

## Draft Regulations

### Draft Regulation

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20)

#### Commission de la construction du Québec — Levy

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Levy Regulation of the Commission de la construction du Québec, the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to levy upon the employer alone or upon both the employer and the employee or upon the employee alone or, where applicable, upon the independent contractor, the amounts required for its administration and fix a minimum amount which an employer is bound to pay per monthly period. Such levy, similar to that of the year 2006, constitutes the main source of financing of the Commission.

Further information may be obtained by contacting André Ménard, Chair and Chief Executive Officer, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec) H3R 2G3; tel.: 514 341-7740, ext. 6296.

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 André Ménard, Chair and Chief Executive Officer, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec) H3R 2G3; tel.: 514 341-7740, ext. 6296.

LAURENT LESSARD,  
*Minister of Labour*

### Levy Regulation of the Commission de la construction du Québec

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 82, 1st par. subparagraph c)

1. The levy imposed by the Commission de la construction du Québec for the year 2007 is:

(1) in the case of an employer, 0.75 of 1% of the total remuneration paid to his employees;

(2) in the case of an independent contractor, 0.75 of 1% of his remuneration as an independent contractor;

(3) in the case of an employee, 0.75 of 1% of his remuneration.

Notwithstanding the first paragraph, the minimum amount that an employer or an independent contractor is bound to pay the Commission per monthly period is \$10.

2. The employer shall collect, on behalf of the Commission, the amount levied upon his employees by means of a weekly deduction on their wages.

3. The independent contractor shall deduct weekly, out of the remuneration he received as an independent contractor, the amount levied upon him.

4. The employer and the independent contractor shall remit to the Commission the amount levied for a monthly period in pursuance of this Regulation, not later than the 15th of the following month.

5. This Regulation comes into force on 1 January 2007.

7784

### Draft Regulation

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

#### Physical therapists and physical rehabilitation therapists — 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 draft Regulation entitled Code of ethics of physical therapists and physical rehabilitation therapists, made by the Bureau of the Ordre professionnel de la physiothérapie du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

According to the Order, the draft Regulation updates the Code of ethics of the members to take into account among other things the recent integration of physical rehabilitation therapists into the Order. Also, more precise rules are set out as regards access to records, the correction of information, the forwarding of documents in records, advertising by members and research.

Further information may be obtained by contacting Julie Martin at the Ordre professionnel de la physiothérapie du Québec, 7101, rue Jean-Talon Est, bureau 1120, Anjou (Québec) H1M 3N7; telephone: 514 351-2770 or 1 800 361-2001; fax: 514 351-2658.

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

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

## Code of ethics of physical therapists and physical rehabilitation therapists

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

### DIVISION I GENERAL DUTIES

1. This Code governs, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the general and special duties of the members of the Ordre professionnel de la physiothérapie towards the public, their clients and their profession.

2. Members must comply with the Professional Code and the regulations made thereunder. They must also take reasonable measures to ensure that persons who collaborate with the members in the practice of the profession comply with the Code and regulations.

3. Members must act with dignity and refrain from using methods or adopting attitudes likely to tarnish the image of the profession or to impair their ability to serve the public interest.

4. Members must discharge their professional obligations with integrity and with reasonable attention, availability and diligence.

5. Members must to the extent possible support every measure conducive to improving the quality and availability of the professional services in the field of physiotherapy.

6. Members must practise their profession in keeping with the generally accepted standards of the science and practice of physiotherapy.

7. Members must refrain from giving opinions or advice that is contradictory or incomplete. To that end, members must endeavour to gain complete knowledge of the facts before giving opinions or advice.

8. Members must refrain from practising their profession in a condition or in a state that may compromise the quality of their professional services or the dignity of the profession.

9. In the practice of the profession, members must take into consideration the conditions and restrictions specific to their category of permit, the extent of their proficiency, knowledge and the means available. Members must not undertake work for which they are not sufficiently prepared without obtaining the necessary assistance.

10. Members must, in the practice of the profession, identify themselves in accordance with the permit issued. They must, in particular, display at their workplace in a visible location the permit to practise issued by the Order or their name and title or, if they are unable to do so, they must wear a name tag indicating their name and title.

11. Members must refrain from intimidating or harassing a person or carrying out or threatening to carry out reprisals against a person because

(1) the person has reported or intends to report conduct or behaviour contrary to this Code or the Professional Code; or

(2) has participated or collaborated or intends to participate or collaborate in an inquiry into professional competence or conduct or behaviour contrary to this Code or the Professional Code.

12. Members must, to the extent possible, refrain from treating themselves or treating a person with whom they have a relationship likely to impair the quality of the services, including their spouse and children.

## **DIVISION II**

### **DUTIES TOWARD THE PUBLIC**

13. Members must promote education and information measures in the field of physiotherapy. They must also, to the extent possible, perform the necessary acts to ensure such education and information.

14. Members must ensure the quality of their professional services offered to the public, in particular,

(1) by ensuring that their knowledge and skills are kept up to date, furthered and developed;

(2) by optimizing their professional competence;

(3) by fostering the advancement of the profession; and

(4) by remedying any shortcomings identified during the professional inspection program.

15. Members must act with objectivity and impartiality when persons other than their clients ask them for information.

## **DIVISION III**

### **DUTIES TOWARDS CLIENTS**

#### *§1. General duties*

16. Before treating a client, a physical therapist must evaluate the client's functional performance.

Before treating a client, a physical rehabilitation therapist must have on hand an evaluation made by a physical therapist or a medical diagnosis not restricted to the symptoms that indicates, if applicable, the type of structural disorder, and that is accompanied by a report documenting the disorder. The physical rehabilitation therapist must also act in accordance with the permit issued.

17. Members must, before providing professional services, obtain the free and enlightened consent of the client. Except for reasonable cause, members must provide their client, in a complete and objective manner, with the explanations necessary to understand and assess, in particular, the necessity, nature, conditions and risks of the professional services that will be provided.

18. Members must, as soon as possible, inform their client of any incident, accident or complication likely to have or that has had a significant impact on the client's health or physical integrity.

19. Members must 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.

20. Members must at all times acknowledge the client's right to consult a colleague, another professional or any other competent person.

If the client's condition so requires, members must consult another member, another professional or another competent person or refer the client to one of those persons.

21. Members must at all times acknowledge the client's right to obtain, from the supplier of his or her choice, any physiotherapy materials, equipment or device useful for the client's condition or treatment.

22. Members must assume full personal civil liability in the practice of the profession. They may not include in a contract of professional services any clause that, directly or indirectly, fully or partially, excludes that liability.

#### *§2. Independence and impartiality*

23. Members must refrain from interfering in the personal affairs of their client in matters not related to the practice of the profession.

24. Members must subordinate their personal interests to those of their clients.

25. Members must ignore any intervention by a third party that could influence the performance of their professional duties to the detriment of their client.

26. Members must safeguard their professional independence at all times and avoid any situation in which they would be in conflict of interest.

Members are in conflict of interest when the interests concerned are such that they might tend to favour certain interests, even those of another client, over those of their client or their judgment and loyalty towards their client might be adversely affected.

27. As soon as members become aware that they are in a conflict of interest, they must notify their client and ask the client for authorization to continue providing professional services to the client.

28. Except for the usual tokens of thanks and modest gifts, members may not receive or offer any commission, rebate or benefit.

§3. *Professional secrecy*

29. Members must preserve professional secrecy and may be released from their obligation of professional secrecy only with the authorization of their client or where so ordered by law in the cases and on the conditions prescribed in sections 34 to 36.

30. Members must avoid any indiscreet conversation about a client and the professional services provided to a client.

31. Members must not disclose that a person has requested their professional services if that fact is liable to cause prejudice to the person.

32. Where members ask a client to disclose confidential information or where they allow a client to disclose such information, they must clearly inform the client of the reason for such request and the various uses that could be made of the information.

33. Members must not use confidential information to the detriment of a client or to obtain directly or indirectly a benefit for themselves or for third parties.

34. Members may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the members 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, members 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.

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

If it is necessary in the best interests of the person exposed to the danger, members must consult another member of the Order, a member of another professional order or any other qualified person provided that the consultation does not prejudicially delay the communication of information.

35. Members who, pursuant to section 34, communicate information protected by professional secrecy to prevent an act of violence must

- (1) communicate the information immediately; and
- (2) enter in the client's record 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.

36. Members who, pursuant to the fourth paragraph of section 34, consulted another member, a member of another professional order or any other competent person, must enter in the client's record as soon as possible

- (1) the name of the person consulted;

- (2) the date of the consultation;

- (3) a summary of the consultation; and

- (4) the decision.

§4. *Relationship of trust*

37. Members must seek to establish a relationship of mutual trust with their clients.

For that purpose, members must

(1) refrain from practising their profession in an impersonal manner; and

(2) conduct interviews in such a way as to respect their clients' values and personal convictions where the clients inform them thereof.

38. Unless they have reasonable grounds for doing so, members may not cease or refuse to provide professional services to a client.

The following in particular constitute reasonable grounds:

- (1) a loss of the client's confidence;

(2) a personality conflict between the member and the client;

(3) an inducement by the client to perform acts that he or she knows to be illegal, improper or fraudulent; and

(4) a conflict of interest or any situation in which their professional independence might be called into question.

39. Before ceasing or refusing to provide professional services required by a client, members must so inform the client within a reasonable time and make sure, as far as possible, that the client may receive the required care from another member.

40. During the professional relationship, members must not establish relations of an intimate, amorous or sexual nature with a client.

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

#### **DIVISION IV DUTIES TOWARDS THE PROFESSION**

##### *§1. Acts derogatory to the dignity of the profession*

41. Members must refrain from guaranteeing, directly or indirectly, the healing of a disease, the result of a treatment or the recovery from an impairment or incapacity.

42. Members must not take advantage in the practice of the profession of the client's inexperience, ignorance, naïveté or poor health.

43. Members must inform the Order if they have reason to believe that another member is incompetent or is contravening the provisions of this Code or the Professional Code.

44. Members must notify the Order as soon as possible of the fact that a person who is not a member is using a title reserved for the members.

Members must notify the Order as soon as possible of the fact that a person is practising illegally a professional activity reserved to the members of the Order.

45. Members must not require, accept or offer money or other benefit for the purpose of contributing to have a procedure or decision of the Order adopted or rejected.

46. Members must inform the Order if they have reason to believe that a person who requests admission to the Order does not meet the requirements.

47. In no circumstances may a member, on being informed of an inquiry into the member's professional conduct or competence or that of his or her partners or employees of his or her partnership, or on being served with a complaint lodged against the member, partner or employee, communicate with the client or person who requested the inquiry, without the prior written authorization of the syndic or assistant syndic.

48. Members must not secure or cause to be secured for a client, themselves or any other person an unwarranted material benefit, in particular by falsifying a declaration, report or any document on the health of a client or the treatment the client received.

49. Members may not pressingly or repeatedly urge anyone to retain their professional services or those of another person practising within the partnership.

##### *§2. Relations with the Order*

50. Members whose participation on a committee or board of arbitration is requested by the Order are required to accept that function unless exceptional grounds prevent such participation.

51. Members must reply promptly in writing to all communications from the Order, in particular from the syndic of the Order or an assistant syndic, an expert appointed to assist the syndic, the professional inspection committee, its secretary or one of its members, an inspector, an investigator or a committee expert.

##### *§3. Relations with other members*

52. Members may not betray the good faith or breach the trust of another member or use unfair practices. They must not, in particular, take credit for work performed by another member.

53. Members consulted by another member must provide the other member with their opinion and recommendations as quickly as possible.

54. Members called upon to collaborate with a colleague must maintain their professional independence. They may be asked to be excused from doing any task that is contrary to their conscience or principles.

55. Members must, to the extent of their possibilities and competence, participate in the development of their profession by sharing their knowledge and experience with other members and students and by collaborating in training activities.

## **DIVISION V**

### **ACCESS TO AND CORRECTION OF DOCUMENTS**

#### *§1. Terms and conditions of rights of access*

56. Members must respond promptly, at the latest within 30 days of its receipt, to any request made in writing by a client to consult or obtain a copy of documents that concern the client in any record made in his or her respect.

57. Access to information in a record is free. Members may, however, charge the client fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Members who intend to charge fees pursuant to this section must inform the client of the approximate amount to be paid before copying, transcribing or transmitting the information.

58. Members who deny a client access to information contained in a record established in the client's respect must notify the client in writing of the reasons for the refusal and enter the reasons in the record.

59. Except on grounds permitted by law, at the request of the client, members must give to the professional, the employer, the institution or the insurer indicated by the client the relevant information in the record kept or maintained by the members in the client's respect.

60. Except on grounds permitted by law, members must provide to a client who so requests or a person appointed by the client any information or document that would enable the client to obtain a benefit to which the client may be entitled.

#### *§2. Terms and conditions of the right to correct*

61. Members must respond promptly, at the latest within 30 days of its receipt, to any request made in writing by a client to have information that is inaccurate, incomplete or ambiguous corrected or deleted in any document concerning the client. Members must also respect the client's right to make written comments in the record.

Members 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.

62. On written request from the client, members must forward a copy, free of charge, of the corrected information or an attestation stating that the information has been deleted or, as applicable, that the written comments have been filed in the record, to every person from whom the members received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

63. Members 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.

64. Members who hold information that is the subject of a request for access or correction must, if they deny the request, keep the information for the time needed by the client to pursue all legal remedies.

#### *§3. Obligation for members to return documents*

65. Members must respond promptly to any written request from a client to have a document returned to the client.

## **DIVISION VI**

### **DETERMINATION AND PAYMENT OF FEES**

66. Members must bill clients using a title reserved to the members under the category of permit.

67. Members must charge only the fees warranted by the nature and circumstances of the professional services provided.

68. To determine their fees, members must consider the following factors :

- (1) their experience ;
- (2) the time required for the treatment ;
- (3) the complexity and extent of the treatment ; and
- (4) the providing of professional services that involve exceptional competence or exceptional characteristics.

69. Members must provide their client with all the explanations required for the understanding of their statement of fees and the terms of payment.

70. Members may share their fees with another person only insofar as the sharing corresponds to the sharing of services and responsibilities.

71. Members may not require payment of fees in advance and must inform the client of the approximate cost for their services and of all other costs of any nature.

If the expected cost of the services must be modified, members must immediately inform the client and explain the reasons therefor.

72. Members may not claim fees for professional services not provided.

Members may claim cancellation fees for missed appointments if there is an agreement to that effect with the client. Those fees must be reasonable.

73. Members who mandate a third party to collect their fees must ensure that the latter proceeds with tact and moderation. For that purpose, they may communicate only the necessary information.

74. Members may not charge interest on outstanding accounts unless the client has been duly notified. The interest so charged must be reasonable.

75. Before instituting legal proceedings, members must have exhausted all other means available to recover their fees.

#### **DIVISION VII** **ADVERTISING, REPRESENTATION AND SALES**

76. Members must, by whatever means possible, avoid making false, misleading or incomplete representations with respect to their level of competence or the scope or effectiveness of their services, those of a person practising the profession within their partnership or those generally offered by members of their profession.

77. Members may not advertise discounts or rebates incidental to the services provided.

78. Members must refrain from recommending a person buy or lease, directly or indirectly, any physiotherapy material, equipment or device that is not necessary to the client's condition or treatment.

79. Members must refrain from selling, leasing or otherwise marketing any material, equipment or device that is not required under the generally recognized standards of the science and practice of physiotherapy.

80. Any advertisement made or authorized by members using a title reserved to their category of permit must be related to the practice of the profession under paragraph *n* of section 37 of the Professional Code.

81. Members may not engage in or allow advertising, by any means whatsoever, that is false, deceitful, incomplete or likely to be misleading.

82. Members may not claim, in their advertising, specific qualities or skills, in particular as to their level of competence or the scope or effectiveness of their professional services, unless they can be substantiated.

83. Members may not associate or allow the association of their professional title to their name in any advertisement for the public promoting the sale of a product or method likely to be harmful to health or a treatment producing effects greater than those anticipated by the current state of knowledge.

84. Members who advertise their fees and prices must

(1) establish fees or prices;

(2) specify the nature, extent and duration of the professional services included in the fees or prices;

(3) indicate whether other costs are included in the fees or prices; and

(4) indicate whether additional services which are not included in the fees or prices might be required.

The explanations and indications must be given in such manner as to reasonably inform persons who have no particular knowledge of physiotherapy.

Unless indicated otherwise in the advertisement, the fees or prices are to remain in effect for a minimum of 90 days after the date they were last broadcast or published. Members may, however, agree with the client on prices lower than those broadcast or published.

85. Members may not, in a statement or advertisement, disclose the amount of the instalments to be paid to acquire a product or receive a service without disclosing and also stressing in a more obvious manner the total price or fees for the product or service.

86. Members may not make a statement or advertisement concerning a product of which they have an insufficient quantity to meet public demand unless mention is made in the statement or advertisement that only a limited quantity of product is available.

Members may not make a statement or advertisement concerning a service they cannot provide in a reasonable manner.

87. Members must keep a copy of every advertisement for a period of five years following the date on which it was last broadcast or published.

88. Members may not engage in advertising or allow advertising that is likely to influence persons who may be physically or emotionally vulnerable because of their age, their state of health, or the occurrence of a specific event.

89. Members practising in a partnership are jointly and solidarily responsible with the other professionals for complying with the rules on advertising unless they establish that the advertising took place without their knowledge and consent and despite measures taken to ensure compliance with the rules.

90. Members may not use advertising practices that compare, directly or indirectly, the quality of their services to the quality of the services that other persons provide or may provide, denigrate or discredit a person or minimize a service or product provided by the person.

91. Members who reproduce the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the secretary of the Order.

92. Members who reproduce the name of the Order in their advertising, except on business cards, must include the following disclaimer: "This is not an advertisement of the Ordre professionnel de la physiothérapie du Québec and engages the liability of its author only."

#### **DIVISION VIII RESEARCH**

93. Members must take into consideration the foreseeable consequences of their research and work on society.

94. Before undertaking any research involving human beings, members must obtain approval of the project from a research ethics committee that complies with the standards in effect, in particular as regards its composition and procedures. Members must also ensure that the persons collaborating with them are informed of the ethical requirements.

95. Members undertaking or participating in research involving human beings must comply with the scientific principles and ethical standards generally recognized and warranted by the nature and purpose of the research.

96. Members must refuse to collaborate in any research activity entailing risks for the health of the subjects, healthy or sick, that appear disproportionate in comparison to the potential benefits they may derive from it or to the benefits they would obtain from ordinary care.

97. Members must not conceal any negative results of a research project in which they have taken part.

98. Members must, with respect to research subjects, ensure

(1) that each subject has been informed of the project's objectives, its benefits, risks or disadvantages relating to their participation, the benefits that would be obtained through ordinary care, if applicable, as well as the fact, as the case may be, that the members will derive a material gain from registering or keeping the subject in the research project; and

(2) that free and enlightened written consent, revocable at any time, is obtained from each subject before the beginning of participation in the research project or at the time of any material change in the research protocol.

99. Members who undertake or participate in a research project must declare their interest to the research ethics committee and reveal any real, apparent or potential conflict of interest.

Members must not, in a research activity, enter into an agreement or accept or grant compensation that would call into question their professional independence.

Any remuneration or compensation paid to members for their time and professional expertise involved in the research must be reasonable and be known to the ethics committee.

#### **DIVISION IX FINAL**

100. This Regulation replaces the Code of ethics of physical therapists (R.R.Q., 1981, c. C-26, r.136) and the Regulation respecting advertising by physical therapists, made by Order in Council 135-86 dated 19 February 1986.

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