



ENVIRONMENTAL PROFESSIONAL (EP)

GUIDELINES FOR ETHICAL PRACTICE



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GUIDELINES FOR ETHICAL PRACTICE

These Guidelines for Ethical Practice serve as a complementary document to the [EP Code of Ethics](#). This document provides guidance on ethical practice by using practical examples of environmental practice, to allow environmental professionals to interpret and apply the **EP Code of Ethics** in their work.

In the context of a profession serving society and the environment, the **Environmental Professional (EP) Code of Ethics** shapes individual practices in the following two ways:

1. Adherence to the EP Code of Ethics provides a common set of values within the profession and thereby offers a reliable professional product to the public. Practicing in both a competent and an ethical manner are two indivisible components that are vital to maintaining a relationship of trust with individual clients and with the public in general.
2. With increasing advancements in the environmental world, the public is looking to EPs to provide societal and environmental leadership. The professional relationship of trust is a fundamental element as EPs do their part in guiding society to adopt environmental responsibilities for the advancement of ecological and human welfare.

THE EP CODE OF ETHICS CENTRAL TENETS

The **Environmental Professional (EP) Code of Ethics** includes several tenets which all certified and in-training members must perform under to remain a member in good standing. In addition, EP designation staff, volunteers, and board and committee members must also agree to abide by the same EP Code of Ethics.



1.1

ENVIRONMENTAL STEWARDSHIP

1.1.1 Stewardship with an objective towards sustainability

Sustaining the viability of our environment is a broad responsibility for all citizens. Likewise, society must reconcile these environmental needs with an EPs need for responsible development. EPs should take an active and cooperative role to assist society in meeting present and upcoming environmental challenges. EPs are responsible for maintaining their knowledge in areas that have a bearing on the quality and effect of their work.

Almost every aspect of a project can have either direct or indirect environmental effects, both positive and negative. All stages of a project have environmental consequences that must be considered early in project evaluation. To effectively address such environmental issues requires a systematic evaluation procedure. Developing effective prevention or mitigation strategies requires integrated project planning. EPs should ensure these evaluation procedures are in place, since effective environmental protection strategies are an integral component of their activities. The EP, as well as the project proponent, has a responsibility to consider environmental effect prevention and mitigation as a part of doing business.

1.1.2 Understand and adhere to accountability, liability & responsibility

Environmental work is often best undertaken by a multi-disciplinary team. Due diligence requires that all reasonable steps are taken to ensure that the team comprises the necessary expertise and that this expertise is appropriately applied.

EPs are accountable for their own professional practice, for the professional practice of those under their supervision, and for the profession generally as part of their service to society. This environmental and public interest bias must take precedence over self-interest. Protection of the environment and public from unethical and/or incompetent practice is a top priority.

Members greatly depend on an EPs credibility to the client or employer in their environmental competence and the confidence of the public, at large, in their character and integrity to serve society.

Finally, the professional's duty to public service extends beyond the EP Code of Ethics. EPs should continually strive to give back to society through service to public bodies that draw on professional expertise. EPs may also participate in activities that contribute to the community which require professional and ethical behaviour but not necessarily the application of environmental knowledge.



1.1.3 Strive to leave a legacy for the future vs. human centric. Maintain options for future generations

EPs shall uphold and enhance the honour, dignity, and reputation of their professions as well as to serve environmental and public interests.

Environmental impairment is recognized as a risk to public welfare, and in response, members of society are being urged to protect, preserve, and enhance the quality of the environment. The long-term objectives are to sustain the viability of our ecosystems and to safeguard the well-being of future generations so that they will not be compromised by our activities today.

Members recognize that stewardship of the environment is a responsibility for all citizens; the public has a rightful role in setting goals for environmental management, and the public's expectations are evolving and vary widely.

Integrating environmental sustainability with social and economic considerations will require members to be innovative and creative in their planning and design. In its broader context, EPs are encouraged to look ahead and foresee how their role will shape the future. Not only through today's innovations, but by showing others how innovations advance in the interest of the environment; public safety, health and welfare; risk minimization and management; and social and cultural values.

1.1.4 Utilization of scientific and traditional knowledge

EPs know that the projects they work on at times will involve the input of scientific knowledge, which relies on certain laws that have been established through the application of the scientific method. They also need to consider and apply traditional knowledge, developed through the experiences of local communities around the world over centuries and adapted to local culture and environment.

The recognition of industry experts in this area is paramount. The EP must be vigilant in selecting a process or assembling a team to apply sufficient and appropriate knowledge to the proposed project. Of similar concern is the need for EPs to recognize values applicable to the social and economic effects of projects. Local and neighbourhood concerns, quality of life, specific-effect concerns (e.g. visual, sound, odour), along with traditional and cultural values, have all gained acceptance as pertinent and definable criteria that many jurisdictions are now interpreting and applying.

1.1.5 Support and promote ecological resilience by incorporating information on spatial and temporal dynamics (e.g. natural variation, cumulative impacts, climate change) where appropriate/possible

An EP should evaluate and investigate any possible impacts their work could have on nearby micro-ecosystems. These impacts can be individual or cumulative and it may have social and economic implications. They should, wherever applicable, monitor the effects of a changing



climate on standard design practices and adapt their daily decisions and project designs to accommodate these changes as they evolve.

They shall, at the minimum, comply with all relevant legislation, approvals, and orders relating to the sustainable treatment of resources and disposal of some resources and by-products. In addition, even where not required by legislation, approvals or orders, they should aim to increase the lifecycle of a resource to increase sustainability.

EPs understand that they are building resilience into an ecosystem by working to support the health and function of associated habitats, organisms, and ecosystem processes, which are affected by their work. For ecological systems, an EP understands the importance of biodiversity and functional redundancy, helping ecosystems become more resilient to environmental changes. With this knowledge, an EP will use a diverse set of strategies and methods to build the resilient ecosystem for coping with and adapting to change.

1.2

ENVIRONMENTAL ADVOCACY

1.2.1 *Continually exercise due diligence in any work*

EPs shall practice due diligence and the application of reasonable care by performing the following:

1. They should stay informed of the major environmental issues facing society so that they may broadly judge the potential interaction of their professional activities with those issues.
2. They should recognize the general extent to which their professional activities can affect the environment.
3. They should develop and maintain a reasonable level of understanding, awareness, and a system of monitoring environmental issues related to their field of expertise.
 - a. They should recognize the value of **Environmental Management Systems (EMS)** in identifying, controlling, and reducing negative impacts on the environment.
4. They should use the appropriate expertise of specialists in areas where the EP's knowledge alone is not adequate to address environmental issues.
5. They should apply professional and responsible judgment in their environmental considerations.



6. They should ensure that environmental planning and management is integrated into all their activities.
7. They should consider the costs of environmental protection and promotion among the essential factors used for evaluating the economic viability of projects for which they are responsible.
8. They should recognize the value of environmental sustainability, consider the full benefits and costs of environmental stewardship, and endeavor to implement efficient and sustainable solutions.
9. They should engage and solicit input from stakeholders in an open manner and strive to respond to environmental concerns in a timely fashion.
10. They should comply with regulatory requirements and endeavor to exceed or better them by striving toward the application of the best available cost-effective technologies and procedures.
11. They should disclose information necessary to protect public safety to appropriate authorities, and
12. They should actively work with others to improve environmental understanding and practices.

1.2.2 Inspire others and show value in making environmentally conscious decisions

EPs are responsible for demonstrating the benefits for engaging in environmentally-positive behaviour and supporting clients, colleagues, employers and the public to take action towards making ethical decisions at an individual, corporate and public interest level.

EPs know there is no simple definition of “the environmental and public interest.” That environment, technical, economic, and social issues related to sustainability and environmental projects are often complex and interrelated. Trade-offs are almost always required. Substantial pressure can be brought to bear on a project, based on the uni-dimensional agenda of a special interest group. Societal perceptions and values evolve over time, for example, the public’s increasing emphasis placed on environmental protection.

The solution to complex long-term problems requires the participation of industry, governments, and academia. EPs are encouraged to interact with others to translate from theoretical research into applied practice. To continuously evolve and take on the responsibility as an ambassador for the environment.



1.2.3 Facilitate and promote environmentally positive changes

EPs are encouraged to be actively involved with environmental issues. They should go beyond merely facilitating improvements. By being actively involved, they are proactive (they can anticipate and prevent), rather than reactive (last-minute and responding).

Developing effective prevention or mitigation strategies requires integrated project planning. EPs are encouraged to see that such evaluation procedures are in place and are followed so that effective environmental protection strategies are an integral part of their activities. The EP, as well as the project proponent, has a responsibility to consider environmental effect prevention and mitigation as a part of doing business. Many projects also present an opportunity to consider planning and design alternatives that may enhance the environment by having a positive effect. Employers or clients should be advised accordingly, and assistance should be given to strategically manage such environmental updates and monetary matters to avoid negative impacts and maximize positive impacts on society.

Members are uniquely poised between the two extremes of absolute preservation and unfettered development. Below are three strategies for facilitating positive change:

1. For members to understand and exercise "no" when necessary.
2. To be participants of bodies constituted to formulate environmental laws and their enforcement.
3. For the public to witness EPs as true stewards who possess viable, knowledge-based solutions.

1.2.4 Restrict professional advice, opinions and practice to area(s) of competency and defined expertise

EPs shall use the appropriate expertise of specialists in areas where the member's knowledge alone is inadequate to address environmental issues. As the practice of environmental science requires the integration of diverse disciplines and philosophies, many projects will require a team of appropriate specialists to address complex environmental issues. EPs should engage, or advise their clients and employees to engage, other experts and specialists whenever the clients or employers interests are best served by such service. EPs shall only undertake work they are competent to perform based on their training and experience.

Before accepting assignments, EPs should ensure that their clients and employers understand the extent of the member's professional responsibilities. Defining the member's professional responsibilities and developing their scope of services involves listing the EP's specific tasks envisioned within the terms of engagement and the delivery of performance expectations. It is detrimental to both parties either to convey inaccurate skill expectations or abilities in the core of the relationship.



1.3

PROFESSIONAL RESPONSIBILITY

1.3.1 Articulation and promotion of the value of being an EP

At all times, EPs should endeavour to communicate the value of their EP designation to their peers, employers, and the public. Obtaining the EP designation validates knowledge obtained through both educational and employment paths, the skillsets obtained, and the ability to meet a professional standard. The EP designation certifies the experiences the professional has gained in their environmental role(s) and attests to their dedication to the environmental sector.

When an EP is presenting, speaking at an event, or writing a proposal, affirming their qualifications by highlighting their EP status will help gain them credibility, as well as grow the legitimacy of the EP community.

1.3.2 Maintain competencies through continuing to improve professional & ethical knowledge through education and skills enhancement

EPs have a responsibility to maintain a knowledgeable interest within their sphere of expertise of specializations which have the potential to impact the public interest. Environmental, technical, and professional standards of conduct are set, revised, maintained, and enforced by EPs. Mutual accountability within the EP designation and amongst EPs must be stringent, so they are always seen to merit societal trust. If each member of a working group is highly professional, it elevates the professionalism of the entire group. It is up to the EPs to continue their professional development to maintain the standard expected of them through the designation.

Such standards may be provincial, national or global, and address the following issues:

- **Code of Ethics** – protecting the public from ethical and/or incompetent practice in the highest esteem
- **Technical Requirements** – engaging in skilled practice to ensure the protection of the environment and the public's well-being and safety
- **Continuing Competence** – concerning personal and professional development and adherence to standards and guidelines in all areas of environmental practice
- **Discipline** – disciplining members who fail to comply with proper standards of environmental practice and ethical conduct



1.3.3 Recognize when compliance is not enough or not the best that we can do, and raise the bar

The EPs primary responsibility is to protect the welfare of the environment and the public, whether the professional is paid or the work is voluntary. This responsibility is not reduced or diminished when the EP provides service to the public through an employer. Therefore, employers must encourage EP employees to come forward with the potential consequences if other authorities overrule professional judgement on technical or ethical issues. This may bring EPs face-to-face with company loyalty versus professional responsibility.

The stakes rise when an EP takes a professional stance and their career may be negatively affected by their decision. As EPs, they must ensure that appropriate action or notification of proper authorities occurs in any instance where they believe that public safety or the environment is endangered or where required by relevant legislation, approvals, or orders. EPs share corporate responsibility for the quality of products and services delivered.

These questions which accompany the EP, whether a consultant or an employee, when accepting EP status are best answered using reasoned judgement from accumulated knowledge and experience. Recognizing ethical dilemmas and determining the actions to address them are important skills for EPs. ECO Canada and the EP designation can assist the professional in making ethically sound decisions.

EPs must understand that meeting the minimum standard is insufficient, but that they should always strive for higher standards. For EPs to have a real impact, service should rate as “excellent”.

1.3.4 Understanding and use of the precautionary principle – minimize harm where appropriate

As society has developed an increased awareness of activities that can affect the environment, an EPs involvement in designing and implementing solutions must maintain a reasonable level of understanding of those environmental concerns, and the possible significant effect of their professional activities on the environment.

EPs are expected to respect the law in their personal conduct; they should not engage in activities outside of their professional practice that may compromise their professional or personal reputations, bringing discredit to their professions. If an EP is presented with a situation that may compromise any of the above, they should err on the side of caution, even while awaiting further evidence.



1.3.5 Hold others accountable & report unethical practices

Although they may not have formal authority, EPs have a responsibility to lead by example and demonstrate competence and ethical conduct of business in their organizations. To many employers, an EP's leadership is a valuable asset and a contributing factor towards the EP's offer of employment. In some organizations, EPs are the only employees who have an environmental responsibility to protect the interests of the public and the environment.

When a disagreement occurs between two EPs, the duty of the individual who bears professional responsibility for the recommendation is to ensure that their facts and recommendations are correct and that the information and assumptions are laid out simply and clearly. This should be done both in writing *and* by personal contact for contentious issues. If the senior EP chooses to overrule the other EPs recommendation, in full knowledge of its basis, the senior EP consciously takes responsibility.

When EPs find themselves in a situation where a non-EP is questioning their recommendation, an additional element of difficulty is introduced. The non-EP may lack the environmental technical sophistication to appreciate both the rationale of the recommendation and the potential consequences of failure. As a result, the non-EP may not accept the recommendation or should defer to a superior or manager. In such instances, the EP should ensure that an appropriate decision is made.

As mentioned throughout the Guidelines for Ethical Practice, an EP remains as the last line of defence for the public welfare.

1.3.6 Conduct practice towards other professionals with courtesy and in good faith

An EPs behaviour to other professionals, employers and clients demonstrates the quality of their professional brand and sets an example for the EP designation.

When an EP is administering a contract on behalf of a client or employer, they should act with fairness and justice to all parties including fellow professionals. In providing services to a client, EPs should consider themselves as part of the client's organization or team. The foundation of an EP-client relationship involves the EPs duty of care for a client's interests, which should not supersede the EPs duties to protect public safety and other duties that may conflict with a client's interests. EPs should put their client's interests before their personal interests and act towards other professionals with respect and accountability.

The relationships of EPs with their business associates should be friendly, but independent and free from obligating gratuities.



EPs are expected to have proper regard for all individuals. They must not violate the human rights of others and must not discriminate based on race, religion, sex, or disability.

EPs should take responsibility and precautions not to injure the professional reputation of another EP or person through vexatious or frivolous statements.

1.3.7 High quality services provided in a timely manner

EPs have an obligation to their client that the project/deliverables are completed to the best of an EPs ability and meet the contract requirements, as well as always keeping public interest in mind, and making sure to keep within the agreed upon deadlines. Providing timely service does not mean doing a fast job but being effective and addressing all the concerns in an efficient manner. Providing efficient customer service is part of gaining a positive reputation in the environmental sector.

In addition, they have an obligation to their clients to provide timely notifications and advice when they believe a project will not be successful or in the anticipation that the project/deliverables will not meet the original agreed upon timelines.

1.3.8 Behave within the law, regulatory guidelines and policies, and ensure personal actions respect the environment & environmental laws

To ensure compliance with any applicable municipal, provincial and/or federal environmental laws, EPs shall determine which environmental laws, if any, apply to the activity they are undertaking as early in an activity's timeline as possible.

To aid in this, EPs should consider consulting with municipal, provincial, and federal authorities at the project scoping and planning stage of an activity. It is the EPs responsibility to ensure compliance with all applicable laws when undertaking any activity. It is intended that this guideline will be universally applied, regardless of its scale. Certain projects will require a full environmental impact assessment, and other projects will require thought and planning to minimize environmental disruption even if disruption appears to be very minor.

Environmental legislation can place responsibility for environmental impairment on an individual. In such cases, a defense for the individual may rely upon demonstrating due diligence in which the individual took all reasonable measures to prevent the offence. The basis for judging these measures for an EP should be determined by evaluating their standard practice and their compliance to meet any legislation, approval, or order requirements, relating to the project in which the EP is involved.

Furthermore, in recent Canadian environmental legislation, an individual can be deemed to be a party to an offence if the individual acquiesced in the commission of the offence. The EP



should abide by the following principles to ensure that their personal and professional actions comply with environmental laws:

1. EPs shall develop and maintain current knowledge and understanding of legislation, regulations, approvals, codes and guidelines, their purposes and limitations, and shall ensure that these requirements are applied both on a procedural and substantive basis.
 - They shall ensure that proper documentation of adherence to environmental procedures, protocols, and regulations is maintained, and that relevant information is provided to regulatory agencies in a timely fashion.
 - They shall have regard for both the reality and the trend of environmental legislation to assign personal responsibility for both action and omission. They shall reflect this reality in their professional duties accordingly as it relates to themselves, their employer, colleagues, and/or clients.
 - They shall go above and beyond the standards and regulatory requirements to protect the health and well-being of the environment and the public. They are encouraged to collect evidence of cumulative, persistent, and synergistic effects where these may not be fully considered in standards or regulations.
2. EPs shall maintain requirements of disclosure, accurately represent, and provide information concerning environmental effects to regulatory authorities.
 - They shall inform public regulatory authorities on all environmental effects of any assignment they are involved in through the normal regulatory review and approval process.
 - They shall maintain client and/or employer confidentiality unless otherwise required by relevant legislation, approvals or orders. Where any confidential information is disclosed to public authorities, the members shall ensure that their employers and clients are advised of such disclosure as soon as practicable.
 - They shall ensure that appropriate action or notification of proper authorities occurs in any instance where they believe that public safety or the environment is endangered, or where required by relevant legislation, approvals or orders.

1.3.9 Engage in respectful communications

EPs are in the line of work where they will at times come across delicate situations, communicate with many different stakeholders and represent themselves, their organization, their client, the public and the EP profession. Respectful communication means having the ability to effectively convey their own views and fully listen to the views of others. When there is a disagreement or a difference of opinion the objective should be on healthy discussions. An EP should be open to dialogue, to share their insights and collaborate using the strengths of different contributors to achieve the common goal.



An EP understands that the way they communicate with others is a direct reflection of who they are, and on a larger scale, a reflection of the EP designation.

1.3.10 Be mandate-oriented and follow policy, agree to value a certain code (includes ethics and consequences)

The daily actions of EPs directly affect the public's trust in the profession, the public's perception of an EP's ability to handle increasing public expectations, increasing specialization and complexity, and multiple constituents or stakeholders. If EPs are aware of and consciously consider these issues, they are better equipped to address them.

Therefore, it is imperative that professionals manage expectations. EPs must adequately inform clients of their professional responsibilities and the legal, ethical, and practical limitations of the service provided. This information can be provided through general documents such as practice standards or guidelines, through more targeted campaigns, or specifically within service contracts and company information.

EPs are leaders in organizations and on projects. As such, they should have regard for safety in the workplace or on the project site. EPs should also be vigilant in areas beyond their direct professional responsibility. They have an obligation to report conditions which present a material, immediate threat to safety, health, welfare, or the environment. These conditions should be reported first to those professionals who are responsible. If a satisfactory response is not forthcoming, it should be reported to the appropriate corporate or regulatory authorities.

Note: This facet is aimed at informing responsible professionals about unknown or changing circumstances which require action or response. It does not empower peripheral parties to second-guess the environmental judgements or recommendations of those who are responsible.

1.4

ETHICAL AND MORAL STANDARDS

1.4.1 Conduct all professional practices honestly, fairly, and in good faith, with integrity and with due care to the public and the environment

EPs should recognize the potential of their activities and membership to influence society. They should recognize the value of early involvement and action versus reaction.



EPs are encouraged to share their expertise and educate other members, governments and the public on environmental issues. They are encouraged to interact with other disciplines to bring theoretical and technological research into applied practice.

EPs can encourage professionalism through mentoring and daily demonstration of professional behaviour. In groups, EPs can encourage professionalism through their involvement in environmental, technical, or professional areas and through the promotion of corporate professional responsibility.

EPs should not attach their professional self to activism. EPs have a right to make political contributions, but they also have a duty under the EP Code of Ethics to avoid acting in a manner that impacts their professional stature. Their professional reputation may be damaged or exposed to misunderstanding.

1.4.2 Presentation of facts honestly and accurately – speak plainly and directly to ensure understanding

EPs should clearly distinguish between facts, assumptions, and opinions in their professional work and in public discussion or published articles related to their professional work. They should, when expressing opinions or participating in public discussion on professional matters, clearly disclose on whose behalf they are giving opinions or statements.

EPs should express opinions on environmental matters that only present their adequate knowledge, experience, and honest conviction. EPs should ensure, to the best of their ability, that any statements related to environmental matters properly reflect their professional opinion.

Advertisements should be factual, clear, and dignified. The same applies to proposals, presentations, and other solicitations for professional engagement. The intent of these statements is clear: advertising and presentations should complement the EP image and enhance the stature of the profession. In contrast, the following are some examples that damage an EP's image and professional reputation:

- Exaggeration of project involvement, experience, or level of expertise
- Negative comparison or commenting on competing professionals
- Suggestion or implication not duly founded in fact
- Misleading claims, self-laudatory language, and sensationalism that diminish the dignity of the individual and, by association, the dignity of the entire profession



1.4.3. Maintain integrity in the means chosen to achieve a positive end result

EPs should undertake assignments only when they are competent to do so. This rule clearly does not prevent EPs from tackling new challenges and learning new skills, so long as the successful completion of the assignment is not jeopardized, and honesty is maintained with the client or employer. Similarly, EPs should not overlook the fact that today's environmental sector demands specialized knowledge.

Most importantly, EPs should regularly review their own and their organization's capabilities to provide specific services to the public. Many proven specialty companies are available to call on when required. However, if specialized assistance is needed, it is important that the company's credentials are evaluated. This is particularly the case when a lack of capability could result in serious adverse consequences. When sub-consultant expertise is retained, it should be with the client's informed knowledge and approval.

An EP shall not take credit for work done by others. An EP shall also take responsibility for their own work through authorship or appropriate acknowledgement and refuse to allow their name to be associated with work which has been altered.

1.4.4 Maintain objectivity and respect for the opinions of others, even if facing emotionally-driven issues

EPs should faithfully discharge their responsibilities to clients/employers and always act with fairness and justice to all.

To maintain objectivity and respect for another's point of view, it is incumbent upon EPs to do the following:

- To express the results of their work clearly and accurately
- To place an appropriate qualification on the results when a matter is only partially resolved
- To avoid bias due to political, economic or other non-technical factors

In both corporate and societal settings, EPs should focus their discussion on the facts of an issue and ensure that their professional opinions are accurately represented. To avoid misinterpretation by the audience, when presenting complex issues to a non-environmental or technical audience, EPs should simplify their discussion without losing the critical elements.

While this is not to dissuade an EP from stating their personal or political interests, they should consider that their personal views may differ from their professional practice and obligations and present facts when expressing professional opinions.



1.4.5 Remain transparent and avoid/declare any conflicts of interest

An EP will hold the interests of their clients or employers in high regard. However, the following duties take precedence over the interests of the professionals' client or employer:

- The duty to protect the safety of the environment and public, and
- The duty to act fairly and justly to all parties when administering a contract on behalf of a client or employer.

As stated, the primary concern of the EP designation is to protect the public and to maintain professional integrity, which is achieved through careful examination of each member in the Environmental Professional designation. Transparency is an important factor for an EP to maintain professional integrity. EPs should make responsible provisions so that clients and employees under their responsibility have knowledge of and comply with the laws affecting their work.

An EP must disclose any influence, interest, or relationship that impairs professional judgement or objectivity. Failure to disclose any real, perceived, or potential situations is a conflict of interest with the employer/client/stakeholder.

Under normal circumstances and before accepting assignments, EPs should inform their clients/employers of any special interests, business connections, personal relationships, conflicts of interest, or other circumstances that could influence their professional services or judgement. They should never offer or accept any covert payment or perquisites.

1.4.6 Understand ethical environmental requirements & practices

When an EP becomes aware of public concerns related to an assignment they may be involved in, the nature of the concern should be investigated in a timely manner.

Once they have determined the validity of the concern, they should promptly communicate the information through the normal lines of responsibility.

EPs are encouraged to seek a second opinion (professional or specialist) on the technical validity of their conclusions whenever possible and when there appears to be a difference of opinion with the other responsible parties regarding environmental effects.

In disclosing information about environmental effects, EPs should communicate the information through normal lines of responsibility. Where, in the opinion of the EP, the withholding of confidential information poses a potential threat to the environment, they should make reasonable effort to contact responsible parties before disclosing the information to the proper regulatory authority. However, EPs must recognize their individual responsibilities



for reporting releases and for environmental protection in accordance with legislated reporting requirements.

Some might question whether personal conduct outside one's professional life is appropriate to comment on or enforce under a professional association's Code of Ethics. It should be noted that questionable conduct brings notoriety to the individual or casts serious doubt on personal integrity or honesty.

There can be many legal uncertainties with respect to the disclosure of confidential business information and use of intellectual property. These conflicting requirements may present a dilemma to the EP who may be involved in the designing of and/or supervising a project that may pose a threat to the public. The EP's responsibility to protect the well-being and safety of the public may conflict with the duty to a client or employer to act as a loyal agent and not disclose, without consent, confidential information concerning the client's or employer's business affairs, technical methods, or processes.

Since duty to the public is paramount, an EP in such conflict is required to advise the employer or client, preferably in writing, of a concern regarding the material threat to the public. If the concern is ignored or overruled and the client or employer continues to follow a course of action that is harmful, the EP should inform his employer or client that they are ethically bound to present the concern to the appropriate authorities and may perhaps even disassociate themselves from the project.

Whatever the EP chooses to do, in discussing the concern they must not disclose the employer's or client's confidential information gained during the term of employment (except as required by law). Where, in the opinion of the EP, the withholding of confidential information jeopardizes public safety, they should make every effort to contact all parties before disclosure of this information to the proper authority.

1.4.7 Protection for vulnerable sectors of population

EPs shall recognize the importance of social and economic values in the environmental assessment process and the potential need to consider local, neighbourhood, traditional, and cultural criteria through stakeholder involvement.

EPs are aware that understanding the vulnerability of a group requires more than analysing the direct impacts their project may have on an economic, social, cultural, institutional, political and psychological level and effects of the human rights and the environment of the group, but an EP should also assess any future considerations which may include hazards, natural or



otherwise, on a larger scale.

EPs are responsible in developing a protection plan if the projects they are working on will in any way affect a vulnerable group. In addition, during any assignments an EP shall immediately advise their employer and/or client of any concerns for potential adverse effects within the vulnerable group; the concerns can arise from the work an EP is directly involved in or from information they discover through the project(s) on a peripheral level. If they are unable to receive a timely response from their employer and/or client, an EP must know how to escalate the situation to appropriate representatives. For example, An EP may need to report on the potential conflict between Indigenous communities and the environmental management of their land.

1.5

CONFIDENTIALITY

1.5.1 *Safeguarding confidential information*

EPs should keep confidential all information that is acquired during their professional duties and that concerns the business affairs of present or past clients/employers. This obligation ceases if the information legally enters the public domain. EPs must also refrain from using client/employer confidential information for personal gain. This confidential information is proprietary and is only loaned to an EP to appraise a situation for a specific project.

Process information and/or all confidential information received during professional service should be considered the exclusive property of its owner and should not be disclosed to others except with the owner's specific approval. Care should be taken regarding trade practices that may be unique and practices that identify the owner's special attributes.

- *Disclosing confidential information to legal authorities*
Confidential information may be disclosed if the prior permission of the client/employers is obtained or if disclosure is required by law. If required by law to disclose confidential information, disclosure should be made only to the extent required by law. Present or past clients/employers should be advised of such disclosure as soon as possible. Under certain circumstances, an EP should comprehend that withholding information is contrary to the safety of the public. As a result, the EP should disclose to appropriate authorities only that information necessary to protect public safety.



- *Maintaining confidentiality when approached by two or more competing parties*
Extraordinary circumstances may arise, for example, when consulting EPs are approached by a second client to work on a program where they have already worked for another client, or when a consulting EP is approached separately by two parties competing on a proposed project. Even to disclose to the second client that another client was actively considering a job or project would reveal competitive information about the original client. In such cases, the EP should first use judgement to decide that the second assignment can be fulfilled using his or her general professional knowledge, without being influenced by the first assignment. If there is a significant risk of influence by the first assignment or of leakage of proprietary information of the first client, the assignment should be declined without disclosing the interest of the first client.
- *Ensuring client consent before the use and distribution of material*
The client maintains the exclusive rights and ownership of published content or designs. The EP should not duplicate published content or designs for others without the permission of the client.
- *Requesting permission to apply confidential information in new works*
EPs may contemplate engaging in new work that would require the application of confidential knowledge that was obtained through other projects. However, they should not promote such work or employment, or negotiate for it without the consent of all parties connected with the prior projects that were of a confidential nature.

Technical knowledge gained by an individual through exposure to the work environment is part of the EP's experience and may be freely used in subsequent projects without consent from other parties.

1.5.2 Understand and respect obligations when entering in contracts

An EP understands that when agreeing to the terms of the contract and by understanding their obligations, they are responsible for the agreed upon deliverables and timelines but may choose how to conduct their work if it is ethical and within their abilities.

EPs should spend sufficient time on-the-job to ensure that their direction, reports, and estimates reflect actual site conditions and progress. Their interpretation of agreements and contract documents should reflect the intent of the documents.



An EP can expect that their client will provide all the accurate information they have regarding the project, either before the contract or while the project is being carried out – these terms should be agreed upon.

An EP understands that a client may oversee the progress of the project and express their preference regarding the results. To mediate this, at the beginning of a project the EP will present clearly to their clients/employers the consequences if their professional judgement is disregarded or overruled. EPs must be aware of the requirements to report illegal activities or practices even if under contract and negotiate terms in contract that would be beneficial to public good.

An EP must understand the obligations and responsibilities they are agreeing upon when entering a contract. This will better equip them to perform their duties, to understand the process should something not be delivered as expected or legal issues arise, and for renegotiation purposes.