Report on a Case by the Board of Ethical Review

Case No. 62-1

Subject:
Engineer Checking the Work of Another Engineer
Canon 24- Canons of Ethics; Rule 46-Rules of Professional Conduct

Facts:
Engineer A is retained by a municipality to prepare an engineering design. Engineer B, an employee of the same municipality, is directed by the municipality to check the design before Engineer A's contract is completed. Engineer B advised Engineer A that he had been assigned the task of reviewing and commenting on Engineer A's design. Engineer B does not agree with certain features in Engineer A's plans and specifications and reports the areas of disagreement to his employer and to Engineer A.

Question:
Is it ethical for Engineer B to review the plans and specifications drawn by Engineer A and to point out to his employer the areas of disagreement?

References:
Canons of Ethics-Canon 24- "He will exercise due restraint in criticizing another engineer's work in public, recognizing the fact that the engineering societies and the engineering press provide the proper forum for technical discussions and criticism."

Rules of Professional Conduct-Rule 46-"He will not review the work of another engineer for the same client, except with the knowledge or consent of such engineer, or unless the connection of such engineer with the work has been terminated."

Discussion:
It must be assumed the municipality will retain a consulting engineer in whom it has confidence. Where the municipality has in its employ an engineering staff, it is normal practice to have the staff review the design prepared by the consultant. In fact, the staff and the consultant should work closely with each other and be in constant communication during development of the design.

While engineering ethics are intended to protect the public and the image of all engineers, engineering ethics do not deny an individual engineer his inherent right to express, factually, his own professional conclusions. When considering the same problem there are many instances where satisfactory solutions by engineers will differ.

Any attempt on the part of the engineering profession to prohibit an employed engineer from checking the work of another engineer when directed to do so by his employer will surely result in an understandably mistrustful attitude by persons outside the profession.

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As we read Rule 46 in this situation, it permits Engineer B to carry on the work requested of him after Engineer B tells Engineer A of the checking assignment. The intent of Rule 46 is made quite clear with the words "He will not review the work of another engineer for the same client, except with the knowledge or (not "and") consent of such engineer…"

Canon 24, by beginning "He will exercise due restraint in criticizing another engineer's work in public . . . ," also clearly recognizes that cases will arise where one engineer must check and sometimes disagree with the first engineer's conclusions.

Conclusion:
Engineer B may ethically check the work of Engineer A provided he tells Engineer A beforehand. Engineer B may also point out to his employer the areas of disagreement with Engineer A.

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