

Gouvernement du Québec

O.C. 1233-2017, 13 December 2017

Professional Code
(chapter C-26)

**Disciplinary councils of professional orders
— Code of ethics applicable to members**

Code of ethics applicable to members of the disciplinary councils of professional orders

WHEREAS, under section 117.2 of the Professional Code (chapter C-26), the Government, after consulting with the Bureau des présidents des conseils de discipline and the Québec Interprofessional Council, is to establish, by regulation, a code of ethics applicable to members of the disciplinary councils;

WHEREAS, in accordance with the first paragraph of section 117.3 of the Code, the code of ethics sets out the rules of conduct of disciplinary council members and their duties towards the public, the parties, the parties' witnesses and the persons representing the parties; it defines, in particular, conduct that is derogatory to the honour, dignity or integrity and it may also determine the activities or situations that are incompatible with the office held by the members of a disciplinary council, the obligations of those members concerning the disclosure of interests, and the functions the members may exercise free of charge;

WHEREAS, in accordance with the second paragraph of section 117.3 of the Code, the code of ethics may include special rules governing disciplinary council members other than the chair;

WHEREAS, in accordance with section 117.2 of the Code, the Bureau des présidents des conseils de discipline and the Québec Interprofessional Council has been consulted;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), two drafts Code of ethics applicable to members of the disciplinary councils of professional orders were published in Part 2 of the *Gazette officielle du Québec* of 22 July 2015 and of 29 March 2017 with a notice that they could be made by the Government on the expiry of 45 days following those publications;

WHEREAS it is expedient to make the Code with amendments;

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

THAT the Code of ethics applicable to members of the disciplinary councils of professional orders, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

**Code of ethics applicable to members
of the disciplinary councils of
professional orders**

Professional Code
(chapter C-26, ss. 117.2 and 117.3)

**DIVISION I
PRELIMINARY**

1. The purpose of this Code is to set out the rules of conduct and the duties of the members of the disciplinary councils of professional orders in order to ensure public trust in the impartial and independent exercise of their functions.

2. The members of the disciplinary council administer justice within the framework of the law.

**DIVISION II
RULES OF CONDUCT AND DUTIES OF MEMBERS**

3. Members must exercise their functions with complete independence, free of any interference.

4. Members must exercise their functions with honour, dignity and integrity. They avoid any conduct likely to discredit them.

5. Members must be overtly impartial and objective.

6. Members must act in a respectful and courteous manner towards the persons appearing before them during the hearing.

7. Members must exercise their functions without discrimination and with open-mindedness.

8. Members must take the measures required to keep up-to-date and upgrade the knowledge and skills necessary in the exercise of their functions within the disciplinary council.

9. Members must respect the secrecy of deliberations.

10. Members must exercise their functions with diligence to promote the expeditious nature of the decision-making process.

11. Members must uphold the integrity of their functions and defend their independence, in the higher interest of justice.

DIVISION III INCOMPATIBLE SITUATIONS AND ACTIVITIES

12. Members must refrain from engaging in any activity or placing themselves in any situation which could affect the dignity of their functions or discredit the disciplinary council.

13. Members must refrain from engaging in any activity or placing themselves in a situation which could compromise the effective exercise of their functions or could be a recurrent reason for recusation.

14. Members, other than the chair, may exercise functions within a non-profit organization insofar as they do not compromise their impartiality or the effective exercise of their functions. The chair may not exercise such functions within such an organization unless it is free of charge.

15. Members may not be directors or officers of a legal person or any other group of persons whose main purpose is to promote the rights or to defend the interests of the members of their order and, in the case of the chair, of any professional order.

16. The chair must not engage in any activity or partisan political participation at the federal, provincial, municipal or school level.

DIVISION IV DISCIPLINARY PROCESS APPLICABLE TO MEMBERS OTHER THAN CHAIRS

17. For the purposes of this Code, the authority competent to act in respect of members of the disciplinary council other than the chair is the board of directors of the professional order that appointed them.

18. A person may file a complaint with the board of directors of the order against a member of the disciplinary council other than the chair for a breach of this Code.

19. The complaint must be in writing and set out the grounds on which it is based.

It is received by the secretary of the order who sends it as soon as possible to the board of directors and sends an acknowledgement of receipt to the complainant within 5 business days after the complaint is received.

20. At its first meeting following receipt of a complaint, the board of directors of the order forms, under paragraph 2 of section 86.0.1 of the Professional Code (chapter C-26), a committee of inquiry in charge of processing the complaint.

The committee is composed of at least 3 persons, including one who is chosen from among the persons whose names appear on the list drawn up by the Office des professions du Québec under section 78 of the Professional Code.

Each member of the committee takes the oath in Schedule II to the Professional Code.

21. The committee may require of any person the information it considers necessary and examine the file, but it is bound by an order of the disciplinary council banning the disclosure, publication or release of information.

22. The committee may, upon summary examination, dismiss a complaint that the committee considers excessive, frivolous or clearly unfounded.

23. Where the committee considers that a complaint is admissible, it sends a copy to the member against whom the complaint is made.

24. After notifying the member against whom the complaint is made and the complainant that they may make observations within 15 days after receipt of the notice and may be heard if they consider it necessary, the committee decides the complaint within 15 days after receipt of the observations and sends its decision to the board of directors.

25. Where it is concluded that the member has violated this Code, the board of directors of the order imposes, in accordance with the recommendation of the committee, a penalty.

The penalties that may be imposed are a reprimand, a suspension or the revocation of the mandate as member of the disciplinary council.

The board of directors informs the member and the complainant of its decision within 15 days of the date on which it is rendered.

DIVISION V FINAL

26. This Regulation comes into force on 1 February 2018.