



Consent & Confidentiality

WHAT IS CONSENT?

Consent in the context of health and social services refers to an individual's right to accept or refuse services. Professionals such as doctors, nurses, psychologists, social workers, therapists and psycho-educators must therefore ensure individuals understand and agree to the services proposed before providing care. The law calls this agreement **consent**.

Consent can usually be given verbally or in writing. A person can change their mind at any time throughout the intervention process and withdraw their consent.



WHO CAN PROVIDE CONSENT?

In Quebec, individuals who are 14 years old or over must provide their consent to receive services from a health and social service professional.

Children under the age of 14 cannot make decisions regarding care on their own. Therefore, the law requires the consent of their parents or a legal guardian.

Exceptions:

- When the security or development of a child under the age of 18 is compromised, it is possible for the Department of Youth Protection to intervene on behalf of the child without the parent or child's consent.
- When an individual presents a grave risk to themselves or others, a judge can order certain types of care (i.e.: a psychiatric assessment, hospitalization).
- When a person's capacity to provide informed consent is compromised due to illness or disability, a legal representative (mandatory, tutor or curator), can provide consent on their behalf.





Confidentiality is....

"The legally required process of keeping identifying or other significant information secret."

<https://legaldictionary.lawin.org/confidentiality/>

Professionals are not allowed to share confidential information their clients discuss with them. This is called the duty of professional secrecy. For a person to be bound by professional secrecy, the law must impose this duty. In Quebec, all professionals are bound by this obligation according to the provisions of section 60.4 of the Professional Code.

Confidentiality in health and social services is protected by professional secrecy (for professionals), the institution's obligation of confidentiality and the obligation of confidentiality of the institution's employees.

Which information is protected by confidentiality?

Your request for services
What is discussed in meetings
The content of your file

Quebec Order of Social Workers and Marriage and Family Therapists-www.otstcfq.org

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Under which circumstances can a professional break confidentiality?

When the client waives their right to confidentiality. The client must provide clear permission for the professional to share information with a third party. This is usually done by signing a consent form. Anyone 14 years old or above must consent to having their information shared with a third party. When someone is under the age of 14 years old, their parents or legal guardians can provide this consent.

When an individual is in danger. This applies only when there are reasonable grounds to believe that a serious risk of death or injury threatens the individual, another person or an identifiable group of persons and there is a sense of urgency. In this case, the information disclosed should be limited only to what is necessary to prevent the act.

When a minor's security or development is compromised. Under these circumstances the professional is obliged by law to report the situation to the Department of Youth Protection.



- **Éducaloi:** Website aiming to explain the law to Quebecers using everyday language: <https://educaloi.qc.ca/>
- **Chapter c-26 Professional Code of Quebec :** Can be viewed on the Legis Quebec website: <http://legisquebec.gouv.qc.ca>
- **Quebec Order of Social Workers and Marriage and Family Therapists:** www.otstcfq.org
- **Quebec Order of Psychologists:** <https://www.ordrepsy.qc.ca/>
- **Quebec Order of Sexologists:** www.opsq.org
- **Quebec Order of Psychoeducators:** www.ordrepsed.qc.ca
- **Quebec Order of Occupational Therapists:** www.oeq.org
- **Quebec Order of Nurses:** www.oiiq.org

