

Conseil de la justice  
administrative

Québec 

**CONSEIL DE LA  
JUSTICE ADMINISTRATIVE**

*A WATCHFUL EYE ON THE ETHICS OF  
ADMINISTRATIVE JUDGES*

### **Duties**

The Conseil de la justice administrative (the Council) is an unbiased, independent agency that basically carries out duties of prevention and investigation as regards the professional conduct of the members of three administrative tribunals.

Its chief mandate is to receive and inquire into ethics complaints concerning the conduct of the members of the three administrative tribunals under its jurisdiction.

### **Mission**

The Council has the role of custodian of the conduct of members of administrative tribunals. Its mission is to preserve public trust in administrative justice, specifically in the four tribunals over which the Council has jurisdiction under law.

### **Composition**

The Council is composed of fifteen members, including nine who are not members of any of the administrative tribunals under Council jurisdiction, and six who are members of these administrative tribunals.

The Council is made up of the following people:

- the chairman of the Tribunal administrative du Québec;
- a member of the Tribunal administratif du Québec;
- the chairman of the Tribunal administratif du travail;
- a member of the Tribunal administratif 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.

The office of the Council is manned by a lawyer who is also the deputy chairman, by a legal research officer and by a secretariat officer.

### **Administrative judges under Council jurisdiction**

In matters of ethics, the administrative judges under Council jurisdiction are appointed by the government to render decisions in the following administrative tribunals:

- the Tribunal administratif du Québec;
- the Tribunal administratif du travail;
- the Régie du logement.

### **Complaint filing procedure**

Anyone can file a complaint with the Council regarding the conduct of a member of an administrative tribunal under its jurisdiction. It is not necessary for you to be represented by counsel. The complaint must include the name of the affected administrative judge as well as the facts for which the judge is being blamed. To make the examination of the complaint easier, it is also useful to specify the date on which the alleged facts occurred, as well as the file number of the tribunal concerned.

The complaint must be made in writing and sent to the following address:

**Conseil de la justice administrative  
575, rue Saint-Amable, bureau RC-01  
Québec (Québec) G1R 2G4**

#### **Processing of the complaint**

When the written complaint is received, the Council staff sends an acknowledgement to the complainant. A copy of the complaint is forwarded to the person affected by the complaint.

The complaint is then examined by a Council committee made up of five of its members in order to determine its admissibility. This committee, called *Admissibility of Complaints Review Committee*, is composed of a member from each of the administrative tribunals under Council jurisdiction, and of two citizens who are members of the Council.

During this examination, the committee members, who sit in camera, must decide whether the complaint in fact comes under the jurisdiction of the Council and whether the alleged conduct is sufficiently serious to justify an investigation. The Committee makes its decision based on the record, without holding a hearing.

At this stage, the Committee declares inadmissible any complaint it considers manifestly unfounded. Thus, any complaint in which there are no ethical allegations is declared inadmissible by the Admissibility of Complaints Review Committee.

If additional information is required, the Committee can appoint one of its members to collect this additional information.

#### **WHAT ARE GROUNDS OF AN ETHICAL NATURE?**

When the Committee examines a complaint to determine its admissibility, it must first consider the nature of the grounds for the alleged complaint.

The complaint must concern **only the conduct or behaviour** of an administrative judge. It cannot be about a disagreement with the decision rendered by the judge.

The Council cannot intervene so as to review or modify a decision rendered by an administrative judge. Nor can the Council order a new hearing.

Thus, there is a basic distinction to be made between the **conduct** of the administrative judge and his **decision**.

When a person considers that a decision rendered by an administrative judge is incorrect, they should see a lawyer or another competent resource to find out whether it can be modified. The law may provide for review, retraction or appeal mechanisms.

**EXAMPLES OF ETHICAL GROUNDS that can give rise to a complaint**

- A conduct liable to discredit the honour, dignity or integrity of the office of administrative judge;
- A conduct revealing a lack of impartiality (bias);
- Action or speech that shows a lack of courtesy, an arrogant or a scornful attitude;
- Offensive remarks, the use of coarse language, rudeness;
- Discriminatory actions or words;
- An undue delay in rendering a decision;
- One-sided political activities;
- Conflict of interest situations;
- Illegal activities;

**EXAMPLES OF NON ETHICAL GROUNDS that do not justify a complaint**

- The complaint is based on the fact that the complainant disagrees with the outcome of a decision;
- The complaint alleges that the administrative judge erred in enforcing or interpreting the law;
- The complainant disagrees with the evidence retained by the administrative judge, for example because the judge did not believe the “correct” version;
- The complainant disagrees with the decision of the administrative judge to refuse evidence;
- The decision of the administrative judge contains one or more errors;
- The complaint is based on a breach or an error made by the staff of the tribunal;
- The decision rendered is not consistent with a previous decision.

**Decision following processing of the complaint**

Once the complaint has been examined, if the Committee concludes that it is not well-founded or that the alleged conduct is not serious enough to justify an investigation, the Committee declares the complaint inadmissible. The complainant and the person affected by the complaint are notified in writing of the reasons why the complaint has been dismissed.

If the complaint is declared admissible by the Committee, the **Council** sets up an investigation committee composed of three people, including at least one who is a lay member and another who is a member of the administrative tribunal to which belongs the

administrative judge affected by the complaint. This investigation committee is responsible for conducting investigations on behalf of the Council and determining the validity of the complaint.

The investigation committee holds a hearing during which the complainant and the person affected by the complaint are given the opportunity to be heard. The complainant is subpoenaed before the committee to testify on the administrative judge's conduct alleged in the complaint. The hearing held before the committee is public subject to a contradictory order.

At the end of its proceedings, the investigation committee submits its report and recommendations to the Council. If the investigation committee shows that the complaint is well-founded, the Council, based on the recommendations of the report, can issue a reprimand to the administrative judge, or forward to the Minister the recommendation that the judge be suspended or relieved of his duties.

## **TO CONTACT US**

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

Telephone: 418 644-6279  
Fax: 418 528-8471  
Toll-free number: 1 888 848-2581

E-mail: [president@cja.gouv.qc.ca](mailto:president@cja.gouv.qc.ca)

For more information, visit our Web site:  
[www.cja.gouv.qc.ca](http://www.cja.gouv.qc.ca)

*In this document, the masculine is used without discrimination and only to make for easier reading. This document was drafted to provide general information and has no legal value.*