

THE INSTITUTION OF ENGINEERS OF PAPUA NEW GUINEA

THE INSTITUTION OF ENGINEERS PNG

CODE OF ETHICS

Approved by the Council of
The Society of Professional Engineers
Of
Papua New Guinea

Adopted on June 1996

AUTHORITY FROM RULES

Section 4 of the Institution's Constitution reads as follows.

All members shall comply with the provisions of a Code of Ethics as shall be prescribed by the Board from time to time. The Code shall have the force of Regulations as set out in Section 25 of these Rules. They are to be read as a whole.

The Code of Ethics recognises, amongst other things, the following five fundamental ethical values.

- 1. Protection of Life and Safeguarding People*
- 2. Sustainable Management and Care for the Environment*
- 3. Community Well Being*
- 4. Professionalism, Integrity and Competence*
- 5. Sustaining Engineering Knowledge.*

GENERAL PRINCIPLES

The respect which society accords the engineering and technology professions is earned and maintained by its members demonstrating a strong and consistent commitment to ethical values that the community accepts and recognises. These commitments are additional to the obligations that every member of society is required to observe - such as obeying the law - and reflect the additional responsibility expected of all professionals.

It therefore follows that the Institution must maintain an appropriate Code of Ethics, to publish it for the information of the public, and to enforce it impartially. This Code must be responsive to the changing expectations of both society and the profession and the global standards to which the Institution subscribes.

The Code of Ethics is based on the five fundamental ethical values set out in the Rules of the Institution. The Code is a set of principles to guide members in achieving the high ideals of professional life. To assist in the interpretation of the Code, guidelines are set out below for each Code clause. These guidelines,

which do not form part of the Code, are not exhaustive. They are offered as a guide to the understanding and intentions of the Code.

CODE OF ETHICS

1. Members shall take all reasonable steps to protect life and to safeguard people.
2. Members shall use the planet's resources in a sustainable manner and minimise any adverse environmental impact of their engineering works or applications of technology for both present and future generations, while at the same time giving due consideration to the social and economic benefits associated with the work.
3. Members shall positively contribute to the well being of the community and when involved in any engineering project or application of technology do their best to ensure that affected parties are identified, properly informed and consulted.
4. Members shall undertake their professional duties with professionalism, competence, and integrity and in good faith.
5. Members shall continue the development of their own and others' knowledge, skill and expertise in the art and science of engineering and technology throughout their careers.

CODE OF ETHICS WITH GUIDELINES

1. PROTECTION OF LIFE AND SAFEGUARDING PEOPLE

Members shall take all reasonable steps to protect life and to safeguard people.

Guidelines

Members shall strive to achieve the following.

- a) Have as their first priority the health and safety of the community and this shall take precedence over their responsibility to clients, colleagues or other interests.
- b) Be responsible for ensuring that all reasonable steps are taken to minimise the risk of involuntary loss of life, injury, suffering or indignity that may result from their work or the effects of their work.
- c) Draw the attention of those affected to the level and significance of any risk associated with their work.
- d) Assess any potential dangers involved in the construction, manufacture and continuing use of their projects or products and shall take all reasonable steps to minimise these.
- e) Advocate that due recognition be given where harm is likely to be caused to persons, or their environment, by works for which they are responsible.

2. SUSTAINABLE MANAGEMENT AND CARE FOR THE ENVIRONMENT

Members shall use the planet's resources in a sustainable manner and minimise any adverse environmental impact of their engineering works or applications of technology for both present and future generations, while at the same time giving due consideration to the social and economic benefits associated with the work.

Guidelines

Members shall strive to do the following.

- a) Be committed to the use of renewable resources and the use of all resources in an effective and efficient manner.
- b) Minimize the generation of waste; encourage reuse, recycling and the environmentally sound disposal of any residuals.

- c) Find ways to avoid or acceptably mitigate any adverse impact on the environment resulting from their work.
- d) Adopt the principle of sustainability in resource management design or processes and in all other work.

Take into account the social and economic cost and benefits of avoiding adverse environmental effects arising from their work and seek a solution that is in the community's best interests.

3. COMMUNITY WELL BEING

Members shall positively contribute to the well being of the community and when involved in any engineering project or application of technology do their best to ensure that affected parties are identified, properly informed and consulted.

Guidelines

Members shall strive to do the following.

- a) Apply skill, judgement and initiative in their professional life so as to contribute positively to the well being and development of the communities they serve.
- b) Recognize their obligation to humanity and the public interest anticipate possible conflicts and endeavour to resolve them responsibly, and where necessary utilise the experience of the Institution and colleagues for guidance.
- c) Treat people with dignity and have consideration for the cultural values and cultural sensitivities of all groups within the community affected by their work.
- d) Play an active role in providing adequate information for members of the community and to assist in resolving any conflicts that may arise.
- e) Endeavour to be fully informed about relevant public policies and community needs and perceptions that affect their work.
- f) Become helpfully involved in public debate on matters within their areas of technical expertise unless constrained by contractual obligations.

4. PROFESSIONALISM, INTEGRITY, AND COMPETENCE

Members shall undertake their professional duties with professionalism, competence, and integrity and in good faith.

Guidelines

Members shall strive to do the following.

- a) At all times exercise initiative, skill and judgement to the best ability and for the maximum benefit of their employer or client.
- b) Give engineering recommendations or opinions that are honest, objective and factual. Should such recommendation or opinion be ignored or rejected the member shall ensure that those concerned are made aware of the possible consequences.
- c) Not misrepresent their areas or levels of experience, nor work beyond them.
- d) Not disclose information relating to their work for or knowledge of their employer or client without the agreement of those parties.
- e) Disclose any financial or other interest that may, or may be seen to, impair their professional judgement.
- f) Not promise to, give to, or accept from any third party anything of substantial value by way of inducement.
- g) Refrain from publicly criticising the work of other professionals without due cause.
- h) Not review the work of another member without first informing the other member.

In all other ways act so as to uphold the reputation of the Institution and its members, and in particular support other members as they seek to comply with the Code of Ethics.

5. SUSTAINING ENGINEERING KNOWLEDGE

Members shall continue the development of their own and others' knowledge, skill and expertise in the art and science of engineering and technology throughout their careers.

Guidelines

Members shall strive to do the following.

- a) Seek and encourage excellence in their own and others practice of the art and science of engineering.
- b) Ensure that those parts of the science and art of engineering in which they practice are accurately recorded and generally accessible to the profession.
- c) Continually improve and update their own understanding of the science and art of engineering and actively encourage the development and exchange of knowledge with their professional colleagues, employees and subordinates.
- d) Encourage the further education and training of other engineers, technologists and recent graduates, particularly those who are candidates for membership of the Institution.
- e) Share information freely about their experiences and in particular about successes and failures and matters affecting safety.

DISCIPLINARY PROCEDURES

The Institution has a system of peer review for handling disciplinary matters. In considering a complaint, the Disciplinary Committee shall evaluate the following.

- a) Diligence in applying the Code.
- b) Degree of implicit compliance through quality assured management processes.
- c) Degree to which account was taken of each relevant clause of the Code.
- d) Extent of explicit disregard of the Code.

These statements are intended to evaluate the extent to which an engineer passively or actively follows the Code.

REGULATIONS GOVERNING DISCIPLINE AND ALLEGATIONS OF PROFESSIONAL MISCONDUCT

Responsibilities of the Board

The Board, through the President, will ensure that these Regulations operate promptly and efficiently. In particular, the Board has the following specific Responsibilities under these Regulations.

1. To ensure that suitable members are appointed to a panel from which the Chairman and Members of the Investigating Committee will be drawn.
2. To appoint a designated Board member to be responsible for the appointment of the Investigating Committee in terms of Regulation
3. To appoint the Chairman of the Disciplinary Committee and a panel of members from which two members of the Committee shall be drawn in terms of Regulation 8.
4. To appoint an Appeal Committee in terms of Regulation 19.
5. To decide on appropriate disclosures in terms of Regulation 24 and/or referrals in terms of Regulation 25.

Regulation 1

Any allegation or complaint of improper conduct, or a breach of the Code of Ethics, shall be made in writing, with supporting evidence attached, under confidential cover and addressed to the Chief Executive of the Institution at the registered office of the Institution.

Regulation 2

Upon receipt by the Chief Executive of a complaint in writing supported by evidence, the Board member designated under Responsibility 2 shall appoint from the panel established under Responsibility 1, a Chairperson and two members to be the Investigating Committee in respect of the complaint. The Committee shall then Copt a member from the Branch in which the complaint arose.

Regulation 3

The Investigating Committee appointed in terms of Regulation 2 should within 30 days investigate the complaint to determine the following.

- a) Whether mediation or conciliation can resolve the complaint.
- b) Whether there is a prima facie case and that the complaint should therefore be referred to the Disciplinary Committee.
- c) Whether the complaint should be dismissed.

Regulation 4

In endeavoring to reach its decision promptly, the Investigating Committee shall restrict its scrutiny to the minimum information necessary to reach one of the conclusions required in terms of Regulation 3. Before concluding that a prima facie case has been established, the Chairman shall ensure the following.

- (a) That the written complaint is sufficiently comprehensive.
- (b) That a copy of the complaint and any accompanying evidence is posted or delivered to the member against whom the complaint has been made.
- (c) That the member complained of must respond in writing within 30 days.

Regulation 5

Prior to making a decision in terms of Regulation 3 the Investigating Committee shall consider the following.

- (a) The written complaint.
- (b) Any response from the member complained of in respect of the complaint.
- (c) Such other information it deems to be relevant in terms of these regulations.

Regulation 6

The decision of the Investigating Committee in terms of Regulation 3 shall be in writing and referred to the Chief Executive within seven days of the Committee's meeting.

- (a) The Chief Executive shall, in the event that the matter has been resolved, advise the Board.
- (b) In the event that the Investigation Committee is of the view that the matter be terminated the Chief Executive shall inform the Board and the persons concerned. The matter shall then be terminated, subject to the right of the complainant to make a fresh complaint if further evidence is forthcoming.
- (c) In the event that the Investigating Committee is of the view that a prima facie case has been established, the Chief Executive shall forthwith refer the matter to the Disciplinary Committee and advise the Board.

Regulation 7

Subject to the Rules of the Institution and these Regulations, the Investigating Committee may regulate its procedure, as it thinks fit. In considering a complaint with respect to the Code of Ethics, the committee shall observe the evaluation requirement cited for the Disciplinary Committee in Regulation 15.

Regulation 8

The standing Disciplinary Committee shall be established in terms of Responsibility 3 consisting of the Chairman and two other members chosen from the panel for any particular hearing by the Chairperson in

consultation with the designated Board member. The principal function of the Committee shall be to hear and to determine any complaint against a member that is referred to it by the Investigating Committee. For the hearing of any complaint, this Committee shall be augmented by two lay members, one appointed by the Chairman of the Committee and the other appointed by the President of the Papua New Guinea Chamber of Commerce and Industry. The Chief Executive of the Institution or his Nominee shall act as Secretary of the Disciplinary Committee.

Regulation 9

Before it considers the facts of the case, the Disciplinary Committee shall set a date and place for a meeting for the case to be heard. The place shall normally be the headquarters of the Institution, provided that the Disciplinary Committee may decide upon some other place, having due regard to the convenience of the parties concerned.

Regulation 10

Not less than 14 days nor more than 30 days prior to the date of the meeting to hear the case, the Chief Executive shall send by registered mail to the member concerned a notice stating the following.

- a) The nature of the complaint made against the member, and the name of the complainant.
- b) A summary of the evidence submitted in support of the complaint.
- c) The time and place of the meeting to hear the case.
- d) That the member is entitled to attend and be represented. At the same time, the secretary shall also inform the complainant of the time and place of the meeting and that he is entitled to attend and be represented.

Regulation 11

Both the complainant and the member whose actions are the subject of such an investigation, shall have the right at such a meeting to make representations on their own behalves and may be represented by counsel or any other person or by both and may submit representations orally or in writing, except that in their absence the Disciplinary Committee may disregard any written representations not in the form of a statutory declaration. The Investigating Committee shall make submissions to the hearing on the outcome of its investigation, providing such evidence as it may have collected regarding a breach of the Code of Ethics and make such submissions as it considers appropriate in relation to the nature of the complaint and the behaviour of the member complained of.

Regulation 12

The Institution shall not be liable for any expense by way of travelling, engagement of counsel, calling of any witness or in any other matter connected with the investigation, incurred either by the member whose conduct is under investigation or by the person or persons making the complaint. However, the Board may, at its discretion, and without being deemed to make any admission of liability by so doing, make a grant to such member(s) or person(s) to cover the whole or any part of such expense.

Regulation 13

If the complainant or the member concerned fails to appear at the appointed time or place or to make representations, the Disciplinary Committee may at its discretion, adjourn the case. This shall normally be limited to one adjournment.

Regulation 14

The Disciplinary Committee may regulate its procedure, as it thinks fit. For the purposes of its inquiries the Disciplinary Committee may do the following.

- a) Make any preliminary inquiries it deems necessary, or employ any person to make such inquiries on its behalf.
- b) Engage counsel, who may be present at the inquiry, to advise the Committee on matters of law, procedure and evidence.

- c) Receive such evidence as it thinks fit, and in particular the report and submissions of the Investigating Committee, and any other evidence by way of a statutory declaration from any person.
- d) Request any person who is a party to the complaint or Investigation to give all information in relation to any books, documents, or papers which may reasonably be required by the Committee or by any person employed by it as aforesaid.

Regulation 15

In considering a complaint with respect to the Code of Ethics the Disciplinary Committee shall evaluate the following.

- a) The diligence in applying the Code.
- b) The degree to which account was taken of each relevant clause of the Code.
- c) The extent of explicit disregard of the Code.

Regulation 16

If the Disciplinary Committee determines that the complaint is substantiated, it may make one or more of the following orders regarding the member complained of.

- a) That such member be expelled from membership of the Institution or suspended from membership for any period.
- b) That such member pays the Institution such sum by way of penalty not exceeding K1000 (one thousand kina) as the committee thinks fit.
- c) That such member be reprimanded or admonished.
- d) That such member be required to publicly retract the statements and/or apologise for the actions which was the basis of the original complaint. The retraction and/or apology should be circulated to all Institution members and to those to whom the original statements and/or actions referred.
- e) That such member pay a sum not exceeding K2000 (two thousand kina) towards the costs incurred by the Institution and/or the complainant, as are directly attributable to the investigation hearing, and/or determination of the complainant against the member concerned.

Regulation 17

The decision of the Disciplinary committee and any orders issued in terms of Regulation 16 shall be forthwith transmitted by the Chief Executive to the parties concerned and to the Board.

The lay member appointed by the Papua New Guinea Chamber of Commerce and Industry will have the right to produce a separate written opinion if he is dissatisfied with the process or any aspect of the outcome of the Committee's deliberations.

The Board may, and if the member concerned so requests, publish a summary of the facts of the complaint and the Disciplinary Committee's decision. In the event that the Disciplinary Committee decides that the complaint is not substantiated, and if the complainant is a member, the Disciplinary Committee may order such member to pay the Institution a sum not exceeding K2000 (two thousand kina) in respect of the Institution's costs and expenses of the inquiry.

Regulation 18

If the Disciplinary Committee makes an order or orders under Regulation 16 or 17, the Chief Executive shall carry out the following.

- (a) Inform the member in writing by registered post of the particulars of the order or orders so made.
- (b) At the same time, inform the member of his rights of appeal under Rule 19.6

Regulation 19

Upon receipt of an appeal, which may be an appeal against a finding of improper or unprofessional conduct, or the order or orders of the Disciplinary Committee, or both, the Chief Executive shall refer the appeal to the Appeal Committee, nominated by the President for the time being, comprising two Institution representatives, being either the President and one Past-President, or two Past-Presidents. The Institution may also require its legal adviser to be present.

Regulation 20

The Appeal committee shall set a date and place for the appeal to be heard. Not less than ten days or more than 35 days prior to the date of the hearing, the Chief Executive shall inform the member and the complainant by registered mail of the time and place of the hearing, and that they are entitled to attend and to be represented.

Regulation 21

Unless the Committee of Appeal otherwise directs it shall not be permissible to recall witnesses who gave evidence before the Disciplinary Committee or to call other witnesses. The material before the Committee of Appeal shall be the record of the proceedings of the Disciplinary Committee and its report, and any documents that supported it together with any additional submissions made in respect of the appeal.

Regulation 22

The Committee of Appeal may confirm, vary, or reverse the decision or any order of the Disciplinary Committee and may, in addition, make such order as the payment of costs of the appeal as it thinks fit.

Regulation 23

The decision of the Committee of Appeal shall be communicated in writing to the Chief Executive who shall lay it before the Board and shall then inform the parties concerned.

Regulation 24

In all cases where any order or orders are made under Regulation 16 or 17, the Disciplinary Committee shall report to the Board, with particulars of such order or orders. In all such cases, particulars of such order or orders shall be notified to all members by publication in the annual report, or in such other manner as the Board may decide. In addition, the Board may disclose to all members the name of the member against whom such order was made.

Regulation 25

The Board may also refer the facts of the case, the decision reached, and the action taken, to the Professional Engineers Registration Board for any action which the Board may consider necessary under the provisions of the Professional Engineers Registration Act 1986. Depending on the nature of the offence, the Board may refer the decision, with relevant details, to the Chief Ombudsman Commissioner. Further, the board may similarly inform any other professional body, including overseas organisations, to which the member concerned is known to belong.

Regulation 26

Any fine or costs ordered to be paid under Rule 19.5 or under these Regulations shall be immediately due and recoverable as a civil debt. The existence of such debt shall be sufficiently proved by the production of the following.

1. The rules of the Institution and these Regulations.
2. The Declaration signed by the member on his form of application for membership.
3. The minute of the meeting of the Disciplinary Committee at which the orders for the fine or costs was made, such minute to be certified as a true and correct record by affixing thereto the signatures of the Chairperson and two other members of the Disciplinary Committee who were present.

4. In the case of an appeal, a copy of the decision of the Committee of Appeal duly certified as a true copy by the Chief Executive of the Institution.