

# Code of Ethics & Rules of Professional Conduct

Updated March 2017

## **FOREWORD**

The Code of Ethics and the Rules of Professional Conduct sets out the ethical standards human resource professionals are expected to meet. These standards require ethical conduct, competent service and good character and provide both broad general principles and some details about how those principles should be applied in practice.

## DEFINITIONS

In this *Code of Ethics and Rules of Professional Conduct* the following definitions apply:

**"Association"** means the provincial Human Resources Association (CPHR MANITOBA).

**"CPHR Manitoba"** means Chartered Professionals in Human Resources Manitoba.

**"CPHR"** means the Chartered Professional in Human Resources designation issued by an Association.

**"Code"** means this *Code of Ethics and Rules of Professional Conduct*.

**"Confidential Information"** means any information that is provided to a Member with the reasonable expectation that such information not be divulged except for the purposes for which it was provided.

**"Member"** means a member in good standing of CPHR Manitoba holding the CPHR designation or other form of membership duly recognized by the Association.

**"Profession"** means the profession of human resources management.

## INTRODUCTION

As the provincial association dedicated to strengthening the human resources profession in Manitoba, a fundamental objective of CPHR Manitoba is to protect the interests of the public by ensuring that human resources professionals are competent and conduct themselves in an honourable and ethical manner.

The Code sets out the duties owed by human resources professionals to employers, clients, employees, other professionals, the Association, and the public. It applies to all Members whether working as employees, consultants or independent practitioners. The Code applies when a member provides services outside of their own jurisdiction but other jurisdictions may impose their own local standards and, to the extent they differ from the Code, local standards take precedence over the Code.

The content of the Code represents the Associations' minimum standards of acceptable professional conduct or behaviour. While the *Code* intends to provide clear and prescriptive guidance in ethical issues, it will not exhaust the full range of ethical issues that the member may encounter nor does it extinguish or replace the need for Members to exercise sound professional judgement.

Breaches of the Code may result in disciplinary action by the Association where appropriate.

Members are subject to discipline by CPHR Manitoba for any professional misconduct, conduct unbecoming or incompetence no matter where the conduct occurred.

Penalties where a member is found to have breached the Code may include a reminder, a reprimand, suspension of membership in the Association or cancelation of membership and removal of the CPHR designation.

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## CPHR Manitoba Code of Ethics and Rules of Professional Conduct

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This Code encompasses four fundamental duties:

1. Duties to the public
2. Duties to the profession;
3. Duties to clients and employers;
4. Duties to individuals

On rare occasions where duties conflict, the duties to the public are always paramount, followed by the duties to the profession.

### **Duties to the Public**

Principle **P1**: Members have a duty to discharge all of their professional responsibilities honourably, competently and with integrity. Particularly,

- P101** Members must observe all applicable laws, including statutes, regulations and by-laws. They are not to knowingly contravene the law nor shall they condone or support others who attempt to do so.
- P102** A Member shall not act in a manner which intends to circumvent the law provided however that Members may advise clients or employers how to structure their affairs in a way which best serves their needs within the law, or how best to remedy a contravention of the law.
- P103** A member discovering an illegal act in the performance of their duties shall take whatever appropriate measures they reasonably can to stop or correct the illegal act, including reporting the illegal act to the person from whom the member takes instruction, and, if that person refuses to take appropriate action, reporting the illegal act progressively up the organization's chain of command.
- P104** A member shall not knowingly retaliate, participate in, or condone any act of retaliation against any individual or individuals properly exercising their right to initiate a complaint, criticism or grievance.

- P105** A Member shall bear in mind the limitations of their skills, knowledge, and experience and only take on work for which they possess the, knowledge, experience, and skills required to carry out the work or for which they are able to acquire the requisite knowledge, experience and skills in a reasonable time.
- P106** A Member shall perform their duties in a manner consistent with best practices and generally accepted standards of human resources management.
- P107** A Member shall maintain and enhance their knowledge and skills through continuing professional development, mentorship, and exposure to growth opportunities that arise, and shall comply with all continuing professional development requirements of their Association
- P108** A Member who is charged with any criminal, provincial or territorial offence shall immediately inform the Association of those charges and in due course of how they are disposed of.
- P109** A Member shall immediately report to the Association if they are charged with professional misconduct, incompetence or incapacity, in any jurisdiction, whether such findings relate to the member's practice of human resources management or any another profession and also report on the ultimate disposition of those charges.
- P110** A Member shall not, falsify or cause to be falsified any statement or report or allow misleading statements or reports to remain uncorrected and, if Members becomes aware of inaccurate human resource related statements or reports originating elsewhere they shall take reasonable steps under the circumstances to report those misleading statements or reports to the parties affected.
- P111** A Member shall only use Association information, including information from the Association's register, for the purposes for which it was intended.
- P112** Members shall treat any information about ongoing investigations by the Association as confidential.



## **Duties to the Profession**

Principle **P2**: Members have a duty to protect and promote the profession and to cooperate with the Association. Particularly,

- P201** A Member shall avoid any behaviour that is unbecoming a professional and refrain from acts in both their professional and personal lives that bring disrepute to the profession or jeopardize confidence and trust in the profession.
- P202** A Member shall know and understand of the Code and other directives or guidance from the Association regarding member obligations that may from time-to-time be issued by the Association.
- P203** A Member has the right to trust that all Members will conduct themselves in compliance with the Code and that acts or omissions that appear to breach the Code shall be reported to the Association.
- P204** A Member with supervisory responsibility over other Members shall ensure that those working under their supervision understand and comply with the provisions and requirements of the Code, and that a breach of the Code by a subordinate of a Member may be attributable to the Member where it is determined that the Member was, or ought to have been, aware of the breach.
- P205** A Member shall not direct another Member, other professional, or any other person to perform human resources management functions for which they are not sufficiently trained, skilled or competent to perform without adequate support.
- P206** A member shall project a positive public image of the profession.
- P207** A Member must promptly meet their financial obligations in relation to the practice of the profession.
- P208** A Member must reply promptly and completely to communication from the Association.
- P209** A Member shall not publicly criticize another Member or other Members in a manner which is unfair, unreasonable or inaccurate.

- P210** A Member shall not obtain admission to membership in an Association by means of misrepresentation and shall notify the Association immediately should they become aware of any member gaining membership by questionable means.
- P211** A Member shall not make public statements which may be interpreted as representative of the Association or its views unless authorized to do so by the Association.
- P212** A Member shall not, directly or indirectly, comment publicly on any matter pending before a commission of inquiry, body, or other tribunal.
- P213** A Member shall identify themselves to their employer or client as a Member of the Association and of any qualification granted by the Association such as the CPHR designation. A Member shall, in environments deemed appropriate, display any Association certificates and awards in such way that they are readily and clearly visible.
- P214** A Member, whose certificate has been cancelled or revoked for any reason shall return their certificate without delay to the Association.
- P215** A Member who believes or should reasonably believe they have committed a breach of the Code, shall take appropriate action, at earliest occasion, to satisfactorily address the consequences of the breach, including reporting the breach to those affected by the breach.
- P216** A Member shall cooperate fully with the Association in any investigation or disciplinary processes, including responding promptly and candidly to any requests of the Association, appearing before the Association if requested to do so, and furnishing any documents or records requested by the Association.
- P217** A Member shall not interfere with any Association investigation or disciplinary process nor shall a Member communicate with a person having filed a complaint against the member on any matter regarding the complaint or any matter arising from that complaint, without prior permission of the Association.

**P218** A Member shall promptly comply with any sanctions imposed by the Association as a result of a disciplinary process and shall adhere to any undertaking or agreement made in connection with that process.

**P219** A Member shall not permit their firm name to be used or associated with any pronouncement, or act which could be of such a nature as to discredit the profession.

### **Duties to Clients and Employers**

Principle **P3**: Members have a duty to act in the best interest of their clients and employers. Particularly,

**P301** A Member shall pursue the interests of their client or employer, setting aside personal motivations and beliefs.

**P302** A Member shall not promote services, accept assignments or engagements, conduct work, or provide advice that is contrary to the best interest of a client or employer.

**P303** A Member shall not accept or perform work that puts or has the potential to put their personal interest or the interest of other clients in conflict with the interest of their client or employer, without the informed consent of the employer or client.

**P304** While acting in the best interests of the client or employer, it does not constitute a conflict of interest to be mindful of the needs and interests of employees and the public.

**P305** If a conflict of interest is identified, a member shall immediately notify the clients or employer affected of such conflict and request authorization to proceed, or to alternatively be released, from the assignment.

**P306** Subject to any confidentiality arrangements, members shall disclose to a client, or prospective client any personal, professional, or other business interests that may jeopardize the client's confidence in the integrity, objectivity or capacity of the member to act independently.

- P307** A member shall not accept any commission, rebate, or other benefit in connection to a matter other than the compensation to which the member is entitled from their client or employer without the specific consent of that client or employer.
- P308** A Member shall provide informed views and recommendations and always render objective and independent advice.
- P309** A Member shall endeavour to act in an impartial and unbiased manner and shall act in good faith towards all parties at all times.
- P310** A Member shall maintain complete and appropriate records as might be reasonably expected for the matter for which they are engaged.
- P311** A Member shall be clear in communications with clients and employers, and where appropriate, shall confirm arrangements and understandings in writing, including the scope of the engagement objectives, nature of services to be rendered, proposed work plan, identities and qualifications of assignment team, and fees and billing arrangements including the treatment of expenses, disbursements, and applicable taxes.
- P312** All marketing and promotion activities by a Member must be demonstrably true, accurate and not misleading and consistent with a high standard of professionalism.
- P313** A Member may refer the employer or client to another Member, expert or other professional or request authorization from the employer or client to consult another Member or other professional, or any other expert where they determine it is in the best interest of the client or employer. A member shall also recognize the employer or client's right to consult others and shall work diligently with any other Members, experts or other professionals consulted by the employer or client.
- P314** A Member may be called on to represent other persons or organizations at various labour and employment boards and tribunals. A Member, when representing persons or organizations, shall identify themselves as a member of their Association, and shall not advise or represent more than one party to a dispute,

**P315** A Member shall not withdraw from a matter except for good cause and upon giving reasonable notice. A Member may, upon reasonable notice, terminate an engagement when:

- (a) the member's professional independence has been compromised;
- (b) the member is in a conflict of interest;
- (c) the member believes their health, safety, or well-being to be in jeopardy;
- (d) client confidence has been lost;
- (e) the client has failed to cooperate, has been deceitful, or has been unresponsive;
- (f) the client has failed to pay the member's fees or billings when due; or,
- (g) the client has attempted to induce the member to commit a discriminatory, fraudulent, illegal, or negligent act.

**P316** In a circumstance where there is no conflict of interest, a Member may represent multiple clients in a matter, provided all clients agree and the Member clarifies the expectation of each client about sharing of confidential information between clients.

**P317** A Member when acting for a client who is not their employer shall maintain appropriate insurance coverage, including errors and omissions, malpractice, and directors' and officers' insurance commensurate with the risk exposure of their work.

**P318** A Member shall not engage in practice under a name which is misleading as to the nature of the firm or the nature of the functions performed, or which is confusing or deceptive.

**P319** Fees charged by Members must be fair, reasonable and fully disclosed.

**P320** A Member may charge reasonable interest on an outstanding account of fees, expenses and disbursements in keeping with the written engagement letter, contract or other agreement with the client or upon reasonable notification to the client.

**P321** A Member, in attempting to collect accounts owed to them by a client, shall do so in a civil manner and tone and shall exhaust all other reasonable means before initiating legal action.

**P322** Upon request, a Member shall provide the contact information of their Association and information about how to access this Code.

## **Duties to Individuals**

Principle **P4**: Members must at all times act in a manner that advances the principles of health and safety, human rights, equity, dignity, inclusion and overall wellbeing in the workplace. Particularly,

**P401** A Member shall respect the dignity and rights of all individuals.

**P402** A member engaged in the practice of human resources management shall ensure that the policies, practices, and processes they use respect the rights and protect the wellbeing of all individuals.

**P403** A member shall encourage the development and enforcement of appropriate health and safety standards.

**P404** A Member shall ensure the confidentiality of information and records in their possession or in the possession of those under their authority and mandate, and that all records, in whatever format, are securely stored and shall comply with all privacy laws applying to the collection, use and disclosure of personal information in the jurisdiction in which they practicing.

**P405** A Member shall not use confidential information acquired in the course of their work for their own benefit or gain.

**P406** A Member shall, where there are grounds to believe that there is imminent risk of bodily or psychological harm or death, or that a crime is likely to be committed, immediately report it to appropriate authorities, and keep a record of all relevant information in connection with the matter.

**P407** A Member, when required by law or by order of a court or tribunal of competent jurisdiction, shall disclose confidential information, only to the extent it is ordered.

**P408** A Member shall at the conclusion of any matter, or upon request by their client, return all confidential information to the client.

**P409** A member shall not remove, cause to be removed, or destroy any information from the premises of the member's employer or client, unless authorization has been granted or can reasonably be inferred.

**P410** A Member shall not engage in or condone any act of disrespect, intimidation, harassment, physical violence, acts causing psychological or mental distress, or any acts of discrimination on the grounds prohibited in the human rights legislation in the jurisdiction where the Member is practicing.

**P411** A Member shall be courteous and civil and act in good faith with all persons with whom the Member has dealings in the course of their practice.