

Any person wishing to comment on the draft Regulation is requested to submit written comments within 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 forwarded by the Office to the Minister of Justice and Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

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

Regulation respecting the use of the title of auditor of the Ordre des comptables en management accrédités du Québec

Professional Code
(R.S.Q., c. C-26, s. 187.10.2.1)

1. A certified management accountant may only use the title of “auditor” if it is preceded by the title of “certified management accountant” or the initials “C.M.A.”.

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

1086

Draft Regulation

Professional Code
(R.S.Q., c. C-26, s. 187.10.2.1)

Chartered accountants — Conditions applicable to the use of the title of auditor

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 terms of use of the auditor designation for Quebec chartered accountants, made by the board of directors of the Ordre des comptables agréés du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation determines, pursuant to section 187.10.2.1 of the Professional Code (R.S.Q., c. C-26), the conditions applicable to the use of the title of auditor of a member of the Ordre des comptables agréés du Québec.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Christiane Brizard, Ordre des comptables agréés du Québec, 680, rue Sherbrooke Ouest, 18^e étage, Montréal (Québec) H3A 2S3; telephone: 514 288-3256 or 1 800 363-4688; fax: 514 843-8375; e-mail: www.ocaq.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within 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 forwarded by the Office to the Minister of Justice and Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

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

Regulation respecting the terms of use of the auditor designation for Quebec chartered accountants

Professional Code
(R.S.Q., c. C-26, s. 187.10.2.1)

1. No chartered accountant may use the title of auditor unless the title is placed immediately after the “chartered accountant” designation or the initials “C.A.”

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

1087

Draft Regulation

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

Geologists — 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 “Geologists Code of Ethics,” adopted by the Board of Directors of the Ordre des géologues du Québec, may be submitted to the Government which may approve it, with or without amendment, upon the expiry of a period of 45 days from the date of publication hereof.

This proposed regulation sets out the general and specific duties of geologists toward the public, clients and the profession.

This proposed regulation has no repercussions for businesses, in particular small and medium-sized businesses.

Additional information may be obtained from Mr. Alain Liard, Secretary and Executive Registrar of the Ordre des géologues du Québec, 500, rue Sherbrooke Ouest, bureau 900, Montréal (Québec) H3A 3C6; telephone number: 514 278-6220 or 1 888 377-7708; fax number: 514 844-7556.

Anyone who has comments to make may forward them, within 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. These comments will be conveyed by the Office des professions to the Minister of Justice and Minister responsible for the administration of legislation respecting the professions; they may also be conveyed to the Ordre des géologues as well as to any persons, government departments or agencies concerned.

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

Geologists Code of Ethics

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

SECTION I DUTIES TOWARD THE PUBLIC

1. Geologists shall take into account the potential repercussions of their work on society, in particular, on the health, safety and property of all persons as well as on the quality of the environment.

2. Geologists shall practise their profession in accordance with generally accepted professional and scientific standards.

To that end, they shall ensure that they upgrade their skills and update their theoretical and technical knowledge as well as that of their employees.

3. Geologists shall conduct themselves in an upstanding manner with every person with whom they deal.

They shall, in particular, act with courtesy, dignity, moderation and objectivity.

4. When geologists foresee, in the course of their work, that geological conditions could have negative repercussions, they shall inform the person in charge and recommend to him or her in writing more suitable means of performing the work. They shall notify the Ordre of any failure by the person in charge to follow their recommendations within a reasonable period of time.

5. Geologists shall refrain from practising their profession under circumstances or in a state likely to compromise the quality of their work.

6. If a geologist has reason to believe that one of his or her documents is being used without his or her authorization or in an unlawful or misleading manner, he or she shall notify the appropriate authorities thereof, failing which he or she shall notify the Ordre.

7. Geologists shall ensure that the individuals who assist them are qualified to carry out the tasks they are assigned.

8. Geologists shall take reasonable measures to ensure that any other person collaborating with them in the practice of the profession as well as the firm in which they practise comply with the Geologists Act (L.R.Q., c. G-1.01), the Professional Code (R.S.Q., c. C-26) and their regulations.

9. Geologists practising with a firm shall take reasonable measures to ensure that all documents produced in the practice of the profession by the firm bear a geologist's name or the name of an entitled registered professional.

10. The duties and obligations arising from the Geologists Act, the Professional Code and their regulations are in no way modified or diminished by the fact that a geologist practises the profession with a firm.

SECTION II DUTIES TOWARD CLIENTS

DIVISION I GENERAL DUTIES

11. Geologists shall provide clients with competent, diligent, objective and honest professional services.

12. Before agreeing to provide professional services, geologists shall take into account the limitations of their knowledge and abilities, as well as the means at their disposal.

13. Before providing professional services, geologists shall sign a written agreement with the client specifying, in particular, the work methodology, the objectives of the

parties for each stage of the project, the project schedule as well as the fees and terms of payment. Any amendment to such agreement shall be indicated in writing.

14. When it is in the client's interest, geologists shall retain the services of another competent person, with the client's express authorization, or advise the client to do so himself or herself.

15. Geologists may provide an opinion, make a recommendation and/or submit a document only under the following conditions:

1. they have collected adequate and sufficient information given the purpose of the work;
2. they specify the quality of information and data on which their opinions, recommendations, documents are based;
3. they emphasize and explain the shortcomings in the information available and, where appropriate, the need to obtain additional information in order to improve the results.

16. Geologists shall recognize at all times the client's right to consult another geologist, the member of another professional order or any other suitable person and shall, where applicable, collaborate fully with such other geologist, member or person.

17. Geologists shall refrain from intervening in their client's personal affairs in areas that are unrelated to the practice of the profession.

18. Geologists shall refrain from urging anyone whomsoever repeatedly or insistently to retain their professional services.

DIVISION II **INTEGRITY**

19. Geologists shall fulfill their professional duties with intellectual honesty and integrity.

20. Geologists shall investigate only the facts pertinent to the professional services they are providing and shall refrain from using their position to obtain information that is not pertinent to the services being rendered.

21. Geologists shall inform the client as quickly as possible of any event that has or could have a significant impact on the professional services being rendered.

22. Geologists shall handle with reasonable care the property entrusted to them by the client and shall not lend or use such property for purposes other than those for which it was entrusted to them.

23. Geologists shall avoid performing professional acts that are not justified by the nature and objectives of the work agreed to with the client.

DIVISION III **AVAILABILITY AND DILIGENCE**

24. Geologists shall demonstrate availability and diligence in the practice of their profession.

25. Geologists shall provide the client with the explanations the client needs to understand and assess the services rendered. They shall report to the client when the client so requests.

26. Geologists may not unilaterally terminate their professional services to a client without fair and reasonable cause. The following, in particular, constitutes fair and reasonable cause:

1. the geologist loses the client's trust;
2. the geologist is in a conflict of interest or in a situation where his or her professional independence could be questioned;
3. the client attempts to induce the geologist to perform unlawful, unfair or immoral acts;
4. the geologist has been misled by the client;
5. the client has failed to cooperate with the geologist;
6. the client ignores the geologist's opinions and recommendations;
7. the client refuses to pay the geologist's fees;
8. the geologist is unable to reach the client or obtain the items from the client that he or she deems necessary for providing his or her services.

27. Before terminating their professional services to a client, geologists shall notify the client in writing, with a reasonable delay, specify the reasons for termination and ensure that termination does not cause the client serious prejudice.

DIVISION IV LIABILITY

28. Geologists shall fully commit their personal civil liability in the practice of their profession. They may not exclude or limit such liability or attempt to do so.

Neither shall they invoke the responsibility of the firm in which they practise their profession or that of another person who also practise their profession with that firm in order to exclude or limit their responsibility.

DIVISION V INDEPENDENCE AND IMPARTIALITY

29. Geologists shall put the client's interests before their own personal interests and, where applicable, before those of the firm with which they practise or in which they have an interest and before those of any other person working with the firm.

30. Geologists shall disregard any initiative by a third party that could influence the performance of their professional duties to the client's detriment.

31. Geologists shall demonstrate objectivity when persons likely to become clients ask them for information.

32. Geologists shall maintain their professional independence and avoid any situation that would represent a conflict of interest. A geologist is in a conflict of interest, in particular, when:

1. the interests at stake are such that the geologist may be inclined to prefer those interests over the client's interests, or the geologist's loyalty toward the client may be unfavourably affected;

2. a given situation gives him or her an undue benefit, direct or indirect, present or potential.

33. As soon as a geologist becomes aware that he or she is in a situation that represents a conflict of interest, he or she shall notify the client thereof and ask whether the client authorizes him or her to continue providing professional services.

34. Geologists shall refrain from offering or accepting any benefit in respect of the practice of their profession except the remuneration to which they are entitled, customary expressions of gratitude and gifts of modest value.

35. Geologists shall generally act strictly for one client in a given case. If geologists see that their professional practice leads them to advise more than one client in a given case, they shall inform the clients in question that they would be ethically required to terminate their professional services if the situation became incompatible with their impartiality obligation and that they would immediately notify them thereof.

DIVISION VI PROFESSIONAL SECRECY

36. Geologists who, pursuant to the third paragraph of section 60.4 of the Professional Code, communicate—orally or in writing—information protected by professional secrecy in order to prevent an act of violence, shall record the following details in the file of the client concerned:

1. the identity of the person or persons exposed to the danger;

2. the reasons supporting the decision to communicate the information;

3. the date and the content of the information communicated, the name and coordinates of any person who received it, as well as the means of communication used.

37. Geologists who ask a client to reveal confidential information to them or who allow such information to be entrusted to them shall ensure, prior to receiving such information, that the client is fully aware of the different uses that may be made of such information.

38. Geologists shall not disclose the fact that a person has relied on their services when such disclosure is likely to be prejudicial to that person.

39. Geologists shall not make use of confidential information to the client's detriment in order to obtain, directly or indirectly, a benefit for themselves or for a third party.

40. Geologists shall decline any work that involves or may involve the disclosure or use of confidential information or documents obtained from another client, without the latter's consent.

41. Geologists shall take all necessary measures to ensure that their collaborators and employees refrain from disclosing or using confidential information of which they become aware in carrying out their duties and, in particular, shall inform them of the confidentiality obligation in respect of the work.

DIVISION VII**ACCESS TO DOCUMENTS IN A FILE,
CORRECTION OR DELETION OF INFORMATION,
FILING OF COMMENTS AND RETURN
OF DOCUMENTS**

42. Geologists shall follow up on any request for access to documents, for the correction or deletion of information and for the filing of comments, pursuant to sections 60.5 and 60.6 of the Professional Code, promptly and no later than 30 days of receipt.

43. Geologists shall follow up free of charge on any request for access to documents pursuant to section 60.5 of the Professional Code.

Nonetheless, geologists may charge fees not exceeding the cost of preparing a transcript or reproduction of the documents or of transmitting a copy thereof. In such a case, they shall inform the requester of the amount payable before proceeding with such transcript, reproduction or transmission.

44. Geologists who refuse a request for access to information in a file prepared in respect of a client, pursuant to the second paragraph of section 60.5 of the Professional Code, shall inform the requester in writing within 30 days following the request of the reasons for such refusal as well as the recourses provided for by law.

45. Geologists who grant a request under section 60.6 of the Professional Code shall provide the requester free of charge with a copy of the corrected information or an attestation stating that the information has been deleted or that the comments have been included in the file.

The requester may require that the geologist forward a copy of such information or attestation to the person who provided the information or to any other person to whom the information was conveyed.

46. Geologists shall follow up promptly on any written request by a client to recover a document the client has entrusted to them.

Geologists shall indicate in the client's file, where applicable, the reasons supporting the client's request.

DIVISION VIII**SETTING AND PAYMENT OF FEES
AND EXPENSES**

47. Geologists shall charge and accept fair and reasonable fees.

Fees are fair and reasonable when they are warranted by the circumstances and are commensurate with the services rendered. Geologists shall take the following factors, in particular, into account when setting their fees:

1. the time required to render the services;
2. the degree of difficulty and importance of the services;
3. the need to perform unusual services or services requiring exceptional skill or speed;
4. the liability assumed.

48. Geologists shall, before providing professional services, agree with the client on the approximate amount of the fees, expenses and disbursements foreseeable for the work.

49. Geologists shall refrain from requiring advance payment for their services in full; they may, however, require instalments.

50. Geologists may not charge interest on outstanding accounts unless they have duly notified the client thereof. The interest thus charged shall be at a reasonable rate.

51. Geologists in practice with a firm shall ensure that the fees and expenses for their professional services are always indicated separately on any invoice or statement of fees that the firm sends the client, unless lump-sum remuneration was agreed upon in writing with the client, in which case the invoice or statement shall nonetheless describe the professional services provided by the geologist.

52. Geologists shall provide the client with all the explanations the latter needs to understand the invoice and terms of payment.

SECTION III**DUTIES TOWARD THE PROFESSION****DIVISION I****DEROGATORY ACTS**

53. The following acts are derogatory to the dignity of the profession when they are performed by a geologist:

1. communicating with a person who has filed a complaint against him or her without obtaining the prior written permission of the syndic or assistant syndic;

2. threatening or otherwise intimidating a person who has reported or intends to report a derogatory act or a person who has collaborated in or intends to collaborate in an inquiry into such an act.

54. Convictions on the following offences are covered by subparagraphs 5 and 6 of section 45 of the Professional Code:

1. infringement of intellectual property;

2. breach of the Securities Act (R.S.Q., c. V-1.1), in particular, the offence of having undertaken operations without a prospectus or offering circular, provided false or misleading information, used inside information or made irregular public offerings;

3. breach of any other federal or Québec law in respect of environmental protection.

DIVISION II **RELATIONS WITH THE ORDRE AND** **COLLEAGUES**

55. Geologists asked by the Ordre to participate in an accounts arbitration council, discipline committee, professional inspection committee or review committee may not refuse such role without a valid reason.

56. Geologists shall reply as quickly as possible to any request for information or to any correspondence sent by the secretary of the Ordre, the syndic, one of the assistant or associate syndics, investigators or professional inspection committee members in carrying out the duties conferred upon them by law or regulation.

57. Geologists shall, in their relations with the Ordre and with other geologists, conduct themselves with dignity, courtesy, respect and integrity.

58. Any geologist who has reason to believe that another geologist is breaching this Code, the Geologists Act or the Professional Code shall notify the Ordre thereof without delay.

59. Geologists shall not violate the good faith, trust or loyalty of a colleague or harm a colleague's reputation. Geologists shall not, in particular:

1. take credit for work performed by a colleague or refer to it without making explicit mention of the source and obtaining, where applicable, the authorizations required under copyright rules;

2. take advantage of their position as employer or manager to limit in any way whatsoever the professional independence of a geologist in their service or under their authority, in particular, with respect to the use of the title of geologist and the obligation of every geologist to commit his or her professional liability and to sign the documents for which he or she is responsible;

3. give their professional opinion on the work performed by a colleague without first notifying such colleague thereof and discussing it with him or her, unless they are required to do so by law.

4. deliberately harm a colleague's relationship with that colleague's clients.

60. If a geologist is required to review the work of a colleague or other professional, he or she shall do so in an objective and reasonable manner.

61. Geologists consulted by a colleague shall provide such colleague with their opinion and recommendations as quickly as possible.

62. In their practice, geologists 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 their practice, including informing the Order of the pressures on them that are of a nature such as to interfere with their practice.

63. Geologists may not initiate legal proceedings against a colleague about a matter in respect of the practice of the profession without first requesting reconciliation from the president of the Ordre.

DIVISION III **CONTRIBUTION TO THE ADVANCEMENT OF** **THE PROFESSION**

64. Geologists shall support any measure likely to improve the quality and availability of professional services in the field in which they practise.

65. Geologists shall contribute, insofar as possible, to the development of geology by sharing their knowledge and experience with colleagues, employees and students, as well as by contributing to training activities and exchanges of technical and scientific information.

SECTION IV **ADVERTISING AND PUBLIC DECLARATIONS**

66. Geologists shall take reasonable measures to ensure that any other person practising the profession as well as the firm in which they practise comply with the present section.

67. Geologists shall avoid making exaggerated or unfounded declarations.

Geologists shall also refrain from providing inaccurate, incomplete or ambiguous information that could encourage the public to participate in risky ventures or that could cause the public substantial prejudice.

68. All advertising by geologists shall serve to help the public make an informed choice, shall be carried out with integrity and shall foster professionalism.

69. Geologists shall indicate their name and professional title in all their advertising.

70. Geologists shall refrain, in all their advertising, from:

1. discrediting the services offered by other geologists;

2. claiming to possess experience, professional or academic qualifications or specific abilities that they are unable to substantiate.

71. Geologists shall indicate in all advertising on their fees for services:

1. the nature and scope of the professional services included;

2. the additional costs and services that may be required and that are not included.

The fees advertised shall remain in effect for a period of 60 days following the date such advertising was last disseminated or published.

72. Geologists shall keep a copy of all advertising for a period of five years following the date it was last disseminated or published. Such copy shall be remitted to the syndic, upon request.

SECTION V GRAPHIC SYMBOL OF THE ORDRE

73. The Ordre is represented by a graphic symbol, the original of which is held by the secretary.

74. Geologists who reproduce the graphic symbol of the Ordre shall ensure that it is a true likeness of the original held by the secretary.

When geologists use this symbol in their advertising, they shall not lead the public to believe that such advertising is that of the Ordre.

75. Geologists practising with a firm shall ensure that the firm uses the graphic symbol of the Ordre strictly when all the services provided by the firm are professional geologist services.

In the event that a firm provides professional geologist services as well as the services of individuals other than geologists with whom geologists are authorized to practise their professional activities, the firm may use the graphic symbol of the Ordre provided it also uses the graphic symbol identifying each of the professional orders or bodies of which such individuals are members.

SECTION VI FIRM NAME

76. Geologists shall not practise with a firm under a name that is numerical, misleading, deceptive or contrary to the honour and dignity of the profession.

77. When a practising partner passes away, retires or leaves the partnership, his or her name shall be removed from the firm name within 30 days of his or her departure, unless there is a written agreement to the contrary with such partner or his or her successors.

SECTION VII FINAL PROVISION

78. This Code shall come into effect on the fifteenth day following its date of publication in the *Gazette officielle du Québec*.

1085

Draft regulation

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

Physicians — Professional activities that may be engaged in by an athletic therapist

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 certain professional activities that may be engaged in by an athletic therapist”, adopted by the board of directors of the Collège des médecins du Québec, the text of which appears below, may be submitted to the government, which may approve it, with or without amendment, upon expiry of the 45 days that follow this publication.