Report on a Case by the Board of Ethical Review

Case No. 71-8

Advertising – Recruiting

Facts:
Firms which employ engineers regularly advertise for personnel in daily newspapers, general circulation magazines, professional and technical journals, and other media which reach the engineering population. The content of such advertisements varies in every case but generally recites the nature of positions available, various employee benefits, and the merits of the company as a place of employment for personal and professional advantages. Recruiting advertisements of this type often contain language extolling the firm. Two such large display advertisements, as examples, are:

1) (Name of firm) "*one of the world's outstanding engineering construction firms* has immediate permanent staff requirements for graduate and registered engineers. . . ." (emphasis added)

2) "How We Attract Our Engineers" (heading of ad in large type)
"Be the leader in your field . . ."
"Undertake a wide scope of projects that will challenge an engineer's training and experience . .."
"Participate in such diverse activities as..." (list of assorted projects) "To get the best ... be the best"
(Name of firm) "engineers are consistently tackling tougher problems than the average engineer encounters in a lifetime."

Question:
Are the firms' recruiting advertisements of the type indicated above a violation of the Code of Ethics?

References:
Section 3(a)-"The Engineer shall not advertise his professional services but may utilize the following means of identification:

"(1) Professional cards and listings in recognized and dignified publications, pro vided they are consistent in size and are in a section of the publication regularly de voted to such professional cards and listings. The information displayed must be restricted to firm name, ad dress, telephone number, appropriate symbol, name of principal participants, and the fields of practice in which the firm is qualified."

"(2) Signs on equipment, offices, and at the site of projects for which he renders services, limited to firm name, address, telephone number, and type of services, as appropriate."

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"(3) Brochures, business cards, letterheads, and other factual representations of experience, facilities, personnel, and capacity to render service, providing the same are not misleading relative to the extent of participation in the projects cited, and provided the same are not indiscriminately distributed."

"(4) Listings in the classified section of telephone directories, limited to name, ad dress, telephone number, and specialties in which the firm is qualified."

Section 3(b)-"The Engineer may advertise for recruitment of personnel in appropriate publications or by special distribution. The information presented must be displayed in a dignified manner, restricted to firm name, address, telephone number, appropriate symbol, name of principal participants, the fields of practice in which the firm is qualified, and factual descriptions of positions avail able, qualifications required, and benefits available."

Discussion:
The amendment of the code with regard to advertising in January 1971 has made it clear that it is no longer permissible to advertise engineering services. Certain means of "identification" are permissible as specified in subsections 1 through 4 of Section 3(a). Section 3(b) of the revised code recognizes that it is permissible, however, for an engineer or firm to publish recruiting advertisements, specifying that such advertisements must be restricted in content as indicated, in addition to being presented in a dignified manner.

In the examples of recruiting advertisements before us, the firms have gone beyond the content permitted by Section 3(b) and have undertaken, by the use of the quoted words, to extoll the firm as having characteristics superior to those of other firms. We have given consideration to the point of view that recruiting advertisements are intended to be competitive; that the successful recruitment of the best personnel is essential to the success of the firm; therefore, reasonable flexibility should be allowed for competing firms to extoll their reputations as a desirable place of employment.

We are satisfied, however, that the framers of the code gave equal consideration in changing the thrust of Section 3(a) to a "no advertising of engineering services" approach to the fact that Section 3(b) permitting recruiting advertisements would have to be restricted as indicated to avoid the creation of a loophole under which a firm ostensibly engaging in recruiting advertising could have text and display which would also amount to the promotion of its engineering services. It should be recognized that a recruiting advertisement reaches more than prospective employees-through the same media it reaches prospective clients.

Reading Section 3(a) and Section 3(b) in context, therefore, we conclude that recruiting advertisements must ethically be limited to the type of material specifically stated, that they may not praise or hold out the general reputation or merit of the firm, and that they

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must be so written and displayed as not to offend the "no advertising" policy expressed in Section3(a).

Conclusion*:
Firms' recruiting advertisements of the type indicated above are a violation of the Code of Ethics.

***Note**-This opinion is based on data submitted to the Board of Ethical Review and does not necessarily represent all of the pertinent facts when applied to a specific case. This opinion is for educational purposes only and should not be construed as expressing any opinion on the ethics of specific individuals. This opinion may be reprinted without further permission, provided that this statement is included before or after the text of the case.

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