

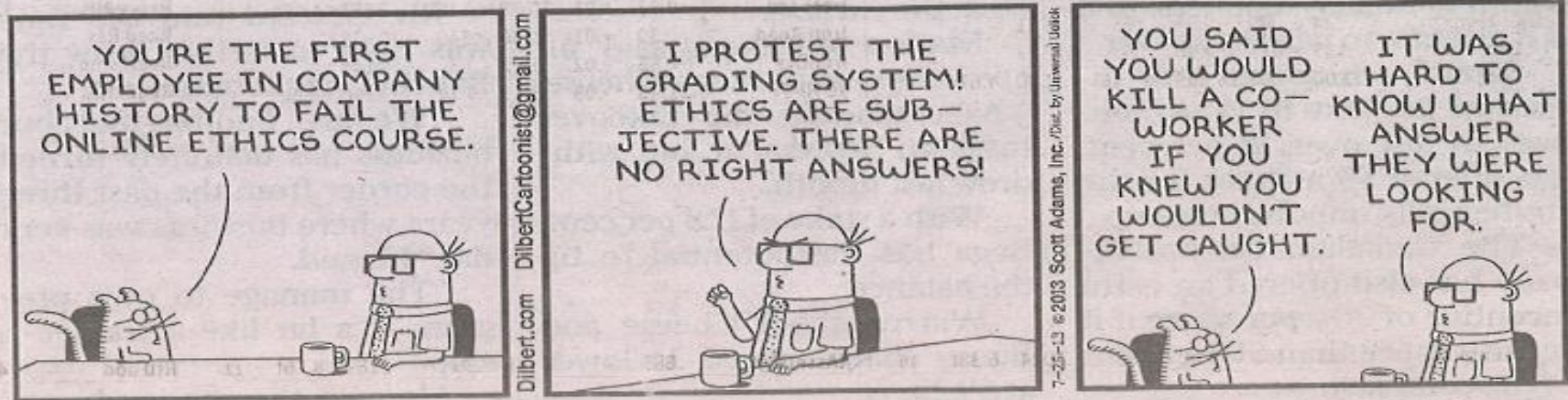
Codes of ethics – who or what do they protect?

Presented by: Alan Chenoweth

Co-Authors: Prof. Darryl Low Choy; Assoc. Prof. Donna McAuliffe

DILBERT

BY SCOTT ADAMS



Ethics and the professions



"A profession is a disciplined group of individuals who **adhere to high ethical standards** and uphold themselves to, and are accepted by the public as possessing special knowledge and skills in a widely recognised body of learning derived from research, education and training at a high level, and who are prepared to **exercise this knowledge and these skills in the interest of others.**

It is inherent in the definition of a profession that a **code of ethics governs the activities of each profession.** Such codes require behaviours and practice **beyond the personal moral obligations** of an individual. They define and demand **high standards of behaviour** in respect to the services provided to the public and in dealing with professional colleagues. Further, these codes are **enforced by the profession and are acknowledged and accepted by the community.**"

Australian Council of Professions, 1997



The Environment Profession

Environmental practice is a young field, diverse disciplines, rapidly growing & specialising; now in the process of 'professionalisation' (EIANZ, Code of Ethics)

Community, agency & NGO attitudes to consultants are polarised;

Our keen young graduates/scientists face complex ethical issues, but are confused regarding professional –v- environmental ethics



Abstract (*précised*)

- **Multi-disciplinary environmental teams** ... diverse professions, with different ethical frameworks, need respectful collaboration (McAuliffe 2014) ... understand the **paradigms and shared values** of the professions involved. EIA ... and ESD involve weighing risks & development impacts against likely benefits involve **value judgments**
- **'World view'** may be drawn from education, **professional codes of practice**, group **socialisation** within professions and workplaces, environmental ethics and eco-activism, mentors/ role models and personal morality.
- 'Gate-keeper' professions can impart/instil **consistent values** from the start, harder if 'professionalisation' comes later
- **Comparing the codes of ethics of science, engineering, design and planning emphasis** on protecting **members**, benefitting the **community** or on the **environment**? Does EIANZ (and professional environmental practitioners) have higher ethical responsibilities towards the environment ?

Comparing the Professions

All codes reflect & reinforce the shared values of a group (*what's important to us*) so they can be compared; providing the following are taken into account :

- History, challenges & purpose (especially at the time of '*professionalisation*')
- Combined or separate codes of ethics, professional conduct & business practice
- Aspirational statements (the spirit as well as the letter) or 'testable' rules
- Stand-alone governance, or parallel to legislative controls (Govt-appointed Boards)
- Concise or wordy

Also, codes are 'compromise' documents, written by committees (albeit with consultation)



And some shared values and underlying paradigms of each profession are not explicit, but are implicit (part of the group's 'role')

NB. What's left out may be as important as what's written in !

Categorising Codes by Obligation categories

Obligations for 'care' (protecting clients & community) and 'control' (protecting the profession & colleagues) (*after McAuliffe 2014*); can be subdivided & coded as follows:

Obligations to the profession & colleagues:

PV: Values (Mission, purpose, service ideal and principles)

PE: Ethical Rules

PC: Conduct Rules

PG: Guidelines

PL: Leadership for the profession/field

Obligations to clients & the community:

CP: Personal attributes / character

CC: Competency and standards (including continuing professional development)

CA: Advocacy & Engagement

CR: Regulatory arrangements

And also the attitudes & implicit shared values ('*Role Motto*') of the group

Codes of Professions in the Environmental 'space'

- ❑ Engineers Australia 'Our Code of Ethics' (2010) + Guidelines on Professional Conduct
- ❑ Environment Institute of Australia & New Zealand (EIANZ) 'Code of Ethics and Professional Conduct' (2012)
- ❑ Planning Institute of Australia (PIA) 'Professional Code of Conduct' (2014)
- ❑ Australian Institute of Landscape Architects (AILA) 'Code of Professional Conduct and Code of Ethics' (2005)
- ❑ Architects Australia 'RAIA Code of Professional Conduct' (2006) plus NSW Board of Architects Regulation (2012)
- ❑ Ecological Consultants Association (NSW) 'Code of Business Practice, Professional Conduct and Ethics' (2002)

All are similar in: *Members commit to upholding this Code; and accept that they will be held accountable for their conduct under this Code and the disciplinary procedures of the By-Laws. Any complaint for an alleged breach of this Code* will be considered in accordance with the By-Laws.*

** Some add : " ... or for other alleged unprofessional conduct"*

PV: Values

Engineers: advance the science and practice ... for the benefit of the community. use our knowledge and skills to create engineering solutions for a sustainable future. In doing so, we strive to serve the community ahead of other personal or sectional interests.

EIANZ: Excellence in environmental practice ...based on scientific evidence...multidisciplinary and collaborative... beyond the minimum legal requirements ... protection and enhancement of the environment for future generations ...preference to biological systems essential to humans

PIA: work within a system ... reflect the interests of the community subject to strong and conflicting pressures... the highest ethical and professional standards, earn the confidence and respect of the community ... ensuring the integrity of ... decisions and the planning system.

AILA: advocate and pursue the highest standards ...recognise and protect the cultural and historical context and the ecosystem ...when generating design, planning and management.

Architects: ... advance architecture through involved and innovative practice (and) high standards ... raising the quality of the environment and ... quality of life.... improve ... health and safety for the protection and welfare of all members of the community.

Ecologists: ...ecological, conservation & environmental assessment for those who need advice

PE: Ethical Rules

All: Obey the law; Avoid/declare/manage conflicts of interest; Disclose nature of your role; Respect confidentiality; Treat everyone fairly (no bias) & with respect; Act impartially & with integrity

Engineers: Community standards and ...engineering practice will ...change ..(*and so may*) ...'acceptable conduct' ... Allegations of non-compliance will be evaluated ...case-by-case

PIA:...provide advice which ... is ... consistent with that previously given Report .. any alleged breach ... or other .. unprofessional conduct ... and assist ... investigations.

Having worked for an authority, avoid work which could be perceived as causing conflict.

AILA: paid by fees or salary only, no other remuneration, no commission from contractor or supplier; disclose any interests relevant to the service; participate only in approved competitions*.

Architects: No inducement or arrangement in relation to ... appointment, which is not disclosed. No disbarred architect or unsuitable person can be a partner or co-director ...

Ecologists: Detailed list of >20 specific situations / actions which are breaches of the code

* Sensitivity about competitions appears unique to the design professions

Obligations to clients & the community: **CC:Competency**

All: Practice and offer services only in areas of competency; Honestly represent qualifications & skills; Practice at high (or accepted) standards; Due skill, care & diligence; and with adequate knowledge; Acknowledge sources; Continuing professional development; Be accurate, up-to-date & objective; Take responsibility; Keep records.

Engineers: Exercise judgment; disclose if a task requires additional qualifications and experience; seek peer review.

EIANZ: Provide services **at appropriate standard***; seek peer review; give and receive fair criticism; Explain work and conclusions drawn, with evidence.

Architects: Exercise judgement with due regard to ... standards. Professional judgement should take precedence over any other motive. Provide clients with sufficient information to make an informed decision. Perform without delay and within agreed time limit**

* 'appropriate standard' means not 'gold-plating' services

** Architects make timeliness an ethical issue !

Implicit Shared Values as observed

The implied 'Role Motto' (What they purport to 'do')

Engineers: Engineers design, project-manage and construct excellent* 'things' to make our lives better and safer (there is always a way to make it happen) on behalf of clients

PIA: Planners balance competing interests to optimise outcomes for their clients (community, Councils, developers); and interpret statutory requirements regarding agency assessments

EIANZ: Environmental practitioners rely on science and management to 'soften' the impacts of development on the environment; and thereby help agencies make decisions about approvals

Ecologists: Ecologists to use science to describe the environment and predict & manage impacts

Architects: Architects design excellent* buildings, for the benefit of future users, on behalf of clients

AILA: Landscape architects design excellent* outdoor places useable by people, enhancing or 'softening' impacts of the environment, on behalf of clients

**Question for the design professions: Is "excellence" an ethical issue or criterion ?*

Whose interests are being protected?

“All professions are a conspiracy against the laity” ?? (George Bernard Shaw)

Older professions and codes include control over how members behave towards each other (a ‘guild’ model of unprofessional conduct) eg. advertising, mutual support, competition etc. But this is now inconsistent with trade practices legislation.

Also personal morality (“...*bringing the profession into disrepute*”) relating to the community’s ‘licence’ granted to professions (status, money, influence, trust etc). Hard to uphold in a diverse & pluralist society; now mainly limited to role-related ‘virtues’ eg honesty, integrity.

‘Democratisation of knowledge’ – professionals need to interpret, not protect knowledge

Most codes state it is clients, the community and the environment; *before* colleagues

Advocacy & Activism: Is it 'Professional' and Ethical?

Professionals rightly advocate for due process, compliance with the law, higher standards, professional recognition, education etc; but are reticent regarding activism (based on strongly held personal values) – when is advocacy an ethical responsibility; and when does such 'bias' contravene the principles of dispassionate advice ?

Codes of ethics give only limited direction.

Disclosure of 'bias' is required (similar to a conflict of interest) ... is it 'unprofessional' to declare strong pro-environment values ? To support a community organisation opposed to your client's project ? Can we sometimes come out from behind our professional screen ?

The 'acid test' – The 'Whistleblower' defence

Planners can ethically disclose confidentialities if necessary to prevent a substantial damage to the public interest;

Engineers are required to “*demonstrate integrity – act on the basis of a well-informed conscience*” including

(a) *be discerning and do what you think is right; and*

(c) *act appropriately and in a professional manner, when you perceive something to be wrong*”.

The Engineer's Code was previously more specific about whistleblower protection ??

Compare to Social Workers : “*in exceptional circumstances, the priority of clients' interests may be outweighed by the interests of others, or by legal requirements and conditions. In such situations clients will be made aware that their interests, or those of others, may be jeopardised.*” (AASW Code of Ethics 2010)

EIANZ Code of Ethics and Professional Conduct (2012)

PROMOTE ENVIRONMENTAL PRINCIPLES

- a) Advocate the integrity of the natural environment and the health, safety and welfare of the human community and future generations as being central to environmental practice;
- b) Advocate the protection of environmental values and the mitigation of environmental harm, based on objective scientific and technical knowledge;
- c) Advocate and undertake environmental practice in accordance with principles of environmental stewardship, resilience and sustainability, with a view to achieving no net loss of environmental values and preferably a net gain, and to an appropriate standard;

DEMONSTRATE INTEGRITY

- a) Be honest and trustworthy, avoid misrepresentation or obfuscation, distinguish between fact and opinion, and state opinions which are honestly held;
- b) Respect obligations of confidentiality and privacy;
- c) Be objective, seek peer review and other quality assurance of work as appropriate, and accept as well as give honest and fair criticism when required;
- d) Avoid or manage conflicts of interest, and make all relevant parties aware when there is such a conflict;

REPRESENT AND PROMOTE THE PROFESSION

- a) Promote and provide leadership in the adoption of high standards of environmental practice;
- b) Contribute to the development and maintenance of knowledge about environmental practice and standards of professional competence;
- c) Support others in their development as environmental practitioners;
- d) Do not advertise or represent services, or those of another, in a manner that may bring discredit to the profession;



PRACTICE COMPETENTLY

- a) Provide services at an appropriate standard as required to achieve or foster optimal environmental outcomes;
- b) Only practice and offer services in functional areas and specialisations in which one is appropriately qualified, experienced and competent;
- c) Comply with all applicable governing laws and statutory requirements, and actively discourage non-compliance by others;
- d) Promote the involvement of all stakeholders and the community in decisions and processes that may impact on environmental values;
- e) Respect the contribution of other professionals and collaborate in multi-disciplinary approaches;
- f) Be diligent in practice, providing accurate, up-to-date, objective, impartial and unbiased advice;
- g) Acknowledge data and information sourced from others, and be accountable for data collected, analyses performed and conclusions drawn or plans developed as part of an assignment;
- h) Be prepared to explain work and conclusions drawn, and provide the evidence on which the work is based;
- i) Continuously update and develop skills through relevant professional development as a basis for competent practice.