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THE PROFESSIONAL ENGINEERS REGISTRATION ACT

THE PROFESSIONAL ENGINEERS (CODE OF PROFESSIONAL CONDUCT) RULES, 2004

In exercise of the powers conferred upon the Professional Engineers Registration Board by section 21 of the Professional Engineers Registration Act and with the approval of the Minister, the following Rules are hereby made:-

1. These Rules may be cited as the Professional Engineers (Code of Professional Conduct) Rules, 2004.

Duty to assist in maintaining dignity and integrity of engineering profession

- 2.-(1) A registered engineer shall at all time-
 - (a) maintain the honour and dignity of the profession;
 - (b) abstain from behaviour which is likely to discredit the profession of which he is a member;
 - (c) expose without fear or favour before the proper tribunals, unprofessional or dishonest conduct by any other engineer; and
 - (d) observe the Code of Professional Conduct and maintain his integrity and encourage other engineers to do so.

- (2) A registered engineer shall not-
- (a) knowingly employ, work with, or engage himself to any person or organization falsely purporting or advertising themselves to be engineers in contravention of the Act;
 - (b) encourage or assist anyone to act in any way which is detrimental to his profession;
 - (c) permit the use of his name or association in business ventures with any person or firm that he believes is engaged in a fraudulent or dishonest enterprise;
 - (d) use his association with other persons, corporations, or partnerships to conceal unethical acts;
 - (e) involve himself with any practice which he knows to be of a fraudulent, or dishonest or criminal nature, whether involving engineering activities or otherwise;
 - (f) continue in a business association with, nor practice with, any person whose name has been removed from the Registrar of Engineers because of unethical conduct.

*Duty to offer services etc., only in areas of
competence and to practice profession
carefully and diligently*

- 3.-(1) A registered engineer shall-
- (a) express opinions on engineering matters only on the basis of adequate knowledge and honest conviction;
 - (b) undertake assignments only if qualified to do so by virtue of his training and experience;
 - (c) endeavour to remain abreast of developments and technical advancements in his area of competence and provide appropriate opportunities for the professional development and training of subordinate engineers;
 - (d) publicly advertise, promote, bid or otherwise offer his services only in those areas for which he is capable and duly authorized;

- (e) inform his employer or his client and make appropriate recommendations on obtaining further advice, if an assignment requires qualifications and experience outside his field of competence.
- (2) A registered engineer may accept an assignment requiring education or experience outside of his own field of competence, but his services shall be restricted only to those phases of the project in which he is qualified. All other phases of the project shall be performed by qualified associates, consultants, or employees.
- (3) A registered engineer shall not falsify nor misrepresent his, or his associates' qualifications, experience and prior responsibilities.

Safety of the community

4.-(1) A registered engineer shall-

- (a) work in conformity with accepted engineering and environmental standards and in a manner which does not jeopardize welfare, health, or safety of the public;
- (b) endeavour to maintain engineering services which are essential to public health and safety;
- (c) have due regard to requirements for the health and safety of the workforce;
- (d) ensure that clients and employers are made aware of the social and environmental consequences of his projects and actions;
- (e) endeavour to ensure that engineering issues are interpreted to the public in a competent, objective and truthful manner and in a form which can be readily understood;
- (f) give due weight to the need to achieve sustainable development and to conserve and restore the productive capacity of the earth;

- (2) A registered engineer shall not associate himself with projects or enterprises which operated or will operate in a manner likely to endanger public health and safety or breach any relevant law.

Duty to apply skill and knowledge in the interest of employer or client fairly honestly and in good faith

5.-(1) A registered engineer shall-

- (a) act as a faithful agent or trustee to his client or employer, with objectivity, fairness and impartially in all professional matters;
- (b) inform the employer or client of any possible adverse consequences regarding proposed activities based on accepted engineering practices and take all reasonable steps to find alternative solutions;
- (c) disclose promptly to his client or employer, the possible consequences where his judgement or decisions are overruled or disregarded, in respect of any project for which he has professional responsibility;
- (d) seek to further pursue a matter with his client or employer where he considers that adverse consequences may result from the client's or employer's failure to act in accordance with his professional advice; and if the client or employer so persists the engineer may make known to the public the adverse consequences without incurring a breach of these Rules;
- (e) faithfully comply with the terms of his engagement and not withdraw his services to his client or employer without justifiable cause or in accordance with any applicable law.

(2) A registered engineer shall not-

- (a) reveal confidential facts, data or proprietary information obtained in a professional capacity without the prior consent of their owner;
- (b) disclose nor use confidential information gained in the course of his employment without express permission, unless permission unduly withheld would jeopardize the welfare, health or safety of the community;

- (c) undertake an assignment which will create a conflict of interest with his client or employer without their knowledge or consent;
- (d) act as an agent for both the provider and recipient of professional services without the knowledge or consent of the parties.

Duty to act fairly, honestly and in good faith towards every member of the community, including clients, employers and colleagues

6.-(1) A registered engineer shall-

- (a) be of good character and reputation and shall in all professional matters, act with honesty, truthfulness and fairness to all parties;
- (b) give recognition to and credit for, the work of a fellow engineer when such recognition or credit is properly due;
- (c) make only impartial, honest and fair comments on the work of a fellow engineer; and
- (d) give a certificate of good, character or competence for another engineer, only when to the best of his knowledge, that other person is of good character or competence.

(2) A registered engineer shall not-

- (a) knowingly misrepresent, libel or falsely discredit the reputation of a fellow engineer;
- (b) use a trusted or privileged position in any way to unfairly influence an award of contract for any purpose

Duty to act in professional matters for each employer or client as Faithful agents or trustees, and to avoid conflicts of interest or the appearance of conflicts of interest

7.-(1) A registered engineer shall-

- (a) in using designs supplied by a client, recognize that the design remains the client's property and may not be duplicated by the engineer for the benefits of any other person without the express permission of the owner of the design;

- (b) before undertaking work, in connection with which he may make improvements, plans, designs, inventions or other records which may justify seeking copyrights, patents or proprietary rights, enter into a positive agreement regarding the rights of the respective parties;
 - (c) observe that engineer designs, data, records and notes referring exclusively to an employer's work are the employer's property. The engineer may enter into an arrangement with the employer of the purpose of being indemnified for any purpose other than the original purpose;
 - (d) sign or seal only those plans, specifications and reports prepared by him or under his direct supervision;
 - (e) examine the circumstances and determine the appropriateness of accepting an engagement from a client if he has evidence that he is to replace another engineer, having first made all reasonable efforts to ensure that the other engineer is aware of the situation;
 - (f) if asked by a client to review the work of another engineer [or organization], discuss the review with the other engineer [or organization] prior to submitting the review if it is possible so to do.
- (2) A registered engineer shall not-
- (a) undertake work without remuneration which is adequate to ensure that he is able to carry out his responsibilities in accordance with recognized professional standards;
 - (b) accept financial or other compensation, from more than one party for services on the same project, nor provide free services, unless the circumstances are fully disclosed to, and agreed to, by all interested parties;
 - (c) solicit nor accept financial or other valuable considerations, including free engineering designs, from material or equipment suppliers in return for specifying their products;
 - (d) pay nor offer direct or indirect inducements to secure work;
 - (e) solicit nor accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his clients or employers, in connection with work for which he is responsible;

- (f) attempt to supplant another individual or organization who has been duly appointed by a client or employers nor accept engagement from a client or employer in replacement of another without first ascertaining that the appointment has been terminated by due notice;
- (g) unfairly criticize another engineer for his past work which was conducted in accordance with the accepted standards and practices and community values of the time, and in accordance with the needs of the time;

General

- 8.-(1) thing herein contained shall be construed as derogating from any existing rules of professional conduct and duties of an engineer which are in keeping with the traditions of the engineering profession, although not specifically mentioned herein.
- (2) Where explicit ethical guidance does not exist in any particular matter, a registered engineer shall determine in conduct by acting in a manner that promotes public confidence in the integrity and efficiency of the profession.
 - (3) A registered engineer shall, when giving evidence before any tribunal-
 - (a) present information which is objective and accurate;
 - (b) express an opinion only on the basis of adequate knowledge and technical competence in the area, but this shall not preclude a considered speculation based intuitively on experience and wide relevant knowledge.
 - (4) A registered engineer shall-
 - (a) reveal the existence of any interest, pecuniary or otherwise, that could be taken to affect his judgement in a technical matter about which he is making statement or giving evidence;
 - (b) ensure that all reports and opinions given to a client prior to a hearing include all relevant matters of which he is aware, whether they are favourable or unfavourable.

- (5) A breach by a registered engineer of any of these rules shall constitute misconduct in a professional respect and an engineer who commits such a breach shall be subject to any of the orders contained in section 19 of the Act.

Dated this 12th day of July 2004.

MILTON WEISE
Chairman
Professional Engineers
Registration Board.

Approved:

R.D.PICKERSGILL
Minister of Transport and Works

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