

CODE OF PROFESSIONAL PRACTICE AND DISCIPLINARY PROCEDURE FOR REGISTERED ENERGY EFFICIENCY OPPORTUNITIES (EEO) ASSESSORS

Introduction

1. This Code of Professional Practice and Disciplinary Procedure (hereinafter referred to as “The Code”) is issued jointly by National Environment Agency (NEA) and The Institution of Engineers, Singapore (IES). The purpose of The Code is to –
 - a) inform Registered EEO Assessors of the high standards of professional conduct and practice to which they are required to observe; and
 - b) inform the client of the standard of conduct and practice they can expect of a Registered EEO Assessor.
2. The Code shall apply to all Registered EEO Assessors, who are registered by the IES, to carry out Energy Efficiency Opportunities Assessments (EEOAs) for energy intensive companies in the industry sector in line with the requirements of the Energy Conservation Act (hereinafter referred to as the Act).
3. Registered EEO Assessors agree to publication of the Register of EEO Assessors, where the names of Registered EEO Assessors and other mandatory information for registration appear on the Register of Assessors maintained by IES, an electronic copy of which is made available online.
4. By registering as a Registered EEO Assessor, a person is committing to abide by The Code. Failure to comply with The Code can lead to commencement of disciplinary procedure that may result in suspension or termination of registration by IES, in accordance with the Disciplinary Procedure in The Code.
5. The EEO Assessor-SCEM Monitoring Committee (EEOA-SCEM MC) is constituted by the IES to –
 - a) manage the assessment process;
 - b) approve engineers to be placed on the Register of EEO Assessors; and
 - c) administer the registration system.

Competence and Diligence of Registered EEO Assessors

6. A Registered EEO Assessor must ensure that they possess the necessary skills and competencies to undertake the specific EEOAs required by the prospective client.
7. A Registered EEO Assessor is required to act with integrity and diligence to ensure that each EEOA is executed competently, in an independent manner, and in accordance with the prescribed requirements of Section 27B of the Act.

8. A Registered EEO Assessor is required to inform the IES of updates to their registration details, such as their skills and competencies, which may be subject to verification by the IES.

Data Integrity

9. A Registered EEO Assessor is responsible for ensuring, within reason, that the data compiled and all other related and recorded calculations are –
 - a) an accurate representation of all characteristics relevant to the assessment of the facility; and
 - b) capable of being verified as such in any subsequent Quality Assurance processes undertaken by NEA's Verification Office (NEA-VO).
10. Registered EEO Assessors are required to act in an independent and transparent manner at all times when discharging their duties and obligations under the Energy Conservation (Energy Management Practices) Regulations 2013 made under the Act (hereinafter referred to as the Regulations) and The Code.
11. NEA-VO may at any time, with or without cause, investigate whether any Registered EEO Assessor has acted independently and in compliance with the Regulations.

Carrying out EEOAs

12. A Registered EEO Assessor must take full responsibility for each EEOA that the Registered EEO Assessor carries out or supervises. This also includes the circumstance where the Registered EEO Assessor is employed by a company to sign off on an EEOA where the work was undertaken by any third party.
13. In cases where the quality of the EEOA report does not meet expected standards, feedback may be provided to the Registered EEO Assessor and further quality assessment may be conducted of the Registered EEO Assessor's subsequent work.

Quality Assurance Monitoring and Compliance

14. NEA-VO may engage, as a matter of routine, in Quality Assurance monitoring procedures. Where NEA-VO identifies errors, omissions or non-compliance by a Registered EEO Assessor of any procedures, directions, requirements in The Code, or the Regulations, NEA-VO may issue specific directions to correct, to identify similar, and/or to avoid a recurrence of such errors, omissions or non-compliance or to lodge a complaint to the IES for disciplinary action to be taken, which may result in the suspension or removal of the Registered EEO Assessor from the Register following due inquiry.

Disciplinary Procedure

15. The EEOA-SCEM MC may appoint a panel (hereinafter referred to as the Disciplinary Panel) to review and inquire into a complaint concerning —

- a) any contravention by a Registered EEO Assessor of the EEO assessment and reporting requirements in the Act¹ and Regulations²;
 - b) any contravention by a Registered EEO Assessor of any provision of The Code;
 - c) any contravention by a Registered EEO Assessor of any provision of the IES's Rules for Code of Professional Conduct and Ethics in Annex A;
 - d) the ability of a Registered EEO Assessor to carry out the duties of a Registered EEO Assessor effectively in accordance with the Act and Regulations.
16. Any complaint concerning the above shall be made in writing to the EEOA-SCEM MC and shall be supported by such evidence as the EEOA-SCEM MC may require.
17. A Disciplinary Panel appointed to review and inquire into a complaint shall comprise –
- a) a representative from the EEOA-SCEM MC; and
 - b) two other members, who are from the same sector as the Registered EEO Assessor being investigated and are –
 - i) members of the EEOA interview panel; and/or
 - ii) Registered EEO Assessors.
18. For the purposes of any review or inquiry, the Disciplinary Panel may require any person to –
- a) attend at a specified time and place and give evidence before the Disciplinary Panel; and
 - b) produce such documents which may be related to or be connected with the subject-matter of the inquiry.
19. Subject to the disciplinary procedures in The Code, a Disciplinary Panel shall have the power to regulate its own procedure for an inquiry.
20. A Disciplinary Panel shall complete its inquiry not later than 3 months from the date the complaint is referred to it, unless the EEOA-SCEM MC allows any request for extension of time.

Findings and decision of the Disciplinary Panel

21. Where, upon due inquiry into a complaint, a Disciplinary Panel is satisfied that the Registered EEO Assessor concerned –
- a) has contravened the EEO assessment and reporting requirements in the Act and Regulations;
 - b) has contravened any provision of The Code;
 - c) has contravened any provision of the IES's Rules for Code of Professional Conduct and Ethics; or
 - d) is no longer in the position to carry out the duties of a Registered EEO Assessor effectively in accordance with the Act and Regulations,
- the Disciplinary Panel may require the EEOA-SCEM MC to impose disciplinary actions on the Registered EEO Assessor.

¹ Energy Conservation Act Chapter 92C

² Energy Conservation (Energy Management Practices) Regulations 2013

22. The disciplinary actions that the Disciplinary Panel can require the EEOA-SCEM MC to impose on the Registered EEO Assessor are one or more of the following –
 - a) to remove the name of the Registered EEO Assessor from the Register of EEO Assessors;
 - b) to suspend the Registered EEO Assessor from carrying out EEOAs for any period of up to 2 years;
 - c) to censure the Registered EEO Assessor in writing;
 - d) to pay to the EEOA-SCEM MC such sum, not exceeding \$2,000, as the Disciplinary Panel deems fit in respect of the costs and expenses of and incidental to any proceedings against him.

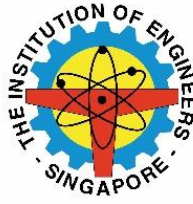
23. The EEOA-SCEM MC shall not impose any action against Registered EEO Assessor unless the EEOA-SCEM MC is satisfied that the Disciplinary Panel had allowed the Registered EEO Assessor concerned an opportunity of being heard either personally or in writing during the inquiry.

Appeal against decision of the Disciplinary Panel

24. Any person aggrieved by a decision of the Disciplinary Panel may, within 30 days after the notification of the decision of the Disciplinary Panel, appeal to the IES Council.

25. There shall be no appeal from the decision of the IES Council.

ANNEX A



THE INSTITUTION OF ENGINEERS, SINGAPORE RULES FOR CODE OF PROFESSIONAL CONDUCT AND ETHICS

[25TH JANUARY 2016]

1. These Rules shall apply to all Chartered Engineers and any other professionals registered under the Institution of Engineers, Singapore (IES) professional registries and engaged in any professional work.
2. Every registered professional shall observe and be guided by Parts I and II of the Code of Professional Conduct and Ethics set out in the Rules.

PART I

1. In this Part, unless the context otherwise requires -

“Board” means IES professional registration board, setting rules and policy includes disciplinary enquiry panel across all registries to ensure consistency and maintain professional standard of practice.

“professional” and any associated pronoun means a registered chartered engineer or any other professional registered under IES professional registry;

“professional services” means operation, maintenance, consultancy or advisory services that require a person to engage in professional work;

“professional work” includes any professional service, consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation in connection with any public or privately owned public utilities, buildings, machines, equipment, processes, works or projects wherein the public interest and welfare, or the safeguarding of life, public health or property is concerned or involved, and that requires the application of engineering or other technical principles and data;

“publicity” means any form of advertisement and includes any advertisement –

- (a) printed in any medium for the communication of information;
- (b) appearing in, communicated through or retrievable from, any mass medium, electronic or otherwise including but not limited to the internet, and its derivatives, and “publicise”, “publicised” and “publicising” shall be construed accordingly.

2. – (1) A professional shall uphold the dignity, standing and reputation of the profession.

(2) A professional may, subject to these Rules, publicise his or her practice or allow his or her employee or agents to do so.

(3) A professional shall not publicise his or her professional practice in a manner which —

- (a) is likely to diminish public confidence in the engineering or the relevant technological profession that the professional is registered under or to otherwise bring the profession into disrepute;
- (b) may reasonably be regarded as being misleading, deceptive, inaccurate, false or unbecoming the dignity of the profession; or
- (c) the Board may determine to be an undesirable manner of publicising his or her practice.

(3A) For the purposes of these Rules, publicity shall be considered to be misleading, deceptive, inaccurate or false if it —

- (a) contains a material misrepresentation;
- (b) omits to state a material fact;
- (c) contains any information which cannot be verified; or
- (d) is likely to create an unjustified expectation about the results that can be achieved by the professional.

(3B) In publicising his or her practice, a professional shall ensure that —

- (a) any claim to expertise or specialisation can be justified;
- (b) the publicity does not make any direct or indirect mention of past projects in which, or clients for whom, the professional or any of his or her firm or company had acted where the provision of such information will involve a breach of confidentiality owed to any client or former client; and
- (c) the publicity does not make any comparison or criticism in relation to the quality of the professional services provided by any other professional or allied professional.

(3C) For the purpose of sub-paragraph (3B) (a), the following factors shall be taken into account in justifying any claim to expertise or specialisation:

- (a) academic qualifications;
- (b) experience;
- (c) facilities;
- (d) personnel; and
- (e) capacity to render professional service.

(4) A professional shall refrain from expressing publicly an opinion on an engineering or technological project or product unless the professional is informed of the facts relating thereto.

(5) A professional shall —

- (a) exercise due restraint in criticising the professional work of another professional; and
- (b) not maliciously or recklessly injure or attempt to injure, directly or indirectly, the professional reputation, prospects or business of another professional.

(6) Sub-paragraph (4) shall not affect any moral obligation to expose unethical conduct before the proper authorities or preclude a frank but private appraisal of employees or of professional being considered for employment.

(7) A professional shall not endorse engineering or technological product, system or process in any commercial advertisement.

3. – (1) A professional shall discharge his or her duties to his or her employer or client with complete fidelity.

(2) A professional shall not accept remuneration for professional services rendered from any person other than his or her employer or client except with the knowledge and approval of his or her employer or client.

(3) A professional shall not, without disclosing the fact to his or her employer in writing, be a director of or have a substantial financial interest in, or be an agent for, any company, firm or person carrying on any business which is or may be involved in the professional work to which his or her employment relates.

(4) A professional shall not accept any trade commission, discount, allowance or indirect payment or other consideration in connection with any professional work in which he or she is engaged.

(5) A professional shall not receive, directly or indirectly, any royalty, gratuity or commission in respect of any patented article or process used in or for the purpose of the professional work in respect of which he or she is acting as a professional for an employer unless and until the receipt of such royalty, gratuity or commission by the professional has been authorised in writing by such employer.

(6) Subject to the provisions of these Rules, a professional shall not hold, assume or intentionally accept a position in which his or her interest is in conflict with his or her professional duty to his or her client or employer.

(7) A professional shall not disclose confidential information concerning the business affairs or technical processes of his or her client or employer without the consent of the client or employer.

(8) A professional shall not use information which is obtained confidentially in the course of his or her assignment for the purpose of making personal profit.

(9) A professional shall not divulge any confidential findings or studies or actions of an engineering or technical or scientific commission or board of which he or she is a member without the consent of the commission or board.

(10) A professional shall not give professional advice which does not fully reflect his or her best professional judgment.

(11) A professional shall engage, or advise engaging, experts and specialists when in his or her opinion and judgment such services are in the interest of his or her client or employer.

4. A professional shall not supply professional services in respect of any project in which he or she is acting as a developer of an engineering work or product that the project is aimed to develop or construct.

5. Notwithstanding the responsibility to his or her employer and to his or her profession, a professional shall act with prime regard to the public interest.
6. A professional shall not knowingly attempt to supplant another professional, nor shall he or she intervene or attempt to intervene in or in connection with professional work of any kind which to his or her knowledge has already been entrusted to another professional.
7. – (1) A professional shall not knowingly undertake a commission from any person while any claim for compensation or damages or both by another professional previously employed by that person and whose employment has been terminated remains unsatisfied unless security for the due satisfaction of any award or judgment has been given.

(2) The professional previously employed may report the matter to the Board if he or she has reasonable grounds for not being satisfied with the security, and the Board may forbid the first-mentioned professional in sub-paragraph (1) from proceeding with the professional work.
8. A professional shall not canvass or solicit professional employment or offer to make payment for the introduction of such employment.
9. A professional shall not be the medium of any payment made on behalf of his or her employer unless so requested by his or her employer and he or she, in connection with any professional work in which he or she is employed, shall not place any contract or order except with the authority of or on behalf of his or her employer.
10. A professional shall not take part in a competition involving the submission of any proposal and design for professional work unless the assessor to whom such proposal and design is to be submitted for adjudication is a person of acknowledged engineering or technical standing.
11. – (1) A professional who is engaged in the construction or in the design and construction of engineering or technical work or in the manufacture or in the design and manufacture of articles of commerce, whether on his or her own account or as a technical adviser or employee or a partner or director of a firm or company so engaged, shall not prepare or submit to a client or customer or prospective client or prospective customer a design for engineering or technical works or articles unless accompanied by an offer on behalf of himself or his or her firm or company to construct the work or supply the articles, and a proviso that if the design of the professional, the corporation of which he or she is a director or partnership of which he or she is a member is accepted, he or she shall be given the contract for the work or supply of the articles, with such variation (if any) as to design and with such arrangements as to remuneration as may be mutually agreed.

(2) A professional shall not prepare or submit or offer to prepare or submit a design without informing the client or customer or prospective client or prospective customer as to the nature of his or her connection with the construction or manufacture of the work or articles in question.

(3) Except at the request of the client or customer, a professional shall not offer, directly or indirectly, on behalf of himself or his or her firm or company, to design, or to design and construct, any engineering or technical work, the design of which to his or her knowledge has already been entrusted to another professional, who is acting as a consultant, unless with the approval of such professional.

12. A professional shall —

(a) exercise due diligence to ensure that there is no contravention of or failure to comply with any written law by any person in the carrying out of any project or works of which the professional is the consultant or engineer; and

(b) report to the appropriate authority any contravention of or failure to comply with any written law by any person in the carrying out of any project or works of which the professional is the consultant or engineer, if such contravention or failure comes to his or her knowledge.

PART II

1. – (1) A professional shall not use the advantage of a salaried position to compete unfairly with other professionals.

(2) He or she shall not accept any professional commission from persons other than his or her employers to an extent prejudicial to his or her salaried position or detrimental to established professional services or which would result in a conflict of interest.

(3) If permitted by his or her employer any professional commission from persons other than his or her employers shall be confined to consultation on phases of engineering or technology for which he or she has special qualifications not inherently available in usual professional practice, except that he or she shall not establish an office for the purpose of conducting such outside activities.

(4) He or she shall not use the influence of a salaried position to direct clients to another professional, or other engineering or technological firm in which he or she has a financial interest.

2. A professional shall not, for the purpose of obtaining any permit, licence or approval of any public authority, sign any plans or calculations which neither he or she nor any member of his or her staff under his or her supervision verified, checked or prepared.

By

IES Professional Registration Board