

### ARTICLE 35 CONTESTATION OF REIMBURSEMENT

1. Where following the verification of the statements of expenses to be reimbursed referred to in Article 34 of this Arrangement, a Party contests certain amounts, the Party shall immediately reimburse the amounts with which the Party agrees, accompanied by a notice stating the reasons of the contestation of the other amounts.

2. The Party receiving a contestation shall examine it and communicate its findings as soon as possible to the other Party. If the contestation is not justified, the claim shall be reinstated with supporting documents. The matter is settled when the next statement is submitted.

### ARTICLE 36 CONTINUATION OF UNDUE PAYMENT

In the case of undue payment of a shared-cost pension or benefit, the institution that provided the payment shall be responsible for continuing the undue payment, the amount of which shall be apportioned between the institutions of both Parties in the proportion established for the payment of the pension or benefit concerned. If the amount cannot be recovered, the loss shall be charged to both institutions according to the same rule.

### ARTICLE 37 FORMS

Forms and other documents required to implement the procedure provided for in the Administrative Arrangement shall be established by mutual agreement by the competent institutions and agencies responsible for the application of the Agreement for each Party. The forms and documents shall appear as schedules to a supplementary administrative arrangement.

### ARTICLE 38 STATISTICAL DATA

The liaison agencies of both Parties shall exchange statistical data concerning the payment of pensions made during every calendar year to beneficiaries residing in the territory of the other Party. The data shall indicate the number of beneficiaries and the amount of the pensions for each category.

### TITLE V FINAL

### ARTICLE 39

This Arrangement revokes and replaces the General Administrative Arrangement relating to the conditions of application of the Agreement on social security between

the Gouvernement du Québec and the Government of the French Republic signed on 12 February 1979, the Arrangement signed on 15 May 1987 making the first amendment and the Arrangements signed on 21 December 1998 making the second and third amendments respectively to that General Administrative Arrangement.

This Administrative Arrangement comes into force on the same date as the Agreement signed on 17 December 2003.

Done in duplicate at Québec City, on 17 December 2003, and in Paris, on 30 December 2003

FOR THE COMPETENT  
AUTHORITY OF QUÉBEC:

FOR THE COMPETENT  
AUTHORITY OF THE FRENCH  
REPUBLIC:

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### Draft Regulation

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

### Psychologists — 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 psychologists made by the Bureau of the Ordre des psychologues du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

According to the Order, the purpose of the Regulation is to modernize the Code of ethics of psychologists and to reinforce the duties and obligations of the psychologists towards clients, the public and the profession, in order to ensure better protection of the public.

The Order considers that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Édith Lorquet, legal and external affairs adviser at the Ordre des psychologues du Québec, 1100, avenue Beaumont, bureau 510, Montréal (Québec) H3P 3H5; telephone: 514 738-1881, ext. 223 or 1 800 363-2644; fax: 514 738-8838.

Any person having comments to make is asked to send them to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3, before the expiry of the 45-day period. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be forwarded to the professional order that made the Regulation and to the interested persons, departments and bodies.

GAÉTAN LEMOYNE,  
*Chair of the Office  
des professions du Québec*

## Code of ethics of psychologists

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

### CHAPTER 1 GENERAL

**1.** This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties and obligations of psychologists regardless of the context or manner in which they engage in their professional activities or the nature of their contractual relationship with clients.

**2.** Psychologists may not exempt themselves, even indirectly, from a duty or obligation contained in this Code.

### CHAPTER II GENERAL DUTIES

**3.** Psychologists must, in the practice of their profession, show respect for the dignity and freedom of persons.

**4.** The conduct of psychologists towards every person with whom they enter into a professional relationship, whether physical or psychological, must be beyond reproach.

**5.** Psychologists must practise their profession according to generally recognized scientific and professional principles, in keeping with good practice in psychology.

**6.** Psychologists must consider all foreseeable consequences of their research and work on society.

**7.** Psychologists must discharge their professional obligations with competence, integrity, objectivity and moderation.

**8.** Psychologists, in the practice of their profession, must assume full personal civil liability. They may not evade or attempt to evade personal civil liability or request that a client or person renounce any recourse taken in a case of professional negligence on their part. They may not invoke the liability of the partnership or company within which they carry on their professional activities or that of another person also carrying on activities as a ground for excluding or limiting their personal professional liability.

**9.** Psychologists must take reasonable measures to ensure that every person collaborating with them in the practice of the profession and any partnership or company within which they practise complies with the Professional Code and regulations thereunder, including this Code.

## CHAPTER III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

### DIVISION I CONSENT

**10.** Before agreeing with a client to provide professional services, psychologists must consider the request, the client's expectations and the extent of their skills and the means at their disposal.

**11.** Before providing professional services, psychologists must, except in an emergency, obtain the free and enlightened consent of the client, the client's representative or the client's parents, in the case of a child under 14 years of age, informing the client of

(1) the objective, nature, relevance and main terms of the professional services, the advantages and disadvantages of the services and alternatives, the limits and mutual responsibilities of the parties, including any agreement on the fees and terms of payment;

(2) the possibility of refusing the professional services offered or ceasing to receive professional services at any time; and

(3) the rules and limits of confidentiality and the terms related to the transmission of confidential information pertaining to the intervention.

Disclosure of the information must be adapted to the context of the professional services provided.

**12.** Psychologists must take reasonable measures, including when the emergency has ended, to ensure that the consent is free and enlightened by ensuring that the client has properly understood the information communicated.

**13.** Psychologists must ensure that the consent remains free and enlightened throughout the professional relationship.

## DIVISION II CONFIDENTIAL INFORMATION

**14.** Psychologists must preserve the privacy of the persons with whom they enter into a professional relationship, avoiding gathering information and exploring aspects of private life that have no relation with the professional services agreed on with the client.

**15.** Psychologists, for the purpose of preserving professional secrecy,

(1) must not disclose any information on their client, except the information authorized in writing by the client, or verbally in an emergency, or ordered by law;

(2) must inform a client who intends to authorize the release of confidential information to a third party of the consequences of the disclosure and reservations of the psychologists, if any;

(3) must not disclose that a client has requested their professional services or intends to use their professional services;

(4) must not mention any factual information likely to identify the client and must modify, if required, certain information identifying the client when using information obtained from the client for didactical, pedagogical or scientific purposes;

(5) must obtain prior written authorization from the client to record or videotape an interview or activity; the authorization must specify the subsequent use of the recording and the terms of revocation of the authorization; and

(6) must not disclose, without authorization, the name of a client when consulting or being supervised by another professional.

**16.** Psychologists providing professional services to a couple or family must preserve the right to professional secrecy of each member of the couple or family. They may agree with them on other terms allowing disclosure of certain confidential information.

**17.** Psychologists providing professional services to a group must inform the members of the group of the possibility of some aspect of the private life of one of the members or a third party being revealed. They must secure a commitment from the members of the group to preserve the confidentiality of information on the private life of one of the members or a third party.

**18.** Psychologists may communicate information protected by professional secrecy to prevent an act of violence, including a suicide, where the psychologists have 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, psychologists may only communicate the information to a person exposed to the danger or that person's representative, and to the persons who can come to that person's aid.

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

**19.** Psychologists who communicate information protected by professional secrecy to prevent an act of violence must enter in the client's record the circumstances of the communication, the information communicated and the name of every person to whom the information was given.

## DIVISION III RIGHTS OF ACCESS TO INFORMATION AND CORRECTION OF DOCUMENTS

**20.** Psychologists must respond promptly, at the latest within 30 days of its receipt, to any written request made by a client or a person authorized by the client to consult or obtain a copy of documents that concern the client in any record made in his or her respect.

Psychologists may charge the client reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Psychologists who intend to charge such fees must inform the client of the approximate amount to be paid before copying, transcribing or transmitting the information.

Psychologists may deny access to information contained in a record established in the client's respect if the disclosure would likely cause serious harm to the client or to a third party. On written request from a client, a psychologist must notify the client in writing of the reasons for the refusal and enter the reasons in the record.

**21.** Psychologists must respond promptly, at the latest within 30 days of its receipt, to any written request made by a client or a person authorized by the client to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the client or to make written comments in the record.

Psychologists must give the client, free of charge, a duly dated copy of the document or part of the document filed in the record so that the client may verify that the information has been corrected or deleted or, as applicable, give the client an attestation stating that the client's written comments have been filed in the record.

Psychologists who refuse to grant a request to correct or delete information in any document concerning the client must, on written request from the client, notify the client in writing of the reasons for the refusal and enter the reasons in the record.

**22.** Psychologists must respond promptly to any written request from a client to have a document returned to the client.

#### **DIVISION IV CONFLICT OF INTEREST AND PROFESSIONAL INDEPENDENCE**

**23.** Psychologists must subordinate their personal interests or, where applicable, the interests of their employer or colleagues to those of their clients.

**24.** Psychologists must, except in an emergency, avoid providing professional services to persons with whom they have a relationship that is likely to affect the professional nature of the relationship and the quality of the professional services.

**25.** Psychologists must refrain from interfering in the personal affairs of their client.

**26.** During the professional relationship, psychologists must not establish relations of an intimate nature likely to affect the quality of the services, or relations of an amorous or sexual nature with a client, and must refrain from making remarks or improper gestures of a sexual nature to a client.

For the purpose of determining the duration of the professional relationship, psychologists must take into consideration, in particular, the nature of the problems to be addressed by and the duration of the professional services provided, the client's vulnerability and the likelihood of the psychologist having to provide professional services to the client again.

**27.** Psychologists may not act as such for a third party against a client in a dispute to which the client is a party.

**28.** Psychologists must not, for the same client, intervene in a manner that is likely to affect the quality of their professional services.

**29.** Psychologists acting as an expert may not become the attending psychologist of a person having been the subject of the expertise, unless expressly requested by the person and the psychologist has obtained authorization from the persons concerned by the change of role.

**30.** Psychologists must not use the professional relationship established with a client for personal, political or commercial purposes if doing so may cause prejudice to a third party or compromise the quality of their professional services.

**31.** Psychologists must safeguard their professional independence and avoid any situation in which they would be in conflict of interest, particularly when the interests concerned are such that they may tend to favour certain interests over those of their client or their integrity and loyalty towards their client may be adversely affected.

**32.** If psychologists become aware that they are in a real or apparent conflict of interest, they must define the nature and meaning of their obligations and responsibilities, notify their client and agree with the client on the appropriate measures, if any.

**33.** If psychologists provide professional services to several clients who may have divergent interests, they must inform them of their duty to be objective and of the specific actions that will be undertaken to provide the services. If the situation becomes irreconcilable with their duty to be objective, the psychologists must terminate the professional relationship.

**34.** Except for the remuneration to which they are entitled, psychologists may not receive, pay, offer to pay or agree to pay any benefit, rebate or commission in connection with the practice of their profession.

## DIVISION V WITHDRAWAL OF PROFESSIONAL SERVICES

**35.** Psychologists may cease to provide professional services to a client solely for just and reasonable grounds, including

(1) loss of the relationship of trust between the client and the psychologist;

(2) lack of benefit to the client from the professional services offered by the psychologist;

(3) the likelihood that maintaining the professional services may, in the psychologist's judgment, become more harmful than beneficial for the client;

(4) the impossibility for the psychologist to maintain a professional relationship with the client, particularly in the presence of a conflict of interest;

(5) inducement by the client to perform illegal, unfair or fraudulent acts or to contravene this Code;

(6) non-compliance by the client with the conditions agreed on and the impossibility of entering with the client into a reasonable agreement to reinstate the conditions, including professional fees; and

(7) the psychologist's decision to scale down his or her practice or to put an end to the practice for personal or professional reasons.

**36.** Psychologists who wish to terminate the relationship with a client must give the client reasonable notice and ensure that the withdrawal of such services does not cause prejudice to the client or, at the least, causes as little prejudice as possible. Psychologists must ensure insofar as they are able that the client may continue to obtain the professional services required.

## DIVISION VI QUALITY OF PROFESSIONAL SERVICES

**37.** Psychologists must refrain from practising their profession or performing professional acts if their state of health is an obstacle to doing so, or in any condition or state that may compromise the quality of the professional services.

**38.** Psychologists must establish a psychological diagnosis in respect of their client and give advice to the client only if they have sufficient professional and scientific information to be able to do so.

**39.** Psychologists must develop, perfect and maintain their knowledge and skills in the field in which they practise.

**40.** Psychologists must, as soon as the interest of their client so requires, consult another psychologist, a member of another professional order or another competent person, or refer the client to one of those persons.

**41.** Psychologists must seek to establish or maintain a relationship of mutual trust and respect with their clients.

**42.** Psychologists must acknowledge the client's right to consult another psychologist or any other competent person. Psychologists may not, by any means whatsoever, interfere with the client's freedom of choice.

**43.** Psychologists must be available and diligent in respect of their client. If unable to meet a request within a reasonable time that will not be prejudicial to the client, they must inform the client of the time when they will be available. If the situation could cause prejudice to the client, the client must be referred to an appropriate resource.

**44.** Psychologists may not persistently or unwarrantedly urge a person to have recourse to their professional services.

**45.** Psychologists may not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

**46.** Psychologists called upon to make an assessment must

(1) clearly inform the person who is being assessed of the person to whom the assessment report is being sent and of the manner in which a copy of the report may be requested;

(2) avoid obtaining any information from that person or making any interpretations or comments not pertinent to the assessment. Any information received that is unrelated to the assessment must remain confidential; and

(3) limit their report or recommendations and, if applicable, their deposition before the court to information relevant to the assessment.

## **DIVISION VII**

### **USE OF PSYCHOLOGICAL MATERIAL**

**47.** Psychologists must comply with the scientific and professional principles generally accepted in psychology when using, administering, correcting and interpreting psychological tests, and when publishing tests and information that must be provided with the related manuals and documents.

**48.** Psychologists must recognize the inherent limits of the measurement instruments they use and exercise caution in interpreting the psychometric material, in particular taking into account

(1) the specific characteristics of the tests or of the client that may interfere with their judgment or affect the validity of their interpretation;

(2) the context of the intervention; and

(3) factors that could affect the validity of the measurement instruments and necessitate changes in the administering of tests or the weighting of standards.

**49.** Psychologists may not give to a third party, other than another psychologist, any raw, unprocessed data from an assessment or resulting from a psychological consultation.

**50.** Psychologists must take the means necessary to not compromise the methodological and metrological validity of a test by revealing the protocol to the client or a third party who is not a psychologist.

**51.** In every written or verbal psychological report, psychologists must limit their comments to the interpretation of the psychological material and to the relevant conclusions.

## **DIVISION VIII**

### **FEEES**

**52.** Psychologists must charge and accept fair and reasonable fees warranted by the circumstances, and proportional to the professional services provided. To determine their fees, psychologists must consider the following factors:

(1) their experience or particular competence;

(2) the time required to provide the professional services;

(3) the complexity and extent of the professional services;

(4) the performance of professional services that are unusual or provided in unusual conditions; and

(5) the performance of professional services that require exceptional competence or celerity.

**53.** Psychologists must provide their client with all the explanations required for the understanding of the statement of fees and terms of payment.

**54.** Psychologists may, by written agreement with the client,

(1) require an advance to cover the payment of disbursements necessary to perform the professional services required;

(2) require the deposit in trust in the amount of their fees if the nature of the professional activities is such that payment of the services by the client may not be forthcoming;

(3) require partial payment if they act as consultants to a body in connection with a long-term contract;

(4) require administrative fees for a missed appointment by the client according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees;

(5) subject to the applicable legislative provisions, require fees supplementary to those reimbursed by a third-party payer.

**55.** Psychologists may not provide a receipt or other document that falsely indicates that professional services have been or will be provided.

**56.** Psychologists may not charge interest on accounts unless the client has been duly notified. The interest so charged is at the agreed rate or, if none, at the legal rate.

**57.** Before instituting legal proceedings, psychologists must have exhausted all other means available to recover their fees.

## **CHAPTER IV**

### **DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC**

**58.** In public statements dealing with psychology, psychologists must avoid making any exaggerated or purely sensational affirmations.



**59.** Psychologists who give information to the public on psychological procedures and techniques must indicate the restrictions, limits and contraindications that apply to their use.

**60.** Psychologists must avoid publicly discrediting, without substantiation, any traditional or new psychological techniques that differ from those they use themselves but that respect the scientific principles generally accepted in psychology.

**61.** Psychologists acting as professional consultants informing the public must stress the relative value of the information or advice being given.

#### CHAPTER V DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

**62.** To the extent of their resources, qualifications and experience, psychologists must seek to promote the development and credibility of the profession.

**63.** Psychologists may not, in any way whatsoever, intimidate or hinder a representative of the Order acting in the performance of duties assigned to the representative by the Professional Code and its regulations.

**64.** Psychologists recognize the Order's responsibility to ensure the protection of the public and the practice of the profession by competent professionals. They are to collaborate by

(1) informing the Order that a candidate does not meet the conditions of admission and entry on the roll of members;

(2) informing the Order that a person is appropriating the title of psychologist or permits or holds out that he or she is a psychologist when the person is not authorized to do so; and

(3) promptly answering all oral or written requests from the secretary of the Order, a syndic, a member of the review committee or professional inspection committee or an investigator, expert or inspector of that committee.

**65.** A psychologist who is informed of an inquiry into the psychologist's professional conduct or competence or of a complaint lodged against the psychologist may not communicate with any person who requested the inquiry without the prior written authorization of the syndic of the Order. A psychologist must never seek to intimidate a person or take reprisals or threaten to take

reprisals against any person who has taken part or cooperated in such an inquiry or complaint or intends to do so, or has reported behaviour that is contrary to the provisions of this Code or intends to do so.

**66.** In the practice of their profession, psychologists must preserve their professional autonomy and recognize that they are not required to perform any task contrary to their conscience or to the principles governing the practice of their profession, namely by informing the Order of the pressures on them that are of a nature such as to interfere with the proper practice of the profession.

**67.** If a psychologist learns, outside a confidential client relationship, that another psychologist is not acting professionally in his or her practice, is unfit to practise or is in breach of ethics, and has reasonable grounds to believe that the information is valid, the psychologist must inform the Order. If the information is given to the psychologist in the psychologist's practice, the information is to be disclosed only with the explicit authorization of the client.

**68.** Psychologists must cooperate with their colleagues and not abuse a colleague's good faith, breach the colleague's trust or use unfair practices.

**69.** Psychologists must respect any commitment entered into with the Bureau, the administrative committee, the secretary of the Order, a syndic or the professional inspection committee.

#### CHAPTER VI RESEARCH

**70.** Before engaging in research, psychologists must

(1) obtain the approval of the project by a research ethics committee that complies with the standards in force, particularly in regard to the composition of the committee and its operating methods;

(2) ensure that all those working with them on the project share their concern for the integral respect of the participants; and

(3) obtain the written consent of the participants or persons legally responsible for them, after informing them of all the major, special or unusual risks inherent in the research, and of any other aspects likely to assist them in making a decision regarding their participation.

**71.** Psychologists must be honest and open with participants. Where the research methodology requires that certain aspects of the research not be revealed to the

participants immediately, psychologists must explain the reasons for the procedure as soon as possible after completion of the experiment.

## CHAPTER VII ADVERTISING

**72.** Psychologists must refrain from participating as psychologists in advertising that recommends that the public buy or use a product unrelated to psychology.

**73.** Psychologists who are involved in the commercial distribution of instruments, books or other products related to psychology must base any statement concerning the operation, advantages and performance of such products on proof scientifically and professionally recognized in psychology.

**74.** Psychologists who, in their advertising, claim to possess skills or specific qualities, in particular as to the effectiveness or scope of their professional services and to those generally provided by other members of their profession, or as to their level of competence, must be able to substantiate such claims.

**75.** Psychologists must keep a copy of every advertisement for a period of three years following the date on which it was last broadcast or published. The copy must be given, on request, to a syndic.

## CHAPTER VIII USE OF THE GRAPHIC SYMBOL OF THE ORDER

**76.** Psychologists who reproduce the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the Order.

**77.** Where psychologists use the graphic symbol of the Order in their advertising, they may not suggest that such advertising emanates from the Order.

**78.** Psychologists who carry on their activities within a partnership must ensure that any use of the graphic symbol of the Order in the partnership complies with sections 76 and 77.

**79.** Psychologists must ensure that a partnership within which they carry on their professional activities does not use the graphic symbol of the Order in connection with the advertising or name of the partnership unless all the services provided by the partnership are professional services provided by psychologists.

In the case of a partnership which provides the professional services of psychologists and the services of persons other than psychologists, the graphic symbol of

the Order may be used in connection with the name of the partnership or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

The graphic symbol of the Order may, however, always be used in connection with the name of a psychologist.

**80.** This Code of ethics replaces the Code of ethics of psychologists, approved by Order in Council 3048-82 dated 20 December 1982 and replaced by a decision dated 18 February 1983, and the Regulation respecting advertising by psychologists (R.R.Q., 1981, c. C-26, r.153).

**81.** 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

Environment Quality Act  
(R.S.Q., c. Q-2)

### Pulp and paper mills

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the Regulation respecting pulp and paper mills, the text of which appears below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to replace the Regulation respecting pulp and paper mills made by Order in Council 1353-92 dated 16 September 1992. It harmonizes the method of calculating the discharge limits of certain contaminants into effluents with that of the federal regulation, adjusts certain effluent monitoring and analysis standards, and improves closure and post-closure management standards for mill residual materials landfill sites.

The replacement of the current regulation entails an updating of a number of references to provisions of Acts, regulations and policies that have been amended or revoked over time. The draft Regulation facilitates the retrieval of forms since each form is now in a separate, numbered schedule.

The impact of the draft Regulation on enterprises will not entail new equipment set-up expenses. The modification to the method of calculating discharge limits