

Regulations and other Acts

Gouvernement du Québec

O.C. 599-2013, 12 June 2013

Professional Code
(chapter C-26)

Social workers

— Professional activities engaged in by social workers that may be engaged in by persons trained in criminology

Regulation respecting certain professional activities engaged in by social workers that may be engaged in by persons trained in criminology

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that section, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the board of directors of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec made the Regulation respecting certain professional activities engaged in by social workers that may be engaged in by persons trained in criminology and sexology;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, 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 (chapter R-18.1), a draft of the Regulation respecting certain professional activities engaged in by social workers that may be engaged in by persons trained in criminology and sexology was published in Part 2 of the *Gazette officielle du Québec* of 5 December 2012 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting certain professional activities engaged in by social workers that may be engaged in by persons trained in criminology, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting certain professional activities engaged in by social workers that may be engaged in by persons trained in criminology

Professional Code
(chapter C-26, s. 94, par. *h*)

DIVISION I GENERAL

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by social workers, those that may be engaged in by persons trained in criminology.

2. In this Regulation, “person trained in criminology” means any person who holds a bachelor’s degree or a master’s degree in the field of criminology issued by Université Laval, the Université de Montréal or the University of Ottawa.

3. A person trained in criminology may, within the scope of the activities referred to in subparagraph *i* of paragraph *d* of section 37 of the Professional Code (chapter C-26), engage in the following professional activities :

(1) assess a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional;

(2) assess a person further to a decision of the director of youth protection or of a tribunal made under the Youth Protection Act (chapter P-34.1);

(3) assess an adolescent further to a decision of a tribunal made under the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1);

(4) make decisions as to the use of restraint measures in accordance with the Act respecting health services and social services (chapter S-4.2) and the Act respecting health services and social services for Cree Native persons (chapter S-5);

(5) make decisions as to the use of isolation measures in accordance with the Act respecting health services and social services and the Act respecting health services and social services for Cree Native persons.

4. A person trained in criminology must, to engage in the professional activities referred to in section 3, be registered in the register kept by the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec and meet the requirements related to the mandatory training provided for in this Regulation.

5. A student registered in a program of studies leading to a diploma issued by an educational institution referred to in section 2 may, under the supervision of a training supervisor holding a diploma referred to in that section, engage in the professional activities referred to in paragraphs 2 and 3 of section 3 where the activities are required for the completion of the program of studies.

The training supervisor must be registered in the register kept by the Order.

The educational institution referred to in section 2 sends, on request, to the Order the particulars of the training supervisor and the student supervised as well as the conditions of supervision.

DIVISION II MANDATORY TRAINING

6. A person trained in criminology must complete at least 6 hours of training for each professional activity engaged in per 2-year reference period.

7. A person trained in criminology chooses, among the eligible training activities determined in section 8, those provided for in the program of training activities established by the Order pursuant to section 9 or recognized by the Order pursuant to section 10 and that are related to the professional activity engaged in.

DIVISION III TRAINING ACTIVITIES

8. Participation in courses, seminars, symposiums, conferences or conventions offered by persons, university educational institutions, organizations or specialized institutions are eligible training activities.

The training activities must relate to at least one of the following subjects :

- (1) evaluation procedures and methods;
- (2) intervention procedures and methods;
- (3) the clientele covered by the training activity;
- (4) legal and organizational aspects of the practice;
- (5) problems related to human development.

9. The Order establishes a program of training activities referred to in the first paragraph of section 8. To that end, the Order determines the training activities constituting the program, that is, courses, seminars, symposiums, conferences or conventions and the persons, university educational institutions, organizations or specialized institutions authorized to offer them.

The determination is made by taking into consideration the following criteria :

- (1) the existence of training objectives and their nature;
- (2) the competence and qualifications of the instructor in relation to the subject matter;
- (3) the curricular framework;
- (4) the quality of instructional material provided;
- (5) the recognition of attendance to or successful completion of the training activity.

10. A training activity referred to in the first paragraph of section 8 that is not listed in the program of training activities established by the Order may be recognized on request by a person trained in criminology. The request must be sent to the Order at least 60 days before the date set for the holding of the activity or within 120 days following the date on which it is held, along with the supporting documents specifying the activity concerned, its duration, content, the person in charge or the instructor and, if applicable, the result obtained and any other information allowing to establish that the activity complies with the criteria in the second paragraph of section 9.

The request for recognition following the date on which the training activity is held is valid only for the person having attended the training activity.

The Order rules on the request within 30 days of its receipt.

In case of refusal, the secretary of the Order notifies the person in writing of its decision. The secretary also informs the person of his or her right to apply for a review of the decision within 15 days of receipt of the notice. The person must send the application for review in writing to the secretary of the Order, along with his or her written observations.

DIVISION IV EXEMPTION FROM TRAINING

11. A person trained in criminology who shows that it is impossible for him or her to comply with the required training may, for a given reference period, be exempted from having to attend training.

To obtain an exemption, the person applies to the Order by completing the form provided for that purpose and provides the following information :

- (1) the reasons for the exemption;
- (2) a doctor's note or any other proof attesting to the fact that the person is unable to attend.

Before refusing an application for exemption, the Order must so notify the applicant and inform the applicant of his or her right to submit written observations within 15 days. The Order sends its decision to the applicant within 60 days of receipt of the application.

12. As soon as the exemption is no longer required, the person trained in criminology must so notify the Order in writing and comply with the training requirement prescribed by this Regulation, under the terms and conditions set by the Order.

Before setting the terms and conditions, the Order must so notify the person in writing and inform the person of his or her right to submit written observations within 15 days. The Order determines the terms and conditions of training within 60 days of receipt of the notice informing it that the exemption is no longer required

DIVISION V MONITORING

13. A person trained in criminology must, not later than 31 May after the end of each reference period, send to the Order a declaration of training in which the following information is recorded:

(1) the training activities attended during that reference period;

(2) the number of hours completed during that reference period.

The Order may request any document in support of the information recorded in the declaration of the person who must then send it within 10 days after the date of receipt of the request.

14. The Order sends a notice to the person trained in criminology who failed to comply with the requirements of sections 6 and 13, indicating the obligations not complied with and informing the person that the person has 90 days from the receipt of that notice to remedy the default.

Training hours completed after the default may only be computed for the year of the reference period during which the person was in default.

15. The person trained in criminology must keep, for at least 2 years after the end of a reference period, the documents in support of the information recorded in the person's declaration of training.

DIVISION VI DEFAULT

16. The Order sends a final notice to the person trained in criminology who failed to remedy the default indicated in the notice referred to in section 14, informing the person that the person has an additional 15-day period from the receipt of the final notice to remedy the default and that, otherwise, the person must cease to engage in the professional activity concerned until the person provides the Order with proof that the person has met the requirements indicated in the notice.

DIVISION VII TRANSITIONAL AND FINAL

17. For the purposes of this Regulation, the first reference period begins on 1 April 2014.

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

19. This Regulation ceases to have effect on 1 October 2016.