

Draft Regulations

Draft Regulation

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

Medical aid — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting medical aid, appearing below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval, pursuant to the first paragraph of section 455 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), on the expiry of 45 days following this publication.

The draft Regulation amends Schedule I by proposing new rates for occupational therapy and physiotherapy individual treatments.

Study of the matter has shown little impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Chantal St-Jacques, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec) H2B 3J1; telephone: 514 906-3008, extension 2425; fax: 514 906-3009.

Any person wishing to comment on this matter is requested to submit written comments within the 45-day period to Guylaine Rioux, Vice-chair, Relations with Partners and Consultants, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

LUC MEUNIER,
*Chair of the board of directors and
Chief Executive Officer of the Commission
de la santé et de la sécurité du travail*

Regulation to amend the Regulation respecting medical aid*

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 454, 1st par., subpar. 3.1)

1. The Regulation respecting medical aid is amended in Schedule I by replacing “\$35.00” in the column “Rate” by “\$36.00” for the care and treatments “Occupational therapy—Individual treatment, per session” and “Physiotherapy—Individual treatment, per session”.

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

8852

Draft Regulation

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

Bailiffs — Code of ethics — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation to amend the Code of ethics of bailiffs”, adopted by the Bureau of the Chambre des huissiers de justice du Québec may be submitted to the Government which could approve it with or without amendment, on the expiry of 45 days following this publication.

* The Regulation respecting medical aid, approved by Order in Council 288-93 dated 3 March 1993 (1993, *G.O.* 2, 963), was last amended by the regulation approved by Order in Council 888-2007 dated 10 October 2007 (2007, *G.O.* 2, 2925). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

According to the Chambre des huissiers de justice du Québec, the main purpose of the Draft Regulation is to adapt certain rules of ethics to the realities of the practice of the profession of bailiff as provided by the “Regulation respecting the practice of the profession of bailiff within a partnership or a joint-stock company”.

The Chambre des huissiers de justice du Québec foresees no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Ronald Dubé, Director General and Secretary of the Chambre des huissiers de justice du Québec, 390, boulevard Henri-Bourassa Ouest, Montréal (Québec) H3L 3T5; telephone: 514 721-1100; fax: 514 721-7878; e-mail: rdube@huissiersquebec.qc.ca.

Any interested person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order which adopted the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
*Chair of the Office
des professions du Québec*

Regulation to amend the Code of ethics of bailiffs*

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

1. The Code of ethics of bailiffs is amended by inserting the following after section 5:

“**5.1.** Bailiffs who practise the profession within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company, as well as the persons, employees, students, trainees, shareholders or partners working with them in the practice of the profession comply with the Court Bailiffs Act, the Professional Code (R.S.Q., c. C-26) and the regulations thereunder.

5.2. The duties and obligations under the Court Bailiffs Act, the Professional Code and their regulations are in no way changed or reduced by the fact that the bailiff practises the profession within a partnership or joint-stock company.”.

2. The following is inserted after section 8:

“**8.1.** Bailiffs who foresee that essential aspects of all or a part of the services for which they are being retained may be provided by another person must so inform the client.

8.2. Bailiffs must handle with care any property entrusted to them. They may not lend it or use it for purposes other than those for which it was entrusted to them and must return it to its rightful possessor once the professional services have been performed.

Bailiffs who practise the profession within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph when the property is entrusted to the partnership or joint-stock company in the performance of the professional services.”.

3. Section 14 is amended by replacing “liability” by “their liability or, if applicable, the liability of the partnership or joint-stock company within which they practise the profession or the liability of another person who also practises there”.

4. The following is inserted after section 18:

“**18.1.** A bailiff must take reasonable measures to ensure that confidential information or documents relevant to the file are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company in which the bailiff practises the profession or has an interest, as soon as the bailiff becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest.

The following factors must be taken into particular account in assessing the effectiveness of such measures:

- (1) the size of the partnership or joint-stock company;
- (2) the precautions taken to prevent access to the bailiff’s file by the person in the conflict of interest;
- (3) the instructions given to protect confidential information or documents relating to the conflict of interest;

* The Code of ethics of bailiffs, approved by Order in Council 550-2002 dated 7 May 2002 (2002, G.O. 2, 2504), has been amended once, by the regulation approved by Order in Council 836-2003 dated 20 August 2003 (2003, G.O. 2, 2715).

(4) the isolation of the person in the conflict of interest with respect to the bailiff.”.

5. Section 20 is amended by replacing “interest nor” by “interest, “and by adding”, or in matters that concern a partner or shareholder of the partnership or joint-stock company in which the bailiff performs professional activities” at the end.

6. Section 22 is replaced by the following:

“**22.** Bailiffs may share their fees only with the partnership or joint-stock company within which they practise the profession, another bailiff, a trust or a partner or shareholder in that partnership or joint-stock company.

Where a bailiff practices the profession within a partnership or joint-stock company, the revenues generated by professional services rendered within and for the partnership or joint-stock company belong to the partnership or joint-stock company, unless agreed otherwise.

The first and second paragraph do not apply to the fees received by a bailiff who is employed exclusively by a municipal court.”.

7. Section 23 is amended by inserting the “or who practise the profession within the same partnership or joint-stock company as the bailiffs” after “in their employ”.

8. Section 32 is amended by replacing the first paragraph by the following:

“**32.** For the acts described in section 8 of the Court Bailiffs Act, all the bailiffs who are partners or shareholders and practise the profession within the same partnership or joint-stock company are solidarily liable in the partnership or joint-stock company for the application of the Tariff of fees and transportation expenses for bailiffs (R.R.Q., 1981, c. H-4, r.3), unless it is demonstrated that the derogation is attributable to the personal initiative of one bailiff.”.

9. Section 40 is amended

(1) by replacing paragraph 9 by the following:

“(9) except for bailiffs employed exclusively by a municipal court, concluding a pact, an agreement or an understanding with a view to sharing or distributing fees with any person other than the partnership or joint-stock company within which the bailiff practises the profession, another bailiff, a trust or a partner or shareholder of the partnership or joint-stock company;”;

(2) by replacing paragraph 11 by the following:

“(11) using blackmail, intimidation, threats or assault in the performance of professional duties, either personally or through an agent, the partnership or joint-stock company within which the bailiff practises the profession or the partners, directors, officers or shareholders of the partnership or joint-stock company;”;

(3) by replacing paragraph 15 by the following:

“(15) the direct or indirect purchase of movable or immovable property by the serving bailiff or bailiffs who are partners, shareholders, directors, officers, employees or ordinary mandataries of the partnership or joint-stock company within which the bailiff practises the profession, in any judicial sale under the Code of Civil Procedure (R.S.Q., c. C-26);”;

(4) by inserting “and to the Regulation respecting the practice of the profession of bailiff within a partnership or a joint-stock company (*insert the number and date of the Order in Council by which that Regulation is approved by the Government*)” in paragraph 22 after “Act”;

(5) by replacing paragraph 24 by the following:

“(24) failing to promptly inform the secretary of an intended assignment of property by the bailiff or the partnership or joint-stock company within which the bailiff practises the profession, that such an assignment has been made or that the bailiff, partnership or joint-stock company is the subject of a receiving order;”;

(6) by adding the following after paragraph 26:

“(27) practising the profession within, or having an interest in, a partnership or joint-stock company, with a person who, to the knowledge of the bailiff, performs acts that are derogatory to the dignity of the profession of bailiff;

(28) practising the profession within, or having an interest in, a partnership or joint-stock company if a partner, shareholder, director, officer or employee of the partnership or joint-stock company has been struck off the roll for more than 3 months or has had his or her professional permit revoked, unless the partner, shareholder, director, officer or employee

(a) ceases to hold the position of director or officer within the partnership or joint-stock company within 10 days of the date on which the striking off the roll or permit revocation becomes executory, or within any other period authorized by the Bureau;

(b) ceases to attend shareholder meetings and to exercise voting rights, if applicable, within 10 days of the date on which the striking off the roll or permit revocation becomes executory, or within any other period authorized by the Bureau; and

(c) disposes of his or her voting shares or transfers them to a trustee within 10 days of the date on which the striking off the roll or permit revocation becomes executory, or within any other period authorized by the Bureau.”.

10. Section 51 is amended by inserting “and, if applicable, the name of the partnership or joint-stock company within which the bailiff practises the profession” after “title of bailiff”.

11. Section 53 is amended by replacing “All the partners in a bailiff partnership are jointly and severally” by “All the bailiffs who are partners or shareholders and practise the profession within the same partnership or joint-stock company are solidarily”.

12. Division X is replaced by the following:

**“DIVISION X
NAME OF THE PARTNERSHIP OR JOINT-STOCK
COMPANY**

57. Bailiffs may not practise the profession within a partnership or joint-stock company under a name that is misleading, deceptive or contrary to the honour or dignity of the profession or that is a number name.

58. Bailiffs who practise the profession within a partnership or joint-stock company must take reasonable measures to ensure that any document produced by the partnership or joint-stock company in the practice of the profession is identified in the name of a bailiff.”.

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

8854

Draft Regulation

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

Bailiffs

— Practice of the profession within a partnership or a joint-stock company

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation respecting the practice of the profession of bailiff within a partnership or a joint-stock company”, made by the Bureau of the Chambre des huissiers de justice du Québec, may be submitted to the Government which could approve it with or without amendment, on the expiry of 45 days following this publication.

The Draft Regulation contains specific provisions to set the terms and conditions authorizing the practice of the profession of bailiff within a partnership or joint-stock company, in particular as regards the management of the partnership or joint-stock company and the holding of shares or units.

In accordance with Chapter VI.3 of the Professional Code (R.S.Q., c. C-26), the conditions proposed include the obligation to subscribe liability insurance for the partnership or joint-stock company to cover faults on the part of the partners in the practice of the profession within the partnership or joint-stock company. The partners must also provide the Ordre with the required information on the partnership or joint-stock company and keep it up-to-date.

The Chambre des huissiers de justice du Québec foresees no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Ronald Dubé, Director General and Secretary of the Chambre des huissiers de justice du Québec, 390, boulevard Henri-Bourassa Ouest, Montréal (Québec) H3L 3T5; telephone: 514 721-1100; fax: 514 721-7878; e-mail: rdube@huissiersquebec.qc.ca