

## Code of Conduct Instructions

### General Notes

1. The purpose of these Instructions is to provide clarity and more information on the interpretation of the Code of Conduct in greater detail to help those who are subject to or responsible for applying it.
2. The Code of Conduct is referenced out from the By Laws. From time to time the Trustee Board will make, review, maintain and publish the Code of Conduct together with these Instructions, and they apply to all Institution Members, regardless of grade.

These Instructions also complement the joint RAE/EngC Statement of Ethical Principles 2017 (<https://www.engc.org.uk/standards-guidance/guidance/statement-of-ethical-principles>) The Code of Conduct and associated documentation meet the requirements of the Engineering Council, and the Charity Commission Guidelines.

3. Consistent with its responsibilities as a charity, the Institution prioritises the public interest over the rights of its individual members. Public interest is an abstract notion that is difficult to define. When used in relation to the declaring and upholding of proper standards of conduct the public interest could be deemed to include:
  - a. The protection of members of the public;
  - b. The maintenance of public confidence in the profession and in the Institution.
4. The Institution of Mechanical Engineers seeks to encourage a positive culture about everything related to mechanical engineering, with a vision of “Improving the World Through Engineering.” Its mission is to be the recognised authority in mechanical engineering, supporting a global engineering community. More details on the vision can be reached on the website as follows: <https://www.imeche.org/about-us/our-vision>
5. Members and staff understand the importance of mutual respect, and the Code of Conduct is an embodiment of the values that the Institution holds, for consideration rather than as a simply a set of rules, the breaking of which could lead to sanction. Core to the Institution’s values is the exemplary behaviour of its members, both as professional engineers and also as individuals.
6. This document provides instructions for standards of general and professional behaviour expected from members and volunteers in their relationships with Institution staff, contractors and members of the public. Ethical conduct is not a 9 to 5 activity; members are expected to display the highest standards of behaviour at all times, whether at work or not. This document does not apply to Institution employed staff.
7. The Code of Conduct and these Instructions apply in all communication contexts, oral, written and electronic by whatever means, including social networking and online communications and publishing. The Code of Conduct and these Instructions will be regularly reviewed to keep up with the latest communications mechanisms.

### CR1 Members are to act with care and competence

8. Continuously throughout their careers they shall take all reasonable steps to maintain and develop their professional knowledge and skills relevant to their field of professional activity (including new or changed statutory provisions) and their technical and commercial leadership and management skills.
  - a. They should maintain up to date knowledge and skills and assist their development in others.
  - b. They shall maintain a record of evidence of Continuing Professional Development (CPD). This should not be limited to CPD which is dictated by their employer but should also include that for their own development. This record should be presented to the Institution upon request. Failure to do so might jeopardise membership.
  - c. They should give all reasonable assistance to further the education, training and continuing professional development of other members and prospective members of the engineering profession.

9. Members should perform services only in areas of their current competence.
  - a. They shall not undertake, condone or authorise any work that contravenes the legislation or regulations applicable in the country in which they are working, even by an act of omission. They must also comply with appropriate Security or Export Control regulations where applicable.
  - b. They should be competent in relation to every project that they undertake. They should ensure that, having regard to the nature and extent of their involvement in a project, they have the relevant knowledge and expertise, time and authority to perform. Where appropriate, this may need to include gaining access to the knowledge and experience of others, or to other relevant sources of knowledge, in addition to their own knowledge and experience. In so doing, they must pay due regard to the laws on copyright and other rights of intellectual property, both in their own country and the country where the work is being undertaken.
  - c. Where necessary they should gain any appropriate licences for the conduct of their work.
10. If a member is aware or becomes aware of relevant limitations in, or is in any respect unsure of, their competence to undertake professional work they should disclose that fact to their employer or the client of their work. They should only proceed when the client confirms their agreement to proceeding on that basis and if legally and in all other aspects it is appropriate to do so. They should take all reasonable steps to ensure that anyone working under their authority is both suitably equipped and competent to carry out the tasks assigned to them.
11. They must comply with the obligations for health and safety in relation to both organisational and legislative requirements and must be aware of the purpose of the legislation and be prepared to respond to future legislative demands.
12. They should take all appropriate measures to assess, balance and limit risk in all aspects of their work for all others to whom they owe a duty of care. Risk is a broad subject and there may be more than one type that is relevant to the area of professional work being undertaken. Risks may not be mutually exclusive and members should consider balancing one against another.
13. They should ensure that they are protected against personal liability. When undertaking a professional assignment they should assess their potential liability for the accuracy and consequences of their work and, where appropriate, hold professional indemnity insurance together with statutory insurances, either personally or through their employers, and advise their clients of the position before accepting a commission. Requirements in relation to professional indemnity may differ in some countries and members will need to act accordingly.

## **CR2 Members are to act with integrity and in a reliable and trustworthy manner**

14. They should neither knowingly mislead, nor allow others to be misled, in professional engineering matters.
  - a. When called upon to give an opinion in their professional capacity, they should do so to the best of their ability and ensure that it is objective and based upon the best available knowledge and information.
  - b. When their professional advice is not accepted, they should take all reasonable steps to ensure that the person overruling or neglecting that advice is made aware, in writing or by other traceable means, of any danger or loss which may ensue from such over-ruling or neglect and, in appropriate cases, to inform that person's employers of the potential risks involved.
  - c. Members should act for each employer or client in a reliable and trustworthy manner.

15. Except when legally required to do so, they should not divulge any confidential information regarding the business affairs, technical process or financial standing of their clients, contractors, or employers past or present without their consent.
  - a. They should not use information obtained in confidence for the purpose of making personal profit. Similarly, they should not use any information obtained in the course of an assignment for the purpose for personal profit.
  - b. They should not divulge, without prior permission, any unpublished information obtained by them as members of an investigating commission or advisory board, except in the case of their final report.
16. They should present and review engineering evidence, theory and interpretation honestly, accurately and without bias and should quantify all risks.
  - a. When an approach is received from a potential client, they should take all reasonable steps to define, clarify and understand the brief with them. They should be particularly careful to make the client aware that they will not be offering a service in matters lying outside their competence. If other professional advice is required, the client should be informed.
  - b. When acting as independent experts, conciliators, mediators or arbitrators or in similar roles, they should do so objectively and with impartiality, uninfluenced by any personal considerations and without undue bias.
  - c. If they are aware or become aware of the risks of failing to achieve objectives, whether concerning performance, cost or time they should assess and take account of the consequences of any such failure and inform their employer or client.
  - d. They identify and quantify all risks and hazards associated with their work and manage them in conformity with accepted engineering and environmental standards and in a manner which does not compromise the welfare or the health and safety of society. They shall inform those for whom they work of all matters relating to risks and hazards in a full and timely fashion.
17. They should avoid deceptive acts and take steps to prevent corrupt practices, professional misconduct or any other conflict of interest.
  - a. They should ensure that only legitimate qualifications and demonstrable experience are cited as evidence of professional competence.
  - b. They should not knowingly undertake work on behalf of one client or employer that they may then need to review, authorise or certify on behalf of a second client or employer.
  - c. Whilst acting for a client or employer, they should not at the same time be directors or substantial shareholders in any company with which they may have material dealings on behalf of their client or employer, without divulging the full facts in writing to their client or employer and obtaining their written consent to such action.
  - d. They should not improperly solicit work as an independent adviser or consultant, either directly or by an agent, nor should they pay any person, by commission or otherwise, for the introduction of such work. However, if they are working in a country where there are recognised standards of professional conduct, laid down in that country by a competent authority recognised by the EC, which are in conflict with this requirement, they may conduct their business according to such standards but only while continuing to work in that country. The award of a commission for making a referral may be accepted if this is an open and transparent arrangement.
  - e. When acting as independent advisers or consultants, they must not be the medium of any payment made on their employer's behalf unless so requested by their employer. They must not place any contracts or orders in connection with the work on which they are employed, except with the authority of and on behalf of their employer.

- f. They should take reasonable and appropriate steps to inform an employer, contractor, or client in writing of any conflict between their personal interest and faithful service to their employer or client that may impair their ability to make objective judgements.
  - g. In the event of any conflict between their duties to their superiors and colleagues or their duties to the engineering profession, they should ensure that their responsibilities to the engineering profession prevail.
  - h. Members should encourage their clients, suppliers, other business partners and colleagues to adopt the same or similarly high standards of ethical behaviour.
  - i. Members must reject bribery.
    - i. They must not accept any payment or benefit in money or money's worth from any person other than their employer in connection with professional services rendered to their employer. Similarly they must not receive directly or indirectly any such payment or benefit in respect of any article or process used in or for the purpose of the work in respect of which they are employed. Gifts or hospitality of a relatively trivial nature, up to a value of £50 or its equivalent in other currencies, are not considered to be an inducement and may be accepted.
    - ii. They must not offer any payment or benefit in money or money's worth to any person in connection with professional services rendered by their employer. Similarly they must not offer directly or indirectly any such payment or benefit in respect of any article or process used in or for the purpose of the work in respect of which they are employed.
    - iii. They should record all gifts and hospitality received of any value in a document and make it available for inspection by their employer or the Institution.
    - iv. They should have regard not simply to whether they feel themselves to have been influenced but also to the impression that their actions will have on others.
  - j. They shall not become involved in money-laundering activities
  - k. They should familiarise themselves with, and must comply with, the relevant anti-corruption laws of the countries in which they work or of which they are citizens or residents. Members should be mindful of the provisions of some jurisdictions, whereby they may be prosecuted in one country for an act of bribery committed partially or wholly overseas.
  - l. They should note that those who have senior management positions have a particular obligation to make positive efforts to ensure that, as far as reasonably possible, bribery and corruption does not exist, and cannot occur, in the organisations for which they work. They should set in place anti-corruption protocols, procedures and training so that junior employees are not drawn into corrupt practices through intimidation or persuasion by senior colleagues or clients.
  - m. If charged with or convicted of a criminal or civil offence anywhere in the world they should inform the Institution promptly, and provide such information concerning the conviction as the Institution may require. (This does not include Fixed Penalty Notice offences.)
  - n. After having been declared bankrupt or having made a composition with creditors or having been disqualified as a Company Director they should notify the Institution immediately.
  - o. If they become aware of, or have reasonable grounds for believing that, another member is engaged in conduct or has engaged in conduct which is in breach of the By-laws and Code of Conduct Regulations, they should inform the Institution in writing. In so doing they should take care that they do not maliciously or recklessly injure or attempt to injure the reputation of another person.
18. At all times they should ensure that their conduct upholds the dignity and reputation of their profession and safeguards the public interest.
- a. Members should act honourably, responsibly, and lawfully so as to uphold the reputation, standing and dignity of the profession in general and the Institution in particular.

- b. If any conflict of interest and/or loyalty arises they must declare it at the earliest opportunity.
  - c. Members who, on behalf of the Institution, work with children or vulnerable adults must comply with the Institution's 'Working with Children and Vulnerable Adults' Policy. (See Additional Resources).
  - d. Members must co-operate with any reasonable request made by the Institution's Investigating Panel, Disciplinary Board, or an Appeal Hearing for the purposes of their functions.
19. When entering into any correspondence (oral, written or electronic) they should not implicate the Institution, through direct reference or use of membership status, in any statement that may be construed as defamatory, discriminatory, libellous, offensive, slanderous, subversive or otherwise damaging to the Institution.
20. They should treat all others – including other members and Institution staff – with complete respect, regardless of position or any protected characteristic such as:
- a. age
  - b. disability
  - c. gender reassignment
  - d. marriage and civil partnership
  - e. pregnancy and maternity
  - f. race
  - g. religion or belief
  - h. sex
  - i. sexual orientation

The Institution recognises the Equality Act 2010 and the Human Rights Act 1998. (The following website has more details: <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics#lgb>). They should use good manners and acknowledge the customs and practices of different nationalities. Additionally they should avoid all instances of bullying or harassment. Guidance notes can be found in the Additional Resources section.

### **CR3 Members are to engage responsibly with the environment**

21. Members should recognise the importance of socio-economic and environmental factors and should minimise and justify any adverse effect wealth creation has on the natural environment and social justice. They should ensure that all developments, throughout their life, use best practical and economic solutions to meet the needs of the present without compromising the ability of future generations to meet their own needs.
22. They must comply with the obligations for environmental protection in relation to both organisational and legislative requirements and must be aware of the purpose of the legislation and be prepared to respond to future legislative demands.
23. They should expect to use their influence to the fullest extent to ensure that the uses of natural resources are fair, equitable and sustainable and take account of the needs of a diverse environment, while never knowingly or deliberately over-exploiting natural resources.
- a. They should promote the wise use of non-renewable resources through waste minimisation, recycling and the development of alternatives where possible.
  - b. They should never knowingly or deliberately cause the environment to be damaged or nuisance to be created by the discharge of unacceptable quantities of any substance or energy in any form, while minimising any adverse effects on associated flora and fauna and wherever possible giving positive benefits.
  - c. They should promote the concepts of integration of the management of the wider environment and foster environmental awareness within the engineering profession and among the public.

## **CR4 Members are to contribute positively to the culture and public perception of the profession and the Institution**

24. Members should actively promote public awareness of the impact and benefits of engineering achievements.
25. They should contribute to public discussion on engineering matters in their area of competence if they consider that by so doing they can constructively advance the well-being of the community.
  - a. In areas outside their area of competence, but in those in which a member can demonstrate adequate knowledge, they should take care to comment on details or issues only within that area of knowledge. Adequate knowledge generally applies to a narrow aspect of an area of competence and may be acquired from working in a related area of competence or through continued professional development. However, adequate knowledge in a narrow area is not generally a sufficient basis for public comment or advice on the overall solution to an engineering task outside of a member's area of competence.
  - b. In areas outside their area of competence, and in which they are not able to demonstrate adequate knowledge, they should limit public comment or statements to enquiries which seek to provide deeper understanding. In this respect they may draw on experience in engineering training and analysis as a basis for asking objective questions which may assist the public to evaluate engineering works without implying personal competence or knowledge in the area.
  - c. They should ensure that factual information they issue concerning engineering matters is presented in a clear, objective, truthful and unambiguous fashion to the public.
  - d. They should refrain from issuing public statements unless they do so in an objective and truthful manner. They should include all relevant and pertinent information in such reports, statements or testimony that they make and ensure that they bear the date indicating when it was current.
  - e. They should not issue statements, criticisms or arguments on technical matters which are inspired or paid for by interested parties, unless they have prefaced their comments explicitly identifying the interested parties on whose behalf they are speaking and by revealing the existence of any interest the members may have in the matters.
  - f. They should not issue statements on behalf of the Institution unless requested or instructed to do so.
26. They should take positive action when they encounter a material and unmanaged risk, danger, malpractice or wrongdoing which materially affects others, subject to compliance with the laws of the country in which they operate. This is frequently referred to as whistle-blowing.
  - a. They should note that those who have senior management positions have a particular obligation to make positive efforts to ensure that, as far as reasonably possible, their employees are able to report such practices without fear of reprisals of any kind or, in particular, damage to their careers or prospects of advancement.
  - b. They should be aware of their responsibility to support colleagues who wish to report such practices.
  - c. They should in all cases, firstly seek resolution within their company's own policies. Guidance on whistleblowing is available in the Additional Resources section.
  - d. They should note that the Institution cannot provide direct support to members when they have a specific concern that they believe needs to be raised. Assistance is available via the Institution's Support Network (<https://www.imeche.org/support-network>) or from the charity "Protect" (<https://protect-advice.org.uk/advice-line/>)

27. They should be alert to the ways in which their actions can derive from and affect the work of other people; respect the rights and reputations of others.
  - a. They should use their leadership and management skills responsibly.
  - b. They should not recklessly or maliciously injure or attempt to injure, whether directly or indirectly, the reputation, practice, employment or livelihood of another person.
  - c. They should place responsibility for the welfare, health and safety of the workforce and wider community at all times before responsibility to the profession.
  - d. They should accept responsibility for all work carried out by them or under their supervision or direction.
  - e. They should behave with integrity and objectivity in their relationships with colleagues, clients, employers, employees and with society in general.
  - f. They should ensure, so far as they are able, that other members receive credit for their professional achievements and all rewards to which they are entitled.
28. They should contribute to creating an inclusive working environment where individuals are respected and where the value of having a diverse and inclusive workforce is recognised. They should embrace the needs of the community and future generations and adopt practices that have minimal adverse effects on social, cultural, archaeological and ethnic heritage, and the broader interests of humanity as a whole.
29. They should be aware of and draw attention to instances of behaviour that does not meet the high standards set by the Institution and not to turn a blind eye.

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