

Draft Regulations

Draft Regulation

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

Ethics of training instructors and training bodies

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Commission des partenaires du marché du travail, at its meeting of 17 February 2000, adopted the Regulation respecting the ethics of training instructors and training bodies.

The Regulation, the text of which appears below, may be approved by the Government with or without amendment upon the expiry of 45 days following this publication.

The purpose of the Regulation is to regulate or prohibit certain practices pertaining to the professional conduct of accredited training instructors and training bodies, to establish the procedure governing examinations of and inquiries into conduct that may be in contravention of the Act and this Regulation, and to determine the appropriate penalties.

The Regulation has no impact on any kind of business.

Further information may be obtained by contacting Mr. Pierre Caron, Direction générale de l'apprentissage et de la formation de la main-d'œuvre, Emploi-Québec, 800, Place-Victoria, bureau 2800, C.P. 100, Montréal (Québec) H4Z 1B7. E-mail: pierre.caron@mss.gouv.qc.ca; tel. (514) 873-5955; fax: (514) 873-2189.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Labour and Employment and Minister responsible for Employment, 425, rue Saint-Amable, 6^e étage, Québec (Québec) G1R 4Z1.

DIANE LEMIEUX,
*Minister of State for Labour and Employment
and Minister responsible for Employment*

Regulation respecting the ethics of training instructors and training bodies

An Act to foster the development of manpower training (R.S.Q., c. D-7.1, s. 20, 1st par. subpar. 4, and s. 21.1)

DIVISION I

SCOPE

1. This Regulation applies to holders of an accreditation granted under the Regulation respecting the accreditation of training bodies, training instructors and training services, made by Order in Council 764-97 dated 11 June 1997.

DIVISION II

STANDARDS OF ETHICS

2. An accredited training instructor shall act with competence. He shall provide quality professional services and make sure that the training provided complies with the set objectives and is adapted to the level of training of the client or of the employer's personnel.

He shall take into account the limits of his skills and knowledge, as well as the means at his disposal. In particular, he shall refrain from

(1) providing professional services for which he is not sufficiently prepared without the assistance or information needed;

(2) accepting an assignment when he has not acquired the required competence in due time or is unable to acquire it.

3. An accredited training instructor shall update and upgrade his knowledge and methods of instruction in order to keep up with the requirements of his profession and to ensure their quality.

4. In the practice of his profession, an accredited training instructor shall act honestly and loyally and he shall not, in particular,

(1) use discriminatory, fraudulent or illegal practices and he shall refuse to take part in such practices;

(2) carry on his activities in conditions or states likely to compromise the quality of the services he provides;

(3) receive, in addition to the remuneration to which he is entitled, any benefit, commission or discount in relation to his profession and he may not pay, offer to pay or promise to pay any such benefit, commission or discount;

(4) use methods for attracting clients that are unfair to the competition;

(5) abuse the good faith of another accredited training instructor, commit a breach of trust towards him or use disloyal practices;

(6) take credit for work done by another person;

(7) plagiarize or use without written permission the content of training provided for instance by a recognized educational institution or by another accreditation holder.

5. The holder of an accreditation shall, where applicable, make sure that the rules prescribed in sections 2 to 4 are observed by his training personnel or by the person in charge of providing training.

6. The holder of an accreditation shall refrain from providing persons in training with information intended to recruit them for organizations, movements, associations and circles, regardless of their purpose or reputation.

7. The holder of an accreditation shall avoid placing himself in any situation where his personal interest would be in conflict with his contractual obligations or, where applicable, the obligations consequent to the performance of his duties.

8. The holder of an accreditation may not use for his benefit or the benefit of a third party personal information obtained for training purposes or in the course of his training activities, or any information of a confidential nature provided by a client or employer and usually dealt with confidentially by the client or employer, except with the consent of the person, client or employer concerned.

9. The holder of an accreditation shall advertise his services in a way likely to adequately inform persons who have no special knowledge of the advertised domain.

10. The holder of an accreditation may not in any way whatsoever engage in or allow advertising that is false, misleading or likely to mislead for the training he provides or is called upon to provide to the clients.

In particular, the holder of an accreditation may not in his advertising state or let people believe

(1) that the content of the training provided is approved by the Government, the Minister responsible for Employment, the Commission des partenaires du marché du travail, a government department, a public body or a public or private institution, unless he is so authorized under an agreement in writing to that effect;

(2) that the training instructors have skills or experience not recognized by the accreditation;

(3) that the scope of the accreditation covers professional fields other than those declared in the application for accreditation or declared subsequently to the Minister.

11. The holder of an accreditation may not in any way whatsoever engage in or allow advertising that is incompatible with the object of the Act to foster the development of manpower training (R.S.Q., c. D-7.1).

An advertisement may however indicate that the accreditation holder is accredited or recognized by the Minister and that he is governed by this Regulation.

12. The holder of an accreditation shall keep a complete electronic or paper copy of any advertisement he has made, for at least three years following the date it was last broadcast or published. That copy shall be handed to the Minister upon request.

CHAPTER III DISCIPLINARY PROCEDURE

13. Any person may file a complaint with the Minister against an accreditation holder about a behaviour that is derogatory to the Act to foster the development of manpower training or to its regulations.

A complaint shall be in writing and briefly state the reasons supporting it.

14. The Minister may reject any complaint that is obviously ill-founded. In such case, he shall so inform the complainant and give him the reasons for the rejection.

15. After a complaint has been made or on his own initiative, the Minister may inquire into any situation where a conduct that is derogatory to that Act or its regulations is suspected.

16. No accreditation holder may communicate with a person complaining of a violation to that Act or its regulations by him for the duration of the inquiry.

17. The Minister shall inform the accreditation holder of the alleged violations, of the reference to the provisions concerned in that Act and its regulations, of the possible penalty and that he may make observations in writing and file documents to complete the Minister's record within 15 days.

18. If the Minister finds that an accreditation holder's conduct has been derogatory to that Act or its regulations, the Minister may, depending on the seriousness of the conduct, reprimand the accreditation holder or suspend or revoke his accreditation.

19. Any decision of the Minister shall be in writing, give reasons and be notified to the accreditation holder.

Where applicable, the Minister shall inform the accreditation holder of the way to exercise the recourse provided for in section 23.1 of that Act.

20. The Minister shall inform the complainant of the result of his inquiry and of his decision.

The first paragraph does not allow disclosure of confidential information.

21. The Minister's decision takes effect as soon as it is notified.

Within 10 days of the notification of the Minister's decision to suspend or revoke his accreditation, the accreditation holder shall return to the Minister the document evidencing his accreditation.

22. A decision to suspend or revoke the accreditation of a holder may not affect the eligibility of an employer's training expenditure recognized under that Act or a regulation thereunder, if that expenditure was incurred by the employer in good faith prior to that decision.

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

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Draft Regulation

An Act respecting insurance
(R.S.Q., c. A-32)

Application of the Act — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting insurance, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to enable insurers who prefer to do so to distribute their products through a subsidiary, which may register with the Bureau des services financiers as a firm or obtain a restricted certificate issued by the Bureau.

Further information may be obtained by contacting Alain Samson, 800, place D'Youville, 9^e étage, Québec (Québec) G1R 4Y5, telephone: (418) 528-9726.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Bernard Landry, Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3, and a copy to the Inspector General of Financial Institutions, 800, place D'Youville, 9^e étage, Québec (Québec) G1R 4Y5.

BERNARD LANDRY,
Minister of Finance

Regulation to amend the Regulation respecting the application of the Act respecting insurance*

An Act respecting insurance
(R.S.Q., c. A-32, s. 420, par. *al*)

1. The Regulation respecting the application of the Act respecting insurance is amended by inserting the following after Chapter V:

* The Regulation respecting the application of the Act respecting insurance (R.R.Q., 1981, c. A-32, r.1) was last amended by Order in Council 279-2000 dated 15 March 2000 (2000, *G.O.* 2, 1365). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.