

MEMBER CONSULTATION

Towards a New Code of Ethics of Engineers

GUIDELINES FOR THE NEW CODE OF ETHICS OF ENGINEERS

Theme	Potential Provision	Associated Value	Source
Theme 1 General Provisions			
1.1.	<p>This Code determines the main duties and obligations that must be fulfilled by all engineers, regardless of the context of their professional practice and the nature of the professional activities that they perform. It applies in addition to any other rule of professional conduct related to the performance of a job or a function by an engineer.</p> <p>The duties and obligations of an engineer under the Professional Code (Chapter C–26) and regulations made under it are not reduced in any manner owing to the fact that he performs his professional activities within a partnership or on behalf of an employer.</p>	None	OPQ opinion
1.2.	<p>In this Code, unless the context indicates otherwise, the word</p> <p>“client” means a person or an organization to whom an engineer provides professional services or to whom he agrees to provide them, including his employer;</p> <p>“engineering document” means a document produced as part of the practice of engineering, regardless of its medium.</p>	None	C.E.E., s. 1.02 Authentication guidelines
1.3.	An engineer who acts as an officer of a partnership or an employer shall take reasonable measures to ensure that this partnership or this employer as well as their employees comply with the Professional Code (Chapter C-26), the Engineers Act (Chapter I-9) and regulations made under them.	Responsibility Ethics	OPQ opinion
Theme 2 Public Safety			
2.1.	An engineer takes into account the consequences of his professional activities on persons, their personal data and their property, as well as on the environment.	Social commitment	C.E.E., s. 2.01
2.2.	Whenever an engineer considers that works or a structure are a danger to public safety, he informs their owner, the person responsible for these works or the competent authority.	Social commitment	C.E.E., s. 2.03
2.3.	Whenever his opinion is disregarded, the engineer informs the client in writing of the consequences which may result therefrom.	Responsibility	C.E.E., s. 3.02.07
2.4.	An engineer shall take sustainable development principles into account in the performance of his professional activities.	Social commitment	New, based on foreign codes

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Theme 3 Competence			
3.1.	An engineer performs his professional activities with competence and in keeping with generally accepted engineering practices.	Competence	New, inspired by other codes
3.2.	An engineer refrains from performing a professional activity for which he possesses neither the required training nor the required experience. Notwithstanding the foregoing, an engineer may accept an assignment that includes the performance of professional services for which he does not possess the required competence, if these services are performed by other engineers or by competent professionals.	Competence	New, inspired by codes from other jurisdictions (Australia, Texas)
3.3.	An engineer develops his competencies and his knowledge and keeps them up to date.	Competence	New, inspired by codes from other jurisdictions
Theme 4 Integrity and Independence			
4.1.	An engineer acts with objectivity and rigour in the following and other ways: <ul style="list-style-type: none"> - by refraining from expressing an opinion on an engineering matter if such opinion is not based on sufficient knowledge and he knows that it is erroneous or misleading; - by acting with objectivity in the relations he maintains with his client and the persons who participate in carrying out a project. 	Ethics Competence	C.E.E., s. 2.04, 3.02.10, enhanced by codes from other jurisdictions
4.2.	An engineer acts with integrity, in particular by: <ul style="list-style-type: none"> - putting the interest of the public and his client before his own personal interest and, where applicable, the interest of his employer or the partnership in which he performs his professional activities, or the interest of a third party; - ignoring any intervention by a third party which could influence the performance of his professional services to the detriment of the public or his client. 	Ethics	C.E.E., s. 3.02.01, 3.05.01, 3.05.02 OPQ opinion

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4.3.	<p>An engineer does not resort or lend himself to dishonest or doubtful practices; he does not allow or tolerate such practices.</p> <p>The following are specifically considered to be dishonest or doubtful practices:</p> <ul style="list-style-type: none"> - an act involving collusion, corruption, malfeasance, breach of trust or influence peddling; - offering or agreeing to provide or pay, directly or indirectly, a commission, a rebate, a reward or any other benefit with the goal of influencing a decision-making process; - accepting, directly or indirectly, a commission, a rebate, a reward or another benefit from a third party in relation to engineering work, except for customary tokens of appreciation and gifts of small value; - allowing third parties to perform acts on behalf of the engineer that would contravene the Professional Code (Chapter C-26) or a regulation made under it if he had performed them himself. 	Ethics	C.E.E., s. 3.02.09, 3.05.02 Prof. C., s. 87
4.4.	<p>An engineer safeguards his professional independence at all times and avoids any situation which would put him in conflict of interest. Without restricting the generality of the foregoing, an engineer:</p> <ul style="list-style-type: none"> - is not independent if he derives a direct or indirect, real or possible, personal benefit other than the compensation to which he is entitled, when accomplishing an act; - is in conflict of interest where the interests in question are such that he might tend to favour some of them over those of his client or where his judgment or loyalty towards the latter are unfavourably affected. <p>When an engineer practices his profession on behalf of an employer or within a partnership, conflict of interest situations are assessed with regard to all the clients of this employer or this partnership.</p> <p>As soon as he is aware that he has a conflict of interest, the engineer must notify the persons concerned in writing and may not continue to act on behalf of any of them without their written consent.</p>	Ethics	C.E.E., s. 3.05.03, 3.05.04 Inspired by other Quebec codes

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4.5.	<p>An engineer who performs his professional activities within a partnership shall take the necessary measures to prevent confidential information or documents from being disclosed to a person affiliated with the partnership who has a conflict of interest.</p> <p>The following factors are taken into particular account when assessing the effectiveness of such measures:</p> <ul style="list-style-type: none"> - the size of the partnership; - the precautions taken to prevent access to the file of the engineer by the person in the conflict of interest; - the instruction given to protect confidential information or documents concerned by this conflict of interest; - the isolation of the person in the conflict of interest with respect to the engineer. 	Ethics	OPQ opinion
4.6.	An engineer shares his fees on the condition that such sharing corresponds to a division of the responsibilities.	Ethics	C.E.E., s. 3.05.05

Theme 5	Responsibility		
5.1.	<p>An engineer assumes responsibility for the professional activities that he performs and for those that are performed under his supervision.</p> <p>Without restricting the scope of the foregoing, an engineer may not request a client to renounce or restrict any recourse of the latter in case of professional negligence on his part.</p>	Responsibility	Engineers Act, s. 5 Reg. respecting the terms and conditions for the issuance of permits
5.2.	An engineer informs the client, as soon as possible, of any potentially harmful error that he commits in the performance of his professional services and takes the necessary measures to rectify it.	Responsibility	C.E.E., s. 3.02.05

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Theme 6 Obligations with respect to Opinions and Engineering Documents			
6.1	An engineer refrains from giving an opinion or preparing, modifying, signing or sealing an ambiguous, insufficiently explicit, contradictory or incomplete engineering document if he does not have sufficient knowledge of the facts and is not reasonably certain of the recommended solution.	Competence	C.E.E., s. 2.04, 3.02.04
6.2	An engineer ensures that any engineering document prepared by him or under his supervision includes his signature, mentions his name, the purpose for which this document is intended, as well as the date of its preparation.	Responsibility	Authentication guidelines Code of Ethics of Architects
6.3	An engineer may not sign or seal an engineering document that has not been prepared by him, under his supervision or by another engineer or that is not complete in relation to its purpose.	Responsibility	C.E.E., s. 3.04.01 and 3.04.02
6.4	An engineer takes reasonable measures to prevent a third party from using his digital seal or digital signature.	Responsibility	New Code of Ethics of Architects
Theme 7 Relations with Others			
7.1.	An engineer acts with courtesy and moderation towards others.	Social commitment	New, inspired by other codes
7.2.	An engineer may not refuse to work with a person on a ground specified in section 10 of the Charter of Human Rights and Freedoms (chapter C-12).	Social commitment Ethics	C.E.E., s. 4.02.07, applied to all
7.3.	An engineer refrains from persistently or repeatedly urging a person to use his professional services.	Ethics	C.E.E., s. 4.01.01
7.4.	An engineer promotes the development of competencies in junior engineers and candidates to the practice of the profession under his supervision.	Social commitment	New, inspired by other codes
7.5.	An engineer shall, to the extent possible, contribute to the advancement of the profession, in particular by sharing his knowledge and his experience with the public, engineers and candidates to the engineering profession. He must in particular, where circumstances so allow, promote the hiring of the latter.	Social commitment	C.E.E., s. 2.05, 4.03.03

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7.6.	An engineer promotes education and information measures in the field in which he practices, particularly those that pertain to the principles of sustainable development.		C.E.E., s. 2.05
7.7.	An engineer shall not abuse another engineer's good faith, be guilty of breach of trust or be disloyal towards him or willfully damage his reputation, in particular by taking credit that belongs to another engineer.	Ethics	C.E.E., s. 4.02.03
7.8.	An engineer does not use his hierarchical authority to induce another engineer or another person under his supervision to violate the law.	Social commitment	C.E.E., s. 4.02.03

Theme 8 Obligations towards Clients			
8.1.	An engineer is reasonably available and diligent.	Responsibility	C.E.E., s. 3.03.01
8.2.	<p>Before providing professional services to a client or agreeing to do so, an engineer:</p> <ul style="list-style-type: none"> - bears in mind the extent of his competencies and the means at his disposal; - ensures that he properly understands the requirements and the needs of the client; - ensures that his client understands the nature, the scope, and the cost of the professional services that he will provide to the client; <p>When his client is not his employer, the nature, the scope and the cost of the professional services to be provided shall be subject to a written contract.</p>	Competence Responsibility	1 st sentence: C.E.E., s. 3.01.01, 3.02.03, 2 nd sentence: new, inspired by the Code of Ethics of Geologists
8.4.	<p>Where required in the interest of the client and authorized by the latter, an engineer consults another engineer or another competent person or recommends that the client consult one of these persons.</p> <p>An engineer acknowledges the right of his client to consult another engineer or another competent person and cooperates with this person within reason.</p>	Competence	C.E.E., s. 3.01.02, 3.01.04
8.5.	At the request of the client or whenever required, an engineer reports to the client on the professional services rendered.	Responsibility	C.E.E., s. 3.03.03

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8.6.	<p>An engineer charges fair and reasonable fees for his professional services. The fair and reasonable fees are those that are warranted by the circumstances and proportionate to the professional services rendered.</p> <p>In determining his fees, he must, in particular, take the following factors into account:</p> <ul style="list-style-type: none"> - the time devoted to the carrying out of the professional services; - the difficulty and magnitude of the services; - the performance of unusual services or services requiring exceptional competence or speed; - the extent of the responsibility assumed; - the existence of a decree or recognized fee. 	Ethics	C.E.E., s. 3.08.01 and 3.08.02
8.7.	<p>An engineer provides his client with all the necessary explanations to understand his statement of fees and the terms and conditions of its payment, and shall in particular ensure that this statement is sufficiently explicit so that it is possible to determine the professional services that have been rendered and the progress that has been made in the project.</p>	Responsibility	C.E.E., s. 3.08.04
8.8.	<p>An engineer takes reasonable care of the property entrusted to his care by a client and he may not lend or use it for purposes other than those for which it has been entrusted to him.</p>	Ethics	C.E.E., s. 3.02.06
8.9.	<p>An engineer may not cease to provide his professional services unless he has reasonable grounds. The following constitute, in particular, reasonable grounds:</p> <ul style="list-style-type: none"> - a loss of the client's confidence; - the fact that the engineer is placed in a situation of conflict of interest or in a circumstance whereby his professional independence could be called into question; - the refusal or failure of the client to pay his fees; - inducement by the client to perform illegal, unjust or fraudulent acts; - the fact that the engineer has been misled by the client or the client has failed to cooperate. <p>Before ceasing to provide his professional services to the client, the engineer notifies the client in writing within a reasonable period of time and takes the necessary steps to minimize any prejudice to the client.</p>	Ethics	C.E.E., s. 3.03.04 and 3.03.05

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Theme 9 Confidentiality and Professional Secrecy			
9.1.	An engineer preserves the secrecy of all confidential information that becomes known to him in the practice of the profession and takes reasonable means to ensure that professional secrecy is maintained by all persons who collaborate with him.	Ethics	C.E.E., s. 3.06.01
9.2.	An engineer does not use confidential information for a purpose other than that for which the client has entrusted this information to him.	Ethics	C.E.E., s. 3.06.02
9.3.	An engineer refuses to provide professional services when the performance of these services involves or may involve the disclosure or the use of confidential information or documents obtained from another client, unless he obtains that client's consent.	Ethics	C.E.E., s. 3.06.04
9.4.	<p>When an engineer communicates confidential information with a view to preventing an act of violence, he prepares a written note as soon as possible containing the following:</p> <ul style="list-style-type: none"> - the date and time of the communication; - the grounds for his decision to communicate the information, including a description of the act of violence he is trying to prevent, the identity of the person that provided him with the information that prompted him to communicate this information as well as the identity of the person or the group of persons exposed to danger; - the content of the communication, the method of communication used and the identity of the person to whom the communication was made; - where applicable, the name of the person consulted, the opinion provided by this person as well as the date and time of this communication. 	Ethics	Prof. C., s. 87 New, inspired by the Code of Ethics of Architects
Theme 10 Access to Records and Corrections			
10.1.	<p>An engineer acts on any request by a client who wishes to examine or obtain copies of documents concerning the latter in any record established in the client's respect.</p> <p>The engineer may require the client to:</p> <ul style="list-style-type: none"> - consult the documents in his presence or in the presence of a person that he has authorized; - pay a reasonable fee for the provision of any document requested by the client. 	Ethics	C.E.E., s. 3.07.01, 3.07.02, 3.07.06

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10.2.	<p>Within 30 days of receiving a request from the client for that purpose, an engineer:</p> <ul style="list-style-type: none"> - corrects the inaccurate, incomplete or ambiguous information with regard to the purposes for which it was collected, in any document concerning the client that is contained in any record established in the client's respect; - deletes any information that is outdated or not justified by the purpose of the record established in the client's respect; - places the written comments of the client in the record established in client's respect. <p>The engineer informs the client in writing of the actions taken in response to the request of the latter.</p>	Ethics Responsibility	C.E.E., s. 3.07.04, 3.07.05
Theme 11 Illegal Practice of the Profession			
11.1.	An engineer does not participate in, contribute to, or tolerate the illegal practice of an activity reserved for engineers or the unlawful use of the engineer title.	Ethics Social commitment	C.E.E., s. 4.01.01
Theme 12 Relations with the OIQ			
12.1.	An engineer ensures the accuracy of the information that he provides to the Order.	Responsibility	New, inspired by the Code of Ethics of Architects
12.2.	An engineer answers all requests from the Order, within the period of time and using the communication method indicated in the request.		C.E.E., s. 4.01.01
12.3.	The engineer respects any agreement he has concluded with the OIQ.	Ethics	New, inspired by the code of ethics of physicians

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12.4.	An engineer notifies the syndic without delay if he has reason to believe that a situation has occurred in which the competence or the integrity of another engineer could be adversely affected or that another engineer is violating the Professional Code (Chapter C-26), the Engineers Act (chapter I-9) or one of the regulations made under them.		Prof. C., s. 87
12.5.	An engineer refrains from communicating with a person who has requested an inquiry into his professional conduct or competence, from the moment he is informed of the holding of this inquiry or when he is served with a complaint against him, unless he has obtained prior permission from the syndic.	Ethics	C.E.E., s. 4.01.01
12.6.	An engineer who is asked by the Order to participate in a council for the arbitration of accounts, a disciplinary council or a professional inspection committee or to act as a tutor in refresher training imposed by the Order shall accept this duty unless he has valid grounds for refusing.	Social commitment	C.E.E., s. 4.03.01

Theme 13 Advertising and Partnership Names			
13.1.	An engineer does not make or authorize, by whatever means, false or misleading advertising or advertising likely to mislead or be derogatory to the honour or dignity of the profession.	Ethics	C.E.E., s. 5.01.01
13.2.	All engineers who are partners or who practice their profession together are jointly responsible for complying with the rules of advertising, unless the advertising clearly indicates the name of the engineer who is responsible for it or the other engineers demonstrate that the advertising was made without their knowledge and consent and in spite of the measures taken to comply with those rules.	Ethics	C.E.E., s. 5.02.04
13.3.	In any advertising or representation, an engineer gives his name and his professional title.	Social commitment	C.E.E., s.5.01.03
13.4.	An engineer shall not practice his profession within a partnership under a name that is misleading or derogatory to the honour or the dignity of the profession.	Ethics	New