

Regulations and other Acts

Gouvernement du Québec

O.C. 97-2020, 12 February 2020

Professional Code
(chapter C-26)

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

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

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under section 95.3 of the Professional Code, a draft Code of ethics of the members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec was sent to every member of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec at least 30 days before being made by the board of directors of the Order on 17 June 2016;

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 Code of ethics of the members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec was published in Part 2 of the *Gazette officielle du Québec* of 5 December 2018 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 examined the Regulation on 18 October 2019 and then 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 Code of ethics of the members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

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, s. 87)

DIVISION I **GENERAL**

1. This Code determines the duties and obligations of the members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec, regardless of the context and manner in which they engage in their professional activities.

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

2. The duties and obligations under the Professional Code (chapter C-26) and its regulations are not modified in any manner owing to the fact that a member practises within a partnership or joint-stock company or uses information technologies.

3. Members must take all reasonable measures to ensure that all persons who work collaboratively with them in their practice and any partnership or joint-stock

company within which the members carry on professional activities comply with the Professional Code and its regulations.

4. For the purposes of this Code, unless the context indicates otherwise, “client” means a person, couple, family, group, community or body to whom a member provides or undertakes to provide professional services.

DIVISION II VALUES AND ETHICAL PRINCIPLES

5. The profession of social worker and that of marriage and family therapist are based on the following values and ethical principles:

- (1) respect for the dignity of every person;
- (2) respect for the rights of persons, couples, families, groups and communities;
- (3) respect for the principles of individual autonomy and personal self-determination;
- (4) the right for a person in danger to be provided with assistance and protection, as the person’s needs require;
- (5) promotion of the principles of social justice;
- (6) belief in the human capacity to evolve and develop;
- (7) recognition of the necessity of perceiving and understanding the human being as a component of systems that are interdependent and potential catalysts of change; and
- (8) promotion of the well-being of persons, couples, families, groups and communities.

DIVISION III GENERAL DUTIES

6. Members must act with respect, moderation and courtesy.

7. Members have a duty to be competent and must practise in keeping with generally recognized professional standards.

8. Members must discharge their professional obligations with integrity.

9. Members must not perform any act or conduct themselves in any manner that is contrary to good professional practices or likely to tarnish the image of the profession.

10. Members must ensure that any person who assists or is being supervised in the practice of their profession is qualified and competent to perform the tasks assigned to the person.

11. Members must be mindful of all the foreseeable consequences their professional activity may have not only on clients but also on society.

12. Members must promote and support every measure conducive to improving the quality and availability of professional services in the field of social work or marriage and family therapy.

13. Members must at all times conduct themselves in a manner beyond reproach in their dealings with all persons with whom they enter into a professional relationship.

14. Members must respect the privacy of the persons with whom they enter into a professional relationship, in particular by refraining from gathering information on and exploring aspects of their clients’ personal lives that are unrelated to their professional practice.

15. Members must avoid any misrepresentation regarding their competence or the effectiveness of their services or those generally provided by the members of the profession or, if applicable, those generally provided by the persons with whom they work collaboratively or who carry on activities within the same partnership or joint-stock company.

16. Members must not, in the practice of their profession, counsel, recommend or induce anyone to commit acts that are contrary to law.

17. Members must not

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

(2) counsel another person to commit such an act or conspire to do so.

18. Members must not, as regards a client’s record or any report, register, receipt or document related to the professional practice,

(1) falsify it, including by altering existing notes or inserting notes under a forged signature;

(2) fabricate a false record, report, register, receipt or document; or

(3) enter false information in the record, report, register, receipt or document.

19. Except for the remuneration to which they are entitled, customary tokens of appreciation and gifts of small value, members must not receive, pay or undertake to pay any benefit, rebate or commission related to their professional practice.

20. Members must not pressingly or repeatedly urge anyone to retain their professional services.

21. Members must refrain from practising or engaging in professional acts in conditions or a state likely to compromise the quality of their professional services.

22. Members must assume full personal civil liability. They may not exclude, limit or attempt to exclude or limit personal civil liability, by any means, in particular by invoking the liability of the partnership or joint-stock company within which they practise, or that of another person carrying on activities within the partnership or joint-stock company, or by requesting that their client or the client's representative waive rights in the event of professional fault.

DIVISION IV DUTIES TO THE CLIENT

§1. Consent

23. Before and while professional services are provided, members must take into account the ethical factors specific to the client and the context in which they will be working. Members must also consider the client's request and expectations and the extent of their skills and the means at their disposal.

24. Before providing any professional service, members must, except in an emergency, obtain the free and enlightened consent of the client, the client's legal representative or, in the case of a child under 14 years of age, the holder of parental authority or the tutor.

To enable a client to give free and enlightened consent, members must inform the client of and ensure that the client understands

(1) the objective, nature and relevance of the professional service and the main procedures involved in providing the service;

(2) the alternatives to and limits and constraints on the professional service;

(3) the use of the information obtained;

(4) the implications of communicating information or sending a report to other persons; and

(5) the amount any fees and interest on accounts, and the terms of payment.

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

26. Members must acknowledge the client's right to revoke consent at any time.

27. Members wishing to record an interview must first obtain written authorization from the client, the client's legal representative or, in the case of a child under 14 years of age, the holder of parental authority or the tutor. The authorization must specify the intended use of the recording and the procedure for revoking it.

§2. Quality of the professional relationship

28. Members must at all times recognize the client's right to consult another member, a member of another professional order or any other competent person.

29. Members must be available to and diligent towards the client and, if unable to reply to a request within a reasonable time, must advise the client accordingly.

30. Members must practise within a framework that allows them to ensure the quality of the services they provide. If financial, institutional or political pressures or constraints impair a member's practice, the member must clearly indicate to the client the possible consequences that may arise from the situation.

31. If the interest of a client so requires, members must, with the client's authorization, consult another member, a member of another professional order or any other competent person, or refer the client to one of those persons.

32. Members must endeavour to establish and maintain with their clients a relationship of mutual trust and respect.

33. Throughout the professional relationship, members must not establish relations of an intimate nature likely to compromise the quality of their professional services, or relations of an amorous or sexual nature with a client or relative of the client. They must also refrain from making improper remarks or gestures of a sexual nature to a client or relative of the client.

The duration of the professional relationship is determined taking particular account of the nature of the issues 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. Members must not formulate an assessment of the client's situation or perform any act involving a client unless they have data sufficient to enable them to do so.

35. Members acting as experts or conducting an assessment must

(1) inform the person who is the subject of the expert opinion or assessment of the identity of the recipient of the report and of the person's right to obtain a copy;

(2) refrain from obtaining information from the person that is not relevant to the expert opinion or assessment and from making comments of a similar nature to the person; and

(3) limit their report or recommendations and, if applicable, any deposition before the court solely to the relevant facts of the expert opinion or assessment.

36. Other than for fees, members must not have any economic relationship with clients.

37. Members must refrain from performing unwarranted professional acts or acts that are inappropriate or disproportionate to the client's needs.

38. Members using information technology in providing professional services must ensure that

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

§3. *Professional secrecy*

39. Members must preserve the secrecy of all confidential information that becomes known to them as they practise their profession.

Members may be released from the obligation of professional secrecy only with the authorization of the client or where so ordered or expressly authorized by law.

To obtain the client's authorization, members must inform the client of the possible implications resulting from the lifting of professional secrecy.

40. In addition to the cases referred to in section 39, members may communicate, pursuant to section 60.4 of the Professional Code, information that is protected by

professional secrecy to prevent an act of violence, including a suicide, where the members have 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 and where the nature of the threat generates a sense of urgency.

The expression "serious bodily injury" means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.

Despite the foregoing, members may only communicate the information to the person or persons exposed to the danger or their representative, or to the persons who can come to their aid.

Members must only communicate such information as is necessary to achieve the purposes for which the information is communicated.

41. Members who communicate information pursuant to section 40 must

- (1) communicate the information immediately;
- (2) at the time of the communication,
 - (a) state their name and the fact they are members of the Order;
 - (b) indicate that the information to be communicated is protected by professional secrecy;
 - (c) specify the act of violence the information intends to prevent; and
 - (d) provide the identity and, if possible, the contact information of the persons or group of persons exposed to the danger if the information is communicated to their representative or to the persons who can come to their aid;
- (3) use the most effective means adapted to the circumstances to communicate the information; and
- (4) enter in the client's record as soon as possible
 - (a) the reasons supporting the decision to communicate the information; and
 - (b) the subject of the communication, the mode of communication used and the identity of the person to whom the information was given.

42. For the purpose of preserving professional secrecy, members must, in particular,

(1) refrain from any indiscreet conversation, including on social media, concerning the client and the professional services provided to the client;

(2) refrain from disclosing that a client has requested or intends to request their professional services;

(3) not mention any factual information or modify information that could enable identification of a client when using information obtained from the client for didactic, pedagogical or scientific purposes; and

(4) take reasonable measures with the persons with whom they work collaboratively or who are under their supervision so that professional secrecy is preserved.

43. Members may not disclose or send an assessment report to another person unless its communication is necessary for the purposes of the Act and the other person requires it in the exercise of the person's functions.

44. Members providing professional services to a group of persons must inform the members of the group of the possibility that some aspect of their private life or that of another person may be disclosed and instruct them as to how such disclosures may be prevented and each person's right to privacy may be protected.

45. Members providing professional services to a couple, a family, a group or a community must protect each client's right to professional secrecy.

46. When members cease to perform their professional duties for an employer, they must inform the employer of the confidential nature of the information contained in the records for which they were responsible and propose the measures necessary to preserve the confidentiality of the information. If there is a risk that confidentiality could be compromised, the members must notify the secretary of the Order.

§4. Professional independence and conflict of interest

47. Members must safeguard their professional independence at all times and ignore any intervention or situation likely to affect or influence the performance of their professional duties to the detriment of their client.

48. Members must act with objectivity and subordinate their personal interest or, if applicable, the interest of their employer, the partnership or joint-stock company within which they practise, work colleagues or any other person who pays their fees, to that of their client.

49. Members must avoid any situation in which they would be in a conflict of interest. Members are in a conflict of interest if, in particular,

(1) the interests concerned are such that they might tend to favour certain interests over those of their client or that their judgment, objectivity, professional independence, integrity or loyalty towards their client might be adversely affected; or

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

If members practise within a partnership or joint-stock company, situations of conflict of interest are assessed with regard to all the clients of the partnership or joint-stock company.

When members practising within a partnership or joint-stock company are in a conflict of interest, the other members of the Order, to avoid also being in a conflict of interest, must take the necessary measures to ensure there is no disclosure of information or confidential documents relevant to the record.

50. On becoming aware they are or risk being in a situation of conflict of interest, members must define the nature of their obligations and responsibilities, inform their client accordingly and if need be, agree on appropriate measures. Members must also take the necessary measures to ensure that the situation does not cause harm to the client.

51. To the extent possible, members must refrain from providing professional services to persons with whom they have a relationship liable to affect the quality of the services, including their family members, close friends, work colleagues, employees and students they teach.

52. Members practising with several clients who may have divergent interests must inform the clients that members have a duty to be impartial, and explain the specific actions that will be undertaken to provide their professional services. If the situation becomes irreconcilable with the impartiality required in their relationship with each client, members must terminate the professional relationship in the manner provided in section 75.

53. Members providing professional services to clients as part of their practice within an organization must not encourage them to become clients in their private practice.

54. Members must refuse to act as an expert on behalf of a third person in any dispute against their client.

§5. Fees

55. Members must charge and accept fair and reasonable fees that are warranted in the circumstances and proportional to the professional services provided. To determine their fees, members must consider the following factors:

- (1) their experience or particular expertise;
- (2) the time devoted to providing the professional services agreed on;
- (3) the nature and complexity of the professional services; and
- (4) the competence or celerity necessary to provide the professional services.

56. Members must provide their client with a clear and detailed statement of fees that includes all the explanations necessary to understand it.

Members must ensure the client is informed in writing of the approximate and foreseeable cost of all fees and other costs. They must also immediately inform the client of any modification to fees or costs.

57. Members may not require fees be paid in advance but may claim administrative fees for missed appointments according to a predetermined agreement with the client to that effect. Those fees may not exceed the amount of the lost fees.

58. For a given professional service, members must accept fees from a single source only, unless explicitly agreed otherwise in writing by all parties concerned.

59. Members may share their fees only insofar as the sharing corresponds to the sharing of the services provided and responsibilities assumed and does not affect the member's professional independence.

60. With regard to the collection of accounts, members must

- (1) not collect interest on outstanding accounts unless they have a prior written agreement with the client to that effect and the rate of interest charged is reasonable;
- (2) exhaust all other legal means at their disposal to obtain payment of their fees before instituting judicial proceedings; and
- (3) ensure, to the extent possible, that the person appointed to collect accounts proceeds with tact and moderation and with respect for confidentiality and the debt collection practices authorized by law.

61. Members who practise within a partnership or joint-stock company must ensure that the fees and costs relating to professional services provided by members of the Order are always indicated separately on every invoice or statement of fees sent to the client by the partnership or

joint-stock company, except if a lump-sum payment has been agreed on in writing with the client. In the latter case, the statement or invoice must describe the professional services provided by the member.

DIVISION V RESEARCH

62. Members who undertake, participate or collaborate in a research project involving persons must ensure that the project has been approved by a recognized research ethics committee. To that end, members must refer to and comply with the methodology approved by the committee, in particular to

- (1) inform each of the research subjects or their legal representative of the project's objectives and the manner in which it will be conducted, as well as the advantages, risks or disadvantages related to the person's participation;
- (2) obtain free and enlightened consent;
- (3) inform the research subject or legal representative that the consent given is revocable at any time; and
- (4) ensure measures have been taken to preserve the confidentiality of the information collected as part of the research project.

63. Members may not exert undue pressure on a person who may be eligible for a research project.

64. If the conducting of a research project is likely to be detrimental to persons or the community, members participating in the project must inform the research ethics committee or other competent authority of that fact.

65. After informing the research ethics committee or other competent authority, members must cease any form of participation or collaboration in a research project if the disadvantages for the research subjects appear to the members to outweigh the anticipated benefits.

DIVISION VI CONDITIONS AND PROCEDURE FOR RECORD ACCESS AND CORRECTION

§1. Provisions applicable to members practising in the public sector

66. Members practising on behalf of or in a public body to which the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) applies must comply with the record access and correction rules set out in that Act and facilitate their application.

Despite the foregoing, if the body referred to in the first paragraph is an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), members must

(1) comply with the record access and correction rules set out in those Acts and facilitate their application; and

(2) to the extent they are consistent with those Acts, comply with the record access and correction rules set out in the Act respecting Access to documents held by public bodies and the Protection of personal information and facilitate their application.

§2. Provisions applicable to members not practising in the public sector

67. Members practising in a sector other than a sector referred to in section 66 must comply with the record access and correction rules set out in the Act respecting the protection of personal information in the private sector (chapter P-39.1) and facilitate their application.

68. Members must respond promptly and at the latest within 30 days after receipt to any written request made by a client wishing to examine or obtain a copy of documents concerning the client in any record established in the client's respect.

Access to information contained in a record is free of charge, although reasonable fees not exceeding the cost for transcribing, reproducing or transmitting a copy of the information may be charged to the client.

Members intending to charge such fees must, before proceeding with reproducing, transcribing or transmitting the information, inform the client of the approximate amount to be paid.

69. Members may temporarily refuse to allow a client access to information contained in a record established in the client's respect if its disclosure would likely cause serious harm to the client's health.

Members must notify the client in writing of the reasons for the refusal, enter the reasons in the record and inform the client of available recourses.

70. Members must refuse to release to a client any personal information concerning the client if its disclosure would likely reveal personal information concerning a third person or the existence of such information, and the disclosure could seriously harm that third person, unless that person consents to the communication of the information or the circumstances are those of an emergency that threatens the life, health or safety of the person concerned.

Members must notify the client in writing of the reasons for the refusal, enter the reasons in the record and inform the client of available recourses.

71. Members must respond promptly and at the latest within 30 days after receipt to any written request made by a client to have information that is inaccurate, incomplete or ambiguous corrected in any document concerning the client, or to have information deleted if it is outdated or not justified by the object of the record. Members must also inform the client of the client's right to prepare written comments and file them in the record.

Members must send to the client, free of charge, a copy of the document or dated part of the document filed in the record allowing the client to verify that the information has been corrected or deleted or, as applicable, send an attestation stating that the client's written comments have been filed in the record.

With the client's consent, members must send a copy, free of charge to the client, of the corrected information or an attestation stating that the information has been deleted or, as applicable, that written comments have been filed in the record, to every person from whom members received the information that was the subject of the correction, deletion or comments, and to every person to whom the information has been communicated in the preceding 6 months.

72. After receipt of a written request from a client to have a document returned, members must promptly return the document.

The same applies if the request is made by a person authorized by the client.

73. Members may require that a request under section 68, 71 or 72 be made at their professional domicile during regular working hours.

DIVISION VII
TERMINATION OF SERVICES

74. Members may cease to act on behalf of a client only on just and reasonable grounds. Just and reasonable grounds include

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

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

(3) the prospect that maintaining the professional services could, in the member's opinion, become more harmful than beneficial for the client;

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

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

(6) the member's decision to scale down the practice or to terminate it for personal or professional reasons.

75. Members wishing to terminate the relationship with their client before completing the professional services must give the client reasonable notice and take the necessary measures to prevent harm to the client.

DIVISION VIII DUTIES TO THE PROFESSION

§1. Commitment and professional collaboration

76. Members must offer professional services of quality to the public, in particular

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

(2) by assessing the quality of their interventions and assessments; and

(3) by promoting measures to educate and inform in the field in which they practise.

77. Members must not, with respect to any person with whom they have a professional relationship such as another member or a member of another professional order, denigrate the person, breach the person's trust, voluntarily mislead the person, betray the person's good faith or engage in unfair practices.

78. Members must not take credit for work performed by another person and must give credit to whom the credit is due.

79. Members consulted by a colleague must provide their opinion and recommendations within a reasonable time. If unable to do so, they must promptly advise the colleague accordingly.

§2. Relations with the Order

80. Members must collaborate and reply fully and truthfully to any verbal or written request from a person exercising functions under the Professional Code or its regulations. Members must also reply as soon as possible using the means of communication determined by that person, and make themselves available for any meeting the person may request.

81. Members must, in a timely manner,

(1) inform the secretary of the Order if they have reason to believe that

(a) an applicant does not meet the permit issue requirements or those for entry on the roll;

(b) a member is not complying with permit-related conditions or restrictions placed on the member's right to practise;

(c) a person who is not a member is using the title "social worker" or "marriage and family therapist" or a title or abbreviation that may lead to the belief that the person is one; or

(d) a person is illegally engaging in a professional activity reserved for members of the Order; and

(2) inform the syndic of the Order if they have reason to believe that

(a) a situation likely to affect the competence or integrity of another member of the Order has arisen; or

(b) an offence against the Professional Code or any of its regulations has been committed by another member of the Order.

Disclosure of such information must preserve professional secrecy.

82. Members who are served with a complaint or are informed of the holding of an inquiry into their conduct or professional competence or that of persons with whom they work collaboratively or who carry on activities within the same partnership or joint-stock company must under no circumstances communicate with the person who requested the inquiry or made the complaint, or any other person involved in the inquiry or complaint, unless prior written permission has been obtained from the syndic.

83. Members must not influence, intimidate, threaten, harass or take reprisals against a person because the person has reported or intends to report conduct that contravenes

their professional obligations, or because the person has collaborated or intends to collaborate in an inspection or inquiry into the matter.

84. Members must comply with every decision made by the Order and respect any agreement they have made with the board of directors, the executive committee, the secretary of the Order, a syndic or the professional inspection committee, or with any committee to which the board of directors has delegated powers under the Professional Code.

DIVISION IX DUTIES TO THE PUBLIC

§1. Public statements

85. Public statements of members that concern the profession must show objectivity, thoughtfulness and moderation, in particular when members comment on methods accepted by the profession but that differ from the methods they use.

86. In any activity of a professional nature intended for the public, members must stress the relative value of the information or advice being given.

87. Members must use care in interpreting the data gathered from their observations and assessments and from data received from colleagues. In every written or verbal report, members must endeavour to reduce any possibility of the data being misinterpreted or used inaccurately, in particular by presenting the data in a form suited to the persons for whom the report is intended.

§2. Advertising and graphic symbol of the Order

88. Members may not engage in or allow advertising, by any means, including social media,

(1) aimed at persons who are vulnerable owing in particular to their age, state or the occurrence of a specific event; or

(2) that is false, incomplete, deceitful or likely to mislead the public, including as relates to their competence and the effectiveness of their services, those generally provided by the other members or those generally provided by the persons working collaboratively with the members or carrying on professional activities within the same partnership or joint-stock company.

89. Members must refrain from participating in any form of advertising that recommends the public buy or use a product or service unrelated to the field in which the member practises.

90. Members may not use or allow to be used in their advertising any endorsement or statement of gratitude in the member's regard or, if applicable, that pertains to the partnership or joint-stock company within which the member practises, other than awards for excellence and other merits related to the practice of the profession.

91. Members may not engage, by any means, in advertising that compares the quality of their services to that of services provided by other members of the Order or by another person, or discredit or denigrate such services.

92. Advertising of fees for services provided by members must sufficiently inform a person who has no particular knowledge of the profession.

93. Members who advertise their fees must

(1) specify the fees required for their professional services;

(2) specify the nature and extent of the professional services included in the fees;

(3) indicate whether costs are included in the fees; and

(4) indicate whether additional services could be required or additional costs not included in their fees could be charged.

94. In advertising involving a special price, the period during which the price is valid must be stated, if applicable.

95. All advertising must indicate the name of the member followed by the member's professional title. If the name of a partnership or joint-stock company includes members of other orders, the title of each member must also appear.

96. Members 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 a syndic, inspector or member of the professional inspection committee of the Order.

97. Members who reproduce the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the Order.

98. Members who use the graphic symbol of the Order in their advertising must not mislead the public into believing the advertising originates from or is authorized by the Order.

99. Members must ensure that a partnership or joint-stock company within which they practise does not use the graphic symbol of the Order in its advertising or with its name unless all the services it provides are professional services provided by members of the Order.

In the case of a partnership or joint-stock company in which professional services are provided by members of the Order and by other persons, the graphic symbol of the Order may be used on the condition that the graphic symbol identifying each professional order or body to which those other persons belong is also used.

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

100. All members of the Order practising within a partnership or joint-stock company are solidarily responsible for complying with the advertising rules set out in this subdivision unless the advertising clearly states the name of the member responsible for it, or unless the other members establish that the advertising was done without their knowledge and consent and despite the provisions intended to ensure compliance with those rules.

§3. Name

101. Members must not practise within a partnership or joint-stock company under a name or designation that is not distinctive or nominative, that is misleading, deceptive or contrary to the honour, dignity or reputation of the profession or that is a numerical designation.

102. Members practising within a partnership or joint-stock company must take reasonable measures to ensure that every document produced in their practice and originating from the partnership or joint-stock company is identified with the name of a member.

DIVISION X FINAL

103. 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).

104. This Code comes into force on 1 November 2020.

104262

Gouvernement du Québec

O.C. 98-2020, 12 February 2020

Professional Code
(chapter C-26)

Travailleurs sociaux et thérapeutes conjugaux et familiaux

— 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

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

WHEREAS, under subparagraph *p* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, authorize the members of the order to carry out their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions;

WHEREAS, under paragraph *g* of section 93 of the Code, the board of directors of a professional order must, by regulation, pursuant to paragraph 2 of section 187.11, impose on the members referred to therein, on the basis of the risk they represent, the obligation to furnish and maintain coverage, on behalf of the partnership or company, by means of an insurance or suretyship contract or by any other means determined by the regulation, against liabilities of the partnership or company arising from fault in the practice of their profession, or the obligation to join a group plan contract entered into by the order or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1, and determine the minimum amount of coverage;

WHEREAS, under paragraph *h* of section 93 of the Code, the board of directors of a professional order must, by regulation, fix the conditions and procedure applicable to a declaration pursuant to paragraph 3 of section 187.11;

WHEREAS, under section 95.3 of the Code, a draft of 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 was sent to every member of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec at least 30 days before being made by the board of directors of the Order on 17 June 2016;