Report on a Case by the Board of Ethical Review

Case No. 73-2

Classified Advertisement Contract Work

Facts:
Engineer A inserted an advertisement in the classified section of a magazine which circulates primarily to the engineering and construction community under the heading "Contract Work Wanted." The advertisement read:

Geological Engineer-contract work, short or long term-15 years' varied experience. Competitive rates. (Followed by phone number and address.)

Question:
Does this classified advertisement violate the Code of Ethics?

Reference:
Code of Ethics Section 3(e)-"The Engineer will not allow himself to be listed for employment using exaggerated statements of his qualifications."

Discussion:
Section 3 of the code makes some crucial distinctions with regard to the mode of employment of an engineer. Section 3(e) is obviously directed to an engineer offering his professional services to an employer. Sections (a), (b), (c), and (d), on the other hand, will usually apply to engineers offering consulting services.

The first question that must be resolved in the case at hand is which section of the code must be used to judge the ethics of Engineer A. Or, to put it another way, whether Engineer A is a firm seeking a commission or an individual looking for a job. A persuasive argument can be made that such a distinction cannot be made-at least philosophically. Nevertheless, we must make the attempt since the code assumes a distinction; and it is our task to interpret the code. It is important to resolve the question since Section 3(a)(3) restricts factual representations of experience to discriminate distribution. Section 3(e) contains no such proscription although the text of the factual representations might be identical.

The wording of the advertisement in question, the absence of a company name, and the means used to circulate it, strongly suggest that one engineer is seeking employment in someone else's office (contract work). The word "rate" instead of "fee" fortifies this interpretation. We believe that this is a case of an individual looking for employment, not in the usual employer-employee relationship, nor in the normal consultant-client relationship but through a special limited term arrangement to provide services under supervision for a specified hourly, per diem, weekly, or monthly rate. Under this reading,

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Engineer A has not used exaggerated statements of his qualifications in the terse text of the employment advertisement.

Conclusion*:
The classified advertisement does not violate 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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