

The Professional Engineers Registration Council

CODE OF CONDUCT

(Made under Sections 7 - 9, 1989 Revision of the 1972 Professional Engineers Registration Act (Act))

1. INTERPRETATION

For the purposes of the Act and the regulations, "professional misconduct" means

- (a) gross negligence;
- (b) infamous, disgraceful or improper conduct in a professional respect, including any violation of the Code of Conduct prepared and published by the council pursuant to section 7.2 of the Act;
- (c) incompetence;
- (d) conviction of a serious criminal offense by a competent jurisdiction.

For the purposes of this section

- (a) "gross negligence" means any act or omission in the carrying out of work of a professional engineer that shows a reckless or deliberate disregard of or indifference to the rights or safety of others;
- (b) "incompetence" means lack of adequate knowledge of, or continued neglect or failure to exercise, the ordinary skills of a professional engineer;
- (c) "serious criminal offense" means
 - (i) any act committed in these Islands of Bermuda that is punishable on indictment under the Criminal Code, and
 - (ii) any act that if committed in these Islands would be punishable on indictment under the Criminal Code but does not include any political offense committed outside these Islands or any offense that does not affect the fitness of an engineer to practice his/her profession.

2. GENERAL

A professional engineer owes certain duties to the public, his/her employers, other members of his/her profession and to himself/herself and shall act at all times with

- (a) fairness and loyalty to his associates, employers, subordinates and employees;
- (b) fidelity to public needs; and
- (c) professional integrity.

3. DUTY OF PROFESSIONAL ENGINEER TO THE PUBLIC

A professional engineer shall

- (a) regard his/her duty to public welfare as paramount;
- (b) endeavour at all times to enhance the public regard for his/her profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering;
- (c) not give opinions or make statements on professional engineering projects of public interest that are inspired or paid for by private interests unless he/she clearly discloses on whose behalf he/she is giving the opinions or making the statements;
- (d) not express publicly or while he/she is serving as a witness before a court, commission or other tribunal opinions on professional engineering matters that are not founded on adequate knowledge and honest conviction;
- (e) make effective provisions for the safety of life and health of a person who may be affected by the work for which he/she is responsible; and at all times shall act to correct or report any situation which he feels may endanger the safety or welfare of the public; and
- (f) sign or seal only those plans, specifications and reports actually made by him/her or under his/her professional supervision and direction.

4. DUTY OF PROFESSIONAL ENGINEER TO EMPLOYER

A professional engineer shall

- (a) act in professional engineering matters for each employer as a faithful agent or trustee and shall regard as confidential any information obtained by him/her as to the business affairs, technical methods or processes of an employer and avoid or disclose any conflict of interest which might influence his/her actions or judgment;
- (b) present clearly to his/her employers the consequences to be expected from any deviations proposed in the work if his/her professional engineering judgment is overruled by non-technical authority in cases where he/she is responsible for the technical adequacy of professional engineering work;
- (c) have no interest, direct or indirect, in any materials, supplies or equipment used by his/her employer or in any persons or firms receiving contracts from his/her employer unless he/she informs his/her employer in advance of the nature of the interest;
- (d) not tender on competitive work upon which he may be acting as a professional engineer unless he/she first advises his/her employer;
- (e) not act as consulting engineer in respect of any work upon which he/she may be the contractor unless he/she first advises his/her employer; and
- (f) not accept compensation, financial or otherwise, for a particular service, from more than one person except with the full knowledge of all interested parties.

5. DUTY OF PROFESSIONAL ENGINEER TO OTHER PROFESSIONAL ENGINEERS

A professional engineer shall

- (a) conduct himself towards other professional engineers with courtesy and good faith;
- (b) not accept any engagement to review the work of another professional engineer for the same employer except with the knowledge of that engineer, or except where the connection of that engineer with the work has been terminated;
- (c) not maliciously injure the reputation or business of another professional engineer;
- (d) not attempt to gain an advantage over other members of his/her profession by paying or accepting a commission in securing professional engineering work;
- (e) not advertise in a misleading manner or in a manner injurious to the dignity of his/her profession, but shall seek to advertise by establishing a well-merited reputation for personal capacity, and
- (f) give proper credit for engineering work, uphold the principle of adequate compensation for engineering work, provide opportunity for professional development and advancement of his/her associates and subordinates; and extend the effectiveness of the profession through the interchange of engineering information and experience.

6. DUTY OF PROFESSIONAL ENGINEER TO HIMSELF

A professional engineer shall

- (a) maintain the honour and integrity of his/her profession and without fear or favour expose before the proper tribunals unprofessional or dishonest conduct by any other member of the profession; and
- (b) undertake only such work as he/she is competent to perform by virtue of his/her training and experience, and shall, where advisable, retain and cooperate with other professional engineers or specialists.