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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 109-2006, 28 February 2006

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

Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders — Amendment

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

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, namely the Ordre des technologues professionnels du Québec, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before advising the Government, consult, in particular, with the educational institutions and the order concerned, the Conférence des recteurs et des principaux des universités du Québec in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma, and the Minister of Education, Recreation and Sports;

WHEREAS, in accordance with that provision, the Office made the required consultations;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 29 June 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, no comments were received by the Chair of the Office following that publication;

WHEREAS on 19 August 2005, the Ordre des technologues professionnels du Québec agreed to the proposed amendments;

WHEREAS, on 14 September 2005, the Office gave a favourable opinion on the making by the Government of the Regulation attached to this Order in Council;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. Section 2.09 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulations made by Orders in Council 524-2005 dated 1 June 2005 (2005, *G.O.* 2, 1877), 999-2005 dated 26 October 2005 (2005, *G.O.* 2, 4825), 1280-2005 dated 21 December 2005 (2006, *G.O.* 2, 205) and 30-2006 dated 25 January 2006 (2006, *G.O.* 2, 877). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

professional orders is amended by adding the following paragraph at the end:

“(59) in the rehabilitation techniques vocational sector, the orthopedic orthoses and prostheses techniques program at the Montmorency general and vocational college and at Collège Mérici.”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 110-2006, 28 February 2006

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

Professional technologists — Code of ethics

Code of ethics of professional technologists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients, and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under that same section, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Professional Code;

WHEREAS the Bureau of the Ordre des technologues professionnels du Québec made two regulations to amend the Code of ethics of professional technologists;

WHEREAS, under section 95.3 of the Professional Code, the two draft regulations were sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulations were published in Part 2 of the *Gazette officielle du Québec* of 30 July 2003 and 10 December 2003 with a notice that they could be submitted to the Government for approval on the expiry of 45 days following the publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Code of ethics of professional technologists, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Code of ethics of professional technologists

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

CHAPTER I DEFINITION

1. In this Code, “client” means a person, including an employer, to whom a professional technologist provides professional services.

CHAPTER II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

2. Professional technologists must show respect for all living organisms and their environment and consider the consequences that their work and research may have on the life, health and property of others.

3. Professional technologists must support all measures that may improve the availability, reliability and quality of the work or professional services in the field in which they practise.

4. Professional technologists must promote public education and information measures in the field in which they practise and take the necessary measures to maintain their knowledge and apply new knowledge related to the field in which they practise.

CHAPTER III DUTIES AND OBLIGATIONS TOWARDS CLIENTS AND THE PROFESSION

DIVISION I COMPETENCE, INTEGRITY AND OBJECTIVITY

5. Professional technologists must discharge their professional obligations with competence, integrity and objectivity.

6. Professional technologists must observe the recognized standards of practice and use science in their practice. In particular, a professional technologist who directs a laboratory of prostheses and orthoses or who retains the services of such a laboratory must ensure that the laboratory complies with the laws and regulations in force.

7. Before accepting to perform professional services, professional technologists must ensure that they have the necessary qualifications and the means to adequately perform such services.

8. Professional technologists must indicate to the client, in writing, the professional services that will be provided, unless the context indicates otherwise.

Professional technologists must promptly inform their clients of the scope and terms and conditions of their services and provide them with the explanations necessary as regards the composition, property, quality, benefits and drawbacks of goods or services offered.

9. Professional technologists who provide or are requested to provide a good, product or material must inform their client of their availability or substitute.

10. Professional technologists must not provide professional services for which they are insufficiently prepared or for which they do not own or have access to the necessary facilities or equipment.

11. Professional technologists must refrain from formulating opinions, giving advice or producing documents that are not based on sufficient scientific knowledge or full knowledge of the relevant facts with respect to the nature and scope of the professional services provided.

12. Professional technologists who consider that work could endanger public safety must first inform the persons in charge of the work and, if the situation is not corrected within a reasonable time, having regard to the circumstances, inform the competent public authorities.

13. Professional technologists must recognize at all times a client's right to consult another professional technologist, a member of another professional order or any other qualified person and a client's right to obtain material, equipment or an accessory needed for the client's condition or treatment from another professional or any other qualified person.

14. Professional technologists must refrain from performing their professional activities under conditions or in situations that may impair the quality of their services or the dignity of the profession.

15. Professional technologists must establish a relationship of mutual trust with their clients. To that end, professional technologists must

(1) refrain from practising their profession in a perfunctory manner; and

(2) respect a client's system of values and personal convictions when the client so informs the professional technologist and when they are not illegal.

16. Professional technologists engaging in professional activities in connection with orthoses and prostheses must, where applicable, respect a prescription signed by a professional authorized by law.

Professional technologists may, however, adjust or repair orthoses or prostheses without prescription where an apparatus is adapted or its utilization prolonged when the physical condition of the person has not changed and where the adjustments or repairs do not change the original prescription.

Professional technologists must identify any condition that indicates the need for a medical examination. If necessary, they must refer the client to a physician or another professional.

Professional technologists must allow a client to examine the prescription or obtain a copy of that prescription.

17. If the client's condition and treatment so requires, professional technologists must seek the cooperation of the client's family or relatives, with the consent of the client or the client's representative or any other person from whom consent may be obtained under the law.

18. Professional technologists must refrain from intervening in a client's personal affairs on matters not within the scope of their professional competence.

19. If a client's interest so requires it, professional technologists must consult another professional technologist, a member of another professional order or any other qualified person or refer the client to one of those persons.

20. Professional technologists must promptly inform their client of any detrimental error that is difficult to correct, any complication or incident resulting from the performance of professional services and, as required, take the necessary measures to rectify the situation.

21. Professional technologists must take reasonable care of the property placed in their care by a client and must refrain from using the property for purposes other than those for which it was placed in their care.

22. If the opinion of the professional technologist in charge of the quality of the professional services being provided is not taken into consideration, the professional technologist in charge must, in writing, indicate the consequences that may result therefrom.

23. Professional technologists must avoid performing or multiplying professional acts without sufficient cause and refrain from performing acts that are inappropriate or disproportionate to a client's needs.

DIVISION II INDEPENDENCE AND IMPARTIALITY

24. Professional technologists must subordinate their personal interests to those of their clients.

25. Professional technologists must disregard any intervention by a third party that could have a damaging influence on the performance of their professional duties. They must be impartial in their relationship with a client, contractors, suppliers and other persons doing business with the client.

26. Professional technologists must safeguard their professional independence at all times and avoid any situation in which they would be or appear to be in conflict of interest. They are in a situation of conflict of interest where, in particular, the interests are such that they might tend to favour certain interests over those of their client or where their judgment and loyalty towards the latter might be unfavourably affected.

27. Professional technologists must refrain from receiving, directly or indirectly, with the exception of the remuneration or fees to which they are entitled, any benefit, rebate or commission in connection with the practice of their profession. In addition, they may not pay, offer to pay or agree to pay any such benefit, rebate or commission.

28. Professional technologists must, as soon as they become aware that they are or may soon be in a situation of conflict of interest, notify the client and request the client's authorization to continue to provide professional services. Where the client agrees, professional technologists must record the acceptance in the client's file.

29. Where professional technologists practise their profession with several clients who may have divergent interests, they must inform them of their duty to be independent and of the specific actions that will be undertaken to provide professional services.

If the situation becomes irreconcilable with their duty to be independent, professional technologists must inform their clients that they must terminate the professional relationship.

DIVISION III AVAILABILITY AND DILIGENCE

30. Professional technologists must show reasonable availability, attention and diligence in the performance of their professional activities.

31. Professional technologists must provide their clients with all explanations necessary to an understanding and appreciation of the professional services being provided in addition to the opinions and advice they normally provide.

32. Professional technologists must report to their client on the provision of professional services once completed or at any time, on request.

33. Professional technologists must not cease to provide services to a client without just and reasonable cause. Just and reasonable cause includes

(1) loss of the client's trust in the professional technologist;

(2) lack of cooperation from the client;

(3) the fact that the professional technologist is in a situation of conflict of interest or in a situation in which his or her professional independence could be called into question; and

(4) inducement by the client to perform illegal or unfair acts.

34. Before ceasing to provide professional services to a client, professional technologists must give the client reasonable notice and take the necessary measures so that the withdrawal of such services does not cause prejudice to the client.

DIVISION IV LIABILITY

35. Professional technologists must assume full civil liability in their practice. Professional technologists must not insert in a contract for professional services any clause directly or indirectly excluding their liability in whole or in part.

36. Professional technologists who do not engage in professional activities in connection with orthoses and prostheses must affix their signature to the original and all copies of any plan, estimate, technical report, study, specifications, monitoring report, evaluation report, intervention plan or other technical document they have personally prepared or that has been prepared under their responsibility.

Professional technologists must also affix their seal to the original and copies of each plan or estimate they have personally prepared or that has been prepared under their responsibility.

DIVISION V REMUNERATION AND OTHER FEES

37. Professional technologists must not accept payment of their fees or remuneration from any person other than their client or the client's representative for the same professional service.

Where the cost of services or goods provided is being assumed by a third party, professional technologists must accept payment of their fees or remuneration from one source only, unless an explicit, prior written agreement to the contrary has been reached between the interested persons.

38. Professional technologists must share remuneration or professional fees with another person only to the extent that the sharing corresponds to a distribution of services and responsibilities.

39. Professional technologists must charge and accept fair and reasonable fees warranted in the circumstances and proportional to the professional services provided.

To determine their fees, professional technologists must consider the following factors:

- (1) their experience;
- (2) the time required to perform the professional services;
- (3) the complexity and extent of the professional services;

(4) the performance of professional services that are unusual or require exceptional competence or celerity; and

(5) where applicable, the cost of products or material needed to perform the professional services.

40. Professional technologists must inform their client of the approximate and foreseeable cost of the professional services before they are provided.

41. Professional technologists must refrain from requiring payment of their professional fees in advance. They may, however, by written agreement with the client, require an advance to cover disbursements necessary to perform professional services.

42. Professional technologists must provide the client with a clear statement of their professional fees including the cost of any goods provided, if any, and the terms and conditions of payment applicable. At the client's request, professional technologists must provide the client with all explanations necessary to an understanding of the statement.

43. Professional technologists must not charge interest on outstanding accounts without first informing the client. The interest thus charged must be reasonable.

44. Professional technologists must exhaust all other means at their disposal before resorting to legal proceedings for the payment of professional fees.

45. Professional technologists who entrust another person with the collection of their professional fees must ensure that the person acts with tact and moderation.

DIVISION VI PROFESSIONAL SECRECY

46. Professional technologists must preserve the secrecy of all confidential information that becomes known to them in the practice of their profession. They must, where applicable, take reasonable measures to ensure that the employees or personnel working with them preserve professional secrecy.

47. Professional technologists may be released from their obligation of professional secrecy only with the authorization of their client or where so ordered by law.

48. Professional technologists must not make use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for themselves or another person.

49. Clinical data collected by professional technologists in their practice or in doing research may be used for publication or teaching purposes only if the identity of the persons concerned is kept confidential.

50. Where professional technologists ask a client to disclose confidential information or where they allow a client to disclose such information, they must ensure that the client is aware of the reasons and various uses that could be made of the information.

51. Professional technologists must not disclose that a person has requested their professional services unless the nature of the case requires it.

52. Professional technologists must avoid any indiscreet conversation about a client and the professional services provided to a client.

53. Professional technologists must not accept to provide professional services that involve or that may involve the disclosure or use of confidential information or documents obtained from another client, without the consent of that other client.

DIVISION VII

LIFTING OF PROFESSIONAL SECRECY TO PROTECT INDIVIDUALS

54. In addition to the cases provided for in section 47, professional technologists may communicate information that is protected by professional secrecy in order to prevent an act of violence, including a suicide, where professional technologists have reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, professional technologists may only communicate the information to a person exposed to the danger or that person's representative, and to the persons who can come to that person's aid.

Professional technologists may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

The communication of such information may be made for any mode of communication, provided the method chosen allows for diligent communication of the information to protect individuals.

55. Professional technologists who, pursuant to section 54, communicate information protected by professional secrecy to prevent an act of violence must enter in the client's record as soon as possible

(1) the date and time that the information was communicated and the name of every person to whom the information was given;

(2) the mode of communication;

(3) the information communicated and the date and circumstances under which the information became known to the professional technologist; and

(4) the reasons that make professional technologists believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

56. Professional technologists must, without delay, notify the syndic of the communication of such information, providing it with the information referred to in section 55.

DIVISION VIII

CONDITIONS AND PROCEDURES APPLICABLE TO THE EXERCISE OF THE RIGHTS OF ACCESS AND CORRECTION PROVIDED FOR IN SECTIONS 60.5 AND 60.6 OF THE PROFESSIONAL CODE AND THE OBLIGATION FOR PROFESSIONAL TECHNOLOGISTS TO RELEASE DOCUMENTS TO A CLIENT

§1. Provisions applicable to professional technologists practising in a public body or in a health and social services institution

57. Professional technologists practising in a public body referred to in the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1) or an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) must respect the rules of accessibility, release of documents and correction of records provided for in those statutes.

§2. Provisions applicable to professional technologists not practising in a public body or in a health and social services institution and concerning the conditions and procedures applicable to the exercise by a client of the right to access information contained in any record established in the client's respect

58. Professional technologists must respond promptly, at the latest within 20 days of its receipt, to any request made by a client to examine or obtain a copy of the documents that concern the client in any record established in the client's respect.

59. Access to the information contained in a record must be free of charge. Professional technologists may, however, charge the client reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Professional technologists who intend to charge such fees must inform the client of the approximate amount to be paid before copying, transcribing or transmitting the information.

60. Professional technologists may refuse to allow a client to have access to the information contained in a record established in the client's respect where their disclosure would be likely to cause serious harm to the client or to a third party. A professional technologist must notify the client in writing of the reasons for the refusal and enter the reasons in the record.

§3. Provisions applicable to professional technologists not practising in a public body or in a health and social services institution and concerning the conditions and procedures applicable to a client's right to correction of information contained in any record established in the client's respect

61. Professional technologists must respond promptly, at the latest within 20 days of its receipt, to any request made by a client to

(1) cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning the client in any record established in the client's respect;

(2) cause to be deleted any information that is outdated or not justified by the object of the record established in the client's respect; or

(3) have the client's written comments filed in the record established in the client's respect.

62. Professional technologists who grant a request referred to in section 61 must issue to the client, free of charge,

(1) a copy of the document or the part of the document that was corrected or deleted; or

(2) an attestation that the client's written comments have been filed in the record.

63. On written request from the client, professional technologists must transmit, free of charge, to any person who transmitted the information referred to in section 61

to the professional technologist and to any person to whom the information has been communicated, as the case may be,

(1) a copy of the corrected information;

(2) an attestation that the information has been deleted; or

(3) an attestation that the written comments have been filed in the record.

§4. Obligation for professional technologists not practising in a public body or in a health and social services institution to release documents to a client

64. Professional technologists must respond promptly to a client who has requested it, any document that was entrusted to them and indicate in the client's record, where applicable, the reasons for the request.

65. Professional technologists may require that a request referred to in sections 58, 61 and 64 be made in writing and that the right be exercised at their professional domicile during their regular working hours.

DIVISION IX **RELATIONS WITH THE ORDER AND OTHER** **PROFESSIONAL TECHNOLOGISTS**

66. Professional technologists must, insofar as they are able, contribute to the development of the profession by exchanging knowledge and experience with other professional technologists and students.

67. Insofar as possible, professional technologists whose participation on a committee is requested by the Order are required to accept that function.

68. Professional technologists must, as quickly as possible, answer all correspondence from a syndic, the secretary of the Order or a member of the review committee or professional inspection committee or an investigator, an expert or an inspector of that committee, and must make themselves available for any meeting that is considered relevant.

69. Professional technologists must not abuse another professional technologist's good faith, breach the person's trust, act unfairly towards him or her or maliciously damage the person's reputation.

Without restricting the generality of the foregoing, professional technologists must not

(1) take credit for another professional technologist's work; or

(2) take advantage of their position as employer or executive to limit in any way the professional independence of another professional technologist in their employ or under their supervision, in particular as regards the use of the title of professional technologist or the obligation of every professional technologist to assume full professional liability.

70. Professional technologists consulted by another professional technologist must provide the other professional technologist with their opinion and recommendations within a reasonable time.

71. Professional technologists who are requested to replace another professional technologist or examine or review the work of another professional technologist must inform that professional technologist and, if necessary, ensure that the provision of the professional services is completed.

72. Professional technologists called on to collaborate with another professional technologist must maintain their professional independence. If entrusted with a task that is contrary to their conscience or against their principles, they must request to be excused from performing it.

DIVISION X DEROGATORY ACTS

73. In addition to the derogatory acts referred to in sections 59 and 59.1 of the Professional Code (R.S.Q., c. C-26) or that may be determined pursuant to section 59.2 and subparagraph 1 of the second paragraph of section 152 of the Code, the following acts of professional technologists are derogatory to the dignity of the profession:

(1) affixing their signature to the original or a copy of a plan, estimate, technical report, study, specification, monitoring report, evaluation report or intervention plan, or other technical document they have not personally prepared or that has not been prepared under their responsibility;

(2) affixing their seal to the original and copies of a plan or estimate they have not personally prepared or that has not been prepared under their responsibility;

(3) carrying out or participating in the carrying out of technical work, or selling, offering for sale, leasing, offering for lease or otherwise marketing any material, equipment or accessory in disregard of generally accepted professional methods, standards and procedures;

(4) taking advantage of a permanent salaried position to offer their professional services to persons with whom their employer does business;

(5) deliberately delaying the performance of a professional service;

(6) inducing a person through urgent insistence or repetition to use their professional services or recommending to a person to buy or lease directly or indirectly from them any material, equipment or accessory not required for the condition, treatment or needs of the client;

(7) taking advantage of the inexperience, ignorance, naivety or state of health of a client;

(8) guaranteeing, directly or indirectly, a physiological capacity or the restoration of a specific function by using services or goods provided;

(9) performing their professional activities in a condition or in a state that may compromise the quality of their services or the dignity of the profession;

(10) providing or issuing a report, a certificate, a declaration or any other document known to be false relating to a client's health, or to services or goods provided to the client;

(11) altering notes entered in the client's record or replacing any part thereof with the intention of falsifying them;

(12) disregarding or modifying a prescription signed by a professional authorized by law and preventing a client from examining the prescription or obtaining a copy of the prescription;

(13) failing to recommend a client consult a physician or failing to refer the client to another professional when a condition requiring a medical examination has been identified;

(14) making, modifying or allowing the making or modification of an orthosis or a prosthesis without a written prescription from a professional authorized by law, except where orthoses or prostheses are adjusted or repaired with a view to adapt the apparatus or prolong its utilization when the physical condition of the person has not changed and where the adjustments or repairs do not change the original prescription;

(15) being verbally or physically violent or using disrespectful oral or written comments towards a client;

(16) ceasing to provide professional services to a client without giving the client reasonable notice and without taking the necessary measures so that the withdrawal of such services does not cause prejudice to the client;

(17) allowing their name to be used by a person to recommend or promote the sale, distribution or use of material, equipment or accessories used in the practice of the profession;

(18) failing to ensure that the person consulted or assisting them is qualified;

(19) claiming fees for professional services not provided or falsely described or for goods that were not provided;

(20) claiming fees or remuneration from a client for payment in whole or in part of a professional service or goods the cost of which is assumed by a third party, unless an explicit, prior written agreement to the contrary has been reached between the interested persons;

(21) failing to inform the Order that they have reason to believe that a professional technologist is incompetent, dishonest or in breach of the Professional Code or a regulation under the Code;

(22) intimidating a person or taking reprisals or threatening to take reprisals against any person who

i. has reported derogatory behaviour or conduct or intends to do so; or

ii. has taken part or cooperated in an inquiry into derogatory behaviour or conduct or intends to do so;

(23) refusing or neglecting to appear at the office of a syndic or to hand over any documentation, when the syndic so requests; and

(24) failing to notify the Order at once if they believe a person is illegally using a title reserved to the members of the Order.

DIVISION XI CONDITIONS, OBLIGATIONS AND RESTRICTIONS RESPECTING ADVERTISING

74. Professional technologists must indicate their name and professional title in their advertising.

75. Professional technologists may not, by any means whatsoever, engage in or allow advertising that is false, misleading, incomplete, or likely to be misleading.

76. Professional technologists may not, by any means whatsoever, engage in or allow advertising that is likely to unduly influence persons who may be emotionally or physically vulnerable because of their age, their state of health or the occurrence of a particular event.

77. Professional technologists may not, in their advertising, use or allow to be used any endorsement or statement of gratitude concerning them.

The first paragraph does not prevent professional technologists from mentioning in their advertising an award for excellence or other merit for their contribution or a specific achievement relating to their profession.

78. Professional technologists may not claim to have special qualifications or skills unless such claims can be substantiated.

79. Professional technologists may not use advertising practices likely to denigrate or discredit another person with whom they have dealings in the practice of the profession or to discredit goods or services provided by that person.

80. Professional technologists who advertise fees, rebates or prices must

(1) specify the nature and extent of the services covered by the fees, rebates or prices and the characteristics of the goods offered, except if all the goods are included;

(2) indicate whether disbursements are included in the fees, rebates or prices;

(3) indicate whether additional goods or professional services not included in the fees or prices might be required, where applicable; and

(4) mention the total cost of the goods or professional services when the advertisement refers to the possibility of instalments.

Unless indicated otherwise in the advertisement, the fees, rebates or prices must remain in effect for a minimum of 90 days after the last broadcast or publication. In the case of a rebate, professional technologists must specify the validity period in the advertisement.

Professional technologists may, however, agree with the client on a price lower than the price broadcast or published.

81. In any advertisement, professional technologists may not, by any means whatsoever, give more importance to a rebate than to the professional services or goods offered.

82. The particulars and indications must be sufficient to reasonably inform persons who have no particular knowledge of the technology or the goods or professional services mentioned in the advertisement.

83. Professional technologists may advertise goods provided that they have a sufficient quantity of the goods or that they may obtain a sufficient quantity to meet the client's demand, unless they mention in their advertisement that the goods are in limited quantity.

84. Professional technologists must keep an integral copy of every advertisement for a period of five years following the date on which it was last broadcast or published. The copy must be given, on request, to a syndic of the Order, an inspector, investigator or member of the professional inspection committee.

85. Professional technologists who practise in a partnership are jointly responsible with the other professional technologists for compliance with the rules respecting advertising, unless the advertisement clearly indicates the name of the professional technologists responsible for the advertising or the professional technologists demonstrate that the advertisement was broadcast or published without their knowledge or consent, or despite measures taken to ensure compliance with the rules.

86. Professional technologists who reproduce the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the secretary of the Order.

The advertisement, other than on a business card, must include the following disclaimer:

“This is not an advertisement of the Ordre des technologues professionnels du Québec and engages the liability of its author only.”

87. This Code replaces the Code of ethics for professional technologists, approved by Order in Council 2442-85 dated 27 November 1985.

88. This Code comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 118-2006, 28 February 2006

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Security guards — Amendments

CONCERNING the Decree to amend the Decree respecting security guards

WHEREAS the Government, in accordance with section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), made the Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1);

WHEREAS the contracting parties named in this Decree petitioned the Minister of Labour in accordance with section 6.1 of this Act to have amendments made to the Decree;

WHEREAS sections 2 and 6.1 of this Act authorize the Government to amend a collective agreement decree;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft amendment decree was published in Part 2 of the *Gazette officielle du Québec* of 26 October 2005 and, on this same date, in two French-language newspapers and in an English-language newspaper, with a notice that it could be made by the Government upon the expiry of the 45 days following this publication;

WHEREAS no comment was brought forward concerning this project;

WHEREAS it is expedient to make this draft Decree without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Decree to amend the Decree respecting security guards, attached hereto, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting security guards*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2 and 6.1)

1. The Decree respecting security guards is amended by replacing section 3.05 by the following:

“**3.05.** For the purposes of computing overtime hours, annual leave and statutory general holidays with pay are counted as days of work.

This section does not result in granting overtime hours to the employee governed by section 6.04 who works on a holiday. In such case, he receives only the amounts provided for in section 6.04.”.

2. Section 4.10 of the Decree is amended by the addition, at the end of the first paragraph and after the word “employee” the words “for a specific purpose mentioned in the writing”.

3. Section 6.00 of the Decree is amended by replacing the title by the following:

“**6.00. Statutory general holidays and non-working days with pay**”.

4. Section 6.02 of the Decree is replaced by the following:

“**6.02.** For the purposes of this Decree, the following days are statutory general holidays: 1 January, Good Friday, the Monday preceding 25 May, 1 July, the first Monday in September, the second Monday in October, Remembrance Day and 25 December.”.

5. Section 6.03 of the Decree is replaced by the following:

“**6.03.** For each statutory general holiday, the employer must pay to the employee an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, including premiums, but excluding overtime hours.”.

6. Section 6.04 of the Decree is replaced by the following:

“**6.04.** If an employee must work on one of the days indicated in section 6.02, the employer, in addition to paying to the employee working on that general holiday the wages for the work done, must pay to such employee the indemnity provided for in section 6.03, or grant him a compensatory holiday equivalent to the number of hours worked on the holiday, on a date agreed upon by the employer and the employee.”.

7. Section 6.05 of the Decree is amended by replacing the first and second paragraph by the following:

“**6.05.** To benefit from a statutory general holiday, an employee must not have been absent from work without the employer’s authorization or without valid cause on the working day preceding or on the working day following the holiday.”.

8. Section 6.06 of the Decree is amended by replacing paragraph 2 by the following:

“(2) if the employer fails to grant a holiday of one day, he must pay to the employee the indemnity provided for in section 6.03.”.

9. Section 6.07 of the Decree is deleted.

10. Section 7.01 of the Decree is amended by replacing paragraphs 5 and 6 by the following:

“(5) An employee may be absent from work for five days, at the birth of his child, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy. The first two days of absence shall be remunerated if the employee is credited with sixty days of uninterrupted service.

This leave may be divided into days at the request of the employee. It may not be taken more than thirty days after the child arrives at the residence of his father or mother or, if such is the case, after the termination of pregnancy.

(6) An employee may be absent from work, without pay, for 10 days per year to fulfil obligations relating to the care, health or education of his child or the child of his spouse, or because of the state of health of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise the employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and the duration of the leave.”.

* The last amendments to the Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1) were made by the regulation made under Order in Council No. 345-2005 dated 13 April 2005 (2005, G.O. 2, 1001). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 September 2005.

11. Section 7.09 of the Decree is replaced by the following:

“7.09. Maternity Leave

The pregnant employee is entitled to the maternity leave provided for in the Act respecting labour standards (R.S.Q., c. N-1.1).”

12. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 120-2006, 28 February 2006

Building Act
(R.S.Q., c. B-1.1)

**Construction Code
— Amendments**

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Building Code which shall contain in particular building standards concerning buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the Building Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the Building Code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the Building Code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under section 192 of the Act, the contents of the Building Code may vary according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installa-

tions independent of a building and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board made the Regulation to amend the Construction Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 5 October 2005 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS no comments were received;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Construction Code, attached hereto, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

**Regulation to amend the
Construction Code***

Building Act
(R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 185,
1st par., subpars. 6.2, 6.3 and 38 and s. 192)

1. The Construction Code is amended in sections 2.01, 2.03, 2.05 and 2.11 to 2.15 of Chapter II by replacing the following references, wherever they appear, as follows:

(1) “CSA B149.1-00” by “CAN/CSA-B149.1-05”;

* The Construction Code, approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4203), was last amended by the regulations approved by Orders in Council 872-2005 and 873-2005 dated 21 September 2005 (2005, *G.O.* 2, 4342 and 4347) and 1172-2005 dated 30 November 2005 (2005, *G.O.* 2, 5127). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

- (2) “CSA B149.2-00” by “CAN/CSA-B149.2-05”;
- (3) “Code sur l’emmagasiner et la manipulation du propane” in the French text by “Code sur le stockage et la manipulation du propane”;
- (4) “CSA B149.3-00” by “CAN/CSA-B149.3-05”;
- (5) “CSA B108-99” by “CAN/CSA-B108-99 (C2004)”;
- (6) “CSA Z276-94” by “CAN/CSA-Z276-01”.
- 2.** Section 2.03 is amended by replacing, in Table 1:
- (1) “CSA B149.1” by “CAN/CSA-B149.1”;
- (2) “CSA B149.2” by “CAN/CSA-B149.2”;
- (3) “CSA B108” by “CAN/CSA-B108”.
- 3.** Section 2.05 is amended by inserting the following after subparagraph 4 of the first paragraph:
- “(4.1) Omni-Test Laboratories, Inc. ;”.
- 4.** Section 2.11 is amended
- (1) by replacing “in Clause 2.1” in paragraph 4 by “in Clause 3”;
- (2) in paragraph 5
- (a) by replacing “in Clause 2.3” by “in Clause 2”;
- (b) by replacing “approved by Order in Council 875-2003 dated 20 August 2003” in subparagraph *a* by “made under the Building Act (R.S.Q., c. B-1.1)”;
- (c) by replacing subparagraphs *b* to *d* by the following:
- “(b) by replacing “B51-03” by “B51-M1991”;
- (c) by replacing “B108-05” by “CAN/CSA-B108-99 (C2004)”;
- (d) by replacing “Natural gas fuelling stations installation code” in the French text by “Centres de ravitaillement de gaz naturel: code d’installation”;
- (3) by replacing “Clause 3.2” in paragraph 6 by “Clause 4.2”;
- (4) by deleting paragraph 7;
- (5) by replacing “5.9.3” in paragraph 8 by “6.9.3” wherever it appears;
- (6) in paragraph 9
- (a) by replacing “6.1.3” by “7.1.3”;
- (b) by replacing “6.1.4” by “7.1.4” and “Clause A.8.3” by “Clauses 9.4.1 and 9.4.2”;
- (7) in paragraph 10
- (a) by replacing “7.2.1” by “8.2.1” wherever it appears;
- (b) by replacing “7.2.3” by “8.2.3”;
- (c) by replacing “7.2.2” by “8.2.2”;
- (8) in paragraph 11
- (a) by replacing “7.2.2A and 7.2.2B” by “8.1 and 8.2”;
- (b) by replacing “7.2.1” by “8.2.1” wherever it appears;
- (9) by replacing “7.2.3” in paragraph 12 by “8.2.3” wherever it appears;
- (10) in paragraph 13
- (a) by replacing “7.2.4 and 7.2.5” by “8.2.4 and 8.2.5”;
- (b) by replacing “7.2.5A and 7.2.5B” by “8.3 and 8.4”;
- (11) in paragraph 14
- (a) by replacing “7.2.6” by “8.2.6”;
- (b) by replacing “7.2.1” by “8.2.1” wherever it appears;
- (c) by replacing “shall” by “must”;
- (12) in paragraph 15
- (a) by replacing “7.3.1, 7.3.3 and 7.3.4” by “8.3.1, 8.3.3 and 8.3.4”;
- (b) by replacing “7.2.4” by “8.2.4”;
- (13) by deleting paragraph 16;
- (14) in paragraph 17
- (a) by replacing “7.13.3” by “8.13.3”;
- (b) by replacing “7.13.4” by “8.13.4”;
- (c) by replacing “l’appendice” in the French text by “l’annexe” and “cet appendice” by “cette annexe”;

(15) by replacing “7.14.8” in paragraph 18 by “8.14.8”;

(16) by replacing paragraph 19 by the following:

“(19) by striking out “et à la chaleur” in Clause 8.18.1 of the French text”;

(17) in paragraph 20

(a) by replacing “7.18.23” by “8.18.23”;

(b) by replacing “7.18.24” by “8.18.24”;

(18) in paragraph 21

(a) by replacing “in Clause 1” by “in Clause C.2.2”;

(b) by replacing “l’appendice” in the French text by “l’annexe”;

(c) by replacing “7.2.1” by “8.2.1”.

5. Section 2.12 is amended

(1) in paragraph 2

(a) by replacing “in Clause 2.1” by “in Clause 3”;

(b) by replacing “emmagasiner” in subparagraph *c* of the French text by “stockage”;

(c) by replacing “**Garage**” in subparagraph *f* by “**Gauge**”;

(2) in paragraph 3

(a) by replacing “in Clause 2.3. by “in Clause 2”;

(b) by replacing “approved by Order in Council 875-2003 dated 20 August 2003” in subparagraph *a* by “made under the Building Act (R.S.Q., c. B-1.1)”;

(c) by replacing “B51-97” in subparagraph *b* by “B51-03”;

(d) by replacing subparagraph *c* by the following:

“(c) by inserting “NFPA 68, Guide for Venting of Deflagrations, 2002 Edition.” after the reference “NFPA 30B-2002 Code for the Manufacture and Storage of Aerosol Products”;

(3) by replacing “3.2” in paragraph 4 by “4.2”;

(4) by replacing “4.2.11” in paragraph 5 by “5.2.11”;

(5) by replacing “5.5.10.2” in paragraph 6 by “6.5.10.2”;

(6) by replacing “5.6” in paragraph 7 by “6.6”;

(7) by replacing “6.17.3” in paragraph 8 by “7.17.3”;

(8) by replacing “Clauses 6.21.1 to 6.21.4” in paragraph 9 by “Clause 7.21.1”.

6. Section 2.13 is amended in paragraph 2

(1) by replacing “approved by Order in Council 875-2003 dated 20 August 2003” in subparagraph *a* by “made under the Building Act (R.S.Q., c. B-1.1)”;

(2) by replacing “Z662-99” in subparagraph *d* by “Z662-03”;

(3) by replacing “CSA-B149.1” in subparagraph *e* by “CAN/CSA-B149.1”.

7. Section 2.14 is amended by replacing “approved by Order in Council 875-2003 dated 20 August 2003” in subparagraph *a* of paragraph 3 by “made under the Building Act (R.S.Q., c. B-1.1)”.

8. Section 2.15 is amended

(1) by replacing “Clauses 1.4 and 1.5” in paragraph 2 by “Clause 1.5”;

(2) in paragraph 3

(a) by replacing “in Clause 2” by “in Clause 2.1”;

(b) by replacing “**Éléments secondaires**” in subparagraph *a* of the French text by “**Dégivrage (déglacage)**”;

(3) in paragraph 4

(a) by replacing “Clause 3.1” by “Clause 2.2”;

(b) by replacing “approved by Order in Council 875-2003 dated 20 August 2003” in subparagraph *a* by “made under the Building Act (R.S.Q., c. B-1.1)”;

(c) by replacing subparagraphs *b* to *f* by the following:

“(b) by replacing “B51-03” by “B51-M1991”;

(c) by replacing “B149.1-00” by “B149.1-05”;

(d) by replacing “B149.2-00” by “B149.2-05”

(e) by replacing “C22.1-98” by “C22.10-04”;

9. Section 1.01 of Chapter I – Building, in the Construction Code, does not apply to the “Code national du bâtiment – Canada 2005” (CNRC 47666F) published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada on 1 November 2005 or to the National Building Code of Canada 2005 (NRCC 47666) published by that body on 26 September 2005, and section 3.01 of Chapter III – Plumbing, in the Construction Code, does not apply to the “Code national de la plomberie – Canada 2005” (CNRC 47668F) published by that body on 29 September 2005 or to the National Plumbing Code of Canada 2005 (NRCC 47668) published by that body on 26 September 2005.

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 121-2006, 28 February 2006

Building Act
(R.S.Q., c. B-1.1)

Safety Code — Amendments

Regulation to amend the Safety Code

WHEREAS, under section 175 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Safety Code which shall contain in particular safety standards for buildings, for facilities intended for use by the public and for installations independent of a building and their vicinity and standards for their maintenance, use, state of repair, operation and hygiene;

WHEREAS, under section 176 of the Act, the Safety Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 178 of the Act, the Safety Code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under section 192 of the Act, the contents of the Safety Code may vary according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board made the Regulation to amend the Safety Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Safety Code was published in Part 2 of the *Gazette officielle du Québec* of 5 October 2005 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS no comments were received;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Safety Code, attached hereto, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code*

Building Act
(R.S.Q., c. B-1.1, ss. 175, 176, 178 and 192)

1. The Safety Code is amended in sections 27, 29, 52, 53, 58, 61, 64, 66 and 71 to 73 of Chapter III by replacing the following references, wherever they appear, as follows:

* The Safety Code, approved by Order in Council 964-2002 dated 21 August 2002 (2002, *G.O.* 2, 4654), was last amended by the regulation approved by Order in Council 1154-2004 dated 8 December 2004 (2004, *G.O.* 2, 3593). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

- (1) “CSA Standard B149.1” by “CAN/CSA-B149.1”;
- (2) “Code sur l’emmagasiner et la manipulation du propane” in the French text by “Code sur le stockage et la manipulation du propane”;
- (3) “CSA B149.2” and “CSA Standard B149.2” by “CAN/CSA-B149.2”;
- (4) “CSA B108” and “CSA Standard B108” by “CAN/CSA-B108”;
- (5) “CSA Z276” and “CSA Standard Z276” by “CAN/CSA Z276”.

2. Section 53 is amended by replacing “Clause 5.5” by “Clause 6.5”.

3. Section 58 is amended by replacing

- (1) “Clause 6.19.4” in paragraph 1 by “Clause 7.19.4”;
- (2) “Table 6.16” in paragraph 2 by “Table 7.16”.

4. Section 61 is amended by replacing “Clauses 7.15 to 7.19” by “Clauses 8.15 to 8.19”.

5. Section 73 is amended by replacing “8.2 to 8.5 of Clause 8” by “9.2 to 9.5 of Clause 9”.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Index

Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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