

*chapter C-26, r. 113*

***Code of ethics of occupational therapists***

*Professional Code*  
*(chapter C-26, s. 87).*

*Replaced, O.C. 342-2015, 2015 G.O. 2, 573, eff. 2015-05-14; see chapter C-26, r. 113.01.*

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## ***DIVISION I***

### ***GENERAL PROVISIONS***

**1.01.** *In this Regulation, unless the context indicates otherwise,*

(a) *“Order” means the Ordre des ergothérapeutes du Québec;*

(b) *“occupational therapist” means every person who is entered on the roll of the Order.*

*R.R.Q., 1981, c. C-26, r. 78, s. 1.01; O.C. 1015-98, s. 1.*

**1.02.** *The Interpretation Act (chapter I-16) applies to this Regulation.*

*R.R.Q., 1981, c. C-26, r. 78, s. 1.02.*

## ***DIVISION II***

### ***DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC***

**2.01.** *An occupational therapist must, unless he has sound reasons to the contrary, support every measure likely to improve the quality and availability of professional services in the field in which he practises.*

*R.R.Q., 1981, c. C-26, r. 78, s. 2.01.*

**2.02.** *In the practice of his profession, an occupational therapist must take into account the general effect which his research and work may have on society.*

*R.R.Q., 1981, c. C-26, r. 78, s. 2.02.*

**2.03.** *An occupational therapist must promote measures of education and information in the field in which he practises. Unless he has sound reasons to the contrary, he must also, in the practice of his profession, perform the necessary acts to ensure such education and information.*

*R.R.Q., 1981, c. C-26, r. 78, s. 2.03.*

**2.04.** *An occupational therapist must be well informed on new developments in the field of occupational therapy practice so as to offer professional services of the highest quality.*

*R.R.Q., 1981, c. C-26, r. 78, s. 2.04.*

## ***DIVISION III***

### ***DUTIES AND OBLIGATIONS TOWARDS CLIENTS***

#### ***§ 1. — General provisions***

**3.01.01.** *An occupational therapist must refuse any request for service which lies beyond his professional competence or in respect of which all the essential data is not supplied to him.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.01.01.*

**3.01.02.** *An occupational therapist must at all times recognize his client’s right to consult a colleague, a member of another professional order or any other competent person.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.01.02.*

**3.01.03.** *An occupational therapist must refrain from practising in conditions or situations which could impair the quality of his services.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.01.03.*

**3.01.04.** *An occupational therapist must endeavour to establish a relationship of mutual trust between the client and himself. To this end, he must in particular:*

(a) *refrain from practising his profession in an impersonal manner;*

(b) *conduct his interviews in such a way as to respect his client's scale of values and personal convictions, when the latter informs him thereof.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.01.04.*

§ 2. — *Integrity*

**3.02.01.** *An occupational therapist must accomplish his professional tasks with integrity.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.02.01.*

**3.02.02.** *An occupational therapist must avoid any false representation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires, he must, with the latter's authorization, consult a colleague, a member of another professional order or another competent person, or refer him to one of these persons.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.02.02.*

**3.02.03.** *An occupational therapist must, as soon as possible, inform his client of the nature and method of the treatment he requires and, where applicable, must obtain his agreement in the matter.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.02.03.*

**3.02.04.** *An occupational therapist must refrain from expressing opinions or giving advice that is contradictory or incomplete. To this end, he must endeavour to have full knowledge of the facts before expressing an opinion or giving advice.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.02.04.*

**3.02.05.** *Unless he has sound and reasonable grounds to the contrary, an occupational therapist must explain to his client in a complete and objective manner the nature and implications of the problem as it appears to him from the sum total of facts which have been brought to his attention.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.02.05.*

**3.02.06.** *An occupational therapist who ascertains that his treatment is not likely to improve the client's functional independence must notify him thereof immediately.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.02.06.*

§ 3. — *Availability and diligence*

**3.03.01.** *An occupational therapist must display reasonable availability and diligence in the practice of his profession.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.03.01.*

**3.03.02.** *In addition to opinion and counsel, an occupational therapist must provide his client with any explanation necessary to the understanding and evaluation of the services rendered to him.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.03.02.*

**3.03.03.** *An occupational therapist must give an account of his services to his client when so requested by the latter.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.03.03.*

**3.03.04.** *Where an occupational therapist is called upon to pursue work previously entrusted to another occupational therapist or a member of another professional order, he must, before accepting such work, inquire into the latter's mandate to see if it has actually terminated, provided he knows of this mandate.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.03.04.*

**3.03.05.** *Unless he has sound and reasonable grounds to the contrary, an occupational therapist shall not cease to act on behalf of a client. The following shall, in particular, constitute just and reasonable grounds:*

*(a) the fact that the occupational therapist is placed in a situation of conflict of interest or in a context such that his professional independence could be called in question;*

*(b) the fact of being incited by the client to perform illegal, unfair or fraudulent acts.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.03.05.*

**3.03.06.** *Before ceasing to provide his services to a client, an occupational therapist must notify him thereof within a reasonable lapse of time and ensure that this will not cause him serious prejudice.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.03.06.*

#### *§ 4. — Liability*

**3.04.01.** *An occupational therapist must, in the practice of his profession, fully commit his personal civil liability. He is thus prohibited from inserting in a contract of professional services any clause directly or indirectly excluding, in whole or in part, such liability.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.04.01.*

#### *§ 5. — Independence and impartiality*

**3.05.01.** *An occupational therapist must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.05.01.*

**3.05.02.** *An occupational therapist must safeguard his professional independence at all times and avoid any situation which could put him in conflict of interest. Without restricting the generality of the foregoing, an occupational therapist:*

*(a) is in conflict of interest when the interests at hand are such that he may be influenced to favour certain of them over those of his client or his judgment and loyalty towards the latter may be unfavourably affected;*

*(b) is not free to advise a client on a given act if he can derive a direct or indirect, real or possible, personal benefit therefrom.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.05.02.*

**3.05.03.** *Except for the remuneration to which he is entitled, an occupational therapist shall not receive, pay or undertake to pay any benefit, rebate or commission in connection with the practice of his profession.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.05.03.*

§ 6. — *Professional secrecy*

**3.06.01.** *An occupational therapist must respect the secrecy of confidential information obtained in the practice of his profession.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.06.01.*

**3.06.02.** *An occupational therapist shall be released from professional secrecy only with the written authorization of his client or when so ordered by law.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.06.02.*

**3.06.03.** *An occupational therapist must avoid indiscreet conversations concerning a client or the services rendered to him.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.06.03.*

**3.06.04.** *An occupational therapist shall not make use of confidential information which may be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another person.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.06.04.*

**3.06.05.** *Clinical data obtained in the practice of the profession or in the course of research may be used for publication or teaching purposes only if the identity of the persons concerned is kept confidential.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.06.05.*

**3.06.06.** *An occupational therapist must obtain the written permission of the client concerned when using audiovisual techniques for purposes of therapy, teaching or research.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.06.06.*

**3.06.07.** *In addition to the cases provided for in section 3.06.02, an occupational therapist may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the occupational therapist 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 occupational therapist 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 occupational therapist may only communicate such information as is necessary to achieve the purposes for which the information is communicated, in particular the identity of the person in danger, the identity, address and telephone number of the person uttering threats as well as the nature of those threats, and the circumstances in which they were uttered.*

*O.C. 839-2003, s. 1.*

**3.06.08.** *An occupational therapist who, pursuant to section 3.06.07, communicates information must enter the following particulars in the client's record:*

*(1) the identity of the person or group of persons exposed to the danger, the identified danger and the act of violence that the information intended to prevent; and*

(2) *the identity of the person to whom the information was given, specifying, as the case may be, if it was given to the person exposed to the danger, the person's representative or the persons who can come to that person's aid, the date and time of the communication, the information that was communicated and the mode of communication.*

*O.C. 839-2003, s. 1.*

§ 7. — *Terms and conditions of the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code and obligation for an occupational therapist to give documents to his client*

*R.R.Q., 1981, c. C-26, r. 78, sd. 7; O.C. 1015-98, s. 2.*

**3.07.01.** *An occupational therapist may require that an application referred to in section 3.07.02, 3.07.05 or 3.07.08 be made at his place of business, during his regular working hours.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.07.01; O.C. 1015-98, s. 2.*

**3.07.02.** *In addition to the particular rules prescribed by law, an occupational therapist shall promptly follow up, at the latest within 30 days of its receipt, on any request made by his client whose purpose is:*

- (1) *to consult documents that concern him in any record made in his regard;*
- (2) *to obtain a copy of the documents that concern him in any record made in his regard.*

*O.C. 1015-98, s. 2.*

**3.07.03.** *An occupational therapist who grants an application referred to in section 3.07.02 shall give free access to documents to his client. However, an occupational therapist may request reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy, in respect of an application to which paragraph 2 of section 3.07.02 applies.*

*An occupational therapist requesting such fees shall, before proceeding with the copying, transcribing or sending of the information, inform his client of the approximate amount he will have to pay.*

*O.C. 1015-98, s. 2.*

**3.07.04.** *An occupational therapist who, pursuant to the second paragraph of section 60.5 of the Professional Code (chapter C-26), denies his client access to the information contained in a record made in his regard shall inform his client in writing that the disclosure would be likely to cause serious harm to his client or to a third party.*

*O.C. 1015-98, s. 2.*

**3.07.05.** *In addition to the particular rules prescribed by law, an occupational therapist shall promptly follow up, at the latest within 30 days of its receipt, on any request made by his client whose purpose is:*

- (1) *to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record made in his regard;*
- (2) *to cause to be deleted any information that is outdated or not justified by the object of the record made in his regard;*
- (3) *to file in the record made in his regard the written comments that he prepared.*

*O.C. 1015-98, s. 2.*

**3.07.06.** *An occupational therapist who grants an application referred to in section 3.07.05 shall issue to his client, free of charge, a copy of the document or part of the document to allow his client to see for himself that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by his client were filed in the record.*

*O.C. 1015-98, s. 2.*

**3.07.07.** *Upon written request from his client, an occupational therapist shall forward a copy, free of charge for his client, of corrected information or an attestation that the information was deleted or, as the case may be, that written comments were filed in the record to any person from whom the occupational therapist received the information that was subject to the correction, deletion or comments and to any person to whom the information was provided.*

*O.C. 1015-98, s. 2.*

**3.07.08.** *An occupational therapist must promptly follow up on any written request made by his client, whose purpose is to take back a document entrusted to him by his client.*

*An occupational therapist shall indicate in his client's record, where applicable, the reasons to support his client's application.*

*O.C. 1015-98, s. 2.*

§ 8. — *Determination and payment of fees*

**3.08.01.** *An occupational therapist must charge and accept fees which are justified by the circumstances and in proportion to the services rendered. In determining his fees, he must, in particular, take into account the following factors:*

- (a) the time given for carrying out the professional service;*
- (b) the complexity and importance of the service;*
- (c) the performance of unusual services or services requiring exceptional competence or celerity.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.08.01.*

**3.08.02.** *An occupational therapist must provide his client with all the explanations required for the understanding of his statement of fees and the terms and conditions of payment.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.08.02.*

**3.08.03.** *An occupational therapist must refrain from demanding advance payment of his services; he must, on the other hand, notify his client of the approximate cost of his services.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.08.03.*

**3.08.04.** *An occupational therapist may collect interest on outstanding accounts only after having duly notified his client. The interest thus charged must be at a reasonable rate.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.08.04.*

**3.08.05.** *Before having recourse to legal proceedings, an occupational therapist must have exhausted all the other means at his disposal to obtain payment of his fees.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.08.05.*

**3.08.06.** *An occupational therapist must refrain from selling his accounts, except to a colleague.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.08.06.*

**3.08.07.** *When an occupational therapist appoints another person to collect his fees, he must ensure that the latter will act with tact and moderation.*

*R.R.Q., 1981, c. C-26, r. 78, s. 3.08.07.*

## **DIVISION IV**

### **DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

#### **§ 1. — Derogatory acts**

**4.01.01.** *In addition to those referred to in sections 59 and 59.1 of the Professional Code (chapter C-26) and what may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of the Code, the following acts are derogatory to the dignity of the profession:*

- (a) prompting a person in pressing or repeated terms to resort to his professional services;*
- (b) communicating with the plaintiff without the prior written permission of the syndic or his assistant when he is informed that an inquiry into his professional conduct or competence is to be held or when a complaint has been served against him;*
- (c) producing or causing to be produced for any person unjustified or illicit benefits, in particular by falsifying a declaration, report or any document respecting a client or by having an interest in the sale or rental of therapeutic equipment;*
- (d) failing to inform the secretary of the Order in due time where he knows that a candidate does not meet the conditions of admission to the Order, and where he believes that an occupational therapist is practising the profession in a manner likely to harm the public;*
- (e) allowing a person who is not a member of the Order to use the title “occupational therapist”, or a title or abbreviation which may lead people to believe that he is a member, the abbreviation “erg.”, or initials which may lead people to believe that he is a member, or the initials “O.T.” or “O.T.R.”, or not immediately informing the secretary of the Order where he knows that a person who is not entered on the roll of the Order uses those titles, abbreviations or initials.*

*R.R.Q., 1981, c. C-26, r. 78, s. 4.01.01; O.C. 1015-98, s. 3.*

#### **§ 2. — Relations with the Order and colleagues**

*R.R.Q., 1981, c. C-26, r. 78, div. IV, sd. 2.*

**4.02.01.** *An occupational therapist whose participation in a council for the arbitration of accounts, a disciplinary council or a professional inspection committee is requested by the Order must accept that duty unless he has exceptional grounds for refusing.*

*R.R.Q., 1981, c. C-26, r. 78, s. 4.02.01.*

**4.02.02.** *An occupational therapist must promptly answer all correspondence addressed to him by the syndic of the Order, investigators or the members of the professional inspection committee.*

*R.R.Q., 1981, c. C-26, r. 78, s. 4.02.02.*



**4.02.03.** *An occupational therapist shall not abuse a colleague's good faith or be guilty of breach of trust or disloyal practises towards him. He must not, in particular, take credit for work done by a colleague.*

*R.R.Q., 1981, c. C-26, r. 78, s. 4.02.03.*

**4.02.04.** *An occupational therapist must, in his field of work, co-operate with his colleagues and members of other professions and seek to maintain harmonious relations with them.*

*R.R.Q., 1981, c. C-26, r. 78, s. 4.02.04.*

§ 3. — *Contribution to the advancement of the profession*

**4.03.01.** *An occupational therapist must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students, and his participation in courses and continuing training periods.*

*R.R.Q., 1981, c. C-26, r. 78, s. 4.03.01.*

**DIVISION V**

**CONDITIONS, OBLIGATIONS AND PROHIBITIONS IN RESPECT OF ADVERTISING**

*O.C. 1015-98, s. 4.*

**5.01.** *An occupational therapist may mention in his advertising any information likely to help the public make an enlightened choice and to promote access to useful or necessary services.*

*An occupational therapist must promote the preservation and development of professionalism in his advertising.*

*O.C. 1015-98, s. 4.*

**5.02.** *An occupational therapist may not, by any means whatsoever, engage in or allow the use of advertising that is false, incomplete, deceptive or liable to mislead.*

*O.C. 1015-98, s. 4.*

**5.03.** *An occupational therapist who, in his advertising, claims to possess specific qualities or skills, particularly in respect of his level of competence or the scope or efficacy of his services, shall be able to substantiate such claim.*

*O.C. 1015-98, s. 4.*

**5.04.** *An occupational therapist may not use an endorsement or testimonial concerning himself in his advertising.*

*O.C. 1015-98, s. 4.*

**5.05.** *An occupational therapist shall indicate his name and professional title in his advertising.*

*O.C. 1015-98, s. 4.*

**5.06.** *An occupational therapist may not engage in advertising intended for a clientele that is vulnerable by reason of the occurrence of a specific event.*

*O.C. 1015-98, s. 4.*

**5.07.** *An occupational therapist must avoid, in his advertising, all methods and attitudes tending to impute a mercenary or commercialistic nature to the profession.*

*O.C. 1015-98, s. 4.*

**5.08.** *An occupational therapist may not resort to advertising practices likely to discredit or denigrate anyone, including another professional.*

*O.C. 1015-98, s. 4.*

**5.09.** *An occupational therapist must keep a complete copy of every advertisement for at least 5 years following the date on which it was last authorized to be published or broadcast. That copy must be given to the secretary of the Order upon request.*

*O.C. 1015-98, s. 4.*

**5.10.** *An occupational therapist who advertises professional fees or prices must do so in a manner easily understandable by persons without special knowledge of occupational therapy or the professional services covered by the advertisement and must:*

*(1) maintain them in force for the period mentioned in the advertisement, which may not be less than 90 days after the last authorized broadcast or publication;*

*(2) specify the services included in those fees or prices;*

*(3) indicate whether expenses are included or not;*

*(4) indicate whether additional services not included in those fees might be required.*

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

*O.C. 1015-98, s. 4.*

**5.11.** *In the case of an advertisement relating to a special price or a rebate, an occupational therapist must mention the period of validity, if any, of the special price or rebate. That period may be less than 90 days.*

*O.C. 1015-98, s. 4.*

**5.12.** *In a statement or advertisement, an occupational therapist may not, by any means whatsoever, emphasize a price or rebate more than the service offered.*

*O.C. 1015-98, s. 4.*

**5.13.** *An occupational therapist who reproduces the graphic symbol of the Order for advertising purposes must make sure that it is an accurate copy of the original held by the secretary of the Order.*

*An occupational therapist who reproduces the name of the Order in his advertising must use the following formulation: member of the Ordre des ergothérapeutes du Québec.*

*O.C. 1015-98, s. 4.*

#### UPDATES

*R.R.Q., 1981, c. C-26, r. 78*

*O.C. 1015-98, 1998 G.O. 2, 3677*

*O.C. 839-2003, 2003 G.O. 2, 2719*

*S.Q. 2008, c. 11, s. 212*