dossier ;
- vi. non-renewal of appointment ;
- vii. non-renewal of engagement ;
- viii. cancellation of engagement ;
- ix. dismissal ;
- (f) employment benefits, including :
  - i. choice of annual vacation periods ;
  - ii. statutory and social holidays ;
  - iii. maternity leaves and leaves to hold public office ;
  - iv. absences for professional matters ;
- (g) salary payment ;
- (h) local policy for professional improvement of administrators.

**244.** The college shall establish its administrative policy respecting its staff within the scope of the statutes and regulations applying to colleges, taking the provisions in this Regulation into special account.

**245.** The college shall consult its staff in the preparation of its administrative policy. It shall reach an agreement with the local representatives of the association, where applicable, on the terms and conditions of deductions and of payment of the professional contribution.

**246.** The college shall confirm its administrative policy by resolution.

#### SCHEDULE I (s. 20)

#### JOB CLASSIFICATION AND ELIGIBILITY REQUIREMENTS

##### (A) Senior staff job category

**Definition of the category :** The category of senior staff positions comprises the positions characterized by the performance of certain or all of the administrative duties respecting the programmes and resources of one or several well-defined fields of activity.

Senior staff positions are included in one of the following subcategories :

- (1) senior staff of services level 1 ;
- (2) senior staff of services level 2 ;
- (3) senior staff of a campus level 1 ;
- (4) senior staff of a campus level 2.

**1. Senior staff of services level 1 :** Positions of senior staff of services level 1 comprise the performance of all the duties of administration (planning, organization, administration, control, evaluation) for all of the programmes and resources of one or several fields of activity.

Such positions include, in particular, the following responsibilities :

- (a) participation in the elaboration of the objectives and policies of the body ;
- (b) defining the objectives and policies suitable to the services such person administers, taking into account the general policies and objectives of the body ;
- (c) establishment of the programmes, the delegation of authority and the standards and procedures for the implementation of programmes ;
- (d) evaluation of the results of the realization of programmes and the performance of staff under their direction ;
- (e) assisting and counseling the principal with respect to the services under their responsibility as well as the senior staff of other services and the senior staff of the campus.

This subcategory of senior staff includes the following employment groups :

- 1.1 academic dean ;
- 1.2 director of student services ;
- 1.3 director of personnel services ;
- 1.4 director of financial services ;
- 1.5 director of equipment services ;
- 1.6 secretary general.

**1.1 Academic dean<sup>(1)</sup> :** The position of academic dean comprises the responsibility for the administration (planning, organization, administration, control, evaluation) of all the programmes and resources respecting the institution's educational system.

The duties of this position ordinarily include the programmes of study, the secretarial staff, individual pedagogical assistance, teaching methods (documentation centres, audiovisual techniques), the measurement and evaluation of learning, research and experimentation.

#### **Minimum required qualifications :**

- (a) undergraduate degree, but preferably a masters' degree, in a relevant field of study ;
- (b) 8 years of relevant experience with at least 3 years in a senior staff position.

<sup>(1)</sup> In accordance with the General and Vocational Colleges Act (R.S.Q., c. C-29), the academic dean is an *ex-officio* member of the board of directors and the education board of the college and, moreover, he performs the duties and has the powers of the principal where the latter is unable to do so or is absent.

**1.2 Director of student services :** The position of director of student or pupil services comprises the responsibility for the management (planning, organization, administration, control, evaluation) of all the programmes and resources respecting those activities, including teaching, which are directed towards student or pupil training.

The duties of this position ordinarily include the following services : guidance, psychology, pastoral services, social services, health services, socio-cultural and sports activities and, where applicable, student associations, financial assistance, employment and lodging as well as educational activities respecting auxiliary and community services.

#### **Minimum required qualifications :**

- (a) undergraduate university degree in a field of study relevant to at least one sphere of student services activities ;
- (b) 8 years of relevant experience.

**1.3 Director of personnel services :** The position of director of personnel services comprises the responsibility for the management (planning, organization, administration, control, evaluation) of all the programmes and resources respecting personnel management and ordinarily includes the recruitment and selection of personnel, labour relations, evaluation and professional improvement.

#### **Minimum required qualifications :**

- (a) undergraduate degree in a relevant field of study, especially in :
  - i. industrial relations ;
  - ii. administration (personnel option) ;
- (b) 8 years of relevant experience.

**1.4 Director of financial services :** The position of director of financial services comprises the responsibility for the management (planning, organization, administration, control, evaluation) of all the programmes and resources respecting the financial administration of the body and ordinarily includes the treasury, preparation of the budget and financial statements, budgetary and financial control,

internal audit, accounting procedures and financial analyses.

**Minimum required qualifications :**

(a) undergraduate degree in a relevant field of study, especially in :

- i. commerce ;
- ii. administration ;

(b) 8 years of relevant experience.

**1.5 Director of equipment services :** The position of director of equipment services comprises the responsibility for the management (planning, organization, administration, control, evaluation) of all the programmes and resources respecting the management of equipment and ordinarily includes preventive and physical maintenance, cleaning services, the protection of moveable and immovable property, supplies, installation of equipment, auxiliary services (transportation, food), community equipment.

**Minimum required qualifications :**

(a) undergraduate degree in a relevant field of study, especially in :

- i. engineering ;
- ii. architecture ;
- iii. administration ;

(b) 8 years of relevant experience.

**1.6 Secretary general :** The position of secretary general comprises the responsibility for the recording, publication, preservation and certification of the authenticity of official acts of the college in accordance with the provisions of the Acts governing teaching institutions and the internal rules of the college.

This position includes responsibility for gathering information requested by the principal, its analysis, summation and for formulation of reasoned solutions.

The position of secretary general also includes responsibility for the internal and external relations assigned him by the principal as well as the performance of all the managerial duties required in order to assume the rights, powers and obligations of the body which have been delegated to this position.

**Minimum required qualifications :**

(a) undergraduate degree in a relevant field of study, especially in :

- i. law ;
- ii. administration ;

(b) 8 years of relevant experience.

**2. Senior staff of services level 2 : coordinator :** The positions in senior staff of services level 2 comprise the performance of managerial duties (coordination, supervision, evaluation, research and development) with respect to one or more of the programmes of a service of the body.

These positions include in particular the following responsibilities :

(a) participation in the preparation of objectives, programmes and the budget of the service to which such programmes are attached ;

(b) animation of the staff affected by such programmes ;

(c) advising the director of the service responsible for such programmes and counseling the other directors of services and establishments on all questions respecting such programmes ;

(d) supervision, coordination and evaluation of the realization of well-defined programmes and the resources assigned thereto.

This subcategory of senior staff includes the following employment groups :

**2.1** coordinator of a sector of instruction ;<sup>(1)</sup>

**2.2** assistant to the academic dean ;

**2.3** coordinator of teaching methods ;

**2.4** coordinator of research and experimentation ;

**2.5** coordinator of student services ;

**2.6** coordinator of personnel services ;

**2.7** coordinator of financial services ;

**2.8** coordinator of equipment services ;

**2.9** coordinator of data processing.

<sup>(1)</sup> including the sector of adult education.

**2.1 Coordinator of a sector of instruction :** The position of coordinator of a sector of instruction comprises all the duties required for the coordination, supervision, evaluation, research and development of well-defined programmes of instruction with respect to the content, methods, techniques and equipment used.

This employment group includes all the programmes of a given sector of a teaching level.

**Minimum required qualifications :**

- (a) undergraduate degree in a relevant field of study ;
- (b) 5 years of experience in the education sector preferably in teaching.

**2.2 Assistant to the academic dean :** The position of assistant to the academic dean comprises all the duties required for the coordination, supervision and evaluation of the activities and resources respecting instructional research and development, to instructional assistance to both student and teacher and other teaching support services.

**Minimum required qualifications :**

- (a) undergraduate degree in a relevant field of study ;
- (b) 5 years of relevant experience, preferably in education.

**2.3 Coordinator of teaching methods :** The position of coordinator of teaching methods comprises all the duties required for the coordination, supervision, evaluation, research and development of the activities and resources respecting the functioning and use of documentation centres and technical teaching methods (audiovisual techniques and others).

This position includes :

**2.3.1 Coordinator of teaching methods A :** This class applies to those positions involving the coordination of all the teaching methods of a body, including all forms of documentation, audiovisual techniques and other methods of teaching.

**2.3.2 Coordinator of teaching methods B :** This class applies to positions involving the coordination of the teaching methods in a single sector, for example the documentation sector or audiovisual techniques sector and other teaching methods.

**Minimum required qualifications :**

- (a) undergraduate degree in a relevant field of study, especially in :
  - i. library sciences ;
  - ii. audiovisual ;
- (b) education sciences with an option in academic library sciences, audiovisual or educational technology ;
- (c) 5 years of relevant experience, preferably in education.

**2.4 Coordinator of research and experimentation :** The position of coordinator of research and experimentation comprises all the duties required for the coordination, supervision, evaluation, research and development of work related to the analysis, formulation, evaluation and development carried out in a college concerning, among other things, teaching methods and learning procedures.

**Minimum required qualifications :**

- (a) undergraduate degree in a relevant field of study, especially in education sciences with an option in docimology, taxonomy, audiovisual or another area of pedagogical research ;
- (b) 5 years of experience in education.

**2.5 Coordinator of student services :** The position of coordinator of student services comprises all the duties required for the coordination, supervision, evaluation, research and development of the activities and resources respecting a group of services, for example, the academic and technical/vocational guidance service, the psychology service, pastoral service, social service, health service, employment service, financial assistance and lodging service and the socio-cultural and recreation services.

**Minimum required qualifications :**

- (a) undergraduate degree in a field of study relevant to at least one aspect of student services ;
- (b) 5 years of relevant experience.

**2.6 Coordinator of personnel services :** The position of coordinator of personnel services comprises all the duties required for the coordination, supervision, evaluation, research and development of the activities and resources respecting the programmes of the body in various sectors or from various aspects of personnel management, especially, among other things, personnel recruitment and selection, labour relations, evaluation and professional improvement.



**Minimum required qualifications :**

(a) undergraduate degree in a relevant field of study, especially in :

- i. industrial relations ;
- ii. administration (personnel option) ;

(b) 5 years of relevant experience.

**2.7 Coordinator of financial services :** The position of coordinator of financial services comprises all the duties required for the coordination, supervision, evaluation, research and development of the activities and resources respecting the programmes of the body in various sectors or from various aspects of financial management, especially, among others, the treasury, budgetary and financial forecasts and controls, internal audit, the accounting system and procedures, payroll and financial statements.

**Minimum required qualifications :**

(a) undergraduate degree in a relevant field of study especially in :

- i. commerce ;
- ii. administration ;

(b) 5 years of relevant experience.

**2.8 Coordinator of equipment services :** The position of coordinator of equipment services comprises all the duties required for the coordination, supervision, evaluation, research and development of the activities and resources respecting the programmes of the body in various sectors or from various aspects of equipment management including, among others, organization and supplies.

**Minimum required qualifications :**

(a) undergraduate degree in a relevant field of study, in particular :

- i. engineering ;
- ii. administration ;

(b) 5 years of relevant experience.

**2.9 Data processing coordinator :** The position of data processing coordinator comprises all the duties required for the coordination, supervision, evaluation, research and

development of activities and resources respecting the organization and operation of a data processing centre or the realization of programmes for the data processing service of the Ministère de l'Éducation for the use of the services of the body.

**Minimum required qualifications :**

(a) undergraduate degree in a relevant field of study, in particular :

- i. science with a major in data processing ;
- ii. data processing ;

(b) 5 years of relevant experience.

**3. Senior staff level 1 of a campus :** Positions of senior staff level 1 (campus principal) comprise the performance of all duties required for management from both the administrative and the pedagogical aspects.

These positions include the following responsibilities :

(a) participation in the preparation of the objectives and policies of the body as well as the programmes and rules concerning their application in the establishments of the body ;

(b) definition of the specific objectives of the establishment and the setting up of a programme adapted to the needs of the clientele taking into account the objectives, policies and rules of the body ;

(c) evaluation of the needs of the establishment and the formulation of appropriate recommendations to the general direction or the administration of the interested services ;

(d) direction and animation of the staff of the establishment, the fixing of achievement standards and the evaluation of staff performance.

**Minimum required qualifications :**

(a) undergraduate degree in a relevant field of study ;

(b) 8 years of relevant experience with at least 3 years in a senior staff position.

**4. Senior staff level 2 of a campus :** Positions of senior staff level 2 comprise the assistance provided the campus principal and the responsibility for the management pursuant to the mandate outlined by the campus principal of one or several sectors of activity of one or several of the programmes.

This subcategory of senior staff positions includes the following employment groups :

**4.1 Assistant campus principal :** The position of assistant campus principal comprises performance of all the duties required for the management of the programmes and resources respecting one or more of the programmes determined by the campus principal.

The employment groups of assistant campus principal includes :

**4.1.1 Assistant campus principal (DAC-1) :** The assistant campus principal (DAC-1) assists the director in the management of one or more programmes in one of the following sectors :

- (a) teaching ;
- (b) student life<sup>(1)</sup> ;
- (c) adult education.

(1) When there is no director of student services in the college.

**4.1.2 Assistant campus principal (DAC-2) :** The assistant campus principal (DAC-2) assists the director in the management of one or more programmes in one of the following sectors :

- (a) student life ;
- (b) teaching methods and techniques.

**Minimum required qualifications :**

- (a) undergraduate degree or training requiring at least 16 years of schooling in a relevant field of specialization ;
- (b) 5 years of relevant experience in education.

**(B) Management job category**

**Definition of the category :** The management job category includes the positions characterized by the administration, supervision and control of technical, administrative and manual activities of certain programmes of the body and by the management of the staff assigned to such activities.

Management positions belong to one of the following subcategories :

- (5) superintendent ;
- (6) foremen.

**5. Superintendent :** Positions of superintendents are the management positions which comprise the performance of certain duties of management required to coordinate technical, administrative, or manual activities necessary for the completion of all the programmes :

- (a) auxiliary services :

- i. maintenance services ;
- ii. supply services ;
- iii. community services ;
- (b) of a campus.

These positions comprise the following responsibilities in particular :

(a) administration, organization, distribution and verification of the employees assigned to the auxiliary service concerned ;

(b) participation in the preparation of systems and procedures with respect to the auxiliary service concerned and seeing to their application ;

(c) evaluation of the staff under their responsibility.

This subcategory of management positions includes the following employment groups :

- 5.1** superintendent of equipment services ;
- 5.2** superintendent of maintenance services ;
- 5.3** superintendent of supply services ;
- 5.4** superintendent of community services ;
- 5.5** administrative assistant (campus).

**5.1 Superintendent of equipment services :** The position of superintendent of equipment services comprises the responsibility for the administration of technical, administrative and manual programmes for all the auxiliary services (maintenance, supply...).

Such positions include the administration and evaluation of the employees of the body assigned to these programmes.

**Minimum required qualifications :**

- (a) valid qualifying certificate for the practice of a trade relevant to the position ;
- (b) 10 years of relevant experience ; or
- (c) diploma of college studies with an appropriate option ;
- (d) 6 years of relevant experience.

**5.2 Superintendent of maintenance services :** The position of superintendent of maintenance services comprises the responsibility for the management of all the preventive and physical maintenance programmes and cleaning services as well as the security and supervision programmes respecting all of the equipment of the body : grounds, buildings, circulation and distribution networks, furniture, fixtures and tools etc...

Such positions include the management and evaluation of the employees of the body assigned to such programmes.

**Minimum required qualifications :**

- (a) valid certificate qualification for the practice of a trade relevant to maintenance activities ;
- (b) 8 years of relevant experience with preferably 3 years as foreman ; or
- (c) diploma of college studies with an appropriate option ;
- (d) 6 years of relevant experience.

**5.3 Superintendent of supply :** The position of superintendent of supply comprises responsibility for the management of all technical, administrative and manual programmes and of the systems and procedures respecting the purchase, receipt, distribution, storage and inventory of merchandise.

This position includes the management and evaluation of the personnel assigned to these programmes.

**Minimum required qualifications :**

- (a) college diploma with an option appropriate to supply, especially :
  - i. administrative techniques ;
  - ii. commercial techniques ;
- (b) 6 years of relevant experience ; or
- (c) secondary V diploma ;
- (d) 10 years of relevant experience.

**5.4 Superintendent of community services :** The position of superintendent of community services comprises the responsibility for the administration of all the programmes of technical and administrative activities respecting the utilization and functioning of community centres such as arenas, swimming pools, gymnasiums, auditoriums, student residences... under the following aspects :

- (a) preparation of timetables ;
- (b) equipment rental ;
- (c) marketing services ;
- (d) budgetary forecasts and control ;
- (e) supplies.

Such positions include the administration and evaluation of the employees of the body assigned to these programmes.

The position also includes 3 classes established in accordance with the nature and size of the establishment.

**Minimum required qualifications :**

- (a) undergraduate degree with a relevant option, especially in :
  - i. administrative techniques ;
  - ii. recreational techniques ;
- (b) 6 years of relevant experience ; or
- (c) secondary V diploma ;
- (d) 10 years of experience.

**5.5 Administrative assistant (campus) :** The position of administrative assistant comprises the performance of the duties required in order to ensure the organization, administration and control of the technical and administrative programmes of a campus, especially under the aspects of financial management, equipment management, personnel management and secretarial activities.

This position comprises the administration and evaluation of the support staff of the body assigned to such activities, taking into account, however, the responsibilities conferred upon the senior and managerial staff of equipment services.

**Minimum required qualifications :**

- (a) diploma of college studies with a relevant option, especially in administrative techniques ;
- (b) 6 years of relevant experience ; or
- (c) secondary V diploma ;
- (d) 10 years of relevant experience.

**6. Foreman :** The position of foreman comprises the performance of the duties of management required for the coordination of the technical, administrative and manual activities necessary for the realization of the programmes of the body in a given sector of an auxiliary service or on a campus.

The foreman assumes the following responsibilities in particular :

- (a) supervision and control of the application of the systems and procedures approved for the realization of the activities of a given sector ;
- (b) establishment of a schedule of operations ;
- (c) direction, control and evaluation of the employee support staff assigned to his sector.

This subcategory of management positions includes the following employment groups :

- 6.1** maintenance foreman ;
- 6.2** head of kitchen and cafeteria ;
- 6.3** secretarial staff manager ;

#### 6.4 administrative officer.

**6.1 Maintenance foreman :** The position of maintenance foreman comprises the performance of the duties of organization, administration and control of the manual activities required for the completion of programmes of preventive, physical and equipment maintenance and cleaning services.

This position comprises the administration and evaluation of the employees of the body assigned to such programmes.

The position of maintenance foreman includes :

**6.1.1 Specialized maintenance foreman :** This class applies to the position of maintenance foreman responsible for a team composed mainly of qualified workers (carpenters, mechanics, plumbers, electricians) whose manual activities are included in specialized trades.

**6.1.2 General maintenance foreman :** This class applies to the position of maintenance foreman responsible for a team exclusively or almost exclusively composed of employees (cleaning personnel, labourers ...) generally assigned to manual activities in non-specialized trades.

##### Minimum required qualifications :

- (a) valid qualification certificate for the practice of a trade relevant to the position ;
- (b) 5 years of relevant experience.

**6.2 Head of kitchen and cafeteria :** The position of head of kitchen and cafeteria comprises the performance of the duties of management required for the coordination of the technical, administrative and manual activities respecting the organization and functioning of the food services of an institution, especially under the aspects of menu planning, food preparation, purchasing of merchandise, budget administration, maintenance of premises and equipment.

This position comprises the administration and evaluation of the employees of the body assigned to such activities.

##### Minimum required qualifications :

- (a) secondary V diploma with an option respecting nutrition ;
- (b) 5 years of relevant experience ; or
- (c) diploma of college studies with a relevant option ;
- (d) 4 years of relevant experience.

**6.3 Head of secretarial staff :** The position of head of secretarial staff comprises the performance of the duties of

management respecting the organization, coordination and control of the work of the secretarial employees and the direction and evaluation of such personnel taking into account approved systems and procedures.

Such position includes the administration and evaluation of a certain number of support staff.

##### Minimum required qualifications :

- (a) diploma of college studies with a relevant option, especially in secretarial techniques ;
- (b) 3 years of relevant experience ; or
- (c) secondary V diploma with a relevant option ;
- (d) 6 years of relevant experience.

**6.4 Administrative officer :** The position of administrative officer comprises the performance of the duties required to ensure the organization, administration and control of well-defined technical and administrative activities in one or several administrative units of the body, especially with respect to the technical preparation of the budget, the supervision of funds in accordance with the approved budget, bookkeeping entries, processing of requisitions, the receipt, distribution and storing of merchandise, the use and maintenance of office equipment.

This position comprises the administration and evaluation of a certain number of support staff.

##### Minimum required qualifications :

- (a) diploma of college studies with a relevant option, especially in administrative techniques ;
- (b) 4 years of relevant experience ; or
- (c) secondary V diploma with a relevant option ;
- (d) 8 years of relevant experience.

**SCHEDULE II**

(ss. 50 and 75)

**Table 1**

| CLASSIFICATION PLAN FOR COLLEGE SENIOR STAFF POSITIONS |                       |                            |
|--|-----------------------|----------------------------|
| Position   | Classification        |                            |
| Academic dean  | D-1                   |                            |
| Director of student services                           | D-2                   |                            |
| Director of financial services                         | D-2                   |                            |
| Director of personnel services                         | D-2                   |                            |
| Secretary general <sup>(1)</sup>                       | D-2                   |                            |
| Director of equipment services                         | D-2                   |                            |
| Secretary general <sup>(2)</sup>                       | D-3                   |                            |
| Coordinator of a college teaching sector               | C-1                   |                            |
| Coordinator of teaching methods A                      | C-1                   |                            |
| Coordinator of data-processing                         | C-1                   |                            |
| Assistant academic dean                                | C-1                   |                            |
| Coordinator of teaching methods B                      | C-2                   |                            |
| Coordinator of research and experimentation            | C-2                   |                            |
| Coordinator of student services                        | C-2                   |                            |
| Coordinator of personnel services                      | C-2                   |                            |
| Coordinator of financial services                      | C-2                   |                            |
| Coordinator of equipment services                      | C-2                   |                            |
| CLASS (number of students)                             |                       |                            |
| Class I<br>1999 and less                               | Class II<br>2000-3999 | Class III<br>4000 and more |

<sup>(1)</sup> When he assumes the duties of Director of personnel services.<sup>(2)</sup> When he does not assume the duties of Director of personnel services.

Table 2

| CLASSIFICATION PLAN FOR COLLEGE CAMPUS SENIOR STAFF POSITIONS |                        |                            |                       |                            |
|---|------------------------|----------------------------|-----------------------|----------------------------|
| Position  | Level 1 classification | Class (number of students) |                       |                            |
|   |                        | Class I<br>999 and less    | Class II<br>1000-1999 | Class III<br>2000 and more |
| Campus principal  | DC                     | cl. I                      | cl. II                | cl. III                    |
| Position  | Level 2 classification | Class (number of students) |                       |                            |
|   |                        | Class I<br>999 and less    | Class II<br>1000-1999 | Class III<br>2000 and more |
| Assistant campus principal                                    | DAC-1                  | cl. I                      | cl. II                | cl. III                    |
| Assistant campus principal                                    | DAC-2                  | cl. I                      | cl. II                | cl. III                    |

Table 3

## CLASSIFICATION PLAN FOR MANAGEMENT POSITIONS IN GENERAL AND VOCATIONAL COLLEGES

| Position  | Classification | Class (number of students)           |   |  |
|---|----------------|--------------------------------------|---|--|
|   |                | Class I<br>1999 and less             | Class II<br>2000-3999                       | Class III<br>4000 and more                       |
| Superintendent of equipment services            | R-1            | cl. I                                | cl. II                                      | N.A.   |
| Superintendent of maintenance services          | R-4            | N.A.                                 | cl. II                                      | cl. III  |
| Superintendent of purchasing and store services | R-5            | N.A.                                 | cl. II                                      | cl. III  |
|   |                | Class (square feet)                  |   |  |
|   |                | 200 000-399 999 sq. ft.              | 400 000 sq. ft. and more                    |  |
| Maintenance foreman (general)                   | CO-3           | cl. I                                | cl. II                                      |  |
| Maintenance foreman (specialized)               | CO-2           | Single class                         |   |  |
|   |                | CLASS (establishments)               |   |  |
|   |                | Class I<br>c.f. administrative rules | Class II<br>250-499 beds or athletic centre | Class III<br>500 beds and more or sports complex |
| Superintendent of community services            | R-7            | cl. I                                | cl. II                                      | cl. III  |
| Administrative agent                            | CO-5           | Single class                         |   |  |
| Chief of secretarial staff                      | CO-6           | Single class                         |   |  |
| Head of kitchen and cafeteria                   | CO-7           | Single class                         |   |  |
|   |                | Class (number of students)           |   |  |
|   |                | Class I<br>999 and less              | Class II<br>1000-1999                       | Class III<br>2000 and more                       |
| Administrative assistant of establishment       | R-3            | cl. I                                | cl. II                                      | cl. III  |

**SCHEDULE III**  
(ss. 53, 54 and 55)

**Table 1**  
**READJUSTED SALARY SCALE OF 30 JUNE 1979**

| <i>Classification</i> | <i>Salary</i> | <i>Class I</i>  | <i>Class II</i> | <i>Classe III</i>                             |
|-----------------------|---------------|---|-----------------|---|
| D-1                   | Maximum       | 39 992  | 40 792          | 41 608  |
|                       | Minimum       | 26 661  | 27 195          | 27 739  |
| D-2                   | Maximum       | 37 368  | 38 115          | 38 878  |
|                       | Minimum       | 24 912  | 25 410          | 25 919  |
| D-3                   | Maximum       |   | 34 610          | 35 302  |
|                       | Minimum       |   | 23 073          | 23 535  |
| C-1                   | Maximum       | 35 583  | 35 865          | 36 498  |
|                       | Minimum       | 23 722  | 23 910          | 24 332  |
| C-2                   | Maximum       | 33 364  | 34 031          | 34 712  |
|                       | Minimum       | 22 243  | 22 687          | 23 141  |
| DC                    | Maximum       | 39 098  | 39 880          | 40 677  |
|                       | Minimum       | 26 065  | 26 587          | 27 118  |
| DAC-1                 | Maximum       | 34 393  | 35 081          | 35 783  |
|                       | Minimum       | 22 929  | 23 387          | 23 855  |
| DAC-2                 | Maximum       | 32 710  | 33 364          | 34 031  |
|                       | Minimum       | 21 807  | 22 243          | 22 687  |
| CO-3                  |               | <i>Class I</i><br>200 000 sq. ft to<br>399 999 sq. ft |                 | <i>Class II</i><br>400 000 sq. ft<br>and more |
|                       |               |   |                 |   |
|                       | Maximum       | 18 561  |                 | 19 859  |
|                       | Minimum       | 15 466  |                 | 16 548  |
| CO-2                  | Maximum       | 21 944  |                 |   |
|                       | Minimum       | Single class<br>18 287                                |                 |   |
| CO-5                  | Maximum       | 20 929  |                 |   |
|                       | Minimum       | Single class<br>16 083                                |                 |   |

| <i>Classification</i> | <i>Salary</i> |                     |
|-----------------------|---------------|---------------------|
| CO-6                  | Maximum       | Single class 17 648 |
|                       | Minimum       | 13 062              |
| CO-7                  | Maximum       | Single class 17 050 |
|                       | Minimum       | 14 209              |

Table 2

## READJUSTED SALARY SCALE OF 30 JUNE 1980

| <i>Classification</i> | <i>Salary</i> | <i>Class I</i><br><i>200 000 sq. ft to</i><br><i>399 999 sq. ft</i> | <i>Class II</i><br><i>400 000 sq. ft</i><br><i>and more</i> |
|-----------------------|---------------|---|---|
| CO-2                  | Maximum       | Single class 24 029   |   |
|                       | Minimum       | 20 024  |   |
| CO-3                  | Maximum       | 20 324  | 21 746  |
|                       | Minimum       | 16 936  | 18 120  |
| CO-5                  | Maximum       | Single class 22 917   |   |
|                       | Minimum       | 17 611  |   |
| CO-6                  | Maximum       | Single class 19 324   |   |
|                       | Minimum       | 14 304  |   |
| CO-7                  | Maximum       | Single class 18 670   |   |
|                       | Minimum       | 15 559  |   |



**Table 3**  
**1979-1980 SALARY SCALE**

| <i>Classification</i> | <i>Salary</i> | <i>Class I</i>                               | <i>Class II</i> | <i>Class III</i>                    |
|-----------------------|---------------|--|-----------------|-------------------------------------|
| D-1                   | Maximum       | 42 791                                       | 43 648          | 44 521                              |
|                       | Minimum       | 28 527                                       | 29 099          | 29 681                              |
| D-2                   | Maximum       | 39 984                                       | 40 783          | 41 600                              |
|                       | Minimum       | 26 656                                       | 27 189          | 27 733                              |
| D-3                   | Maximum       |  | 37 032          | 37 774                              |
|                       | Minimum       |  | 24 688          | 25 182                              |
| C-1                   | Maximum       | 38 074                                       | 38 376          | 39 053                              |
|                       | Minimum       | 25 383                                       | 25 584          | 26 035                              |
| C-2                   | Maximum       | 35 700                                       | 36 413          | 37 141                              |
|                       | Minimum       | 23 800                                       | 24 275          | 24 761                              |
| DC                    | Maximum       | 41 834                                       | 42 672          | 43 524                              |
|                       | Minimum       | 27 890                                       | 28 448          | 29 016                              |
| DAC-1                 | Maximum       | 36 801                                       | 37 536          | 38 287                              |
|                       | Minimum       | 24 534                                       | 25 024          | 25 525                              |
| DAC-2                 | Maximum       | 35 000                                       | 35 700          | 36 413                              |
|                       | Minimum       | 23 333                                       | 23 800          | 24 275                              |
| R-1                   | Maximum       | 28 476                                       | 29 887          | N.A.                                |
|                       | Minimum       | 21 229                                       | 22 319          |                                     |
| R-4                   | Maximum       | N.A.   | 25 911          | 27 194                              |
|                       | Minimum       |  | 18 664          | 19 626                              |
| R-5                   | Maximum       | N.A.   | 24 051          | 25 205                              |
|                       | Minimum       |  | 18 471          | 19 369                              |
| CO-3                  |               | <i>Class I</i>                               |                 | <i>Class II</i>                     |
|                       |               | <i>200 000 sq. ft. to<br/>399 999 sq. ft</i> |                 | <i>400 000 sq. ft.<br/>and more</i> |
|                       |               | Maximum                                      |                 | 21 250                              |
|                       |               | Minimum                                      |                 | 17 706                              |

|                                   |                              |                                    |   |  |        |
|-----------------------------------|------------------------------|------------------------------------|---|--|--------|
| <i>Classification</i><br><br>CO-2 | <i>Salary</i><br><br>Maximum | Single class                       |   |  | 23 480 |
|                                   | Minimum                      |                                    |   |  | 19 567 |
| R-7                               | Maximum                      | <i>Class I</i><br><br>22 512       | <i>Class II</i><br><br>250-499 beds<br>or athletic centre | <i>Class III</i><br><br>500 beds and more<br>or sports complex |        |
|                                   |                              |                                    | 24 821  | 27 258   |        |
|                                   |                              | 17 316                             | 19 048  | 20 972   |        |
|                                   |                              |                                    |   |  |        |
| CO-5                              | Maximum                      | <i>Classes</i><br><br>Single class |   |  | 22 394 |
|                                   | Minimum                      |                                    |   |  | 17 209 |
| CO-6                              | Maximum                      | Single class                       |   |  | 18 883 |
|                                   | Minimum                      |                                    |   |  | 13 977 |
| CO-7                              | Maximum                      | Single class                       |   |  | 18 244 |
|                                   | Minimum                      |                                    |   |  | 15 204 |
| R-3                               | Maximum                      | <i>Class I</i><br><br>24 115       | <i>Class II</i><br><br>26 488                             | <i>Class III</i><br><br>29 118                                 |        |
|                                   |                              | 18 407                             | 20 203  | 22 255   |        |
|                                   |                              |                                    |   |  |        |
|                                   |                              |                                    |   |  |        |

**Table 4**  
**1980-1981 SALARY SCALE**

| <i>Classification</i> | <i>Salary</i> | <i>Class I</i>        | <i>Class II</i>    | <i>Class III</i>      |
|-----------------------|---------------|-----------------------|--------------------|-----------------------|
| D-1                   | Maximum       | 45 786                | 46 703             | 47 638                |
|                       | Minimum       | 30 524                | 31 136             | 31 758                |
| D-2                   | Maximum       | 42 783                | 43 638             | 44 512                |
|                       | Minimum       | 28 522                | 29 092             | 29 675                |
| D-3                   | Maximum       |                       | 39 624             | 40 418                |
|                       | Minimum       |                       | 26 416             | 26 945                |
| C-1                   | Maximum       | 40 739                | 41 062             | 41 787                |
|                       | Minimum       | 27 159                | 27 375             | 27 858                |
| C-2                   | Maximum       | 38 199                | 38 962             | 39 741                |
|                       | Minimum       | 25 466                | 25 974             | 26 494                |
| DC                    | Maximum       | 44 763                | 45 659             | 46 571                |
|                       | Minimum       | 29 842                | 30 439             | 31 047                |
| DAC-1                 | Maximum       | 39 377                | 40 164             | 40 967                |
|                       | Minimum       | 26 251                | 26 776             | 27 312                |
| DAC-2                 | Maximum       | 37 450                | 38 199             | 38 962                |
|                       | Minimum       | 24 967                | 25 466             | 25 974                |
| R-1                   |               | <i>Class I</i>        | <i>Class II</i>    | <i>Class III</i>      |
|                       |               | <i>1 999 and less</i> | <i>2 000-3 999</i> | <i>4 000 and more</i> |
|                       | Maximum       | 30 469                | 31 979             | N.A.                  |
|                       | Minimum       | 22 715                | 23 881             |                       |
| R-4                   | Maximum       | N.A.                  | 27 725             | 29 098                |
|                       | Minimum       |                       | 19 970             | 21 000                |
| R-5                   | Maximum       | N.A.                  | 25 735             | 26 969                |
|                       | Minimum       |                       | 19 764             | 20 725                |

| <i>Classification</i> | <i>Salary</i> | <i>Class I</i><br><i>200 000 sq. ft. to<br/>399 999 sq. ft</i> |   | <i>Class II</i><br><i>400 000 sq. ft<br/>and more</i>     |
|-----------------------|---------------|--|---|---|
|                       |               |  |   |   |
| CO-3                  | Maximum       | 21 747   |   | 23 268  |
|                       | Minimum       | 18 121   |   | 19 388  |
| CO-2                  | Maximum       | Single class   |   | 25 711  |
|                       | Minimum       |  |   | 21 425  |
| R-7                   |               | <i>Class I</i>   | <i>Class II</i><br><i>250-499 beds<br/>or athletic centre</i> | <i>Class III</i><br><i>500 beds or<br/>sports complex</i> |
|                       |               |  |   |   |
|                       | Maximum       | 24 088   | 26 558  | 29 166  |
|                       | Minimum       | 18 528   | 20 381  | 22 440  |
| CO-5                  | Maximum       | <i>Classes</i><br>Single class                                 |   |   |
|                       | Minimum       |  |   |   |
| CO-6                  | Maximum       | 20 677   |   |   |
|                       | Minimum       | 15 304   |   |   |
| CO-7                  | Maximum       | 19 977   |   |   |
|                       | Minimum       | 16 648   |   |   |
| R-3                   |               | <i>Class I</i><br><i>999 and less</i>                          | <i>Class II</i><br><i>1 000-1 999</i>                         | <i>Class III</i><br><i>2 000 and more</i>                 |
|                       |               |  |   |   |
|                       | Maximum       | 25 803   | 28 342  | 31 156  |
|                       | Minimum       | 19 696   | 21 617  | 23 813  |

**Table 5****SALARY READJUSTMENT FORMULA**

$$S.S.^{(1)} = \text{Max.b}^{(3)} - \left[ \left( \frac{\text{Max.b} - \text{Min.b}^{(4)}}{\text{Max.a}^{(5)} - \text{Min.a}^{(6)}} \right) \times \left( \text{Max.a} - \text{C.S.}^{(2)} \right) \right]$$

- (1) S.S. = standardized salary of 30 June 1979
- (2) C.S. = current salary (1978/79)
- (3) Max.b = basic salary scale maximum of 79 06 30
- (4) Min.b = basic salary scale minimum of 79 06 30
- (5) Max.a = 1978/79 salary scale maximum
- (6) Min.a = 1978/79 salary scale minimum

*Note:* Application of the readjustment formula must in no case entail a decrease in the salary of personnel of 30 June 1979.

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O.C. 2904-77, (1977) 109 O.G.II, 6437  
 O.C. 4009-77, (1977) 109 O.G.II, 6511  
 O.C. 3380-78, (1979) 111 G.O., 3245  
 O.C. 1367-81, (1981) 113 G.O.II, 1553



c. C-29, r.3

## **Regulation respecting the conditions of employment of principals of general and vocational colleges**

General and Vocational Colleges Act  
(R.S.Q., c. C-29, s. 18)

### **GENERAL PROVISIONS**

**1.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “college” : a college established under the General and Vocational Colleges Act (R.S.Q., c. C-29) and under the Act respecting the Collège régional du Saguenay-Lac Saint-Jean (S.Q., 1975, c. 120) ;

(b) “Minister” : the Minister of Education ;

(c) “senior executive personnel” : the principals ;

(d) “body in the education sector” : a school board, a regional school board, or a general and vocational college ;

(e) “reassignment outside the plan” : a reassignment to a position not governed by the classification plans of this Regulation or the Regulation respecting the conditions of employment of senior and management staff of general and vocational colleges (c. C-29, r. 2).

**2. Application :** This Regulation applies to every college principal.

### **PART I REMUNERATION POLICY**

#### **CHAPTER I ADMINISTRATIVE ORGANIZATION**

**3.** Pursuant to the General and Vocational Colleges Act and the Act respecting the Collège régional du Saguenay-Lac Saint-Jean, every college shall appoint a principal.

#### **CHAPTER II JOB CLASSIFICATION AND ELIGIBILITY REQUIREMENTS**

##### **DIVISION I CLASSIFICATION**

**4.** The position of principal of a general and vocational college entails complete responsibility for the management (planning, organization, administration, control, evaluation) of all the programmes and resources of the body for all the administrative units of the establishments and fields of activity : instruction, student life, personnel, finance, equipment, data processing and the secretariat, in accordance with the legal and statutory provisions in force.

##### **DIVISION II REQUIREMENTS**

**5.** The minimum qualifications required for the position of principal of a college are as follows :

(a) an undergraduate degree, or preferably, a graduate degree ;

(b) 10 years of experience preferably in the field of education with at least 5 years in a senior staff position ;

(c) ability to resolve complex administrative and technical problems.

**6.** If a college is unable to find a candidate qualified for a given position, it may appoint a candidate who does not have the required academic background to perform such duties but who has relevant experience exceeding the minimum requirements.

**7.** A college may appoint a candidate whose background meets the eligibility requirements and whose exceptional qualities compensate for experience less than that stipulated in the eligibility requirements. The equivalence prescribed in this section and in section 6 shall be established by the college.

**8.** A person who occupies, on 7 December 1977, a position as principal in a college is considered eligible for such position in every college.

## CHAPTER III CLASSIFICATION PLAN

**9.** The classification plan for senior executive personnel is shown in Table 1 of this Chapter.

**10.** The classification plan shall be used to determine the remuneration of personnel.

### Class

**11.** Class shall be determined in relation to the total clientele.

**12.** The definitions and rules respecting the classes described in Division I of Chapter III of the Regulation respecting the conditions of employment of senior and management staff of general and vocational colleges (c. C-29, r.2) apply to principals of colleges.

**Table 1**

### Classification plan for senior executive personnel in colleges

#### CLASSIFICATION

#### Level 0 senior staff

**HC-0** Principal

#### CLASS (in relation to school clientele)

| Class I<br>1999 & under | Class II<br>2000 — 3999 | Class III<br>4000 & over |
|-------------------------|-------------------------|--------------------------|
|-------------------------|-------------------------|--------------------------|

## CHAPTER IV REMUNERATION

### DIVISION I SALARY SCALES

**13.** The salary scales for senior executive personnel on 30 June 1979 and for the years 1979-1980 and 1980-1981 are those prescribed in Tables 1, 2 and 3 of Division II.

**14.** The salary scale for senior executive personnel on 30 June 1979, contained in Table 1 of Division II, is readjusted to take into account a standardization of the differences between management levels, salary classes and between the minimum and maximum rates in each salary class.

**15.** The minimum and maximum rates of the salary scale on 30 June 1979 are increased by 9,5% to constitute the salary scale for the year 1979-1980 contained in Table 2 of Division II.

**16.** The minimum and maximum rates of the salary scale for the year 1979-1980 are increased by 9,5% to constitute the salary scale for the year 1980-1981 contained in Table 3 of Division II.

### DIVISION II READJUSTMENT OF 30 JUNE 1979 AND ANNUAL INCREASE

**17.** The salary of the principal is readjusted on 30 June 1979 to take into account the readjustment in salary scales on that date through application of the salary readjustment formula in Table 4 of Division II.

**18.** The annual increase pertaining to evaluation is determined on the basis of the performance of the principal.

**19.** For the year 1979-1980, the salary increase ensuing from evaluation of the performance of the principal in office on 30 June 1979 and still in office on 1 July 1979 is set at a percentage varying from 0% to 9,5% of his readjusted annual salary of 30 June 1979 without, however, exceeding the maximum rate for his class.

For the year 1980-1981, the salary increase ensuing from evaluation of the performance of the principal in office on 30 June 1980 and still in office on 1 July 1980 is set at a percentage varying between 0% and 9,5% of his annual salary of 30 June 1980 without, however, exceeding the maximum rate for his class.

**TABLE 1**

#### Readjusted salary scale of 30 June 1979

| <i>Classification</i> | <i>Salary</i> | <i>Class I</i> | <i>Class II</i> | <i>Class III</i> |
|-----------------------|---------------|----------------|-----------------|------------------|
| HC-0                  | Maximum       | 44 005 \$      | 45 325 \$       | 46 685 \$        |
|                       | Minimum       | 33 850         | 34 866          | 35 912           |

TABLE 2

## Salary scale for the year 1979-1980

| <i>Classification</i> | <i>Salary</i> | <i>Class I</i> | <i>Class II</i> | <i>Class III</i> |
|-----------------------|---------------|----------------|-----------------|------------------|
| HC-0                  | Maximum       | 48 185 \$      | 49 631 \$       | 51 120 \$        |
|                       | Minimum       | 37 076         | 37 177          | 39 324           |

TABLE 3

## Salary scale for the year 1980-1981

| <i>Classification</i> | <i>Salary</i> | <i>Class I</i>           | <i>Class II</i>      | <i>Class III</i>        |
|-----------------------|---------------|--------------------------|----------------------|-------------------------|
|                       |               | <i>1 999 &amp; under</i> | <i>2 000 — 3 999</i> | <i>4 000 &amp; over</i> |
| HC-0                  | Maximum       | 52 762 \$                | 54 346 \$            | 55 976 \$               |
|                       | Minimum       | 40 587                   | 41 804               | 43 060                  |

TABLE 4

## Salary readjustment formula of 30 June 1979

$$S.S.^{(1)} = \text{Max}.b^{(3)} - \left[ \left( \frac{\text{Max}.b - \text{Min}.a^{(5)}}{\text{Max}.a^{(5)} - \text{Min}.a^{(5)}} \right) \times \left( \text{Max}.a - C.S.^{(2)} \right) \right]$$

(1) S.S. = standardized salary of 30 June 1979

(2) C.S. = current salary (1978/79)

(3) Max.b = basic salary scale maximum of 79 0630

(4) Max.a = 1978/79 salary scale maximum

(5) Min.a = 1978/79 salary scale minimum.

### DIVISION III ADMINISTRATION OF SALARIES

**20.** The provisions provided in Divisions III, IV, V, VI and VII of Chapter IV of the Regulation respecting the conditions of employment of senior and management staff of general and vocational colleges (c. C-29, r.2), with the exception of those provided for in sections 86, 92, 96 and 97, shall apply to principals.

### CHAPTER V PROFESSIONAL IMPROVEMENT COURSES

**21.** The provisions respecting the general policy for professional improvement provided in Chapter V of the Regulation respecting the conditions of employment of senior and management staff of general and vocational colleges shall apply to senior executive personnel of colleges.



## PART II EMPLOYMENT POLICY

### General provisions

**22.** In this Part, unless the context indicates otherwise, the following words and expressions mean :

(a) “engagement” : the establishment of an employment relationship between a person and the college ;

(b) “appointment” : the mandate conferred upon the person by the college ;

(c) “non-renewal of appointment” : the non-renewal of the mandate upon its termination ;

(d) “cancellation of appointment” : the cancelling of a mandate before its termination ;

(e) “non-renewal of engagement” : the cancellation of the employment relationship of a person by the college at the end of a mandate ;

(f) “non-renewal of engagement by a person” : a resignation at the end of a mandate ;

(g) “dismissal” : the cancellation of an employment relationship by the college for cause during or at the end of a mandate ;

(h) “resignation” : the cancellation of an employment relationship by a person during or at the end of a mandate ;

(i) “school or administrative reorganization” : a reorganization resulting from the application of a law or regulation of the Minister of Education.

## CHAPTER VI EMPLOYMENT PLAN

### DIVISION I ELIGIBILITY AND SELECTION

**23.** The eligibility requirements for each position of principal include the eligibility requirements for such duties prescribed in Chapter II and apply to every college, and include any additional requirements pertinent to such position in accordance with the requirements of the college.

**24.** The college shall determine its policy with respect to the eligibility requirements for the position of principal.

**25.** The college shall proceed in selecting its principal in accordance with such eligibility requirements.

## DIVISION II ENGAGEMENT AND APPOINTMENT

**26.** The college shall engage and appoint its principal.

**27.** Where a college board of directors places on the agenda of one of its meetings the study of the renewal of the mandate of its principal, it shall notify the latter thereof.

**28.** Upon the request of the principal, the college shall provide him with an evaluation in writing and permit him to be heard if he so desires before making a decision on the renewal of his mandate.

## DIVISION III EVALUATION

**29.** The college shall evaluate its principal.

## DIVISION IV NON-RENEWAL AND CANCELLATION OF APPOINTMENT

**30.** Upon the decision by a college to dismiss or not to renew the appointment of the principal, the latter shall retain his employment relationship and shall be demoted or reassigned outside the plan.

**31.** In the case of an administrative demotion or an administrative reassignment outside the plan, the director general shall benefit from Chapter VII.

**32.** Where a college accepts a request by a principal for the non-renewal or the cancellation of his appointment, the latter shall retain his employment relationship and shall be demoted or reassigned outside the plan.

**33.** In the case of a voluntary demotion or voluntary reassignment outside the plan, the college may allow the principal thus demoted or reassigned to benefit from the provisions provided for in section 31 provided the principal has completed 2 years of continuous service in the employ of the college as senior executive or senior staff.

## DIVISION V NON-RENEWAL OF ENGAGEMENT

**34.** The college may decide not to renew the engagement of its principal.

**35.** If the college decides not to renew the engagement of its principal, it shall notify him in writing at least 60 days before the end of his engagement.

**36.** Upon a decision by a college not to renew the engagement of its principal, the college shall grant him the pre-retirement leave benefits described in Chapter VII, provided he has completed 2 years of continuous service in the employ of the college as senior executive or as senior staff member or the severance pay described in Chapter VII, provided he has completed 3 years of continuous service in the employ of the college in accordance with section 63.

**37.** If a principal decides not to renew his engagement, he shall notify the college thereof in writing at least 60 days before the end of his mandate.

**38.** Upon a decision by the principal not to renew his engagement, he shall be entitled to preretirement leave or severance pay benefits described in Chapter VII, provided he has completed 3 years of continuous service in the employ of the college in accordance with section 63.

#### **DIVISION VI SUSPENSION AND DISMISSAL**

**39.** Because of incapacity, negligence, misconduct, immorality or incompetence, the college may at any time suspend with or without salary, or dismiss, its principal.

**40.** Upon a request to dismiss the principal submitted to the board of directors of a college by one of its members, the board of directors shall receive the request together with the grounds therefor and shall notify the principal and convene a special meeting of the board of directors to study the dismissal request concerning the principal and to hear the latter if he so desires.

**41.** Upon a request by the principal, the college shall give him, in writing, the reasons invoked which prompted the request to the board of directors for his dismissal before holding a special meeting of the board of directors convened to study the request for dismissal.

**42.** The principal may not be dismissed by the college except by a decision made by an absolute majority of the votes of the board of directors of the college.

#### **DIVISION VII RESIGNATION**

**43.** If the principal decides to resign, he shall notify the college thereof in writing within a reasonable time prior to the date his resignation comes into effect.

**44.** In the case of resignation of a principal, the latter shall benefit from severance pay as defined in Chapter VII provided he has completed 3 years of continuous service in the employ of the college in accordance with section 63.

**45.** For the purposes of the application of sections 36, 38 and 44, the years of continuous service as senior executive in the employ of the college shall also take into account the years of continuous service with the college in the position of academic dean, campus principal of a regional college and assistant academic dean in a regional college.

#### **CHAPTER VII EMPLOYMENT STABILITY**

##### **DIVISION I PROCEDURES RESPECTING REASSIGNMENT IN CASES OF AVAILABILITY LISTING FOLLOWING A SCHOOL ADMINISTRATIVE REORGANIZATION**

**46.** The person contemplated in this Division may choose one of the following alternatives :

- (a) reassignment in the same body or in another body in the education sector ;
- (b) pre-retirement leave ;
- (c) severance pay benefits.

##### *§1. Reassignment*

**47.** The person contemplated in this Division is entitled to another position within the college (internal reassignment) or in another body (external reassignment) in the education sector in accordance with the eligibility requirements of the college or the body.

##### *§2. Internal reassignment*

**48.** If a position comparable with the competence of the person contemplated by this Division is available among the senior or management staff, the college shall assign such person to the position according to the classification of the position.

If such a position does not exist, the principal governed by this Division is reassigned outside the plan, in accordance with sections 49 to 55.

**49.** Where a position exists in the category of employees to which the principal belonged before his appointment or

to which he would have belonged if he had been employed by the college before his appointment, this latter category being determined by the college on the basis of the qualifications of the principal and after consulting him, and where application of the collective agreement governing that category of employees allows, the college assigns the principal to that particular category, outside the plan.

As long as the conditions prescribed in the first paragraph are not met, the principal is demoted to a senior staff level 2 position within the meaning of the Regulation respecting the conditions of employment of senior and management staff of general and vocational colleges (c. C-29, r. 2) as a surplus employee.

**50.** During the period necessary to acquire permanent status or security of employment, where applicable, in a reassignment outside the plan, a person who becomes a surplus employee within the meaning of the collective agreement governing him is again entitled to the employment guarantee pursuant to sections 47 to 49.

**51.** A person who has acquired permanent status or security of employment, where applicable, in a reassignment outside the plan, is again entitled to the employment guarantee pursuant to sections 47 to 49 if he becomes a surplus employee within the meaning of the collective agreement governing him, where his years of seniority as senior executive, senior staff member or manager are not all recognized.

**52.** The college shall take the measures necessary to ensure the integration, as soon as possible, of such surplus person into its staff plan and forward his name to the education section Employment Office for purposes of reassignment to another body in the education sector.

**53.** Unless there are express provisions to the contrary, the person thus reassigned (reassignment outside the plan) is no longer governed by this Regulation but instead is governed by the stipulations contained in the collective agreement or the regulations that apply to the new group to which he belongs.

**54.** The provisions of the salary adjustment procedures as determined by Division III of Chapter VII of the Regulation respecting the conditions of employment of senior and management staff of general and vocational colleges (c. C-29, r. 2) shall apply to the principal thus reassigned under the conditions indicated.

**55.** The person thus reassigned shall retain the privileges with respect to his bank of sick days and shall continue to accumulate his years of service for the purposes of the granting of annual vacation.

### *§3. External reassignment*

**56.** The principal contemplated in this Division and assigned as a surplus employee to another employee group shall benefit from the replacement services to be relocated in another body, in any position compatible with his competence, in accordance with the terms and conditions and benefits with respect to "external reassignment" prescribed in Division I of Chapter VI of the Regulation respecting the conditions of employment of senior and management staff of general and vocational colleges.

### *§4. Pre-retirement leave*

**57.** The principal contemplated by this Division who does not exercise his right to external or internal reassignment or to severance pay and who has less than one year before the date of his pre-retirement leave under the benefits accorded his bank of sick days or, less than one year to his eligibility for retirement, as the case may be, shall become eligible for pre-retirement leave.

**58.** In such case, the principal in question shall retain his right to the accrued benefits accorded his bank of sick days, where applicable.

**59.** The case of a person who has only a few years left before the actual date on which he reaches retirement age may be the subject of a particular study by the Minister of Education.

### *§5. Severance pay*

**60.** The person contemplated in this Division who has completed 3 years of service in a college in accordance with section 63 is entitled to severance pay in the case of resignation or non-renewal of his engagement.

**61.** The beneficiary may claim severance pay either as a lump sum, as a leave with pay, or as a combination of both.

**62.** Severance pay shall be equivalent to 2 months of salary per year of service, but in no case may the beneficiary receive during his career in the collegiate system more than 12 months of salary as severance pay.

**63.** The calculation of a principal's years of service shall be made by adding, where applicable, the years or parts of years of service as principal, as academic dean, as campus principal of a regional college, or as assistant academic dean in a regional college, as the case may be.

**64.** Where severance pay is granted by the college in the form of leave with pay, the beneficiary is entitled to fringe benefits related to such remuneration, as well as group insurance and retirement plan benefits. At the end of such leave, which may not exceed the end of his mandate, the beneficiary shall discontinue any employment relationship with the college.

**65.** Severance pay, where applicable, shall be paid by the college in the form of a lump sum where the beneficiary has definitively ceased to occupy a position within the said college.

**66.** Where the severance pay is granted in the form of a lump sum, it shall be based upon the annual salary to which the beneficiary is entitled and shall be divided into monthly payments corresponding to the number of months to which the beneficiary is entitled under sections 60 and 62. Such number is decreased, where applicable, by the number of months granted in the form of leave with pay under section 64.

**67.** Severance pay does not include the beneficiary's holidays or paid leave. However, it does include, where applicable, leaves with pay granted at the termination of employment or at the end of a mandate.

**68.** Severance pay does not apply to a principal who is eligible for full retirement or pre-retirement, or who accepts a demotion in the college or who is dismissed by the college. Moreover, it does not apply to those who are the subject of a temporary or provisional assignment.

**69.** Payment of severance pay ceases as soon as the beneficiary accepts a paid position outside the college. In such case, if the beneficiary has not received an indemnity equivalent to 3 months of pay, he is entitled to the remainder.

**70.** Payment of the severance pay also ceases upon death of the beneficiary.

## **DIVISION II**

### **PROCEDURES RESPECTING REASSIGNMENT IN THE CASE OF MUTUAL AGREEMENT FOLLOWING AN ADMINISTRATIVE DEMOTION OR A REASSIGNMENT OUTSIDE THE PLAN**

**71.** The reassignment procedures prescribed in sections 47 to 59 of Division I of this Chapter shall apply in the case of reassignment by mutual agreement where the person in question has at least 2 years of continuous service in a senior executive or senior staff position within the college.

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O.C. 2903-77, (1977) 109 O.G.II, 6423  
O.C. 4008-77, (1977) 109 O.G.II, 6509  
O.C. 3379-78, (1979) 111 G.O., 2619  
O.C. 1366-81, (1981) 113 G.O.II, 1547



c. C-29, r.4

## **Regulation respecting tuition fees that a general and vocational college must charge students from outside Québec**

General and Vocational Colleges Act  
(R.S.Q., c. C-29, s. 24)

### **DIVISION I DEFINITIONS**

**1.** In this Regulation, unless the context indicates otherwise, the following terms mean :

“student from outside Québec”, hereafter referred to as a “foreign student” : a person registered in a general and vocational college who is neither a Canadian citizen, nor a permanent resident within the meaning of the Immigration Act, 1976 (S.C. 1976-77, c. 52) and the regulations made thereunder, nor an Indian within the meaning of the Indian Act (R.S.C., 1970, c. I-6) ;

“regular student” : a person who registers in a general and vocational college to obtain a diploma, certificate or attestation of collegiate studies or to obtain credits ;

“full-time student” : a regular student who registers in at least 4 courses or 180 course periods per term ;

“part-time student” : a regular student who registers in less than 4 courses or 180 course periods per term ;

“auditor” : a person who registers as such in a general and vocational college without seeking credits ;

“study programme” : an integrated series of courses leading to the acquisition of general and specific educational objectives and entitling a person to a diploma, certificate or attestation of collegiate studies ;

“exchange or co-operation programme” : a series of projects contained in a specific agreement concluded with a foreign government, an international agency or a legally constituted body.

### **DIVISION II APPLICATION**

**2.** Subject to sections 8 and 9, this Regulation applies to any foreign student, except the persons referred to in section 3 who are registered in a general and vocational college.

**3.** The following persons are not governed by this Regulation :

(1) any diplomatic or consular officer, representative or civil servant, duly accredited, from a foreign country or the United Nations or one of their agencies, or from a governmental agency to which Québec or Canada belong, or any member of the staff of the said diplomatic or consular officer, representative or civil servant who enters or is in Canada to perform his official duties ;

(2) any spouse or unmarried son or daughter of one of the persons enumerated in paragraph 1 ;

(3) any person registered in a general and vocational college who has come to Québec as part of an exchange or co-operation programme agreed to by the Gouvernement du Québec that contains an exemption for the beneficiaries of the agreement ;

(4) any person registered in a general and vocational college who has come from a State that has signed an enabling agreement with the Gouvernement du Québec ;

(5) any person registered in a general and vocational college whose status as refugee has been recognized and who is waiting for resettlement authorization.

**4.** Despite section 3, any person sponsored by a Canadian organization or by an international agency that has not concluded an enabling agreement with the Gouvernement du Québec is subject to this Regulation.

### **DIVISION III TUITION FEES**

**5.** Effective from the 1981 autumn term, a general and vocational college must collect from a foreign student the following tuition fees :

(1) 1 380 \$ per term for a foreign student who registers as a full-time student ;

(2) 7,70 \$ per course period for a foreign student who registers as a part-time student.

**6.** The tuition fees prescribed in section 5 do not include registration fees that a general and vocational college may require of students by virtue of regulations made and approved for that purpose.

#### **DIVISION IV SPECIAL PROVISIONS GOVERNING CERTAIN FOREIGN STUDENTS**

**7.** Despite section 5, a general and vocational college must collect from a foreign student who has completed at least one term at the beginning of the 1981 autumn term the following tuition fees :

(1) for a foreign student registered as a full-time student, 625 \$ for the 1981 autumn term and 875 \$ per term for 1982 winter, summer and autumn terms ;

(2) for a foreign student registered as a part-time student, 3,35 \$ per course period for the 1981 autumn and 1982 winter and summer terms, and 4,70 \$ for the 1982 autumn and 1983 winter and summer terms.

For the purpose of this section, tuition fees are prescribed pursuant to section 6.

**8.** A foreign student who, at the beginning of the 1978 autumn term, had completed at least one term without, however, completing the study programme in which he was registered and who, subsequent thereto, registers in a different study programme at the same level, is not governed by sections 5 and 7 until he has completed the different study programme.

However, the said foreign student, although he has not completed the different study programme in which he was registered, becomes subject to section 7 when he registers anew in another study programme at the same level.

A foreign student referred to in the first paragraph of this section becomes subject to section 7 after the following time periods :

(1) 2 years at the latest after beginning a different 4-term study programme ; or

(2) 30 months at the latest after beginning a different 5-term study programme ; or

(3) 3 years at the latest after beginning a different 6-term study programme.

**9.** A foreign student who, at the beginning of the 1978 autumn term, had already completed at least one term as

part of a study programme in a general and vocational college or in a college level private educational institution in Québec and who, subsequent thereto, registers in another general and vocational college, for the first time, in another study programme at the same level, is not governed by section 5 until he has completed the study programme within the time periods prescribed in section 8.



c. C-31, r.1

## Regulation respecting the application of the Petroleum Products Trade Act

Petroleum Products Trade Act  
(R.S.Q., c. C-31)

### DIVISION I GENERAL

**1. Definition :** In this Regulation, unless otherwise specified, the following words and expressions mean :

- (a) "public road" : a public road under the Highway Code (R.S.Q., c. C-24) ;
- (b) "Electrical Code" : Canadian Electrical Code, 1966 edition of the Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu du Québec ;
- (c) "marine terminal" : bulk storage plant supplied mainly by tank vessel ;
- (d) "litre" : liquid measure as defined by the Weights and Measures Act (S.C., 1970-71-72, c. 36) ;
- (e) "Act" : the Petroleum Products Trade Act (R.S.Q., c. C-31) ;
- (f) "Minister" : the Minister of Energy and Resources ;
- (g) "vehicle" : a motor-vehicle under the Highway Code.

**2. Petroleum products :** For the purposes of the Act and this Regulation, a petroleum product is a mixture of hydrocarbons used as motor fuel, heating oil or lubricant which are defined as follows :

- (a) motor fuel is a combustible product used in explosion type motors or internal combustion type motors ; it includes :
  - i. gasoline which is a light petroleum distillate with or without additives, designed to be used as a fuel in spark ignition engines ;
  - ii. diesel fuel which is a medium petroleum distillate designed to be used as a fuel in compression ignition engines ;
  - iii. aviation fuel which is divided as follows :

(A) aviation gasoline which is a light petroleum distillate containing several additives, specially designed to be used as fuel in spark ignition engines of aircrafts ;

(B) turbine fuel which is a medium petroleum distillate designed to be used as a fuel in propulsion by reaction motors ;

(b) heating oil is a distillate, a residue, or a mixture of both, designed to produce heat or power and includes :

i. the light combustible oil which is divided as follows :

(A) number 1 oil, which is a light combustible distillate designed to be used in the vaporization type domestic heating apparatus ;

(B) number 2 oil, which is a light combustible distillate designed to be used in atomization type domestic heating apparatus ;

ii. intermediate combustible oil, or number 4 and number 5 oils, which are a distillate, a residue or a mixture of both, used as fuel in producing heat or power, and usually intended for burner installations without preheating means ; and

iii. heavy combustible oil, or number 6 oil, which is a heavy distillate, a residue or a mixture of both, used as a fuel to produce heat or power in burner installation equipped with preheating means ; and

(c) a lubricant is a substance designed to diminish friction and wear in the components and mechanical parts of vehicles and includes all motor oils.

### 3. Classification :

(1) Petroleum product are classified as follows :

(a) Class I : petroleum distillates having flash points of 38°C or below ;

(b) Class II : petroleum distillates having flash points between 38°C and 60°C ;

(c) Class III : petroleum distillates having flash points of 60°C and over.

(2) Class I and Class II petroleum products are liquids, and their flash point is determined by using the ASTM D56-70 method.

(3) Class III petroleum products are combustible liquids and their flash point is determined by using the ASTM D93-71 method.

**4. Standards :** Every petroleum product shall conform to the petroleum products group 3 GP quality standards, established by the Canadian Government Standard Board as specified in Schedule A.

## DIVISION II SAMPLING AND ANALYSIS

**5. Sample taking :** For analysis purposes, an inspector may, providing he pays the current price, take from any tank a sample of the petroleum product not exceeding 5 litres.

**6. Sample identification :** After taking out the sample, the inspector shall write an identification note containing the following information :

- (a) the operator's name and address ;
- (b) the date of sample taking ;
- (c) the establishment where the sample has been taken ;
- (d) the tank identification out of which the sample has been taken ;
- (e) the petroleum product identification ;
- (f) the product supplier's name ;
- (g) the last 2 delivery dates of the petroleum product to the operator and the quantity delivered each time ; and
- (h) the name and number of the driver who made the last 2 deliveries.

This note must be signed by the inspector who has taken out the sample and by the operator or his representative ; one copy of this note is then given to the operator.

**7. Analysis :** The analysis of samples taken is made according to ASTM methods and standards specified in Part 18 of the annual volume of standards of ASTM for 1971.

## DIVISION III PERMITS

**8. Permits :** The necessary permits for trading petroleum products are :

- (a) wholesaler's permit ;
- (b) retailer's permit ;
- (c) storage permit ; or

(d) transport permit.

**9. Wholesaler's permit :** The wholesaler's permit allows the wholesale and retail trade including transport of motor fuel, lubricant and heating oil ; it is valid for the establishment and the petroleum products described only. It also allows the storage of the products within the boundaries of the establishment.

**10. Retailer's permit :** The retailer's permit allows the retail trade including transport of motor fuel, lubricant and heating oil ; it is valid for the establishment and the petroleum products described only. It also allows storage of the products within the boundaries of the establishment.

**11. Storage permit :** The storage permit allows a person who does not already have a permit as described in sections 9 and 10 to store and transport described products in a designated area ; this area constitutes the permit holder's establishment.

**12. Transport permit :** The transport permit authorizes the holder who does not already have a permit as described in sections 9, 10 and 11, to transport specified petroleum products from a designated point ; this point constitutes the permit holder's establishment.

**13. Permit ownership :** The Minister has ownership of permits at all times. The holder shall not consider them, nor value them as part of his patrimony.

**14. Application for permits :** The request is made in the name and under the signature of the operator using the form designated for this purpose in Schedule B. The application must contain enough information to identify the establishment and the petroleum products designated on the permit and be accompanied by the information formulas included in Schedule B.

**15. Permit forms :** The permits are delivered on forms prepared for this purpose in Schedule C.

**16. Bill sticking :**

(1) The permit holder shall place his permit in his establishment so that the public can see it.

(2) Any vehicle used by an operator to transport petroleum products shall bear his permit number drawn in figures of at least 8 centimetres in height, in a conspicuous spot at rear of vehicle.



**17. Insurance :**

(1) All permit holders shall hold a public liability insurance policy against all damage caused to others by the activities or petroleum products as designated on his permit ; his application for permit shall include a copy of his public liability insurance policy.

(2) The permit holder must, without delay, notify by writing the Minister in case of termination or cancellation of his insurance contract or of any change made on the contract.

(3) The insurance shall cover the minimum amounts as stated in Schedule D.

**18. Renewal :**

(1) The holder who has complied with the Act, the regulations and the conditions of his permit may have it renewed annually.

(2) The permit holder who wishes a renewal of his permit shall make a request on the form designed for this purpose in Schedule E, at least 30 days before the expiration date of his permit.

**19. Change of location :** When a permit holder changes his establishment site, he must, without delay, advise the Minister in writing and ask for a permit for the new site.

**20. Changes to the establishment :** The permit holder shall notify the Minister of any changes made to the establishment described ; this notice must be given, in writing not later than 10 days before the beginning of works.

**21. Fees to be paid :** The operator who applies for a permit or asks for a renewal shall pay to the Minister of Finance the amount set in Schedule F.

**22. Reports to supply :**

(1) All permit holders shall each year, no later than 30 March supply the Minister with the reports as described in Schedule G.

(2) Neither any report supplied under this Regulation nor any answer to a question asked under this Regulation shall be published without the previous written assent of the person concerned and, except for the purposes of a prosecution under this Regulation, no person other than an official or an employee of the Ministère de l'Énergie et des Ressources shall be permitted to have access of it.

Not any publication made under this Regulation shall contain information concerning a particular company, but all given informations shall be set out in such a way that it is not possible to relate them to a particular company.

This section does not apply to information and publications related to a public organization or a transport service.

**DIVISION IV  
TECHNICAL STANDARDS RELATIVE TO  
RETAIL TRADE ESTABLISHMENTS**

**23. Main building site :** The main building of any new motor fuel and lubricant retail outlet, built after 1 May 1974, shall be situated at more than 5 metres from the distribution area, and more than 1 metre from the storage tanks.

**24. Distribution units sites :**

(1) Starting on 1 May 1974, for any new motor fuel and lubricant establishment meant for retail trade, the distribution equipment shall be placed at more than 5 metres from the boundaries of the grounds, and situated in such a way that getting on and off the public road is easily done.

(2) The distribution units for Class I and Class II products may be situated inside buildings, if they comply with the following conditions :

(a) the distribution unit and piping shall be raised on a concrete island or protected from any damage by collision by appropriate means, or be placed in such a way that they can not be struck by a stray vehicle coming down a ramp or any other slope ;

(b) the distribution area shall be equipped with an approved mechanical ventilation system, and be protected by an automatic sprinkler system ;

(c) ventilation systems shall be electrically connected to the gasoline distribution units, so that these could operate only when the ventilation motors are operating ; and

(d) the operator shall provide at all times a slow speed mechanical ventilation.

Paragraphs *a*, *b*, *c* and *d* will apply no later than 1 January 1975 for any establishment built prior to 1 May 1974.

**25. Main building and grounds maintenance :**

(1) The operator shall maintain and operate his establishment in such a way as to prevent and control leakage and escape of petroleum products and in particular he must :

(a) keep at all times and in sufficient quantity on the site of the establishment, materials suitable for the absorption of hydrocarbons ; and

(b) immediately clean up any escaping petroleum product with the use of these materials.

(2) The operator shall maintain buildings and grounds in a state of cleanliness and good order.

(3) The operator shall maintain aisles of at least 1 metre in width to insure unobstructed movement of personnel and to carry fire fighting equipment in all areas where petroleum products are stored.

(4) The operator shall deposit combustible waste and residues in a closed metal container and dispose of them every week.

(5) The grounds around the buildings and the operating areas shall be free of waste at all times.

(6) Parking of tank trucks in an establishment designed for retail trade of motor fuel and lubricants, except for delivery and maintenance, is prohibited.

(7) The use of Class I petroleum products for cleaning and washing purposes is prohibited.

**26. Marine service stations :**

(1) The marine outlet operator shall ensure that any distribution apparatus is solidly installed on the shore, or on a wharf, dock, jetty or landing firmly and permanently, or on a floating platform.

(2) When the storage tank is placed over the distribution unit, the operator shall install in the piping, at the tank outlet or close to this outlet, suitable stop valve capable of preventing any siphon effect from the tank in case of breakage of the piping.

(3) On the site of a marine service-station, the tank containing Class I or II products shall be at least 5 metres, measured horizontally, from the normal annual high water mark, and any tank exposed to the ground sheet of water and to flooding must be solidly anchored in order to avoid any movement.

(4) Any piping attached to wharves, docks, jetties or landings shall be protected from damage and supplied with 2 valves, within easy reach, to stop the flow of fuel,

one at the approach to the landing stage and the other on the shore in the proximity of the junction with the flexible piping.

(5) The distribution area shall be separated from the other buildings in a manner allowing enough room for the safe arrival and departure of small craft being supplied with fuel. The distribution units shall always be situated at a distance of at least 8 metres from any activity involving constant sources of inflammation, and at a distance of at least 30 metres from any burning dumping ground.

(6) The distribution nozzles shall be equipped with an automatic stop valve without any blocking device when in opened position.

**27. Heating equipment :** In any establishment for retail trade of motor fuels and lubricants built after 1 May 1974 :

(a) any open flame heating equipment shall be separated from any zone determined in Divisions 1 or 2 of Schedule H, by fire-resistant walls giving no access to the danger zone less than 2,5 metres from the floor, and shall not be used for the storage of Class I and Class II petroleum products, and all air for combustion purposes shall come from outside the building ;

(b) the gas or oil heating equipment shall be installed higher than 50 centimetres from the floor provided they are protected from material damage when the operator does not engage in general mechanical work, nor work on the carburetor or the fuel tank of a vehicle and where distribution, transfer or handling of Class I petroleum products is not done ;

(c) the burner or the combustion chamber of heating equipment using gas or oil may be installed in areas where distribution or handling of Class I products occur, provided they are installed at a distance greater than 2,5 metres from the floor. In the case of forced heated air, the return pipe line must be at a distance greater than 1,25 metres from the floor in any room classified under Division 1 or 2 of Schedule H ; and

(d) the heating apparatus and their components shall be kept in good operating condition at all time.

Subparagraphs *a*, *b* and *c* will apply as of 1 January 1976 and will apply to all establishments built prior to 1 May 1974.

**28. Electrical installations :**

(1) In places where Class II and Class III petroleum products are either stored or handled, the electrical heating equipment shall be installed according to standards set

by Divisions 18 and 20 of the Electrical Code prevailing for any regular location.

(2) Any electrical appliance and electrical wire shall be of a type specified by Divisions 18 and 20 of the Electrical Code and installed according to this code's Divisions.

(3) Schedule H is used to mark the areas and to classify the dangerous zones when electrical apparatus is installed under normal conditions. The designated area must not extend further than a wall without openings, a roof or any other complete partition.

(4) The electrical installation done according to Schedule H is presumed to be in accordance with the Electrical Code standards in all respects.

(5) The electrical equipment shall be kept in good working condition at all times according to the Electrical Code.

### **29. Drainage and waste disposal :**

(1) Used petroleum products or waste material shall be gathered either in a tank or a closed container :

(a) if they are gathered in a tank :

- i. the tank shall be buried outside the building ;
- ii. the filling pipe might be inside or outside but shall be kept tightly closed when not in use ;
- iii. the tank shall be equipped with an air-vent opening on the outside according to section 36 ;
- iv. the filling pipe and the pipe by which the used or waste oil will be taken out shall be installed and protected as described in section 37 ;

(b) if they are gathered in closed containers, all instructions of the Regulation regarding Class I products shall be followed.

(2) Any drainage from inside service bays built after 1 May 1974 shall be done through the use of a hydrocarbon separator.

(3) The petroleum product floating in the separator shall be removed regularly so that it does not drain into the sewer, and the operator shall transfer it to the petroleum waste tank or to the closed container, whatever the case may be.

(4) The tank and the closed containers used for petroleum waste shall be emptied regularly.

**30. Pits :** In all establishments for retail trade of motor fuel and lubricant built after 1 May 1974, pits shall be allowed in service bays provided the operator installs an adequate ventilation system.

**31. Special enclosures :** As of 1 May 1974, for any new establishment intended mainly for retail trade, and as of 1 January 1976 for any establishment built prior to 1 May 1974 :

(a) when installation of tanks in accordance with section 23 is impossible due to property or building limitation, tanks for flammable or combustible liquids may be installed in buildings provided they are installed in the following manner :

- i. enclosure shall be liquid and vapour tight ;
  - ii. sides, top and bottom of enclosure shall be of reinforced concrete at least 15 centimetres thick, with opening for inspection through the top only ;
  - iii. this enclosure shall be permanently vented to the atmosphere ;
  - iv. the connections to the tank shall include pipes or means of closing in such a way that neither vapours or liquids can escape into the enclosed space ;
  - v. the operator shall provide means which will allow the use of portable equipment to recuperate any liquid or vapour which could accumulate, should leakage occur ;
- (b) at service stations for tenant or customer parking facilities, at or below ground level, in large commercial or residential buildings, tanks containing Class I products installed in accordance with paragraph 7022 of ACA Standard 30-1969 shall not exceed 23 000 litres each or 68 000 litres total capacity.

**32. Above ground tanks :** For any establishment intended for retail trade of motor fuel and lubricants :

(a) it is prohibited to store Class I products in above ground tanks ;

(b) storage tanks supplying marine service stations may be located above ground where rock ledges or high water levels make underground tank installation impossible ;

(c) the erection of above ground tanks must be done according to Schedule I ;

(d) any above ground tank must be supported on a firm fixed or movable base of a skid type design, and shall be protected from vehicle impact or other physical damage ;

(e) where there is evidence to indicate a higher degree of external corrosion than that provided for in the design formula used for the tank, additional metal thickness or protective coatings or linings shall be provided to compensate for the corrosion loss expected during the normal life of the tank ;

(f) where an above ground storage tank has piping or a fitting connected to it at any point below the highest level to which the petroleum product will rise, the piping or fitting shall be provided with an internal or external steel control valve located as near as is practical to the shell of the tank ;

(g) the normal operating pressure of a tank shall not exceed its design pressure ;

(h) each tank shall be vented individually ;

(i) the operator shall provide a dike around every above ground tank of 4 500 or more litres. This dike shall consist of :

- i. natural ground conformation ; or
- ii. earthwork so built as to retain petroleum products.

### **33. Portable tanks :**

(1) All portable tanks of a capacity greater than 225 litres must conform with Schedule I.

(2) Supports shall be in accordance with paragraph *d* of section 32.

(3) No tank contemplated in subsection 1 may be used for a Class I petroleum product in a retail sale establishment for fuel or lubricants.

(4) Portable tanks containing Class I and Class II products installed outside a building shall be situated in such a way that the product would not be a hazard in case of spill or leakage of the product.

(5) Portable tanks containing Class I products shall be equipped at the top with one or more devices with sufficient emergency ventilation capacity to reduce the pressure in cases of fire contact at 70 kilopascals or 30% of the tank's bursting pressure, whichever be the higher of these pressures.

(6) Dispensing hoses, nozzles and pumps shall be of construction and design for petroleum product use.

**34. Underground tanks :** For any establishment built after 1 May 1974 and for all other establishments built prior to that date but needing major repairs, an underground tank :

(a) shall be placed :

i. more than 30 centimetres, horizontally measured, from a building ;

ii. more than 1 metre, horizontally measured, from an adjacent tank ;

iii. so located with respect to existing building foundations and supports that the load carried by the foundations or supports could not be transmitted to the tank ;

iv. more than 1 metre, measured horizontally from the property line or the street border ;

(b) shall not exceed 90 800 litres in capacity ;

(c) shall be constructed and maintained according to specifications listed in Schedule I ;

(d) where vehicles can be driven above the underground tank, the operator shall protect it by covering it with at least 1 metre of earth cover, or with 50 centimetres of well packed dirt and 15 centimetres of reinforced concrete, or 20 centimetres of alphaltic concrete ; when alphaltic concrete or reinforced concrete paving is used as part of the protection, it shall extend to at least 30 centimetres horizontally beyond the outline of the tank in all directions ; and

(e) shall be so installed so that its top is below the level of any piping connected to the tank.

### **35. Protection against corrosion — tanks and piping :**

(1) Where there is evidence to indicate a higher degree of corrosion than provided for in the design formula used, the tank shall have a compensating protection.

(2) As of 1 May 1974, any new piping associated with petroleum products storage tanks shall be :

(a) in conformity with ACA Standard 30-1969, section 3410 Chapter 3, or equivalent standard and shall be protected from external corrosion :

i. if above ground, by painting, wrapping, or coating ; and

ii. if underground, by wrapping, coating, galvanizing, or cathodic protection ; and

(b) firmly supported and protected when necessary against vehicle impact or other physical damage by adequate barriers.

(3) The cathodic protection of the type using sacrificial anodes or induced current shall include an ampere gauge or testing posts in a readily accessible location, and the operator shall take a reading at least once a year, and a permanent record shall be kept ; if the ampere gauge shows a lower amperage than requested, the operator shall take necessary action to bring the ionization level back to recommended range.

**36. Venting :** For any establishment built after 1 May 1974, and for all other establishments built prior to this date but needing major repairs :

(a) vent piping shall not extend more than 25 millimetres into the tank, except for Class II where the vent is equipped with a vent alarm ;

(b) vent openings shall have a cross-sectional area sufficient to permit free escape of air and vapour when the tank is being filled. The following table may be used to determine minimum size of vents :

**VENT LINE DIAMETERS**

| Maximum<br>flow<br>(litre/minutes) | Pipe length          |                      |                      |
|------------------------------------|----------------------|----------------------|----------------------|
|                                    | 15 metres<br>(in mm) | 30 metres<br>(in mm) | 60 metres<br>(in mm) |
| 380                                | 32                   | 32                   | 32                   |
| 760                                | 32                   | 32                   | 32                   |
| 1 140                              | 32                   | 32                   | 38                   |
| 1 520                              | 32                   | 38                   | 50                   |
| 1 900                              | 32                   | 38                   | 50                   |
| 2 280                              | 38                   | 50                   | 50                   |
| 2 660                              | 50                   | 50                   | 50                   |
| 3 040                              | 50                   | 50                   | 75                   |
| 3 420                              | 50                   | 50                   | 75                   |
| 3 800                              | 50                   | 50                   | 75                   |

**N.B.** The vent size depends upon the filling or withdrawal rate, whichever is larger, the vent length and the tank designed pressure;

(c) vents used to aerate Class I products shall be equipped with a weatherproof hood and a flame-arrester ; the effective opening shall not be less than that of the pipe. Vents used to aerate Class II products shall be equipped with at least a weatherproof hood ;

(d) every tank shall be individually vented ;

(e) individual vent pipes shall be equipped with an upward vent :

i. not less than 2 metres for Class II products and 4 metres for Class I products, above general ground level ;

ii. outside buildings, in such a way that fumes from the vent cannot enter or be drawn into any building through a window, door or other opening including air intakes and chimneys ;

iii. be firmly supported and protected and so located as to drain toward the tanks without pockets or traps in which liquid can collect ; and

iv. be located at not less than 5 metres horizontally from the nearest adjacent building openings and dispensing pump, when venting Class I products ; and

(f) all vents shall be maintained in a good operating condition at all time.

**37. Fill and gauge pipes :** For every establishment built after 1 May 1974 and for every establishment built before 1 May 1974 undergoing major repairs :

(a) the intake end of the pipe for an underground tank shall not be located :

i. inside a building ;

ii. at a distance less than 2 metres from any opening in a building ; or

iii. in a way as to permit the delivery truck from being parked on any public road during delivery ;

(b) the intake end of a fill pipe for an underground tank shall be equipped with a tight-fitting cap that shall be kept closed and locked, except during filling operation ;

(c) where the fill pipe extends above ground level it shall be protected against physical damage, and where it is below or at ground level the operator shall set it in a metal and concrete box equipped with a cover built, installed and maintained in a way that it will not transmit traffic load to the tank ;

(d) paragraphs *a*, *b* and *c* apply to a gauging pipe when it is separated from the filling pipe and when one pipe fulfills both purposes, paragraph *b* applies to both filling and gauging operations ; and

(e) every operator shall clean the fill pipe box of any water or other material before taking off the filling cap.

### 38. Packaged goods storage :

(1) Storage of Class I and Class II products and material soaked with Class I and Class II products in open containers is prohibited.

(2) Merchandise, materials and stock for sale shall not be stored so as to limit use of exits, stairways or areas normally used for safe passage of people.

**39. Inside storage rooms :** Effective 1 May 1974, and applying to any new establishment other than the one used for retail trade of motor fuel and lubricant, and effective 1 January 1978 for any other establishment, the operator shall conform with the following standards :

(a) inside storage rooms shall be constructed to meet the fire resistive rating for their use. Such construction shall comply with section 4310 of Standards no. 30-1969 of ACA ;

(b) the operator shall install an automatic sprinkler system ;

(c) openings to other rooms or buildings shall be provided with raised sills non-combustible and liquid tight, of at least 10 centimetres in height, or the floor in the storage room shall be at least 10 centimetres below the surrounding floor ;

(d) openings shall be provided with self-closing fire doors ;

(e) the room shall be liquid tight where the walls join the floor ;

(f) a permissible alternate for the sill is an opengrated trench inside of the room which drains to a safe location ;

(g) where other portions of the building or other properties are exposed, windows shall be protected, as set forth in the standard no. 80-1970 of ACA ;

(h) wood at least 25 millimetres nominal thickness may be used for shelving, racks, floor overlay and similar installations ;

(i) storage in inside storage rooms shall comply with the following :

| <i>Fire protection provided</i> | <i>Fire resistance (hours)</i> | <i>Maximum size (square metre)</i> | <i>Total allowance quantities (litre/ square metre) floor area</i> |
|---------------------------------|--------------------------------|------------------------------------|--|
| Yes                             | 2                              | 45                                 | 400  |
| No                              | 2                              | 45                                 | 165  |
| Yes                             | 1                              | 15                                 | 200  |
| No                              | 1                              | 15                                 | 80   |

Fire protection system shall be sprinkler water spray or carbon dioxide.

(j) electrical wiring and equipment located in inside storage rooms used for Class I products shall be in agreement with the Electrical Code requirements division 2, hazardous areas (Schedule H) ;

(k) every inside storage room shall be provided with either a gravity or mechanical exhaust ventilation system, in accordance with the following standards :

i. such system shall be designed to provide for a complete change of air within the room, at least 6 times per hour ;

ii. if a mechanical system is used, it shall be controlled by a switch located outside the door ;

iii. the owner shall install a pilot-light, adjacent to the switch, if class I flammable products are stored within the room ; and

iv. where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located ;

(l) in all inside storage rooms there shall be maintained one clear aisle at least 1 metre wide ;

(m) petroleum products, including stock for sale, shall not be stored so as to limit the use of passageway, for safety reasons ;

(n) containers over 115 litres capacity shall not be stocked one upon the other ; and

(o) the transfer of Class I petroleum products from one container to another is prohibited, unless an approved pump or self closing faucet is used.

### 40. Sale rooms :

(1) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes. It shall not exceed 8 litres of

Class I or Class II products per 90 square centimetres of gross area. The gross floor area used for computing, the maximum quantity permitted shall be considered as that portion of the store actually being used for merchandising petroleum products.

(2) Shelving shall be of stable construction of sufficient depth and arrangement as such that containers displayed shall not be easily displaced.

(3) Leaking containers shall be taken to a safe location, outside the building and the contents transferred to an undamaged container.

#### **41. Underground tank installation :**

(1) All new storage tanks or any tank needing repairs shall be inspected on the premises by the manufacturer or the person in charge of installation, and any damage to the tank or to the protective coating shall be repaired before the tank is installed.

(2) The tank shall be carefully lowered into the excavation by use of lifting lugs and hooks, and, where necessary by the use of spreader bars, but no chains or slings shall be used around the tank.

(3) Underground storage tanks shall be set on firm foundations and completely surrounded with well packed clean sand, not less than 15 centimetres thick. The tank shall be covered with at least 60 centimetres of earth or at least 30 centimetres of earth covered with a concrete slab at least 10 centimetres thick.

(4) After the tank has been positioned in the excavation it shall be subjected to a pressure test with air or nitrogen as follows :

- (a) the maximum pressure must be 35 kilopascals ;
- (b) the tank shall retain the pressure for a minimum of 2 hours after the source of pressure has been removed ;
- (c) in case of pressure drops, the tank shall be inspected by the application of the soap test method ;
- (d) all leaks shall be repaired, and the pressure test repeated ;
- (e) the pressure tests shall be continued until the requirement of paragraph *b* has been met ;
- (f) the records of the pressure test shall be certified by the owner or his authorized representative and shall be retained by the owner for inspection purposes ; and

(g) the pressure shall be measured by an instrument calibrated in increments in kilopascals.

(5) When the tank is to be held in place with a petroleum product, no product shall be placed in the tank until the fill pipe and vent have been installed in the tank and until all other openings have been plugged.

(6) Where high waters are anticipated the tank shall be anchored by the use of a concrete slab under the tank and anchor straps.

(7) The concrete slabs shall be of reinforced concrete and the size of the slabs shall be determined on the basis of tank size, ground cover, water table elevation and the calculated up-lift stress of the tank, when empty.

(8) The tank shall not be placed in direct contact with a concrete slab but shall be separated from any slab by the use of a minimum of 15 centimetres of clean sand.

(9) The strength of the anchor straps and ground anchors shall be calculated for the stresses indicated in subsection 7 and they shall be installed in such a way that they do not interfere with the protective coating on the tank, and that the straps are not tighter than hand tight.

(10) If spillage occurs when the tank is being filled resulting in damage to the tank coating, the damage shall be repaired and all soil that has been contaminated by the spilled product shall be replaced.

**42. Underground line and vent lines :** Underground line and vent lines of ferrous material connected to a tank for any new establishment built after 1 May 1974, and for every other establishment where major repairs are done on piping :

- (a) shall be made of new material and protected against corrosion as stated in section 35 ;
- (b) shall be installed with at least 1 000 kilopascals screwed, or schedule 40 welded fittings ;
- (c) shall have all unions of a type for petroleum use, metal to metal ground face ;
- (d) shall have swing joints or underground flexible connectors, installed in all piping at the tank, and threaded 45° elbows shall not be used in swing joints ;
- (e) shall not contain closed nipples ;

(f) shall have all joints made with connectors and pipe sealing material shall be used on threaded connectors ;

(g) passing through concrete, shall be encased in pipe sleeves or shall otherwise be free to move longitudinally ;

(h) where made of galvanized, pipe shall not have welded joints ;

(i) shall have all welding performed by certified licensed welders ;

(j) shall be bedded on 15 centimetres of clean sand properly compacted ;

(k) prior to being connected to underground tank, piping and vent lines shall be pressure tested with air, or hydraulically to at least 350 kilopascals or one and a half times the operating pressure, whichever is the greater, but not pressure test performed with air shall exceed 700 kilopascals, and where tested :

i. with air, the piping joints and connections shall be soaped and shall retain the pressure for a minimum of 2 hours after the pressure source has been removed ;

ii. with fluid, the lines shall retain the pressure for a minimum of one hour after the source of pressure has been removed ; and

iii. the pressure shall be measured by an instrument calibrated in increments not greater than 10 kilopascals ;

(l) when pressure tested hydraulically and the lines contain a Class I product, all safety precautions required shall be observed ;

(m) having been pressure tested and proven tight, they shall be back-filled with at least 15 centimetres of clean sand, and the back-filling shall be compacted in layers not greater than 15 centimetres ; and

(n) having been pressure tested and proven tight, the pressure test records, certified by the owner or his authorized representative, shall be retained by the owner, available for inspection.

#### **43. Test after installation :**

(1) After the tank and the lines have been tested separately and after the final connections have been made to the tank, the owner shall submit the entire system to a 35 kilopascal test to ensure the final connections are tight.

(2) The pressure shall be measured with an instrument calibrated in increments not greater than in kilopascals.

#### **44. Immersed pumps :**

(1) Where immersed pumps are being used, they shall be controlled in a way that the created pressure be no greater than the operating pressure without any risk to the line system, and the line system shall be tested according to paragraph *k* of section 42.

(2) In cases where immersed pumps are used, approved safety valves with fusible articulation, at a maximum of 70°C, shall be used. The breaking point shall be located lower or at less than 15 millimetres lower than the base of the dispenser.

**45. Leakage :** When a leak is suspected, the operator shall :

(a) arrange for recorded pressure tests with hourly readings, for a period of 4 hours from commencement on underground tanks and piping at pressure of :

i. not less than 35 kilopascals maximum for uncovered tanks ;

ii. not less than 35 kilopascals and not more than 50 kilopascals for covered tanks ; and

iii. a minimum of 350 kilopascals or one and a half times the operating pressure, whichever is greater, but not more than 700 kilopascals for piping ;

(b) ensure that no pressure test is performed with products in the tank ;

(c) ensure that all lines are disconnected at the tank prior to application of the line pressure test ;

(d) when applying pressures, take appropriate measures to guard against the hazards that may be associated with pressure testing where explosive mixture of gasoline and air may be present ;

(e) arrange for immediate repair or replacement of leaking systems ;

(f) recover escape products before back filling after repairs ;

(g) report all leaks to the nearest inspector or fire prevention authority within 12 hours of discovery of the leak ;

(h) ensure that the pressure gauges used in the tests required by this section are calibrated in increments not greater than :



- i. kilopascals for the tank test ;
- ii. 10 kilopascals for the line pressure test ; and
- iii. use hydrostatic test if air tests are not conclusive.

#### **46. Housekeeping and spillage :**

(1) A person distributing petroleum products :

(a) shall take all precautions to prevent overflow or spillage of the product being dispensed ;

(b) shall not knowingly overfill the fuel system after the automatic nozzle shuts off ;

(c) shall not draw, or pour, Class I or Class II products from any dispensing equipment within 5 metres from fire or flame or any item referred to in subsection 2 of section 62 or any material so hot as to be likely to cause ignition of Class I or Class II vapours ; and

(d) in the event of spillage, shall immediately recuperate the product and apply an absorbent on the contaminated ground.

(2) Class I products shall not be offered for sale, sold or used for cleaning or solvent purposes.

(3) The operator shall take every possible precaution to ensure that Class I and Class II products do not escape from storage, distribution and dispensing facilities in such manner as :

(a) to create hazard to public health and safety ;

(b) to contaminate any fresh water source or waterways ;

(c) interfere with the rights of any person ; or

(d) to allow entry of products into a sewer system or underground stream or drainage system.

(4) The operator shall :

(a) maintain his establishment in a good operating condition ;

(b) operate it safely ;

(c) repair any occurring leaks ;

(d) replace or repair any defective equipment or component ; and

(e) take all possible and necessary action to prevent escape or spillage of petroleum products during handling operations.

#### **47. Removal, abandonment, reuse and disposal of underground tanks :**

(1) If the tank is not being used for a period of time exceeding 180 days, the operator shall :

(a) notify the Minister in writing without delay ;

(b) empty Class I contents from tanks and all connected piping and dispensing facilities, and if necessary fill the tank with any product other than Class I as anchor, to avoid the rising of the tank ;

(c) when using Class II product, arrange for monthly gauging of each tank, maintain and hold such records available for inspection ; and

(d) ensure that all fill pipes and gauges, pipe covers, dispensing facilities and power controls are kept locked.

(2) When it is known that the tank will not again be used, or where it has been out of use for 2 years, the operator of the tank shall :

(a) notify the Minister in writing without delay ;

(b) remove any product from the tank, connected piping and dispensing equipment ;

(c) remove the tank and piping from the ground ;

(d) fill the cavities to grade level with clean fill materials ;

(e) if soil, under and around tank is contaminated with product, remove such contaminated soil and product ; and

(f) render the tank and piping gas free.

(3) Before disposing of a tank, that is not to be reused, the operator of the tank shall render the tank gas free and shall cut enough openings in the tank to render it unfit for further use.

(4) An excavated tank may only be reused for petroleum products if :

(a) it is restored according to specifications listed in Schedule I ; and

(b) after notifying the Minister, in writing.

(5) The operator of underground facilities that are operated on a seasonal basis, shall :

(a) at the close of each season of operation : dip each tank maintain a record of such dips and hold the dip record available for inspection and securely lock all fill pipes, gauge pipe covers, dispensing facilities and power controls ;

(b) prior to the start of an operating season, dip each tank and reconcile the readings thereof with the dip readings recorded in paragraph *a*; and

(c) if the reconciliation referred to in paragraph *b* reflects a loss of product or water intrusion, take immediate action to determine and correct the cause of loss and intrusion.

(6) Where a licensed property, having petroleum products storage tanks, is sold or leased, the operator of the property shall inform the buyer or the lessee of the existence of the tanks and shall provide proof that the tanks comply with the subsections 2 or 4 as the case may be.

#### **48. Transportation of used tank :**

(1) Perforated tanks shall be made liquid free before removal and transportation.

(2) When emptied, a tank without leaks may be removed from the ground and transported, even while containing vapours if one opening is vented. The tank shall then be moved promptly from the location.

**49. Construction of pump island :** The dispensing units shall be mounted on a concrete island and protected against collision damages.

**50. Lighting :** Dispensing areas, entrances and exits shall be lit in such a manner as to provide safe operation.

#### **51. Kiosk construction :**

(1) Kiosks shall be built or manufactured of non combustible material and designed in such a way as to allow a 360° visibility.

(2) Electrical installation shall be in conformity with the Electrical Code.

(3) No open flame heater shall be allowed in the kiosk.

#### **52. Dispensing units :**

(1) Class I and Class II liquids shall be transferred from tanks by means of fixed pumps, so designed and equipped to allow control of the flow and to prevent leakage or accidental discharge.

(2) Dispensing devices for Class I and Class II liquids shall be in the List of Material and Equipment, volume 1, 1971 published by ACA.

(3) Class I and Class II petroleum products dispensed from drums, barrels or similar containers shall be transferred by using :

(a) a pump conceived for the petroleum products taking suction through the top of the container ; or

(b) a self-closing faucet designed for petroleum products.

(4) One or more switch(es) or breaker(s), clearly identified and easily accessible, shall be provided at a remote location from the dispensing apparatus to permit power cut off to all dispensing devices in case of emergency.

**53. Remote pumping system :** The dispensing systems for Class I and Class II products, where such products are transferred from storage to individual or multiple dispensing units, by pumps located elsewhere than at the dispensing units, have to comply with the following requirements :

(a) pumps shall be designed and equipped so that no part of the system will be subjected to pressure greater than its allowed working pressure ;

(b) pumps installed above grade level, outside of buildings, shall be located not less than 3 metres from lines of adjoining properties and not less than 1,5 metres from any opening of the main building ;

(c) when an outside pump location is not practical, pumps may be installed inside buildings, as provided for dispensers, in subsection 2 of section 24 or in pits, as provided in paragraph *e* ;

(d) pumps shall be substantially anchored and protected against collision damages ;

(e) pits for subsurface pumps or piping of submersible pumps must withstand the external forces to which they may be subjected in order to avoid damage to the pump, tank or piping ;

(f) the pit shall not be larger than necessary for inspection and maintenance and shall be provided with a fitted cover ;

(g) a control shall be provided that will permit the pump to operate only when the dispensing nozzle is removed from its bracket on the dispensing unit, and the switch on this dispensing unit is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets. All retail establishments

for motor fuel and lubricants, built prior to 1 May 1974, shall conform to these regulations no later than 1 January 1975 ;

(h) a safety valve, incorporating a fusible link, designed to close automatically, in event of severe impact or fire exposure, shall be installed in the dispensing supply line at the base of each individual dispensing device in accordance with section 44 ; and

(i) all remote pumping systems shall be equipped with a sensitive pressure differential leak detector device.

#### **54. Dispensing nozzles and hoses :**

(1) Hose nozzle valves, of either manual or automatic closing type, for dispensing Class I liquid into a fuel tank or into a container, shall be manually held open during the dispensing operation, except as provided in subsection 2.

(2) At any retail outlet establishment for motor fuel and lubricant, an automatic nozzle with hold-open latch is permitted only when all the dispensing of Class I products is to be done by the service station attendant.

(3) Where the dispensing of Class I products, at a retail outlet establishment for motor fuel and lubricant is done by a person other than the service station attendant, the nozzle shall be an automatic-closing without a hold-open latch.

(4) All delivery nozzles shall bear CSA approval markings.

(5) All hoses shall be CSA approved. Every hose through which Class I and Class II products is dispensed at any retail outlet establishment for motor fuel and lubricant shall be restricted to a maximum length of 5 metres, unless retracting mechanism is used, in which case, the maximum hose length shall not exceed 6 usable metres.

**55. Special type dispensers :** With respect to any retail outlet establishment for motor fuel and lubricant built after 1 May 1974, and for all others built prior to 1 May 1974, the following regulations shall be conformed to, as of 1 January 1976 :

(a) special remote control dispensing devices such as, coin operated or self-serve, card operated devices, are permitted subject to the following standards ;

(b) emergency control shall be installed at not more than 15 metres from the dispenser ;

(c) electrical installation shall be in accordance with the Electrical Code ;

(d) control equipment for self-serve type, coin operated or card operated of the remote preset control type, shall be restricted to the console type ;

(e) the operator shall use only automatic nozzles from which the coil retention spring and open latch devices have been removed ;

(f) control equipment shall be inter-connected with the dispensing equipment in a way that no delivery of petroleum products can be effected until the operator has set the console controls for each delivery ;

(g) the operator shall be capable of controlling the dispensing of the product, for each self-service pump, from the console controls ;

(h) the console, in addition, shall have an easily operated, readily reached master control to shut off all pumps in the event of an emergency ; and

(i) the self-service station operator shall provide a 2-way communication system from each pump island to the console operator.

**56. General supervision :** The operator shall make sure that an attendant or a supervisor is on duty at all time during operating hours.

#### **57. Self-service supervision :**

(1) The console shall be so located that the console operator has an unobstructed view of all self-serve pumps. Where the layout of pump islands does not permit the operator to see all dispensing nozzles from the console position, regardless of the position in which they are being used, the operator shall provide means to achieve full surveillance of dispensing operations.

(2) One single console operator shall not control simultaneously more than 12 hoses. Where hoses in excess of 12 are required, a separate console and operator shall be required for each additional group of 12, or fewer hoses.

(3) The console operator shall remain constant and alert at the console while the self-serve equipment is in operation. The console operator shall be a competent, trained employee, instructed in the recognition of hazards and how to react quickly in emergency situations.

(4) It shall be the responsibility of the console operator :

(a) to ensure compliance with subsections 1 and 3 of section 46 and with section 63 ; and

(b) in the event of a spill, or in the event of fire, to use the master control to shut-off all pumps, until the emergency condition has been rectified.

**58. Gauging :** In order to facilitate the tracking down of underground leaks, the retail outlet operator shall :

(a) ensure that all tanks are gauged at intervals of not more than 2 days ;

(b) keep a permanent record of all gauge readings for each tank ;

(c) gauge water monthly using water detection paste, and keep record of findings ;

(d) compare the readings of petroleum products gauging with the readings of dispensing unit meters each time the tanks are being gauged ;

(e) take the appropriate measures to correct the situation when comparison required in paragraph *d* shows a leak possibility of a product, or when the water test shows more than 5 centimetres of water ; and

(f) keep a record of all gauge readings for a period of at least 2 years.

**59. Plans and identification markings :** For all retail outlet establishments :

(a) plans of storage tanks, piping and pumping layouts shall be available within divisional and regional offices of petroleum companies or on the premises ;

(b) valves in above ground piping associated with underground tanks, and the fill pipes of all underground storage tanks, shall be permanently marked to indicate the product in each valve and tank ;

(c) the markings on valves and fill pipes shall conform with the following prescriptions :

i. Class I products shall be identified with a red tag, made of hydrocarbon resistant material, octagonal in shape and bearing the trade name of the product ;

ii. Class II products shall be identified with a tag other than red, green or orange, made of hydrocarbon resistant material, round in shape and bearing the trade name of the product ; and

iii. all tags shall, at all times, be kept clean and their inscription readily legible.

**60. Markings of portable containers :**

(1) Red shall be the predominant colour on portable containers used for Class I products and they shall bear the words DANGER or FLAMMABLE clearly legible.

(2) Portable containers shall be clearly identified as for the nature of their contents.

**61. Fire fighting :** The retail outlet establishment operator shall have at his disposal fire fighting equipment, including at least 2 extinguishers :

(a) suitable for extinguishing petroleum product fires ;

(b) so located to be readily accessible ;

(c) maintained at all times, in efficient fire fighting condition ; and

(d) having an effective total rating equivalent to 20B-C (13,5 kilograms of dry chemicals).

**62. Handling and bill sticking :**

(1) Dispensing a Class I product to the fuel tank of a motor vehicle while the engine of the motor vehicle is running, is prohibited.

(2) It is prohibited to smoke or have open flames in areas used for filling up, servicing internal combustion engines feeder system, receiving or transferring of flammable or combustible liquids.

(3) In each retail outlet establishment there shall be at least one clearly legible sign or transfer, not smaller than 10 centimetres by 18 centimetres for each pump or dispensing location, installed in full view and bearing the following bilingual notices : *DÉFENSE DE FUMER* – NO SMOKING and *ARRÊTEZ LE MOTEUR DURANT LE REMPLISSAGE* – STOP MOTOR DURING FILLING.

(4) Dispensing or transporting Class I products in an opened container is prohibited. Only closed containers conforming to section 101 and of no more than 20 litres capacity shall be used.

**63. Identification of heating oil retail outlet :**

(1) The operator of a heating oil retail outlet shall identify his establishment by using a visible and legible sign bearing his firm name and his trade activities.

(2) The operator shall maintain in his establishment :

(a) a telephone service for customers, during regular operating hours ; and

(b) hold records for all purchases and sales, customers accounts, inventories and daily meter readings available for inspection.

**64. Heating oil storage and handling :** For any new heating oil retail outlet, becoming effective 1 May 1974 and for all other establishments becoming effective 1 January 1976 :

(a) any storage tank installation shall conform to Schedule I ; and

(b) the use of equipment, pipes, loading and unloading connections for more than one class of products shall be prohibited.

**65. Heating oil delivery tickets :** For all heating oil retail outlets :

(a) the operator shall hold in his records, for every purchase of products, a copy of products delivery tickets indicating the product classification, the exact amount in litres, the date, and the supplier's name and address ;

(b) the operator shall keep in his files, regarding every product sales, a copy of the delivery ticket bearing his firm's name, the classification and the trade name of the product, the exact amount of litres, the date and customer's name and address. When dealing in heavy combustible oil, the ticket shall also indicate the temperature at which the oil was loaded in the truck ;

(c) all combustible oil sales shall be billed according to the meter printing, the tank calibration, or the weight of the load. Meters shall be of a type approved in accordance with the Weights and Measures Act (S.C., 1970, 71-72, c. 36) ;

(d) regarding the deliveries regulated through the use of the truck meter :

i. the meter shall be of a type which automatically prints the number of delivered litres on the invoice ;

ii. it shall be prohibited to carry, in the delivery vehicle, customers' invoices or delivery tickets where the amount of litres and the calculated price have been printed before the delivery has actually taken place ; and

iii. the meter tickets shall be introduced in the printing device at the time of delivery only. A zero shall show on the meter before the opening of the nozzle and the ex-

act amount of litres delivered shall show after the closing of the delivery nozzle.

**66. Heating oil delivery :**

(1) The operator, before any delivery, shall ensure that all filling pipes bear proper identification, if a possibility of confusion regarding other pipes exists.

(2) When the installation is not equipped with an overflow prevention signal, the operator will verify beforehand if the customer's tank has enough space to accept the required volume.

(3) The operator shall stop delivery and notify the customer as soon as he notices a defect in the installation, or if a product overflow occurs.

## **DIVISION V TECHNICAL STANDARDS FOR STORAGE OF PETROLEUM PRODUCTS**

**67. Location of establishment :** Concerning all bulk storage plants and marine terminals built after 1 May 1974 :

(a) the boundaries of the establishment shall be at a distance of more than 150 metres from any activity including a major and fixed ignition source ;

(b) the establishment located in a frequently flooded area shall conform to building standards as listed below :

i. tanks shall be installed in such a way that the minimum level of the product content be higher than the maximum water level ; and

ii. grounds shall be equipped with water supply lines for use as anchor for the tank, if need arises ;

(c) grounds shall be accessible on at least one side, for fire fighting purposes ;

(d) ground conditions shall be such as to allow the erection of a permanent dike around the aboveground tanks ;

(e) the owner shall supply the Minister with detailed plans of the area and installations, before construction ;

(f) the operator must keep the plans of the bulk storage plant or marine terminal in his establishment.

**68. Storage tank sites :** Regarding all bulk storage plants and marine terminals built after 1 May 1974 :

(a) the minimum distance between 2 tanks storing flammable or combustible liquids shall be 1 metre and the

distance between 2 adjacent tanks must not be less than one-sixth of the sum of their diameters ; however, where the diameter of one tank is less than one-half of the diameter of its neighbour, the distance between both must not be less than one-half of the diameter of the smaller tank ;

(b) the owner shall not install a storage tank inside a building.

#### **69. Fencing :**

(1) Every bulk storage plant or marine terminal shall be fenced.

(2) The fence shall :

(a) be of at least 2 metres in height ;

(b) be made of sturdy steel mesh :

i. of at least caliber no 9 USSMS for steel, or comparable strength when other metals are used ; and

ii. manufactured in a way that mesh openings are not larger than 15 centimetres sidelong ; and

(c) be securely held up on good strong posts solidly set in the ground and situated at required intervals.

(3) At least 2 gates shall ensure access to the grounds and shall be installed as far as practical one from the other, and each gate shall :

(a) be in compliance with subsection 2 ; and

(b) be supplied with devices ensuring a strong closing when subsection 4 requires it to be so.

(4) When not in operation or under competent supervision :

(a) gates and other access ways shall be closed and locked ; and

(b) loading valves, filling and gauging pipes shall be locked except those operated by electrical remote controls.

(5) At the establishment main gate the operator shall install, in full view, a plate bearing his name, address and telephone number or the same of his authorized representative.

(6) In the establishment office, in full view, the operator shall list the telephone numbers of the police, and fire departments and ambulance service.

**70. Electrical installation :** All electrical installation shall conform to the Electrical Code and to Schedule J.

**71. Loading and unloading installations :** Regarding all new storage plants and marine terminals built after 1 May 1974, and for others, effective on 1 January 1976 :

(a) the loading and unloading installations of tank trucks and tank cars shall be located away from above ground tanks, warehouses or from the closest lines of any adjacent property susceptible of being built upon. This distance shall be not less than 8 metres for Class I products and not less than 5 metres for Class II and Class III products ; measurements shall be taken from the position of the closest filling nozzle. The pumping equipment building or employees' shelters may be part of the installation ;

(b) combustible materials of any kind shall never be kept any closer than 5 metres from the distribution devices filling hoses and gauging pipes ;

(c) no venting pipes for Class I products shall be closer than 8 metres horizontally measured from loading and unloading installations or from parking facilities ;

(d) the distance between a loading or unloading platform and the control station, when it is necessary for fire fighting, and the distance between this station and any tank, shall be sufficient to ensure safety and shall not be less than 40 metres ;

(e) the filling of a tank truck or tank car, through the opening dome at the top, shall be effectuated by using a drop tube, ending close to the bottom of the tank ;

(f) the transfer of petroleum products directly from tank-trucks to barrels or drums is prohibited ;

(g) leak-proof connections shall be used to join the tank-truck hose to the tank pipe in filling or emptying a storage tank ;

(h) every loading arm shall be equipped with an automatic closing device which shall be kept manually opened to allow the flow of products ;

(i) every hose through which petroleum products are loaded into a vehicle, drum or small container, shall be equipped with a valved nozzle of non-magnetic materials so constructed that the valve :

i. can be kept open only by manual pressure and closed automatically as soon as the manual pressure is released ; or

ii. has a latch open device as an integral part of the assembly which automatically shuts the valve when :

(A) the container is filled ; and

(B) the valved nozzle falls from the filling neck of the containers ;

(j) subparagraph ii of paragraph i does not apply to a hose of a tank truck and similar hoses that are equipped for making tight connections ;

(k) loading and unloading facilities shall be adequately protected against vehicle impact ;

(l) loading or unloading ramps shall be constructed of metal, concrete or other material of equivalent performance, strength and fire resistance ; and

(m) adequate lighting facilities shall be provided at all loading or unloading points for night operation.

**72. Design for installation :** Applicable to any new bulk storage plant and marine terminal constructed after 1 May 1974 :

(a) the operator shall incorporate separate system for Class I and Class II products except in the case of marine lines. Marine lines may be equipped with interface tanks to prevent entanglement ;

(b) any above ground installation, requiring heating of product, shall be adequately protected to prevent physical injuries to individuals ;

(c) piping system shall incorporate safety valves to eliminate automatically any excessive pressure ;

(d) the piping system shall be constructed and maintained to prevent excessive stress due to sagging, vibration, expansion, dilation or deviation ; and

(e) pipe size selection is based on providing required flow capacities, without exceeding certain velocities. To reduce cavitation, turbulence, line vibration, equipment damage and excessive vapour losses, velocities should not normally exceed 2,5 metres per second on pump suction lines, and 3,5 metres per second on compression lines, except for marine lines.

**73. Drainage :** Applicable to any new bulk storage plant or marine terminal constructed after 1 May 1974, and to any other bulk storage plant or marine terminal as of 1 January 1978 :

(a) areas immediately surrounding loading or unloading facilities shall be drained to a safe low area, be it a separator, a storage tank, and shall be on concrete flooring, with a slope not less than 10 millimetres per metre to the outside of the apron ;

(b) the above mentioned low area shall be of sufficient size as to contain any contingency spill during loading or unloading ; and

(c) the operator of any bulk storage plant and marine terminal shall have a sufficient amount of absorbents, straw, peat moss or other material of equal nature, to sponge minor spills. For major spills, the operator of any marine terminal shall have appropriate equipment

#### **74. Recovery :**

(1) Any marine terminal shall be subjected to a contingency plan to take care of major spills.

(2) An hydrocarbons separator shall be made compulsory to any marine terminal as of 1 January 1978.

**75. Underground tank :** Every underground tank shall comply with sections 34, 35, 36, 41, 42, 43 and 47.

**76. Above ground tank :** Applicable to any new bulk storage plant or marine terminal constructed after 1 May 1974 :

(a) no one shall use an above ground tank that does not comply with specifications listed in Schedule I ;

(b) no one shall use a storage tank that is not permanently stamped or labelled by the manufacturer ;

(c) welding to any part of a storage tank shall be in accordance with the specification under section 20 of ACA 30-1969 ;

(d) tanks consisting of 2 or more compartments will be prohibited after 1 May 1974 ;

(e) storage tanks equipped with heating coils or other heating devices shall be equipped with thermometers and temperature regulators in good operating condition to ensure that temperature is always maintained within safe limits ;

(f) tanks shall rest on foundations made of concrete, masonry, piling, steel, or on pads made of crushed stone, gravel and sand or a combination of these. Tank foundations shall be designed to eliminate any shifting of the tank, and also to control corrosion in any part of the tank resting on the foundations ;

(g) when a tank is supported above ground level, tank supports shall be installed on firm foundations. Supports shall be of concrete, masonry or protected steel. Single wood timber supports laid horizontally, may be used for outside above ground tank, if not more than 30 centimetres above foundations at their lowest point ;

(h) steel supports and exposed piling shall be protected by materials to give a heat resistance rating of not less than 2 hours, except that steel saddles need not be protected if less than 30 centimetres high at their lowest point ;

(i) in areas submitted to natural earth movement, the tank supports and connections shall be designed to resist damage as a result of such movements ;

(j) every storage tank shall be protected against corrosion by a suitable corrosion resistant coating. Where evidence indicates that corrosion will be of a higher degree than that provided for in the design of the tank, additional protection in the form of additional metal thickness, protective coating, lining, shall be provided ;

(k) where the tank shell comes in contact with the earth or supporting structure, extra precautions shall be taken to minimize corrosion. Where the tank rests on the ground, drainage shall be away from the tank bottom ;

(l) connections for all tank openings shall be vapour tight and liquid tight ;

(m) where pipes or fittings are connected to a tank below the highest level to which the product will rise, the piping or fittings shall be provided with a steel control valve located as near as possible to the shell of the tank ;

(n) connections to pipelines through which a tank vehicle unloads by means of a pump, into an aboveground tank, shall be :

i. provided with a soft seat check valve for automatic protection against backflow ; and

ii. designed, installed and maintained to prevent leakage and spillage ; and

(o) every above ground tank shall be surrounded with a dike constructed in accordance with section 93.

## **77. Venting :**

(1) Above ground tanks venting shall comply with sections 2140, 2150 and 2160 of ACA 30-1969.

(2) Vent piping for tanks storing flammable liquids shall not be manifolded with vent piping of tanks storing combustible liquids unless positive means are provided to prevent the vapours of flammable liquids from entering tanks that contain combustible liquids, so as to prevent contamination and possible change in classification of the less volatile liquid.

## **78. Pumping :**

(1) Pumps shall be of a type suitable for the petroleum product transferred. The pumps shall be designed to the maximum working pressure to which they will be submitted in service.

(2) Loading pumps capable of building up pressures in excess of the safe working pressure of cargo hose or loading arms shall be provided with by-passes, relief valves or other arrangements to protect the loading facilities against excessive pressures. Safety valves shall be tested at least yearly to determine that they function satisfactorily at the pressure at which they are set. Positive displacement pumps shall be provided with pressure relief, discharging back to pump suction. Centrifugal pumps, not equipped with built-in check valve devices, shall be provided with separate check valves on the discharge side of the pump.

(3) Pumps exposed to damage by vehicle traffic shall be protected by guardrails or curbs of concrete or metal.

(4) Stationary internal combustion engines or non explosion proof type motors shall not be used to drive a pump.

(5) The installation of pumps or motors under a storage tank, or in a warehouse or other building where flammable liquids are stored or handled, is prohibited.

(6) The pump location shall be more than 8 metres from any burner, furnace, forge, welding operation or similar source of ignition.

(7) Pumps shall be adequately supported and sufficiently rigid to absorb vibrations and other impact due to the operation.

(8) Pumps shall be provided with duplicate control switches, one located at the pump and one at a remote location, to shut down the pumps in case of emergency.



(9) Pits for subsurface pumps or piping manifolds of submersible pumps shall withstand the external forces to which they may be subjected without damage to the pump, tank or piping. The pit shall be no larger than necessary for inspection and maintenance and shall be provided with a tightfitting cover.

#### **79. Piping :**

(1) It is not permitted to have overground piping for petroleum products crossing any public area.

(2) Underground piping passing under roadways submitted to vehicular traffic, shall be installed at such a depth as to allow proper distribution of stresses caused by the vehicles, and shall be properly covered with a protective envelope.

(3) When pipings are running in ducts and trenches in which flammable vapours may be creeping or arising, vapour baffles or a ventilation system shall be installed, as the case may be.

**80. Underground line connected to a tank :** Applicable to every new bulk storage plant or marine terminal constructed after 1 May 1974, and for all other bulk storage plants or marine terminals, as soon as major repairs or replacements have been carried out :

- (a) an underground pipe connected to a tank :
  - i. shall have swing joints or underground flexible connectors installed in all piping at the tank ; threaded 45° elbows shall not be used in swing joints ;
  - ii. shall not include a straight connection at the tank ;
  - iii. passing through concrete, shall be encased in pipe sleeves or shall otherwise be free to move longitudinally ; and
  - iv. where made of galvanized metal, shall not have welded joints ;
- (b) all piping that is connected to an underground tank shall be so installed and maintained that :
  - i. it slopes toward the tank ;
  - ii. it is connected on top of the tank ; and
  - iii. it is without traps or pockets ; and

(c) a minimum slope, toward the tank of 10 millimetres per metre shall be maintained in piping.

#### **81. Materials for piping, valves and fittings :**

(1) Piping systems to carry flammable and combustible liquids shall be made up of materials resistant to heat and mechanical damage, chemically resistant to the liquids contained and of adequate design strength to withstand the maximum operating pressures and temperatures.

(2) Materials for piping shall be steel or nodular iron except as provided in subsections 3 and 4.

(3) Materials other than steel or nodular iron may be used underground, or if required by the properties of the flammable or combustible liquid handled.

(4) When low melting point materials, such as aluminum and copper or materials that soften on fire exposure such as plastics, or unductile materials such as cast iron, are used, they shall be suitably protected against fire exposure, or so located that any spill resulting from the failure of these materials, could not unduly expose individuals or buildings or can be readily controlled by remote control valves.

#### **82. Valves :**

(1) Shut off valves shall be provided in all flammable or combustible liquid piping and pumping systems to stop the flow of liquid should a fire occur or should a liquid accidentally escape. Valves shall be located outdoors or immediately adjacent to an exterior wall accessible from outdoors.

(2) Shut off valves shall be provided :

(a) at connections to supply tanks when transfer of liquid is being done by other than a positive displacement type pump ;

(b) on supply lines where they enter buildings, and distribution points.

(3) Valves will be of the packless or diaphragm type. If conventional type valves are used, the packing and lubrication material shall be of a type resistant to the liquid being carried and comply with the following specifications :

(a) diaphragm valves shall have no direct connections between the liquid and air section of the valve, which

might permit leakage of the liquid past the packing into the air lines ;

(b) if globe valves are used, they shall be arranged so that the packing is on the low pressure side ;

(c) outside set screw valves or indicating type valves shall be used where it is desirable that it is readily observed whether they are opened or closed ;

(d) valve bodies shall be of cast steel or nodular iron except as noted in paragraph e ; and

(e) valve bodies may be of bronze for copper or brass pipe up to 5 centimetres in diameter.

### **83. Pipe joints :**

(1) Threaded joints shall be coated with a suitable joint compound for the material being used to ensure that all joints are tight.

(2) Inside diked area, only welded, screwed, flanged joints shall be used.

(3) Special flanged joints shall have such properties of strength and rigidity as required. Flanged connections shall have gaskets of a material which is resistant to the liquid being carried by the piping and which will withstand fire temperatures for a comparable period to the flange and bolts. Spiral-wound or other metallic asbestos filled gaskets of stainless steel, copper or monel metal and all metal zero ring gaskets of dead-soft aluminum, copper or monel metal, or other approved material, shall be used.

**84. Protection against corrosion :** The protection against corrosion for tanks and piping systems shall comply with the requirements of section 35.

### **85. Tank tests :**

(1) Every tank, be it constructed in a factory or built on the premises, shall be tested before use.

(2) It is forbidden to use a tank on which the seal of the CSA, the API or the ULC does not appear.

### **86. Piping tests :**

(1) All piping before being used shall be pressure tested, with air, hydraulically, to at least 350 kilopascals or one and a half times the maximum operating pressure, whichever is the greater, but no pressure test performed with air shall exceed 700 kilopascals except for marine lines.

(2) When tested :

(a) with air, the lines shall retain the pressure for a minimum period of 2 hours, after the source of the pressure has been removed ; and

(b) with an hydraulic head, the lines shall retain the pressure for a minimum of 6 hours after the source of the pressure has been removed.

(3) The pressure shall be measured with an instrument calibrated in increments not greater than 5 kilopascals.

### **87. Products unloading :**

(1) During unloading, a competent person shall be in attendance on the premises throughout the entire operation, who shall be thoroughly knowledgeable of the storage and piping facilities.

(2) Before any unloading operation begins, the person in charge of the operation shall ensure that :

(a) the storage tanks, intended to receive the product, have sufficient capacity to accept the cargo to be unloaded ;

(b) only those valves required to direct the applicable product into the designated tank are opened ; and

(c) where the mode of transportation is such as to preclude the hazards of static electricity, the delivery unit is properly grounded by the suitable bonding devices available.

(3) Throughout the unloading operation into any bulk storage plant or marine terminal, periodic inspection shall be made to ensure that storage tank venting devices are working properly and that there is no leak in the lines feeding the tank.

**88. Withdrawal of products :** Withdrawal of products out of the tanks may be done through gravity, suction or any other means that do not increase the internal pressure of the tank.

**89. Gauge readings :** To facilitate early detection of leaks, the operator of a bulk storage plant or marine terminal shall :

(a) ensure that tanks are gauged or dipped daily or at least on days when withdrawals of products have occurred, or at least weekly ;

(b) maintain a record for each tank to provide a permanent record of gauge or dip readings ;

(c) reconcile gauge or dip readings, made in accordance with paragraph *a*, with records of receipts and deliveries ; and

(d) retain the records mentioned in paragraph *b*, for at least a period of 2 years.

**90. Leakage :** When a leak is detected, the operator shall take prompt action to correct the situation.

**91. Portable containers and tanks :**

(1) All packaged petroleum products shall be stored in closed metal containers distinctly marked with the common name of container contents.

(2) No sale or purchase of petroleum product in containers, shall be made unless containers are in accordance with section 101.

(3) In any bulk storage plant or marine terminal, all containers shall be kept tightly closed when filled. A standard drum or other metal container, that is equipped with a pump, shall be deemed to be closed only when the connection between the pump and the container is of a vapour tight type.

(4) No Class I product shall be dispensed from a container with a capacity of less than 230 litres, but more than 45 litres, except by the use of a barrel pump having a vapour tight seal.

(5) Storage of portable containers and tanks shall comply with sections 4490, 4510, 4520, 4530 and 4540 of standard 30-1969 of ACA.

**92. General operating procedures :**

(1) Applicable to any bulk storage plant or marine terminal, no Class I product shall be stored within a building, unless provision is made to prevent the accumulation of flammable vapours in hazardous concentration.

(2) Rooms, in which Class I liquids are stored, shall be heated only by means not constituting a source of ignition, such as steam or hot water. Rooms containing heating equipment involving sources of ignition shall be located and arranged to prevent entry of flammable vapours.

(3) A ventilation system shall be installed in every room, building or areas, where Class I liquids are stored.

(4) Pump houses, pump rooms and electrical sub-stations shall not be used for storage purposes.

(5) When a storage tank, used for storage of Class I products, is placed in service for the storage of a Class II product, the tank shall be gas-freed, cleaned, drained off, and all traces of sludge removed.

(6) Every sump or hydrocarbon separator shall be regularly inspected, cleaned and maintained in good working condition.

(7) When used or waste petroleum products are collected :

(a) in a tank :

- i. the tank shall be installed outside the building ;
- ii. the fill pipe shall be tightly capped at all time, when not in actual use ;
- iii. the tank shall be vented to outside air in accordance with section 77 ; and
- iv. the fill pipe and pipe through which the used or waste product is removed, shall be installed and protected in accordance with section 37, in the case of an underground tank ; and

(b) in a container, other than a tank, the requirements of this Regulation governing Class I products shall apply to the handling of the used or waste petroleum product, and to the container.

(8) At any bulk storage plant or marine terminal, no individual shall load a petroleum product into a tank truck while the motor is running.

**93. Inspection and maintenance :**

(1) A quarterly visual inspection shall be made of all piping system to detect and correct leakage.

(2) A quarterly visual inspection and tests shall be made of all safety shut valves, overflow spill devices, vents and fire safety devices to ensure proper operation. Particular attention shall be paid to normally opened fusible link operated type valves, float valves and automatic controls.

(3) No piping system shall be worked upon while it is under pressure. If connections or piping are to be opened, the system shall be drained.

(4) Where units have to be repaired, wherever practical, they shall be removed and taken to approved maintenance areas. Should their removal be impractical, the operator shall take all suitable safety measures.

(5) Electrical grounding systems shall be inspected and tested monthly, for electrical continuity.

(6) Prior to any cutting or welding, the atmosphere shall be tested with a flammable vapour indicator to ensure that no explosive concentration is present and that this test shall be repeated at regular intervals throughout the operation. Portable fire extinguishers shall be immediately available adjacent to the site of the work.

(7) Flexible hoses used in the transfer operation of petroleum products shall be tested annually to a minimum of one and a half times their normal operation pressure.

**94. Plans and identification markings :** To reduce the likelihood of product mixing :

(a) plans of storage tanks, piping and pumping layouts shall be available on the premises or within regional offices of oil companies ;

(b) all valves in aboveground piping associated with any tank, and the fill pipes of any tank shall be permanently marked to indicate the nature of the product ;

(c) such markings on valves and fill pipes shall conform as follows :

i. a Class I product shall be identified with a red coloured tag made of a petroleum resistant material, octagonal in shape and bearing the product trade name ;

ii. a Class II product shall be identified with a tag made of a petroleum resistant material, of a colour other than red, green or red-orange shades, round in shape and bearing the trade name of the product ; and

iii. every tag shall, at all time, be kept clean and legible ;

(d) an exposed liquid piping shall be identified :

i. by a tag such as described in paragraph c, at least at both ends ;

ii. lines used for Class I products shall be coloured red and identified by such a tag as described in sub-

paragraph i, and the lines used for Class I products must be coloured red.

**95. Dikes :** Applicable to any new bulk storage plant and marine terminal constructed after 1 May 1974, and to all other bulk storage plants or marine terminals as of 1 January 1976, in cases where the protection of surrounding property or watercourses is ensured by a dike that retains the liquid around the tank, the volume of the retaining basin shall meet the following requirements :

(a) except as provided in paragraph b, the volumetric capacity of the retaining basin must not be less than the maximum quantity of liquid that can escape from the largest tank within the basin when such tank is filled to maximum capacity. In calculating the required capacity of the retaining basin surrounding 2 or more tanks, the volume of that part of the tanks below the top of the retaining dike must be taken into account, with the exception of the part belonging to the largest tank ;

(b) in the case of a tank or group of tanks equipped with a fixed roof and containing crude oil which might overflow, the volumetric capacity of the retaining basin must not be less than that of the largest tank within the basin when such tank is filled to maximum capacity. In calculating the required capacity of the retaining basin, the volume of those parts of all the tanks within the basin which are below the top of the dike must be taken into account ;

(c) the walls of the retaining basin must be of earth, steel, concrete or solid brick, watertight and capable of resisting any hydrostatic pressure. Earth walls of 1 metre or more in height must have a flat top of at least 60 centimetres in width. The incline of an earth wall must be appropriate to the angle of repose of the material used for the wall ;

(d) the walls of the retaining basin must not be higher on the average than 1,8 metres from the bottom of the basin ;

(e) where the evacuation of water from retaining basins is provided for, the evacuation must be effected by a uniform flow of at least 1% between the tanks and the draining well, the evacuation sluice-box or other secure evacuation device removed as far as possible from the tank. These evacuation devices must be properly controlled so as to prevent flammable or combustible liquids from coming into contact with natural water-courses, drain or any other municipal sewage system where the proximity of these liquids constitutes a hazard. The control of the evacuation device must be readily accessible in the event of fire or other calamity ;

(f) no combustible material, barrel or drum, whether full or empty, must be placed inside the retaining basin ; and

(g) every retaining basin which holds 2 or more tanks must be compartmented, preferably by evacuation channels, or at least separating walls, in order to prevent accidental spillage from posing a hazard to adjacent tanks. This should be as follows :

i. in the case of the storage of normally stable liquids in vertical tanks conically roofed with low resistance jointing between roof and shell-wall, or in tanks with a floating roof, or in the case of storage of crude oil in any type of tank in production areas, there must be one compartment for each tank of a capacity of more than 1 500 000 litres and a compartment for each group of tanks (none of which has a capacity of more than 1 500 000 litres) whose total capacity is not more than 2 400 000 litres ;

ii. in the case of storage of normally stable flammable liquids or combustibles in tanks other than those indicated in subparagraph i, there must be one compartment for each tank of a capacity of more than 400 000 litres and a compartment for each group of tanks (none of which has a capacity of more than 400 000 litres) whose total capacity is not more than 570 000 litres ;

iii. in the case of storage of unstable liquids in tanks of whatsoever type, there must be one compartment for each tank ; however, it is not necessary to compartmentalize tanks which are installed in accordance with the standards prescribed in brochure No. 15 of the NFPA entitled Standard for Water Spray Systems for Fire Protection.

## **96. Fire prevention safety measures :**

(1) Any person handling petroleum products :

(a) shall take all necessary precautions to prevent overflow or spillage of the product being handled ;

(b) shall not deliberately continue to fill a tank after the automatic nozzle shuts off ;

(c) shall not drain or pour petroleum products from any dispensing equipment at a distance within 5 metres from any fire, flame, ignition source or any material so hot as to be likely to cause ignition of the vapour products ; and

(d) in the event of spillage, shall immediately recover the product and apply an absorbent on the contaminated surface.

(2) Smoking shall be prohibited except in designated locations. NO SMOKING, *DÉFENSE DE FUMER* signs shall be conspicuously posted throughout the plant where hazard from flammable vapours is normally present.

(3) The operator of a bulk storage plant and marine terminal shall take every possible precaution to ensure that petroleum products do not escape from storage and dispensing facilities, in such a manner as not :

(a) to create a hazard to public health and safety ;

(b) to contaminate any fresh water source or waterway ;

(c) to interfere with the right of any person ; or

(d) to allow entry of products into a sewer system, underground stream or drainage system.

(4) The operator shall not tender for sale, or use, a Class I product for cleaning or solvent purposes.

(5) At every bulk storage plant, there shall be fire extinguishing apparatus, comprising at least 2 extinguishers having an effective rating equivalent to 40B-C and :

(a) suitable for extinguishing petroleum product fires ;

(b) so located as to be readily accessible ; and

(c) maintained at all times in efficient fire fighting condition.

(6) Inspection and service of fire extinguishers shall be made at least yearly :

(a) when they have been used or otherwise emptied ; and

(b) when they have been impaired.

(7) The operator shall have the extinguisher recharged with the specified recharging materials and shall satisfy himself by having a tag affixed on each extinguisher ; this tag shall remain legible for at least 1 year, so as to indicate :

(a) the month and year of the inspection and recharging ;

(b) the identification of the recharging materials ;

(c) the initials or special mark of the attendant ; and

(d) the name of the attendant's company.

(8) The operator shall ensure that all employees in the plant know the locations of the fire extinguishers and how to use them.

(9) Every operator shall :

(a) report to the Minister, in writing, within 24 hours :

i. any loss of life caused by the operation of his business ;

ii. any fire or explosion within his establishment ; and

iii. any important leakage or spillage involving more than 2 000 litres on the premises, and more than 200 litres outside the plant ;

(b) shall, on request from the Minister, supply such additional information as may be required concerning the occurrence.

**97. Draining of the area :** It is prohibited to let petroleum products run out of the area.

**98. Sewage :**

(1) Where municipal sewer systems are non-existent, a bulk storage plant or a marine terminal, equipped with toilet facilities, shall have a septic tank and a tile field.

(2) Where the installation of a septic tank and tile field is impractical, the operator shall install a water treatment conglomerate station.

**99. Visual appearance :**

(1) Offices and warehouses shall be maintained in good repair condition and painted at proper intervals.

(2) Tanks, loading and unloading facilities and associated piping shall be painted at proper intervals.

(3) Scrap material shall be disposed of promptly and shall not be allowed to litter the property.

(4) The diked area shall be free of any vegetation except for the case stipulated in paragraph e of section 95.

**100. Competence of the personnel :** The operator shall ensure that :

(a) standard procedures for normal operation, as well as for emergencies, shall be given to all employees in

charge, and posted in printed form, visible to all, in French and in English ;

(b) a series of routine checks for the prompt detection of abnormal conditions shall be established and given to every employee in charge, for observation, at least once each shift ;

(c) all employees shall be instructed in the importance of constant attendance during all transfer operations, whether or not the system is equipped with automatic controls ;

(d) all employees shall be drilled in extinguishing procedures for petroleum fires ;

(e) conspicuous signs shall be posted, indicating the location of all emergency shut-off and the instructions for the operation of fire fighting equipment ; and

(f) employees in charge shall be instructed in the flammable and combustible liquid colour coding and identification of piping and valve systems.

## **DIVISION VI TECHNICAL STANDARDS FOR TRANSPORTATION AND HANDLING OF PETROLEUM PRODUCTS**

**101. Containers :** As of 1 January 1974, applying to all establishments dealing in petroleum products :

(a) no Class I and Class II products shall be transported in containers having a capacity of less than 230 litres, but more than 45 litres, unless the container :

i. for Class I products conforms to section 4110 of standard 30-1969 of ACA ;

ii. for Class II products, has at least 1,25 millimetres in thickness and conforms to the requirements listed in subparagraph i ;

(b) no petroleum product shall be transported in a container that has a capacity of 45 litres or less, unless the container conforms to section 41 of standard 30-1969 of ACA.

**102. Specifications for tank trucks, trailers and semi-trailers :**

(1) Every tank truck, trailer or semi-trailer, constructed before 1 May 1974, shall be modified to comply with US DOT Specifications MC 306 and 307, outlined in National Tank Truck Carriers Inc. No. 10, July 1972, from 1 January 1978.

(2) Every tank truck, trailer or semi-trailer constructed before 1 May 1974, and marked in accordance

with U S DOT Specifications MC 300, 302, 303, 304 or 305, shown in National Tank Truck Carriers Inc. No. 10, edition July 1972, may be used until 1 January 1983.

(3) Every tank truck, trailer or semi-trailer constructed before 1 May 1974, and marked in accordance with US DOT Specifications MC 306 or 307, outlined in National Tank Truck Carriers Inc. No. 10, July 1972, may be used.

(4) Every tank truck, trailer or semi-trailer constructed on or after 1 May 1974, for Class I products, shall be constructed in accordance with the last edition of US DOT Specifications MC 306 or 307 outlined in National Tank Truck Carriers Inc. No. 10, July 1972, except that the marking plate shall reflect the capacity in litres.

(5) Every tank truck, trailer or semi-trailer constructed after 1 May 1974 for products other than Class I, shall be constructed and marked in accordance with the Standards of the US DOT outlined in National Tank Truck Carriers Inc. No. 10, July 1972.

(6) Certain tables in the US DOT Specifications specify plate thickness in USSMS gauges and others in millimetres. To ensure standard interpretation for MC 300, 303, 304, 305, 306 and 307, the cross-references in the following table shall apply.

| TABLE OF STANDARDS                 |                           |
|------------------------------------|---------------------------|
| MC 300, 303, 304, 305, 306 and 307 |                           |
| USSMS gauge                        | Corresponding millimetres |
| 19                                 | 1,1176                    |
| 18                                 | 1,2700                    |
| 17                                 | 1,4224                    |
| 16                                 | 1,5748                    |
| 15                                 | 1,7780                    |
| 14                                 | 1,9812                    |
| 13                                 | 2,3876                    |
| 12                                 | 2,7686                    |
| 11                                 | 3,1750                    |
| 10                                 | 3,5814                    |
| 9                                  | 3,9624                    |
| 8                                  | 4,3688                    |

**103. Air space between compartments :** Every tank truck, trailer or semi-trailer, divided into compartments, and carrying petroleum products of different classes, shall be provided with a vented air space, the ventholes being located at both top and bottom between compartments, and each air space shall be constructed and maintained to ensure that any product in it shall drain easily to the ground.

#### **104. Pump unloading system :**

(1) On or after 1 January 1976, all rebuilt tanks and all new delivery equipment dispensing Class I and Class II products from the same vehicle through a pump reel system, shall be equipped with a separate unloading system for each class of products.

(2) Equipment manufactured before 1 May 1974 and used to discharge Class I and Class II, shall be modified to comply with the requirements of subsection 1 by 1 January 1978.

#### **105. Shut-off valves :**

(1) Each compartment used for the transportation of Class I and Class II products of a tank vehicle constructed on or after 1 May 1974, shall be equipped with an internal shut-off control valve, located in the outlet of the compartment.

(2) Each compartment of a tank, used for Class I and Class II products and constructed prior to 1 May 1974, shall be equipped with a shut-off valve to be placed in the outlet of the compartment, before 1 January 1976.

(3) This shut-off valve shall be kept closed at all times except during loading and unloading operations.

(4) The shut-off valve and its operating control shall be maintained in good operating condition.

(5) The shut-off valve located in the outlet of the compartment of a tank constructed on or after 1 May 1974, shall :

(a) be as close as is physically feasible to the shell of the tank ;

(b) be connected immediately downstream from it, through a system designed to separate upon impact or strain, in such a manner as not to damage the valve or to separate the valve from the shell of the tank ;

(c) be equipped with an operating mechanism provided with a secondary control :

i. readily accessible for use in case of accident or fire ;  
and

ii. located as far as practical from the filling opening and the discharging faucet ;

(d) be equipped with an operating mechanism provided with a fusible section, to ensure automatic closing in case of fire.

#### **106. Protection against collisions :**

(1) All valves, piping and associated connections shall be protected from damages due to collision with the rear of the tank vehicle. Such protection must be in accordance with the US DOT Specifications MC 300, 302, 303, 304, 305, 306 and 307, outlined in National Tank Truck Carriers Inc. No. 10, edition July 1972, and shall be ensured by an additional guard designed so as to resist an impact of 1 g of the total weight of the vehicle.

(2) All valves and draw-off faucets shall be designed and maintained to permit tight connection to the piping and to the delivery hoses.

#### **107. Electrical installation :**

(1) Vehicle tanks and vehicle chassis shall be constructed and maintained to provide electrical continuity between them.

(2) All tank trucks, trailers and semi-trailers shall be provided with a ground plug.

(3) Tank trucks not equipped, as required by subsection 1 and 2, shall be modified to comply with them by 1 January 1974, for Class I and Class II products.

(4) The lighting and electrical circuits of every vehicle shall be kept in operating condition at all times, provided with fuses, and protected in a way that short-circuit or sparks are not likely to occur. Every switch shall be insulated from petroleum vapours and liquids. Any motor, other than that required to move the vehicle shall be an explosion proof type motor.

(5) On and after 1 May 1974, electrical wiring of every new tank truck, trailer or semi-trailer shall be put into pipes made of copper, aluminum or plastic, or any other material suitable for petroleum product use.

(6) Electrical wiring of every tank truck, trailer or semi-trailer constructed before 1 May 1974 shall be put into pipes made of copper, aluminum or plastic or any material suitable for petroleum product use from the first junction box located in front of the tank :

(a) before 1 January 1974, for all vehicles used to transport Class I products ; and

(b) at the time of any consequent maintenance for vehicles used to transport Class II products.

**108. Identification :** Each transporter shall ensure that all of his vehicles are conspicuously and legibly marked on each side and on the rear, in letters at least 8 centimetres high, of a colour that contrasts sharply with the background, with the word **FLAMMABLE**. The owner shall comply with the requirement above for his trade name, except that the name shall appear on both sides or at the rear of the vehicle.

#### **109. Vehicle specifications :**

(1) Every vehicle used in the transportation of petroleum products shall be equipped in front, with a heavy duty bumper, and the fuel tank for the vehicle shall be so located that it is not over the engine, and equipped to vent while it is being filled.

(2) The exhaust system of any vehicle, used for transporting petroleum products shall be so located as to be clear from the fuel system and all combustible materials, and shall be terminated in such a position that fumes and heat from the exhaust shall not create a hazard to the tank contents, or to a facility being refilled or from which the tank truck is being refilled.

(3) No tank conforming to subsection 1 of section 102 and having a capacity greater than 16 000 litres shall be used to transport Class I products unless :

(a) it is divided into compartments ;

(b) none of the compartments has a capacity greater than 16 000 litres ; and

(c) baffles are provided where and as required.

(4) Every stake truck, tank truck, tractor, trailer or semi-trailer operated or parked singly or in combination, shall be equipped at all times with a parking brake, or at least 2 chocks or both, adequate to prevent movement of the vehicle when parked singly or in combination on any grade on which the vehicle is operated or parked, and under any condition of loading and unloading. The parking brake :

(a) shall, at all times, be capable of being applied :

i. by the driver's muscular effort ; or

ii. by spring action or by another energy, providing that an accumulation of such energy shall be isolated from any common source and used exclusively for the operation of the parking brake ;



(b) be so constructed and maintained that when once applied :

i. it shall remain in the applied condition with the effectiveness required by paragraph a, despite exhaustion of any source of energy or leakage of any kind ; and

ii. it cannot be released unless adequate energy is available in the brake system upon release, to make an immediate further effective application.

(5) All hoses shall be made to resist a bursting pressure not less than 4 times the anticipated pressure for gravity unloading, estimated in the conditions of use, and not less than twice the pressure to which in any other instance it may be subjected in service, by the action of the pumps or any other device, the action of which may be to subject the hose to pressure greater than the designed pressure of the tank. Any coupling used on hose to make connections shall be designed for a pressure not less than 20% in excess of the design pressure of the hose, and shall be so designed that there will be no leakage when connected.

(6) When the outlet valve of tank trucks, trailers or semi-trailers is not in actual use, the transporter shall have to detach the valve handle or, where the handle cannot be detached, the valve shall be closed and locked or the cabinet containing the valve shall be kept locked.

#### **110. Operation :**

(1) Before each loading or unloading of a tank truck, trailer or semi-trailer through an open dome involving Class I and Class II products, the transporter shall discharge the static electricity and prevent any further build-up of a difference in electrical potential by fastening the bond wire from the loading or unloading facility to the bonding clip on the vehicle.

(2) While bulk deliveries are being made by gravity into storage facilities, the engine shall be shut off.

(3) No cargo tank or compartment shall be completely filled with liquid, and the air space shall be at least 1% of the compartment volume, and shall always be sufficient to allow for temperature-volume expansion of the liquid.

**111. Draining :** When a compartment or a tank that has been used to carry one class of products is to be used to carry another class of product, the transporter shall have to clear completely all of the existing class of product from the compartment, and do so for the piping and accessory

delivery equipment connected thereto, before the new class of product is being loaded.

#### **112. Identification tagging :**

(1) Every unloading control on a compartment, tank, trailer or semi-trailer shall have, securely attached, a tag of enamelled metal, substantial fibre, or petroleum resistant plastic, to denote which class of product is contained in the tank or the compartment from which the control leads.

(2) The tag shall :

(a) be red in colour, be octagonal in shape, and bear the trade name of the product, to denote a Class I product ;

(b) be coloured any colour other than red, green, or red-orange shades, be round in shape, and bear the trade name of the product, to denote a Class II product ; and

(c) be kept clean and legible, at all times.

(3) It shall be the transporter's responsibility to attach the correct tags before he leaves the point of loading.

#### **113. Handling :**

(1) While a vehicle is being loaded, the loader shall remain in such a position that, in an emergency, he can immediately shut off the flow of product.

(2) Before a vehicle is unloaded, the transporter shall gauge the tank or shall use such other means, as are reasonable in the circumstances, to satisfy himself that the tank can safely accept the volume of liquids he proposes to unload ; he shall also ensure that the fill pipe is the correct one as to the product to unload.

(3) While the vehicle is being unloaded, the transporter shall not remain in the vehicle, but shall remain in close proximity to the unloading controls.

#### **114. Transfer of product :**

(1) No vehicle shall be used for the refuelling of another vehicle, except for the refuelling of a contractor's construction equipment, on a job site, providing that the unloading vehicle is at all times connected by bonding wire to the unit being refuelled.

(2) No container or tank that leaks, or that has become so worn or been so damaged as to show visual evidence of being likely to spring a leak shall be used to transport any petroleum products.

**115. Inspection :** No tank truck, trailer or semi-trailer having a tank mounted on the chassis thereof, shall be operated, unless :

- (a) it is maintained in good operating condition ; and
- (b) daily inspection, made by the operator, shows that the tank is not so worn or damaged as to be likely to spring a leak.

**116. Fire protection :**

(1) No person shall smoke or light a lighter or strike a match within 8 metres of any vehicle stationed at loading, unloading, or in repair yard.

(2) A tank truck and every tank truck combination, used in the transportation of petroleum products, shall be equipped with dry-chemical fire extinguishers having a total rating of at least 20B-C, of which at least 4B-C, shall be in or on the car.

(3) Every vehicle other than a tank truck or tank trailer combination, used for the transportation of packaged petroleum products shall be equipped with at least one dry-chemical fire extinguisher having a rating of not less than 4B-C.

(4) Fire extinguishers shall be located on the vehicle in a readily accessible position, and shall be maintained in operating condition.

(5) The chemical fire extinguishers shall be maintained and approved according to the following regulations :

- (a) inspection and servicing of the fire extinguishers shall be made at least once a year ;
- (b) further more, the operator shall have the fire extinguishers inspected and serviced :
  - i. when the fire extinguishers have been used or otherwise emptied ;
  - ii. when the fire extinguishers have been impaired ;
- (c) the operator shall have the fire extinguishers recharged with the appropriate materials ;
- (d) when recharging or inspection of the fire extinguishers has been completed, the operator shall make sure that a tag is affixed to every extinguisher ;
- (e) the tag shall remain legible for at least 1 year so as to indicate :
  - i. the month and year of the inspection and recharging ;

- ii. the identification of recharging material used ;
- iii. the recharging attendant's initials or special marks ; and
- iv. the recharging attendant's company identification.

**117. Repair and tests :**

(1) Any tank vehicle that has to undergo repair work involving cutting or welding, shall be made gas free as a preliminary.

(2) Any tank which has been in an accident or which has been damaged shall be tested as prescribed by paragraph E 2, 3, 4 of article 173-33 of the general section of US DOT Specifications, outlined in National Tank Truck Carriers Inc. No. 10, edition July 1972. (Cargo Tank Use Authorization).

(3) Any tank which has been out of transportation service for a period of 1 year or more, shall not be returned to or placed in such service until it shall have successfully fulfilled the testing requirements prescribed by paragraph E 2, 3, 4 of article 173-33 of the general section of US DOT Specifications, outlined in No. 10, July 1972 edition for year 1973. (Cargo Tank Use Authorization).

**DIVISION VII  
STANDARDS REGARDING WHOLESALE  
TRADE OF PETROLEUM PRODUCTS**

**118. Identification of wholesaler's establishment :**

(1) The operator of a plant used for petroleum products wholesale trade shall identify his establishment through a visible and legible placard showing his trade name.

(2) The operator shall keep purchases, sales and inventory reports available for inspection at his registered offices or at his main trading place in Québec.

**119. Retail trade :** Should the operator of a plant where wholesale trade of petroleum products takes place, carry on a retail trade on the premises of the establishment, he shall conform to sections 23 to 67.

**120. Bulk storage :** Should the operator of a plant where wholesale trade of petroleum products takes place, use one or more storage tanks or a bulk storage plant on the premises of the establishment, he shall conform to sections 68 to 100.

**121. Transportation of petroleum products :** Should the operator of an establishment where wholesale trade of petroleum products takes place transport petroleum products he shall conform to sections 101 to 117.

## **SCHEDULE A**

(s. 4)

### **PETROLEUM PRODUCTS QUALITY STANDARDS**

| Group 3-GP | Product  | C.G.S.B. Specifications |
|------------|--|-------------------------|
|            | Gasoline : Automotive  | 3-GP-1d                 |
|            | Gasoline : Automotive (low octane lead)<br>(small weak lead content) | 3-GP-5p                 |
|            | Diesel fuel  | 3-GP-6d                 |
|            | Turbine fuel, aviation : wide cut type                               | 3-GP-22g                |
|            | Turbine fuel, aviation : kerosine type                               | 3-GP-23g                |
|            | Turbine fuel, aviation : high-flash type                             | 3-GP-24f                |
|            | Gasoline, aviation : (grades 80/87, 100/<br>130 and 115/145          | 3-GP-25e                |
|            | Fuel oil : heating   | 3-GP-2d                 |
|            | Kerosene   | 3-GP-3a                 |
|            | Lubricating oil : mineral (DAE 10W)                                  | 3-GP-45a                |
|            | Lubricating oil : mineral (SAE 30)                                   | 3-GP-65a                |
|            | Lubricating oil, engine : H.D. commercial service                    | 3-GP-302                |
|            | Lubricating oil, engine : H.D. grade 10                              | 3-GP-345b               |
|            | Lubricating oil, engine : H.D. grade 20                              | 3-GP-351b               |
|            | Lubricating oil, engine : H.D. grade 30                              | 3-GP-356b               |

**SCHEDULE B**

(s. 14)



Ministère de l'Énergie et des Ressources  
Direction générale de l'énergie  
Service de la distribution

**APPLICATION FOR PERMIT**

For the operator of a petroleum product business.

☐

☐ Name of the previous operator:

\_\_\_\_\_  
\_\_\_\_\_

☐

☐

**CORRECT THE ABOVE INFORMATION IF NECESSARY**

Establishment concerned

|                    |             |                          |
|--------------------|-------------|--------------------------|
| Trade name         |             |                          |
| Address            |             | City                     |
| County             | Postal Code | Tel. number<br>Area code |
| Operator's name    |             |                          |
| Operator's address |             | City                     |
| County             | Postal Code | Tel. number<br>Area code |

\* If a corporation or society, give the main business address in Québec.

**CONFIDENTIAL DECLARATION**

This information requested in compliance with the Regulation respecting the application of the Petroleum Products Trade Act (R.R.Q., c. C-31, r.1).

Before filling in this questionnaire please read page 3 carefully (Identification)

- N.B.
1. P.S. Please write in block letters
  2. Return one copy of the questionnaire
  3. Attach your cheque
  4. Fill in page 7
  5. Attach one copy of your insurance certificate

Indicate the amounts corresponding to your category of permit and answer the questions (Q) written in parenthesis, referring to these amounts.

|   |              |
|---|--------------|
| <b>I. WHOLESALE'S PERMIT</b>  |              |
| (a) motor fuel (Q. 1 to 7 incl.)  | 75 \$ _____  |
| (b) heating oil (Q. 1 to 7 incl.)   | 75 \$ _____  |
| (c) lubricant (Q. 1 to 7 incl.)   | 75 \$ _____  |
| (d) When the operator gets involved in the retail trade of one or more of these products on the sites of his establishment, he shall pay an additional amount of 50 \$ (Q. 8 to 11 incl.)   | 50 \$ _____  |
| (e) Where the operator uses a bulk storage plant on the site of the establishment, he shall pay an additional amount of 25 \$ for each terminal (Q. 17 to 20 incl.)   | 25 \$ _____  |
| (f) Where on the site of the establishment the operator uses a marine terminal, he shall pay an additional amount of 100 \$ for each terminal (Q. 17 to 20 incl.)   | 100 \$ _____ |
| (g) For each tank affected to the transportation of the petroleum products and having its starting point at the establishment, the operator shall pay 5 \$ (Q. 14 to 16 incl.)  | 5 \$ _____   |
| <b>II. RETAILER'S PERMIT</b>  |              |
| (a) motor fuel and lubricant : (Q. 1 to 8 incl., 10 to 13 incl., 20)<br><input type="checkbox"/> service-station <input type="checkbox"/> car-wash <input type="checkbox"/> gas-bar <input type="checkbox"/> self-service <input type="checkbox"/> marina <input type="checkbox"/> truck stop | 50 \$ _____  |
| (b) heating oil (Q. 1 to 7 incl., 9)  | 50 \$ _____  |
| (c) lubricant (Q. 1 to 8 incl.)   | 50 \$ _____  |
| N.B. In the cases a, b and c, if the retail trade operation, at the designated establishment, is being done less than 6 months a year, the fee to be paid shall be of . . .   | 25 \$ _____  |
| (d) Any bulk storage plant related to the trade of the establishment is submitted to an additional amount of 25 \$ (this does not include the tanks from which the dispensing units at a retail outlet are directly fed) (Q. 17 to 20 incl.)  | 25 \$ _____  |
| (e) Any tank being used to transport petroleum products is subject to an additional fee of 5 \$ (for each tank) (Q. 14 to 16 incl.)   | 5 \$ _____   |
| <b>III. BULK STORAGE PERMIT</b>   |              |
| Is valid for any establishment (other than the ones designated by permits I and II) where petroleum products are stored either in underground or above ground tanks.  |              |
| (a) at a storage plant (Q. 1 to 4 incl., 17 to 20 incl.)  | 25 \$ _____  |
| (b) at a marine terminal (Q. 1 to 4 incl., 17 to 20 incl.)  | 100 \$ _____ |
| (c) for each tank affected to the transportation of petroleum products, an additional amount of 5 \$ shall be paid (Q. 14 to 16 incl.)  | 5 \$ _____   |
| <b>IV. TRANSPORTER'S PERMIT</b>   |              |
| (a) Any operator not designated by permits I, II and III, whose sole operation is the transportation of petroleum products, shall pay the amount of 50 \$ to obtain his permit (Q. 1 to 4 incl., 9)   | 50 \$ _____  |
| (b) Besides, an additional amount of 5 \$ shall be paid for each tank affected to the transportation of petroleum products (Q. 14 to 16 incl.)  | 5 \$ _____   |

**IDENTIFICATION****1. WHOLESALER:**

Individual, partnership or corporation exploiting an establishment where there is sale of petroleum products for resale.

**2. RETAILER:****(a) Motor-fuel lubricant:**

Individual, partnership or corporation exploiting an establishment where there is retail sale of motor-fuel and lubricant.

Note: This commerce comprises: service station, car wash, gas bar, self service, marina, truck stop, etc. . .

**(b) Lubricant:**

Individual, partnership or corporation exploiting an establishment where there is retail sale of lubricant.

**(c) Heating oil:**

Individual, partnership or corporation exploiting an establishment where there is retail sale of heating oil.

**3. STORAGE:**

Individual, partnership or corporation exploiting an establishment where there is a storage of petroleum products.

**4. TRANSPORTER:**

Individual, partnership or corporation exploiting an establishment where there is transport of petroleum products.

**SPACE RESERVED FOR THE MINISTÈRE**

DEPT NO. \_\_\_\_\_ ON \_\_\_\_\_ TTL AMNT \_\_\_\_\_ BY \_\_\_\_\_

RENWL ( ) NEW OPTR ( )

VRF ON \_\_\_\_\_ BY \_\_\_\_\_

DATE OF ISSUANCE FROM \_\_\_\_\_ TO \_\_\_\_\_ ISSUE PRMS ( ) Y ( ) N

PRMS VRF ON \_\_\_\_\_ MLD \_\_\_\_\_ DHH \_\_\_\_\_ BY \_\_\_\_\_

SLG ( ) MTPLE ( ) CDF ON \_\_\_\_\_ BY \_\_\_\_\_

**INFORMATION REQUIRED TO OBTAIN A PERMIT**

1. Give the activity of and products offered by the business, and the type of business owned?

**ACTIVITY**

- ☐ G. Wholesaler  
☐ H. Wholesaler and retailer  
☐ D. Retailer

- ☐ E. Storage  
☐ T. Transport

**PRODUCTS**

- ☐ 1. Motor fuel and lubricant  
☐ 2. Heating oil  
☐ 3. Lubricant  
☐ 4. Motor fuel

- ☐ 5. Motor fuel and heating oil  
☐ 6. Heating oil and lubricant  
☐ 7. Motor fuel, heating oil and lubricant

**TYPE OF BUSINESS**

- ☐ 1. Service station  
☐ 2. Gas bar  
☐ 3. Car wash  
☐ 4. Self service

- ☐ 5. Marina  
☐ 6. Truck stop  
☐ 0. Other type (specify)

|   |  |                  |
|---|--|------------------|
| 2. (A) How many months a year does your petroleum product business operate? _____ Months  |  |                  |
| (B) How long have you been operating this petroleum product business? _____ Months _____ Years  |  |                  |
| 3. Number of employee(s) in your petroleum product business?  |  |                  |
|   | <b>Full Time</b>                             | <b>Part Time</b> |
| — Mechanics   | _____  | _____            |
| — Administration  | _____  | _____            |
| — Security  | _____  | _____            |
| — Pump Attendant(s)   | _____  | _____            |
| — Truck Driver(s)   | _____  | _____            |
| Other(s) (specify)  | _____  | _____            |
| 4. What is the ground area occupied by your petroleum product business? _____ square metres   |  |                  |
| 5. (A) Give the main activity of your establishment i.e. (most important activity in terms of business turnover)?<br>_____  |  |                  |
| (B) List secondary activities in order of importance?<br>I _____<br>II _____  |  |                  |
| 6. How long has the petroleum product business you operate been in service?   |  |                  |
| <input type="checkbox"/> Less than 2 years  | <input type="checkbox"/> from 16 to 20 years |                  |
| <input type="checkbox"/> from 2 to 5 years  | <input type="checkbox"/> from 21 to 25 years |                  |
| <input type="checkbox"/> from 6 to 10 years   | <input type="checkbox"/> more than 25 years  |                  |
| <input type="checkbox"/> from 11 to 15 years  |  |                  |
| 7. (A) Give the trade name of petroleum products you sell?<br>_____   |  |                  |
| (B) Give the names of your suppliers of petroleum products in order of importance? (2 maximum)<br>I _____<br>II _____   |  |                  |
| 8. (A) Are you owner or lessee of the establishment you operate?<br><input type="checkbox"/> Lessee <input type="checkbox"/> Owner  |  |                  |
| (B) The establishment for which you are seeking a permit or its renewal is operated by:<br><input type="checkbox"/> A person on salary <input type="checkbox"/> A person on salary and commission<br><input type="checkbox"/> A person on commission <input type="checkbox"/> Other (specify) _____ |  |                  |
| 9. (A) The establishment for which you are seeking a permit or its renewal is operated by:<br><input type="checkbox"/> Agent <input type="checkbox"/> Commission agent  |  |                  |
| (B) Are you: <input type="checkbox"/> Independent <input type="checkbox"/> Other (specify) _____  |  |                  |

[illegible]



|  |   |   |
|--|---|---|
| 15. Give the number of tanks you own?  |   | Number  |
| Gravity unloading  | _____                                     |   |
| Pump unloading   | _____                                     |   |
| Dual (Pump gravity unloading)  | _____                                     |   |
| 16. (A) Do you carry more than one class of petroleum product in a tank in a single delivery?      |   | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |
| (B) Give the number of tank(s) with dual equipment?  |   | _____ tanks   |
| (C) List the different petroleum products you carry (5) in order of importance? (see list page 6). |   |   |
| I _____ II _____ III _____ IV _____ V _____  |   |   |
| 17. How is your bulk plant or marine terminal supplied; give percentage of supply per category?    |   |   |
| <input type="checkbox"/> Ship _____ %  | <input type="checkbox"/> Pipeline _____ % |   |
| <input type="checkbox"/> Rail _____ %  | <input type="checkbox"/> Truck _____ %    |   |
| 18. Owner of the bulk plant or marine terminal?  |   |   |
| Name   |   |   |
| Address  |   |   |
| City   | Postal Code                               | Tel. no.  |
|  |   | Area code   |
| 19. Plant manager or person responsible for the bulk plant or marine terminal?                     |   |   |
| Name   |   |   |
| Address  |   |   |
| City   | Postal code                               | Tel. no.  |
|  |   | Area code   |

## 20. Storage (litres)

Give the capacity of each tank, above ground and underground, for each product stored.

**LIST OF PETROLEUM PRODUCTS****MOTOR FUELS**

- 01. No. 1 premium
- 02. No. 2 regular
- 03. Mixed gasolines
- 04. Low lead
- 05. Lead free
- 06. Aviation
- 07. Jet fuel
- 08. Naptha
- 09. Colored diesel
- 10. Clear diesel
- 11. Other(s) (specify)

**HEATING FUELS**

- 30. Kerosene
- 31. Stove oil
- 32. Furnace fuel oil
- 33. Bunker no. 4
- 34. Bunker no. 5
- 35. Bunker no. 6
- 36. Other(s) (specify)

**LUBRICANTS**

- 50. Motor oil
- 51. Gearlube
- 52. Automatic transmission fluid
- 53. Other(s) (specify)

[illegible]

**If space is insufficient, attach an additional sheet**

|                                      |                                   |                       |
|--------------------------------------|-----------------------------------|-----------------------|
| Name of your insurance company       |                                   |                       |
| Amount of public liability insurance | Amount of motor vehicle insurance | Insurance expiry date |

|  |                           |           |
|--|---------------------------|-----------|
| I certify that the information given to support this application is true and in compliance with the Petroleum Products Trade Act (R.S.Q., c. C-31) |                           |           |
| Date   | Signer's name             |           |
| Signer's title   | Tel. no.<br><br>Area code | Signature |

Please include payment by certified check or money-order payable to the Minister of Finance and return your application and payment to the following address:



Ministère de l'Énergie et des Ressources  
Direction générale de l'énergie  
**Service de la distribution**

After checking your application, we shall send you the permit applied for.

**SCHEDULE C**

(s. 15)

GOUVERNEMENT DU QUÉBEC  
 MINISTÈRE DE L'ÉNERGIE ET DES RESSOURCES  
 DIRECTION GÉNÉRALE DE L'ÉNERGIE

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**PETROLEUM PRODUCTS TRADE PERMIT**

|   |  |   |
|---|--|---|
| NAME OF OPERATOR AND ADDRESS OF ESTABLISHMENT<br><br><div style="border: 1px solid black; height: 100px; width: 100%;"></div> | PERMIT No<br><br><div style="border: 1px solid black; height: 30px; width: 100%;"></div>                   | CATEGORY OF PERMIT<br><br>TYPE <input type="checkbox"/> PRODUCTS <input type="checkbox"/> BUSINESS <input type="checkbox"/> |
|   | DATE OF ISSUE<br>D.    M.    Y.<br><div style="border: 1px solid black; height: 30px; width: 100%;"></div> | EQUIPMENT<br><br>WITH BUCK PLANT <input type="checkbox"/> WITHOUT BULK PLANT <input type="checkbox"/>                       |

---

THIS PERMIT IS NOT TRANSFERABLE. IT MUST BE  
 DISPLAYED, AT ALL TIMES, IN A CONSPICUOUS PLACE AT  
 THE ESTABLISHMENT FOR WHICH IT HAS BEEN ISSUED.

---

THIS PERMIT EXPIRES ON

|    |    |    |
|----|----|----|
| DY | MO | YR |
|    |    |    |

---

SUBJECT IN EVERY RESPECT TO THE REGULATION  
 RESPECTING THE APPLICATION OF THE PETROLEUM  
 PRODUCTS TRADE ACT.

(R.R.Q., c. C-31, r.1)

---

 MINISTER

---

 SEE ON REVERSE SIDE

| PERMIT'S CODE   |   |   |
|---|---|---|
| TYPE OF PERMIT  | PRODUCTS  | TYPE OF BUSINESS  |
| G : Wholesaler<br>H : Wholesaler and retailer<br>D : Retailer<br>E : Storage<br>T : Transport | 1. Motor fuel and lubricant<br>2. Heating oil<br>3. Lubricant<br>4. Motor fuel<br>5. Motor fuel and heating oil<br>6. Heating oil and lubricant<br>7. Motor fuel, heating oil and lubricant | 1. Service station<br>2. Gas bar<br>3. Car wash<br>4. Self service<br>5. Marina<br>6. Truck stop<br>0. All other type of business |

**SCHEDULE D**

(s. 17)

**PUBLIC LIABILITY INSURANCE AND  
AUTOMOBILE LIABILITY INSURANCE**

A public liability insurance and an automobile liability insurance, each of them for a minimum amount specified below, is required for any operator applying for a permit as a :

- (a) **Wholesaler :**
- I Dealer in lubricants only  
500 000 \$
  - II Dealer in class I, class II, class  
III petroleum products  
1 000 000 \$
  - III Dealer operating one or more  
marine terminals 10 000 000 \$
- (b) **Retailer :**
- I Dealer in lubricants only  
100 000 \$
  - II Operator of a retail trade of motor  
fuel and lubricants  
500 000 \$
  - III Operator of a retail trade of  
heating oil :
    - i who transports class II and  
class III products 500 000 \$
    - ii who transports class I, class  
II and class III products  
1 000 000 \$
- (c) **Bulk storage:**
- I Operator owning one or more  
bulk storage plants 1 000 000 \$
  - II Operator owning one or more  
marine terminals 10 000 000 \$
- (d) **Transport :**
- I Operator who delivers class II  
and class III petroleum products  
by way of tank-trucks,  
trailers and semi-trailers  
500 000 \$
  - II Operator who delivers class I,  
class II and class III petroleum  
products by way of tank-trucks,  
trailers and semi-trailers  
1 000 000 \$.

**SCHEDULE E**

(s. 18)



Ministère de l'Énergie et des Ressources  
Direction générale de l'énergie  
**Service de la distribution**

**APPLICATION FOR PERMIT RENEWAL**

For the operator of a petroleum product business.

This application for permit renewal applies only for the establishment determined by the permit number below.

**CORRECT THE ABOVE INFORMATION IF NECESSARY**

Establishment concerned:

|                    |             |                           |
|--------------------|-------------|---------------------------|
| Trade name         |             |                           |
| Address            | City/Town   |                           |
| County             | Postal code | Tel. no.<br><br>Area code |
| Operator's name    |             |                           |
| Operator's address | City/Town   |                           |
| County             | Postal code | Tel. no.<br><br>Area code |

**CONFIDENTIAL DECLARATION**

Pursuant to section 11 of the Petroleum Products Trade Act (R.S.Q., c. C-31) section 18 and Schedule E of the Regulation respecting the application of the Petroleum Products Trade Act (R.R.Q., c. C-31, r.1).

Before filling in this questionnaire please read page 2 carefully (Identification)

- I.N.B.:**
1. Please write in block letters
  2. Return one copy of the questionnaire
  3. Attach your cheque
  4. Attach one copy of your insurance certificate

**IDENTIFICATION****1. WHOLESALER:**

Individual, partnership or corporation exploiting an establishment where there is sale of petroleum products for resale.

**2. RETAILER:****(a) Motor-fuel and lubricant:**

Individual, partnership or corporation exploiting an establishment where there is retail sale of motor-fuel and lubricant.

Note: This business comprises: service station, car wash, gas bar, self service, marina, truck stop, etc. . .

**(b) Lubricant:**

Individual, partnership or corporation exploiting an establishment where there is retail sale of lubricant.

**(c) Heating oil:**

Individual, partnership or corporation exploiting an establishment where there is retail sale of heating oil.

**3. STORAGE:**

Individual, partnership or corporation exploiting an establishment where there is a storage of petroleum products.

**4. TRANSPORTER:**

Individual, partnership or corporation exploiting an establishment where there is transport of petroleum products.

**SPACE RESERVED FOR THE MINISTÈRE**

|                   |               |                |           |
|-------------------|---------------|----------------|-----------|
| DPT NO            | LE            | MMTNT TTL      | PR        |
| ANVLLMNT ( )      | NOUV EXPL ( ) | NOUV PRMS ( )  | VRF LE PR |
| DTE D EMISSION DU | AU            | EMTTA PRMS ( ) | O ( ) N   |
| PRMS VRF LE       | MLL           | PRMS           | PR        |
| UNIQ ( )          | MTPL ( )      | CDF LE         | PR        |

**INFORMATION REQUIRED TO OBTAIN A PERMIT**

Give the activity of and products offered by the business, and the type of business owned?

**ACTIVITY**

- ☐ G. Wholesaler  
☐ H. Wholesaler and retailer  
☐ D. Retailer

- ☐ E. Storage  
☐ T. Transport

**PRODUCTS**

- ☐ 1. Motor fuel and lubricant  
☐ 2. Heating oil  
☐ 3. Lubricant  
☐ 4. Motor fuel

- ☐ 5. Motor fuel and heating oil  
☐ 6. Heating oil and lubricant  
☐ 7. Motor fuel, heating oil and lubricant

**TYPE OF BUSINESS**

- ☐ 1. Service station  
☐ 2. Gas bar  
☐ 3. Car wash  
☐ 4. Self service

- ☐ 5. Marina  
☐ 6. Truck stop  
☐ 0. Other type (specify)


Indicate the amounts corresponding to your category of permit.

|  |              |
|--|--------------|
| <b>I. WHOLESALE'S PERMIT</b>   |              |
| (a) motor fuel   | 75 \$ _____  |
| (b) heating oil  | 75 \$ _____  |
| (c) lubricant  | 75 \$ _____  |
| (d) When the operator gets involved in the retail trade of one or more of these products on the site of his establishment, he shall pay an additional amount of 50 \$  | 50 \$ _____  |
| (e) Where the operator uses a bulk storage plant on the site of the establishment, he shall pay an additional amount of 25 \$ for each plant   | 25 \$ _____  |
| (f) Where on the site of the establishment the operator uses a marine terminal, he shall pay an additional amount of 100 \$ for each terminal  | 100 \$ _____ |
| (g) For each tank assigned to the transportation of the petroleum products and having its starting point at the establishment, the operator shall pay 5 \$   | 5 \$ _____   |
| <b>II. RETAILER'S PERMIT</b>   |              |
| (a) motor fuel and lubricant:<br><input type="checkbox"/> service-station <input type="checkbox"/> car-wash <input type="checkbox"/> gas-bar <input type="checkbox"/> self-service <input type="checkbox"/> marina <input type="checkbox"/> truck stop | 50 \$ _____  |
| (b) heating oil  | 50 \$ _____  |
| (c) lubricant  | 50 \$ _____  |
| N.B. In cases a, b and c, if the retail trade operation at the designated establishment is carried out for less than 6 months a year, the fee to be paid shall be . . .  | 25 \$ _____  |
| (d) Any bulk storage plant affected to the operation of the establishment is subject to an additional amount of 25. \$ (this does not include the tanks from which the dispensing units at a retail motor fuel and lubricant outlet are directly fed)  | 25 \$ _____  |
| (e) Any tank being used to transport petroleum products is subject to an additional fee of 5 \$ (for each tank)  | 5 \$ _____   |
| <b>III. BULK STORAGE PERMIT</b>  |              |
| Is valid for any establishment (other than those designated by permits I and II) where petroleum products are stored either in underground or above ground tanks.  |              |
| (a) at a storage plant   | 25 \$ _____  |
| (b) at a marine terminal   | 100 \$ _____ |
| (c) for each tank assigned to the transportation of petroleum products, an additional amount of 5 \$ shall be paid.  | 5 \$ _____   |
| <b>IV. TRANSPORTER'S PERMIT</b>  |              |
| (a) Any operator not designated by permits I, II and III, whose sole operation is the transportation of petroleum products, shall pay the amount of 50 \$ to obtain his permit   | 50 \$ _____  |
| (b) Besides, an additional amount of 5 \$ shall be paid for each tank assigned to the transportation of petroleum products   | 5 \$ _____   |

|   |             |                       |
|---|-------------|-----------------------|
| Owner of the bulk plant or marine terminal                                |             |                       |
| Name  |             |                       |
| Address   |             |                       |
| City/Town   | Postal code | Tel. no.<br>Area code |
| Plant manager or person responsible for the bulk plant or marine terminal |             |                       |
| Name  |             |                       |
| Address   |             |                       |
| City/Town   | Postal code | Tel. no.<br>Area code |

|                                       |                                    |                        |
|---------------------------------------|------------------------------------|------------------------|
| Name of your insurance company:       |                                    |                        |
| Amount of public liability insurance: | Amount of motor vehicle insurance: | Insurance expiry date: |

|   |                       |           |
|---|-----------------------|-----------|
| I certify that the information given to support this application is true and in compliance with the Petroleum Products Trade Act (R.S.Q., c. C-31). |                       |           |
| Date  | Signer's name         |           |
| Signer's title  | Tel. no.<br>Area code | Signature |

|  |   |
|--|---|
| <p>Please include payment by certified check or money-order payable to the Minister of Finance and return your application and payment to the following address:</p> |  <p>Ministère de l'Énergie et des Ressources<br/>Direction générale de l'énergie<br/><b>Service de la distribution</b></p> |
|--|---|

After checking your application, we shall send you the permit applied for.



**SCHEDULE F**

(s. 21)

**FEES TO BE PAID****I Wholesaler's permit**

- (a) motor fuel 75 \$
- (b) heating oil 75 \$
- (c) lubricant 75 \$

(d) when the operator gets involved in the retail trade of one or more of these products on the site of his establishment, he shall pay an additional amount of 50 \$

(e) where the operator uses a bulk storage plant on the site of the establishment, he shall pay an additional amount of . . . 25 \$

(f) where on the site of the establishment the operator uses a marine terminal, he shall pay an additional amount of . . . 100 \$ for each terminal

(g) for each vehicle affected by the transportation of the petroleum products and having its starting point at the establishment, the operator shall pay for each vehicle. . . 5 \$

**II Retailer's permit**

- |                |                 |                          |       |
|----------------|-----------------|--------------------------|-------|
| (a) motor fuel | service-station | <input type="checkbox"/> | 50 \$ |
| and            | car-wash        | <input type="checkbox"/> |       |
| lubricants     | gas-bar         | <input type="checkbox"/> |       |
|                | self-service    | <input type="checkbox"/> |       |
|                | marina          | <input type="checkbox"/> |       |
|                | truck stop      | <input type="checkbox"/> |       |

(b) heating oil 50 \$

(c) lubricants 50 \$

**N.B.** In the cases a, b and c, if the retail trade operation, at the designated establishment is being done less than 6 months a year, the fee to be paid shall be of . . . 25 \$

(d) any bulk storage plant related to the trade of the establishment is submitted to an additional amount of 25 \$ (this does not include the tanks from which the dispensing units at a retail outlet are directly fed) 25 \$

(e) any vehicle being used to transport petroleum products is subject to an additional fee of 5 \$ (for each vehicle). 5 \$

**III Bulk storage permit**

Is valid for any establishment (other than the ones designated by permits I and II) where petroleum products are stored either in underground or above ground tanks:

- (a) at a storage plant 25 \$
- (b) at a marine terminal 100 \$

(c) for each vehicle affected by the transportation of petroleum products, an additional amount of 5 \$ shall be paid. 5 \$

**IV Transporter's permit**

(a) any operator not designated by permits I, II and III, whose sole operation is the transportation of petroleum products, shall pay the amount of 50 \$ to obtain his permit. 50 \$

(b) besides, an additional amount of 5 \$ shall be paid for each vehicle affected by the transportation of petroleum products. 5 \$

**SCHEDULE G**  
 (s. 22)

 Ministère de l'Énergie et des Ressources  
 Direction générale de l'énergie  
**Service de la distribution**
**ANNUAL ACTIVITY REPORT**

Period of 1 January to 31 December, 19

**CONFIDENTIAL**

This report applies only for the establishment identified by the number indicated below.

**CORRECT THE ABOVE INFORMATION IF NECESSARY**

Establishment concerned:

|                    |             |                          |
|--------------------|-------------|--------------------------|
| Trade name         |             |                          |
| Address            |             | City                     |
| County             | Postal code | Tel. number<br>Area code |
| Operator's name    |             |                          |
| Operator's address |             | City                     |
| County             | Postal code | Tel. number<br>Area code |

**CONFIDENTIAL DECLARATION**

 Required according to section 22 and Schedule G of the Regulation  
 respecting the application of the Petroleum Products Trade Act (R.R.Q., c. C-31, r.1).

Please return one copy by 30 March, 19

 Do not include any payment  
 This is not a permit renewal

## ANNUAL ACTIVITY REPORT

Period of 1 January to 31 December, 19

| <b>IMPORTANT: List your bulk in litres</b> |                      |                   |                                      |                               |                 |
|--|----------------------|-------------------|--------------------------------------|-------------------------------|-----------------|
| Product Identification                     | 1<br>Wholesale sales | 2<br>Retail sales | 3<br>Quantity of product transported | 4<br>Inventory to 31 December | 5<br>Percentage |
| <b>Motor fuels</b>                         |                      |                   |                                      |                               |                 |
| Supercarburant – No. 1 Premium             |                      |                   |                                      |                               |                 |
| No. 2 – Regular                            |                      |                   |                                      |                               |                 |
| Mixed gazolines                            |                      |                   |                                      |                               |                 |
| Low lead                                   |                      |                   |                                      |                               |                 |
| Lead free                                  |                      |                   |                                      |                               |                 |
| Aviation                                   |                      |                   |                                      |                               |                 |
| Jet fuel                                   |                      |                   |                                      |                               |                 |
| Naphta                                     |                      |                   |                                      |                               |                 |
| Diesel                                     |                      |                   |                                      |                               |                 |
| Others                                     |                      |                   |                                      |                               |                 |
| <b>Heating fuels</b>                       |                      |                   |                                      |                               |                 |
| Kerosene                                   |                      |                   |                                      |                               |                 |
| Stove oil                                  |                      |                   |                                      |                               |                 |
| Furnace fuel oil                           |                      |                   |                                      |                               |                 |
| Bunker No. 4                               |                      |                   |                                      |                               |                 |
| Bunker No. 5                               |                      |                   |                                      |                               |                 |
| Bunker No. 6                               |                      |                   |                                      |                               |                 |
| Others                                     |                      |                   |                                      |                               |                 |
| <b>Lubricants</b>                          |                      |                   |                                      |                               |                 |
| Motor Oils                                 |                      |                   |                                      |                               |                 |
| Gearlube<br>(1) kilogram per litre)        |                      |                   |                                      |                               |                 |
| Automatic transmission fluid               |                      |                   |                                      |                               |                 |
| Others                                     |                      |                   |                                      |                               |                 |

|  |                                  |           |
|--|----------------------------------|-----------|
| For additional information, communicate with our Québec or Montréal offices.<br><br>Ministère de l'Énergie et des Ressources<br>Direction générale de l'énergie<br><b>Service de la distribution</b> | Write your name in block letters |           |
|  | Official position                |           |
|  | Area code                        | Telephone |

|   |       |           |
|---|-------|-----------|
| I, the undersigned, declare that the information given is true. | Date: | Signature |
|---|-------|-----------|

**SCHEDULE H**

( ss. 27, 28 and 39)

**ELECTRICAL EQUIPMENT HAZARDOUS AREA SERVICE STATIONS**

| LOCATION                             | CLASS 1<br>GROUP D<br>DIVISION | EXTENT OF CLASSIFIED<br>AREA   |
|--------------------------------------|--------------------------------|--|
| <b>UNDERGROUND TANK</b>              |                                |  |
| Fill opening                         | 1                              | Every space, pit or box below ground level, if any part is in a division 1 or 2 classified area.   |
|                                      | 2                              | Up to 45 centimetres above ground level within a horizontal radius of 3 metres from a loose fill connection, or 1,5 metres from a tight fill connection.           |
| Vent-opening at the top              | 1                              | Within 1 metre of opened end of vent in all directions.  |
|                                      | 2                              | Area between 1 metre and 1,5 metres of opened end of vent, in all directions.  |
| <b>DISPENSER</b>                     |                                |  |
| Pits                                 | 1                              | Every space, pit or box below ground level, if any part is in a division 1 or 2 classified area.   |
| Enclosure of dispenser               | 1                              | Up to 1,2 metres from the base inside the enclosure and 45 centimetres horizontally in all directions.   |
| Outdoors                             | 2                              | Up to 45 centimetres above ground level within a horizontal radius of 6 metres from the edge of the enclosure.   |
| Indoors, with mechanical ventilation | 2                              | Up to 45 centimetres above floor or ground level, within a horizontal radius of 6 metres from any edge of the enclosure.   |
| With natural ventilation             | 2                              | Up to 45 centimetres above floor or ground level, within a horizontal radius of 7,5 metres from any edge.  |
| <b>OUTDOOR REMOTE CONTROL PUMPS</b>  |                                |  |
|                                      | 1                              | Every space, pit or box below ground level, if any part is horizontally within 3 metres of edge of pump.   |
|                                      | 2                              | Within 1 metre of edge of pump in all directions. Also, up to 45 centimetres above floor or ground level, within radius of 1 metre from edge of pump.              |
| <b>INSIDE REMOTE CONTROL PUMPS</b>   |                                |  |
|                                      | 1                              | Entire inside of pit.  |
|                                      | 2                              | Within 1,5 metres of edge of pump in all directions. Also up to 1 metre above floor or ground level, within a horizontal radius of 7,5 metres of any edge of pump. |

| LOCATION  | CLASS 1<br>GROUP D<br>DIVISION | EXTENT OF CLASSIFIED<br>AREA  |
|---|--------------------------------|---|
| <b>LUBRICATION AND REPAIR ROOM</b>                                      | 1                              | Entire inside of pit.   |
|   | 2                              | Up to 45 centimetres above floor or ground level for entire room.   |
| Dispenser of class I liquids  | 2                              | Within 1 metre of any filling or dispensing points in all directions.   |
| <b>SPECIAL ENCLOSURE IN A BUILDING IN ACCORDANCE WITH DIVISION 7020</b> | 1                              | The entire enclosure.   |
| <b>SALE, STORAGE and TOILET ROOMS</b>                                   | Standard                       | In an area classified division 1, should any aperture open on such rooms, these shall be classified division 1. |

(from Flammable and Combustible Liquids Code of the ACA/30/1969).

### **SCHEDULE I**

(ss. 32, 33, 34, 47, 64 and 76)

### **SPECIFICATIONS REGARDING STORING EQUIPMENT OF PETROLEUM PRODUCTS**

Containers and tanks may be constructed in accordance with following standards. Tanks and containers conforming to other specifications shall be approved by the chief inspector.

#### **(1) Atmospheric tanks**

- (a) Standard No. 142 of the ULC
- (b) Standard No. 58 of the ULC
- (c) Standard No. 80 of the ULC
- (d) Standard No. 12A of the API
- (e) Standard No. 650 of the API
- (f) Standard No. 12B of the API
- (g) Standard No. 12D of the API
- (h) Standard No. 12F of the API
- (i) Standard No. 30-1969 of the ACA

#### **(2) Containers**

- (a) Standard No.B252 of the CSA
- (b) Standard No.B144 of the CSA

**SCHEDULE J**

(s. 70)

**ELECTRICAL EQUIPMENT HAZARDOUS AREA  
BULK PLANTS**

| LOCATION  | CLASS 1<br>GROUP D<br>DIVISION | EXTENT OF CLASSIFIED<br>AREA   |
|---|--------------------------------|--|
| <b>TANK-TRUCK AND TANK-CAR:*</b>                              |                                |  |
| Loading through open dome                                     | 1                              | Within 1 metre of edge of dome, extending in all directions.   |
| Loading through bottom connections with atmospheric venting.  | 1                              | Within 1 metre of point of venting to atmosphere in all directions.  |
|   | 2                              | Area between 1 metre and 1,5 metres from point of venting to atmosphere in all directions. Also up to 45 centimetres above ground within a horizontal radius of 3 metres from point of loading connection. |
| Loading through closed dome with atmospheric venting.         | 1                              | Within 1 metre of open end of vent in all directions.  |
|   | 2                              | Area between 1 metre and 1,5 metres from open end of vent in all directions. Also within 1 metre from edge of dome, in all directions.   |
| Loading through closed dome with vapour recovery.             | 2                              | Within 1 metre in all directions of point of connections of both fill and vapour recovering lines.   |
| Bottom loading with vapour recovery, or any bottom unloading. | 2                              | Within 1 metre in all directions from point of connection. Also up to 45 centimetres above ground, in a horizontal radius of 3 metres from point of connection.  |
| <b>WITHDRAWAL FITTINGS, ETC.</b>                              |                                |  |
| Indoors   | 2                              | Within 1,5 metres of any edge of such devices in all directions. Also up to 1 metre above floor or ground in a horizontal radius of 7.5 metres from edge of such devices.                                  |
| Outdoors  | 2                              | Within 1 metre from edge of these devices in all directions. Also up to 45 centimetres above ground, in a horizontal radius of 3 metres from edge of such devices.   |
| <b>STORAGE AND REPAIR GARAGES FOR<br/>TANK VEHICLES</b>       |                                |  |
|   | 1                              | Every pit or space below floor level.  |
|   | 2                              | Up to 45 centimetres above floor or ground level for entire garage.  |
| <b>DRAINING DITCHES, SEPARATORS,<br/>IMPOUNDING BASINS</b>    |                                |  |
|   | 2                              | Up to 45 centimetres above ditch, separator or basin. Also up to 45 centimetres above ground level, in a horizontal radius of 4,5 metres from any edge.  |

| LOCATION  | CLASS 1<br>GROUP D<br>DIVISION | EXTENT OF CLASSIFIED<br>AREA  |
|---|--------------------------------|---|
| <b>GARAGES FOR OTHER THAN TANK VEHICLES OUTDOOR DRUM STORAGE</b>                              | Ordinary                       | Should an aperture open on these rooms from a classified area located outside, the complete premises shall have the same classification as the area where the aperture takes place.   |
| <b>INDOOR STORAGE, WITHOUT TRANSFER OF FLAMMABLE LIQUIDS OFFICES AND TOILET ROOMS</b>         | Ordinary                       | Should an aperture open on those premises from a classified area located indoors, the whole premises shall be classified as if there was no wall, partition, or low wall.   |
| <b>DRUMS AND OTHER CONTAINERS</b>   | 1                              | Within 1 metre from the open end of the vent and of the loading opening, in all directions.   |
| Outdoor or indoor filling with sufficient ventilation   | 2                              | The area within 1 metre and 1,5 metres from the open end of the vent or loading opening, in all directions. Also up to 45 centimetres from the floor or the ground level, in a horizontal radius of 3 metres of these openings. |
| <b>ABOVE GROUND TANKS</b>   |                                |   |
| Walls, ends or roof, and holding basin.   | 2                              | Within 3 metres from the wall, the ends or the roof of the tank. Inside of the basin up to the top of the dike.   |
| Vent  | 1                              | Within 1,5 metres from the open end of the vent in all directions.  |
|   | 2                              | The area within 1,5 metres and 3 metres from the open end of the vent, in all directions.   |
| Floating roof   | 1                              | Area above the roof and inside the walls.   |
| <b>PITS</b>   |                                |   |
| Without mechanical ventilation  | 1                              | All inside the pit if any side of it is in a division 1 or 2 classified area.   |
| With mechanical ventilation   | 2                              | All inside the pit if any part of it is in a division 1 or 2 classified area.   |
| Containing valves, connections and piping, and not being in a division 1 or 2 classified area | 2                              | Entire pit.   |

\*To set up the extent of the area, one must take into account the fact that tank-trucks or tank-cars may stand in different ways. One must therefore take the outer dimensions of the loading or unloading position.  
(from the Flammable and Combustible Liquids Code of the ACA/30/1969).

## SCHEDULE K-1

DISTANCE BETWEEN THE ABOVE  
GROUND TANKS

| <i>Case<br/>No.</i> | <i>Column 1<br/>Tanks</i>   | <i>Column 2<br/>Minimum free<br/>air space</i>  |
|---------------------|---|---|
| 1                   | Tanks of same capacities, none of more than 230 000 litres.   | 1 metre   |
| 2                   | Tanks not having the same capacities, of which only one has more than 230 000 litres.                                     | Half the diameter of the smallest tank but never less than 1 metre.   |
| 3                   | Tanks of same capacities, all having more than 230 000 litres.  | Half the diameter of one of the tanks.  |
| 4                   | Tanks not having same capacities, all having more than 230 000 litres.  | Half the diameter of the smallest tank.   |
| 5                   | Tanks of any capacity used to store gasoline or associated product, and tank of any capacity used to store raw petroleum. | <p data-bbox="819 966 1038 1044">(a) The distance provided for cases 1, 2, 3 or 4 ;</p> <p data-bbox="860 1075 882 1093">or</p> <p data-bbox="819 1124 1038 1314">(b) the diameter of the smallest tanks (when tanks have not same capacities) whichever of the two measures is larger.</p> |



## SCHEDULE K-2

## LOCATION OF ABOVE-GROUND TANKS

| Case no. | Column 1<br><br>Tank capacity<br>(in litres) | Column 2   | Column 3  |
|----------|--|--|---|
|          |  | Minimum distance between<br>tank shell and the center<br>of the dike (metres)*** | Minimum distance between<br>the tank shell and the nearest<br>building or the grounds<br>limit (metres) |
| 1        | 2 000 to 4 000                               | Half the height of the tank *  | 3 **  |
| 2        | 4 000 to 200 000                             | 3 metres or half the height of the   | 3   |
| 3        | 200 001 to 400 000                           | tank, whichever is the   | 5   |
| 4        | 400 001 to 2 000 000                         | greater.*  | 9   |
| 5        | 2 000 001 to 4 000 000                       |  | 12  |
| 6        | More than 4 000 000                          |  | 15  |

\* When a dike is necessary to conform to requirements of article 95.

\*\* May be of 1 metre for class II products.

\*\*\* When distance provided in column 2 is greater than that provided in column 3, distance in column 2 shall prevail.

## SCHEDULE L

## TECHNICAL REFERENCES

(1) ASTM D 56-70 : Standard Method of Test for Flashpoint by the Closed Tester taken from the Annual Book of ASTM Standards — Part 17 — from the American Society for Testing and Materials, USA 1971.

(2) ASTM D93-71 : Standard Method of Test for Flashpoint by Pensky — Martens Closed Tester taken from Annual Book of ASTM Standard — Part 17 — from the American Society for Testing and Materials, USA 1971.

(3) Annual Index of Standards, January 1971, of the Canadian Government Standards Board, Ottawa.

(4) Petroleum Products Analysis, according to the Annual Book of ASTM Standards Part 17 — Part 18 — from the American Society for Testing and Material, USA. 1971. And Miscellaneous ASTM Standards for Petroleum Products recommended practices — methods of test — specifications — definitions, 10th Edition, 1971, USA of the American Society for Testing and Materials.

(5) *Code canadien de l'électricité*, Part 1, 9th Edition, *Standard Canadien* 1966 du Ministère du Travail de la Main-d'oeuvre et de la Sécurité du revenu, Québec.

(6) API Std. 5L : API specification for Pipe Line, 26th Edition, April 1971, Washington, from the American Petroleum Institute.

(7) NFPA No. 251 : Standard Methods of Fire Tests of Building Construction and Materials from the National Fire Protection Association, 1969.

(8) CVA No. 80 : Fire Doors and Windows, National Fire Protection Association Standards accepted and published by the Canadian Underwriters' Association, 1970.

(9) CVA No. 30 : *Code des Liquides Combustibles et Inflammables*, National Fire Protection's standards, accepted and published by the Canadian Underwriters' Association, 1969.

(10) Specifications 5, 5A, 5B, 5C, 5L or 5M from the Code of Federal Regulations 49 CFR 71.1, USA and adopted by the Board of Transport Commissioners of Canada. (15 January 1966).

Article 178.80 — Specifications 5, steel barrels or drums

Article 178.81 — Specifications 5A, steel barrels or drums

Article 178.82 — Specifications 5B, steel barrels or drums

Article 178.83 — Specifications 5C, steel barrels or drums

Article 178.89 — Specifications 5L, steel barrels or drums

Article 178.90 — Specifications 5M, monel drums sub-section D : Specifications for Metal Barrels, Drums, Kegs, Cases, Trunk and Boxes.

(11) CSA Standard B252-1971 : Portable Metal Containers for Gasoline and other Petroleum Fuels from the Canadian Standards Association, 1971.

(12) CSA Standard B144-1969 : Portable Plastic Containers for Petroleum Fuels from the Canadian Standards Association, 1969.

(13) USDOT Specifications, MC300, 302, 303, 304, 305, 306 and 307 ; taken from Regulations of the Department of Transportation Governing the Transportation of Hazardous Materials in Tank Motor Vehicles of July 1972, by the National Tank Truck Carriers Inc. NTTC — No.10.

(14) ULC No. 142 : Standards for Steel Above Ground Tanks for Flammable and Combustible Liquids of the Underwriters Laboratories of Canada, 1968.

(15) ULC No. 58 : Standards for Steel Underground Tanks for Flammable and Combustible Liquids, 5th Edition, 1961, from the Underwriters Laboratories of Canada.

(16) ULC No. 80 : Standards for Steel Indice Tanks for Oil Burner Fuel, 1963, of the Underwriters Laboratories of Canada.

(17) API Std 12A : API Specifications for Oil Storage Tanks with Riveted Shells, 7th Edition, Sept. 1951, of the American Petroleum Institute, USA.

(18) API Std 650 : Welded Steel Tanks for Oil Storage, 4th Edition, June 1970, USA by the American Petroleum Institute.

(19) API Std 12B : API Specifications for Bolted Production Tanks, 11th Edition, May 1958, USA of the American Petroleum Institute.

(20) API Std 12D : API Specifications for Large Welded Production Tanks, 7th Edition, August 1957, USA, of the American Petroleum Institute.

(21) API Std 12F : API Specifications for Small Welded Production Tanks, 6th Edition, March 1968, USA, by the American Petroleum Institute.

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O.C. 463-73, (1973) 105 O.G.II, 965 and (1976) 108 O.G.II, 1851

O.C. 1026-74, (1974) 106 O.G.II, 1519

O.C. 2487-74, (1974) 106 O.G.II, 3417

O.C. 602-75, (1975) 107 O.G.II, 1183

O.C. 2515-75, (1975) 107 O.G.II, 3397 and 4675

O.C. 3613-78, (1979) 111 G.O., 3423

O.C. 435-79, (1979) 111 G.O., 2797

O.C. 980-80, (1980) 112 G.O.II, 1649, 1650



c. C-32, r.1

## Regulation respecting the bread trade

An Act respecting the bread trade  
(R.S.Q., c. C-32, s. 10)

**1.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “address of maker” : the city or locality, province and country in which the maker bakes and processes bread ;

(b) “maker” : means the person or business that prepares, bakes and processes bread in his or its own establishment and excludes every person or business engaged solely in the sale, distribution and delivery of bread ;

(c) “Act” : the Act respecting the bread trade (R.S.Q., c. C-32) ;

(d) “white bread” : bread made by baking a yeast dough, prepared with white flour ;

(e) “enriched white bread” : bread made by baking a yeast dough, prepared with white flour, enriched with thiamine, riboflavin, niacinamide, iron and which may contain calcium carbonate ;

(f) “whole wheat bread” : bread made by baking a yeast dough with a blend of white flour and at least 60% whole wheat flour ;

(g) “specialty bread” : means :

i. all bread other than white bread, enriched white bread, whole wheat bread and to which were added ingredients such as fruit, spices, cheese or other products clearly differentiating it from the above mentioned kinds of bread ;

ii. country-style bread ;

(h) “identification box” : means a frame or part of the label on one side of the bread, excluding both ends, in which shall be entered the information identifying the bread ;

(i) “retail sale” : means any sale of bread to a person for purposes of domestic consumption but does not include sales to a commercial establishment or public institution for purposes of consumption therein.

## DIVISION I SCOPE

**2.** The intent of this Regulation is to govern the bread trade in Québec at the retail sale level and in particular to establish standards respecting advertising, labelling and packaging of bread and to exempt, in whole or in part, certain classes of bread from the Act or regulations.

**3.** Division II shall apply to all classes of bread sold or offered for sale in Québec.

**4.** Divisions III and IV shall not apply to the following classes of bread :

(a) white bread, enriched white bread and whole wheat bread where they are baked without a mould and not sliced ;

(b) specialty bread.

## DIVISION II ADVERTISING

**5.** Any mention of the price of the bread is prohibited other than on its package or on the display counter used for sale. This counter must be situated inside the establishment.

## DIVISION III STALE BREAD

**6.** The words “stale bread” on the label contemplated in paragraph *a* of section 8 of the Act shall be inscribed in letters not less than  $\frac{1}{4}$  of an inch (0,6 cm) in height.

**7.** The words “stale bread” on the sign contemplated in paragraph *b* of section 8 of the Act shall be inscribed in letters not less than 2 inches (5 cm) in height.

## DIVISION IV LABELLING AND PACKAGING

**8.** An identification box must contain the following indications :

(a) the word “Bread”, immediately preceded by one of the qualificatives : “white”, “enriched white”, “whole wheat”, in block letters not less than  $\frac{3}{8}$  of an inch (1 cm) in height ;

(b) the trade name ;

(c) the net weight of the bread, intended for sale in Québec, in figures not less than  $\frac{3}{8}$  of an inch (1 cm) in height ;

(d) except where bread is in a transparent package, the words "sliced" or "not sliced", as the case may be, in block letters not less than  $\frac{3}{8}$  of an inch (1 cm) in height.

**9.** In the identification box, the indications required under section 9 of the Act shall appear in the following manner :

(a) name of the maker in block letters not less than  $\frac{1}{4}$  of an inch (0,6 cm) in height ;

(b) the address of the maker close to his name in block letters not less than  $\frac{1}{8}$  of an inch (0,3 cm) in height ;

(c) where applicable, the words "Made by...(name of maker) according to the instructions of... (name of the undertaking ordering it)" in block letters not less than  $\frac{1}{4}$  of an inch (0,6 cm) in height.

## **DIVISION V**

### **EXCEPTION**

**10.** The following classes of bread shall be exempt from the application of sections 2, 3, 4 paragraph a, 6, 8 and 21 of the Act :

(a) white bread, enriched white bread and whole wheat bread when baked without a mould and not sliced ;

(b) specialty bread.

## **DIVISION VI**

### **INSCRIPTION**

**11.** The merchant or baker, as the case may be, shall ensure that the indications required under section 8 of the Act are inscribed in the manner prescribed in this Regulation.

The maker shall ensure that the indications required under the first paragraph of section 9 of the Act are inscribed in the manner prescribed in this Regulation.

The business that has ordered the bread contemplated in the second paragraph of section 9 of the Act shall ensure that the indications required under this paragraph are inscribed in the manner prescribed in this Regulation.



c. C-34, r.1

## Rules of proof, procedure and practice of the Commission des affaires sociales

An Act respecting the Commission des affaires sociales (R.S.Q., c. C-34)

### DIVISION I DEFINITIONS

**1.** In these Rules, the following words mean :

- (a) “Act” : the Act respecting the Commission des affaires sociales (R.S.Q., c. C-34) ;
- (b) “Commission” : the Commission des affaires sociales ;
- (c) “president” : the president of the Commission des affaires sociales ;
- (d) “vice-president” : the vice-president of the Commission des affaires sociales ;
- (e) “secretary” : the secretary of the Commission des affaires sociales or the assistant secretary ;
- (f) “appeal” : an appeal contemplated in paragraphs a, b, g, h, i, j, k and l of section 21 of the Act ;
- (g) “application” : an application contemplated in paragraph c of section 21 of the Act ;
- (h) “request” : a request or application contemplated in paragraphs d, e and f of section 21 of the Act ;
- (i) “declaration” : a declaration made in accordance with the first paragraph of section 32 of the Act ;
- (j) “appellant” : every person who submits a declaration with respect to an appeal, application or request.

*Amended in French D. 475-79, G.O.II, 1979, p. 1855.*

### DIVISION II DECLARATION

**2.** The declaration must contain the name, given names and address of the appellant, a reference to and the date of the event which gave rise to the declaration, as well as a summary statement of the reasons invoked in support of the appeal, application or request. It must be signed by the appellant and the name, given names and address of his representative, if he has designated one, must be indicated. His intention to appear and to be represented at the hear-

ing must also be specified therein. The declaration may be submitted in the form appearing in the Schedule to these rules.

*Amended in French D. 475-79, G.O.II, 1979, p. 1855.*

**3.** The declaration is duly instituted when it is received in the form prescribed in section 2 at the office of the Commission in Montréal or in Québec.

*Amended in French D. 475-79, G.O.II, 1979, p. 1855.*

**4.** The declaration may be submitted by the appellant or his representative.

**5.** An appeal, application or request may be withdrawn at any time, in whole or in part, by a written notice sent to the secretary and signed by the appellant.

**6.** Upon receipt of a declaration by the Commission, the secretary shall forward an acknowledgement of receipt to the appellant and to his representative, if he has designated one.

### DIVISION III APPLICATION FOR EXTENSION OF THE TIME-LIMIT FOR SUBMITTING THE DECLARATION

**7.** The application to submit a declaration after the expiry of the time prescribed in section 32 of the Act is made by indicating to the Commission the reasons for which the appellant was in fact unable to act sooner.

**8.** Such application shall also contain :

- (a) a reference to and the date of the event which gave rise to the declaration ;
- (b) the signature of the appellant ;
- (c) the name, given names and address of the appellant and of his representative, if he has designated one.

**9.**

*See French Text D. 475-79, G.O.II, 1979, p. 1855.*

**10.** The application may be made by the appellant or his representative.

**11.** The Commission may demand from the appellant or from any other body or person the documents or information useful for the purposes of granting or refusing an extension of the time-limit for submitting the declaration.

**12.** The person who applies for an extension in accordance with section 32 of the Act may submit any document deemed useful by him in support of his application.

**13.** The Commission shall grant or refuse the extension applied for, fix its duration and give written notification thereof to the appellant and his representative, if he has designated one.

#### **DIVISION IV HEARING OF APPEALS, APPLICATIONS OR REQUESTS**

**14.** Appeals, applications or requests shall be heard at the office of the Commission in Québec or Montréal, or at any place nearer to the place of residence of the appellant or his representative, as determined by the secretary.

*Amended in French D. 475-79, G.O.II, 1979, p. 1855.*

**15.** The Commission shall forward to the appellant and to his representative, if he has designated one, a notice of the hearing stating the date, hour and place of the hearing.

**16.** The notice of the hearing shall also be sent to every person notified in accordance with sections 22 and 33 of the Act.

**17.** If the appellant or his representative, as the case may be, fails to appear at the opening of the hearing, the Commission shall decide on the appeal, application or request in the manner it deems most appropriate and state the reasons for its decision in writing.

**18.** In default of a quorum at the opening of the hearing, the Commission shall postpone the hearing to the nearest possible date.

**19.** The Commission may grant a postponement or adjournment of the hearing for cause. It may, with ground therefor, postpone or adjourn the hearing on the conditions it deems appropriate.

**20.** The hearing shall be public. The Commission may, however, order that it be held *in camera* if it decides that the interests of justice so demand.

**21.** During the hearing, witnesses shall be examined under oath or solemn declaration by the members or assessors of the Commission hearing the appeal, application or request and by each of the parties and any intervenant.

Witnesses suffering from physical or mental incapacity may be exempt from this formality.

**22.** The Commission may order that the deposition of the witnesses be taken by stenography, stenotypy or any other mechanical means.

**23.** Each of the parties may summon witnesses for the hearing, provide information and produce documents concerning the appeal, application or request.

**24.** The secretary or any other person duly authorized by the Commission shall draw up the minutes of the hearing, in which he shall enter the name and given names of the appellant or his representative, if he has designated one, and also the names of the witnesses who have been summoned, and shall record all the documents produced during the sittings, all the orders and instructions of the Commission, and all incidental decisions.

**25.** The members and assessors who have taken an appeal, application or request under advisement may, even on their own initiative, order the reopening of the hearing for the purposes and on the conditions determined by them. The secretary must make known this order to the parties and to every intervenant.

#### **DIVISION V PROOF**

**26.** The Commission is empowered to accept the mode of proof it believes most suitable to better serve the ends of justice.

It may require the production of any document, book, paper or writing it deems necessary.

#### **DIVISION VI SUMMONING OF WITNESSES**

**27.** The Commission may, by notice, convene any person to appear before it and require him to testify under oath or solemn declaration and to produce any document it deems useful for the ends of justice.

**28.** However, where such a procedure is deemed opportune, the Commission may, by *subpoena* under the Act respecting public inquiry commissions (R.S.Q., c. C-37), summon any person to appear before it and require him to testify under oath or solemn declaration and to produce any document it deems useful for the ends of justice.

**29.** The Commission may, where it so deems useful, make an advance payment for travelling expenses or a taxation for witnesses, fixed in accordance with the tariffs in force in the courts of civil jurisdiction, to any person required to appear before it.

## **DIVISION VII**

### **DECISIONS**

**30.** The decision of the members and assessors of the Commission hearing the appeal, application or request shall constitute the decision of the Commission.

**31.** The secretary shall file the original of the decision of the members and assessors of the Commission in the register of decisions, and file a certified copy of the decision in the record.

The secretary shall forward, by registered or certified mail, or by any other means authorized by the Commission, a certified copy of the decision to the appellant and to his representative, if he has designated one, to any person notified in accordance with sections 22 and 33 of the Act, and to any person who may be required to act in execution of the decision.

## **DIVISION VIII**

### **GENERAL PROVISIONS**

**32.** The offices of the Commission are open from 9 h to 12 h, and from 13 h 30 to 17 h (except during the months of June, July and August when they are open from 8 h 30 to 12 h, and from 13 h 30 to 16 h 30) from Monday to Friday each week except on the following days : New Year's Eve, New Year's Day, the day after New Year's, Good Friday, Easter Monday, Dollard's or the Queen's birthday, St. John the Baptist Day, Confederation, Labour Day, Thanksgiving, Christmas Eve, Christmas Day and the day after Christmas.

*Amended in French D. 475-79, G.O.II, 1979, p. 1855.*

**33.** If a time-limit expires on a day when the offices of the Commission are not open or if anything whatsoever is ordered to be done on that day, such time-limit is extended to the next working day.

**34.** A record concerning an appeal, application or request is of a confidential nature and may be consulted only for cause and if authorized by the Commission.

**35.** No proceeding under these Rules shall be considered to be null or invalidated by any non-substantive or procedural irregularity.

**36.** These Rules shall in no way be prejudicial to the powers and immunities conferred upon the Commission and upon its members and assessors by section 36 of the Act.



c. C-35, r.1

## Regulation respecting procedure when a municipal corporation in default submits a plan of financial reorganization to its creditors

An Act respecting the Commission municipale (R.S.Q., c. C-35)

### DIVISION I GENERAL PROVISIONS

**1.** In conformity with subparagraph *b* of the first paragraph of section 54 of the Act respecting the Commission municipale (R.S.Q., c. C-35), any plan of financial reorganization submitted by a municipal corporation in default and interesting its creditors as a whole or any category of its creditors, may be ratified and confirmed by the Commission municipale du Québec, to be legally binding on the parties unless the creditors interested in the said plan and holding claims representing at least 33 1/3% of the total debt affected by such plan object in the manner hereinafter provided.

**2.** Creditors of the municipal corporation, interested in the plan of financial reorganization submitted by such municipality, shall be invited to assist at a meeting so that they may declare whether they desire to oppose the plan of financial reorganization submitted.

The meeting shall be held at the place, date and hour determined by the Commission municipale du Québec.

The date of the said meeting shall not be closer than 30 days nor later than 60 days from the date of the publication of the notice of convocation of the meeting in the *Gazette officielle du Québec*.

The Commission municipale du Québec fixes the place, the date or dates and the hours for the registration of the interested creditors who desire to vote at the meeting and only those persons, so registered, shall be entitled to vote thereat.

**3.** However, it shall not be necessary to call such a meeting if the creditors holding claims representing at least 67% of the total debt affected by the said plan of financial reorganization have agreed, in writing, not to object to it.

For the purpose of obtaining such agreement, the municipal corporation, or its duly authorized representa-

tive, will transmit to all known creditors interested in the said plan, an explanatory letter accompanied by a copy of the following form :

#### Form of agreement

I, the undersigned, creditor of the municipal corporation of . . . . ., accept the plan of financial reorganization as explained in the letter from the said municipal corporation received by me, and I hereby agree to make no objection to the carrying out of the said plan.

I am the holder of the following claim (claims) :

And I have signed before a witness at . . . . .  
this . . . . .  
. . . . .  
. . . . .  
Signature of witness                      Signature of creditor  
. . . . .  
Address                                      Address

### DIVISION II PRELIMINARY NOTICE

**4.** The Commission municipale du Québec shall publish once, in the *Gazette officielle du Québec*, a notice of convocation of the meeting, such notice to be according to Form 1. The Commission municipale du Québec must also transmit, within 8 days from the date of the publication of the notice of convocation in the *Gazette officielle du Québec*, a copy of the said notice and a copy of the plan of financial reorganization to be submitted to all creditors interested in the said plan and whose names appear in the books of the municipal corporation. Such notice and a copy of the plan must be transmitted by registered or certified mail.

**5.** The said notice shall state the name of the municipal corporation concerned, the place, date and hour of the meeting, and shall be given in the name of the municipal corporation. It shall also advise the interested parties that the Commission municipale du Québec will send them, on request, a copy of the plan of financial reorganization which the municipal corporation shall submit to its creditors at the meeting. This copy shall be sent by registered or certified mail.



The notice shall also indicate the place, date and time of registration for those persons who wish to vote at the meeting.

**6.** In the case of cities and towns a notice similar to that published in the *Gazette officielle du Québec* shall be published once in a French newspaper and once in an English newspaper of both the city of Québec and the city of Montréal as well as once in a French newspaper and once in an English newspaper published in the municipality, and if no paper is published in such municipal corporation, in the district, or the nearest district if such newspaper is not published in the district.

**7.** Moreover, in the case of the cities and towns, a copy of the same notice and of the plan of reorganization is also transmitted to the Montréal Stock Exchange and the Toronto Stock Exchange, to the Canadian Bankers' Association and the Investment Dealers Association. If the population of a city is 50 000 or more, a copy of the notice and of the plan must be also forwarded to the New York Stock Exchange and to the London Stock Exchange.

**8.** However, when the name of each of the creditors of the municipal corporation interested in the plan of financial reorganization submitted appears in the books of the municipal corporation, the aforesaid publications are not required, save those in the *Gazette officielle du Québec*.

**9.** The Commission municipale du Québec must forward, by registered or certified mail, to anyone requesting the same, a copy of Form 2.

**10.** However, the Commission municipale du Québec, may enact that such additional notices as it may deem expedient be given.

### DIVISION III MEETING

**11.** The person appointed by the Commission municipale du Québec shall act as secretary of the meeting. The secretary must proceed with the registration of those authorized to vote at such meeting.

The secretary enters in a register the name of each person presenting himself to vote as well as the amount and the description of his claim.

The Commission municipale du Québec may designate one or more persons to assist the secretary of the meeting in his work, or to replace him in case of absence or of inability to act.

**12.** In order to have his name entered in the register and to vote, the person, who presents himself as a creditor of the corporation must show the secretary :

(a) the title of his claim ; or

(b) a certificate from a bank, a trust company or a notary, evidencing that the claim, for the amount indicated, was remitted to him or them by the person presenting such certificate and also evidencing that the said claim is in his or their possession and that it will remain there until the day following the date of such meeting and of its adjournments ; or

(c) a certificate of deposit, as described in subparagraph *b* and a power of attorney signed by the owner of the claim in favour of the person presenting such power of attorney.

The certificate of deposit and the power of attorney mentioned in subparagraphs *b* and *c* of the first paragraph here inabove must be according to Form 2 ; however any other equivalent form may also be used.

The inscription in the register of the names of the persons who desire to vote at the time of said meeting must be made at the place, on the dates and within the hours fixed by the notice calling the meeting.

**13.** The meeting is presided by the person chosen by the majority, in value, of the creditors present or represented at the said meeting and duly recorded by the secretary.

**14.** After the nomination of the president, the secretary must produce, and if requested by anyone present, he must read to the meeting all acts and documents attesting that the said meeting has been regularly convened.

**15.** The president of the meeting shall read or have the secretary read the plan of financial reorganization submitted and inform those present at the meeting of the total amount of the debt affected by such plan, as established by a certificate duly signed by the secretary of the Commission municipale du Québec, and which shall be produced at the meeting.

**16.** The president informs those duly registered that should they wish to oppose the project, they must give their vote against such project ; only such votes must be entered in the register kept by the secretary of the meeting.

**17.** The result of the voting must be verified by a certificate signed by the secretary, who shall read it at the meeting.

**18.** The meeting may be adjourned to another hour of the same day or of a subsequent day, and such as many times as may be required. Those persons only, duly registered in the register held to that effect by the secretary, within the delay fixed by the Commission municipale du Québec, and mentioned in the notice calling the meeting, are entitled to vote at the time of said meeting and the adjournments thereof.

**19.** The secretary shall transmit to the Commission municipale du Québec the minutes of the meeting, a certificate of the votes cast, the register and other documents used during the meeting.

#### **DIVISION IV SUBSEQUENT NOTICE**

**20.** The plan of financial reorganization submitted to the meeting is considered as having received the approval of the creditors concerned unless creditors interested in the said plan and holding claims representing at least 33 1/3% of the total debt affected by such plan have duly voted against the said plan in the manner provided above.

**21.** When the plan of financial reorganization has been ratified and confirmed by the Commission municipale du Québec, the said Commission shall give, in the name of the municipality concerned, a notice to that effect indicating therein the procedure to be followed by the parties interested in carrying out the plan adopted.

**22.** The said notice shall be published in the same manner and transmitted to the same persons, by registered or certified mail, as the notices given for the convocation of the meeting.

**23.** When the plan of financial reorganization submitted has become inoperative as a result of a negative vote of the amount required, or due to the fact that such plan has not been ratified and confirmed by the Commission municipale du Québec, the said Commission shall, within 15 days from the date of the meeting or within 15 days from the date of the resolution adopted by it to the effect of refusing its ratification and its confirmation of such plan, as the case may be, shall give a notice to that effect. This notice shall be published in the same manner and transmitted to the same persons, by registered or certified mail, as the notices given to convene the meeting.

#### **DIVISION V DEFINITION**

**24.** “Municipal corporation” : means any municipal corporation in default within the meaning of the Act respecting the Commission municipale.

**25.** In the case of school corporations or corporations of trustees of parishes or missions, the formalities indicated for the cities and towns must be followed, if such school corporations or trustees of a parish or mission are situated in whole or in part in a city or in a town. If the territory of the said school corporations, or trustees of parishes or missions are not thus situated in whole or in part in a city or in a town, the formalities indicated for the other municipalities are followed.

#### **Form 1 (s. 4)**

#### **QUÉBEC**

*(Official name of the corporation)*

*(Describe the category of creditors to whom this notice is addressed).*

Notice is hereby given, that the corporation of . . . . .  
 . . . . . *(official name)* shall submit, in conformity with subparagraph *b* of the first paragraph of section 54 of the Act respecting the Commission municipale (R.S.Q., c. C-35), to its creditors *(describe the category of creditors interested)*, a plan of financial reorganization, at a meeting to be held *(state the place, date and hour of meeting)*.

The creditors who desire to vote at the time of said meeting, and of the adjournments thereof, must file, for registration, the titles of their claims or certificates of deposit, as hereinbelow mentioned, with the secretary of the meeting at *(specify the place, the date or dates and also the hours within which said registration must be made)*.

The creditors interested are invited to be present at the said meeting so as to declare their opposition, if they so desire, to the plan to be submitted.

The creditor present, to have the right to vote at such meeting must produce the title of his claim or a certificate of deposit of such title signed by a bank, a trust company or a notary. If he is represented, his proxy must produce besides the claim or the certificate of deposit above mentioned, a power of attorney duly signed by the creditor personally.

The certificate of deposit and the power of attorney must be according to Form 2.

The interested parties may obtain a copy of the plan of financial reorganization to be submitted as well as copies of the certificate of deposit and power of attorney, on request to the secretary of the Commission municipale du Québec, Gouvernement du Québec, Québec.

Dated at ..... this .....

(Signed) .....  
Name of the corporation

Per : .....  
Secretary-treasurer or clerk

## Form 2

(ss. 9 and 12)

(A) The Corporation .....

County of .....

## CREDITORS' MEETING

## CERTIFICATE OF DEPOSIT

WE HEREBY CERTIFY THAT .....

of .....

has, today, deposited with the undersigned the titles of claims of the corporation .....

county of .....

for the sum of .....

(..... \$) and that the said titles of claims will be held by the undersigned up to and including the day following the meeting of the creditors of the ..... and of its adjournments.

Title of claims ..... Denominations .....

Dated ..... 19...

.....  
Name of the bank or trust co. or notary

.....  
Address of the bank or trust co. or notary

.....  
Signature of the authorized officer

(B) The Corporation .....

County of .....

## CREDITORS' MEETING

## POWER OF ATTORNEY

The undersigned, being a creditor for an amount of ...

(..... \$) as described in the abovementioned certificate of deposit, appoints and constitutes

....., my proxy and authorizes him to attend the creditors' meeting to be held at .....

on the .....

The said proxy is authorized to vote and to act in my name and for me in all matters considered at the meeting or at any adjournment thereof, as I would myself were I personally present. The said proxy is also authorized to have himself replaced by another and I bind myself to ratify all acts made by him.

..... 19...

Witness .....

Address of witness .....

.....  
Signature of holder of bonds.

(C) The Corporation .....

County of .....

## CREDITORS' MEETING

## RECEIPTS OF DEPOSIT OF TITLE OF CLAIM

RECEIPT for the deposit of .....

titles of claims of the corporation .....

county of .....

to the total amount of .....

(..... \$), for which the holder has received a certificate permitting him to attend and to vote at the creditors' meeting to be held at .....

the .....

according to notice. The securities deposited cannot be returned to the holder of this receipt before the day following the date of the meeting.

Dated at ..... this ..... 19...

.....  
Name of bank, trust co. or notary

.....  
Signature of officer

O.C. 505-38, (1938) O.G., 1522

O.C. 2032-41, (1941) O.G., 2754

O.C. 428-50, (1950) O.G., 1254



c. C-35, r.2

**Règlement sur la rémunération des  
sténographes officiels lors des enquêtes  
de la Commission municipale de Québec**

An Act respecting the Commission municipale  
(R.S.Q., c. C-35)

See French Edition



c. C-37, r.1

**Règles sur les modalités de gestion  
administrative, financière et  
d'engagement de personnel des  
commissions d'enquête instituées en vertu  
de la Loi sur les commissions d'enquête**

An Act respecting public inquiry commissions  
(R.S.Q., c. C-37)

See French Edition



c. C-37, r.2

## **Regulation respecting reports of public inquiry commissions**

An Act respecting public inquiry commissions  
(R.S.Q., c. C-37)

**1. Transmittal to the Government :** The commissioners shall forward the original and 30 copies of a report and its schedules, the evidence taken and all the documents to the Government.

**2. Sending to members of the Conseil exécutif :** The Secretary General of the Conseil exécutif shall send a copy of a report and its schedules to each member of the Conseil exécutif.

**3. Custody by Secretary General :** The Secretary General of the Conseil exécutif shall ensure custody of a report, the evidence taken and other documents on behalf of the Government, until the report is made public.

**4. Transmittal to archives :** When the report is made public by the Government, the Secretary General of the Conseil exécutif shall transmit the original of a report, its schedules, the evidence and other documents to the Keeper of the Archives nationales.

**5. Sale and distribution :** The Québec Official Publisher is responsible for the sale of a report and its schedules.

The Québec Official Publisher shall send a copy of a report and its schedules, free of charge, to each Department, to the members of the National Assembly and to the Library of the National Assembly.

**6. Availability :** Pursuant to section 18 of the Act respecting public inquiry commissions (R.S.Q., c. C-37), any person may obtain certified copies of the evidence taken, with the exception of evidence taken *in camera* by applying therefor to the Keeper of the Archives nationales.



c. C-37.2, r.1

## **Regulation respecting the ethics and discipline of the policemen of the Communauté urbaine de Montréal**

Montréal Urban Community Act  
(S.Q., 1969, c. 84 ; after consolidation : An Act  
respecting the Communauté urbaine de Montréal,  
R.S.Q., c. C-37.2)

### **CHAPTER I DEFINITIONS**

**1.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Community” : the Communauté urbaine de Montréal ;
- (b) “Security Council” : the Public Security Council of the Community ;
- (c) “Director” : the Director of the Police Department of the Community ;
- (d) “staff officer” : a policeman who is not salaried within the meaning of the Labour Code (R.S.Q., c. C-27) ;
- (e) “Internal Affairs Section” : the Internal Affairs Section of the Police Department of the Community.

### **CHAPTER II DUTIES OF A POLICEMAN**

#### **DIVISION I SERVICE DUTIES**

**2.** A policeman must carry out his work integrally.

Breach of discipline includes :

- (a) the fact of being absent from work without authorization ;
- (b) the fact of not respecting working hours ;
- (c) any manoeuvre of false declaration for the purpose of prolonging a leave, postponing a return to work or being absent from work ;
- (d) refusal or the urging of the refusal to carry out work.

**3.** A policeman must carry out conscientiously, with diligence and efficiency, the tasks that are entrusted to him.

Breach of discipline includes :

- (a) negligence, carelessness or incorrect procedures in carrying out work ;
- (b) the fact of not carrying out assigned work or of not being at the place designated by one’s superior ;
- (c) the fact of not being vigilant during work.

**4.** A policeman must carry out his duties with probity.

Breach of discipline includes :

- (a) the fact of damaging or destroying with malice, of losing through negligence, or of transferring illegally public or private property ;
- (b) the fact of using or of authorizing the use of a vehicle or any other property of the Community for personal or unauthorized purposes ;
- (c) the fact of loaning, selling or transferring a part of the uniform or equipment that is provided him by the Community ;
- (d) the falsification, withdrawal, dissimulation or destruction of a document of the Police Department, or in the safekeeping of the Police Department, or other official documents ;
- (e) presenting or signing a false or inexact statement, report or other written document ;
- (f) the fact of claiming or of authorizing the reimbursement of unincurred expenses of the payment of hours of work not carried out ;
- (g) the fact of failing or of neglecting to account for or to remit immediately any amount of money or goods received as a member of the Police Department of the Community.

#### **DIVISION II DUTIES OF PUBLIC SERVICE**

**5.** A policeman must promptly obey the orders and directives of his superiors.

Breach of discipline includes :

- (a) refusal or failure to pass by hierarchical channels, except in the case of emergency or physical impossibility ;

(b) refusal to account to the Director or his representative for one's activities during work hours or outside of work hours when acting as a policeman.

**6.** A policeman must demonstrate respect, deference and politeness towards a superior.

**7.** A policeman must respect the authority of the law and the courts and cooperate in the administration of justice.

Breach of discipline includes :

(a) the fact of preventing or of contributing to preventing justice from following its course ;

(b) the fact of withholding or of hiding evidence with the purpose of favouring or harming an accused person ;

(c) the fact of failing to transmit or of postponing the transmission to his superior of any information concerning crimes, offenses, facts or events of importance to which the policeman has been a witness or of which he has knowledge ;

(d) the fact of directly or indirectly warning any person named in a summons or a warrant, except in the case of the legal carrying out of the summons or warrant ;

(e) the fact of not taking all reasonable means to prevent the escape of a prisoner ;

(f) the fact of counselling or of attempting to influence an accused person in the choice of his plea.

**8.** A policeman must avoid influence peddling and corruption and carry out his duties with disinterest and impartiality.

Breach of discipline includes :

(a) the fact of accepting, soliciting or demanding, directly or indirectly, any gift, promise, reward, commission, reduction, loan, debt repayment, favour or other advantage or consideration, of a nature to cause prejudice to or compromise his impartiality in the carrying out of his duties ;

(b) the fact of suggesting or recommending, to an accused person or to a person with which the policeman has been in contact in the discharge of his duties, the services of an attorney, a garageman, or a hotel establishment ;

(c) the fact of using for personal purposes or with the purpose of obtaining therefrom an advantage or profit, in-

formation obtained in the discharge of his duties or as a result of his position in the Police Department ;

(d) the fact of standing security for a person under arrest, except if that person is a spouse, an ascendant or a descendant, a brother or a sister ;

(e) the fact of soliciting or accepting that a person outside the Police Department intercede in one's favour in order to obtain promotion, a transfer or any change in one's status of policeman in the Police Department ;

(f) the fact of signing a letter of recommendation or other attestation in order to help a person to obtain a permit of the Régie des permis d'alcool du Québec ;

(g) the fact of placing oneself in a situation of conflict of interest by soliciting or by collecting money from the public, by the sale of tickets or other means, for the profit of a person, association or organization ;

(h) the fact of seeking notoriety, directly or indirectly, via the information media.

**9.** A policeman must refrain from any political activity prohibited by the Police Act (R.S.Q., c. P-13).

**10.** A policeman must at all times conduct himself with dignity and avoid any behaviour likely to make him lose the confidence and the consideration that his duties require or to compromise the prestige or the effectiveness of the Police Department of the Community.

Breach of discipline includes :

(a) the use of obscene, blasphemous or abusive language ;

(b) the failure by a uniformed policeman to wear his policeman's badge ;

(c) the abuse of authority, intimidation or harassment ;

(d) the recourse to unjustified force ;

(e) the fact of lacking courtesy or reserve ;

(f) the fact of getting a person to climb, other than for professional reasons, into a vehicle of the Police Department ;

(g) associating with persons or frequenting places considered to be of bad reputation in accordance with the criteria of a prudent and conscientious policeman ;

(h) the fact, for a uniformed policeman whether or not he is on duty, of purchasing, transporting or consuming alcoholic beverages or drugs ;



(i) the fact, for an on-duty policeman, whether or not he is in uniform :

- i. of being intoxicated ;
- ii. of exhaling an odor of alcoholic beverage, except when his work so requires ;

(j) the fact of keeping in a vehicle or at the premises of the Community alcoholic beverages or drugs, except with the authorization of the Director ;

(k) the fact of seeking for oneself or for others or of accepting free access to services offered or to places open to the public upon the payment of an admission fee or remuneration, except with the authorization of the Director ;

(l) habitually poor personal toilet and dress during hours of work ;

(m) the fact for a policeman, outside hours of work, of operating a commercial enterprise or an industry, or of exercising a trade or occupation, or of carrying on other activity of a nature to compromise his independence or that of the Police Department, or to diminish his effectiveness during working hours, such as :

- i. assistant to a bailiff of the Superior Court ;
- ii. debt-collector ;
- iii. watchman, detective, security guard or other supervision or security work ;
- iv. taxi driver, owner or operator of a taxicab in the territory of the Community ;
- v. owner, operator or employee of an establishment holding a permit of the Régie des permis d'alcool du Québec, or beneficiary of a direct or indirect interest in such an establishment.

**11.** A policeman has the duty, where the Director so requests in the interest of the department, to divulge in writing :

- (a) the list of profit-oriented corporations or partnerships, enterprises, commercial enterprises or industries that he operates or in which he holds an interest ;
- (b) any trade, occupation or employment that he exercises outside his hours of work.

**12.** A policeman must avoid any intimacy with respect to an inmate and respect his rights.

Breach of discipline includes :

- (a) negligence in guarding or watching an inmate ;

(b) the fact of providing an inmate with drugs or alcoholic beverages ;

(c) the fact of dealing in any way whatsoever with an inmate or of attempting to obtain advantages from him or of procuring advantages for him ;

(d) interference in the communication between an inmate and his attorney ;

(e) unjustified force and failure by negligence to safeguard the safety and health of an inmate ;

(f) the fact of permitting the incarceration of a youth offender with an adult inmate, or of a female with a male.

**13.** A policeman must only use his service firearm with care and discretion.

Breach of discipline includes :

(a) the fact for a policeman in street clothes of not hiding his service firearm ;

(b) the fact of showing, manipulating or pointing his service firearm without justification ;

(c) the fact of not maintaining his service firearm in good working order ;

(d) the fact of refusing or neglecting to report to his superior each time that he uses his service firearm ;

(e) the fact of not taking reasonable measures to prevent the loss, theft, or use by a third-party of his service firearm ;

(f) the fact of loaning or giving up his service firearm.

**14.** A policeman must respect his oath of allegiance and office as well as his oath of discretion.

### CHAPTER III COMMITTEE FOR THE HEARING OF COMPLAINTS

**15.** A committee for the hearing of complaints hereinafter referred to as the "committee" shall be constituted comprising 7 members. Four members shall be appointed by the Director and shall be chosen from among the policemen of the departments or police forces of Québec. The other 3 members, who must not belong to a department or police force, shall be appointed by the Security Council.

**16.** The chairman of the Security Council shall be appointed by the Director, after consultation with the Security Council from among the members of the committee.

In the case of the absence or inability to act of the chairman, the Director shall, after consultation with the Security Council, appoint an acting chairman from among the members of the committee.

**17.** The members of the committee as well as the chairman or acting chairman shall have a term of 2 years. Such term may only be renewed consecutively twice.

**18.** The quorum of the committee shall be 4 members, including the chairman or the acting chairman and a member appointed by the Security Council.

The decisions of the committee shall be taken by majority vote and in the case of a tie-vote the chairman chairing the hearing shall cast the deciding vote.

**19.** The commander of the Internal Affairs Section is *ex officio* secretary of the committee.

**20.** Any person may lodge a complaint against a policeman by submitting it in writing or otherwise to the secretary of the committee.

**21.** Upon receipt of a complaint, the secretary of the committee must :

(a) evaluate in a preliminary manner the merits of the complaint ;

(b) inform the complainant with respect to such preliminary evaluation, to the rules of ethics and disciplinary procedure in force within the Police Department of the Community and provide him with a copy of this Regulation ;

(c) inform the complainant, where applicable, concerning the public bodies and services that may be of assistance to him in enforcing his rights ;

(d) if the complaint appears to him to be *prima facie* well-founded, to conduct an inquiry with regard to the complaint and to inform the complainant of his action.

**22.** The secretary shall table before the committee any complaint made against a policeman under section 20, accompanied, where applicable, by a written detailed inquiry report and by the written document stating the complaint.

**23.** The secretary shall table before the committee any complaint against a policeman emanating from the Police Department, accompanied by a detailed inquiry report.

**24.** The chairman shall convoke the committee at least 10 times a year and each time that he deems it necessary to deal with complaints as expeditiously as possible.

**25.** The committee shall not hear witnesses and shall deliberate on the basis of the reports which are submitted to it. It shall sit *in camera*.

**26.** The committee must consider each complaint submitted to it and may, as the case may warrant :

(a) require supplementary information concerning the complaint ;

(b) reject the complaint where the latter is in its opinion frivolous, vexatious or not founded in fact or in law ;

(c) decide that disciplinary action is appropriate, order the secretary of the committee to summon the policeman for disciplinary action and, where a policeman governed by Division I of Chapter IV is concerned, decide that the disciplinary charge be laid either before a staff officer or before the committee of discipline established under section 44.

**27.** To decide whether a disciplinary charge is to be laid before a staff officer or before the committee of discipline, the committee must take into consideration the seriousness of the breach complained against and the problems of law and of fact that it raises.

**28.** Where the committee dismisses a complaint, it may, in the interest of the public, of the Police Department or of the policeman complained against, communicate in writing to the policeman such remarks or observations designed to develop his professional conscience or prevent the commission of a breach of discipline. Such notice does not constitute a disciplinary penalty. It shall be transmitted to the policeman via his commanding officer but must not be entered in his record.

**29.** Following the investigation of a complaint, where the interest of the public, of the Police Department or of the policeman complained against so justifies, the committee may in addition :

(a) recommend to the Director to have the policeman undergo a medical examination ;

(b) recommend to the Director to order the policeman to undergo further training or a refresher period at a police institution or school ;

(c) point out to the Director the good conduct of the policeman ;

(d) submit to the Director any recommendation designed to prevent the commission of a breach of discipline and to develop within the Police Department of the Community high standards of integrity and professional conscience.

**30.** Where the committee deems that it is appropriate to provisionally remove a policeman summoned for disciplinary action from his duties or from service, it may recommend to the Director to assign him to other duties or to suspend him without pay until the final decision of the disciplinary authority.

**31.** Before 1 February each year, the committee must submit to the Director a report of its activities during the year.

## CHAPTER IV DISCIPLINARY PROCEDURE

### DIVISION I POLICEMEN

**32.** In this Division, the word "policeman" means a policeman who is an employee within the meaning of the Labour Code (R.S.Q., c. C-27).

#### *§1. Procedure before a staff officer*

**33.** Where the committee for the hearing of complaints orders that a policeman be summoned for disciplinary action before a staff officer, the commanding officer of the Internal Affairs Section or his delegate shall bring the charge before the staff officer having the most immediate authority over the section or the unit to which the policeman charged belongs.

**34.** The indictment must state summarily the nature and the circumstances of fact and place of the breach of discipline complained against. The policeman charged shall be notified in writing of it.

**35.** The policeman charged must make his plea known to the commandant of the Internal Affairs Section within 2 clear days of the serving of the indictment.

**36.** Notice of at least 2 clear days preceding the date and the hour of the hearing must be served on the policeman charged.

**37.** At the hearing, the policeman charged shall be entitled to the assistance of a member of the Police Department. If that person is not a union representative of the *Fraternité des policiers de la Communauté urbaine de Montréal Inc.*, the latter may be represented by an observer.

**38.** At the hearing, the staff officer who hears the case must :

- (a) have the indictment read to the policeman charged ;
- (b) permit the policeman charged to change his plea ;
- (c) permit the policeman charged to explain his position ;
- (d) accept any element of proof that he deems appropriate and pertinent to ensure that the truth be known.

**39.** At the hearing, the commander of the Internal Affairs Section or his delegate must :

- (a) make known the elements of the breach of discipline complained against ;
- (b) submit an inquiry report, where applicable, and make representations.

**40.** The indictment may be amended at any time on the conditions necessary to safeguard the rights of the parties. However, except with the consent of the parties, the staff officer hearing the case shall not allow any amendment from which an entirely new allegation unrelated to the original would result.

**41.** If the policeman charged admits his guilt or is declared guilty of breach of discipline, the staff officer hearing the case shall immediately impose one or several of the following penalties, for each allegation :

- (a) a warning ;
- (b) a reprimand ;
- (c) a disciplinary transfer ;
- (d) a disciplinary suspension without pay for a period of time not longer than 10 working days.

**42.** The decision of the staff officer shall be immediately transmitted in writing to the Director and to the policeman charged.

#### *§2. Procedure before the committee of discipline*

**43.** Where the committee for the hearing of complaints orders that a police be summoned for disciplinary actions before the committee of discipline established under section 44, the allegation shall be brought by the commander of the Internal Affairs Section or his delegate.

**44.** A committee of discipline shall be established comprising 15 members, including a chairman, all appointed by the Director. Their term shall be 2 years and shall be renewable.

**45.** The quorum of the committee of discipline shall be 3 members appointed by the chairman of the committee.

**46.** The indictment must indicate summarily the nature and the circumstances of fact and place of the breach of discipline complained against. It shall be served upon the policeman charged in writing.

**47.** A policeman charged must make known his plea to the commander of the Internal Affairs Section within 3 clear days of the serving of the indictment.

**48.** The committee of discipline may sit at any place within the Community.

**49.** The chairman of the committee of discipline shall determine the date, time and place of the hearing and shall give notice thereof to the policeman charged at least 5 clear days before the date of the hearing.

**50.** At the hearing, the policeman charged shall be entitled to the assistance of a member of the Police Department. If that person is not a union representative of the *Fraternité des policiers de la Communauté urbaine de Montréal Inc.*, the latter may be represented by an observer.

**51.** Where the policeman charged requests to have witnesses called from among the employees of the Police Department, he must do so in reasonable number. The commander of the Internal Affairs Committee must then take the necessary measures, taking into account the requirements of the Police Department, to ensure the presence of such witnesses.

**52.** At the hearing, the committee of discipline must :

- (a) have the indictment read to the policeman charged ;
- (b) permit the policeman charged to change his plea ;
- (c) permit the policeman charged to be heard and to defend himself ;
- (d) accept any element of proof that it deems appropriate and pertinent to ensure that the truth be known ;
- (e) call, question and discharge the witnesses, as it deems necessary.

**53.** At the hearing, the commander of the Internal Affairs Section or his delegate must :

- (a) state the elements of the breach of discipline complained against ;

- (b) present the proof, where applicable, and make representations.

**54.** The indictment may be amended at any time on the conditions necessary to safeguard the rights of the parties. However, except with the consent of the parties, the committee of discipline shall not allow any amendment from which an entirely new allegation unrelated to the original would result.

**55.** The committee of discipline shall receive, by the intermediary of one of its members, the sworn declarations of witnesses made in accordance with the wording provided for in Schedule A.

**56.** Statements shall be recorded.

**57.** The committee of discipline shall be required to accept the certified copy of any final decision of a Canadian or foreign court declaring a policeman guilty of a criminal act and may then impose one or several of the penalties provided for in section 60.

**58.** During the hearing, the committee of discipline may be assisted by a legal adviser appointed by the Security Council. The legal adviser shall assist the committee with respect to any question of law or procedure, but shall not participate in the decisions of the committee.

**59.** If the policeman charged admits his guilt or if he is declared guilty of a breach of discipline, the parties may then be heard with regard to the penalty. The committee of discipline shall impose the penalty within 10 days following the declaration of guilt.

**60.** The committee of discipline may impose one or several of the following penalties, for each allegation :

- (a) a warning ;
- (b) a reprimand ;
- (c) a disciplinary transfer ;
- (d) a disciplinary suspension without pay for a maximum period of 60 working days ;
- (e) a demotion ;
- (f) dismissal.

**61.** The decision of the committee of discipline must be in writing, state the reasons on which it is based, and be signed by the participating members. It shall be transmitted immediately to the Director and to the policeman charged.

### §3. *Review and enforcement of the disciplinary decision*

**62.** Any disciplinary decision closing a case with regard to a policeman rendered by a disciplinary authority shall be reviewed within 15 days by the Director, who may uphold it, amend it or rescind it.

**63.** A disciplinary decision which, upon the expiry of such 15 days, has not been amended or rescinded by the Director, shall be automatically upheld.

**64.** A disciplinary decision which is upheld or amended by the Director shall be immediately enforceable.

**65.** A policeman with respect to whom dismissal or demotion has been imposed shall be suspended without pay until the Director has reviewed the disciplinary decision.

## DIVISION II STAFF OFFICERS

**66.** In this Division, the expression “staff officer” means a policeman who is not an employee within the meaning of the Labour Code, except for the Director.

**67.** Any allegation against a staff officer shall be brought by the commander of the Internal Affairs Section or his delegate before the committee of discipline established under section 44.

**68.** The quorum of the committee of discipline shall be 3 members, including the chairman who shall appoint the other members.

**69.** Sections 46 to 61, except for section 60, shall apply *mutatis mutandis* in the case of a disciplinary decision against a staff officer.

**70.** If the officer charged admits his guilt or is declared guilty of breach of discipline, the committee of discipline may recommend to the Director that one or several of the following penalties, for each allegation, be imposed upon him by the Security Council :

- (a) dismissal ;
- (b) demotion ;
- (c) a disciplinary suspension without pay for a period of time not longer than 60 working days ;
- (d) a reprimand.

**71.** A staff officer with respect to whom the committee of discipline recommends dismissal or demotion shall be

suspended without pay until the final decision of the Security Council.

## CHAPTER V INTERPRETATIVE PROVISIONS

**72.** This Regulation must not be interpreted as being able to affect a collective agreement arrived at between the Executive Committee of the Community and the *Fraternité des policiers de la Communauté urbaine de Montréal Inc.*

**73.** Nothing in this Regulation shall be interpreted as restricting the administrative power of the Director or of a superior officer to suspend without pay a policeman suspected of having committed a criminal act or a serious breach of discipline where the Director or the superior officer deems that it is expedient to provisionally remove such policeman from the service.

## CHAPTER VI GENERAL AND FINAL PROVISIONS

**74.** Any lapse from his duties as determined by this Regulation shall constitute a breach of discipline for a policeman and shall expose him to a disciplinary penalty, without prejudice, where applicable, with respect to the penalties provided for by penal law.

**75.** Any officer who is witness to the commission of a breach of discipline, who is informed or has reasonable and probable grounds to believe that a breach of discipline has been committed, or is about to be committed, has the duty to inform his commanding officer thereof without delay who must advise thereof the secretary of the committee for the hearing of complaints.

He is in addition authorized, where a policeman who is an employee within the meaning of the Labour Code is concerned, to immediately give oral notice or to impose a written warning subject to any other disciplinary penalty which could be imposed by the competent authority.

**76.** An officer who gives oral notice or imposes a written warning must inform his commanding officer thereof.

**77.** Where a policeman who is the object of a charge refuses or neglects, without justification, to appear in person before the disciplinary authority or leaves the hearing room with or without authorization, the case may be heard in his absence.

**78.** Where a policeman is acquitted of a charge, no mention of such allegation may be entered in his record.

**79.** Where a policeman declares himself or is declared guilty of a breach of discipline, the disciplinary authority may, if it deems that the interest of the public, the Police Department or the policeman so justifies, impose a disciplinary penalty and order the policeman to respect such reasonable conditions that it considers desirable to ensure the good conduct of the policeman and to prevent the commission of a breach of discipline. A policeman who fails or refuses to respect such conditions commits a breach of discipline.

**80.** A policeman with respect to whom a disciplinary suspension without pay has been imposed may, within 3 days of being advised of the penalty, request to the Director that the number of days during which he would thus be deprived of pay be subtracted in whole or in part from his annual vacation ; and in part from his future weekly leaves in the proportion of one per week.

**81.** The power conferred upon the Director under section 80 may be exercised by the commander of the Internal Affairs Section or his delegate.

**82.** A policeman with respect to whom a disciplinary penalty other than dismissal has been imposed may, after 5 years in the case of a demotion, after 3 years in the case of a disciplinary suspension without pay, and after 2 years in the case of a reprimand, written warning or note of an oral notice, apply to the Director for erasure of the penalty from the record.

**83.** If his general deportment has been satisfactory from the time the penalty was imposed upon him, the Director may grant the application after consultation with the committee of discipline. The Director must then ensure that no trace of the penalty imposed remains in the record of the policeman.

**84.** Subject to section 81, in the case of the absence or inability to act of the Director the powers assigned to him under this Regulation may, in addition, be discharged by the staff officer appointed by the Director.

**85.** A policeman detached from regular service for union or other activities shall remain subject to this Regulation except for subparagraphs *g* and *h* of the second paragraph of section 8.

**86.** A charge against a policeman may only be brought within 2 years of the commission of the breach of discipline, except in those cases where the breach of discipline also constitutes a criminal act punishable by indictment only.

**87.** This Regulation repeals any by-law or resolution of a municipality of the Communauté urbaine de Montréal respecting ethics or discipline with regard to policemen.

#### **SCHEDULE A** (s. 55)

##### **Sworn declaration wording :**

“I do solemnly swear that the testimony that I am about to give shall be the truth, the whole truth and nothing but the truth.”



c. C-38, r.1

## **Regulation respecting notices of change in legal domicile under the Companies Act**

Companies Act  
(R.S.Q., c. C-38, ss. 23 and 224)

**1.** The notice of change in legal domicile of a company governed by Part I or Part II of the Companies Act (R.S.Q., c. C-38) or of a corporation governed by Part III of the said Act which must be published under sections 32 and 135 of the said Act shall be delivered to the Minister of Financial Institutions and Cooperatives who shall transmit it to the Québec Official Publisher for publication in the form prescribed by the Minister.



c. C-38, r.2

## Regulation respecting fees to be paid under Part IA of the Companies Act

Companies Act  
(R.S.Q., c. C-38, s. 123.169)

**1.** The fees payable under Part IA of the Companies Act (R.S.Q., c. C-38) are the following :

- (1) Upon issuance of :
  - (a) a certificate of incorporation : 200 \$ ;
  - (b) a certificate of amendment : 65 \$ ;
  - (c) a certificate of amalgamation : 200 \$ ;
  - (d) a certificate of continuance : 25 \$ .
- (2) For a corporate name reservation complying with the form and for the period of time prescribed in the Act : 15 \$ .
- (3) For an application to revoke a dissolution under section 27 of the Act : 200 \$ .
- (4) For the issuance of a certified copy of the articles with or without a registration certificate and a certificate of compliance, the fees exigible are 10 \$ ; if the copy is not certified, the fees exigible are 5 \$ .
- (5) For the issuance of copies of all other documents, the fees are 0,50 \$ a page with a minimum tariff of 3 \$ if required copies do not have to be certified, and of 5 \$ if they do.
- (6) No fees are payable :
  - (a) for an application to dissolve a company ;
  - (b) for the issuance, by the Director, of a completed or of a corrected certificate ;
  - (c) for the issuance, by the Director, of a certificate testifying that he has assigned, *ex officio*, a corporate name to a company ;
  - (d) for the filing of a notice regarding the address or the change of address of the head office as well as for the sending of a notice concerning the composition of the board of directors ;

(e) in the case of an application issued by the Government, its departments and government bodies to revoke a dissolution as provided for in section 27 of the Act ;

(f) if the articles of amendment have been filed for the sole purpose of adding a French version to the corporate name of the company or of substituting a French corporate name to an English corporate name, or of adding to a French corporate name, a version of this name in another language.

Where a company with a French corporate name wishes to change the corporate name so that it complies more with the requirements of French, no fee is payable if :

i. the company files its articles including the change before 1 January 1982 ; and

ii. attaches thereto a written opinion of the Office de la langue française confirming that the current corporate name does not comply with the requirements of French and that the proposed corporate name does comply thereto ;

(g) by the Government, its departments or government bodies for obtaining copies, certified or not, of documents that are in the safekeeping of the Director.

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O.C. 43-80, (1980) 112 G.O.II, 483  
O.C. 3872-80, (1980) 112 G.O.II, 5105





c. C-38, r.3

## Regulation respecting fees to be paid under Parts I, II and III of the Companies Act

Companies Act  
(R.S.Q., c. C-38, ss. 23, 127 and 233)

### DIVISION I JOINT STOCK COMPANIES

**1. Letters patent :** On application for letters patent, the fees exigible amount to :

(a) 200 \$ where the proposed capital is 40 000 \$ or less ;

(b) 200 \$ and 1,25 \$ for every 1 000 \$ or fraction thereof in excess of 40 000 \$, where the proposed capital exceeds 40 000 \$, but does not exceed 100 000 \$ ;

(c) 275 \$ and 0,65 \$ for every 1 000 \$ or fraction thereof in excess of 100 000 \$, where the proposed capital exceeds 100 000 \$, but does not exceed 500 000 \$ ;

(d) 535 \$ and 0,30 \$ for every 1 000 \$ or fraction thereof in excess of 500 000 \$, where the proposed capital exceeds 500 000 \$, but does not exceed 2 000 000 \$ ;

(e) 985 \$ and 0,25 \$ for every 1 000 \$ or fraction thereof in excess of 2 000 000 \$, where the proposed capital exceeds 2 000 000 \$.

For the purpose of the first paragraph, shares with a par value inferior to 1 \$ are valued at 1 \$ and the shares without nominal value are valued according to the aggregate consideration for which they may be issued ; if this consideration is not mentioned in the application or in the by-law in support thereof, the shares are valued at 100 \$ each.

**2. Amalgamation :** On application for letters patent ratifying a memorandum of agreement concerning the amalgamation of companies, the fees are calculated as on application for letters patent.

**3. Supplementary letters patent :** On application for supplementary letters patent, the fees exigible are 200 \$ except in the following cases :

(a) in the case of a change of corporate name, the fees exigible are 65 \$ ; however, where a company wishes to replace an English corporate name by a French corporate name, with or without a version in another language, or

wishes to add to a French corporate name a version in another language, no fee is required.

Where a company with a French corporate name wishes to change the corporate name so that it complies more with the requirements of French, no fee is payable if :

i. the company files its application or a by-law including the change before 1 January 1982 ; and

ii. attaches thereto a written opinion of the Office de la langue française confirming that the current corporate name does not comply with the requirements of French and that the proposed corporate name does comply thereto ;

(b) in the case of an increase of the authorized capital or of the aggregate consideration for which shares without par value may be issued, the fees exigible are calculated by considering the increase as the proposed capital on application for letters patent ; and

(c) in the case of a subdivision of shares without par value, the fees payable are calculated as on application for letters patent, on the aggregate consideration for which the new unissued shares may be issued, if this consideration is mentioned in the application or in the by-law in support thereof, and in default of such mention, the shares are valued at 100 \$ each.

Where supplementary letters patent serve more than one purpose, only the highest of the fees applicable are payable.

**4. Dissolution upon application :** On application for dissolution of a company, no fee is required.

**5. Change of corporate name :** Upon filing by-law in respect of a change of corporate name for approval pursuant to section 21 of the Companies Act (R.S.Q., c. C-38), the fees exigible are 65 \$ ; however, where a company wishes to replace an English corporate name by a French corporate name, with or without a version in another language, or wishes to add to a French corporate name a version in another language, no fee is required.

Where a company with a French corporate name wishes to change the corporate name so that it complies more with the requirements of French, no fee is payable if :

(a) the company files its application or a by-law including the change before 1 January 1982; and

(b) attaches thereto a written opinion of the Office de la langue française confirming that the current corporate name does not comply with the requirements of French and that the proposed corporate name does comply thereto.

## **DIVISION II**

### **CORPORATIONS WITHOUT SHARE CAPITAL**

**6. Letters patent :** On application for letters patent incorporating a corporation without share capital, the fees exigible are 25 \$.

**7. Amalgamation :** On application for letters patent ratifying a memorandum of agreement concerning the amalgamation of corporations, the fees exigible are 25 \$.

**8. Supplementary letters patent :** On application for supplementary letters patent by corporations without share capital, the fees exigible are 15 \$. In the case of a change of corporate name, the fees exigible are those stipulated in section 10.

**9. Dissolution upon application :** On application for dissolution of a corporation without share capital, no fee is required.

**10. Change of corporate name :** Upon filing a by-law in respect of a change of corporate name for approval pursuant to sections 21 and 224 of the Act, the fees are 15 \$; however, where a company wishes to replace an English corporate name by a French corporate name, with or without a version in another language, or wishes to add to the French corporate name a version in another language, no fee is required.

Where a corporation with a French corporate name wishes to change the corporate name so that it complies more with the requirements of French, no fee is payable if:

(a) the corporation files its application or a by-law including the change before 1 January 1982; and

(b) attaches thereto a written opinion of the Office de la langue française confirming that the current corporate name does not comply with the requirements of French and that the proposed corporate name does comply thereto.

## **DIVISION III**

### **MISCELLANEOUS**

**11.** Upon filing a document with the Ministère des Institutions financières et Coopératives, where such filing is prescribed in the Act, the fees are 5 \$, except in the case of a document transmitted for publication in the *Gazette officielle du Québec*.

**12.** Upon transmission by the Minister of Financial Institutions and Cooperatives of a notice mentioned in sections 32, 87, 135 and 180 of the Act for purposes of publication in the *Gazette officielle du Québec* on behalf of a company with share capital or of a corporation without share capital, the fees exigible are 10 \$.

**13.** Upon application for the revocation of the dissolution of a company with share capital, the fees exigible are 200 \$; in the case of a corporation without share capital, the fees exigible are 25 \$.

**14.** For the purposes of this Regulation, letters patent issued under Part II of the Act are considered as supplementary letters patent issued to a company with share capital.

**15.** Upon application for letters patent to incorporate a company where the majority of voting shares are held by a company or corporation enjoying the rights and privileges of a government agency, the fees exigible are 50 \$.

**16.** On application for a corporate name reservation, the fees exigible are 15 \$ for the prescribed period.

**17.** Upon issuance of uncertified copies of letters patent or of supplementary letters patent, the fees exigible are 5 \$, and upon issuance of certified copies, the fees exigible are 10 \$.



c. C-38, r.4

## **Regulation respecting the form and content of the articles, certificates and other documents required to be registered under Part IA of the Companies Act**

Companies Act  
(R.S.Q., c. C-38, s. 123.169)

**1.** In this Regulation, unless the context otherwise requires, the word “documents” means the articles, certificates and other documents required to be registered under Part IA of the Companies Act (R.S.Q., c. C-38), and that must be filed with the Director in conformity with the Act.

**2.** The documents must be :

(a) drawn up on white, No. 7 Bond paper measuring 216 millimetres by 280 millimetres and having a gram weight or mass of at least 75 to 90 grams per square metre ;

(b) printed or typewritten ;

(c) legible and made suitable for reproduction by microfilm and photocopy.

**3.** Each subject treated must be preceded with an appropriate title.

**4.** When annexes are joined to the documents filed with the Director, they are deemed to form an integral part of the document.

**5.** The following margins must be observed throughout the document :

(a) top and lower margins : 25 millimetres ;

(b) left-hand and right-hand margins : 12 millimetres.

**6.** Nothing must be written on the back of any page in the document.

**7.** The auditor’s report mentioned in section 123.50 of the Companies Act must be forwarded to the Director of the Direction des compagnies and include, under the company auditor’s signature, the following :

(a) if the reduction of the share capital is carried out by means of a redemption or purchase of preferred shares in conformity with subsection 13 of section 48 of the Companies Act, that the redemption or purchase of preferred shares has been carried out in accordance with subsection 13 of section 48 of the Companies Act, and that the reduction of the share capital pursuant to the cancellation of the shares redeemed or purchased will not put the company in a situation of default with regard to meeting its liabilities when they fall due ;

(b) in other cases, that

i. the company is in a position to meet its liabilities when they fall due ;

ii. the reduction of issued share capital will not put the company in a situation of default with regard to meeting its liabilities when they fall due ; and that

iii. the book value of the company’s assets will at no time be inferior to the sum of its liabilities and of its subscribed capital following the said reduction.

This notice must be given on the basis of the financial statements prepared for the fiscal year ended not later than 6 months prior to the date the report was signed.



c. C-38, r.5

## **Forms required for the application of the Companies Act**

Companies Act

(R.S.Q., c. C-38, ss. 24, 123.171 and 224)

### **DIVISION I**

#### **FORMS PRESCRIBED FOR THE APPLICATION OF PARTS I AND III OF THE COMPANIES ACT**

**1.** In accordance with sections 24 and 224 of the Companies Act (R.S.Q., c. C-38), the Minister of Financial Institutions and Cooperatives prescribes the following forms which include the notice forms necessary for the application of Parts I and III of the Companies Act :



Gouvernement du Québec  
Ministère des Institutions  
financières et Coopératives  
**Direction des compagnies**  
800, Place d'Youville  
Québec, Qué.  
G1R 4Y5

## APPLICATION FOR INCORPORATION AND MEMORANDUM OF AGREEMENT

(Part I of the Companies Act)

The undersigned applicants are desirous of obtaining letters patent under the provisions of Part I of the Companies Act (R.S.Q., c. C-38), constituting them into a corporation in accordance with the terms and conditions contained in the attached documents, under the following corporate name :

or under such other corporate name as the Minister of Financial Institutions and Cooperatives may deem proper.

The applicants have agreed to be constituted into a corporation as above stated and have subscribed shares in the capital of the company in the number, of the class and at the price shown hereunder opposite their respective signatures.

| Applicants' signatures | No. of shares | Class of shares | Subscription price |
|------------------------|---------------|-----------------|--------------------|
|                        |               |                 |                    |
|                        |               |                 |                    |
|                        |               |                 |                    |
|                        |               |                 |                    |
|                        |               |                 |                    |
|                        |               |                 |                    |
|                        |               |                 |                    |
|                        |               |                 |                    |

Dated at \_\_\_\_\_ this \_\_\_\_\_ 19 \_\_\_\_\_

**1 — Applicants****Page 2**

The applicants to whom these letters patent are granted are :

| Name in full | Calling | Address | Number of shares subscribed |       |
|--------------|---------|---------|-----------------------------|-------|
|              |         |         | com.                        | pref. |
|              |         |         |                             |       |

**2 — Head office**

The head office of the company is located at

**3 — Board of directors**

The provisional directors of the company are :

**4 — Purposes****Page 3**

The purposes for which the company is incorporated are the following :

**5 — Capital stock****Page 4**

The authorized capital stock of the company is



**6 — Other provisions** *(if any)*

**Page 5**

**AFFIDAVIT**

\_\_\_\_\_  
(Proposed corporate name of the company)

I. \_\_\_\_\_  
(name)

\_\_\_\_\_  
(calling)

\_\_\_\_\_  
(address)

being duly sworn, declare that :

- 1 — I am one of the applicants;
- 2 — Each one of the applicants is at the least 18 years old ;
- 3 — The facts mentioned in the application and in the memorandum of agreement are true and sufficient;
- 4 — The signatures affixed to the application and to the memorandum of agreement are the true signatures of the applicants;
- 5 — The proposed corporate name complies with the requirements of the Act and the regulations enacted or approved by the Government.

AND I HAVE SIGNED : \_\_\_\_\_

Sworn before me at \_\_\_\_\_

this \_\_\_\_\_ 19\_\_\_\_\_

(Commissioner for oaths)



Gouvernement du Québec  
Ministère des Institutions  
financières et Coopératives  
**Direction des compagnies**  
800, Place d'Youville  
Québec, Qué.  
G1R 4Y5

**APPLICATION FOR INCORPORATION  
AND MEMORANDUM OF AGREEMENT**

(Part III of the Companies Act)

The undersigned applicants are desirous of obtaining letters patent under Part III of the Companies Act (R.S.Q., c. C-38), constituting them into a corporation in accordance with the terms and conditions contained in the attached documents, under the following corporate name :

or under such other corporate name as the Minister of Financial Institutions and Cooperatives may deem proper.

The applicants have agreed to be constituted into a corporation as above stated.

Applicants' signatures

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Dated at \_\_\_\_\_ this \_\_\_\_\_ 19 \_\_\_\_

**1 — Applicants****Page 2**

The applicants to whom these letters patent are granted are :

| Name in full | Calling | Address |
|--------------|---------|---------|
|              |         |         |

**2 — Head office**

The head office of the company is located at

**3 — Board of directors**

The provisional directors of the company are :

**4 — Immoveable property**

The value of the immoveable property that the corporation may own is limited to

**5 — Purposes****Page 3**

The purposes for which the corporation is constituted are the following :

**6 — Other provisions** (*if any*)**Page 4**

**AFFIDAVIT**

\_\_\_\_\_  
(Proposed name of the corporation)

I. \_\_\_\_\_  
(name)

\_\_\_\_\_  
(calling)

\_\_\_\_\_  
(address)

being duly sworn, declare that :

1 — I am one of the applicants;

2 — Each one of the applicants is at the least 18 years old ;

3 — The facts mentioned in the application and in the memorandum of agreement are true and sufficient;

4 — The signatures affixed to the application and to the memorandum of agreement are the true signatures of the applicants;

5 - The proposed corporate name complies with the requirements of the Act and the regulations enacted or approved by the Government.

AND I HAVE SIGNED : \_\_\_\_\_

Sworn before me at \_\_\_\_\_

this \_\_\_\_\_ 19 \_\_\_\_\_

(Commissioner for oaths)

*For other forms, see French Text  
Décision du 16.01.80, G.O.I, 1980, p 799 and  
Décision du 20.05.80, G.O.I, 1980, p 6969.*

**DIVISION II**  
**FORMS PRESCRIBED FOR THE APPLICATION**  
**OF PART 1A OF THE COMPANIES ACT**

**2.** In accordance with section 123.171 of the Companies Act (R.S.Q., c. C-38), the Director responsible for the application of Part 1A of this Act prescribes the following forms :





**ARTICLES OF INCORPORATION**  
Form 1  
(Part IA of the Companies Act)

|   |  |  |  |
|---|--|--|--|
| 1. Corporate name or designating number               |  | 2. Judicial district wherein company has established its head office in Québec |  |
| 3. Description of share capital                       |  | 4. Number (or minimum or maximum number) of administrators                     |  |
| 5. Restrictions (if any) on transfer of shares        |  |  |  |
| 6. Limitations (if any) imposed on company's activity |  |  |  |
| 7. Other provisions                                   |  |  |  |
| 8. Incorporators                                      |  |  |  |
| Name and surname                                      | Address and postal code<br>(if a corporation, give head-office address and act of incorporation) | Profession   | Signature of each incorporator<br>(if a corporation, signature of authorized person) |
|   |  |  |  |
|   |  |  |  |
|   |  |  |  |

If space is insufficient, join an annex

For departmental use only

Date filed

File number



**NOTICE OF ADDRESS  
OR OF CHANGE OF ADDRESS  
OF HEAD OFFICE**

Form 2

(Part IA of the Companies Act)

Corporate name or designating number

Notice is hereby given that the address of the head office of the company, within the limits of the judicial district declared in the articles, is as follows:

Civic number

Street

Locality

Province or country

Postal code

The company

by \_\_\_\_\_ Post occupied  
(signature) by signatory \_\_\_\_\_ Date \_\_\_\_\_

For departmental use only

Date filed

File number



Gouvernement du Québec  
Ministère des Institutions  
financières et Coopératives

Direction des compagnies  
800, Place d'Youville  
Québec, P.Q.  
G1R 4Y5

## FORM 3

For departmental use only

Date received

Collection

File no.

Application no.

**APPLICATION FOR CORPORATE NAME RESERVATION**

- N.B. 1) Join a cheque or a money order for 15 \$ made payable to the Minister of Finance.  
2) In choosing a corporate name, take into consideration the objections enumerated below in the section entitled "motives for objecting".  
3) Applications are handled according to order of preference indicated: the reservation concerns the first choice deemed acceptable.

Name and address of applicant or proxy

Proposed activities of future company

If corporate name contains an artificial combination, indicate origin

Names requested 1<sup>st</sup> choice \_\_\_\_\_2<sup>nd</sup> choice \_\_\_\_\_3<sup>rd</sup> choice \_\_\_\_\_

This reservation carries no guarantee as to the availability of the reserved corporate name and does not dispense the applicant from carrying on a personal research. The reservation does not allow the applicant to use the name prior to its legal attribution to the corporation.

Signature of applicant

**Decision (for departmental use only)**1<sup>st</sup> ☐ 2<sup>nd</sup> ☐ 3<sup>rd</sup> ☐ choice is reserved for a period of 30 days beginning \_\_\_\_\_1<sup>st</sup> ☐ 2<sup>nd</sup> ☐ 3<sup>rd</sup> ☐ cannot be reserved (see section entitled: "Motives for objecting")**Motives for objecting (for departmental use only)**

Corporate name:

☐ ☐ ☐ must be in French☐ ☐ ☐ is too general☐ ☐ ☐ must contain descriptive generic feature in French☐ ☐ ☐ contains a prohibited expression \_\_\_\_\_☐ ☐ ☐ is misleading \_\_\_\_\_☐ ☐ ☐ liable to be confused with corporate name of the following undertaking or to lead to believe it is associated with it \_\_\_\_\_☐ ☐ ☐ Other: \_\_\_\_\_

Must be produced:

☐ ☐ ☐ the consent of \_\_\_\_\_☐ ☐ ☐ the undertaking ☐ of the company \_\_\_\_\_

\_\_\_\_\_ to dissolve or to change its corporate name or its assumed name.

☐ of the owner of the business style \_\_\_\_\_

\_\_\_\_\_ to abandon the business style.

Explanations or remarks



**NOTICE CONCERNING  
COMPOSITION OF BOARD OF DIRECTORS**  
Form 4  
(Part 1A of the Companies Act)

|   |  |            |
|---|--|------------|
| 1. Corporate name or designating number |  |            |
| 2. The directors of the company are:    |  |            |
| Name and surname                        | Full residential address<br>(postal code included) | Profession |
|   |  |            |
|   |  |            |
|   |  |            |
|   |  |            |
|   |  |            |
|   |  |            |

If space is insufficient, join an annex

The company

by: \_\_\_\_\_ (signature)      Post occupied by signatory \_\_\_\_\_      Date: \_\_\_\_\_

For departmental use only

Date filed \_\_\_\_\_      File number \_\_\_\_\_



**ARTICLES OF AMENDMENT**  
Form 5  
(Part 1A of the Companies Act)

1 Corporate name or designating number

2 The above-named company's articles are amended in the following manner:

Signature of  
the authorized  
director \_\_\_\_\_

Post occupied  
by signatory \_\_\_\_\_

Date \_\_\_\_\_

For departmental use only

Date filed \_\_\_\_\_

File number \_\_\_\_\_



**ARTICLES OF AMALGAMATION**  
Form 6  
(Part IA of the Companies Act)

|   |   |      |
|---|---|------|
| 1 Corporate name of the company resulting from the amalgamation or designating number | 2 Judicial district wherein company has established its head office in Québec |      |
| 3 Description of the company's share capital  |   |      |
| 4 Limitations on the transfer of shares, if any                                       |   |      |
| 5 Number (or minimum and maximum number) of directors permissible                     |   |      |
| 6 Limitations imposed on activities, if any   |   |      |
| 7 Other provisions  |   |      |
| 8 Amalgamating companies' corporate names   | Signature of authorized director  | Date |
|   |   |      |
|   |   |      |
|   |   |      |

If space allotted is insufficient, join an annex

For departmental use only

Date filed

File number

**ARTICLES OF CONTINUANCE**

Form 7

(Part 1A of the Companies Act)

|  |                         |
|--|-------------------------|
| 1 Corporate name   | 2 Date of incorporation |
| 3 Judicial district within Québec chosen as the company's head-office location |                         |
| 4 Description of the company's share capital                                   |                         |
| 5 Limitations on the transfer of shares, if any                                |                         |
| 6 Number (or minimum and maximum number) of directors permissible              |                         |
| 7 Limitations imposed on activities, if any                                    |                         |
| 8 Other provisions   |                         |

Signature of  
authorized  
director \_\_\_\_\_Post of  
signatory \_\_\_\_\_

Date \_\_\_\_\_

For departmental use only

Date filed \_\_\_\_\_

File number \_\_\_\_\_

Decision of 16.01.80, (1980) 112 G.O.I, 799



c. C-38, r.6

**Regulation respecting the power of the  
Director to affix his signature by means  
of an automatic device or facsimile**

Companies Act  
(R.S.Q., c. C-38, s. 2.4)

**1.** A facsimile signature of the Director may be engraved, lithographed or printed on every act, document or written statement that he is required to sign under Part IA of the Companies Act (R.S.Q., c. C-38) or under a regulation enacted pursuant to said Part IA ; the signature of the Director may also be appended on any act, document or written statement by means of an automatic device.





c. C-38, r.7

## **Regulation respecting firm names of companies governed by Part I of the Companies Act**

*Companies Act*  
(R.S.Q., c. C-38, s. 23)

### **DIVISION I INTERPRETATION**

**1.** In this Regulation, unless the context indicates otherwise, the following terms mean :

“company” : a company governed by Part I of the Companies Act (R.S.Q., c. C-38) ;

“corporate name” : the firm name assigned to a company in its articles ;

“undertaking” : a person or group of persons carrying on an activity in Québec, including a company ;

“Minister” : the Minister of Financial Institutions and Cooperatives ;

“generic element” : the part of a firm name that identifies an undertaking in a general way ;

“specific element” : the part of a firm name that clearly distinguishes one undertaking from another ;

“firm name” : any name of an undertaking including the corporate name reserved by the Director under Part IA of the Companies Act ;

“holder” : the undertaking that uses a firm name and the holder of a reservation made by the Director under Part IA of the Companies Act.

**2.** In addition to the corporate names of companies, this Regulation, except section 4, applies to any other name under which a company may identify itself.

### **DIVISION II COMPOSITION OF A CORPORATE NAME**

**3.** The letters contained in a corporate name and its version must be in Roman type.

**4.** In order to indicate that the company is an undertaking with limited liability, a corporate name must end with

the expression “inc.” or “Itée” except if it already includes the expression “corporation”.

**5.** Use of the generic element in a corporate name is optional except in the cases explicitly provided for in the Act or regulations made or approved by the Government.

**6.** A corporate name must include a specific element.

The specific element must not consist merely of an expression that may be used as the generic element or that only describes a characteristic of a service or goods.

The corporate name the specific element of which consists solely of figures, initials, a toponym, a surname or a given name must include a generic element describing a service or goods which the company provides.

**7.** Section 6 does not apply :

(1) to the corporate name of a company provided for in section 12 as long as it keeps the corporate name referred to therein ;

(2) to a corporate name that, in Québec, clearly identifies itself with an undertaking subsequent to its use thereof ;

(3) to a corporate name that is translated into French or written in improved French.

### **DIVISION III CORPORATE NAMES LEADING TO CONFUSION**

**8.** A corporate name must not lead to confusion with a firm name.

A corporate name leads to confusion with another firm name if the corporate name may be believed to designate another undertaking or if it falsely suggests that the company it designates is controlled by one or several other undertakings or vice-versa, or that they are controlled by a same undertaking or a same person.

**9.** For the purposes of section 8, a corporate name and a firm name must be considered as a whole and not separated into their elements.

For the same purposes, all circumstances must be taken into account, including the following :

- (1) the inherent distinctiveness of each and every element of the firm name ;
- (2) the extent of the reputation of the firm name ;
- (3) the length of time that the firm name is used by the undertaking it designates ;
- (4) the nature of the activities of the undertaking designated under the firm name concerned, the nature of goods and services it offers, the means by which they are offered or distributed, and the likelihood of competition among the undertakings using the firm name ;
- (5) the degree of resemblance between the corporate name and the firm name in appearance or sound and the degree of resemblance between the ideas they suggest ;
- (6) the relative importance of the undertaking that uses the firm name with respect to the territory on which it carries on business, the volume of its business and the number of its customers.

**10.** The specific element of a corporate name may contain an expression identical or similar to that contained in a firm name if the written consent of its holder is obtained.

Section 11 applies if the corporate name leads to confusion with the firm name.

**11.** A corporate name may lead to confusion with a firm name without being identical thereto if the written consent of its holder, as well as his engagement to abandon the firm name immediately or to immediately dissolve the undertaking designated by the firm name, are obtained.

A corporate name may be identical to a firm name if, in addition thereto, the year of its acquisition by the company is indicated in numerals for at least 2 years after the corporation name is abandoned or after the undertaking is dissolved, where applicable.

The year in numerals must be placed in parentheses immediately before the expression “inc.” or “ltée” or, where the corporate name includes, instead of “inc.” or “ltée”, the expression “corporation” at the end of the corporate name.

Entry of the year is optional in the following cases :

- (1) if the firm name designates an undertaking other than a corporation ;
- (2) if the corporate name is applied for at least 2 years after the firm name is abandoned or after the undertaking is dissolved ;
- (3) in the cases provided for in section 12.

**12.** The corporate name of a company resulting from an amalgamation may be that of one of the amalgamated companies provided that it complies with sections 3 to 5, as well as with the Act and the regulations approved by the Government.

On the same conditions and subject to the first paragraph of section 11, the corporate name of a company may be identical to the firm name of an undertaking that has been active for at least 5 years if the company acquires all the goods that are linked to the principal activity of the undertaking and that represent at least 90% of its assets.

#### **DIVISION IV PROHIBITIONS**

**13.** The corporate name of a company must not incorrectly describe :

- (1) the nature of the company’s activity or goods and services ;
- (2) the conditions in which those goods and services are produced or supplied ;
- (3) the persons employed to produce and supply the goods and services ;
- (4) their place of origin ;
- (5) the place where the company carries on business.

**14.** A corporate name must not contain :

- (1) an expression the use of which is reserved under an Act or a regulation for another organization or for another category of organizations to which the company does not belong ;
- (2) one of the following expressions in the singular or plural, or its equivalence in any language whatsoever : “United Nations”, “UNO”, “consumer” “association”, “Kino-Kébec”, “Société de gestion des établissements touristiques et récréatifs”, “ZEC”, “Controlled Zone”, “ZAC”, “Management and Conservation Zone”, “Société québécoise de développement des industries culturelles” ;
- (3) the name of the reigning sovereign or that of living members of his family together with his title of nobility ;
- (4) an obscene, immoral or scandalous expression or one that evokes the idea of any such activity.

**15.** A corporate name must not induce one into believing that the company is a government agency, a professional corporation, a non-profit organization, or an organization other than a company governed by the Companies Act, or that the company is pursuing an activity for which

a company may not be incorporated under the Companies Act.

**16.** Insofar as a corporate name does not contravene section 15, it may contain one or more of the following expressions in the singular or plural : “planning”, “national”, “provincial”, “federal”, “commission”, “office”, “bureau”, “Québec”, “Canada”, “Canadian”, “veteran”.

**17.** A corporate name must not induce one into believing that the company is pursuing its activity under the sponsorship or control or with the assistance, approval or authorization or a royal, vice-royal or government authority or of a government agency or any public authority whatsoever, or of a university or a professional corporation, unless the company files with the Minister a writing issued by the person or organization concerned stating that such is actually the case.

#### **DIVISION V**

##### **RESERVATION OF A CORPORATE NAME**

**18.** The period during which the Minister may reserve a corporate name for a company to be incorporated or about to change its corporate name is 30 days.

#### **DIVISION VI**

##### **MISCELLANEOUS PROVISIONS**

**19.** An expression resulting from an artificial combination of letters, syllables or figures that is pronounced or written as an existing expression is subject to the same rules as the latter.

**20.** If the corporate name of a company contains the name or surname of a living person who is not an incorporator or a director, the consent of that person must be obtained concerning the use of his name or surname by the company concerned.

If the person is deceased, the consent of his or her legal heirs or, in their absence, that of his legal representative, must be obtained.



c. C-38, r.8

## Regulation respecting firm names of companies governed by Part IA of the Companies Act

Companies Act  
(R.S.Q., c. C-38, s. 123.169)

### DIVISION I INTERPRETATION

**1.** In this Regulation, unless the context indicates otherwise, the following terms mean :

“company” : a company governed by Part IA of the Companies Act (R.S.Q., c. C-38) ;

“corporate name” : the firm name assigned to a company in its articles ;

“Director” : the Director entrusted with the administration of Part IA of the Companies Act ;

“undertaking” : a person or group of persons carrying on an activity in Québec, including a company ;

“generic element” : the part of a firm name that identifies an undertaking in a general way ;

“specific element” : the part of a firm name that clearly distinguishes one undertaking from another ;

“firm name” : any name of an undertaking, including the corporate name of a company reserved by the Director ;

“holder” : the undertaking that uses a firm name, or the holder of a reservation made by the Director.

**2.** In addition to the corporate names of companies, this Regulation, except section 4, applies to any other name under which a company may identify itself.

### DIVISION II COMPOSITION OF A CORPORATE NAME

**3.** The letters contained in a corporate name and its version in another language must be in Roman type.

**4.** In order to indicate that the company is an undertaking with limited liability, a corporate name must end with the expression “inc.” or “ltée”, except if it already includes the expression “corporation”.

**5.** Use of the generic element in a corporate name is optional except in the cases explicitly provided for in the Act or regulations made or approved by the Government.

**6.** A corporate name must include a specific element.

The specific element must not consist merely of an expression that may be used as the generic element or that only describes a characteristic of a service or goods.

The corporate name the specific element of which consists solely of figures, initials, a toponym, a surname or a given name must include a generic element describing a service or goods which the company provides.

**7.** Section 6 does not apply :

(1) to the corporate name of a company that continues under Part IA of the Act, as long as the company keeps the corporate name acquired before its continuance ;

(2) to the corporate name of a company provided for in section 12 as long as it keeps the corporate name referred to therein ;

(3) to a corporate name that, in Québec, clearly identifies itself with an undertaking subsequent to its use thereof ;

(4) to a corporate name that is translated into French or written in improved French.

### DIVISION III CORPORATE NAMES LEADING TO CONFUSION

**8.** A corporate name must not lead to confusion with a firm name.

A corporate name leads to confusion with another firm name if the corporate name may be believed to designate another undertaking or if it falsely suggests that the company it designates is controlled by one or several other undertakings or vice versa, or that it is controlled by a same undertaking or a same person.

**9.** For the purposes of section 8, a corporate name and a firm name must be considered as a whole and not separated into their elements.

For the same purposes, all circumstances must be taken into account, including the following :

- (1) the inherent distinctiveness of each and every element of the firm name ;
- (2) the extent of the reputation of the firm name ;
- (3) the length of time that the firm name is used by the undertaking it designates ;
- (4) the nature of the activities of the undertaking designated under the firm name concerned, the nature of goods or services it offers, the means by which they are offered or distributed, and the likelihood of competition among the undertakings using the firm name ;
- (5) the degree of resemblance between the corporate name and the firm name in appearance or sound and the degree of resemblance between the ideas they suggest ;
- (6) the relative importance of the undertaking that uses the firm name with respect to the territory on which it carries on business, the volume of its business and the number of its customers.

**10.** The specific element of a corporate name may contain an expression identical or similar to that contained in a firm name if the written consent of its holder is obtained.

Section 11 applies if the corporate name leads to confusion with the firm name.

**11.** A corporate name may lead to confusion with a firm name without being identical thereto if the written consent of its holder, as well as his engagement to abandon the firm name immediately or to immediately dissolve the undertaking designated by the firm name, are obtained.

A corporate name may be identical to a firm name if, in addition thereto, the year of its acquisition by the company is indicated in numerals for at least 2 years after the corporate name is abandoned or after the undertaking is dissolved, where applicable.

The year in numerals must be placed in parentheses immediately before the expression "inc." or "ltée" or, where the corporate name includes, instead of "inc." or "ltée", the expression "corporation" at the end of the corporate name.

Entry of the year is optional in the following cases :

- (1) if the firm name designates an undertaking other than a corporation ;
- (2) if the corporate name is applied for at least 2 years after the firm name is abandoned or after the undertaking is dissolved ;
- (3) in the cases provided for in section 12.

**12.** The corporate name of a company resulting from an amalgamation may be that of one of the amalgamated companies provided that it complies with sections 3 to 5, as well as with the Act and the regulations approved by the Government.

On the same conditions and subject to the first paragraph of section 11, the corporate name of a company may be identical to the firm name of an undertaking that has been active for at least 5 years if the company acquires all the goods that are linked to the principal activity of the undertaking and that represent at least 90% of its assets.

#### **DIVISION IV PROHIBITIONS**

**13.** The corporate name of a company must not incorrectly describe :

- (1) the nature of the company's activity or goods and services ;
- (2) the conditions in which those goods and services are produced or supplied ;
- (3) the persons employed to produce and supply the goods and services ;
- (4) their place of origin ;
- (5) the place where the company carries on business.

**14.** A corporate name must not contain :

- (1) an expression the use of which is reserved under an Act or a regulation for another organization or for another category of organizations to which the company does not belong ;
- (2) one of the following expressions in the singular or plural, or its equivalence in any language whatsoever : "United Nations", "UNO", "consumer", "association", "Kino-Kébec", "Société de gestion des établissements touristiques et récréatifs", "ZEC", "Controlled Zone", "ZAC", "Management and Conservation Zone", "Société québécoise de développement des industries culturelles" ;
- (3) the name of the reigning sovereign or that of living members of his family together with his title of nobility ;
- (4) an obscene, immoral or scandalous expression or one that evokes the idea of any such activity.

**15.** A corporate name must not induce one into believing that the company is a government agency, a professional corporation, a non-profit organization, or an organization other than a company governed by the Companies Act, or that the company is pursuing an activity for which

a company may not be incorporated under the Companies Act.

**16.** Insofar as a corporate name does not contravene section 15, it may contain one or more of the following expressions in the singular or plural : “planning”, “national”, “provincial”, “federal”, “commission”, “office”, “bureau”, Québec, “Canada”, Canadian, “veteran”.

**17.** A corporate name must not induce one into believing that the company is pursuing its activity under the sponsorship or control or with the assistance, approval or authorization of a royal, vice-royal or government authority, or of a government agency or any public authority whatsoever, or of a university or a professional corporation, unless the company files with the Director a writing issued by the person or organization concerned stating that such is actually the case.

#### **DIVISION V RESERVATION OF A CORPORATE NAME**

**18.** The period during which the Director may reserve a corporate name for a company to be incorporated or about to change its corporate name is 30 days.

#### **DIVISION VI MISCELLANEOUS PROVISIONS**

**19.** An expression resulting from an artificial combination of letters, syllables or figures that is pronounced or written as an existing expression is subject to the same rules as the latter.

**20.** If the corporate name of a company contains the name or surname of a living person who is not an incorporator or a director, the consent of that person must be obtained concerning the use of his name or surname by the company concerned.

If the person is deceased, the consent of his or her legal heirs or, in their absence, that of his legal representative, must be obtained.



c. C-38, r.9

## **Regulation respecting firm names of corporations governed by Part III of the Companies Act**

Companies Act  
(R.S.Q., c. C-38, s. 233)

### **DIVISION I INTERPRETATION**

**1.** In this Regulation, unless the context indicates otherwise, the following terms mean :

“corporation” : a corporation governed by Part III of the Companies Act (R.S.Q., c. C-38) ;

“corporate name” : the firm name assigned to a corporation in its articles ;

“group” : a person or group of persons carrying on an activity in Québec, including a corporation and a company ;

“Minister” : the Minister of Financial Institutions and Cooperatives ;

“generic element” : the part of a firm name that identifies a group in a general way ;

“specific element” : the part of a firm name that clearly distinguishes one group from another ;

“firm name” : any name of a group, including the corporate name of a corporation ;

“holder” : a group that uses a firm name.

**2.** In addition to the corporate names of corporations, this Regulation, except section 4, applies to any other name under which a corporation may be identified.

### **DIVISION II COMPOSITION OF A CORPORATE NAME**

**3.** The letters contained in a corporate name and its version in another language must be in Roman type.

**4.** Use of the generic element in a corporate name is optional except in the cases explicitly provided for in the Act or regulations made or approved by the Government.

**5.** A corporate name must include a specific element.

The specific element must not consist merely of an expression that may be used as a generic element or that only describes a characteristic of goods or a service.

A corporate name the specific element of which consists solely of figures, initials, a toponym, a surname or a given name must include a generic element describing goods or a service which the corporation provides.

**6.** Section 5 does not apply :

(1) to the corporate name of a corporation provided for in section 11 as long as it keeps the corporate name referred to therein ;

(2) to a corporate name that, in Québec, can clearly be identified with a group subsequent to its use thereof ;

(3) to a corporate name that is translated into French or written in improved French.

### **DIVISION III CORPORATE NAMES LEADING TO CONFUSION**

**7.** A corporate name must not lead to confusion with a firm name.

A corporate name leads to confusion with another firm name if the corporate name may be believed to designate another group or if it falsely suggests that the corporation it designates is controlled by one or several other groups or vice versa, or that it is controlled by the same group or person.

**8.** For the purposes of section 7, a corporate name and a firm name must be considered as a whole and not separated into elements.

For the same purposes, all circumstances must be taken into account, including the following :

(1) the inherent distinctiveness of each and every element of the firm name ;

(2) the extent of the reputation of the firm name ;

(3) the length of time that the firm name is used by the group it designates ;

(4) the nature of the activities of the group designated under the firm name concerned, the nature of the goods or services it offers, the means by which they are offered or distributed, and the likelihood of competition among the groups using the firm name ;

(5) the degree of resemblance between the corporate name and the firm name in appearance of sound and the degree of resemblance between the ideas they suggest ;

(6) the relative importance of the group that uses the firm name with respect to the territory in which it pursues its activities, the number of its activities and the size of the public it is intending to reach.

**9.** The specific element of a corporate name may contain an expression identical or similar to that contained in a firm name if the written consent of its holder is obtained.

Section 8 applies if the corporate name leads to confusion with the firm name.

**10.** A corporate name may lead to confusion with a firm name without being identical thereto if the written consent of its holder, as well as his engagement to abandon the firm name immediately or to immediately dissolve the group designated by the firm name, are obtained.

A corporate name may be identical to a firm name if the year of its acquisition by the corporation is included in numerals for at least 2 years after the firm name is abandoned or after the group is dissolved, as the case may be.

The year in numerals must be placed in parentheses at the end of the corporate name.

Entry of the year is optional in the following cases :

(1) if the firm name designates a group other than a corporation ;

(2) if the corporate name is applied for at least 2 years after the firm name is abandoned or the group is dissolved ;

(3) in the cases provided for in section 11.

**11.** The corporate name of a corporation resulting from an amalgamation may be that of one of the amalgamated corporations provided that the name complies with sections 3 and 4, as well as with the Act and the regulations approved by the Government.

On the same conditions and subject to the first paragraph of section 10, the corporate name of a corporation may be identical to the firm name of a group that has been active for at least 5 years if the corporation acquires all the assets that are linked to the principal activity of the group and that represent at least 90% of its assets.

## **DIVISION IV PROHIBITIONS**

**12.** The corporate name of a corporation must not mis-describe :

(1) the nature of the corporation's activity or goods and services ;

(2) the conditions in which those goods and services are produced or supplied ;

(3) the persons employed to produce or supply the goods and services ;

(4) their place of origin ;

(5) the place where the corporation carries on business.

**13.** A corporate name must not contain :

(1) an expression the use of which is reserved under an Act or a regulation for another organization or for another category of organizations to which the corporation does not belong ;

(2) one of the following expressions in the singular or plural, or its equivalent in any language whatsoever : "United Nations", "UNO", "Kino-Kébec", "Société de gestion des établissements touristiques et récréatifs", "ZEC", "Controlled Zone", "ZAC", "Management and Conservation Zone", "Société québécoise de développement des industries culturelles" ;

(3) the name of the reigning sovereign or of any living member of his family together with his title of nobility ;

(4) an obscene, immoral or scandalous expression or one that evokes the idea of any such activity.

**14.** A corporate name must not induce one into believing that the corporation is a government agency, a professional corporation, a non-profit organization or an organization other than a corporation governed by the Companies Act, or that the corporation is pursuing an activity for which a corporation may not be incorporated under the Companies Act.

**15.** Insofar as a corporate name does not contravene section 15, it may contain one or more of the following expressions in the singular or plural : "planning", "na-



tional”, “provincial”, “federal”, “commission”, “office”, “bureau”, “Québec”, “Canada”, “Canadian”, “veteran”.

**16.** A corporate name must not induce one into believing that the corporation is pursuing its activity under the sponsorship or control, or with the assistance, approval or authorization of a royal, vice-royal or government authority, or of a government agency or any public authority whatsoever, or of a university or a professional corporation, unless the corporation files with the Minister a writing issued by the person or organization concerned stating that such is actually the case.

#### **DIVISION V MISCELLANEOUS PROVISIONS**

**17.** An expression resulting from an artificial combination of letters, syllables or figures that is pronounced or written as an existing expression is subject to the same rules as the latter.

**18.** If the corporate name of a corporation contains the name or surname of a living person who is not an incorporator or a director, the consent of that person must be obtained before the company may use his name or surname.

If the person is deceased, the consent of his legal heirs or, in their absence, that of his legal representative, must be obtained.



c. C-40, r.1

**Tariff of fees payable under the  
Cemetery Companies Act**

Cemetery Companies Act  
(R.S.Q., c. C-40, s. 12)

**1.** The fees payable upon application for letters patent under the Cemetery Companies Act (R.S.Q., c. C-40) are 25 \$.



c. C-41, r.1

## **Regulation respecting the issuing of subordinated notes and acceptance of subordinated shareholder loans under the Trust Companies Act**

Trust Companies Act  
(R.S.Q., c. C-41, s. 7)

### **DIVISION I INTERPRETATION**

**1.** In this Regulation, unless otherwise indicated by the context, the following terms mean :

(a) “subordinated note” : a subordinated note within the meaning of section 7 of the Trust Companies Act (R.S.Q., c. C-41) ;

(b) “company” : a company within the meaning of subparagraph 3 of the first paragraph of section 2 of the Trust Companies Act ;

(c) “Minister” : the Minister of Financial Institutions and Cooperatives ;

(d) “subordinated loan” : a subordinated shareholder loan within the meaning of section 7 of the Trust Companies Act.

### **DIVISION II SUBORDINATED NOTES**

**2.** No company may borrow money by issuing subordinated notes unless it is so authorized by resolution.

**3.** The resolution shall indicate :

- (a) the total face value of the subordinated notes ;
- (b) the rate of interest and the manner in which it is calculated ; and
- (c) the term or the manner in which it is determined, whether repayment is allowed before maturity, and whether there are conversion rights or exchange of share capital of the company.

**4.** The resolution authorizing the issuing of subordinated notes may provide for issuing them in series.

Each series must have its own designation and provide that the subordinated notes of each series have the same rights and conditions as the subordinated notes of the other series, except for the rates of interest, the dates of interest payments and dates of issue and the dates of maturity, which may differ.

**5.** A subordinated note may only be issued upon application to the head office of the company for an amount of not less than 25 000 \$ and for a term of not less than 5 years.

**6.** A subordinated note shall mention the rights, conditions and restrictions pertaining to it, and before it is issued, the company shall submit a specimen to the Minister.

### **DIVISION III SUBORDINATED SHAREHOLDER LOANS**

**7.** No company may borrow money through subordinated shareholder loans unless it is so authorized by resolution.

**8.** Such resolution shall indicate the total amount of the loan and the rate of interest.

### **DIVISION IV FINAL PROVISION**

**9.** No resolution referred to in this Regulation and no amendment to such resolution shall come into force until it has been approved by the Minister.



c. C-41, r.2

## **Tariff of duties and fees payable under the Trust Companies Act**

Trust Companies Act  
(R.S.Q., c. C-41, s. 44)

### **1. Incorporation of trust companies by letters patent :**

For an application for letters patent, the duties and fees payable are :

(a) 610 \$ and 0,30 \$ for each 1 000 \$ or fraction of 1 000 \$ in excess of 1 000 000 \$, where the proposed capital stock is 1 000 000 \$, but does not exceed 2 000 000 \$ ; and

(b) 910 \$ and 0,25 \$ for each 1 000 \$ or fraction of 1 000 \$ in excess of 2 000 000 \$, where the proposed capital stock exceeds 2 000 000 \$.

**2. Annual certificates of registration and renewals of annual certificates of registration :** For annual certificates of registration and for renewals of annual certificates of registration, the duties and fees payable are :

(a) 150 \$, where a company's assets do not exceed 1 000 000 \$ ;

(b) 250 \$, where a company's assets exceed 1 000 000 \$, but do not exceed 3 000 000 \$ ;

(c) 350 \$, where a company's assets exceed 3 000 000 \$, but do not exceed 5 000 000 \$ ; and

(d) 550 \$, where a company's assets exceed 5 000 000 \$.

**3. Temporary certificates of registration :** For temporary certificates of registration, the duties and fees payable are proportionate to the amount specified for the annual certificate of registration and to the period for which it is issued.

**4. Supplementary certificates of registration :** For supplementary certificates of registration, the duties and fees payable are 100 \$ in each case.



c. C-46, r.1

## Regulation respecting fees to be paid under the Extra-Provincial Companies Act

Extra-Provincial Companies Act  
(R.S.Q., c. C-46, s. 10)

**1.** The fees exigible for the granting of a licence required under the Extra-Provincial Companies Act (R.S.Q., c. C-46) amount to :

(a) 200 \$, when the capital stock of the company is 40 000 \$ or less ;

(b) 200 \$ and 1,25 \$ for every 1 000 \$ or fractional part of 1 000 \$ in excess of 40 000 \$, when the capital stock is greater than 40 000 \$, but does not exceed 100 000 \$ ;

(c) 275 \$ and 0,65 \$ for every 1 000 \$ or fractional part of 1 000 \$ in excess of 100 000 \$, when the capital stock is greater than 100 000 \$, but does not exceed 500 000 \$ ;

(d) 535 \$ and 0,30 \$ for every 1 000 \$ or fractional part of 1 000 \$ in excess of 500 000 \$, when the capital stock is greater than 500 000 \$, but does not exceed 2 000 000 \$ ;

(e) 985 \$ and 0,25 \$ for every 1 000 \$ or fractional part of 1 000 \$ in excess of 2 000 000 \$, when the capital stock is greater than 2 000 000 \$ ;

(f) 200 \$, when the capital stock is not determined in the incorporating documents.

For the purposes of the first paragraph, the shares having a par value inferior to 1 \$ are valued at 1 \$ and the shares without par value are valued according to the aggregate consideration for which they may be issued ; if this consideration is not stipulated in the incorporating documents, the shares are valued at 100 \$ each.

**2.** Where the company employs only a portion of its capital stock within Québec, the fees required under section 1 are exigible on that portion so employed in Québec, upon *affidavit* or solemn declaration stating what portion is so employed.

If the company increases this portion, it must produce an *affidavit* or declaration to that effect, and pay the additional fees required under section 1 to cover the proportion of increased capital so employed in Québec.

**3.** Upon transmission by the Minister of Financial Institutions and Cooperatives of a notice mentioned in section 6 of the Act for publication in the *Gazette officielle du Québec*, the fee is 10 \$.

**4.** When the company changes its corporate name, the fees exigible amount to 50% of the fee collected at the time of the granting of the original licence with a minimum of 65 \$.



c. C-46, r.2

## **Regulation respecting the firm names of extra-provincial companies**

Extra-Provincial Companies Act  
(R.S.Q., c. C-46, s. 10)

### **DIVISION I INTERPRETATION**

**1.** In this Regulation, unless the context indicates otherwise, the following terms mean :

“company” : any extra-provincial company governed by the Extra-Provincial Companies Act (R.S.Q., c. C-46) ;

“corporate name” : the firm name assigned to a company in its charter, articles of association or deed of incorporation ;

“undertaking” : a person or group of persons carrying on an activity in Québec, including a company ;

“Minister” : the Minister of Financial Institutions and Cooperatives ;

“name of an undertaking” : any name of an undertaking or any corporate name reserved by the Director under Part IA of the Companies Act (R.S.Q., c. C-38) ;

“generic element” : the part of a firm name that identifies an undertaking in a general way ;

“specific element” : the part of a firm name that clearly distinguishes one undertaking from another ;

“firm name” : the corporate name of a company , or the name other than its corporate name indicated in its licence issued under the Extra-Provincial Companies Act ;

“holder” : the undertaking that uses a firm name or the holder of a reservation made by the Director pursuant to Part IA of the Companies Act.

**2.** Rules applicable to a corporate name of a company apply to its French version.

### **DIVISION II COMPOSITION OF A FIRM NAME**

**3.** The letters contained in a firm name must be in Roman type.

**4.** The firm name of a company must include an expression showing that it is an undertaking with limited liability.

In order to indicate that the company is an undertaking with limited liability, the firm name of a company other than its corporate name must end with the expression “inc.” or “ltée” except if it already includes the expression “corporation”.

**5.** Use of the generic element in a firm name is optional except in the cases explicitly provided for in the Act or regulations made or approved by the Government.

**6.** A firm name must include a specific element.

The specific element must not consist merely of an expression that may be used as the generic element or that only describes a characteristic of a service or goods.

**7.** The firm name of a company, other than its corporate name, the specific element of which consists solely of figures, initials, a toponym, a surname or a given name must include a generic element describing a service or goods which the company provides.

### **DIVISION III CORPORATE NAMES LEADING TO CONFUSION**

**8.** A firm name must not lead to confusion with any other name of an undertaking.

A firm name leads to confusion with any other name of an undertaking if the corporate name may be believed to designate another undertaking or if it falsely suggests that the company it designates is controlled by one or several other undertakings or vice versa, or that they are controlled by a same undertaking or a same person.

**9.** For the purposes of section 8, a firm name must be considered as a whole and not separated into its elements.

For the same purposes, all circumstances must be taken into account, including the following :

(1) the inherent distinctiveness of each and every element of that other name of an undertaking ;

(2) the extent of the reputation of that other name of an undertaking ;

(3) the length of time that other name of an undertaking has been used by the undertaking it designates ;

(4) the nature of the activities of the undertaking designated under that other name of an undertaking, the nature of goods and services it offers, the means by which they are offered or distributed, and the likelihood of competition among the undertakings using that other name of an undertaking ;

(5) the degree of resemblance between the firm name and that other name of an undertaking in appearance or sound and the degree of resemblance between the ideas they suggest ;

(6) the relative importance of the undertaking that uses that other name of an undertaking with respect to the territory on which it carries on business, the volume of its business and the number of its customers.

**10.** The specific element of a firm name may contain an expression identical or similar to that contained in any other name of an undertaking if the written consent of its holder is obtained.

Section 11 applies if the firm name lead to confusion with another name of any undertaking.

**11.** A firm name may lead to confusion with any other name of an undertaking without being identical to it if the written consent of its holder, as well as his engagement to abandon the other name of an undertaking immediately or to immediately dissolve the undertaking designated by the other name of an undertaking are obtained.

A firm name may be identical to any other name of an undertaking if, in addition thereto, the year of its acquisition by the company is indicated in numerals for at least 2 years after the other name of an undertaking is abandoned or after the undertaking is dissolved, where applicable.

The year in numerals must be placed in parentheses immediately before the expressions “inc.” or “ltée” or, where the corporate name includes the expression “corporation” at the end of the corporate name.

Entry of the year is optional in the following cases :

(1) if that other name of an undertaking designates an undertaking other than a corporation ;

(2) if the firm name is applied for at least 2 years after that other name of an undertaking is abandoned or after the undertaking is dissolved ;

(3) in the cases provided for in section 12.

**12.** The firm name of a company may be identical to any other name of an undertaking if the latter belongs to an undertaking in operation for at least 5 years :

(1) if the company acquires all goods relating to the main activity of such undertaking, representing at least 90% of its assets ; and

(2) if it complies with sections 3 to 5 and with the regulations approved by the Government.

#### **DIVISION IV PROHIBITIONS**

**13.** The firm name of a company must not incorrectly describe :

(1) the nature of the company's activity or goods and services ;

(2) the conditions in which those goods and services are produced or supplied ;

(3) the persons employed to produce and supply the goods and services ;

(4) their place of origin ;

(5) the place where the company carries on business.

**14.** A firm name must not contain :

(1) an expression the use of which is reserved under an Act or a regulation for another organization or for another category of organizations to which the company does not belong ;

(2) one of the following expressions in the singular or plural, or its equivalence in any language whatsoever : “United Nations”, “UNO”, “consumer”, “association”, “Kino-Kébec”, “Société de gestion des établissements touristiques et récréatifs”, “ZEC”, “Controlled Zone”, “ZAC”, “Management and Conservation Zone”, “Société québécoise de développement des industries culturelles” ;

(3) the name of the reigning sovereign or that of living members of his family together with his title of nobility ;

(4) an obscene, immoral or scandalous expression or one that evokes the idea of any such activity.

**15.** A firm name must not induce one into believing that the company is a government agency, a professional corporation, a non-profit organization, or an organization other than an extra-provincial company, or that the company is pursuing an activity for which a company may not be incorporated under the Extra-provincial Companies Act.

**16.** Insofar as a firm name does not contravene section 15, it may contain one or more of the following expressions in the singular or plural : “planning”, “national”, “provincial”, “federal”, “commission”, “office”, “bureau”, “Québec”, “Canada”, “Canadian”, “veteran”.

**17.** A firm name must not induce one into believing that the company is pursuing its activity under the sponsorship or control or with the assistance, approval or authorization of a royal, vice-royal, or government authority or of a government agency or any public authority whatsoever, or of a university or a professional corporation, unless the company files with the Minister a writing issued by the person or organization concerned stating that such is actually the case.

#### **DIVISION V**

#### **MISCELLANEOUS PROVISIONS**

**18.** An expression resulting from an artificial combination of letters, syllables or figures that is pronounced or written as an existing expression is subject to the same rules as the latter.

**19.** If the firm name of a company contains the name or surname of a living person who is not an incorporator or a director, the consent of that person must be obtained concerning the use of his name or surname by the company concerned.

If the person is deceased, the consent of his or her legal heirs or, in their absence, that of his legal representative, must be obtained.





c. C-48, r.1

## **Regulation respecting the business of the Bureau and general meetings of the Ordre des comptables agréés du Québec**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, ss. 93 and 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context suggests a different meaning, the following terms mean :

- (a) “president” : the president of the Ordre des comptables agréés du Québec (Order) ;
- (b) “executive director” : the executive director of the Order.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II BUREAU**

**2.01.** The members of the Bureau shall meet at such time, on such date and at such place as the president shall determine.

**2.02.** Meetings of the Bureau shall be called by the executive director by way of a written notice sent to the members at least 5 clear days before the date of the meeting. In the case of special meetings, 48 hours’ notice of such meetings shall be given by the executive director by telephone or telegraph, in case of emergency.

**2.03.** Notwithstanding section 2.02, a meeting of the Bureau shall be deemed to have been regularly held if all the members of the Bureau are present and waive the notice of meeting.

**2.04.** A member of the Bureau in a position of conflict of interest shall be precluded from voting. The Bureau shall decide immediately whether a member is in such a position.

**2.05.** If at least 2 members of the Bureau so require, the vote shall be by secret ballot. The chairman of the meeting shall thereupon appoint 2 scrutineers for the purpose of taking the vote.

**2.06.** The immediate past president is entitled, for the duration of the term of his successor, to attend all meetings of the Bureau in an advisory capacity.

**2.07.** The most recent edition of Bourinot’s Rules of Order shall apply to all matters of procedure not provided for in the Chartered Accountants Act (R.S.Q., c. C-48) or in this Regulation.

### **DIVISION III ADMINISTRATIVE COMMITTEE**

**3.01.** Meetings of the Administrative Committee shall be called by the executive director by way of a written notice sent to the members at least 3 days before the date of the meeting.

**3.02.** In case of emergency, the president may call a meeting of the Administrative Committee provided that all members are notified by telephone or telegraph at least 24 hours prior to the meeting.

**3.03.** Notwithstanding sections 3.01 and 3.02, a meeting of the Administrative Committee shall be deemed to have been regularly held if all the members are present and waive the notice of meeting.

**3.04.** All decisions shall be taken by a majority vote of the members present. In the case of a tie-vote, the chairman of the meeting shall have a second or casting vote.

### **DIVISION IV GENERAL MEETINGS**

**4.01.** At all general meetings, 75 members shall form a quorum.

**4.02.** If the quorum has not been reached at a general meeting, the executive director shall record this fact in the minutes and another general meeting shall be called.

**4.03.** Only members present can vote.

**4.04.** If at least 25 voting members so require, the vote shall be by secret ballot. The chairman of the meeting shall thereupon appoint 2 scrutineers for the purpose of taking the vote.

**4.05.** All decisions shall be taken by a majority of the votes cast. In the case of a tie-vote, the chairman of the meeting shall have a second or casting vote.

**4.06.** A general meeting may be adjourned by resolution of a majority of the members present ; no business shall be transacted, when the meeting resumes, which was not on the agenda of the meeting from which the adjournment took place.

**4.07.** Section 2.07 applies *mutatis mutandis* to this Division.

## **DIVISION V**

### **MISCELLANEOUS**

**5.01.** Any cheque issued by the Order shall be signed either by 2 elected members of the Bureau or by 2 persons appointed by the Bureau for that purpose.

**5.02.** The seal of the Order is that which appears on the copy of this Regulation held by the executive director.

**5.03.** Any member of the Bureau or of the Administrative Committee is entitled to the reimbursement of all expenses arising from the performance of his duties, upon production of supporting vouchers.

**5.04.** The president, the vice-president and the members of the Bureau and of the Administrative Committee shall not be remunerated.

**5.05.** Subject to sections 2.02 and 3.02, any notice to a member of the Order shall be mailed prepaid through the post at Montréal, addressed to such member at his address appearing in the roll of the Order, or, if his address does not appear therein, to the last address of such member known to the executive director. The non-receipt of any notice by any member shall not invalidate any action or proceedings taken at any meeting.



c. C-48, r.2

## Code of ethics of chartered accountants

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, s. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) "Order" : the Ordre des comptable agréés du Québec ;

(b) "firm" : a public accountant practising alone, with or without employed members, or a partnership of public accountants ;

(c) "management consulting" : investigation and identifying management and business problems related to the policy, technical, organizational, operational, financial or administrative aspects of organizations and recommending appropriate solutions ;

(d) "practice of public accountancy" : the offering of services to the public in the investigation or audit of records leading to the preparation of or reporting on financial statements and the provision of services pertaining thereto. Without limiting the generality of the foregoing, such services shall include for purposes of this Regulation :

i. accounting, insofar as it involves analysis, interpretation and advice in an expert capacity, systems and procedures and the preparation of financial statements, but excluding record keeping ;

ii. auditing ;

iii. taxation services ;

(e) "related functions" : the following functions when offered to the public :

i. management consulting ;

ii. trusteeship in bankruptcy and administration of bankrupt companies and estates ;

iii. data processing, including manual bookkeeping, mechanical and electronic data processing ;

iv. business brokerage, negotiating and advising on the sale, acquisition or merger of business organizations ;

v. estate administration and settlement ;

vi. estate planning ;

vii. financial counselling ;

viii. insurance counselling ;

ix. valuation ;

(f) "member" : a member of the Order ;

(g) "practising member" : a member engaged in any one or more of the professional functions or activities listed in paragraph d ;

(h) "public accountant" : a person, whether or not a member of the Order, who is entitled to practise public accountancy as defined in the Chartered Accountants Act (R.S.Q., c. C-48), and who carries on the practice of public accountancy ;

(i) "professional colleague" : a member of the Canadian Institute of Chartered Accountants ;

(j) "provincial institute" : an institute of chartered accountants incorporated in any province of Canada other than Québec, in any Canadian territory, or in Bermuda ;

(k) "student" : a duly registered student-in-accounts ;

(l) "immediate family" : the spouse of a person, and any relative of that person or of his or her spouse, provided they have the same home as that person ;

(m) "associate" : in relation to a corporate client :

i. any affiliate thereof, within the meaning given to the term "affiliated body corporate" or "affiliated corporation" in the Canada Business Corporations Act (S.C., 1978-79, c.9), except that the meaning is extended to include any unincorporated body ;

ii. any "investor" as that term is used in the Handbook issued by the Canadian Institute of Chartered Accountants, Toronto, where the investor uses the equity method on the bases provided in the Handbook to account for its investment in the corporate client and where the amounts relating to the corporate client reflected in the financial statements of the investor constitute more than 5% of total assets or more than 5% of gross revenues of the investors ;

iii. any “investee” as the term is used in the Handbook issued by the Canadian Institute of Chartered Accountants, Toronto, where the corporate client is an investor and uses the equity method and where the materiality criteria outlined in subparagraph ii are met ;

(n) “associate” : any person with whom a member is connected as partner, employer or employee for the practice of public accountancy or a related function, including the immediate family of such member or such person.

**1.02.** The Interpretation Act (R.S.Q., c. I-16) applies to this Regulation.

**1.03.** A member shall make sure that others, whether employees or partners, who are associated with him in the public practice of the functions covered therein, comply with this Regulation. In a partnership, each member who is a partner is responsible for compliance with this Regulation by the partnership.

**1.04.** A member must not permit others to carry out on his behalf acts which, if he carried them out himself, would place him in violation of this Regulation.

**1.05.** A member engaged in the practice of a related function, and who is not also engaged in the practice of public accountancy, may, in carrying on his practice, conduct his affairs or his organization’s affairs free of the constraints imposed by sections 2.01.02, 2.01.03, 2.01.05, 2.01.06, 3.02.20, 3.02.22, 4.02 and 5.01.

## **DIVISION II**

### **DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC**

#### *§1. General provisions*

**2.01.01.** Each office in Québec of any member or partnership of members engaged in the practice of public accountancy shall be under the personal charge and management of a member.

If the office is part of a firm engaged in the practice of public accountancy and composed of one or more members sharing propriety interest with one or more registered public accountants, it shall be under the personal charge and management of a member or registered public accountant.

**2.01.02.** A practising member shall not hold out or imply that he has an office in any place where he is in fact

only represented by another public accountant who is neither his partner nor his employee and, conversely, a practitioner who only so represents a public accountant shall not hold out or imply that he maintains an office for such public accountant.

**2.01.03.** A member shall not be an employee, shareholder or director of any incorporated company engaged in Canada in the practice of public accountancy unless such company is engaged in the practice of public accountancy in a province other than Québec in accordance with the regulations of the provincial institute.

**2.01.04.** Members engaged in the practice of public accountancy may operate an organization separate from such public accountancy practice only for the practice of the following related functions :

- (a) management consulting ;
- (b) trustee in bankruptcy ;
- (c) electronic data processing.

They may do so either as a proprietor, a partner or as a director, officer or shareholder of a corporation and may associate with non-members for this purpose. However, except in the case of electronic data processing, such association with non-members must be restricted to non-members who are or were actively engaged in the operation of the separate organization.

**2.01.05.** Before commencing an assignment in any of the related functions for a client of another public accountant who is the duly appointed auditor, a member engaged in the practice of public accountancy who is associated with a separate organization carrying on the practice of any of the related functions shall first notify, or shall ensure that the organization notifies, such public accountant of the assignment.

**2.01.06.** A member engaged in the practice of public accountancy who is a principal, partner, director, officer or shareholder of a separate organization carrying on the practice of one or more of the related functions mentioned in section 2.01.04 shall ensure that such organization abides by this Regulation as if it were a firm of chartered accountants engaged in the practice of public accountancy and any member employed by such separate organization shall be accountable for any infraction of this Regulation to which he is a party.

*§2. Specific provisions*

**2.02.01.** Shall be guilty of an act derogatory to the dignity of the profession, in addition to those mentioned in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), any member of the Order who :

(a) is found guilty by a final judgment of a court of competent jurisdiction of an offence against any tax act or security act in Canada or elsewhere ;

(b) makes an assignment of his property or against whom a receiving order, as that term is used in the Bankruptcy Act (R.S.C., 1970, c. B-3) is made by a final judgment of a court of competent jurisdiction ;

(c) having made an assignment of his property or having had a receiving order, as that term is used in the Bankruptcy Act, made against him by a final judgment of a court of competent jurisdiction, fails to inform the Order without delay ;

(d) fails to inform the Order that he has reasons to believe that a member practises his profession in a manner which is detrimental to his clients, his employer or the public or violates this Code of ethics, the Professional Code, the Chartered Accountants Act or the Order's regulations, or that he is incompetent ;

(e) communicates with the plaintiff without the prior written permission of the syndic or his assistant whenever he is informed by the syndic or his assistant that an enquiry into his professional conduct or competence has been initiated by either of them or whenever he has been served notice of a complaint under section 132 of the Professional Code.

**DIVISION III  
DUTIES AND OBLIGATIONS TOWARDS THE  
CLIENT**

*§1. General provisions*

**3.01.01.** Before accepting an engagement, a member shall consider the extent of his proficiency, knowledge and the means at his disposal. He shall not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.02.** A member shall abstain from practising in conditions likely to impair the quality of his services and the dignity of the profession.

**3.01.03.** A member shall abstain from intervening in the personal affairs of his client on matters outside the scope of his engagement.

**3.01.04.** A member shall fulfil his engagements in keeping with current professional standards and science.

**3.01.05.** A member shall promptly return to a client or, if so instructed by such client, to his successor the records and documents belonging to the client, whether or not his fees have been paid.

**3.01.06.** In the practice of his profession, a member must assume full personal civil responsibility within the limits of his engagement. He is forbidden to include in a contract for professional services any clause to the effect of directly or indirectly, fully or partially, excluding such responsibility.

**3.01.07.** A member shall not prevent a client from consulting a professional colleague, a member of another professional corporation or another competent person.

*§2. Integrity, independence and objectivity*

**3.02.01.** A member shall perform his professional duties with integrity, objectivity and due care.

**3.02.02.** A member shall avoid any misrepresentation with respect to his level of competence or the efficiency of his own services or the services generally performed by members of his profession. If the interest of a client so requires, he shall, with the authorization of such client, consult a professional colleague, a member of another professional corporation or another competent person, or refer such client to one of these persons.

**3.02.03.** A member shall inform a client, as soon as possible, of the extent and terms and conditions of the engagement entrusted to him by such client.

**3.02.04.** A member shall place his personal interest second to that of his client.

**3.02.05.** A member who is called upon to express an opinion on financial statements shall hold himself free of any influence, interest or relationship in respect of his client's affairs, which may impair his professional judgment or objectivity.

**3.02.06.** In particular, shall constitute an infraction of section 3.02.05 the fact for a member :

(a) to accept an engagement to express an opinion on the financial statements of a client :

i. where, in the case of a corporate client, he or any of his partners or his or their immediate families, directly or indirectly holds any investment in :

(A) shares, bonds or debentures of the corporation or any associate thereof ;

(B) mortgages of the corporation or any associate thereof ;

(C) advances to the corporation or any associate thereof ;

ii. where, in the case of a client who is not a corporation, he or any of his partners or his or their immediate families, directly or indirectly, holds any investment similar to those listed in subparagraph i in the organization or any affiliate thereof ;

iii. where he or any of his partners was a director, officer or employee of the client organization or of any associate thereof, or where a member of his or their immediate families was a director or officer of the client organization or of any associate thereof ;

(b) to be, or to have a partner who is, a member of a private mutual fund or of an investment club which holds any investments, set out in subparagraph i of paragraph a, of a client of the member or of the membership. However, a member would not be in violation of the above rule if he or his partners invested in a public mutual fund not audited by the member or his partners, which held investments of a client of the member or his partners, nor would a member be in violation if he held qualifying shares in a social club of which he were the auditor where the shareholding is a prerequisite of membership ;

(c) to accept an engagement to report on the financial statements of a not-for-profit corporation or organization in which he or any of his partners was an officer or director or held any other position where he had the right or responsibility to make decisions affecting the management of the corporation or organization ;

(d) to be the auditor :

i. of a trust or estate in which he or any of his partners, or his or their immediate families, held a position as executor or trustee ;

ii. of an organization in which such a trust or estate held a material interest ;

iii. of a pension plan or a profit-sharing plan in which he or any of his partner, or his or their immediate families, held a position as trustee ;

iv. of an organization in which a private charitable foundation held an interest, where he or any of his partners, or his or their immediate families, held a position as trustee in such charitable foundation.

**3.02.07.** Notwithstanding sections 3.02.05 and 3.02.06, shall not constitute an infraction the fact for a member :

(a) to accept an engagement to report on the financial statements of a chartered bank, trust company, finance or acceptance company, savings and loan institution, cooperative, *caisse populaire* or similar institution, from or in which he or any of his partners, or his or their immediate families, borrowed or deposited funds in the normal course of business, provided that the amount borrowed or deposited is reasonable in relationship to the institution's assets to the borrower's or depositor's income and his net worth and that the operation is of the sort that would be made with other customers of the institution in the normal course of business ;

(b) to accept an engagement to report on the financial statements of a client with whom he or any of his partners, or his or their immediate families, carried out a commercial transaction, provided that the transaction was on the same terms and conditions as are normally allowed to other customers, in particular with respect to terms of payment ;

(c) to hold a share in a savings and loan institution, cooperative or *caisse populaire* which is audited by his firm, provided that the member does not exercise his right to vote at general meetings.

**3.02.08.** Generally, a member is not able to render objective advice to two or more clients who are parties to the same transaction. In instances where a member feels that he is able to do so, he must inform each such client that he has been engaged by other parties and specify the nature of such engagement.

**3.02.09.** A member shall not accept nor let an associate accept an appointment as trustee in bankruptcy, or in a proposal, for a client while holding, or within 2 years of having held, the position of auditor of that client. Furthermore, where a member or his associate has acted for a client in any capacity other than as auditor, the member should accept an appointment as trustee only when he can act with objectivity.

**3.02.10.** Before accepting or letting an associate accept an assignment under the Bankruptcy Act, the member should be satisfied that his or his associates' relationship with any other clients having an interest in the bankrupt estate is not such as to impair his objectivity.

**3.02.11.** If a member, or his associate, who is acting or who has acted as auditor, accountant or business adviser for an organization is asked by the shareholders or owners of such organization to act as administrator/manager, he may accept the appointment unless he is prevented to do so by a conflict of interest.

Before accepting such an appointment, where it is offered to him by parties other than the shareholders or owners of the client or former client, or before accepting an appointment to act as agent for a secured creditor, such member or associate must observe the following requirements :

(a) the offer of appointment must not be accepted without first having secured the consent of the client or former client. Where a corporation is involved, if it is impracticable to seek the consent of the shareholders, the consent of a responsible officer of the corporation must first be secured. It must be made clear, in seeking such consent, that the terms of the appointment may require the member to place his responsibility to the shareholders and management second to those attached to the new appointment, and that he may have to disclose information which he may have obtained as auditor, accountant or business adviser and which may conceivably affect the position of the shareholders or management ;

(b) the discussion should be followed up immediately by a letter to the client or former client reiterating the member's position ;

(c) the member must make it known to those who are appointing him that he has complied with the above requirements, so that his position is clear to all concerned. A copy of the letter to the client or former client, in which the member's position is set out, should be filed with those persons who are making the appointment ;

(d) if he was acting as auditor at the time of his new appointment, the member must resign his audit position.

**3.02.12.** A member shall not sign or associate himself with any letter, report, statement, representation or financial statement which he knows, or should know, is

false or misleading, whether or not the signing or association is subject to a disclaimer of responsibility.

**3.02.13.** In expressing an opinion on financial statements examined by him, a member shall not :

(a) fail to reveal any material fact known to him which is not disclosed in the financial statements, the omission of which renders the financial statements misleading ; nor

(b) fail to report any material mis-statement known to him to be contained in the financial statements.

**3.02.14.** A member shall not express an opinion on financial statements examined by him :

(a) if he has not obtained sufficient information to warrant an expression of opinion ; or

(b) if he has not complied with the auditing standards of the profession ; or

(c) if the exceptions or qualifications to the opinion are sufficiently material to nullify the value of such opinion.

**3.02.15.** Subject to paragraph c of section 3.02.14, a member shall not express an opinion on financial statements examined by him which are not prepared in accordance with the accounting standards of the profession unless such opinion is suitably qualified. Without limiting the generality of the foregoing, if a member expresses an opinion without qualification that financial statements are presented in accordance with generally accepted accounting principles and if such statements depart in any material respect from the recommendations of the Handbook issued by the Canadian Institute of Chartered Accountants, Toronto, such departure must be capable of justification as proper in the particular circumstances.

**3.02.16.** The auditing standards of the profession are those set out in the auditing recommendations in the Handbook issued by the Canadian Institute of Chartered Accountants, Toronto.

**3.02.17.** The accounting standards of the profession shall consist of the accounting recommendations in the Handbook issued by the Canadian Institute of Chartered Accountants, Toronto, and, where recommendations have not been included in the Handbook issued by the Canadian Institute of Chartered Accountants, Toronto, of those principles and practices which have gained general acceptance in Canada.

Accounting practices that differ from those set out in the Handbook issued by the Canadian Institute of Chartered Accountants, Toronto, should only be used provided

that there is substantial authoritative support for alternative treatment and that the departure from the recommendations is disclosed.

Whenever a member is required by statute or regulation to comply with a standard which departs from the standards of the profession, he must make an appropriate qualification.

Notwithstanding the third paragraph, in the case of financial reports of banks and insurance companies, the auditor may omit a reference to generally accepted accounting principles and a qualification in his report if, in instances where the Handbook issued by the Canadian Institute of Chartered Accountants, Toronto, is silent as to such financial institutions, accounting practices which are different from those that would be considered normal for ordinary commercial and industrial enterprises are prescribed or permitted by law or regulation.

**3.02.18.** A member shall inform his client of any interests, any business connections and any affiliations of which the client might reasonably expect to be informed but this does not necessarily include disclosure of professional services he may be rendering or proposing to render to other clients.

**3.02.19.** A member shall not, in connection with any transaction involving a client or an employer, hold, receive, bargain for, become entitled to or acquire any fee, remuneration or benefit without the client's or employer's knowledge and consent.

**3.02.20.** Other than in relation to the sale and purchase of an accounting practice, a member engaged in the practice of public accountancy shall not directly or indirectly pay to any person who is not in the practice of public accountancy a commission or other compensation to obtain a client, nor shall he accept directly or indirectly from any person who is not in the practice of public accountancy a commission or other compensation for a referral to a client of products or services.

**3.02.21.** A member who handles money or other property in trust shall do so in accordance with the terms of the trust and the general law relating to trusts and shall maintain such records as are necessary to account properly for the money or other property; unless otherwise provided for by the terms of the trust, money held in trust shall be kept in a separate trust bank account or accounts.

**3.02.22.** A member engaged in the practice of public accountancy shall not offer or agree to render any professional service for a fee contingent on the results of such

service, nor shall he renounce his fees in advance except for services of a charitable, benevolent or similar nature.

**3.02.23.** A member shall respect the right of his client, or of a representative of his client authorized to that effect, to take cognizance and obtain copy of any documents concerning the client in any file developed in connection with him in the course of an engagement. Particularly, a member shall, on request, hand to his client, or to a representative of his client authorized to that effect, copy of any documents which are part of the accounting records of his client.

**3.02.24.** A member shall handle with reasonable care any property entrusted to him by a client.

**3.02.25.** A member is bound to professional secrecy and he may not disclose confidential information revealed to him by reason of his position or profession, unless he is authorized to do so by the person who confided such information to him or by an express provision of law.

**3.02.26.** A member shall not make use of confidential information in a manner which may be prejudicial to a client or with a view to obtaining directly or indirectly a benefit for himself or for another person.

### *§3. Availability and diligence*

**3.03.01.** In the practice of his profession, a member shall display reasonable availability and diligence.

**3.03.02.** A member shall render a report to his client when the client so requests.

**3.03.03.** Unless for good and sufficient reason, a member may not cease to act on behalf of a client. The following shall, in particular, constitute sound and reasonable reasons :

- (a) loss of the client's confidence ;
- (b) the fact that the member is placed in a situation of conflict of interests or in circumstances where his professional independence could be questioned ;
- (c) inducement by the client to perform illegal, unjust or fraudulent acts.

**3.03.04.** Before ceasing to act on behalf of a client, a member shall give such client reasonable advance notice of his intent and shall make sure that his withdrawal will not prejudice such client.



#### §4. *Setting and payment of fees*

**3.04.01.** A member shall charge just and reasonable fees. In determining his fees, he shall in particular take the following factors into account :

- (a) the time devoted to the performance of the professional service ;
- (b) the difficulty and importance of such service ;
- (c) the performance of unusual services or of services requiring exceptional competence or celerity.

**3.04.02.** A member shall provide a client with all the explanations necessary for comprehension of his account for fees.

**3.04.03.** A member shall not require full advance payment for his services.

**3.04.04.** A member shall make sure that his client is informed of the approximate and foreseeable cost of his services.

### DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

**4.01.** A member shall reply without undue delay to any letter requiring a response which has been addressed to him by the executive director, the syndic, investigators or members of the professional inspection committee and relates to the performance of their duties.

**4.02.** Before opening an office for the practice of public accountancy other than an office contemplated in section 60 of the Professional Code, members must notify the Order in writing and indicate the address of such office and the names of the members who will practise at such office.

**4.03.** A member engaged in the practice of public accountancy shall not adopt any method of obtaining or attracting clients which tends to lower the standard of dignity of the profession and, in particular, he shall not solicit anyone pressingly or repeatedly to retain his professional services.

### DIVISION V DUTIES AND OBLIGATIONS TOWARDS PROFESSIONAL COLLEAGUES

**5.01.** A member shall not directly or indirectly solicit an engagement in public accountancy or a related function from a client of a public accountant.

A member shall not solicit the clientele of a deceased public accountant for 90 days after the death of such public accountant.

**5.02.** Before accepting an appointment with respect to any function relating to the practice of public accountancy where he is replacing another public accountant, a member shall first communicate with such public accountant and enquire whether there are any circumstances he should take into account which might influence his decision whether or not to accept the appointment. Such public accountant shall reply within a reasonable period of time.

**5.03.** A member who accepts an appointment in public accountancy or a related function jointly with another member or with a public accountant shall accept joint and several responsibility for any portion of the work to be performed by either ; no member shall proceed in any matter within the terms of such joint appointment without due notice to the other accountant.

**5.04.** When not limited or restricted in writing by the terms of his engagement, a member engaged in the practice of public accountancy shall, before commencing any special assignment for a client of another public accountant who is the duly appointed auditor, first notify such accountant of the assignment.

**5.05.** A member shall not abuse the good faith of a professional colleague or be guilty of breach of trust or disloyal practices towards him. In particular :

(a) a member shall not claim credit for work attributable to a professional colleague ; this shall not preclude a member from relying on the opinion of other auditors, without naming such auditors, in the audit of consolidated financial statements ;

(b) a member who accepts a special assignment, whether by referral or otherwise, from a client of a public accountant who is continuing in his relationship with the client shall not, without valid reason, take any action which would tend to impair the position of the other public accountant in his ongoing work with his client ;

(c) a member who receives an engagement for services by referral from a public accountant shall not provide or offer to provide any different services to the referring accountant's client without the consent of the referring accountant ; on the other hand, the referring accountant shall not unreasonably withhold such consent ;

(d) a member, unless limited or restricted in writing in special circumstances by the terms of his engagement, shall first submit any proposed criticism of the work of a

professional colleague or other public accountant to such professional colleague or public accountant so that any such criticism take into account all the available information, and be made in a spirit of prudence.

**5.06.** A member shall inform a student applying for employment whether he or his firm or office is approved for the training of students.

#### **DIVISION VI FINAL PROVISION**

**6.01.** This Regulation shall come into force on 10 September 1980, except for paragraph c of section 3.02.06 which shall come into force 10 September 1982.



c. C-48, r.3

## **Regulation respecting the records of a chartered accountant who ceases to practise**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, s. 91)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates a different meaning, the following terms mean :

- (a) "Order" : the Ordre des comptables agréés du Québec ;
- (b) "member" : every member of the Order ;
- (c) "executive director" : the executive director of the Order ;
- (d) "records" : the records, books and registers which are kept by a member in the practice of his profession ;
- (e) "transferee" : the member to whom the records of a member are transferred upon a permanent cessation of practice ;
- (f) "provisional custodian" : the member to whom the records of a member are entrusted during a temporary cessation of practice.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.03.** Nothing in this Regulation must be interpreted as excluding the use of data processing or any other technical means for the keeping of records, provided that confidentiality is maintained.

**1.04.** This Regulation shall not apply to a member who is a partner in a partnership of members or an employee of such a partnership or of a natural or legal person, with respect to the records of such partnership or employer used by him in the performance of his duties. This Regulation shall apply however when all the partners in a partnership cease to practise.

**1.05.** An agreement respecting the transfer or provisional custody of the records of a member who ceases to practise must be certified in writing and sent to the executive director.

### **DIVISION II PERMANENT CESSATION OF PRACTICE**

**2.01.** When a member ceases voluntarily and permanently to practise his profession, whether or not he resigns his membership, he must, not later than 15 days before the date of cessation :

- (a) notify the executive director, by registered or certified mail, of the date on which he will permanently cease to practise ;
- (b) if he has found a transferee, inform the executive director of the name, address and telephone number of such transferee ;
- (c) if he has been unable to find a transferee, inform the executive director to this effect, providing him with the names and addresses of his clients and informing him of the place where their records are kept.

If subparagraph c of the first paragraph applies, the executive director shall notify the clients of the member of the latter's permanent cessation of practice, informing them of the place where their records are kept, of their right to consult the documents which concern them and to make copies thereof, and of the advisability for them, depending on their needs, to retain the services of another member.

**2.02.** Except in the case of a resignation, when a member ceases to practise his profession as a result of being permanently struck off the roll, the executive director must see to it that the said member find a transferee within 60 days of the date when the decision to strike him off the roll became final.

If a transferee has not been found upon the expiry of that period, the executive director must, within 45 days thereafter, require that the member struck off the roll provide him with the names and addresses of his clients and inform him of the place where their records are kept.

Within the same period of time, the executive director must notify the clients of the member of the latter's permanent cessation of practise, of the place where their records are kept, of their right to consult the documents which concern them and to make copies thereof, and of

the advisability for them, depending on their needs, to retain the services of another member.

**2.03.** When informed of the death of a member, the executive director must see to it that the assigns of the deceased member find a transferee within a reasonable length of time.

**2.04.** Within 30 days of the date on which he takes possession of the records of a member who permanently ceases to practise, the transferee must advise, in writing, the clients of that member :

- (a) that the latter's records are in his possession ;
- (b) of his address, telephone number and office hours ; and
- (c) of their right to consult another member.

**2.05.** The transferee must respect a person's right to take cognizance of the documents which concern him in any record kept in his respect and to obtain copies of such documents. The fees for obtaining such copies shall be paid by the person requesting them.

**2.06.** The transferee must convey to the clients of the member the information they request respecting the status of the records which concern them and take, with respect to such records, such preservation measures as are necessary to safeguard the interests of both the member and his clients.

### **DIVISION III TEMPORARY CESSATION OF PRACTICE**

**3.01.** When a member voluntarily and temporarily ceases to practise his profession, he must, not later than 15 days before the date fixed for the cessation of practice :

- (a) notify the executive director, by registered or certified mail, of the date on which he will temporarily cease to practise his profession and of the date on which he intends to resume practising his profession ;
- (b) if he has found a provisional custodian, inform the executive director of the name, address and telephone number of such custodian ;
- (c) if he has been unable to find a provisional custodian, inform the executive director to this effect, providing him with the names and addresses of his clients and informing him of the place where their records are kept.

If subparagraph c of the first paragraph applies, the executive director shall notify the clients of the member of the latter's temporary cessation of practice and of the duration of such cessation, of the place where their records

are kept and of their right to consult the documents which concern them and to make copies thereof and, if they deem it advisable, to retain the services of another member.

**3.02.** When a member ceases to practise his profession as a result of his being temporarily struck off the roll, the executive director must see to it that the said member find a provisional custodian within 15 days of the date when the decision to strike him off the roll became final.

If a provisional custodian has not been found upon the expiry of that period, the executive director must, within 20 days thereafter, require that the member temporarily struck off the roll provide him with the names and addresses of his clients and inform him of the place where their records are kept.

Within the same period of time, the executive director must notify the clients of the member of the latter's temporary cessation of practice and of the duration of such cessation, of the place where their records are kept, of their right to consult the documents which concern them and to make copies thereof and, if they deem it advisable, to retain the services of another member.

**3.03.** The provisional custodian must convey to the clients of the member the information they request respecting the progress of the records which concern them and take, with respect to such records, such preservation measures as are necessary to safeguard the interests of both the member and his clients.

**3.04.** The provisional custodian must comply with the requirements of section 2.04 in the case of a temporary cessation of more than one year and with those of section 2.05 in all cases.

**3.05.** The provisional custodian shall return the member's records to him upon termination of the period of temporary cessation of practice.

**3.06.** A member who does not intend to resume the practice of his profession after the expiry of the period of temporary cessation of practice must comply with Division II.



c. C-48, r.4

## **Regulation respecting students in accounting and examinations**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26)

### **DIVISION I REGISTERED STUDENTS**

#### **1. The Bureau shall have power :**

(a) to make any investigations which it may deem expedient of any act or omission of any registered student or any matter in which he may be concerned and any investigations which it may deem necessary to satisfy itself that a member is complying with any regulations made pursuant to this Regulation or that a registered student continues to qualify under this Regulation and any regulations made pursuant hereto or is complying with the by-laws, rules and regulations of the Order and the directions of the Bureau, and any member or any registered student shall, if required so to do by the Bureau, appear before it and give testimony and, in the case of a member, produce to the council for examination such documents as the Bureau may request ;

(b) to expel any registered student who, in the opinion of the Bureau, has ceased to qualify under this Regulation or any regulations made pursuant hereto or has failed to comply with any by-law, rule or regulation of the Order or any direction of the Bureau or is guilty of conduct in breach of discipline or derogatory to the honour of the Order or other misconduct or whose employer has failed to comply with any regulations made pursuant to this Regulation, and to cause the name of such registered student to be removed from the register. Any such student may be re-registered upon and subject to such terms and conditions as the Bureau may determine.

**2.** A registered student shall not be entitled, by reason of such registration alone, to exemption from any requirements as to age, character or educational qualification that would otherwise be applicable to his case as an applicant for examination.

**3.** All registered students must give immediate notice in writing to the secretary of the Order of any change of employer.

**4.** Registered students shall be subject to all by-laws, rules and regulations of the Order, as they may exist from time to time, which the Bureau may consider applicable.

### **DIVISION II COURSES AND EXAMINATIONS**

**5.** Before being eligible to write the examinations of the Order, students must have fulfilled the requirements and complied with the conditions prescribed by the rules and regulations hereinafter referred to.

**6.** The Bureau from time to time as may seem to it necessary or expedient, shall make and may amend or repeal such rules and regulations with regard to courses and examinations for registered students as are not inconsistent with the regulations of the Order or the agreements, if any, between the Order and any universities, colleges or schools.

**7.** An examination called the final examination shall be held at least once in each year, and shall be in accordance with the Chartered Accountants Act (R.S.Q., c. C-48). The fee payable for the examination shall be fixed from time to time by the Bureau.

### **DIVISION III FINAL PROVISION**

**8.** This Regulation remains in force until 1 January 1984.



c. C-48, r.5

## **Regulation respecting students in accounting registered with the Ordre des comptables agréés du Québec and respecting their training employer**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26)

### **DIVISION I REGISTRATION**

**1.** Persons applying for registration as students of the Ordre des comptables agréés du Québec must :

- (a) be of good moral character and habits ;
- (b) be resident in Québec ;
- (c) in the case of immigrants who have not acquired Canadian citizenship, have a working knowledge of the French language ;
- (d) possess a degree in Business Administration or Commerce conferred by a recognized university of Québec or such other university degree as the Bureau of the Order may deem appropriate to accept ;
- (e) be employed in a chartered accountant's office which has been authorized to employ students ;
- (f) submit an application for registration in prescribed form and provide such information and documents as the Bureau may require ; and
- (g) pay such registration fees and students' annual fees as are prescribed for the current year.

**2.** Registration shall confer on a student :

- (a) the right to pursue the programme of studies and practical training of the Order ;
- (b) the right to write the examination of the Order provided he is eligible to do so ;
- (c) use of the Order's library ;
- (d) subscription to "CA magazine" ; and
- (e) membership in the Chartered Accountants Students' Society of Québec.

**3.** Registration shall entail for a student the obligation to abide by the Chartered Accountants Act (R.S.Q., c. C-48), its regulations, this Regulation and any decisions taken by the Bureau.

**4.** Any student may withdraw his registration. Students withdrawing their registration within 6 months of their date of registration shall be refunded their registration fees.

### **DIVISION II PRACTICAL TRAINING**

**5.** The duration of practical training shall be determined having regard to each student's previous education.

**6.** Practical training shall be reckoned from the date of filing of the application for registration and payment of the prescribed fees.

**7.** Notwithstanding section 5, a student may not interrupt or terminate his period of training before he has written the examination.

**8.** Practical training shall take place in a chartered accountant's office which has been approved for the training of students.

**9.** A student shall be a full-time employee and may not take professional work on his separate account without his employer's consent.

**10.** A student may not change to another employer more than twice. However, this section shall not apply to changes of employers which are deemed by the Bureau to be beyond the student's control.

**11.** A student must advise the Order each time he changes to another employer.

### **DIVISION III STUDIES**

**12.** The programme of studies shall be determined having regard to each student's previous education.

**13.** A student shall pursue his studies at a university which has been approved by the Order.

**14.** A student may not depart from his programme of studies or change to another university without the Bureau's authorization.

**15.** Students shall be bound by all rules and regulations of the universities where they pursue their studies.

#### **DIVISION IV EXAMINATION**

**16.** The examination shall be held once a year on such dates and at such places as the Order shall determine.

**17.** The examination shall be conducted by an Examination Committee appointed in accordance with the Chartered Accountants Act (R.S.Q., c. C-48) and the regulations of the Order.

**18.** All students shall be bound by all rules and regulations set by the Examination Committee.

**19.** Any student may obtain a copy of the examination syllabus at the Order's office.

**20.** All students must become eligible to write the examination within 6 years from their date of registration.

**21.** All students must write the examination with success at one of the 6 examination sessions immediately following the date when they became eligible to write it.

**22.** Students who wish to obtain a postponement of examination must submit a request, substantiated with reasons, within 30 days from the termination of the examination.

**23.** To be eligible to write the examination, a student must :

- (a) be in good standing with the Order ;
- (b) have completed his studies ;
- (c) subject to section 7, have completed his practical training or have been authorized by the Bureau to write the examination before completing his practical training ;
- (d) submit an application for examination in prescribed form and provide such information and documents as the Bureau may require ; and
- (e) pay the examination fees.

#### **DIVISION V ADMISSION**

**24.** Any student not under 21 years of age who has written the examination with success and completed his practical training may be admitted to membership in the Order subject to the provisions of the Chartered Accountants Act and of the regulations of the Order.

#### **DIVISION VI REMOVAL OF NAME**

**25.** The Bureau may remove from the register the name of any student who has contravened this Regulation or has been guilty of misconduct.

#### **DIVISION VII REINSTATEMENT**

**26.** Any former student who has withdrawn his registration or whose name was removed from the register may be reinstated as a student by the Bureau on such terms and conditions as the Bureau may determine. It shall be the student's responsibility to submit an application substantiated with reasons and to pay the prescribed reinstatement fees.

#### **DIVISION VIII FEES**

**27.** The student's annual fees and the fees for registration, examination, admission and reinstatement shall be fixed in accordance with the Chartered Accountants Act and the regulations of the Order. The registration fee shall be applied against the admission fee when a student is admitted to membership in the Order.

#### **DIVISION IX PROVISIONS APPLICABLE TO EMPLOYERS**

**28.** Only members practising full time as public accountants, as defined in the Chartered Accountants Act, may train registered students.

**29.** All offices must obtain the Bureau's approval before they may employ registered students.

**30.** Before granting its approval, the Bureau shall conduct an investigation of the office. The firm or member must produce such documents and provide such information as the Bureau may require.

**31.** The Bureau may grant or withhold its approval on the basis of its investigation ; it may also qualify its approval with such conditions as it may see fit.

**32.** The Bureau may conduct an investigation in any office which has already been approved. On the basis of such investigation, it may repeal its approval or qualify it with such new conditions as it may see fit.

**33.** In the absence of a specific limitation, an approved office may train 3 registered students for every member practising in such office as a sole practitioner, partner or employee. Students who have completed their practical training are excluded from this number.

**34.** All offices must train registered students in their employ to comply with generally recognized professional standards.

**35.** All offices must allow registered students in their employ such time as is required for studies and examinations and must make sure that the students abide by this Regulation.

**36.** The Bureau may direct that the cost of investigations carried out under sections 30 and 32 shall be borne by the respective offices.

## **DIVISION X**

### **GENERAL AND TRANSITIONAL PROVISIONS**

**37.** Notwithstanding section 5, students registered with the Order as of 1 January 1970 who do not possess a university degree as required by section 1 must complete a period of practical training of 5 years minimum duration.

**38.** The Bureau shall have the right to make exceptions to this Regulation when, in its opinion, the circumstances so warrant. It shall be the member's or student's responsibility to submit a request substantiated with reasons.

**39.** This Regulation remains in force until 1 January 1984.

## **SCHEDULE**

### **INTERPRETATION OF THE REGULATION RESPECTING STUDENTS IN ACCOUNTING REGISTERED WITH THE ORDRE DES COMPTABLES AGRÉÉS DU QUÉBEC AND RESPECTING THEIR TRAINING EMPLOYER**

#### **Section 13 — Approved universities**

The following are the universities approved by the Order for the purpose of section 13 : McGill University,

École des Hautes Études Commerciales de Montréal (affiliated with the Université de Montréal), Université Laval, Université de Sherbrooke, University of Québec in Trois-Rivières, University of Québec in Chicoutimi.

The courses are offered by the universities after consultation with the Order having regard to the examination syllabus. They do not lead to a university degree. They are usually given at night.

#### **Section 28 — Auditor General of Canada — Auditor General of Québec**

For the purposes of section 28, the Montréal office of the Auditor General of Canada and the Montréal and Québec offices of the Auditor General of Québec are regarded as offices of members practising full time as public accountants and have been approved for a limited number of students.

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Regulation of 01.01.1970  
O.C. 3484-81, (1981) 113 G.O.II, 4128





c. C-48, r.6

## **Regulation respecting the indemnity fund of the Ordre des comptables agréés du Québec**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, s. 89)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** In this Regulation, unless the context indicates otherwise, the word “member” means any person who is entered on the roll of the Ordre des comptables agréés du Québec.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II SETTING UP OF FUND**

**2.01.** The Bureau shall establish an indemnity fund to be used to repay the amounts of money or other securities used by a member for purposes other than those for which they had been delivered to him in the practice of his profession.

### **DIVISION III COMPOSITION OF FUND**

**3.01.** The fund shall be maintained at an amount of 25 000 \$. It may consist of :

- (a) the sums of money allocated therefor by the Bureau ;
- (b) the assessments fixed for that purpose ;
- (c) the sums of money recovered from the offending member in virtue of a subrogation or pursuant to section 159 of the Professional Code (R.S.Q., c. C-26) ;
- (d) the revenue and the growth of the assets of the fund ;
- (e) the sums of money that may be paid by an insurance company in virtue of an insurance policy taken out by the Order ; and

(f) any sum of money received by the Order for the fund.

### **DIVISION IV ADMINISTRATION OF THE FUND**

**4.01.** The Bureau is authorized to enter into an insurance contract for the purposes of the fund and to pay the premiums thereof out of the fund.

**4.02.** The Order shall keep a separate accounting in respect of the fund.

**4.03.** The sums of money which constitute the fund shall be invested in accordance with article 981o of the Civil Code.

### **DIVISION V CLAIMS**

**5.01.** A claim shall be addressed to the executive director at the corporate seat of the Order.

**5.02.** The executive director shall enter the claim on the agenda for the first meeting of the Bureau following its receipt.

**5.03.** A claim must :

- (a) be submitted in writing ;
- (b) state the facts in support thereof ;
- (c) indicate the amount claimed ; and
- (d) be made under oath.

**5.04.** A claim in respect of a member may be filed whether a decision of the committee on discipline, of the Professions Tribunal or of any other competent tribunal has been rendered or not.

**5.05.** A claim must be filed within 12 months from the time the claimant is aware of the facts giving rise thereto.

**5.06.** The Bureau may extend the period prescribed in section 5.05 if it so deems advisable.

## **DIVISION VI INDEMNITY**

**6.01.** The Bureau may designate a person or a committee to hold an inquiry and submit a report to it in respect of a claim.

**6.02.** Upon the request of the person or of the committee designated to hold an inquiry, the claimant or the member concerned must :

(a) furnish all details and documents relative to the claim ;

(b) produce any pertinent proof.

**6.03.** The Bureau shall decide at its discretion whether it is expedient to accept a claim in whole or in part and, where applicable, shall fix the indemnity. Its decision is final.

**6.04.** The indemnity payable to a claimant is limited to 25 000 \$.

**6.05.** In receiving the indemnity fixed by the Bureau, the claimant must sign a subrogation, in favour of the Order, in all his rights against the offending member up to the amount of the indemnity.

## **DIVISION VII FINAL PROVISION**

**7.01.** Nothing in this Regulation shall be interpreted as creating, in respect of the Order, in favour of any person whatsoever, a right to any sum whatsoever.



c. C-48, r.7

## Regulation respecting the Relief Fund of the Ordre des comptables agréés du Québec

Chartered Accountants Act  
(R.S.Q., c. C-48, s. 10)

Professional Code  
(R.S.Q., c. C-26)

### DIVISION I INTERPRETATION

**1.01.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II CONSTITUTION OF FUND

**2.01.** The Relief Fund shall consist of :

- (a) the assets of the Québec Chartered Accountants' Benevolent Fund upon 3 December 1975 ;
- (b) sums allocated therefor by the Bureau ;
- (c) voluntary contributions ; and
- (d) revenues from and accretions to the assets of the Funds.

### DIVISION III ADMINISTRATION OF FUND

**3.01.** The Fund shall be administered by a committee of trustees consisting of 3 members who shall be appointed annually by the Bureau at its first regular meeting following the annual general meeting. The trustees shall be selected from among the past presidents of the Order and their term of office shall terminate upon the appointment of their successors.

**3.02.** Two trustees shall constitute a quorum.

**3.03.** A vacancy shall occur on the committee when a trustee resigns, ceases to be a member of the Order or is removed from office by the Bureau. Such vacancy shall be filled by the Bureau from among the past presidents for the remainder of the term of office of the trustee replaced.

**3.04.** The resignation of a trustee shall take effect only from the time of its acceptance by the Bureau.

**3.05.** Subject to the approval of the administrative committee, the committee of trustees may :

(a) appoint and replace a secretary-treasurer, an investment counsellor and a depository, which depository shall be either a chartered bank or a trust company, and pay them the remuneration which it determines ;

(b) operate one or several bank accounts in the name of the Fund ;

(c) acquire securities in accordance with article 9810 of the Civil Code and dispose of such securities ;

(d) after making any investigation it deems necessary, grant assistance and determine the amount and the terms and conditions thereof. Where assistance is derived from a donation which is subject to conditions stipulated by the donor, it shall be granted in accordance with such conditions.

**3.06.** All securities of the Fund not entrusted to a depository shall be kept in a safety deposit box to which only 2 trustees acting jointly, or one trustee and the secretary-treasurer acting jointly, may have access.

**3.07.** Moneys belonging to the Fund shall be deposited in one or several banks or trust companies selected by the committee and all sums received for the account of the Fund shall be deposited therein. Withdrawals from and payments made out of the accounts opened at such banks and trust companies shall be by cheque or order signed by 2 trustees or by one trustee and the secretary-treasurer.

**3.08.** The committee shall keep an appropriate accounting of the assets, liabilities, receipts and disbursements of the Fund and each year shall submit a report to the Bureau on the operations of the Fund for the fiscal year ending on 31 March, together with a summarized statement of the accounts of the Fund for the said fiscal year. Once it has approved such report and statement, the Bureau shall submit them to the members at the annual general meeting of the Order. Under no circumstances shall the committee or the Bureau be required to disclose the names of beneficiaries.

**3.09.** The auditors of the Order shall be the auditors of the Fund. They shall submit their report to the members of the Order at the annual general meeting.



c. C-48, r.8

## **Regulation respecting terms and conditions for election to the Bureau of the Ordre des comptables agréés du Québec**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISION**

**1.01.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II ELECTION PRODECURES**

**2.01.** The closing of the poll shall take place on the last Monday of May of each year at 17 h.

**2.02.** The executive director shall advise the members, by mail, of the deadline for nominations, at least 10 days before the nomination period expires.

**2.03.** A nomination for the office of director shall be valid only if the candidate practises his profession principally in the region or one of the regions which he may be called upon to represent.

**2.04.** A nomination paper shall be valid only if it includes an acceptance of the nomination, signed in the presence of a witness, by the nominated candidate.

**2.05.** Ballot papers shall be so designed that they can be sealed to conceal the mark or marks made by the voter and also that the voter's signature would appear on a stub which can be detached without breaking the seal.

**2.06.** Certification of ballot papers by the executive director may be made by way of a facsimile signature.

**2.07.** Together with the documents indicated in section 69 of the Professional Code (R.S.Q., c. C-26), the executive director shall send to each voter a curriculum vitae of not more than 100 words for each candidate mentioning

the year of his admission, his occupation and those of his activities he wishes to indicate within the Order, other provincial institutes of chartered accountants, the Canadian Institute of Chartered Accountants or other community bodies. The candidate shall furnish the executive director with the said curriculum vitae.

**2.08.** When a ballot paper sent out has been lost or destroyed, a voter may obtain a new one from the executive director by submitting to the executive director an affidavit to the effect that his ballot paper has been lost or destroyed.

**2.09.** When the ballots are to be counted, the stubs shall be detached. Ballot papers shall then be opened and the votes shall be counted.

**2.10.** Any ballot paper shall be null :

(a) if its stub is unsigned ; or

(b) if it contains votes for more candidates than there are offices to be filled.

**2.11.** The decision of the executive director as to whether a ballot paper is valid shall be final and cannot be appealed.

**2.12.** Immediately before the opening of the annual general meeting, the executive director shall proclaim the candidates elected by vote.

### **DIVISION III TERMS OF OFFICE**

**3.01.** The president shall be elected for a term of one year.

**3.02.** The directors shall be elected for a term of 2 years.

O.C. 3920-75, (1975) 107 O.G. II, 2863, 5013 and 5347  
O.C. 325-78, (1978) 110 G.O., 1049



c. C-48, r.9

**Regulation respecting an equivalence  
standard for a permit to be issued by the  
Ordre des comptables agréés du Québec**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, s. 94)

**DIVISION I  
GENERAL PROVISIONS**

**1.01.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.02.** The executive director of the Ordre des comptables agréés du Québec shall forward a copy of this Regulation to any candidate who wishes to obtain an equivalence.

**DIVISION II  
STANDARD OF EQUIVALENCE**

**2.01.** A person who had been a member of the Institut des comptables agréés prior to the coming into force of the Chartered Accountants Act (S.Q., 1973, c.64), but who was not a member in good standing of the Institute when such Act came into force, is deemed to have an education equivalent to that evidenced by any degree or diploma contemplated in section 17 and by the diploma contemplated in paragraph *b* of section 20 of the Chartered Accountants Act (R.S.Q., c. C-48) and is entitled to request from the Bureau a certificate to that effect.

In the case of a prior disciplinary action, the permit may not be issued until any sentence has been served and any suspension is over.



c. C-48, r.10

## **Regulation respecting the procedure for conciliation and arbitration of accounts of chartered accountants**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, s. 88)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under section 88 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the word “syndic” means the syndic of the *Ordre des comptables agréés du Québec* (Order) or, where applicable, an assistant syndic.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**1.04.** The syndic shall provide a copy of this Regulation to any person who applies therefor.

### **DIVISION II CONCILIATION**

**2.01.** Any client who has a dispute with a member of the Order concerning the amount of an account for professional services shall, before applying for arbitration, request the syndic’s conciliation by forwarding to him by registered or certified mail a duly completed copy of the form provided for in Schedule 1.

**2.02.** The application for conciliation must be mailed prior to the day of service on the client of a court action on behalf of the member of the Order in relation to the account under dispute.

**2.03.** Within 5 days of his receiving the application for conciliation, the syndic shall send a copy of such application, by registered or certified mail, to the member of the Order.

**2.04.** The syndic shall proceed with conciliation in the manner he deems most appropriate.

**2.05.** Within the shortest delay, which shall not exceed 30 days after his receipt of the application for conciliation, the syndic shall forward to both parties, by registered or certified mail, a report on his conciliation.

### **DIVISION III ARBITRATION**

**3.01.** Where the conciliation failed to bring an agreement between the parties, the client may, within 15 days of his receiving the syndic’s report or, failing the receipt of such report, between the 30th and 45th day following the date of receipt of the application for conciliation by the syndic, apply for arbitration by writing to that effect, by registered or certified mail, to the executive director.

**3.02.** The chairman of the committee for the arbitration of accounts shall, within the shortest delay, appoint 3 members of that committee to act as arbitrators and the executive director shall forward to the client by registered or certified mail :

(a) 4 copies of the agreement to submit to arbitration form provided for in Schedule 2, on which he shall have written the names of the arbitrators ;

(b) 3 copies of the affidavit form provided for in Schedule 3 ; and

(c) one copy of this Regulation.

**3.03.** Within 15 days of his receiving the documents referred to in section 3.02, the client must forward the following to the executive director, by registered or certified mail, failing which he shall lose his right to arbitration :

(a) 3 copies of the agreement to submit to arbitration duly completed and signed by himself or his duly authorized representative ; and

(b) 2 copies of the affidavit duly completed and signed by himself or his authorized representative.

**3.04.** The executive director shall, without delay, send to the member of the Order whose account is under dispute 2 copies of the agreement to submit to arbitration signed by the client or his authorized representative and one copy of the affidavit.

**3.05.** Within 15 days of his receiving the documents referred to in section 3.04, the member of the Order must enter into the agreement to submit to arbitration proposed in accordance with this Regulation and send to the executive director one of the 2 copies he has received, duly signed by himself or his duly authorized representative, unless, prior to his receiving the application for conciliation, he has had a writ served for the amount of the account or any unpaid balance.

**3.06.** Where one of the parties acts through a representative, one copy of the power of attorney must be attached to each copy of the agreement to submit to arbitration sent to the executive director.

**3.07.** Upon receipt of the copy of the agreement to submit to arbitration referred to in section 3.05, the executive director shall submit the dispute to the arbitrators by sending to each of them one copy of the agreement to submit to arbitration and of the affidavit, which he shall have certified.

**3.08.** Before proceeding with the case, the arbitrators shall take the oath provided for in Schedule II to the Professional Code (R.S.Q., c. C-26).

**3.09.** The member of the Order whose account is in dispute must abide by the agreement to submit to arbitration he has entered into and provide the arbitrators with the records, documents and information required by them.

**3.10.** Once a decision has been rendered, the arbitration record, together with a copy of the decision, shall be filed with the executive director. Unless required by a court of competent jurisdiction, the executive director may deliver a copy of all or part of the file only to the syndic and the Bureau.

#### **DIVISION IV ARBITRATION EXPENSES**

**4.01.** The arbitration expenses shall be the lesser of :

(a) 15% of the amount of the account under dispute ;  
or

(b) the equivalent of 15 \$ per hour for the time devoted to the case by each arbitrator, plus the cost of such recording of depositions as they may have required and all other expenses legitimately incurred by them for the purpose of arbitration.

**4.02.** If the dispute is settled before the case is submitted to the arbitrators, no expenses shall be assessed the parties.

**4.03.** Once a dispute has been submitted for their arbitration, the arbitrators shall have full discretion to assess either party the arbitration expenses, reduce them or apportion them between the parties.

#### **SCHEDULE 1**

(s. 2.01)

#### **APPLICATION FOR CONCILIATION**

I, the undersigned .....  
(name and address)

.....  
in my own name or as a representative of (if applicable)  
..... for the purpose of this application as evidenced by the attached authorization, do hereby swear that :

(1) .....  
(name and address of the member of the Order)  
claims from me the amount of ..... for professional services rendered between .....  
..... and ..... as evidenced by the account, a copy of which is attached ;

(2) I refuse to pay such amount for the following reason(s) :

.....  
.....  
.....  
although (if applicable) I recognize owing an amount of ..... relative to the professional services mentioned in the said account ;

(3) I apply for the syndic's conciliation under Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered accountants (R.R.Q., c. C-48, r.10), a copy of which I acknowledge having received and taken cognizance of ;

(4) For purposes of prescription, I hereby waive the benefit of elapsed time.

Sworn to or solemnly  
declared before me

And I have signed :

at .....  
this ..... day of ..

19...

.....  
(signature of client or his duly  
authorized representative)

.....  
Commissioner for oaths



# SCHEDULE 2

(s. 3.02)

## AGREEMENT TO SUBMIT TO ARBITRATION RELATIVE TO AN ACCOUNT FOR FEES AND EXPENSES FOR PROFESSIONAL SERVICES

Between

.....  
(name) (capacity) (address)

**CLIENT,**  
hereafter referred to as the party of  
the first part, and

.....  
(name) (address)

**MEMBER OF THE ORDRE DES  
COMPTABLES AGRÉÉS DU  
QUÉBEC,**  
hereafter referred to as the party of  
the second part.

We, the undersigned, agree to the following :

(1) The amount of the account for fees and expenses submitted by the party of the second part to the party of the first part on or about the ..... day of ..... and amounting to ..... is the object of this dispute. This account is attached to these presents and forms an integral part thereof.

(2) The fair amount of the fees and expenses under dispute shall be determined by the 3 persons named hereunder who shall have the power to act as mediators :

.....  
.....  
.....

(3) The party of the first part submits that the fair amount of fees should not exceed ..... and that the fair amount of expenses should not exceed ..... which amounts he acknowledges to owe to the party of the second part.

(4) The party of the first part refuses to pay the full amount of the account for the following reasons :

.....  
.....  
.....  
.....  
.....

(5) For purposes of prescription, the party of the first part hereby waives the benefit of elapsed time.

(6) Should an arbitrator die, refuse the case, withdraw or be otherwise unable to act, he shall be replaced by another arbitrator appointed by the chairman of the committee for the arbitration of accounts of the Ordre des comptables agréés du Québec.

(7) The arbitrators' decision shall be rendered within 30 days following the termination of the hearing and, in any case, within the delay prescribed by article 941 of the Code of Civil Procedure (R.S.Q., c. C-25).

(8) It shall be sufficient that the minutes of the hearing be signed by 2 of the arbitrators.

(9) The expenses incurred by each of us for the purpose of this arbitration shall be borne by us and shall not be recoverable from the other party, regardless of the arbitrators' decision.

(10) We undertake to pay to the Order such arbitration expenses as may be assessed us by the arbitrators under the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered accountants (R.R.Q., c. C-48, r.10), of which we have taken due cognizance.

(11) Both parties shall be bound by the arbitrators' decision.

(12) The arbitration procedure of which we avail ourselves shall be governed by the applicable provisions of the Code of Civil Procedure (R.S.Q., c. C-25), particularly those of book VII dealing with arbitration.

Signed at ..... this ..... day of ..... 19...

.....  
(name)  
.....  
(address)

**CLIENT,**

.....  
(name)  
.....  
(address)

**MEMBER OF THE ORDRE DES  
COMPTABLES AGRÉÉS DU  
QUÉBEC.**

# SCHEDULE 3

(s. 3.02)

## AFFIDAVIT

I, the undersigned .....  
(name and address)

.....

in my own name or as a representative of (if applicable)

.....  
.....

as witnessed by the power of attorney which is attached to the agreement to submit to arbitration, do hereby swear that this application for arbitration is made in good faith and not with intent to unduly delay payment.

And I have signed :

.....  
(signature of client or his duly authorized  
representative)

Sworn to or solemnly declared  
before me

at .....

this ..... day of .... 19...

.....  
Commissioner for oaths



c. C-48, r.11

## **Regulation respecting the procedure of the professional inspection committee of chartered accountants**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, s. 90)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under section 90 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “committee” : the professional inspection committee ;

(b) “investigator” : a member of the committee or an investigator within the meaning of section 112 of the Professional Code, who has been entrusted with an investigation by the committee ;

(c) “Order” : the Ordre des comptables agréés du Québec.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II THE COMMITTEE**

**2.01.** The committee shall consist of not less than 5 members of the Order appointed by the Bureau.

**2.02.** The term of office of a member shall expire on the day his successor is appointed or, if applicable, on the day he tenders his resignation.

**2.03.** A majority of the members of the committee shall form a quorum and the majority of the members present shall rule. In case of a tie-vote, the chairman shall have a casting vote.

**2.04.** The committee shall designate a secretary. The committee’s offices shall be at the corporate seat of the Or-

der. The minutes, reports and other documents of the committee shall be kept thereat.

**2.05.** The chairman of the committee shall co-ordinate the work of the committee and keep the administrative committee informed of its activities.

**2.06.** Any member of the committee who decides to act on his own initiative must first notify the chairman in writing. He must submit without delay to the chairman of the committee a written report of his activities.

### **DIVISION III SUPERVISION AND INVESTIGATIONS**

**3.01.** The committee shall supervise the practice of the profession in accordance with such general programme and particular procedures as it shall have determined and submitted to the Bureau for prior approval.

**3.02.** Before visiting a member or a partnership of members to carry out the duties conferred on it or him by law, the committee or an investigator shall give at least 15 days’ notice to such member or partnership, by registered or certified mail, stating the date and hour of such visit. A notice sent to the office of such member or partnership shall be deemed to be a notice to all members practising in such office as partners or employees. The text of this section shall be quoted in the notice.

**3.03.** An investigator shall, upon request, produce a certificate attesting to his status, signed by the executive director of the Order.

**3.04.** Any member, who personally or as a partner or an employee, is the object of an investigation must be present at the investigation or have a member of the Order represent him at such investigation.

**3.05.** When a record, document, book or register is held by a third party, the member or partnership must, if requested by an investigator, authorize such investigator to have access to or make copies of such record, document, book or register.

**3.06.** If a member or any other person refuses to be visited by an investigator, such investigator shall immediately advise the chairman of the committee.

#### **DIVISION IV**

#### **FILES AND REPORTS OF THE COMMITTEE**

**4.01.** The committee shall open and maintain a file on each member or partnership that is the object of an inspection under this Regulation.

**4.02.** After each inspection carried out under this Regulation, the committee shall place a report in the file of the member or partnership concerned, as the case may be. The nature of the professional activities in which such member or partnership is generally engaged shall be taken into account in such report.

**4.03.** A member or partnership is entitled to obtain a copy of the report placed by the committee in his or its file.

**4.04.** If the report of the committee does not include a recommendation prescribing a period of refresher training, the member or partnership concerned shall be so advised, in the shortest possible time, by the committee. If such a recommendation is included, the Regulation respecting the refresher training period for chartered accountants and the limitation of the right to practise (c. C-48, r.14) shall apply.

**4.05.** When the committee has reason to believe that a complaint, within the meaning of section 116 of the Professional Code, might be laid against a member of the Order, it shall so advise the syndic.

**4.06.** Each year, the Bureau shall report in writing to the members on the general programme of professional inspection and on the activities of the committee, which report, however, shall not disclose in any way the identity of the members and partnerships that have been investigated or of other persons involved.



c. C-48, r.12

## Regulation respecting advertising by chartered accountants

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, s. 92)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Order” : the Ordre des comptables agréés du Québec ;

(b) “firm” : a public accountant practising alone, with or without employed members, or a partnership of public accountants ;

(c) “management consulting” : management consulting as defined in the Code of ethics of chartered accountants (c. C-48, r.2) ;

(d) “practice of public accountancy” : the practice of public accountancy as defined in the Code of ethics ;

(e) “related functions” : the related functions defined in the Code of ethics ;

(f) “member” : a member of the Order ;

(g) “public accountant” : a person, whether or not a member of the Order, who is entitled to practise public accountancy as defined in the Chartered Accountants Act (R.S.Q., c. C-48), and who carries on the practice of public accountancy ;

(h) “professional colleague” : a member of the Canadian Institute of Chartered Accountants ;

(i) “student” : a duly registered student-in-accounts ;

(j) “cooperative advertising” : a form of advertising in which a group of persons join together to express greetings or address a salute, on the occasion of some special event, to a customer or some charitable, religious, educational or artistic organization ;

(k) “separate organization” : an organization which is a partnership or corporation distinct from the firm of pub-

lic accountants, or which has a separate organizational or operational structure, or which has not the same name as the firm of public accountants.

**1.02.** The Interpretation Act (R.S.Q., c. I-16) applies to this Regulation.

**1.03.** The purpose of advertising must be to objectively inform clients and the public.

**1.04.** The elements which a member or a partnership of members may include in his or its advertisements and the conditions under which such member or partnership may make such advertisements are those described in this Regulation.

**1.05.** A member shall make sure that others, whether employees or partners, who are associated with him in the public practice of the functions covered therein, comply with this Regulation. In a partnership, each member who is a partner is responsible for compliance with this Regulation by the partnership.

**1.06.** A member must not permit others to carry out on his behalf acts which, if he carried them out himself, would place him in violation of this Regulation.

**1.07.** This Regulation does not apply to a member who is not engaged in the practice of public accountancy. It applies however to a member engaged in the practice of a related function who is not also engaged in the practice of public accountancy if another member who is engaged with him in the practice of such related function as a partner, director, shareholder or employee is also engaged in the practice of public accountancy. In such circumstances, the member must make sure that the organization engaged in the practice of such related function abides by this Regulation.

**1.08.** This Regulation applies to members and partnerships contemplated in sections 2.06 and 2.07, subject to substitution of the descriptive styles “management consultant”, “trustee in bankruptcy”, or “electronic data processing” for the descriptive styles “chartered accountant” or “registered public accountant” in all sections relating to stationery, name plates, professional cards, announcements, brochures and other communications.

## **DIVISION II FIRMS**

**2.01.** A member shall not engage in the practice of public accountancy or a related function under a name-style which is misleading as to the nature of the firm (sole practitioner or partnership for public accountancy ; sole practitioner, partnership or corporation for a related function) or the nature of the functions performed.

**2.02.** A member shall not carry on the practice of public accountancy under a descriptive style other than chartered accountant or registered public accountant, as the case may be, regardless of the functions performed.

**2.03.** Each office in Québec of any firm engaged in the practice of public accountancy and composed of one or more members sharing proprietary interest with one or more registered public accountants shall practice under the style of registered public accountants.

**2.04.** The practice of public accountancy as a sole proprietor or as a partnership shall be subject to the following provisions :

(a) a member shall not associate in any way with a firm carrying on the practice of public accountancy under a non-personal name ;

(b) a member engaged in the practice of public accountancy as a sole proprietor is authorized to practise under the name of a predecessor, whether a sole proprietor or a partnership, only if he has provided the Bureau with a written authorization by such predecessor or his duly appointed representatives or his heirs, certifying that the clientele or the major part thereof has been transferred to such member ; the addition of "& Co." or appropriate similar wording is not allowed ; however, for a period of 2 years after 17 September 1980, this paragraph shall not apply to the names which were used at that date ;

(c) subject to paragraphs *b* and *d*, partnership names shall be restricted to the names of professional colleagues who are, or were previously, members of the partnership and the number of surnames used not to exceed the number of partners currently active with the firm ; the addition of "& Co." or appropriate similar wording is allowed only where the number of partners currently active with the firm exceeds the number of surnames used in the firm name ; however for a period of 2 years after 17 September 1980, this paragraph shall not apply to the names which were used at that date ;

(d) notwithstanding paragraph *c* :

i. firm names need not include the names of all partners ;

ii. the name of a professional colleague practising or having practised public accountancy in another province or in a territory of Canada may be used in a firm name only if section 2.01.03 of the Code of ethics is complied with and if the Bureau has been provided with an authorization by the person or partnership using this name, certifying that such person or partnership lawfully practises public accountancy under this name in such province or territory ;

iii. the name of a person practising or having practised public accountancy in another country may be used in a firm name only if section 2.01.03 of the Code of ethics is complied with and if the Bureau has been provided with an authorization by the person or partnership using this name, certifying that such person or partnership lawfully practises public accountancy under this name in such country, and provided that such person, or the members of such partnership be members of a professional organization whose level of examinations and conditions of admission are recognized by the Bureau, for the purpose of section 22 of the Chartered Accountants Act (R.S.Q., c. C-48) as conformable with the level of examinations and conditions of admission of the Order ;

- iv. however a firm may continue to use a name, contemplated under this paragraph, which it was permitted to use in Québec on 17 September 1980 ;

(e) a member shall not associate in any way with any firm practising as chartered accountants in Québec unless :

i. all partners resident in Québec are members of the Order ;

ii. at least one partner is a member of the Order ;

iii. and all the partners are members of the Canadian Institute of Chartered Accountants.

**2.05.** Members may practise public accountancy under more than one firm name only provided a separate partnership is formed under each firm name. As of 17 September 1981, the stationery, professional cards, brochures and announcements of the smaller firm or firms shall refer to the affiliation with the largest firm. The relative sizes of the firms shall be measured by the number of partners and employed professional colleagues in the respective firms in Québec and elsewhere in Canada.

**2.06.** A member engaged in the practice of public accountancy who also engages, through a department or part of such public accountancy practice, in one or more of the following related functions :

- (a) management consulting ;
- (b) trustee in bankruptcy ;
- (c) electronic data processing ;

shall abide by the following provisions :

i. he may use, in respect of each such business or practice, a separate stationery, name plate, professional card, brochure or announcement in which the functions listed above shall be designated, "management consultant", "trustee in bankruptcy" and "electronic data processing" ;

ii. where applicable, the descriptive style "trustee in bankruptcy" may appear together with the descriptive style "chartered accountant" or "registered public accountant" in the stationery, name plates, professional cards, announcements or brochures ;

iii. except as provided in subparagraph ii, no reference to a function may be made in the stationery, name plates, professional cards, announcements or brochures of another function. For the purpose of this subparagraph, public accountancy and each of the 3 functions mentioned above shall be regarded as separate functions.

**2.07.** The practice of the related functions mentioned in section 2.06 through a separate organization shall be subject to the following provisions :

(a) such functions shall be practised under the designations "management consultant", "trustee in bankruptcy" and "electronic data processing", respectively ;

(b) the separate organization shall not be designated "chartered accountant" or "registered public accountant" ;

(c) subject to paragraphs *d* and *e*, the name of any such separate organization shall be a personal name distinguishable from the name of any related public accountancy practice. However, where there is identity of ownership, the name of any such separate organization may be identical with the name of a related public accountancy practice with the addition of "& Co." or appropriate similar wording permitted where such addition accords with this section. For the purpose of this section, there is identity of ownership of a separate organization and of a public accountancy practice if the persons who exclusively own and manage any such organization are the same persons as exclusively own and manage any related public accountancy practice ;

(d) where any such separate organization is engaged in the practice of management consulting, the name may include the words "management consultant" ;

(e) where the purpose of any such separate organization is that of electronic data processing, the name may be non-personal and descriptive of the function performed ;

(f) subject to paragraph *g*, the number of surnames used in the name of any such separate organization shall not exceed the number of partners or shareholders currently active with such organization and the addition of "& Co." or appropriate similar wording is allowed only where the number of partners or shareholders currently active with the organization exceeds the number of surnames used in such name ;

(g) notwithstanding paragraph *f*, any such separate organization may continue to use for a period of 2 years a name which it was permitted to use in Québec on 17 September 1980 ;

(h) where applicable, the descriptive style "trustee in bankruptcy" may appear together with the descriptive style "chartered accountant" or "registered public accountant" in the stationery, name plates, professional cards, announcements or brochures ;

(i) except as provided in paragraph *h* no reference to any such separate organization may be made in the stationery, name plates, professional cards, announcements or brochures of the public accountancy practice nor may reference be made to the public accountancy practice nor to the other related functions in the letterheads, name plates, professional cards, announcements, brochures or other communications of any such separate organization.

**2.08.** Members who are subject to this Regulation under section 1.08 may practise any of the related functions mentioned in section 2.06 under more than one organization name only provided a separate partnership or company is formed under each organization name. As of 17 September 1981, the stationery, professional cards, announcements and brochures of the smaller organization or organizations shall refer to the affiliation with the largest organisations engaged in the practice of the same function. The relative sizes of the organizations shall be measured by the number of partners or shareholders in the respective organizations in Québec and elsewhere in Canada.

**2.09.** Signs making known the location of the office of a member or partnership may show only the name of the member or the names of the partnership and the partners, the designation "chartered accountant" or the initials

“CA” or, where applicable, the designation “registered public accountant” and, in appropriate circumstances, other designations as permitted by this Regulation. They shall not be electric signs and their size shall not exceed 0.5 square meters.

### **DIVISION III**

#### **PRINTED NEWS MEDIA**

**3.01.** A firm engaged in the practice of public accountancy may place in any publication which is open to all members an announcement containing no more than :

(a) the name of the member or partnership including, in appropriate circumstances, an indication that the member or partnership is successor to a named predecessor member or partnership ;

(b) the designation “chartered accountant” or the initials “CA” or, if applicable, the designation “registered public accountant”, and, in appropriate circumstances, other designations as permitted by this Regulation ;

(c) the business, telegraph and telephone address or addresses ;

(d) such academic degrees, titles, decorations and military rank as the member is entitled to use, including initials denoting membership in other professional organizations ;

(e) in the case of a partnership, the names of the partners, followed by the designations and mentions contemplated in subparagraphs *b* and *d* ;

(f) the home telephone number of the member or partners ;

(g) the names of the members employed, provided they appear as distinct from the names of partners and are designated by an appropriate descriptive term such as “managers”, “supervisors” or “other chartered accountants” ;

(h) where an office is in the charge of a member who is not a partner, the manager’s name may be listed provided he is so designated ;

(i) reference to the localities in which the firm has offices ;

(j) reference to other firms which act as representatives of the member or partnership, giving the names and the business, telegraph and telephone addresses of such other firms.

Such announcement shall not exceed 100 square centimeters.

**3.02.** A separate organization which engages solely in the practice of one or more related function(s) and which is subject to this Regulation under section 1.08 may refer, if applicable, to membership in the Canadian Association of Management Consultants or in any professional organization.

**3.03.** A firm may not participate in cooperative advertising.

**3.04.** Advertisements for accounting or audit staff must be limited to the facts of the opening and no direct or indirect reference may be made to the size or special characteristics of the firm.

**3.05.** A listing in a classified directory is restricted to the name of the member or partnership, the designation “chartered accountant” or the initials “CA”, or, where appropriate, the designation “registered public accountant”, the address and telephone number of the firm. It must not appear in a box nor be otherwise different from other entries. In classified telephone directories (yellow pages), listings are permitted only under the heading “chartered accountants” or, where appropriate, “registered public accountants”.

**3.06.** A member may, in relation with the practice of the profession, permit the publication of his photograph and factual biographical material in the following occasions :

- (a) publication of an article ;
- (b) speech or participation in a public discussion ;
- (c) appointment to an important office or position ;
- (d) award of a distinction or honorary title ;
- (e) establishment of a partnership or opening of an office ;
- (f) admission of a partner ;
- (g) merger of existing firms ;
- (h) admission to the Order.

Photographs may not be wider than one newspaper column and biographical material may not be wider than one column for each photograph.

**3.07.** The professional cards and announcements contemplated in sections 5.01 and 5.02 may be published in any publication which is open to all members. An announcement may not appear more than once in the same issue, nor may it appear in more than 2 issues of a media.



## DIVISION IV STATIONERY

**4.01.** A member or partnership may include in his or its stationery all or some of the information set out in sections 3.01 and 3.02.

**4.02.** Separate organizations which are subject to this Regulation under section 1.08 are authorized to use symbols, designs or logos. Such organizations may not use the logo referred to in section 7.02.

**4.03.** A member or a partnership shall not use the stationery contemplated in this Division to solicit funds, except where such solicitation is addressed to other members engaged in the practice of public accountancy. The member's or partnership's office address may however be used as return address, provided the name of the member or partnership is omitted.

## DIVISION V PROFESSIONAL CARDS AND ANNOUNCEMENTS

**5.01.** A member may include only the following in his professional card :

- (a) his name ;
- (b) the designation "chartered accountant" or the initials "CA" ;
- (c) his office and home address and telephone number ;
- (d) such academic degrees, titles, decorations and military rank as he is entitled to use, including initials denoting membership in other professional organizations ;
- (e) the name of the firm of which he is a partner or an employee, followed by the designation "chartered accountants" or the initials "CA" or, where applicable, the designation "registered public accountants", with the address and telephone number of such firm ;
- (f) where applicable, his status as partner or consultant.

A professional card may not exceed 75 millimeters by 105 millimeters.

**5.02.** An announcement containing the information set out in sections 3.01 and 3.02 may be circulated to clients and business acquaintances of the member or partnership on the occasion of a change of address, the opening of an office, the admission of partners, a change in firm name or the appointment of a member who is not a partner to

the position of manager of an office. An announcement may not exceed 100 square centimeters.

**5.03.** The restrictions set out in this Division do not apply to announcements made by way of letters addressed to clients.

## DIVISION VI OTHER WRITTEN COMMUNICATIONS

**6.01.** A member may circulate reproductions of a speech he has delivered or of an article he has signed to his clients and business acquaintances and, on request, to other persons.

**6.02.** A member or partnership may circulate to his or its clients and business acquaintances and, on request, to other persons, tax circulars, newsletters and firm literature on special subjects. Such material must be marked : "for personal use only".

**6.03.** If a client or other party requests any of the material referred to in section 6.02 for further circulation, it may be provided only on condition that it be circulated with no identification of the member or partnership. This section does not apply to such distribution as a professor may make to his students.

**6.04.** Separate organizations which engage solely in one of the related functions referred to in section 2.06, and divisions of public accounting firms which are so engaged may publish literature to describe in a factual way the services offered. Distribution of such literature shall be restricted to clients, business acquaintances and persons who have indicated a definite interest in the services offered.

**6.05.** A member or partnership may publish literature, pamphlets, circulars, etc., designed to attract students. Such literature must meet the following criteria :

- (a) its contents must be factual ;
- (b) it is prohibited :
  - i. to use logos ;
  - ii. to disclose the scale of salaries ;
  - iii. to include the names of clients ;

- iv. to include testimonials from clients or others ;
  - (c) it is permitted :
    - i. to include photographs of members or students ;
    - ii. to outline the firm's policy with respect to salary reviews and fringe benefits ;
    - iii. where appropriate, to refer to non-audit services in which a student may be engaged during part of his training, or to related departments or firms of management consultants in which he might be employed at the completion of his training.

**6.06.** The following rules apply with respect to distribution of the literature contemplated in section 6.05 ;

- (a) such literature may be used only for recruitment purposes ;
- (b) it may be given only to individuals who have expressed an interest in employment with the firm by attending an interview, writing or asking for information or otherwise ;
- (c) it may, however, be supplied, to be made available to students, to the placement office of any educational institution where the firm proposes to recruit.

**6.07.** Members or partnerships may, for the purpose of recruiting students, insert an advertisement in any publication, circulation of which is primarily directed to university students, provided that such advertisements meet the criteria set out in section 6.05, with the exception that photographs of members or students may not be included.

## DIVISION VII LOGO

**7.01.** The official logo of the Order, as reproduced below, with white lettering on black or brown (Pantone 471), may be used only by the Order.



**7.02.** Members and partnerships engaged in the practice of public accountancy in Québec may use the logo which is reproduced below.



The letters CA and the rectangular frame shall be of the same colour as the ink used on the paper on which the logo is reproduced. The rectangle shall not exceed 10 millimeters by 5 millimeters.

Notwithstanding section 1.08, the use of this logo is forbidden to members and partnerships which are not engaged in the practice of public accountancy.

**7.03.** Such logo may appear only on writing paper, financial statement paper, mailing and return envelopes, confirmation forms, and professional cards as well as cards and announcements published in newspapers.

**7.04.** The logo may appear only once on each document.



c. C-48, r.13

**Regulation respecting dues payable to the  
Ordre des comptables agréés du Québec  
by candidates to the profession**

Chartered Accountants Act  
(R.S.Q., c. C-48, s. 10)

Professional Code  
(R.S.Q., c. C-26)

**DIVISION I  
GENERAL PROVISION**

**1.01.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

**DIVISION II  
DUES**

**2.01.** Candidates for the practice of the profession of chartered accountant shall pay the following dues to the Ordre des comptables agréés du Québec (Order) :

- (a) registration fee (to be deducted, where applicable, from the admission fee) : 50 \$ ;
- (b) student annual fee : 50 \$ ;
- (c) examination fee : 200 \$ ;
- (d) fee for re-reading of examination : 100 \$ ;
- (e) admission fee :
  - i. new members : 200 \$ ;
  - ii. former members : 50 \$ if member is readmitted before expiration of the financial year in which he was struck off the roll or 200 \$ after.

**2.02.** There shall be no admission fee payable by members admitted under section 21 of the Chartered Accountants Act (R.S.Q., c. C-48), provided that the corporation to which they belong grants the same privilege to members of the Order.

**2.03.** Registration, examination, re-reading and admission fees must be paid by candidates when they submit their application to the Order. The student annual fee is due on 1 July of each year.

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O.C. 3922-75, (1975) 107 O.G. II, 2867, 5015 and 5347  
O.C. 830-77, (1977) 109 O.G. II, 1695  
O.C. 326-78, (1978) 110 G.O., 1047  
O.C. 3462-78, (1979) 111 G.O., 2695  
Decision of 31.03.81, (1981) 113 G.O. II, 1413



c. C-48, r.14

## **Regulation respecting the refresher training period for chartered accountants and the limitation of the right to practise**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, s. 94)

### **DIVISION I GENERAL PROVISIONS**

**1.01.** This Regulation is made under paragraph *j* of section 94 of the Professional Code (R.S.Q., c. C-26).

**1.02.** In this Regulation the word “member” means a member of the Ordre des comptables agréés du Québec.

**1.03.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### **DIVISION II PERIOD OF REFRESHER TRAINING**

**2.01.** If the Bureau is of the opinion that the level of competence of a member falls short of the requirements for the protection of the public, it may require such member to serve a period of refresher training where :

(a) his name is entered on the roll more than 5 years after having obtained his permit or more than 5 years after the date on which he became entitled to such a permit ;

(b) his name is re-entered on the roll after having failed to have it entered for more than 5 years ;

(c) his name is re-entered on the roll after having been struck off the roll for more than 5 years ;

(d) the professional inspection committee or the committee on discipline has made a recommendation to that effect pursuant to sections 113 or 160 of the Professional Code.

**2.02.** Refresher training may include, in particular, one or more of the following activities :

(a) studies or courses within the framework of the examination syllabus of the Order ;

(b) work related to the practice of the profession under the direction of a member designated for such purpose by the Bureau.

**2.03.** The Bureau, upon the recommendation of the professional inspection committee, shall determine the duration, content, objectives and conditions of refresher training in relation to the deficiencies found in the member and having regard to the protection of the public.

**2.04.** A period of refresher training shall not extend over more than 12 consecutive months.

**2.05.** A period of refresher training shall begin no later than 3 months after the date of the decision of the Bureau requiring it.

**2.06.** The Bureau may require from a member serving a period of refresher training such reports and certificates as it may deem necessary to ascertain that such period of refresher training has been duly completed and that the deficiencies have been remedied.

In the case of work performed under the direction of a member designated by the Bureau, such member shall, within 15 days of completion of the work, provide the Bureau with a substantiated report stating whether such work has been performed in accordance with the requirements of the Bureau. He shall also provide the Bureau with any supplementary report which it may require.

**2.07.** If the Bureau is of the opinion that the period of refresher training has not been duly completed or that the deficiencies have not been remedied, it may require the member to serve another period of refresher training. Such a decision must be taken within 60 days of the end of the period of refresher training.

### **DIVISION III LIMITATION OF THE RIGHT TO PRACTISE**

**3.01.** Upon the recommendation of the professional inspection committee or of the committee on discipline, the Bureau shall, if it deems it necessary for the protection of the public, limit the right of a member required to serve a period of refresher training to engage in professional activities. It shall decide the nature, scope and circumstances

of such limitation in relation to the deficiencies detected. Concerning such member, the Bureau may, in particular :

- (a) determine when and where he is authorized or, conversely, is not authorized to practice ;
- (b) determine which professional acts he is authorized or, conversely, is not authorized to perform ;
- (c) require that all or some of the professional acts he is authorized to perform be performed under its supervision exercised through a member appointed by the Bureau.

#### **DIVISION IV MISCELLANEOUS PROVISIONS**

**4.01.** The Bureau shall dispose of a recommendation submitted by the professional inspection committee or the committee on discipline within 90 days of its submission.

**4.02.** Before requiring a member to serve a period of refresher training and, if applicable, limiting his right to engage in professional activities, the Bureau shall allow such member to be heard.

**4.03.** The decision of the Bureau to limit the right of a member to engage in professional activities shall, if applicable, be communicated to his employer or to the partnership of which he is a member.

**4.04.** Any decision of the Bureau requiring a member to serve a period of refresher training or limiting his right to engage in professional activities, shall be substantiated with reasons and shall be forwarded without delay to the member concerned by registered or certified mail, or by service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25). It shall not become effective until at least 30 days after it has been mailed or served.

**4.05.** The Bureau may reduce the duration and requirements of refresher training and, if applicable, the limitation of the right of a member to engage in professional activities upon receiving from such member serving a period of refresher training a request to that effect, substantiated with reasons, a copy of which shall be forwarded, if applicable, to the member directing the work of such member.

**4.06.** Members have a duty to abide by any decision of the Bureau made in accordance with this Regulation.

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O.C. 2230-76, (1976) 108 O.G.II, 4733  
Decision of 31.03.81, (1981) 113 G.O.II, 1415



c. C-48, r.15

## **Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Ordre des comptables agréés du Québec**

Chartered Accountants Act  
(R.S.Q., c. C-48)

Professional Code  
(R.S.Q., c. C-26, s. 65)

**1.** In order to ensure adequate regional representation on the Bureau of the Ordre des comptables agréés du Québec, the territory of Québec shall be divided into 6 regions :

- (a) the North-Eastern region ;
- (b) the Québec region ;
- (c) the Trois-Rivières region ;
- (d) the Eastern Townships region ;
- (e) the Montréal region ;
- (f) the Outaouais-North-Western region.

**2.** The territory of the North-Eastern region is that of regions 1, 2 and 9 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r.8).

The territory of the Québec region is that of region 3 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Trois-Rivières region is that of region 4 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Eastern Townships region is that of region 5 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Montréal region is that of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Outaouais-North-Western region is that of regions 7, 8 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

**3.** One director shall be elected to represent the North-Eastern region, 2 for the Québec region, 1 for the Trois-Rivières region, 1 for the Eastern Townships region, 14 for the Montréal region and 1 for the Outaouais-North-Western region.

**4.** A chartered accountant shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote, in addition, for a candidate for the office of president in cases where the latter is elected by a general vote.

**5.** If the president is elected by a general vote, the Bureau shall consist of 25 persons including the president. If the president is elected by a vote of the elected directors, the Bureau shall consist of 24 persons including the president.



c. C-51, r.1

**Règlement sur les conditions relatives  
aux prix du Québec**

An Act respecting artistic, literary and scientific  
competitions

(R.S.Q., c. C-51)

See French Edition



c. C-54, r.1

**Règlement de régie interne du Conseil  
consultatif de la justice**

An Act respecting the Conseil consultatif de la justice  
(R.S.Q., c. C-54, s. 14)

See French Edition





c. C-55, r.1

**Règlement du Conseil consultatif du  
travail et de la main-d'oeuvre**

An Act respecting the Conseil consultatif du travail et  
de la main-d'oeuvre  
(R.S.Q., c. 55, s. 14)

See French Edition



c. C-58, r.1

**Règlement sur le paiement des allocations  
de présence et des frais de déplacement  
et de séjour des membres du Conseil des  
universités et de ses organismes**

An Act respecting the Conseil des universités  
(R.S.Q., c. C-58)

See French Edition



c. C-59, r.1

**Règlement de régie interne du Conseil du  
statut de la femme**

An Act respecting the Conseil du statut de la femme  
(R.S.Q., c. C-59, s. 17)

See French Edition



c. C-60, r.1

## **Regulation respecting the general framework for the organization of kindergarten and of elementary and secondary education**

An Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60, s. 30)

### **DIVISION I KINDERGARTEN AND ELEMENTARY LEVEL**

**1.** The Minister of Education shall define educational objectives, authorize programmes, identify the disciplines which shall be taught and determine the proportions for the division of time among the different disciplines.

**2.** The school board shall take the measures necessary to inform parents periodically concerning the scholastic achievement and general development of pupils. It shall use, among other means, the school report.

### **DIVISION II SECONDARY LEVEL**

**3.** The Minister shall define educational objectives of the secondary level, authorize programmes, identify the common disciplines and determine the proportions for the division of time between the courses and activities.

**4.** The school board shall take the measures necessary to inform parents periodically concerning the scholastic achievement and general development of pupils. It shall use, among other means, the school report.

**5.** The Minister shall issue a certificate at the end of secondary studies to pupils who meet the certification requirements as determined by the Minister.

**6.** The certificate granted to a candidate who has passed the examinations corresponding to the courses pertaining to a vocational speciality will indicate a mention of this speciality.

### **DIVISION III MISCELLANEOUS PROVISIONS**

**7.** Sections 2 and 4 are replaced on 1 July 1982.

**8.** Sections 1, 3, 5 and 6 are replaced on 1 July 1986.

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O.C. 1497-71, (1971) 103 O.G., 4042  
 O.C. 1344-72, (1972) 104 O.G., 4069  
 O.C. 2159-76, (1976) 108 O.G.II, 4021  
 O.C. 1463-77, (1977) 109 O.G.II, 2383  
 O.C. 551-81, (1981) 113 G.O.II, 1213  
 O.C. 552-81, (1981) 113 G.O.II, 1223



c. C-60, r.2

## **Regulation of the Catholic committee of the Conseil supérieur de l'éducation respecting confessional educational institutions recognized as Catholic**

An Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60, s. 22)

### **DIVISION I DEFINITIONS**

**1.** In this Regulation, the following words and expressions mean :

(a) "institution" : a confessional educational institution recognized as Catholic ;

(b) "school authority" : every corporation of school commissioners or trustees and every physical or moral person who is the owner of an educational institution ;

(c) "be Catholic" : having been baptised in the Roman Catholic Church and professing the Catholic faith.

### **DIVISION II RECOGNITION OF CONFESSIONAL EDUCATIONAL INSTITUTIONS AS CATHOLIC**

**2.** Recognition is the legal act by which the Catholic committee of the Conseil supérieur de l'éducation recognizes, *ex officio* or upon request, that a confessional educational institution, public or private, is Catholic.

**3.** In order that recognition be maintained, an institution must :

(a) comply with the regulations of the Catholic committee ; and

(b) follow the educational programmes and use the educational teaching material approved or authorized by the Catholic committee.

**4.** Recognition may be revoked :

(a) if the institution ceases to fulfill the conditions mentioned in section 3 ; or

(b) if the school authority so requests.

**5.** The Catholic committee may recognize as Catholic, on a temporary basis of one year, a confessional institution which would not integrally fulfill the conditions mentioned in section 3.

### **DIVISION III MORAL AND RELIGIOUS INSTRUCTION**

**6.** The institution must adopt as part of its regular schedule religious instruction which complies with the curricula approved or authorized by the Catholic committee.

**7.** The institution must see to the quality of religious instruction for the purpose of promoting deeper understanding of the Christian faith by the student as well as the enlargement of his experience and religious culture.

**8.** Religious instruction must be respectful of Christian doctrine, mindful of intellectual integrity and attentive to the steady personal progress of the students' faith.

**9.** At the elementary level, a minimum of 120 minutes per week of 5 days must be devoted to religious instruction ; at the secondary level, an average of 100 minutes per week of 5 days must be devoted to religious and moral instruction. In both cases, the said time must be apportioned according to an arrangement and rhythm appropriate to the teaching of this discipline, to the needs of the students and to the teaching project of the institution.

**10.** During each year of study at the elementary level, Catholic religious instruction is compulsory for all students, subject to section 14.

**11.** During the first 2 years of study at the secondary level, Catholic religious instruction is compulsory for all students, subject to sections 14 and 15.

**12.** During the third, fourth and fifth years of study at the secondary level, the institution may set up a diversity of programmes for religious and moral instruction purposes :

(a) during the third year, the institution may offer an option between Catholic religious instruction, which must always be provided, and moral instruction ;

(b) during the fourth and fifth years, the institution may offer an option between Catholic religious instruction

tion, which must always be provided, religious instruction of a cultural nature and moral instruction.

Subject to sections 14 and 15, the student is required, in each of these 3 years, to choose one of the programmes offered.

**13.** At the post-secondary level, the institution must include course in Christian meditation in its schedule which the student is free to choose.

**14.** At the elementary and secondary levels, parents or tutors may obtain exemption from courses in religious instruction for their minor children upon application in writing to the management of the institution.

**15.** At the secondary level, after he has obtained the consent of the parents or tutors, the director of the institution shall exempt a minor student who so requests from a course in religious instruction.

**16.** The institution must provide students exempted from religious instruction with a programme of personal instruction or research into matters of moral formation or knowledge of the religious ethic.

#### **DIVISION IV PASTORAL ANIMATION**

**17.** The institution must ensure that pastoral animation is provided.

**18.** The pastoral animator is a member of the staff of the institution. His role consists in making the students and teachers aware of the objectives of Christian education and in creating educational experiences concerned with the Christian faith.

**19.** The director of the institution must promote the establishment of pastoral animation within the academic framework.

**20.** Secondary and post-secondary level institutions must provide premises suitable for pastoral activities. They must also provide an office for the pastoral animation staff.

#### **DIVISION V MANAGEMENT AND PROFESSIONAL STAFF**

**21.** Every person in management, teaching and other educational services in an institution is required to respect the confessional character thereof.

**22.** The members of the staff of an institution must be Catholic. In the event of difficulty in retaining the services of a competent Catholic person, the services of a competent non-catholic may be retained provided such person binds himself to respect the confessional character of the institution.

However, Catholic religious instruction shall only be given to Catholics.

**23.** The director, in his capacity as the chief responsible officer of the institution, must ensure the creation of conditions favorable to the active participation of students and members of the teaching and non-teaching staff in the implementation of an educational project in harmony with the Christian concept of man.

**24.** It is the duty of the school authorities to take into account the needs and requirements proper to institutions when they hire and assign management staff and teaching and non-teaching staff.

**25.** In order to guarantee the right of a child to religious instruction of quality, the institution must see to it that a teacher be exempt from giving such instruction when :

(a) such teacher persists in giving instruction which does not comply with the requirements mentioned in sections 7 and 8 ;

(b) the freedom of conscience of the teacher so dictates.

**26.** The school authorities must take measures to ensure the carrying out of animation tasks and the coordination of religious and pastoral teaching activities in institutions under their jurisdiction.



c. C-60, r.3

## **Regulation of the Protestant committee of the Conseil supérieur de l'éducation respecting confessional educational institutions recognized as Protestant**

An Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60, s. 22)

### **DIVISION I DEFINITIONS**

**1.** In this Regulation, the following words and expressions mean :

(a) "school authority" : any school corporation or regional commission within the meaning of the Education Act (R.S.Q., c. I-14) and any person or group of persons who own an educational institution ;

(b) "committee" : the Protestant committee of the Conseil supérieur de l'éducation ;

(c) "institution" : an educational institution in the public or private sector or any section or department thereof recognized as Protestant by the committee.

### **DIVISION II RECOGNITION OF INSTITUTIONS AS PROTESTANT**

**2.** Recognition is the juridical act whereby the Protestant committee of the Conseil supérieur de l'éducation recognizes *ex officio*, or on request, that an educational institution, public or private, is Protestant.

**3.** Before recognizing an institution as Protestant, the committee shall insure that it :

- (a) observes the regulations of the committee ;
- (b) follows the curricula and makes use of textbooks and teaching materials approved or authorized by the committee for moral and religious instruction ;
- (c) in all other disciplines follows the curricula and uses textbooks approved, from the point of view of religion and morals, by the committee.

**4.** Such recognition may be revoked :

- (a) if the institution ceases to comply with the conditions mentioned in section 3 ; or
- (b) if the school authority so requests.

**5.** In the case of paragraph *a* of section 4, the revocation may not be effected until such institution has been given written notice of the reasons for revocation and has had the opportunity of expressing its point of view within 30 days of receipt of the aforementioned notice. Within 15 days of the expiration of this delay, the committee may revoke the recognition granted and in this case a written notice of the committee's decision shall be given to the institution.

**6.** The committee may recognize as Protestant temporarily for one year an educational institution which does not entirely satisfy the requirements set forth in section 3.

### **DIVISION III MORAL AND RELIGIOUS INSTRUCTION AND RELIGIOUS OBSERVANCE IN THE INSTITUTION**

**7.** The institution shall offer to its pupils moral and religious instruction in conformity with the curricula approved or authorized by the committee.

**8.** The content and the administration of moral and religious instruction shall have as their objective the growth of a moral and spiritual interpretation of life and not the indoctrination of the pupils with a denominational point of view.

**9.** Moral and religious instruction shall include :

- (a) courses of Bible study based on passages selected from the Old or New Testaments, or both ; or
- (b) courses of study dealing with world religions, philosophy or ethics, personal development, human relations and social problems ;
- (c) or both.

**10.** The institution shall pay particular attention to the quality of moral and religious instruction in order to develop in the pupil a growing awareness of moral and reli-

gious values, the broadening of his socio-spiritual culture and experience and regard for the pupil's personal development in faith and religion.

**11.** Freedom of conscience is a fundamental principle of the institution. Every pupil of such institutions shall be given an opportunity to follow courses in moral and religious instruction and to participate in activities of a religious nature ; however, no student shall be required to follow such courses or participate in such activities, if, for reasons of conscience, a request to this effect is made in writing to the head of the institution by the pupil's father, mother or guardian.

In the case of pupils of the age of majority, the pupil's own written request on conscientious grounds shall be accepted.

**12.** The institution shall be equipped with all necessary teaching materials for moral and religious instruction.

#### **DIVISION IV MANAGEMENT AND TEACHING STAFF**

**13.** It shall be the responsibility of the principal to see that moral and religious instruction of the highest quality is carried out with respect for the religious beliefs of parents, pupils and staff.

**14.** Every teacher shall respect the nature of a Protestant school as set forth in this Regulation.

**15.** Each institution shall engage competent teaching personnel necessary for the implementation of the programme of moral and religious instruction.

**16.** A teacher who considers that certain provisions of the regulations of the committee do not respect his right to freedom of conscience may be relieved from the duty of providing moral and religious instruction or of taking part in religious activities provided that he so requests in writing at the time of his engagement or reengagement, setting forth the reasons for his request.





c. C-60, r.4

## **Regulation respecting the criteria for evaluating years of schooling as a factor in establishing the qualifications of teaching personnel**

An Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60, s. 30)

### **DIVISION I DEFINITION OF SCHOLASTIC STATUS**

**1.** Studies successfully completed under the authority of an educational institution recognized by the Minister of Education and confirmed by the award of an official attestation, also recognized by the Minister of Education, constitute a teacher's scholastic status.

### **DIVISION II DEFINITION OF A YEAR OF SCHOOLING ON A FULL-TIME BASIS**

**2.** As regards full-time studies, a complete academic year is never equivalent to more than one year of schooling, regardless of the number of credits it involves, provided that this number corresponds to approximately 30 credits.

**3.** A credit corresponds to 45 hours of formative activities which may include lectures, practical shop or laboratory work, home assignments, research work, seminars, individual readings, etc., recognized or required by the authority responsible for organizing the courses taken.

### **DIVISION III FULL-TIME STUDIES**

**4.** If a person has been admitted to a course even though his degree of schooling is lower than that normally required for admission, he is deemed to have completed the number of years corresponding to the normal prerequisite, provided that he has successfully completed at least the first year of this course.

**5.** If a person completes a course within a period of time shorter than the regular duration of this course, he is deemed to have completed the number of years of schooling corresponding to the regular duration of this same course.

**6.** If a person has taken a number of courses of somewhat different types or at different levels, he receives recognition, in the form of credits, only for the duration of his studies devoted to the acquisition of new knowledge.

### **DIVISION IV PART-TIME STUDIES INTEGRATED WITH A REGULAR PROGRAMME**

**7.** For a given programme, part-time studies are evaluated in terms of the number of years of schooling allocated for full-time studies.

**8.** If a person has taken a number of courses of somewhat different types or at different levels he receives recognition, in the form of credits, only for the duration of his studies devoted to the acquisition of new knowledge.

**9.** If a person has been admitted to a course in general education even though his degree of schooling is lower than that normally required for admission, he is deemed to have completed the number of years corresponding to the normal prerequisite, provided that he has successfully completed at least the first year of this course, or the equivalent of this first year.

### **DIVISION V COURSES NOT INTEGRATED WITH A REGULAR PROGRAMME**

**10.** For each recognized course there is allocated a fraction of a year of schooling, as defined in sections 2 and 3.

**11.** The number of hours of formative activities allocated for such a course is determined by taking into account :

- (a) information provided by the authority responsible for the courses ;
- (b) the nature, duration and level of the course ;
- (c) comparative opinions of experts ;
- (d) comparisons with other courses of a similar nature ;
- (e) an average load of 45 hours of formative activities per week.

**12.** In order to be counted, a course must comprise a minimum total of 90 hours of formative activities.

**13.** If a course covers, in part, the subject matter of another course already counted, only the duration of studies devoted to the acquisition of new knowledge is counted, in the form of credits.

**14.** Courses which are given by correspondence, radio, television or any other medium, and which are not integrated with an official programme of studies, are not recognized.

#### **DIVISION VI RECOGNITION OF STUDIES**

**15.** Studies for general culture are recognized in their entirety up to a maximum of 15 years.

**16.** Studies pertaining to professional training which correspond to the requirements of a field of specialization are recognized in their entirety.

**17.** Popular education courses and any others which may be compared to them are those offered to the public in general. No recognition is given for courses under this category for which there are no prerequisites with regard to either schooling or experience and which do not lead to a diploma (degree) confirming the attainment of a level of knowledge or do not prepare for an occupation.

#### **DIVISION VII EQUIVALENCES**

**18.** The scholastic standards applying in Québec's educational system serve as a basis of evaluation in determining the comparative level of studies completed outside this system.

**19.** If a person has completed studies which cannot be compared directly with studies included in the Québec system or which lead to a diploma (degree) for which there is no equivalent in this system, the Minister of Education establishes the relationship between these studies in recognized years of schooling.

**20.** Persons who have undertaken studies in a non-conventional order receive recognition for the years of schooling actually completed.

**21.** In no case must the years of schooling exceed the number of years normally required to qualify for a diploma (degree) sanctioned by an official attestation recognized by the Minister of Education.

**22.** The Minister of Education may, if he wishes, establish an equivalence in terms of years of schooling for a par-

ticular competence acquired otherwise than through studies completed in a recognized educational institution.



c. C-60, r.5

## **Regulation respecting college level studies**

An Act respecting the Conseil supérieure de l'éducation (R.S.Q., c. C-60, s. 30)

**1.** College studies shall include the subjects required for admission to university courses or to an occupation recognized as requiring training at the technical level.

The programme of studies shall extend over a period which may vary from 2 to 3 years according to the requirements for the university courses or the occupations to which it gives access.

**2.** The requirements for admission to these studies shall be determined by regulation.

**3.** A student admitted to these studies shall be enrolled in either 12th year subjects or in preparatory subjects, if necessary.

**4.** College studies shall be arranged according to a system of graduated options. Promotion shall take place separately in each subject.

**5.** The studies required for admission to the first year of a university course shall be determined by regulation after consultation with the universities and other educational establishments recognized for the purposes of this section.

The studies required for admission to a vocation recognized as requiring training at a technical level shall be determined by regulation after consultation with the interested ministers and with organizations of a provincial nature which are most representative of the vocational groups concerned.

**6.** The final examinations in each subject shall be conducted under the authority of the Minister in accordance with regulations enacted for this purpose.

Every student who has succeeded in passing the final examinations in conformity with the requirements of section 5 shall receive a diploma of college studies attesting that he has completed the studies required for admission, either to higher studies or to a vocation which is recognized as requiring training at a technical level.

**7.** College education shall be given in every institution which, after consultation with its professoral staff, has obtained authorization to this end from the Minister, subject to such conditions as the latter may determine by regulation.

O.C. 591-66, (1966) 98 O.G., 2255

O.C. 1572-69, (1969) 101 O.G., 3312



c. C-60, r.6

### **Regulation respecting pupil timetables**

An Act respecting the Conseil supérieur de l'éducation  
(R.S.Q., c. C-60, s. 30)

**1.** Generally speaking, instruction should not begin before 8h30 and end after 16h30. In exceptional cases justified by special circumstances, it can begin at 8h and end at 17h.

**2.** All students must have at least 50 minutes for their mid-day meal and at least 5 minutes free time between all class periods, or at least 10 minutes of recreation towards the middle of each morning and afternoon session.



c. C-60, r.7

## Regulation respecting teaching permits and teaching diplomas

An Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60, s. 30)

**1.** Authorization to teach at the levels of study governed by the regulations of the Minister of Education shall be awarded by the Minister and shall first be in the form of a teaching permit and later in the form of a teaching diploma.

**2.** The teaching permit shall be awarded to every candidate who, after a 13<sup>th</sup> year of study or its equivalent, has successfully completed an approved training programme at a recognized institution.

The duration and the nature of this programme shall vary according to the level and the area of teaching selected by the candidate.

However, this programme shall include, at the minimum, one year or the equivalent of psychology, teaching methods and classroom practice.

**3.** The permit shall be valid for a period of 5 years. It shall confer the right to teach during any 2 of these 5 years in an institution recognized for the purposes of this Regulation. Under exceptional circumstances, this right may be extended for one year.

**4.** The teaching diploma shall be awarded to the holder of a permit who, having taught for 2 years in accordance with section 3, is deemed competent.

**5.** For the application of this Regulation, the Minister of Education shall appoint a Comité de la formation des maîtres which he shall consult regarding the matters enumerated in section 6.

The members of the committee shall be appointed for a definite period. One-third of the members shall be appointed after consultation with the most representative of teachers' associations or organizations ; one-third shall be appointed after consultation with institutions at which approved teacher-education programmes are provided.

**6.** Subject to section 30 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60), the Comité de la formation des maîtres shall be responsible for recom-

mending to the Minister criteria relative to the following matters :

(a) the recognition of institutions at which the holder of a permit may teach ;

(b) the supervision of the teaching performance of the holder of a teaching permit ;

(c) the competence which the holder of a permit must demonstrate in order to obtain a teaching diploma and the manner of evaluation of this competence ;

(d) the suspension or revalidation of a teaching diploma ;

(e) the approval of teacher-education programmes ;

(f) the recognition of institutions at which teacher-education programmes are provided ;

(g) refresher courses for teachers and the upgrading of their qualifications.

The committee shall also be responsible for making recommendations concerning the nomenclature and terminology of permits and teaching diploma.

**7.** The holder of a teaching diploma granted under former regulations shall retain the rights conferred by such diploma.

**8.** The forms for the teaching permits and teaching diplomas granted by the Minister of Education in accordance with the Education Act (R.S.Q., c. I-14) shall be those annexed in Schedule A and B.

**9.** Such forms, signed by the grantee, shall also be signed by the Minister of Education and the director of the Service de la probation et de la certification des maîtres in the Direction générale de l'enseignement supérieur in the Ministère de l'Éducation, or, if the latter is absent by reason of death or otherwise, by another officer duly authorized for such purpose in writing by the Minister of Education.

**10.** A facsimile of the signature of the Minister of Education may be lithographed on the forms for teaching permits and teaching diplomas.

**SCHEDULE A**

(s. 8)

GOUVERNEMENT DU QUÉBEC  
MINISTÈRE DE L'ÉDUCATION  
DIRECTION GÉNÉRALE DE L'ENSEIGNEMENT

# TEACHING PERMIT

Class.....

No.....

The Minister of Education of Québec

CONSIDERING the favourable recommendation of .....

grants a permit to teach .....

to .....

born on ....., at .....

This permit, which is valid for 5 years, entitles the grantee to teach in French, 2 years, only in institutions recognized for purposes of probation.

Given at Québec this ..... day of ....., 19.....

*Grantee**Minister of  
Education**Director, Service de la probation  
et de la certification des maîtres*

**SCHEDULE B**

(s. 8)

GOUVERNEMENT DU QUÉBEC

MINISTÈRE DE L'ÉDUCATION

DIRECTION GÉNÉRALE DE L'ENSEIGNEMENT

**TEACHING DIPLOMA**

Class.....

No.....

The Minister of Education of Quebec

CONSIDERING permit number .....

CONSIDERING the judgment of competence dated .....

grants to .....

born on ..... at .....

a TEACHING DIPLOMA .....

.....

This diploma entitles the grantee to teach in French in the institution governed by the regulations of the Minister of Education.

Given at Québec this ..... day of ....., 19.....

*Grantee**Minister of  
Education**Director, Service de la probation  
et de la certification des maîtres*



c. C-60, r.8

## **Regulation respecting the internal management of the Catholic committee of the Conseil supérieur de l'éducation**

An Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60, s. 23)

**1. Meetings :** The place and date of statutory meetings of the Catholic committee shall be determined by the committee. A special meeting may be called at any time by the president. Five members of the committee may also request, in writing, that a special meeting be called, such request to indicate the questions to be placed on the agenda. Within 3 days of such request, the secretary shall send notice of such special meeting, which meeting shall be held within 8 days following the sending of this notice.

**2. Notice of meeting :** For every meeting, a notice of meeting shall be sent by the secretary to every member, by mail or by telegram, at least 4 days before the meeting, mentioning the place, date and time of the said meeting.

The notice of meeting shall indicate the questions on the agenda. However, at each of its meetings, except special meetings called at the request of 5 members, the committee may consider any matter that is submitted to it.

**3. Quorum :** A majority of members, that is 8 members, shall constitute a quorum at meetings of the committee.

**4. Voting :** Every question shall be decided by a show of hands unless a secret ballot is requested by one of the members of the committee.

An absolute majority of the members present shall be required for the adoption of any proposition.

**5. Chairman's vote :** The chairman at any meeting of the committee shall not have a casting vote but shall have the same vote as any other member of the committee.

**6. Chairmanship :** In the absence of the president, the committee shall appoint one of its members to preside over the meeting.

**7. Minutes and extracts :** The minutes of the meetings of the committee shall be kept in both languages, French and English, and shall be signed by the president and by the secretary. Extracts of minutes, copies of resolutions and

regulations shall be certified by one of the above-mentioned persons.

**8. Relations with the public :** The committee shall decide if its proceedings, deliberations or documents are to be made public, in whole or in part.

The committee shall also decide which of its meetings are to be public or open to particular persons or groups.

No person may communicate with the public in the name of the committee or act as a representative of the committee without its authorization.

**9. Conflicts of interest :** No member of the committee shall have the right to vote on a question in which he has any pecuniary interest.





c. C-60, r.9

## **Regulation respecting the internal management of the Protestant committee of the Conseil supérieur de l'éducation**

An Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60, s. 23)

**1. Meetings :** The place and date of statutory meetings of the Protestant committee shall be determined by the committee. A special meeting may be called at any time by the chairman. Five members of the committee may also request, in writing, that a special meeting be called, such request to indicate the items to be placed on the agenda. Within 3 days of such request, the secretary shall send notice of such special meeting, which meeting shall be held within 8 days following the sending of the notice.

**2. Notice of meeting :** For every meeting, a notice of meeting shall be sent by the secretary to every member, by mail or by telegram, at least 4 days before the meeting, mentioning the place, date and time of the said meeting.

The notice of meeting shall indicate the items on the agenda. However, at each of its meetings, except special meetings called at the request of 5 members, the committee may consider any matter that is submitted to it.

**3. Quorum :** A majority of members, that is, 8 members, shall constitute a quorum at meetings of the committee.

**4. Voting :** Every question shall be decided by a show of hands unless a secret ballot is requested by one of the members of the committee.

A majority of the members present and voting shall be required for the adoption of any motion.

**5. Chairman's vote :** The presiding officer shall not ordinarily vote except in the case of a tie, in which case he shall have the casting vote.

**6. Chairmanship :** The committee shall at each year appoint a chairman who shall hold office from the 1 September to the 31 August following or until his successor is appointed. The chairman shall preside at all regular and special meetings of the committee.

In the absence of the chairman, the secretary shall preside until the committee shall appoint one of its own members to preside over the meeting.

**7. Minutes and extracts :** The minutes of the meetings of the committee shall be kept in both languages, French and English, and shall be signed by the chairman and by the secretary. Extracts of minutes, copies of resolutions and regulations shall be certified by one of the above-mentioned persons.

**8. Relations with the public :** The committee shall decide if its proceedings, deliberations or documents are to be made public, in whole or in part.

The committee shall also decide which of its meetings are to be public or open to particular persons or groups.

No person may communicate with the public in the name of the committee or act on its behalf without its authorization.

**9. Conflicts of interest :** The voting right of a member having declared a special interest in a matter shall be decided by the committee.



c. C-60, r.10

## **Regulation respecting the internal management of the Conseil supérieur de l'éducation**

An Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60, s. 10)

**1. Meetings :** The place and date of statutory meetings of the Conseil supérieur de l'éducation (Council) shall be determined by the Council. A special meeting may be called at any time by the president, or in the event of his absence or inability to act, by the vice-president. Eight members of the Council may also request, in writing, that a special meeting be called, such request to indicate the questions to be placed on the agenda. Within 3 days of such request, one of the secretaries shall send notice of such special meeting, which meeting shall be held within 8 days following the sending of this notice.

**2. Notice of meeting :** For every meeting, a notice of meeting shall be sent by one of the secretaries to every member, by mail or by telegramme, at least 4 days before the meeting, mentioning the place, date and time of the said meeting.

The notice of meeting shall indicate the questions on the agenda. However, at each of its meetings, except special meetings, called at the request of 8 members, the Council may consider any matter that is submitted to it.

**3. Special meeting :** Notwithstanding section 2, the president of the Council may, in matters which he judges to be of extreme urgency, convene a special meeting without regard for the period of notification laid down therefor. Each member must be notified of such meetings by registered or certified letter, telegram or telex; in such cases this notice may be sent only one clear day in advance. Only the subjects mentioned in the notice convening a special meeting may be dealt with during that meeting. However, any business not mentioned in the notice may be brought directly before a special meeting, provided all the members in office of the Council are present and give their unanimous consent.

**4. Quorum :** A quorum at meetings shall consist of half the members in office, plus one.

**5. Voting :** Every question shall be decided by a show of hands unless a secret ballot is requested by one of the members of the Council.

An absolute majority of the present shall be required for the adoption of any proposition.

**6. Chairman's vote :** The chairman at any meeting of the Council shall not have a casting vote, but shall have the same vote as any other member of the Council.

**7. Seal :** The Council shall have a seal bearing its name.

**8. Minutes and extracts :** The minutes of the meetings of the Council shall be kept in both languages, French and English, and shall be signed by the president or the vice-president and by at least one of the joint secretaries. Extracts of minutes, copies of resolutions and regulations shall be certified by one of the above-mentioned persons.

**9. Relations with the public :** The Council shall decide if its proceedings, deliberations or documents are to be made public, in whole or in part.

The Council shall also decide which of its meetings are to be public or open to particular persons or groups.

No person may communicate with the public in the name of the Council or act as a representative of the Council without its authorization.

**10. Conflicts of interest :** No member of the Council or of any associated body shall have the right to vote on a question in which he has any direct, pecuniary interest unless this question is a matter of general significance.



c. C-60, r.11

## Regulation respecting the basis of elementary school and preschool organization

An Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60, s. 30)

Education Act  
(R.S.Q., c. I-14, s. 16)

### DIVISION I DEFINITIONS

**1. Definitions :** In this Regulation, unless the context indicates otherwise, the following terms mean :

“school report” : a form used to record and transmit the results of learning activities and including a report on the effort put forth by the pupil ;

“school board” : any corporation of school commissioners or trustees entirely or partially governed by the Education Act (R.S.Q., c. I-14) ;

“school” : an institutional entity under the jurisdiction of a principal, or other director where there is no principal, intended to provide education in an organized manner to pupils, an activity involving the participation of pupils, teachers, other staff members and parents ;

“preschool education” : educational and motivational activities preceding compulsory school attendance with a view to enabling a child to integrate gradually into a social milieu beyond his family and immediate neighbourhood ; “preschool” corresponds to the terms “pre-elementary” and “kindergarten” in the Education Act ;

“school education” : instruction provided by educational services for the individual and social development of pupils ;

“pupil with learning disabilities” : any pupil suffering from a mental, sensory or physical deficiency, social maladjustment, learning problems or several of these handicaps ;

“teaching” : activities conducted by the teaching staff for pupils with a view to contributing to the attainment of school education objectives as defined in the curricula ;

“evaluation” : the process of gathering, analyzing and interpreting data related to :

- (a) meeting the objectives proposed in the curricula ;
- (b) the general development of the pupil ; and
- (c) the relevance and quality of the curricula ;

for the purpose of making better-informed educational and administrative decisions ;

“textbook” : any printed material for pupils, possibly including audio-visual materials or other teaching aids, covering all or certain important elements of a curriculum for one or more years of study ;

“teaching material” : any object, material, volume or work (written, audio-visual or other) useful to the application of all or certain elements of a curriculum or educational and motivational activities program ;

“subject” : a branch of learning outlined in a curriculum and constituting an area for theoretical or practical study ;

“economically disadvantaged area” : an area identified as economically disadvantaged according to the following criteria : poverty, the area, and the population density, as specified in “*L'École s'adapte à son milieu, énoncé de politique sur l'école en milieu économiquement faible*” (MEQ, 1980, p. 28) ;

“Minister” : the Minister of Education ;

“elementary level” : the school years between preschool and the secondary level, that seek to provide the pupil with the basic learning necessary for his intellectual development, for comprehending his experience and for his social integration ;

“parents” : the father, mother and, where there is no father or mother, the guardian of a child ;

“programme” : a structured set of learning objectives and concepts or of activities related to teaching, pupil personnel services and auxiliary services for pupils ; the preschool programme contains a structured set of developmental objectives ;

“auxiliary services for pupils” : activities conducted by the school staff for pupils with a view to contributing to the attainment of the objectives of school education, particularly with regard to individual and social development ;

“education services” : a structured set of educational and motivational activities or teaching activities, pupil personnel services and auxiliary services for pupils, for the purposes of preschool or school education ;

“pupil personnel services” : activities conducted by the school staff with a view to contributing to the attainment of the objectives of school education, particularly by supporting the individual progress of each pupil at school.

## **DIVISION II** **EDUCATION SERVICES**

### *§1. Preschool education*

**2. General admission and enrolment :** Every child, who is 5 years of age before 1 October of the current school year and whose parents have made an application for admission and enrolment, is admitted for preschool education.

**3. Special admission and enrolment :** A school board that organizes preschool education for 4-year old pupils :

- (a) with learning disabilities ; or
- (b) from economically disadvantaged areas ;

may admit only children who are 4 years of age before 1 October of the current school year, and whose parents have made an application for admission and enrolment.

**4. Quality of the language of instruction used in educational and motivational activities :** The school board must take the necessary steps to ensure that the quality of the language of instruction, both written and spoken, used in educational and motivational activities is the concern of every teacher and every other preschool education worker.

**5. Educational and motivational activities programme :** The educational and motivational activities programme is prescribed or approved by the Minister.

The educational and motivational activities programme includes the compulsory developmental objectives and any other objectives adapted by the school board to the needs of its school population according to the priorities of the area.

In addition to the prescribed educational and motivational activities programme prescribed by the Minister, the school board may design programmes to meet its own particular needs, provided these programmes are approved by the Minister and, where applicable, by the Catholic or Protestant committee of the Conseil supérieur

de l'éducation. Unless otherwise indicated, such approval is valid only for the school board involved.

**6. Teaching material :** Appropriate teaching material is provided to teachers and pupils by the school board.

**7. Pupil evaluation :** The extent to which a pupil meets the developmental objectives in the educational and motivational activities programme is evaluated as prescribed by the school board.

**8. Informing of parents :** At the beginning of the school year, the parents must receive a summary of the educational and motivational activities programme, the general regulations of the school and the name of their child's classroom teacher.

The school board must ensure that the parents of each pupil receive a written evaluation of their child's development at least 5 times a year, the first arriving in October at the latest. At least 4 of these evaluations are school reports made in accordance with the rules prescribed by the Minister.

Information is provided to parents of pupils with learning or general development difficulties at least once a month.

**9. Evaluation of the educational and motivational activities programme :** The school board takes part in evaluating the educational and motivational activities programme to enable the Minister to make informed decisions concerning its continuation or modification.

**10. Pupil personnel services :** Pupil personnel services are available to each pupil.

The school board designs pupil personnel service programmes related to education, within the limits of the objectives defined by the Minister.

Other pupil personnel service programmes are designed jointly by the school board and the competent departments or agencies, within the limits of the objectives defined jointly by these departments or agencies and the Ministère de l'Éducation.

Such programmes propose preschool education objectives and activities supervised by the school staff. The purpose of these programmes is to aid the pupil in his individual progress at school :

(a) as a support and complement to educational and motivational activities and auxiliary services for pupils ;

(b) as an aid in solving problems faced by the pupil in his individual progress at school, through analysis of the situation and action to alleviate difficulties and improve conditions influencing his development.

**11. Auxiliary services for pupils :** Auxiliary service programmes for pupils, designed by the school board within the limits of the objectives defined by the Minister, are available to each pupil.

These programmes include preschool objectives and activities supervised by the school staff. Their purpose is to support the pupil's individual and social development by ensuring :

- (a) the continuity of his general development ;
- (b) his moral and physical well-being ;
- (c) stimulation of his feeling of acceptance in his group, his initiative and his creativity.

**12. Special education services for pupils with learning disabilities :** Following consultation with the parents, special education services are provided to pupils requiring rehabilitation.

Integration of pupils with learning disabilities into regular educational and motivational activities, pupil personnel services and auxiliary services for pupils should be encouraged, in accordance with school board policy on the matter, wherever such a measure is possible, of benefit to the pupil and apt to facilitate his education and social integration.

**13. Special education services for pupils from economically disadvantaged areas :** For pupils from economically disadvantaged areas, special educational action must be taken in order to humanize the school, to adapt it to the needs and culture of the area.

**14. Education services for welcoming classes :** In schools where all teaching and administrative activities take place in French, the school board, in accordance with the terms and conditions determined by the Minister, organizes welcoming classes or takes special measures to receive pupils who are :

- (a) not eligible for schooling in English ; or
  - (b) not covered by section 85 of the Charter of the French language (R.S.Q., c. C-11) ;
- and who have been in Québec for less than 5 years.

**15. Special education services for pupils requiring remedial French :** In schools where all teaching and administrative activities take place in French, special measures for providing remedial French to pupils ineligible for welcoming classes and enrolled for instruction in French for the first time, and who, in their parents' opinion, lack adequate facility in French, are organized in accordance with the terms and conditions determined by the Minister.

**16. Special education services for Inuit and Amerindian pupils :** The languages of educational and motivational activities for Inuit and Amerindians in Québec are prescribed in sections 87 and 88 of the Charter of the French language, and in sections 577, 660 and 710 of the Education Act.

## §2. Elementary level

**17. Quality of the language of instruction :** The school board must take the necessary steps to ensure that the quality of the written and spoken language of instruction is the concern of every teacher, whatever the subject taught, and of all other school education workers.

**18. Curricula :** Curricula are prescribed or approved by the Minister.

Curricula include compulsory objectives and conceptual content, as well as any other objectives and conceptual content the school board adapts to the needs of its school population according to the priorities of the area.

In addition to the curricula prescribed by the Minister, the school board may design curricula to meet its own particular needs, provided they are approved by the Minister or, where applicable, the Catholic or Protestant committee of the Conseil supérieur de l'éducation. Unless otherwise indicated, such approval is valid only for the school board involved.

**19. Textbooks :** Where the list of approved teaching material indicates one or more textbooks for a particular programme, the pupil must have the required textbook(s) at his personal disposal to cover the programme.

**20. Teaching material :** Appropriate teaching material is provided to teachers and pupils by the school board.

**21. Supplementary reading and reference books :** Supplementary reading and reference books must be available for the pupil.

**22. Pupil evaluation :** The extent to which a pupil meets the learning objectives in the curricula, and certain aspects of his general development are evaluated as prescribed by the school board and the Minister, within the framework of their respective responsibilities.

The measurement instruments used to support the evaluation must be varied and able to measure the pupil's learning and development and any difficulties he might have, so that he receives the proper aid.

**23. Informing of parents :** At the beginning of the school year the parents must receive a calendar of school activities, the general regulations, the name of their child's classroom teacher and those of any other persons teaching him.

At least twice a year, in September and January, the parents must receive a summary of the curricula, and evaluation scheduling and criteria.

The school board must ensure that the parents of each pupil receive a written evaluation of his school achievement and behaviour, at least 5 times a year, the first arriving in October at the latest. At least 4 of these evaluations are school reports made in accordance with the rules prescribed by the Minister.

Information is provided to parents of pupils with learning or general development difficulties at least once a month.

**24. Keeping of course results :** The pupil's course results are kept in a place that ensures their safety and confidentiality, until the day when the person concerned reaches 75 years of age.

Only the following may consult such results :

(a) the pupil ;

(b) the parents of a pupil who is a minor ;

(c) the administration, professional staff or any teachers in charge of the school education of the pupil concerned, as well as senior staff and professional staff of the school board directly involved with the pupil's education and general development ;

(d) the Minister or his representative.

Upon request by the parents of a pupil who is a minor, or by a pupil who has reached majority, the school board must provide the results recorded under the terms and conditions it determines.

**25. Evaluation of curricula :** The school board takes part in evaluating the curricula to enable the Minister to make informed decisions concerning their continuation or modification.

**26. Pupil personnel services :** Pupil personnel services are available to each pupil.

The school board designs pupil personnel service programmes related to education, within the limits of the objectives defined by the Minister.

Other pupil personnel service programmes are designed jointly by the school board and the competent departments or agencies, within the limits of the objectives defined jointly by these departments or agencies and the Ministère de l'Éducation.

Such programmes propose school education objectives and activities supervised by the school staff. The purpose of these programmes is to aid the pupil in his individual progress at school :

(a) as a support and complement to developmental activities related to teaching and auxiliary services for pupils ;

(b) as an aid in solving problems faced by the pupil in his individual progress at school, through analysis of the situation and action to alleviate difficulties and improve conditions influencing his development.

**27. Auxiliary services for pupils :** Auxiliary service programmes for pupils, designed by the school board within the limits of the objectives defined by the Minister, are available to each pupil.

These programmes include school education objectives and activities supervised by the school staff. Their purpose is to support the pupil's individual and social development by ensuring :

(a) the continuity of his general training, particularly his formal education ;

(b) his moral and physical well-being ;

(c) development of his sense of school spirit, his initiative, and his creativity.

**28. Special education services for pupils with learning disabilities :** Following consultation with the parents, special education services are provided to pupils requiring rehabilitation.

Integration of pupils with learning disabilities into regular instructional activities, pupil personnel services and auxiliary services for pupils should be encouraged, in accordance with school board policy on the matter, whenever such a measure is possible, of benefit to the pupil and apt to facilitate his social integration and his progress at school.

**29. Special education services for pupils from economically disadvantaged areas :** For pupils from economically disadvantaged areas, special educational action must be taken in order to humanize the school, to adapt it to the needs and culture of the area.

**30. Education services for welcoming classes :** In schools where all teaching and administrative activities take place in French, the school board, in accordance with the terms and conditions determined by the Minister, organizes welcoming classes or takes special measures to receive pupils who are :

(a) not eligible for schooling in English ; or

(b) not covered by section 85 of the Charter of the French language (R.S.Q., c. C-11) ;

and who have been in Québec for less than 5 years.

**31. Special education services for pupils requiring remedial French :** In schools where all teaching and administrative activities take place in French, special measures for providing remedial French to pupils ineligible for welcoming classes and enrolled for instruction in French for the first time, and who, in their parents' opinion, lack adequate facility in French, are organized in accordance with the terms and conditions determined by the Minister.

**32. Special education services for pupils taught at home or in a hospital setting :** A pupil may be taught at home or in a hospital setting in accordance with the rules prescribed by the Minister.

**33. Special education services for pupils requiring extra educational support and encouragement :** Under the

terms and conditions established by the Minister and following consultation with the parents, the pupil may receive extra educational support and encouragement, either within his learning activities timetable or outside regular school hours during the school year or the summer.

The aim of such measures is to facilitate recovery of missed instruction or the pupil's transition from the first to the second cycle or from the elementary to the secondary level, to prevent learning difficulties and to enable the pupil to attend regular classes.

**34. Special education services for Inuit and Amerindian pupils :** The languages of instruction for Inuit and Amerindians in Québec are prescribed in sections 87 and 88 of the Charter of the French language, in sections 577, 660 and 710 of the Education Act (R.S.Q., c. I-14).

### DIVISION III ORGANIZATIONAL FRAMEWORK FOR EDUCATION SERVICES

#### *§1. Preschool education*

**35. Admission and enrolment :** The age of admission for preschool education is 5 years, to be reached before 1 October of the current school year, or 4 years before 1 October of the current school year for the special cases described in section 3.

An application for admission and enrolment is compulsory for every pupil wishing to attend a school under the jurisdiction of a school board.

The application for admission and enrolment must be made under the terms and conditions determined by the school board, in accordance with the regulation in force.

**36. Pupils' school calendar :** For preschool education, the pupils' school calendar, including the calendar for pupils with learning disabilities, consists subject to any special authorizations, of a maximum of 200 days, at least 180 of which are devoted to half-days of educational and motivational activities, pupil personnel services and auxiliary services for pupils.

**37. Prescribed time :** For a preschool pupil, the regular week of 5 half-days consists of at least 11,5 hours of educational and motivational activities.

Activities related to pupil personnel services and auxiliary services for pupils may take place during or outside that time.

Rehabilitation activities for pupils with learning disabilities may take place during or outside that time.

## §2. Elementary level

**38. Admission and enrolment :** The age of admission to the elementary level is 6 years, to be reached before 1 October of the current school year.

An application for admission and enrolment is compulsory for every pupil wishing to attend a school under the jurisdiction of a school board. The application must be made under the terms and conditions determined by the school board, in accordance with the regulation in force.

**39. Pupils' school calendar :** At the elementary level, the pupils' school calendar, including the calendar for pupils with learning disabilities, consists of a maximum of 200 days, at least 180 of which, on a 5 full-day basis, are devoted to educational activities, pupil personnel services and auxiliary services for pupils.

The regional school board and the school boards in its territory must ensure that their school calendars are coordinated.

**40. Elementary level cycles :** The elementary level is divided into 2 cycles of 3 years. The total duration of studies is 6 years, except in the following cases :

(a) a pupil who has not attained the compulsory objectives and mastered the conceptual content necessary for the following year's curricula may exceptionally be readmitted to a regular class in the same year of studies, but he must proceed to the secondary level after 7 years at the elementary level ;

(b) a pupil who completes the elementary level curricula in 5 years may exceptionally proceed to the secondary level if he is sufficiently mature emotionally and socially.

The school board in charge of elementary instruction is responsible for determining whether the pupil has met the requirements for that level.

**41. Prescribed time :** For an elementary level pupil, the regular 5-day week consists of at least 23 hours of activities carried out to meet the objectives for the subjects listed in section 43.

Activities related to pupil personnel services and auxiliary services for pupils may take place during or outside that time.

Rehabilitation activities for pupils with learning disabilities take place within that time.

Pupils have at least 50 minutes for their noon meal in addition to a morning and an afternoon break outside the prescribed time.

**42. Allocation of time :** All subjects listed in section 43 are compulsory and, except in the cases provided for in sections 33 and 46, the school board may not drop any of these subjects.

The school board may allocate the time otherwise than prescribed in section 43, provided it ensures that the compulsory objectives are met and that the compulsory conceptual content in the curricula is acquired.

**43. Breakdown of subjects :** The breakdown of subjects at the elementary level is as follows :

| Subject   | First<br>cycle<br>h/wk | Second<br>cycle<br>h/wk |
|---|------------------------|-------------------------|
| Mother tongue<br>(French or English)                              | 7                      | 7                       |
| Mathematics   | 5                      | 4                       |
| Moral and religious<br>Instruction                                | 2                      | 2                       |
| Physical education  | 2                      | 2                       |
| Art   | 2                      | 2                       |
| History, geography,<br>economic and cultural life                 | 2                      | 2                       |
| Natural science   | 1                      | 1,5                     |
| French as a second language<br>or<br>English as a second language | 2                      | 2                       |
| Manual activities   |                        | 0,5.                    |

The objectives of the individual and social training programme must be pursued in all school activities and ensured by all school staff, in accordance with the terms and conditions of the school board.

The times and places for language and culture of origin courses are determined by the school board, taking into account the number of students involved.

**44. Moral and religious instruction in schools recognized as Catholic or Protestant :** In schools recognized as Catholic or Protestant, the regulations of the Catholic or Protestant committee of the Conseil supérieur de l'éducation respecting such educational institutions apply to any moral and religious instruction given in them.



However, any child whose parents so request shall be exempted from such instruction. In that event, the pupil must take courses or do personal research pertaining to moral training or religious knowledge.

**45. Moral and religious instruction in schools other than those recognized as Catholic or Protestant :** In schools other than those recognized as Catholic or Protestant, moral instruction is compulsory.

In place of a moral instruction course, such schools may offer an optional course or courses in denominational religious instruction for pupils whose parents have so requested, if a sizeable community of a particular religious denomination lives within the territory of the school board, and provided that the number of requests permits organization of such a course.

**46. Teaching of English as a second language :** The teaching of English as a second language begins, at the earliest, in the 2<sup>nd</sup> cycle of elementary studies, except in innovative education projects authorized by the Minister.

**47. Teaching of French as a second language to pupils eligible to receive instruction in English :** For pupils eligible to receive instruction in English, the teaching of French as a second language begins in the 1<sup>st</sup> year of elementary studies.

For such pupils, the school board may use French as the language of instruction for subjects other than French as a second language in accordance with the rules prescribed by the Minister.

**48. Transition from elementary to secondary level :** Along with the school board in its territory, the regional school board sets up means for determining the terms and conditions of transition from the elementary to the secondary level and for ensuring collaboration between the school board staffs and those of the elementary and secondary schools involved.

#### **DIVISION IV MISCELLANEOUS PROVISIONS**

**49. Miscellaneous provisions :** This Regulation applies to school boards and, subject to the Act respecting private education (R.S.Q., c. E-9) and its regulations, to private institutions that, under the said Act, provide regular education to pupils in preschool and elementary school.

The Minister determines the terms and conditions for enforcing this Regulation. Where enforcement of one or more sections of this Regulation could be prejudicial to a child, and if a justified request has been made, the Minister may authorize one or more sections to be waived.

**50. Enforcement schedule :** This Regulation comes into force on 1 July 1981, except for the following sections, which come into force on the dates indicated :

(a) the second and third paragraphs of section 5 : 1 July 1983 ;

(b) section 8 : 1 July 1982 ;

(c) the second and third paragraphs of section 18 : 1 July 1986 ;

(d) section 19 : 1 July 1986 ;

(e) section 23 : 1 July 1982 ;

(f) section 43 : 1 July 1986.



c. C-60, r.12

## Regulation respecting the basis of secondary school organization

An Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60, s. 30)

Education Act  
(R.S.Q., c. I-14, s. 16)

### DIVISION I DEFINITIONS

**1. Definitions :** In this Regulation, unless the context indicates otherwise, the following terms mean :

“school report” : a form used to record and transmit the results of learning activities and including a report on the effort put forth by the student ;

“school board” : any corporation of school commissioners or trustees entirely or partially governed by the Education Act (R.S.Q., c. I-14) ;

“course” : an organized set of learning activities defined by a curriculum and covered in a number of hours divided over the school year or part of the year and officially approved for the purposes of promotion or certification ;

“credit” : a unit by which official approval may be given for attainment of the objectives of a curriculum, one credit normally consisting of 25 hours of learning activities ;

“school” : an institutional entity under the jurisdiction of a principal, or other director where there is no principal, intended to provide education in an organized manner to pupils, an activity involving the participation of pupils, teachers, other staff members and parents ;

“school education” : instruction provided by educational services for the individual and social development of pupils ;

“pupil with learning disabilities” : any pupil suffering from a mental, sensory or physical deficiency, social maladjustment, learning problems or several of these handicaps ;

“teaching” : activities conducted by the teaching staff for pupils, with a view to contributing to the attainment of school education objectives as defined in the curricula ;

“evaluation” : the process of gathering, analyzing and interpreting data related to :

- (a) meeting the objectives proposed in the curricula ;
- (b) the general development of the pupil ; and
- (c) the relevance and quality of the curricula ;

for the purpose of making better-informed educational and administrative decisions ;

“textbook” : any printed material for pupils possibly including audio-visual materials or other teaching aids, covering all or certain important elements of a curriculum for one or more years of study ;

“teaching material” : any object, material, volume or work (written, audio-visual or other) useful to the application of all or certain elements of a curriculum ;

“subject” : a branch of learning outlined in a curriculum and constituting an area for theoretical or practical study ;

“economically disadvantaged area” : an area identified as economically disadvantaged according to the following criteria : poverty, the area and the population density, as specified in *L'École s'adapte à son milieu, énoncé de politique sur l'école en milieu économiquement faible* (MEQ 1980, p. 28) ;

“Minister” : the Minister of Education ;

“secondary level” : the school years, following the elementary level, enabling the pupil to continue his general development and find his direction in life as an individual and as a member of society by either entering the working world or by going on to post-secondary studies ;

“parents” : the father, mother and, where there is no father or mother, the guardian of a child ;

“programme” : a structured set of learning objectives and concepts or of activities related to teaching, pupil personnel services and auxiliary services for pupils ;

“auxiliary services for pupils” : activities conducted by the school staff for pupils with a view to contributing to the attainment of the objectives of school education, particularly with regard to individual and social development ;

“education services” : a structured set of educational activities, pupil personnel services and auxiliary services for pupils, for the purposes of school education ;

“pupil personnel services” : activities conducted by the school staff with a view to contributing to the attainment of the objectives of school education, particularly by supporting the individual progress of each pupil at school ;

“specialty” : a set of required courses within a group of subjects for the purposes of certification or specific qualification.

## DIVISION II EDUCATION SERVICES

**2. Quality of the language of instruction :** The school board must take the necessary steps to ensure that the quality of the written and spoken language of instruction is the concern of every teacher, whatever the subject taught, and of all other school education workers.

**3. Curricula :** Curricula are prescribed or approved by the Minister.

Curricula include compulsory objectives and conceptual content, as well as any other objectives and conceptual content the school board adapts to the needs of its school population according to the priorities of the area.

In addition to the prescribed curricula, the school board may design curricula to meet its own particular needs provided they are approved by the Minister or, where applicable, the Catholic or Protestant committee of the Conseil supérieur de l'éducation. Unless otherwise indicated, such approval is valid only for the school board involved.

**4. Textbooks :** Where the list of approved teaching material indicates one or more textbooks for a particular programme, the pupil must have the required textbook(s) at his personal disposal to cover the programme.

**5. Teaching material :** Appropriate teaching material is provided to teachers and pupils by the school board.

**6. Supplementary reading and reference books :** Supplementary reading and reference books must be available for the pupil.

**7. Pupil evaluation :** The extent to which a pupil meets the learning objectives in the curricula, and certain aspects of his general development are evaluated as prescribed by the school board and the Minister, within the framework of their respective responsibilities.

The measurement instruments used to support the evaluation must be varied and able to measure the pupil's learning and development and any difficulties he might have, so that he receives the proper aid.

**8. Informing of parents :** At the beginning of the school year the parents must receive a summary of their child's curricula, a list of his textbooks, a calendar of school activities, the general regulations, the name of their child's home room teacher or the teacher in charge of their child, and those of all other persons teaching him.

The school board must ensure that the parents of each pupil receive a written evaluation of his school achievement and behaviour at least 5 times a year, the first arriving in October at the latest. At least 4 of these evaluations are school reports made in accordance with the rules prescribed by the Minister.

Information is provided to parents of pupils with learning or general development difficulties at least once a month.

**9. Keeping of course results :** The pupil's course results are kept in a place that ensures their safety and confidentiality, until the day when the person concerned reaches 75 years of age.

Only the following may consult such results :

(a) the pupil ;

(b) the parents of a pupil who is a minor ;

(c) the administration, professional staff or any teachers in charge of the school education of the pupil concerned, as well as senior staff and professional staff of the school board directly involved with the pupil's education and general development ;

(d) the Minister or his representative.

Upon request by the parents of a pupil who is minor, or by a pupil who has reached majority, the school board must provide the results recorded under the terms and conditions it determines.

**10. Evaluation of curricula :** The school board takes part in evaluating the curricula to enable the Minister to make informed decisions concerning their continuation or modification.

**11. Pupil personnel services :** Pupil personnel services are available to each pupil.

The school board designs pupil personnel service programmes related to education, within the limits of the objectives defined by the Minister.

Other pupil personnel service programmes are designed jointly by the school board and the competent departments or agencies, within the limits of the objectives defined jointly by these departments or agencies and the Ministère de l'Éducation.

Such programmes propose school education objectives and activities supervised by the school staff. The purpose of these programmes is to aid the pupil in his individual progress at school :

(a) as a support and complement to developmental activities related to teaching and auxiliary services for pupils ;

(b) as an aid in solving problems faced by the pupil in his individual progress at school, through analysis of the situation and action to alleviate difficulties and improve conditions influencing his development.

**12. Auxiliary services for pupils :** Auxiliary service programmes for pupils, designed by the school board within the limits of the objectives defined by the Minister, are available to each pupil.

These programmes include school education objectives and activities supervised by the school staff. Their purpose is to support the pupil's individual and social development by ensuring :

(a) the continuity of his general development, particularly his formal education ;

(b) his moral and physical well-being ;

(c) development of his sense of school spirit, his initiative, and his creativity.

**13. Special education services for pupils with learning disabilities :** Following consultation with the parents, special education services are provided to pupils requiring rehabilitation.

Integration of pupils with learning disabilities into regular instructional activities, pupil personnel services and auxiliary services for pupils should be encouraged, in accordance with school board policy on the matter, whenever such a measure is possible, of benefit to the pupil and apt to facilitate his social integration and his progress at school.

**14. Special education services for pupils from economically disadvantaged areas :** For pupils from economically disadvantaged areas, special educational action must be taken in order to humanize the school, to adapt it to the needs and culture of the area.

**15. Education services for welcoming classes :** In schools where all teaching and administrative activities take place in French, the school board, in accordance with the terms and conditions determined by the Minister, organizes welcoming classes or takes special measures to receive pupils who are :

(a) not eligible for schooling in English ; or

(b) not covered by section 85 of the Charter of the French language (R.S.Q., c. C-11) ;

and who have been in Québec for less than 5 years.

**16. Special education services for pupils requiring remedial French :** In schools where all teaching and administrative activities take place in French, special measures for providing remedial French to pupils ineligible for welcoming classes and enrolled for instruction in French for the first time, and who, in their parents' opinion, lack adequate facility in French, are organized in accordance with the terms and conditions determined by the Minister.

**17. Special education services for pupils taught at home or in a hospital setting :** A pupil may be taught at home or in a hospital setting, in accordance with the rules prescribed by the Minister.

**18. Special education services for pupils requiring extra educational support and encouragement :** Under the terms and conditions established by the Minister and following consultation with the parents, the pupil may receive extra educational support and encouragement, either within his learning activities timetable or outside regular school hours during the school year or the summer.

The aim of such measures is to aid in recovery of missed instruction, in reorientation and in the transition from the elementary to the secondary level, to prevent learning difficulties and to enable the pupil to attend regular classes.

A pupil requiring extra support and encouragement in a mathematics or a first or second language course may be exempted from taking some other course provided that he complies with the certification rules and the regulations of the Catholic or Protestant committee.

**19. Special education services for Inuit and Amerindian pupils :** The languages of instruction for Inuit and Amerindians in Québec are prescribed in sections 87 and 88 of the Charter of the French language (R.S.Q., c. C-11), in sections 577, 660 and 710 of the Education Act (R.S.Q., c. I-14).

### **DIVISION III ORGANIZATIONAL FRAMEWORK FOR EDUCATION SERVICES**

**20. Transition from elementary to secondary level :** Along with the school boards in its territory, the regional school board sets up means for determining the terms and conditions of transition from the elementary to the secondary level and for ensuring collaboration between the school board staffs and those of the elementary and secondary schools involved.

**21. Admission requirements :** The transition from elementary to secondary school normally takes place after 6 years of elementary level studies, that is, when the pupil is approximately 12 years old.

The transition from elementary to secondary school is compulsory after 7 years of elementary level studies, that is, when the pupil is approximately 13 years old.

A pupil may exceptionally be admitted to the secondary level after 5 years of elementary level studies, that is, at approximately 11 years of age. However, the pupil must first have successfully completed all elementary level curricula and attained a sufficient degree of emotional and social maturity.

The school board in charge of education services at the elementary level is responsible for determining whether the pupil has met the elementary level requirements.

**22. Enrolment of pupils :** An application for admission and enrolment is compulsory for every pupil wishing to attend a school under the jurisdiction of a school board. The application must be made under the terms and conditions determined by the school board, in accordance with the regulation in force.

**23. Pupils' school calendar :** The pupils' school calendar, including the calendar for pupils with learning disabilities, consists of a maximum of 200 days, at least 180 of which, on a 5 full-day basis, are devoted to educational activities, pupil personnel services and auxiliary services for pupils.

The regional school board and the school boards in its territory must ensure that their school calendars are coordinated.

**24. Secondary level cycles :** The secondary level is divided into 2 cycles. The first cycle is 2 years in duration and the second cycle varies from 2 to 4 years according to the type of studies pursued.

**25. Prescribed time :** For a secondary level pupil, the regular 5-day week consists of at least 25 hours of activities carried out to meet the objectives for the courses listed in sections 27 to 38.

Activities related to pupil personnel services and auxiliary services for pupils, may take place during or outside that time.

Rehabilitation activities for pupils with learning disabilities take place within that time.

Pupils have at least 50 minutes for their noon meal in addition to breaks of at least 5 minutes between each class, outside the prescribed time.

**26. Allocation of time :** Normally, one credit corresponds to 25 hours of activities.

However, the school board may allocate the time otherwise, provided it ensures that the compulsory objectives are met and that the compulsory conceptual content in the curricula is acquired.

In addition, apart from the case provided for in section 18, it may not drop a compulsory course and must respect the number of optional courses required of the pupil.

**27. Breakdown of compulsory courses in the 1<sup>st</sup> year of the secondary level :** The compulsory courses in the 1<sup>st</sup> year of the secondary level are as follows :

|                                       | <i>Number of credits</i> |
|---------------------------------------|--------------------------|
| (a) mother tongue (French or English) | 6                        |
| (b) mathematics                       | 6                        |
| (c) general geography                 | 4                        |

|   |   |
|---|---|
| (d) second language (English or French) | 4 |
| (e) moral and religious instruction     | 2 |
| (f) personal and social training        | 1 |
| (g) physical education                  | 2 |
| (h) career guidance                     | 1 |
| (i) art                                 | 4 |
| (j) ecology                             | 4 |

**28. Optional courses offered in the 1<sup>st</sup> year of the secondary level :** Without limiting the scope of sections 3 and 27, a Latin course, a language and culture of origin course or a locally designed curriculum approved by the Minister may be offered in the 1<sup>st</sup> year of the secondary level, and the appropriate credits are recognized for certification purposes.

However, the school board may use the time allotted for such a course for recovery of missed instruction, additional compulsory course work, or the setting up of auxiliary services for pupils or pupil personnel services. In such cases no credits are recognized.

**29. Breakdown of compulsory courses in the 2<sup>nd</sup> year of the secondary level :** The compulsory courses in the 2<sup>nd</sup> year of the secondary level are as follows :

|   | <i>Number of credits</i> |
|---|--------------------------|
| (a) mother tongue (French or English)   | 6                        |
| (b) mathematics                         | 6                        |
| (c) general history                     | 4                        |
| (d) second language (English or French) | 4                        |
| (e) moral and religious instruction     | 2                        |
| (f) personal and social training        | 1                        |
| (g) physical education                  | 2                        |
| (h) career guidance                     | 1                        |
| (i) art                                 | 4                        |
| (j) home economics                      | 4                        |

**30. Optional courses offered in the 2<sup>nd</sup> year of the secondary level :** Without limiting the scope of sections 3 and 29, a Latin course, a language and culture of origin course, a course in physical science, or a locally designed curriculum approved by the Minister may be offered in the 2<sup>nd</sup> year of the secondary level, and the appropriate credits are recognized for certification purposes.

However, the school board may use the time allotted for such a course for recovery of missed instruction, additional compulsory course work or the setting up of auxiliary services for pupils personnel services. In such cases no credits are recognized.

**31. Breakdown of compulsory courses in the 3<sup>rd</sup> year of the secondary level :** The compulsory courses in the 3<sup>rd</sup> year of the secondary level are as follows :

|   | <i>Number of credits</i> |
|---|--------------------------|
| (a) mother tongue (French or English)   | 6                        |
| (b) mathematics                         | 4                        |
| (c) geography of Canada and Québec      | 4                        |
| (d) second language (English or French) | 4                        |
| (e) moral and religious instruction     | 2                        |
| (f) personal and social training        | 1                        |
| (g) physical education                  | 2                        |
| (h) career guidance                     | 1                        |
| (i) biology                             | 4                        |
| (j) introduction to technology          | 4                        |

**32. Optional courses offered in the 3<sup>rd</sup> year of the secondary level :** Without limiting the scope of sections 3 and 31, a course in Latin, language and culture of origin, Amerindian culture, physical science or fine and performing arts, or a locally designed curriculum approved by the Minister may be offered in the 3<sup>rd</sup> year of the secondary level, and 4 additional credits are recognized for certification purposes.

However, the school board may use the time allotted for such a course for recovery of missed instruction, additional compulsory course work, or the setting up of auxiliary services for pupils and pupil personnel services. In such cases no credits are recognized.

**33. Breakdown of compulsory courses in the 4<sup>th</sup> year of the secondary level :** The compulsory courses in the 4<sup>th</sup> year of the secondary level are as follows :

|                                       | <i>Number of credits</i> |
|---------------------------------------|--------------------------|
| (a) mother tongue (French or English) | 6                        |
| (b) moral and religious instruction   | 2                        |
| (c) personal and social training      | 1                        |

|   |   |
|---|---|
| (d) physical education                  | 2 |
| (e) career guidance                     | 1 |
| (f) second language (English or French) | 4 |
| (g) mathematics                         | 4 |
| (h) history of Canada and Québec        | 4 |
| (i) science (chemistry or physics)      | 4 |

**34. Optional courses in the 4<sup>th</sup> year of the secondary level :** In the 4<sup>th</sup> year of the secondary level, the pupil chooses 8 credits from the list of optional courses determined by the Minister. Four of these credits may be obtained for a locally designed curriculum approved by the Minister.

**35. Breakdown of compulsory courses in the 5<sup>th</sup> year of the secondary level :** The compulsory courses in the 5<sup>th</sup> year of the secondary level are as follows :

|   | <i>Number of credits</i> |
|---|--------------------------|
| (a) mother tongue (French or English)   | 6                        |
| (b) moral and religious instruction     | 2                        |
| (c) personal and social training        | 1                        |
| (d) physical education                  | 2                        |
| (e) career guidance                     | 1                        |
| (f) second language (English or French) | 4                        |
| (g) mathematics                         | 4                        |
| (h) economics                           | 4                        |

**36. Optional courses in the 5<sup>th</sup> year of the secondary level :** In the 5<sup>th</sup> year of the secondary level, the pupil chooses 12 credits from the list of optional courses determined by the Minister. This list includes vocational training courses and indicates those which are prerequisites to specialty courses taken after the 5<sup>th</sup> year. Four of the 12 credits chosen in the 5<sup>th</sup> year may be obtained for a locally designed curriculum approved by the Minister.

**37. Vocational specialty courses :** Vocational specialty courses are normally taken after the 5<sup>th</sup> year of the secondary level and may entitle a pupil to recognition of an additional year of schooling. The list of such courses is published by the Minister.

**38. Courses offered to pupils enrolled in vocational specialty courses before the 5<sup>th</sup> year of the secondary level :** For pupils who exceptionally enrol in vocational specialty courses before the 5<sup>th</sup> year of the secondary level, the

school board adapts the following elements to the pupils' particular needs, while continuing to aim for the basic objectives of general training :

- (a) the breakdown of courses ;
- (b) the curricula ;
- (c) the teaching methodology.

**39. Moral and religious instruction in schools recognized as Catholic or Protestant :** In schools recognized as Catholic or Protestant, the regulations of the Catholic or Protestant committee of the Conseil supérieur de l'éducation respecting such educational institutions apply to any moral and religious instruction given in them.

However, any child shall be exempted from such instruction if his parents so request, or if the child so requests, with his parents' consent. In that event, the pupil must take courses or do personal research pertaining to moral training or religious knowledge.

**40. Moral and religious instruction in schools other than those recognized as Catholic or Protestant :** In schools other than those recognized as Catholic or Protestant, a course in moral instruction is compulsory.

In place of a moral instruction course, such schools may offer an optional course or courses in denominational religious instruction for pupils who so desire, if a sizeable community of a particular religious denomination lives within the territory of the school board, and provided that the number of requests permits organization of such a course.

**41. Teaching of French as a second language to pupils eligible to receive instruction in English :** For pupils eligible to receive instruction in English, the school board may use French as the language of instruction for subjects other than French as a second language, in accordance with the rules prescribed by the Minister.

**42. Promotion of pupils and organization of courses :** Pupils are promoted for each course individually, unless there were special instructional situations or organizational constraints.

A pupil may not enrol for a course requiring prerequisites unless he has met that requirement. However, the school board exceptionally may exempt a pupil from taking or passing a prerequisite course.

The Minister may make rules respecting the organization of courses.

#### **DIVISION IV CERTIFICATION**

**43. Rules for awarding secondary studies diplomas :** All courses passed since the beginning of secondary studies, including compulsory and optional courses, are taken into consideration in the awarding of a diploma in secondary studies.

The Minister awards a diploma in secondary studies to any pupil who, out of a possible total of 176 credits, has accumulated at least 130 credits, including the following 40 compulsory credits :

| <i>Number of<br/>credits</i> | <i>Subject</i>  | <i>Year</i>  |
|------------------------------|---|--|
| 12                           | Mother tongue   | 4 <sup>th</sup> and 5 <sup>th</sup>                  |
| 8                            | Second language   | 4 <sup>th</sup> and 5 <sup>th</sup>                  |
| 4                            | Mathematics   | 4 <sup>th</sup> or 5 <sup>th</sup>                   |
| 2                            | Moral and religious instruction   | 4 <sup>th</sup> or 5 <sup>th</sup>                   |
| 2                            | Physical education or personal<br>and social training or<br>career guidance   | 4 <sup>th</sup> or 5 <sup>th</sup>                   |
| 4                            | Chemistry or physics  | 4 <sup>th</sup>                                      |
| 8                            | Geography of Canada and Québec,<br>history of Canada and Québec,<br>economics | 3 <sup>rd</sup> , 4 <sup>th</sup> or 5 <sup>th</sup> |

In addition, the Minister determines the terms and conditions for granting equivalences for other studies.

**44. Rules for awarding of vocational studies diploma :** The Minister awards a diploma in vocational studies to a pupil who obtains the credits for a particular vocational specialty.

**45. Official attestation of school attendance :** The school board issues an official attestation of school attendance upon request by the parents or by the pupil.

**46. Uniform examinations :** Each year the Minister draws up a list of courses for which he sets uniform examinations. For each subject not covered by such a uniform examination, he may verify the school board's evaluation plan according to the terms and conditions he determines.

**47. Passing mark :** For each course taken by a pupil at the secondary level, the passing mark is 60%.

For each course covered by a uniform examination set by the Minister, the Minister counts, for 50% of the mark, the evaluation made by the school board and certifies the pupil's pass or failure.

**48. Admission to examinations of the Minister :** To be a candidate for an examination of the Minister, a pupil must have been legally enrolled in a school and have taken the course covered by the examination to the satisfaction of the school board. Only the Minister may authorize an exception to this rule.

**49. School board participation in administration of examinations of the Minister :** The school board must participate in the administration of examinations of the Minister by providing, free of charge, the required rooms and the staff needed to monitor the pupils and carry out the different operations related to correcting papers and compiling results.

**50. Calendar and timetable for examinations of the Minister :** Each year, the Minister determines the number of examination sessions to be held and publishes the calendar and timetable to be followed by the candidates and the staff in charge. Only the Minister may authorize an exception to this rule.

#### **DIVISION V MISCELLANEOUS PROVISIONS**

**51. Miscellaneous provisions :** This Regulation applies to regional school boards, school boards and, subject to the Act respecting private education (R.S.Q., c. E-9) and its regulations, to private institutions that, under the said Act, provide regular education to pupils at the secondary level.

The Minister determines the terms and conditions for enforcing this Regulation. Where enforcement of one or more sections of this Regulation could be prejudicial to a child, and if a justified request has been made, the Minister may authorize one or more sections to be waived.

**52. Enforcement schedule :** This Regulation comes into force on 1 July 1981, except for the following sections, which come into force on the dates indicated :

(a) the second and third paragraphs of section 3 : 1 July 1986 ;

(b) section 4 : 1 July 1986 ;



- (c) section 8 : 1 July 1982 ;
- (d) sections 27 to 38 : 1 July 1986 ;
- (e) sections 43 and 44 : 1 July 1986 ;
- (f) section 47 : 1 July 1982.