

Gazette officielle
DU Québec

Part

2

No. 36

6 September 2006

Laws and Regulations

Volume 138

Summary

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Regulations and other acts

Gouvernement du Québec

O.C. 791-2006, 22 August 2006

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Régie de l'énergie — Fees payable — Amendment

Regulation to amend the Regulation respecting the fees payable to the Régie de l'énergie

WHEREAS, under subparagraph 2 of the first paragraph and the second paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may make regulations determining the fees payable for the examination of an application submitted to the Régie;

WHEREAS the Government made the Regulation respecting the fees payable to the Régie de l'énergie by Order in Council 735-2004 dated 28 July 2004;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the fees payable to the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 10 May 2006 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45 days have expired;

WHEREAS no comments were made concerning the draft Regulation following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting the fees payable to the Régie de l'énergie, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the fees payable to the Régie de l'énergie*

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 112, 1st par., subpar. 2 and 2nd par.)

1. The Regulation respecting the fees payable to the Régie de l'énergie is amended by adding the following sentence to section 1:

“The fees are reimbursed to the complainant by the Régie if it considers the complaint to be founded.”

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. 796-2006, 22 August 2006

An Act respecting the Ministère des Affaires municipales et des Régions
(R.S.Q., c. M-22.1)

Ministère des Affaires municipales et des Régions — Signing of certain documents — Amendments

Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et des Régions

* The Regulation respecting the fees payable to the Régie de l'énergie was made by Order in Council 735-2004 dated 28 July 2004 (2004, *G.O.* 2, 2469) and has not been amended since.

WHEREAS, under section 18 of the Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., c. M-22.1), the Government, by regulation, may determine the cases in which the signature of a document by a public servant is binding on the Minister and may be attributable to the Minister;

WHEREAS, under section 19 of the Act, the Government, by regulation, may, on the conditions it determines, allow a signature to be affixed by means of an automatic device to the documents it determines;

WHEREAS, by Order in Council 589-2000 dated 17 May 2000, the Government made the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et de la Métropole;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions:

THAT the Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et des Régions, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et des Régions*

An Act respecting the Ministère des Affaires municipales et des Régions
(R.S.Q., c. M-22.1, ss. 18 and 19)

1. Section 2 of the Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et des Régions is amended

(1) by replacing “13” in subparagraph *a* of paragraph 1 by “15”;

(2) by striking out subparagraph *d* of paragraph 1;

(3) by striking out “other” in subparagraph *d.1* of paragraph 1;

(4) by adding the following after subparagraph *d* of paragraph 7:

“(e) memoranda of understanding;”;

(5) by adding the following after subparagraph *f* of paragraph 9:

“(g) memoranda of understanding;”;

(6) by replacing paragraph 13 by the following:

“(13) a department head, for the objects within the jurisdiction of the department, of

(a) the following documents, provided that they include expenditures or receipts not exceeding \$10,000:

i. services contracts;

ii. supply contracts;

iii. service agreements with other departments and public bodies;

iv. memoranda of understanding;

(b) documents pertaining to the promise or granting of subsidies under programs for which the norms, terms and conditions of awarding, approved by the Conseil du trésor, the Government or the Cabinet, do not provide for the signature of a memorandum of understanding;”.

2. Section 3 is amended by replacing the first “second” by “third”.

3. The following is inserted after section 3:

“3.1. The signature of the Minister or the Deputy Minister may be affixed by means of an automatic device to any document by which the Minister communicates with municipalities and other bodies governed or affected by the statutes and regulations that the Minister is responsible for administering, other than letters relating to financial commitments.”.

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

* The Regulation respecting the signing of certain documents of the Ministère des Affaires municipales et des Régions, made by Order in Council 589-2000 dated 17 May 2000 (2000, *G.O.* 2, 2307), was last amended by the regulation made by Order in Council 189-2006 dated 22 March 2006 (2006, *G.O.* 2, 1182). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 April 2006.

Gouvernement du Québec

O.C. 798-2006, 22 August 2006

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

**Exemption of certain categories of pension plans
from the application of the Act**
— Amendments

IN THE MATTER of the Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act

WHEREAS in accordance with second paragraph of section 2 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Government may, by regulation and on the conditions it determines:

— exempt any pension plan or category of pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the plan or category or by reason of the complexity of the Act in relation to the number of members in the plan;

— prescribe special rules applicable to the plan or category;

WHEREAS pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation attached hereto was published in part 2 of the *Gazette officielle du Québec* on 17 May 2006 with a notice that it could be made by the Government upon expiry of a period of 45 days following that publication;

WHEREAS it is expedient to make the Regulation, with amendments to take into account comments made by interested parties;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of the Supplemental Pension Plans Act attached hereto be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the exemption of certain
categories of pension plans from the
application of provisions of the
Supplemental Pension Plans Act***

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 2, 2nd par.)

1. The Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act is amended by adding, after section 11, the following section:

“**11.0.1** The employer may stipulate that the right of a member, provided for in paragraph 5.1 of section 10, to receive a refund of his not locked-in member contributions or to transfer them is deferred to the end of his active membership. Such stipulation covers service rendered before and after its coming into effect.

The stipulation shall provide that the member may, nevertheless, transfer, in whole or in part, such contributions to a registered retirement savings plan or a lifelong learning plan. The member must declare in writing to the financial institution that he is transferring the contributions for that sole purpose.

Where the employer makes the stipulation after joining the plan, the financial institution that administers the plan shall notify the members 90 days before the coming into force of the stipulation.

The plan shall provide:

(1) that a member may demand a lump-sum payment of the contributions referred to in this section, in accordance with the conditions set out in paragraph 11 of the first paragraph of section 10;

(2) that an active member is entitled to transfer such contributions in accordance with the conditions set out in paragraph 12 of the first paragraph of section 10.”

* The last amendments to the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act, approved by Order in Council 1160-90, dated 8 August 1990 (*G.O.* 1990, 2, 2333), were made by the regulation made by Order in Council 436-2004, dated 6 May 2004 (*G.O.* 2004, 2, 1615). For the preceding amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2006, updated to 1 April 2006.

2. Paragraph 27 of the first paragraph of section 10 is amended by replacing the words “and the first paragraph of section 11” with the words “, the first paragraph of section 11 and section 11.0.1”.

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

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Gouvernement du Québec

O.C. 800-2006, 22 August 2006

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

Automotive services industry

— Rimouski

— Amendments

CONCERNING the Decree to amend the Decree respecting the automotive services industry in the Rimouski region

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 the automotive services industry in the Rimouski region (R.R.Q., 1981, c. D-2, r.49);

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 this 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 April 19 2006 and, on this same date, in a French-language newspaper and 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 the automotive services industry in the Rimouski region, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Rimouski region*

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

1. Section 1.01 of the Decree respecting the automotive services industry in the Rimouski region is amended by replacing subsection 4 by the following:

“4. “spouses”: either of two persons who:

(a) are married or in a civil union and are cohabiting;

(b) are of opposite sex or the same sex and are living together in a de facto union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a de facto union for at least one year;”.

2. Section 2.02 of the Decree is replaced by the following:

“2.02. Territorial jurisdiction: This Decree applies to the city of Rimouski as well as the municipalities Saint-Anaclet-de-Lessard, Le Bic, Saint-Valérien”.

3. Section 3.04 of the Decree is replaced by the following:

“ 3.04. An employee is deemed to be at work in the following cases:

* The last amendments to the Decree respecting the automotive services industry in the Rimouski region (R.R.Q., 1981, c. D-2, r.49) were made by the regulation made under Order in Council No. 1391-99 dated 8 December 1999 (1999, *G.O.* 2, 4671). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 april 2006.

1. while available to the employer at the place of employment and required to wait for work to be assigned;
2. during the break periods granted by the employer;
3. when travel is required by the employer;
4. during any trial period or training required by the employer.”.

4. Section 3.05 of the Decree is amended by replacing the number “24” by the number “32”.

5. Section 6.01 of the Decree is amended by deleting the second paragraph.

6. Section 6.02 of the Decree is amended by replacing in the first paragraph the expression “To be entitled to a holiday provided for in section 6.01, the employee must be credited with 60 days of uninterrupted service in the undertaking and” by the expression “To be entitled to a holiday, an employee must”.

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

“**6.03.** The employer must pay to an employee who is entitled to a holiday provided for in section 6.01 an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime.”.

8. Section 7.06 of the Decree is amended by replacing the second paragraph by the following:

“Notwithstanding the first paragraph, the employer may, at the request of the employee, allow the annual leave to be taken, in whole or in part, during the reference year.

In addition, if at the end of the 12 months following a reference year, the employee is absent owing to sickness or accident or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled.

Any period of salary insurance, sickness insurance or disability insurance interrupted by a leave taken in accordance with the first paragraph is continued, where applicable, after the leave, as if it had never been interrupted.”.

9. Section 8.01 of the Decree is replaced by the following:

“**8.01.** An employee may be absent from work for five days, without a reduction in wages, by reason of the death or the funeral of his spouse, child or the child of his spouse.

An employee may be absent from work for three days, without reduction in wages, by reason of the death or the funeral of his father, mother, brother or sister. He may also be absent from work for two more days on this occasion, but without pay.”.

10. Section 8.04 of the Decree is amended by adding, at the end of the first paragraph and after the words “wedding day”, the words “or of his civil union”.

11. Section 8.05 of the Decree is amended by adding, at the end of the first sentence and after the words “or the adoption of a child”, the words “or where there is a termination of pregnancy in or after the twentieth week of pregnancy”.

12. The Decree is amended by adding the following after section 8.05:

“**8.06.** An employee may be absent from work, without pay, for 10 days a year, to fulfil obligations relating to the care, health or education of the employee’s child or the child of the employee’s 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.

8.07. An employee who is credited with three months of uninterrupted service may be absent from work, without pay, for a period of not more than 26 weeks over a period of 12 months by reason of illness or accident.

However, this section does not apply in the event of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001).

8.08. In the case provided for in section 8.07, the employee must advise the employer of his absence as soon as possible and the reasons for such absence.

8.09. An employee's participation in the group insurance and pension plans recognized in the employee's place of employment shall not be affected by the absence from work provided in section 8.07, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

8.10. At the end of the absence provided in section 8.07, the employer shall reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled if the employee remained at work. If the position held by the employee no longer exists when the employee returns to work, the employer shall recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.

Nothing in the first paragraph shall prevent an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of the sickness or accident or the repetitive nature of the absences constitute good and sufficient cause.

8.11. If the employer makes dismissals or layoffs that would have included the employee if the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off.

8.12. This division shall not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work.

8.13. An employee who is credited with three months of uninterrupted service may be absent from work, without pay, for a period of not more than 12 weeks over a period of 12 months where he must stay with his child, spouse, the child of his spouse, his father, mother, brother, sister or one of his grandparents because of a serious illness or serious accident.

An employee must advise the employer as soon as possible of an absence from work and, at the employer's request, furnish a document justifying the absence.

However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, which shall end at the latest 104 weeks after the beginning thereof. Section 8.09, the first paragraph of section 8.10, and sections 8.11 and 8.12 apply, with the necessary modifications, to the employee's absence."

13. Section 9.01 of the Decree is replaced by the following:

"**9.01.** The minimum hourly wage rates are the following:

Classifications	As of the date of the coming into force	As of January 1, 2007	As of January 1, 2008
1. Tradesperson :			
6th class	\$15.34	\$15.65	\$15.96
5th class	\$14.30	\$14.59	\$14.88
4th class	\$12.22	\$12.46	\$12.71
3rd class	\$11.18	\$11.40	\$11.63
2nd class	\$10.14	\$10.34	\$10.55
1st class	\$9.10	\$9.28	\$9.47
Less than 6 months	\$8.32	\$8.49	\$8.66
2. Parts Clerk :			
4th class	\$12.22	\$12.46	\$12.71
3rd class	\$11.70	\$11.93	\$12.17
2nd class	\$11.18	\$11.40	\$11.63
1st class	\$10.14	\$10.34	\$10.55
Less than 6 months	\$9.52	\$9.71	\$9.90
3. Messenger :			
2nd class	\$8.91	\$9.09	\$9.28
1st class	\$8.23	\$8.40	\$8.57
Less than 6 months	\$7.91	\$8.07	\$8.23

Classifications	As of the date of the coming into force	As of January 1, 2007	As of January 1, 2008
4. Service Attendant :			
4th class	\$10.40	\$10.61	\$10.82
3 rd class	\$9.67	\$9.87	\$10.06
2nd class	\$8.96	\$9.14	\$9.33
1st class	\$8.11	\$8.27	\$8.44
5. Semiskilled Worker :			
3rd class	\$10.40	\$10.61	\$10.82
2nd class	\$9.62	\$9.81	\$10.00
1st class	\$8.84	\$9.02	\$9.20
6. Pump Attendant :	\$7.90	\$8.06	\$8.22
7. Washer :	\$7.90	\$8.06	\$8.22.”.

14. Section 9.07 of the Decree is amended :

1. by adding, at the end of the first paragraph and after the word “employee”, the expression : “for a specific purpose mentioned in the writing” ;

2. by inserting, in the second paragraph and after the word “time,” the expression : “except when it concerns adherence to a group insurance plan or to a supplemental pension plan”.

15. Section 11.01 of the Decree is replaced by the following :

“**11.01.** When the employer requires the wearing of special clothing, he cannot require an amount of money from an employee for the purchase, use or upkeep of the special clothing.

Also, the employer cannot require an employee to pay for special clothing that identifies the employee as an employee of the employer’s establishment.”.

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

Draft Regulations

Draft Regulation

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20)

Commission de la construction du Québec — Levy

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Levy Regulation of the Commission de la construction du Québec, the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to levy upon the employer alone or upon both the employer and the employee or upon the employee alone or, where applicable, upon the independent contractor, the amounts required for its administration and fix a minimum amount which an employer is bound to pay per monthly period. Such levy, similar to that of the year 2006, constitutes the main source of financing of the Commission.

Further information may be obtained by contacting André Ménard, Chair and Chief Executive Officer, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec) H3R 2G3; tel.: 514 341-7740, ext. 6296.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to André Ménard, Chair and Chief Executive Officer, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec) H3R 2G3; tel.: 514 341-7740, ext. 6296.

LAURENT LESSARD,
Minister of Labour

Levy Regulation of the Commission de la construction du Québec

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 82, 1st par. subparagraph c)

1. The levy imposed by the Commission de la construction du Québec for the year 2007 is:

(1) in the case of an employer, 0.75 of 1% of the total remuneration paid to his employees;

(2) in the case of an independent contractor, 0.75 of 1% of his remuneration as an independent contractor;

(3) in the case of an employee, 0.75 of 1% of his remuneration.

Notwithstanding the first paragraph, the minimum amount that an employer or an independent contractor is bound to pay the Commission per monthly period is \$10.

2. The employer shall collect, on behalf of the Commission, the amount levied upon his employees by means of a weekly deduction on their wages.

3. The independent contractor shall deduct weekly, out of the remuneration he received as an independent contractor, the amount levied upon him.

4. The employer and the independent contractor shall remit to the Commission the amount levied for a monthly period in pursuance of this Regulation, not later than the 15th of the following month.

5. This Regulation comes into force on 1 January 2007.

7784

Draft Regulation

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

Physical therapists and physical rehabilitation therapists — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the draft Regulation entitled Code of ethics of physical therapists and physical rehabilitation therapists, made by the Bureau of the Ordre professionnel de la physiothérapie du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

According to the Order, the draft Regulation updates the Code of ethics of the members to take into account among other things the recent integration of physical rehabilitation therapists into the Order. Also, more precise rules are set out as regards access to records, the correction of information, the forwarding of documents in records, advertising by members and research.

Further information may be obtained by contacting Julie Martin at the Ordre professionnel de la physiothérapie du Québec, 7101, rue Jean-Talon Est, bureau 1120, Anjou (Québec) H1M 3N7; telephone: 514 351-2770 or 1 800 361-2001; fax: 514 351-2658.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation and to the persons, departments and other bodies concerned.

GAÉTAN LEMOYNE,
*Chair of the Office des
professions du Québec*

Code of ethics of physical therapists and physical rehabilitation therapists

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

DIVISION I GENERAL DUTIES

1. This Code governs, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the general and special duties of the members of the Ordre professionnel de la physiothérapie towards the public, their clients and their profession.

2. Members must comply with the Professional Code and the regulations made thereunder. They must also take reasonable measures to ensure that persons who collaborate with the members in the practice of the profession comply with the Code and regulations.

3. Members must act with dignity and refrain from using methods or adopting attitudes likely to tarnish the image of the profession or to impair their ability to serve the public interest.

4. Members must discharge their professional obligations with integrity and with reasonable attention, availability and diligence.

5. Members must to the extent possible support every measure conducive to improving the quality and availability of the professional services in the field of physiotherapy.

6. Members must practise their profession in keeping with the generally accepted standards of the science and practice of physiotherapy.

7. Members must refrain from giving opinions or advice that is contradictory or incomplete. To that end, members must endeavour to gain complete knowledge of the facts before giving opinions or advice.

8. Members must refrain from practising their profession in a condition or in a state that may compromise the quality of their professional services or the dignity of the profession.

9. In the practice of the profession, members must take into consideration the conditions and restrictions specific to their category of permit, the extent of their proficiency, knowledge and the means available. Members must not undertake work for which they are not sufficiently prepared without obtaining the necessary assistance.

10. Members must, in the practice of the profession, identify themselves in accordance with the permit issued. They must, in particular, display at their workplace in a visible location the permit to practise issued by the Order or their name and title or, if they are unable to do so, they must wear a name tag indicating their name and title.

11. Members must refrain from intimidating or harassing a person or carrying out or threatening to carry out reprisals against a person because

(1) the person has reported or intends to report conduct or behaviour contrary to this Code or the Professional Code; or

(2) has participated or collaborated or intends to participate or collaborate in an inquiry into professional competence or conduct or behaviour contrary to this Code or the Professional Code.

12. Members must, to the extent possible, refrain from treating themselves or treating a person with whom they have a relationship likely to impair the quality of the services, including their spouse and children.

DIVISION II

DUTIES TOWARD THE PUBLIC

13. Members must promote education and information measures in the field of physiotherapy. They must also, to the extent possible, perform the necessary acts to ensure such education and information.

14. Members must ensure the quality of their professional services offered to the public, in particular,

(1) by ensuring that their knowledge and skills are kept up to date, furthered and developed;

(2) by optimizing their professional competence;

(3) by fostering the advancement of the profession; and

(4) by remedying any shortcomings identified during the professional inspection program.

15. Members must act with objectivity and impartiality when persons other than their clients ask them for information.

DIVISION III

DUTIES TOWARDS CLIENTS

§1. General duties

16. Before treating a client, a physical therapist must evaluate the client's functional performance.

Before treating a client, a physical rehabilitation therapist must have on hand an evaluation made by a physical therapist or a medical diagnosis not restricted to the symptoms that indicates, if applicable, the type of structural disorder, and that is accompanied by a report documenting the disorder. The physical rehabilitation therapist must also act in accordance with the permit issued.

17. Members must, before providing professional services, obtain the free and enlightened consent of the client. Except for reasonable cause, members must provide their client, in a complete and objective manner, with the explanations necessary to understand and assess, in particular, the necessity, nature, conditions and risks of the professional services that will be provided.

18. Members must, as soon as possible, inform their client of any incident, accident or complication likely to have or that has had a significant impact on the client's health or physical integrity.

19. Members must not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

20. Members must at all times acknowledge the client's right to consult a colleague, another professional or any other competent person.

If the client's condition so requires, members must consult another member, another professional or another competent person or refer the client to one of those persons.

21. Members must at all times acknowledge the client's right to obtain, from the supplier of his or her choice, any physiotherapy materials, equipment or device useful for the client's condition or treatment.

22. Members must assume full personal civil liability in the practice of the profession. They may not include in a contract of professional services any clause that, directly or indirectly, fully or partially, excludes that liability.

§2. Independence and impartiality

23. Members must refrain from interfering in the personal affairs of their client in matters not related to the practice of the profession.

24. Members must subordinate their personal interests to those of their clients.

25. Members must ignore any intervention by a third party that could influence the performance of their professional duties to the detriment of their client.

26. Members must safeguard their professional independence at all times and avoid any situation in which they would be in conflict of interest.

Members are in conflict of interest when the interests concerned are such that they might tend to favour certain interests, even those of another client, over those of their client or their judgment and loyalty towards their client might be adversely affected.

27. As soon as members become aware that they are in a conflict of interest, they must notify their client and ask the client for authorization to continue providing professional services to the client.

28. Except for the usual tokens of thanks and modest gifts, members may not receive or offer any commission, rebate or benefit.

§3. *Professional secrecy*

29. Members must preserve professional secrecy and may be released from their obligation of professional secrecy only with the authorization of their client or where so ordered by law in the cases and on the conditions prescribed in sections 34 to 36.

30. Members must avoid any indiscreet conversation about a client and the professional services provided to a client.

31. Members must not disclose that a person has requested their professional services if that fact is liable to cause prejudice to the person.

32. Where members ask a client to disclose confidential information or where they allow a client to disclose such information, they must clearly inform the client of the reason for such request and the various uses that could be made of the information.

33. Members must not use confidential information to the detriment of a client or to obtain directly or indirectly a benefit for themselves or for third parties.

34. Members may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the members 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, members may only communicate the information to a person exposed to the danger or that person's representative, or to the persons who can come to that person's aid.

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

If it is necessary in the best interests of the person exposed to the danger, members must consult another member of the Order, a member of another professional order or any other qualified person provided that the consultation does not prejudicially delay the communication of information.

35. Members who, pursuant to section 34, communicate information protected by professional secrecy to prevent an act of violence must

- (1) communicate the information immediately; and
- (2) enter in the client's record as soon as possible

(a) the reasons supporting the decision to communicate the information; and

(b) the subject of the communication, the mode of communication, and the name of the person to whom the information was given.

36. Members who, pursuant to the fourth paragraph of section 34, consulted another member, a member of another professional order or any other competent person, must enter in the client's record as soon as possible

- (1) the name of the person consulted;

- (2) the date of the consultation;

- (3) a summary of the consultation; and

- (4) the decision.

§4. *Relationship of trust*

37. Members must seek to establish a relationship of mutual trust with their clients.

For that purpose, members must

(1) refrain from practising their profession in an impersonal manner; and

(2) conduct interviews in such a way as to respect their clients' values and personal convictions where the clients inform them thereof.

38. Unless they have reasonable grounds for doing so, members may not cease or refuse to provide professional services to a client.

The following in particular constitute reasonable grounds:

- (1) a loss of the client's confidence;

(2) a personality conflict between the member and the client;

(3) an inducement by the client to perform acts that he or she knows to be illegal, improper or fraudulent; and

(4) a conflict of interest or any situation in which their professional independence might be called into question.

39. Before ceasing or refusing to provide professional services required by a client, members must so inform the client within a reasonable time and make sure, as far as possible, that the client may receive the required care from another member.

40. During the professional relationship, members must not establish relations of an intimate, amorous or sexual nature with a client.

For the purpose of determining the duration of the professional relationship, members must take into consideration, in particular, the client's vulnerability, the problems to be addressed by and the duration of the professional services provided, and the likelihood of the member having to provide professional services to the client again.

DIVISION IV DUTIES TOWARDS THE PROFESSION

§1. Acts derogatory to the dignity of the profession

41. Members must refrain from guaranteeing, directly or indirectly, the healing of a disease, the result of a treatment or the recovery from an impairment or incapacity.

42. Members must not take advantage in the practice of the profession of the client's inexperience, ignorance, naïveté or poor health.

43. Members must inform the Order if they have reason to believe that another member is incompetent or is contravening the provisions of this Code or the Professional Code.

44. Members must notify the Order as soon as possible of the fact that a person who is not a member is using a title reserved for the members.

Members must notify the Order as soon as possible of the fact that a person is practising illegally a professional activity reserved to the members of the Order.

45. Members must not require, accept or offer money or other benefit for the purpose of contributing to have a procedure or decision of the Order adopted or rejected.

46. Members must inform the Order if they have reason to believe that a person who requests admission to the Order does not meet the requirements.

47. In no circumstances may a member, on being informed of an inquiry into the member's professional conduct or competence or that of his or her partners or employees of his or her partnership, or on being served with a complaint lodged against the member, partner or employee, communicate with the client or person who requested the inquiry, without the prior written authorization of the syndic or assistant syndic.

48. Members must not secure or cause to be secured for a client, themselves or any other person an unwarranted material benefit, in particular by falsifying a declaration, report or any document on the health of a client or the treatment the client received.

49. Members may not pressingly or repeatedly urge anyone to retain their professional services or those of another person practising within the partnership.

§2. Relations with the Order

50. Members whose participation on a committee or board of arbitration is requested by the Order are required to accept that function unless exceptional grounds prevent such participation.

51. Members must reply promptly in writing to all communications from the Order, in particular from the syndic of the Order or an assistant syndic, an expert appointed to assist the syndic, the professional inspection committee, its secretary or one of its members, an inspector, an investigator or a committee expert.

§3. Relations with other members

52. Members may not betray the good faith or breach the trust of another member or use unfair practices. They must not, in particular, take credit for work performed by another member.

53. Members consulted by another member must provide the other member with their opinion and recommendations as quickly as possible.

54. Members called upon to collaborate with a colleague must maintain their professional independence. They may be asked to be excused from doing any task that is contrary to their conscience or principles.

55. Members must, to the extent of their possibilities and competence, participate in the development of their profession by sharing their knowledge and experience with other members and students and by collaborating in training activities.

DIVISION V**ACCESS TO AND CORRECTION OF DOCUMENTS***§1. Terms and conditions of rights of access*

56. Members must respond promptly, at the latest within 30 days of its receipt, to any request made in writing by a client to consult or obtain a copy of documents that concern the client in any record made in his or her respect.

57. Access to information in a record is free. Members may, however, charge the client fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Members who intend to charge fees pursuant to this section must inform the client of the approximate amount to be paid before copying, transcribing or transmitting the information.

58. Members who deny a client access to information contained in a record established in the client's respect must notify the client in writing of the reasons for the refusal and enter the reasons in the record.

59. Except on grounds permitted by law, at the request of the client, members must give to the professional, the employer, the institution or the insurer indicated by the client the relevant information in the record kept or maintained by the members in the client's respect.

60. Except on grounds permitted by law, members must provide to a client who so requests or a person appointed by the client any information or document that would enable the client to obtain a benefit to which the client may be entitled.

§2. Terms and conditions of the right to correct

61. Members must respond promptly, at the latest within 30 days of its receipt, to any request made in writing by a client to have information that is inaccurate, incomplete or ambiguous corrected or deleted in any document concerning the client. Members must also respect the client's right to make written comments in the record.

Members must give the client, free of charge, a duly dated copy of the document or part of the document filed in the record so that the client may verify that the information has been corrected or deleted or, as applicable, give the client an attestation stating that the client's written comments have been filed in the record.

62. On written request from the client, members must forward a copy, free of charge, of the corrected information or an attestation stating that the information has been deleted or, as applicable, that the written comments have been filed in the record, to every person from whom the members received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

63. Members who refuse to grant a request to correct or delete information in any document concerning the client must, on written request from the client, notify the client in writing of the reasons for the refusal and enter the reasons in the record.

64. Members who hold information that is the subject of a request for access or correction must, if they deny the request, keep the information for the time needed by the client to pursue all legal remedies.

§3. Obligation for members to return documents

65. Members must respond promptly to any written request from a client to have a document returned to the client.

DIVISION VI
DETERMINATION AND PAYMENT OF FEES

66. Members must bill clients using a title reserved to the members under the category of permit.

67. Members must charge only the fees warranted by the nature and circumstances of the professional services provided.

68. To determine their fees, members must consider the following factors :

- (1) their experience ;
- (2) the time required for the treatment ;
- (3) the complexity and extent of the treatment ; and
- (4) the providing of professional services that involve exceptional competence or exceptional characteristics.

69. Members must provide their client with all the explanations required for the understanding of their statement of fees and the terms of payment.

70. Members may share their fees with another person only insofar as the sharing corresponds to the sharing of services and responsibilities.

71. Members may not require payment of fees in advance and must inform the client of the approximate cost for their services and of all other costs of any nature.

If the expected cost of the services must be modified, members must immediately inform the client and explain the reasons therefor.

72. Members may not claim fees for professional services not provided.

Members may claim cancellation fees for missed appointments if there is an agreement to that effect with the client. Those fees must be reasonable.

73. Members who mandate a third party to collect their fees must ensure that the latter proceeds with tact and moderation. For that purpose, they may communicate only the necessary information.

74. Members may not charge interest on outstanding accounts unless the client has been duly notified. The interest so charged must be reasonable.

75. Before instituting legal proceedings, members must have exhausted all other means available to recover their fees.

DIVISION VII **ADVERTISING, REPRESENTATION AND SALES**

76. Members must, by whatever means possible, avoid making false, misleading or incomplete representations with respect to their level of competence or the scope or effectiveness of their services, those of a person practising the profession within their partnership or those generally offered by members of their profession.

77. Members may not advertise discounts or rebates incidental to the services provided.

78. Members must refrain from recommending a person buy or lease, directly or indirectly, any physiotherapy material, equipment or device that is not necessary to the client's condition or treatment.

79. Members must refrain from selling, leasing or otherwise marketing any material, equipment or device that is not required under the generally recognized standards of the science and practice of physiotherapy.

80. Any advertisement made or authorized by members using a title reserved to their category of permit must be related to the practice of the profession under paragraph *n* of section 37 of the Professional Code.

81. Members may not engage in or allow advertising, by any means whatsoever, that is false, deceitful, incomplete or likely to be misleading.

82. Members may not claim, in their advertising, specific qualities or skills, in particular as to their level of competence or the scope or effectiveness of their professional services, unless they can be substantiated.

83. Members may not associate or allow the association of their professional title to their name in any advertisement for the public promoting the sale of a product or method likely to be harmful to health or a treatment producing effects greater than those anticipated by the current state of knowledge.

84. Members who advertise their fees and prices must

(1) establish fees or prices;

(2) specify the nature, extent and duration of the professional services included in the fees or prices;

(3) indicate whether other costs are included in the fees or prices; and

(4) indicate whether additional services which are not included in the fees or prices might be required.

The explanations and indications must be given in such manner as to reasonably inform persons who have no particular knowledge of physiotherapy.

Unless indicated otherwise in the advertisement, the fees or prices are to remain in effect for a minimum of 90 days after the date they were last broadcast or published. Members may, however, agree with the client on prices lower than those broadcast or published.

85. Members may not, in a statement or advertisement, disclose the amount of the instalments to be paid to acquire a product or receive a service without disclosing and also stressing in a more obvious manner the total price or fees for the product or service.

86. Members may not make a statement or advertisement concerning a product of which they have an insufficient quantity to meet public demand unless mention is made in the statement or advertisement that only a limited quantity of product is available.

Members may not make a statement or advertisement concerning a service they cannot provide in a reasonable manner.

87. Members must keep a copy of every advertisement for a period of five years following the date on which it was last broadcast or published.

88. Members may not engage in advertising or allow advertising that is likely to influence persons who may be physically or emotionally vulnerable because of their age, their state of health, or the occurrence of a specific event.

89. Members practising in a partnership are jointly and solidarily responsible with the other professionals for complying with the rules on advertising unless they establish that the advertising took place without their knowledge and consent and despite measures taken to ensure compliance with the rules.

90. Members may not use advertising practices that compare, directly or indirectly, the quality of their services to the quality of the services that other persons provide or may provide, denigrate or discredit a person or minimize a service or product provided by the person.

91. Members 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.

92. Members who reproduce the name of the Order in their advertising, except on business cards, must include the following disclaimer: "This is not an advertisement of the Ordre professionnel de la physiothérapie du Québec and engages the liability of its author only."

DIVISION VIII RESEARCH

93. Members must take into consideration the foreseeable consequences of their research and work on society.

94. Before undertaking any research involving human beings, members must obtain approval of the project from a research ethics committee that complies with the standards in effect, in particular as regards its composition and procedures. Members must also ensure that the persons collaborating with them are informed of the ethical requirements.

95. Members undertaking or participating in research involving human beings must comply with the scientific principles and ethical standards generally recognized and warranted by the nature and purpose of the research.

96. Members must refuse to collaborate in any research activity entailing risks for the health of the subjects, healthy or sick, that appear disproportionate in comparison to the potential benefits they may derive from it or to the benefits they would obtain from ordinary care.

97. Members must not conceal any negative results of a research project in which they have taken part.

98. Members must, with respect to research subjects, ensure

(1) that each subject has been informed of the project's objectives, its benefits, risks or disadvantages relating to their participation, the benefits that would be obtained through ordinary care, if applicable, as well as the fact, as the case may be, that the members will derive a material gain from registering or keeping the subject in the research project; and

(2) that free and enlightened written consent, revocable at any time, is obtained from each subject before the beginning of participation in the research project or at the time of any material change in the research protocol.

99. Members who undertake or participate in a research project must declare their interest to the research ethics committee and reveal any real, apparent or potential conflict of interest.

Members must not, in a research activity, enter into an agreement or accept or grant compensation that would call into question their professional independence.

Any remuneration or compensation paid to members for their time and professional expertise involved in the research must be reasonable and be known to the ethics committee.

DIVISION IX FINAL

100. This Regulation replaces the Code of ethics of physical therapists (R.R.Q., 1981, c. C-26, r.136) and the Regulation respecting advertising by physical therapists, made by Order in Council 135-86 dated 19 February 1986.

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

Draft Regulation

Professional Code
(R.S.Q., c. C-26; 2006, c. 20)

Psychologists — Standards for equivalence of diplomas and training for the issue of a permit

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation respecting the standards for equivalence of diplomas and training for the issue of a permit by the Ordre des psychologues du Québec”, made by the Bureau of the Ordre des psychologues du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to prescribe, pursuant to paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), standards for equivalence of diplomas issued by educational institutions situated outside Québec, for the purposes of issuing a permit of the Ordre des psychologues du Québec, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes.

The Regulation also determines, pursuant to paragraph *c.1* of section 93 of the Professional Code, a procedure for recognizing an equivalence, stipulating that a decision must be reviewed by persons other than those who made it. This new regulatory power was introduced by the Act to amend the Professional Code as regards the issue of permits (2006, c. 20, s. 4), which came into force on 14 June 2006.

The Regulation is to replace the Regulation currently in force to reflect the upgrading of training requirements for the issue of a psychologist permit which were changed from a master’s degree to a doctorate under 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, made by Order in Council 643-2006 dated 28 June 2006.

The Order foresees no impact of the amendments on enterprises, including small and medium-sized businesses.

Further information concerning the draft Regulation may be obtained by contacting Édith Lorquet, Legal and External Affairs Advisor, Ordre des psychologues du Québec, 1100, avenue Beaumont, bureau 510, Ville Mont-Royal (Québec) H3P 3H5; telephone: 514 738-1881, extension 223 or 1 800 363-2644; fax: 514 738-8838.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation and to the persons, departments and other bodies concerned.

GAÉTAN LEMOYNE,
*Chair of the Office
des professions du Québec*

Regulation respecting the standards for equivalence of diplomas and training for the issue of a permit by the Ordre des psychologues du Québec

Code des professions
(R.S.Q., c. C-26, s. 93, par. *c*)

DIVISION I GENERAL

1. The Secretary of the Ordre des psychologues du Québec shall forward a copy of this regulation to a candidate wishing to obtain equivalence of a diploma issued by an educational institution outside Québec or equivalence of training for the purpose of obtaining a permit from the Ordre.

In this Regulation:

“diploma equivalence” means the recognition by the Ordre that a diploma issued by an educational institution outside Québec certifies that the level of knowledge and skill of a candidate holding this diploma is equivalent to that acquired by the holder of a diploma recognized by government regulation as giving access to permits, in application with the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26);

“training equivalence” means the recognition by the Ordre that a candidate’s training indicates that the candidate has acquired a level of knowledge and skill equivalent to that acquired by the holder of a diploma recognized by regulation of the government as giving access to permits, in application with the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26);

“credit” means the quantitative value attributed to the activities of a student as part of a university practical training or research program; when the activity is a formal course, one credit represents 15 hours of education and 30 hours of personal work;

“training period” means a period of activity allowing a student to become familiar with the practice of the profession of psychologist with a variety of client groups, including children, adolescents, adults and elderly persons, and the use of various methods of evaluation and treatment (individual, group and community) under the supervision of at least one psychologist with a minimum of five years of practical experience in the field in which the training period is undertaken or of at least one professional working in psychology and whose expertise and experience are deemed by the committee to be equivalent to those of a psychologist with the same minimum qualifications;

“internship” means the period allowing a student to assimilate knowledge and apply recognized methods to diverse groups and problems and involves placement in a professional working environment under the supervision of at least one psychologist having a minimum of 5 years of practical experience in a field in which the internship is undertaken or of at least one professional working in psychology or a related field and whose expertise and experience are deemed by the committee to be equivalent to those of a psychologist with the same minimum qualifications.

DIVISION II **STANDARDS FOR EQUIVALENCE OF A DIPLOMA**

2. A candidate who holds a diploma in psychology issued by a university-level teaching institution located outside Québec may be granted diploma equivalence for the purposes of issuing a psychologist’s permit if he or she can demonstrate that:

(1) the diploma in psychology was obtained upon completion of a university program in psychology equivalent to a program in psychology leading to one of the diplomas in psychology recognized as allowing access to the permit of the Ordre.

These programs of studies must include a minimum of 45 credits in courses and research and a minimum of 2,300 hours of supervised practical training (700 hours of practical training and 1,600 hours of internship, for a total of 51 credits) distributed so as to allow acquisition of the following professional skills deemed necessary for the practice of psychology:

- i. interpersonal relationships: 3 credits;
- ii. evaluation and diagnosis: a minimum of 500 hours of practical training and 6 credits in evaluation methods and in psychopathology or dysfunction;
- iii. treatment: a minimum of 500 hours of practical training and 9 credits of which 3 are in the treatment of individuals, 3 in the treatment of systems (couple, family, group, organizations, etc) and 3 may be chosen freely;
- iv. research: 6 credits in research processes and methods;
- v. ethics and code of conduct: 3 credits;
- vi. consultation, supervision: a minimum of 200 hours of practical training including at least 50 hours in consultation and 50 hours in supervision and 3 credits in consultation and supervision;
- vii. independent research activity (assignments, dissertations, essays or theses) for a minimum of 12 credits;

(2) he or she was admitted to this program having previously completed a minimum of 42 credits in courses covering the scientific foundations of psychology, distributed as follows:

- i. biological bases of behavior, 6 credits;
- ii. cognitive and affective bases of behavior: 6 credits;
- iii. social and cultural bases of behavior: 6 credits;
- iv. developmental psychology: 6 credits;
- v. history and systems in psychology: 3 credits;
- vi. psychometrics: 3 credits;
- vii. research methods: 3 credits;
- viii. data analysis: 3 credits;
- ix. personality: 3 credits;
- x. psychopathology: 3 credits.

3. Candidates who have obtained a diploma in psychology from a university-level educational institution located outside Québec upon completion of a training program accredited by the Canadian Psychological Association or the American Psychological Association are granted diploma equivalence.

4. Sections 2 and 3 notwithstanding, when the diploma for which equivalence is sought was obtained more than five years before equivalence is requested and the knowledge to which the diploma attests no longer corresponds to the knowledge currently taught, given the development of the profession, diploma equivalence is granted as provided in section 5 if the candidate has obtained the required level of knowledge and skill since obtaining his or her diploma.

DIVISION III STANDARDS FOR EQUIVALENCE OF TRAINING

5. Candidates are granted training equivalence if they demonstrate that they have a level of knowledge and skill equivalent to that acquired by the holder of a diploma recognized by government regulation as giving access to permits, in application with the first paragraph of section 184 of the Professional Code.

In evaluating equivalence of training of candidates, all of the following factors are taken into account :

- (1) the nature and length of their work experience in psychology ;
- (2) the nature and content of the courses taken and the results obtained ;
- (3) the nature and content of the work experience and other continuing education or professional development activities ;
- (4) the total number of years of education ;
- (5) the fact that the candidate has obtained one or more diplomas in Québec or elsewhere.

6. Candidates who satisfy the requirements of the Mutual Recognition Agreement of the Regulatory Bodies for Professional Psychologists in Canada are granted equivalence of training.

DIVISION IV PROCEDURE FOR THE RECOGNITION OF EQUIVALENCE

7. Candidates wishing recognition of diploma or training equivalence must provide the Secretary with those of the following documents that are necessary to support their application, accompanied by fees for the review of their record payable in accordance with paragraph (8) of section 86.0.1 of the Professional Code :

- (1) academic record, including an official transcript of results obtained, a description of the content of courses taken and the number of hours devoted to them ;

- (2) a certified true copy from the educational institution of any diploma obtained ;

- (3) an official attestation from the university-level educational institution that issued the diploma confirming that the internships and work experience have been performed ;

- (4) an official attestation of participation in any other work experience or any other training activity, a description of the activities in the work experience or the training activity specifically including the number of hours of the work experience or the training activity, the number of hours of supervision and the qualifications of the supervisor ;

- (5) an official attestation and a description of relevant working experience, including a description of duties and responsibilities assumed, the number of hours of work done with or without supervision and the qualifications of the immediate supervisor, where appropriate ;

- (6) an official attestation of the competent regulatory body of the province or territory where they practice, specifying the number of years since recognition as a psychologist if they wish to apply the Mutual Recognition Agreement of the Regulatory Bodies for Professional Psychologists in Canada.

8. Documents submitted in support of an application for diploma or training equivalence in a language other than French or English must be accompanied by their translation into French or English, attested to by a declaration under oath by the certified translator who did the translation.

9. The Secretary may require a candidate to obtain a comparative evaluation from the Ministère de l'Immigration et des Communautés culturelles of any diploma earned.

10. The Secretary forwards the documents provided in section 7 to the committee created by the Bureau pursuant to paragraph (2) of section 86.0.1 of the Professional Code to study requests for diploma or training equivalence and make an appropriate recommendation.

For the purposes of making such a recommendation, this committee may ask a candidate applying for recognition of equivalence to successfully undergo an interview, pass a test or do both.

11. At its first meeting after receiving this recommendation, the Administrative Committee decides, in accordance with this Regulation, whether to grant diploma or training equivalence and informs the candidate of its decision in writing within 30 days.

When the Administrative Committee refuses to grant the equivalence requested or to only partially grant it, it must on the same occasion inform the candidate in writing of what study program to take or, as appropriate, what additional training, work experience or examinations passed within a fixed deadline will allow the candidate to be granted such equivalence.

12. A candidate informed of a decision by the Administrative Committee not to grant the requested equivalence or to grant it only partially may ask for a review by submitting to the Secretary a written request to this effect, with explanations, within 30 days of receiving this decision.

The review is made within 90 days of the date of receipt of this request by a committee formed by the Bureau in application of paragraph (2) of section 86.0.1 of the Professional Code, consisting of persons other than the members of the Administrative Committee. Before making its decision, this committee must allow the candidate to present his comments.

A candidate who wishes to appear to present comments must so inform the Secretary at least 5 days before the planned date of the meeting. However, the candidate may send the Secretary written comments at any time before the planned date for this meeting.

The decision of the committee is final and must be sent to the candidate in writing within 30 days of the date of its meeting.

13. This regulation replaces the Regulation respecting standards for equivalence of diplomas and training for the issue of a permit by the Ordre professionnel des psychologues du Québec, approved by Order-in-Council 133-2001 of February 21, 2002.

However, any request for diploma or training equivalence received before this regulation comes into force is evaluated according to the prior regulation.

14. This regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

7786

Draft Regulation

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

Speech therapists and audiologists — Categories of permits issued by the Order

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Regulation respecting the categories of permits issued by the Ordre des orthophonistes et audiologistes du Québec, made by the Bureau of the Ordre des orthophonistes et audiologistes du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

According to the Order, the purpose of the Regulation is to establish two categories of permit within the Ordre des orthophonistes et audiologistes du Québec, one for speech therapists and one for audiologists, in connection with the use of reserved titles and the carrying on of the professional activities recently reserved for members of the Ordre des orthophonistes et audiologistes du Québec pursuant to the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33).

The Order foresees no impact of the Regulation on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Louis Beaulieu, President and Director General of the Ordre des orthophonistes et audiologistes du Québec, 235, boulevard René-Lévesque Est, bureau 601, Montréal (Québec) H2X 1N8; telephone: 514 282-9123 or 1 888 232-9123; fax: 514 282-9541.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation and to the persons, departments and other bodies concerned.

GAÉTAN LEMOYNE,
*Chair of the Office des
professions du Québec*

Regulation respecting the categories of permits issued by the Ordre des orthophonistes et audiologistes du Québec

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

1. The following two categories of permits are established within the Ordre des orthophonistes et audiologistes du Québec :

- (1) the speech therapist category ; and
- (2) the audiologist category.

A speech therapist category permit may be issued only to a holder of a diploma referred to in paragraphs *a*, *c* and *d* of section 1.12 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, or to a person who has had a diploma equivalence or training equivalence recognized by the Bureau of the Order.

An audiologist category permit may be issued only to a holder of a diploma referred to in paragraph *b* of section 1.12 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders or to a person who has had a diploma equivalence or training equivalence recognized by the Bureau of the Order.

2. No member of the Order may use the title of speech therapist or any other title or abbreviation or use initials that may imply that the member is a speech therapist, or engage in the professional activities referred to in paragraphs *c* and *d* of paragraph 2 of section 37.1 of the Professional Code (R.S.Q., c. C-26), unless the member holds the speech therapist category permit referred to in subparagraph 1 of the first paragraph of section 1.

3. No member of the Order may use the title of audiologist or any other title or abbreviation or use initials that may imply that the member is an audiologist, or engage in the professional activities referred to in paragraphs *a*, *b* and *c* of paragraph 2 of section 37.1 of the Professional Code, unless the member holds the audiologist category permit referred to in subparagraph 2 of the first paragraph of section 1.

4. Every permit issued by the Bureau of the Order between 11 September 2003 and (*insert the date of coming into force of this Regulation*) becomes

(1) a speech therapist category permit in the case of a holder of a diploma referred to in paragraphs *a*, *c* and *d* of section 1.12 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders or of a person who has had a diploma equivalence or training equivalence recognized by the Bureau of the Order ;

(2) an audiologist category permit in the case of a holder of a diploma referred to in paragraph *b* of section 1.12 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders or of a person who has had a diploma equivalence or training equivalence recognized by the Bureau of the Order ; or

(3) a permit of both categories established by the first paragraph of section 1 in the case of a person who, on 10 September 2003, was the holder of a diploma giving access to the permit of the Ordre des orthophonistes et audiologistes du Québec or was registered in a program giving access to such a diploma.

5. Every permit issued by the Bureau of the Order before 11 September 2003 becomes a permit of both categories referred to in the first paragraph of section 1.

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

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