

The Code of Ethics Explanatory Notes

16. A Professional Biologist recognizes that professional ethics are founded upon integrity, competence, and a responsibility to provide sound management and conservation of biological resources. Recognizing this concept as a guide, the Professional Biologist shall strive to advance the science and practice of biology in a manner consistent with these principles. In addition, a Professional Biologist must not engage in dishonourable or questionable conduct that reflects adversely on the integrity of the biological profession.

(A) Relations with the Public

i. The Professional Biologist who becomes aware of any undertaking that is profoundly detrimental to the sound management and conservation of biological resources will accept responsibility to advise a responsible party; if after reasonable effort no remedy is achieved and the issue warrants, s/he will inform this Association in writing of the particulars.

This section establishes an obligation to proactively report or act to forestall severely damaging actions. The phrase "profoundly detrimental" gives the biologist a fair amount of latitude in judgement; action will depend on the values of the biologist as well as on the existing social environment. The member should consider whether any reasonable person with an understanding of the facts and their implications would find that action was warranted. Discussion with a trusted colleague may be helpful. The section is intended to apply to undertakings with serious consequences, such as actions that impair sustainable development, threaten biological diversity, impact upon endangered species, or foreclose future options for resource management. The Professional Biologist should be aware that repeated actions on minor or modestly detrimental undertaking could result in the warnings being ignored by decision makers.

Action to prevent a profoundly detrimental undertaking will often have serious consequences and should be acted upon by members with due consideration to the most effective means of resolving the issue. This section states that the Professional Biologist is expected to exhaust opportunities to resolve the issue internally, firstly through the employer/client (see Section B (vi)) or secondly through the Association. If a matter is brought forward to the Association, the Association will determine its appropriate course of action. However, if a Professional Biologist believes it necessary to personally bring an issue into the public arena, it is important to recognize the member's action reflects on the Association as well as on the member and his/her employer/client.

This section complements Section B(vi) regarding the responsibility of the Professional Biologist to advise an employer or client of any consequences when his/her professional judgement or advice is overruled. Section A(i) overrides the requirement for confidentiality between the biologist and employer or client.

ii The Professional Biologist will offer professional services only on matters in which s/he is qualified through professional training and/or experience. S/he will be objective and honest in all estimates, reports, testimony, and other matters, and will identify any limitations in data or concepts.

The Professional Biologist must be honest and candid with the public when representing any client or employer. S/he must avoid any misrepresentation of facts or opinions. In the field of environmental impact assessment, it may be especially important to clarify that absence of data

does not imply the absence of impact.

This section is not intended to prevent a biologist from expanding his/her field of expertise, but from misrepresenting his/her expertise.

iii When presenting any statement, criticisms, or arguments on behalf of a client or employer, the Professional Biologist will clearly indicate on whose behalf they are being made.

The Professional Biologist will limit representations to the biological and technical merits of a project. The member is responsible for identifying any inadequacies in data associated with decisions, conclusions, or recommendations for a specific project. S/he should oppose the use and release of selective, biased or inaccurate information. S/he has an obligation to identify the sources for any information or background data.

This does not preclude participation of biologists in public interest groups providing such participation does not put the member into a conflict of interest with an employer or client (see also A(vii)).

A member who acts as an expert witness and provides opinion evidence for the purpose of litigation should maintain an impartial position, and should not act as an advocate for a client or employer. The role of an expert witness is to assist the judge with technical matters that are beyond the expertise of the court.

iv The Professional Biologist will have regard for the safety and welfare of the public in the performance of professional duties.

The Professional Biologist will not jeopardize the safety or welfare of individuals or the public for the sake of research or resource management goals. For example, public safety must be considered when traps, nets or snares are used, or when a hazardous wildlife tree is protected.

v When publicly presenting a difference of opinion with another biologist, the Professional Biologist will state the basis for that difference.

It is acceptable for differences of opinion among biologists to be expressed publicly; there is no obligation to resolve differences of opinion behind the scenes. However, the opinions expressed should be based on facts, experience, and technically competent interpretation of data. Public expression of differences of opinion should be maintained at the professional level and not the personal level.

vi The Professional Biologist will keep informed of advances in his/her field of expertise, and will express an opinion on a biological subject only when that opinion is founded on a sound knowledge base.

Biologists are often faced with the necessity of making recommendations or decisions without an adequate information base or under less than ideal circumstances. When making decisions in these circumstances the biologist should identify problems and/or inadequacies of the data. Similarly, when a Professional Biologist expresses an informed opinion on a matter of public concern, s/he should refer to pertinent sources and comment on their adequacy.

vii The Professional Biologist will encourage efforts to educate the public on biological issues.

The Professional Biologist should be proactive in contributing time and skills to the education of the public regarding biological issues. This might include participation in public interest groups,

media appearances and public speaking engagements.

(B) Relations with Employers and Clients

i In order to maintain professional integrity, the Professional Biologist will not allow his/her professional judgement to be influenced by non-biological considerations.

The intent of this section is to ensure members will place professional conduct above personal gain. The Professional Biologist must reject attempts by employers or others to coerce or manipulate professional judgement or advice, and refuse any compensation or other reward that might be construed as an attempt to influence judgement.

This shall not preclude the use by biologists of legitimate information and resources from other disciplines, nor exclude members from taking part in land use decisions.

ii The Professional Biologist will serve each employer or client professionally without prejudice or conflict of interest, and will not knowingly engage in illegal work or cooperate with those who are so engaged.

Conflict of interest arises when a member's personal or financial interest conflicts or appears to conflict with the member's professional responsibilities. The test for conflict of interest is generally accepted as: "Would a reasonably well-informed individual in possession of the facts find reason to believe a conflict existed?"

Conflict of interest can also arise when a member is acting for one party and is requested to act for another party who has different interests in the same matter. When this occurs, the member is expected to refuse any project that creates a conflict of interest. If the member believes that s/he can act for both parties without conflict of interest, s/he must disclose the situation to both parties and proceed only with the permission of both.

With regard to engaging or cooperating in illegal work, to knowingly conceal the commission of a crime is in itself an illegal act.

iii The Professional Biologist will inform the employer/client of any interests which could impair the objectivity of work undertaken, and will take measures necessary to ensure that such an interest does not affect decisions which s/he may be called upon to make.

Where personal views may be in conflict with employment requirements, the member must take the measures required to ensure the personal perspective does not impair the professional obligation. This may include disclosing the information to the employer/client, or in extreme situations withdrawing from a project.

iv When employed on a full time basis, the Professional Biologist will engage in related supplementary employment or consulting practice only after fully disclosing this activity to the primary employer.

v The Professional Biologist will undertake only those assignments for which s/he is qualified and will engage, or advise the employer or client to engage, qualified specialists as necessary.

To ensure that public confidence is maintained, it is incumbent on members to ensure they are practising only those aspects of biology in which they are competent. This section is related to A(ii).

vi The Professional Biologist will advise the employer or client of any adverse consequences to be expected if his/her professional judgement is overruled, and will advise of alternative courses of action.

vii The Professional Biologist will not disclose confidential information unless authorized by the present or former employer or client, required by law, or required under Section 16A(i) of this Code to disclose information. The Professional Biologist shall refrain from using confidential information for personal gain or the advantage of other parties.

The Professional Biologist is expected to treat confidential information as confidential and to regard relations with an employer or client with discretion. Members should establish with the employer or client at the beginning of a project which aspects are confidential and which are in the public domain.

Generally, data collected for an employer or client are the confidential property of the employer or client, whereas the knowledge gained by the member can be used in subsequent projects.

viii The Professional Biologist will not seek employment by unethical means.

Examples of "unethical means" would include personal or professional misrepresentation, or the use of privileged information in bidding.

ix The Professional Biologist will levy only those charges which are properly due.

x A Professional Biologist involved in the ;preparation or presentation of environmental assessments or statements for a proposed project shall receive payment independent of the success of the project.

The role of the member is as a qualified, impartial professional rather than as an advocate. If payment for work performed was tied to the success of a project, this role definition is in danger of becoming obscured.

(C) Relations Within the Profession

i The Professional Biologist shall credit work done by others, and shall take responsibility for his/her work through authorship or appropriate acknowledgement.

A Professional Biologist should be credited for the work s/he has done through authorship or acknowledgement on scientific papers or reports. Senior authorship should go to the person responsible for the bulk of the work and the tenor of the work. Junior authors should be acknowledged in order of the significance of their contributions, except when the contributions are near equal. Lesser contributions such as data compilation, illustrating, printing or editorial contributions normally would be recognized in the acknowledgements.

Anonymous reports are discouraged. It is often impossible for interested parties to identify the authors, especially if the reports are old. Furthermore, anonymity may cause the quality of the work to be questioned, because the credentials of the responsible parties are not known. Members should expect to be identified as authors or have their work acknowledged within the body of the report.

ii The Professional Biologist will not sign reports or opinions which involve professional judgement unless they were actually prepared by him/her or under his/her direct supervision.

The signing of a report or opinion signified the acceptance of professional responsibility for the document. If others prepared the document, the responsible professional must have exercised enough supervision that s/he can sign the document based on personal knowledge. The member must be satisfied that it is reasonable, under the circumstances, to rely on the person(s) who performed the work.

iii The Professional Biologist will support the principle of just compensation for professional services rendered.

iv The Professional Biologist will, in the interest of sound management and conservation of biological resources, encourage the employment of qualified persons in professional positions.

The aim of this Association is to protect the environment and the public interest by ensuring that those who are addressing biological issues are properly qualified. The member will, therefore, encourage the employment of those who are properly qualified and will discourage the employment of those who are not.

v A Professional Biologist will take reasonable precautions not to injure the professional reputation of another person through malice or negligence.

The professional reputation of a person can be damaged by unfounded allegations about his/her competence, honesty, trustworthiness, or other elements of integrity. It is, therefore, incumbent on the member to ensure that allegations are based on truth and are handled appropriately. To do otherwise would not constitute professional practice and could be actionable under the Discipline procedures of the Association.

vi Where the Professional Biologist becomes aware of a contravention by a member of this Code of Ethics, s/he will report it to the Association.

Misconduct by Association members will damage the reputation of the Association and the profession. The purpose of the Code of Ethics is to offer guidance to members and the public about the duties and obligations of a Professional Biologist.

vii The Professional Biologist who is employed by an institution, agency or corporation will not engage in unfair competition through the unauthorized use of institutional, agency or corporate facilities for personal gain.

In instances such as this, the Professional Biologist should pay a rental fee for the use of workspace or equipment. When the institution, agency or corporation approves such uses, such support must be acknowledged. Use of such or equipment without the approval of the institution, agency or corporation is considered theft.

viii The Professional biologist will assist the development of the profession by supporting the principles of the Association, encouraging biologists and students of biology, and by sharing knowledge and experience. As an employer or supervisor, s/he will encourage high professional standards amongst his/her employees and endeavour to provide opportunities for their professional advancement.

This clause is intended to highlight an obligation on the part of the members to share their knowledge with other members of the profession and with students of biology so that new knowledge is rapidly disseminated for the benefit of all. An employer/supervisor has an obligation to subordinate staff to improve their skills and understanding of professional matters

over the period of their employment so that they are better qualified professionals for having had the working relationship. No Professional Biologist should withhold such knowledge as a means of keeping the subordinate from further advancement.

Supervisors should exemplify the highest of professional standards in all their dealings with students, employees, and other staff. They should ensure that their organization provides fair and effective means for the internal resolution of disputes.

Biologists can, through the Association and their informal contacts with colleagues and students, encourage acting in a professionally responsible way. This can be done directly through advising, mentoring, and service to the Association. It also can be done indirectly in structuring relationships with colleagues, clients, employees and employers.