

SCHEDULE

(s. 3)

Activity	NAICS code
Food manufacturing	311
Beverage and tobacco product manufacturing	312
Textile mills	313
Textile product mills	314
Clothing manufacturing	315
Leather and allied product manufacturing	316
Wood product manufacturing	321
Paper manufacturing	322
Printing and related support activities	323
Petroleum and coal product manufacturing	324
Chemical manufacturing	325
Plastics and rubber products manufacturing	326
Non-metallic mineral product manufacturing	327
Primary metal manufacturing	331
Fabricated metal product manufacturing	332
Machinery manufacturing	333
Computer and electronic product manufacturing	334
Electrical equipment, appliance and component manufacturing	335
Transportation equipment manufacturing	336
Furniture and related product manufacturing	337
Miscellaneous manufacturing	339

Draft Regulation

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

Occupational therapists**— 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 occupational therapists”, made by the board of directors of the Ordre des ergothérapeutes 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 adapts certain rules of ethics to the reality of the practice of the professional activities of occupational therapist within a partnership or joint-stock company, as provided in the draft Regulation respecting the practice of the profession of occupational therapist within a partnership or joint-stock company.

The draft Regulation also clarifies conflicts of interest.

Lastly, the draft Regulation regulates the use of the graphic symbol of the Order in advertising or in connection with the name of a multidisciplinary partnership or joint-stock company.

The Ordre des ergothérapeutes du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Caroline Fortier, Ordre des ergothérapeutes du Québec, 2021, avenue Union, bureau 920, Montréal (Québec) H3A 2S9; telephone: 514 844-5778 or 1 800 265-5778; fax: 514 844-0478.

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 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 to amend the Code of ethics of occupational therapists*

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

1. The Code of ethics of occupational therapists is amended by inserting the following after section 1.02:

“**1.03.** An occupational therapist must take reasonable measures to ensure compliance with the Professional Code (R.S.Q., c. C-26) and the regulations thereunder by any person, other than an occupational therapist, who cooperates with the occupational therapist in the carrying on of professional activities or by any partnership or joint-stock company within which the occupational therapist engages in professional activities.

Carrying on professional activities within a partnership or joint-stock company does not in any manner modify or reduce an occupational therapist’s duties and obligations under the Professional Code and the regulations thereunder.

1.04. An occupational therapist must ensure that the obligations towards the partnership or joint-stock company of which the member is a director or officer are not incompatible with the obligations towards clients.”

2. Section 3.02.02 is amended by adding the following paragraph at the end:

“Similarly, an occupational therapist must avoid any misrepresentation with respect to the competency or efficiency of the services generally provided by the persons with whom he or she carries on professional activities within a partnership or joint-stock company.”

3. Section 3.04.01 is amended by adding the following paragraph at the end:

“An occupational therapist may not invoke the liability of the partnership or joint-stock company within which he or she carries on professional activities or the liability of another person also carrying on activities there as a ground for excluding or limiting his or her personal civil liability.”

4. The following is inserted after section 3.05.01:

“**3.05.01.01.** Occupational therapists must subordinate their personal interests, those of the partnership or joint-stock company within which they carry on professional activities or have an interest and those of any person carrying on activities within the partnership or company or not, to the interests of the client.

3.05.01.02. No occupational therapist may conclude an agreement that could jeopardize the independence, impartiality, objectivity or integrity required to practice his or her professional activities.

Any agreement entered into by an occupational therapist or a partnership or joint-stock company of which the occupational therapist is a partner or shareholder regarding the enjoyment of a building or space to carry on professional activities must be entirely recorded in writing and include a statement by the parties that the obligations arising from the agreement comply with this Code and a clause authorizing release of the agreement to the Order on request.”

5. Section 3.05.02 is amended by adding the following paragraph at the end:

“In all cases in which an occupational therapist engages in his or her professional activities within a partnership or joint-stock company, conflict of interest situations are assessed with regard to all the clients of persons with whom the occupational therapist carries on professional activities within the partnership or company.”

6. The following is inserted after section 3.05.02:

“**3.05.02.01.** An occupational therapist must take the necessary measures to ensure that information and documents protected by professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company within which the occupational therapist carries on professional activities or in which he or she has an interest, as soon as the occupational therapist 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 occupational therapist’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; and

* The Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r.78) was last amended by the regulation approved by Order in Council 839-2003 dated 20 August 2003 (2003, G.O. 2, 2719). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

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

7. Section 3.05.03 is amended by adding at the end “other than customary tokens of appreciation and gifts of small value”.

8. The following is inserted after section 3.05.03:

“**3.05.04.** An occupational therapist may share his or her fees only with a person with whom the occupational therapist is authorized to practise under the Regulation respecting the practice of the profession of occupational therapist 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 or joint-stock company in which the occupational therapist is authorized to practise under that Regulation.”

9. The following is inserted after section 3.06.01:

“**3.06.01.01.** Occupational therapists must take reasonable measures to ensure that any person with whom they carry on professional activities does not communicate to a third person the confidential information of which they may have taken cognizance.”

10. Section 3.06.04 is amended by replacing “or for another person” by “, for another person or for a partnership or company in which the occupational therapist carries on professional activities”.

11. The following is inserted after section 3.08.03:

“**3.08.03.01.** An occupational therapist who carries on professional activities within a partnership or joint-stock company must ensure that the fees and expenses for professional services provided by occupational therapists are always indicated separately on every invoice or statement of fees that the partnership or company sends the client.”

12. Section 3.08.06 is replaced by the following:

“**3.08.06.** No occupational therapist may sell or otherwise transfer accounts of professional fees, except to another occupational therapist or to a partnership or joint-stock company within which the occupational therapist is authorized to carry on professional activities under the Regulation respecting the practice of the profession of occupational therapist within a partnership or joint-stock company.”

13. Section 4.01.01 is amended by adding the following paragraphs:

“(f) carrying on professional activities within, or having an interest in, a partnership or company, where a partner, shareholder, director, officer or employee of the partnership or 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, within 15 days of the date on which the mandatory striking off or revocation of permit has become effective, ceases to hold a position of director or officer within the partnership or company, ceases, if applicable, to attend any shareholder meetings and to exercise the right to vote and disposes of his or her voting shares or turns them over to a trustee; and

(g) failing to inform the Order that he has reasonable grounds to believe that an occupational therapist or a partnership or joint-stock company within which occupational therapists practise contravenes the Professional Code or a regulation thereunder.”

14. The following is inserted after section 5.13:

“**5.14.** In the case of a partnership or joint-stock company which provides professional services of occupational therapists and services of persons other than members of the Order with whom the occupational therapist is authorized to carry on professional activities, the graphic symbol of the Order may be used in connection with the name of the partnership or company or in its advertising provided the graphic symbol identifying each of the professional orders to which such persons belong is also used.”

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

9805

Draft Regulation

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

Occupational therapists — 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 occupational therapist within a partnership or a joint-stock company”, made by the board of directors of the