

Gouvernement du Québec

O.C. 722-2005, 3 August 2005

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

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

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

WHEREAS, under section 413 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), the Government shall, after consulting the president of the Commission des lésions professionnelles, establish a code of ethics applicable to the members;

WHEREAS, under section 414 of the Act, the code of ethics shall set out the rules of conduct and the duties of the members towards the public, the parties, their witnesses and the persons representing them; it shall, in particular, define the conduct that is derogatory to the honour, dignity or integrity of the members. It may, in addition, determine the activities or situations that are incompatible with the office they hold, their obligations as regards the disclosure of their interests, and the functions they may exercise gratuitously;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Code was published in Part 2 of the *Gazette officielle du Québec* of 28 March 2001, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS comments were received following that publication;

WHEREAS, it is expedient to make the Code with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Code of ethics of the members of the Commission des lésions professionnelles, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

**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 public trust in the integrity and impartiality of the Commission des lésions professionnelles by favouring high standards of conduct for its members.

2. Members must abide by the ethics rules provided for in the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and in this Code.

**DIVISION II
DUTIES COMMON TO ALL MEMBERS**

3. Members shall perform their duties with care, dignity and integrity, keeping in mind that accessibility and promptness are important values of the Commission.

4. Members shall perform their duties without discrimination.

5. Members shall act in a respectful and courteous manner towards persons appearing before them.

6. Members shall uphold the integrity of the Commission and defend its independence in the best interest of justice.

7. Members shall make themselves available to discharge their duties conscientiously and diligently.

8. Members shall take the measures required to keep up-to-date and upgrade the knowledge and skills necessary to perform their duties.

9. Members are bound by discretion regarding any matter brought to their knowledge in the performance of their duties and shall refrain from disclosing information of a confidential nature.

10. Members are bound by the secrecy of the advisement, in particular any view supported by a member or an assessor, any exchange or discussion, as well as any opinion other than the opinion reported in the decision.

11. Members shall disclose to the president any direct or indirect interest that they have in any enterprise that could cause a conflict between personal interest and the duties of their office.

12. Members shall refrain from pursuing an activity or placing themselves in a situation that may undermine the integrity, independence and dignity of the Commission or discredit it.

DIVISION III DUTIES SPECIFIC TO COMMISSIONERS

13. Commissioners shall be overtly objective and impartial.

14. Commissioners shall perform their duties with complete independence, free of any interference.

15. Commissioners must be politically neutral and shall not engage in any partisan political activity that is incompatible with the duties of their office.

16. Commissioners shall act with reserve and prudence in public.

Subject to that principle, they enjoy freedom of expression, of belief, of association and of assembly.

17. A commissioner may exercise functions gratuitously within the professional order of which the commissioner is a member or within a non-profit organization insofar as they do not compromise the commissioner's impartiality or the effective performance of the commissioner's duties.

18. The following are incompatible with the office of commissioner:

(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 the status of commissioner to those activities;

(2) taking part in charities or organizations likely to be involved in matters before the Commission; and

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

19. Commissioners shall preside at hearings by exercising the authority necessary to ensure its proper conduct and to ensure that both parties have an opportunity to be heard and fully substantiate their claims, subject to applicable rules of law.

20. Commissioners shall allow the members sitting with them to ask questions at hearings and express their opinions when a case is taken under advisement.

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

21. Members from employers' associations or union associations shall perform their duties with open-mindedness.

22. Members from those associations must be politically neutral in the performance of their duties.

23. Members from those associations shall manage their affairs so as to not compromise the effective performance of their duties.

24. Members from those associations may not represent a party before the Commission.

25. Members from those associations may ask questions during the hearing of a case and advise the commissioner so that the Commission may benefit from their experience.

DIVISION V FINAL

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

7020