

Regulations and other acts

Gouvernement du Québec

O.C. 828-2003, 20 August 2003

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

Conseillers et conseillères d'orientation et psychoéducateurs et psychoéducatrices — Code of ethics of the members of the Ordre — Amendment

Regulation to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec

WHEREAS, under the first paragraph of 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 professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS, under the first paragraph of section 17 of the Schedule to Order in Council 1037-2000 dated 30 August 2000 concerning the integration of psychoeducators into the Ordre professionnel des conseillers et conseillères d'orientation du Québec, the Code of ethics of guidance counsellors applies to the newly grouped members, with the modifications necessary for the integration;

WHEREAS, under the second paragraph of that section 17 of the Schedule to the Order in Council, the Code of ethics will cease to apply to the newly grouped members on the date of coming into force of a regulation made by the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec pursuant to section 87 of the Professional Code;

WHEREAS the purpose of the introduction of the provisions required under the second paragraph of section 87 of the Professional Code into the Code of ethics, which state essentially the above-mentioned terms and conditions, is not to cause the provisions of the Code of ethics to cease to apply to the newly grouped members;

WHEREAS the Code of ethics continues to apply transitionally to the newly grouped members until the coming into force of a regulation made by the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec pursuant to section 87 of the Professional Code;

WHEREAS the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec made the Regulation to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec and it is not expedient to apply the second paragraph of section 17 of the Schedule to the Order in Council to the Regulation;

WHEREAS, pursuant to section 95.3 of the Professional Code, 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 the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 January 2003 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

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

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, attached to this Order in Council, be approved and that the second paragraph of section 17 of the Schedule to Order in Council 1037-2000 dated 30 August 2000 concerning the integration of psychoeducators into the Ordre professionnel des conseillers et conseillères d'orientation du Québec does not apply to the Regulation.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec *

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec is amended by inserting the following subdivision after subdivision 6 of Division III:

“§6.1. Lifting of professional secrecy to protect individuals

3.06.01.01. In addition to the cases provided for in section 3.06.02, any member may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the member has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the member may only communicate the information to a person exposed to the danger, or that person's representative, or to the persons who can come to that person's aid.

The member may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

* The Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec (R.R.Q., 1981, c. C-26, r.41) has been amended only once, by the regulation approved by Order in Council 818-95 dated 14 June 1995 (1995, G.O. 2, 1885).

3.06.01.02. A member who, pursuant to section 3.06.01.01, communicates information protected by professional secrecy to prevent an act of violence must

(1) communicate the information without delay; and

(1) record the following particulars in the client's file as soon as possible:

(a) the reasons supporting the decision to communicate the information; and

(b) the subject of the communication, the mode of communication, and the name of the person to whom the information was given.”.

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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Gouvernement du Québec

O.C. 829-2003, 20 August 2003

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

Certified management accountants — Code of ethics — Amendment

Regulation to amend the Code of ethics of certified management accountants

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des comptables en management accrédités du Québec must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4;

WHEREAS the Bureau of the Ordre des comptables en management accrédités du Québec made the Regulation to amend the Code of ethics of certified management accountants to include provisions respecting the lifting of professional secrecy to protect individuals;