Report on a Case by the Board of Ethical Review

Case No. 69-3

Recruitment Use Of Third Party

Facts:
An organization retains a management consulting firm to assist in the selection of a chief mechanical engineer. The management firm under its own name, and without disclosing the name of the organization, prepares and distributes to other organizations on a wide-scale basis an outline of job specifications with a covering letter inviting the recipient organization to advise if they know of anyone who meets the specifications and who might be interested in the open position.

Question:
Is it ethical for an engineering organization to solicit new employees through the method indicated?

References:
Code of Ethics-Section 1(e)- "He will not attempt to attract an engineer from another employer by unfair methods."

Section 11-"The engineer will not compete unfairly with another engineer by attempting to obtain employment or advancement or professional engagements by competitive bidding, by taking advantage of a salaried position, by criticizing other engineers, or by other improper or questionable methods."

Discussion:
Section 1(e) proscribes the use of "unfair" methods in seeking new employees, and Section 11 prohibits "improper or question able methods" for the same purpose. In neither case is there any indication of the type of conduct which should be considered to be unfair, improper, or questionable.

It is well recognized that engineering organizations are in com petition for qualified engineering employees and that this objective is pursued in various ways, such as direct personnel advertisements, recruiters' visits to college campuses, distribution of brochures to prospective employees at various meetings, and direct personal contact.

NSPE Professional Policy 19-B recognizes the right of individual professional engineers to seek and accept other employment on a basis consistent with the Code of Ethics, and opposes agreements between employers which limit the employment opportunities of individual engineers.

While the cited NSPE policy is not directly involved in this case, the basic principle is that there should be an open opportunity for engineers to improve their position through

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a change in employment, if they so desire. The only question, therefore, is whether this principle is applicable where the initiative comes from a prospective employer rather than an employee. It is difficult to find any rational difference between the solicitation of interest by prospective employees through personnel advertisements and the other generally used means indicated above and a direct contact by mail to prospective employees or to firms which may know of interested engineers. In either case the individual engineer or firm may ignore the request or submit an expression of interest, subject to receiving more details as to type of work, location, salary, fringe benefits, and other pertinent information.

We might react in quite a different fashion if the prospective employer or his agent made personal contact and sought to induce the employee away from his present employment. Depending upon the facts and circumstances of the personal contact and the type of inducement, this might be considered the use of "unfair" methods (see Case 68-4).

The remaining question is whether it is ethically objection able for a firm seeking employees to do so through an intermediary rather than directly. In this age of specialization, we recognize that there are organizations which have an expertise in preparing material for employee recruitment purposes and which may have developed special skills in the format and content of recruitment material. We do not perceive any reason why such expertise may not be utilized by engineering firms, just as engineering firms may utilize the expertise of specialists in various disciplines. This recognition presupposes that the agent of the engineering firm is instructed to, and does, prepare its material and presentation in a dignified and professional manner conforming to the ethics of the engineering profession. The material before us, although sketchy, does not give any indication of not meeting this test.

Under the circumstances, and in the absence of any evidence of an approach which may reasonably be considered unfair, improper or questionable, we must conclude that the Code of Ethics does not prohibit any engineering firm from utilizing personnel consultants in their search for engineering personnel. We do not find any basis to conclude that such a search by the personnel consultants prevents contacts with other firms or individuals so long as it conforms to the ethics of the engineering profession, there is no improper pressure on the other firms or individuals, and the decision as to interest remains with the individual engineer.

Conclusion:*
It is ethical for an engineering organization to solicit new employees through the method indicated.

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