

CONSEIL DE LA JUSTICE ADMINISTRATIVE

A Watchful Eye
on the professional conduct
of *administrative judges*
www.cja.gouv.qc.ca

The **CONSEIL DE LA JUSTICE ADMINISTRATIVE** is an independent body with responsibilities regarding the professional conduct of the members of certain administrative tribunals and the administration of administrative justice. The mission of the **COUNCIL** is to preserve the public's confidence in administrative justice.

The **COUNCIL** is therefore in charge of receiving and inquiring into the complaints of citizens concerning the **conduct** of members of the administrative tribunals under its authority and of recommending a penalty where applicable.

Anyone can file a complaint with the **COUNCIL** against an *administrative judge* for a breach of the **rules of ethics**. *Administrative judges*, who are called members or commissioners, are persons appointed by the government to render decisions in the following administrative tribunals:

- The Administrative Tribunal of Québec (TAQ);
- The Commission des lésions professionnelles (CLP);
- The Régie du logement (RDL);
- The Commission des relations du travail (CRT)
which should start its operations in the Fall of 2002.

The complaint must invoke **GROUND OF AN ETHICAL NATURE**

WHAT IS MEANT BY GROUNDS OF AN ETHICAL NATURE?

When the **COUNCIL** conducts an inquiry into a complaint to determine its admissibility, it first examines the nature of the alleged grounds for the complaint.

The complaint must only concern the conduct or behaviour of the *administrative judge* and not be about a disagreement with the judge's decision. There is a critical difference between the **behaviour** of the member or commissioner and the **decision** rendered.

Complaints not based on **ethical considerations** will be considered inadmissible and dismissed by the **COUNCIL**.

Here are a few examples of the most common situations:

EXAMPLES OF ETHICAL GROUNDS that may give rise to a complaint

- Behaviour pointing to a lack of impartiality (bias) or to prejudice;
- Discriminatory gestures or words indicating a lack of courtesy, or an arrogant or scornful attitude;
- Discriminatory gestures or words;
- An unreasonable delay in rendering a decision;
- Partisan political activities;
- Conflict of interest situations;
- Illegal activities.

EXEMPLES OF NON-ETHICAL GROUNDS that cannot give rise to a complaint

- A complaint based on the complainant's disagreement with the decision;
- A complaint implying an error of the *administrative judge* in enforcing or interpreting the law;
- A complainant who disagrees with the evidence retained by the *administrative judge*, suggesting, for instance, that the judge did not believe the "right" version of facts;
- A complainant who disagrees with the fact that the *administrative judge* refuses to consider certain evidence;
- A complaint based on a breach or error of the tribunal personnel rather than on the conduct of the *administrative judge*;
- A decision not consistent with another decision rendered previously.

The rules of professional conduct applicable to members and commissioners are established by laws and regulations. Copies of these documents may be obtained by contacting the **COUNCIL**.

PROGRESS OF A COMPLAINT

All complaints received by the COUNCIL are submitted to the members gathered in a meeting so that they may rule on their admissibility. The COUNCIL then decides if the complaint falls under its jurisdiction and if the alleged behaviour is serious enough to warrant an inquiry. At this stage, the COUNCIL declares inadmissible any complaint that it deems unfounded.

If the complaint is found admissible, the COUNCIL appoints an inquiry committee made up of three people, including at least one citizen and one member of the tribunal on which the affected *administrative judge* sits. This committee is responsible for determining the validity of the complaint. When the complaint is considered valid the committee recommends a penalty, which can be a reprimand, a suspension or the dismissal of the *administrative judge*.

LIMITATIONS OF THE POWERS OF THE COUNCIL

The COUNCIL often receives complaints it cannot deal with.

The COUNCIL cannot:

- Amend or quash a decision made by a member or commissioner, and it cannot grant a new hearing;
- Allow damages to a complainant;
- Investigate a complaint regarding the tribunal but not involving a particular *administrative judge*;
- Investigate a complaint brought against an employee of the tribunal;
- Investigate a complaint brought against a representative or a lawyer;
- Investigate a complaint concerning a member of a tribunal other than the Administrative Tribunal of Québec, the Commission des lésions professionnelles, the Régie du logement or the Commission des relations du travail.

If a person believes a decision to be unsound, he or she should see a lawyer or another competent resource to determine if it can be challenged. The law may provides review, withdrawal and appeal mechanisms to be applied within certain time limits.

HOW TO FILE A COMPLAINT

Anyone can file a complaint with the CONSEIL DE LA JUSTICE ADMINISTRATIVE concerning the behaviour of one of the *administrative judges* under the authority of the COUNCIL.

The complaint must be made in writing and explain the alleged facts. The complainant must provide the following information:

- Name, address and telephone number;
- Name of the member or commissioner affected by the complaint;
- Name of the concerned tribunal and tribunal file number;
- Date on which the alleged facts occurred;
- An account of the alleged facts as well as the reasons for the complaint.

The complaint must be forwarded to the COUNCIL head office:

CONSEIL DE LA JUSTICE ADMINISTRATIVE
575, rue Saint-Amable, bureau RC-01
Québec (Québec) G1R 2G4

Telephone: (418) 644-6279 or 1 888 848-2581

Fax: (418) 528-8471

E-mail: courrier@cja.gouv.qc.ca

Internet : www.cja.gouv.qc.ca

AT YOUR SERVICE

The COUNCIL personnel will gladly answer any questions you may have concerning the duties and activities of the COUNCIL, or provide assistance in making a complaint.

You can also obtain copies of the laws and regulations outlining the rules of conduct applicable to the members and commissioners and the dates of the next meetings of the COUNCIL or inquiry committee.

Copies of the following publications are available on request and can be consulted on the COUNCIL Internet site:

- DÉCLARATION DE SERVICES AUX CITOYENS
- COMPLAINT MANAGEMENT RULES
- RÈGLES DE RÉGIE INTERNE
- RAPPORT D'IMPLANTATION 1998-2001
- MINUTES OF THE PUBLIC COUNCIL MEETINGS
- INQUIRY REPORTS

COMPOSITION OF THE COUNCIL

The COUNCIL DE LA JUSTICE ADMINISTRATIVE is composed of nine citizens and eight representatives of the concerned tribunals.

The COUNCIL is made up of the following persons:

- the president of the Administrative Tribunal of Québec;
- a member of the Administrative Tribunal of Québec;
- the chairman of the Commission des lésions professionnelles;
- a member of the Commission des lésions professionnelles;
- the chairman of the Commission des relations du travail;
- a member of the Commission des relations du travail;
- the chairman of the Régie du logement;
- a member of the Régie du logement;
- nine representatives of the public, including a lawyer and a notary.

**Conseil de la justice
administrative**

Québec 