

# The Institution of Mechanical Engineers

## Code of Conduct

Extract from the Institution's By-Laws, issued 9 April 2008

### **CODE OF CONDUCT**

- 28 In order to facilitate the advancement of the science of mechanical engineering by preserving the respect in which the community holds persons who are engaged in the profession of mechanical engineering, every member shall, for as long as he continues to be a member, comply with By-laws 29 to 31 and the Code of Conduct Regulations.
- 29 All members are ambassadors of the Institution and must therefore conduct themselves in a manner that upholds and enhances the reputations of the Institution, the profession of Mechanical Engineering and the Institution's members.
- 30 All members shall conduct their professional work and relationships with integrity and objectivity and with due regard for the welfare of the people, the organisations and the environment with which they interact.
- 31 All members shall take reasonable steps to maintain appropriate professional competencies.

### **CODE OF CONDUCT REGULATIONS**

- 32 Without prejudice to the generality of By-laws 29 to 31, the Trustee Board may for the purpose of ensuring the fulfilment of the requirements of those By-laws make and from time to time amend or rescind Code of Conduct Regulations to be observed by members with regard to their conduct in any respect which may be relevant to their position or intended position as members and may publish directions as to conduct which is to be regarded as proper or improper (as the case may be).

### **DEALING WITH ALLEGATIONS OF IMPROPER CONDUCT**

- 33 In these By-laws and the Code of Conduct Regulations "improper conduct" shall mean a failure to comply with By-laws 29 to 31 or the Code of Conduct Regulations or the making of any false representation when applying for election to any class of membership of the Institution or any act or omission which shall have rendered the member unfit to remain a member of the Institution or shall be injurious to the Institution.
- 34 The Trustee Board may make and publish and from time to time vary or rescind in such manner as it thinks fit Disciplinary Regulations for the purpose of stating the manner in which allegations of improper conduct that may be brought to the notice of the Institution, properly vouched for and supported by evidence, shall be investigated and dealt with, including the constitution and membership of any committee or committees that the Trustee Board may appoint for the purpose, the procedures to be followed by such committee or committees, the sanctions that may be applied, the orders for the payment of costs that may be made, and the procedures to be followed for the hearing of appeals. No such Disciplinary Regulations shall be in any way repugnant to the Charter, these By-laws or the rules of natural justice.

## **PENALTY FOR IMPROPER CONDUCT**

- 35 A member found in accordance with the Disciplinary Regulations to have been guilty of improper conduct, will be liable to be penalised in accordance with the Disciplinary Regulations.

# *Code of Conduct Regulations*

## **Pursuant to By-law 32**

### **Amended and approved by the Trustee Board on 13 July 2009**

Members are specifically referred to By-law 30, which sets out the core ethical obligations for all members of the Institution. The following Regulations are founded on the principles contained within this By-law and the Statement of Ethical Principles published by EC(UK) 2007.

## **Pursuant to By-law 33**

### **Amended and approved by the Trustee Board on 13 July 2009**

Members are specifically referred to By-law 30, which sets out the core ethical obligations for all members of the Institution. The following Regulations are founded on the principles contained within this By-law and the Statement of Ethical Principles published by EC(UK) 2007.

#### **CONDUCT OF CORPORATE AND NON-CORPORATE MEMBERS**

- CR 1 Members shall act with care and competence in all matters relating to their duties and shall:
- CR 1.1 continuously throughout their careers 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.
  - CR 1.2 have a duty to take all appropriate measures to assess and limit risk in all aspects of their work for others.
- CR 2 Members shall maintain up to date knowledge and skills and assist their development in others and shall:
- CR 2.1 maintain a record of evidence of Continuing Professional Development.
  - CR 2.2 give all reasonable assistance to further the education, training and continuing professional development of other members and prospective members of the engineering profession.
- CR 3 Members shall perform services only in areas of current competence and shall:
- CR 3.1 be competent in relation to every project that they undertake. They shall 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 include access to the knowledge and experience of others, or access to other relevant sources of knowledge, in addition to the member's own knowledge and experience. In so doing, they shall pay due regard to the laws on copyright and other rights of intellectual property.
  - CR 3.2 if aware or become aware of relevant limitations in, or in any respect unsure of, their competence to undertake professional work they shall disclose that fact to the customer of the work. The member shall only

- proceed when the customer confirms their agreement to proceeding on that basis.
- CR 3.3 take all reasonable steps to ensure that persons working under their authority are both suitably equipped and competent to carry out the tasks assigned to them.
- CR 4 Members shall not knowingly mislead, nor allow others to be misled, in engineering matters and shall:
- CR 4.1 when called upon to give an opinion in their professional capacity, do so to the best of their ability and ensure that it is objective and based upon the best available knowledge and information.
- CR 4.2 when their professional advice is not accepted, take all reasonable steps to ensure that the person overruling or neglecting that advice is aware 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.
- CR 5 Members shall present and review engineering evidence, theory and interpretation honestly, accurately and without bias and quantify all risks and shall:
- CR 5.1 when an approach is received from a potential customer, take all reasonable steps to understand and define the brief with the customer. They shall be particularly careful to make the customer aware that they will not be offering a service in matters lying outside their competence. If other professional advice is required, the customer shall be informed.
- CR 5.2 when acting as independent experts, conciliators, mediators or arbitrators or similar roles do so objectively, with impartiality, uninfluenced by any personal considerations and without undue bias.
- CR 5.3 be or become aware of the risks of failing to achieve objectives, whether concerning performance, cost or time and take account of the consequences of any such failure and inform their employer or client.
- CR 5.4 identify and quantify all risks 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, health and safety of society. They shall inform those for whom they work of all matters relating to risk in a full and timely fashion.
- CR 6 Members shall be alert to the ways in which their duties derive from and affect the work of other people; respect the rights and reputations of others and shall:
- CR 6.1 use their leadership and management skills responsibly.
- CR 6.2 not recklessly or maliciously injure or attempt to injure whether directly or indirectly the reputation, practice, employment or livelihood of another person.
- CR 6.3 accept personal responsibility for all work done by them or under their supervision or direction.
- CR 6.4 take all reasonable steps to ensure that persons working under their authority are both suitably equipped and competent to carry out the tasks assigned to them.

- CR 6.5 behave with integrity and objectivity in their relationships with colleagues, clients, employers, employees and with society in general.
- CR 6.6 ensure, so far as they are able, that other members receive credit for their professional achievements and all rewards to which they are entitled.
- CR 7 Members shall avoid deceptive acts and take steps to prevent corrupt practices and professional misconduct; declare conflicts of interest and shall:
- CR 7.1 at all times so order their conduct as to uphold the dignity and reputation of their profession and to safeguard the public interest.
- CR 7.2 ensure that only legitimate qualifications and demonstrable experience are cited as evidence of professional competence.
- CR 7.3 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.
- CR 7.4 whilst acting for a client or employer, not be at the same time, 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.
- CR 7.5 not improperly solicit work as an independent adviser or consultant, either directly or by an agent, nor shall they pay any person, by commission or otherwise, for the introduction of such work; provided that, if a member shall be working in a country where there are recognised standards of professional conduct, laid down in that country by a competent authority recognised by EC<sup>UK</sup>, which are in conflict with the previous provisions of this requirement, they may while continuing to work in that country order their conduct according to such standards.
- CR 7.6 when acting as independent advisers or consultants, not be the medium of payment made on their employer's behalf unless so requested by their employer; nor shall they place contracts or orders in connection with work on which they are employed, except with the authority of and on behalf of their employer.
- CR 7.7 when acting as independent experts, conciliators, mediators or arbitrators do so with impartiality, uninfluenced by any personal considerations.
- CR 7.8 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.
- CR 7.9 in the event of any conflict between their duties to their superiors and colleagues or their duties to the engineering profession, ensure that their duties to the engineering profession prevail.
- CR 8 Members shall reject bribery and:
- CR 8.1 not without their employer's consent given in writing 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. Neither shall they without such consent 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 of a relatively trivial nature are not considered to be an inducement.

- CR 8.2 familiarise themselves with, and comply with, the relevant anti-corruption laws of the countries in which they work or of which they are citizens or residents. Members based in the UK or working for UK-based firms shall be mindful of the provisions of UK legislation, under which UK-registered companies and UK nationals can be prosecuted in the UK for an act of bribery committed either in the UK or partially or wholly overseas.
- CR 8.3 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 shall set in place anti-corruption protocols and procedures so that junior employees are not drawn into corrupt practices through intimidation or persuasion by senior colleagues, and whereby they are able to report such practices without fear of reprisals of any kind, in particular, damage to their careers or prospects of advancement.
- CR 9 Members shall act for each employer or client in a reliable and trustworthy manner and:
  - CR 9.1 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.
  - CR 9.2 not use information obtained in confidence for the purpose of making personal profit. Neither shall they use any information obtained in the course of an assignments for the purpose for personal profit, if such action is contrary to the aims of the assignment.
  - CR 9.3 not divulge, without prior permission, any unpublished information obtained by them as members of an investigating commission or advisory board.
- CR 10 Members shall ensure that all work is lawful and justified and:
  - CR10.1 when undertaking a professional assignment assess their potential liability for the accuracy and consequences of the 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 shall act accordingly).
- CR 11 Members shall recognise the importance of socio-economic and environmental factors and shall minimise and justify any adverse effect on wealth creation, the natural environment and social justice by ensuring 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 and:
  - CR11.1 comply with the obligations for health, safety and 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.

- CR11.2 place responsibility for the welfare, health and safety of the workforce and wider community at all times before responsibility to the profession or other sectional interests.
  - CR11.3 expect to use their influence to the fullest extent and to behave to the best of their ability to maintain a sustainable environment.
  - CR11.4 ensure that the uses of natural resources are fair, equitable and sustainable and take account of the needs of a diverse environment.
  - CR11.5 never knowingly or deliberately over-exploit natural resources and promote the actions required in engineering practice to improve, sustain and restore the environment.
  - CR11.6 promote the wise use of non-renewable sources through waste minimisation, recycling and the development of alternatives where possible.
  - CR11.7 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.
  - CR11.8 ensure that the uses of the environment and its associated flora and fauna minimise any adverse effects and wherever possible give positive effects.
  - CR11.9 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.
  - CR11.10 promote the concepts of integration of the management of the wider environment and foster environmental awareness within the engineering profession and among the public.
- CR 12 Members shall act honourably, responsibly, and lawfully so as to uphold the reputation, standing and dignity of the profession in general and the Institution in particular and:
- CR12.1 if convicted of a criminal or civil offence anywhere in the world inform the Institution promptly, and provide such information concerning the conviction as the Institution may require.
  - CR12.2 after having been declared bankrupt or having made a composition with creditors or having been disqualified as a Company Director immediately notify the Institution of the same as they may be deemed guilty of improper conduct if they are prevented from undertaking professional duties consistent with the standards of membership of the Institution.
  - CR12.3 if they become aware 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' inform the Institution in writing of that belief, but in so doing no member shall maliciously or recklessly injure or attempt to injure the reputation of another person.
  - CR12.4 when entering into any correspondence (verbal or written) shall 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.

- CR13 Identify and be aware of the issues that engineering raises for society; listen to the aspirations and concerns of others and:
- CR13.1 refrain from issuing public statements unless they do so in an objective and truthful manner. They shall 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.
  - CR13.2 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.
- CR14 Actively promote public awareness of the impact and benefits of engineering achievements and:
- CR14.1 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.
  - CR14.2 in areas outside their area of competence, but in those in which a member can demonstrate adequate knowledge, comment on details of a project within that area of knowledge. Adequate knowledge generally applies to a narrow aspect of an area of competence. Adequate knowledge 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.
  - CR14.3 in areas outside their area of competence, and in which they are not able to demonstrate adequate knowledge, limit public comment or statements to enquiries which seek to provide deeper understanding. In this respect the member 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 the member implying personal competence or knowledge in the area.
  - CR14.4 ensure that factual information they issue concerning engineering matters is presented in a clear and unambiguous fashion to the public.
- CR15 Issue public statements only in an objective and truthful manner and:
- CR15.1 not make any public statement in their professional capacity without ensuring that their qualifications to make such a statement and any association that they may have with any party who may benefit from the statement are known to the person or persons to whom it is directed.
- CR16 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.
- CR17 Members shall co-operate with any reasonable request made by an Investigating Panel, and or, Disciplinary Board, or an Appeal Hearing for the purposes of their functions.