Report on a Case by the Board of Ethical Review

Case No. 60-4

Subject:
Recruiting Engineers -
Section 8, Canons of Ethics; Section 22, Canons' of Ethics; Rule 39, Rules of Professional Conduct

Facts:
A number of companies which require engineers for the design and development of their products have found it difficult in recent years to recruit a sufficient number of qualified engineers. As one means of contacting engineers interested in their type of work, these companies, individually", maintain temporary recruiting facilities in connection with various industrial exhibitions and meetings of professional and technical societies to interview those engineers in attendance who might be seeking employment, or a change of employment.

In some cases, other companies engaged in similar types of business and requiring engineers with the same type of background and qualification, are fearful of losing their engineers to their competitors and therefore will not allow their engineers to attend exhibitions and meetings where their engineers might be enticed to other employment.

Questions:
1. Is it ethical for a company to maintain recruiting facilities at industrial exhibitions and professional and technical meetings?

2. Is it ethical for an employed engineer to discuss employment with a competitor of his current employer?

3. Is it ethical for an employed engineer to accept employment with a competitor of his current employer?

4. Is it ethical for a company to prohibit their engineers from attending exhibitions and meetings where the engineers might be exposed to other employment offers?

References:
Canons of Ethics-Section 8- "The engineer will act in professional matters for each client or employer as a faithful agent or trustee."

Section 22-"He will endeavor to provide opportunity for the professional development and advancement of engineers in his employ."

Rules of Professional Conduct-Rule 39-"He will encourage attendance at professional or technical society meetings by his engineer employees."

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Miscellaneous-"Recruiting Practices and Procedures-1959," ASEE; NSPE Professional Policy No. 19 (a) -Freedom of Employment

"An individual professional engineer has the right to seek and accept other employment in his field, provided the seeking and acceptance of such other employment is consistent with the Canons of Ethics and the NSPE Rules of Professional Conduct as it pertains to relations with clients and employers. NSPE looks with disfavor on any provisions in contracts, or conditions of employment, which limit the individual's choice of employment.

"The National Society of Professional Engineers further declares that for every right there is a corresponding responsibility, and a professional engineer employee should assume his responsibility of loyalty to his employer and should normally notify his employer of his desire and reason for a change of employment prior to seeking such other employment, provided there are reasonable grounds to believe that the employer will not thereafter discriminate against or otherwise jeopardize the current status of the employee as a result of such notification."

Discussion:
It is desirable, at the outset, to distinguish the Canons of Ethics and Rules of Professional Conduct, which apply only to individual engineers, from desirable business practices or policies which should be followed by companies to promote professional concepts among their employees. In the latter situation reference may be made to general policy statements or recommendations of various organizations, but these do not have a direct bearing upon the actions of engineering employees of the company who act only as agents of the company in implementing company policies of the type stated in questions 1 and 4.

It is not possible to answer in purely ethical terms the related questions of company policy in maintaining recruiting facilities or permitting or prohibiting engineers in the company from attending exhibitions and meetings where recruiting might take place. Engineers in policy-making positions in the company should keep in mind the Canons and Rules with reference to encouraging professional and technical development in considering company policy. It is desirable to permit as much attendance and participation of engineers in such meetings as will be consistent with the professional development of engineering personnel and company interests.

For additional guidance, reference is made to the publication of the American Society for Engineering Education, "Recruiting Practices and Procedures-1959." This statement, which has been endorsed by NSPE, is specifically geared to college recruiting, but the general principles enunciated are applicable to many aspects of recruiting activities at exhibitions and technical meetings. It is particularly important to note the emphasis on the recruiter sticking to facts and not exaggerating the virtues of his company, and the avoidance of special payments, gifts or other inducements. Likewise, the ASEE

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statement imposes obligations on the recruitee to weigh carefully his interests, abilities, career objectives and methods of achieving them. And it should be added that the second portion of the NSPE Professional Policy calls attention to the obligation of the engineer to his present employer in contemplating a change of employment.

With regard to questions 2 and 3, it is clear that the Canons and Rules cited indicated that the engineer is expected to place no impediments in the way of an engineer employee who might desire to advance his career through a change of employment. In fact, Section 22 of the Canons, and Rule 39 suggest an affirmative duty to give fellow engineers the fullest opportunity for professional and technical advancement.

The NSPE Professional Policy on Freedom of Employment supports this interpretation in opposing limitations in contracts or .conditions of employment with reference to change of employment. There is nothing in the Canons, Rules or Professional Policy statement to limit the choice of different employment in terms of a "competitor," and it therefore must be assumed that an affirmative answer would apply to questions 2 and 3.

Conclusions:
Q.1 & Q.4-The Canons of Ethics and Rules of Professional Conduct are not applicable to companies, except as their actions are determined by individual professional engineers. There is an ethical duty on the engineers in policy-making positions in a company to use their influence to encourage attendance and participation of engineers at industrial exhibitions and meetings of professional and technical societies.

Q.2 & Q.3-It is ethically proper for an engineer to discuss employment with another company, regardless of whether the companies are competitors, and to take such employment if in his professional interest. However, the engineer in considering such a change of employment should carefully weigh his duty of responsibility and loyalty to the current employer and the possibility of accomplishing his professional advancement through the present employer.

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