

IEM

The Institution of Engineers, Malaysia



Federation of Engineering Institutions
of Asia and the Pacific (FEIAP)

PROFESSIONALISM & CODE of CONDUCT

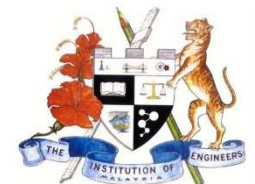


MYANMAR ENGINEERING SOCIETY (MES)

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Presented by:
Ir. Tan Yean Chin
President of IEM
Secretary General of FEIAP

13 Jan 2017



Profession

- **A Profession is**
 - **A vocation founded upon specialised educational training**
 - **The application of specialised knowledge of a subject, field, or science**
 - **Professional activity involves systematic knowledge and proficiency**
 - **Distinguished from other occupations due to their level of legal recognition**



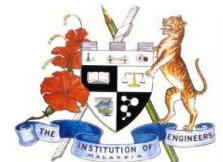
Profession

- **Word ‘profession’ → from Latin → “to swear (an oath)”**
 - **Adhere to ethical standards**
 - **To be proficient and competent**
 - **To uphold good name of profession**



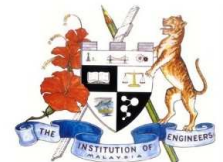
Profession

- **Main characteristics of a Profession :**
 - 1) **Skill based on theoretical knowledge**
 - 2) **Professional association**
 - 3) **Extensive period of education involved - usually to tertiary level**
 - 4) **Testing of competence through prescribed exams**
 - 5) **Institutionalised training and continuous upgrading of skills (CPD)**



Profession

- **Main characteristics of a Profession :**
 - 6) **Practitioners licensed**
 - 7) **Work autonomy**
 - 8) **Code of professional conduct or ethics**
 - 9) **Self regulating and independent from government**
 - 10) **Element of public service and altruism**
 - 11) **Exclusiveness, monopoly, occupational closure**



Profession

- **Main characteristics of a Profession :**
 - 12) **Control of fees and advertising**
 - 13) **High status and rewards**
 - 14) **Offer reassurance to clients**
 - 15) **Inaccessible body of knowledge (to the uninitiated)**
 - 16) **Indeterminacy of knowledge some of which can only be acquired through experience**



Code of Ethics

- **What is Ethics?**
 - **Ethics → set of principles (subjectively) perceived to be morally correct actions**
 - **See, act and differentiate between what is black and white (right and wrong)**
 - **However in life → many things not black or white → shades of grey**
 - **Ethics can be influenced and can change over time → changes in societal norms, changes in education, peer pressure**



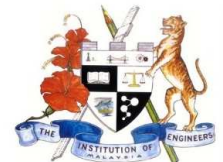
Code of Ethics

- **What is Ethics?**
- **Ethics → can be applied to many areas/ fields/industries → engineering ethics, medical ethics, business ethics, religious ethics, political ethics**
- **Professional Ethics → concerns the moral issues that arise because of the specialist knowledge that professionals attain, and how the use of this knowledge should be governed when providing a service to the public**



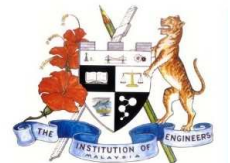
Ethics and Values

- **What are Values?**
- **Concise Oxford Dictionary → principles or standards of behaviour**
- **A principle, standard or quality considered worthwhile or desirable**
- **Broad preferences concerning appropriate courses of action or outcomes**
- **Values reflect a person's perception/sense of right and wrong, or what 'ought' to be**



Value Analysis

- **10 basic values for professionals :**
 - Honesty* → tell the truth
 - Legality* → obey the law
 - Privacy* → respect others' rights
 - Quality* → strive for quality products and services for your clients
 - Teamwork* → work together to meet mutual objectives



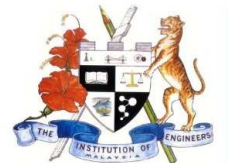
Value Analysis

- **10 basic values for professionals :**
 - vi. Avoid Conflict of Interest* → be loyal to your Employer/Client and observe fair play
 - vii. Cultural Sensitivity* → blend with diverse cultures in the workplace
 - viii. Social Responsibility* → preserve and protect the public good
 - ix. Professional Growth* → develop and maintain our skills

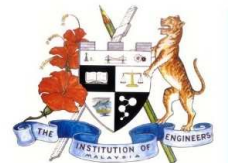


Value Analysis

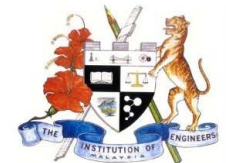
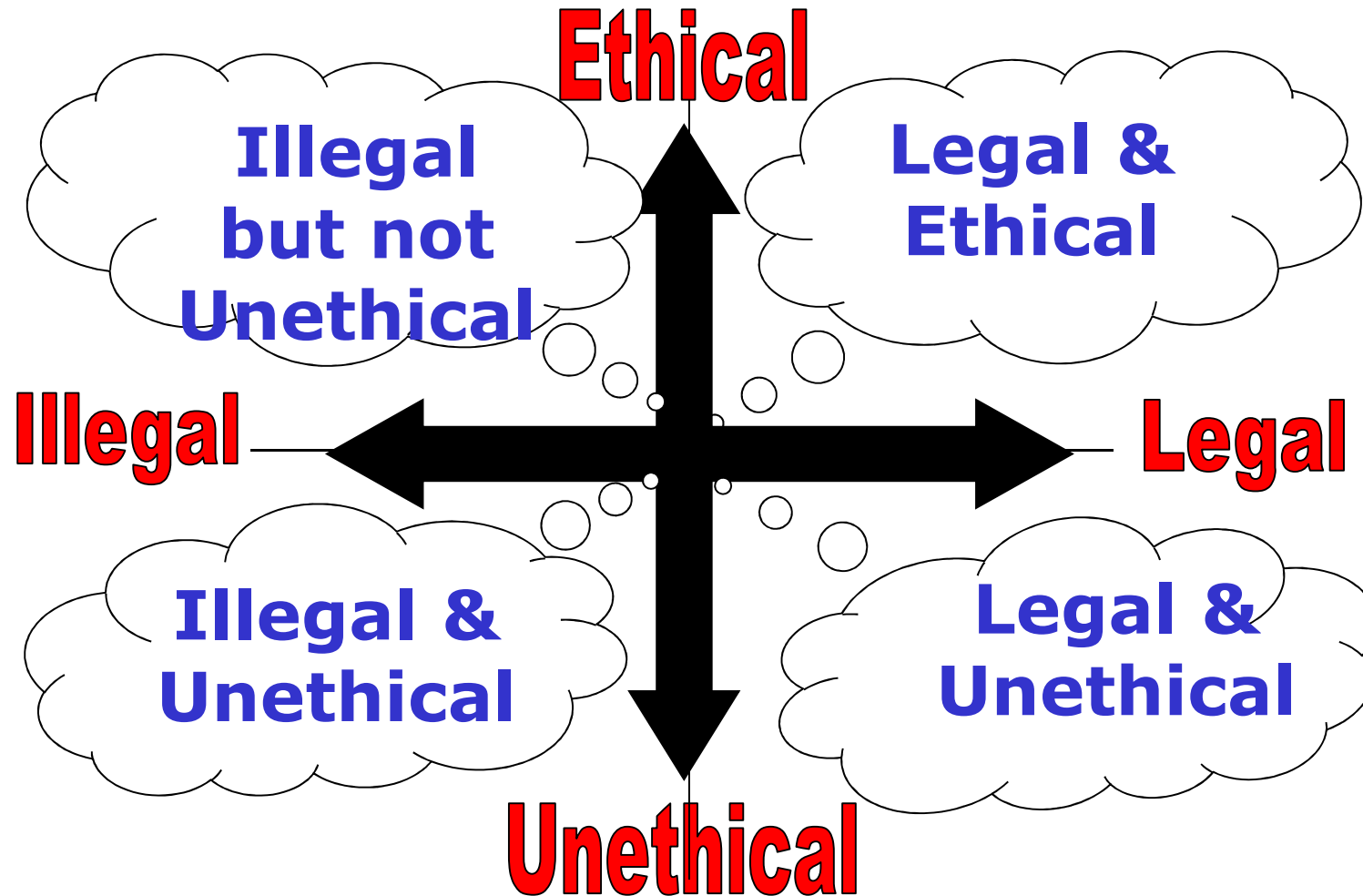
- **10 basic values for professionals :**
 - x. *Advancing the Profession* → respect and assist our colleagues/juniors and enhance the reputation of our profession



Ethics ≠ Law



How are ethics and law related?



Enabling Legislation

REGISTRATION OF ENGINEERS ACT 1967

Act of Parliament

First enacted as Act 66 (of 1967)

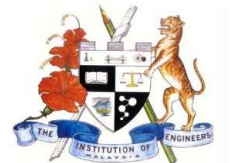
Regulations Governing the Engineering
Profession, Practice & Services



Intent of Legislation

Preamble → Registration of Engineers Act 1967 (Revised 2007) - REA

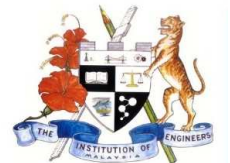
An Act to provide for the registration of engineers, and sole proprietorships, partnerships and bodies corporate providing professional engineering services and for purposes connected therewith



Board of Engineers

Section 3(1), Registration of Engineers Act 1967 (Revised 2007), REA

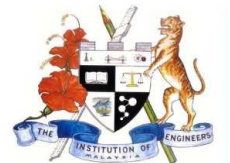
For the purposes of this Act there is hereby established a board to be called “Board of Engineers” which shall be a body corporate with perpetual succession and a common seal and which may sue and be sued



The Register

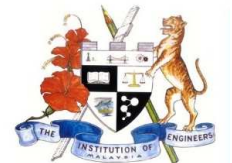
Section 5(1), REA

The Register shall be in five Parts → Part A to Part E



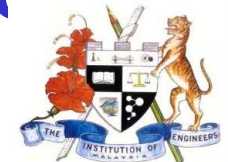
Category of Registration

- A. Professional Engineer**
- B. Graduate Engineer**
- C. Temporary Engineer**
- D. Engineering Consultancy Practice (ECP)**
 - i) Body Corporate**
 - ii) Multi Disciplinary**
 - iii) Sole Proprietorship**
 - iv) Partnership**
- E. Accredited Checker**



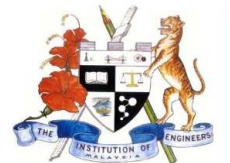
Need for Registration

- **You must be registered with the Board of Engineers as a Graduate Engineer before you can work as an Engineer**
- **You must be registered with the Board as a Professional Engineer before you can practice as an Engineer**
- **Only registered Engineer can recover in court any fee, charge, remuneration for professional engineering services rendered**



Privileges of Professional Engineer

- **Only a Professional Engineer can use the abbreviation “Ir” before his name or the abbreviation “P.Eng.” after his name**
- **Only a Professional Engineer can use a P.Eng. chop**



SECOND SCHEDULE

[Paragraph 7(1)(d)]



State here the Professional Engineer's branch of registration

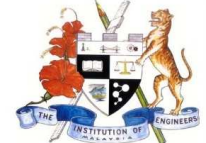
State here the Professional Engineer's name

State here the Professional Engineer's registration number

A person who, immediately before the date of coming into operation of this Act, is a member of the Board appointed under section 3 of the principal Act shall, unless he or she otherwise vacates his office or his appointment is revoked, continue to hold that office after the date of coming into operation of this Act until the expiry of the period of

Offences Under REA

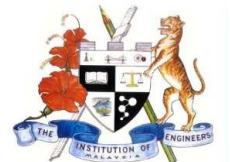
- REA lists out a number of offences and the penalties that can be meted out
- Two types of contravention :
 - 1) Offender is not registered with BEM
 - 2) Offender is a registered Engineer or ECP
- For Type (1) → Court case
- For Type (2) → Disciplinary case
- Type (1) offence includes possible imprisonment sentence (**quasi-criminal**)



Type (1) Court Case

Section 7(1)(a), REA

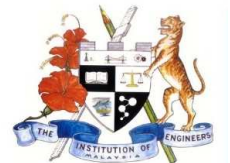
No person shall, unless he is a registered Professional Engineer, practise, carry on business or take up employment which requires him to carry out or perform professional engineering services



Type (1) Court Case

Section 7(1)(aa), REA

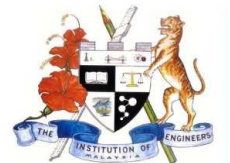
No person shall, unless he is a Prof. Engineer be entitled to use Ir. or P.Eng. ... or describe himself or hold himself out under any name, style or title ... which may reasonably be construed to imply that he is a Professional Engineer



Type (1) Court Case

Section 7(1)(b), REA

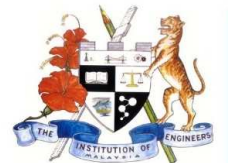
No person shall, unless he is a Prof. Engineer use or display any sign, board, card or other device representing or implying that he is a Professional Engineer



Type (1) Court Case

Section 8(1), REA

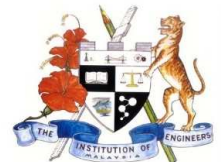
No person or body, other than a Professional Engineer or an ECP, shall be entitled to submit plans, engineering surveys, drawings, schemes, proposals, reports, designs or studies to any person or authority in Malaysia



Type (1) Court Case

Section 24(a~h), REA

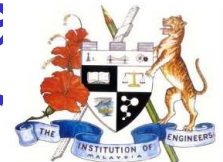
**Obtaining registration by false pretences;
Forges, alters or counterfeits any
certificate of registration;
Impersonating a registered Engineer;
Buy or sell any certificate of registration;
Contravening Section 24A(1) or 24B(5)
*(Also applicable to Registered Engineer)***



Type (2) Offence

Section 25(2), REA

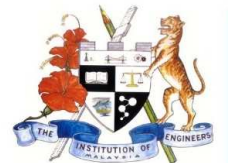
If a sole proprietorship, partnership or body corporate contravenes the Act or any Regulations, the sole proprietor or every partner, director, manager, secretary or other similar officer thereof shall be guilty of the same offence and be liable to the same penalty, unless he proves that the offence was committed without his knowledge, consent or connivance or was not attributable to any neglect on his part



Type (2) Offence

Section 15(1)(a)-(o), REA

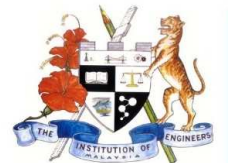
The Disciplinary Committee may make orders against a registered Engineer under any of the following circumstances:
(a) → (o)



Type (2) Offence

Section 15(1), REA

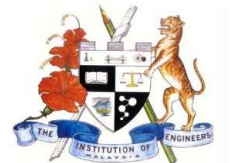
(a) if he is convicted of any offence, including offences involving false or negligent certification, fraud, dishonesty or moral turpitude in Malaysia or elsewhere;



Type (2) Offence

Section 15(1), REA

(b) if he offers or accepts any commission which in the opinion of the DC is an illicit commission;



Type (2) Offence

Section 15(1), REA

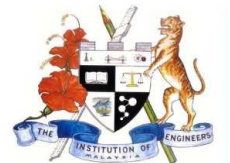
(c) if whilst acting in his professional capacity, he at the same time without disclosing the fact in writing to his client, is a sole proprietor, partner, director or member of or substantial shareholder in or agent for any company, firm or business, with which he deals on behalf of his client;



Type (2) Offence

Section 15(1), REA

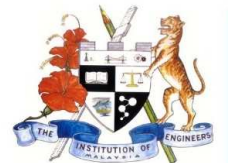
(d) if his registration under this Act has been obtained by fraud or misrepresentation;



Type (2) Offence

Section 15(1), REA

(e) if his qualification under Section 10 has been withdrawn or cancelled by the Authority through which it was acquired or by which it was awarded;



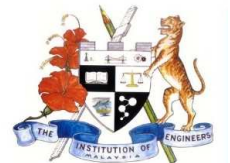
Type (2) Offence

Section 15(1), REA

(f) if he is found to be of unsound mind;

(fa) if he is found to be incapable or no longer able to perform his professional duties effectively;

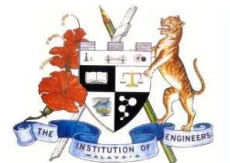
(fb) if he becomes a bankrupt;



Type (2) Offence

Section 15(1), REA

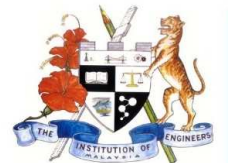
(g) if he is found by the DC to have contravened, or failed to comply with this Act or any regulations made thereunder;



Type (2) Offence

Section 15(1), REA

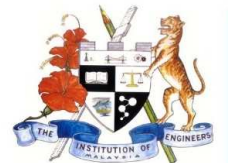
(h) if he fails to observe any conditions or restrictions subject to which he is registered;



Type (2) Offence

Section 15(1), REA

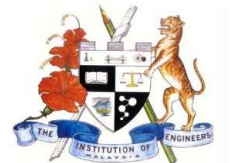
(i) if he is found guilty by the DC of any act or conduct which in the opinion of the DC is infamous or disgraceful;



Type (2) Offence

Section 15(1), REA

(j) if he procures, or assists in procuring, or is knowingly a party to procuring, by fraud or misrepresentation, the approval of the Board for a sole proprietorship, partnership or body corporate to be registered as an Engineering consultancy practice;



Type (2) Offence

Section 15(1), REA

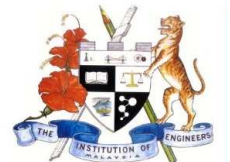
(k) if he conceals or assists in concealing from the Board the existence of any facts or circumstances which, if known, would entitle the Board to cancel the registration of a sole proprietorship, partnership or body corporate in which he is a sole proprietor, partner, director or shareholder, as an Engineering consultancy practice;



Type (2) Offence

Section 15(1), REA

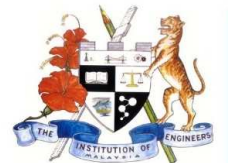
(I) if he contravenes, or fails to perform, or assists in the contravention of any terms, conditions or restrictions imposed by the Board when registering a sole proprietorship, partnership or body corporate as an Engineering consultancy practice under Section 7B or subsection 7A(3);



Type (2) Offence

Section 15(1), REA

(m) if he causes or permits or suffers any sole proprietorship, partnership or body corporate in which he is a sole proprietor, partner, director or shareholder to practise as an Engineering consultancy practice prior to its registration by the Board;



Type (2) Offence

Section 15(1), REA

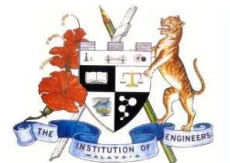
(n) if he causes or permits or suffers any Engineering consultancy practice in which he is a sole proprietor, partner, director or shareholder to continue to practise as an Engineering consultancy practice after the Board has suspended or cancelled its registration under paragraph 7A(5)(cc) or (dd), respectively;



Type (2) Offence

Section 15(1), REA

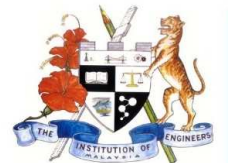
(o) if he fails to discharge his professional duties with due skill, care and diligence.



Penalties - Type (1)

Section 24(h), REA

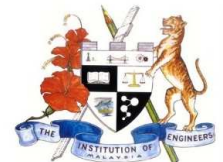
Any person, sole proprietorship, partnership or body corporate who contravenes section 7 or 8, or subsection 7A(1), 24A(1) or 24B(5), shall be guilty of an offence and shall, on conviction, be liable to a **fine not > RM 50,000**, or to **imprisonment for a term not > 3 years**, or **both**



Penalties - Type (2)

Section 15(1A), REA - Registered Engineer

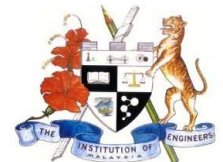
- (a) Issuance of a written warning or reprimand
- (b) Imposition of a fine not exceeding RM 50,000
- (c) Suspension of registration for a period not exceeding 2 years
- (d) Cancellation of registration
- (e) Any combination of (a) to (d)



Code of Professional Conduct

Why Code of Professional Conduct?

- Ethics → relates to morality → difficult to determine
- For purpose of enforcement → provide a Code of Conduct
- Code of Conduct → set of rules outlining the responsibilities of or proper practices for an individual
- Outline the principles, values, standards, rules of behaviour



Code of Professional Conduct

Four main areas of Responsibilities

- 1) Responsibility to Society
- 2) Responsibility to the Profession
- 3) Responsibility to the Client/Employer
- 4) Responsibility to our Colleagues

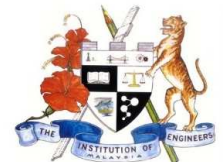


Code of Professional Conduct

Four main areas of Responsibilities

1) Responsibility to Society

- Purpose of Engineering → to improve living conditions and quality of life of Society/Community
- Hence in carrying out his work, the Engineer has a duty of care to Society and the Environment
- Must always ensure public safety and health



Code of Professional Conduct

Four main areas of Responsibilities

1) Responsibility to Society

- **Respect nature → maintain ecological balance**
- **Seek solutions compatible with principles of sustainable development**
- **Conservation of natural resources**

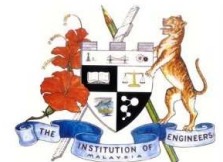


Code of Professional Conduct

Four main areas of Responsibilities

2) Responsibility to the Profession

- **Commit to professionalism**
- **Uphold dignity, standing and reputation of profession**
- **Fulfill professional duty → apply knowledge and adopt good engineering practices**
- **Refrain from performing services unless competent**



Code of Professional Conduct

Four main areas of Responsibilities

2) Responsibility to the Profession

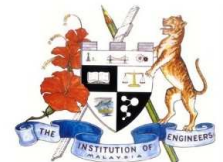
- **Be creative → acquire latest technological knowledge**
- **Improve skills and raise standards**

Code of Professional Conduct

Four main areas of Responsibilities

3) Responsibility to the Client/Employer

- Render service with sincerity → full competency and creativity
- Act at all times in the legitimate interest of the Client and achieve project goals
- Perform duty impartially with integrity and faithfulness

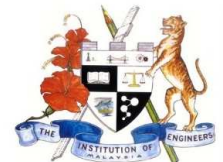


Code of Professional Conduct

Four main areas of Responsibilities

3) Responsibility to the Client/Employer

- Inform Client of any conflict of interest
- Establish mutual trust
- Not to accept remuneration which prejudices independent judgement



Code of Professional Conduct

Four main areas of Responsibilities

4) Responsibility to our Colleagues

- Engineers tend to work in teams → cooperate with Specialists in other disciplines / fields
- Emphasize coordination and cooperation and improve efficiency of execution
- Not to injure reputation or business of others

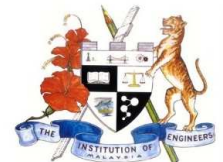


Code of Professional Conduct

Four main areas of Responsibilities

4) Responsibility to our Colleagues

- Not to directly or indirectly attempt to take over others' work
- Ensure continuity of professional contributions
- Share technical experiences
- Guide and encourage younger professionals

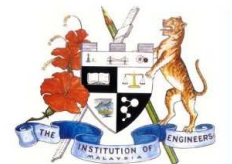




REGISTRATION OF ENGINEERS REGULATION

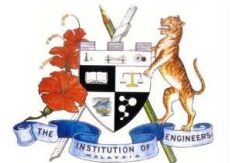
PART IV

CODE OF PROFESSIONAL CONDUCT



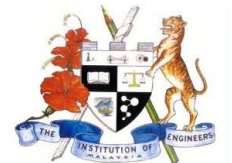
Conduct of Registered Engineer

23. Every Registered Engineer shall at all times uphold the dignity, high standing and reputation of his profession



Responsibility to employer, clients or profession

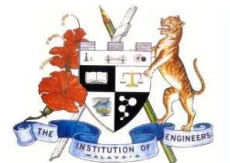
24. A Registered Engineer in his responsibility to his employer, client or the profession shall have full regard to the public interest



Discharge of duties

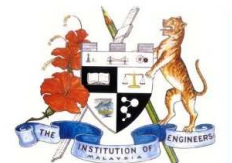
25. (1) A Registered Engineer shall discharge his duties to his employer or client as the case may be with complete fidelity

(2) Except with the permission of his employer, a Registered Engineer shall not accept any remuneration for services rendered other than from his employer



Reputation etc. of a Registered Engineer not to be injured

26. A Registered Engineer shall not maliciously injure or attempt to maliciously injure whether directly or indirectly, the professional reputation, prospects or business of another Registered Engineer



Canvassing and advertising prohibited

27. A Registered Engineer shall not -

(a) canvass or solicit professional employment;

(b) offer to make by way of commission or any other payment for the introduction of his professional employment;

(c) except as permitted by the Board, advertise in any manner or form in connection with his profession; or

(d) provide professional engineering services to any person, unless the scope of such services are clearly defined in a written agreement between both parties



**A Registered Engineer in
private practice not to practice
with any person whose
registration has been cancelled**

**28. A Registered Engineer in an
Engineering Consultancy Practice shall
not practise engineering with any
person whose registration has been
cancelled**



Restrictions on making payments or placing contracts

29. A Registered Engineer in an Engineering Consultancy Practice shall not be a medium of payment made on his client's behalf unless he is so requested by his client nor shall he, in connection with work on which he is employed, place contracts or orders except with the authority of and on behalf of his client



Restrictions on entering professional partnership

30. A Professional Engineer in private practice shall not without the approval of the Board enter into a professional partnership with any person other than a Professional Engineer in private practice, a Professional Architect, a Registered Quantity Surveyor or a Licensed Land Surveyor

Deleted in 2003

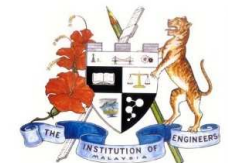


**A Registered Engineer in private
practise not to intervene or to take
over the work of another**

**31. A Registered Engineer shall not directly or
indirectly -**

**(a) supplant or attempt to supplant
another Registered Engineer ;**

**(b) intervene or attempt to intervene in
or in connection with engineering work of
any kind which to his knowledge has
already been entrusted to another
Registered Engineer; or**



(c) take over any work of that other Registered Engineer acting for the same client unless he has :

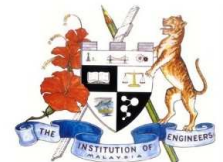
(i) obtained the consent of that other Registered Engineer; or

(ii) been formally notified by the client that the services of that other Engineer have been terminated in accordance with the provisions of any contract entered into between that other Engineer and the client



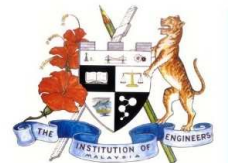
**Restrictions on being a director,
member or shareholder of
contracting and manufacturing
company, etc.**

32. (1) Except with the prior approval of the Board, a registered Engineer in an ECP shall not be a director or executive of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business related to building or engineering



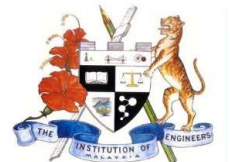
**Restrictions on being a director,
member or shareholder of
contracting and manufacturing
company, etc.**

32. (2) If such approval is given, such Registered Engineer shall not undertake any contract work wherein he is engaged as a consulting engineer in such project unless it is in respect of a "design and build" project



Disclosure of interest

33. Every registered Engineer while acting in his professional capacity shall disclose in writing to his client of the fact if he is a director or member of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business or has any financial interest in any such company or firm or business, with which he deals on behalf of his client



Circular 3/2005 - Guidelines

Rev. No. 0
Date : 28.6.2004

BEM/RD/PPC/08

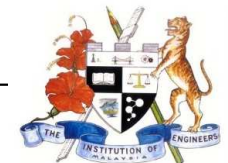
Serial No. 0017



BOARD OF ENGINEERS MALAYSIA

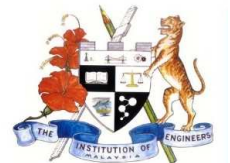
CIRCULAR NO. 3/2005

GUIDELINES
for
CODE OF PROFESSIONAL CONDUCT



Circular 3/2005 - Guidelines

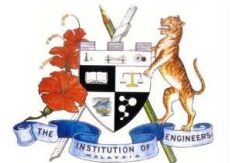
- 1. A Registered Engineer shall at all times hold paramount the safety, health and welfare of the public**



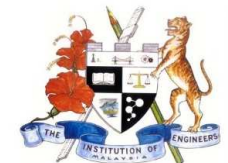
- 1.0 **A Registered Engineer shall at all times hold paramount the safety, health and welfare of the public.**
- 1.1 A Professional Engineer shall approve and sign only those engineering documents that he has prepared or are prepared under his direct supervision.
- 1.2 A Professional Engineer shall certify satisfactory completion of a piece of work only if he has control over the supervision of the construction or installation of that work, and only if he is satisfied that the construction or installation has fulfilled the requirements of the engineering design and specifications.
- 1.3 A Registered Engineer shall not reveal facts, data or information without the prior consent of the client or employer except as authorized or required by law or when withholding of such information is contrary to the safety of the public.
- 1.4 A Registered Engineer having knowledge of any violation of this code and Local Authorities regulations shall report thereon to appropriate professional bodies and, when relevant, also to public authorities and cooperate with the proper authorities in furnishing such information or assistance as may be required.
- 1.5 When the professional advice of a Professional Engineer is overruled and amended contrary to his advice, the Professional Engineer shall, if the amendment may in his opinion give rise to situation that may endanger life and/or property, notify his employer or client and such other authority as may be appropriate and explain the consequences to be expected as a result of his advice being overruled and amended.

Circular 3/2005 - Guidelines

- 2. A Registered Engineer shall undertake assignments only if he is qualified by education and experience in the specific technical fields in which he is involved**

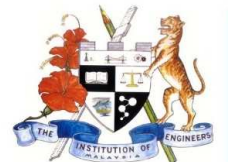


- 2.0 A Registered Engineer shall undertake assignments only if he is qualified by education and experience in the specific technical fields in which he is involved.**
- 2.1 A Professional Engineer shall not affix his signature to any plan or document dealing with subject matter in which he lacks competence, nor to any plan or document not prepared under his direction and control.
- 2.2 A Professional Engineer shall not accept assignment and assume responsibility for coordination of an entire project and sign and stamp (P.E. stamp) the engineering documents for the entire project unless each technical segment of the project is signed and stamped personally by the qualified engineer who has prepared the respective segment of the project.



Circular 3/2005 - Guidelines

- 3. A Registered Engineer shall issue public statements only in an objective and truthful manner**

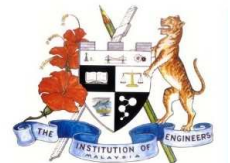


- 3.0 A Registered Engineer shall issue public statements only in an objective and truthful manner.**
- 3.1 A Registered Engineer shall be objective and truthful in professional reports, statements and testimony. He shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
- 3.2 A Registered Engineer may express publicly only technical opinions that are founded upon his competence and knowledge of the facts in the subject matter.
- 3.3 A Registered Engineer shall not issue statement, criticism or argument on technical matter that is inspired or paid for by interested parties, unless he has prefaced his comments by explicitly identifying the interested parties on whose behalf he is speaking and by revealing the existence of any interest he may have in the matter.



Circular 3/2005 - Guidelines

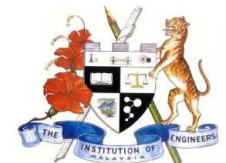
- 4. A Registered Engineer shall act for each employer or clients as faithful agent or trustee**



- 4.0 A Registered Engineer shall act for each employer or clients as faithful agent or trustee.**
- 4.1 A Registered Engineer shall disclose all known or potential conflicts of interest that could influence or appear to influence his judgement or the quality of his services.
- 4.2 A Registered Engineer shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
- 4.3 A Registered Engineer shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which he is responsible.
- 4.4 A Registered Engineer as advisor or director of a company or an agency shall not participate in decision with respect to particular services solicited or provided by him or his organization.

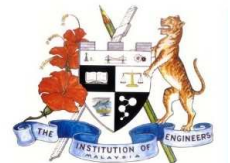


- 4.5 A Registered Engineer shall not solicit or accept a contract from a body or agency on which a principal or officer of his organization served as a member of that body or agency unless with knowledge and consent of that body or agency.
- 4.6 A Registered Engineer while acting in his professional capacity shall disclose in writing to his client of the fact if he is a director or member of or substantial share holder in or agent for any contracting or manufacturing company or firm or business or has any financial interest in any such company or firm or business, with which he deals on behalf of his client.
- 4.7 All professional advice shall be given in good faith.



Circular 3/2005 - Guidelines

- 5. A Registered Engineer shall conduct himself honourably, responsibly, ethically and lawfully so as to enhance the honour, reputation and usefulness of the profession**



- 5.0 A Registered Engineer shall conduct himself honourably, responsibly, ethically and lawfully so as to enhance the honour, reputation and usefulness of the profession.**
- 5.1 A Registered Engineer shall not falsify his qualifications or permit misrepresentation of his or his associates' qualifications. He shall not misrepresent or exaggerate his responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
- 5.2 A Registered Engineer shall not offer, give, solicit or receive, either directly or indirectly, any contribution to influence the award of a contract which may be reasonably construed as having the effect of intent to influencing the award of a contract. He shall not offer any gift or other valuable consideration in order to secure work. He shall not pay a commission, percentage or brokerage fee in order to secure work.
- 5.3 A Registered Engineer shall check with due diligence the accuracy of facts and data before he signs or endorses any statement or claim. He shall not sign on such documents unless, where necessary, qualifications on errors and inaccuracies have been made.
- 5.4 A Registered Engineer shall respond, within reasonable time, to communication from the Board or any other relevant authority on matter pertaining to his professional service.

- 5.5 A Registered Engineer shall not maliciously injure or attempt to maliciously injure whether directly or indirectly the professional reputation, prospect or business of another Engineer.
- 5.6 A Registered Engineer shall not directly or indirectly
- (1) supplant or attempt to supplant another Engineer;
 - (2) intervene or attempt to intervene in or in connection with engineering work of any kind which to his knowledge has already been entrusted to another Engineer; or
 - (3) take over any work of another Engineer acting for the same client unless he has
 - (i) obtained a letter of release from the other Engineer or obtain such letter through the client, provided that this requirement may be waived by the Board; or
 - (ii) been formally notified by the client that the services of that other Engineer have been terminated in accordance with the provisions of any contract entered into between that Engineer and the client; provided always that, in case of dispute over non-payment or quantum of any outstanding fees, the client shall request the Board to be the stakeholder under the provision of Section 4(1)(e)(ea)

- 5.7 Except with the prior approval of the Board, a Registered Engineer shall not be a director or executive of or substantial shareholder in or agent for any contracting or manufacturing company or firm or business related to building or engineering. If such approval is given, such Engineer shall not undertake any contract work wherein he is engaged as a consulting engineer in such project unless it is in respect of a "design and build" project.
- 5.8 A Registered Engineer shall not be a medium of payment made on his client's behalf unless he is so requested by his client nor shall he, in connection with work on which he is employed, place contracts or orders except with the authority of and on behalf of his client.
- 5.9 A Registered Engineer shall not
- (1) offer to make by way of commission or any other payment for the introduction of his professional employment; or
 - (2) except as permitted by the Board, advertise in any manner or form in connection with his profession.
- 5.10 A Professional Engineer in private practice shall not without the approval of the Board enter into professional partnership with any person other than a Professional Engineer in private practice, a Registered Architect, a Registered Quantity Surveyor or a licensed Land Surveyor.



Do's & Don'ts For Young Engineers

Rev.: 0
Date : 9.8.2005

BEM/RD/PPC/12

Serial No: 0021

BRIEF INTRODUCTION TO CODE OF ETHICS FOR YOUNG ENGINEERS

INTRODUCTION

The Board of Engineers Malaysia (BEM) has, from time to time, received enquiries and complaints from the public about the conduct of engineers in relation to the Registration of Engineers Act. BEM has, therefore, produced the guidelines herein that outline the conduct expected of engineers. These guidelines are set out under a number of broad areas relating to the engineering profession.

Do's & Don'ts

1) Registration

Under the Registration of Engineers Act 1967 (Act 138) and subsequent amendments, the most recent being year 2002, it is a requirement of the Law that any person providing engineering services be a qualified person and registered with the Board of Engineers Malaysia. This requirement extends to foreigners who are required to seek registration as Temporary Engineers. The Do's and Don'ts below relate to the requirement of this Act.

DO's	
1.1	An engineering graduate with accredited engineering degree must register with the Board of Engineers to take up employment as an engineer
DON'Ts	
1.1	An engineer should not be the Submitting Person for designs beyond his/her area of competency
1.2	An engineer should not endorse his PE Stamp and sign on reports or plans not prepared by him. (see also Consultancy - 2.3 of Code of Ethics)
	An engineer should not enter into partnership with any party not permitted under the Engineers Act.
	An engineering consultancy Practice should not provide professional services in any branch of engineering where none of its partners is registered in that branch of engineering.
	An engineer should not provide professional services in any branch of engineering where none of its partners is registered in that branch of engineering.

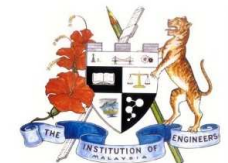
Do's & Don'ts For Young Engineers

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DON'Ts	
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1.2	An engineer should not endorse his PE Stamp and sign on reports or plans not prepared by him.(see also Consultancy - 2.3 of Don't)
1.3	An engineer should not enter into partnership with any party not permitted under the Engineers Act.
1.4	An Engineering Consultancy Practice should not provide professional services in any branch of engineering where none of its directors are registered to practise in that branch of engineering.
1.5	An engineer must not practise in the branch of engineering he is not registered in.



Do's & Don'ts For Young Engineers

2) Consultancy

In the Registration of Engineers Act 1967 (Revised 2002), provision is included for the registration of Accredited Checkers and the requirement of Continuing Professional Development (CPD) beginning year 2005.

	DO's
2.1	An engineer should be transparent and receptive to peer review or checking of his work if requested/required by the client/authorities.
2.2	A checker engineer must be open to the views and design concept of the original designer and in areas of disagreement, the checker must give justification for his disagreement.
2.3	A checker engineer should take full responsibility for the checking of the work himself.
2.4	An engineer should undertake continuing professional development to enhance his knowledge and capability.
2.5	An employer engineer should ensure that his employee engineers are <i>bona fide</i> engineers registered with BEM.
2.6	An engineer should report unethical practice to BEM.
2.7	An engineer who is a Submitting Person must ensure the accuracy of and be responsible for all works delegated to others by him.
2.8	An engineer should make optimum use of manpower, materials and money.
2.9	An engineer should be aware of Government requirement to use local materials, wherever possible.

	DON'Ts
2.1	A checker engineer should not accept checking of work not within his area of competency as well as work that he is not familiar with.
2.2	An engineering consultant should not carry out projects for fees below the minimum outlined in the scale of fees.
2.3	An engineer should not endorse any work not performed and/or supervised by him.
2.4	An engineer should not supplant another engineer.
2.5	An engineer should not compromise on public safety.
2.6	An engineer should not offer his opinion on engineering matters unless he has full facts to support the opinion.
2.7	An engineer should not base his design on unsubstantiated data, for example designing foundation without soil investigation.
2.8	An engineer should not have any conflict of interest whatsoever in connection with the work he is undertaking unless prior approval from BEM and client are obtained.
2.9	An engineer should not accept work outside his regular work without the expressed permission of his employer.

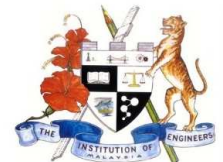
Do's & Don'ts For Young Engineers

3) Supervision

The supervision of works designed by the Submitting Engineer is a requirement under the Uniform Building By-Law 5 (UBBL 5). This By-Law states that supervision must be provided by the Submitting Engineer to ensure that the works carried out are as intended in the design. Delegation of supervision is permitted but the responsibility of this supervision still rests with the Submitting Engineer.

DO's	
3.1	An engineer who is the Submitting Person should be responsible for the project regardless of whether it is self-supervised and/or delegated supervision.
3.2	An engineer must be meticulously proper and correct in certification of works.
3.3	An engineer must be familiar with and knowledgeable in the work he is to supervise.
3.4	An employer engineer shall ensure that his staff undergoes regular and proper skills-training.
3.5	An engineer supervising a project shall keep proper records of all documents and correspondence pertaining to the project.
3.6	An engineer must be conversant with time and cost implications in the issuance of any instruction.

DON'Ts	
3.1	An engineer must not over or under certify progress of works.
3.2	An engineer must not make wrongful certifications.
3.3	An engineer must not certify work not within his expertise.
3.4	An engineer must not accept site supervisory staff who are not qualified or are incompetent.
3.5	An engineer must not delay approvals without justification.
3.6	An engineer must not intentionally delay inspection of works.



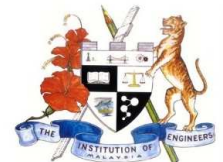
Do's & Don'ts For Young Engineers

4) Regulatory Requirements

All engineers registered with the Board of Engineers Malaysia must be familiar with the requirements of the Registration of Engineers Act 1967 (Act 138) and its subsequent amendments. Ignorance of the requirements of this Act is no defense in the Courts of Law in Malaysia.

DO's	
4.1	An engineer should notify the relevant authorities (within reasonable/statutory time limit) on changes in designs or withdrawal of services.
4.2	An engineer should submit completed forms in time for inspection and approval for Certificate of Fitness / Certificate of Completion and Compliance.
4.3	An engineer should be aware of environmental, health and safety matters during and after construction.
4.4	An engineer should ensure that environmental, health and safety measures are implemented as per drawings and specifications.

DON'Ts	
4.1	An engineer should not allow works to proceed before plans are submitted to and/or approved by the relevant authorities.
4.2	An engineer should not undertake a project for which the client is not going to fulfill statutory requirements.



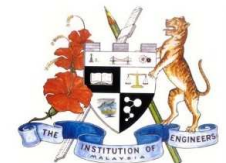
Do's & Don'ts For Young Engineers

5) Code of Ethics

All engineers are expected to uphold the integrity of the profession by behaving in a manner expected of him in the Code of Conduct of Engineers.

DO's	
5.1	An engineer must be conversant with the Code of Conduct of Engineers.
5.2	An engineer must understand the need for responsibility and liability as stipulated in the Code of Conduct.
5.3	An engineer must respond promptly to complaints and enquiries by clients /authorities.

DON'Ts	
5.1	An engineer should not solicit/ tout.
5.2	An engineer should not knowingly mislead the public by giving misrepresented information so as to gain commercial advantage/mileage.
5.3	An engineer should not respond to an open advertisement to bid for provision of professional service if such provision for the service requires bidding fees or equivalent as is usually imposed on contractors.
5.4	An engineer should avoid favoritism among vendors and other suppliers.



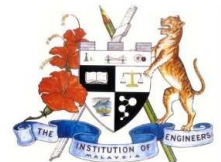
Conclusion

- **Ethics → relates to morality → difficult to quantify**
- **To quantify → need to relate to conduct → what we can or cannot do**
 - **Example → Driving**
 - **Drive safely**
 - **Highway code**



Conclusion

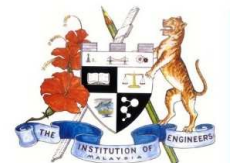
- **To enforce → need legal instruments → Engineers Act → Regulations → Code of Professional Conduct in Part IV**
- **Code of Conduct → set of rules → responsibilities / proper practices**



Acknowledgement :

The powerpoint slides are from presentation by

Dato' Paduka Prof. (Dr) Ir. Hj. Keizrul bin Abdullah, Past President of IEM.



Thank you.

Q&A



MYANMAR ENGINEERING SOCIETY (MES)

အင်ဂျင်နီယာစွမ်းအား ပြည်ထွန်းကား

Presented by:
Ir. Tan Yean Chin
President of IEM
Secretary General of FEIAP
yctan@gnpgroup.com.my

