

chapter D-8.3, r. 2

Regulation respecting the ethics of training instructors and training bodies

Act to promote workforce skills development and recognition
(chapter D-8.3, s. 20)

TABLE OF CONTENTS

DIVISION I	
SCOPE.....	1
DIVISION II	
STANDARDS OF ETHICS	2
DIVISION III	
DISCIPLINARY PROCEDURE.....	13

DIVISION I

SCOPE

1. This Regulation applies to holders of an accreditation granted under the Regulation respecting the accreditation of training bodies, training instructors and training services (chapter D-8.3, r. 1).

O.C. 1248-2000, s. 1.

DIVISION II

STANDARDS OF ETHICS

2. An accredited training instructor shall act with competence. He shall provide quality professional services and make sure that the training provided complies with the set objectives and is adapted to the level of training of the client or of the employer's personnel.

He shall take into account the limits of his skills and knowledge, as well as the means at his disposal. In particular, he shall refrain from

(1) providing professional services for which he is not sufficiently prepared without the assistance or information needed;

(2) accepting an assignment when he has not acquired the required competence in due time or is unable to acquire it.

O.C. 1248-2000, s. 2.

3. An accredited training instructor shall update and upgrade his knowledge and methods of instruction in order to keep up with the requirements of his profession and to ensure their quality.

O.C. 1248-2000, s. 3.

4. In the practice of his profession, an accredited training instructor shall act honestly and loyally and he shall not, in particular,

(1) use discriminatory, fraudulent or illegal practices and he shall refuse to take part in such practices;

(2) carry on his activities in conditions or states likely to compromise the quality of the services he provides;

(3) receive, in addition to the remuneration to which he is entitled, any benefit, commission or discount related to his profession and he may not pay, offer to pay or promise to pay any such benefit, commission or discount;

(4) use methods for attracting clients that are unfair to the competition or solicitation;

(5) abuse the good faith of another accredited training instructor, commit a breach of trust towards him or use disloyal practices;

(6) take credit for work done by another person;

(7) plagiarize or use without written permission the content of training provided for instance by a recognized educational institution or by another accreditation holder.

O.C. 1248-2000, s. 4.

5. The holder of an accreditation shall, where applicable, make sure that the rules prescribed in sections 2 to 4 are observed by his training personnel or by the person in charge of providing training.

O.C. 1248-2000, s. 5.

6. The holder of an accreditation shall refrain from providing persons in training with information intended to recruit them for organizations, movements, associations and circles, regardless of their purpose or reputation.

O.C. 1248-2000, s. 6.

7. The holder of an accreditation shall avoid placing himself in any situation where his personal interest would be in conflict with his contractual obligations or, where applicable, the obligations resulting from the performance of his duties.

O.C. 1248-2000, s. 7.

8. The holder of an accreditation may not use for his benefit or the benefit of a third party personal information obtained for training purposes or in the course of his training activities, or any information of a confidential nature provided by a client or employer and usually dealt with confidentially by the client or employer, except with the consent of the person, client or employer concerned.

O.C. 1248-2000, s. 8.

9. The holder of an accreditation shall advertise his services in a way likely to adequately inform persons who have no special knowledge of the advertised domain.

O.C. 1248-2000, s. 9.

10. The holder of an accreditation may not in any way whatsoever engage in or allow advertising that is false, misleading or likely to mislead for the training he provides or is called upon to provide to the clients.

In particular, the holder of an accreditation may not in his advertising state or let people believe

(1) that the content of the training provided is approved by the Government, the Minister of Employment and Social Solidarité, the Commission des partenaires du marché du travail, a Government department, a public body or a public or private institution, unless he is so authorized under an agreement in writing to that effect;

(2) that the training instructors have skills or experience not recognized by the accreditation;

(3) that the scope of the accreditation covers professional fields other than those declared in the application for accreditation or declared subsequently to the Minister.

O.C. 1248-2000, s. 10.

11. The holder of an accreditation may not in any way whatsoever engage in or allow advertising that is incompatible with the object of the Act to promote workforce skills development and recognition (chapter D-8.3).

An advertisement may however indicate that the accreditation holder is accredited or recognized by the Minister and that he is governed by this Regulation.

O.C. 1248-2000, s. 11.

12. The holder of an accreditation shall keep a complete electronic or paper copy of any advertisement he has made, for at least 3 years following the date it was last broadcast or published. That copy shall be handed to the Minister upon request.

O.C. 1248-2000, s. 12.

DIVISION III

DISCIPLINARY PROCEDURE

13. Any person may file a complaint with the Minister against an accreditation holder about a behaviour that is derogatory to the Act to promote workforce skills development and recognition (chapter D-8.3) or to its regulations.

A complaint shall be in writing and briefly state the reasons supporting it.

O.C. 1248-2000, s. 13.

14. The Minister may reject any complaint that is obviously ill-founded. In such case, he shall so inform the complainant and give him the reasons for the rejection.

O.C. 1248-2000, s. 14.

15. After a complaint has been made or of his own initiative, the Minister may inquire into any situation where a conduct that is derogatory to the Act or its regulations is suspected.

O.C. 1248-2000, s. 15.

16. No accreditation holder may communicate with a person complaining of a violation to the Act or its regulations by him for the duration of the inquiry.

O.C. 1248-2000, s. 16.

17. The Minister shall inform the accreditation holder of the alleged violations, of the reference to the provisions concerned in the Act and its regulations, of the possible penalty and that he may make observations in writing and file documents to complete the accreditation holder's record within 15 days.

O.C. 1248-2000, s. 17.

18. If the Minister finds that an accreditation holder's conduct has been derogatory to the Act or its regulations, the Minister may, depending on the seriousness of the conduct, reprimand the accreditation holder or suspend or revoke his accreditation.

O.C. 1248-2000, s. 18.

19. Any decision of the Minister shall be in writing, give reasons and be notified to the accreditation holder.

Where applicable, the Minister shall inform the accreditation holder of the way to exercise the recourse provided for in section 23.1 of the Act.

O.C. 1248-2000, s. 19.

20. The Minister shall inform the complainant of the result of his inquiry and of his decision.

The first paragraph does not allow disclosure of confidential information.

O.C. 1248-2000, s. 20.

21. The Minister's decision takes effect as soon as notification is given.

Within 10 days of the notification of the Minister's decision to suspend or revoke his accreditation, the accreditation holder shall return to the Minister the document evidencing his accreditation.

O.C. 1248-2000, s. 21.

22. A decision to suspend or revoke the accreditation of a holder may not affect the eligibility of an employer's training expenditure recognized under the Act or a regulation thereunder, if that expenditure was incurred by the employer in good faith prior to that decision.

O.C. 1248-2000, s. 22.

23. (*Omitted*).

O.C. 1248-2000, s. 23.

UPDATES

O.C. 1248-2000, 2000 G.O. 2, 5260

