

chapter C-26, r. 270

Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec

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

O.C. 929-94; O.C. 832-2003, s. 1.

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DIVISION I

DUTIES TOWARDS THE PUBLIC

1. A member shall support every measure likely to improve the quality and availability of professional services in the field in which he practises.

O.C. 929-94, s. 1.

2. A member shall help foster public understanding of the nature and objectives of the services he offers.

O.C. 929-94, s. 2.

2.1. Members must take reasonable measures to ensure that the partnership or joint-stock company within which they carry on professional activities, as well as the employees, shareholders, directors, partners and any other person collaborating with them in the carrying on of professional activities, comply with the Professional Code (chapter C-26) and its regulations.

O.C. 1092-2010, s. 1.

2.2. The duties and obligations under the Professional Code (chapter C-26) and its regulations are not modified or reduced in any manner owing to the fact that a member practises the profession within a partnership or joint-stock company.

O.C. 1092-2010, s. 1.

DIVISION II

DUTIES TOWARDS CLIENTS

§ 1. — *General*

3. Before providing a professional service, a member shall take into account the limitations of his abilities, his knowledge and the means at his disposal. Specifically, he shall not undertake work for which he is not sufficiently prepared without obtaining the necessary assistance or information.

O.C. 929-94, s. 3.

4. A member shall refrain from practising in a state or in conditions liable to compromise the quality of his services.

O.C. 929-94, s. 4.

5. A member shall at all times acknowledge a client's right to consult another colleague, a member of another professional order or any other competent person.

O.C. 929-94, s. 5.

6. A member shall endeavour to establish a relationship of mutual trust with his client.

O.C. 929-94, s. 6.

7. A member's conduct shall be characterized by objectivity, moderation and dignity.

O.C. 929-94, s. 7.

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8. A member shall execute his mandate in compliance with professional standards and practices. To that end, the member must update and improve his or her skills.

O.C. 929-94, s. 8; O.C. 886-2014, s. 1.

§ 2. — *Integrity*

9. A member shall discharge his professional obligations with integrity.

O.C. 929-94, s. 9.

10. A member shall avoid any misleading statements with respect to his level of competence or with respect to the effectiveness of his services, of those provided by the persons carrying on professional activities within the partnership or company where the member practises or of those generally provided by members of the profession.

O.C. 929-94, s. 10; O.C. 1092-2010, s. 2.

11. A member shall promptly inform his client of any errors that are committed in the execution of his mandate and that are liable to be detrimental to the client.

O.C. 929-94, s. 11.

12. A member shall refrain from performing acts that are unnecessary or disproportionate to the needs of his client.

O.C. 929-94, s. 12.

13. A member shall take reasonable care with property entrusted to him by a client and may not lend such property or use it for purposes other than those for which it was entrusted to him.

O.C. 929-94, s. 13.

§ 3. — *Availability and diligence*

14. In the practice of his profession, a member shall display reasonable availability and diligence.

O.C. 929-94, s. 14.

15. A member shall provide his client with the explanations necessary to the understanding and appreciation of the services rendered.

O.C. 929-94, s. 15.

16. A member may not unilaterally terminate a mandate unless he has fair and reasonable grounds for doing so, in particular where

(a) the member has been misled by the client, or where the client has failed to co-operate or has interfered unduly;

(b) the client attempts to induce the member to commit illegal, unfair, immoral or fraudulent acts;

(c) the member is in a situation of conflict of interest or a situation in which his professional independence could be questioned; or

(d) the client refuses to pay his fees.

O.C. 929-94, s. 16.

17. A member who unilaterally terminates a mandate shall take all necessary measures to avoid causing serious, foreseeable injury to his client.

O.C. 929-94, s. 17.

§ 4. — *Professional liability*

18. In the practice of his profession, a member shall fully commit his personal civil liability. He is thus prohibited from inserting in a contract for professional services a clause that directly or indirectly excludes all or part of such liability.

A member may not invoke the liability of the partnership or joint-stock company within which the member carries on professional activities or the liability of another person also carrying on activities within the same partnership or company as a ground for excluding or limiting the member's personal liability.

O.C. 929-94, s. 18; O.C. 1092-2010, s. 3.

§ 5. — *Independence and disinterestedness*

19. A member shall display independence and disinterestedness when persons other than his clients ask him for information.

O.C. 929-94, s. 19.

19.1. Members must subordinate their personal interests, and those of the partnership or joint-stock company in which they carry on professional activities or in which they have an interest, to those of their clients.

O.C. 1092-2010, s. 4.

19.2. Members must safeguard their professional independence at all times by avoiding any real or apparent situation of conflict of interest, including when the interests concerned are such that members could tend to favour certain of them over those of their client, or where their integrity and loyalty towards the client could be questioned.

O.C. 1092-2010, s. 4; O.C. 886-2014, s. 2.

19.3. A member must take reasonable measures to ensure that information or documents protected by professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company in which the member carries on professional activities or has an interest, as soon as the member becomes aware that the partner, shareholder, director, officer or employee is in a conflict of interest.

The following factors must be taken in particular account in assessing the effectiveness of such measures:

- (1) the size of the partnership or joint-stock company;
- (2) the precautions taken to prevent access to the member's file by the person in the conflict of interest;
- (3) the instruction given to protect confidential information or documents relating to the conflict of interest;
- (4) the isolation of the person in the conflict of interest with respect to the member.

O.C. 1092-2010, s. 4.

20. A member shall ignore any intervention by a third party that could influence the performance of his professional duties to the detriment of his client.

O.C. 929-94, s. 20.

§ 6. — *Remuneration*

21. A member shall promptly inform his client of the scope, terms and conditions of the mandate conferred on him, and shall obtain the client's agreement with respect thereto.

O.C. 929-94, s. 21.

22. A member shall inform his client of the approximate anticipated cost of his services, except where it may be reasonably assumed that the client has already been so informed.

O.C. 929-94, s. 22.

23. A member shall charge fair and reasonable fees for his professional services.

O.C. 929-94, s. 23.

24. Fees are fair and reasonable if they are warranted in the circumstances and are proportionate to the services rendered. In particular, a member shall take the following factors into account when determining his fees:

- (a) his experience;
- (b) the time required to execute the mandate;
- (c) the difficulty of the mandate;
- (d) the importance of the mandate;
- (e) the liability assumed;
- (f) the need to perform unusual services or services requiring exceptional competence or speed.

O.C. 929-94, s. 24.

24.1. Members who carry on professional activities within a partnership or joint-stock company must ensure that the fees and expenses for professional services provided by members are always indicated separately on any invoice or statement of fees sent by the partnership or joint-stock company to a client, except if a lump sum payment was agreed upon in writing with the client. However, in the latter case, the statement or invoice must detail the professional services provided by the member.

O.C. 1092-2010, s. 5.

24.2. Members may share their fees only with a person with whom they are authorized to carry on professional activities under the Regulation respecting the practice of the profession of certified translator, terminologist or interpreter within a partnership or joint stock company (chapter C-26, r. 276), or with a partnership or company within which the member is authorized to practise under that Regulation.

O.C. 1092-2010, s. 5.

25. A member may not charge interest on outstanding accounts without first duly notifying his client. A member shall then charge a reasonable rate of interest.

O.C. 929-94, s. 25.

§ 7. — *Professional secrecy*

26. A member shall respect the secrecy of all confidential information obtained in the practice of his profession.

O.C. 929-94, s. 26.

27. A member may be released from professional secrecy only with the client's authorization or where so ordered or expressly authorized by law.

O.C. 929-94, s. 27; O.C. 886-2014, s. 3.

27.1. In addition to the cases provided for in section 27, a member may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the member 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 member 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 member may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

A member who communicates information pursuant to the first paragraph shall

(1) warn without delay the person exposed to the danger, that person's representative or the persons who can come to that person's aid; and

(2) enter the following particulars in the client's record:

(a) the reasons supporting the decision to communicate the information, including the identity and contact information of the person who caused the member to communicate the information; and

(b) the nature of the communication, including the identity and contact information of the person to whom the information was communicated, specifying, as the case may be, that it was to the person exposed to the danger, to that person's representative or to the persons who can come to that person's aid.

O.C. 832-2003, s. 2.

28. A member shall avoid indiscreet conversations about a client or the services rendered to a client.

O.C. 929-94, s. 28.

29. A member shall not make use of confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for himself or for another person.

O.C. 929-94, s. 29.

30. A member shall ensure that his staff and associates do not divulge confidential information received in the performance of their duties.

O.C. 929-94, s. 30.

§ 8. — *Conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code and provisions concerning a member's obligation to release documents to the client*

O.C. 628-2000, s. 1.

31. *(Replaced).*

O.C. 929-94, s. 31; O.C. 628-2000, s. 1.

§ 8.1. — *General*

O.C. 628-2000, s. 1.

31.1. A member may require that a request covered by sections 31.2, 31.5 and 31.8 be made and the right be exercised at his professional domicile during his regular working hours.

O.C. 628-2000, s. 1.

§ 8.2. — *Conditions and procedure applicable to the exercise of the right of access provided for in section 60.5 of the Professional Code*

O.C. 628-2000, s. 1.

31.2. In addition to the particular rules prescribed by law, a member shall promptly follow up, at the latest within 30 days of its receipt, on any request made by the client whose purpose is:

- (1) to consult documents concerning him in any record established in his respect;
- (2) to obtain a copy of the documents concerning him in any record established in his respect.

O.C. 628-2000, s. 1.

31.3. A member may charge reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of forwarding a copy, with regard to any request referred to by paragraph 2 of section 31.2. A member charging such fees shall, before proceeding with reproducing, transcribing or forwarding the aforementioned, inform the client of the approximate amount he will have to pay.

O.C. 628-2000, s. 1.

31.4. A member who, in accordance with the second paragraph of section 60.5 of the Professional Code (chapter C-26), denies the client access to the information contained in a record established in the client's respect must specify to the client, in writing, the reasons for his or her refusal and enter the reasons in the record.

O.C. 628-2000, s. 1; O.C. 886-2014, s. 4.

§ 8.3. — *Conditions and procedure applicable to the exercise of the right of correction provided for in section 60.6 of the Professional Code*

O.C. 628-2000, s. 1.

31.5. In addition to the particular rules prescribed by law, a member shall promptly follow up, at the latest within 30 days of its receipt, on any request made by the client whose purpose is:

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

O.C. 628-2000, s. 1.

31.6. A member who agrees to a request referred to in section 31.5 shall issue to the client, free of charge, a copy of the document or the part of the document that allows the client to see for himself that the

information has been corrected or deleted or, as the case may be, an attestation that the written comments prepared by the client have been filed in the record.

O.C. 628-2000, s. 1.

31.7. A member shall at no charge for the client forward a copy of the corrected information or an attestation stating that the information has been deleted or, as the case may be, that written comments have been filed in the record, to any person from whom the member received the information that was subject to the correction, deletion or comments and to any person to whom the information has been provided.

O.C. 628-2000, s. 1; O.C. 886-2014, s. 5.

§ 8.4. — *Provisions concerning a member's obligation to release documents to the client*

O.C. 628-2000, s. 1.

31.8. A member must promptly follow up on any written request made by a client, whose purpose is to recover a document entrusted to the member by the client.

A member shall indicate in the client's record, where applicable, the reasons supporting the client's request.

O.C. 628-2000, s. 1.

DIVISION III

DUTIES TOWARDS THE PROFESSION

§ 1. — *Derogatory acts*

32. In addition to the acts referred to in sections 57, 58, 58.1, 59.1 and those that may be determined under the second paragraph of section 152 of the Professional Code (chapter C-26), the following acts are derogatory to the dignity of the profession:

- (a) urging someone repeatedly or in a pressing manner to use his professional services;
- (b) communicating with the plaintiff without the prior written permission of the syndic or the assistant syndic, where the member is informed of an inquiry into his conduct or professional competence, or where a complaint has been served on him;
- (c) demanding, offering, promising, accepting or agreeing to accept a sum of money or some benefit for the purpose of causing a procedure or a decision of the Order to be adopted or rejected;
- (d) charging fees for professional services not rendered;
- (e) billing a client for interviews, communications or correspondence with the syndic where the syndic requires the member to provide explanations or information concerning the mandate received from that client;
- (f) practising the profession within, or having an interest in, a partnership or joint-stock company, with a person who, to the knowledge of the member, performs acts that are derogatory to the dignity of the profession;
- (g) carrying on professional activities within, or having an interest in, a partnership or joint-stock company if a partner, shareholder, director, officer or employee of the partnership or joint-stock company is struck off the roll for more than 3 months or had his or her professional permit revoked, unless the partner, shareholder, director, officer or employee

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i. ceases to hold the position of director or officer within the partnership or joint-stock company within 10 days of the date on which the striking off the roll or permit revocation becomes executory;

ii. ceases to attend shareholder meetings and to exercise voting rights, if applicable, within 10 days of the date on which the striking off the roll or permit revocation becomes executory;

iii. disposes of his or her voting shares or transfers them to a trustee within 10 days of the date on which the striking off the roll or permit revocation becomes executory;

(h) failing to inform the Order that the member has reason to believe that a member or a partnership or joint-stock company within which members practise contravenes to the Professional Code or a regulation made under the Code;

(i) carrying on professional activities within a partnership or joint-stock company that holds itself out as or implies that it is a partnership or joint-stock company within which a member is authorized to carry on professional activities when one of the requirements in the Professional Code or its regulations is not met;

(j) entering into an agreement or permitting an agreement to be entered into, within a partnership or joint-stock company in which a member is authorized to carry on professional activities, including a unanimous shareholders' agreement, if the agreement operates to threaten the independence, objectivity and integrity required for the practice of the profession or compliance by the members with the Professional Code and its regulations.

O.C. 929-94, s. 32; O.C. 1092-2010, s. 6.

33. It is the duty of each member to inform the Order where he has reason to believe that another member is derogating from the Code of ethics.

O.C. 929-94, s. 33.

§ 2. — *Relations with the Order and with other members*

34. A member must reply to every request sent by the syndic, assistant syndic, professional inspection committee members, secretary or assistant secretary of the Order in the performance of the duties conferred upon them by law; the member must also reply within the time and use the method of communication determined by them.

O.C. 929-94, s. 34; O.C. 886-2014, s. 6.

35. A member shall not abuse the good faith of another member or be guilty of a breach of trust or unfair tactics in respect of another member. In particular, a member shall not take credit for work performed by another member.

O.C. 929-94, s. 35.

36. A member shall, as far as he is able, contribute to the development of his profession by sharing his knowledge and experience with other members and students, and by taking part in the courses and various activities of the Order.

O.C. 929-94, s. 36.

DIVISION IV

CONDITIONS, OBLIGATIONS AND PROHIBITIONS IN RESPECT OF ADVERTISING

37. A member may not engage in, or allow the use of, particularly within a partnership or joint-stock company where the member carries on professional activities, by any means whatsoever, advertising that is false, misleading, incomplete or liable to mislead.

O.C. 929-94, s. 37; O.C. 1092-2010, s. 7.

38. A member may not claim to possess specific qualities or skills, particularly in respect of his level of competence or the range or effectiveness of his services, unless he can substantiate such claim.

O.C. 929-94, s. 38.

39. *(Revoked).*

O.C. 929-94, s. 39; O.C. 1092-2010, s. 8.

40. A member who advertises his fees shall

- (a) specify the nature and scope of the services covered;
- (b) indicate whether additional services may be required that are not covered.

Those particulars shall be given in a manner that can be understood by persons having no particular knowledge of the field of translation, interpretation or terminology.

O.C. 929-94, s. 40.

41. In all advertising, a member shall indicate his name or the name under which he practises and his title.

O.C. 929-94, s. 41; O.C. 1092-2010, s. 9.

42. A member shall keep a complete copy of every advertisement in its original form for a period of 2 years following the date on which it is last published or broadcast. The copy shall be given to the syndic upon request.

O.C. 929-94, s. 42.

43. *(Revoked).*

O.C. 929-94, s. 43; O.C. 886-2014, s. 7.

44. A member may not use advertising practices liable to denigrate or discredit a colleague or another firm of translators, interpreters or terminologists.

O.C. 929-94, s. 44.

DIVISION V

NAME

O.C. 992-94, Div. V; O.C. 1092-2010, s. 10.

45. Members may not practise the profession within a partnership or joint-stock company under a name that is misleading, deceiving or contrary to the honour or dignity of the profession or that is a number name.

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Only partnerships or companies where all services are offered by members may use the titles reserved for members in their names.

O.C. 929-94, s. 45; O.C. 1092-2010, s. 11.

46. Where a member retires from a partnership or joint-stock company or dies, the member's name must no longer appear in the name or advertising of the partnership or company after 1 year following retirement or death unless an agreement to the contrary has been entered into with the member or with the member's successors and assigns.

O.C. 929-94, s. 46; O.C. 1092-2010, s. 11.

DIVISION VI

GRAPHIC SYMBOL OF THE ORDER

O.C. 992-94, Div. V; O.C. 1092-2010, s. 12.

47. Where a member reproduces the graphic symbol of the Order for advertising purposes, he shall ensure that the symbol is in conformity with the original held by the secretary.

O.C. 929-94, s. 47.

48. Where a member uses the graphic symbol of the Order for advertising purposes, except on a business card, he shall include the following warning in the advertisement:

“This advertisement does not originate from the Ordre professionnel des traducteurs, terminologues et interprètes agréés du Québec and engages the liability of its author only.”

O.C. 929-94, s. 48.

49. *(Omitted).*

O.C. 929-94, s. 49.

UPDATES

O.C. 929-94, 1994 G.O. 2, 2372

O.C. 628-2000, 2000 G.O. 2, 2532

O.C. 832-2003, 2003 G.O. 2, 2710

O.C. 1092-2010, 2010 G.O. 2, 4019

O.C. 886-2014, 2014 G.O. 2, 2385