



COOPERATING WITH THE OFFICE OF THE SYNDIC: a choice or an obligation?

In Québec, this is how lawmakers have worded the mission entrusted to professional orders, which are governed by the Professional Code: “The principal function of each order shall be to ensure the protection of the public. For this purpose it must in particular supervise the practice of the profession by its members.” (Professional Code, section 23)

TO PROTECT THE PUBLIC

In line with this mission, the IOQ’s Office of the Syndic (or Syndic) is the instrument created by lawmakers to supervise the practice of the profession and fulfill its main mission: protect the public.

To protect the public, the Syndic specifically makes sure that engineers do the following while practicing their profession:

- inform their clients of the nature of their services and their fees;
- provide professional services with competence, diligence and integrity;
- consider the consequences of their work on the environment, life, health and property of everyone.

The Syndic's mission is sensitive, because not everyone who requests professional services is always able to evaluate their value, quality or degree of complexity.

THE SYNDIC'S AUTHORITY AND POWERS

**ANYONE WHO BECOMES A
MEMBER OF THE ORDRE DES
INGÉNIEURS DU QUÉBEC
RECOGNIZES THE OIQ'S MISSION
AND AGREES TO SUBMIT TO THE
SYNDIC'S AUTHORITY.**

Accordingly, in the context of an inquiry, the Professional Code (section 122) authorizes the Syndic to require all information or documents to be submitted to him and to make copies of them. Under section 4.02.02 of the Code of the Ethics of Engineers, engineers must answer all correspondence from the OIQ's Syndic as promptly as possible.

The Syndic is in no way obligated to explain to engineers why he requires them to submit documents to him and meet with him, or inform them of the source of the allegations or the information he possesses. Moreover, he does not have to notify engineers that they are the subject of an inquiry or that his inquiry concerns specific events or situations.

Finally, the Syndic is not required to inform engineers of the date on which he intends to show up at their office or elsewhere to meet with them.

However, it should be noted that section 4.01.01 of the Code of Ethics prohibits engineers who are the subject of an inquiry from communicating with the person who requested the inquiry without prior written permission from the Office of the Syndic. We also note that all inquiries remain confidential until a disciplinary complaint has been filed with the Disciplinary Council, where applicable.

A SITUATION TO BE AVOIDED

In summary, the general scheme of professional legislation dictates that engineers must make it a priority to cooperate with the Syndic. The Professional Code (sections 114 and 122) even specifies that engineers are prohibited from hindering the Syndic from performing his duties and that non-cooperation or inadequate cooperation may result in a complaint being lodged with the Disciplinary Council.

The major view in the jurisprudence of recent years clearly shows this: Hindrance is an offence that is handled with increasing harshness, which can even include sanctions such as temporarily striking engineers from the roll. Once hindrance is proven, there are very few, if any, justifications that professionals can provide to excuse their failure to comply with the requirement of cooperation.

So, is cooperating with the Syndic a choice or an obligation?