

## THE ENGINEER-SUPPLIER

## RELATIONSHIP<sup>1</sup> :

## USEFUL, NECESSARY AND...

## DELICATE

**R**egardless of their field of activity, engineers must really know the market in which they work,<sup>2</sup> meaning that they should have in-depth knowledge of existing products, their specifications, their equivalents, and perhaps even the suppliers that manufacture or distribute them. This knowledge speaks to the credibility of engineers, who should not limit or content themselves with what they already know or have already used. Engineers must always be curious and open-minded.

With this in mind, what types of relationships should engineers maintain with suppliers? The Code of Ethics of Engineers sheds some light on this matter:

“3.05.02 [...] an engineer shall not accept, directly or indirectly, any benefit or rebate in money or otherwise from a supplier of goods or services relative to engineering work which he performs for the account of a client.”

“3.05.03 An engineer must safeguard his professional independence at all times and avoid any situation which would put him in conflict of interest.”

But beyond these principles, how should engineers handle these relationships in the field and in everyday situations?

Obviously, certain “extreme” behaviours like those uncovered a few years ago by the Commission of Inquiry on the Award and Management of Public Contracts in the Construction Industry (Charbonneau Commission) are to be avoided. Indeed, many engineers who accepted amounts of money, trips of all sorts, and free goods and services from suppliers have been heavily sanctioned by the Disciplinary Council over the last several years.

That being said, this article is interested in the more common situations. We should start by mentioning that it is entirely legitimate, and even necessary, for suppliers to target their efforts in promoting their products to potential users. And many engineers do this type of work with competence and integrity. Therefore, we should avoid vilifying the entire group. But what do you do when a supplier invites you to a training session on its products? What does the supplier have in mind for you? Does it want to meet with you to show you its products, or take you on a tour of its plant?

Although engineers are required to keep their knowledge up to date, they must also safeguard their professional independence. Fulfilling these two requirements is a question of circumstances and judgment.

First and foremost, you should consider the question of whether you are an engineer who works at a public institution or a private



enterprise. Your ethical obligations are the same in both cases, of course. Yet, the distinction is still important because the public domain has some very strict equity, transparency, and objectivity requirements. Engineers must know these requirements and take them into consideration.

For example, a design engineer who works at a private enterprise that manufactures specialized equipment may have a preference for certain sub-component manufacturers, based on objective technical considerations (product performance, reliability and durability) and somewhat subjective considerations (reputation of the manufacturer, quality and longevity of the business relationship, etc.). These subjective considerations are rather delicate, and even prohibited in the public domain.

The next question you should consider is whether you are an engineer who is involved, directly or indirectly, in a procurement process. And is the particular procurement process already underway? The timing of a meeting with a supplier or a visit to its plant can have a decisive effect on the perceptions of the parties concerned or outside observers.

And the other suppliers, do they receive the same treatment? If you say yes to one, can you say no to the other?

And in the case of a training session, is the supplier offering it to a wider public, or only to a few privileged clients? Where is it being held? And at whose expense? What about the plant visit? Is it useful or necessary? Who is footing the bill: the supplier, employer, or client?

For greater clarity in their thinking about these questions, engineers should consider the situation from different angles<sup>3</sup>:

- a. Transparency: If you attend a training session given by a supplier or visit its plant, and this becomes common knowledge (among your colleagues, clients and... other suppliers, of course), would you be comfortable justifying this action?
- b. Exemplarity: In a similar situation (such as a different training session given by a competing supplier or a visit to that supplier's plant), would your decision to participate serve as an example? Based on the same criteria?
- c. Reciprocity: If you put yourself in the shoes of the other stakeholders, would you feel wronged or concerned about the independence and objectivity of an engineer who had participated in such a training session or plant visit?

We mentioned this in a previous issue<sup>4</sup>: Conduct or practice that was once considered acceptable is not necessarily seen that way today. Ethics evolve in step with the contemporary social context. And in this post-Charbonneau Commission era, it would be a good idea for engineers to practice some degree of "social distancing" from suppliers.

Meet with suppliers? Definitely, but at your office rather than at a restaurant, in a group rather than one on one, at public professional events (conferences, symposiums, etc.) rather than at private or social occasions. ■

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1. In this text, the term 'supplier' is used in a broad sense that includes building contractors, consulting engineering firms, product manufacturers, distributors, etc.
2. Code of Ethics of Engineers, section 3.01.01.
3. The three angles concerned here are inspired by the "ethical decision test" discussed in the OIQ's Professional Practice Guide.
4. "The Code of Ethics of Engineers, from Then to Now," Plan, January-February 2020, p. 60-61.