



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

Excerpt from the Draft Code of Ethics and Professional Conduct

Note to Readers:

This excerpt of the AIBC's Code of Ethics and Professional Conduct ("Code of Ethics") contains a revised background statement as well 12 ethical principles, with draft commentary, that the Professional Governance Act requires to be included in each regulatory bodies Code of Ethics. Some existing AIBC Bylaws/Council Rulings in the Code of Ethics have been amalgamated in this excerpt, notably in the area of 'compliance with laws' and 'conflicts of interest'. The PGA principles provide an opportunity to distil multiple professional standards or variations on standards into shorter standards statements with more comprehensive interpretive commentary.

The content of those sections left blank or incomplete in this excerpt, such as "2. Specific Obligations to Clients and Colleagues" and "3. Competency and Continuing Education" will be comprised of existing standards from the AIBC Code of Ethics and Professional Conduct and Bulletins, with updated commentary.

Some references to Professional Standards included in this excerpt have been shown with a # or an X (PS # or PS X) as we continue to update the larger Code of Ethics document.

Background

The AIBC Code of Ethics and Professional Conduct (the "Code of Ethics") is a compilation of the standards of competence and professional and ethical conduct ("Professional Standards") for the architectural profession and AIBC Registrants in British Columbia. The document is supplemented by advisory, informational, and interpretive commentary to assist readers. Commentary is found in italics.

Registrants and the public should also refer to AIBC Practice Guidelines for supporting information and interpretations related to some of the standards in the Code of Ethics and Professional Conduct. The AIBC's [Professional] Practice Program, which fields inquiries related to professional competency, conduct, and ethics, is also available to Registrants and the public without charge.

The Professional Standards in this Code of Ethics underpin the public's general expectation that AIBC Registrants to act at all times with honesty, integrity and professional competence. Registrants must honour their obligations to the public, clients, the profession, their colleagues, and the environment. A breach of a Professional Standard may constitute one or more of professional misconduct, incompetent performance of duties or conduct unbecoming a Registrant.

Except where specifically identified as applying to a specific class(es) of Registrant, the Professional Standards established in the Code of Ethics apply to all AIBC Registrants. For example, only Architects are referred to in Standard 1.1 relating to the Architects' declaration or 'oath' for the simple reason that other Registrants do not make this declaration. Where standards refer to Registrants in the practice of the profession of architecture, it must be remembered that non-Architect Registrants can only provide architectural services under the supervision of an Architect.

Professional Governance Act: Ethical Principles

The *Professional Governance Act* requires all regulatory bodies under that legislation to include certain ethical principles and standards. Where a standard is derived directly from the authority of the *Professional Governance Act*, it is specifically identified, and in many cases the commentary to such standards explains its applicability and relevance to the practice of the profession of architecture.

Organization

The Code of Ethics is organized in 10 categories, with each standard and each subparagraph given a number. This replaces the previous version of the Code of Ethics in which standards were identified as Bylaws and Council rulings.

The AIBC recommends that Registrants and other users of the Code of Ethics refer to standards by their paragraph/subparagraph number for clarity. This documents uses both “Professional Standard: #” and the shorthand “PS:#” to refer to Professional Standards for efficiency; the first standard, below, can therefore be referred to as “Professional Standard: 1.1” or “PS:1.1”.

1. General Obligations

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1.4 Registrants must hold paramount

- (a) the safety, health and welfare of the public, including the protection of the environment; and
- (b) the promotion of health and safety in the workplace.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (**Section 57(2)(a)**).*

This Professional Standard is a restatement of fundamental ethical expectations that have been in place for the profession of architecture for decades. The public safety and protection of environment element is generally met by having regard to all relevant laws, including regulations and codes. This ‘compliance with laws’ expectation has been and remains a standalone Professional Standard for Registrants (see PS4.1).

The promotion of health and safety in the workplace element reflects both the profession’s obligation to meet relevant standards for design for workplaces (e.g., Building Code expectations, specific WorkSafeBC requirements, etc.), as well as a general obligation to provide healthy and safe workplaces for colleagues and employees (e.g., avoiding and addressing harassment and discrimination – see PS# X).

For architecture, this overarching Professional Standard reinforces Registrants’ obligation to provide services competently and with regard to public and workplace safety and environmental protection. The requirement to “hold paramount” public safety and protection of the environment means that this

principle (as with many professional obligations) overrides values or interests (e.g., shortcutting regulatory approvals or clients' commercial gain) that conflict with it.

Importantly, the workplace health and safety standard does not impose additional obligations on Registrants in relation to construction and demolition site safety.

2. Specific Obligations to Clients and Colleagues

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3. Competency and Continuing Education

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- 3.3 Registrants must practice only in those fields where training and ability make them professionally competent.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (**Section 57(2)(b)**).*

This Professional Standard replaces former Bylaw 30.3 and its council rulings, which addressed similar obligations to recognize personal and professional limitations.

An architect is authorized to undertake architectural services for any project, but must recognize personal and professional limitations and must refrain from rendering service in those areas until such limitations are overcome.

Architects are reminded that it is permissible to engage others, including staff and consultants, in any architectural practice area, as long as such services are provided under the architect's competent supervision, management and coordination. Other professionals must be engaged (whether by client or the architect) to provide complementary services (such as professional engineering) where required by law.

- 3.4 Registrants must maintain competence in relevant specializations, including advances in the regulated practice and relevant science.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (**Section 57(2)(e)**).*

The profession and practice of architecture in British Columbia does not include specializations. Instead, this Professional Standard establishes the expectation that Registrants who formally hold themselves out as having enhanced qualifications are expected to maintain competency and currency in such areas.

For example, Architects who obtain the Certified Professional qualification and are listed as “CPs” would be expected to demonstrate the competencies expected of an architect in such role, and to maintain currency of knowledge and qualifications as required.

- 3.5 Registrants must undertake work and documentation with due diligence and in accordance with any [AIBC] guidance developed to standardize professional documentation.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(I)).

This Professional Standard reinforces the general competency obligation in the profession, with specific reference to the importance of preparing and maintaining adequate documentation. Conceptually, “due diligence” means the review and assessment of risk and harm at any stage of architectural services, as well as steps taken to mitigate such concerns. In practice, “due diligence” is the level of judgement and care that an architect is reasonably expected to apply when providing services. It denotes a level of quality control and review to reduce errors and ensure all relevant laws, guidance and standards have been considered.

The connection between due diligence and documentation in this PGA-mandated standard reflects the greater likelihood that documented procedures, such as quality reviews and checklists, reduce negative outcomes in professional practices. It also reflects the expectation that Registrants maintain adequate, retrievable records.

4. Compliance with Laws and Standards

- 4.1 Registrants must have regard for and not knowingly violate:

- (a) the common law and any applicable enactments, federal enactments or enactments of another province; and
- (b) applicable standards, policies, plans and practices established by the government or the AIBC; and
- (c) *The Professional Governance Act* and these Bylaws including the Code of Ethics.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Sections 57(2)(c) and (d)).

The phrase “have regard for” can be understood to mean to be aware of and consider the impact and application of laws to projects and professional practice. The addition of the phrase “and not knowingly violate” incorporates former Bylaw 33.1, and the standard also replaces former Bylaws 33.3 and 33.4.

This Professional Standard requires Registrants to take into account and not knowingly breach applicable laws. This includes statutes (often called “Acts”) and regulations (together, these are called

“enactments” under the PGA). Since municipal bylaws flow from the authority of provincial law, they are also included,” as are forms, rules and other instruments created by a statute. PS 4.1(b) confirms the requirement to have regard for and not knowingly violate standards, policies, plans and practices as they relate to the practice of the profession of architecture.

The reference to “common law” means law that has been created by Canadian court judgments over time, sometimes known as “case law” or “judge-made law”. For Registrants, having regard for the “common law” includes an awareness of laws primarily relating to the law of contracts and torts. Torts are also known as ‘civil wrongs’ and include negligence, product liability, assault and harassment, and trespass. In addition, the very law of professional regulation, including admissions and professional conduct decisions, are part of the common law.

The practice of the profession of architecture is influenced by statute law, which includes the Professional Governance Act and its Regulations and the BC Building Code, which has the legal status in the province of a regulation. Environmental laws and local government bylaws are other examples of statute law. This Professional Standard also absorbs former Bylaw 33.3, which required Registrants to comply with the Architects Act and AIBC Bylaws – now the Professional Governance Act and these Bylaws.

The public has the expectation that architects respect and substantially comply with laws and regulations that apply to the practice of architecture, excluding those concerning construction safety (the field of construction safety being outside the practice of architecture). This includes federal, provincial and municipal laws (bylaws) as well as the regulations of statutory bodies.

Registrants must keep themselves apprised of current applicable laws and regulations that relate to the practice of architecture in British Columbia. Registrants are not expected to be familiar with the details of all laws and regulations in every jurisdiction but is expected to have general knowledge of specific laws and regulations in the jurisdictions in which the Registrant is working, and also which authorities have jurisdiction over particular aspects relating to the practice of architecture.

Registrants may rely on the advice of other professionals and persons qualified by education, experience or training to provide interpretations on applicable enactments and standards. Such persons may include local government officials, legal counsel, and other professionals.

A Registrant seeking to promote or to provide architectural services outside British Columbia, or to a client or on a project located outside British Columbia, should check in advance and comply with the requirements of the applicable architectural regulator.

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5. Architectural Services: Engagement and Communication

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5.13 Registrants must provide professional opinions that distinguish between facts, assumptions and opinions

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(g)).

In architecture, this standard is directed at a relatively narrow band of formal professional opinions, not the day-to-day advice and judgments that Registrants provide in various formats, whether written or verbal. However, Registrants are reminded that as professionals, providing opinions in any forum, or statements that may be interpreted as opinions, carries risks.

This standard relates specifically to:

- *expert opinions including expert reports provided for litigation (court cases), tribunals, inquests, professional misconduct and arbitration purposes – one of the hallmarks of which is formal separation among facts, assumption and opinion; and*
- *specific requests for professional opinions under a professional engagement. As an example, Architects may be engaged to provide interior building assessment reports to clients. Such reports should distinguish and make clear factual matters of relevance (such as the date of building construction) from assumptions (such as the use of drywall finishing, where that has not been verified as fact by the Registrant). Professional opinions are conclusions calling for independent, objective judgment and are founded on facts, assumptions and the training and experience Registrants bring to a commission.*

This Professional Standard does not require Registrants to re-structure or re-format their reports, but instead to ensure that professional opinions and the relevant facts and assumptions underlying opinions are identified.

5.14 Registrants must present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(j)).

This standard formalizes the general expectation in any regulated profession that professionals identify risks and consequences of not following advice, decisions, or judgments.

The standard does not impose an obligation that Registrants identify every consequence for every decision or judgment in carrying out the practice of the profession of architecture. Professional decisions or judgments that are critical or substantive, the disregard of which could create risks of harm to the public or the environment, or carry substantive financial costs including property damage or devaluation, trigger an expectation that consequences are communicated.

When professional judgments are questioned, a Registrant should ensure that the relevant parties clearly understand the concerns and professional basis for them, and that such parties' perspectives are

also considered. Many ‘differences of opinion’, whether with clients, third parties or professionals from other disciplines, can be resolved through better communication and explanation.

When a Registrant’s professional judgments are disregarded, the Registrant should ensure that the concerns are reduced to writing and communicated for the record.

As with many professional standards, the threshold for determining what decisions or judgments would trigger this obligation is a matter of judgment left to the discretion of each professional, acting reasonably and competently. Importantly, the disregard by others of some professional decisions or judgments may also trigger the mandatory notification Professional Standards that relate to: unlawful action by an employer or client (PS#); breaches of standards by Registrants (PS#); and the general ‘duty to report’ obligation under the PGA, section 58.

6. Architectural Services: Supervision

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7. Architectural Services: Architectural Competitions, Pro Bono and Contingency

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8. Architectural Services: Use of Seal

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9. Conflicts of Interest

9.1 Registrants must:

- (a) avoid situations and circumstances in which there is a real or perceived conflict of interest; and
- (b) ensure conflicts of interest, including perceived conflicts of interest, are properly disclosed and necessary measures are taken so a conflict of interest does not bias decisions or recommendations.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (**Section 57(2)(h)**). This Professional Standard echoes the longstanding expectation in the profession’s Code of Ethics to avoid, disclose, and address real or perceived conflicts of interest.*

Conflicts of interest cover a broad spectrum of scenarios in the practise of the profession of architecture, particularly as the Architect is often in a 'lynchpin' position as client representative, coordinating registered professional, interpreter of the Architect's own instruments of service, etc.

One of the most obvious and readily soluble scenarios is a Registrant soliciting or receiving compensation/ benefit from suppliers in return for endorsing or specifying a product or services. In such stark cases, disclosure and 'agreement' would not satisfy what would amount to a true conflict of interest.

The overtures of suppliers should be evaluated with caution. It is acceptable to become educated about a product by attending gratuitous seminars and participating in promotional trips for familiarization. It is not acceptable to receive inducements (financial or otherwise) which may be seen as impairments to one's professional judgement.

Other examples that target the core of the public's confidence in Registrants' professionalism would include providing gifts or other inducements (other than nominal hospitality as may be reasonable) to influence a prospective client, or gifts or other 'instruments of influence' to public officials.

This professional standard prohibits attempts to inappropriately influence public decision-making. Public officials means individuals with authority to make or influence public decisions, whether elected, appointed or otherwise retained.

While nominal entertainment and hospitality extended by Registrants are permitted where circumstances warrant, Registrants should always be aware of perception created in all dealings with public officials.

An example of disclosure/ necessary measures includes the "multiple loyalties" scenario in which a Registrant accepts compensation for services from more than one party on a project. Full disclosure and agreement by all parties providing compensation must be in place before services can be ethically provided to second/ subsequent parties. Similarly, to comply with this Professional Standard, a Registrant with a personal association or interest in a project must disclose the interest to the client/ employer and either terminate the association/ interest, or give up the commission. Personal association includes family and friend relationships, while personal interests include direct or indirect potential for financial or material gain.

The obligation to disclose and address conflicts is a continuing professional expectation, and is not limited to the pre-project or early project stages or early client relationship.

Broad disclosure of conflicts/ potential conflicts, including to subconsultants and project team members is generally the most effective means of addressing concerns about bias or improper conduct.

A Registrant's name, portrait or reputation may be attached to an endorsement of other's services or products on projects to which the Registrant is not connected, for personal benefit, as long as such conditions do not influence professional judgment. Endorsement could be in the form of reference letter, announcement or advertisement but in every case must.

- 9.2 An Architect acting as the interpreter of construction contract documents and reviewing construction for conformance with the contract documents must render decisions impartially.

An architect must interpret construction contract documents as if disinterested, regardless of which party in a project's administrative structure engages/compensates the Architect. Impartial decisions may reflect adversely on perceptions of the quality of the design or documents produced by the Architect. This cannot deter impartiality. The Architect should seek advice from legal counsel or direction from professional liability insurers when situations arise where impartial decisions may imply, or cause others to infer, an acknowledgement of responsibility or potential liability by the Architect.

- 9.3 A Registrant who is a project's owner or contractor and providing professional services to such project must:

- (a) disclose in writing such status to all of the project's authorities having jurisdiction and contracting parties;
- (b) request written acknowledgement of such disclosure from those parties; and
- (c) render architectural services as fully and impartially and must be as disinterested as a Registrant who is solely serving a third-party client.

If the Registrant is acting as an owner, only, and not providing architectural services, no disclosure is required. When disclosure is required, it must identify the Registrant personally by name as owner or contractor, or both, regardless of degree of ownership. The project's authorities having jurisdiction include the officials known to the Registrant to be in charge of the various aspects of the project's review and approval process from the authorizing or rezoning applications through development permit applications, building permit applications, etc.

The project's "contracting parties" include those parties known to the Registrant to be in contract with the Registrant, the owner, and construction contractor (or construction manager or project manager).

Disclosure should be made at the earliest opportunity, and also recorded in the Registrant's construction contract documents and application forms to authorities having jurisdiction.

Financial interests must not override professional responsibility and impartiality. A Registrant who is also a project's owner or contractor should seek direction with respect to availability of professional liability insurance coverage.

- 9.4 An architect who is a juror or advisor for an approved competition must not subsequently provide any services to the winner or, if there is no winner, for any derivative commission.

- 9.5 Registrants making a public statement on an architectural issue, whether in writing or verbally, must disclose:

- (a) their Registrant status; and
- (b) any personal or business interest in the issue.

Refer to Professional Standard 2.3 and commentary for related information.

- 9.6 Registrants serving on an advisory design panel or similar committee, reviewing either a proposal's character or a candidate's qualifications, must make known any involvement in an application being reviewed or any other relationship that might constitute a conflict of interest and withdraw from the meeting and any discussion or evaluation of the merits of that matter. **(Bylaw 32.1, Council Ruling (b) elevated to standalone standard.)**

Refer to Bulletin 65.

- 9.7 An architect having a direct financial interest in any building material or device which the architect proposes to specify for a project must disclose this interest to the client, must request and receive written approval for such specification from the client, and must include a copy of this approval in the construction contract documents.

Bylaw 31.3 prohibits an architect from receiving benefit in return for merely specifying or "endorsing" (i.e., accepting or approving) others' products for use on a project.

10. Obligations of Disclosure and Reporting

- 10.1 Registrants must provide accurate information in respect of qualifications and experience.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (**Section 57(2)(f)**).*

It reflects a portion of the obligations related to general accuracy of professional qualifications information found in former AIBC Bylaw 32.2. The balance of that Bylaw related to taking and giving credit (often known as 'project attribution') is found in Professional Standard 10.3 below.

A Registrant using the educational qualification CP designation must have passed the Certified Professional course.

- 10.2 Registrants must clearly identify each Registrant who has contributed professional work, including recommendations, reports, statements or opinions

*This is mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (**Section 57(2)(k)**).*

This Professional Standard applies to situations in which more than one Architect or Firm are providing services. In such cases it should be clear, for example, in project documentation which

Architect has applied a Seal or is otherwise accepting professional responsibility for recommendations, reports, statements or opinions.

This Professional Standard does not impose an obligation to identify every Registrant engaged by a Firm who provides services under supervision by an Architect on every project document. The standard is directed at higher-level baseline accountability expectations.

The standard is complementary to the general obligation to give and take credit for architectural services provided as set out in Professional Standard 10.3.

- 10.3 Registrants must accurately represent the scope of their responsibility, and that of other Registrants, in connection for any work for which credit is claimed.

Refer to Practice Guidelines [Attribution – Giving and Taking Credit for Architectural Services](#) for in-depth guidance on project attribution.

Professional Standards X and X address the general public's, architects' and clients' concerns about the accuracy and credibility of architectural proposals, marketing and other representations and the résumés of architectural job applicants.

Appropriate credit should be given about projects undertaken with or by other firms. In some cases, more than one firm may be given credit, as a result of collaboration on a project, transition between firms during a project's lifespan or other scenario, but not to the exclusion of the original firm(s).

The more peripheral the services provided by a firm, individual architect or associate on a project, the more careful such registrant must be in claiming credit. Architects, firms, and associates should take particular care to ensure that graphic representations of projects – whether photographs, drawings or other media – relate accurately to the services claimed and do not overreach. The public is entitled to know the firm of record and the level of involvement claimed by any other architect or firm on any project for which credit is claimed.

In addition, non-Architect Registrants claiming credit for work outside the Reserved Practice in the Architects Regulations must be cautious that such depictions do not imply, or lead to an inference, that the individual was an Architect or Firm Registrant. If the non-Architect Registrant provided services for such projects, credit taken should be appropriate and credit must be given to the original Firm Registrant.

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- 10.6 Registrants must report to the AIBC and, if applicable, any other appropriate authority, if the Registrant, on reasonable and probable grounds, believes that the continued practice of a regulated practice by another Registrant or other person, including firms and employers, might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (**Section 57(2)(i)**). This Professional Standard arises from the PGA's focus on harm to the public and environment. As with many other Professional Standards, it calls for professional judgment based on the specific circumstances of the risk.*

The phrase "reasonable and probable grounds" is a legal standard normally associated with criminal law and law enforcement contexts. For the purposes of the PGA, it can reasonably be understood to mean a subjective belief of a risk that is objectively reasonable from the point of view of a Registrant with similar experience. The "grounds" for such a belief must be defensible and more than a mere suspicion. Registrants faced with a situation in which this Professional Standard may apply are encouraged to contact the AIBC's Professional Practice Advisors and seek professional advice for assistance.

Professional Standard 10.5 is expanded upon by the AIBC's longstanding reporting obligations formerly found in Bylaws 32.3 and 32.5. These obligations are now found as Professional Standards X.