

Draft Regulations

Draft Regulation

Plant Protection Act
(R.S.Q., c. P-39.01)

Plant protection — Amendment

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 Plant Protection Regulation, 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 add the blueberry maggot to the list of destructive insects referred to in the Plant Protection Act.

To date, study of the matter has revealed no significant impact of an economic nature on the public or businesses.

Further information may be obtained by contacting Alain Garneau, Direction des services technologiques, 200, chemin Sainte-Foy, 9^e étage, Québec (Québec) GIR 4X6; tel.: (418) 380-2100, extension 3567, fax: (418) 380-2162.

Any interested 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 Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) GIR 4X6.

MAXIME ARSENAU,
Minister of Agriculture, Fisheries and Food

Regulation to amend the Plant Protection Regulation *

Plant Protection Act
(R.S.Q., c. P-39.01, s. 3)

1. Section 1 of the Plant Protection Regulation is amended by adding the following at the end of the list of destructive insects:

“14. Blueberry maggot *Rhagoletis mendax* (Curran)”.

2. 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

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

Engineers — Code of Ethics — Amendments

Notice is hereby given, pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre professionnel des ingénieurs du Québec made the “Regulation amending the Code of ethics of Engineers” at its meeting of 24 April 2001.

The Office des professions du Québec, pursuant to section 95 of the Professional Code, will examine the Regulation, the text of which appears below. Pursuant to the same section, it will then be submitted to the Government, with the recommendation of the Office. The Government may approve it, with or without amendment, upon the expiry of a 45-day period following the date of this publication.

The purpose of this regulation is to stipulate, among other things, the terms and conditions for the exercise of the rights of access to and correction concerning documents held by members of the Ordre des ingénieurs du Québec. Furthermore, this regulation stipulates conditions and obligations relating to advertising by members of the Ordre and regulates the business names of partnerships of engineers. This regulation thus has a direct impact on the members of the Ordre, since they must for the benefit of their clients observe certain rules which, under the terms of section 87 of the Professional Code, are to be contained in the Code of Ethics of Engineers. For citizens, this regulation will help improve relations between engineers and their clients.

The draft Regulation will have no impact on businesses, including small businesses.

* The Plant Protection Regulation, made by Order in Council 1366-96 dated 6 November 1996 (1996, *G.O.* 2, 4703) has not been amended since it was made.

Additional information may be obtained from M^{re} Louise Laurendeau, Ordre des ingénieurs du Québec, 2020, rue University, 18^e étage, Montréal, Québec H3A 2A5; tel. (514) 845-6141, extension 129 or 1 800 461-6141, extension 129.

Anyone wishing to comment is requested to do so by submitting his or her comments before the end of the 45-day period to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec, Québec G1R 5Z3. The Office will convey these comments to the Minister responsible for the application of laws governing professions; they may also be conveyed to the professional order which adopted the regulation and to interested persons, ministries and organizations.

JEAN-K. SAMSON,
*Chairman of the Office des
professions du Québec*

Regulation amending the Code of ethics of engineers*

Professional Code
(R.S.Q., c. C-26, s. 87, par. 4 and 5)

1. The Code of Ethics of Engineers is amended by the replacement of subdivision 7 of division III with the following:

“§7. *Access to and correction of records and release of documents*

3.07.01. Beyond the specific rules prescribed by law, an engineer must act, with diligence and no later than thirty (30) days following receipt thereof, on any request made by his client for the purposes of:

1° examining documents concerning him in any record established in his respect;

2° obtaining copies of documents concerning him in any record established in his respect.

3.07.02. An engineer who agrees to a request contemplated in section 3.07.01 shall give the client access to the documents in his presence or in the presence of a person authorized by him.

In the case of a request contemplated in subparagraph 1° of section 3.07.01, when the period of consultation exceeds one (1) day, an engineer may charge his client a reasonable fee representing the administrative costs incurred by him.

In a similar fashion, an engineer may, with respect to a request contemplated in subparagraph 2° of section 3.07.01, charge his client a reasonable fee not exceeding the cost of transmission, transcription or reproduction of a copy.

An engineer charging such fees shall, before they are incurred, inform his client of the approximate amount he will be asked to pay. An engineer has the right of retention concerning payment of such fees.

3.07.03. An engineer who, in applying the second paragraph of section 60.5 of the Professional Code, refuses to allow his client access to information contained in any record established in his respect, must furnish his client with the reasons for such refusal in writing.

3.07.04. Beyond the specific rules prescribed by law, an engineer must act, with diligence and no later than thirty (30) days following receipt thereof, on any request made by his client for the purposes of:

1° correcting information that is inaccurate, incomplete or ambiguous with regard to the purposes for which it was collected, in any document concerning him that is contained in any record established in his respect;

2° placing his written comments in the record established in his respect.

3.07.05. An engineer who agrees to a request contemplated in section 3.07.04 shall give his client without charge a copy of the document or portion thereof showing the client that the information has been corrected, or, as the case may be, a certificate indicating that the written comments from the client have been placed in the record.

Upon receipt of a request in writing from the client, an engineer shall send, without charge to the client, a copy of such information or certificate to any person from whom an engineer received such information and to whom such information was given.

3.07.06. An engineer agrees to act with diligence on any request in writing made by his client for the purpose of taking back a document or item which the client had left with him.

* The Code of Ethics of Engineers (R.R.Q., 1981, c I-9, r. 3) was amended by a regulation approved by order-in-council 1182-83 of June 8, 1983 (1983, *G.O.* 2, 2767) and by a regulation approved by order-in-council 2566-84 of November 21, 1984 (1984, *G.O.* 2, 5953).

The engineer indicates in the record established in respect of his client, as the case may be, the reasons for the client's request.

3.07.07. An engineer may require that a request contemplated in sections 3.07.01, 3.07.04 or 3.07.06 be submitted to his professional domicile during the usual hours of work.”.

2. This Code is amended by the addition, at the end, of the following division:

“DIVISION V
OBLIGATIONS RELATIVE TO PROFESSIONAL
ADVERTISING AND PROMOTION AND THE
BUSINESS NAMES OF PARTNERSHIPS OF
ENGINEERS

§1. Advertising and promotion

5.01.01 An engineer may not in any way and under any circumstances make false, misleading or incomplete advertising with respect to his professional activities and services.

5.01.02 The information that an engineer provides in his advertising or promotion must be of a nature to help the public make an informed choice. Such advertising or promotion must be done with integrity and favour professionalism.

5.01.03 In all representation he may make, an engineer must give his name and professional title.

5.01.04 An engineer shall not in his representation or advertising:

1° invade a person's privacy;

2° undermine a person's reputation;

3° compare the quality of his services with that of the services offered or rendered by other engineers;

4° discredit, denigrate or disparage the services offered or rendered by other engineers.

5.01.05 In addition to the obligations mentioned in section 5.01.04, an engineer shall not attribute to himself experience, professional or academic qualifications or particular qualities unless he is able to justify them.

5.01.06 An engineer shall ensure that the persons working with him in any capacity in the practice of his profession comply with the rules concerning advertising.

5.01.07 An engineer who, in his advertising, mentions fees or prices shall do so in a manner that can be understood by the public, which has no particular knowledge of the practice of engineering or the professional services covered by the advertising, and shall:

1° keep them in effect for the period mentioned in the advertising or, if no period is specified, for a period of ninety (90) days following the last publication or broadcast;

2° specify the nature and extent of the services included in such fees or prices;

3° indicate whether or not certain fees are included in such fees or prices;

4° indicate what additional services may be required which are not included in such fees or prices.

5.01.08 In the case of advertising offering a special price or a discount, an engineer shall specify how long such special price or discount is valid, as the case may be. This period may be less than ninety (90) days.

5.01.09 An engineer shall keep a copy of all advertising for a period of three (3) years following the date of its last broadcast or publication. On request, this copy shall be given to the syndic.

§2. Business names of partnerships of engineers

5.02.01 The business name of a partnership of engineers includes only the names of the engineers who are practising their profession together. It may not include the name of a deceased or retired associate engineer for more than one (1) year, unless he or his legal representatives had made an agreement in writing to the contrary.

5.02.02 When an associate engineer withdraws from a partnership to practise alone, to join another partnership or another business or to hold a position that is incompatible with the practice of the profession, his name must be eliminated from the business name within thirty (30) days of his withdrawal, unless there is a written agreement to the contrary.

In all cases, the agreement may not stipulate a period of more than one (1) year.

5.02.03 The business name of a partnership of engineers may end with the words “and associates” when the names of at least two associates are not included in the business name.

5.02.04 An engineer practising in a partnership is jointly responsible with the other professionals for following the rules concerning advertising, unless he can establish that the advertising was done without his knowledge or consent and in spite of the provisions made to ensure compliance with such rules.”

3. This regulation repeals the “Regulation Respecting Advertising by Engineers” (R.R.Q., 1981, c. I-9, r. 10).

4. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.