

Association of Consulting Engineers of Kenya (ACEK)

Code of Conduct and Ethics

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1. PREAMBLE

The Association of Engineers of Kenya (ACEK) is an umbrella body of consulting engineers and consulting engineering firms established in Kenya. ACEK is governed by its constitution which was revised in April 2006. ACEK is governed by a Council which is nominated by Members and elected at the annual general meeting (AGM) to serve for a period of one year. ACEK is a member of:

- International Federation of Consulting Engineers (FIDIC)
- FIDIC Group of African Member Associations (GAMA)
- Association of Professional Societies of East Africa (APSEA)
- Kenya Private Sector Alliance (KEPSA)

The main objectives of ACEK are:

- (a) To establish a standard for the conduct of Consulting Engineers in Kenya and in the region;
- (b) To serve the public in matters connected with engineering;
- (c) To promote the training of Engineers in Kenya;
- (d) To promote the advancement of the profession of Consulting Engineering;
- (e) To associate Consulting Engineers as defined herein for the purpose of cooperation and mutual advantage and consultation
- (f) To promote the professional interests, rights and powers of Consulting Engineers.

In connection with the above objectives and for the purpose of promoting the same, ACEK undertakes:

- (a) To give the legislature, public bodies and other organizations facilities for conferring with and ascertaining the collective views of Consulting Engineers established in Kenya;
- (b) To seek representation in educational bodies in connection with the training of professional Engineers;
- (c) To confer with associations representing manufacturers, contractors and other persons engaged in engineering works on matters of common interest;
- (d) To purchase, take on lease or in exchange, hire or otherwise acquire any movable or immovable property and any rights or privileges which the Association may think necessary or convenient for the purpose of its business, and in particular any lands buildings or works, and to construct, maintain and alter any building or works;

- (e) To sell, let, mortgage, donate, dispose of, or turn to account, all or any of the property, rights or privileges of the Association;
- (f) To undertake and execute any trusts which may lawfully be undertaken by the Association;
- (g) To borrow or raise money on such terms and on such security as may be thought fit;
- (h) To invest the moneys of the Association not immediately required for its purposes; in or upon such investments, securities or property as may be thought fit, and generally to lend and advance money to any persons or companies without security, or upon such security and terms and subject to such conditions as may seem expedient;
- (i) To establish and support or aid in the establishment and support of any charitable or benevolent association or institutions and to subscribe or guarantee money for charitable or benevolent purpose;
- (j) To draw, make, accept, endorse, discount, execute and make promissory notes, bills of exchange and other negotiable or transferable instruments; and
- (k) To do all such other things as are incidental, or as the Association may think conducive, to the attainment of the above objects or any of them.

2. OBJECTIVES OF ACEK'S CODE OF CONDUCT AND ETHICS

We, the members of the ACEK , in recognition of the importance of our technologies in affecting the quality of life in Kenya, in the region and throughout the world and in accepting a personal obligation to our profession, its members and the communities we serve, do hereby commit ourselves to the highest ethical and professional conduct.

As engineering practitioners, we use our knowledge and skills for the benefit of the community to create engineering solutions for a sustainable future. In doing so, we strive to serve the community ahead of other personal or sectional interests.

This *Code of Conduct and Ethics* defines the values and principles that shape the decisions we make in engineering practice.

As members of ACEK, we are committed to practicing in accordance with this *Code of Conduct and Ethics* and accept that we shall be held accountable for our conduct under ACEK Constitution and the Engineering Act.

The *Code of Conduct and Ethics* of ACEK places a personal obligation on its members to act with integrity, in the public interest, and to exercise all reasonable professional skill and care.

ACEK in association with APSEA and KACC has put in place this *Code of Conduct and Ethics* which it believes all professional engineers and their firms shall subscribe to. Consulting engineers work to enhance the welfare, health and safety of all whilst paying due regard to the environment and the sustainability of resources. They have made personal and professional commitments to enhance the wellbeing of society through the exploitation of knowledge and the management of creative teams.

This *Code of Conduct and Ethics* sets standards which members of the engineering profession should aspire to in their working habits and relationships. The values espoused in it should apply in every situation in which consulting engineers exercise their judgement.

Consulting engineering is not just a job – it is a mindset and sometimes a way of life. Engineers use their judgement and experience to solve problems when the limits of scientific knowledge or mathematics are evident. Their constant intent is to limit or eliminate risk.

PART ONE - PRELIMINARY

1. Citation

This Code may be cited as Association of Consulting Engineers of Kenya Code of Conduct and Ethics.

2. Definition

In this Code unless the context otherwise requires, “**Member**” means an individual or firm registered with the Association of Consulting Engineers of Kenya (ACEK).

3. Application

This Code applies to all members of the Association of Consulting Engineers of Kenya (ACEK).

PART TWO - REQUIREMENTS

Each ACEK member shall place a personal obligation to act with integrity, in the public interest, and to exercise all reasonable professional skill and care:

1. Compliance with the Code

A member of ACEK shall comply with all the requirements as set out in this Code. A Member shall maintain high personal integrity, moral standards and sound reputation by subscribing to and observing this Code.

2. Integrity

A member of ACEK shall at all times act in the legitimate interests of the client and other stakeholders and discharge his/her duties with integrity, faithfulness, confidentiality, efficiency, competence and in a non-discriminatory manner. He/she must endeavour to be honest and realistic in stating claims or estimates based on available data.

Members of ACEK should adopt the highest standards of professional conduct, openness, fairness and honesty. They should:

- be alert to the ways in which their work might affect others and duly respect the rights and reputations of other parties
- avoid deceptive acts, take steps to prevent corrupt practices or professional misconduct, and declare conflicts of interest

- act for each employer or client in a reliable and trustworthy manner

3. Gifts, Benefits, Favours

A member of ACEK shall neither offer nor accept reward of any kind which in perception or in effect either:

- Seeks to influence the process of selection or compensation of consulting engineering, or
- Seeks to affect the independent judgement of the consulting engineering.

Consulting Engineers should adopt the highest standards of professional conduct, openness, fairness and honesty. They should:

- be alert to the ways in which their work might affect others and duly respect the rights and reputations of other parties;
- avoid deceptive acts, take steps to prevent corrupt practices or professional misconduct, and declare conflicts of interest;
- reject bribery or improper influence;
- act for each employer or client in a reliable and trustworthy manner.

A member of ACEK must co-operate fully with KACC or any other legitimately constituted investigative body conducting enquiry into the alleged misconduct of a Member.

He/she must report to ACEK any incidences of bribery or corruption that come to their notice.

4. Respect for Life, Law and the Public Good

A member of ACEK should conduct themselves according to the laws of the country in which they are working and give due weight to all relevant law, facts and published guidance, and the wider public interest. They should:

- ensure that all work is lawful and justified;
- minimize and justify any adverse effect on society or on the natural environment for their own and succeeding generations;
- take due account of the limited availability of natural and human resources;
- hold paramount the health and safety of others;
- act honourably, responsibly and lawfully and uphold the reputation, standing and dignity of the profession

5. Fees and Other Types of Remuneration

- (i) A member of ACEK must not undertake work for fees under conditions which may jeopardize the quality of the professional service to be rendered.
- (ii) No member shall knowingly compete on the basis of professional charges with another member for employment. This Clause shall not be taken to prohibit members from participating in open bidding where both technical qualification and price shall be considered. In this case the process shall not be objectionable to the Association. Again the process shall be subject to judgment by professionals acceptable to the Association
- (iii) No member shall attempt, directly or indirectly, to supplant another member, nor shall he review or take over work of another member acting as a Consulting Engineer for the same client, until he has either obtained the consent of such member or has been formally notified by the client that the connection of such a member with the work has been terminated.
- (iv) Members may enter competitions involving the submission of proposals and designs for engineering works but should always promote the concept of selection by ability and always to encourage prospective clients to engage the services of competent assessors who shall be Engineers of acknowledged standing to adjudicate such proposals and designs.
- (v) A member practicing outside Kenya may order his conduct in such country according to the rules of professional conduct and the code of ethics of any national society or body in that country recognized for this purpose by the Council.

6. Marketing of Professional Services

- (i) No member shall solicit professional work either directly or indirectly by an agent nor shall he/she pay, by commission or otherwise, any person who may introduce clients to him.
- (ii) No member shall advertise directly or indirectly for professional employment, nor shall he answer any advertisement for a Consulting Engineer, PROVIDED THAT nothing contained in the Constitution shall be construed as preventing or precluding a member if he so chooses from :-

- (a) having his/her name, designation and address inscribed in a manner approved by the Council on display boards erected on the sites of works for which the member is the Consulting Engineer or commemorative tablets or stones incorporated in the finished structures;
- (b) publishing, with his/her clients' approval, articles treatises or illustrations relating to the works for which the member is the Consulting Engineer either on his own account or in association with other parties concerned with such works;
- (c) permitting his/her name to appear with illustrations or works with which he has been professionally connected, publishing as parts of advertisements by contractors or manufacturers provided that the member takes all reasonable steps to ensure that his name appears in an unobtrusive manner and not in any way as suggesting solicitation of professional work.
- (d) responding to advertisement for open bidding for assignments in accordance with Clause 8.
- (e) should not bring the profession into disrepute when marketing professional services. The member should be honest and truthful and should not:
 - Make exaggerated claims for services offers, qualifications possessed or experience gained;
 - Make disparaging references to unsubstantiated comparisons to the work of another. If the member is in doubt whether a proposed format of advertising or marketing is appropriate, the member should consult with ACEK.

7. Competence, Accuracy and Rigour

Members of ACEK have a duty to ensure that they acquire and use wisely and faithfully the knowledge that is relevant to the engineering skills needed in their work in the service of others. They should:

- always act with care and competence;
- perform services only in areas of current competence;
- keep their knowledge and skills up to date and assist the development of engineering knowledge and skills in others;
- not knowingly mislead or allow others to be misled about engineering matters;
- present and review engineering evidence, theory and

- interpretation honestly, accurately and without bias.; and
- identify and evaluate and, where possible, quantify risks.

Members must maintain their knowledge and skills at levels consistent with development in technology, legislation and management, apply due skill, care and diligence in rendering services to clients and only accept or undertake work for which they possess, or can acquire and manage with responsibility, the necessary professional competence and organization.

8. Conflict of interest/Misuse of Position

No member shall, without disclosing the fact in writing to his client, be a shareholder in or have a financial interest in any company, firm or person carrying on any contracting or manufacturing business which, in the opinion of the Council, might influence his professional advice to that client.

A member of ACEK shall not use his/her position or connection to attempt to gain or to confer a benefit upon others with whom he has an interest, such as family members, friends, relatives, business associates or colleagues.

9. Preservation of Records

Members of ACEK shall not without satisfactory reasons, destroy or dispose of, or knowingly allow any other person to destroy or dispose of any calculations, drawings or contractual documents for a period of ten years after completion of the project concerned.

10. Nepotism/Favoritism

A member of ACEK shall not favour relatives, friends or associates in decision making or provision of services.

11. Intellectual Property

No member shall receive directly or indirectly any royalty on or any gratuity or commission in respect of any patented or protected article or process used on or for the purpose of the work in respect of which he is acting for a client unless and until such royalty, gratuity or commission has been authorized in writing by such client.

12. Conduct in Public

A member of the (Association/Institute) shall carry out himself in dignity both in public and private.

13. Respect

- (i) A member of ACEK shall not intentionally injure the professional reputation or practice of another member. However, if a member has evidence that another member has been guilty of unethical, illegal or unfair practices, including practices in violation of this code, he/she should present the information to ACEK for appropriate action.
- (ii) Not review the work of another member for a client, except:
 - with the prior knowledge of such Member and affording such Member reasonable opportunity to submit comments on the findings of the review, or
 - after receipt of notification from the client that the engagement of such Member has been terminated, or
 - where the review is intended for purposes of a court of law or other legal proceedings.
- (iii) Not take over the work of another member before notifying the member in question, and without being advised in writing by the client of the termination of the prior appointment for that work.

- (iv) Not accept subcontracted work without the knowledge of the Client.

14. Responsible Leadership: Listening and Informing

Members of ACEK shall aspire to high standards of leadership in the exploitation and management of technology. They hold a privileged and trusted position in society, and are expected to demonstrate that they are seeking to serve wider society and to be sensitive to public concerns. They should:

- be aware of the issues that engineering and technology raise for society, and listen to the aspirations and concerns of others;
- actively promote public awareness and understanding of the impact and benefits of engineering achievements; and
- be objective and truthful in any statement made in their professional capacity.

15. Non-discrimination

A member of ACEK shall not discriminate directly or indirectly, individuals on the ground of age, gender, race, colour, ethnic origin, marital status, disability etc.

16. Sexual Harassment

A member of ACEK shall not sexually harass a member of the public or a fellow colleague.

17. Workplace Harassment

A member of ACEK shall avoid unwelcome, abusive, belittling or threatening behavior to his/her colleagues, associates and employees.

18. Confidentiality

Members of ACEK shall generally maintain high level of confidentiality between themselves and particularly with regard to:

- Use and disclosure of client information
- Personal information
- Disclosure of the Association information

19. Custody of Client Assets

Members of ACEK shall not assume custody of client property or monies unless permitted to do so by law in compliance with professional regulations.

20. Use of Internet, E-Mail and Electronic Media

Every member shall make responsible use of internet, e-mail, electronic and print media to communicate in a manner that is not discriminatory or damaging to the Association and the general good of the society.

21. Alcohol and Drug Abuse

Members of ACEK shall not consume excessive alcohol such as to impair their work performance or impair judgment. They shall not take prohibited drugs.

22. Gambling

ACEK members shall desist from gambling activities that may lead to impairment of work and/or lead to pecuniary embarrassment.

23. Dress Code

Members of ACEK shall dress decently and appropriately. Safety gear must be actively promoted and worn at construction sites.

24. Political Association/Alignment

ACEK shall be a non-political Association. While members are not

barred from belonging or subscribing to political parties, politics shall not be exercised to the extent that it negatively affects engineering or professional activities and the membership of the Association.

25. Corporate Social Responsibility

Members of ACEK shall participate both as individuals or firms exclusively or through the Association, in corporate social activities to enhance the image of ACEK and contribute to the general welfare of the society.

26. Whistle Blowing

Corruption in all its forms must be stopped and ACEK members shall take a lead in reporting cases of corruption to the KACC or any other legally constituted investigative body. Members should report all forms of corruption to ACEK secretariat in writing and addressed to the Chairman, ACEK. Mechanisms for confidentiality of the informants are in place.

27. Enforcement of the Code

ACEK shall be responsible for ensuring that this Code is implemented, understood and observed by members.

The ACEK Council shall ensure that members comply with the code. Failure to adhere to the Code may lead to disciplinary action through laid down procedures.

All members shall comply with all the regulations and requirements as set out in this Code and the constitution of ACEK and other provisions of the Engineers Act. Members shall maintain high personal integrity, moral standards and sound reputation by subscribing to this Code.

28. Complaints Structure

ACEK shall receive, investigate and respond to clients/members complaints arising from failure to comply with provisions of this Code. All complaints must be written in English, addressed to the Chairman, ACEK, and delivered or sent by post, email, telefax or any other medium that can be stored and reproduced. The complaint shall bear full identity and address of the complainant. On receipt of such a complaint the Council shall within one month appoint an investigating committee to carry out full investigation and report back within 3 months. The Council shall then take action and report its decision to the complainant within one month.

29. Review of the Code

This Code shall be reviewed from time to time as may be deemed necessary by ACEK.

30. Conclusion

This Code of Conduct and Ethics for ACEK members and clients is an attempt to bring on board all issues appertaining to the general conduct of its members in line with the practice of the profession of engineering consultancy in Kenya and in conformity with internationally accepted standards.

It may not cover every aspect, but with periodical reviews other new aspects and emerging issues will be included. The Code is not an end in itself; members shall comply with applicable laws, rules and regulations at all levels. The requirements of Regulatory bodies will be upheld as provided for in law and engineering practice.

This document shall become effective from this day;

..... (date).

Signed by:

Chairman,

Association of Consulting Engineers of Kenya

APPENDICES

APPENDIX 1

Format for report of gifts

(Form A)

Report of gifts received

To: (*Approving Authority*)

Description of Offer

Name and Title:

Company:

Relationship (Business/Personal)

Occasion on which the gift was/is to be received

Description & (assessed) value of gift

Suggested method of disposal

- Retained by receiving person
- Retained for display/as a souvenir in the office
- Shared among the officers
- Reserve as luck draw prize at staff function
- Donate to charitable organization
- Return to provider
- Others (please specify)

.....
Date

.....
**Name of receiving person
Title/Department**

Part B –acknowledgment (to be completed by approving authority)

To: declaring member

The information contained in your declaration for is noted. It has been decided that:

You should refrain from performing or getting involved in performing the work/participating in the deliberations regarding As described in Part A, which may give rise to conflict of interest.

You should continue to handle the work/participate in deliberations regarding as described in Part A, provided that there is no charge in the information declared above.

Other conditions (please specify) -----

.....

Date

.....

**Name of approving authority
Title**

REFERENCES

ACEK Constitution, Revised April 2006

Consulting Engineers of South Africa (CESA), Annexure A to the Constitution, January 2011

Code of Ethics, Engineers Australia, Adopted on 28th July 2010

IEEE Code of Ethics, February 2006

Guidelines for Institution Codes of Conduct, Institution of Engineering and Technology, Revised April 2010

Statement of Ethical Principles, Royal Academy of Engineering.

Code of Conduct and Ethics for National Nurses Association of Kenya (NNAK), 2009

