Professional Ethics

March 21, 2012
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Objectives

- Provide an introduction to Professional Ethics & explain its importance in the field of Occupational Hygiene
- Increase awareness of situations presenting ethical dilemmas & their potential impact
- Introduce ABIH Code of Ethics & CRBOH Code of Ethics & formal complaint processes
- Introduce Joint Industrial Hygiene Associations Member Ethical Principles
- Recognition of ABIH general guidelines within Code as guiding principles for ethical behaviour

Outline

- Professional Ethics Education
  - Defining Ethics
  - Why professional ethics are important
  - IH Code of Ethics History
  - ABIH Code of Ethics
  - CRBOH Code of Ethics
  - OHAO / AIHA memo of understanding
  - Ethical Dilemmas or Violations
  - Guiding Principles
  - Decision-Making
  - Q&A

Professional Ethics Education (ABIH)

- Background on “why we are here today”
- Every ABIH Diplomate – to practice ethical behavior “to the best of their abilities”
- Committed to do this when initially certified
- Recommitment during each CM cycle
- 2010 – new ABIH rule requiring all Diplomates have at least 2 hours of ethics training each CM cycle
- “Diplomate found to be in violation of the Code of Ethics will be subject to a range of sanctions up to & including de-certification”
- Can view current list of Diplomates with current sanctions on ABIH Website

What is a code of ethics?

- Written set of guidelines issued by an organization to its members to help them conduct their actions in accordance with its values & ethical standards
- Guideline—recommended practice that allows some discretion in its interpretation, implementation or use
- Conduct—general behaviour expressed in actions, reactions or inactions of an entity
- Values—Important, enduring beliefs / ideals shared by members of a culture pertaining to that which is good & what is not; exert major influence on behaviour of an individual & serve as broad guidelines in all situations
- Ethical Standards—principles that when followed, promote values such as trust, good behaviour, fairness & / or kindness

What is a code of ethics? (cont)

- Adopted by an organization to assist those in the organization (generally the decision-makers) to understand the difference between “right” & “wrong” & to apply this understanding to their decision-making
- May set out:
  - General principles about organization’s beliefs on matters such as mission, quality, privacy, environment, etc.
  - Delineate procedures to determine if a violation of the code has occurred, & if so, what actions to be taken / imposed
What is a code of ethics? (cont)

- Problem?
  - Based on ethical relativism — anything can be construed as good or bad under the assumption that the judgment is relative to the situation in which we find ourselves
  - No absolute standard — we may still disagree among ourselves regarding “the right thing to do”

Other codes

- Code of Conduct
  - Sets out procedures for use in specific ethical situations; e.g., conflicts of interest or acceptance of gifts
  - Delineates procedures to determine whether a violation of code of ethics occurred & if so, remedies to be imposed

Other codes (cont)

- Code of Practice
  - Adopted by a profession or by a governmental or non-governmental organization to regulate a profession
  - Code of professional responsibility, addressing difficult issues; difficult decisions, & provides clear account of the behaviour considered “ethical” or “correct” or “right” in the circumstances
  - In a membership context, failure to comply with a code of practice can result in expulsion from the professional organization

Why are professional ethics important?

- We are required to exercise judgment, apply our professional knowledge & make informed decisions based on our training, education & experience
- We are subject to external influences, therefore, we need boundaries; boundaries set standards adopted by the professional group to which we belong

Why are professional ethics important? (cont)

- Nature of our work intensifies the vulnerability of the reputation of our profession
- Our professional judgment can be prone to error
- Rely on qualitative information at times, situations where no standards set, no methodologies
- Our work / data subject to systematic & random error
- Making decisions that affect labour / management relations
- We can regularly face situations where values conflict

Issues & Risks? (Glenn J. Barbi)

- Solutions are not always black & white
- Temptation to practice outside of one’s area of expertise
- Economic downturns increase pressure on professionals with potential for increase in ethical lapses in decision-making
- Situations can become uncomfortable & it is hard for practitioners to recognize when a gray area turns to a problem
- Can be a tendency to make decisions & conclusions with a lack of good science & good data

Ref: Barbi, Glenn J. Professional Challenges in Ethical Behaviour.
Why do we need a code of ethics?

- Even if we are striving to do the right thing, we may honestly disagree on what is "right" or "wrong" as there is no absolute standard

"Plainly, it is not easy to determine in an objective way what conduct is morally ideal. Hence even among people of good will, that is, among people perfectly willing to do what is morally ideal, there may be sincere disagreement."

Morris B. Storer, Ethicist
Humanist Ethics – October 1980

IH Code of Ethics History (L.O'Donnell)

- 1968
  - AAIH Ethics Committee developed a “Code of Ethics for Professional Practice”
- 1973-74
  - Renewed interest in the Code by both AAIH & ABIH
- 1975-77
  - AIHA becomes involved as does the AIHA Law Committee
- 1978
  - AAIH “Code of Ethics for Professional Practice” released to members for comment
  - 743 responses received (67% of all members); 712 (96% voted to accept); 31 (4% voted to reject)

IH Code of Ethics History

- 1981
  - AIHA & ACGIH adopts the AAIH “Code of Ethics for Professional Practice”
- 1991-94
  - AIHA, ACGIH, ABIH & Academy (AAIH) develop & adopt a joint code
  - New code presented at AIHCe 1994
- 1995
  - AIHA, ACGIH, ABIH & AAIH approve creation of Joint IH Ethics Education Committee (JIHEEC)
  - Educate & promote new code of ethics
  - Developed interpretive guidelines to supplement the new code of ethics

IH Code of Ethics History

- 2006-07
  - AIHA, ACGIH, ABIH & AIIH create a “Joint Ethics Task Force” to update current code
  - Driven by ABIH to create an enforceable mechanism specifically focused on CIHs
  - Two codes created:
    - One intended to be enforceable, ABIH Code of Ethics, &
    - One intended to be aspirational, known as the Member Ethical Principles (guiding principles)

Current Status

- ACGIH, AIH, AIHA
  - Joint Industrial Hygiene Associations Member Ethical Principles – April 2007
- ABIH
  - Diplomats, Applicants, Examinees

Professional Ethics Case Scenarios
Ethical Decision Making
1. Identify the problem
2. Gather information
3. Clarify the problem
4. Identify options
5. Assess options
6. Choose a course of action
7. Implement the action
8. Evaluate the outcomes

Introducing the voting system
To turn on your handheld voter:
- Hold menu button until display is observed

To vote:
- Press selection button

To submit vote:
- Press double arrow button

Testing the voting system
What colour is the worker’s safety vest?
A) Green
B) Pink
C) Orange
D) Red

Case Scenario: Not Your Expertise
You had been out of work over the past year and just recently got hired by a consulting firm which has just landed a huge contract to provide H&S services to a government agency.

One of the first assignments is to develop and implement an ionizing radiation protection program. You are the only CIH/ROH and your manager assigns that project to you. You’ve had a basic radiation safety course during your studies and are uncomfortable with doing this; however, your manager convinces you that you can do it. And you need the job.

Case Scenario: Not Your Expertise (cont’d)
Would you:
A. Do a google search for “radiation safety” and get start working on the project.
B. Inform your manager that your professional code of ethics get in the way of you doing this job, and face the risk of being fired.
C. Check your networks for a competent radiation protection specialist to subcontract the job to.
D. Quit.

Case scenario: Personal connections
You’ve been hired as a hygiene consultant to conduct inspections and clearance testing for an asbestos project which the owner has indicated has a very tight timeline for completion. When you get to the site, you realize it’s your cousin-in-law who is the asbestos abatement contractor on the job.
Case scenario: Personal connections

You would:
A. Continue with the job as usual. He’s not exactly a blood relative so you don’t need to inform the owner.
B. Let the owner know about your relationship with the contractor.
C. Call another competent hygienist to conduct the project.

Case Scenario: Those maintenance points

On your way to this PDC this morning, your hygiene colleague asks you to pick up his registration badge/receipt. He has to rush off to a last minute hygiene job and can’t make the course; however, he wants to make sure he gets his CM ethics points.

You would:
A. Pick up his receipt for him; you don’t even want to sit through this.
B. Not pick up the receipt; inform him it’s unethical.
C. Not pick up the receipt; tell him that you forgot.
D. Give him his receipt but report him to the ABIH/CRBOH when it comes time for him to renew.

Case Scenario: Public Behaviour

You found out that your co-worker and assigned mentor, a well respected hygienist in the community, was recently arrested for drunk driving. You recall that the ABIH Code of Ethics require a CIH to refrain from public behaviour that violates professional, ethical or legal standards.

You would:
A. Report him to the ABIH
B. Discuss the Code requirements with him and see if he signs up for AA. Else report him.
C. Do nothing, it’s a personal not a professional issue.

Case Scenario: NonCalibration of Pumps

You recently joined a very busy consulting firm. When preparing for your first hygiene project, you find out that the hygiene technologists have been told they don’t have to not calibrate their pumps before or after every hygiene job. You go to the senior hygienist (CIH/ROH) about this and she says that she advised them to do this because this cuts down significantly on project time but also, these pumps are really good and stable. And also, they do calibrate the pumps once in a while.

You would:
A. Report her to the ABIH/CRBOH
B. Discuss the ethical situation with your boss.
C. Quit
Introducing the voting system
To turn on your handheld voter:
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- Press selection button

To submit vote:
- Press double arrow button

Testing the voting system
What colour is the worker’s vest?
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D) Red

Attendance Survey
Select the Occupational Hygiene category to which you belong?
A) Enforcement
B) Private Industry
C) Consulting
D) None of the above

Enforceable Codes of Ethics
Enforceable standards of conduct are outlined in Codes established by:
A) ABIH
B) CRBOH
C) AIHA
D) A & B
E) B & C
F) A, B & C

Final test of the system
When was the first “Code of Ethics” developed that pertained to the profession of Occupational Hygiene?
A) 1968
B) 1978
C) 1995
D) 2007

How do professionals use a code?
- Enforceable law or non-enforceable set of guidelines?
- As a means to set a baseline standard of practice?
- As a manner of elevating the level of practice?

Ref: Throckmorton, Jeff V., Ethics—Introduction to IH Professional Code of Ethics
Professional Ethics--OHAO Spring Symposium

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**ABIH Code of Ethics**
- Handout (May 25, 2007 document)

**ABIH Code of Ethics (cont)**
- Introduction
  - Application
- CIHs, CAIHs (certificants) & each individual seeking ABIH certification (candidates)
- Ethical practice guidelines & enforceable standards of conduct
- Minimal ethical standards for professional behaviour

**Preamble / General Guidelines**
- Priorities of health & safety interests, integrity, reflect positively on profession, consistent moral, ethical & legal standards

**Responsibilities to ABIH, the profession & the public:**
- Compliance with all organizational rules, policies & legal requirements (6 clauses)
- Responsibilities to clients, employers, employees & the public:
  - Education, experience, competency & performance (8 clauses)
  - Conflict of interest & appearance of impropriety (4 clauses)
  - Public health & safety (1 clause)

**Responsibilities to clients, employers, employees & the public:**
- Education, experience, competency & performance (8 clauses)
- Conflict of interest & appearance of impropriety (4 clauses)
- Public health & safety (1 clause)

**ABIH Disciplinary Procedure**
- Ethics Review Committee (ERC) comprised of five Diplomates
- After receiving a formal complaint, ERC may be involved in determining whether violations of the ABIH Code of Ethics have occurred
- ERC is referenced in the Ethics Case Procedures

**Disciplinary Actions**
- What type of sanctions (penalties) can be imposed for violating the ABIH Code of Ethics?
  - Ineligible for Certification / Recertification
  - Corrective Actions
  - Private or Public reprimand & censure
  - Probation including conditions on conduct
  - Suspension of certification or Revocation
  - All of the above

Ref: O’Donnell, Lynn  Ethics—ABIH Perspective
Disciplinary Actions

“The single largest problem in ethics is the inability to recognize ethical issues.”

Rushwood Kidder, Ethicist
Association Management – October 1999

Ref: O’Donnell, Lynn Ethics—ABIH Perspective

Ethics Complaints

Most Ethics Complaints (or inquiries) under the ABIH Code of Ethics are against which group of eligible / member CIHs?

a. Enforcement
b. Private Industry
c. Consulting
d. Other

Ref: O’Donnell, Lynn Ethics—ABIH Perspective

ABIH Reported Experience

- Most inquiries allege unethical conduct by IH consultants
- Source of Inquiries
  - Homeowners
  - Landlords
  - Employees
  - Employers
  - CIHs

Ref: O’Donnell, Lynn Ethics—ABIH Perspective

Complaint Issues Received by ABIH

- Misrepresentation of course attendance carrying CM points
- Evaluation of workplace / residence
- Mould
- Radon
- Chemicals
- Felony Convictions (IH & not IH related)
- Misrepresentation in published articles / research reports
- Delivery of competent services
- State OSHA Abatement follow-up
- Conflict of Interest
- Applicant did not meet eligibility requirements at time of application

(Ref: O’Donnell, Lynn Ethics—ABIH Perspective)

Complainant’s Information Sources

- Internet
- Published Guidelines / Best Practices
- Media Reports / Articles

Ref: O’Donnell, Lynn Ethics—ABIH Perspective

Code of Ethics Complaints

Between 2007 & 2011, how many complaints had been formally received by ABIH under the Code of Ethics?

- 233
- 103
- 79
- 25
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CRBOH Code of Ethics

Case History to Date

- 25 formal complaints:
  - 1 mediation
  - 14 rejected
  - 1 pending (as of mid-2011)
  - 9 accepted
    - 1 discontinued
    - 1 no ethical violation
    - 2 legal agreements
    - 5 sanctioned

O’Donnell, Lynn  Ethics—ABIH Perspective

ABIH Ethics Information

- See ABIH website, to learn more about ABIH Ethics & copies of the following:
  - Ethics Case Procedure for submitting an ethical complaint pertaining to a ABIH CH, CAIH or ABIH eligible certification candidate
  - Ethics Complaint Form

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CRBOH’s Mission

- To prescribe minimum levels of professional and technical competence and to register qualified candidates
- To prescribe standards of practice and to set and administer a code of ethical conduct
- To further the practice and foster the profession of occupational hygiene in Canada

What is the CRBOH?

- Founded in 1986
- A federally incorporated, not-for-profit organization, which sets standards of professional competence for occupational hygienists and occupational hygiene technologists in Canada.
- Registration with the CRBOH confers the right to use the professional designation and title:
  - Registered Occupational Hygienist (ROH™)
  - Registered Occupational Hygiene Technologist (ROHT™)

O’Donnell, Lynn  Ethics—ABIH Perspective

Professional Ethics--OHAO Spring Symposium
Code of Ethics

Adopted in 1992
Bylaws - Members must comply with the Code.

Ten (10) canons for ROHs/ROHTs
1. Place workers' H&I above all other interests in performance of prof'l work
2. Direct prof'l activities toward protection & improvement of HSW of all
3. Make every reasonable effort to protect environment from adverse effects
4. Perform work honestly, objectively and in accordance with current prof'l standards
5. Respect privacy of confidential personal, prof'l and business information

Ten canons (cont'd)
6. Participate only in projects or situations that do not place them in personal or business conflicts of interest. Waived if the principal parties give their informed consent.
7. Conduct themselves with integrity
8. Maintain a working knowledge of current developments in profession & detailed knowledge of areas in which they claim expertise
9. Promote activities that advance & disseminate OH knowledge
10. Cooperate with CRBOH in administering Code

CRBOH Ethics around you
- Have you ever directly observed another hygiene professional acting unethically?
  A. Yes
  B. No

CRBOH Ethics around you
- Have you ever reported an EHS professional to a professional body for unethical behaviour?
  A. Yes
  B. No

CRBOH Ethics and you
- Have you ever been involved in unethical professional behaviour as an OH?
  A. Yes
  B. No

CRBOH Complaint & Resolution Process
- Important that enforcement of Code is fair and impartial
- Right of accused to know about nature of allegations and evidence, & provided with opportunity to respond
- Complaint must be in writing to Registrar, with details of alleged violation, & include complainant's name and contact information
Before taking a job, or signing a contract, or agreeing to submit formal written complaints
Commonly related to nonmembers or lapsed members using the ROH/ROHT designations. Cases are reviewed and letter sent to individual members in good standing). Have never progressed to further action.
One complaint of subquality work (mould) by a homeowner
Trademark issue - “ROH Consulting”

As professionals we bring our personal integrity & our technical capability
Compromise of either element can be detrimental to our professional practice
How do we avoid ethical pitfalls?
  - Follow general guiding principles
  - Communicate well
  - Understand the needs, related issues, broader context
  - Before taking a job, or signing a contract, or agreeing upon a course of action, . . . Communicate clearly
What is right?
- What do you do when confronted with a circumstance where your values conflict?
- Ethical Dilemmas
- Not always one single, right answer
- Areas / issues can be, & are often, gray

Ethical Dilemmas or Violations?
- Non-declaration of conflict of interest
  - Personal interests / relationships that may perceive to bias decision-making
  - Previous interaction / affiliation with parties that may carry legal risk
  - Holdings / interests in relevant parties potentially contributing to unfair advantage
  - Acceptance or offering of gifts intended to influence professional judgment

Ethical Dilemmas or Violations? (cont)
- Misrepresentation of eligibility & / or maintenance record information
- Public behaviour in violation of professional, ethical or legal standards
- Maintaining & respecting confidentiality of sensitive information in the course of professional activities
- Truthful, accurate advertising, public statements concerning services
- Claiming expertise beyond capabilities
  - Inappropriate use of titles
  - False claim of certification / registration / accreditation

Ethical Dilemmas or Violations? (cont)
- Under scoping work to successfully win contract with knowledge that regulation requires more effort
- Qualitative assessment only where quantitative is required
- Advising incorrect / inferior methodologies to reduce costs
- Non-compliance with regulatory requirements
- Failure to disclose information that could have negative legal consequences
  - Non-compliance observed / knowledge of

Ethical Dilemmas or Violations? (cont)
- Disclosure of CIH examination content information to another person
- Misrepresentation of research & / or publication information
- Professional misconduct
  - Falsification of data / information / reporting
  - Plagiarism
- Failure to report violation of ABIH Code of Ethics by certificants & candidates
- Not demonstrating reasonable effort to make a professional referral when unable to provide competent professional assistance

Potential Dilemma
- IH Anne is approached by Supervisor Bob. Anne is asked to conduct a risk exposure assessment on two workers performing arc welding on stainless steel each day for the majority of their shift. Bob explains he only has a set amount in the budget for Anne to complete this work. Anne decides to conduct air sampling for respirable particulate not otherwise specified (PNOS) but not quantify any airborne concentrations of individual toxic metals. All samples come back less than 3 mg/m³ for respirable PNOS. Anne reports that based on air sampling, workers are not presently being overexposed during welding.
Potential Dilemma (cont)

- Was the decision to exclude the toxic metals a technical error? Vote, yes or no

Potential Dilemma

- Is this also an ethical dilemma? Vote, yes or no
- Small groups: Please discuss whether this is an ethical dilemma & why or why not?

Potential Dilemma

- IH Gord is approached by Facilities Manager Ruth. Ruth has a Type 3 asbestos abatement scheduled for Sunday night & requires access by end of work day on Monday. Gord is asked to conduct clearance sampling on the enclosure prior to its deconstruction. Gord decides that once he has received notice of abatement completion by the contractor, he will conduct air sampling for total fibres following NIOSH 7400 with PCM analysis. He will cut a slit into the enclosure wall in multiple locations & avoid entry into the enclosure. All samples come back less than 0.01 fibres per cubic centimetres of air. Gord reports that based on air sampling, the enclosure can be taken down & the work area reoccupied.

Potential Dilemma (cont)

- Was this non-compliance with a regulated visual inspection requirement?

Ethical Dilemmas (cont)

- Consider the following question:
- Is it an ethical requirement to understand the law that pertains to your job or to the provision of your services?
Ethical Dilemmas (cont)

Is one acting unethically if they overexpose a worker unnecessarily through their own ignorance?

Ethical Dilemmas (cont)

Does errors and omissions insurance protect someone from consequences resulting from unethical practices?
   a) Yes
   b) No
   c) Not sure

Ethical Dilemmas (cont)

Do we have an ethical responsibility to examine or confirm the competency of a professional whom we engage / contract / hire?

Ethical Dilemmas (cont)

If you were aware that a fellow CIH or ROH was violating the ABIH or CRBOH Code of Ethics, would you file an Ethics Complaint?
   a) Yes
   b) No
   c) Not sure

Ethical Dilemmas (cont)

Are you required to cooperate with ABIH or CRBOH concerning ethics matters & the collection of information related to an ethics matter?

Ethical Dilemmas (cont)

If you are not able to provide competent professional assistance, are you required to make a reasonable effort to provide appropriate professional referrals?
### Member Ethical Principles (2007)
- Joint Industrial Hygiene Associations Member Ethical Principles (Handout April 30, 2007 document)
- Pertains to members of ACGIH, AIHA & AIH
- Content similar to ABIH Code of Ethics
- Obligations the same in general section
- Not enforceable

### Member Ethical Principles
- Requirements that do not appear in the ABIH Code of Ethics but appear in Member Ethical Principles
  - II.A.9 “Refrain from business activities & practices that unlawfully restrict competition.”
  - II.C.2. “Inform appropriate management representative and/or governmental bodies of violations of legal & regulatory requirements when obligated or otherwise clearly appropriate.”
  - II.C.3. “Make reasonable efforts to ensure that the results of industrial hygiene assessments are communicated to exposed populations.”

### OHAO & AIHA
- Memo of understanding between AIHA/OHAO
- June 1, 2009
- Intent:
  - “AIHA & OHAO desire to formalize a relationship & cooperatively engage in joint activities to enhance & promote the role of industrial hygienists & other occupational & environmental health professionals & to advance the professionalism & the practice of IH worldwide.”
  - “Membership in OHAO by AIHA members would meet all AIHA’s local section membership requirements.”
- What exists within OHAO regarding ethics? For AIHA (or ACGIH) members with OHAO, the Member Ethical Principles continue to apply

### Avoiding Pitfalls
- How do we minimize our risk?

### Guiding Principles for Ethical Behaviour
- Maintain high standards of integrity & professional conduct
- Follow recognized sound scientific principles
- Accept responsibility for their actions
- Continually seek to enhance our professional capabilities
- Practice with fairness & honesty, &
- Encourage others to act in a professional manner consistent with the member & ethical responsibilities

ABIH Code of Ethics & Joint Industrial Hygiene Associations Member Ethical Principles

### Decision-Making (A.J. Leibowitz)
- Ask yourself the following:
  - Am I adhering to the spirit, as well as the letter, of any applicable law or Company policy?
  - Would I want my actions reported on the front page of a newspaper?
  - What would my family, friends or neighbours think of my actions?
  - Will there be any direct or indirect negative consequences for the Company?
  - Are my actions consistent with the overall values set forth in this Code & Corporate Company policies?
References

Leibowitz, Alan J. Ethics Implementation within the Workplace.
Roskelley, David C. Professional Ethics & the Practice of Industrial Hygiene.
Barbi, Glenn J. Professional Challenges in Ethical Behaviour.
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