

## BY-LAW 13: CODE OF ETHICS – ADDITIONAL INFORMATION

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The Engineers Geoscientists Manitoba Code of Ethics was originally established almost 100 years ago. The current version was approved by Council in 2001. The Code of Ethics is adopted under the By-Laws, and it's review has therefore fallen under the Council's By-Law re-write project. The updated Code of Ethics being proposed to members is based off of Engineers Canada's Model Code of Ethics Guide (see **Appendix A**). Though the wording comes from Engineers Canada, the Code of Ethics remains under the control of Engineers Geoscientists Manitoba and its members.

While the wording is being updated, the fundamental ideas from the current Code of Ethics (see **Appendix B**) remain the same. Below is a breakdown on how the proposed 'New Canons' would cover the ideas of the 'Current Canons'.

New Canons	Covers Current Canons
1	2
2	2.1, 2.7
3	3, 3.1, 3.4, 3.5, 3.7
4	3.2
5	4, 5, 5.1, 4.2
6	2.2, 2.3
7	4.4
8	3.6

The aim of the proposed Code of Ethics change, would be to keep the Code high level and leave the prescriptive elements to fall under "Practice Guidelines" and "Practice Notes"

Practice Guidelines provide members with guidance on the standard of practice that is expected of Professional Engineers and Professional Geoscientists in Manitoba and can be found on the website at <http://www.enggeomb.ca/PracticeGuidelines.html>.

Practice Notes are shorter than guidelines, and are often developed in response to a discipline decision, and help address specific situations that might come up in a practitioner's practice. They are also on the website at <http://www.enggeomb.ca/PracticeNotes.html>.

Practice Guidelines and Notes allow the Association to explain common topics more thoroughly than they can through the Code of Ethics, in order to give practitioners the guidance they need. As well, evidence that a practitioner has failed to comply with Practice Guidelines or Notes can lead to disciplinary action, and can still be used as proof of unskilled practice, professional misconduct, or both.

Some existing Practice Guidelines already cover the ideas from the current Code of Ethics canons.

Current Practice Guideline	Covers Current Canons
Authentication of Hardcopy and Electronic Professional Documents	2.8, 2.9
Guideline on Environment & Sustainability	2.4*

\* 2.4 is broad, but can be expanded on specifically. The Enviro & Sustainability Guideline is an example.

Some of the current canons that require more in depth explanations would be covered through the development of new Practice Guidelines. At the highest level a new Practice Guideline will be published by Council to assist practitioners in applying the new Code of Ethics (see **Appendix C**)

<b>New Practice Guideline</b>	<b>Covers Current Canons</b>
Expert Witness Guideline*	1.2
To be added to Complaints & Discipline Procedure Guide	4.5
Conflict of Interest Guideline**	3.8, 3.9 3.10, 3.11, 3.12, 3.13
Good Character Guideline**	1.1, 3.3, 2.6

\* See, for example, PEO's - [http://www.peo.on.ca/index.php/ci\\_id/22088/la\\_id/1.htm](http://www.peo.on.ca/index.php/ci_id/22088/la_id/1.htm)

\*\* Model guide has been made by Engineers Canada, and Engineers Geoscientists Manitoba is looking to adopt.

The following Current Canons would be made into specific Practice Notes: 3.3, 5.5, 5.6 5.7

Finally, Council's By-law Task Group determined that some of the Current Canons would not carry forward during this transition. These Current Canons are: 4.1, 5.3, and 5.4. Council's Task Group first confirmed that there is no recent history of a practitioner being investigated for violation of these canons. In addition, the task group found it difficult to envision a scenario that would lead to a finding of professional misconduct or unskilled practice for violating these canons. In the future, if there is demand for a return to these three concepts, Engineers Geoscientists Manitoba could then develop a Practice Note or Guideline, as appropriate.

## APPENDIX A – ENGINEERS CANADA MODEL CODE OF ETHICS

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Registrants shall conduct themselves with integrity, in an honourable and ethical manner. Registrants shall uphold the values of truth, honesty and trustworthiness and safeguard human life and welfare and the environment. In keeping with these basic tenets, registrants shall:

1. Hold paramount the safety, health and welfare of the public and the protection of the environment and promote health and safety within the workplace.
2. Offer services, advise on or undertake engineering assignments only in areas of their competence and practise in a careful and diligent manner and in compliance with applicable legislation.
3. Act as faithful agents of their clients or employers, maintain confidentiality and avoid conflicts of interest, but, where such conflict arises, fully disclose the circumstances without delay to the employer or client.
4. Keep themselves informed in order to maintain their competence and strive to advance the body of knowledge within which they practise.
5. Conduct themselves with integrity, equity, fairness, courtesy and good faith towards clients, colleagues and others, give credit where it is due, and accept, as well as give, honest and fair professional criticism.
6. Present clearly to employers and clients the possible consequences if engineering decisions or judgements are overruled or disregarded.
7. Report to their regulator other appropriate agencies any illegal or unethical engineering decisions or practices by registrants or others.
8. Be aware of, and ensure that clients and employers are made aware of, societal and environmental consequences of actions or projects and endeavour to interpret engineering issues to the public in an objective and truthful manner.
9. Treat equitably and promote the equitable and dignified treatment of people in accordance with human rights legislation.
10. Uphold and enhance the honour and dignity of the profession.

## APPENDIX B – CURRENT ENGINEERS GEOSCIENTISTS MANITOBA CODE OF ETHICS

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1. Each practitioner shall obey the laws of the land.

Specifically, and without limiting the generality of this statement, each practitioner shall:

1.1 obey the laws of the land;

1.2 be open and honest when engaged as an expert witness and give opinions conscientiously, only after an adequate study of the matter under review; and

1.3 make responsible provision to comply with statutes, regulations, standards, codes, by-laws and rules applicable to all work.

2. Each practitioner shall regard the physical, economic and environmental well-being of the public as the paramount responsibility in all aspects of professional engineering and professional geoscientific work.

Specifically, and without limiting the generality of this statement, each practitioner shall:

2.1 possess the training, ability and experience necessary to fulfill the requirements of any engineering or geoscientific work undertaken;

2.2 guard against conditions that are dangerous or threatening to health, life, limb or property in engineering or geoscientific work for which he or she is professionally responsible and notify his or her employer or client and the appropriate public authority, including the Association, if the practitioner's judgement is overruled or disregarded in circumstances that may endanger life or property;

2.3 upon becoming aware of any condition or situation that may endanger life or property (whether arising from his or her work or the work of another practitioner), promptly report the condition or situation to the practitioner having professional responsibility and to the appropriate public authority including the Association;

2.4 ensure that designs and work for which he or she is professionally responsible are based on sound environmental principles;

2.5 not knowingly associate with, or personally endorse, an enterprise of questionable character;

2.6 not issue statements on engineering or geoscientific matters, or provide criticism or argument, or allow any publication of his or her reports, or any part of them, in a manner which might mislead;

2.7 refrain from expressing an opinion publicly on engineering or geoscientific matters without being qualified to do so, and without being aware of the pertinent facts;

2.8 seal all plans and other engineering or geoscientific documents which "The Engineering and Geoscientific Professions Act" stipulates shall be sealed, whether acting in the professionally responsible capacity of a consultant or an employee; and

2.9 sign and seal only those plans and other engineering or geoscientific documents for which he or she has assumed professional responsibility and which he or she has prepared, or supervised the preparation of, or reviewed in detail and approved.

3. Each practitioner shall employ all reasonably attainable skill and knowledge to perform and satisfy the engineering and geoscientific needs of each client or employer in a professional manner.

Specifically, and without limiting the generality of this statement, each practitioner shall:

- 3.1 act as a faithful agent and trustee in professional matters for each client or employer;
- 3.2 strive to maintain a high standard of competence by seeking opportunities to acquire knowledge of, and experience with, new techniques and developments;
- 3.3 ensure that the extent of his or her professional engineering or professional geoscientific responsibility is understood by each client or employer before accepting an assignment;
- 3.4 not disclose information concerning the lawful business affairs or technical processes without the consent of the employer or client, except as authorized or required by by-law or this Code of Ethics;
- 3.5 engage, or advise each client or employer to engage, and cooperate with other experts and specialists whenever the client's or employer's interests are best served by such service;
- 3.6 inform each client or employer of the potential consequences which may result from deviations from an engineering or geoscientific judgment, should that judgement be disregarded or overruled by another authority;
- 3.7 inform each client or employer of any interests, circumstances or business connections which the client or employer could deem as influencing his or her engineering or geoscientific judgement, or the quality of professional services, before accepting an assignment;
- 3.8 not allow any interests, circumstances or business connections to inappropriately affect engineering or geoscientific decisions for which he or she is professionally responsible;
- 3.9 not receive, directly or indirectly, any compensation, financial or otherwise, from other than a client or employer, for specifying the use of any materials, proprietary products, processes or systems for work for which he or she is professionally responsible, without the prior written authorization of the client or employer for the receipt of such compensation;
- 3.10 not accept, directly or indirectly, any royalty or commission from any patented or protected article or process on which he or she holds any part of the rights, and specified for work undertaken on behalf of a client or employer, without the prior written authorization of the client or employer for the acceptance of such a royalty or commission;
- 3.11 not accept compensation, financial or otherwise, from more than one interested party for services pertaining to the same work or works, without the prior written consent of all interested parties;
- 3.12 not receive any gratuity from, or have any financial interest in, the bids of any business in work for which he or she is professionally responsible, without the prior written consent of the client or employer; and
- 3.13 not accept an assignment outside of his or her regular employment which might interfere with regular duties, or make use of the employer's resources or facilities, without first notifying his or her employer, preferably with written confirmation.

4. Each practitioner shall uphold and enhance the honour, integrity and dignity of the engineering and geoscientific professions.

Specifically, and without limiting the generality of this statement, each practitioner shall:

- 4.1 co-operate in extending the effectiveness of the engineering and geoscientific professions by willingly participating in the exchange of information and experience with others in the professions;

4.2 advertise only in a manner that serves the public interest by reporting accurate and factual information which does not exaggerate, mislead, or detract from the public image of the professions;

4.3 endeavour to extend public knowledge of professional engineering and professional geoscience, discourage the spreading of unfair or exaggerated statements regarding professional engineering or professional geoscience, and strive to protect the professions collectively and individually from misrepresentation and misunderstanding;

4.4 present appropriate information to the Registrar of the Association if a professional colleague, or any other person or entity, is believed to be in violation of the Act, the By-laws or this Code of Ethics; and

4.5 co-operate with the Association in the investigation of any complaint or other matter that is before the Association.

5. Each practitioner shall be fair to colleagues and shall support their professional development.

Specifically, and without limiting the generality of this statement, each practitioner shall:

5.1 take care that credit for engineering and geoscientific work is given to those to whom credit is properly due;

5.2 support the standards of the professions by upholding the principle that appropriate and adequate compensation for all those engaged in engineering and geoscientific work is in the public interest;

5.3 endeavour to provide opportunities for the professional development of employees or subordinates in engineering, geoscience and/or related technical fields;

5.4 encourage qualified employees to become registered as professional engineers or professional geoscientists;

5.5 not attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects, practice or employment of another practitioner;

5.6 notify a practitioner, as soon as practicable, when giving an opinion on that practitioner's work;

5.7 not attempt to supplant another practitioner in a particular employment or contract if a definite commitment has been made toward the employment of, or a contract with, that practitioner; and

5.8 not attempt to gain advantage over another practitioner by offering a gratuity in order to secure professional engineering or professional geoscience work.

## APPENDIX C – CODE OF ETHICS PRACTICE GUIDELINE

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The Code of Ethics sets out general principles of ethical conduct to be observed by members, licensees, interns and holders of certificates of authorization (each, a “practitioner”).

In practice, this shall include, but not be limited to, the following requirements:

Each practitioner shall:

- Obey the laws of the land

With regards to the requirement to, (1) *“Hold paramount the safety, health and welfare of the public and the protection of the environment and promote health and safety within the workplace”*, each practitioner shall:

- guard against conditions that are dangerous or threatening to health, life, limb or property in engineering or geoscientific work for which he or she is professionally responsible and notify his or her employer or client and the appropriate public authority, including the Association, if the practitioner’s judgement is overruled or disregarded in circumstances that may endanger life or property
- ensure that designs and work for which he or she is professionally responsible are based on sound environmental principles

With regards to the requirement to, (2) *“Offer services, advise on or undertake engineering or geoscientific assignments only in areas of their competence and practise in a careful and diligent manner and in compliance with applicable legislation”*, each practitioner shall:

- make responsible provision to comply with statutes, regulations, standards, codes, by-laws and rules applicable to all work
- refrain from expressing an opinion publicly on engineering or geoscientific matters without being qualified to do so, and without being aware of the pertinent facts

With regards to the requirement to, (3) *“Act as faithful agents of their clients or employers, maintain confidentiality and avoid conflicts of interest, but, where such conflict arises, fully disclose the circumstances without delay to the employer or client”*, each practitioner shall:

- act as a faithful agent and trustee in professional matters for each client or employer
- not disclose information concerning the lawful business affairs or technical processes without the consent of the employer or client, except as authorized or required by by-law or this Code of Ethics
- engage, or advise each client or employer to engage, and cooperate with other experts and specialists whenever the client’s or employer’s interests are best served by such service
- inform each client or employer of any interests, circumstances or business connections which the client or employer could deem as influencing his or her engineering or geoscientific judgement, or the quality of professional services, before accepting an assignment
- not accept an assignment outside of his or her regular employment which might interfere with regular duties, or make use of the employer’s resources or facilities, without first notifying his or her employer, preferably with written confirmation

With regards to the requirement to, (4) *“Keep informed in order to maintain their competence and strive to advance the body of knowledge within which they practise”*, each practitioner shall:

- possess the training, ability and experience necessary to fulfill the requirements of any engineering or geoscientific work undertaken
- strive to maintain a high standard of competence by seeking opportunities to acquire knowledge of, and experience with, new techniques and developments
- endeavour to provide opportunities for the professional development of employees or subordinates in engineering, geoscience and/or related technical fields
- co-operate in extending the effectiveness of the engineering and geoscientific professions by willingly participating in the exchange of information and experience with others in the professions

With regards to the requirement to, (5) *“Conduct themselves with integrity, treat clients, colleagues and others with equity, fairness, courtesy and good faith, give credit where it is due, and accept, as well as give, honest and fair professional criticism”*, each practitioner shall:

- be open and honest when engaged as an expert witness and give opinions conscientiously, only after an adequate study of the matter under review
- not knowingly associate with, or personally endorse, an enterprise of questionable character
- not issue statements on engineering or geoscientific matters, or provide criticism or argument, or allow any publication of his or her reports, or any part of them, in a manner which might mislead
- seal all plans and other engineering or geoscientific documents which “The Engineering and Geoscientific Professions Act” stipulates shall be sealed, whether acting in the professionally responsible capacity of a consultant or an employee
- sign and seal only those plans and other engineering or geoscientific documents for which he or she has assumed professional responsibility and which he or she has prepared, or supervised the preparation of, or reviewed in detail and approved
- not allow any interests, circumstances or business connections to inappropriately affect engineering or geoscientific decisions for which he or she is professionally responsible
- not receive, directly or indirectly, any compensation, financial or otherwise, from other than a client or employer, for specifying the use of any materials, proprietary products, processes or systems for work for which he or she is professionally responsible, without the prior written authorization of the client or employer for the receipt of such compensation
- not accept, directly or indirectly, any royalty or commission from any patented or protected article or process on which he or she holds any part of the rights, and specified for work undertaken on behalf of a client or employer, without the prior written authorization of the client or employer for the acceptance of such a royalty or commission
- not accept compensation, financial or otherwise, from more than one interested party for services pertaining to the same work or works, without the prior written consent of all interested parties
- not receive any gratuity from, or have any financial interest in, the bids of any business in work for which he or she is professionally responsible, without the prior written consent of the client or employer
- advertise only in a manner that serves the public interest by reporting accurate and factual information which does not exaggerate, mislead, or detract from the public image of the professions
- endeavour to extend public knowledge of professional engineering and professional geoscience, discourage the spreading of unfair or exaggerated statements regarding



- professional engineering or professional geoscience, and strive to protect the professions collectively and individually from misrepresentation and misunderstanding
- present appropriate information to the Registrar of the Association if a professional colleague, or any other person or entity, is believed to be in violation of the Act, the By-laws or this Code of Ethics
  - co-operate with the Association in the investigation of any complaint or other matter that is before the Association
  - take care that credit for engineering and geoscientific work is given to those to whom credit is properly due
  - support the standards of the professions by upholding the principle that appropriate and adequate compensation for all those engaged in engineering and geoscientific work is in the public interest
  - encourage qualified employees to become registered as professional engineers or professional geoscientists
  - not attempt to gain advantage over another practitioner by offering a gratuity in order to secure professional engineering or professional geoscience work

With regards to the requirement to, (6) *“Present clearly to employers and clients the possible consequences if engineering or geoscientific decisions or judgements are overruled or disregarded”*, each practitioner shall:

- inform each client or employer of the potential consequences which may result from deviations from an engineering or geoscientific judgment, should that judgement be disregarded or overruled by another authority

With regards to the requirement to, (7) *“Report to their regulator other appropriate agencies any perceived illegal or unethical engineering or geoscientific decisions or practices by registrants or others”*, each practitioner shall:

- upon becoming aware of any condition or situation that may endanger life or property (whether arising from his or her work or the work of another practitioner), promptly report the condition or situation to the practitioner having professional responsibility and to the appropriate public authority including the Association

With regards to the requirement to, (8) *“Be aware of, and ensure that clients and employers are made aware of, societal and environmental consequences of actions or projects and endeavour to interpret engineering or geoscientific issues to the public in an objective and truthful manner”*, each practitioner shall:

- inform each client or employer of the potential consequences which may result from deviations from an engineering or geoscientific judgment, should that judgement be disregarded or overruled by another authority