



Ordre des ingénieurs du Québec

Ethical and legal aspects of the engineering profession

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Plan

- **What does it mean to be a professional?**
- **Professional orders and the protection of the public**
- **The Engineers Act**
- **The Code of Ethics of Engineers**
- **Other important legislation**
- **Liability's different faces**
- **Ethics: one more step in the right direction**

**What does it mean to be a
professional?**

**Professional orders
and the protection of the public**

Professional orders and the protection of the public

- Québec's professional system is based on the protection of the public
- Self government: it is your concern
- **Professional orders :**
 - Control admission
 - Ascertain the competence and verify the quality and appropriateness of services provided (*Professional Inspection Committee*)
 - Monitor the ethical and professional conduct of members (*Office of the Syndic; Committee on discipline*)

Tools to help protect the public

- **Professional Code**

- Protecting the public as key principle
- Specifies the duties and obligations of professional orders

- **Engineers Act**

- Specifies what constitutes the practice of the engineering profession
- Specifies that some acts are reserved to engineers
- Determines certain rules pertaining to admission
- Specifies certain penal provisions

- **Code of Ethics of engineers**

- Specifies certain duties and obligations of engineers towards the general public, clients and the profession

Engineers Act

An exclusive profession... for the protection of the public

- **Field of practice: the field in which your acts are performed (shared with others)**
 - public roads, dams, bridges, sewers, foundations for building of more than 100,000\$, works of electrical, mechanical, hydraulic, electronic, metallurgical character, ...etc.
- **Acts reserved for engineers in those fields:**
 - Giving consultations and opinions
 - Making measurements, layouts, computations, designs, drawings, plans, specifications, reports
 - Inspection or supervision of the works

Authentication of engineering work

- **Sign and seal** plans and specifications, **Sign** written consultations, opinions, measurements, layouts, reports, computations, design, drawings, specifications...etc.
- Using plans and specifications that have not been signed and sealed is a punishable offence
- You can only sign and seal work prepared by yourself or by a person under your immediate supervision

Code of Ethics of Engineers

Code of Ethics

- « In *all aspects of his work* the engineer must respect his *obligations towards man* and *take into account the consequences* of the performance of his work on the *environment* and on the *life, health* and *property* of every person. »

Code of Ethics

- *Competencies and means:*

- Before accepting a mandate, bear in mind your proficiency and aptitudes and the means at your disposal

Code of Ethics

- **Avoid ambiguity:** Refrain from giving incomplete opinions or using documents, specifications or plans you know to be ambiguous or not sufficiently explicit
- **Errors:** Inform the client as soon as possible of any error that may cause him prejudice and which may not be easily rectified
- **Opinion ignored:** If you are responsible for the technical quality of engineering work, and your opinion is ignored, inform the client in writing of the possible consequences

Code of Ethics

- *Integrity, Independence and Impartiality:*
 - Do not tolerate dishonest or doubtful practices
 - Subordinate your personal interest to that of your client/employer
 - Do not let yourself be influenced by a third party to the detriment of your client

Code of Ethics

- *Safeguard your professional independence at all times:*
 - There is no such thing as a free gift in business
 - Avoid conflicts of interest: if they occur, notify the client and ask for authorization to continue or to be replaced

Code of Ethics

- *Professional Secrecy:*
 - Respect the secrecy of all confidential information obtained
 - ...unless authorized by your client or ordered so by law
 - Do not make use of confidential information to get an advantage for yourself or another person

Code of Ethics

- *Obligations towards the profession:*
 - Answer the Syndic promptly
 - Do not abuse a colleague's good faith, take credit for his/her work, nor damage his/her reputation
 - Notify the engineer you are replacing or whose work you are reviewing

Monitoring of Conduct and Professional Liability

- ***Purpose:*** Protection of the public
- ***Process:*** Inquiry by Syndic, trial by Committee on discipline
- ***Disciplinary action:*** Reprimand, fine, temporary or permanent striking off the roll, revocation of permit, restriction or suspension of right to engage in professional activities

Some other regulations

- **Fees: conciliation & arbitration of accounts**
- **Keeping of records**

Liability's different faces

Liability of engineers

- Professional liability- (**Code of ethics**)
OIQ- Disciplinary sanctions
- Civil liability- (**Contracts & misfeasance**)-
Civil court- Damages \$\$
 - Contractual (Client)
 - Extra contractual\Misfeasance (Third party)
 - Mistake+ damages + link between the two
- Criminal/penal liability- (**Criminal code & general legislation & illegal practice**) –
Punishment (Prison or fine)

General Legislation

- Environment
- Occupational Health & Safety
- Labour Standards
- Bills of Rights
- Copyright, Patents, Trademarks

- And many other standards in every sector of activity...

Liability

- Any person in society:
 - Civil liability (contractual or misfeasance)
 - Criminal/penal liability
- Any professional:
 - Professional liability
- Architects, engineers, contractors
 - 1 Year legal warranty, 5 year liability

Ethics:
one more step in the right direction

Ethics : one more step...

- Ethics is more than just compliance with the law:
 - doing the best you can
 - taking into consideration impacts on other people
 - acting according to certain values and moral principles...
- The law is a minimum
- The Code of Ethics of Engineers is a part of ethics, but only part of it

Conclusion

- **As professionals, we have a greater responsibility due to the nature of our work**
- **Professional liability and the Code of Ethics are aimed at the protection of the public**
- **Being legal is not enough...is it ethical?**
- **A solid reputation take years to build...and seconds to destroy...**