

Draft Regulations

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

Commission des lésions professionnelles — Members' code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Code of ethics of the members of the Commission des lésions professionnelles, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The Code of ethics proposes the rules of conduct and duties of the members towards the public, the parties, their witnesses and persons who represent them; it indicates, in particular, which conduct is derogatory to the honour, dignity or integrity of the members. It also determines activities or situations that are incompatible with their office, their obligations concerning disclosure of interest, and the duties they may perform gratuitously.

The proposed rules vary according to whether they apply to a commissioner or a member other than a commissioner.

Further information may be obtained by contacting Claude Verge, Commission des lésions professionnelles, 900, place D'Youville, bureau 800, Québec (Québec) G1R 3P7 by telephone at (418) 643-7129 or by fax at (418) 528-6063.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the undersigned at the Ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

JEAN ROCHON,
*Minister of State for Labour,
Employment and Social Solidarity
and Minister of Labour*

Code of ethics of the members of the Commission des lésions professionnelles

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 413)

DIVISION I GENERAL

1. The purpose of this Code is to ensure and promote the trust of the public in the integrity and impartiality of the Commission des lésions professionnelles by favouring high standards of conduct for its members.

2. A member is bound to observe the ethics rules provided for in the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and those in this Code.

DIVISION II DUTIES COMMON TO ALL MEMBERS

3. A member shall perform his duties with care, dignity and integrity, considering the importance of accessibility and promptness that are characteristic of the Commission.

4. A member shall perform his duties using appropriate behaviour towards everyone without discrimination.

5. A member shall act in a respectful and courteous manner towards persons appearing before him.

6. A member shall uphold the integrity of his adjudicative function and defend the independence thereof in the best interest of justice.

7. A member shall be available for discharging his duties conscientiously and diligently.

8. A member shall take the measures required to keep up-to-date and improve the knowledge and skills necessary to perform his duties.

9. A member is bound to confidentiality regarding any matter brought to his knowledge in the performance of his duties and to respect the confidential nature of the information thus brought to his knowledge except that of a public nature.

10. A member is bound to keep the secret of the advisement in particular any view defended by a member or an assessor, any exchange or discussion, as well as any opinion other than that reported in the decision.

11. A member shall avoid any situation from which could arise a conflict between his personal interest and the duties of his office.

12. A member shall reveal to the president any direct or indirect interest that he has in an agency, corporation or association likely to bring a real or apparent situation of conflict of interest.

13. The fact for a member to find himself in a situation that may undermine the integrity, independence and dignity of the Commission or that may lessen the trust of the public in the Commission is incompatible with the performance of his duties.

DIVISION III DUTIES SPECIFIC TO COMMISSIONERS

14. A commissioner shall act and be seen to act in an objective and impartial manner in the performance of his duties.

15. A commissioner shall perform his duties in full independence, without any interference.

16. A commissioner shall be politically neutral.

Moreover, the fact for a commissioner to engage in a partisan political activity or to be a member of an association at the federal, provincial, municipal or school level is incompatible with the performance of his duties.

17. A commissioner shall demonstrate reserve and prudence in public.

Subject to that principle, he shall enjoy the freedom of expression, belief, association and assembly.

18. A commissioner may gratuitously perform duties insofar as they do not compromise his impartiality or the effective performance of his duties.

19. The following is incompatible with the performance of his duties:

(1) soliciting or collecting donations, except in the case of community, school, religious or family activities that do not compromise other duties imposed by this Code, or associating his status to those activities;

(2) taking part in charities or being a member of organizations likely to be involved in matters before the Commission;

(3) giving legal advice in fields within the expertise of the Commission.

20. A commissioner shall ensure the proper progress of the hearing and that both parties have an opportunity to be heard and to substantiate their claims fully, subject to applicable rules of law.

21. A commissioner shall allow the members sitting with him to ask questions at the hearing and to express their opinion when the case is taken under advisement.

DIVISION IV DUTIES SPECIFIC TO MEMBERS FROM EMPLOYERS' ASSOCIATIONS AND UNION ASSOCIATIONS

22. A member from an employers' association or a union association shall perform his duties with open-mindedness.

23. A member from one of those associations shall be politically neutral in the performance of his duties.

24. A member from one of those associations shall manage his affairs so as to not compromise the effective performance of his duties.

25. The fact that a member from one of those associations acts as a representative of a party before the Commission in a region where he may be called to sit is incompatible with the performance of his duties.

The member may nevertheless sit in that region if he is called to sit there because no other member from the same association is available.

26. A member from one of those associations may ask questions during the hearing of a case and give the commissioner advice so that the Commission may take advantage of his experience.

DIVISION V FINAL

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