

OSC 10
Ohio Safety Congress & Expo

Professional ethics in the profession of industrial hygiene, Part one: AIHA Code of Ethics
314

Susan Willeke – Ohio Ethics Commission
Linda Repesh, CIH
Dianne Grote Adams, CIH, CSP, CPEA
Norm Brusk, JD, CIH, CSP

Tuesday, March 30, 2010 1 to 2 p.m.

Ethics Panel

Session 314 & 315

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Session Overview / Agenda

- Ohio Ethics Law
 - Presenter: Susan Willeke 15 min.
- Industrial Hygiene (ABIH) Code of Ethics
 - Presenter: Linda Repesh 10 min.
- Safety (BCSP) Code of Ethics
 - Presenter: Dianne Grote Adams 10 min.
- Bar Association Rules of Professional Conduct
 - Presenter: Norm Brusk 10 min.
- Break 15 min.
- Ethical Misconduct /Roundtable Discussion of Situations 60 min.

Ohio Ethics Commission

Ohio's Ethics Laws –
Can I Do That?

Susan Willeke
Education Coordinator

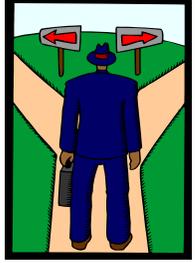



Ohio Ethics Law: What?

- Created New Ethics Laws
 - Personal financial disclosure
 - Conflicts of interest laws
- Created Ohio Ethics Commission
 - Provide Assistance
- Uniform review within three government branches



Conflict of Interest





Conflict of Interest: Public Employees

- R.C. 102.03(D) and (E) prohibit:
 - Use of authority or influence to secure something of value
 - Soliciting or accepting something of value
- In both cases:
 - If it could pose a substantial and improper influence in performance of duties



Conflict of Interest: Private Parties

- R.C. 102.03(F) prohibits:
 - Promising or giving something of value to a public employee
- Again...
 - If it could pose a substantial and improper influence in performance of the public employee's duties



Public Contracts



Public Contract Restrictions: 2921.42(A)

- Ohio Ethics Law prohibits:
- (3 most common of 5 restrictions)
- Authorization or use of authority to secure public contract for official, family member or business associate
 - Having an interest in profits/benefits of public contract with "connected" agency
 - Profiting from approval of contract

Call us before you act!



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ACGIH, AIHA, AIH & ABIH Code of Ethics - History

- May 2007 – Enforceable Code of Ethics
<http://www.abih.org/documents/index.html>
- 1996 – JIHEEC formed
- 1995 – updated 1980s – shared Code
- 2009 – CIH must attend 2-hour ethics training every recertification cycle

ABIH Code of Ethics – May '07 SUMMARY

- ABIH Certificants have the obligation to:
 - Maintain **high standards of integrity** and professional conduct
 - **Accept responsibility** for their actions
 - Continually **seek to enhance** their professional capabilities
 - Practice with **fairness and honesty**
 - **Encourage others** to act in a professional manner consistent with the certification standards and responsibilities.

ABIH Code of Ethics

- Responsibilities to the ABIH, the profession and the public
 - Compliance with organizational rules policies and legal requirements
- Responsibilities to clients, employers, employees and the public
 - Education, experience, competency and performance of professional services.
 - Conflict of interest or an appearance of impropriety
 - Public Health and Safety

Six canons with interpretive guidelines:

1. Practice profession by **applying scientific principles**
2. Counsel affected parties **regarding risks and protective measures**
3. Keep information **confidential**
4. Avoid circumstances where a compromise of professional judgment or **conflict of interest** may arise.
5. Perform services **only in the area of their competence**.
6. Act responsibly to **uphold integrity** of the profession.

BCSP Code of Ethics and Professional Conduct

1. Hold paramount the **safety and health of people**, the protection of the environment and protection of property in the performance of professional duties and exercise their obligation to advise employers, clients, employees, the public, and appropriate authorities of danger and unacceptable risks to people, the environment, or property.
2. Be honest, fair, and impartial; act with responsibility and integrity. Adhere to **high standards of ethical conduct** with balanced care for the interests of the public, employers, clients, employees, colleagues and the profession. Avoid all conduct or practice that is likely to discredit the profession or deceive the public.
3. Issue public statements **only in an objective and truthful manner** and only when founded upon **knowledge of the facts and competence** in the subject matter.

BCSP Code of Ethics and Professional Conduct (con't.)

4. Undertake assignments **only when qualified by education or experience** in the specific technical fields involved. Accept responsibility for their continued professional development by acquiring and maintaining competence through continuing education, experience and professional training.
5. Avoid deceptive acts that falsify or misrepresent their academic or professional qualifications. **Not misrepresent or exaggerate their degree of responsibility in or for the subject matter** of prior assignments. Presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, or past accomplishments with the intent and purpose of enhancing their qualifications and their work.

BCSP Code of Ethics and Professional Conduct (con't.)

6. Conduct their professional relations by the highest standard of integrity and avoid compromise of their professional judgement by **conflicts of interest**.
7. Act in a manner **free of bias** with regard to religion, ethnicity, gender, age, national origin, sexual orientation, or disability.
8. Seek opportunities to be of constructive service in civic affairs and work for the advancement of the safety, health and well-being of their community and their profession by **sharing their knowledge and skills**.

Key Differences: ABIH / BCSP

Bar Association Rules of Professional Conduct

- ABIH is new
- Lawyer's Code of Ethics is well established

- ABIH Code 2 pages
- Lawyer's Code 208 pages

- Differences
 - Lawyers have fiduciary responsibility
 - Goals
 - Disciplinary action
 - Publicizing of disciplinary action

- Is this ABIH's future?

Break

- 15 minutes
 - Please be back on time!!

UK Report on Ethical Misconduct

- 77% respondents witnessed potential ethical misconduct by peers during 5 yr. period.
- Plagiarism
- Failure to protect confidential data
- Failure to share credit on report
- Fabrication of data
- Criticize ability/integrity of colleague for personal gain
- Holding back or disguising data
- Design of sampling strategy to favor specific outcome
- Destruction of data that contradicts desired outcome
- Deliberately not reporting an incident

Discussion/ Situation 1

- Manufacture potentially hazardous product
- Sell to startup green energy company
- Little ES&H practices in place
- As the supplier, do you have a responsibility?
- Is there a violation of the Code of Ethics? If yes, which portion?

Links to Ethics documents

- ABIH
 - [ABIHCodeofEthics.pdf](#)
 - [EthicsCaseProceduresAugust07.pdf](#)
 - [EthicsComplaintForm.pdf](#)

- BCSP
 - [BSCP_ethics.pdf](#)

Discussion / Situation 2

- IAQ consultant asks Builders of new homes for permission to collect chemical exposure data their homes.
- Builders do not give permission.
- IAQ consultant enters model homes during open houses and collects IH data.
- IAQ consultant collects data in confined areas and compares to breathing zone OELs.
- Professional magazine publishes article written by IAQ consultant.
- Is there a violation of the Code of Ethics? If yes, which portion?

Discussion/ Situation 3

- Industrial hygiene sample results +SAE > PEL
- Industrial hygiene sample results the LOD = to PEL
- What are the recommendations?
- Is there a violation of the Code of Ethics? If yes, which portion?

Discussion/Situation 4

- Speaker or Training Provider provide course or seminar
- Attendees participate to gain certification points or certificates of attendance
- Examples: Safety Congress, National Conferences, 8-hr refreshers, 10-hour or 30-hour courses
- Individuals do not stay for duration
- Who has responsibility?
- Is there a violation of the Code of Ethics? If yes, which portion?

Discussion/ Situation 5

- Consultant regularly works with homebuilder to evaluate moisture intrusion/mold.
- Consultant contacted by owner of home built by homebuilder.
- Specific house has not been a project.
- Is there potential conflict?
- Should the consultant disclose information?
- Is there a violation of the Code of Ethics? If yes, which portion?

Summary Points/Action Items

- Do you have company policy re: ethics?