

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^e 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