

Bill 98

**An Act to amend various legislation  
mainly with regard to admission to  
professions and the governance of the  
professional system**

Section 1

**AMENDMENT:**

1. Replace "Four" in the second sentence of the paragraph proposed by paragraph 2 by "Three".
2. Insert after paragraph 3:

(3.1) by inserting the following paragraphs after the third paragraph:

"At least one member of the Office must be 35 years of age or under at the time of appointment.

The composition of the Office must tend toward gender parity. The Office must also be composed of members whose cultural identity reflects the various components of Québec society as much as possible."

Adopté  
M.P.

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Section 1

**AMENDMENT:**

Replace paragraph 4 by:

(4) by replacing the fourth paragraph by the following paragraph:

“The chair and the vice-chair shall be appointed for a term of office of up to five years and may be reappointed once to serve in that capacity. The other members shall be appointed for a term of up to three years and may be reappointed twice to serve in that capacity.”

*Adopte  
MO.*

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Section 1

**AMENDMENT:**

Insert after paragraph 1:

(1.1) by replacing “which shall fix their salaries.” in the first paragraph by “on the basis of the expertise and experience profiles approved by the Office. The Government shall fix their salaries.”;

*Adopté  
MO*

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Section 5

**AMENDMENT:**

Replace proposed section 12.0.1 by:

**“12.0.1.** The Office must determine, by regulation and after consultation with the Interprofessional Council, the standards of ethics and professional conduct applicable to directors on a professional order’s board of directors.

The regulation must

- (1) state the ethics- and integrity-based values and principles that must guide directors in understanding the standards of ethics and professional conduct applicable to them;
- (2) determine the duties and obligations of directors, including those they must comply with after the expiry of their terms, and the time for which they are bound by those duties and obligations;
- (3) regulate or prohibit practices related to the remuneration of directors;
- (4) require the board of directors to establish, in conformity with the standards determined by the Office, a code of ethics and professional conduct applicable to its members that takes into account the mission of the order, the values underlying its actions and its general management principles;
- (5) establish the procedure governing examinations of and inquiries into conduct that may contravene the standards determined by the Office and those of the code of ethics and professional conduct, prescribe appropriate penalties and designate the authorities that are to determine or impose such penalties; and

(6) determine the cases in and procedure according to which directors may be temporarily relieved of their duties.

The regulation may, on the conditions it determines, extend the jurisdiction of an authority within an order or of its members to include the jurisdiction under subparagraph 5 of the second paragraph.”

Adopte  
MO.

AM 5  
s.9 (16.1)

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Section 9

**AMENDMENT:**

Withdrawn and renamed AM p.

*Retire  
MO.*

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Section 12

**AMENDMENT:**

Replace “the time and intervals at which training is offered” in subparagraph 3 of the first paragraph of proposed section 16.10 by “the time it takes before training is offered”.

*Adopted  
MO.*

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Section 14

**AMENDMENT:**

Replace "that the Commissioner must refer the plaintiff to another authority" in proposed subparagraph 4 by "that the plaintiff may be referred to another authority".

*Adopted  
P.M.*



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Section 9

**AMENDMENT:**

Replace by:

9. Section 16.1 of the Code is amended
  - (1) by replacing “June” in the first paragraph by “September”;
  - (2) by inserting “the highlights of the inquiries conducted by the Office and” after “include” in the first paragraph;
  - (3) by inserting “, 16.26” after “16.19” in the first paragraph.

*Adopted  
MN.*

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Section 25

**AMENDMENT:**

Replace proposed subparagraph 4.1 by:

“(4.1) where requested by the order, a business email address established  
in the person’s name;”

*Adopted  
MR*

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Section 26.1

**AMENDMENT:**

Insert after section 26:

**26.1.** Section 60 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph:

“In addition, he must provide a business email address established in his name.”;

(2) by inserting the following paragraph after the second paragraph:

“Unless another method of notification is prescribed, the transmission of a document to the professional’s business email address may replace transmission to his elected domicile.”

*Adopté  
MC.*

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Section 28

**AMENDMENT:**

Insert at the end of the paragraph proposed by paragraph 2:

(6) see to the integrity of internal control rules, including risk management rules, and ensure the viability and sustainability of the order.

Adopted  
MO.

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Section 28

**AMENDMENT:**

Add at the end:

(3) by adding the following paragraph at the end:

“The board of directors shall draw on the governance guidelines determined by the Office after consultation with the Interprofessional Council.”

*Adopte  
MO.*

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Section 29

**AMENDMENT:**

Replace by:

29. The Code is amended by inserting the following sections after section 62:

“62.0.1. The board of directors shall, in particular,

- (1) appoint the secretary and the executive director of the order;
- (2) ensure that the senior management of the order adheres to sound management practices;
- (3) require its members and the employees of the order to take an oath of discretion and determine the form of the oath; however, the oath may not be construed as prohibiting the sharing of information or documents within the order for the protection of the public;
- (4) require its members to take training on the role of a professional order's board of directors as regards such matters as governance and ethics as well as training on ethnocultural diversity management, and make sure that such training is offered to them;
- (5) require any person appointed by the order to develop or apply conditions for the issue of a permit or a specialist's certificate to take training on professional qualifications assessment and training on ethnocultural diversity management, and make sure that such training is offered to such a person;
- (6) make sure that continuing education activities, courses or periods on such subjects as ethics and professional conduct are offered to the members of the order and report on this in its annual report;

*D. 1 de 2*

(7) ensure the equity, objectivity, impartiality, transparency, effectiveness and promptness of the admission processes adopted by the order and make sure that those processes facilitate admission to a profession, in particular for persons trained outside Québec;

(8) cooperate with the authorities of the educational institutions concerned in Québec, in accordance with the terms and conditions fixed under the second paragraph of section 184, in the development and review of the programs of study leading to a diploma giving access to a permit or a specialist's certificate, the standards that the board of directors must prescribe by regulation under paragraph *c* of section 93, any other terms and conditions that the board of directors may determine by regulation under paragraph *i* of section 94, and the standards of equivalence applicable to those terms and conditions that the board of directors may prescribe under that regulation; and

(9) give any advice it considers useful to the Minister, the Office, the Interprofessional Council, educational institutions or any other person or body it sees fit.

**“62.0.2.** The board of directors shall publish, on the order's website, a service statement setting out its objectives with regard to its services and their quality.

The statement must specify the time frame within which services are to be provided and provide clear information on their nature and accessibility.

The board must also

(1) remain receptive to the expectations of persons likely to make requests or institute proceedings with the order;

(2) simplify the order's service delivery rules and procedures to the greatest extent possible; and

(3) encourage the order's employees to provide quality services and to collaborate in achieving the results targeted. ”

Adopte  
MO

P. 2 de 2

SAM 1  
AM 13  
s. 29 (62.0.1)

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Section 29

**AMENDMENT:**

Insert “and gender equality” after “ethics” in paragraph 4 of proposed section 62.0.1.

Insert “, training on gender equality” after “assessment” in paragraph 5 of proposed section 62.0.1.

*Adopted  
MO*



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Section 29.1

**AMENDMENT:**

Insert after section 29:

**29.1.** Section 62.1 of the Code is amended by inserting “shall be subject to the standards of ethics and professional conduct determined by the order and” after “such a committee” in paragraph 1.

*Adopted  
MP.*

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Section 33

**AMENDMENT:**

Replace paragraph 2 by:

(2) by adding the following sentence at the end of the first paragraph:  
“A candidate cannot be a member of the board of directors or an officer of a legal person or of any other group of persons whose principal object is promoting the rights or defending the interests of members of the order or of professionals in general.”

*Adopte  
mo.*

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Section 34

**AMENDMENT:**

Replace section 34 by:

34. Section 67 of the Code is amended by adding the following at the end of the first paragraph: "The nomination paper must contain only the information determined by the board of directors in the regulation. The information contained in the nomination paper constitutes the only electoral communication messages that a candidate may send to the members of the order; the board of directors may, however, in the regulation, establish a framework for the dissemination of other messages.

The Office, in collaboration with the Interprofessional Council, shall set guidelines for the messages or the means of electoral communication to be used by the candidates, including guidelines for messages that do not concern the protection of the public or whose purpose is to respond to other candidates' messages or regarding the use of social media or direct mail.

When adopting a regulation in accordance with the first paragraph, the board of directors shall draw on the guidelines set by the Office.

*Adopte  
MN.*

AM 17  
s. 36 (76.1)

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Section 36

**AMENDMENT:**

Strike out.

*Adopted  
MO.*

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Section 36.1

**AMENDMENT:**

Insert after section 36:

**36.1.** Section 77 of the Code is replaced by the following sections:

“77. If the number of candidates is less than the number of positions to be filled, any vacant position shall be filled by a member of the order appointed by the board of directors following an invitation for applications within 30 days after the election. Any member thus appointed shall be deemed to be an elected director of the board of directors whose term of office is of equivalent duration to that of the director whose position is vacant.

If the board does not include an elected director who was 35 years of age or under at the time of the election, at least one vacant position shall be filled in accordance with the first paragraph by a member who is 35 years of age or under.

“77.1. If, following an election, the board of directors does not include at least one elected director who was 35 years of age or under at the time of the election, the board shall appoint an additional director from among the members of the order who are 35 years of age or under following an invitation for applications within 30 days after the election. The member thus appointed is deemed to be an elected director of the board whose term of office is of equivalent duration to that of the other directors and who cannot be reappointed in that capacity.

In such a case, the board of directors shall be deemed to be regularly formed, although the number of directors is increased by one.”

Adopted  
MO.

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Section 37

**AMENDMENT:**

Replace paragraph 5 by:

(5) by adding the following sentences at the end of the fourth paragraph: "The Office cannot appoint a director who is a member of the board of directors or an officer of a legal person or of any other group of persons whose principal object is promoting the rights or defending the interests of members of the order or of professionals in general. An appointed director shall be deemed to have resigned from the time the appointed director becomes such a member of a board of directors or such an officer."

Adopte  
MN

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Section 37.1

**AMENDMENT:**

Insert after section 37:

**37.1.** The Code is amended by inserting the following section after section 78:

“**78.1.** Any appointment of a director to the board of directors of an order, made under this Code or the Act constituting an order by the Office or by such a board, must tend toward gender parity. The board of directors must also be composed of members whose cultural identity reflects the various components of Québec society as much as possible.”

Adopté  
MA

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Section 39

**AMENDMENT:**

Replace by:

39. The Code is amended by inserting the following section after section 79:

“79.1. The directors of the board of directors of a professional order shall be subject to the standards of ethics and professional conduct determined by the Office under section 12.0.1 and to those in the code of ethics and professional conduct established by the board of directors under subparagraph 4 of the second paragraph of that section.

Each professional order must ensure public access to the code, including on its website, and publish it in its annual report.

Each professional order’s annual report must, in addition, give an account of the number of cases dealt with and the follow-up given to them, the breaches of the standards of ethics and professional conduct noted during the year, and the decisions rendered and penalties imposed.”

Adopte  
MN



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Section 40

**AMENDMENT:**

1. Replace paragraph 1 by:

(1) by replacing the first paragraph by the following paragraphs:

“The president shall exercise a right of general supervision over the affairs of the board of directors. The president shall see, with the senior management of the order, that the board’s decisions are implemented and require any information the president considers relevant to keep the board informed of any other matter relating to the pursuit of the order’s mission. To the extent determined by the board, the president shall act as the order’s spokesperson and representative.

The president shall also assume such other responsibilities as are assigned by the board but may not act as an officer.”

2. Replace “determined by regulation of the Office and those set out in the code of ethics and professional conduct adopted by the professional order of which he is a member” in paragraph 2 by “applicable to them”.

*Adopted  
MN*

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Section 42

**AMENDMENT:**

Replace by:

42. Section 82 of the Code is amended by replacing "section 62" by "this Code or an Act constituting an order" and "three" by "six".

*Adopted  
M.*

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Section 43

**AMENDMENT:**

Strike out.

*Adopte  
MN.*

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Section 44

**AMENDMENT:**

Replace section 44 by:

**44.** Section 85.1 of the Code is replaced by the following section:

“**85.1.** The board of directors shall determine the amount of the annual assessment, after consultation with the members in general meeting and after having considered the result of the consultation required under the third paragraph of section 102, and of any supplementary or special assessment to be paid by the members of the order or certain classes of members on the basis of the professional activities in which they engage, and the date by which the assessment must be paid.

To come into force, a resolution passed by the board of directors under the first paragraph to determine a special assessment must be approved by a majority of the members in general meeting who vote on the matter.

A resolution determining an annual assessment is applicable for the year for which the assessment has been determined and it remains applicable, so long as it is not amended, for each subsequent year. A resolution determining a supplementary or special assessment is applicable for the specific purposes and the duration it specifies.

For the purposes of this section, a supplementary assessment is an assessment that has become necessary to enable the order to meet its obligations under a regulation of the Office under subparagraph 6 of the fourth paragraph of section 12 or a regulation of the Government under section 184 or to pay expenses resulting from the payment of compensation or expenses related to the procedure for recognizing the equivalence of diplomas issued outside Québec or the equivalence of training, or related to the carrying out of the provisions of this Code that pertain to professional discipline or inspection.”

Adopté  
ME

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Section 44.1

**AMENDMENT:**

Insert after section 44:

**44.1.** Section 86.0.1 of the Code is amended

(1) by inserting “and the standards of ethics and professional conduct applicable to their members,” after “powers” in paragraph 2;

(2) by replacing “their members” in that paragraph by “those members”.

Adopted  
MR.

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Section 46

**AMENDMENT:**

Strike out.

*Adopted  
MO.*

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Section 47

**AMENDMENT:**

Replace by:

47. Section 93 of the Code is amended

(1) by replacing paragraph *b* by the following paragraph:

“(b) fix the date of and procedure for the election of the president and the other elected directors, the date and time they are to take office and their term of office; the regulation may prescribe eligibility criteria for the office of elected director, including the office of president, and set a limit on the number of consecutive terms such directors may serve;”

(2) by replacing “the number of directors of” in paragraph *e* by “the number of directors, other than the president, on”.

Adopte  
MO.

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Section 48

**AMENDMENT:**

1. Strike out paragraph 2.
2. Insert after paragraph 3:

(4) by replacing “of section 42 or paragraph *i* of section 94 of this Code” in paragraph *n* by “of issuing a permit, a specialist's certificate or a special authorization”;

- (5) by adding the following paragraph at the end:

“In addition to what may be provided for in a regulation made under subparagraph *n* of the first paragraph, where a person applying for a permit, a specialist’s certificate or a special authorization is incapable, for reasons beyond his or her control, of providing required documents or where providing such documents represents an excessive burden for the person, the board of directors may accept to consider other documents or other means of obtaining the information it would have received had the required documents been provided and of ascertaining whether the person’s professional qualifications are equivalent to those he or she is purported to have according to the required documents.”

Adopted  
MO.



AM 30  
s. 50 (95.2)

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Section 50

**AMENDMENT:**

Strike out.

Adopted  
MO.

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Section 53

**AMENDMENT:**

1. Add "in accordance with sound management practices" after "resources" at the end of proposed section 101.1.
2. Add the following paragraph at the end of proposed section 101.1:

The executive director shall report to the board of directors, to the extent and at the intervals determined by the latter, on the implementation of the board's decisions and on any other matter relating to the pursuit of the order's mission.

*Adopte  
MN.*

SAM  
AM 31  
s. 53 (101.1)

Bill 98

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Section 53

**AMENDMENT:**

Insert "on his management," after "determined by the latter," in the second paragraph of proposed section 101.1.

*Adopted  
MR*

AM 32  
s. 58 (108.8)

Bill 98

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Section 58

**AMENDMENT:**

Strike out.

Adopted  
MO.

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Section 53.1

**AMENDMENT:**

Insert after section 53:

**53.1.** The Code is amended by inserting the following section after section 103:

“**103.1** At least 30 days before the annual general meeting, the secretary of the order must send information about the amount of the annual assessment to all the members of the order for comment. The information shall be accompanied by a draft resolution amending that amount, if applicable, the budget estimates for the financial year covered by the assessment, including a breakdown of the elected directors’ remuneration, and a draft annual report.”

*Adopted  
mn.*

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Section 54

**AMENDMENT:**

Replace section 54 by:

**54.** The first paragraph of section 104 of the Code is replaced by the following paragraphs:

“**104.** During the annual general meeting,

(1) the members shall approve the elected directors’ remuneration and appoint the auditors responsible for auditing the order’s books and accounts;

(2) the secretary shall file a report on the consultation provided for in section 103.1;

(3) the members shall again be consulted about the amount of the annual assessment; and

(4) the president of the order shall submit a report on the activities of the board of directors and the financial statement of the order.

The report required under subparagraph 4 of the first paragraph must comply with the standards prescribed by regulation of the Office under subparagraph *b* of subparagraph 6 of the fourth paragraph of section 12 and must in particular mention the number of permits of each category issued during the preceding fiscal year.”

Adopté  
M.

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Section 60

**AMENDMENT:**

Replace section 60 by:

**60.** Section 122 of the Code is amended

(1) by replacing “third” in the first paragraph by “fourth”.

(2) by inserting the following paragraph at the end:

“It is forbidden to take or threaten to take reprisals against a person on the ground that the person has sent information to a syndic to the effect that a professional has committed an offence referred to in section 116 or on the ground that the person has cooperated in an inquiry conducted by a syndic.”

*Adopte  
no.*

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Section 61

**AMENDMENT:**

1. Replace “when proceedings are instituted against a professional for an offence punishable by a term of imprisonment of five years or more” in proposed section 122.0.1 by “when of the opinion that proceedings instituted against a professional for an offence punishable by a term of imprisonment of five years or more are related to the practice of the profession”.
2. Replace “a decision must be rendered not later than” in the second paragraph of proposed section 122.0.2 by “the disciplinary council shall render its decision within”.
3. Replace “how it affects the honour or dignity of the profession” in the first paragraph of proposed section 122.0.3 by “how public trust in the order’s members could be compromised if the disciplinary council fails to issue an order”.

Adopte  
MO



AM 37  
s. 62 (123.9)

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Section 62

**AMENDMENT:**

Insert "lodged" after "complaint" in the first paragraph of proposed section 123.9.

*Adopted  
MN*