

## Draft By-law

Police Act  
(R.S.Q., c. P-13.1)

### Sûreté du Québec — Internal discipline of members

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law respecting the internal discipline of members of the Sûreté du Québec, appearing below, may be made by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft By-law determines the duties and standards of conduct to ensure the effectiveness and quality of the services provided by Sûreté du Québec police officers, and respect for the authorities over them. In addition, the draft By-law determines the types of behaviour that constitute breaches of discipline, establishes a disciplinary procedure, determines the powers of the authorities with regard to discipline and establishes penalties.

Study of the matter has shown no impact on the public and enterprises.

Further information on the draft By-law may be obtained by contacting Claude Levac, Chief Inspector, Direction des normes professionnelles, Sûreté du Québec, 1701, rue Parthenais, Montréal (Québec) H2K 3S7; telephone: 514 598-4900; fax: 514 596-3537.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Katia Petit, Secretary General, Ministère de la Sécurité publique, 2525, boulevard Laurier, 5<sup>e</sup> étage, Québec (Québec) G1V 2L2; telephone: 418 646-6777, extension 10000; fax: 418 643-0275.

ROBERT DUTIL,  
*Minister of Public Security*

### By-law respecting the internal discipline of members of the Sûreté du Québec

Police Act  
(R.S.Q., c. P-13.1, s. 257, 1st par.)

#### CHAPTER I SCOPE AND PURPOSE

**1.** This By-law applies to police officers who are members of the Sûreté du Québec. It determines the duties and standards of conduct to ensure the effective-

ness and quality of the services provided and respect for the authorities over them. It is also intended to promote the maintenance of the discipline and ethics required to ensure organizational integrity.

In addition, this By-law determines the types of behaviour that constitute breaches of discipline, establishes a disciplinary procedure, determines the powers of the authorities with regard to discipline and establishes penalties.

#### CHAPTER II DUTIES AND STANDARDS OF CONDUCT OF MEMBERS OF THE SÛRETÉ DU QUÉBEC

**2.** Members of the Sûreté du Québec must behave in a dignified manner. To that end, they must refrain from any behaviour lacking in respect towards any person, adversely affecting the effectiveness or honour of the Sûreté or discrediting it.

The following in particular constitute breaches of discipline:

- (1) the use of obscene or insulting language;
- (2) misuse of authority, intimidation or harassment;
- (3) recourse to greater force than necessary to accomplish what they are ordered or permitted to do;
- (4) lack of respect and courtesy towards a person or a member;
- (5) causing a person to get into a vehicle of the Sûreté unless so permitted;
- (6) consorting or fraternizing without a satisfactory reason with persons they know to have a criminal reputation;
- (7) consuming alcoholic beverages in public without authorization while on duty, or in uniform whether on duty or not;
- (8) while on duty, being under the influence of alcoholic beverages, narcotics, hallucinogenic drugs, narcotic or anaesthetic preparations or any other substance capable of causing intoxication, weakening or disturbance of the faculties or unconsciousness;
- (9) keeping alcoholic beverages without authorization in a vehicle or on premises of the Sûreté;
- (10) drinking alcoholic beverages immoderately in a public place;

(11) being dressed during working hours in a manner not complying with the instructions in force;

(12) buying, selling or possessing narcotics or any similar product whose sale is prohibited or regulated, or being involved as intermediary in a transaction involving one of those substances, except where authorized by their superior within the scope of their duties.

**3.** Members must respect the rights of any person in their custody and refrain from any indulgence towards that person.

The following in particular constitute breaches of discipline:

(1) being negligent in the custody or supervision of a person in their custody;

(2) furnishing a person in their custody with alcoholic beverages, narcotics, hallucinogenic drugs, narcotic or anaesthetic preparations or any other substance capable of causing intoxication, weakening or disturbance of the faculties or unconsciousness;

(3) doing business of any kind with a person in their custody or attempting to obtain any benefit from that person or to give that person any benefit;

(4) except in an emergency, searching a person of the opposite sex;

(5) failing to search any person confined in their custody or, in the case of a confined person of the opposite sex, failing to have a search made by a person of the same sex;

(6) failing to keep in a safe place anything taken from a person in their custody;

(7) failing to make entries in the prison register and the register of confiscated objects;

(8) interfering in communications between a person in their custody and that person's attorney;

(9) using greater force than necessary in dealing with a person in their custody;

(10) failing to watch over the safety and health of a person in their custody;

(11) permitting the incarceration of a young offender with an adult or of a female person with a male person, except in cases provided for by law.

**4.** Members must use a service weapon carefully and with discretion.

The following in particular constitute breaches of discipline:

(1) not maintaining or keeping in good operating condition a service weapon, or the ammunition entrusted to them;

(2) showing, handling or pointing a service weapon without justification;

(3) failing to report to their superior each time they use a service weapon in the performance of their duties;

(4) failing to take reasonable means to prevent the loss or theft of a service weapon or its use by a third person;

(5) lending or transferring a service weapon;

(6) lacking care in the use and handling of a service weapon, particularly with unnecessary danger to the life or the safety of another person;

(7) carrying or using, without authorization in the performance of their duties, a firearm other than that issued to them by the Sûreté.

**5.** Members must respect the authority of the law and the courts and must collaborate in the administration of justice.

The following in particular constitute breaches of discipline:

(1) contravening any law enacted by a legally constituted authority in a manner likely to compromise the performance of their duties;

(2) preventing or contributing to preventing justice from taking its course;

(3) concealing evidence or information in order to benefit or harm any person, in particular an accused, a complainant or a witness;

(4) omitting or unduly delaying sending to their superior any information concerning crimes and offences of which they are a witness or of which they have knowledge.

**6.** Members must obey the requests, instructions and oral or written orders of their superiors.

The following in particular constitute breaches of discipline:

(1) refusing or failing to give an account to the Director General of the Sûreté or his or her representative of their activities in the performance of their duties;

(2) refusing or failing to furnish a report in accordance with a superior's order concerning the activities they performed during their work;

(3) not performing the work assigned or not being in the place assigned by their superior.

**7.** Members must perform their duties conscientiously and diligently.

The following in particular constitute breaches of discipline:

(1) refusing or inciting to refuse to perform duties;

(2) being negligent or careless in performing duties.

**8.** Members must be regular at work.

The following in particular constitute breaches of discipline:

(1) not observing the working hours;

(2) being absent from work without permission;

(3) making a false statement or using any trick to extend a leave, to delay the return to work or to be absent from work;

(4) exchanging with another member work or a shift to which they were assigned without the permission of their superior.

**9.** Members must perform their duties with probity.

The following in particular constitute breaches of discipline:

(1) maliciously damaging or destroying, losing through negligence or illegally transferring public or private property;

(2) failing to report any destruction, loss or damage of property for the use of the Sûreté;

(3) using or authorizing the use of property for the use of the Sûreté for personal or unauthorized uses;

(4) lending, selling or transferring an item of the uniform or equipment provided by the Sûreté;

(5) falsifying, removing or destroying documents of the Sûreté or documents in the custody of the Sûreté or other official documents;

(6) filing or signing a report or other writing, knowing it to be false or inaccurate;

(7) claiming or authorizing, without making the necessary checks, reimbursement of expenses not incurred, payment for hours of work not done or payment of unwarranted premiums;

(8) failing or neglecting to account for or to remit within a reasonable time any sum of money or property received in their capacity of member of the Sûreté.

**10.** Members must perform their duties with impartiality and integrity and avoid any situation where they would be in a conflict of interest of a nature to compromise their impartiality in the performance of their duties or of a nature to influence adversely their judgment and loyalty.

The following in particular constitute breaches of discipline:

(1) directly or indirectly, exerting undue influence or obtaining or attempting to obtain a sum of money or any other benefit in return for a favour;

(2) accepting, soliciting or demanding, directly or indirectly, a sum of money, a favour or any other benefit or consideration of a nature to compromise their impartiality in the performance of their duties;

(3) paying, offering to pay or agreeing to offer a sum of money, a favour or any other benefit or consideration to a person, whether or not a member of the Sûreté, of a nature to compromise their impartiality in the performance of their duties or for the person to intercede in their favour to obtain a promotion, a transfer or any change in their status as member of the Sûreté;

(4) using for personal purposes, or for the purpose of obtaining a benefit or a profit, information obtained while performing their duties or as a result of their position in the Sûreté;

(5) recommending to a person who has been accused or with whom the member has been in contact in performing their duties the services of a particular attorney;

(6) standing surety in a case under the jurisdiction of a court of criminal or penal jurisdiction, except where warranted by family relations with the accused;

(7) signing a letter of recommendation or other certificate knowing it to be false or inaccurate;

(8) holding employment or carrying out an activity incompatible with the function of police officer.

Despite the foregoing, members may solicit or collect money from the public by the sale of advertisements or tickets or by any other means for the benefit of a person or a community organization, to the extent that they do not thereby place themselves in a situation of conflict of interest.

**11.** As soon as members are in a situation of incompatibility referred to in section 117 of the Police Act or believe to be in a situation that places them or is likely to place them in a conflict of interest, compromise their impartiality or influence adversely their judgment and loyalty, they must so inform their immediate superior who will inform them of the measures to be taken.

**12.** Members must obey their oath of office and oath of discretion.

Revealing information respecting an inquiry or the activities of the Sûreté to persons not authorized by the Director General or the Director General's representative, in particular, by transmitting documents, constitutes a breach of discipline.

**13.** Members must be politically neutral in the performance of their duties.

The following in particular constitute breaches of discipline:

(1) being present in uniform at a political meeting, unless they are on duty at that place;

(2) failing to show moderation in publicly expressing their political opinions;

(3) during an electoral period, publicly expressing their political opinions, soliciting funds for a candidate for election, a political office or a political party, or publicly expressing their support for a candidate for election or for a political party, within the territory where members usually perform their duties.

**14.** Members may not wear their uniforms, badges or service weapons or use other items belonging to the Sûreté when, while on duty, they engage in activities that are not part of the duties of a police officer.

**15.** Members who are aware of the commission of a breach of discipline affecting the protection and the safety of the public, who are informed of such breach of

discipline, or who have reasonable and probable grounds for believing that such breach of discipline has been committed, must inform their immediate superior or the person in charge of processing complaints. The requirement does not apply to a member who is informed of such conduct when acting in the capacity of a union representative.

### CHAPTER III DISCIPLINARY PROCESS

#### DIVISION I BREACHES OF DISCIPLINE

**16.** Any failure related to a duty or standard of conduct provided for in this By-law constitutes a breach of discipline and may entail the imposition of a penalty.

**17.** An immediate superior observing that a breach of discipline is being committed, who is informed or has reasonable and probable grounds for believing that a breach of discipline has been committed or is about to be committed, is authorized to give members an oral warning immediately or to impose a warning in writing subject to any other disciplinary penalty that may be imposed in accordance with this By-law.

A written warning imposed under this section that is not followed by a disciplinary complaint is removed from the member's personal file 12 months after its imposition, except for a subsequent offence of the same nature.

#### DIVISION II DISCIPLINARY COMPLAINT

**18.** The Director General designates an officer within the Sûreté as person in charge of processing disciplinary complaints. The officer may designate another officer to exercise the powers conferred on the officer by this By-law.

The Director General may also exercise the powers conferred on the person in charge of processing complaints by this By-law.

**19.** Any person may lodge a complaint against a member's conduct by sending it in writing to the member's immediate superior. The complaint must be in writing and signed.

A complaint may also be sent to every member of the Sûreté or the person in charge of processing complaints.

A complaint may originate from a competent authority of the Sûreté.

**20.** Any person who receives a complaint must send it to the person in charge of processing complaints.

The person in charge of processing complaints sends a complaint concerning the Director General to the Minister of Public Security and a complaint concerning a deputy director, the person in charge of processing complaints or a member of the personnel of that person to the Director General.

The Minister or the Director General who receives a complaint in accordance with the second paragraph plays the role entrusted to the person in charge of processing complaints by this By-law.

**21.** The person in charge of processing complaints must acknowledge receipt of a complaint from a person of the public.

**22.** The right to lodge a complaint in disciplinary matters against a member is prescribed 2 years after the date of the event or, in the case of a contravention of section 5, knowledge by the authorities of the Sûreté of the event that gave rise to the complaint.

**23.** A member may be the subject of a disciplinary complaint despite the fact that the member has been acquitted or convicted by a court of criminal or penal jurisdiction of an offence for which the facts giving rise to the accusation are the same as the facts of the alleged breach of discipline.

**24.** A member may not be the subject of a disciplinary complaint where the Comité de déontologie policière rendered a decision on similar conduct at the time of the same event.

A member may, however, be the subject of a disciplinary complaint for a violation committed during the same event that was not dealt with by the Police Ethics Commissioner.

**25.** For the purposes of this By-law, a member is not required to make a statement in relation to a complaint, but the member must provide, at the superior's request, a report concerning the activities performed during the member's work.

### DIVISION III EXAMINATION OF COMPLAINTS

**26.** Within 40 days of receiving the complaint, the person in charge of processing complaints must, after a preliminary analysis,

(1) dismiss the complaint if it appears on its face frivolous, vexatious, unfounded or made in bad faith;

(2) assign the case to an investigator for an investigation to be carried out.

The person in charge of processing complaints must inform in writing the member concerned that a complaint has been lodged against the member and inform the member of the nature of the complaint and of the decision taken under the first paragraph within 10 days of that decision, except if the fact of informing the member is likely to interfere with the conduct of the investigation. The person also notifies the complainant of the decision.

Failure to notify the member concerned in accordance with this section may not lead to a dismissal of the complaint, unless the member establishes that he or she was prevented from the possibility to present a full and complete defence.

**27.** Before the beginning of the investigation or while the investigation is in progress, the person in charge of processing complaints may dismiss the complaint if, in the person's opinion,

(1) the complaint is frivolous, vexatious, unfounded or made in bad faith;

(2) the complainant refuses to cooperate in the investigation.

The person in charge of processing complaints must inform in writing the member concerned by the complaint and the complainant of the decision taken under the first paragraph.

**28.** When meeting a member against whom a disciplinary complaint has been made, the investigator has the hierarchical authority necessary to perform his or her duties.

**29.** The investigation report must be submitted to the person in charge of processing complaints within 120 days, except where exceptional circumstances warrant otherwise.

**30.** After analyzing the investigation report, the person in charge of processing complaints may

(1) dismiss the complaint if the person is of the opinion that it is frivolous, vexatious, unfounded, made in bad faith or that the evidence is insufficient;

(2) refer the complaint to conciliation;

(3) cite the member with a breach of discipline, except in the case of the Director General or a deputy director, in which case the complaint is sent to the Associate Secretary General responsible for senior positions at the Ministère du Conseil exécutif.

The person in charge of processing complaints informs the member concerned and the complainant of the decision taken under the first paragraph, including reasons.

**31.** Where the person in charge of processing complaints dismisses a complaint under section 30, he or she may, in the interest of the public, the Sûreté or the member who is the subject of the complaint,

(1) communicate to the member comments or observations of a nature to improve the member's professional conscience or to avert the commission of a breach of discipline;

(2) submit the member to a medical examination;

(3) order the member to undergo training or take a refresher course provided by a police training institution.

The comments or observations communicated to the member in accordance with subparagraph 1 of the first paragraph do not constitute a disciplinary action. They must be sent to the member by an officer and no copy is to be entered in the member's personal file.

**32.** The person in charge of processing complaints may suspend the disciplinary procedure where the member against whom a disciplinary complaint has been made is the subject of an investigation or criminal proceeding.

#### DIVISION IV CONCILIATION

**33.** The person in charge of processing complaints, when referring a complaint to conciliation in accordance with section 30, designates a conciliator and sends a copy of the file to the conciliator.

The member concerned and the complainant may also, with the authorization of the person in charge of processing complaints, have recourse to conciliation in every step of the disciplinary process. The person in charge of processing complaints designates a conciliator and sends of copy of the file to the conciliator.

**34.** The object of conciliation is to resolve the complaint lodged against one or more members through a settlement accepted by the complainant and the member and approved by the person in charge of processing complaints.

The complainant and the member must collaborate during the conciliation proceedings.

**35.** The conciliator serves a notice of meeting to the member and complainant indicating the date, time and place of the conciliation session at least 7 days before it is held.

The complainant may be accompanied by the person of his or her choice and the member may be accompanied by a member of his or her union or professional association.

**36.** At the end of conciliation, the settlement reached must be recorded in writing by the conciliator, signed by the complainant and the member, and approved by the person in charge of processing complaints. The complaint is deemed to have been withdrawn and no mention of the complaint is to be entered in the member's personal file.

**37.** A settlement must be reached within 45 days as of the date on which the file is sent to the conciliator by the person in charge of processing complaints who may authorize an extension of that period and fix the terms and conditions of any extension.

**38.** As soon as the conciliator concludes that conciliation will not lead to a settlement, the conciliator reports to the person in charge of processing complaints. The file is then returned to the person in charge of processing complaints so that the person may make a new decision under section 30.

**39.** The person in charge of processing complaints may terminate conciliation, if deemed necessary. The file is then returned to the person in charge of processing complaints so that the person may make a new decision under section 30.

**40.** No answer given and statement made by the complainant or member during conciliation may be used or admitted as evidence in judicial or quasi-judicial proceedings.

#### DIVISION V DISCIPLINARY CITATION

##### §1. *General*

**41.** A disciplinary citation is a proceeding subsequent to a complaint concerning the conduct of a member, the purpose of which is to decide whether the conduct is a violation of this By-law which may entail the imposition of a penalty.

The citation contains as many counts as there are alleged violations. Each count of a citation must describe the conduct constituting a violation of this By-law and indicate what provision has allegedly been violated, as well as the time and place of the alleged violation. The citation is served on the member concerned.

**42.** A breach of discipline with which a member is charged gives rise to a single violation per citation and is liable to a single penalty, except if that breach also constitutes a violation of subparagraph 1 of the second paragraph of section 5.

This section does not prevent a member from being charged with more than one breach of discipline committed at the time of the same event.

**43.** Where the person in charge of processing complaints cites a member with a breach of a discipline in accordance with section 30, the person must decide whether the citation will be heard before an officer designated in accordance with subdivision 2 or before the discipline committee in accordance with subdivision 3.

In addition, if the member is cited before the discipline committee, the person in charge of processing complaints determines whether the committee must sit at 1 or 3 members.

For the purposes of this section, the person in charge of processing complaints must consider whether the alleged violation involves a member of the public or not and the seriousness of the alleged violation, the complexity of the legal issues or the alleged facts, and whether the member has been previously disciplined.

**44.** Despite section 43, an officer must be cited before 3 members of the discipline committee.

**45.** The person in charge of processing complaints acts as the complainant where the member is cited with a breach of discipline.

The person in charge of processing complaints and the cited member are parties to the discipline proceedings.

**46.** After the filing of a disciplinary citation, the person in charge of processing complaints sends to the union or professional association representing the cited member all the evidence relating to the disciplinary complaint.

**47.** The person in charge of processing complaints may withdraw at all times a disciplinary citation that the person filed.

## *§2. Provisions relating to a citation before a designated officer*

**48.** Where the person in charge of processing complaints cites a member before an officer, the person designates an officer from the district or management to which the cited member belongs and sends the file of the disciplinary complaint and the citation to the officer.

**49.** The designated officer serves on the cited member a notice of meeting indicating the date, time and place of the disciplinary interview at least 7 days before it is held.

Where the member does not present himself or herself at the date, time and place fixed, the file is then returned to the person in charge of processing complaints so that the person may make a new decision under section 30.

**50.** The member may be accompanied by a representative of his or her union association, which may intervene and make representations.

The member may rebut all the allegations contained in the investigation report and produce any document or transmit any information to explain the member's conduct.

Only the cited member is heard by the designated officer.

**51.** Unless the member's explanations require a supplementary investigation, the designated officer informs the member, within 7 days of the disciplinary interview and after consultation of the person in charge of processing complaints, of the decision he or she intends to render, which includes, as the case may be, the penalty that would be imposed.

Where the member acknowledges having committed the alleged breach, the designated officer informs the member of the penalty that would be imposed.

**52.** The designated officer may impose on the member one of the following penalties for each alleged breach:

(1) an order imposing that the member comply with reasonable conditions considered by the designated officer desirable to ensure the member's good conduct and prevent any repetition of the offence;

(2) a warning;

(3) a reprimand;

(4) a suspension without salary for a maximum period of 5 days.

Members who fail to comply with the conditions of an order rendered under subparagraph 1 of the first paragraph commit a breach of discipline.

**53.** Not later than 15 days after the designated officer has presented the proposed decision or penalty, as the case may be, the member must indicate to the designated officer whether or not he or she agrees.

Members who do not indicate within that period whether or not they agree with the proposal are deemed not to agree.

**54.** Where members agree with the proposal, the designated officer drafts, gives reasons for and signs the decision, which is then sent to the member, the person in charge of processing complaints and the Director General within 10 days of acceptance of the proposal by the member.

**55.** Where the member does not agree with the proposal, the designated officer reports to the person in charge of processing complaints. The file is then returned to that person's authority so that the person may make a new decision under section 30.

**56.** No answer given and statement made by the member and no proposal made by the designated officer may be used or admitted as evidence in judicial or quasi-judicial proceedings.

**57.** The disciplinary procedure before the designated officer must be terminated within 45 days of the date on which the file is sent to the designated officer by the person in charge of processing complaints who may authorize an extension of that period and fix the terms and conditions of any extension.

*§3. Provisions relating to a citation before the discipline committee*

**58.** A discipline committee consisting of not more than 10 officers appointed by the Director General and 5 persons, who are not police officers, appointed by the Minister of Public Security is hereby established.

**59.** The Director General designates, among the officers, a chair and a vice-chair of the discipline committee.

If the chair is absent or unable to act, the chair is replaced by the vice-chair.

**60.** Members of the discipline committee are appointed for a term of 2 years. Their term may be renewed.

Despite the foregoing, the member of the committee seized of a matter in accordance with section 62 may continue to examine and decide the matter, despite the expiry of the member's term.

Where a member seized of a matter is absent or unable to act, the chair of the committee may designate another member in accordance with section 62 to continue to examine and decide the matter.

**61.** The discipline committee is under the Director General's authority in the performance of its duties.

**62.** On receipt of a citation, the chair of the discipline committee designates from among the members of the committee, as the case may be,

(1) 1 member who must be an officer and who acts alone and as chair of the hearing;

(2) 3 members, 1 of whom is not a police officer, specifying which of the members, who must be an officer, acts as chair of the hearing.

**63.** If the cited member is an officer, the chair of the hearing must be of a rank equal to or greater than the rank of the cited officer.

**64.** The cited member must inform the person in charge of processing complaints of his or her plea within 10 days of service of the disciplinary citation. The person in charge of processing complaints sends the plea to the chair of the discipline committee.

The member who does not inform of his or her plea within that period is presumed to have denied committing the alleged breach.

**65.** On receipt of a plea, the chair of the discipline committee sets the date, time and place of the hearing and serves a notice on the parties at least 7 days before the date set for the hearing.

**66.** At the hearing, the cited member may be represented by an advocate of his or her choice, at the member's expense, an advocate designated by the member's union or professional association, a member of that association or a member of the Sûreté.

If the person representing the cited member is not a representative of the member's association, the association may be represented by an observer.

**67.** The discipline committee may, if it is considered relevant, summon as witnesses members of the Sûreté at the request of one of the parties.

This provision must not be construed as restricting the power of the parties to have relevant witnesses be heard.



**68.** The cited member or the person representing the member may apply for the recusation of one of the members of the discipline committee for a ground of reasonable cause to fear that the member will not be impartial, in particular where the member

- (1) could be called as a witness in the case;
- (2) was directly or indirectly involved in the event that gave rise to the disciplinary complaint or in the processing of that complaint;
- (3) was involved in a personal civil, criminal or family matter as regards the cited member.

**69.** A member presiding a hearing may convene the parties to a preparatory conference which may be held by means of a conference telephone call.

**70.** The discipline committee may, of its own authority or upon application by a party, for serious and valid reasons, postpone a hearing on the conditions it determines.

**71.** Where a cited member refuses or neglects, without valid reasons, to appear before the discipline committee or leaves the hearing room without authorization, the discipline committee may proceed in the member's absence.

**72.** At the hearing, the discipline committee must

- (1) read the disciplinary citation to the cited member;
- (2) allow the cited member to alter his or her plea;
- (3) allow the cited member to present a full and complete defence;
- (4) accept any evidence that it considers appropriate and relevant to ensure disclosure of the truth;
- (5) call, administer oath, question and discharge witnesses.

**73.** At the hearing, the person in charge of processing complaints must

- (1) describe the alleged breach of discipline;
- (2) submit evidence and make appropriate representations.

**74.** The disciplinary citation may be amended at any time as may be required to protect the rights of the parties. The discipline committee may not allow any amendment which would result in an entirely new citation having no relation to the original citation, except with the consent of the parties.

**75.** The depositions of witnesses before the discipline committee are recorded.

**76.** Hearings before the discipline committee are public. Despite the foregoing, the discipline committee may, of its own initiative or upon request, order that a hearing be held *in camera* or ban the publication or release of any information or document it indicates, in the interest of morality or public order, in particular to protect a person's privacy or reputation or the confidentiality of a police investigation procedure, a source of information or a police operation procedure.

**77.** At the hearing, the discipline committee may be assisted by a legal counsel who advises the committee on all questions of law or procedure, but abstains from taking part in deliberations and decisions.

**78.** The discipline committee decides whether the conduct of the member constitutes a violation of this By-law and, if so, imposes a penalty.

Before imposing a penalty, the discipline committee must allow the parties to be heard on the penalty.

**79.** The disciplinary penalty must be proportionate to the seriousness of the alleged violation, considering the circumstances of the event, the general conduct of the member and the contents of the member's disciplinary file.

**80.** Where the discipline committee decides that the member's conduct constitutes a violation of this By-law or that the member acknowledges having committed the alleged violation, the committee imposes one of the following penalties to the member for each violation within 20 days or, as the case may be, within 20 days following the submissions on penalty:

- (1) a warning;
- (2) a reprimand;

(3) a disciplinary suspension without pay for a period not exceeding 15 working days, if the committee sits at 1 member, or not exceeding 60 working days, if the committee sits at 3 members.

Where the discipline committee sits at 3 members, it may also impose one of the following penalties for each violation:

- (1) a demotion;
- (2) dismissal.

**81.** The discipline committee may, if it considers it warranted by the interest of the public, the Sûreté or the cited member, order the member to comply with reasonable conditions considered by it desirable to ensure the member's good conduct and prevent any repetition of the offence. A member who fails or refuses to comply with such conditions commits a breach of discipline.

**82.** The discipline committee renders a decision based on the evidence collected during the hearing. The decision must be in writing, with reasons and signed by the participating members and sent to the cited member, the person in charge of processing complaints and the Director General within 30 days of the imposition of the penalty. The complainant is also informed of the discipline committee's decision.

The decision of the committee that sits at 3 members is made by a majority of the members.

#### **DIVISION VI REVIEW AND EXECUTION OF A DISCIPLINARY DECISION**

**83.** A review by the Director General may be made from a final decision of a designated officer or the discipline committee subsequent to the filing of a citation, at the request of a party within 15 days of the decision.

The Director General may also review such a decision of his or her own initiative within 30 days of the decision.

**84.** Before reviewing a decision, the Director General must so inform the parties and give them an opportunity to make representations in writing.

**85.** The Director General may confirm, cancel or amend the decision reviewed by the Director General and substitute therefor one of the penalties provided for in section 52 or 80, as the case may be.

The decision of the Director General is sent without delay to the member concerned and to the person in charge of processing complaints. The complainant is also informed of the Director General's decision.

**86.** Every disciplinary decision from a designated officer or the discipline committee becomes executory on the expiry of the period provided for in the second paragraph of section 83.

A review decision from the Director General is executory immediately.

**87.** Despite section 86, a disciplinary penalty of dismissal imposed on a member becomes executory on the Minister's decision.

**88.** A member on whom suspensions without pay have been imposed after more than one violation serves the penalties consecutively or concurrently, according to the decision of the designated officer or the discipline committee.

**89.** On a written application by a member on whom a suspension without pay has been imposed by a designated officer or the discipline committee, the Director General may determine that the number of days during which the member would thus be without pay be reduced totally or partially by the member's annual vacation, statutory holidays or future weekly leave at the rate of 1 per week.

On a written application by a member on whom a suspension without pay has been imposed by a designated officer or the discipline committee, the Director General may reduce the member's salary class for a duration equivalent to the number of days of the suspension.

The member must file those applications with the Director General not later than 7 days after the disciplinary decision has become executory.

**90.** No reference to a breach of discipline found not proved against a member may be entered in the member's personal file.

#### **DIVISION VII STRIKING OFF OF A DISCIPLINARY PENALTY**

**91.** A member on whom a disciplinary penalty other than dismissal has been imposed may, after 3 years in the case of a disciplinary suspension without pay or of a demotion and after 2 years in the case of a warning or a reprimand, apply in writing to the Director General for the penalty to be dismissed.

**92.** If the Director General grants the dismissal application, no reference to the disciplinary penalty may be kept in the member's personal file.

#### **CHAPTER IV INTERPRETATION**

**93.** The powers assigned to the Director General by this By-law may also be exercised by an officer designated by the Director General.

**94.** This By-law must not be construed as restricting the administrative power of the Director General to suspend temporarily with or without pay a member suspected of having committed a criminal or penal offence or a serious breach of discipline where the Director General is of the opinion that it is expedient to remove such member temporarily from the Sûreté.

## CHAPTER V TRANSITIONAL AND FINAL

**95.** Every disciplinary complaint whose process is in progress on (*insert the date preceding the date of coming into force of this By-law*) is continued in accordance with this By-law, with the necessary modifications.

The periods for the striking off of a penalty in section 91 apply to the disciplinary penalties imposed before the coming into force of this By-law.

**96.** The members of the discipline committee appointed in accordance with section 54 of the Regulation respecting the discipline of members of the Sûreté du Québec (R.R.Q., c. P-13.1, r. 2) become members of the discipline committee constituted in accordance with section 58 of this By-law.

**97.** This By-law replaces the Regulation respecting the discipline of members of the Sûreté du Québec (R.R.Q., c. P-13.1, r. 2).

**98.** This By-law 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)

### Medical technologists — 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 professionnel des technologistes médicaux du Québec, made by the board of directors of the Ordre des technologistes médicaux du Québec and appearing below, 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 specifies certain sections and determines new derogatory acts to the dignity of the profession.

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

Further information may be obtained by contacting Alain Collette, Director General and Secretary, Ordre professionnel des technologistes médicaux du Québec, 281, avenue Laurier Est, Montréal (Québec) H2T 1G2; telephone: 514 527-9811, extension 3005; fax: 514 527-5314.

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<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they 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 the members of the Ordre professionnel des technologistes médicaux du Québec

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

**1.** The Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec (c. C-26, r. 243) is amended by replacing section 1 by the following:

“**1.** This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties and obligations to be discharged by every member of the Ordre professionnel des technologistes médicaux du Québec.”

**2.** Section 2 is amended by replacing “and integrity” by “, integrity and based on the interest of his or her clients.”

**3.** Section 4 is amended by adding the following sentence: “If the interest of the client so requires, the medical technologist must consult another member of the Order, a member of another professional order or any other competent person, or refer the client to one of those persons.”

**4.** The heading of Division VII is replaced by the following: “INFORMATION, CHOICE AND CONSENT OF THE CLIENT”.