



Hazardous Substances Professionals New Zealand Incorporated: HSPNZ Code of Ethics

1. Introduction

It is generally understood that a Profession is defined by its members demonstrating a consistent commitment to a purpose and a minimum set of values.

A Professional Institution has a minimum Code of Ethics, which are accepted by its members and enforced as required. A profession is differentiated by an additional obligation to society as well as its members. This Code must be transparent and responsive to the changing expectations of both society and the profession and the global standards to which the Institution subscribes.

2. Purpose

The purpose of the Hazardous Substances Professionals New Zealand Society is to support Hazardous Substance Management Practitioners and Industry achieve the purpose as outlined in the Health & Safety at Work Act and appropriate Hazardous Substance Regulations, namely to

Protect the Environment and Health and Safety of People and Communities by preventing or managing the adverse effects of Hazardous Substances.

The Vision statement for the Society and the Association's by laws should also be considered alongside this Code.

3. Values

3.1 Protection of the Health and Safety of People: Members shall recognise the need to protect life and to safeguard people, and in their professional activities shall act to address this need.

3.2 Professionalism, Integrity and Competence: Members shall undertake their professional activities with professionalism and integrity and shall work within their levels of competence.

3.3 Protect community safety in use of hazardous substances: Members shall recognise the responsibility of the profession to actively contribute to the well-being of society and, when involved in any professional activity shall endeavour to identify, inform and consult affected parties.

Care for the environment against the adverse effects of Hazardous Substances: Members shall recognise and respect the need for sustainable management of the planet's resources and endeavour to minimise adverse environmental impacts of their professional activities for both present and future generations.

Sustaining knowledge on Hazardous substances: Members shall seek to contribute to the development of their own and the profession's knowledge, skill and expertise for the benefit of society and industry.

4. Rules of conduct

1. Members shall act in the best interest of the public, fellow members of the Society, employer, and environment to promote the profession as a reputable and respected institution.
2. Members shall demonstrate professional competence by conducting themselves in a reputable and professional manner and take reasonable steps to safeguard health and safety.
3. Members shall refrain from open public criticism of fellow members or publicly express any opinion on the professional performance of other members. Such criticism shall be confined to appropriate formal hearings with professional courtesy and integrity.
4. Members shall not disclose any confidential information or matter related to their work or profession or the business of their employer unless required to under statutory obligations and in that case must inform the affected party in the first instance.
5. Members shall not engage in any fraudulent or dishonourable activity, or use any confidential information obtained in their professional capacity for personal gain.

6. Members shall demonstrate professional competence and skills and shall involve themselves in continuing education and training particularly towards new technology and innovations.
7. Members shall resist any possibility of conflict of interests in meeting their professional responsibilities.
8. Members shall submit reports and proposals in a factual, unbiased, and positive manner within the bounds of their competence.

Guidelines to achieving fundamental ethical values

1. Protection of the Health and Safety of People:

Members shall recognise the need to protect life and to safeguard people and in their professional activities shall act to address this need

This would include:

- 1.1 Giving priority to the safety and well-being of the community and having regard to this principle in assessing obligations to clients, employers and colleagues.
- 1.2 Ensuring that reasonable steps are taken to minimise the risk of loss of life, injury or suffering which may result from their professional activities, either directly or indirectly.
- 1.3 Drawing the attention of those affected to the level and significance of risk associated with the work.

2. Professionalism, Integrity and Competence:

Members shall undertake their professional activities with professionalism and integrity and shall work within their levels of competence.

This would include:

- 2.1 Exercising their initiative, skill and judgement to the best of their ability for the benefit of people and the community.
- 2.2 Providing decisions, recommendations or opinions that are honest, objective and factual and, acting fairly and impartially.
- 2.3 Accepting personal responsibility for work done and taking reasonable steps to ensure that anyone working under their authority is both competent to carry out the assigned tasks and accepts a like personal responsibility.
- 2.4 Ensuring they do not misrepresent their areas or levels of experience or competence.
- 2.5 Taking care not to disclose confidential information relating to their work or knowledge of their client without the agreement of those parties.
- 2.6 Disclosing any interest that may impair their professional judgement.
- 2.7 First informing another Member before reviewing their work and refraining from criticising the work of other professionals without due cause.
- 2.8 Upholding the reputation of the Institution and its members, and supporting other members as they seek to comply with the Code of Ethics.

2.9 Maintaining a high level of competence and ensuring they meet the requirements of a Professional Continuing Development Programme established by HSP (NZ) inc.

3. Protect community safety in use of hazardous substances :

Members shall recognise the responsibility of the profession to actively contribute to the well-being of society and, when involved in any professional activity shall, endeavour to identify, inform and consult affected parties.

This would include:

- 3.1 Applying their professional skill, judgement and initiative to contribute positively to the well-being of society.
- 3.2 Endeavouring to identify, inform and consult parties affected, or likely to be affected, by their professional activities.
- 3.3 Recognising in all their professional activities their obligation to anticipate possible conflicts and endeavouring to resolve them responsibly, and where necessary utilising the experience of the Institution and colleagues for guidance.
- 3.4 Endeavouring to be fully informed about relevant public policies, community needs, and perceptions, which affect their work.

4. Care of the Environment:

Members shall endeavour to minimise adverse environmental impacts of their professional activities for both present and future generations.

This would include:

4.1 Recognising adverse impacts of their professional activities on the environment and seeking to avoid or mitigate them.

5. Sustaining knowledge on Hazardous Substances :

Members shall seek to contribute to the development of their own and the professional profession's knowledge, skill and expertise for the benefit of society.

This would include:

5.1 Sharing public domain professional knowledge with other professionals so that the knowledge may be used for the benefit of society.

6. Minimum Standards of Ethical Behaviour for Members

General Obligations to Society:

Take reasonable steps to safeguard health and safety

A Member must, during his or her professional activities, take reasonable steps to safeguard the health and safety of people.

Have regard to effects on environment

A Member must, during his or her professional activities, have regard to reasonably foreseeable effects on the environment from those activities.

Act with honesty, objectivity, and integrity

A Member must act honestly and with objectivity and integrity during his or her professional activities.

General Professional Obligations:

Not misrepresent competence

A Member must-

- (a) not misrepresent his or her competence; and
- (b) undertake professional activities only within his or her competence

Inform others of consequences of not following advice

A Member who considers that there is a risk of significant consequences in not accepting his or her professional advice must take reasonable steps to inform relevant persons who do not accept that advice of those significant consequences.

Member Obligations:

To not disclose confidential information

A Member must not disclose confidential information of an employer or client without the agreement of the employer or client unless the failure to disclose information would place the health or safety of people at significant and immediate risk.

To not review other professionals' work without taking reasonable steps to inform them prior to any investigation

A Member who reviews another professional's work for the purpose of commenting on that work must take reasonable steps to-

- (a) inform that member of the proposed review before starting it; and
- (b) investigate the matters concerned before commenting.

Unless those steps would result in there being a significant and immediate risk of harm to the health or safety of people, damage to property, or damage to the environment.

7. Complaints and Disciplinary Procedure

In accordance with Hazardous Substances Professionals New Zealand Incorporated (HSPNZ)

Rules, this Code of Ethics and Complaints & Disciplinary Procedure has been adopted by the Committee and is binding on all members.

1. Complaints

1.1 A complaint may be made about a member by another member or by the President of HSPNZ on behalf of HSPNZ or by someone else who is directly affected by the professional and/or ethical conduct of the member.

1.2 Complaints must be made in writing to the Committee of HSPNZ, citing:

- i. the name of the complainant and the member complained about;
- ii. specifically which element of the Code Ethics, the accused member has allegedly breached;
- iii. details of the alleged breach;
- iv. details of how the alleged breach has disadvantaged the complainant;
- v. the remedy sought; and
- vi whether the person has sought, is seeking or intends to seek to resolve the issue in any other way and/or through any other forum.

1.3 Complaints must be lodged as prescribed in the Rules in Section 18 Cessation of membership (18.4 - Membership terminated) as soon as possible but in any event within 90 calendar days beginning with the date on which the action allegedly occurred or came to the notice of the complainant.

2. Handling of Complaints

2.1 The Committee will consider the complaint and if the complaint is accepted, will delegate the authority to investigate the complaint and report back to the Committee. Either one or two persons may conduct investigations.

2.2 The Committee may reject any complaint without investigation where the conduct being complained of is or has been, or substantively is or has been, the subject of another grievance process (e.g. under: Human Rights Act; Employment Relations Act, or civil action) or where another forum for remedy is considered by the Committee to be more appropriate.

2.3 The Committee may reject any complaint if, in its absolute discretion, it believes the complaint is frivolous or vexatious.

2.4 Where the Committee accepts a complaint for investigation it may, at its absolute discretion, postpone the commencement of an investigation if for any reason it feels that such a postponement is appropriate.

2.5 Where the Committee accepts a complaint for investigation, the President shall within seven days of the decision to accept the complaint, refer or postpone the matter for investigation and shall notify in writing the member complained against of that decision/action.

2.6 Any investigation of a complaint will adhere to the principles of natural justice, and all information and documentation related to a complaint and its investigation shall be treated as confidential information, subject to exceptions contained in Clause 1 & 2.

2.7 Where an investigation has been conducted, the Investigator, appointed by the Committee, shall within 21 days of completing the investigation make a report of findings and make a recommendation to the Executive Committee, giving reasons for the recommendation; the member complained against shall receive a copy of the report. The time frame for the report and recommendation may be extended with the consent of the Committee; where this occurs, the complainant and the member complained against shall be advised of the extension.

2.8 Before drawing any final conclusions or making any decision, the Committee will give the member complained about the opportunity to provide further comment.

2.9 Where the Committee considers that the Member's membership should be cancelled, the Committee will review the material and provide the member with a final opportunity to comment before it makes its decision.

2.10 The scope of any decision the Committee makes will be in accordance with Clause 3 below and will be final and binding.

2.11 The Executive Committee will write to the complainant and the member complained against to advise them of the outcome of the complaint.

2.12 Where the Committee considers it appropriate, it may publish the details and the outcome of the complaint.

2.13 Despite any other section of this procedure, where the conduct of a member has been or substantively been the subject of a decision of the High Court of New Zealand, the Committee may, with

or without an investigation, make a decision regarding the member's standing; such decision will be in accordance with Clause 3 below and will be final and binding.

3. Potential Outcome of Complaint

3.1 After an investigation into an allegation of alleged misconduct or unethical conduct by the Member, the Committee may take any action it deems appropriate in the circumstances. This may include but is not limited to the following:

3.2 Cancellation of membership. Where the intention is to cancel a Member's membership, the Member will be given fourteen days notice of such intention and will be given the opportunity to provide any comment on why they consider that their membership should not be cancelled. The Member will then be advised whether the membership will or will not be cancelled and if so, for what duration.

3.3 Any restriction on the Member's membership status as deemed appropriate and if so, for what duration.

3.4 Imposing as a pre-condition to permitting membership to continue, a requirement on a Member to do or refrain from doing any act. For example, a written apology to the complainant may be required.

3.5 Imposition of a review period during which time the Member's actions are monitored.

4. Impact on Other Proceedings

The findings, decisions and/or actions of the Committee are in the exclusive domain of HSPNZ and its Code of Ethics, and are not intended to be nor may they be used as a component of or evidence in any other proceeding. This Code of Professional Conduct (Codes of Practice) and Complaints & Disciplinary Procedure has been adopted by the membership and is binding on all members.