

chapter I-9, r. 6

Code of ethics of engineers

Engineers Act

(chapter I-9, s. 7)

Professional Code

(chapter C-26, s. 87)

DIVISION I

GENERAL PROVISIONS

1.01. This Regulation is made pursuant to section 87 of the Professional Code (chapter C-26).

R.R.Q., 1981, c. I-9, r. 3, s. 1.01.

1.02. In this Regulation, unless the context indicates otherwise, the word “client” means a person to whom an engineer provides professional services, including an employer.

R.R.Q., 1981, c. I-9, r. 3, s. 1.02.

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

R.R.Q., 1981, c. I-9, r. 3, s. 1.03.

DIVISION II

DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

2.01. In all aspects of his work, the engineer must respect his obligations towards man and take into account the consequences of the performance of his work on the environment and on the life, health and property of every person.

R.R.Q., 1981, c. I-9, r. 3, s. 2.01.

2.02. The engineer must support every measure likely to improve the quality and availability of his professional services.

R.R.Q., 1981, c. I-9, r. 3, s. 2.02.

2.03. Whenever an engineer considers that certain works are a danger to public safety, he must notify the Ordre des ingénieurs du Québec or the persons responsible for such work.

R.R.Q., 1981, c. I-9, r. 3, s. 2.03.

2.04. The engineer shall express his opinion on matters dealing with engineering only if such opinion is based on sufficient knowledge and honest convictions.

R.R.Q., 1981, c. I-9, r. 3, s. 2.04.

2.05. The engineer must promote educational and information measures in the field in which he practises.

R.R.Q., 1981, c. I-9, r. 3, s. 2.05.

DIVISION III

DUTIES AND OBLIGATIONS TOWARDS CLIENTS

§1. General provisions

3.01.01. Before accepting a mandate, an engineer must bear in mind the extent of his proficiency and aptitudes and also the means at his disposal to carry out the mandate.

R.R.Q., 1981, c. I-9, r. 3, s. 3.01.01.

3.01.02. In cases where it is in his client's interest, the engineer shall retain the services of experts after having obtained his client's authorization, or he shall advise the latter to do so.

R.R.Q., 1981, c. I-9, r. 3, s. 3.01.02; O.C. 2566-84, s. 1.

3.01.03. An engineer must refrain from practising under conditions or in circumstances which could impair the quality of his services.

R.R.Q., 1981, c. I-9, r. 3, s. 3.01.03.

3.01.04. An engineer must at all times acknowledge his client's right to consult another engineer and, in such cases, he must offer his cooperation to the latter.

O.C. 2566-84, s. 2.

§2. Integrity

3.02.01. An engineer must fulfill his professional obligations with integrity.

R.R.Q., 1981, c. I-9, r. 3, s. 3.02.01.

3.02.02. An engineer must avoid any misrepresentation 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.

R.R.Q., 1981, c. I-9, r. 3, s. 3.02.02.

3.02.03. An engineer must, as soon as possible, inform his client of the extent and the terms and conditions of the mandate entrusted to him by the latter and obtain his agreement in that respect.

R.R.Q., 1981, c. I-9, r. 3, s. 3.02.03.

3.02.04. An engineer must refrain from expressing or giving contradictory or incomplete opinions or advice, and from presenting or using plans, specifications and other documents which he knows to be ambiguous or which are not sufficiently explicit.

R.R.Q., 1981, c. I-9, r. 3, s. 3.02.04.

3.02.05. An engineer must inform his client as early as possible of any error that might cause the latter prejudice and which cannot be easily rectified, made by him in the carrying out of his mandate.

R.R.Q., 1981, c. I-9, r. 3, s. 3.02.05.

3.02.06. An engineer must take reasonable care of the property entrusted to his care by a client and he may not lend or use it for purposes other than those for which it has been entrusted to him.

R.R.Q., 1981, c. I-9, r. 3, s. 3.02.06.

3.02.07. Where an engineer is responsible for the technical quality of engineering work, and his opinion is ignored, the engineer must clearly indicate to his client, in writing, the consequences which may result therefrom.

R.R.Q., 1981, c. I-9, r. 3, s. 3.02.07.

3.02.08. An engineer shall not resort nor lend himself to nor tolerate dishonest or doubtful practices in the performance of his professional activities.

R.R.Q., 1981, c. I-9, r. 3, s. 3.02.08; O.C. 2566-84, s. 3.

3.02.09. An engineer shall not pay or undertake to pay, directly or indirectly, any benefit, rebate or commission in order to obtain a contract or upon the carrying out of engineering work.

R.R.Q., 1981, c. I-9, r. 3, s. 3.02.09.

3.02.10. An engineer must be impartial in his relations between his client and the contractors, suppliers and other persons doing business with his client.

R.R.Q., 1981, c. I-9, r. 3, s. 3.02.10.

§3. Availability and diligence

3.03.01. An engineer must show reasonable availability and diligence in the practice of his profession.

R.R.Q., 1981, c. I-9, r. 3, s. 3.03.01.

3.03.02. In addition to opinion and counsel, the engineer must furnish his client with any explanations necessary to the understanding and appreciation of the services he is providing him.

R.R.Q., 1981, c. I-9, r. 3, s. 3.03.02.

3.03.03. An engineer must give an accounting to his client when so requested by the latter.

R.R.Q., 1981, c. I-9, r. 3, s. 3.03.03.

3.03.04. An engineer may not cease to act for the account of a client unless he has just and reasonable grounds for so doing. The following shall, in particular, constitute just and reasonable grounds:

(a) the fact that the engineer is placed in a situation of conflict of interest or in a circumstance whereby his professional independence could be called in question;

(b) inducement by the client to illegal, unfair or fraudulent acts;

(c) the fact that the client ignores the engineer's advice.

R.R.Q., 1981, c. I-9, r. 3, s. 3.03.04.

3.03.05. Before ceasing to exercise his functions for the account of a client, the engineer must give advance notice of withdrawal within a reasonable time.

R.R.Q., 1981, c. I-9, r. 3, s. 3.03.05.

§4. Seal and signature

R.R.Q., 1981, c. I-9, r. 3, Div. III, Sd. 4; O.C. 2566-84, s. 4.

3.04.01. An engineer must affix his seal and signature on the original and the copies of every engineering plan and specification prepared by himself or prepared under his immediate control and supervision by persons who are not members of the Order.

An engineer may also affix his seal and signature on the original and the copies of documents mentioned in this section which have been prepared, signed and sealed by another engineer.

An engineer must not affix his seal and signature except in the cases provided for in this section.

R.R.Q., 1981, c. I-9, r. 3, s. 3.04.01; O.C. 2566-84, s. 4.

3.04.02. An engineer must affix his signature on the original and the copies of every written consultation and opinion, measurement, layout, report, computation, study, drawing and specification prepared by himself or prepared under his immediate control and supervision by persons who are not members of the Order.

An engineer may also affix his signature on the original and the copies of documents mentioned in this section which have been prepared and signed by another engineer.

O.C. 2566-84, s. 4.

§5. Independence and impartiality

3.05.01. An engineer must, in the practice of his profession, subordinate his personal interest to that of his client.

R.R.Q., 1981, c. I-9, r. 3, s. 3.05.01.

3.05.02. Any engineer must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

Without restricting the generality of the foregoing, an engineer shall not accept, directly or indirectly, any benefit or rebate in money or otherwise from a supplier of goods or services relative to engineering work which he performs for the account of a client.

R.R.Q., 1981, c. I-9, r. 3, s. 3.05.02.

3.05.03. An engineer must safeguard his professional independence at all times and avoid any situation which would put him in conflict of interest.

R.R.Q., 1981, c. I-9, r. 3, s. 3.05.03.

3.05.04. As soon as he ascertains that he is in a situation of conflict of interest, the engineer must notify his client thereof and ask his authorization to continue his mandate.

R.R.Q., 1981, c. I-9, r. 3, s. 3.05.04.

3.05.05. An engineer shall share his fees only with a colleague and to the extent where such sharing corresponds to a distribution of services and responsibilities.

R.R.Q., 1981, c. I-9, r. 3, s. 3.05.05.

3.05.06. In carrying out a mandate, the engineer shall generally act only for one of the parties concerned, namely, his client. However, where his professional duties require that he act otherwise, the engineer must notify his client thereof. He shall accept the payment of his fees only from his client or the latter's representative.

R.R.Q., 1981, c. I-9, r. 3, s. 3.05.06.

§6. Professional secrecy

3.06.01. An engineer must respect the secrecy of all confidential information obtained in the practice of his profession.

R.R.Q., 1981, c. I-9, r. 3, s. 3.06.01.

3.06.02. An engineer shall be released from professional secrecy only with the authorization of his client or whenever so ordered by law.

R.R.Q., 1981, c. I-9, r. 3, s. 3.06.02.

3.06.03. An engineer shall not make use of confidential information to the prejudice of a client or with a view to deriving, directly or indirectly, an advantage for himself or for another person.

R.R.Q., 1981, c. I-9, r. 3, s. 3.06.03.

3.06.04. An engineer shall not accept a mandate which entails or may entail the disclosure or use of confidential information or documents obtained from another client without the latter's consent.

R.R.Q., 1981, c. I-9, r. 3, s. 3.06.04.

§7. Access to and correction of records and release of documents

R.R.Q., 1981, c. I-9, r. 3, sd. 7; O.C. 920-2002, s. 1.

3.07.01. Beyond the specific rules prescribed by law, an engineer must act, with diligence and not later than 30 days following receipt thereof, on any request made by his client for the purposes of:

(1) examining documents concerning him in any record established in his respect;

(2) obtaining copies of documents concerning him in any record established in his respect.

R.R.Q., 1981, c. I-9, r. 3, s. 3.07.01; O.C. 920-2002, s. 1.

3.07.02. An engineer who agrees to a request contemplated in section 3.07.01 shall give the client access to the documents in his presence or in the presence of a person authorized by him.

An engineer may, with respect to a request contemplated in subparagraph 2 of section 3.07.01, charge his client a reasonable fee not exceeding the cost of transmission, transcription or reproduction of a copy.

An engineer charging such fees shall, before they are incurred, inform his client of the approximate amount he will be asked to pay. An engineer has the right of retention concerning payment of such fees.

O.C. 920-2002, s. 1.

3.07.03. An engineer who, in applying the second paragraph of section 60.5 of the Professional Code (chapter C-26), refuses to allow his client access to information contained in any record established in his respect, must furnish his client with the reasons for such refusal in writing.

O.C. 920-2002, s. 1.

3.07.04. Beyond the specific rules prescribed by law, an engineer must act, with diligence and not later than 30 days following receipt thereof, on any request made by his client for the purposes of:

(1) correcting information that is inaccurate, incomplete or ambiguous with regard to the purposes for which it was collected, in any document concerning him that is contained in any record established in his respect;

(2) deleting any information that is outdated or not justified by the object of the record established in his respect;

(3) placing his written comments in the record established in his respect.

O.C. 920-2002, s. 1.

3.07.05. An engineer who agrees to a request contemplated in section 3.07.04 shall give his client without charge a copy of the document or portion thereof showing the client that the information has been corrected, or, as the case may be, a certificate indicating that the written comments from the client have been placed in the record.

Upon receipt of a request in writing from the client, an engineer shall send, without charge to the client, a copy of such information or certificate to any person from whom an engineer received such information and to whom such information was given.

O.C. 920-2002, s. 1.

3.07.06. An engineer agrees to act with diligence on any request in writing made by his client for the purpose of taking back a document or item which the client had left with him.

The engineer indicates in the record established in respect of his client, as the case may be, the reasons for the client's request.

O.C. 920-2002, s. 1.

3.07.07. An engineer may require that a request contemplated in section 3.07.01, 3.07.04 or 3.07.06 be submitted to his professional domicile during the usual hours of work.

O.C. 920-2002, s. 1.

§8. Determination and payment of fees

3.08.01. An engineer must charge and accept fair and reasonable fees.

R.R.Q., 1981, c. I-9, r. 3, s. 3.08.01.

3.08.02. Fees are considered fair and reasonable when they are justified by the circumstances and correspond to the services rendered. In determining his fees, the engineer must, in particular, take the following factors into account:

- (a) the time devoted to the carrying out of the mandate;
- (b) the difficulty and magnitude of the mandate;
- (c) the performance of unusual services or services requiring exceptional competence or speed;
- (d) the responsibility assumed.

R.R.Q., 1981, c. I-9, r. 3, s. 3.08.02.

3.08.03. An engineer must inform his client of the approximate cost of his services and of the terms and conditions of payment. He must refrain from demanding advance payment of his fees; he may, however, request a deposit.

R.R.Q., 1981, c. I-9, r. 3, s. 3.08.03; O.C. 2566-84, s. 5.

3.08.04. An engineer must give his client all the necessary explanations for the understanding of his statement of fees and the terms and conditions of its payment.

R.R.Q., 1981, c. I-9, r. 3, s. 3.08.04.

DIVISION IV

DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

§1. Derogatory acts

4.01.01. In addition to those referred to in sections 57 and 58 of the Professional Code (chapter C-26), the following acts are derogatory to the dignity of the profession:

- (a) participating or contributing to the illegal practice of the profession;
- (b) pressing or repeated inducement to make use of his professional services;
- (c) communicating with the person who lodged a complaint, without the prior written permission of the syndic or his assistant, whenever he is informed of an

inquiry into his professional conduct or competence or whenever a complaint has been laid against him;

(d) refusing to comply with the procedures for the conciliation and arbitration of accounts and with the arbitrators' award;

(e) taking legal action against a colleague on a matter relative to the practice of the profession before applying for conciliation to the president of the Order;

(f) refusing or failing to present himself at the office of the syndic, of one of his assistants or of a corresponding syndic, upon request to that effect by one of those persons;

(g) not notifying the syndic without delay if he believes that an engineer infringes this Regulation.

R.R.Q., 1981, c. I-9, r. 3, s. 4.01.01.

§2. Relations with the Order and colleagues

4.02.01. An engineer 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 this duty unless he has exceptional grounds for refusing.

R.R.Q., 1981, c. I-9, r. 3, s. 4.02.01.

4.02.02. An engineer must, as promptly as possible, answer all correspondence addressed to him by the syndic of the Order, the assistant syndic or a corresponding syndic, investigators or members of the professional inspection committee or the secretary of the latter committee.

R.R.Q., 1981, c. I-9, r. 3, s. 4.02.02.

4.02.03. An engineer shall not abuse a colleague's good faith, be guilty of breach of trust or be disloyal towards him or willfully damage his reputation. Without restricting the generality of the foregoing, the engineer shall not, in particular:

(a) take upon himself the credit for engineering work which belongs to a colleague;

(b) take advantage of his capacity of employer or executive to limit in any way the professional independence of an engineer employed by him or under his responsibility, in particular with respect to the use of the title of engineer or the obligation of every engineer to commit his professional liability;

(c) induce a colleague to commit an offence against the laws and regulations governing the practice of the profession.

R.R.Q., 1981, c. I-9, r. 3, s. 4.02.03; O.C. 2566-84, s. 6.

4.02.04. Where a client requests an engineer to examine or review engineering work that he has not performed himself, the latter must notify the engineer concerned thereof and, where applicable, ensure that the mandate of his colleague has terminated.

R.R.Q., 1981, c. I-9, r. 3, s. 4.02.04.

4.02.05. Where an engineer replaces a colleague in engineering work, he must notify that colleague thereof and make sure that the latter's mandate has terminated.

R.R.Q., 1981, c. I-9, r. 3, s. 4.02.05.

4.02.06. An engineer who is called upon to collaborate with a colleague must retain his professional independence. If a task is entrusted to him and such task goes against his conscience or his principles, he may ask to be excused from doing it.

R.R.Q., 1981, c. I-9, r. 3, s. 4.02.06.

4.02.07. An engineer may not refuse to collaborate with a member of the Order, in professional dealings, on the basis of race, colour, sex, religion, national, ethnic or social origin and for any ground mentioned in section 10 of the Charter of human rights and freedoms (chapter C-12).

O.C. 1182-83, s. 1.

§3. Contribution to the advancement of the profession

4.03.01. An engineer must, as far as he is able, contribute to the development of his profession by sharing his knowledge and experience with his colleagues and students, and by his participation as professor or tutor in continuing training periods and refresher training courses.

R.R.Q., 1981, c. I-9, r. 3, s. 4.03.01.

DIVISION V

OBLIGATIONS RELATIVE TO PROFESSIONAL ADVERTISING AND PROMOTION AND OBLIGATIONS RELATIVE TO THE NAMES OF PARTNERSHIPS OF ENGINEERS

O.C. 920-2002, s. 2.

§1. Advertising and promotion

O.C. 920-2002, s. 2.

5.01.01. An engineer may not in any way and under any circumstances make false, misleading or incomplete advertising with respect to his professional activities and services.

O.C. 920-2002, s. 2.

5.01.02. The information that an engineer provides in his advertising or promotion must be of a nature to help the public make an informed choice. Such advertising or promotion must be done with integrity and favour professionalism.

O.C. 920-2002, s. 2.

5.01.03. In all advertising or representation he may make, an engineer must give his name and professional title.

O.C. 920-2002, s. 2.

5.01.04. An engineer shall not in his representation or advertising:

- (1) invade a person's privacy;
- (2) undermine a person's reputation;
- (3) compare the quality of his services with that of the services offered or rendered by other engineers;
- (4) discredit, denigrate or disparage the services offered or rendered by other engineers.

O.C. 920-2002, s. 2.

5.01.05. In addition to the obligations mentioned in section 5.01.04, an engineer shall not attribute to himself experience, professional or academic qualifications or particular qualities unless he is able to justify them.

O.C. 920-2002, s. 2.

5.01.06. An engineer shall ensure that the persons working with him in any capacity in the practice of his profession comply with the rules concerning advertising.

O.C. 920-2002, s. 2.

5.01.07. An engineer who, in his advertising, mentions fees or prices shall do so in a manner that can be understood by the public, which has no particular knowledge of the practice of engineering or the professional services covered by the advertising, and shall:

- (1) keep them in effect for the period mentioned in the advertising or, if no period is specified, for a period of 90 days following the last publication or broadcast;
- (2) specify the nature and extent of the services included in such fees or prices;
- (3) indicate whether or not certain fees are included in such fees or prices;
- (4) indicate what additional services may be required which are not included in such fees or prices.

O.C. 920-2002, s. 2.

5.01.08. In the case of advertising offering a special price or a discount, an engineer shall specify how long such special price or discount is valid, as the case may be. This period may be less than 90 days.

O.C. 920-2002, s. 2.

5.01.09. An engineer shall keep a copy of all advertising for a period of 3 years following the date of its last broadcast or publication. On request, this copy shall be given to the syndic.

O.C. 920-2002, s. 2.

§2. Names of partnerships of engineers

O.C. 920-2002, s. 2.

5.02.01. The name of a partnership of engineers includes only the names of the engineers who are practising their profession together. It may not include the name of a deceased or retired associate engineer for more than one year, unless he or his successors had made an agreement in writing to the contrary.

O.C. 920-2002, s. 2.

5.02.02. When an associate engineer withdraws from a partnership to practise alone, to join another partnership or another business or to hold a position that is incompatible with the practice of the profession, his name must be eliminated from the name within 30 days of his withdrawal, unless there is a written agreement to the contrary.

In all cases, the agreement may not stipulate a period of more than one year.

O.C. 920-2002, s. 2.

5.02.03. The name of a partnership of engineers may end with the words “and associates” when the names of at least 2 associates are not included in the name.

O.C. 920-2002, s. 2.

5.02.04. An engineer practising in a partnership is jointly responsible with the other professionals for following the rules concerning advertising, unless he can establish that the advertising was done without his knowledge or consent and in spite of the provisions made to ensure compliance with such rules.

O.C. 920-2002, s. 2.

REFERENCES

R.R.Q., 1981, c. I-9, r. 3

O.C. 1182-83, 1983 G.O. 2, 2291

O.C. 2566-84, 1984 G.O. 2, 4055

O.C. 920-2002, 2002 G.O. 2, 4558

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