



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.

# THE CLIENT

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## INTRODUCTION

The notion of the client is particularly important for the psychologist, given the different contexts in which he or she may be required to provide services. The context will have an effect on the psychologist's ethical obligations.

In this article, we will present some guidelines to help establish the notion of the client. We will look at the changing character of certain mandates, which may give rise to different obligations, the nature and scope of the psychologist's obligations towards his client(s) and the appropriate way of acting in different circumstances.

Let us state at the outset that the question of who is the client can be quite complex and considerable thought may be required for the psychologist to determine the most appropriate intervention at a specific time.

## CLARIFICATIONS

It is important to clarify from the start with the person requesting the psychologist's services who the client(s) will be who will receive these services.

The *Code of Ethics of Psychologists* specifies that "unless the context indicates otherwise, the term *client* means a person to whom a psychologist renders professional services" (section 5).

In a therapeutic relationship, the client is usually the person who benefits from the psychologist's services. An agency paying the cost of the therapy is also considered a client, as the third party payer. The psychologist's role towards this third party is dependent on the client's consent. If the client receiving therapy decides to withdraw his consent to communicate with the payer, all contact between the psychologist and the payer will stop. However, the psychologist has a responsibility to discuss the potential impact of this decision with the client.

The parent of a minor child being seen in therapy is also considered a client, especially if the psychologist informs and advises the parent on the child's progress and the parent pays the cost of the psychotherapy.<sup>1</sup>

For psycho-legal assessments, decisions tend to support a broad interpretation, which regards all persons subject to the assessment as clients, even if only the parents consent to the procedure (Disciplinary Committee, June 11, 2002). By extension, the judge designating a psychologist an expert of the court and the lawyer working on the case are also clients, similarly to the members of the family undergoing the assessment.

The situation may become more complex in the organizational setting, where several parties may be involved during the course of the mandate. For example, the psychologist may be asked by the company president to evaluate problems in a department or work team. While conducting his work, the psychologist may have to take account of the directives of the department head, in addition to the president's request. For each of these professional contacts, a psychologist-client relationship is, to some extent, established. In a selection process, the client is clearly the employer who requested the service, but a professional relationship also arises with the evaluated candidates. The mandate agreed to with the employer must be reflected logically in the written consent obtained from each evaluated person.

In all the above cases, the psychologist must clarify with the client the nature of the mandate and terms of its execution, the presence and status of other clients involved, and the psychologist's obligations towards them.

Once the problem for which the consultation was sought is clearly identified, the psychologist must determine his work plan and the approach he will use to achieve the desired objectives. If new requests arise during the course of the mandate, this exercise will have to be repeated. Particular care must be taken if the new requests raise issues incompatible with those identified previously.

Although the definition of "client" contained in the *Code of Ethics*, and the manner in which it is interpreted, tend to be rather broad, this does not necessarily mean that the psychologist must assume the same obligations toward every person he deals with. The consent required prior to treatment or services and the expectations of confidentiality will vary depending on the context, as will the right of access to the record. These matters should be clarified with the different parties prior to their involvement, so that they can decide on this involvement in a free and informed manner. As guides in these matters, the psychologist must use not only of the *Code of Ethics* and the *Professional Code*, but also the applicable legislation.<sup>2</sup>

Other rights and obligations may arise from the work contract signed with the employer. However, the professional must, above all, comply with the regulations governing his profession.

He must also guard against putting himself in a conflict of interest situation, either before undertaking the work, or while performing it.

#### OBLIGATIONS MAY CHANGE DURING THE COURSE OF THE MANDATE

As it is not always possible to satisfy simultaneously all the requirements from different sources, it is highly recommended,<sup>3</sup> for an ethical approach, that an order of priority be established concerning the people or actions involved. This order of priority should be reviewed from time to time to adjust to a changing mandate or needs.

The jurisprudence reminds us that the termination of services does not necessarily put an end to professional obligations toward a client. The Professions Tribunal has ruled that neither "disciplinary law, nor the letter or spirit of the Code of Ethics of Psychologists limit the notion of the client exclusively to individuals to whom the professional still provides services" [translation] (Professions Tribunal, March 30, 2000, p. 11). Furthermore, the Disciplinary Committee of the Ordre des psychologues has determined that the mandate to perform a psycho-legal assessment, "just like the therapeutic relationship, imposes continuing duties on the professional" [translation] (D.C., May 26, 2004, p. 26). Of course, obligations towards clients are not eternal, but the psychologist has to consider, in relation to the type of work he is asked to perform, the implications of any actions taken, and the needs of the client even after the termination of services.

In a very recent decision, the Disciplinary Committee ruled that "a proposal of an immoral and disgraceful character" [translation] (D.C., June 23, 2004, p. 25), such as one to help an ex-client procure cannabis, when the person had been treated five years earlier for an addiction problem, is subject to sanction. The need to protect at all times the best interest of one's client or ex-client was the determining factor for the Disciplinary Committee. This decision provides clear direction on this issue and all psychologists should draw useful lessons from it regarding their responsibility towards their clients.

## CASE STUDY

*1. A person calls a psychologist to arrange an appointment. Her description of her situation makes it clear to the professional that she is in danger. She has suicidal ideation. She attempted suicide in the recent past and is contemplating doing so again, having devised a new suicide plan. What is the psychologist's responsibility toward this person, given that he has never met her?*

Normally, the psychologist would have no obligation, except to act professionally, in general terms, when arranging an appointment with a client. No service has been rendered to the caller in this case. However, the problem raised here becomes an issue, which imposes certain professional responsibilities (Professional Code, sec. 59.2) and obligations related to the Quebec Charter of Human Rights and Freedoms. Section 2 of the Charter stipulates an obligation to provide assistance to another person whose life is in peril. We note that in the event of imminent danger of death or serious injury, the psychologist may communicate information that is protected by professional secrecy to persons who can come to the individual's aid. (Professional Code, sec. 60.4)

Therefore, adequate action must be taken to ensure the protection of this caller, for example, by booking her an appointment within a short delay, if possible. In the meantime, she should be given appropriate referrals and/or encouraged to contact existing resources in her community until such time as help can be provided directly in a first interview with the psychologist.

2. A psychologist receives a request for services from a client and his family members while the client is hospitalized in a palliative care unit. In this situation, who is the client?

To avoid a potential conflict of interest when dealing with problems of people related to each other, for example, the hospitalized person and members of his immediate family, it is best to regard the intervention as family, or more broadly, group therapy. The group is composed of the hospitalized person and his family members. This cannot be a mandate for individual psychotherapy focusing on one person's specific needs. The psychologist's intervention should aim at objectives directly related to the expressed needs. If one of the family members brings up individual needs incompatible with the present mandate, the psychologist may refer him or her to another psychologist. In addition, the psychologist must obtain free and informed consent from the members of the group with regard to the nature of the services provided.

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## REFERENCES

1. Ethics Guidelines, January 2000.
3. For example, the *Canadian Charter of Rights and Freedoms*, the *Quebec Charter of Human Rights and Freedoms*, the *Civil Code of Quebec*, the *Act respecting the protection of personal information in the private sector* and the *Act respecting access to documents held by public bodies and the protection of personal information*.
3. Dupuis, D. (2002).

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*Canadian Charter of Rights and Freedoms*, 1982, c. 11 (U.K.) in R.S.C. (1985), App. II, No. 44.  
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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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