Gazette officielle du Québec

Part 2
Laws and Regulations

Volume 129
22 October 1997
No. 44

Summary

Legal deposit — 1st Quarter 1968
Bibliothèque nationale du Québec

Table of Contents

Page

Coming into force of Acts

Regulations and other acts

Draft Regulations

Erratum

Coming into force of Acts

Gouvernement du Québec

O.C. 1309-97, 8 October 1997

An Act to amend the Environment Quality Act (1991, c. 80)
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Environment Quality Act (1991, c. 80)

WHEREAS the Act to amend the Environment Quality Act (1991, c. 80) was assented to on 18 December 1991;

WHEREAS under section 17 of the Act, the provisions of the Act will come into force on the date or dates to be fixed by the Government;

WHEREAS paragraph 4 of section 1 of Chapter 80 of the Statutes of 1991 and section 6 of the Act with respect to section 70.19 of the Environment Quality Act (R.S.Q., c. Q-2) came into force on 9 June 1993 by Order in Council 811-93 dated 2 June 1993;

WHEREAS it is expedient to fix 1 December 1997 as the date of coming into force of paragraphs 1 to 3 of section 1, sections 2 to 5, section 6 with respect to sections 70.1 to 70.18 of the Environment Quality Act (R.S.Q., c. Q-2) and sections 7 to 16 of Chapter 80 of the Statutes of 1991;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT 1 December 1997 be fixed as the date of coming into force of paragraphs 1 to 3 of section 1, sections 2 to 5, section 6 with respect to sections 70.1 to 70.18 of the Environment Quality Act (R.S.Q., c. Q-2) and sections 7 to 16 of Chapter 80 of the Statutes of 1991.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

1788

Regulations and other acts

Gouvernement du Québec

O.C. 1303-97, 8 October 1997

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8)

Dwellings in low-rental housing
— Conditions for the leasing
— Amendments

By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing

WHEREAS under subparagraph *g* of the first paragraph of section 86 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), the Société d'habitation du Québec may, by by-law, establish the conditions upon which leases may be taken or granted by a municipality, a municipal housing bureau or by any organization or person that obtains a loan, subsidy or allowance for the carrying out of a housing program;

WHEREAS under the second paragraph of section 86 of the Act, a by-law relating to the matters referred to in subparagraph *g* may, subject to the Charter of human rights and freedoms (R.S.Q., c. C-12) and the Canadian Charter of Rights and Freedoms, include distinctions, exclusions or preferences based on age, handicap or any element pertaining to the situation of a person;

WHEREAS the By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 251-92 dated 26 February 1992 was amended by the By-law approved by Order in Council 1008-97 dated 13 August 1997 so as to take into account the changes made to the scales of income security resulting from the coming into force of the Act respecting family benefits (1997, c. 57) on 1 September 1997;

WHEREAS by Order in Council 1008-97 dated 13 August 1997, section 2 of the By-law respecting the conditions for the leasing of dwellings in low-rental housing was amended so as to establish the minimum income taken into account in the calculation of the basic monthly rent of lessees who receive benefits under the Act respecting income security (R.S.Q., c. S-3.1.1) by referring to the scales as established by the Regulation respecting income security in force on 31 August 1997;

WHEREAS as it reads presently, the By-law respecting the conditions for the leasing of dwellings in low-rental housing neglects to establish a rule for a minimum income or minimum rent applicable to lessees who do not receive income security benefits at the time they renew their lease, apply for a rent reduction or sign a first lease;

WHEREAS that situation creates an iniquity between the two large categories of persons who rent subsidized dwellings in Québec and prevents the attainment of the initial objective of the Société, that is, that no significant impact on either the Government or the lessees result from the changes made to the income security scales due to the coming into force of the Act respecting family benefits on 1 September 1997;

WHEREAS the Société d'habitation du Québec made the By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing by its resolution 97-071 dated 2 October 1997;

WHEREAS, by this By-law, the Société wishes to introduce an additional rule re-establishing a minimum basic monthly rent applicable, if necessary, to all low-rental housing lessees; that rule would fix a minimum basic rent according to the type of household by using a separate table the parameters of which would correspond to the scale based on non-participation of the income security as it existed on 31 August 1997;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved notwithstanding the publication requirement in section 8 of that Act if the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and its coming into force on the date of its publication:

1) the iniquity existing between the two large categories of persons renting subsidized dwellings which results from the absence of a rule establishing a minimum basic monthly rent for households which do not receive income security benefits whereas such a rule exists in respect of households who receive benefits;

2) it is important to attain, as soon as possible, the objectives sought by the initial amendment made last August, that is, that no significant impact on either the Government or the lessees result from the changes made to the scales of income security due to the coming into force of the Act respecting family benefits on 1 September 1997;

WHEREAS it is expedient to approve the By-law;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs, responsible for Housing:

THAT the By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

By-law to amend the By-law respecting the conditions for the leasing of dwellings in low-rental housing (*)

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, s. 86, 1st par., subpar. *g* and 2nd par.)

1. Section 2 of the By-law respecting the conditions for the leasing of dwellings in low-rental housing is amended by substituting the following for the second and third paragraphs:

"For the purposes of this By-law, the minimum income taken into account to determine the basic monthly rent of a household where one or more members receive financial assistance under the Act respecting income security (R.S.Q., c. S-3.1.1) shall be equivalent *mutatis mutandis* to the sum of the amounts provided for the persons included in the household in the scale of needs of the financial support program, the scale of needs of the work and employment incentives program or the mixed scale of that program, as determined by the Regulation respecting income security in force on 31 August 1997. In such cases, the basic rent of a household may not be less than 25 % of the minimum income.

In all cases, the basic rent of a household may not be less than the amount corresponding to the amount determined according to the type of household and appearing in the Table of minimum monthly rent provided for in Schedule 1.".

2. This By-law comes into force on the date of its publication in the *Gazette officielle du Québec*.

* The By-law respecting the conditions for the leasing of dwellings in low-rental housing, approved by Order in Council 251-92 dated 26 February 1992 (1992, *G.O.* 2, 991), was amended once by the By-law approved by Order in Council 1008-97 dated 13 August 1997 (1997, *G.O.* 2, 4347).

SCHEDULE
(s. 2)

MININUM BASIC MONTHLY RENT ACCORDING TO THE RYPE OF HOUSEHOLD

				OCCUPANT 1					
			Adult	1	1	1	Couple	Couple	Couple
	Adult	Child	Child	0	1	2+	0	1	2+
	0	0		$119.25	$180.50	$210.75	$184.50	$214.75	$238.75
OCCUPANT 2	1	0		$188.50	$249.75	$280.00	$253.75	$284.00	$308.00
	1	1		$249.75	$311.00	$341.25	$315.00	$345.25	$369.25
	1	2 or more		$280.00	$341.25	$371.50	$345.25	$375.50	$399.50
	Where a child of the head of the household or of this spouse is the second occupant								
	Child, aged 18 to 20			$163.50	$224.75	$255.00	$228.75	$259.00	$283.00
	Child, aged 21 to 24			$188.50	$249.75	$280.00	$253.75	$284.00	$308.00
	Child, aged 21 to 24 with children or spouse			$232.75	$294.00	$324.25	$298.00	$328.25	$352.25
	Where a couple is the second occupant								
	Couple	0		$253.75	$315.00	$345.25	$319.00	$349.25	$373.25
	Couple	1		$284.00	$345.25	$375.50	$349.25	$379,50	$403.50
	Couple	2 or more		$308.00	$369.25	$399.50	$373.25	$403.50	$427.50

1787

Draft Regulations

Draft Regulation

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1)

Implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval at the expiry of 60 days following this publication.

The purpose of the Draft Regulation is to give effect to the provisions on industrial accidents and occupational diseases in the Protocol amending the Québec-Finland Agreement and the Protocol amending the Administrative Arrangement, which harmonize the provisions of the Agreement and the Administrative Arrangement with the amendments to Finland's statute on social security.

In 1987 the Commission made the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, approved by Order in Council 2021-87 dated 22 December 1987.

Study of this matter has revealed little impact on small and medium-sized businesses, as the only significant amendment pertaining to industrial accidents and occupational diseases will enable Québec employers to send workers to Finland on assignment for a maximum period of three years rather than two as provided under the original Agreement.

Further information may be obtained by contacting Ms. Sophie Genest, Commission de la santé et de la sécurité du travail, Secrétariat général, 1199, rue de Bleury, 14e étage, Montréal (Québec), H3B 3J1; tel.: (514) 873-7183, fax: (514) 873-7007.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 60-day period, to Mr. Michel Brunet, Secrétariat général, 1199, rue de Bleury, 14e étage, Montréal (Québec), H3B 3J1.

TREFFLÉ LACOMBE,
Chairman of the board of directors and
chief executive officer of the Commission
de la santé et de la sécurité du travail

Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1, s. 223, 1st par., subpar. 39)

1. The advantages under the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and the regulations made thereunder are hereby extended to any person covered by the Protocol amending the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, dated 30 October 1986, that Protocol having been signed on 12 July 1995 and appearing in Schedule 1.

2. Those advantages shall apply in the manner provided for in that Protocol and in the Protocol amending the Administrative Arrangement, appearing in Schedule 2.

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

SCHEDULE 1

PROTOCOL

AMENDING THE AGREEMENT ON SOCIAL SECURITY

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF FINLAND

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF FINLAND

DESIROUS of reinforcing their cooperation in the area of social security and, to that end,

WISHING to amend the Agreement on Social Security that they signed at Québec on 30 October 1986 (hereinafter called the "Agreement"),

HAVE AGREED TO THE FOLLOWING PROVISIONS:

Article 1

Article 1 of the Agreement is amended by substituting the following for Paragraph *d*:

"*(d)* "benefit" means a pension, allowance or other benefit in cash or in kind, provided by the legislation of each Party and including any additional benefit, supplement or increase;".

Article 2

Article 2 of the Agreement is amended by substituting the following for Paragraph *b*:

"*(b)* for Finland:

i. legislation respecting the Employment Pensions Scheme;

ii. legislation respecting the Industrial Accident Insurance Scheme and the Occupational Disease Insurance Scheme;

iii. legislation respecting the General Health Care Scheme;

iv. legislation respecting the Health Insurance Scheme, except for mother's, father's and parent's allowances;

v. the Act respecting the employer's social security contributions.".

Article 3

Article 4 of the Agreement is amended by substituting the following for Paragraph *d*:

"*(d)* any other person who is or has been subject to the legislation of either Party or who has acquired entitlements under such legislation.".

Article 4

Article 5 of the Agreement is amended by substituting the following for Paragraph 1:

"1. Unless otherwise provided in the Agreement:

(a) the persons designated in Article 4 receive, pursuant to the legislation of Québec, the same treatment as the nationals of that Party;

(b) persons designated in Article 4 who reside in the territory of one of the Parties receive, pursuant to the legislation of Finland, the same treatment as the nationals of that Party.".

Article 5

Article 7 of the Agreement is amended

(a) by substituting the following for Paragraph 1:

"1. A person subject to the legislation of one Party and working for an employer in the territory of that Party at the time he is assigned by the employer to work temporarily for that employer or an affiliated employer in the territory of the other Party continues, in respect of that employment, to be subject to the legislation of the first Party, as are a spouse and accompanying dependants, provided that they do not work and are not subject to the Employment Pensions Scheme of the other Party, until the expiry of thirty-six months of assignment.";

(b) by substituting the word "thirty-six" for the word "twenty-four" in Paragraph 2; and

(c) by inserting the words "or the institutions they designate" after the words "the competent authorities of both Parties" in Paragraph 2.

Article 6

Article 10 of the Agreement is amended by inserting the words "or the institutions they designate" after the words "The competent authorities of both Parties".

Article 7

The following is substituted for Article 13 of the Agreement:

"**Article 13**

1. Unless otherwise provided in this Article, the competent institution of Finland applies Finnish legislation in determining entitlement to a benefit under the Employment Pensions Scheme and in determining the amount of such benefit.

2. If a person who becomes disabled or who dies does not meet the residence requirement under Finnish legislation respecting the Employment Pensions Scheme, in order to meet the requirement in respect of a future period, insurance periods under the Québec Pension Plan are deemed for that purpose to be periods served in Finland, provided that they do not overlap.

3. If a person no longer works for another person or is no longer self-employed in Finland, where the pension to which he would be entitled under Finnish legislation respecting the Employment Pensions Scheme does not include a future period and the occupational hazard occurs while the person is employed by another person or is self-employed and that employment is subject to the Act respecting the Québec Pension Plan, insurance periods under the Québec Pension Plan are taken into account by the competent institution of Finland in order to meet the requirement in respect of the future period.

4. Where Paragraph 2 or 3 applies, the competent institution of Finland determines the amount of the benefit as follows:

(a) the amount of a benefit based on the insurance periods effective under the legislation of Finland is determined in accordance with Finnish legislation respecting the Employment Pensions Scheme;

(b) the amount of a benefit based on the period between the occurrence of the peril and the age of retirement is calculated in the same proportion as that of the insurance periods effective under Finnish legislation respecting the Employment Pensions Scheme over four hundred and eighty months.".

Article 8

Article 15 of the Agreement is amended

(a) by inserting the words "or the insurance institution it designates" after the words "Federation of Accident Insurance Institutions" in Paragraph *a*; and

(b) by adding the following after Paragraph *b*:

"*(c)* the provisions of Paragraph *a* do not apply where a stay in the territory of one Party is completed for the purpose of receiving benefits in kind and such benefits can be provided in the territory of the other Party.".

Article 9

The following is inserted after Article 16:

"**Article 16A**

1. Where a person having contracted an occupational disease has, in accordance with the legislation of both Parties, carried on an activity liable to bring on that disease, the benefits to which the person or his successors may claim entitlement are granted exclusively under the legislation of the latter Party.

2. Notwithstanding the foregoing, if no benefit can be granted under the legislation of the latter Party, the institution of that Party sends the application to the institution of the former Party, which studies the case in light of the provisions of its own legislation.".

Article 10

Article 19 of the Agreement is amended

(a) by substituting the words "general legislation respecting health care" for the words "legislation respecting the General Hospital and Public Health" in Paragraph 2; and

(b) by adding the following after Paragraph 2:

"3. For the purposes of this Chapter, "insured person" means any person who, immediately prior to his departure for the territory of one of the Parties, is entitled to benefits under the legislation of the other Party, whether in his own right or as a successor. However, this Chapter does not apply to a person covered by Articles 8 and 9, nor to the spouse or dependants of such person.".

Article 11

Article 20 of the Agreement is amended

(a) by substituting the words "his spouse and dependants" for the words "his dependants"; and

(b) by adding the following sentence at the end:

"After that date, he is no longer entitled to any of the benefits provided by the legislation of the former Party.".

Article 12

Article 21 of the Agreement is amended

(a) by inserting the words "spouse and" after the words "together with his" in Paragraph 1;

(b) by adding the words "and on the same conditions as those applicable to the residents of that Party" at the end of Paragraph 1; and

(c) by substituting the following for Paragraphs 2 and 3:

"2. The provisions of Paragraph 1 also apply to workers on assignment, to students registered at an educational institution in the territory of stay and to persons doing university level or post-university level research or completing a training period as part of a college or university program.".

Article 13

Article 22 of the Agreement is amended by inserting the words "spouse and" after the words "together with their".

Article 14

Article 23 of the Agreement is amended

(a) by substituting the words "The spouse or a dependant of an insured person" for the words "A dependant of an insured person" in Paragraph 1;

(b) by substituting the words "spouse or dependant" for the words "the dependant" in Paragraph 2; and

(c) by substituting the words "their territory" for the words "the territory".

Article 15

Article 24 of the Agreement is amended by substituting the following for Paragraph 1:

"1. The competent institution providing the benefits in kind covered by this Chapter bears the cost thereof.".

Article 16

1. Any insurance period completed before the date of coming into force of this Protocol is taken into consideration in determining entitlement to a benefit under the Agreement amended herein.

2. This Protocol does not establish entitlement to payment of a benefit or part of a benefit for a period prior to the date of its coming into force.

3. Benefits under the Agreement amended herein are also payable in respect of events occurring prior to the date of coming into force of this Protocol.

4. A benefit granted under provisions of the Agreement previously applied may not be reduced or cancelled by any of the provisions of this Protocol.

5. At the request of the beneficiary, a benefit granted under provisions of the Agreement previously applied may be converted into a benefit calculated in accordance with the provisions of the Agreement amended herein.

6. Where, at the date of coming into force of this Protocol, an application for a benefit under the legislation of a Party is being held in abeyance, and the competent institution of that Party subsequently determines that the applicant is entitled to a benefit applying both before and after the date of coming into force of this Protocol, the competent institution determines the amount of the benefit payable as follows:

(a) the amount of a benefit payable for any period completed prior to the date of coming into force of this Protocol is determined in accordance with the provisions of the Agreement previously applied;

(b) the amount of a benefit payable for any period after the date of coming into force of this Protocol is redetermined in accordance with the provisions of the Agreement amended herein, provided that the benefit thus calculated is more advantageous to the beneficiary than that calculated in accordance with the provisions of the Agreement previously applied.

Article 17

1. Each Party shall advise the other Party when the internal procedures required for the coming into force of this Protocol have been completed.

2. Subject to Paragraph 3, this Protocol is entered into for an indeterminate period from the date of its coming into force, which is fixed by exchange of letters between the Parties.

3. In the event of termination of the Agreement by one of the Parties under Paragraph 2 of section 35, this Protocol is also terminated and ends on the same date as the Agreement.

Made at Québec on this 12th day of July 1995, in duplicate, in French and in Finnish, both texts being equally authentic.

For the Gouvernement du Québec	For the Government of the Republic of Finland
BERNARD LANDRY	ERIK A.H. HEINRICHS

SCHEDULE 2

PROTOCOL

AMENDING THE ADMINISTRATIVE ARRANGEMENT TO THE AGREEMENT ON SOCIAL SECURITY

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF FINLAND

In accordance with Article 25 of the Agreement on Social Security between Québec and Finland, hereinafter called the "Agreement", the Parties agreed to an Administrative Arrangement to the Agreement signed at Québec on 30 October 1986, hereinafter called the "Administrative Arrangement", and have agreed to amend that Arrangement as follows:

Article 1

The following is substituted for Article 1 of the Administrative Arrangement:

"**Article 1**

Definitions

In this Administrative Arrangement,

(a) "Agreement" means the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Finland, signed at Québec on 30 October 1986 and amended by the Protocol amending the Agreement;

(b) "Protocol amending the Agreement" means the Protocol amending the Agreement between the Gouvernement du Québec and the Government of the Republic of Finland, signed at Québec on 12 July 1995;

(c) all other expressions have the meaning assigned to them under the Agreement.".

Article 2

Article 2 of the Administrative Arrangement is amended

(a) by substituting the word "Direction" for the word "Secrétariat" in Paragraph *a*; and

(b) by substituting the following for Paragraph *b*:

"*(b)* for Finland, the Social Insurance Institution, in respect of health insurance; the Central Pension Security Institute, in respect of the Employment Pensions Scheme; and the Federation of Accident Insurance Institutions, in respect of industrial accident and occupational disease insurance.".

Article 3

Article 3 of the Administrative Arrangement is amended

(a) by substituting the following for Paragraph 1:

"1. In the cases referred to in Articles 7 and 10 of the Agreement and, for Québec, in Paragraph 3 of Article 6, a certificate is issued to attest that a person on assignment or a self-employed person and, as the case may be, the employer are subject to the legislation of their country of origin. The certificate also covers a spouse and accompanying dependants.";

(b) by inserting the following Paragraph after Paragraph 2:

"3. For Finland, the Central Pension Security Institute is the institution designated by the competent authority for the purposes of Articles 7 and 10."; and

(c) by renumbering Paragraph 3 as Paragraph 4 and by adding the words ", as well as to a self-employed person" at the end.

Article 4

Article 4 of the Administrative Arrangement is amended by deleting the words "or, if the person employed already holds the employment on the date of coming into force of the Agreement, within six months of that date".

Article 5

Article 6 of the Administrative Arrangement is amended by deleting the words ", with the assent of their respective competent authorities," from Paragraph 3.

Article 6

The following is substituted for Article 8 of the Administrative Arrangement:

"**Article 8**

1. To receive benefits in kind in the territory of Québec, a person described in Articles 20 to 23 of the Agreement, as well as the spouse and accompanying dependants of such person, must register with the Régie de l'assurance-maladie du Québec, using the registration form provided for that purpose.

2. At the time of the person's registration and that of his spouse and accompanying dependants, he must also submit:

(a) a certificate issued by the Social Insurance Institution of Finland, attesting to his entitlement to benefits in kind, and the immigration document required by a person on a temporary stay under Paragraph 1 of Article 21 of the Agreement;

(b) a certificate of coverage issued by the Central Pension Security Institute, where he is a person on assignment covered by Paragraph 2 of Article 21 of the Agreement;

(c) an attestation issued by the Social Insurance Institution of Finland, certifying his entitlement to benefits in kind, the required immigration document and an attestation of his registration as a full-time student at an educational institution recognized by one of the responsible departments in Québec or an attestation confirming his acceptance as a researcher or as a trainee whose training period will be carried out under a program of studies if, as a student, researcher or trainee, the person is covered by Paragraph 2 of Article 21 of the Agreement.".

Article 7

Article 9 of the Administrative Arrangement is amended

(a) by substituting the words "his spouse and accompanying dependants" for the words "each of his accompanying dependants" in Paragraph 1; and

(b) by substituting the words "full-time student or an attestation of his acceptance as a researcher or as a trainee whose training period will be carried out under his program of studies" for the word "student" at the end of the first sentence in Paragraph 2.

Article 8

Article 10 of the Administrative Arrangement is revoked.

Article 9

This Protocol amending the Administrative Arrangement comes into force on the same date as the Protocol amending the Agreement and has the same term. Termination of the Agreement has the effect of terminating this Protocol.

Made at Québec on this 12th day of July 1995, in duplicate, in French and in Finnish, both texts being equally authentic.

For the Gouvernement du Québec	For the Government of the Republic of Finland
BERNARD LANDRY	ERIK A. H. HEINRICHS

1783

Draft Regulation

An Act respecting collective agreement decrees (R.S.Q., c. D-2; 1996, c.71)

Casket
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Decree to amend the Decree respecting the

casket industry, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of this draft regulation is to actualize certain working conditions which have remained unchanged since 17 March 1994.

To achieve that purpose, the draft regulation proposes to introduce the job classification of section head, to include, under the industrial jurisdiction, the manufacture of funeral urns, which are already an integral part of certain establishments, to increase minimum wage rates, not only the average hourly shop wage but also the minimum hourly wage and finally, to increase the number of daily working hours.

This project has already been the object of an economic impact study within the framework of amendments made to the Act respecting collective agreement decrees by the Act to amend the Act respecting collective agreement decrees (1996, c.71).

This study made it possible to evaluate the proposed amendments based on certain criteria in the Act and to appreciate the competitive character of the businesses concerned by the proposed amendments, while also taking into account that these businesses must remain competitive in the North American context and more particularly in the rest of Canada.

The consultation period will serve to determine the impact of the proposed amendments. According to the 1996 Annual Report of the Comité paritaire de l'industrie du cercueil, the Decree governs 17 employers and 531 employees.

Further information may be obtained by contacting Ms. Judith Gagnon, Direction des décrets, Ministère du Travail, 200, chemin Sainte-Foy, 6e étage, Québec (Québec), G1R 5S1, (telephone (418) 643-4415; fax: (418) 528-0559).

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,
Deputy Minister of Labour

Decree to amend the Decree respecting the casket industry

An Act respecting collective agreement decrees
(R.S.Q., c. D-2; 1996, c. 71)

1. The Decree respecting the casket industry (R.R.Q., 1981, c. D-2, r. 8), amended by Orders in Council 802-82 dated 21 March 1982 (Suppl. p. 418), 1597-83 dated 2 August 1983, 866-84 dated 4 April 1984, 20-85 dated 9 January 1985, 1164-89 dated 12 July 1989, 74-92 dated 22 January 1992 and 260-94 dated 16 February 1994 and extended by section 37 of the Act to amend the Act respecting collective agreement decrees (1996, c. 71), is further amended in section 1.01:

1. by inserting, in the second paragraph of subparagraph *d*, after the words "holding an occupation as" the words "section head or";

2. by adding the following after subparagraph *e*:

"*(f)* "section head": any employee who generally transmits the orders of the employer, distributes work, supervises the work in a department and personally performs tasks within the scope of the trade.".

2. Section 2.02 is amended by adding, at the end of the last paragraph, the words "and the manufacture of cinerary urns".

3. The following is substituted for section 3.01:

"**3.01.** The average hourly shop wage shall be:

(a) as of (*insert the enforcement date of the Decree*):	$11.05;
(b) as of 1 March 1998:	$11.15;
(c) as of 1 September 1998:	$11,25;
(d) as of 1 March 1999:	$11.35;
(e) as of 1 September 1999:	$11.45.

Exclusion: The wages of new employees who have not acquired 6 months of continuous service with the employer and the wages of new employees who replace employees who are the victims of a work accident are excluded from the calculation of the average hourly shop wage defined in subparagraph *d* of section 1.01.".

4. The following is substituted for section 3.03:

"**3.03.** The minimum hourly wage shall be:

(a) for the first 6 months:	$6.85;
(b) as of the 7th month:	$6.90;
(c) as of the 10th month:	$7.05;
(d) as of the 13th month:	$7.30.

However, the employee shall receive at least the following amount in addition to the minimum wage provided in the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 3) or provided in any further regulation that could amend or replace it:

— the employee in the employer's service for the first 6 months:	$0.20
— the employee in the employer's service as of the 7th month:	$0.35;
— the employee in the employer's service as of the 10th month:	$0.60;
— the employee in the employer's service as of the 13th month:	$0.85.

However, no benefit having a pecuniary value shall be considered in computing the minimum wage.".

5. Section 4.03 is amended by adding the following after subparagraph *j*:

"*(k)* the identification of the employee's occupation.".

6. The following is substituted for section 5.01:

"**5.01.** The standard workweek shall be 42 hours, 41 hours as of 1 October 1999 and 40 hours as of 1 October 2000. The standard workday shall not exceed 10 and one half hours.

However, the employer may modify the standard workweek as follows, only if there are two shifts already in place that are unable to meet production requirements before such a demand: three (3) consecutive 12-hour days for the day, evening and night shifts.

In the event that the employer modifies the standard workweek, he shall give a written notice, three (3) days before the implementation of the work schedule, to his employees and the Parity Committee and have obtained the prior consent of the majority of the employees in his establishment.

The weekly work schedule of each employee, established for the following week, shall be posted in a conspicuous place in the shop no later than noon on the Friday preceding the week in which it shall apply, and not be modified except in the event of uncontrollable circumstances during the course of the operations.".

7. Section 5.02 is amended:

1. by substituting, in subparagraph *a*, the words "day shift" for "1st shift";

2. by substituting, in subparagraph *b*, the words "evening and night shifts" for "2nd and 3rd shifts".

8. The following is substituted for section 5.05:

"**5.05.** Any employee is entitled to an increase in his hourly wage of 50 % for the hours worked over and above his standard workday, workweek, or his workweek scheduled in accordance with section 5.01.".

9. Section 5.08 is amended, in the first paragraph, by substituting the words "the evening or night shifts" for the words "the second or third shifts".

10. Section 6.01 is amended by substituting the words "June 24" for the words "St. John the Baptist's Day".

11. Section 6.02 is amended by inserting, in the second paragraph after the word "two" the words "and one half (4.5 hours or 6.5 hours depending upon the schedule determined under section 5.01)".

12. Section 7.01 is amended:

1. by striking subparagraph *e*;

2. by substituting, in the second paragraph of subparagraph *g* "8.5 %" for "8 %";

3. by adding the following after subparagraph *g*:

"*(h)* if he has 20 years of continuous service with the same employer during the qualifying year, to a vacation of 3 continuous weeks.

The vacation pay is equal to 9 % of the gross wages earned by the employee during the qualifying year.".

13. Section 7.05 is amended by inserting, after the word "benefits" the words "if applicable".

14. Section 7.08 is amended by substituting ", 8.5 % or 9 %, provided for in section 7.01" for "or 8 %, as the case may be".

15. The following is substituted for section 8.01:

"**8.01.** The employee is entitled to a 12-minute rest period with pay each half day of work. The employee who, during his workday, works 3 overtime hours or more or one and half hours of overtime after a workday of 10 and one half hours at his regular rate shall be entitled to another 12-minute rest period with pay. The employee who works one day under the work shedule provided for in section 5.01 shall be entitled to three 12-minute rest periods with pay or to two 18-minute rest periods with pay.".

16. The following is substituted for section 10.01:

"**10.01.** This Decree shall remain in force until 1 September 1999.

Thereafter, it shall automatically be renewed from year to year, unless one of the contracting parties gives the Minister of Labour and the other contracting parties written notice to the contrary not more than 90 days and not less than 60 days before 1 September 1999 or before 1 September of any subsequent year.".

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

1790

Draft Regulation

An Act to foster the development of manpower training (R.S.Q., c. D-7.1)

Exemptions to the application of section II of chapter II of the Act

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 exemptions to the application of section II of chapter II of the Act to foster the development of manpower training", the text of which appears below, may be enacted by the Government, with or without amendment, upon the expiry of 45 days following this publication.

The purpose of this draft regulation is to enable employers to be exempted from certain formalities, notably from filling a return with the ministère du Revenu du Québec, when they can demonstrate, in accordance with the conditions imposed by the Regulation, that they are committed to the development of training in their business or establishment.

The draft regulation also aims to enable employers to submit their staff training initiative on the basis of more qualitative as opposed to quantitative criteria.

Further information may obtained by contacting Mr. André Bertoldi, Société québécoise de développement de la main-d'œuvre, 800, place Victoria, 29e étage, Montréal (Québec), H4Z 1B7. Telephone: (514) 873-1892.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the acting President and Chief Executive Officer of the Société québécoise de développement de la main-d'oeuvre, Mr. Jacques Gariépy, 425, rue Saint-Amable, 6e étage, Québec (Québec), G1R 5T7.

LOUISE HAREL,
Minister of State for Employment and Solidarity

Regulation respecting exemptions to the application of section II of chapter II of the Act to foster the development of manpower training

An Act to foster the development of manpower training (R.S.Q., c. D-7.1, s. 20, par. 3°; 1997, c. 20, s. 3)

1. An employer may be exempted from the application of section II of chapter II of the Act to foster the development of manpower training (R.S.Q., c. D-7.1) for three consecutive calendar years. To do so, it must submit an application to the Société québécoise de développement de la main-d'œuvre (SQDM) between January 1 and February 28 of the first calendar year covered by its request, using the form supplied by the SQDM.

2. An exemption is granted if the following conditions, supported by documentary evidence, are satisfied:

1° the training expenditures within the meaning of the Regulation respecting eligible training expenditures enacted by order in council 1586-95 of December 6, 1995 made by the employer for the benefit of its personnel, including apprentices, internees and teachers undergoing refresher training in the workplace, represent an average of at least 2 % of its payroll over the three calendar years preceding its application;

2° the employer's external training activities are offered to its employees through an educational institution recognized under section 7 of the Act or a training body or training instructor accredited by the SQDM under the

Regulation respecting the accreditation or training bodies, training instructors and training services approved by order in council 764-97 of June 11, 1997;

3° the employer has a training service accredited by the SQDM under the Regulation respecting the accreditation of training bodies, training instructors and training services and training is provided by professional training instructors, or by competent persons, who may be drawn from within the employer's business or from its supplier of hardware, equipment of software; for the purposes of this paragraph, an employer whose payroll is $500 000 or less may have only one training instructor;

4° for the three years covered by the application, the employer has developed a comprehensive training plan covering the needs of all categories of its personnel, including apprentices, internees and teachers undergoing refresher training in the workplace, and an agreement concerning such plan has been reached with their representatives; any agreement reached with an association or union accredited under a statute to represent employees or any group of employees must be signed by a representative of such association or union.

For the purpose of paragraph 3°, a professional training instructor is a natural person who, although not accredited as such by the SQDM under the Regulation respecting the accreditation of training bodies, training instructors and training services, satisfies the conditions for such accreditation.

3. In addition, the employer must undertake, under a memorandum of agreement reached with the SQDM, to:

1° Continue to participate in the development of training for its personnel during the period covered by the exemption, in accordance with section 2;

2° see to the quality of its training instructors, in particular through training or upgrading of its in-house training instructors;

3° provide the SQDM, using the form supplied by the latter, with the information required under section 3 of the Regulation respecting eligible training expenditures, either on a calendar year basis or on the basis of a fiscal; year ending during an exemption year;

4° allow a representative of the SQDM to meet with its representative or its training instructors should the SQDM consider it necessary.

4. The SQDM may cancel an exemption if it concludes that the conditions stipulated in this regulation or the undertakings stated in the memorandum of agreement stipulated in section 3 are not being observed.

5. The exemption can be renewed for three calendar years provided the employer to which it has been granted complies with all the conditions stipulated in this regulation and renews the undertakings stated in the memorandum of agreement.

6. Regarding the year 1998, the words "three calendar years" appearing in section 1 and in paragraphs 1° and 4° of section 2 are to be replaced by the words "two calendar years".

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

1784

Draft Regulation

An Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30; 1997, c. 6)

Ethics and professional conduct of public office holders

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 ethics and professional conduct of public office holders, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of this Regulation is to preserve and enhance the confidence of the public in the integrity and impartiality of the public administration, to promote openness within government agencies and corporations, and to enhance the accountability of the public administration and public office holders.

To that end, the Draft Regulation establishes ethical principles and general rules of conduct that must be adhered to by public office holders contemplated in the Act, as well as the disciplinary procedure applicable to them. It also sets forth the matters that must be contained in the code of ethics and professional conduct that must be adopted by government agencies and corporations referred to in the Act.

Further information may be obtained from Ms. Danièle Montminy, Direction du droit administratif et privé, ministère de la Justice, 1200, route de l'Église, 2e étage, Sainte-Foy (Québec), G1V 4M1; tel. (418) 643-1436, fax (418) 646-1696.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the undersigned, 1200, route de l'Église, 9e étage, Sainte-Foy (Québec), G1V 4M1.

SERGE MÉNARD,
Minister of Justice

Regulation respecting the ethics and professional conduct of public office holders

An Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30, ss. 3.0.1 and 3.0.2; 1997, c. 6, s. 1)

CHAPTER I
PURPOSE AND SCOPE

1. The purpose of this Regulation is to preserve and enhance the confidence of the public in the integrity and impartiality of the public administration, to promote openness within government agencies and corporations, and to enhance the accountability of the public administration and public office holders.

2. This Regulation applies to public office holders.

Public office holders are

(1) the members of the board of directors of, and members of, a government agency or corporation within the meaning of the Auditor General Act (R.S.Q., c. V-5.01) other than a legal person less than 100 % of the voting shares of which are held by a government agency or corporation to which this subparagraph applies, and the persons holding administrative offices provided for by law within such an agency or corporation; and

(2) the persons appointed or designated by the Government or by a minister to an office within any agency or corporation that is not a public body within the meaning of the Auditor General Act, and to whom subparagraph 1 does not apply.

A person already governed by standards of ethics or professional conduct under the Public Service Act (R.S.Q., c. F-3.1.1) shall, in addition, be subject to this Regulation where the person's position is that of a public office holder.

This Regulation does not apply to judges of a court within the meaning of the Courts of Justice Act (R.S.Q., c. T-16), to bodies every member of which is a judge of the Court of Québec or to the Conseil de la magistrature.

It does not apply to the Conseil de la justice administrative, to jurisdictional bodies in respect of whose members the Conseil is empowered by law to hear complaints concerning a violation of professional conduct or to members of such bodies.

3. For the purposes of this Regulation, college councils and other college bodies are deemed to be boards of directors.

Likewise, any person who performs tasks similar to those of the chairman of a board of directors is deemed to be such a chairman.

CHAPTER II
ETHICAL PRINCIPLES AND GENERAL RULES OF PROFESSIONAL CONDUCT

4. Public office holders are appointed or designated to contribute, within the framework of their mandate, to the accomplishment of the State's mission and, where applicable, to the proper administration of its property.

They shall make their contribution with honesty, loyalty, prudence, diligence, efficiency, application and fairness, and within the limits of the law.

5. In the performance of his duties, a public office holder is bound to comply with the ethical principles and the rules of professional conduct prescribed by law and by this Regulation, as well as the principles and rules set forth in the code of ethics and professional conduct applicable to him. In case of discrepancy, the more stringent principles and rules shall apply.

In case of doubt, he shall act in accordance with the spirit of those principles and rules. He shall, in addition, arrange his personal affairs in such a manner that they cannot interfere with the performance of his duties.

A public office holder is bound by the same obligations where, at the request of a government agency or corporation, he performs his duties within another government agency or corporation, or is a member thereof.

6. A public office holder is bound to discretion in regard to anything that comes to his knowledge in the performance or during the performance of his duties and is at all times bound to maintain the confidentiality of information thus received.

That obligation does not have the effect of preventing a public office holder from reporting to a specific interest group that he represents or to which he is linked, except where the information is confidential by law or where the board of directors requires that confidentiality be maintained.

7. A public office holder shall demonstrate political neutrality in the performance of his duties.

8. The chairman of a board of directors, the chief executive officer of an agency or corporation and a full-time public office holder shall demonstrate reserve in the public expression of their political opinions.

9. A public office holder shall avoid placing himself in a situation of conflict between his personal interest and the duties of his office.

He shall reveal to the agency or corporation within which he is appointed or designated to an office any direct or indirect interest that he has in an agency, corporation or association likely to place him in a situation of conflict of interest, as well as any rights that he may assert against the agency or corporation, and shall indicate, where applicable, their nature and value.

A public office holder appointed or designated to an office within another agency or corporation shall, subject to section 6, also reveal any such situation to the authority that appointed or designated him.

10. A full-time public office holder may not, on penalty of dismissal, have a direct or indirect interest in an agency, corporation or association entailing a conflict between his personal interest and that of the agency or corporation within which he is appointed or designated to an office. Notwithstanding the foregoing, such dismissal shall not occur if such interest devolves on him by succession or gift, provided that he renounces it or disposes of it promptly.

Any other public office holder who has a direct or indirect interest in an agency, corporation or association entailing a conflict between his personal interest and that of the agency or corporation within which he is appointed or designated to an office shall, on penalty of dismissal, reveal the interest in writing to the chairman of the board of directors and, where applicable, shall abstain from participating in any deliberation or any decision pertaining to the agency, corporation or association in which he has that interest. In addition, he shall withdraw from the sitting for the duration of the deliberations and the vote concerning that matter.

11. A public office holder shall not treat the property of the agency or corporation as if it were his own property and may not use it for his own benefit or for the benefit of a third party.

12. A public office holder may not use for his own benefit or for the benefit of a third party information obtained in the performance or during the performance of his duties.

That obligation does not have the effect of preventing a public office holder from reporting to a specific interest group that he represents or to which he is linked, except where the information is confidential by law or where the board of directors requires that confidentiality be maintained.

13. A full-time public office holder shall perform exclusively the duties of his office, except where the authority having appointed or designated him also appoints or designates him to other duties. Notwithstanding the foregoing, he may, with the written consent of the chairman of the board of directors, engage in teaching activities for which he may be remunerated or in non-remunerated activities within a non-profit organization. The chairman of the board of directors may likewise be so authorized in writing by the Secretary General of the Conseil exécutif.

14. A public office holder may not accept any gift, hospitality or other advantage, except what is customary and is of modest value.

Any other gift, hospitality or advantage received shall be returned to the giver or shall be remitted to the State.

15. A public office holder may not, directly or indirectly, grant, solicit or accept a favour or an undue advantage for himself or for a third party.

16. A public office holder shall, in the performance of his duties, avoid allowing himself to be influenced by prospects or offers of employment.

17. A public office holder who has left public office shall conduct himself in such a manner as not to derive undue advantages from his previous service with the agency or corporation.

18. It is prohibited for a public office holder who has left public office to act, within one year after leaving public office, for or on behalf of anyone else in connection with a proceeding, negotiation or other transaction to which the agency or corporation that he served is a party and about which he has information not available to the public.

Furthermore, a public office holder shall not give advice to any person based on information not available to the public concerning the programs or policies of the agency or corporation for which he worked or of another agency or corporation with which he had a direct, substantial relationship during the year preceding the end of his term of public service.

A public office holder of an agency or corporation referred to in the first paragraph may not, in the circumstances referred to in that paragraph, deal with a public office holder referred to therein for one year following the end of his term of public service.

19. The chairman of the board of directors shall ensure that the public office holders of the agency or corporation comply with the ethical principles and rules of professional conduct. He may, in particular, issue a warning to a public office holder.

CHAPTER III
POLITICAL ACTIVITIES

20. A full-time public office holder, the chairman of a board of directors and the chief executive officer of an agency or corporation who intends to run for election to an elective public office shall so inform the Secretary General of the Conseil exécutif.

21. The chairman of a board of directors or a chief executive officer of an agency or corporation wishing to run for election to an elective public office shall resign from his position.

22. A full-time public office holder wishing to run for election to the National Assembly, the House of Commons of Canada or another elective public office whose functions will probably be performed on a full-time basis shall request, and is entitled to, leave without remuneration, from the day on which he announces that he is a candidate.

23. A full-time public office holder wishing to run for election to an elective office whose functions will probably be performed on a part-time basis, but whose candidacy may make it impossible for him to demonstrate reserve as required, shall apply for, and is entitled to, leave without remuneration from the day on which he announces that he is a candidate.

24. A full-time public office holder who is granted leave without remuneration in accordance with section 22 or 23 is entitled to return to his duties no later than on the thirtieth day following the final date for nominations, if he is not a candidate, or, where he is a candidate, no later than on the thirtieth day following the date on which a person other than he is declared elected.

25. A full-time public office holder whose term of office is of fixed duration, who is elected to a full-time public office and who agrees to his election shall immediately resign from his position as a public office holder.

A full-time public office holder who is elected to a part-time public office shall, where that office may make it impossible for him to demonstrate reserve as required, resign from his position as a public office holder.

26. A full-time public office holder whose term of office is not of fixed duration and who is elected to a public office is entitled to leave without remuneration for the duration of his first elective term of office.

CHAPTER IV
REMUNERATION

27. A public office holder shall be entitled, for the performance of his duties, solely to the remuneration related to those duties. However, he may not receive monetary advantages such as those established, in particular, by a profit-sharing plan.

28. A public office holder may not receive a severance allowance or payment if he resigns of his own volition, if he is dismissed for just and sufficient cause or if he accepts, at the time of his departure, an office, employment or any other remunerated position in the public sector.

29. A public office holder who has left public office, who has received or is receiving a severance allowance or payment and who holds an office, employment or any other remunerated position in the public sector during the period corresponding to that allowance or payment shall refund the part of the allowance or payment covering the period for which he receives a salary, or shall cease to receive it during that period.

Notwithstanding the foregoing, where the salary he receives is lower than the salary he received previously, he shall be required to refund the allowance or payment only up to the amount of his new salary, or he may continue to receive the part of the allowance or payment that exceeds his new salary.

30. Any person who has received or is receiving a severance allowance or payment from the public sector and who receives a salary as a public office holder during the period corresponding to that allowance or payment shall refund the part of the allowance or payment covering the period for which he receives a salary, or shall cease to receive it during that period.

Notwithstanding the foregoing, where the salary that he receives as a public office holder is lower than the salary he received previously, he shall be required to refund the allowance or payment only up to the amount of his new salary, or he may continue to receive the part of the allowance or payment that exceeds his new salary.

31. A full-time public office holder who has left public office, who has received so-called assisted departure measures and who, within two years after his departure, accepts an office, employment or any other remunerated position in the public sector shall refund the sum corresponding to the value of the measures received by him, up to the amount of the remuneration received, by the fact of his return to the public sector, during that two-year period.

32. Sections 29 to 31 do not apply to part-time teaching activities by a public office holder.

33. For the purposes of sections 28 to 31, "public sector" means the bodies, institutions and corporations referred to in the Schedule.

The period covered by the severance allowance or payment referred to in sections 29 and 30 shall correspond to the period that would have been covered by the same amount if the person had received it as a salary in his former office, employment or position.

CHAPTER V
CODE OF ETHICS AND PROFESSIONAL CONDUCT

34. The members of the board of directors of each government agency or corporation shall adopt a code of ethics and professional conduct in conformity with the principles and rules established by this Regulation.

The code shall be reviewed by the members of the board of directors or the members of the agency or corporation at least once every five years.

35. The code shall establish the ethical principles and the rules of professional conduct of the agency or corporation.

The ethical principles shall reflect the agency's or corporation's mission, the values underlying its operations and its general principles of management.

The rules of professional conduct shall pertain to the duties and obligations of public office holders. The rules shall explain and illustrate those duties and obligations in a concrete manner. They shall in particular cover

(1) preventive measures, specifically, rules concerning the declaration of interests held by a public office holder;

(2) identification of situations of conflict of interest pertaining to money, information, influence and power;

(3) the procedure for and the processing and resolution of situations of conflict of interest; and

(4) the duties and obligations of public office holders after they have left public office.

36. Situations of conflict of interest pertaining to money are, in particular, those involving gifts, hospitality or other benefits, as well as contractual relations between the agency or corporation and an agency, corporation or association in which the public office holder has a direct or indirect interest.

Situations pertaining to information are, in particular, those involving the maintenance of confidentiality or the use of information for personal ends.

Situations pertaining to influence are, in particular, those involving the use of the powers of one's office to influence a decision or to obtain directly or indirectly a benefit to one's own advantage or to the advantage of a third party.

Situations pertaining to power are, in particular, those involving abuse of authority, placing oneself in a situation of vulnerability or impugning the credibility of the agency or corporation through conduct incompatible with the requirements of one's office.

37. Each agency or corporation shall inform its public office holders about the code of ethics and professional conduct that it has established.

The agency or corporation shall also adopt, for its public office holders, a policy on training and information concerning its ethical principles and its rules of professional conduct.

38. Each agency or corporation shall take the necessary measures to ensure the confidentiality of the information provided by public office holders under this Regulation.

39. Each agency or corporation shall designate an ethics counsellor responsible for

(1) initiating and overseeing the process of preparing and evaluating the code of ethics and professional conduct;

(2) providing training and information to public office holders as to the contents of the code of ethics and professional conduct and the terms and conditions for its application;

(3) giving advice, orally or in writing, and providing support to the agency or corporation and to any public office holder facing a situation that he considers problematic;

(4) conducting enquiries on his own initiative or after receiving allegations of irregularities; and

(5) making an annual report on activities to the board of directors.

The annual report on activities shall, in particular, indicate the number of cases processed and follow-up, the violations observed during the year by the disciplinary authorities, their decision, the penalties imposed by the competent authority and the names of public office holders dismissed or suspended during the year.

The mandate of the ethics counsellor may be performed by a committee.

CHAPTER VI
DISCIPLINARY PROCESS

40. Where, after enquiry, the ethics counsellor is of the opinion that a public office holder may have violated the law, this Regulation or the code of ethics and professional conduct, he shall present the matter to the chairman of the board of directors or, where the enquiry pertains to the chairman, to the Secretary General of the Conseil exécutif.

The chairman of the board of directors of a government agency or corporation that holds 10 % of the shares of a second government agency or corporation shall perform the duties assigned to the Secretary General of the Conseil exécutif in respect of the chairman of the board of directors of that second agency or corporation, except where he himself is its chairman.

41. A public office holder accused of a violation of ethics or professional conduct may be temporarily relieved of his duties, with remuneration, in order to allow an appropriate decision to be made in an urgent situation requiring rapid action or in a presumed case of serious misconduct.

The competent authority is the chairman of the board of directors or, where the decision pertains to the chairman or to a public office holder referred to in subparagraph 2 of the second paragraph of section 2, the Secretary General of the Conseil exécutif.

42. The chairman of the board of directors shall set up a disciplinary committee composed of himself and two other members of the board of directors. The ethics counsellor may not sit on the disciplinary committee.

Where the person accused is the chairman of the board of directors or a public office holder referred to in subparagraph 2 of the second paragraph of section 2, the Secretary General of the Conseil exécutif shall set up a disciplinary committee composed of three members including himself, or another administrator of state within the meaning of section 55 of the Public Service Act that he chooses, and two full-time public office holders that he chooses among those appointed or designated as public office holders by the Government.

43. The disciplinary committee shall notify the public office holder of the violation of which he is accused and shall refer him to the relevant legislative or regulatory provisions or the provisions of the code of ethics and professional conduct.

In such notification, the public office holder shall be informed that he may, within thirty days, submit his observations in writing to the disciplinary committee and, upon application, be heard by the committee regarding the violation of which he is accused.

44. Where it is concluded that a public office holder has violated the law, this Regulation or the code of ethics and professional conduct, the disciplinary committee shall recommend to the members of the board of directors or to the Secretary General of the Conseil exécutif, as the case may be, that they issue a reprimand to the public office holder or, where the committee considers that a more severe penalty is called for, that they lodge a complaint with the President of the Administrative Tribunal of Québec.

The members of the board of directors or the Secretary General of the Conseil exécutif may, after allowing the public office holder the opportunity to submit his observations in writing and, upon application, to be heard, issue a reprimand to the public office holder or, where they consider that a more severe penalty is called for, may lodge a complaint with the President of the Administrative Tribunal of Québec.

45. Upon receipt of such complaint, the President of the Administrative Tribunal of Québec shall set up a disciplinary board composed of three members of the Tribunal.

After allowing the public office holder and the ethics counsellor the opportunity to be heard, the disciplinary board shall reach a decision in respect of the complaint. It shall act in accordance with the rules of evidence and procedure of the Administrative Tribunal of Québec.

Where the disciplinary board considers that the complaint is well founded, it may recommend a reprimand, suspension without remuneration for a maximum of three months, or dismissal.

The disciplinary board shall send its report and conclusions, with reasons, to the chairman of the board of directors or the Secretary General of the Conseil exécutif and, where applicable, shall include its recommendations regarding the penalty.

46. The chairman of the board of directors or the Secretary General of the Conseil exécutif, as the case may be, shall then send a copy of the disciplinary board's report and conclusions to the public office holder in respect of whom the complaint was lodged and to the ethics counsellor. The chairman of the board of directors shall also send a copy of the report and conclusions to the Secretary General of the Conseil exécutif where the public office holder in question was appointed or designated by the Government or by a minister.

47. The Secretary General of the Conseil exécutif is the competent authority for imposing the penalty recommended by the disciplinary board on the chairman of a board of directors or on a public office holder appointed or designated by the Government or a minister. Where the penalty is the dismissal of a public office holder appointed or designated by the Government, the competent authority is the Government.

The members of the board of directors are the competent authority for imposing the recommended penalty on any other public office holder.

Where the recommended penalty is dismissal, the chairman of the board of directors or the Secretary General of the Conseil exécutif, as the case may be, may immediately suspend the public office holder without remuneration for a period of sixty days.

CHAPTER VII
MISCELLANEOUS

48. The annual report of a government agency or corporation shall include the annual report of the ethics counsellor.

49. The obligation under section 34 for government agencies and corporations to adopt a code of ethics and professional conduct shall be fulfilled no later than 1 January 1999, for agencies and corporations already established on 1 January 1998, or within 12 months following their establishment, for agencies and corporations established from 1 January 1998.

50. Chapter III, sections 34 to 37, subparagraphs 1 and 4 of the first paragraph of section 39 and Chapter VI do not apply to public office holders who hold positions within a jurisdictional body referred to in the fifth paragraph of section 2.

51. The provisions that apply with respect to the processing of complaints pertaining to a violation of this Regulation by a public office holder holding a position within a jurisdictional body, the penalties to be imposed where a violation is proved and the authorities responsible for the application of those provisions are as follows:

(1) for the members of the Administrative Tribunal of Québec, those provided for in the Act respecting administrative justice (1996, c. 54);

(2) for the commissioners of the Régie du logement, those enacted by the Act respecting the Régie du logement (R.S.Q., c. R-8.1), and references to the "Minister" in sections 186, 190, 191 and 192 of the Act respecting administrative justice mean the minister responsible for the administration of Title I of the Act respecting the Régie du logement; and

(3) for the members of the Commission des lésions professionnelles, those enacted by the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), and references to the "Minister" in sections 186, 190, 191 and 192 of the Act respecting administrative justice mean the minister responsible for the administration of the Act respecting industrial accidents and occupational diseases.

52. The provisions of this Regulation come into force on 1 January 1998, except the fifth paragraph of section 2, which will come into force, in respect of

(1) the Administrative Tribunal of Québec and its members, on the date of coming into force of the code of ethics made under section 180 of the Act respecting administrative justice;

(2) the Régie du logement and its commissioners, on the date of coming into force of the code of professional conduct adopted under section 8 of the Act respecting the Régie du logement, and the content of which is specified in section 8.1 of the Act, enacted by section 605 of the Act respecting the administration of the Act respecting administrative justice (1997, c. 43); and

(3) the Commission des lésions professionnelles and its members, on the date of coming into force of the code of ethics adopted under section 413 of the Act respecting industrial accidents and occupational diseases, enacted by section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, c. 27).

SCHEDULE
(s. 33)

PUBLIC SECTOR

1. The Government and its departments, the Conseil exécutif and the Conseil du trésor.

2. The staff of the Lieutenant-Governor, the National Assembly, the Public Protector, any person designated by the National Assembly to perform duties that come under the National Assembly where its personnel is, by law, appointed and remunerated in accordance with the Public Service Act, and any body to which the National Assembly or a committee thereof appoints the majority of the members.

3. Any body which is established by or under an act or by a decision of the Government, the Conseil du trésor or a minister and which meets one of the following conditions:

(1) all or part of its appropriations for operating purposes appear under that heading in the budgetary estimates tabled in the National Assembly;

(2) its employees are required by law to be appointed or remunerated in accordance with the Public Service Act; or

(3) the Government or a minister appoints at least half of its members or directors, and at least half of its operating expenses are borne directly or indirectly by the consolidated revenue fund or by other funds administered by a body referred to in section 1 or 2 of this Schedule, or both situations hold true at the same time.

4. The Public Curator.

5. Any body, other than those mentioned in sections 1, 2 and 3 of this Schedule, which is established by or under an act or by a decision of the Government, the Conseil du trésor or a minister and at least half of whose members or directors are appointed by the Government or a minister.

6. Any joint-stock company, other than a body mentioned in section 3 of this Schedule, more than 50 % of whose voting shares are part of the public domain or are owned by a body referred to in sections 1 to 3 and 5 of this Schedule or by a corporation referred to in this section.

7. The Université du Québec, its constituent universities, its research institutes and its superior schools within the meaning of the Act respecting the Université du Québec (R.S.Q., c. U-1).

8. Any educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1), except an institution referred to in section 7 of this Schedule.

9. Any general and vocational college established under the General and Vocational Colleges Act (R.S.Q., c. C-29).

10. Any school board subject to the Education Act (R.S.Q., c. I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14) and the Conseil scolaire de l'île de Montréal.

11. Any private institution accredited for the purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1).

12. Any other educational institution more than half of whose operating expenses are paid out of appropriations appearing in the budgetary estimates tabled in the National Assembly.

13. Any public or private institution under agreement and any regional board referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2).

14. The regional council established by the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

15. Any municipality, any body declared by law to be the mandatary or agent of a municipality, any body more than half of whose board of directors are members of a municipal council and any body otherwise under a municipal authority.

16. Any urban community, intermunicipal board, intermunicipal transit corporation, any intermunicipal board of transport, the Kativik Regional Government and any other body, except a private body, more than half of whose board of directors are elected municipal officers.

1786

Draft Regulation

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

Respiratory 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 Board of the Ordre professionnel des inhalothérapeutes du Québec made the "Code of Ethics of Respiratory therapists".

The Regulation will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Thereafter, it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment, upon the expiry of fourty-five days following this publication.

According to the Ordre professionnel des inhalothérapeutes du Québec, this Regulation replaces the Code of Ethics of Respiratory Therapists of Québec (R.R.Q., 1981, c. C-26, r. 121.1).

According to the Order, the Regulation introduces, in the section on general duties and obligations to the public, specific obligations to update their knowledge by respiratory therapists and to improve and correct, if necessary, their attitudes.The Regulation also provides for certain conditions, obligations and prohibitions regarding the advertising done by a respiratory therapist, as well as some rules concerning the patient accessibility to his record and the right of the latter to have corrected information which is inaccurate, incomplete or ambiguous. Some clauses restricting the use of the graphic symbol of the order are also introduced.

For citizens, this Regulation will contribute toward improving the quality of services provided by respiratory therapists. Otherwise, there is no impact on businesses, particularly on small and medium-sized businesses.

Additional information may be obtained by contacting Mrs. Andrée Lacoursière, Assistant executive director of the Ordre professionnel des inhalothérapeutes, 1610, rue Sainte-Catherine Ouest, bureau 409, Montréal (Québec), H3H 2S2, telephone no: (514) 931-2900 or 1-800-561-0029; fax no: (514) 931-3621.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la Place-Jacques-Cartier, 320, rue Saint-Joseph Est, 1er étage, Québec (Québec), G1K 8G5. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may be also forwarded to the professional association that made the Regulation as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
Chairman of the Office des professions du Québec

Code of Ethics of Respiratory Therapists of Québec

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

DIVISION I
DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

1. A respiratory therapist shall support every measure likely to improve the quality and availability of respiratory therapy professional services.

2. In the practice of his profession, the respiratory therapist shall take into account all foreseeable consequences to public health liable to result from his research and work.

3. A respiratory therapist shall practise his profession in accordance with the highest possible standards, and shall maintain and perfect his knowledge and skills to this end. A respiratory therapist shall furthermore seek to improve his attitudes and correct them if necessary.

4. A respiratory therapist shall promote measures of education and information relevant to respiratory therapy. He shall also, in the practice of his profession, perform those acts necessary to ensure such education and information.

5. In the practice of his profession, the respiratory therapist shall demonstrate reasonable availability and diligence.

DIVISION II
DUTIES AND OBLIGATIONS TOWARDS CLIENTS

§1. *General provisions*

6. Before performing a professional act, the respiratory therapist shall take into account the limitations of his knowledge, abilities, and means at his disposal.

7. A respiratory therapist shall at all times acknowledge a client's right to consult another member of the Order, a member of another professional order, or any other competent person.

8. A respiratory therapist shall refrain from practising his profession under conditions or in situations likely to impair the quality of his services or the dignity of the profession.

9. A respiratory therapist shall endeavour to establish a relationship of mutual trust between himself and his client. To this end, he shall deliver his services in a personalized manner.

§2. Integrity

10. A respiratory therapist shall discharge his professional duties with integrity.

11. A respiratory therapist shall avoid all false representations with respect to his level of competence or the effectiveness of his services and those generally provided by members of the Order.

12. If the client's welfare so requires, the respiratory therapist shall, with the client's authorization, consult a member of the Order, a member of another order, or any other competent person, or refer him to one of these persons.

§3. Availability and diligence

13. In addition to opinion and advice, a respiratory therapist shall provide his client with the explanations necessary for the understanding and appreciation of the services rendered.

14. Before ceasing to execute his duties on behalf of a client, a respiratory therapist shall ensure that termination of services is not prejudicial to the client.

15. A respiratory therapist shall not refuse to render services where the client's life is in danger.

§4. Independence and impartiality

16. A respiratory therapist shall subordinate his personal interests to those of his client.

17. A respiratory therapist shall ignore any intervention by a third party that could influence the performance of his professional duties to the detriment of his client.

18. Arespiratory therapist shall refrain from intervening in his client's personal affairs in matters that are not within the scope of his professional competence, and shall not unduly restrict the client's autonomy.

19. A respiratory therapist shall safeguard his professional independence at all times, and shall avoid any situation in which he could be in conflict of interest.

§5. Liability

20. In the practice of his profession, a respiratory therapist shall fully commit his civil liability. He is thus prohibited from including in a contract for professional services any clause that directly or indirectly excludes all or part of such liability.

§6. Professional secrecy

21. A respiratory therapist is bound by professional secrecy.

22. A respiratory therapist shall preserve the secrecy of all confidential information obtained from clients in the practice of his profession.

23. A respiratory therapist may be released from his obligation of professional secrecy only with the authorization of his client or where so ordered by law.

24. A respiratory therapist shall avoid all indiscreet conversation about a client or services rendered to a client.

§7. Accessibility of and corrections to records

25. A respiratory therapist shall permit his client to examine documents concerning him in any record established in his respect, and to obtain a copy of such documents. However, a respiratory therapist may refuse to allow access to information contained in the records where its disclosure would be likely to cause serious harm to the client or to a third person.

Where the services of a respiratory therapist have been medically prescribed, the respiratory therapist shall not permit the recipient of such services to examine documents concerning him in any record established in his respect, or to obtain a copy of such documents, without the authorization of the professional who has prescribed the services. Refusal by such other professional to allow access releases the respiratory therapist from his obligations in respect of accessibility of the record.

26. Subject, if applicable, to authorization by the professional who requested his services, a respiratory therapist shall allow his client to cause any information to be corrected 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 his respect.

Subject, if applicable, to authorization by the professional who requested his services, a respiratory therapist shall allow his client to cause to be deleted any information that is outdated or not justified by the object of the record, or to prepare written comments and file them in the record.

Refusal to allow correction, on the part of the professional who requested his services, releases the respiratory therapist from his obligation with respect to corrections to the record.

27. Access to information contained in a record is free. Nevertheless, fees not exceeding the costs of transcription, reproduction, or transmission may be charged to the person requesting information. A respiratory therapist who intends to charge fees under this section must inform the person of the approximate amount that will be charged before transcribing, reproducing, or transmitting the information.

28. A respiratory therapist who has in his possession a record in respect of which a request for access or correction has been made by the person concerned must accede to this request with due diligence.

29. A respiratory therapist who grants a request for correction shall, without charge, deliver a copy of all information that has been changed or added or, as the case may be, a certification that information has been deleted, to the person so requesting. The person may require the respiratory therapist to transmit a copy of the information, or the certification, as the case may be, to the person from whom such information was obtained or to any other person to whom such information was given.

30. A respiratory therapist who refuses to grant the request of an interested person for access or correction shall notify him in writing, giving reasons and informing him of his recourses.

31. A respiratory therapist who has information in respect of which a request for access or correction has been denied shall continue to keep such information for the time required to allow the person concerned to exhaust his recourses under the law.

§8. Determination and payment of fees

32. A respiratory therapist shall only charge or accept fees that are fair and reasonable, warranted under the circumstances, and proportional to the services rendered.

33. In determining his fees, a respiratory therapist shall, in particular, take the following factors into account:

(1) his experience;

(2) the time required to execute the professional service;

(3) the degree of difficulty and importance of the service;

(4) the performance of unusual services or services requiring exceptional competence or speed.

34. A respiratory therapist shall provide his client with all the explanations he needs to understand the statement of fees and method of payment.

35. A respiratory therapist shall inform his client of the approximate anticipated cost of his services.

36. A respiratory therapist shall refrain from demanding advance payment of his fees. He may, however, by written agreement with the client, require payment on account to cover disbursements that are necessary for the execution of the required professional services.

37. A respiratory therapist shall not charge interest on outstanding accounts without first duly notifying his client. The rate of interest so charged must be reasonable.

38. Before having recourse to legal proceedings, a respiratory therapist must have exhausted all other means at his disposal for obtaining payment of his fees.

39. Where a respiratory therapist entrusts the collection of his fees to another person, he shall ensure that such person acts with tact and moderation.

DIVISION III
DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

40. In addition to the acts mentioned in sections 57, 58, 59.1, and 59.2 of the Professional Code (R.S.Q., c. C-26), the following constitute acts that are derogatory to the dignity of the profession:

(1) practising the profession while under the influence of alcohol, drugs, hallucinogens, narcotics, anaesthetics, or any other substance liable to compromise the quality of his services or the client's safety;

(2) voluntarily abandoning a client who requires supervision or refusing to provide care without sufficient cause and without ensuring competent relief in those cases where he can reasonably do so;

(3) ignoring or changing a medical prescription;

(4) entering false information into a client's record, or inserting notes under another person' signature;

(5) altering notes previously entered into a client's record or replacing any part thereof with the intention of falsifying them;

(6) urging someone repeatedly or insistently, whether personally or through another natural or legal person, partnership, group, or association, to use his professional services;

(7) using confidential information to the detriment of a client with a view to obtaining a direct or indirect benefit for himself or another person;

(8) sharing his fees with another person who is not a member of the Order;

(9) receiving paying, or undertaking to pay any benefit, rebate, or commission in connection with the practice of his profession, other than the remuneration to which he is entitled;

(10) failing to report to the Order without delay any person appropriating the title of respiratory therapist.

41. A respiratory therapist whose participation on a committee is requested by the Order shall accept that duty insofar as it is possible for him to do so.

42. A respiratory therapist shall reply promptly to all correspondence from the Order, and in particular, from the syndic or an assistant syndic, an expert appointed to assist the syndic, the professional inspection committee or one of its members, an inspector or a committee expert, whenever any such person requests information or explanations concerning any matter relating to the practice of the profession.

43. A respiratory therapist shall not abuse the good faith of another member and must not be guilty of breach of trust or disloyal practices in respect of another member. In particular, a respiratory therapist shall not take credit for work done by another member.

44. A respiratory therapist shall give his opinion and recommendations within a reasonable time when consulted by a member of the Order.

45. A respiratory therapist shall, insofar as he is able, contribute to the development of his profession by sharing his knowledge and experience with colleagues and students and by taking part in the courses and refresher training periods of the Order.

DIVISION IV
CONDITIONS, RESTRICTIONS, AND OBLIGATIONS IN RESPECT OF ADVERTISING

46. In all advertising, a respiratory therapist shall indicate his name and his title of respiratory therapist.

47. A respiratory therapist may mention in his advertising any information liable to help the public make a wise choice and to favour access to useful or necessary services.

48. A respiratory therapist shall avoid all advertising liable to discredit the image of the profession or give it the appearance of profit-seeking or commercialism.

49. No respiratory therapist shall, either directly or indirectly, advertise in such a way as to denigrate or discredit another professional, or disparage a service or product provided by him.

50. No respiratory therapist shall engage in, or allow the use of, by any means whatever, advertising that is false, misleading, incomplete, or liable to mislead, or that plays on the emotions of the public.

51. No respiratory therapist shall advertise or allow advertising in such a way as to possibly unduly influence persons who may be physically or emotionally vulnerable because of their age, their state of health, or the occurrence of a specific event.

52. A respiratory therapist shall not claim to possess specific qualities or skills, particularly in respect of his level of competence or the range of effectiveness of his services, unless he can substantiate such claims.

53. A respiratory therapist who advertises fees or prices shall do so in a manner that can be understood by members of the public who have no special knowledge of respiratory therapy and he shall

(1) set fixed fees or prices;

(2) specify the nature and scope of the services included in the fees or prices;

(3) indicate whether additional services or products may be required that are not included in the fees or prices;

(4) indicate whether or not expenses or other disbursements are included in the fees or prices.

The fees or prices must remain in effect for a period of at least 90 days following the date of the last broadcast or publication of the advertisement. However, a lower price may always be agreed upon with a client.

54. When advertising a discount on fees or prices, a respiratory therapist shall state the regular prices and the validity period of such fees or prices, as the case may be. This period may be shorter than 90 days.

55. A respiratory therapist shall keep a complete copy of every advertisement in its original form for a period of five years following the date of its last broadcast or publication. This copy must be submitted to the secretary or the syndic of the Order upon request.

56. A respiratory therapist practising in partnership is solidarily liable with the other professionals for ensuring observance of the rules respecting advertising, unless he can establish that the advertising was done without his knowledge or consent and in spite of measures taken to ensure observance of these rules.

DIVISION V
USE OF THE GRAPHIC SYMBOL OF THE ORDER

57. Where a respiratory therapist reproduces the graphic symbol of the Order for advertising purposes, he shall ensure that the symbol conforms to the original held by the secretary of the Order.

58. Where a respiratory therapist uses the graphic symbol of the Order for advertising purposes, he shall include the following warning in the advertisement, except on business cards:

"This advertisement does not originate from the Ordre professionnel des inhalothérapeutes du Québec and engages the liability of its author only."

59. Where a respiratory therapist uses the graphic symbol of the Order for advertising purposes, including on business cards, he shall not juxtapose or otherwise use the name of the Order, except to indicate that he is a member.

60. This Regulation replaces the Code of ethics of respiratory therapists of Québec, approved by Order in Council 556-88 dated April 20, 1988.

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

1785

Erratum

Erratum

O.C. 1069-97, 20 August 1997

An Act respecting childcare centres
and childcare services
(R.S.Q., c. S-4.1)

Childcare centres

Gazette officielle du Québec, August 27, 1997, Volume 129, Number 35, Part 2, pages 4380 and 4383.

— On page 4380, the third line of section 86 of the regulation cited above should read “less than 10 %” instead of “less than 16 %”.

— On page 4383, the second line of section 107 of the regulation cited above should read “, contrarily to section 6,” instead of “, contrarily to secton 65,”.

1791

Index Statutory Instruments

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