

**2.2.** The secretary general and the person responsible for the financial sector of the Conseil de gestion are authorized, as long as they act jointly, to sign, regardless of the amount, drafts, payment authorizations, promissory notes, bonds, bills of exchange and other instruments of the same nature, including bank transfers, and any document required or useful to give full effect to the following financial transactions intended to

(1) ensure the payment of benefits to which a person may be entitled under the Act;

(2) ensure the payment of the obligations arising out of the financial commitments of the Conseil de gestion, provided that those commitments were first authorized by the competent authority;

(3) pay or repay the expenditures and other expenses or charges incurred by the members of the Conseil de gestion and its personnel, provided that they were first authorized by the competent authority.”.

**4.** Section 3 is amended

(1) by inserting “general” after “secretary”;

(2) by striking out “and director of corporate affairs”.

**5.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 713-2011, 22 June 2011**

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

**Geologists**  
— **Code of ethics**

Code of ethics of geologists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre des géologues du Québec made the Geologists Code of Ethics;

WHEREAS, in accordance with section 95.3 of the Professional Code, a draft of the Code was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Geologists Code of Ethics was published in Part 2 of the *Gazette officielle du Québec* of 27 October 2010 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office des professions du Québec has examined the Code and made its recommendation;

WHEREAS it is expedient to approve the Code with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Code of ethics of geologists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**Code of ethics of geologists**

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

**CHAPTER I**  
**GENERAL**

**1.** This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties that must be discharged by every member of the Ordre professionnel des géologues du Québec towards the public, clients and the profession.

**2.** Geologists must take reasonable measures to ensure that persons who collaborate with them in the practice of the profession and any partnership or joint-stock company within which they practise comply with the Geologists Act (R.S.Q., c. G-1.01), the Professional Code and their regulations.

**3.** The duties and obligations under the Geologists Act, the Professional Code and their regulations are not changed or reduced by the fact that a geologist practises the profession within a partnership or joint-stock company.

## CHAPTER II DUTIES TOWARDS THE PUBLIC

**4.** Geologists must practise their profession in keeping with the generally accepted standards of the science and practice of geology.

To that end, geologists must ensure that they upgrade their skills and update their theoretical and technical knowledge.

**5.** Geologists must conduct themselves in a manner beyond reproach towards every person and must, in particular, act with courtesy, dignity, moderation and objectivity.

**6.** Geologists must consider the foreseeable consequences that their professional activities may have on society, in particular on the health, safety and property of others, and on the quality of the environment.

Where geologists notice that, within the scope of their professional activities, geological conditions could endanger public safety, they must notify the person in charge of the premises or, as the case may be, the person conducting the work. They must also notify the Order if adequate measures are not taken within a reasonable time.

**7.** Geologists must refrain from practising in circumstances or a state likely to compromise the quality of their services.

**8.** Geologists must ensure that the staff assisting them is qualified for the tasks assigned to them.

**9.** Geologists who practise 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 of geologist is identified in the name of a geologist or qualified person.

## CHAPTER III DUTIES TOWARDS CLIENTS

### DIVISION I GENERAL DUTIES

**10.** Geologists must discharge their professional obligations with competence, diligence, objectivity and integrity.

**11.** Before agreeing to provide professional services, geologists must take into account the limits of their skills and knowledge and the means at their disposal.

**12.** Before providing professional services, geologists must enter into a written contract with their client indicating the work methodology, the objectives of the parties for each stage of the mandate, the project schedule, as well as the fees and expenses and terms of payment. Any amendment to the contract must be evidenced in writing.

Geologists who have reason to believe that it is in the client's interest to use the services of another competent person must recommend it to their client and, with the client's written authorization, retain the services thereof.

**13.** Geologists may provide an opinion, make a recommendation or return a document only on the following conditions:

(1) they have collected adequate and sufficient information given the purpose of the work;

(2) they specify the quality of data and information on which their opinions, recommendations or documents are based; and

(3) they emphasize and explain the limits of information available and, as the case may be, the need to obtain additional information.

**14.** Geologists must at all times acknowledge the client's right to consult another geologist, a member of another professional order or any other competent person and must, as the case may be, collaborate entirely with them.

**15.** Geologists must refrain from interfering in the personal affairs of their client on subjects not falling within their areas of professional expertise.

**16.** Geologists must refrain from urging anyone pressingly or repeatedly to have recourse to their professional services.

### DIVISION II INTEGRITY

**17.** Geologists must discharge their professional duties with integrity and intellectual honesty.

**18.** Geologists must only inquire about the facts relevant to the professional services they provide.

**19.** Geologists must inform their clients as soon as possible of any event likely to have or that has had a significant impact on their professional services.

**20.** Geologists must take reasonable care of property entrusted to them by a client and must not lend it or use it for purposes other than those for which it was entrusted.

**21.** Geologists must avoid performing professional acts that are not justified by the nature and the objectives of the work agreed on with the client.

### **DIVISION III** AVAILABILITY AND DILIGENCE

**22.** Geologists must display availability and diligence.

**23.** Geologists must give their clients all the explanations required for the understanding and appreciation of the services provided. Geologists must render accounts to their clients when so required by them.

**24.** Unless they have sound and reasonable grounds for doing so, geologists may not cease unilaterally to provide professional services to a client. The following in particular constitute sound and reasonable grounds:

- (1) loss of the client's confidence;
- (2) being in conflict of interest or in any situation in which the geologist's professional independence could be called into question;
- (3) inducement by the client to perform illegal, unfair or immoral acts;
- (4) the fact that the geologist has been deceived by the client;
- (5) failure by the client to cooperate;
- (6) the client ignoring the geologist's opinions and recommendations;
- (7) the client's refusal to pay the geologist's fees; and
- (8) being unable to communicate with the client or to obtain from the client the elements considered necessary to provide professional services.

**25.** Before ceasing to provide professional services to a client, geologists must so notify the client in writing within a reasonable time, state the reasons for the decision to the client and ensure that the decision is not seriously prejudicial to the client.

### **DIVISION IV** LIABILITY

**26.** Geologists must assume full personal civil liability in their practice. They may not exclude or limit that liability or attempt to do so, in particular by invoking the liability of the partnership or joint-stock company within which they carry on their professional activities or that of a person also carrying on activities within that partnership or joint-stock company.

### **DIVISION V** INDEPENDENCE AND IMPARTIALITY

**27.** Geologists must subordinate their personal interest, the interest of the partnership or joint-stock company within which they carry on professional activities or have an interest and that of any other person carrying on activities within that partnership or joint-stock company, to that of their client.

**28.** Geologists must ignore any intervention by a third person that could influence the performance of their professional duties to the detriment of the client.

**29.** Geologists must act with objectivity when persons likely to become their clients request information.

**30.** Geologists must safeguard their professional independence and avoid any situation in which they would be in conflict of interest. In particular, geologists are in conflict of interest when

- (1) the interests concerned are such that geologists may tend to favour them over those of their client or their judgment and loyalty towards their client may be unfavourably affected; or
- (2) the circumstances offer geologists a direct or indirect, real or possible undue advantage.

**31.** As soon as geologists become aware that they are in a conflict of interest situation, they must notify their client and ask the client for authorization to continue providing professional services. They must obtain, where applicable, the client's written authorization.

**32.** Subject to the remuneration, customary tokens of appreciation or gifts of small value to which they are entitled, geologists must refrain from offering or accepting any benefit relating to the practice of the profession.

**33.** Where geologists practise with several clients who may have divergent interests, they must explain to them the nature of their responsibilities and inform them

that they will cease to act if the situation becomes irreconcilable with their duty of independence and impartiality.

#### **DIVISION VI** **PROFESSIONAL SECRECY**

**34.** Geologists who, pursuant to the third paragraph of section 60.4 of the Professional Code, communicate information protected by professional secrecy to prevent an act of violence must enter in the client's record as soon as possible

(1) the name of the person or persons exposed to the danger;

(2) the reasons supporting the decision to communicate the information; and

(3) the information communicated and the date on which it was communicated, the name of the person who received the information and the mode of communication.

**35.** Where geologists ask a client to disclose confidential information or where they allow a client to disclose such information, they must first ensure that the client is fully aware of the various uses that could be made of the information.

**36.** Geologists must refrain from using confidential information to the detriment of a client or to obtain directly or indirectly a benefit for themselves or for a third person.

**37.** Geologists must refuse any work if it involves or may involve disclosing or using confidential information or documents obtained from another client, without the consent of that other client.

**38.** Geologists must take the necessary measures to prevent their colleagues and members of their staff from disclosing or using confidential information obtained in the performance of their duties, in particular by informing them of their obligation to preserve the secrecy of such information.

#### **DIVISION VII** **ACCESSIBILITY OF DOCUMENTS CONTAINED IN A RECORD, CORRECTION AND DELETION OF INFORMATION, FILING OF COMMENTS AND RETURN OF DOCUMENTS**

**39.** Geologists must respond, at the latest within 30 days of their receipt, to requests for access to documents, correction and deletion of information and filing of comments in a record, which are referred to in sections 60.5 and 60.6 of the Professional Code.

**40.** Geologists must respond free of charge to any request for access to documents referred to in section 60.5 of the Professional Code.

Despite the foregoing, geologists may charge fees not exceeding the cost of transcribing or reproducing documents or the cost of transmitting a copy of the documents provided that they inform the applicant before transcribing, reproducing or transmitting the documents.

**41.** Geologists who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuse to allow a client to have access to the information contained in a record established in the client's respect must, within 30 days following the request, inform the applicant in writing of the reason for the refusal and of available legal remedies.

**42.** Geologists who grant a request referred to in section 60.6 of the Professional Code must, in addition to the requirement provided for in the second paragraph of article 40 of the Civil Code, issue to the applicant, free of charge, a copy of the corrected information or, as the case may be, an attestation that the information has been deleted or that comments have been filed in the record.

**43.** Geologists must respond promptly to any written request from a client to have a document returned to the client.

Geologists must indicate in the client's record, where applicable, the reasons supporting the client's request.

#### **DIVISION VIII** **DETERMINATION AND PAYMENT OF FEES AND EXPENSES**

**44.** Geologists must charge and accept fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted by the circumstances and proportionate to the services provided. To determine the amount of their fees, geologists must, in particular, consider the following factors:

(1) the time devoted to the services;

(2) the complexity and importance of the services; and

(3) the responsibility assumed.

**45.** Geologists may not charge interest on outstanding accounts unless the client has been duly notified. The interest so charged must be reasonable.

**46.** Geologists who practise within a partnership or joint-stock company must ensure that the fees and expenses relating to the professional services provided by geologists of the partnership or joint-stock company are always indicated separately on every invoice or statement of fees that the partnership or joint-stock company sends the client, except where a lump-sum payment has been agreed upon in writing with the client. Despite the foregoing, in the latter case, the statement or invoice must describe the professional services provided by geologists.

**47.** Geologists must provide their clients with all the explanations necessary to understand the invoice and the terms of payment.

#### CHAPTER IV DUTIES TOWARDS THE PROFESSION

##### DIVISION I DEROGATORY ACTS

**48.** Geologists engage in acts derogatory to the dignity of the profession when they

(1) communicate with a person having lodged a complaint against them without the prior written permission of the syndic or the syndic's assistant;

(2) threaten or otherwise intimidate a person having reported or intending to report a derogatory act or a person having collaborated or intending to collaborate in an inquiry relating to such an act; or

(3) affix their signature or seal to a document relating to the practice of their profession which was not prepared by them or under their immediate supervision.

**49.** For the purposes of subparagraphs 5 and 6 of the first paragraph of section 45 of the Professional Code, the offences referred to are the following offences:

(1) the contravention of any federal Act to protect intellectual property;

(2) the contravention of the provisions of the Securities Act (R.S.Q., c. V-1.1), in particular the offence of having effected transactions without a prospectus or circular, provided false or misleading information, used privileged information or made irregular take-over bids or issuer bids; and

(3) the contravention of any Québec or federal Act to protect the environment.

##### DIVISION II RELATIONS WITH THE ORDER AND OTHER GEOLOGISTS

**50.** Geologists whose participation on a council for the arbitration of accounts, a disciplinary council, a review or professional inspection committee is requested by the Order may not refuse that function unless they have reasonable grounds for refusing.

**51.** Geologists must respond as soon as possible to all requests for information or correspondence from the secretary of the Order, the syndic, an assistant or corresponding syndic or members of the professional inspection committee in the performance of their duties.

**52.** Geologists must, in their relations with the Order and other geologists, behave with dignity, courtesy, respect and integrity.

**53.** Geologists who have reason to believe that another geologist contravenes this Regulation, the Geologists Act or the Professional Code must immediately notify the Order.

**54.** Geologists must not betray the good faith of another geologist, breach the person's trust, act unfairly towards him or her or damage the person's reputation. Geologists must not

(1) take credit for work performed by another geologist;

(2) take advantage of their hierarchical status to limit the professional independence of a geologist at their service or under their responsibility;

(3) give their professional opinion on work carried out by another geologist without having first notified the other geologist and making sure that the other geologist's work is completed, unless required to do so by law; or

(4) deliberately harm relationships between other geologists and their clients.

**55.** If geologists must criticize the work of a geologist or another professional, they must do so in an objective and reasonable manner.

**56.** Geologists consulted by another geologist must provide the other geologist with their opinion and recommendations as soon as possible.

**57.** Geologists must preserve their 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 independence.

**58.** Geologists must not take legal action against another geologist on a matter relating to the practice of the profession before applying for conciliation to the Order.

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

**59.** Geologists must support every measure likely to improve the quality and availability of the professional services in the field in which they practise.

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

### CHAPTER V PUBLIC STATEMENTS, ADVERTISING AND USE OF THE GRAPHIC SYMBOL OF THE ORDER

**61.** Geologists must avoid making exaggerated or unfounded statements.

Geologists must also avoid providing inaccurate, incomplete or ambiguous information likely to mislead the public or cause serious harm to the public.

**62.** Advertising by geologists must be objective and allow the public to make an enlightened choice.

**63.** Geologists must have their name and professional title appear in their advertising.

**64.** In all advertising, geologists must refrain from

(1) discrediting the services offered by other geologists; and

(2) claiming to possess experience, professional or academic qualifications or qualities that they are unable to substantiate.

**65.** Geologists must indicate in all advertising on the cost of their services

(1) the nature and extent of the professional services included; and

(2) whether additional services or expenses which are not included in the fees might be required.

That cost must remain in effect for a period of 60 days following the last broadcast or publication.

**66.** Geologists who reproduce the graphic symbol of the Order must ensure that the symbol conforms to the original.

Where geologists reproduce the symbol in their advertising, they may not suggest that such advertising emanates from the Order.

**67.** Geologists must keep a copy of every advertisement for a period of 2 years following the last broadcast or publication. On request, the copy must be given to the syndic.

**68.** Geologists who carry on their professional activities within a partnership or joint-stock company must ensure that advertising by the partnership or joint-stock company or any other person carrying on activities within the partnership or joint-stock company complies with this Division.

### CHAPTER VI NAMES OF PARTNERSHIPS AND JOINT-STOCK COMPANIES OF GEOLOGISTS

**69.** Geologists may not practise their profession within a partnership or joint-stock company whose name is a number name, misleading or contrary to the honour or dignity of the profession.

**70.** Where geologists cease to practise within a partnership or joint-stock company, their name must be removed from the name of the partnership or joint-stock company within 30 days following the cessation of practice, unless geologists or their assigns had made an agreement in writing to the contrary.

### CHAPTER VII FINAL

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