

Public guideline on good character

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Notice

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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

*"Within the **character** of the citizens lies the welfare of the republic."*

- Marcus Tullius Cicero (106-43 BC)

This guideline was developed to help define what is meant by "good character" and explain why it is important within the engineering profession in Canada in the best interest of the public.

Good character is a requirement of engineers in every regulator in Canada [1]. Character is defined as "**1.** the collective qualities or characteristics, especially mental and moral, that distinguish a person or thing. **2.** moral strength. **3.** reputation" [2]. Good character connotes moral and ethical strength and includes traits such as integrity, candour, honesty and trustworthiness.

The evaluation of character, and the agreement of what is considered to be of good or bad character is subjective and fluid. Some behaviours and attitudes that were once tolerated or even encouraged are no longer considered acceptable. Our evaluation of character is influenced by social mores, which vary based on culture and location, and change with time.

This guideline will explain why good character is important within the engineering profession, in the best interest of the public, what types of behaviours are considered good or bad character, and how regulators assess the character of applicants and registrants.

2 Importance

The purpose of regulating the practice of engineering in Canada is to safeguard life, health, property, economic interests, the public welfare and the environment [3]. In Canada, provincial and territorial governments have recognized engineering as a profession and have given engineers the privilege of the exclusive right to practise engineering, and with it, the responsibilities of self-regulation.

The public trusts that engineers have the technical and ethical competence to serve society and have a willingness to put the public interest first. As the public may lack specialized engineering knowledge, they typically form opinions about engineers based on interpretation of character and the quality of engineering practices. Therefore, individual engineers must demonstrate good character, in addition to adhering to their jurisdiction's Code of Ethics, in order to maintain public trust, and with it the right of self-regulation. Demonstration of good character includes, amongst other aspects, conduct within a professional capacity and may also include personal conduct.

The engineering profession understands that public trust is carefully conferred and must be protected; trust is fragile and easily lost. In the best interest of the public, the regulators therefore seek to ensure:

1. that all applicants are of good character before admitting them; and,
2. that all registrants maintain their good character and uphold the reputation of the profession.

This requirement is not unique. In fact, most self-regulated professions (e.g., healthcare professions, law, accounting, etc.) in Canada have similar obligations, for similar reasons. Self-regulation is not possible without trust, and the simplest way to gain and maintain that trust is through the good character of individual registrants.

3 Defining good character

3.1 Definition

“Good character” is generally held to comprise three elements:

1. the ability to tell the difference between right and wrong;
2. the courage to do what's right, no matter the personal consequences; and
3. the ability to assess these issues, within the context of the practice of the profession, in the best interests of the public as a whole.

3.2 Traits of good character

Making an assessment of an individual's character can be difficult unless you can observe them making the types of decisions described above. Despite the limitations, these observations can be made in various environments, including in virtual and non-professional environments. It is therefore helpful to define traits of good character which can more easily be observed and evaluated.

The following are common traits of good character [4]:

- » **Trustworthiness:** A trustworthy person is honest, transparent, and reliable. They do what they say they'll do. They have the courage to do the right thing, and they don't deceive, misrepresent themselves, cheat, or steal.
- » **Respect:** Showing respect means being considerate of others and not promoting or allowing discriminatory behaviour. It also means using courtesy and treating others with dignity (e.g., with regard to gender identity, sexual orientation, Indigenous identity, age, racial identity, ethnic background, visible or invisible disability, body shape and size, family status, educational experience, etc.). A respectful person makes decisions that show they value their health and the health of others, treating people and property with care.
- » **Responsibility:** Being responsible means understanding the consequences of our own actions, being accountable for our choices and decisions, and their impacts, without blaming others for our actions (this includes having the ability to accept the processes of legal or administrative systems, and abiding by the results). Responsible people try to do their best, show humility, are able to accept criticism, and persevere even when things don't go as planned.
- » **Fairness:** Being fair means treating others equitably without favoritism or discrimination, being open-minded to different perspectives, empathetic, and listening to others. It means not taking advantage of others, and not blaming them.
- » **Integrity:** Having integrity means having the ability to tell right from wrong, making ethical choices, and having the courage to do what is right to ensure the wellbeing and safety of others. Individuals who have integrity have high ethical standards, show respect for the rule of law, including rules and human rights regulations, and act in the interest of the common good. They conduct themselves with honesty and candour.

While not an exhaustive list, these traits are indicators which would lead one to believe that an individual does possess good character. There are many other traits of good character such as inclusivity, transparency, awareness of positionality, honesty, empathy and compassion for human life and welfare, openness, etc.

Individuals who advocate for the safety and health of communities they work, live, and engage with, including physical, social, and psychological, are deemed to be of good character as they demonstrate and embody many of the above traits. On the other hand, individuals who commit crimes of moral turpitude (see Appendix A) may reveal that they do not exhibit these traits, which would prompt an investigation of the individual's character.

4 Assessing character

4.1 Applicants for licensure

In order to assess the character of applicants, the regulators may employ tools such as:

- » Character references;
- » Character related questions on the application form;
- » Requiring applicants to pass a Professional Practice Examination which includes topics on ethics and the Code of Ethics; and/or
- » Criminal background checks.

As stated in the introduction, assessment of character can be subjective, so it is important to consider information from several sources when making an evaluation. A negative finding in any one area does not mean that applicants will be denied licensure, merely that more investigation or a more thorough evaluation may be necessary.

The assessment tools listed above offer the following types of information.

4.1.1 References

Depending on the jurisdiction, applicants may be required to provide character references from engineers or others, who can attest to the applicant's behaviours first-hand. These references are asked to comment on specific aspects, such as integrity, honesty, and trustworthiness, etc. Because the evaluation of character is subjective, more than one reference is necessary. Examples of the types of inappropriate behaviour that

could be raised at this point include harassments, discrimination, intimidation, or bullying, of peers, subordinates, clients or supervisors.

4.1.2 Application form

Questions on the application form cover a variety of topics including previous discipline, investigation, censure or disqualification by a regulatory body (for negligence, unprofessional or unskilled practice), criminal offenses, etc.

4.1.3 Professional practice examination

The professional practice exam is required by the regulators to determine if an applicant has a good grasp of legal and ethical matters. Although those who pass the exam may not necessarily have better character than those who fail it, applicants who never master the professional practice exam are typically not as well equipped to deal with the ethical issues that arise in professional practice.

4.1.4 Criminal background check

Given that the purpose of requiring good character is to ensure that engineers maintain the trust that the public have placed in them, crimes of moral turpitude, defined as “conduct that is considered contrary to community standards of justice, honesty or good morals are the primary areas of concern for regulatory bodies in Canada”. Appendices A and B contain lists of crimes that involve moral turpitude and human rights violations.

4.2 Registrants

Once applicants are registered as professionals with the regulator, they are expected to maintain their good character and uphold the same high standard of professional conduct. It is through the discipline process that registrants are held to account for their behaviour. In most regulators, registrants are not automatically subject to investigation due to criminal offences. However, anyone, including members of the public, may file a complaint against a registrant and conviction of a criminal offence would be grounds for a complaint and, subsequently, an investigation.

Since regulators are concerned foremost with safety and the public interest, and secondly with the reputation of the profession, crimes that put into question whether a registrant can uphold those values are considered the most significant. Crimes of moral turpitude can therefore be the grounds for a finding of “conduct unbecoming a member” or its equivalent.

During discipline and investigation a procedure similar to the registration process references is used: more than one individual is asked to comment on their own personal observations of behaviour, based on the complaint.

5 Examples

The following examples illustrate how character has been evaluated by engineering regulators in Canada.

5.1 Applicants for registration

5.1.1 Criminal background checks

An applicant was enrolled in the engineer-in-training program. It was later discovered that the applicant did not accurately provide the mandatory criminal record information as requested on the application form. The Registration Committee of that regulator investigated the matter, conducted an interview with the applicant, and subsequently denied the application for membership based on the grounds of a lack of good character for the following reasons:

- »the applicant did not accept responsibility for the crimes that were committed,
- »the applicant made false statements on the application form, and
- »the applicant was not candid in the interview.

5.1.2 History of bad character

A former registrant, who had been written off for non-payment of dues, applied for reinstatement. In the interim between being written off and the application being reconsidered, the individual was subject to disciplinary action. In considering the application for reinstatement, the Registration Committee noted the number of disciplinary orders that the registrant had been subject to in the past and determined that an interview would be necessary. The individual was asked to provide a background on the disciplinary matters, to provide evidence of rehabilitation, and to provide methods of avoiding future complaints from the public. The application for membership was subsequently denied on the grounds of a lack of good character for the following reasons:

- »the applicant did not take responsibility for the actions that resulted in multiple disciplinary actions;
- »the applicant did not have a plan to avoid repetition of these actions; and
- »the applicant had a disregard for his duty to uphold and enhance the honour, integrity, and dignity of the engineering profession.

5.1.3 Falsification of documents

An applicant was enrolled in the engineer-in-training program when it was discovered that the marks on the applicant's undergraduate transcript from outside of Canada had been falsified in order to gain entry into a postgraduate engineering program in Canada. The Registration Committee required the engineer-in-training to swear an affidavit that the engineer-in-training had never forged or altered or used a forged or altered degree or transcript of other document or otherwise misrepresented their credentials in any way for the purpose of gaining entry into an academic program or in connection with the application to the regulator. The engineer-in-training was unable to swear the affidavit, as they confirmed that they had falsified the bachelor's marks to gain entry into the postgraduate program. The Registration Committee advised the engineer-in-training that if the regulator receives an application for registration as an engineer from them:

- »this situation will be considered with respect to the 'Good Character' requirement;
- »the regulator will ask what has been done to mitigate the situation; and
- »Council may hold a hearing for suitability for admission to membership under the regulator's good character requirement.

5.1.4 Validator fraud in Competency-Based Assessment (CBA) system

An applicant was enrolled in the engineer-in-training program. The CBA system detected fraudulent activity and alerted the regulator that the applicant may have provided falsified validator information. The Registration Committee contacted the applicant to discuss the potential validator fraud that was detected. The applicant did not cooperate, and did not provide reasonable explanation or verifiable evidence of a real validator. The application for membership was subsequently denied on the grounds of a lack of good character for the following reasons:

- »the applicant provided falsified information within the CBA system, and
- »the applicant did not accept responsibility for their actions.

5.2 Registrants

The following examples illustrate how character has been used in the investigation and discipline of registrants of engineering regulators in Canada.

5.2.1 Lack of trustworthiness

A registrant was found guilty of having signed and sealed blank sheets of paper. The registrant was given a three-month suspension and ordered to write and pass the Professional Practice Examination.

5.2.2 Lack of trustworthiness and fairness

A registrant who was a Field Engineer with the Ministry of Forests, responsible for awarding engineering contracts, was found to have set up a company in his wife's name, bid on Ministry jobs, and done work on Ministry time. The registrant was suspended for a period of 14 months.

5.2.3 Lack of respect, compassion or integrity

i. A registrant who had concerns about the structural integrity of a bridge wrote emails stating that the responsible bridge engineer was incompetent. This statement was unfounded and lacked evidence. For these reasons, the registrant was suspended until such time as they were willing to provide an apology for the conduct.

ii. A registrant was found to have discriminated against a woman graduate engineer, having used derogatory terms to address her and making statements such as "You can dance on tables for me, but you will never work for me." The registrant was found guilty of professional misconduct in that his actions were "disgraceful, dishonourable and unprofessional". The registrant's licence was suspended for twelve months,

and was not to be reinstated until he took a course related to gender sensitivity, and paid for the costs of the Discipline hearing.

iii. A registrant was found guilty of unprofessional conduct for having repeatedly yelled at a woman colleague, despite written communication from the colleague indicating that the behaviour upset her and was contributing to health problems. The colleague eventually quit as a result of the abusive behaviour. A Discipline panel concluded that this behaviour was “sufficiently extreme so as to reflect badly on the Member and on the profession” and therefore constituted unprofessional conduct. In response to this charge, and to four other charges brought at the same time, related to inflated and inconsistent billing and improper and wrongful filling of liens, the registrant was found to have acted dishonourably, disgracefully and to have shown a lack of integrity. In order to protect the public, preserve the integrity of the profession, deter others from engaging in similar disreputable business practices and renounce the conduct, the registrant was fined \$5,000 and his licence was suspended for a period of 8 months.

5.2.4 Lack of responsibility

A registrant was served with a Notice of Hearing to address six allegations of unprofessional conduct. The registrant refused to attend the disciplinary hearing and suggested that the Hearing Panel had no jurisdiction to proceed. The Hearing Panel determined that it did have the jurisdiction to proceed and the hearing proceeded in the registrant’s absence. The registrant made accusations regarding employees and representatives of a regulator of incompetence, stupidity, misconduct, collusion, conspiracy to cover up illegal activity, and suggestions of responding to political interference. These accusations were found to be groundless and showed a blatant disrespect for the registrant’s regulator, and that this conduct harmed the honour, dignity, and reputation of the regulator by rejecting and insulting the authority of the regulator and by attempting to limit or restrict the regulator’s public duty to carry out its investigation of the complaints against the registrant. After receiving submissions from the Investigative Committee and the registrant, the Hearing Panel found that “the registrant was ungovernable, and could not be permitted to remain as a Member of the profession”. The registrant’s license was revoked, being permanently ineligible for registration with the regulator, was ordered to pay a fine of \$10,000, as well as the costs of the proceedings.

5.2.5 Criminal convictions

Information was received by a regulator that a registrant had been charged and convicted of possession of child pornography. An investigation was initiated by the regulator. The registrant signed a “resignation agreement” with the Investigation Committee, resigning his registration and agreeing not to apply for reinstatement for at least seven years. It was stated that if the registrant were to apply for reinstatement, he would have to satisfy Council that he was of good character and good repute and that his conviction did not render him unsuitable before he could be reinstated.

Appendix A

The following is a list of crimes that involve moral turpitude, as defined by the United States Department of State Foreign Affairs Manual (The US definition of crimes that involve moral turpitude is used throughout Canada). These crimes demonstrate conduct that is considered contrary to community standards of justice, honesty or good morals. Conviction of any of these crimes would normally be cause for an investigation of an individual's character.

Crimes against Property

Fraud:

- » Making false representation
- » Knowledge of such false representation by the perpetrator
- » Reliance on the false representation by the person defrauded
- » An intent to defraud
- » The actual act of committing fraud

Evil intent:

- » Arson
- » Blackmail
- » Burglary
- » Embezzlement
- » Extortion
- » False pretenses
- » Forgery
- » Fraud
- » Larceny (grand or petty)
- » Malicious destruction of property
- » Receiving stolen goods (with guilty knowledge)
- » Robbery
- » Theft (when it involves the intention of permanent taking)
- » Transporting stolen property (with guilty knowledge)

Crimes committed against governmental authority

- » Bribery
- » Counterfeiting
- » Fraud against revenue or other government functions
- » Mail fraud
- » Perjury
- » Harboring a fugitive from justice (with guilty knowledge)
- » Tax evasion (willful)

Crimes committed against a person, family relationship, and sexual morality

- » Abandonment of a minor child (if willful and resulting in the destitution of the child)
- » Assault (this crime is broken down into several categories, which involve moral turpitude):
 - » Assault with intent to kill, commit rape/sexual assault, commit robbery or commit serious bodily harm
 - » Assault with a dangerous or deadly weapon
- » Bigamy

- »Paternity fraud
- »Contributing to the delinquency of a minor
- »Gross indecency
- »Incest (if the result of an improper sexual relationship)
- »Kidnapping
- »Lewdness
- »Manslaughter:
 - »Voluntary
 - »Involuntary (where the statute requires proof of recklessness, which is defined as the awareness and conscious disregard of a substantial and unjustified risk which constitutes a gross deviation from the standard that a reasonable person would observe in the situation. A conviction for the statutory offense of vehicular homicide or other involuntary manslaughter only requires a showing of negligence will not involve moral turpitude even if it appears the defendant in fact acted recklessly)
- »Mayhem
- »Murder
- »Pandering
- »Prostitution
- »Rape (including "Statutory rape" by virtue of the victim's age) and sexual assault

Attempts, aiding and abetting, accessories and conspiracy

- »An attempt to commit a crime deemed to involve moral turpitude
- »Aiding and abetting in the commission of a crime deemed to involve moral turpitude
- »Being an accessory (before or after the fact) in the commission of a crime deemed to involve moral turpitude
- »Taking part in a conspiracy (or attempting to take part in a conspiracy) to commit a crime involving moral turpitude where the attempted crime would not itself constitute moral turpitude.

Appendix B

The following is a list of prohibited grounds of discrimination, as defined by the Canadian Human Rights Act. Human rights violations would normally be cause for an investigation of an individual's character.

Human rights violations

- »Discrimination on the grounds of:
 - »race
 - »national or ethnic origin
 - »colour
 - »religion
 - »age
 - »sex
 - »sexual orientation
 - »marital status
 - »family status
 - »disability, and
 - »a conviction for which a pardon has been granted or a record suspended.

References

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Endnotes

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