

The majority of workers and employers will be affected by the proposed amendments. The amendments will entail an increase of 3.0¢ per \$100 of payroll for employers, 2.2¢ per \$100 of salary or wages for employees and 3.8¢ per \$100 of income for self-employed workers.

That special adjustment is solely intended to bring down the accumulated deficit of the Parental Insurance Fund. In accordance with section 115 of the Act respecting parental insurance, once achieved, premium rates will have to be returned to their equilibrium level so that the premiums collected will be sufficient to cover the plan's benefits and operating costs, on a yearly basis.

Further information may be obtained by contacting Marie-Christine Bergeron, 1122, Grande Allée Ouest, 1<sup>er</sup> étage, bureau 104, Québec (Québec) G1S 1E5; telephone: 418 528-8818; fax: 418 643-6738.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the President and Director General of the Conseil de gestion de l'assurance parentale, 1122, Grande Allée Ouest, 1<sup>er</sup> étage, bureau 104, Québec (Québec) G1S 1E5; telephone: 418 643-1009; fax: 418 643-6738.

JULIE BOULET,  
*Minister of Employment and Social Solidarity*

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## **Regulation to amend the Regulation respecting premium rates under the parental insurance plan**

An Act respecting parental insurance  
(R.S.Q., c. A-29.011, s. 6)

**1.** The Regulation respecting premium rates under the parental insurance plan (c. A-29.011, r. 5) is amended by replacing section 1 by the following:

“**1.** The premium rate applicable to an employee and to a person referred to in section 51 of the Act is 0.559%.

The premium rate applicable to a self-employed worker is 0.993%.

The premium rate applicable to an employer is 0.782%”.

**2.** This Regulation comes into force on 1 January 2012.

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## **Draft Regulation**

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

### **Chartered appraisers**

#### **— Code of ethics**

#### **— Amendment**

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 members of the Ordre des évaluateurs agréés du Québec, made by the board of directors of the Ordre des évaluateurs 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 adapts certain rules of ethics to the practice of the profession of chartered appraiser within a partnership or a joint-stock company, as provided in the draft of the Regulation respecting the practice of the profession of chartered appraiser within a partnership or a joint-stock company and updates other existing provisions.

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

Further information may be obtained by contacting Elena Konson, Ordre des évaluateurs agréés du Québec, 415, rue Saint-Antoine Ouest, bureau 450, Montréal (Québec) H2Z 2B9; telephone: 514 281-9888 or 1 800 982-5387; fax: 514 281-0120; email: [ekonson@oeaq.qc.ca](mailto:ekonson@oeaq.qc.ca)

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> 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 that made the Regulation as well as to interested persons, departments and bodies.

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

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## Regulation to amend Code of ethics of the members of the Ordre des évaluateurs agréés du Québec\*

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

**1.** Code of ethics of the members of the Ordre des évaluateurs agréés is amended by inserting, after section 1, of the following:

“**1.1.** An appraiser must take reasonable measures to ensure that the partnership or joint-stock company within which he carries on professional activities, and the employees, the shareholders, the directors, the partners and any other person involved with him in the practice of profession, comply with the Professional Code and the regulations thereunder.

**1.2.** Practicing the profession within a partnership or joint-stock company does not in any manner modify or reduce an appraiser’s duties and obligations under the Professional Code and the regulations thereunder.

**1.3.** An appraiser shall ensure that his obligations towards the partnership or joint-stock company of which he is a director or officer are not incompatible with his obligations towards his client or employer.”

**2.** Section 7 of this Code is amended by replacing of “on society” by “on the public”.

**3.** This Code is amended by inserting, after section 10, of the following:

“**10.1.** An appraiser must ensure that any activity which he exercises as a part of a function or an enterprise and which does not constitute the practice of the profession of appraiser does not compromise the respect of his duties set out by this Code, in particular honour, dignity and integrity.”

**4.** Section 14 of this Code is amended by inserting in the first paragraph after the word “interests” of the words “and, if applicable, those of the partnership or joint-stock company within which he carries on professional activities or has an interest”.

**5.** Section 19 of this Code is amended by inserting, after the first paragraph, of the following:

“In all cases in which an appraiser carries on his professional activities within a partnership or joint-stock company, conflict of interest situations shall be assessed with regard to all clients of the persons involved with him in the practice of profession within the partnership or joint-stock company.”

**6.** This Code is amended by inserting, after section 19, of the following:

“**19.1.** An appraiser must take the necessary measures to ensure that information and documents relevant to professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company within which the appraiser carries on professional activities or in which he has an interest, where he becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest.

In assessing the effectiveness of these measures, the following factors may, in particular, be taken into account:

1° the size of the partnership or joint-stock company;

2° the precautions taken to prevent access to the file of the appraiser by the person who is in fact in a conflict of interest;

3° the instructions given as to the protection of confidential information or documents involved in the conflict of interest;

4° the isolation of the person in a conflict of interest with respect to the appraiser.”

**7.** Section 27 of this Code is amended by adding, after the first paragraph, of the following:

“Where an appraiser carries on his professional activities within a joint-stock company, constituted for the purpose of carrying on professional activities, the revenue generated by him while rendering professional services within and on behalf of the company belongs to the company, unless agreed to otherwise.”

**8.** Section 32 of this Code is amended by adding, at the end of the first paragraph, of the following sentence:

“He may not invoke the liability of the partnership or joint-stock within which he carries on professional activities as a ground for excluding or limiting his own civil liability.”

\* Code of ethics of the members of the Ordre des évaluateurs agréés du Québec approved by Order number 1282-2000 of November 1st, 2000 (2000, G.O. 2, 5300) was amended by Order number 1118-2003 of October 22nd, 2003 (2003, G.O. 2, 3258).

**9.** Section 33 of this Code is replaced by the following:

“**33.** An appraiser must ensure that any person or partner who act with him and the partnership or joint-stock company within which the appraiser carries on professional activities comply with the laws and regulations applicable to the members of the Order. In particular, an appraiser is responsible for any work he has caused to be executed by other persons. He must train and supervise such persons and review their work to ensure that it complies with the laws and regulations applicable to members of the Order.

An appraiser may not allow other persons to perform acts on his behalf, which performed by himself would place him in contravention of the Professional Code or its regulations.”

**10.** This Code is amended by inserting, after section 42, of the following:

“**42.1.** An appraiser who foresees that essential aspects of all or a part of the services for which the appraiser is being retained may be provided by another person must so inform the client.”

**11.** Section 50 of this Code is amended:

1° by the replacement of the paragraph before the paragraph (1) by the following:

“**50.** In addition to the acts referred to in sections 57, 58, 58.1, 59.1 and section 59.2 of the Professional Code (R.S.Q., c. C-26) and those that may be determined pursuant to the second paragraph of section 152 of the Professional Code, the following acts are derogatory to the dignity of the profession:”;

2° by inserting, in the paragraph 2°, after the word “person”, of the words “either personally or through a natural or legal person, a company, a group”;

3° by the replacement, in the paragraph 3°, of the words “made pursuant to the Code” by the words “made thereunder or that a partnership or joint-stock company within which the members carry on their professional activities contravenes to this code and its regulations;”;

4° by inserting, in the paragraph 5°, after the word “business”, of the words “either personally or through a natural or legal person, a company, a group;”;

5° by adding, at the end, of the following paragraphs:

“9° to enter into an agreement or a contract or to allow that a partnership or joint-stock company within which an appraiser practices his profession, enters in such an agreement or a contract, in particular, a shareholders’ agreement, which may affect the independence, the objectivity and the integrity required for the practicing of the profession or which may affect the respect by an appraiser of the Professional Code and the regulations made thereunder.

10° carrying on professional activities within a partnership or joint-stock company or having an interest in it, where a partner, a shareholder, a director, an officer or representative of such a partnership or joint-stock company governed by the Professional Code, is struck from the roll for a period in excess of three months or has been the subject of a revocation of his permit, except to the extent that such a partner, shareholder, director, officer or representative:

a) ceases to be a director or officer or representative of the partnership or joint-stock company within 10 days from the date on which striking of the roll or permit revocation become executory;

b) ceases to attend, if applicable, all shareholder meetings and to exercise his right to vote within 10 days from the date on which striking of the roll or permit revocation become executory;

c) disposes of his shares or partnership units with voting rights or deposits them in trust within 10 days from the date on which striking of the roll or permit revocation become executory.”

**12.** Section 51 of this Code is amended by the replacement of the paragraph 2° by the following:

“2° take all necessary measures to prevent persons who collaborate with him or who carry on their activities within a partnership or joint-stock company from disclosing or making use of confidential information that becomes known to them in the performance of their duties.”

**13.** Section 54 of this Code is replaced by the following:

“**54.** An appraiser who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies a client access to information contained in a record established in the client’s respect must indicate to the client in writing, the reasons of such a denial.”

**14.** Section 57 of this Code is amended by adding, after the first paragraph, of the following:

“An appraiser who carries on his professional activities within a partnership or a joint-stock company must take reasonable measures to ensure that such a partnership or joint-stock company complies with the requirements set out in the first paragraph.”

**15.** Section 60 of this Code is replaced by the following:

“**60.** No appraiser shall, in his advertising, claim to possess specific qualities or skills, particularly concerning the range or efficacy of his services or, if applicable, of those provided by the persons who carry on their activities within the same partnership or joint-stock company, unless he can substantiate such claims.”

**16.** Section 61 of this Code is amended by inserting, after the words “in his regard”, of the words “or in regard of the persons who carry on their activities within the same partnership or joint-stock company,”.

**17.** This Regulation shall come into force on the fifteenth day following the date of publication in the *Gazette officielle du Québec*.

1501

## Draft Regulation

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

### Chartered appraisers — 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 chartered appraiser within a partnership or a joint-stock company, made by the Ordre des évaluateurs 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 contains specific provisions to set the terms and conditions authorizing the carrying on of professional activities by chartered appraisers within a limited liability partnership or a joint-stock company in accordance with Chapter VI.3 of the Professional Code (R.S.Q., c. C-26), in particular as regards the administration of the partnership or joint-stock company and the holding of shares or units.

In accordance with Chapter VI.3 of the Professional Code, the draft Regulation also includes an obligation of security to cover the liability of the partnership or joint-stock company arising from fault on the part of the chartered appraisers in carrying on their professional activities within the partnership or joint-stock company. The chartered appraisers must also provide the Order with the necessary information on the partnership or joint-stock company and update that information.

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

Further information may be obtained by contacting Elena Konson, Ordre des évaluateurs agréés du Québec, 415, rue Saint-Antoine Ouest, bureau 450, Montréal (Québec) H2Z 2B9; telephone: 514 281-9888 or 1 800 982-5387; fax: 514 281-0120; email: ekonson@oeaq.qc.ca

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> 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 that made the Regulation as well as to interested persons, departments and bodies.

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

## Regulation respecting the practice of the profession of chartered appraiser within a partnership or a joint-stock company

Professional Code  
(R.S.Q., c. C-26, s. 93, par. *g* and *h* and s. 94 par. *p*)

### DIVISION I GENERAL PROVISIONS

**1.** A member of the Ordre des évaluateurs agréés du Québec may, subject to the terms, conditions and restrictions established in this Regulation, carry on his professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26).

A member who no longer satisfies one of the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code shall immediately cease to be authorized to carry on his professional activities within a partnership or a joint-stock company.