

SCHEDULE I

(s. 9)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned,
(client's name)

.....
(domicile)

declare that:

1.
(Order member's name)

is claiming from me (or refuses to reimburse to me) a sum of money for professional services.

2. I have enclosed a copy of the conciliation report and, where applicable, a certified cheque made out to the name of the member of the Order of \$..... representing the amount I acknowledge owing and which is mentioned in the conciliation report.

3. I am applying for arbitration of the account under the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered appraisers.

4. I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

5. I agree to submit to the procedure provided for in the Regulation and, where required, to pay to
(member's name)
the amount of the arbitration award.

Signed on
(signature)

SCHEDULE II

(s. 17)

OATH OR SOLEMN AFFIRMATION OF OFFICE AND DISCRETION

I swear (or solemnly affirm) that I will perform all my duties and exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I also swear (or solemnly affirm) that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

In the case of an oath, add: "So help me God."

.....
(signature of arbitrator)

Sworn or solemnly affirmed before me
(name and position, profession or quality)

at on.....
(municipality) (date)

.....
(signature of person who receives oath or solemn affirmation)

1327

Draft Regulation

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

**Industrial relations Counsellors
— 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 professionnel des conseillers en relations industrielles du Québec made the Code of Ethics of Industrial Relations Counsellors.

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 45 days following this publication.

According to the Ordre professionnel des conseillers en relations industrielles du Québec, this Regulation replaces the Code of Ethics of industrial relations counsellors (R.R.Q., c. C-26, r. 52), in the purpose of providing for certain rules relating to the use or administration of interview and selection techniques or tools.

Secondly, in the section on general duties and obligations to the public, the Regulation introduces specific obligations relating to the industrial relations counsellor's attitude toward any tribunal, agency or commission of inquiry. The Regulation also provides for certain conditions, obligations and prohibitions regarding the advertising done by an industrial relations counsellor.

For citizens, this Regulation will contribute toward improving the quality and excellence of services provided by Industrial Relations Counsellors. There is no impact on businesses, smbs and others.

Further information may be obtained from Mr. Florent Francoeur, Secretary of the Ordre professionnel des conseillers en relations industrielles du Québec, 1100, Beaumont Avenue, Suite 503, Mont-Royal, Québec, H3P 3H5; tel.: (514) 344-1609, fax (514) 344-1610.

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, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. Those comments will be forwarded by the Office to the Minister responsible for the administration of the legislation respecting the professions: they may also be forwarded to the professional order that made the Regulation, that is, the Ordre professionnel des conseillers en relations industrielles du Québec, as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Code of Ethics of Industrial Relations Counsellors

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

DIVISION I GENERAL PROVISIONS

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

- a) *Ordre*: the Ordre professionnel des conseillers en relations industrielles du Québec;
- b) *counsellor*: whoever is entered on the roll of the Ordre;
- c) *client*: a person or an employer who has recourse to the professional services of a counsellor.

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

DIVISION II GENERAL DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

2.01. Unless he has sound reasons to the contrary, a counsellor must support every measure likely to im-

prove the quality and availability of professional services in the field in which he practices.

2.02. In the practice of his profession, a counsellor must, where applicable, bear in mind:

- a) the protection of the physical and mental health of the persons under his authority or supervision;
- b) the necessary hygiene and safety measures in the work environment in which he practices his profession;
- c) the relative value of the results of psychometric tests which he uses in the practice of his profession;
- d) the importance of the measures for receiving and initiating new employees;
- e) the importance of promotion, advancement, training and staff upgrading courses and programmes;
- f) the confidentiality of the records of persons under his authority or supervision and of the confidential information which he possesses concerning these persons;
- g) the right of the employees of the organization he represents to consult any document which concerns them and to obtain a copy of any records in regard to them, in compliance with the law.

Within the framework of his duties, a counsellor must make the pertinent recommendations to his clients on the matters listed in the first paragraph.

2.03. The counsellor must protect the use or the administration of the techniques and tools he employs, and the interpretation of the information resulting therefrom, against improper or deficient use by a third party.

2.04. In the practice of his profession, a counsellor must bear in mind the general effect which his research and work may have on society.

2.05. A counsellor must promote measures of education and information in the field in which he practices. In the practice of his profession, he must also, unless he has sound reasons to the contrary, do what is required to ensure such education and information.

2.06. The counsellor must strive to maintain his knowledge and expertise up to date in order to provide professional services.

2.07. The counsellor must remain objective, moderate and act with dignity. He must avoid all methods, procedures or attitudes which might damage the reputation of the profession.

2.08. The counsellor may represent a client in a case regardless of his personal opinion of the position taken by the client.

2.09. The counsellor must be respectful towards any tribunal, court, agency, board or commission of inquiry involved in industrial relations.

2.10. The counsellor must avoid and refuse to take part in illegal or discriminatory practices.

2.11. The counsellor must not directly or indirectly publish or broadcast remarks or comments which he is aware are false or which are obviously false in regard to a tribunal, court, agency, board or commission of inquiry involved in industrial relations, or any member thereof.

2.12. The counsellor must not directly or indirectly comment publicly in any way whatsoever on a case pending before a tribunal, court, agency or board involved in industrial relations and on which he or one of his partners or employees holds a position.

2.13. The counsellor must scrupulously protect his professional qualifications, and those of others against misrepresentation by third parties, and, if necessary, diligently act to correct such misrepresentation.

DIVISION III

DUTIES AND OBLIGATIONS TOWARDS CLIENTS

General provisions

3.01.01. Before undertaking professional service, a counsellor must bear in mind the extent of this proficiency, knowledge and the means at his disposal. He must not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

3.01.02. A counsellor must at all times acknowledge his client's right to consult another counsellor, a member of another professional corporation or any other competent person.

3.01.03. A counsellor must not practice under conditions or in situations which could impair the quality of his services.

3.01.04. A counsellor must try to establish a mutual trust relationship between the client and himself.

3.01.05. A counsellor must not interfere in the personal affairs of his client in matters that do not fall within the generally recognized competence of the profession.

3.01.06. In the practice of his profession, a counsellor must identify himself in relation to his client as an industrial relations counsellor.

Integrity

3.02.01. A counsellor must discharge his professional duties towards his client with integrity and competences.

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

3.02.03. A counsellor must inform his client as early as possible of the extent and the terms and conditions of the mandate entrusted to him by the latter.

3.02.04. A counsellor must set out in a complete and objective manner to his client the nature and scope of the problem as he sees on the basis of the facts brought to his knowledge.

3.02.05. A counsellor must try to gain a complete knowledge of the facts before giving an opinion or advice. A counsellor must not, in particular, accept, alone or without a competent counsellor, a mandate in respect of which he does not have, and is unable to acquire in the proper time, the necessary competence.

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

3.02.07. A counsellor must notify his client of any illegal act likely to benefit that client and of which he became aware in the execution of his mandate.

3.02.08. A counsellor must refer to his client any offer of settlement that is made to him.

3.02.09. A counsellor is free to accept or to refuse a mandate. However, he must not accept a number of mandates of which the interest of his clients may require.

Availability and diligence

3.03.01. A counsellor must display reasonable availability and diligence in the practice of his profession.

3.03.02. In addition to opinion and counsel, a counsellor must provide his client with any explanation necessary to the understanding and evaluation of the services rendered to him.

3.03.03. A counsellor must give an accounting to his client when so requested by the latter.

3.03.04. A counsellor must be objective when persons other than his clients ask him for information.

3.03.05. Unless he has sound and reasonable grounds to the contrary, a counsellor may not cease to act for the account of a client. The following shall, in particular, constitute sound and reasonable grounds:

a) loss of the client's confidence;

b) the fact that the counsellor is in a situation of conflict of interest or in a situation such that his professional independence could be called in question;

c) the fact of being incited by the client to perform illegal, unfair, fraudulent or discriminatory acts.

3.03.06. Before he ceases to exercise his functions for the account of a client, the counsellor must forward and advance notice of withdrawal within a reasonable time and ensure, as far as possible, that such termination of services is not prejudicial to his client.

3.03.07. A counsellor must appear in person or be represented at the time fixed for any proceeding relative to the practice of his profession unless he is prevented therefrom for good and sufficient reason and has, where possible, given prior notice of his absence to his client and to the other parties concerned.

Liability

3.04.01. A counsellor is prohibited from inserting in a contract of professional services any clause directly or indirectly excluding, in whole or in part, his personal civil liability.

Independence and impartiality

3.05.01. A counsellor must subordinate his personal interest to that of his client.

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

3.05.03. A counsellor must safeguard his professional independence at all times and avoid any situation

in which he would be in conflict of interest. Without restricting the generality of the foregoing, a counsellor is in conflict of interest when the interests in question are such that he might tend to favour certain of them over those of his client or whereby his judgment and loyalty towards the latter may be unfavourably affected.

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

3.05.05. A counsellor must not receive, other than the remuneration to which he is entitled, any benefit, allowance or commission relative to the practice of his profession. Nor shall he pay, offer to pay or undertake to pay such benefit, allowance or commission.

3.05.06. A counsellor may share his fees with another person only to the extent that such sharing corresponds to a distribution of services and responsibilities.

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

3.05.08. Generally, a counsellor shall only act, in the same matter, for one party representing the same interests. If his professional duties require that he acts otherwise, the counsellor must specify the nature of his duties or responsibilities and must keep all the parties concerned informed that he will cease to act if the situation becomes irreconcilable with his duty of impartiality.

Professional secrecy

3.06.01. A counsellor must respect the secrecy of all confidential information acquired in the practice of his profession.

3.06.02. A counsellor may be relieved from professional secrecy only upon the authorization of his client or when so ordered by law.

3.06.03. A counsellor must take reasonable care to prevent his partners, employees or the other persons whose services he retains from disclosing or making use of the confidential information obtained from a client.

3.06.04. A counsellor must avoid indiscreet conversations concerning a client and the services rendered to him.

3.06.05. A counsellor shall not make use of confidential information to the prejudice of a client or with a view to obtaining a direct or indirect benefit for himself or for another.

Accessibility of records

3.07.01. A counsellor must respect the right of his client to consult the documents that concern him in any record made in his regard and to obtain a copy of such documents.

Determination and payment of fees

3.08.01. A counsellor must charge fair and reasonable fees.

3.08.02. Fees are fair and reasonable if they are warranted by the circumstances and in proportion to the services rendered. A counsellor must, in particular, take the following factors into account when determining his fees:

a) the time spent in carrying out the professional service;

b) the complexity and extent of the service;

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

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

3.08.04. A counsellor must refrain from demanding advance full payment for his services; however, he must notify his client of the approximate cost of his services.

3.08.05. A counsellor may collect interest on outstanding accounts only after having notified his client. The interest thus charged must be at a reasonable rate.

3.08.06. Before having recourse to legal proceedings, a counsellor must have exhausted all the other means at his disposal for obtaining payment of his fees.

3.08.07. Where a counsellor entrusts the collection of his fees to another person he must, as far as possible, ensure that the latter will act with tact and moderation.

DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

Derogatory acts

4.01.01. In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession of industrial relations counsellor:

a) communicating with the plaintiff without the prior written permission of the syndic or his assistant when he is informed that an inquiry into his professional conduct or competence will be held or when he has received the service of a complaint against him;

b) inducing someone to use criminal or violent means to achieve his aims, or resorting to such means;

c) refusing to counsel or to represent a person with a complaint or claim against a colleague, for the sole reason that it concerns a colleague;

d) drawing up an incomplete or false report of declaration concerning a person under his authority or supervision;

e) not informing the Ordre that an individual is wrongfully assuming the title of industrial relations counsellor or allowing it to be believed that that he is an industrial relations counsellor.

Relations with the Ordre and colleagues

4.02.01. The counsellor whose participation on a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Ordre, must accept that duty unless he has reasonable grounds for refusing it.

4.02.02. A counsellor must reply promptly to all correspondence addressed to him by the syndic of the Ordre, investigators or members of the professional inspection committee.

4.02.03. A counsellor shall not be guilty of disloyal practices towards a colleague.

4.02.04. A counsellor who is consulted by a colleague must give the latter his opinion and recommendation as promptly as possible.

4.02.05. A counsellor must not betray the good faith of a colleague or be guilty towards him of an abuse of trust or of disloyal conduct, in particular by claiming credit for work done by a colleague.

Contribution to the advancement of the profession

4.03.01. A counsellor must, as far as he is able, contribute to the development of his profession by sharing his knowledge and experience with his colleagues and students and by participating in courses and continuing training periods recommended by the Ordre.

**DIVISION V
RESTRICTIONS AND OBLIGATIONS TOWARDS
ADVERTISING**

5.01. A counsellor must not release, or allow to be released, by any means, advertising which is false, deceptive or reasonably likely to mislead.

5.02. A counsellor must not claim for himself any qualifications or skills which he cannot substantiate.

5.03. A counsellor must not use advertising methods which might denigrate or disoarage another industrial relations counsellor.

5.04. A counsellor must not use comparative advertising.