Report on a Case by the Board of Ethical Review

Case No. 82-7

Participation in Professional and Technical Societies—Ethical Duty of Employer and Employee

Facts:
Engineer A has been employed by an organization for more than 20 years. During his early years of employment he was encouraged by his superiors to join and participate in the activities of both a technical society and a professional society. Within those societies, Engineer A held several board and committee positions, of which, entry into the key positions was approved by his superiors. He presently holds a committee position.

Engineer A's immediate superior, Engineer B, opposes Engineer A's participation in activities of his professional society on any other than annual leave basis, although existing organization rules encourage the use of excused leave for such purposes. It is Engineer B's view that such participation does not result in "benefits for the employer"; he feels that such participation does not constitute "employee training." Engineer B has refused to permit written communications from Engineer A asking for administrative leave to attend professional society meetings to go through Engineer B to higher level personnel.

When summoned by the chief executive officer (CEO) on another matter, Engineer A took the opportunity to ask his opinion of attendance and participation in technical and professional society meetings by his engineers. The CEO reaffirmed the organization policy. When Engineer A prepared a travel request to go through his superior, Engineer B, to the CEO, Engineer B refused to forward the travel request and told Engineer A that he did not appreciate Engineer A's going over his head to discuss attendance and participation in technical and professional societies with his superior.

Questions:
1. Was it ethical for Engineer A to discuss attendance and participation in technical and professional societies with the CEO without first notifying his superior?

2. Was it ethical for Engineer B to hinder Engineer A's efforts to obtain excused leave in order to attend technical and professional society meetings?

References:
Code of Ethics - Section I.4 - "Engineers, in the fulfillment of their professional duties, shall . . . act in professional matters for each employer or client as faithful agents or trustees."

Section III.1.f. - "Engineers shall avoid any act tending to promote their own interest at the expense of the dignity and integrity of the profession."

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Section III.11.a. "Engineers shall encourage engineering employees' efforts to improve their education."

Section III.11.b. "Engineers shall encourage engineering employees to attend and present papers at professional and technical society meetings."

Discussion:

The two questions posed are best addressed by reference to four Code sections. Section I.4. requires engineers to act professionally and faithfully in dealing with their employer. Section III.1.f. cautions engineers to avoid any act tending to promote their own interests at the expense of the profession. Sections III.11.a. and b. admonish engineers to encourage their engineer employees to improve their knowledge through education and in particular through attendance and participation in professional and technical society meetings. With that background we will proceed to evaluate the actions of Engineers A and B.

It is possible for this Board to review the actions of Engineer A and to conclude that as a factual matter he was disloyal and promoting his own self-interests by going beyond his immediate superior to obtain permission to attend and participate in professional and technical society activities. However, if we were to do so, we would be ignoring the basic underlying philosophy of engineering professionalism. The essence of professionalism is the unique service a practitioner renders to a client by virtue of having developed special capabilities. In line with that view we believe an employer of engineers has an obligation to treat engineers as professional individuals. It is incumbent on the employer of any employed professional engineer to create an environment conducive to the continued development of professional capabilities. Of course it is the professional obligation of the practitioner to expend some time and effort to continuous expansion of his or her knowledge and capabilities. Such expansion of knowledge may be gained in a variety of ways. We believe one of those ways is by participating in the activities of a professional society. In particular, participation in the committee work of a professional society allows the practicing engineer the opportunity to gain a greater understanding of the new trends and advances in his profession, permits him to interact and exchange views and insights with other engineers, and provides the engineer with a better perspective as to the role of the engineer in society.

We are of the view that a fundamental issue was at stake when Engineer A discussed attendance and participation in technical and professional societies with the CEO. What was at stake was Engineer A's professional integrity and his obligation to expand his knowledge and capabilities.

In addition, we note that it was the general policy of the employer to encourage Engineer A's participation in the activities of technical and professional societies. It was only Engineer A's immediate supervisor, Engineer B, who hindered his efforts to participate. In view of those factors, we are of the view that Engineer A acted professionally and faithfully in his dealings with his employer.

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Although it may have been more appropriate for Engineer A to first meet with his supervisor, Engineer B, to inform him of his intention to seek the CEO's permission to attend and participate in the technical and professional organizations' activities, we are not convinced that his failure to do so tended to promote his own self-interest at the expense of the dignity and integrity of the profession. Although his action might be characterized as a deception, given the intransigence of his supervisor, Engineer B, in not permitting him to communicate with his superior on the matter of participation in professional and technical society activities, one can better understand his decision to pursue this route. We find that Engineer A's failure to inform Engineer B of his intention to seek the CEO's permission to attend and participate in technical and professional society activities did not promote his own interest at the expense of the profession.

As for Engineer B, we are of the opinion that his opposition is neither in accord with the Code nor supported by experience. Sections III.11.a. and b. admonish engineers to encourage their employees to participate in a variety of activities in order to foster their professional growth and development. As Section III.11b plainly states, among these activities are professional and technical society meetings. Engineer B was of the view that Engineer A's participation in technical and professional societies did not constitute "employee training" and did not result in "benefits to the employer." Aside from the question of whether this was in fact an accurate assessment of Engineer A's society activities, there is the issue of whether standards such as "employee training" or "benefits to the employer" are the only yardsticks by which professional and technical society activities and continuing engineering education programs should be measured. We think not but leave that question for another day. It suffices to say that in the instant case, contrary to Engineer B's view, Engineer A's participation in professional and technical society meetings was of the type intended by Sections III.11.a. and b. of the Code.

We note, however, that our decision today must not be construed to mean that an engineer should as a matter of course be granted excused leave from his employment without due regard to the needs and requirements of his employer. We believe that Section I.4. mandates that an engineer must be sensitive to the needs and requirements of his employer. When an employer chooses to limit his employees' participation in technical and professional society activity because those employees' services are critical to the operation of his organization, Section I.4. requires the employee to accede to his employer's decision. Although an engineer has an obligation to further his professional growth and development, it should never be pursued in a manner that would be adverse to the interest of his employer.

Conclusion:*

Q1. It was ethical for Engineer A to discuss attendance and participation in technical and professional societies with the CEO without first notifying his superior.

Q2. It was unethical for Engineer B to hinder Engineer A's efforts to obtain excused leave in order to attend technical and professional society meetings.

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