

*Code of Ethics
for
support
organizations
operating within
the community*

Members of the committee

Mrs. Julie Bourbonnais	Mr. François Lafontaine
Mrs. Nadia Verty-Cechmistro	Mrs. Hélène Lapierre
Mrs. Joanne Colasurdo	Mrs. Mireille Rouleau
Mr. André Coulombe	Mr. Guy Massicotte
Mrs. Elisée Faure	Mr. Richard Miron
Mrs. Suzanne Fontaine	Mrs. Huguette Trépanier
Mrs. Louise Gélinas	

**Mr. Serge Emond
Coordinator**

2003

**The overall mission
of
COMACO**
is to
promote
the possibility for persons,
especially seniors,
with reduced autonomy
to remain
within the community.

 **COMACO**

2349, rue de Rouen, 4ème étage
Montréal, Québec
H2K 1L8
Telephone : 514-288-7122
Fax : 514-288-7140
reseau@comaco.qc.ca

Page layout and electronic editing : Germain Pelletier

Table of contents

Introduction	5
Preamble	7
Vocabulary	9
Mission	11
Objectives	11
Values	13
Chapter 1	
Moral responsibilities toward the persons who use the organization’s services.	15
Chapter 2	
Moral responsibilities within the inter-personal relationships of the people who work for the organization.	21
Chapter 3	
Moral responsibilities toward the volunteers.	29
Chapter 4	
Moral responsibilities toward the organization.	33
Chapter 5	
Moral responsibilities toward the community.	37
Chapter 6	
Moral responsibilities of the persons who avail themselves of the activities and services of the organization.	41
Annex I	
Moral responsibilities of the persons who use the services and activities of the organization. ..	45
Annex II	
Extracts of laws regarding the right to confidentiality	
Some useful tools and references.	53

(Excerpts or quotations of articles of laws have not been translated to avoid misunderstandings.)

Introduction

This code of ethics originates from a request from the members of the '**Coalition pour le maintien dans la communauté (COMACO)**'. The Board of Directors had thus included this request in their 1998-2002 triennial plan.

Before we could even start a project of this magnitude, a survey had to be conducted to ascertain whether or not there was a need for such a project. The members of **COMACO** were very interested.

Most of the members did not have a code regulating their activities and staff although most of them already had written rules specifically concerning confidentiality. The perspective of a 'code of ethics' seemed very appealing.

The code of ethics applies to all levels of each organization

This code was created by a team of fourteen members representing different levels of our organizations. Members of the Boards of Directors, managers, employees and volunteers worked for two years on this bold project. Amongst the volunteers, many were also users of the organizations. I want to take this time to thank them for their involvement in this project. The quality of this document is only a pale

reflection of their generosity.

I wish to mention that the '**Guide de déontologie en milieu communautaire**' by Mister Pierre Fortin from the University du Québec is the document from which ours emerged.

The code of ethics applies to all levels of each organization, i.e. boards of directors, managers, employees, volunteers and users. The code encompasses the responsibilities and rights of all these individuals.

Once the code was written, the '**Coalition pour le maintien dans la communauté**' had to ensure that its contents were correct; have it printed; and most importantly, promote it so that organizations involved with older persons within the community would adopt it.

Within the frame of reference of its program '**Engagés dans l'action pour les aînés du Québec**', 'le ministère de la Famille et de l'Enfance' now allows for the printing and promotion of the code of ethics of the '**Coalition pour le maintien dans la communauté**'. We wish to thank them.

We hope that this code can be adopted by the organizations in order to ensure a better lifestyle for our elders within the community.

Serge Emond
Coordinator of **COMACO**

Preamble

Why a code of ethics?

That is a legitimate question. We can answer it by mentioning three aspects which are often found in community organizations.

The first aspect touches on the complex problems we face daily. The needs and expectations are constantly growing whereas our material, human and financial resources do not. How can we reconcile these needs with our mission and objectives?

The second aspect relates to the respect we owe the people who use our organizations (the users). How can we respect them in accordance with our mission and objectives?

The last aspect covers our respect of confidentiality. How to deal with it? What and how do we establish adequate attitudes and manners?

The aim of the proposed code of ethics is to make sure that rights are respected and to define the needs and expectations of the people who gravitate in and around our organizations. This code is an integral part of a philosophy aiming at continuous improvement via a frame of reference for our acts and behaviour.

By its very nature, this code is based on the values and *raison d'être* which are the lifelines of the organizations striving to have seniors who suffer from progressive loss of autonomy remain within their communities.

**This code
is based
on the values
and
raison d'être
which are
the lifelines
of the
organizations
striving
to have seniors**

This code of ethics presented as a basic tool for member organizations of the '**Coalition pour le maintien dans la communauté**' (COMACO). The code is a generic tool and needs to be adapted to each organization's situation. It is a tool which is flexible and that is why we have left room for notes and additions. We hope that the Boards of Directors of your organizations become aware of this project so that each one of you can then adopt a code adapted to your needs.



Explanations and personal reflections

This space is for you.

Write down your comments, additions or modifications.



This code is mostly to be adapted to your own organization so that you can then have your own personalized code of ethics.

Following is a brief description of the concepts and vocabulary used.

Vocabulary

MORAL PHILOSOPHY

Set of rules which guide human beings in their appreciation of good and evil and which regiments our personal and group conduct.

- ◆ Acknowledgement of particular or ultimate goals which all human beings strive for, promotion of ways to achieve them.
- ◆ Set of values and criteria by which to judge actions to be performed.
- ◆ Set of rules and regulations to attain a fixed goal.
- ◆ Definition of what we must do.

ETHICS

A reflection (the analysis and the critique) of the rules and goals which guide human actions.

- ◆ Appreciative judgement of acts qualified as good or bad.
- ◆ Search for a way of life which calls for creativity and responsibility beyond the call of moral expectations.

STANDARDS OF PROFESSIONAL CONDUCT

The sum of the moral expectations as a whole which are an inherent part of professional conduct or the part of moral philosophy which touches specifically on the professional conduct of individuals.

RULES OF PROFESSIONAL CONDUCT

Document defining the rules of conduct for the professionals inasmuch as they apply to their contact with the public at large, their clients, their colleagues and their profession.

- ◆ Aims at controlling professional activities to ensure public safety.
- ◆ Tool to govern the practice of professional associations recognized by law.

CODE OF ETHICS

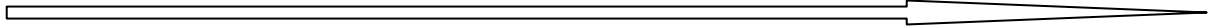
Statement of the rights of the users of the health and welfare services and of the responsibilities of the organizations offering these services.

- ◆ We use the term ‘code of ethics’ to differentiate from ‘codes of professional associations’.
- ◆ Document defining practices as a whole where health and welfare services are rendered.

Explanations and personal reflections

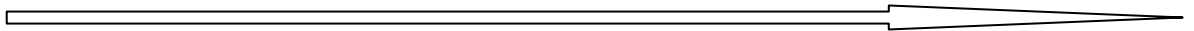
The mission, the objectives and the activities or services are often a source of confusion when it comes time to define their meanings. That is why we are taking the liberty of proposing a definition of the terms used in the preamble.

Mission



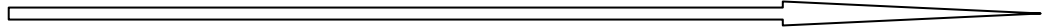
Usually defines the nature and goals of the organization in rather broad terms compared to the objectives.

Objectives



Define the specific points which are the mission's goals. Objectives allow us to achieve our mission. Objectives must be directly related to the needs and limitations of the persons for whom they are intended.

Activities or services



Are the tools used to attain our objectives.

Remaining within their community

As a concrete step, it allows persons with reduced autonomy to have a choice of staying within their environment, in safety, with dignity and with the possibility of fulfilling their social roles while interacting with their social environment.



Mission

The overall mission of COMACO's member organizations is to:

'Promote the possibility for persons, especially seniors, with reduced autonomy to remain within the community and within the area we serve'.

Objectives

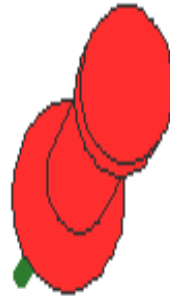
We have defined four major objectives relating to our mission:

- ◆ ***Improve the quality of life of seniors***
- ◆ ***Stop isolation through community integration***
- ◆ ***Favor autonomy***
- ◆ ***Favor mutual help.***

Activities or services

This code of ethics does not pinpoint details specific to each organization. We are listing, as an example only, certain activities or services usually offered.

- ◆ ***Accompaniment***
- ◆ ***Accompaniment-transportation for medical reasons, help with errands, social outings***
- ◆ ***Social visits and telephone calls***
- ◆ ***Meals-on-wheels***
- ◆ ***Community meals***
- ◆ ***Help filling out paper work***
- ◆ ***Caretaking services***
- ◆ ***Orientation and referral***
- ◆ ***Personal growth activities***
- ◆ ***Leisure activities***
- ◆ ***Educational activities.***



Explanations and personal reflections

Talking about values can often be confusing. Here is some clarification of terms to help us better understand.

VALUE

That which is known to be true, beautiful and good according to personal and social criteria and is used as a point of reference, or moral principle. 'Share the same values'.

Scale of values

Hierarchy established between moral principles.

Judgement of value

That which states an appreciation.

The values

The member organizations of the 'COMACO' group wish to be known for the values and the philosophy which are an integral part of their everyday activities. Each of these values acts as a base, an individual and group reference and influences our behaviour. We can define values as the principles and moral beliefs which guide human behaviour.

At the heart of each intervention within our organizations' everyday activities must be the development of the self-esteem of the person. This development refers to the fundamental qualities which are at the core of each human being and that must be promoted to allow for optimal personal growth.

Development of the self-esteem of the human being must guide our daily behaviour within our organizations, in regards to the persons giving services as well as those receiving them.

Our four major values are:

Liberty

Refers to every person's right to choose to accomplish his/her social role by inter-relating with his/her environment. This value is primordial and must never be ignored.

Respect

Refers to the consideration each person deserves when in contact with our organizations. Inter-personal relations must be dignified and respectful.

Integrity

Is a sense of the values which govern our organizations and their daily activities. It refers to straightforward attitudes, honesty, loyalty and dedication.

Commitment

Is defined as the abilities, attitudes and behaviour aimed at accomplishing the mission of the organization to the benefit of the persons who use our services.

CHAPTER 1

Moral responsibilities toward the persons who use the organizations' services

We acknowledge having moral responsibilities toward the persons who use our services. These responsibilities are based on certain fundamental rights

which are

- ◆ the right to dignity and respect
- ◆ the right to one's own identity
- ◆ the right to equity
- ◆ the right to confidentiality¹

These rights, by their very nature, create obligations toward the persons using our services. Our behaviour must then be in accordance with these rights. We emphasize that our attitude, demeanor and actions will lead to the every day reality of the application of these rights in our contacts.

In another chapter, we will look at the obligations of the persons using our services in relation to these rights.



¹ You will find in Annex I excerpts from laws on the rights to confidentiality as well as some useful tools and references.

RIGHT TO ONE'S OWN IDENTITY

Most significant needs

Users have the right that we recognize the inviolability of their person.

Users want to be respected in their limitations, taking their loss of autonomy into consideration.

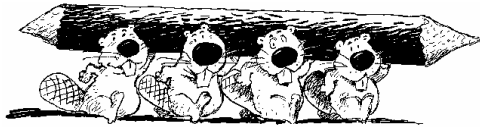
Users appreciate being accepted as they are.

Code of ethics: a frame of reference for our behaviour

The staff must recognize that users have a right to the absolute respect and inviolability of their person even if their choices do not seem to be the right one according to our criteria. The only exception would be if there is physical danger for the user or someone else.² Well defined procedures must be stipulated by your organization for these particular cases while still respecting the family and professional continuum.

The staff must respect the limits of each user. No abruptness, pressure or violence will be tolerated.

No discrimination of any kind can be tolerated. Discrimination related to social status, race, colour, ethnic origin, cultural values different from ours, religion and education must never tolerated. Strict application of the Quebec Charter of Rights and Liberties will be exercised.



² In Annex II you will find the law modifying diverse legislative provisions in regard to the disclosure of confidential information.

RIGHT TO EQUITY

Most significant needs

Users expect adequate responses to all their questions.

Users have the right to know the name and job title of the persons with whom they are interacting.

Users have the right to be informed of everything concerning the organization such as available services, rights of users and available activities.

Users have a right to receive services equitably and without discrimination.

Users have a right to complain.

Users can choose to become part of the organization.

Code of ethics: a frame of reference for our behaviour

The staff must answer all the users' questions or refer them to another person or service who can assist.

The staff must introduce themselves and give their job title before any intervention.

The organization must give all the available information concerning its activities and services, as well as the rights of the users within the organization.

The organization must establish clear cut rules for access to its services. This will eliminate all forms of favours or preferential treatments and thus ensure equity among all users. The staff will acknowledge questions or comments in the same way, i.e. with equity, no matter who asks.

The organization must acknowledge and treat all complaints with respect and equity. The organization must avail itself of mechanisms allowing it to receive and handle complaints in accordance with its statutes and by-laws.

The organization will encourage the users' participation.



RIGHT TO CONFIDENTIALITY

Most significant needs

Users ask for respect of their privacy.

Users have a right to confidentiality.³

Code of ethics: a frame of reference for our behaviour

The staff must respect the privacy of the users during their appointments, especially during visits in the users' homes. The staff will not pry.

All members of the organization will respect the confidentiality rules as written by the organization. During work sessions as well as in any other work environment, only pertinent information will be divulged. Staff and volunteers must at all times be objective, discreet, and moderate toward the information received concerning the users. At all times, they must respect the confidentiality law concerning information about the users.



³ You will find in Annex I excerpts from laws on the rights to confidentiality as well some useful references.

CHAPTER 2

Moral responsibilities of the inter-personal relationships of the people working for the organization

In order to achieve a quality of inter-personal relationships within the organization, one which will be beneficial to users as well as to the personnel involved, we must define the responsibilities of the persons who work within the organization.

We can define the responsibilities of four categories of people:

- ◆ the members of the Board of Directors
- ◆ the managers
- ◆ the employees
- ◆ the volunteers

The responsibilities discussed here apply to all persons within all groups.

The responsibilities toward volunteers will be defined in chapter 3.



INTER-PERSONAL RELATIONSHIPS WITHIN THE ORGANIZATION

Responsibilities of members of the Board of Directors BETWEEN MEMBERS OF THE BOARD

Most significant needs

As individuals, each member of the Board of Directors wishes to remain free to state his/her opinions to other members of the Board.

As individuals, each member of the Board of Directors wishes to be respected by the other members of the Board.

As individuals, each member of the Board of Directors wishes that the business of the Board be conducted in an honest manner.

Accepting a position as a member of the Board demonstrates your willingness to be involved in the organization while respecting its mission and objectives.

Code of ethics: a frame of reference for our behaviour

Members of the Board of Directors must recognize the freedom of speech of each member of the Board, even in times of conflicts.

Mutual respect is essential in relationships between members of the Board. To this end, meetings will be held with decorum and according to the pre-established rules.

Integrity is defined as a strong sense of the values regimenting the activities of the organization. It refers to honesty, loyalty and devotion. Conflicts of interest must be declared in order to avoid them.

Because minutes of meetings are not of the public domain, they are only accessible to the members of the Board and confidentiality is a basic rule of conduct.⁴

Accepting a position as a member of the Board demonstrates your willingness to be involved in the organization while respecting its mission and objectives.

The Board of Directors must establish training tools to define its role and its responsibilities concerning decisions made.

Each member of the Board of Directors must recognize the responsibilities of the Board. These usually relate to its mission, goals, objectives and the financial management of the organization.

Each member of the Board must be aware of the responsibilities and specific tasks related to his/her position and the responsibilities which derive from them.

⁴ Me Paul Martel, *Administrateurs de corporations sans but lucratif : le guide de vos droits, devoirs et responsabilités*, Éditions Wilson & Lafleur Martel Ltée, 2000, p. 21

Responsibilities of members of the Board of Directors

TOWARD THE EMPLOYEES

Most significant needs

Members of the Board of Directors must be aware of their responsibilities toward members of the staff in order to assume them.

Code of ethics: a frame of reference for our behaviour

In order to achieve the mission of the organization, members of the Board of Directors must show solidarity with the staff. To this end, the same rules of conduct which apply to the Board must apply to the staff, i.e. liberty, respect, integrity and commitment.

Members of the Board must respect the limitations of their roles and duties toward the employees. The Board must clearly define the job titles and responsibilities (as opposed to the tasks) of the employees in order to allow them leeway in their work and to not interfere in their routines. In cases where there are only volunteers, the Board must name someone as responsible for each task to be accomplished. In all other cases, each member of the Board must respect the hierarchy, as delineated on the organizational charts, and the procedures as defined by the organization.

The Board is responsible for the hiring and the appraisal of its Manager. In order to avoid confusion, the Board will appoint one member as directly responsible for the management and other members of the Board will refrain from any direct intervention with management.

In the case where a member of the Board is also a volunteer, particular attention will be taken to maintain the separation between the two roles.



Responsibilities of Managers

TOWARD THE BOARD OF DIRECTORS

Most significant needs

Managers of organizations are accountable to the Board of Directors for their actions.

Code of ethics: a frame of reference for our behaviour

Managers must offer feedback on their Board's decisions and support them. Managers are the link which allows the Board to be involved in the organization.

Managers must inform the Board of the employees, volunteers and users' requests and vice-versa.

Managers are responsible for the application of the Board's decisions. They must stand by the Board in order to achieve its objectives as well as the effective management of the organization.

Managers must promote and ensure that rules of confidentiality are respected.



TOWARD THE EMPLOYEES

Most significant needs

Managers of organizations have responsibilities towards the personnel within their functions.

Code of ethics: a frame of reference for our behaviour

Managers have responsibilities concerning the information, the guidelines, the support and the work environment they maintain for the persons they supervise.

Information provided to employees must be precise and complete. Job descriptions are an inherent part of the information an employee has a right to receive. Work appraisal is based on this description in order to avoid prejudice.

Guidelines and support imply the provision of the necessary tools to accomplish the job, as well as basic training where appropriate.

Work environment is a primary concern. Also the quality of working relationships is inseparable from the quality of services offered to the users.

With all due respect to their employees, Managers must assume leadership in order to assist their personnel in following the objectives and the mission of the organization. This leadership must be respectful, flexible, versatile and trustful.

Managers must promote and ensure that rules of confidentiality are respected.



Responsibilities of Volunteers

TOWARD THE PERSONNEL

Most significant needs

Volunteers want to become involved in the organization to fulfill personal aspirations.

Volunteers wish to join the organization to help accomplish its mission and objectives.

Code of ethics: a frame of reference for our behaviour

Volunteers must determine if the organization they wish to join can fulfill their personal aspirations.

The volunteers must respect the organization's decision concerning the conditions of their acceptance as volunteers.

It is the volunteers' responsibility to ascertain that the mission and objectives of the organization are compatible with their personal aspirations.

Volunteers can expect proper training and follow-up to help them do their jobs correctly.

Volunteers must collaborate with the organization's personnel and respect them.

Volunteers must follow the rules and regulations which apply to their defined tasks.

Volunteers must respect other volunteers and the organization's users.

Volunteers are subject to the rules of confidentiality in regard to the users. However, they must communicate any information concerning the users to the persons responsible within the organization.

Volunteers must not expect any privilege or special treatment because of their involvement with the organization.

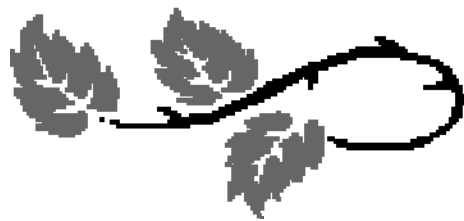
CHAPTER 3

Moral responsibilities toward volunteers

Volunteers are the persons without whom we would not be able to accomplish our organization's mission and objectives. It is therefore essential not to take them for granted but to value them and support them in their jobs.

The Board of Directors, the Managers and the employees have duties and obligations toward volunteers.

Following are the responsibilities toward volunteers.



RESPONSIBILITIES TOWARD VOLUNTEERS

Responsibilities of the members of the Board of Directors

Most significant needs

Members of the Board of Directors must be aware of their responsibilities toward the volunteers in order to assume them.

Code of ethics: a frame of reference for our behaviour

Members of the Board of Directors must see to it that management and staff promote the values of the organization to the volunteers.

It is the members' duty to ensure that training, explanations of the work to be done, guidance in such work and acknowledgement of the volunteers' work be done while respecting the mission and the objectives of the organization.

Responsibilities of Managers

Most significant needs

Managers of organizations have responsibilities within their functions towards volunteers.

Code of ethics: a frame of reference for our behaviour

Managers of organizations must provide their volunteers with the best working environment so that they may accomplish their work to the best of their abilities.

The same criteria apply to volunteers as to staff. Special attention will be brought to the support given volunteers so that their experience becomes one which is fulfilling and interesting. Volunteers must feel that they are full fledged members of the organization. To value their work is a must.

Appreciation of the volunteers' work can be done in a way as to value it while reinforcing the mission and objectives of the organization as well as the volunteers' expectations.

Managers must promote and ensure that rules of confidentiality are respected.



CHAPTER 4

Moral responsibilities toward the organization

In this chapter, we will look at the responsibilities anyone engaged in an organization has toward that organization.

In this chapter, we will look at the responsibilities anyone engaged in an organization has toward that organization.

What are the moral responsibilities related to the mission, the objectives, the respect of the values and particular projects of the organization?



MORAL RESPONSIBILITIES TOWARD THE ORGANIZATION

Moral responsibilities of persons engaged in the organization TOWARD THE MISSION AND THE OBJECTIVES

Most significant needs

The organization has a mission and objectives to achieve.

The mission of the organization is a humanitarian cause for the benefit of elders.

The organization must expand within its surroundings to achieve its mission and objectives.

Code of ethics: a frame of reference for our behaviour

Moral responsibilities deriving from such needs

All persons involved with the organization, be they members of the Board of Directors, managers, staff or volunteers must be respectful of the mission and the objectives of the organization. They must keep in mind the mission and the objectives of the organization while accomplishing their work.

In order to respect one's commitment to the organization, one's moral responsibility must be to aim for the accomplishment of the mission and the objectives of the organization. It is essential that people believe in the mission of the organization. This mission must be in accordance with personal values in order to be at ease with the level of commitment.

Employees as well as volunteers have the moral responsibility to become actively involved in the humanitarian cause for the benefits of elders.

By its very definition, the human aspect of the cause is first and foremost centered on the older person. "Human beings before all else" must be the motto of anyone engaged in the organization.

Employees or volunteers of the organization have the moral responsibility to represent and defend the rights of elders.

Persons involved with the organization have the moral responsibility of being well-versed in the organization's mission and objectives in order to promote and/or represent them.



Moral responsibilities of persons engaged in the organization

TOWARD THE ACCOMPLISHMENT OF THE ACTIVITIES AND SERVICES

Most significant needs

In order to achieve its mission and objectives, the organization must offer quality services and activities.

The organization needs to evaluate whether it is achieving its mission and objectives.

Moral responsibilities deriving from such needs

Anyone engaged in the organization, be it an employee or a volunteer, has the moral responsibility to have certain skills, aptitudes, and attitudes related to their work, essential to the realization of the mission and objectives of the organization. Good manners and know-how are essential.

The good operation of the organization and the quality of the services are dependent on the skills, aptitudes and attitudes of the persons involved with the organization.. These three elements are the basis for the credibility of the organization in the public's eye.

The specific skills, aptitudes and attitude required are those essential to the respect and promotion of the four main values which the organization aspires to, i.e. **liberty, respect, integrity and commitment.**

The moral responsibilities of the persons involved in the organization also implies a knowledge of their strengths and weaknesses in order to give the best of themselves to the organization for the good of the elders.

The only way to achieve the mission and the objectives of the organization is through the activities and services offered to the community by the staff and the volunteers.

These activities and services need to be evaluated in order to ascertain that they meet the mission and objectives of the organization and the needs of the users.

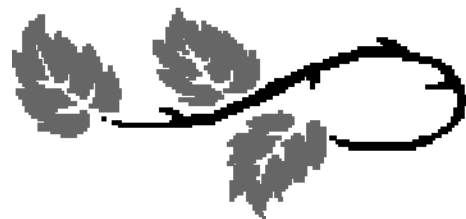
It is the moral responsibility of the persons engaged in the organization to actively participate in the different evaluations required to correctly measure the viability and vitality of the organization.

CHAPTER 5

Moral responsibilities toward the community

By its very essence, any community organization arises from that very community. The community, or persons of that community, generally support the organization. The organization has moral responsibilities towards the community which created it.

If the organization exists, it is to answer the community's needs. Moreover, the organization must accept the participation of the community and defend it when necessary.



MORAL RESPONSIBILITIES TOWARD THE COMMUNITY

Moral responsibilities of persons engaged in the organization

TOWARD THE NEEDS OF THE COMMUNITY

Most significant needs

By definition, the community is a dynamic environment often limited by a geographic area or by a need, a cause or any other reason.

The community has varied needs, some of which concern elders in the area.

The community wants to participate in the definition and orientation of its needs and the services offered.

Moral responsibilities deriving from such needs

The persons involved in a community organization have the moral responsibility to be aware of the community's continuously changing needs.

The persons involved in a community organization supportive of elderly persons have the moral responsibility to respond to the community's needs. They must be aware of the community's needs and support the community.

The mission and the objectives of the organization must be relevant to the environment of the community it serves.

The persons involved in a community organization have the moral responsibility to have community representatives in their midst so as to ensure a democratic system.

This community participation usually implies a participation of members of the community as members of the Board of Directors of the organization and their participation at the general assemblies.

The persons involved in a community organization are accountable to the community for services and activities offered. These services and activities must answer one or more needs of the community. There must be a constant readjustment between demands of the community and the services offered.



Moral responsibilities of persons engaged in the organization
TOWARD THE COMMUNITY'S PARTICIPATION

Most significant needs

The community wants to be involved in the services provided by the organizations.

The community expects quality services.

Moral responsibilities deriving from such needs

Persons involved in a community organization must promote the participation and commitment of the persons of the community .

This participation may be at various levels: financial, material, human, voluntary services, specific expertise, promotional help, consulting, etc.

Persons involved in a community organization must evaluate, on a regular basis, the community's implication in the organization.

When dispensing services, the persons involved in a community organization must always act within the following values and benchmarks:

- ◆ accessibility to the services
- ◆ reliability of the services
- ◆ safety for the users of the services
- ◆ be an organization intended to serve people.

Moral responsibilities of persons engaged in the organization
TOWARD THE DEFENSE OF THE COMMUNITY

The community wants to be supported in order to promote its needs.

The promotion, the demands and the defense of the community members' rights is one of the responsibilities of the organization.



CHAPTER 6

Moral responsibilities of the persons who avail themselves of the activities and services of the organization

At the beginning of this code of ethics, we talked about the rights of the persons who use the activities and services of our organizations. Certain obligations and responsibilities ensue from the rights of the users.

The users' responsibilities relate to the organization, other users and the personnel.



MORAL RESPONSIBILITIES OF THE PERSONS WHO AVAIL THEMSELVES OF THE ACTIVITIES AND THE SERVICES OF THE ORGANIZATION

Moral responsibilities of the users TOWARD THE ORGANIZATION

Most significant needs

The organization is a non-profit organization and managed by volunteers.

The organization has a mission and objectives.

The organization has operating rules.

The organization must ensure that its goods and property are well managed.

Code of ethics: a frame of reference for our behaviour

Users must understand that the organization is not a government or private organization and that many of its activities and services are rendered possible because of volunteers. Thus, the organization cannot meet all the users' demands.

Users must understand that the actions and activities of the organization ensue from its mission and objectives.

Users must use the services offered in a responsible manner.

Users must respect the organization's operation rules and not use pressure tactics to obtain special favours.

Failure to respect the organization's operating rules can lead to exclusion from the organization.⁵

For every one's benefit, users must respect the goods and property of the organization.



⁵ By adopting the code of ethics, you must ensure that rules and statutes include mechanisms for its application (for example on exclusion).

INTERPERSONAL RELATIONSHIPS WITHIN THE ORGANIZATION

Responsibilities of the users TOWARD THE PERSONNEL

Most significant needs

The personnel of the organization, be they salaried or volunteers, deserve respect from the users.

The personnel of the organization wants to provide quality services.

The personnel expects collaboration from the users.

Code of ethics: a frame of reference for our behaviour

Users must respect the persons who work for the organization in the same way they wish to be respected themselves.

The personnel has a right to dignity and respect, i.e. a right to be treated with courtesy and understanding.

The personnel has a right to its own identity and no form of discrimination such as social status, race, colour, ethnic background, religion and education can be tolerated.

The personnel has a right to privacy. Their life outside the boundaries of their work and their place of work is private.


The personnel has a right to equity, i.e. they have a right to expect collaboration from the users in order to provide adequate services.

Users must collaborate with the personnel of the organization by providing all necessary information in order to receive the proper services.

Users must collaborate actively in all the decisions concerning them.

Users must respect the decisions of the organization.

Failure to respect the personnel of the organization can lead to the users' exclusion from the organization.



ANNEXE I ⁶

EXTRACTS OF LAWS REGARDING THE RIGHT TO CONFIDENTIALITY SOME USEFUL TOOLS AND REFERENCES

Here are three laws concerning most particularly the daily work in groups in matters of confidentiality. Here are the most pertinent extracts.

1 - EXTRAITS DE LOIS

La Loi sur l'accès aux documents des organismes publics et sur la protection des renseignements personnels

Article 53. Les renseignements nominatifs sont confidentiels (...)

Article 83. Toute personne a droit d'être informée de l'existence, dans un fichier de renseignements personnels, d'un renseignement nominatif la concernant. Elle a le droit de recevoir tout renseignement nominatif la concernant.

La Loi sur la protection des renseignements personnels dans le secteur privé⁷

Article 10. Toute personne qui exploite une entreprise et recueille, détient, utilise ou communique des renseignements personnels sur autrui doit prendre et appliquer des mesures de sécurité propres à assurer le caractère confidentiel des renseignements.

Article 27. Toute personne qui exploite une entreprise et détient un dossier sur autrui doit, à la demande de la personne concernée, lui en confirmer l'existence et lui donner communication des renseignements personnels la concernant.

⁶ *Boîte à outils en toute confiance, Dix questions à se poser du point de vue des membres du conseil d'administration*, RIOCM / REGROUPEMENT INTERSECTORIEL DES ORGANISMES COMMUNAUTAIRES DE MONTRÉAL, 2002, p. 2-4

⁷ Les organismes communautaires sont inclus dans les organismes privés et sont, de ce fait, assujettis à cette loi.

La Loi sur la protection de la jeunesse

Article 38. Aux fins de la présente loi, la sécurité ou le développement d'un enfant est considéré comme compromis :

- a) si ses parents ne vivent plus ou n'en assument pas de fait le soin, l'entretien ou l'éducation ;
- b) si son développement mental ou affectif est menacé par l'absence de soins appropriés ou par l'isolement dans lequel il est maintenu ou par un rejet affectif grave et continu de la part de ses parents;
- c) si sa santé physique est menacée par l'absence de soins appropriés ;
- d) s'il est privé de conditions matérielles d'existence appropriées à ses besoins et aux ressources de ses parents ou de ceux qui en ont la garde ;
- e) s'il est gardé par une personne dont le comportement ou le mode de vie risque de créer pour lui un danger moral ou physique ;
- f) s'il est forcé ou incité à mendier, à faire un travail disproportionné à ses capacités ou à se produire en spectacle de façon inacceptable eu égard à son âge ;
- g) s'il est victime d'abus sexuels ou est soumis à des mauvais traitements physiques par suite d'excès ou de négligence ;
- h) s'il manifeste des troubles de comportement sérieux et que ses parents ne prennent pas les moyens nécessaires pour mettre fin à la situation qui compromet la sécurité ou le développement de leur enfant ou n'y parviennent pas.

Toutefois, la sécurité ou le développement d'un enfant n'est pas considéré comme compromis bien que ses parents ne vivent plus, si une personne qui en tient lieu assume de fait le soin, l'entretien et l'éducation de cet enfant, compte tenu de ses besoins.

Article 39. Tout professionnel qui, par la nature même de sa profession, prodigue des soins ou toute autre forme d'assistance à des enfants et qui, dans l'exercice de sa profession, a un motif raisonnable de croire que la sécurité et le développement d'un enfant est compromis (...) est tenu de signaler sans délai la situation au directeur; la même obligation incombe à tout employé d'un établissement, à tout enseignant, à tout policier qui, dans l'exercice de ses fonctions, a un motif raisonnable de croire que la sécurité ou le développement d'un enfant est compromis au sens de ces dispositions.

Les deux premiers alinéas s'appliquent même aux personnes liées par le secret professionnel.

Autres lois ou chartes dont on doit tenir compte pour assurer la confidentialité des renseignements personnels qu'on détient

La Charte des droits et libertés de la personne

Article 4. Toute personne a droit à la sauvegarde de sa dignité, de son honneur et de sa réputation.

Article 5. Toute personne a droit au respect de sa vie privée.

Article 9. Chacun a droit au respect du secret professionnel. Toute personne tenue par la loi au secret professionnel et tout prêtre ou autre ministre du culte ne peuvent, même en justice, divulguer les renseignements confidentiels qui leur ont été révélés en raison de leur état ou profession, à moins qu'ils n'y soient autorisés par celui qui leur a fait ses confidences ou par une disposition expresse de la loi. Le Tribunal doit, d'office, assurer le respect du secret professionnel.

Le Code civil du Québec

Article 3. Toute personne est titulaire des droits de la personne, tels le droit à la vie, à l'inviolabilité et à l'intégrité de sa personne, au respect de son nom, de sa réputation et de sa vie privée. Ces droits sont incessibles ⁸.

Article 35. Toute personne a droit au respect de sa réputation et de sa vie privée. Nulle atteinte ne peut être portée à la vie privée d'une personne sans que celle-ci ou ses héritiers n'y consentent ou sans que la loi l'autorise.

Article 37. Toute personne qui constitue un dossier sur une autre personne doit avoir un intérêt sérieux et légitime de le faire. Elle ne peut recueillir que les renseignements pertinents à l'objet déclaré du dossier et ne peut, sans le consentement de l'intéressé ou l'autorisation de la loi, les communiquer à des tiers ou les utiliser à des fins incompatibles avec celles de sa constitution ; elle ne peut non plus, dans la constitution ou l'utilisation d'un dossier, porter atteinte à la vie privée de l'intéressé ni à sa réputation.

Article 38. Toute personne a droit de (...) consulter et faire rectifier un dossier qu'une autre personne détient sur elle (...)

La Loi sur les services de santé et les services sociaux

Article 19. Le dossier de l'utilisateur est confidentiel et nul ne peut y avoir accès si ce n'est avec l'autorisation de l'utilisateur ou de la personne pouvant donner une autorisation en son nom, sur l'ordre d'un Tribunal (...)

⁸ Ce mot signifie « qui ne peut être cédé » « qui est inaliénable. »

RIGHT TO CONFIDENTIALITY ⁹

Rights of persons	Obligations of the organization	Possible recourses
<p>I have a right to :</p> <ul style="list-style-type: none"> * know if someone will create a file under my name; * know why this file will be created; * know who will have access to this file; * know if personal information concerning me has already been transmitted to others; * refuse to allow my file to be transmitted to another group or public establishment; * read the contents of my file; * ask that unnecessary information be retrieved from my file; * ask that information which is not accurate be either removed from my file or corrected; * ask that personal comments from staff or volunteers be removed from my file; * demand that my file be kept in a secure location; * know what my rights are if confidentiality of my file is not respected. 	<p>The organization must :</p> <ul style="list-style-type: none"> * inform the person that there is a file in his/her name; * inform the person of the reasons why such a file has been opened; * inform the person of his/her right to refuse the creation of a file; * inform the person of the names of the personnel who will have access to his/her file; * inform the person of contractual agreements which he/she has signed and which imply that personal information will be transmitted to others; * obtain the person's consent before disseminating any personal information concerning him/her; * remove from the file, when asked by the person concerned, information which is not necessary, true or representing judgement of staff or volunteers; * keep the file in a secure location away from prying eyes; * inform the person of its policy concerning file security and maintenance. 	<p>If the confidentiality of my file is not respected, I can fight for my rights by:</p> <ul style="list-style-type: none"> * speaking to the manager of the organization; * speaking to the Board of Directors; * asking for help from 'la Commission d'accès à l'information' who can act as mediator in the case to resolve the dispute between the organization and myself and obtain access to my file in order to correct personal information; * asking 'la Commission d'accès à l'information' to enquire into the derogation from the law concerning the protection of personal information and demand that necessary corrective actions be taken ; * going to Small Claims Court, to the Québec Court or to the Superior Court if I want to receive compensation for prejudice suffered; * submitting a claim to the Procureur du Québec when my human rights have been offended.

⁹ *Boîte à outils en toute confiance, Guide d'animation et d'appropriation, RIOCM / REGROUPEMENT INTERSECTORIEL DES ORGANISMES COMMUNAUTAIRES DE MONTRÉAL, 2002, p. 23*

2 - SOME USEFUL TOOLS AND REFERENCES

What does the implementation of a voluntary confidentiality agreement imply for us? ¹⁰

A voluntary confidentiality agreement simply implies that the organization agrees, without being obligated by law, to respect a high level of confidentiality. In other words, it is a contract which stipulates the self-imposed obligations which the organization will follow with regards to confidentiality of personal information.

This voluntary agreement can be explained as the position taken by the organization in favour of the persons who come into contact with the organization. Contrary to professional secrecy, (See fiche 7s de la Boîte à outils) which is legally binding because it is recognized by the Code of Professionals, it can happen that an organization has to prove that it has engaged in such a voluntary agreement by providing copies of said agreement signed by the organization and the persons concerned.

The voluntary confidentiality agreement seems to be the ideal solution to reassure the persons who have given the organization personal information. It also reassures the staff and volunteers who cannot claim professional secrecy. However, it is important to be well aware of the consequences and obligations emanating from such an agreement.

In other words, having such a confidentiality policy is one thing, respecting the obligations it implies is another. This ethical engagement

¹⁰ *Boîte à outils en toute confiance, Dix questions à se poser du point de vue des membres du conseil d'administration,* RIOCM / REGROUPEMENT INTERSECTORIEL DES ORGANISMES COMMUNAUTAIRES DE MONTRÉAL, 2002, p. 5

must necessarily translate into a practical engagement. The confidentiality agreement cannot be just a virtual concept, it is a contract which implies that all members of the organization are obliged to comply to it.

Concretely, the following must be adhered to :

- all staff members and volunteers must be informed of, and sign the confidentiality agreement in order to be bound by it (if everyone is personally committed, you will reduce the risks that the organization does not respect its voluntary agreement);
- the adoption of specific instructions for specific situations;
- a periodic evaluation of the practices;
- the establishment of an internal mechanism to treat complaints, such a mechanism being of course respectful of confidentiality.

Non-respect of the agreement by a member can incur legal recourses.

This agreement must be made known outside of the organization. It is obvious for everyone that professionals will respect their oath of secrecy. There is a law which stipulates this concept. However, for those who are not bound by professional secrecy, it is possible to have them agree to a voluntary confidentiality agreement as long as such a document exists and that we require that it be acknowledged.

We can only emphasize that the agreement of confidentiality can simplify the lives of everyone, who are constantly susceptible to be asked to divulge private information. (See fiche 7s de la *Boîte à outils*).

EXAMPLE OF A CONFIDENTIALITY CONTRACT

Contrat de confidentialité

En vertu de la Charte des droits et libertés de la personne du Québec...

- « Toute personne a droit à la sauvegarde de sa dignité, de son honneur et de sa réputation. » (article 4)
- « Toute personne a droit au respect de sa vie privée. » (article 5)

En vertu de la Loi sur l'accès aux documents des organismes publics et de la Loi sur la protection des renseignements personnels...

- « Les renseignements qui concernent un bénéficiaire sont confidentiels à moins que leur divulgation ne soit autorisée par la personne qu'ils concernent... » (article 53)
- « Quiconque sciemment, donne accès à un dossier de santé à une personne qui n'y a pas droit ou communique un renseignement confidentiel à une personne qui n'y a pas droit commet une infraction et est passible, en outre, du paiement des frais d'une amende de 200\$ à 1000\$ et, pour chaque récidive dans les 2 ans, d'une amende de 500\$ à 2500\$. » (article 159.1)

En vertu de la loi sur les services de santé et les services sociaux : ...

- « Sont confidentiels les dossiers médicaux des bénéficiaires dans un établissement. Nul ne peut donner ou recevoir communication écrite ou verbale ou y avoir autrement accès, même aux fins d'une enquête, si ce n'est avec l'autorisation expresse ou implicite du bénéficiaire, ou encore sur l'ordre du tribunal ou du coroner dans l'exercice de ses fonctions ou dans les cas où une loi ou un règlement prévoit que la communication est nécessaire à son application. Il en reste de même des dossiers des bénéficiaires qui reçoivent des services sociaux d'un établissement. » (article 7)

By the present, I formally commit to respect the private life and confidentiality of each person participating or having participated in the activities of the group (write the name of the group).

I commit to not divulging to any person and to not use in any manner all written or oral information gathered in the exercise of my functions. No information of whatever nature concerning a person can be divulged without the authorization of the person directly concerned.

Made in _____ Date _____/_____/_____

Name _____

After reading this contract, I sign _____

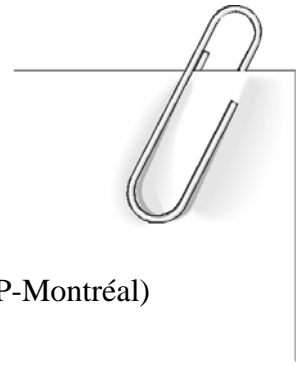
Name of the organization :
 Address :
 Telephone :
 Fax :

**AUTHORIZATION TO DIVULGE INFORMATION
 BETWEEN COMMUNITY ORGANIZATIONS _____
 AND OFFICES OF THE PUBLIC SECTOR**

<i>IDENTIFICATION OF THE PERSON BEING REFERRED</i>		
Name at birth: _____ First name: _____ (in capital letters)		
Adresse: _____ R.A.M.Q.: _____ _____ Telephone: (____) ____ - _____		
I agree that the community organization can, if necessary, collaborate with public sector offices and other community organizations as mentioned below in order to give me the services agreed to between myself and the community organization. The organizations and services concerned are :		
<i>ORGANIZATIONS AND ESTABLISHMENTS</i>		
NAME AND TERRITORY COVERED	Telephone number	
	Telephone: Fax:	
	Telephone: Fax:	
In order that the services offered be of the utmost help, I hereby allow the community organization to transmit to the organizations and services named above any and all pertinent information ¹¹ concerning me so that I can obtain the best services available. I hereby also allow these offices and organizations to pass on to the community organizations any pertinent information which could allow for adjustments or re-evaluation of the services required. This authorization is valid for the whole period of time where I will be receiving joint services from community organizations and the offices mentioned above. I understand that I can cancel this authorization at any time.		
<i>IDENTIFICATION DES PERSONNES</i>		
Date of request	FAMILY NAME AND FIRST NAME (in capital letters)	SIGNATURE
	User	
	Caregiver ¹²	
	Intervenant témoin (Intervenant qui explique et fait signer le formulaire)	

¹¹ Pertinent information is described as information necessary to the proper administration of the services offered to the user, adjustment and/or re-evaluation of said services if necessary.

¹² If the loss of autonomy of the user makes it impossible for him/her to understand this form, the most significant caregiver residing with the user will sign as a witness.



SOME USEFUL TOOLS AND REFERENCES

Le Centre d'assistance et d'accompagnement des Plaintes-Montréal (CAAP-Montréal)
2120, rue Sherbrooke est, bureau 303, Montréal, Québec, H2K 1C3
Téléphone : (514) 524-0607
Télécopieur : (514) 524-0320

www.caap-montreal.qc.ca
info@caap-montreal.qc.ca

Fiches CONTACT « info-conseils sur la confidentialité des renseignements personnels » :
disponible sur demande ou sous la rubrique PUBLICATIONS du site WEB de la Commission.

Commission d'accès à l'information
2, Complexe Desjardins, bureau 3210, Tour de l'Est, B.P. 122, Succursale Desjardins Montréal,
Québec,
H5B 1B2
Téléphone : (514) 282-6346
Télécopieur : (515) 844-6170

Commission d'accès à l'information : <http://www.cai.gouv.qc.ca/>

Centre de bioéthique de l'IRCM : <http://www.ircm.qc.ca/bioethique/francais/telesante/forum.html>

Répertoire des responsables de l'accès aux documents des organismes publics et de la protection
des renseignements personnels : version informatisée, éditée par les Publications du Québec et en
vente dans leurs librairies.



ANNEXE II

LA LOI MODIFIANT DIVERSES DISPOSITIONS LÉGISLATIVES EU ÉGARD À LA DIVULGATION DE RENSEIGNEMENTS CONFIDENTIELS EN VUE D'ASSURER LA PROTECTION DES PERSONNES.

Annexe au bulletin « Ainsi va l'AQAM » du 16 mai 2002

Extrait du

Projet de loi no 180 (2001, chapitre 78)

Loi modifiant diverses dispositions législatives eu égard à la divulgation de renseignements confidentiels en vue d'assurer la protection des personnes

Présenté le 15 décembre 2000

Principe adopté le 30 mai 2001

Adopté le 19 décembre 2001

Sanctionné le 20 décembre 2001

Éditeur officiel du Québec 2001

13. La Loi sur la protection des renseignements personnels dans le secteur privé. (L.R.Q., chapitre P-39.1) est modifiée par l'insertion, après l'article 18, du suivant :

« 18.1 Outre les cas prévus à l'article 18, une personne qui exploite une entreprise peut également communiquer un renseignement personnel contenu dans un dossier qu'elle détient sur autrui, sans le consentement des personnes concernées, en vue de prévenir un acte de violence, dont un suicide, lorsqu'il existe un motif raisonnable de croire qu'un danger imminent de mort ou de blessures graves menace une personne ou un groupe de personnes identifiable.

Les renseignements peuvent alors être communiqués à la ou aux personnes exposées à ce danger, à leur représentant ou à toute personne susceptible de leur porter secours.

La personne qui exploite une entreprise et qui communique un renseignement en application du présent article ne peut communiquer que les renseignements nécessaires aux fins poursuivies par la communication.

Lorsqu'un renseignement est ainsi communiqué par la personne qui exploite une entreprise, celle-ci doit inscrire la communication: Cette inscription fait partie du dossier. »

La Loi sur les services de santé et les services sociaux (L.R.Q., chapitre S-4.2) est modifiée par l'insertion, après l'article 19, du suivant :

« 19.0.1. Malgré l'article 19, un renseignement contenu au dossier d'un usager peut être communiqué, en vue de prévenir un acte de violence, dont un suicide, sans que ne soit requis le consentement de l'usager ou de la personne pouvant donner un consentement en son nom ni l'ordre d'un tribunal, lorsqu'il existe un motif raisonnable de croire qu'un danger imminent de mort ou de blessures graves menace l'usager, une autre personne ou un groupe de personnes identifiable.

Les renseignements peuvent alors être communiqués à la ou aux personnes exposées à ce danger, à leur représentant ou à toute personne susceptible de leur porter secours. Ils ne peuvent l'être que par une personne ou une personne appartenant à une catégorie de personnes autorisée par le directeur des services professionnels ou, à défaut d'un tel directeur, par le directeur général de l'établissement.

Les personnes ainsi autorisées ne peuvent communiquer que les renseignements nécessaires aux fins poursuivies par la communication.

Le directeur général de l'établissement doit, par directive, établir les conditions et les modalités suivant lesquelles les renseignements peuvent être communiqués. Toute personne autorisée à communiquer ces renseignements est tenue de se conformer à cette directive. »

