

78. Whenever an advertisement is broadcast, the agrologist must ensure that it appears clearly that it is an advertisement.

DIVISION VI
COAT OF ARMS AND GRAPHIC SYMBOL
OF THE ORDER

79. The Order is represented by a coat of arms or a graphic symbol that complies with the originals kept by the secretary of the Order.

80. An agrologist who reproduces the graphic symbol of the Order in his advertising must ensure that such reproduction conforms to the original kept by the secretary of the Order.

Where an agrologist uses the said graphic symbol elsewhere than on a business card, he must include the following statement in the advertisement:

“This is not an advertisement of the Ordre des agronomes du Québec and the liability of the Order cannot be incurred in connection with it.”.

DIVISION VII
FINAL PROVISIONS

81. This Code replaces the Code of ethics of agrologists (R.R.Q., 1981, c. A-12, r.4).

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

5238

Gouvernement du Québec

O.C. 920–2002, 21 August 2002

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

Engineers
— **Code of ethics**
— **Amendments**

Regulation amending the Code of ethics of engineers

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the members of the Order

towards the public, their clients and their profession, particularly the duty to discharge their professional obligations with integrity;

WHEREAS, under the same section of the Professional Code, such code of ethics must contain, *inter alia*, provisions setting out 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 that Code, and provisions concerning a professional’s obligation to release documents to his client, as well as provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the order;

WHEREAS the Bureau of the Ordre professionnel des ingénieurs du Québec made, at its meeting of 24 April 2001, the Regulation amending the Code of ethics of engineers.

WHEREAS, under section 95.3 of the Professional Code, amended by section 8 of chapter 34 of the Statutes of 2001, the secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 August 2001 with a notice that it could be submitted to the Government, which could approve it with or without amendment upon the expiry of 45 days following the date of this publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions;

THAT the Regulation amending the Code of ethics of engineers, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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.

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° deleting any information that is outdated or not justified by the object of the record established in his respect;

3° 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 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 OBLIGATIONS RELATIVE TO THE 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.

* 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).

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 advertising or 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. *Names of partnerships of engineers*

5.02.01. The 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 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 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 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. The Regulation Respecting Advertising by Engineers (R.R.Q., 1981, c. I-9, r.10) is revoked.

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