

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

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## Regulations and other acts

Gouvernement du Québec

### O.C. 902-99, 11 August 1999

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10)

#### Amendment to Schedule I to the Act

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and to employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS under the first paragraph of section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments, determines, in accordance with paragraph 25 of section 134 of that Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS the Syndicat de l'enseignement secondaire des Basses-Laurentides meets those conditions;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

### Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan\*

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 220, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following in paragraph 1, in alphabetical order: “the Syndicat de l'enseignement secondaire des Basses-Laurentides”.

2. This Order comes into force on the date it is made by the Government but takes effect on 16 August 1998.

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\* Schedule I to the Act respecting Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Québec to 1 March 1997, by Orders in Council 629-97 dated 13 May 1997 (1997, *G.O.* 2, 2243), 788-97 dated 18 June 1997 (1997, *G.O.* 2, 3338), 1105-97 dated 28 August 1997 (1997, *G.O.* 2, 4561), 1652-97 dated 17 December 1997 (1997, *G.O.* 2, 6293), 296-98 dated 18 March 1998 (1998, *G.O.* 2, 1425), 297-98 dated 18 March 1998 (1998, *G.O.* 2, 1426), 334-98 dated 18 March 1998 (1998, *G.O.* 2, 1452), 730-98 dated 3 June 1998 (1998, *G.O.* 2, 2207), 764-98 dated 10 June 1998 (1998, *G.O.* 2, 2289), 1053-98 dated 21 August 1998 (1998, *G.O.* 2, 4801), 1155-98 dated 9 September 1998 (1998, *G.O.* 2, 3889), 1524-98 dated 16 December 1998 (1998, *G.O.* 2, 4801), 231-99 dated 24 March 1999 (1999, *G.O.* 2, 475), 467-99 dated 28 April 1999 (1999, *G.O.* 2, 1161), 633-99 dated 9 June 1999 (1999, *G.O.* 2, 1633) and 819-99 dated 7 July 1999 (1999, *G.O.* 2, 2060), as well as by sections 35 of Chapter 26 of the Statutes of 1997, 33 of Chapter 27 of the Statutes of 1997, 13 of Chapter 36 of the Statutes of 1997, 631 of Chapter 43 of the Statutes of 1997, 57 of Chapter 50 of the Statutes of 1997, 121 of Chapter 63 of the Statutes of 1997, 52 of Chapter 79 of the Statutes of 1997, 37 of Chapter 83 of the Statutes of 1997, 61 of Chapter 17 of the Statutes of 1998, 53 of Chapter 44 of the Statutes of 1998 and 48 of Chapter 42 of the Statutes of 1998.

Gouvernement du Québec

## O.C. 904-99, 11 August 1999

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

### Childcare centres — Amendments

Regulation to amend the Regulation respecting childcare centres

WHEREAS under subparagraphs 1, 2, 4, 6, 13.1, 14, 17, and 18 of section 73 of the Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1), as amended by paragraphs 1, 2, 4, 9 and 12 of section 122 of Chapter 58 of the Statutes of 1997 and by paragraph 1 of section 7 of Chapter 23 of the Statutes of 1999, the Government may make regulations, for the whole or part of the Québec territory,

— determining the form and tenor of an application for the issue or renewal of a permit, the qualifications of a person soliciting a permit or its renewal, the requirements he must fulfil, the information and documents he must furnish and the duties he must pay;

— establishing standards for the arrangement, equipment, furnishing, maintenance, heating and lighting of the premises where day care is provided and prescribing an outdoor play area and standards for the arrangement, equipment and maintenance of that area;

— establishing classes according to the age of the children received and the services to be provided in a childcare centre or a day care centre;

— establishing standards of hygiene, salubrity and safety that must be observed in childcare centres, day care centres, nursery schools, stop over centres or homes where day care is provided;

— determining the monitoring and supervision measures in respect of home childcare providers, including the suspension and revocation of their recognition;

— establishing the terms and conditions of recognition of a natural person as person responsible for home day care;

— establishing standards of qualification for persons working in a childcare centre, a day care centre, a nursery school or a stop over centre or providing home childcare and prescribing the requirements they must satisfy;

— determining the ratio between the number of staff members and the number of children who are received in a childcare centre, a day care centre, a nursery school or a stop over centre or to whom home childcare is being provided;

WHEREAS the Government approved the Regulation respecting childcare centres by Order in Council 1069-97 dated 20 August 1997;

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting childcare centres was published in Part 2 of the *Gazette officielle du Québec* of 7 July 1999 with a notice that it could be made upon the expiry of 20 days following that publication;

WHEREAS under section 18 of the Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of the Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the establishment of a different time period than that prescribed in section 17 for the coming into force of the Regulation to amend the Regulation respecting childcare centres:

— the time period within which permit holders must comply with the requirements regarding personnel qualifications, the installing of an observation window and a control mechanism for gaining access to the childcare centre expires on 1 September 1999 and unless the amendments come into force on that date, the permit holders will be in violation of the Regulation whereas the proposed amendments specifically aim at removing the requirement in certain cases, amending the requirement or extending the deadline;

WHEREAS the 20-day period has expired;

WHEREAS it is expedient to make the Regulation with amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Child and Family Welfare and the Minister for Child and Family Welfare:

THAT the Regulation to amend the Regulation respecting childcare centres, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting childcare centres

An Act respecting childcare centres and childcare services

(R.S.Q., c. S-4.1, s. 73, 1st par., subpars. 1, 2, 4, 6, 13.1, 14, 17 and 18; 1997, c. 58, s. 122, pars. 1, 2, 4, 9 and 12; 1999, c. 23, s. 7, par.1)

1. Section 2 of the Regulation respecting childcare centres is amended

(1) by substituting the word “inscrite” for the word “enregistrée” in the French version of paragraph 2;

(2) by substituting the word “inscrit” for the word “enregistré” in the French version of paragraph 5;

(3) by substituting the word “seront” for the word “sont” in the French version of the introductory part of paragraph 6;

(4) by substituting the word “inscrit” for the word “enregistré” in the French version of clause *ii* of paragraph 6;

(5) by substituting the word “précisant” for the words “lesquelles doivent préciser” in the French version of the introductory part of paragraph 7; and

(6) by deleting subparagraph *i* of paragraph 7.

2. Section 4 is amended

(1) by substituting “less than 5” for “5” in paragraph 3;

(2) by substituting “30 September” for “1 October” in paragraph 4.

3. The following paragraphs are added at the end of section 17:

“Notwithstanding the preceding, the holder of a new centre permit has until the third anniversary of the issuance of his permit to comply with the first paragraph. During that time, the permit holder shall ensure that at least one childcare staff member out of 3 has one of the qualifications required in the first paragraph.

The holder of a centre permit which has been modified to increase the maximum number of children he may receive in his facility has until the third anniversary of the modification to comply with the first paragraph. During that time, the permit holder shall ensure that, in the facility affected by the modification, at least one childcare staff member out of 3 has one of the qualifications required in the first paragraph.”

4. Section 21 is amended

(1) by substituting “less than 5” for “5” in subparagraph 3 of the first paragraph;

(2) by substituting the following for subparagraph 4 of the first paragraph:

“(4) one member for a maximum of 20 children present, aged 5 years and over as of 30 September.”

5. The following is substituted for paragraph 2 of section 22:

“(2) proof that the members of his childcare staff meet the requirements of section 17 or sections 18 and 20;”

6. Section 24 is amended by inserting the words “and of those who ordinarily live with him” after the words “his children” in paragraph 9.

7. Section 29 is amended

(1) by substituting the word “Ces” for the words “Les heures de ces” in the French version of the first paragraph; and

(2) by substituting the word “visits” for the words “interviews and on that visit” in the second paragraph.

8. The following is substituted for paragraphs 1 and 2 of section 34:

“(1) the person has committed, authorized the commission of, consented to or participated in the commission of an offence against any provision of the second or third paragraph of section 8, section 22 or the fifth paragraph of section 39 of the Act;

\* The Regulation respecting childcare centres, made by Order in Council 1069-97 dated 20 August 1997 (1997, *G.O.* 2, 4368), has not been amended since then.

(1.1) the person has committed, authorized the commission of, consented to or participated in the commission of an offence against any provision of sections 30, 32, 33, 48 to 56, 58 to 72, 80, 81 or 92 to 97 of this Regulation;

(2) the person no longer meets the terms and conditions of the Act or of this Regulation for recognition;”.

9. Section 52 is amended by substituting “(C.R.C., c. 931) made” for the word “made”.

10. The word “soit” is struck out in the French version of section 53 after the words “sécuritaire et”.

11. Section 54 is amended by substituting “(SOR/90-39) and the Carriages and Strollers Regulations (SOR/85-379) made under the Hazardous Products Act (R.S.C., 1985, c. H-3)” for “and the Carriages and Strollers Regulations made under the Hazardous Products Act”.

12. Section 57 is deleted.

13. The following is substituted for section 58:

“58. A centre permit holder or a provider shall, when providing meals and snacks to children, ensure that they comply with Canada’s Food Guide to Healthy Eating (Health Canada, Ottawa, 1997).

Where a child is on a special diet prescribed by a member of the Collège des médecins du Québec, the centre permit holder shall follow the parent’s written instructions for the meals and snacks to be provided to that child.”.

14. The following is substituted for the heading of Division II of Chapter IV:

“ADMINISTRATION OF MEDICATION”.

15. Section 60 is amended

(1) by substituting the words “member of the Collège” for the words “physician who is a member of the Ordre professionnel” in the first paragraph; and

(2) by substituting the following for the third paragraph:

“Notwithstanding the first paragraph, acetaminophen and oral hydration solutions may be administered without medical authorization to a child received, provided it is done according to the appropriate procedure outlined in Schedule I. Saline nasal drops, zinc oxide-based cream for the seat area and sun cream without PABA

may be administered without medical authorization but with the parent’s written authorization to a child received.”.

16. The following is substituted for the heading of Division III of Chapter IV:

“LABELLING AND STORING OF MEDICATION, TOXIC PRODUCTS AND HOUSEHOLD CLEANING PRODUCTS”.

17. The following is substituted for section 64:

“64. A centre permit holder or a home childcare provider shall ensure that every medication, household cleaning product or toxic product is clearly labelled and stored in a space intended specifically for that purpose, out of reach of children and separately from all foodstuffs. However, he does not have to keep oral hydration solutions away from food.

When children are received in a facility, the centre permit holder shall keep that storage space under lock and key.

Notwithstanding the second paragraph, hydration oral solutions, saline nasal drops and creams for the seat area do not have to be stored under lock and key.”.

18. The following is substituted for section 66:

“66. A crib with posts and bars, a cradle or a playpen used by a home childcare provider shall comply with the standards prescribed in the Cribs and Cradles Regulations (SOR/86-962) and the Playpens Regulations (C.R.C., c. 932) made under the Hazardous Products Act (R.S.C., 1985, c. H-3).

Every bed modified to comply with those Regulations shall be tested according to the standards and meet all the requirements provided for therein.”.

19. The words “unless they are attended” are substituted for the words “when not attended” in section 73.

20. Section 75 is amended

(1) by substituting “(L.R.C., 1985, chapitre H-3)” for “(L.R.C., 1985, c. H-3)” in the French version of the first paragraph; and

(2) by substituting the following for the second paragraph:

“Every bed modified to comply with those Regulations shall be tested according to the standards and meet all the requirements provided for therein.”.



21. The following is inserted after section 77:

“77.1 A centre permit holder shall ensure that the premises, equipment, furniture and playthings

- (1) are kept clean;
- (2) are regularly disinfected, in the absence of the children; and
- (3) are maintained in good condition or repaired so as to respect their initial conditions of use.”.

22. The following is substituted for section 83:

“83. The capacity allowed on the premises where childcare is provided in a facility shall be calculated on the basis of the net area of the play areas:

- (1) if the childcare facility receives children younger than 18 months of age, the minimum required space is 4 m<sup>2</sup> per child and, for each group of 15 children and less, that space shall be divided into at least 2 separate rooms, one for playing and another for rest; in each of the rooms, no more than 15 children may be received at the same time and the rest room shall be used for rest only;
- (2) if the childcare facility receives children 18 months of age and older, the minimum required space is 2.75 m<sup>2</sup> per child. That space may be divided into several rooms and each room may not contain more than 30 children at the same time, except for special activities.”.

23. The following paragraph is added at the end of section 85:

“In addition, in the case of a play area referred to in paragraph 1 of section 83, the permit holder shall make sure that the rooms intended respectively for playing and rest are adjacent and enable to watch the children directly, in particular through a glass opening, between those rooms.”.

24. The word “inscrit” is substituted for the word “enregistré” in subparagraph 2 of the first paragraph of the French version of section 87.

25. The following is substituted for the second paragraph of section 88:

“The premises shall be equipped with a refrigerator, a kitchen range or a hot plate, a telephone line and a first-aid kit whose content is listed in Schedule II.”.

26. The words “or to the premises where children are received” are added after the words “to the centre” in section 91.

27. The words “journées ou demi-journées” are substituted for the words “jours ou demi-jours” in the French version of subparagraph 3 of the first paragraph of section 98.

28. The year “2000” is substituted for the year “1999” in the first paragraph of section 104.

29. The words “was mentioned the class of age of children from birth to 17 months of age, does not have, contrarily to the second paragraph of section 85” are substituted for the words “is mentioned the class of age of children from birth to less than 18 months of age, does not have, contrarily to subparagraph 1 of the first paragraph of section 83” in section 105.

30. The words “if the play area undergoes architectural work” are substituted for the date “as of 1 September 1999” in the second paragraph of section 106.

31. The words “of the sum of the maximum number of children mentioned on each permit” are substituted for the words “of the total of both maximum number of children mentioned on the permits of each holder” in section 108.

32. The year “2000” is substituted for the year “1999” in section 109.

33. The “1. PROCEDURE FOR ADMINISTERING ACETAMINOPHEN” in Schedule I is amended:

(1) by inserting “(R.S.Q., c. S-4.1)” after the words “childcare services” in the first paragraph;

(2) by inserting the word “n” after the word “devrait” in the French version of the fourth paragraph under the heading “Les règles de base à respecter”;

(3) by adding the following at the end of the sixth paragraph under the heading “Basic rules”:

“It is also recommended to use only one concentration where several concentrations of acetaminophen are available.”;

(4) by substituting the following for the second item of the first paragraph under the heading “What you should do”:

“• make the child drink often (water, fruit juice, milk);”;

(5) by inserting the words “ou déposer” after the word “verser” in the French version of the third item of the fourth paragraph under the heading “Ce qu’il faut faire”;

(6) by deleting the two paragraphs following the table “ACETAMINOPHEN: DOSAGE” under the heading “What you should do”;

(7) by deleting the words “a physician who is” in the first paragraph under the heading “AUTHORIZATION FORM FOR ACETAMINOPHEN”; and

(8) by substituting “(1998)” for “(1993)” at the end of the last paragraph.

34. The “2. PROCEDURE FOR ADMINISTERING ORAL HYDRATION SOLUTIONS” in Schedule I is amended

(1) by inserting “(R.S.Q., c. S-4.1)” after the words “childcare services” in the first paragraph;

(2) by substituting the following for the first, second and third items of the first paragraph under the heading “What you should do”:

- cease all normal feeding for 15 to 30 minutes;

- avoid giving carbonated drinks and juices;

- later, when the child has stopped vomiting, administer a small quantity (15 to 30 ml) of oral hydration solution approximately every 10 to 20 minutes; administer the solution at room temperature and increase the quantity gradually if the child tolerates it;”;

(3) by deleting the words “a physician who is” in the first paragraph under the heading “AUTHORIZATION FORM FOR ORAL HYDRATION SOLUTIONS”; and

(4) by substituting “(1998)” for “(1992)” at the end of the last paragraph under the heading “AUTHORIZATION FORM FOR ORAL HYDRATION SOLUTIONS”.

35. The procedures “3. PROCEDURE FOR ADMINISTERING SALINE NASAL DROPS”, “4. PROCEDURE FOR ADMINISTERING ZINC OXIDE-BASED CREAMS FOR THE SEAT AREA” and “5. PROCEDURE FOR ADMINISTERING SUN CREAM WITHOUT PABA” are deleted from Schedule I.

36. The following is substituted for the heading and reference at the beginning of Schedule II:

“CONTENT OF FIRST-AID KIT  
(ss. 88 and 96, par. 2)”.

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

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## M.O. 1999

### Order of the Minister of Education concerning the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards dated 12 August 1999

Education Act  
(R.S.Q., c. I-13.3; 1997, c. 96)

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3; 1997, c. 96, s. 130), the Minister of Education may, by regulation, establish for all or certain school boards, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting the conditions of employment of management staff of school boards was made by the minister’s order dated 23 September 1998;

CONSIDERING that the Treasury Board has announced its decision to lift the moratorium on the payment of lump-sum bonuses to recompense the performance of management staff in the public and parapublic sectors as of 1998-1999;

The Minister of Education adopts the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards attached hereto.

Québec, 12 August 1999

FRANÇOIS LEGAULT,  
*Minister of Education*

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## Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards

Education Act  
(R.S.Q., c. I-13.3, s. 451; 1997, c. 96, s. 130)

1. The Regulation respecting the conditions of employment of management staff of school boards is amended by adding the following subsection 8 to Part 1, Chapter 3, Division 1:

### “§8. *Lump-sum Bonuses*

**48.1** The school board may grant a lump-sum bonus on 1 July of each school year to a senior executive in service as a director general or an assistant director general on 1 July and 30 June of the preceding school year to recompense the exceptional contribution of senior executives.

For the purposes of this section, the following are considered as being in service on 1 July and 30 June of the preceding school year:

1° the director general or assistant director general in the employ of the school board on 1 July of the preceding school year who was in service as a senior executive at least 6 months during the preceding school year;

2° the person reassigned outside the plan on 1 July of the preceding school year who was in service as a director general or assistant director general at least 6 months during the preceding school year.

A lump-sum bonus shall be paid in one single installment to the senior executive whose performance is considered exceptional with respect to the expectations indicated. The amount varies between 4 % and 6 % of the salary on 30 June of the preceding school year; however, the maximum is set at 5 % in the case of an assistant director general. A lump-sum bonus varies between 2 % and 4 % of the salary on 30 June of the preceding school year in the case of a senior executive whose performance has surpassed the expectations indicated. A lump-sum bonus is equal to or less than 2 % in the case of a senior executive who has met the requirements in terms of his performance.

No lump-bonus shall be paid to a senior executive whose performance is deemed unsatisfactory.”.

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



## Draft Regulations

### Draft Regulation

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

#### Cartage industry in the Québec region — Amendments

Notice is hereby given that the Minister of State for Labour and Employment and Minister of Labour has received an application to amend the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r. 7) from the contracting parties governed by the decree and that in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the “Decree to amend the Decree respecting the cartage industry in the Québec region”, a copy of which appears below, may be made by the Government on the expiry of the 45 days following this publication.

The proposed amendments are intended to change the name of one of the employer contracting parties, to harmonize the decree with the Act respecting Labour Standards (R.S.Q., c. N-1.1) with respect to the minimum wage, the duration of the standard workday and the duration of the standard workweek, and finally, to extend the term of the Decree until 31 December 2002.

This draft regulation shall be the object of an impact study within the framework of the amendments made by the Act to amend the Act respecting collective agreement decrees (1996, c. 71).

The consultation period will clarify the impact of the amendments being sought.

According to the 1998 annual report of the Comité paritaire de l'industrie du camionnage de la région de Québec, this Decree governs 189 employers and 612 employees for Part I (General Transport) and 84 employers and 304 employees, for Part II (Transport of wastes).

Further information may be obtained by contacting Ms. Michèle Poitras, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1. (E-mail: michele.poitras@travail.gouv.qc.ca; Telephone: 418-646-2631; Fax: 418-528-0559).

Any interested person having comments to make 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, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

NORMAND GAUTHIER,  
*Deputy Minister of Labour*

### Decree to amend the Decree respecting the cartage industry in the Québec region \*

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

1. The first “Whereas” of the Decree respecting the cartage industry in the Québec region is amended by substituting the name “L’Association des transporteurs routiers de la région de Québec inc.” for the name “L’Association du camionnage du Québec Inc.”.

2. The following is substituted for sections 4.01 to 4.03:

“**4.01.** The standard workweek is 41 hours scheduled over five days from Monday to Friday at 8 hours and 12 minutes per day. The duration of the standard workweek is reduced to 40 hours on 1 October 2000 and consequently the duration of the standard workday is also reduced to eight hours.

The standard workweek for secretaries or shorthand typists and office clerks is 35 hours scheduled over five days from Monday to Friday at seven hours per day.

**4.02.** The employer and employees may agree by collective agreement or following an agreement concluded between the employer and the employee or a majority of the employees concerned to work schedule arrangements different from those provided for in section 4.01 for the number of hours in the standard workday and the number of days in the standard workweek.

\* The last amendment to the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r. 7) was made by the Regulation made under Order in Council no. 757-98 dated 3 June 1998 (1998, *G.O.* 2, 2216). For previous amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

Such arrangements shall be more advantageous for the employee and not be for the purpose of avoiding the provisions respecting the payment of overtime hours.

The employer shall forward a copy of the written agreement to the parity committee before implementing the concluded arrangements”.

3. Section 4.04 is amended by inserting the words “without pay” after the words “rest period”.

4. This Decree is amended by substituting “4.02” for “4.03” everywhere it is found in sections 5.02, 6.04, 6.05, 6.06 and 9.03.

5. Section 7.01 is amended, in paragraphs 1° and 2°, by substituting the hiring rate “6,90 \$” for “6,85 \$”.

6. The following is substituted for section 7.02:

“7.02. 1. The minimum weekly wage of office clerks is the following as of (*insert here the date of the coming into force of this Decree*):

Hiring rate	After 6 months	After 12 months	After 18 months	After 24 months
241,50 \$	261,33 \$	281,43 \$	301,52 \$	321,64 \$;

2. The minimum weekly wage of secretaries or short-hand typists is the following as of (*insert here the date of the coming into force of this Decree*):

Hiring rate	After 6 months	After 12 months	After 18 months	After 24 months
269,04 \$	291,46 \$	313,88 \$	336,30 \$	358,72 \$.”.

7. Section 7.05 is amended by adding the words “in writing” at the end of subparagraph *i*.

8. The following is substituted for section 8.10:

“8.10. An employee who, during the performance of his duties, stays away from his residence on a holiday, a Saturday, a Sunday or due to an Act of God, is entitled to the equivalent of 8.2 times his prevailing hourly wage rate; the indemnity is reduced to 8 times his prevailing hourly wage rate as of 1 October 2000.”.

9. The following is substituted for section 9.08:

“9.08. The employee who is paid by the kilometre travelled shall receive as compensation for any holiday mentioned in section 9.02, the hourly rate of his classification provided in the Decree multiplied by 8,2 pro-

vided that he complies with the conditions mentioned in section 9.04; that compensation is reduced to 8 times the hourly rate for his classification provided in the Decree as of 1 October 2000.”.

10. The following is substituted for section 12.01:

“12.01. This part remains in force until 31 December 2002. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes it by a written notice sent to the Minister of State for Labour and Employment and Minister of Labour and to the other parties during the month of September 2002 or during the month of September of any subsequent year.”.

11. The following is substituted for sections 15.01 and 15.02:

“15.01. The standard workweek is 41 hours scheduled over a maximum of 6 days, from Monday to Saturday. The standard workday is 10 hours and 15 minutes.

The duration of the standard workweek is reduced to 40 hours as of 1 October 2000 and, as a result, the duration of the standard workday is reduced to ten hours.

15.02. The employer and the employees may agree, by a collective agreement or after an agreement between the employer and the employee or a majority of the employees concerned, to work schedule arrangements different from those provided for in section 15.01 for the number of hours in the standard workday and the number of days in the standard workweek.

Such arrangements shall be more advantageous for the employee and not be for the purpose of avoiding the provisions respecting the payment of overtime hours.

The employer must forward to the parity committee a copy of the written agreement before implementing the concluded arrangements.”.

12. The following is substituted for section 16.02:

“16.02. Except for the employee mentioned in section 15.02, hours worked on Sunday are paid at double time the employee’s hourly wage provided for in the Decree.”.

13. The following is substituted for section 17.05:

“17.05. Except for the employee mentioned in section 15.02, the employee who works on Sunday receives at least twice his hourly wage provided for in the Decree.”.

14. The following is substituted for section 27.01:

“**27.01.** This part remains in force until 31 December 2002. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes it by a written notice sent to the Minister of State for Labour and Employment and Minister of Labour and to the other parties during the month of September 2002 or during the month of September of any subsequent year.”.

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

3053

## Draft Regulation

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

### Chemists — Code of ethics

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des chimistes du Québec made the Code of ethics of chemists.

The Regulation, the text of which is attached below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment, upon the expiry of 45 days following this publication.

The purpose of the Regulation is to update the Code of ethics of chemists as regards the duties and obligations of chemists towards the public, clients, colleagues, the profession and the Order.

Thus, the rules applying to chemists in the carrying out of a mandate entrusted by a client were clarified, in particular, as regards conflict of interest, availability, independence, integrity and liability so that the current situation of the professional practice be taken into account.

According to the Ordre des chimistes du Québec, the updating of the Code of ethics was necessary in order to ensure a better protection of the public and an increased supervision of the professional practice. In addition, according to the Order, there will be no other impact on businesses, in particular small and medium-sized businesses.

The Regulation also has the purpose to introduce, as required by the Professional Code, provisions respecting accessibility and corrections to the records of the members of the Ordre des chimistes du Québec.

Further information concerning the Regulation may be obtained by contracting Martial Boivin, Secretary, Ordre des chimistes du Québec, 300, Léo-Pariseau, bureau 1010, C.P. 1089, succ. Place du Parc, Montréal (Québec) H2W 2P4; telephone number: (514) 844-3644; fax: (514) 844-9601.

Any person having comments to make on the Regulation is asked to send them, before the expiry of the 45 days period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that made the Regulation, that is the Ordre des chimistes du Québec, and to the interested persons, departments and agencies.

JEAN-K. SAMSON,  
*Chairman of the Office  
des professions du Québec*

## Code of ethics of chemists

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

### DIVISION I GENERAL PROVISION

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties that any member of the Ordre des chimistes du Québec must discharge, particularly during a mandate entrusted to him by a client.

It determines acts that are derogatory to the dignity of the profession, provisions to preserve the secrecy of confidential information that becomes known to a member of the Order in the practice of his profession, the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code as well as the conditions, obligations and prohibitions in respect of advertising by a member of the Order.

## DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

2. The chemist shall support every measure likely to improve the quality and availability of the professional services in the field in which he practises.

3. The chemist shall have a conduct beyond reproach towards every person that make contact with him.

He shall, in particular, act with courtesy, dignity, moderation and objectivity.

4. The chemist shall bear in mind the general effect his work may have on the life, health or property of any person, on the quality of the environment and on the whole society. For such purpose, he shall, in particular, notify his client of such consequences in relation to the mandate given him and, where applicable, suggest more adequate means for carrying out such mandate.

5. The chemist shall see that the analysed substances that are expired or unused, are safely reclaimed for a disposition, processing or destruction purpose.

6. The chemist shall, where he considers that the work endangers public safety, notify the responsible persons thereof and make the recommendations he deems appropriate. He shall also notify the Order if adequate safeguards are not taken.

7. The chemist shall promote measures of education and information in the field in which he practises. He shall also perform the necessary acts to ensure such education and information.

8. The chemist shall see that the services rendered where he practises are rendered in accordance with the hygiene and safety rules and in respect with the governmental norms of management, warehousing and disposition of the different products used in his field of practice.

9. The chemist shall seek to possess an adequate knowledge of existing scientific techniques and their advantages and inconveniences in the field of activities in which he practises.

10. The chemist in expressing scientific opinions through any public information media, shall:

1° inform the public of the opinions generally accepted in chemistry on the subject;

2° avoid any uncalled for publicity favoring a product, a process or a method.

## DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

### §1. General provisions

11. Before accepting a mandate, the chemist shall take into consideration the extent of his aptitudes, proficiency and the means at this disposal. He shall avoid:

1° to undertake or continue a mandate for which he is not sufficiently prepared without obtaining the necessary assistance;

2° to accept a mandate for which he has not gained or for which he is not able to gain the required qualification duly.

12. The chemist shall at all times recognize the right of the client to consult another chemist, a member of another professional order or another competent person.

13. In addition to the provision in section 54 of the Professional Code, the chemist shall not practise under conditions or state likely to impair the dignity of the profession or the quality of the services provided.

14. The chemist shall endeavour to establish a relationship of mutual confidence between the client and himself. To that end, he shall, in particular:

1° refrain from practising his profession in an impersonal manner;

2° respect his clients scale of values and personal convictions, taking into account, however, the responsibilities which are his, particularly the protection of the public.

15. When a chemist foresees that the mandate entrusted to him by his client may be carried out in whole or in part in its essential aspects by another chemist, he shall so inform his client.

16. The chemist shall refrain from intervening in the personal matters of his client on issues that are not relevant to the profession and that are not relevant to the reasons for which the client gave him the mandate.

17. The chemist shall refrain from using, outside a recognized scientific milieu, any method unsufficiently proved.

18. The chemist shall practice his profession in accordance with the current professional standards or scientific knowledge; with this end in view, he shall keep up to date and perfect his knowledge.



## §2. Integrity

19. The chemist shall carry out his professional duties with integrity and intellectual honesty.

20. The chemist shall avoid any misrepresentation with respect to his level of competence or to the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires, he shall, with the latter's authorization, consult a colleague, a member of another professional order or another competent person, or refer him to one of these persons.

21. The chemist shall inform his client as soon as possible of the extent and terms of the mandate entrusted to him by the latter and obtain his agreement in this respect.

22. In all written, verbal or electronic communications a chemist shall avoid to include any false information or exclude any essential information.

23. The chemist shall avoid discriminatory, fraudulent or illegal practices and shall refuse to participate in such practices.

24. A chemist shall not express opinions or give advises that are contradictory or incomplete. To that end, he shall try to know all the facts before expressing an opinion or giving advice.

25. The chemist shall only inquire about the facts related to the execution of his mandate and he shall abstain himself to use his position to get irrelevant informations.

26. The chemist shall inform his client as early as possible of any error that might cause the latter prejudice and which cannot be easily rectified, complication or difficulties, that happen while rendering his professional services.

27. The chemist shall take reasonable care of the property entrusted to his care by a client and he may not lend or use it for purposes other than those for which it has been entrusted to him.

28. The chemist shall notify his client of any illegal act likely to benefit that client which came to his knowledge in the exercise of his mandate.

29. The chemist shall avoid to make or multiply professional services that are not justified by the nature of the mandate entrusted to him by his client.

30. The chemist who is called upon as an expert witness shall give his opinion only when it is based on sufficient knowledge.

## §3. Availability and diligence

31. The chemist shall display reasonable availability and diligence.

32. In addition to opinion and advice, the chemist shall furnish his client with any explanation necessary to the understanding and appreciation of the services he provides him.

33. A chemist shall be diligent and frank in giving an accounting of the progress in the execution of his mandate to his client when so requested by the latter.

34. Unless he has just and reasonable grounds to the contrary, a chemist shall not cease to act for the account of a client. The following shall, in particular, constitute just and reasonable grounds:

1° loss of the client's confidence;

2° the fact that the chemist is placed in a situation of conflict of interest or in a context whereby his professional independence could be called in question;

3° inducement by the client to perform illegal, unfair, immoral or fraudulent acts;

4° the fact that he has been deceived by the client or his failure to co-operate;

5° the client has refused to pay the chemist's fees;

6° it is impossible for the chemist to communicate with the client or to obtain from him the elements deemed necessary to carry out the mandate.

35. Before he ceases to exercise his functions for the account of a client, the chemist shall give advance notice of withdrawal within a reasonable time and ensure that such termination of service is not seriously prejudicial to his client.

## §4. Liability

36. The chemist shall, in the practice of his profession, fully commit his personal civil liability. It is thus prohibited for him to include in a contract for professional services a clause excluding such responsibility directly or indirectly, in whole or in part.

37. The chemist shall sign every report or document he prepares himself, that he supervises or for which he is responsible. However, the chemist may put his initials on every report or document for which he is responsible if his name is also legibly entered on such report or document.

38. Notwithstanding section 37, the chemist may permit, where the circumstance so requires, that the results of the work for which he is responsible be forwarded without his signature or initials to third parties, he designates. In such case, the chemist shall, however, sign or initial the results thus forwarded on the first reasonable occasion, in accordance with section 37.

#### §5. *Independence and impartiality*

39. The chemist shall subordinate his personal interests to that of his client.

40. The chemist shall ignore any intervention by a third party which could influence his professional liberty and the performance of his professional duties to the prejudice of his client. He shall also avoid carrying out a task contrary to his professional conscience or to the principles governing the practice of his profession.

41. The chemist shall act with objectivity whenever persons likely to become clients request information from him.

42. The chemist shall avoid any situation which could limit, directly or indirectly his professional liberty to the detriment of his clients.

43. The chemist shall safeguard his professional independence at all times and avoid any situation which would put him in conflict of interest. Without restricting the generality of the foregoing, a chemist is:

1° in conflict of interest when the interests concerned are such that he may be influenced to favour certain of them to those of his client or whereby his judgment and loyalty towards the latter could be unfavourably affected;

2° no longer an independent adviser in respect of a given act if he finds a personal advantage, direct or indirect, real or possible, therein.

44. As soon as ascertains that he is in a situation of conflict of interest, the chemist shall notify his client thereof and ask him authorization to continue his mandate.

45. The chemist shall be impartial when he is in relation with his client, the latter's suppliers and the other persons making business with his client.

46. The chemist shall share his fees with a colleague only to the extent that such sharing corresponds to a distribution of services and responsibilities.

47. Save for the remuneration to which he is entitled, a chemist shall refrain from paying or receiving any benefit, rebate or commission related to the practice of his profession.

48. The chemist shall refuse, in particular, any commission or reimbursement from any interested person dealing with his client in connexion with the work for which he is responsible.

49. For a given service, the chemist shall only accept fees from a single source, unless explicitly agreed otherwise by all the parties concerned. He shall accept payment of these fees only from his client or the latter's representative.

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

#### §6. *Professional secrecy*

51. When a chemist asks a client to give him confidential information or when he allows such information to be given to him, he shall ensure that the client is fully aware of the purpose of the interview and of the various uses to which such information can be put.

52. The chemist shall not disclose that a person has requested his services when such fact is likely to be detrimental to that person.

53. The chemist shall avoid indiscreet conversations concerning a client and the services rendered him.

54. The chemist shall not make use of confidential information to the prejudice of a client or with a view to obtaining, directly or indirectly, a benefit for himself or for another person.

55. The chemist shall see to it that his collaborators and the persons under his authority or supervision do not divulge or do not make use of confidential informations which may have come to their attention in the performance of their duties.

### §7. Accessibility of records

56. The member may require that an application referred to in section 58, 61 or 64 be made and the right be exercised at his place of business, during his regular working hours.

57. If he fails to reply within 10 days of receiving an application to which section 58 or 61 applies, a member is deemed to have refused to grant it.

#### **I. Terms and conditions of the exercise of the right of access provided for in section 60.5 of the Professional Code**

58. In addition to the particular rules prescribed by law, a member shall promptly follow up, at the latest within 10 days of its receipt, on any request made by a client whose purpose is:

1° to consult documents that concern him in any record made in his regard;

2° to obtain a copy of the documents that concern him in any record made in his regard.

59. A member may only charge reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy, in respect of an application to which paragraph 2 of section 58 applies.

A member requesting such fees shall, before proceeding with the copying, transcribing or sending of the information, inform the client of the approximate amount he will have to pay.

60. A member who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies a client access to the information contained in a record made in his regard shall inform the client in writing that the disclosure would be likely to cause serious harm to the client or to a third party.

#### **II. Terms and conditions of the exercise of the right of correction provided for in section 60.6 of the Professional Code**

61. In addition to the particular rules prescribed by law, a member shall promptly follow up, at the latest within 10 days of its receipt, on any request made by a client whose purpose is:

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

2° to cause to be deleted any information that is outdated or not justified by the object of the record that concerns him;

3° to file in the record that concerns him the written comments that he prepared.

62. A member who grants an application referred to in section 61 shall issue to the client, free of charge, a copy of the document or part of the document to allow the client to see for himself that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by the client were filed in the record.

63. Upon written request from the client, a member shall forward a copy, free of charge for the client, of corrected information or an attestation that the information was deleted or, as the case may be, that written comments were filed in the record to any person from whom the member received the information that was subject to the correction, deletion or comments and to any person to whom the information was provided.

#### **III. Obligation for the member to give the documents to the client**

64. A member shall promptly follow up on any written request made by a client, whose purpose is to take back a document entrusted to him by the client.

### §8. Determination and payment of fees

65. A chemist shall charge and accept fair and reasonable fees.

66. A chemist shall refrain from claiming fees for professional services not performed or falsely described.

67. Fees are fair and reasonable if they are warranted by the circumstances and proportionate to the services rendered. The chemist shall, in particular, take into account the following factors when fixing his fees:

1° his experience;

2° the time given to the carrying out of the professional service;

3° the difficulty and magnitude of the service;

4° the performance of unusual services or services requiring exceptional competence or celerity;

5° the responsibility assumed.

68. In the carrying out of a mandate, the chemist shall, when he has the choice as to means, suggest to his client the least onerous method without, however, sacrificing the quality of the service to be rendered.

69. A chemist shall provide his client with all the explanations required for the understanding of his statement of fees and for the terms and conditions of payment.

70. A chemist shall refrain from demanding advance payment for his services; he shall, on the other hand, notify his client of the approximate cost of his services, except where he may reasonably assume that the client is already informed thereof.

71. The chemist may collect interest on outstanding accounts only after having duly notified his client thereof. The interest so charged shall be at a reasonable rate.

72. When a chemist appoints another person or organism to collect his fees, he shall, as far as possible, ensure that the latter will act with tact and moderation.

73. Before having recourse to legal proceedings, a chemist shall have exhausted all other means at his disposal for obtaining payment of his fees.

74. A chemist shall avoid selling or give away his accounts for professional fees, unless to a colleague.

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

##### *§1. Derogatory acts*

75. In addition to those referred to in sections 59 and 59.1 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession:

1° pressing or repeated inducement to make use of his professional services;

2° attempting to deceive the competent authorities on the eligibility of a person to become a member of the order;

3° abusing in the practice of his profession of the inexperience, the ignorance, and the naivety of his client;

4° communicating with a person who requested that an inquiry be held, without prior written permission of the syndic of the Order or the assistant syndic, where he

is informed that he is the object of an inquiry pursuant to section 122 of the professional Code or where he has been served with a complaint in accordance with section 132 of the Code;

5° participating or contributing to the commission of an infraction to the Professional Code, to the Chemist Act or profiting knowingly of the commission of such infraction, in particular concerning the illegal practice of the profession or the title's usurpation;

6° failure to notify the competent authorities of the Order of any case of illegal practice of the profession or title's usurpation of which he is aware;

7° failure to bring to the attention of the syndic that he has reason to believe that a chemist is guilty of illegal acts or acts contrary to professional ethics;

8° not indicating correctly to the record informations obtained during his mandate or falsifying the record thereof in regard of those informations;

9° using knowingly a method or a process which is not in conformity with the scientific principles;

10° selling or distributing product's samples destined for analysis purpose or already analysed;

11° making false statements on the training period realized by an applicant for membership;

12° put his initials or signature on a report or any document related to the practise of his profession when they were not prepared by himself or under his direction and his supervision;

13° agree to execute or participate to the execution of work without respecting the methods, norms and processes generally acknowledged in the profession;

14° delay the execution of a mandate without reasonable reason.

15° appropriating, directly or indirectly, dangerous chemical substances, controlled drugs or narcotics with the intention of using them for purposes other than the practice of his professional activities.

##### *§2. Relations with the Order*

76. The chemist whose participation in a council for the arbitration of accounts, a committee on discipline, a professional inspection committee or a revision committee is requested by the Order shall accept that duty unless he has reasonable grounds for refusing.

77. The chemist shall answer promptly and truthfully all requests for information or any correspondence addressed to him by the secretary, the assistant secretary, the syndic, one of his assistants, investigators or members of the professional inspection committee in the exercise of the duties devolved upon them by the law and the regulation.

78. The chemist shall, as promptly as possible, following a request from the secretary of the Order, communicate to the latter the information required for preparing the roll.

79. The chemist shall, in his relation with the Order and the other chemists, behave with dignity, courtesy, respect and integrity. Particularly he shall, as far as he is able, help to the advancement and the development of his profession.

### §3. *Relations with colleagues*

80. The chemist shall not abuse a colleague's good faith, deceive his trust, be disloyal towards him or damage his reputation.

Without restricting the generality of the foregoing, the chemist shall not:

1° take credit for work done by a colleague;

2° take advantage of his position as an employer or manager to limit in any ways the professional autonomy of a chemist working for him or under his supervision, particularly towards the utilisation of the title of chemist or the obligation for every chemist to engage his professional liability.

81. The chemist consulted by a colleague shall provide the latter with his opinion and recommendations as soon as possible.

82. The chemist called upon to collaborate with a colleague shall maintain his professional independence. If he is given a task contrary to his conscience or principles, he may ask to be excused from doing it.

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

83. A chemist shall, as far as he is able, contribute to the development of his profession by sharing his knowledge and experience with his colleagues and students, and by his participation in courses and continuing training periods.

## DIVISION V CONDITIONS, OBLIGATIONS AND PROHIBITIONS RESPECTING ADVERTISING

84. A chemist shall not engage in, or allow the use of, by any means whatsoever, advertising that is false, misleading or reasonably liable to mislead.

85. A chemist may mention in his advertising the services that he offers in condition that he clearly indicates his chemist status.

86. A chemist may not claim to possess specific qualities or skills unless he can substantiate such claim.

87. A chemist shall see that the persons working with him in the practice of his profession, in any capacity whatsoever, comply with the rules respecting advertising.

88. All chemists who are partners or work together in the practice of their profession are jointly responsible for complying with the rules respecting advertising, unless one of them demonstrates that the advertising was made without his knowledge and consent and in spite of the measures taken to ensure compliance with those rules.

89. A chemist may not use advertising practices liable to denigrate or discredit another chemist or pretend that his services are superior to those provided by his colleagues.

90. A chemist may not advertise fees, unless he:

1° establishes maximum fees for the services advertised;

2° specifies the services included in those fees;

3° indicates the additional services that might be required and that are not included.

91. A chemist who advertises a fixed rate shall:

1° establish fixed prices;

2° specify the nature and extent of the services included in the rate;

3° indicate whether or not charges or disbursements are included in the rate;

4° indicate whether additional services not included in the rate might be required.

Any fixed rate shall remain in effect for a minimum period of 90 days after it was last broadcast or published. Notwithstanding the foregoing, nothing prevents a chemist from agreeing with a client on a price lower than the one published or broadcasted.

92. Explanations and indications respecting the advertisement of any fee or rate shall be of such a nature as to reasonably inform persons who have no particular knowledge of chemistry.

93. A chemist shall keep a complete copy of every advertisement in its original form for a period of 5 years following the date on which it was last published or broadcast. The copy shall be given to the syndic or one of his assistant upon request.

94. Any advertisement liable to influence persons who may be physically or emotionally vulnerable because of the occurrence of a specific event may be addressed only to the public in general.

95. A chemist, in his advertising, shall not use or allow the use of an endorsement or testimonial concerning him.

#### **DIVISION VI** GRAPHIC SYMBOL OF THE ORDRE DES CHIMISTES DU QUÉBEC

96. The Ordre des chimistes du Québec is represented by a graphic symbol that is in conformity with the original held by the director general.

97. Where a chemist reproduces the graphic symbol of the Order for advertising purposes, he shall ensure that such reproduction is in conformity with the original by the director general.

98. Where a chemist uses the graphic symbol of the Order for advertising purposes elsewhere than on a business card, he shall include the following notice in the advertisement:

“This advertisement is not an advertisement of the Ordre des chimistes du Québec and entails the liability of its authors only”.

#### **DIVISION VII** NAME OF A CHEMISTS' PARTNERSHIP

99. The name of a chemists' partnership shall include only the names of members who are practising together. However, the name of a deceased or retired member may be retained in the partnership name.

100. Where a chemist withdraws from a partnership to practise alone, to join another partnership or to fulfil a duty that is incompatible with the practice of his profession, his name shall be removed from the partnership name within 1 year of his withdrawal, unless there is an agreement in writing to the contrary.

#### **DIVISION VIII** FINAL PROVISIONS

101. This Regulation replaces the Regulation modifying the Code of ethics of chemists (R.S.Q., c. C-15, r. 2).

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

3052

#### **Draft Regulation**

Medical Act  
(R.S.Q., c. M-9)

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

#### **Physicians**

— **Acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (nurses)**

— **Amendments**

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec, at its meeting held on 16 April 1999, adopted the Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians.

In accordance with section 95 of the Professional Code, the Regulation has been transmitted to the Office des professions du Québec for examination after which it will be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment at the expiry of 45 days following this publication.

The purpose of the Regulation is to allow nurses to perform any medical act that is required to carry out the duties of nurse first surgical assistant, where the act is performed

- in accordance with a medical prescription;
- under the immediate supervision of a physician;
- in a hospital centre only;
- according to protocol;
- while the physician who is the surgeon responsible for the surgery is physically present at the beneficiary's side; and
- by a nurse who has the required training and meets the selection criteria.

The Regulation specifies that the function of nurse first surgical assistant as well as the required training and the selection criteria are jointly defined for the institutions by the Bureau of the Collège des médecins du Québec and the Bureau of the Ordre des infirmières et infirmiers du Québec in resolutions adopted by the Bureau of each of the two professional orders concerned.

The Regulation states that any amendment to the definition of the function of nurse first surgical assistant and the required training and selection criteria set out in the two above-mentioned resolutions must be made jointly by means of new resolutions adopted by the Bureau of each of the two professional orders concerned. The Regulation also provides that the resolutions must be transmitted to the Office des professions du Québec in the 15 days preceding the date stipulated in the resolutions for the coming into force of the amendments.

According to the Collège des médecins du Québec:

1. the Regulation defines the various conditions under which a nurse may perform medical acts that are clinical and technical acts required for the surgeon to safely perform the surgery;
2. with respect to public safety, the Regulation provides assurance that a nurse carrying out the duties of nurse first surgical assistant has acquired the knowledge and skills to correctly and efficiently perform all of the acts required to carry out the duties of that function;
3. the Regulation will not have any effect on businesses, small and medium-sized or other.

Additional information with respect to the draft Regulation, as well as copies of the resolutions adopted by the Bureau of the two professional orders concerned and referred to in the Regulation, may be obtained by contacting Doctor Rémi H. Lair, M.D., Assistant Secretary General, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8, telephone: (514) 933-4441 or 1888MÉDECIN, extension 287; fax: (514) 933-3112.

Any person having comments to make on the text reproduced below is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, departments and bodies.

JEAN-K. SAMSON,  
*Chairman of the Office  
des professions du Québec*

### **Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians\***

Medical Act  
(R.S.Q., c. M-9, s. 19, 1st par., subpar. b)

1. The Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians is amended by adding, after section 1.02, the following section:

“**1.03** The function of nurse first surgical assistant to which section A-1.43 of Schedule A refers as well as the required training and selection criteria are jointly defined for establishments by the Bureau of the Collège des médecins du Québec and the Bureau of the Ordre des infirmières et infirmiers du Québec in resolutions adopted on April 16, 1999 by the Bureau of the Collège, and on April 15, 1999 by the Bureau of the Ordre.

The definition of the function of nurse first surgical assistant as well as the required training and selection criteria listed in these resolutions may not be amended without joint resolutions adopted by the Bureaus of the two professional orders concerned.

\* The recent amendments to the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians, adopted on September 18, 1981 (1982, *G.O.* 2, 21) were introduced by the regulation approved by Order in council 551-98 of April 22, 1998 (1998, *G.O.* 2, 2390). For previous amendments, see the *Tableau des modifications et Index Sommaire*, Québec Official Publisher, 1999, updated to March 1, 1999.

The Bureau of the Collège shall transmit the two resolutions to the Office des professions du Québec in the 15 days prior to the date stipulated in these resolutions for the coming into force of these amendments.”

2. This Regulation is amended by adding, in Schedule A, after section A-1.42, the following section:

Act consisting in:	Medical prescription	Remote supervision	Supervision on the premises	Direct supervision	In a hospital centre only	According to protocol	Other conditions
“A-1.43 Any act which necessitates the practice of the function of nurse first surgical assistant	X			X	X	X	The physician who is physically present at the beneficiary’s side when the act is executed is the surgeon responsible for the surgical procedure; the act is performed in the practice of the function of nurse first surgical assistant by a nurse who has the required training and meets the selection criteria.”

3. Section 5.02 of this Regulation is amended by adding, at the end, the following paragraph:

“They may not assist or participate in the act mentioned in section A-1.43 of this schedule.”

4. Section 5.06 of this Regulation is amended by adding, at the end, the following paragraph:

“He or she may not assist or participate in the act mentioned in section A-1.43 of this schedule.”

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



## Index Statutory Instruments

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

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Physicians — Acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (nurses) ... (Professional Code, R.S.Q., c. C-26)	2808	Draft
Physicians — Acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (nurses) ... (Medical Act, R.S.Q., c. M-9)	2808	Draft
Professional Code — Chemists — Code of ethics (R.S.Q., c. C-26)	2801	Draft
Professional Code — Physicians — Acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (nurses) ... (R.S.Q., c. C-26)	2808	Draft

