



BY-LAW No. 3
Code of Ethics By-Law
made under
The Engineers and Geoscientists Act, 2008

Pursuant to the powers vested in it by virtue of the Engineers and Geoscientists Act, 2008 (the "Act") and all other powers enabling it, the board of the Association of Professional Engineers and Geoscientists Newfoundland and Labrador (PEGNL) hereby makes, effective May 13, 2010, the following as its By-Law No. 3, to be known as the "**PEGNL Code of Ethics By-Law**", made pursuant to paragraph 9(1)(g) of the Act:

1. Code of Ethics for Professional Engineers and Geoscientists

- 1.1** Professional engineers and geoscientists shall recognize that professional ethics are founded upon integrity, competence and devotion to service and to the advancement of human welfare. This concept shall guide professional engineers and geoscientists at all times.
- 1.2** Professional engineers and geoscientists shall conduct themselves in an honourable and ethical manner. Professional engineers and geoscientists shall uphold the values of truth, honesty and trustworthiness and safeguard human life and welfare and the environment. In keeping with these basic tenets, professional engineers and geoscientists shall:
 - (a) hold paramount the safety, health and welfare of the public and the protection of the environment and promote health and safety within the workplace;
 - (b) offer services or advise on or undertake assignments only in areas of their competence and practice in a careful and diligent manner;
 - (c) act as faithful agents of their clients or employers, maintain confidentiality and avoid conflicts of interest;

- (d) keep themselves informed in order to maintain their competence, strive to advance the body of knowledge within which they practice and provide opportunities for the professional development of their subordinates;
- (e) conduct themselves with 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;
- (f) present clearly to employers and clients the possible consequences if their professional decisions or judgments are overruled or disregarded;
- (g) report to their association or other appropriate agencies any illegal or unethical engineering or geoscience decisions or practices by engineers, geoscientists or others; and
- (h) endeavour to interpret engineering and geoscience issues to the public in an objective and truthful manner.

2. Professional Misconduct, Conduct Unbecoming and other Conduct Deserving of Sanction of a Professional Member or Permit Holder

2.1 Conduct of a professional member or permit holder that is:

- (a) detrimental to the best interests of the public;
- (b) represents a serious contravention of the Code of Ethics made by this By-Law;
- (c) harms or tends to harm the standing of the profession of engineering or of geoscience generally; or
- (d) displays a lack of knowledge or skill or judgment in the practice of the profession or in carrying out of a duty or obligation undertaken in the practice of the profession,

constitutes professional misconduct.

2.2 Such conduct as described in section 2.1 that is also disgraceful or dishonourable may constitute either professional misconduct or conduct unbecoming a professional member or permit holder.

2.3 A gross display or repeated displays of a lack of knowledge or skill or judgment in the practice of the profession or in carrying out of a duty or obligation undertaken in the practice of the profession constitute professional incompetence.

2.4 A physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or of the professional member that the professional member no longer be permitted to engage in the practice of the profession or that his or her practice of the profession be restricted constitutes incapacity or unfitness to practice engineering or geoscience;

3. Application by Complaints Authorization Committee and Adjudication Tribunal

3.1 The complaints authorization committee may reach a finding or opinion that there are reasonable grounds to believe that a professional member or permit holder has engaged or is engaging in a form of conduct as described in subsections 2.1, 2.2, or 2.3, or that a professional member has or has had a condition as described in subsection 2.4.

3.2 An adjudication tribunal may reach a finding or opinion that a professional member or permit holder has engaged or is engaging in a form of conduct as described in subsections 2.1, 2.2 or 2.3, or that a professional member has or has had a condition as described in subsection 2.4.

4. Rules Respecting Conflict of Interest for Professional Engineers and Geoscientists

Under normal circumstances, professionals should, before accepting assignments, inform clients or employers of any special interests, business connections, personal relationships, conflicts of interest, or other circumstances that could influence their professional services or judgment. They should never offer or accept any covert payment or covert benefit of any kind.

5. Rules Respecting Advertising for Professional Engineers and Geoscientists

- 5.1** Advertising shall be clear, factual, and without exaggeration.
- 5.2** Advertising shall be in good taste and not diminish the dignity, professional image or stature of the professions.
- 5.3** Advertising shall not be critical of, or claim superiority over, others.
- 5.4** Advertising shall comply with all applicable laws.
- 5.5** A professional service shall not be advertised unless that service is provided under the direct personal supervision of a professional member who is qualified and duly registered to provide such supervision and who is available to the extent necessary to provide competent direction of the work.
- 5.6** Professional stamps/seals or permit stamps shall not be displayed for advertising or commercial purposes.

ACKNOWLEDGEMENT

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