

Practice Note: The Professional Engineer as a Contractor

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One matter which was recently concluded by the Investigation Committee concerned the potential for a conflict of interest in the practice of professional engineering, specifically where the engineer is also acting as a contractor, or is in the employ of a contractor.

The concern expressed in this matter was that a potential for conflict of interest may exist in that the advice proffered by the engineer/contractor could be deemed to be self-serving in that it might be directed more towards creating business and profit for the contractor than in being in the best interest of the client or employer.

The Association's Code of Ethics states that:

"Practitioners shall act with fairness, courtesy and good faith to their associates, employers, employees and clients. They shall uphold the values of truth and honesty. They shall act in the public interest. They shall safeguard human life and welfare and the environment."

Further to these basic tenets, the Code of Ethics also indicates that a practitioner shall:

"3. Act as faithful agents of their clients or employers, maintain confidentiality and avoid conflicts of interest, but, where such conflict arises, fully disclose the circumstances without delay to the employer or client"

Each professional engineer who is acting as, or for a contractor is encouraged to examine his or her practices in the light of the above noted clauses, and to take action to advise each client or employer of any potential for a conflict of interest, in clear unequivocal terms, either before, or at the time of providing an opinion that is, or may be deemed to be a professional engineering opinion.