

4. Section 343 is amended

(1) by replacing “in compliance with the CAN/CSA Z94.3-92 Industrial Eye and Face Protectors standard” by “acquired as of (*insert the date of coming into force of this Regulation*) and complying with the CAN/CSA Z94.3-07 Eye and Face Protectors standard”;

(2) by adding the following paragraph:

“However, protectors in good condition and complying with the CAN/CSA Z94.3-92, CAN/CSA Z94.3-99 or CAN/CSA Z94.3-02 standard are considered to offer adequate protection.”

5. The following is inserted after section 345:

“**345.1. High visibility safety apparel:** Wearing a class 2 high visibility vest or other class 2 or 3 clothing, in compliance with the CAN/CSA-Z96-09-02 High Visibility Safety Apparel standard, is mandatory for every worker exposed to being hit while performing tasks on a road right-of-way.

The first paragraph does not apply

(1) where the worker takes a road right-of-way in the performance of duties, without the nature of the duties requiring the worker to stop there to perform tasks; or

(2) where wearing the clothing provided for in the first paragraph is incompatible with the task to be performed.

For the purposes of this section, “road right-of-way” means the land occupied by a road and related structures and dedicated to public use; such a right-of-way includes private roads, shoulders, ditches and parking spaces.”

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

9708

Draft Regulation

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

**Land surveyors
— Terms and conditions for permits to be issued
by the Ordre**

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 terms and conditions for permits to be issued by the Ordre des arpenteurs-géomètres du Québec”, made by the board of directors of the Ordre des arpenteurs-géomètres du Québec, may be approved by the Office des professions du Québec, with or without amendment, except section 39 of the Regulation which may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to determine the terms and conditions for the issue of a land surveyor’s permit by the Order, in particular passing a professional examination and successfully completing a period of professional training, and, in section 39, the professional activities reserved for land surveyors that may be engaged in as part of the training period. It replaces the conditions to obtain a land surveyor’s permit provided for in section 37 of the Land Surveyors Act (R.S.Q., c. A-23) and the Regulation respecting the period of professional training for land surveyors, approved by Order in Council 809-90 dated 13 June 1990.

The Regulation has not impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Anik Fortin-Doyon, legal advisor of the Ordre des arpenteurs-géomètres du Québec, 2954, boulevard Laurier, bureau 350, Québec (Québec) G1V 4T2; telephone: 418 656-0730 or 1 800 243-6490; fax: 418 656-6352.

Any person wishing to comment on the Regulation is requested to submit written comments 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. Comments will be forwarded by the Office to the professional order that made the regulation as well as to interested persons, departments and bodies. As for comments regarding section 39 of the Regulation, they will be forwarded by the Office to the Minister of Justice.

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

Regulation respecting terms and conditions for permits to be issued by the Ordre des arpenteurs-géomètres du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, pars. *h* and *i*)

DIVISION I ISSUE OF PERMITS

1. The board of directors of the Ordre des arpenteurs-géomètres du Québec issues a permit for the practice of the profession to a candidate who

(1) holds the diploma determined by the Government pursuant to the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) giving access to the permit issued by the Order or a diploma or training recognized as equivalent;

(2) has demonstrated that he or she has appropriate knowledge of the official language for practising the profession in accordance with the provisions of the Charter of the French Language (R.S.Q., c. C-11);

(3) has passed the oral and written components of the professional examination in accordance with Division II;

(4) has successfully completed the professional training period in accordance with Division III;

(5) has filed a specimen of his or her signature in the office of the secretary of the Order;

(6) has taken the solemn affirmations of land surveyors provided in Schedule I;

(7) has sent to the secretary of the Order a duly completed application for a permit in the form provided by the board of directors; and

(8) has paid the fees required by the board of directors in accordance with paragraph 8 of section 86.0.1 of the Professional Code.

DIVISION II PROFESSIONAL EXAMINATION

§1. *Committee of examiners and collaborators*

2. The committee of examiners, formed by the board of directors in accordance with paragraph 2 of section 86.0.1 of the Professional Code, is responsible for assisting the board of directors in the professional examination process.

3. The committee of examiners consists of at least 6 members who are members of the Order, but who are not members of the board of directors, including a chair appointed by the board of directors within 60 days of the date of the annual general meeting.

4. Members of the committee of examiners are appointed by the board of directors for a term of 3 years, which is renewable.

The committee of examiners designates a secretary from among its members.

5. Any vacancy occurring during a term is to be filled by the board of directors for the remaining portion of the term.

6. Should the chair of the committee of examiners be absent or unable to act, the committee designates a replacement from among its members.

7. The quorum of the committee of examiners is two thirds of its members.

A decision of the committee is made by a majority vote of the members present.

In the case of a tie-vote, the chair has a casting vote.

8. The committee of examiners appoints, if need be, collaborators who are members of the Order to be helped when drawing up, supervising and marking the professional examination.

9. The members of the committee of examiners and the collaborators are required to faithfully perform their duties and respect the confidentiality of the deliberations and questions in the professional examination before it is held.

10. A member of the committee of examiners or a collaborator must withdraw where a candidate for the professional examination is the member's spouse, is related to the member by marriage or birth, to the degree of first cousin inclusively, or where the member is likely to be in a situation of conflict of interest in respect of any other candidate for the professional examination.

The board of directors accepts or rejects the withdrawal.

§2. *Eligibility for professional examination*

11. A candidate who meets the conditions in paragraphs 1 and 8 of section 1 and who sends to the secretary of the Order, before the deadline set in section 12, a duly completed application for registration for the professional

examination in the form provided for by the board of directors, with a recent passport-size photograph identified with the candidate's name, is eligible for the oral or written component of the professional examination.

12. The secretary of the Order publishes, at the Order's head office, a notice specifying the deadline set by the board of directors for registration by a candidate for the oral or written component of the professional examination and the date on which and the place where the examination is to be held.

§3. Oral component of the professional examination

13. A candidate must, before the deadline set for registration, give to the committee of examiners a report consisting of a short description of a project to conduct one of the operations referred to in section 34 of the Land Surveyors Act (R.S.Q., c. A-23), in the form specified by the committee.

14. The committee of examiners ascertains the conformity of the report and, not later than 15 days after the deadline set in section 12, sends its decision to accept or reject the project by registered mail.

If the committee accepts the project, the committee informs the candidate of the time period within which the complete project file must be submitted, in the form specified by the committee. The time period must be of at least 30 days before the date on which the examination is to be held.

If the committee rejects the project, the committee informs the candidate of the terms and conditions for submitting a new report and, if applicable, a new complete project file.

15. The oral component of the professional examination deals with evaluating the project carried out by the candidate, the candidate's knowledge of the legislation and regulations applicable to the project and the practice of the profession in general.

16. The oral component of the professional examination takes place during a 30- to 75-minute sitting before a panel of examiners consisting of 3 collaborators designated by the committee of examiners.

The candidate is entitled to have with him or her the complete project file only.

§4. Written component of the professional examination

17. The written component of the professional examination consists of a scientific part and a part relating to land.

The scientific part deals with the sciences at the root of the profession, including topometry, geodesy and satellite positioning, cartography, photogrammetry, remote sensing, airborne surveys, hydrography and bathymetry, as well as geographic and land information systems.

The part relating to land deals with the law applicable to the practice of the profession, in particular civil law and administrative law, land property expertise, land surveying, cadastre, delimitation and boundary determination, as well as land use planning.

18. Each part of the written component of the professional examination consists of a 4-hour sitting. The 2 sittings are spread over 2 consecutive days and constitute one examination session.

19. No candidate may be admitted in the examination room after the time scheduled for the sitting unless the candidate can give reasons for being late, in which case the candidate may not obtain extension of the sitting.

20. A candidate is allowed to use all personal documentation. The candidate provides the drawing and calculating instruments which must have their own power source and must not be equipped so as to allow the candidate to communicate with any person inside or outside the examination room.

21. Plagiarism or communication, any attempt to plagiarize or communicate, or participation in plagiarism or communication during the examination sitting, in any way whatsoever, results in the expulsion of the candidate from the examination sitting and failure of the examination.

§5. Marking of the professional examination

22. Within 15 days after the written component of the professional examination has been held, the members of the committee of examiners and the collaborators designated by the committee meet to mark the examination and compile the results.

23. To pass the professional examination, a candidate must obtain the following pass marks:

- (1) 60% for the oral component;
- (2) 60% for the written component—scientific part; and
- (3) 60% for the written component—part relating to land.

24. A candidate must pass the 2 components of the professional examination within 5 years after the date of the first application for registration for the oral component or written component of the professional examination. At the expiry of the 5-year period, the candidate must take the 2 components of the examination again.

25. The results obtained by every candidate are sent by the chair of the committee of examiners to the secretary of the Order.

26. The board of directors approves the results at the first meeting following the date of receipt of the results. The results so approved are entered in the register of examinations retained at the Order's head office. The register is signed by the chair of the committee of examiners.

Within the following 10 days, the secretary of the Order sends the results obtained to every candidate by registered mail.

27. An application for review of an examination or decision of the committee of examiners must be made in writing by the candidate to the board of directors within 60 days following the date of receipt of the results.

The candidate must send written submissions to the secretary of the Order before the date set for the meeting.

The decision of the board of directors is final and must be sent to the candidate in writing by registered mail within 30 days after the date on which the decision was made.

DIVISION III **PROFESSIONAL TRAINING PERIOD**

§1. Training period committee and collaborators

28. The training period committee, formed by the board of directors in accordance with paragraph 2 of section 86.0.1 of the Professional Code, is responsible for assisting the board of directors in the professional training period process.

29. The training period committee consists of at least 3 members who are members of the Order, but who are not members of the board of directors, including a chair appointed by the board of directors within 60 days of the date of the annual general meeting.

30. Members of the training period committee are appointed by the board of directors for a term of 2 years, which is renewable.

The training period committee designates a secretary from among its members.

31. Any vacancy occurring during the term of a member of the training period committee is to be filled by the board of directors for the remaining portion of the term.

32. Should the chair of the training period committee be absent or unable to act, the committee designates a replacement from among its members.

33. The quorum of the training period committee is two thirds of its members.

A decision of the committee is made by a majority vote of the members present.

In the case of a tie-vote, the chair has a casting vote.

34. The training period committee appoints, if need be, collaborators to provide the committee, in particular cases, with the expertise required in the professional training period process.

35. The members of the training period committee and the collaborators are required to faithfully perform their duties and respect the confidentiality of the deliberations surrounding the professional training period process.

36. A member of the training period committee or a collaborator must withdraw where a candidate for the professional training period is the member's spouse, is related to the member by marriage or birth, to the degree of first cousin inclusively, or where the member is likely to be in a situation of conflict of interest in respect of any other candidate for the professional training period.

The board of directors accepts or rejects the withdrawal.

§2. Eligibility for professional training period

37. A candidate who meets the conditions in paragraphs 1 and 8 of section 1 and who sends to the secretary of the Order, before the date set for the beginning of the training period, a duly completed application for registration for the professional training period in the form provided for by the board of directors is eligible for a professional training period.

The candidate must, in the application for registration for the training period, identify a tutor who

(1) is a member of the Order and has been practising for at least 5 years;

(2) has not been the subject of any penalty imposed by the disciplinary council of the Order or the Professions Tribunal in the 5 years preceding the person's acceptance as a tutor;

(3) has not been required to complete a refresher training period pursuant to the Regulation respecting refresher training periods for land surveyors (R.R.Q., 1981, c. A-23, r.16) and whose right to practise has not been limited or suspended in the 5 years preceding the person's acceptance as a tutor; and

(4) is not a member of the training period committee or a collaborator.

38. The training period committee examines the candidate's application for registration for the training period and decides whether the application is accepted or rejected. The committee informs the candidate of its decision within 45 days of receiving the application for registration for the training period.

If the committee accepts the application for registration for the training period, the committee makes a recommendation to the board of directors which issues a training period card to the candidate. The card is signed by the secretary of the Order and contains the name of the trainee and the date of issue of the card.

If the committee rejects the application for registration for the training period, the committee informs the candidate by registered mail of the reasons for the rejection and the conditions to be met for the application for registration for the training period to be accepted by the committee.

§3. Progress of the professional training period

39. The training period is under the immediate supervision and responsibility of a tutor.

A trainee may engage in the professional activities of a land surveyor. The trainee may not, however, sign and minute documents.

40. The duration of the training period is 12 months, on a full-time basis, and consists of 1 or several training period terms.

41. The objectives of the training period are for trainees to acquire practical skills in the profession of land surveyor and to achieve professional autonomy.

42. During the training period, the training period committee may, on receiving from a trainee or tutor a request with reasons, authorize the suspension of the training period or a change of tutor. If the committee authorizes the change of tutor, the candidate must complete a new application for registration for the professional training period pursuant to section 37.

The training period committee accepts or rejects the new application for registration pursuant to section 38.

§4. Evaluation of the professional training period

43. The trainee is evaluated by the tutor on the basis of the following 5 evaluation criteria:

(1) practical work: research skills, presentation of files and practical problem-solving skills;

(2) organization of work: planning of work, application of methods, standards, techniques, as well as laws and regulations;

(3) professional attributes: sense of observation, initiative and responsibility, punctuality, presence and professionalism;

(4) communication skills: communication with clients and writing of files;

(5) personality traits: ability to adapt, self-control, capacity for self-evaluation, and discretion.

44. The tutor evaluates the trainee on each evaluation criterion using the following scale:

(1) Excellent: 5;

(2) Very good: 4;

(3) Good: 3;

(4) Poor: 2;

(5) Unsatisfactory: 1; or

(6) Nil: 0.

45. The training period is successfully completed if the trainee obtains, for the training period as a whole, an average mark equal to or greater than 3.

If the trainee's mark is less than 3, the trainee must successfully complete a new 6-month training period in accordance with this Division.

46. The candidate must successfully complete the professional training period within 5 years from the date of the first application for registration for the oral or written component of the professional examination. On the expiry of the 5-year period, the 2 components of the professional examination must have been passed for the candidate to be eligible again for the training period.

47. An evaluation report duly completed by the tutor in the form prescribed by the training period committee and signed by the tutor and the trainee, together with a written report in which the trainee describes the practical skills acquired during the training period and the amount of time spent acquiring each skill, must be sent by the trainee to the training period committee within 30 days following

- (1) a 6-month training period with the same tutor;
- (2) a change of tutor;
- (3) a training period suspension; or
- (4) the end of a training period.

48. If the tutor refuses or is unable to make an evaluation within the prescribed time period, the trainee may contact the training period committee, which then takes the appropriate action.

49. When the training period is completed, the training period committee examines the tutor's evaluation reports and the trainee's reports and makes a recommendation, to which the reports are attached, to the board of directors whether to accept or refuse the professional training period.

50. The board of directors decides to accept or refuse the training period at the first meeting following the date of receipt of the recommendation of the training period committee.

The secretary of the Order sends the result to the candidate by registered mail within 10 days.

51. A candidate whose training period is refused may apply to the board of directors for a review of the decision. The application must be made in writing to the board of directors within 60 days following the date of receipt of the result. The candidate must send written submissions to the secretary of the Order before the date set for the meeting.

At the first regular meeting following the date of receipt of the application for review, the board of directors must examine the application.

The decision of the board of directors is final and must be sent to the candidate in writing by registered mail within 30 days after the date on which the decision was made.

DIVISION IV FINAL

52. Division III, including sections 28 to 51, replaces the Regulation respecting the period of professional training for land surveyors, approved by Order in Council 809-90 dated 13 June 1990.

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

SCHEDULE I (s. 1, par. 6)

SOLEMN AFFIRMATIONS OF LAND SURVEYORS

Affirmation of discretion

I, _____,
solemnly affirm that I will not reveal or make known, without being authorized therefor by law, anything that may come to my knowledge in the performance of my duties.

Affirmation of allegiance and office

I, _____,
solemnly affirm that I will be loyal and bear true allegiance to constituted authority and that I will fulfill the duties of my office of land surveyor honestly and justly.

Signature

Chair of the Ordre des
arpenteurs-géomètres
du Québec

Sworn before us,

at

on

Commissioner for oaths

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