



The Ethics Guidelines are produced by the Office of the Syndic in collaboration with the Professional Inspection Committee. These guidelines do not constitute legal opinions; each case is particular and must be analyzed in the light of the circumstances peculiar to it.

**AT THE TIME OF WRITING OF THIS ETHICS GUIDELINE, THE 2006 CODE OF ETHICS IS NOT YET IN FORCE, BUT ITS MAIN FEATURES CAN BE SUMMARIZED FOR INFORMATION PURPOSES.**

# THE NEW CODE OF ETHICS OF PSYCHOLOGISTS

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## INTRODUCTION

The Code of Ethics is one of the elements of the regulatory framework that governs our profession, and obviously, a very central one. So psychologists have an interest in learning about the content of the new 2006 Code of Ethics which, although not yet in force, is now in the process of final approval.

The 1983 Code of Ethics set out certain rules defining the psychologist's duties and obligations towards the client, the public and the profession. The new Code, which has been in development for the past several years, takes a similar orientation. We note that the new Code is the product of lengthy consultations held with the Order's membership. As ethics consist of a set of rules which the members of a profession agree to abide by, these rules have to meet a real need in facilitating the professionals' work by clarifying appropriate conduct. This is a regulatory process which takes into account the values and standards of our professional practice. Therefore, although the development and approval process for the Code may appear to be very exacting, it has proven fruitful.

The new Code of Ethics will provide some useful clarifications in view of the number of areas in which psychologists presently practice. It reflects the ethics of our profession, which have been shaped by the thinking of psychologists. It also takes account of certain laws and of decisions handed down in recent years by various courts, in both civil cases and professional law. The consistency of these decisions has clarified, for certain issues, what constitutes the correct approach and permitted the codification of requirements in accordance with the existing jurisprudence.

The consensus that has emerged around the new Code will encourage adherence to its requirements by psychologists. They will find the Code

to be a useful tool, serving as a guide for action and an anchoring point for the exercise of professional judgment. The Code will bring benefit to the Order as well: given its mission of protection of the public, the Order has an interest in having informed member, who are fully aware of their obligations.

## HIGHLIGHTS OF THE NEW CODE

### General provisions and general duties

The first and second chapters of the Code set out the general provisions and general duties.

Sections 1 and 2 of Chapter I, making a link to the Professional Code, define the scope of the Code's duties and obligations, from which the psychologist cannot exempt himself "regardless of the context or manner of practice [...] or the nature of his contractual relationship with the client."\* [*The English translations of the new Code are unofficial, as the official translation does not yet exist.*] Here, interest is focused on the contractual agreement with the client and the resulting obligations. The term "client" is no longer specifically defined.

Among the general duties described in Chapter II, a new section draws attention to the client's right to respect of the dignity and liberty of the person (sec. 3). This chapter contains the already known requirements regarding the psychologist's conduct and responsibilities, and extends their scope. For example, now, the psychologist's conduct with "all persons" (sec. 4), and not only his client, will have to be above reproach. This chapter also introduces a new element, in that psychologists will have to comply "with the generally accepted practices of psychology" (sec. 5), in addition to the scientific principles generally recognized in psychology, as stated in the previous code. Moreover, to the previous requirement of discharging one's professional obligations with integrity, objectivity and moderation has been added the expression "with competence" (sec. 7), which emphasizes a dimension aimed at protecting the public.

Another point worth noting is that it will be psychologist's responsibility to take "reasonable steps to ensure that any person working with him [...], and any organization within which he carries on his profession" comply with the Code of Ethics (sec. 9).

### Duties and Obligations towards the Client

As may be expected, this chapter covers consent and the confidentiality of information concerning the client.

The notion of emergency as used by the new Code in relation to consent gives greater flexibility in dealing with situations that may entail risk if no action is taken. The exceptional character of these situations can be taken into account; however, this approach cannot be generalized, because the psychologist will have to take "reasonable and necessary measures, including after the end of the emergency, to obtain free and informed consent by ascertaining that the client has clearly understood the information communicated to him" (sec. 12).

The notions of professional secrecy and confidentiality continue to occupy a central place in the psychologist's obligations towards the client.

**THE NOTION OF EMERGENCY IS INTRODUCED IN RELATION TO OBTAINING CONSENT, INCLUDING THE ACTION TO BE TAKEN AFTER AN EMERGENCY.**

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INDEPENDENCE IS CLARIFIED  
AND EMPHASIS IS PLACED ON  
THE PSYCHOLOGIST'S APPRAISAL  
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FROM A CONFLICT OF INTEREST  
PERSPECTIVE.

GREATER FLEXIBILITY IS GIVEN  
FOR MISSED APPOINTMENTS.

However, the wording of the text introduces some new elements, which again provide flexibility for dealing with emergencies, for example, by requiring only verbal consent in such situations. Mention is made elsewhere of the requirement to retain information, thus showing the importance of the psychologist's obligations in this regard. The standards concerning accessibility and correction of information in the client's record create new obligations, while maintaining the possibility for the psychologist to deny access under certain conditions. The thrusts of the *Act respecting access to documents held by public bodies and the protection of personal information* and the *Act respecting the protection of personal information in the private sector* are clearly reflected in the clarification of the expression "with diligence," which is understood to be "within 30 days," and in the conditions concerning fees charged for access to the record (sec. 20) and requests for correction of the record (sec. 21)

Professional independence and the avoidance of conflict of interest remain priority requirements for all professionals. Offences against these rules sometimes result from a misunderstanding of the contractual undertaking, in which the interests of the client must be favoured. The new Code of Ethics establishes clearer rules, while giving more scope for the psychologist to judge, for example, special situations arising from an emergency (sec. 24), the duration of the professional relationship and the client's state of vulnerability (sec. 26). The issue of relations other than professional relations may, therefore, come under this new rule.

The sections on grounds for discontinuing services include some new elements, which give the psychologist more scope in assessing the state of the relationship.

Another section, that relating to the "Quality of Professional Services," recognizes that the psychologist may make a psychological diagnosis. Other points discussed in this section refer to the psychologist's obligation to update his skills (sec. 39) and to consult a competent person or refer his client to such a person (sec. 40 and 42). Another point of interest is that the obligation to be available and to show diligence is now accompanied by the obligation to take the appropriate measures to avoid "causing detriment to the client" (sec. 43). Previously, the psychologist had to make himself available, whereas now, he is permitted to evaluate, in the light of his availability and the client's condition, what action should be taken to best meet the client's need.

The new Code speaks of the importance of establishing and maintaining "a relationship of mutual trust and respect" (sec. 41).

It also provides some additional rules for psychologists who perform expert assessments (sec. 46).

The chapter on duties and obligations towards the client also covers psychological material. On this point, there is no change from the previous code.

With respect to fees, different approaches are permitted, on the condition of having a "written agreement," for expert assessment cases, long-term contracts and missed appointments. In the latter case, more latitude is allowed, providing the existence of "previously agreed to conditions" (sec. 54 subs. 5) and that the fees are not higher than the usual

fees. As for interest on unpaid fees, it may be charged “at the agreed-on rate, or in the absence of such agreement, at the statutory rate” (sec. 55), rather than at a reasonable rate, as stated in the previous code.

### **Duties and Obligations towards the Public**

The standards in this regard remain essentially unchanged.

### **Duties and Obligations towards the Profession**

Chapter V explains somewhat differently the requirements associated with membership in a professional order. Some of the derogatory acts mentioned in section 58 of the 1983 Code have been rewritten to clarify their scope, in keeping with the Professional Code. Some new rules are included, concerning: intimidation or hindrance of a representative of the Order (sec. 63); implication of the psychologist's independence (sec. 66), and authorization from the client, which is now required if information about a colleague's incompetence or derogatory acts is obtained in the context of a confidential relationship (sec. 67). Lastly, a new section concerns the psychologist who enters into an undertaking with the Order (sec. 68), as can occur with the General Secretariat, the Professional Inspection Committee or the Office of the Syndic, for example, as part of the settlement of an investigation file or a conciliation.

### **Research**

Chapter VI deals with the issue of research in approximately the same way as the 1983 Code. However, a new requirement is added, that is, obtaining the approval of an ethics committee before conducting a study, if possible; if this is not possible, the Code provides a reminder to comply with scientific principles (sec. 70.1).

### **Advertising**

Chapter VII sets out some requirements that previously appeared in the “Public Statements” section. For example, psychologists who participate in the distribution of products must base their statements on “evidence professionally and scientifically acceptable in psychology” (sec. 73). This section also covers misrepresentation of competence in advertising (sec. 74). In addition, it contains a new obligation to keep copies of any advertising published for a period of three years (sec. 75).

### **Use of the Graphic Sign of the Order (7.02)**

The final chapter contains several sections from the directive approved by the Ordre des psychologues in 1981. It permits use of the OPQ logo to help identify psychological services provided by members of the Order.

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## **BIBLIOGRAPHY**

*Code of Ethics of Psychologists*, [In press].

The practice of a profession is defined by two co-existing realities: on the one hand, a recognition of the professional's right to decide on the most appropriate course of action, with every decision having an underlying ethical dimension, and on the other, the existence of a regulatory mechanism aimed at ensuring the protection of the public. The ethics guidelines are intended to inform psychologists about the existing regulatory framework to help them in the process of making informed decisions.



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