

# Guideline on conflict of interest

## Notice

### Disclaimer

Engineers Canada's national guidelines and Engineers Canada papers were developed by engineers in collaboration with the provincial and territorial engineering regulators. They are intended to promote consistent practices across the country. They are not regulations or rules; they seek to define or explain discrete topics related to the practice and regulation of engineering in Canada.

### **The national guidelines and Engineers Canada papers do not establish a legal standard of care or conduct, and they do not include or constitute legal or professional advice**

In Canada, engineering is regulated under provincial and territorial law by the engineering regulators. The recommendations contained in the national guidelines and Engineers Canada papers may be adopted by the engineering regulators in whole, in part, or not at all. The ultimate authority regarding the propriety of any specific practice or course of conduct lies with the engineering regulator in the province or territory where the engineer works, or intends to work.

### **About this Engineers Canada paper**

This national Engineers Canada paper was prepared by the Canadian Engineering Qualifications Board (CEQB) and provides guidance to regulators in consultation with them. Readers are encouraged to consult their regulators' related engineering acts, regulations, and bylaws in conjunction with this Engineers Canada paper.

### **About Engineers Canada**

Engineers Canada is the national organization of the provincial and territorial associations that regulate the practice of engineering in Canada and license the country's 295,000 members of the engineering profession.

### **About the Canadian Engineering Qualifications Board**

CEQB is a committee of the Engineers Canada Board and is a volunteer-based organization that provides national leadership and recommendations to regulators on the practice of engineering in Canada. CEQB develops guidelines and Engineers Canada papers for regulators and the public that enable the assessment of engineering qualifications, facilitate the mobility of engineers, and foster excellence in engineering practice and regulation.

### **About Equity, Diversity, and Inclusion**

By its nature, engineering is a collaborative profession. Engineers collaborate with individuals from diverse backgrounds to fulfil their duties, tasks, and professional responsibilities. Although we collectively hold the responsibility of culture change, engineers are not expected to tackle these issues independently. Engineers can, and are encouraged to, seek out the expertise of Equity, Diversity, and Inclusion (EDI) professionals, as well as individuals who have expertise in culture change and justice.

## 1 Introduction

Conflicts of interest can affect a professional's objectivity, and the practice of a profession, including engineering.[1] Registrants\* must therefore be aware of conflicts of interest and how to avoid or manage them. This guideline was developed to help individual registrants manage their practice with respect to conflicts of interest. It provides a comprehensive definition of conflicts of interest† as it pertains to engineering, and includes information on how to recognize, avoid and manage them, best practices, and examples illustrating different types of conflicts of interest that they may face.

There are three important **types** of conflicts of interest that can arise and key types of **interests** which registrants must be aware of in their work and engineering practice.

Three important **types** of conflicts:

- » **real (or actual)‡**;
- » **potential§**; and
- » **perceived\*\***.

*Whether it is real, potential, or perceived, all three types of conflicts of interest are equally detrimental to the profession's honour, dignity, and credibility, and can undermine confidence in the person, the*

organization they represent, or the profession. Conflicts of interest may arise regardless of registrants' intentions. As such, recognizing, avoiding, and managing all three types of conflicts of interest is fundamental to ensuring the highest levels of integrity and public trust. Registrants must uphold values of truth, honesty and trustworthiness, and have an obligation to fully disclose their conflicts of interest.

While various types of interest can affect registrants, this guideline is primarily focused on two key categories:

- » **individual/personal interests; and,**
- » **client interests.**

Registrants should also remain cognizant of **other types of interests** which could prevent them from fulfilling their duties impartially. These include the interests of employers, fellow registrants and other professionals, organizations, owners, the engineering profession, the general public, recipients of engineering services, and relevant authorities, among others.

## 2 Defining conflicts of interest

### 2.1 Definition

Conflicts of interest are real, perceived, or potential situations or circumstances in which the judgments, decisions and actions of individuals, institutions or other entities could be affected because of multiple or competing **interests**. Such competing interests can prevent an individual from fulfilling their duties impartially.

A conflict of interest can exist even if no unethical or improper act results from it. When conflicts of interest exist and are not properly managed, they can lead the public to question the honesty and trustworthiness of registrants. The appearance of a conflict of interest is equally detrimental to the profession's honour, dignity, and credibility as is a real conflict of interest and can undermine confidence in the person, the organization they represent, or the profession. In addition, serious mismanagement of conflicts of interest (real, potential, and perceived) can lead to findings of professional misconduct. For this reason, all **types** of conflicts of interest must be properly declared and managed.

### 2.2 Importance

As stated in the Engineers Canada Guideline on code of ethics, registrants must "hold paramount<sup>††</sup> the safety, health and welfare of the public and the protection of the environment, and promote health and safety within the workplace". Any actions that prioritize secondary interests<sup>‡‡</sup> over this ethical duty would be considered a breach of the code of ethics.

In addition, the Engineers Canada Guideline on the code of ethics states that registrants must "Act as faithful agents of their clients or employers, maintain confidentiality and avoid conflicts of interest, but, where such conflict arises, fully disclose the circumstances without delay to the employer or client". As professionals, registrants must act to maintain the trust of each client individually, and the public collectively.

### 2.3 Understanding how conflicts of interest can arise

Conflicts of interest arise when there is a real or perceived risk that a registrant's actions or decisions for a client or the public interest will be materially and adversely affected by another client's interest or by a personal interest. [2]

The following are examples of situations where registrants' secondary interests can cause potential conflicts of interest to arise:

- » working for more than one client on the same project or interrelated projects;
- » leaving an organization to join a competitor, or to start one's own, competing firm;
- » participating in a bid selection process where the registrant has personal connections with the bidders (i.e., family, friendships, business connections, or other personal relationships);
- » being involved in hiring decisions that involve the registrant's personal connections; or
- » owning personal property or having business interests that may be affected by the registrant's work.

*The following scenario is an example of a registrant's secondary interest causing a conflict of interest to arise:*

*A civil engineer is hired to advise a client on the selection of a construction firm to build a new bridge. One of the bidding firms is owned by the engineer's sister. The engineer feels inclined to recommend their sister's firm, as this would benefit the family. This engineer's secondary interest (i.e., participating in a bid selection process where the registrant has personal connections with the bidders) causes a conflict of interest to arise as they might put their personal interests ahead of the client's and public's best interests.*

*In order to best manage this conflict of interest, the engineer must disclose the personal connection to their client, and should recommend to involve an impartial third party to advise on the selection of a construction firm (see section 3. Managing conflicts of interest).*

Secondary interests may not be wrong *per se*, but they can raise public doubts and suspicions about the integrity and impartiality of registrants. Conflicts of interest become objectionable when secondary interests are believed to have influence over the decisions regarding the primary interests<sup>§§</sup>. The “conflict” in a conflict of interest exists whether or not the registrant is actually influenced by the secondary interest. It exists if the circumstances are reasonably believed to create a risk that actions or decisions may be unduly influenced by secondary interests.

*Conflicts of interest are not only restricted to individuals. Organizational conflicts of interest may also exist.*

*For example, if a company provides two different services to a client that have conflicting interests or appear objectionable, (i.e., supplying manufacturing parts and participating on a selection committee comparing parts manufacturers), then an organizational conflict of interest exists. In the same way that individuals must guard against conflicts of interest, organizations should also have procedures to identify, avoid, and manage them.*

## 2.4 Obligation to disclose and duty to report

Registrants must act in good faith and conduct themselves with equity, fairness, courtesy, and integrity, in an honourable and ethical manner. They must uphold the values of truth, honesty, and trustworthiness. Conflicts of interest may arise regardless of registrants' intentions, and these must be recognized, avoided and managed. Registrants have an obligation to fully disclose their conflicts of interest.

In addition to this, registrants have a duty to report<sup>\*\*\*</sup> illegal and unethical practices by registrants or others to senior decision makers, regulators and/or other appropriate agencies [3]. This can include situations where conflicts of interest exist.

*It is important to note that a conflict of interest does not necessarily mean that the registrant has improper or unethical motivations, or has acted inappropriately.*

If a registrant is involved in a conflict of interest situation, they must assess whether they have a duty to report the conflict. Registrants should consult their jurisdiction's Code of Ethics, their Engineering Acts, and professional practice guidelines, to ensure they fulfill their duties and obligations. Registrants should also consult their workplace policies regarding conflicts of interest.

If a registrant is aware of a conflict of interest situation in which they aren't directly involved, they are encouraged to inform the partie(s) involved and to make them aware of their obligations as outlined in this guideline. The registrant should also advise them of the duty to report and encourage the partie(s) involved to report, if necessary. Although the registrant who has a conflict of interest holds the greatest responsibility to manage it, the registrant that identifies the conflict of interest situation should determine what follow-up is required to ensure they meet their own obligations with respect to the code of ethics and the duty to report in their jurisdiction(s).

## 2.5 Honoraria, gifts, and other benefits

Registrants must be able to use their judgement to determine whether it is appropriate or unethical to give or accept gifts<sup>†††</sup>, honoraria<sup>†††</sup>, and other benefits. Before giving or accepting honoraria, gifts, and/or other benefits, registrants should consider the following aspects:

- »their relationship with the individuals/entities;
- »the cultural context of these offerings;
- »the frequency of these offerings;
- »the monetary value of these offerings;
- »their employer's policies (recognizing these will differ between different organizations); and,
- »the appropriateness of these offerings.
  - » *What is the reason for these offerings?*

- »Are these offerings consistent with what is typically given in similar situations?
- »Is there an expectation for reciprocity, favours, or compensation in exchange for these offerings?

*The following is an example of a situation where it would be inappropriate and unethical to give an honorarium:*

*While it may be appropriate to provide an honorarium to a Community Representative for presenting opening remarks at the beginning of a community consultation meeting (and within cultural norms), it may not be appropriate to do so if there is an expectation from the engineering firm or client organization that the Community Representative will subsequently influence others in the community to support a contentious project. Registrants should assess the appropriateness of the honorarium by considering the above aspects and determining whether there are any expectations for reciprocity, favours, or compensation in exchange for providing the honorarium.*

## 3 Managing conflicts of interest

It is important to have an effective procedure for managing conflicts of interests as they arise. The requirements for successfully managing conflicts of interest are as follows:

- »being aware of obligations;
- »exercising good judgment; and
- »effectively communicating and documenting the decisions made and actions taken when dealing with conflicts of interest. [4]

### 3.1 Identifying and assessing conflicts of interest

It is critical for registrants to have clear principles to apply and rules to follow when they assess whether or not a conflict exists. Assessing possible conflicts of interest should be a regular part of the practice of engineering.

The first step is to look for and have the ability to recognize conflicts of interest. These are often easy to spot in hindsight but tend to start in such an innocuous way that the problem is not noticed as it is developing. [5]

Each new potential client or work activity should be considered from a conflict of interest point of view. Individuals and organizations should have processes in place to facilitate this. The first series of questions to ask is:

- »who is the client, and/or what is the personal relationship?
- »what am I being asked to do?
- »who could be affected by this work?

With this information, it is now possible to ask more detailed questions:

- »are there current clients whose interests are related or in conflict?
- »are there current personal relationships whose interests are related or in conflict?
- »is there current or past work that is related or in conflict?
- »are there personal connections to the client or anyone affected by the client's work?
- »is there any personal or organizational gain that is inequitable and/or unfair?

When answering these questions, it is important to look at them from different perspectives: from the client's perspective, from the public's perspective, from the perspective of other clients, and from the perspective of the organization overall.

Some questions that can help identify a personal conflict of interest include:

- »what is the client's interest?
- »what is my interest?
- »what is the interest of other parties that are involved or are in positions to gain from the situation?
- »will maximizing my interest negatively affect the client's interest?
- »will I always be able to place the interests of my client first?

»is there potential for a falling out with the client in connection with the matter?

Every time that a potential conflict is identified, the registrant must then consider it in greater detail to determine if the conflict could lead to a substantial risk that the duty of due diligence owed to the client would be affected. The specific questions to examine are:

»what type of potential conflict exists?

»is there a risk of disclosing or misusing confidential information that is either already in-house or that would be obtained through the new client or work assignment?

»is there a risk of this work being undermined or being inconsistent with any other work (and vice versa)?

»would the personal interest of any individual or of the organization as a whole affect the performance of this new work?

## 3.2 Possible actions and next steps

Once the answers to these questions are known, then it is possible to decide how to act. There are four possible actions that can be taken, as outlined. Regardless of the decision, the registrant must consider any applicable workplace or regulator disclosure obligations and/or duty to report requirements.

1. **Proceed with the work.** After analysis, if the registrant and organization agree that there is no potential conflict of interest, the work can proceed. It is wise to document this decision and the information that was considered in arriving at this conclusion.
2. **Proceed with the work and erect any necessary confidentiality screens.** This could be, for example, between the manufacturing and consulting arms of a company. Note that this course of action is only suitable for professional/professional conflicts. It is not possible to effectively create confidentiality screens in personal situations (e.g., when a spouse is evaluating their partner's bid). It is wise to document this decision and the information that was considered in arriving at this conclusion.
3. **Proceed with the work after having informed the client(s) (both new and existing, if applicable) and obtained consent.** This is often the simplest and most effective way to deal with potential conflicts of interest. Talk to all parties about the identified circumstances that could lead them to question the registrant's judgment. In most cases, there will either be no perceived conflict (i.e., the parties are willing to accept the situation) or steps can be taken to eliminate the possibility of one occurring. [6]  
By obtaining the agreement of all interested parties that there is no conflict of interest, registrants reduce the possibility of litigation and charges of professional misconduct. If agreement cannot be found, registrants have no option but to withdraw their services, thereby avoiding a problematic investment in services by clients and eliminating the possibility of costly litigation. [7] In either case, the process and information that was considered in the decision to continue the work should be documented; from the registrant's analysis to the conclusion.
4. **Do not proceed with the work.** In some circumstances it will be clear that a conflict would likely arise if the work were undertaken. In these cases, it is best to not accept the work. Registrants owe a duty of due diligence to their clients and to the public, and if this cannot be provided, the work should be declined or not continued. It is wise to document this decision and the information that was considered in arriving at this conclusion.

Where the decision is made to continue with work (cases 1, 2 and 3), it is important to remain attentive to any changes in the work that would have affected the original decision. It may be necessary to re-analyze the potential for a conflict of interest as the work proceeds.

## Appendix A: Examples

The following examples illustrate some of the conflicts of interest that registrants may face when providing engineering services or products. All examples are drawn from PEO's "Professional Engineering Practice" guideline of January 2020.

### Case A

Engineers can most often become involved in conflicts of interest when they are confronted with the possibility of working for more than one client on the same project.

For example, a land owner hires an engineer to carry out a planning study regarding the development of a piece of land. The engineer prepares the report, time passes, and the developer does not request or need any further information from the engineer. The engineer is paid for all the work done. The municipality in which the development exists is in need of an engineering opinion that involves, among other things, this

same land. It therefore contacts the engineer who prepared the report for the developer because of the engineer's expertise in the type of work and previous experience with the municipality. The engineer is now faced with the problem of possibly working for two different parties, each of whom is involved with the same issue. What should the engineer do?

Before accepting an assignment from the second party, the engineer must recognize there is a potential conflict of interest. A prudent engineer will explain to the municipality's representative that a report was prepared for one of the land developers. The municipality might well deem this to be a conflict and select another engineer for the assignment, thereby ending the potential conflict. Alternatively, the municipality could decide there is no conflict and be willing to continue with the engineer. However, this does not resolve the engineer's potential conflict, because the developer, who is the first client, is not party to this decision. The engineer should advise the municipality that the assignment will be accepted only if the developer agrees in writing that there is no conflict. Once that written agreement is obtained, the second assignment can be accepted. If no waiver is provided, the municipality may agree to retain the engineer generally but obtain a different one for this specific land owner.

### **Case B**

In some circumstances, an engineer might be requested by one client to provide expert opinion against another client for whom the engineer had regularly provided services in the past. The dispute does not involve any services provided previously by the engineer, but is simply a case of one loyal client retaining the engineer on a matter that involves another loyal client on the other side. The engineer has no previous knowledge of the issue. Clearly, there is no conflict of interest in this example, but there is an important business decision for the engineer to deal with. Prudent registrants may decide to step away from this assignment.

### **Case C**

This case illustrates a conflict of interest that might occur in circumstances involving a situation in which practitioners are privy to privileged or confidential information.

Engineering firm ABC is retained to investigate the collapse of a large warehouse on behalf of the contractor who constructed it. A senior engineer employed by ABC is assigned to this project to work closely with the contractor's lawyer and chief engineer. The owners of the warehouse also retain an engineering expert through their lawyer. This engineer is employed by XYZ Engineering and works closely with the owner's lawyer and building manager.

During litigation investigations, ABC's senior engineer is assisted by a junior engineer who carries out calculations, reviews drawings, and accompanies the senior engineer at the occasional meeting with the contractor's lawyer and chief engineer. Both experts prepare reports, and litigation drags out for a considerable time. ABC's junior engineer is assigned to several other projects in the interim, and years pass without any further participation on the warehouse collapse.

Eventually, the junior engineer leaves ABC and is hired by XYZ to work in the bridge design department. The contractor's lawyer learns that XYZ has the junior engineer on staff. The contractor's lawyer applies to the court seeking a declaration that the firm XYZ is ineligible to continue to act for the owners because it is now in possession of the contractor's privileged and confidential information through the junior engineer who worked on the case for the contractor.

The Supreme Court of Canada concluded that such a situation constitutes a conflict of interest in certain instances involving law firms; it has been suggested that engineering firms could be exposed to the same conditions. For instance, even though the junior engineer in this example was never assigned to the warehouse case by new employer XYZ, there is a strong presumption that confidences are shared among engineers; to the courts, this could be enough to create the appearance of a conflict of interest.

This situation is difficult to prepare for, yet can potentially be very damaging to the engineering firm's client, since years of effort could be devalued. This would leave the client very vulnerable as the trial date approached. To avoid problems, XYZ should either obtain the agreement of ABC and its relevant clients or set up at the time of hiring a formal administrative separation of the junior engineer from all information and discussions on the matter. Legal advice should be sought.

### **Case D**

Engineers are often active outside their particular engineering activities, serving with charitable groups, boards of directors, political parties, etc. From time to time, while participating in one of these non-engineering groups, circumstances will put engineers in positions where they might be required to participate in selecting or appointing an engineer to provide engineering services to the non-engineering group. This could put engineers working with the non-engineering group in a conflict of interest if their own engineering firm is in competition for this assignment. Engineers should recognize this conflict and refuse to participate in the selection process, after explaining the circumstances to the group they are serving.



## Case E

It is not uncommon for small municipalities that cannot afford to have a permanent municipal engineer on staff to retain a consulting engineer to fill that role. That engineer, for all intents and purposes, fulfills the duties of the municipal engineer. In this example, an engineer providing these services to the municipality has another client who is in the land development business. The developer requests the engineer to provide services on a project that the developer intends to carry out on land owned within the municipality for which the engineer provides the ongoing municipal engineering duties.

In this particular situation, municipal approvals are required. The engineer recognizes there is a potential conflict of interest if assistance were provided to the developer, because of the confidential information the engineer has with respect to the ongoing work done previously for the municipality. Also, in approving work carried out by the developer on behalf of the municipality, the engineer would be trying to serve two clients on the same work and therefore would be in further conflict. The engineer decides correctly to turn down the work for the developer, so the ongoing work for the municipality can be performed without such conflict.

## Case F

Engineer M works in company XYZ that develops and sells products and services to a wide variety of customers. Friend N runs ABC Services, a small company that sells a specialized product very different from those produced by XYZ. Engineer M has ideas for improving the product sold by ABC Services and offers to assist N. Engineer M develops the design on her own time using resources made available at ABC Services by N.

Because the product is not a competitor for those sold by XYZ and M is not using XYZ resources, M's work on the product does not directly conflict with her obligations to her employer. However, it is best practice, and is legislated in some jurisdictions, for engineer M to notify her employer about these "moonlighting" activities. This is necessary so the employer can be advised of circumstances that might appear to be a conflict if discovered in the future. The best course of action is to make all parties aware of the situation at once and allow the parties the opportunity to be assured that a conflict does not exist.

# Appendix B: Glossary

**Client:** A client generally means a person, including a public officer, corporation, association or other organization or entity, either public or private, who is rendered services by a service provider, or who consults a service provider with an intention of obtaining services from them.

**Conflict of Interest:** Conflicts of interest are real, perceived, or potential situations or circumstances in which the judgments, decisions and actions of individuals, institutions or other entities could be affected because of multiple or competing interests. Such competing interests can prevent an individual from fulfilling their duties impartially.

A conflict of interest can exist even if no unethical or improper act results from it. When conflicts of interest exist and are not properly managed, they can lead the public to question the honesty and trustworthiness of registrants. The appearance of a conflict of interest is equally detrimental to the profession's honour, dignity, and credibility as is a real conflict of interest and can undermine confidence in the person, the organization they represent or the profession. In addition, serious mismanagement of conflicts of interest (real, potential, and perceived) can lead to findings of professional misconduct. For this reason, all types of conflicts of interest must be properly declared and managed.

**Employer:** An employer is a person or entity who hires another to perform a service under an express or implied agreement and has control, or the right to control, over the manner and means of performing the services.

**Moonlighting:** Having a side job in addition to one's primary employment, outside of their normal working hours. These jobs are often taken by employees in secret, without informing the employer and without paying tax on the extra income earned.

**Organization:** A corporation, trust, estate, partnership, cooperative, association, or government entity or instrumentality.

**Owners:** Individuals, institutions, or entities who own the project or infrastructure being worked on.

**Personal/individual conflicts:** A personal/individual conflict exists where the registrant's personal interests conflict with their professional ones (for example, where the value of your own personal property is influenced by engineering work that you do).

**Primary interest:** This interest refers to the principal goals of the profession or activity. In this case, it is the duty of registrants to protect the public interest in the first place and to serve their clients with due diligence.



**Profession:** A vocation requiring knowledge of some department of learning or science.

**Professional:** A professional is an individual who has obtained specialized knowledge, skills, and qualifications in a particular field or department of learning science.

**Professional/professional conflicts:** Professional/professional conflicts are where the interests of one client conflict with another client, or where the registrant acts in two different roles for the same client (e.g., preparing bid documents and then bidding on the job).

**Public:** The definition of public is the whole body politic, or the aggregate of the citizens of a state, nation, or municipality. Public also can mean the community at large, without reference to the geographical limits of any corporation like a city, town, or county; the people.

**Recipients of engineering services:** Individuals, institutions, or entities who benefit from or rely on engineering services.

**Relevant authorities:** Regulatory associations, governmental bodies, and any other organizations and agencies that oversee engineering activities.

**Secondary interest:** This interest could include things such as personal financial gain, the desire for professional advancement, the wish to help family, friends, and other personal connections, the desire to secure future contracts, or the wish to advance a second client's interest.

## Endnotes

[1] The Association of Professional Engineers and Geoscientists of Alberta, Ethical Practice, [https://www.apega.ca/docs/default-source/pdfs/standards-guidelines/ethical-practice.pdf?sfvrsn=78261e0b\\_14](https://www.apega.ca/docs/default-source/pdfs/standards-guidelines/ethical-practice.pdf?sfvrsn=78261e0b_14)

[2] Federation of Law Societies of Canada, [https://flsc-s3-storage-pub.s3.ca-central-1.amazonaws.com/CodeStanding-Committee20112.pdf?\\_rt=N3wxfGNvbmZsaWN0IG9mIGludGVyZXN0fDE2NjYxMTc2NTg&\\_rt\\_nonce=2e73ca5a81](https://flsc-s3-storage-pub.s3.ca-central-1.amazonaws.com/CodeStanding-Committee20112.pdf?_rt=N3wxfGNvbmZsaWN0IG9mIGludGVyZXN0fDE2NjYxMTc2NTg&_rt_nonce=2e73ca5a81)

[3] Engineers Canada, Guideline on the Code of Ethics, <https://engineerscanada.ca/publications/public-guideline-on-the-code-of-ethics>

[4] All content in this section is thanks to the Canadian Bar Association (CBA), Conflicts of Interest Toolkit, and in particular the analysis framework at : <https://www.cba.org/Publications-Resources/Practice-Tools/Conflicts-of-Interest-Toolkit/Materials>

[5] Buttigieg, Bryan J. and Thomson, Miller. "Conflict of Interest: consulting engineers need to be vigilant". Canadian Consulting Engineer, March 2004.

[6] PEO, Professional Engineering Practice, November 2020.

[7] PEO, ibid

[8] PEO, ibid

[9] PEO, ibid

[10] PEO, ibid

[11] PEO, ibid

[12] PEO, ibid

[13] PEO, ibid

## Bibliography

Buttigieg, Bryan J. and Thomson, Miller. "Conflict of Interest: consulting engineering need to be vigilant". Canadian Consulting Engineer, March 2004.

Canadian Bar Association, Task Force on Conflicts of Interest, at <https://www.cba.org/Publications-Resources/Practice-Tools/Conflicts-of-Interest-Toolkit/Materials>.

Federation of Law Societies of Canada, Report on Conflicts of Interest, November 2011, at <https://flsc-s3-storage-pub.s3.ca-central-1.amazonaws.com/CodeStanding-Committee20112.pdf>

\_rt=N3wxfGNvbmZsaWN0IG9mIGludGVyZXN0fDE2NjYxMTc2NTg&\_rt\_nonce=2e73ca5a81.

Government of British Columbia, Assessing & addressing conflicts of interest – Guideline for Managers, Ethics Advisors and Deputy Ministers, May 2023, at [https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/ethics/conflict\\_interest\\_guidelines\\_managers\\_ea\\_dm.pdf](https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/ethics/conflict_interest_guidelines_managers_ea_dm.pdf)

Government of Canada, Treasury Board Secretariat – FAQs: Directive on Conflict of Interest, May 2023, at <https://www.canada.ca/en/treasury-board-secretariat/services/values-ethics/conflict-interest-post-employment/frequently-asked-questions.html>

Government of Canada, Values and Ethics Code of the Department of Justice: Chapter II: Conflict of Interest and Post-employment, May 2023, at <https://www.justice.gc.ca/eng/rp-pr/cp-pm/vec-cve/c2.html>

Law Society of Ontario, Steps for Dealing with Conflicts of Interest Rules, May 2023, at <https://lso.ca/lawyers/practice-supports-resources/practice-management-topics/the-lawyer-client-relationship/conflicts-of-interest/steps-for-dealing-with-conflicts-of-interest-rules>

OIQ, “Would you be able to recognize a conflict of interest?” from PLAN, March 2011, page 42.

PEO, Professional Engineering Practice, November 2020, at [https://www.peo.on.ca/srv/drupal-engineerscanada-website/src/sites/default/files/2020-12/PEPGuideline\\_Nov2020.pdf](https://www.peo.on.ca/srv/drupal-engineerscanada-website/src/sites/default/files/2020-12/PEPGuideline_Nov2020.pdf).

University of Alberta, Elder Protocol and Guidelines, May 2023 at <https://www.ualberta.ca/media-library/ualberta/students/first-peoples-house/documents/elder-protocol.pdf>

## Notes

\* “Registrant” means an individual registered with an engineering regulator, and can include but is not limited to engineers, engineers-in-training, members-in-training, engineering interns, permit holders, and licensees.

† This guideline includes additional relevant definitions listed as footnotes and in the Glossary (Appendix B).

‡ A “real” or “actual” conflict of interest exists at the present time where a registrant’s actions, decisions or judgement could prevent them from fulfilling their duties and/or could compromise the public’s trust.

§ A “potential” conflict of interest exists when a registrant’s interests could influence their actions, decisions or judgement, and can reasonably be foreseen to lead to a real conflict of interest in the future.

\*\* A “perceived” conflict of interest exists when a registrant’s interests would appear to a reasonable person to impact their actions, decisions or judgement, which could prevent them from fulfilling their duties and/or could compromise the public’s trust, even though there may not be a real conflict.

†† The meaning of “paramount” in this basic tenet is that all other requirements of the Code are subordinate if protection of public safety, the environment or other substantive public interests are involved.

‡‡ Secondary interests include things such as personal, financial gain, the desire for professional advancement, the wish to help family, friends, and other personal connections, the desire to secure future contracts, or the wish to advance a second client’s interest.

§§ Primary interests refer to the principal goals of the profession or activity. In this case, it is the duty of registrants to protect the public interest in the first place and to serve their clients with due diligence.

\*\*\* An Engineers Canada Guideline on duty to report will be made available in 2024.

††† The term “gifts” refers to a voluntary and deliberate transfer of value from one person or entity to another without expecting anything in return (e.g., objects, money, services, items of value such as event tickets, etc.). In some cultures, gift-giving is an important practice, but they can also have ethical and legal implications in certain situations.

‡‡‡ An honorarium represents a gesture of respect and gratitude for the knowledge, time, and resources that have been shared. The term “honoraria” can refer to a gift in exchange for Traditional Indigenous Knowledge, can be given to an Indigenous knowledge holder or to a community in recognition of their contributions, and should not be simply viewed as a payment for services rendered.