

Draft Regulations

Draft Regulation

Professional Code
(chapter C-26)

Physicians

— Professional activities that may be engaged in by a clinical perfusionist

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting professional activities that may be engaged in by a clinical perfusionist, made by the board of directors of the Collège des médecins du Québec, 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 purpose of the draft Regulation is to extend the period of application of the Regulation respecting professional activities that may be engaged in by a clinical perfusionist (chapter M-9, r. 3.1) for a 5-year period, that is, until 1 April 2024.

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

Further information may be obtained by contacting Linda Bélanger, assistant director of legal services, Collège des médecins du Québec, 1250, boulevard René-Lévesque Ouest, bureau 3500, Montréal (Québec) H3B 0G2; telephone: 1 888 633-3246 or 514 933-4441, extension 5362; fax: 514 933-3112; email: lbelanger@cmq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Diane Legault, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e 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 as well as to interested persons, departments and bodies.

DIANE LEGAULT,
*Chair of the Office des
professions du Québec*

Regulation to amend the Regulation respecting professional activities that may be engaged in by a clinical perfusionist

Professional Code
(chapter C-26, s. 94, 1st par., subpar. h)

1. The Regulation respecting professional activities that may be engaged in by a clinical perfusionist (chapter M-9, r. 3.1) is amended in section 7 by replacing “2019” by “2024”.

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

103751

Draft Regulation

Professional Code
(chapter C-26)

Social workers and marriage and family therapists — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Code of ethics of the members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, made by the board of directors of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, appearing below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation replaces the Code of ethics of the members of the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec (chapter C-26, r. 286) in order to update certain duties imposed on members of the Order so as to take into account in particular the new realities of the practice of the profession.

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

Further information may be obtained by contacting Jean-François Savoie, advocate and legal counsel, Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, 255, boulevard Crémazie Est, bureau 800, Montréal (Québec) H2M 1L5; telephone: 514 731-3925 or 1 888 731-9420; email: info.general@optsq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Diane Legault, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e 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 as well as to interested persons, departments and bodies.

DIANE LEGAULT,
*Chair of the Office des
professions du Québec*

Code of ethics of the members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec

Professional Code
(chapter C-26, a. 87)

PREAMBULE

WHEREAS the practice of the profession of social worker and of marriage and family therapist is based on the following values and principles which a social worker and a marriage and family therapist must take into consideration in all circumstances:

- (1) the respect of the dignity of the person;
- (2) the respect of the rights of persons, families, groups and communities;
- (3) the respect of the principles of the autonomy of the person and of self-determination;
- (4) the right of every person in danger to receive assistance and protection in accordance with his needs;
- (5) the promotion of the principles of social justice;
- (6) the belief in the capacity of a person to evolve and develop;
- (7) the recognition that the person, couples and families form part of interdependent systems and are potentially actors of change;

(8) the promotion of well-being of persons, couples and families.

CHAPTER I GENERAL PROVISIONS

1. In this code, unless the context indicates otherwise,

(1) “member” means a person who is entered on the roll of the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec;

(2) “client” means any person, group, community or organization to whom the member renders or undertakes to render professional services.

2. This Code determines, pursuant to section 87 of the Professional Code (chapter C-26), the duties and obligations to be discharged by every member of the Order, regardless of how they practice their professional activities or the circumstances in which they practice them.

It also sets out the values and ethical principles that form the foundation of the professions of social worker and marriage and family therapist.

3. The duties and obligations under the Professional Code (chapter C-26) and its regulations are in no way modified or reduced by the fact that the member:

(1) carries on his professional activities within a partnership or a joint-stock company;

(2) uses information and communication technologies, including social media or a virtual network.

4. The member must take reasonable means to ensure that every person who collaborates with him in the practice of his profession and any partnership or joint-stock company in which he practises his profession comply with the Professional Code (chapter C-26) and its regulations, including this Code.

CHAPTER II GENERAL DUTIES

5. The member must act with respect, moderation and courtesy.

6. The member have a duty to be competent. He must practices his profession according to generally recognized standards in his profession.

7. The member must fulfill his professional duties with integrity.

8. The member may not perform any act or behave in any manner that is contrary to what is generally admissible in the practice of the profession, or that is likely to tarnish the image of the profession.

9. The member who undertake any research project on human beings, or who is called to collaborate on such a project must ensure that the project complies with the generally recognized scientific principles and standards regarding research ethics.

10. The member must ensure that any person who assists him or is under his supervision in the practice of his profession is qualified and has the competence required to perform the tasks assigned.

11. The member must bear in mind the general effect his professional activities may have on his clients as well as on society

12. The member must promote and support every measure likely to improve the quality and availability of professional services in the field of social work or of marriage and family therapy.

13. The conduct of the member towards every person with whom he enters into a professional relationship must be beyond reproach.

14. The member must respect the confidentiality of the identity of the persons with whom he enters into a professional relationship, in particular by refraining from gathering information and exploring aspects of their private lives that have no relation with providing professional services to clients.

15. The member must avoid any misrepresentation with respect to his competence or the efficiency of his own services or those generally provided by the members of his profession or, where applicable, those generally provided by persons who work with him or who carry on their activities within the same partnership or joint-stock company as him.

16. No member may, in the practice of his profession, advise, recommend or induce anyone to commit acts which are contrary to law.

17. The member must not:

(1) commit an act involving collusion, corruption, malfeasance, breach of trust or influence peddling;

(2) attempt to commit such an act or counselling another person to do so; or

(3) conspire to commit such an act.

18. No member may, in respect of a client's record or any report, register, receipt or document related to the profession,

(1) falsify them, in particular by altering any notes already entered therein or by inserting any notes under a false signature;

(2) fabricate any false records, reports, registers, receipts or documents;

(3) enter therein any false information.

19. Except for the remuneration to which he is entitled, the member must not receive, pay or promise to pay any benefit, rebate or commission in connection with the practice of his profession other than customary tokens of appreciation or gifts of small value.

20. The member must not urge a person pressingly or repeatedly to retain his professional services or to participate in research.

21. The member must refrain from practising his profession if his state of health is an obstacle to doing so, or in any condition or state that may compromise the quality of his professional services.

22. In his practice, the member must assume full personal civil liability. He may not evade or attempt to evade personal civil liability or request that a client or person renounce any recourse taken in a case of professional negligence on his part. He may not invoke the liability of the partnership or joint-stock company within which he carries on his professional activities or that of another person also carrying on activities as a ground for excluding or limiting his personal professional liability.

CHAPTER III DUTIES TO THE CLIENT

DIVISION I CONSENT

23. Before agreeing with a client to provide professional services and while providing them, the member must take into account the ethical factors pertaining to the client and the context in which he will work. He must also consider the client's request and expectations and the extent of his skills and means at his disposal.

24. The member must, except in an emergency, obtain the free and enlightened consent of his client, the client's representative or parents, in the case of a child under 14 years of age, before providing professional services.

To enable his client to give free and enlightened consent, the member must inform the client and ensure that the client understands, in particular

- (1) the objective, nature and relevance of the professional services;
- (2) the alternatives, limits and constraints on the professional service;
- (3) the use of information obtained;
- (4) the implications of sharing information with other persons or sending a report to other persons;
- (5) If applicable, the fees, the collection of interest on accounts and the terms of payment.

25. The member must ensure that the consent remains free and enlightened throughout the professional relationship.

26. The member must acknowledge the client's right to revoke his consent at any time.

27. The member who wishes to tape or film an interview must obtain written authorization from his client or the client's legal representative, in the case of a child under 14 years of age. This authorization must specify the intended use of the recording or film and the measures required for revoking the authorization.

DIVISION II QUALITY OF THE PROFESSIONAL RELATIONSHIP

28. The member must at all times recognize his client's right to consult another professional or any other competent person.

29. The member must be available and diligent in respect of his client. If unable to meet a request within a reasonable time that will not be prejudicial to the client, he must inform the client of the time when he will be available.

30. The member practices his profession in a framework that allows him to ensure the quality of his services. If financial, institutional or political pressures or constraints are brought to bear on him in the practice of his profession, he must clearly inform his client of the consequences those kind of pressures or constraints might entail.

31. If the well-being of a client so requires, the member must, with his client's authorization, consult another member, a member of another professional order or any other competent person; he may also refer his client to any one of those persons.

32. The member seeks to establish and maintain a relationship of mutual trust and respect with his client.

33. During the professional relationship, the member must not establish relations of an intimate nature likely to affect the quality of the professional services, or relations of an amorous or sexual nature with a client, and must refrain from making remarks or improper gestures of a sexual nature to a client.

The duration of the professional relationship is determined taking particular account of the nature of the problems and the duration of the professional services provided, the client's vulnerability and the likelihood of having to provide professional services to the client again.

34. The member must not make an assessment of his client's situation and must not perform any acts involving him unless he has sufficient data to do so.

35. The member acting as expert or carrying out an assessment, must:

- (1) clearly inform the person subject to the expert's opinion or assessment of the person to whom the report is being sent and of the manner in which a copy of the report may be requested;

- (2) avoid obtaining any information from that person or making any interpretations or comments not relevant to the expert's opinion or assessment; any information received that is unrelated to the expert's opinion or assessment must remain confidential; and

- (3) limit his report or recommendations and, if applicable, his deposition before the court to information relevant to the expert's opinion or assessment.

36. The member must refrain from interfering in the personal affairs of his client on subjects that are not relevant to the practice of his profession.

37. The member must not receive any monetary remuneration from clients other than his fees.

38. The member must not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

39. If the member uses computer technology for his professional services to the client, the member must make sure:

- (1) the client's identity is protected;
- (2) the client is able to use the computer technology;
- (3) the computer technology is appropriate for the client's needs;
- (4) the client understands the purpose and operation of the computer technology.

DIVISION III PROFESSIONAL SECRECY

40. The member must preserve the secrecy of all confidential information that becomes known to him in the practice of his profession.

The member may be released from his obligation of professional secrecy only where so authorized by his client or where so ordered or expressly authorized by law.

In order to obtain the client's authorization, the member must inform the client of the use and possible implications of the transmission of information.

41. In addition to the cases provided for in section 40, the member may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the member may only communicate the information to a person exposed to the danger or that person's representative, or to the persons who can come to that person's aid.

The member may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

42. The member who, pursuant to section 41, communicates information protected by professional secrecy to prevent an act of violence must:

- (1) communicate the information immediately;
- (2) use the most effective means to communicate the information in the circumstances; and

(3) enter in the client's record as soon as possible:

- (a) the reasons supporting the decision to communicate the information; and
- (b) the mode and subject of the communication and the name of the person to whom the information was given.

43. For the purpose of preserving professional secrecy, the member must, in particular:

- (1) refrain from any indiscreet conversation, including in social media, concerning his client and the professional services provided to the client;
- (2) not disclose that a client has requested his professional services or intends to use his professional services;

(3) not mention any factual information likely to identify the client and modify information likely to identify the client when using information obtained from the client for didactical, pedagogical or scientific purposes.

44. The member must not disclose or forward an assessment report to another person, except where necessary for the purposes of the law and where the other person requires it in the performance of his duties.

45. The member providing professional services to a group must inform the members of the group of the possibility that aspects of a member's or any other person's private life may be disclosed.

In this context, the member must give the group members instructions to enable them to respect the confidential nature of the information about other members' or any other person's private lives.

46. The member providing professional services to a couple or a family must preserve each member's right to professional secrecy.

47. The member must not use confidential information to the detriment of his client or with a view to deriving a direct or indirect personal advantage for himself or for others.

DIVISION IV PROFESSIONAL INDEPENDANCE AND CONFLICT OF INTEREST

48. The member must maintain his professional independence at all times. He must ignore any intervention or situation that could affect or influence the performance of his professional duties to the detriment of his client.

49. The member must act with objectivity and subordinate his personal interests or, where applicable, the interests of his employer, the partnership or joint-stock company within which he engages in his professional activities, his colleagues or another person who pays fees to those of his client.

50. The member must avoid any situation where he would be in a conflict of interest. Without restricting the generality of the preceding, the member is, in particular, in a conflict of interest when:

(1) the interests concerned are such that he may be influenced to favour certain interests other than those of his clients or when his judgment, objectivity, professional independence, integrity or loyalty towards his clients may be compromised;

(2) the circumstances offer him an undue advantage, either direct or indirect, real or potential.

When the member practice professional activities within a partnership or joint-stock company, situations of conflict of interest are assessed with regard to all clients within the company or partnership.

When the member who engages in his professional activities within a partnership or joint-stock company is in a conflict of interest, every other member in the company or partnership must, to avoid also being in conflict of interests, take reasonable measures to ensure that confidential information in the file involving the conflict of interest is not disclosed to him.

51. As soon as he become aware that he is in a conflict of interest or that he may be in such situation, the member must notify his client and ask the client for permission to continue providing him with professional services. The member must also take the means necessary to ensure that the situation does not cause prejudice to the client.

52. The member must, as far as possible, refrain from rendering professional services to any person with whom there is a relationship that could prejudice the quality of his professional services, in particular, to members of his own family, close friends, colleagues at work, and employees or students that he teaches.

53. Where the member practices his profession with several clients who may have divergent interests between them, he must inform them of his duty to be objective and of the specific actions he will take to provide professional

services. If the situation becomes irreconcilable with the impartial nature of his relationship with each client he must end the professional relationship.

54. The member must not incite a client to whom he renders services within the framework of his practice in an organization to become his client in private practice.

55. The member acting as an expert may not become the attending professional of a person who has been the subject of the expertise, unless expressly requested by the person and the member has obtained authorization from the persons concerned by the change of role.

56. The member must refrain from acting as expert on behalf of another person in a lawsuit against his client.

DIVISION V FEES

57. The member must charge and accept fair and reasonable fees warranted by the circumstances and corresponding to the services rendered. To determine his fees, the member considers in particular the following factors:

(1) his experience or particular competence;

(2) the time required to provide the professional services;

(3) the complexity of the professional services;

(4) the performance of professional services that are unusual or provided in unusual conditions; and

(5) the performance of professional services that require exceptional competence or celerity.

58. The member provides his clients with any explanations necessary to understand fees to be paid and payment procedures.

The member must notify his client in writing of the approximate and expected cost of his professional fees and other expenses and he must notify his client immediately of any cost modifications.

59. The member may not claim fees that are unwarranted, in particular for performing acts that he knew or should have known were unnecessary or disproportionate to the client's needs.

60. The member may only claim fees for professional services provided. However, he may, by written agreement with his client:

(1) require partial payment if he acts as consultant to a client in connection with a long-term contract;

(2) require administrative fees for an appointment missed by the client according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees.

61. Subject to the law, the member must only accept fees from a single source for a given service, unless it is otherwise agreed in writing by all parties concerned.

62. Where applicable, the member may share his fees with another person to the extent that such sharing corresponds to the distribution of services and responsibilities.

63. The member must not forward a bill to a client covering fees for interviews, communications and correspondence with the syndic when the latter asks the member for explanations or information concerning a complaint filed by a client or another person.

64. With regard to the collection of payment, the member must:

(1) not collect interest on outstanding accounts unless he has a written agreement to this effect with his client in advance. The interest thus charged must be at a reasonable rate;

(2) take reasonable means available to him to recover fees and other expenses before instituting legal proceedings;

(3) ensure, as far as possible, that the person appointed to collect fees proceeds with tact and moderation as well as with respect for the confidentiality and practices related to debt collection authorized by law.

65. The member who practices within a partnership or joint-stock company must ensure that the fees and expenses relating to the professional services provided by members 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 the member.

DIVISION VI CONDITIONS AND PROCEDURES OF THE EXERCISE OF THE RIGHT TO ACCESS AND RECTIFY RECORDS

*Provision applicable to members practicing
in the public sector*

66. The member who practices his profession:

(1) in a public body governed by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), or

(2) in an institution as defined in the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree and Inuit Native persons (chapter S-5), must respect the rules of access to and rectification of records set out in those acts and facilitate their application.

*Provisions applicable to members not practicing
in the public sector*

67. The member must allow his client or any other person authorized by the latter to consult or obtain a copy of documents concerning him in any record established in his regard.

The member may request reasonable fees not exceeding the cost for reproducing or transcribing documents and the cost of transmitting a copy of them.

The member who intends to charge such fees must, before proceeding with reproducing, transcribing or transmitting the information, inform the client of the approximate amount he will have to pay.

68. The member may temporarily deny access to information contained in a client's record if its disclosure would likely cause serious harm to the client's health. In such a case, the member must inform the client of the reasons for the refusal, enter the reasons in the record and inform the client of his recourses.

The member must refuse to release to a client information concerning him if such disclosure would likely reveal personal information concerning another person or the existence of such information, and the disclosure could seriously harm that other person, unless the latter consents to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.

69. The member must allow his client:

(1) to have any information that is inaccurate, incomplete, ambiguous, outdated or unjustified in any document concerning him corrected or deleted;

(2) to make written comments in the record concerning him.

The member must forward to his client, free of charge, a duly dated copy of the document or part of the document filed in his client's record so that the client may verify that the information has been corrected or deleted, or, as the case may be, give the client an attestation stating that the client's written comments have been entered in the record.

Upon a client's written request, the member must forward, free of charge, a copy of the corrected information or an attestation that the information was deleted or, as the case may be, that the written comments were filed in his record, to all persons who received information in the 6 preceding months and, where applicable, to the person who provided that information.

70. The member must allow his client or any person authorized by the latter to take back a document entrusted to him by the client.

71. The member must respond promptly and at the latest within 30 days of its receipt, to any request referred to in section 67, 69 or 70. The member may require that this request be made in writing at his professional domicile during his regular working hours.

DIVISION VII **CEASING TO PROVIDE SERVICES**

72. The member may not refuse or cease to act on behalf of a client before completing the agreed professional services unless he has sound and reasonable grounds. Sound and reasonable grounds include, in particular:

(1) the inability to establish or maintain a relationship of trust with his client;

(2) a real or apparent conflict of interest or in a situation in which the member's professional independence could be questioned;

(3) the likelihood that maintaining the professional services may, in the member's judgment, become more harmful than beneficial for the client;

(4) inducement by the client or a relative of the client to perform illegal, unjust, fraudulent acts or acts that are contrary to the provisions of this Code;

(5) non-compliance by the client with the conditions agreed on to provide services, including professional fees, and the impossibility of negotiating with the client a reasonable agreement to reinstate the conditions.

(6) the decision by the member to reduce or end his practice for personal or professional reasons.

73. The member who wishes to terminate the relationship with a client before completing the agreed professional services must give the client reasonable notice and ensure that the withdrawal of the professional services does not cause prejudice to the client or causes as little prejudice as possible.

He must ensure insofar as he is able that the client may continue to obtain the professional services required.

CHAPTER IV **DUTIES TO THE PROFESSION**

DIVISION I **PROFESSIONAL COLLABORATION AND COMMITMENT**

74. The member must ensure the quality of his professional services offered to the public, in particular,

(1) by ensuring that his level of competence is kept up to date and developed;

(2) by assessing the quality of his evaluations and actions; and

(3) by promoting education and information measures in the field in which he practices.

75. The member must not, in his relations with whomsoever in the practice of his profession, in particular a colleague or member of another professional order, denigrate him, abuse his confidence, willingly mislead him, betray his good faith or use disloyal tactics.

76. The member must not take credit for work performed by a colleague or any other person.

77. The member consulted by a colleague must provide his opinion and recommendations within a reasonable time. If unable to do so, he must so notify his colleague as quickly as possible.

78. The member must not take advantage of his position of authority or his function to unduly hinder or limit the professional independence of a colleague.

DIVISION II RELATIONSHIP WITH THE ORDER

79. The member must promptly answer, in a complete and truthful manner, all verbal and written requests from a staff member of the Order or a person performing the duties assigned to him by the Professional Code (chapter C-26) and its regulations and use the method of communication determined by them.

The member must also remain available for all meetings required by any one of those persons.

80. Subject to the member's duty of confidentiality to a client, the member must:

(1) inform the secretary of the Order if he has reason to believe:

(a) that a person does not meet the requirements to have a permit or to be entered on the Order's member roll;

(b) that a member does not respect the conditions of his permit or the restrictions on his right to practice;

(c) that a person who is not a member of the Order is using the title "Social worker" or "Marriage and Family Therapist", "Marriage Therapist", "Family Therapist" or a title or abbreviation that may lead one to believe that he is a member;

(d) that a person is illegally practicing a professional activity reserved for members of the Order;

(2) inform the syndic of the Order if he has reason to believe:

(a) that a member practices his profession in a manner likely to harm the public or that violates the provisions of this Code, the Professional Code (chapter C-26) or the regulations governing its application;

(b) that a partnership or joint-stock company within which members practice professional activities contravenes this Code, the Professional Code or one of the regulations governing its application.

81. The member who is informed of an inquiry into his professional conduct or competence or of a complaint lodged against him must refrain from communicating with the person who initiated the inquiry without the prior written permission of the syndic or an assistant syndic.

82. The member must not try to influence, intimidate, threaten, harass or take reprisals against a person because the person has reported or intends to report behaviour that is in contravention with the member's professional obligations, or because the person has collaborated or intends to collaborate in an inspection or inquiry in this regard.

83. The member must comply with all decisions rendered by the Order with regard to him and respect any agreements made with the board of directors, the executive committee, the secretary of the Order, a syndic or the professional inspection committee, including any committee to which the board of directors has delegated its authority in compliance with the provisions of the Professional Code (chapter C-26).

CHAPTER V DUTIES TO THE PUBLIC

DIVISION I PUBLIC STATEMENTS

84. In public statements dealing with social work or marriage and family therapy, the member must avoid making any exaggerated or purely sensational affirmations.

85. The member must be objective and moderate when he publicly comments on any traditional or new methods used in the field of his profession differing from the ones used by him, where they meet professional and scientific standards recognized in the profession.

86. The member must, in all professional activities addressing the public, stress the relative value of the information or advice being given.

87. The member must carefully interpret data gathered during his observations and any expert evaluations carried out as well as data received from his colleagues. In any written or verbal report, he must endeavour to reduce any possibility of such information being misinterpreted or used wrongly by presenting information in a style suited to the persons for whom it is intended.

DIVISION II ADVERTISING AND GRAPHIC SYMBOL OF THE ORDER

88. The member may not, in any way whatsoever, engage in or allow advertising intended for persons who may, in particular, be physically or emotionally vulnerable because of their age or the occurrence of a specific event.

89. The member may not, by any means whatsoever, engage in or allow advertising that is false, incomplete, deceitful or liable to mislead the public particularly as to his level or competence or the scope of effectiveness of his services, or those generally provided by the members of his profession or, where applicable, those generally provided by persons who work with him or who carry on their activities within the same partnership or joint-stock company as him.

90. No member may, in the advertisement, claim to possess specific qualities or skills, in particular as to his level of competence or the scope or effectiveness of his services, unless he can substantiate such claim.

91. The member must refrain from participating as a member in any form of advertising that recommends that the public buy or use a product or service unrelated to the field of his profession.

92. The member may not, in his advertising, use or allow to be used any endorsement or statement of gratitude in his regard or, where applicable, in regard of the partnership or joint-stock company in which he practices his profession.

93. The member may not engage, by any means whatsoever, in advertising that compares the quality of his services to that of services rendered by another member or by any other person, and may not discredit or denigrate such services.

94. Advertising about the prices of services provided by a member must be of a nature to inform a person who does not have special knowledge of the profession.

95. The member who advertises a price must:

- (1) specify the services and fees included in the price;
- (2) indicate whether fees or additional services might be required which are not included in the price;
- (3) indicate the duration of a special price or rebate, if applicable.

However, the member may agree with his client on an amount lower than the one advertised.

96. All advertising must indicate the member's name along with the professional title.

97. The member must keep a copy of every advertisement for a period of 3 years following the date on which it was last broadcast or published. The copy must be given, on request, to the syndic, an inspector or member of the professional inspection committee.

98. The member who reproduces the graphic symbol of the Order for advertising purposes shall ensure that such reproduction is in conformity with the original held by the Order.

99. The member who uses the graphic symbol of the Order in his advertising may not suggest that such advertising emanates from the Order.

100. The member must ensure that a partnership or joint-stock company within which he carries on his professional activities does not use the graphic symbol of the Order in connection with the advertising or name of the partnership or joint-stock company unless all the services provided by the partnership or joint-stock company are professional services provided by members.

In the case of a partnership or joint-stock company which provides the professional services of members and the services of persons other than members, the graphic symbol of the Order may be used in connection with the name of the partnership or joint-stock company or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

The graphic symbol of the Order may, however, always be used in connection with the name of a member.

101. All members who practice together as partners are solidarily responsible for complying with the rules of this division, unless the advertising clearly indicates the name of the member responsible.

DIVISION III NAME OF PARTNERSHIP OR JOINT STOCK COMPANY

102. The member must not practice his profession under a name or designation that is not distinctive or nominative, that is misleading, deceptive or contrary to the honour, dignity or reputation of his profession or that is a numerical designation.

103. The member who engages in his professional activities within a partnership or joint-stock company must take reasonable measures to ensure that every document produced within the practice of his profession and originating from the partnership or joint-stock company is identified with the name of a member.

104. This code replaces the Code of ethics of the members of the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec (chapter C-26, r. 286).

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

103750

Draft Regulation

Professional Code
(chapter C-26)

Social workers and marriage and family therapists — Practice of members of the Order within a partnership or a joint stock company

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint-stock company, made by the board of directors of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, appearing below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation authorizes a member of the Order to carry on professional activities within a joint-stock company or a limited liability partnership.

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

Further information may be obtained by contacting Jean-François Savoie, advocate and legal counsel, Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, 255, boulevard Crémazie Est, bureau 800, Montréal (Québec) H2M 1L5; telephone: 514 731-3925 or 1 888 731-9420; email: info.general@optsq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Diane Legault, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e 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 as well as to interested persons, departments and bodies.

DIANE LEGAULT,
*Chair of the Office des
professions du Québec*

Regulation respecting the practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint stock company

Professional Code
(chapter C-26, s. 93, par. g and h and s. 94, 1^{er} al., par. p)

DIVISION I CONDITIONS FOR PRACTISING

1. A member of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec may carry on professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (chapter C-26), subject to the following conditions:

(1) more than 50% of the voting rights attached to the company shares or partnership units are held by the following persons or trusts or combination of persons or trusts:

(a) a member of the Order, another professional governed by the Professional Code or a professional governed by a Canadian regulatory authority of social work or marriage and family therapy;

(b) a joint-stock company where 100% of the voting rights attached to the shares are held by at least one of the persons mentioned in subparagraph *a*;

(c) a trust where all trustees are persons mentioned in subparagraph *a*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, as the case may be, the managers appointed by the partners of the limited liability partnership are persons mentioned in subparagraph *a* of paragraph 1;

(3) to constitute a quorum for a meeting of the board of directors of the joint-stock company, a majority of the members present must be persons mentioned in subparagraph *a* of paragraph 1;

(4) the conditions set forth in this section are listed in the articles of the joint-stock company or in the contract of the partnership and that those documents also provide that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities;