

Draft Regulations

Draft Regulation

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

Certified translators, terminologists and interpreters — 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 the Ordre des traducteurs, terminologues et interprètes agréés du Québec”, adopted by the board of directors of the Ordre des traducteurs, terminologues et interprètes agréés du Québec, may be submitted to the Government which may approve it, with or without amendments, on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to adapt certain ethical rules to the reality of the practice of that profession within a partnership or a joint-stock company, as provided for in the draft Regulation respecting the practice of the profession of certified translator, terminologist or interpreter within a partnership or a joint-stock company.

The draft Regulation is not likely to have any impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Claude Laurent, Director General and Secretary, Ordre des traducteurs, terminologues et interprètes agréés du Québec, 2021, avenue Union, bureau 1108, Montréal (Québec) H3A 2S9; telephone: 514 845-4411 or 1 800 265-4815; fax: 514 845-9903.

Any person wishing to comment on the draft Regulation is requested to submit 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 may also be sent to the Order 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 the Ordre des traducteurs, terminologues et interprètes agréés du Québec*

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

1. The Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec is amended by inserting the following after section 2:

“**2.1.** Members must take reasonable measures to ensure that the partnership or joint-stock company within which they carry on professional activities, as well as the employees, shareholders, directors, partners and any other person collaborating with them in the carrying on of professional activities, comply with the Professional Code (R.S.Q., c. C-26) and its regulations.

2.2. The duties and obligations under the Professional Code and its regulations are not modified or reduced in any manner owing to the fact that a member practises the profession within a partnership or joint-stock company.”.

2. Section 10 is amended by inserting “, of those provided by the persons carrying on professional activities within the partnership or company where the member practises” after “services”.

3. The following paragraph is added at the end of section 18:

“A member may not invoke the liability of the partnership or joint-stock company within which he carries on professional activities or the liability of another person also carrying on activities within the same partnership or company as a ground for excluding or limiting the member’s personal liability.”.

4. The following is inserted after section 19:

* The Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec, approved by Order in Council 929-94 dated 22 June 1994 (1994, *G.O.* 2, 2372), was last amended by Order in Council 832-2003 dated 20 August 2003. For previous amendments, refer to the Tableau des modifications et Index sommaire, Québec Official Publisher, 2009, updated to 1 March 2009.

19.1. Members must subordinate their personal interests, and those of the partnership or joint-stock company in which they carry on professional activities or in which they have an interest, to those of their clients.

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

19.3. A member must take reasonable measures to ensure that information or documents protected by professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company in which the member carries on professional activities or has an interest, as soon as the member becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest.

The following factors must be taken in 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 member's file by the person in the conflict of interest;
- (3) the instruction given to protect confidential information or documents relating to the conflict of interest;
- (4) the isolation of the person in the conflict of interest with respect to the member."

5. The following is inserted after section 24:

24.1. Members who carry on professional activities within a partnership or joint-stock company must ensure that the fees and expenses for professional services provided by members are always indicated separately on any invoice or statement of fees sent by the partnership or joint-stock company to a client, except if a lump sum payment was agreed upon in writing with the client. However, in the latter case, the statement or invoice must detail the professional services provided by the member.

24.2. Members may share their fees only with a person with whom they are authorized to carry on professional activities under the Regulation respecting the practice of the profession of certified translator, terminologist or interpreter within a partnership or joint stock company,

approved by Order in Council (*insert the number and date of the Order in Council*), or within a partnership within which the member is authorized to practise under that Regulation."

6. Section 32 is amended

(1) by replacing "and" after "57" by "," and by inserting the following after "58": ", 58.1, 59.1 and those that may be determined under the second paragraph of section 152";

(2) by adding the following paragraphs at the end:

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

(g) carrying on professional activities 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

i. 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;

ii. 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;

iii. 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;

(h) failing to inform the Order that the member has reason to believe that a member or a partnership or joint-stock company within which members practise contravenes to the Professional Code or a related regulation made pursuant to the Code;

(i) carrying on professional activities within a partnership or joint-stock company that holds itself out as or implies that it is a partnership or joint-stock company within which a member is authorized to carry on professional activities when one of the requirements in the Professional Code or its regulations is not met;

(j) entering into an agreement or permitting an agreement to be entered into within a partnership or joint-stock company in which a member is authorized to carry on professional activities, including a unanimous shareholders' agreement, if the agreement operates to threaten the independence, objectivity and integrity required for the practice of the profession or compliance by the members with the Professional Code and its regulations.”.

7. Section 37 is amended by inserting “particularly within a partnership or joint-stock company where the member carries on professional activities,” after “use of,”.

8. Section 39 is revoked.

9. Section 41 is amended by replacing “firm name” by “name”.

10. The heading of Division V is replaced by the following “NAME”.

11. Sections 45 and 46 are replaced by the following:

“**45.** Members 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.

Only partnerships or companies where all services are offered by members may use the titles reserved for members in their names.

46. Where a member retires from a partnership or joint-stock company, or dies, the member's name must no longer appear in the name or advertising of the partnership or company after 1 year following retirement or death unless an agreement to the contrary has been entered into with the member or with the member's successors and assigns.”.

12. The heading of Division VI is amended by replacing “ORDRE PROFESSIONNEL DES TRADUCTEURS ET INTERPRÈTES AGRÉÉS DU QUÉBEC” by “ORDER”.

13. 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

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

Certified translators, terminologists and interpreters — Practice 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 certified translator, terminologist or interpreter within a partnership or a joint-stock company, adopted by the board of directors of the Ordre des traducteurs, terminologues et interprètes agréés 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.

The draft Regulation prescribes conditions for the practice within a partnership or a joint-stock company of the professional activities of members of the Order, particularly regarding the administration of the partnership or joint-stock company and the holding of company shares or partnership units.

Those conditions also include the obligation to take out insurance against the liability of the partnership or joint-stock company arising from fault on the part of a member in the carrying on of professional activities within the partnership or joint-stock company, as well as the obligation to provide the Order with the required information on the partnership or joint-stock company and to keep it up-to-date.

The draft Regulation is not likely to have any impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Claude Laurent, Director General and Secretary, Ordre des traducteurs, terminologues et interprètes agréés du Québec, 2021, avenue Union, bureau 1108, Montréal (Québec) H3A 2S9; telephone: 514 845-4411 or 1 800 265-4815; fax: 514 845-9903.

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JEAN PAUL DUTRISAC,
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