

Association of Professional Biologists

Code of Ethics Interpretative Notes – Part A

A profession has a unique combination of knowledge and skills, distinctive functions and recognized obligations to the public that outweigh self interest or personal gain. Professionals provide services based on advanced knowledge, skills and judgement, assume responsibility for their professional and personal actions and are held to account by their governing body.

How a particular profession expects members to conduct themselves is set out in a Code of Ethics. The Code of Ethics under discussion here is that of the Association of Professional Biologists of BC. The purpose of this series of documents is to assist members dealing with ethical situations, and assist others in understanding how the Code of Ethics is applied.

The Code begins with the following statement:

Members of the APB recognize that professional ethics are founded upon competence, integrity, and independence – principles that shape how a member meets his/her responsibility to provide sound management in the stewardship of biological resources. Members are expected to maintain a professional approach in business and personal endeavours, and must not engage in dishonourable or questionable conduct that reflects adversely on the integrity of the biological profession.

This statement sets out the general underpinnings of professional conduct – competence, independence, and integrity – and thus forms the filter through which the sections of the Code are viewed. The sections that follow set out the relationship between members and the public, clients and employers, and the profession as a whole. While these sections are presented individually, they are clearly related to and influence each other.

This **apb** deals with the first of the 3 sections of the Code of Ethics – Relations with the Public.

Section A – Relations with the Public

Section A(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.

The obligation to report proactively or act to forestall severely damaging actions is intended to apply to undertakings with serious consequences and/or non-recoverable, destructive results. The phrase "profoundly detrimental" is open to interpretation and gives the member a fair amount of latitude within which to exercise judgment. As with all situations requiring the exercise of judgement, the member should be qualified (i.e., acting within the member's

“Profoundly detrimental”... is open to interpretation ...requires the exercise of judgement... member should base their determination on scientific facts and principles

area of competence) in the particular area of practice, and base their determination on scientific facts and principles. Undertakings that are “profoundly detrimental” can include actions that impair the sustainable management of a biological resource, threaten biological diversity, impact endangered species, or foreclose future options for resource management to the point where the result is likely to be deep, far-reaching, intensive loss or damage to the

biological feature(s) and/or function(s). Determinations of this nature could be influenced by risk assessment but must not depend on the values of the member or the existing social environment.

In order to assist in coming to a determination, the member should consider whether a respected peer with an understanding of the facts and their implications would find action under this section warranted. Discussion with a trusted colleague may be helpful in coming to a decision on these matters.

Where a member comes to the conclusion that this section does apply, the member is expected to make reasonable effort to resolve the issue internally prior to taking any external action. Internal actions within the context of the member's work can include discussion with other professionals, if any, on the file, then with the employer/client (see Section B vi) in accordance with internal corporate policies (as applicable). At a minimum, the member should record in writing the science based concerns and submit them to the employer/client with a request that these concerns be part of the project documentation or record.

If these documented actions do not result in satisfactory resolution, the matter should be advanced, in writing, to the Board of Directors of the Association. Where a matter is brought forward to the Association, the Directors will determine the appropriate course of action.

Members who believe it necessary to raise an issue in the public arena must recognize this action will reflect on the member, the employer/client, and possibly the membership and profession as a whole.

Section A(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 client and with the public when representing a client or employer. S/he must avoid any misrepresentation of facts or opinions. In the field of environmental impact assessment for example, it may be especially important to clarify that absence of data does not imply the absence of impact.

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 section is intended to ensure a member does not misrepresent their expertise; it is not intended to prevent a biologist from expanding his/her field of expertise. Members must undertake work only in areas in which they are competent.

Competence has both theoretical and practical components and includes... knowledge... completeness... care... due diligence

Competence has both theoretical and practical components and includes:

- **Knowledge:** The member must maintain sufficient knowledge in their field, be up to date with current practices and recent developments, and know how to apply the information. The test for sufficient knowledge is:
 - does the member have the necessary knowledge to complete the task, and,
 - does this level of knowledge meet the expectations of peers and of the profession.

Where a member cannot answer “yes” to both of these questions, the member must decline to take on the task, learn what is required if this can be done without undue delay or expense to the client, or bring in a specialist.

- **Completeness and Correctness:** A member’s work must be legally correct and scientifically sound, be clearly understood and supported by rationale, and include the considerations, implications and limitations. Additionally the information should be presented in a manner that is understandable to the client, including where limitations are presented.
- **Standard of Care:** A member must exercise the degree of care that a prudent professional would undertake to avoid reasonably foreseeable harm. The standard of care expected of a professional may exceed common practice or in some cases the industry standard. One way for the member to determine if they have met this test is to ask themselves if what they have done is that which is expected by a similarly trained and experienced professional in a similar situation – not just what others in their location do, but what is expected across the profession.
- **Due Diligence:** Due diligence is an element of all of the above. To be diligent implies that effort has been expended. Due diligence means that enough effort for the circumstance has been expended. When it comes to knowing how much is “enough”,

the test is one of reason, not perfection; the level of effort expended should be relative to the risk of harm. To ensure due diligence, members must ensure that:

- all legal requirements are met,
- there is a clear understanding of objectives and how they relate to other relevant values,
- background information is collected and incorporated,
- appropriate experts have been consulted or retained where required, sufficient data has been collected to ensure proper assessment of risks and outcomes, and
- appropriate documents, files and filing systems are maintained.
- Members should ensure that record systems will provide long term access to information, whether that access is required by those relying on the member's work or by the member should the need arise to defend their reputation and/or integrity. Members should ensure that documents are accessible for a minimum of 10 years, whether they are held by the individual or by an employer. Where information is retained by the employer, the members should ensure the employer is aware of the requirement to retain records in a useable format for the appropriate time frame.

The requirement to practice only in areas where the member is qualified not only means that a member must remain current with advances in their particular area of practice; it also means that members must retain or advise of the necessity to retain the services of others where additional expertise is required.

Section A(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 client/funding source for a project must not influence how a member conducts themselves on a project, or the findings/conclusions of a project. Clearly there are times when professionals will view the same data and come to different conclusions, but this should be based on the application of individual professional discretion and not on external factors. Where a member is called upon to represent a client/employer, the member must disclose on whose behalf they are appearing.

In litigation, an expert witness ... must be impartial and not advocate for a client

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

Section A(iv)

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

The member 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.

Members must separate personal views from professional activities and be impartial and factual when expressing professional opinions

Section A(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, common courtesy

suggests that such differences be discussed by the professionals prior to the matter being aired in public. While it may not be possible to resolve the differences, the discussions should assist the professionals in understanding the basis for the differences, and provide an opportunity for correction/clarification to occur. The expression of differing opinions must

The expression of differing opinions must be done from a position of respectful regard

be done from a position of respectful regard; that is, both professionals should respect that each have been recognized by their governing association as having met the criteria for admission, and as both have been assessed by their peers as being capable of practicing in a competent manner, both are due the courtesy normally accorded a professional. Additionally, the opinions expressed should be based on facts, experience, and technically competent interpretation of data.

These considerations should help ensure that public expression of differences of opinion will be maintained at the professional level and not the personal level.

Note that while this section of the Code of Ethics addresses differences of opinion with another member of the college, all professionals should be treated with respectful regard, and differences of opinion between members of different professions should be handled in the same manner as set out above. The use of “respectful regard” in these discussions should also mean that members exercise restraint when commenting upon the work of another member or professional.

Section A(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.

Members are often faced with the necessity of making recommendations or decisions without complete information or under less than ideal circumstances. When making decisions in these circumstances the member should identify problems and/or inadequacies of the data, and clearly state the basis for the decision. Similarly, when a member expresses an informed opinion on a matter of public concern, s/he should refer to pertinent sources and comment on their adequacy.

In deciding whether to express an opinion in less than ideal circumstances, i.e. in the absence of complete data, the member will have to assess the degree of risk associated with the decision. Where the decision holds a small degree of risk, it may be appropriate to express

an opinion or make a recommendation where the dataset is wanting. Where, however, the decision holds a high degree of risk, that risk should be stated and it may be appropriate to state that an opinion cannot be formed because information is lacking.

The second element in this discussion goes to professional opinions being formed on the use of “knowledge base” rather than personal opinion or bias. This does not imply that members must not hold personal or political views and beliefs; rather, members must separate personal views from professional activities and be impartial and factual when expressing professional opinions.

Section A(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 meetings, media appearances, writing articles, and public speaking engagements.

Members’ ... conduct, both personal and professional, will shape the perception the public and others have of the individual and of the profession as a whole

Educating the public on biological issues includes making people aware of the existence of the *College of Applied Biology Act*, of the role of professional biologists, and of the accountability framework of practice which is regulated by the College. To this end, members must be aware that their

conduct, both personal and professional, will shape the perception the public and others have of the individual and of the profession as a whole.

Section B Relations with Employers and Clients

Section B(i)

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

Integrity in this context means objectivity, honesty and forthrightness, and refers to an individual member's integrity, the integrity of their work and the integrity of the profession as a whole. Members must place professional conduct above personal gain. The Professional Biologist must reject attempts by employers or others to coerce or

“Professionals have the right to disagree with various laws etc, but not to disregard or disobey them in favour of personal bias.”

manipulate professional judgment or advice, and refuse any compensation or other reward that might be construed as an attempt to influence judgment.

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.

This is also not intended to provide the basis for a professional biologist to ignore or disregard law, policies or standards with which the professional biologist disagrees. Professionals have the right to disagree with various laws etc, but not to disregard or disobey them in favour of personal bias. Where the professional biologist is of the opinion that a policy, standard or law has the potential to impact negatively the environment and/or a resource, the professional biologist should express, preferably in writing to the responsible person(s), the implications of adhering to the problematic law, standard or policy and provide alternatives which address the issue of stewardship. In such situations, the professional may advocate for change.

Section B(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

To act professionally is to act in an impartial, objective, value neutral manner. Members must ensure that conclusions and recommendations are formulated and presented from a

“To act professionally is to act in an impartial, objective, value neutral manner”

science base rather than from a personal perspective, and that they are not adjusting the interpretation of the science to support their personal or client's views.

Conflict of interest arises when a member's personal or financial interests conflict or appear 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.

Section B(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.

Section B(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

Section B(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 applied biology is practiced appropriately and public confidence maintained, it is incumbent on members to ensure they are practicing only those aspects of biology in which they are competent. This section is related to A(ii). This is not

intended to prevent professional biologists from expanding or changing their area of practice. A member who decides to expand or change their area of competence should ensure their knowledge of the area and attendant species is up to date by taking precautions such as working with and/or for known experts in the field are necessary to ensure their standard of knowledge is sufficient prior to taking on new tasks. In so doing, members must always act in such a way as to

...ensure that the specialist retained is qualified, competent to provide the service ..

ensure that the employer and/or client is not unfairly charged, and the professional's responsibilities to stewardship, the public and the profession are met.

Where a member does not have the requisite expertise to provide an opinion or undertake practice in a particular area, the member should engage a qualified specialists and/or experts. The member must ensure that the specialist retained is qualified and competent to provide the service required. This information can be gained by asking the specialist to provide their credentials and list of recent projects, and by seeking the input of peers.

Section B(vi)

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

Professional Biologists are often asked to assess the effects of development or natural resource policies on environmental values. In many cases, these values can be highly sensitive and an adverse effect may carry significant consequences to the viability of that value. Once the Professional Biologist has undertaken the assessment, an opinion is usually formed on the likely effects of the intended policy or development on the

*“not only establish the likely effects... also **articulate** clearly the **consequences** if the recommendations are not followed”*

identified values. The Professional Biologist’s opinion and subsequent recommendations can have significant influence on the reducing the potential for an adverse effect.

It is incumbent on the Professional Biologist to not only establish the effects that a policy or development may have on an environmental value, but to also articulate clearly the

impacts and resulting consequences if the recommendations made are not followed. Consequences can include any anticipated damage to the values and/or stewardship potentials, and any legal impacts that could arise from the resulting damage.

Most professional recommendations addressing resource management will involve trade-offs of some kind. Members should consider developing and applying evaluation criteria to provide a better understanding of the efforts and/or impacts of the recommendations and alternatives.

Section B(vii)

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

*...**data** collected for an employer or client are the **property of the employer or client**...knowledge gained ...can be used*

The Professional Biologist is expected to respect confidentiality and to apply discretion in employer or client relations. Members should, at the beginning of a project, establish with the employer or client which project elements are confidential and which are not. Out of respect for clients or employers, project reports should not be provided to third parties unless the client or employer approves, in writing, the

release of the report.

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

In terms of meeting requirements under Section 16(a)(i), where the member has exhausted all other internal remedies and is intent on raising a matter with the

Association, any information that is of a confidential nature can be referred to in a general way and the specifics should remain confidential.

Section B(viii)

The Professional Biologist will not seek employment by unethical means

Examples of "unethical means" would include (among other things) such actions as personal or professional misrepresentation, unfair comments about others, the use of privileged information in bidding.

Section B(ix)

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

As noted earlier in Section A(ii), members are not precluded from expanding their fields of expertise. Members must, however, ensure that clients are billed appropriately for work performed. Where a contract or work assignment requires a member to gain additional personal expertise, the member must assess whether the time spent to gain that expertise is properly part of the contract, or part of ensuring competence to perform a task.

Section B(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 for project or client. If payment for work performed was tied to the success of a project, this role definition is in danger of becoming obscured either in fact or perception.

Section C Relations Within the Profession

Section C(i)

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

A member should be credited for the work s/he has done through authorship or acknowledgement on scientific papers or reports. Senior authorship usually goes to the person responsible for the bulk and/or tenor of the work. Normally, junior authors should be acknowledged in order of the significance of their contributions, except when the

“Anonymous reports are discouraged.”

contributions are near equal. Lesser contributions such as data compilation, illustrating, printing or editorial contributions are generally 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 related contributions acknowledged within the body of the report.

Where a Professional Biologist has used the services of others, those contributions must be credited in the report.

Section C(ii)

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

The signing of a report or opinion signifies the acceptance of professional responsibility for the document. If the document was prepared by others, the responsible professional must exercise 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.

*“Members are encouraged to ...sign and seal professional reports and opinions... **absence of a seal does not lessen accountability**”*

The action of signing the report is also a reminder to all that although certain tasks may have been delegated, the professional with signing authority retains the overall accountability for the report.

Members are encouraged to both sign and seal professional reports and opinions. The presence of the seal is another signal to those reading the document that the author, at time of submitting the report, was a Member in Good Standing of the College. It must be noted, however, that the absence of a seal does not lessen the author’s accountability for the report’s contents.

Section C(iii)

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

Whereas Section B(ix) addressed the issue of proper billing practice, this section addresses compensation. Where work is performed at a professional level, members are encouraged to charge, or in the case of a member hiring others pay, a professional rate.

Section C(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 the Professional Biologist is protect the public interest and promote sound stewardship of biological resources. This is achieved by ensuring that those who are addressing biological issues are qualified to do so. The member will, therefore, employ and encourage the employment only of those who are properly qualified.

Section C(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 allegations about his/her competence, honesty, trustworthiness, and/or other elements of integrity. A Professional Biologist has the same right as any other individual in society to engage in free speech, including the right to challenge the veracity and completeness of another professional's

“unintended injury...may be... negligence; intent to harm... may be...malice”

work. However, the Professional Biologist must balance the right to free speech with the duty to the profession, i.e. in this case, not to injure the reputation of another through malice or negligence. It should be noted that unintended injury to a person's reputation resulting from a member's

failure to exercise the degree of care considered reasonable under the circumstances may be viewed as negligence; the intent to harm a person's reputation may be viewed as malice. Members must, therefore, ensure that statements made about others are both truthful and handled appropriately. As set out in the notes accompanying Code of Ethics clause A(v) (**apb 2**), this can include discussing the problem with the other individual before talking to others and always approaching the issue from a perspective of respectful regard. Professional Biologists must guard against participating in undignified communications with or about another person.

Section C(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 College of Applied Biology

Poor practice and/or conduct, be it professional misconduct or conduct unbecoming a practicing member, will damage the reputation of the professional and the profession. Where a Professional Biologist believes another member may have violated the College

Act or Rules and/or has not met the intent of the Code of Ethics, the Professional Biologist should bring the matter to the attention of the College in writing. In order to meet the intent of other sections of the Code, prior to advancing a matter to the College the Professional Biologist should where ever possible first raise the issue with the other party so as to ensure the full understanding of both individuals, and possibly clarify the contentious matter.

Section C(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

Where a member has permission from their employer to engage in personal work and use their employer's workspace and/or equipment for this work, the member should pay a rental fee to the employer. When such uses are approved by the institution, agency or corporation, such support must be acknowledged. Use of such or equipment without the approval of the institution, agency or corporation may be considered theft.

Section C(viii)

The Professional Biologist will assist the development of the profession by supporting the principles of the College, 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 a member's obligation to share knowledge with other members of the profession and with students of biology so that knowledge is disseminated for the benefit of all. An employer/supervisor has an obligation to subordinate staff to allow opportunities 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 member should withhold such knowledge as a means of keeping the subordinate from further advancement. As individuals, supervisors should exemplify the highest of professional standards in all their dealings with students, employees, and other staff; as employers, they should ensure that their organization provides fair and effective means for the internal resolution of disputes.

Members can, through the Association and informal contacts with colleagues and students, encourage activities to be undertaken in a professional, responsible way. This can be done directly through offering advice and acting as mentors, and through service to the profession via the Association and College. It also can be done indirectly in structuring relationships with colleagues, clients, employees and employers.