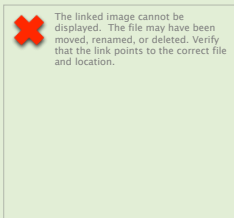


# Staying Onside— Professionalism and Ethics for Planners




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PIBC 2017 Conference, Prince George, BC


# Session Goals

- Overview of PIBC Code & Disciplinary Process
- Special Focus on Conflict of Interest
- Real-life and Real-time Ethical and Professional Challenges in Planning Practice
- Anonymous Queries (use card on your table)
- Summary

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# PIBC Code of Ethics and Professional Conduct

- Included in PIBC Bylaws (Part 14)
- Consists of Code of Ethics and a Code of Professional Conduct
  - 35 Statements
- Code of Professional Conduct originated with CIP and provides national consistency
- Both Codes are enforceable

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# PIBC Code of Ethics — Core Concepts

## Competency

Know the skills /  
abilities needed  
for your area of  
practice

Be able to  
successfully  
apply those skills

## Integrity

Keen sense of responsibility  
to profession, employers  
and public

Retain sense of  
independence to exercise  
professional judgement  
independently and  
without bias

# PIBC Code of Ethics — Values

Practice sustainable planning  
considering needs  
of today and future  
generations

Value natural and human  
environments and consider  
interactions, and acknowledge  
cross-boundary effects


Foster meaningful public  
participation by all  
segments of society

Balance community and  
individual interests

# PIBC Code of Professional Conduct

Principles  
for dealing  
with:

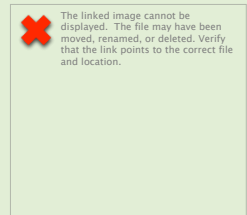
- Public / Public Interest
- Employers / Client
- Fellow professionals, assistants, students of the profession

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# PIBC Code of Professional Conduct

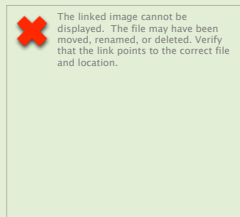
## 1. Responsibility to the Public Interest

- Respect diversity of needs, values and aspirations, and encourage discussion
- Provide full, clear, accurate information while recognizing employer's right to confidentiality and importance of timely reporting
- Acknowledge interrelated nature of planning decisions for human and natural environment
- Provide opportunities for meaningful participation and education



## 2. Responsibility to Employer / Client


- Provide **independent professional opinion**
- Work only **within competency**, with integrity and professionalism, **be diligent** and appropriately prepared
- **Do not accept or offer inducements** that could appear to influence professional advice
- **Acknowledge values of employer** and respect right to confidentiality unless they conflict with the PIBC Code
- **Inform, in a timely way**, client of any **conflict** between client's interests and actions and the PIBC Code, and of any potential conflict arising from the member's professional or private activities
- Only work for **one employer on any particular planning issue**






### 3. Responsibility to Profession / Members

- **Keep** knowledge **up-to-date**
- Only sign-off on work you have checked
- Only **advertise services within your competency**
- Be fair and objective and **do not act maliciously** towards other members or colleagues or their work
- Do not try to steal someone's job!
- Speak for PIBC only if authorized
- **Avoid questionable conduct** in any aspect of your life
- **Deal with ethics responsibly**, for example:
  - report unethical or unprofessional behaviour;
  - comply with PIBC requests for information;
  - respect process and decision of any review or disciplinary process

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# Complaints to PIBC

- May be submitted by a member of the public, employer, client, other PIBC member
- Must be in writing
- PIBC may initiate investigation
- Complaint may not be based on specific contravention of *PIBC Code of Ethics and Professional Conduct*

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**Currently: Professional Practice & Review Committee**  
**At AGM?: Professional Conduct Review Committee**

- PIBC Bylaws (Part 13, pp.31-45)
- 11 or more PIBC members
- Chaired by member of PIBC Council
- Investigations subcommittee / case officers (3+)
- Evaluation subcommittee (3+)
- Adjudication subcommittee (4+)
- Legal counsel (for PIBC)

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## 1. Complaint Received and Investigated

Staff intake of complaint (or PIBC initiates)

Chair of PPRC appoints CO & advises member of complaint

Member's initial response

Case officer investigates; writes report and recommendation

## 2. Evaluation & Decision or 3. Hearing

PPRC

**Evaluation sub-committee**

reviews case officer report, and recommendation.

**Options:**


- No further action
- Consent discipline

• **Review panel**

hearing and findings; and, potentially, discipline


# Discipline Options

- Written reprimand of member
- Written apology
- Further training, education or counselling
- Censure member by public notice
- Suspend PIBC membership
- Financial penalty up to \$10 000
- Loss of PIBC membership
- Compensate PIBC for cost of review hearing

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# Complaints to PIBC—General Categories

- Conduct of member in providing advice or recommendations on project or plan
- Non-disclosure of conflict of interest
- Accepting inducement or personal benefit
- Improper criticism of another member's work
- Providing advice outside member's expertise

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# Overview of PIBC Code and Disciplinary Process

- Conflict of Interest
- Discussion of anonymous queries from you (using cards on your seats)
- Summary

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# Conflict of Interest

## A Planner's Responsibility to Clients and Employers

- A member shall:

Ensure timely and full **disclosure** to a client or employer of a **possible conflict of interest** arising from the member's private or professional activities;

*Code of Professional Conduct, s. 14.5.8*

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# What is a Conflict of Interest?

- A situation in which a member's duty to their employer or client could conflict with a personal or private interest of the member
- It is not a breach of the Code to have a conflict of interest; these will inevitably arise
- The Code is breached only when a conflict of interest is not managed properly; for example, via full and timely disclosure to employer or client


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# What is a Possible Conflict of Interest?

- Disclosure enables the employer or client to decide whether a member will be allowed to be involved despite a personal or private interest
- A disclosure obligation exists despite any subjective conviction of the member that they will be able to effectively manage a conflict by subordinating their personal or private interest to their professional duty, or by delegating the work to subordinates
- It is up to the employer or client to decide, on their criteria, whether the member's personal or private interest precludes the member's involvement, i.e., whether there is "actual" conflict of interest

# When is Disclosure Required?

- A conflict of interest arises at the moment when potentially conflicting interests come into existence—generally well before those interests collide
- When a member performs a service for their employer or client without having disclosed a relevant possible conflict of interest, they could be breaching their contractual duty to provide a demonstrably impartial professional recommendation (to their employer or client). This is a far more serious error than failing to disclose a possible conflict of interest when it should have been disclosed

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# Question Card

I have a dilemma. What is the ethical or professional course of action for the following situation?

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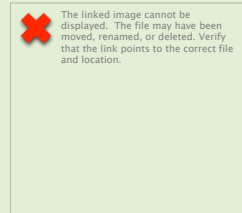
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# Summary: Avoid Ethical Problems

- Keep your roles and associations clear and simple
- Think ahead
- Review the PIBC Codes, seek advice, keep careful (contemporaneous) notes
- Apply the newspaper test
- If in doubt, do not do it

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# Summary: Respond to Ethical Problems

- Do not lie
- Do not belittle issue or question motive
- Show respect for the public interest
- Cooperate fully with investigation
- For a serious charge... consider retaining a lawyer

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# Thank You & Good Luck!

## Bill & Gwen

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