

## Regulations and other Acts

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Gouvernement du Québec

### **O.C. 952-2024, 12 June 2024**

Professional Code  
(chapter C-26)

#### **Code of ethics of chartered administrators —Amendment**

Regulation to amend the Code of ethics of chartered administrators

WHEREAS, under paragraph 1.1 of 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, and the code must contain provisions expressly stating that any act involving collusion, corruption, malfeasance, breach of trust or influence peddling is forbidden;

WHEREAS, under paragraph 1.2 of section 87 of the Professional Code, 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, and the code must contain provisions requiring a member of an order to inform the syndic if the member has reason to believe that a situation likely to affect the competence or integrity of another member of the order has arisen;

WHEREAS, under paragraph 3 of section 87 of the Professional Code, 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, and the code must contain provisions to preserve the secrecy of confidential information that becomes known to the members of the order in the practice of their profession, and provisions setting out the conditions on which a professional may, in accordance with the third paragraph of section 60.4 of the Code, communicate the information described in that paragraph and the procedure applicable;

WHEREAS, in accordance with section 95.3 of the Professional Code, a draft Regulation to amend the Code of ethics of chartered administrators was sent to every member of the Ordre des administrateurs agréés du Québec at least 30 days before its adoption by the board of directors of the Order on 15 November 2023;

WHEREAS, pursuant to section 95 of the Professional Code, 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), the draft Regulation to amend the Code of ethics of chartered administrators was published in Part 2 of the *Gazette officielle du Québec* of 3 January 2024 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, 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 19 April 2024 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 Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Code of ethics of chartered administrators, attached to this Order in Council, be approved.

JOSÉE DE BELLEFEUILLE  
*Associate Secretary General and Assistant Clerk  
of the Secrétariat du Conseil exécutif*

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## Regulation to amend the Code of ethics of chartered administrators

Professional Code

(chapter C-26, s. 87, pars. 1.1, 1.2 and 3)

**1.** The Code of ethics of chartered administrators (chapter C-26, r. 14.1) is amended in section 12 by adding the following paragraph at the end:

“They must, in particular, refrain from committing any act involving fraud, collusion, corruption, malfeasance, breach of trust or influence peddling.”

**2.** Section 13 is amended by inserting “, their professional qualifications” after “competence”.

**3.** Section 20 is replaced by the following:

“**20.** Chartered administrators must take reasonable care of the sums and property entrusted to them by clients, including by their employer.

Except when specifically authorized by a client, chartered administrators must not, in any manner whatsoever, use, lend, transfer, withdraw or employ the entrusted sums or property as payment for their fees or for purposes other than those for which the sums or property were entrusted to them as part of their mandate or contract of employment.

The sums or property entrusted to chartered administrators must be computed and secured in accordance with the Règlement sur la comptabilité en fidéicommiss des administrateurs agréés (chapter C-26, r. 16).”

**4.** Section 27 is replaced by the following:

“**27.** Chartered administrators may not elude or attempt to elude professional liability. To that end, chartered administrators are prohibited in particular from

(1) accepting a waiver fully or partly releasing them from professional liability for a fault committed in the practice of their profession;

(2) accepting a waiver fully or partly releasing the partnership or joint-stock company within which the chartered administrator carries on professional activities from liability for a fault committed by them; and

(3) invoking against their client the responsibility of the partnership or joint-stock company within which the chartered administrator carries on professional activities.”

**5.** Section 39 is amended by striking out “in order to prevent an act of violence” in the portion before paragraph 1.

**6.** Section 56 is replaced by the following:

“**56.** Chartered administrators must, in a timely manner,

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

(a) that an applicant seeking admission to the profession does not meet the permit issue requirements or those for entry on the roll; or

(b) that a person who is not a member of the Order is using the title “Chartered Administrator” or “Certified Management Advisor” or any other title or abbreviation which may lead to the belief that the person is a member; and

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

(a) that another chartered administrator is not complying with permit-related conditions or restrictions placed on the member’s right to practise;

(b) in the existence of a situation likely to affect the competence or the integrity of another chartered administrator; or

(c) that an offence against the Professional Code (chapter C-26) or any of its regulations has been committed by another chartered administrator.”

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

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