

Decisions

Decision

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001)

Commission des lésions professionnelles — Assessors and conciliators — Code of ethics

Code of ethics applicable to the assessors and conciliators of the Commission des lésions professionnelles

WHEREAS pursuant to section 426 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) the president of the Commission des lésions professionnelles must establish a code of ethics applicable to assessors and conciliators and see that it is observed;

WHEREAS the code may prescribe separate rules for assessors and conciliators;

WHEREAS it is expedient to adopt a code of ethics applicable to assessors and conciliators;

IT IS ORDERED, that the following Code of ethics applicable to the assessors and conciliators of the Commission des lésions professionnelles be adopted.

Québec, 31 October 2000

JEAN-PIERRE ARSENEAULT,
The president of the Commission des lésions professionnelles,

Code of ethics of the assessors and conciliators of the Commission des lésions professionnelles

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 426)

DIVISION I GENERAL PROVISIONS

1. The purpose of this Code is to ensure and enhance the confidence of the public in the integrity and impartiality of the Commission des lésions professionnelles,

by setting high standards of conduct for its assessors and conciliators.

2. Assessors and conciliators appointed and remunerated pursuant to the Public Service Act (R.S.Q., c. F-3.1.1) are required to comply with the standards of ethics and discipline set out in that Act and in the Standards of Ethics and Discipline and Provisional Suspension (Public Service) Regulation (O.C. 577-85, 27 March 1985).

Part-time assessors and temporary assessors appointed by the president pursuant to section 424 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) are also required to comply with those standards, except the standard relating to exclusivity of service.

3. Assessors and conciliators shall perform their duties with honesty, dignity, integrity, diligence and impartiality, giving due regard to the importance of the values of accessibility and swiftness that characterize the Commission.

4. Assessors and conciliators shall treat all the persons they meet in performing their duties with respect and courtesy.

5. Assessors and conciliators shall take the required steps to maintain and update the knowledge and skills necessary to the performance of their duties.

6. In public, assessors and conciliators shall act with reserve and prudence.

Subject to the above principle, they shall enjoy freedom of expression, belief, association and assembly.

7. Any situation in which an assessor or conciliator places himself that is likely to affect the integrity, independence or dignity of the Commission or to reduce public confidence in the Commission is incompatible with the performance of the assessor's or conciliator's duties.

DIVISION II SPECIFIC DUTIES OF ASSESSORS

8. Assessors must act and be seen to act objectively and impartially in performing their duties.

9. Part-time assessors and temporary assessors may not issue an opinion on behalf of the Commission de la

santé et de la sécurité du travail, an employer, a worker or an association or group of workers in connection with a case falling within the jurisdiction of the Commission.

However, a situation in which a part-time assessor or temporary assessor issues an opinion on behalf of a worker for whom the assessor is acting as the physician in charge within the meaning of the Act is not incompatible with the performance of the assessor's duties.

10. An assessor must disclose to the commissioner with whom the assessor is sitting any direct or indirect interest held in a body, enterprise or association that is likely to place the assessor in an actual or apparent situation of conflict of interest.

11. Assessors are bound by a duty of discretion concerning any matter of which they become aware in the performance of their duties, and are bound to respect the confidentiality of the information they receive, except if it is public information.

DIVISION III SPECIFIC DUTIES OF CONCILIATORS

12. Conciliators must disclose to the parties any direct or indirect interest they hold in a body, enterprise or association that is likely to place them in an actual or apparent situation of conflict of interest.

13. Conciliators must ensure that their intervention, to provide impartial assistance in reaching an agreement, is fully and freely accepted by the parties.

14. Conciliators must inform the parties of their right to withdraw at any time from the conciliation process.

15. Conciliators must ensure that each party is informed of the goals, conditions and limits of the conciliation process, and that any agreement within the meaning of section 429.44 of the Act respecting industrial accidents and occupational diseases must be confirmed by a commissioner.

16. Conciliators must avoid placing pressure on a party to accept a settlement.

17. Conciliators must suspend or terminate the conciliation process, after giving notice to the parties, where

(1) the continuation of conciliation may be prejudicial to a party;

(2) a party is unable or unwilling to continue with conciliation;

(3) a party is unable to take part in a fair conciliation process for physical or psychological reasons;

(4) the conciliator considers it unlikely that a settlement, or an agreement consistent with the Act, will be reached;

(5) the presence of another party becomes necessary.

18. Conciliators shall inform the parties of the consequences of a settlement on the rights and obligations of the parties under the respecting industrial accidents and occupational diseases and the Act respecting occupational health and safety (R.S.Q., c. S-2.1).

19. Conciliators shall ensure and preserve the confidentiality of the exchanges that take place as part of the conciliation process, unless the parties agree otherwise.

DIVISION IV COMPLAINTS

20. A party or the representative of a party may file a complaint with the president of the Commission against an assessor or conciliator for a breach of the code of ethics.

21. The complaint must be in writing and set out a brief summary of the grounds on which it is based. It must be sent to the head office of the Commission.

22. The president may reject any complaint that is manifestly groundless, advising the complainant of the rejection and the reasons on which it is based.

23. If the president considers a complaint receivable, he shall forward a copy to the person against whom the complaint is made.

24. The president shall rule on the complaint after notifying the person against whom the complaint is made that he has seven days to make his observations.

The president may, where he considers it necessary, hear the person against whom the complaint is made.

DIVISION V FINAL PROVISION

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