

Professional Ethics – The European Code of Conduct

Frances PLIMMER, United Kingdom

Key words: Ethics. Europe. Code of Conduct. Professional Culture

SUMMARY

The European Commission has encouraged all professions to develop a Code of Conduct as a device for enhancing the quality of services in the Internal Market. As a result, the Council of European Geodetic Surveyors, the Comité de Liaison des Géomètres Européen (CLGE) has developed a Code of Conduct for European Surveyors.

Yet, there is no clear definition of what 'surveying' means within Europe. Some countries include skills in their surveying profession which other countries exclude. Methods of achieving professional qualifications differ, as does the need for licensing or registration. Yet we are all very clear about the need for a high ethical behaviour to both underpin our work, and to be seen to do so.

Ethics, however, is not merely a professional standard. It is both personal and cultural and, in a professional context, includes both the ethics of an employer organisation and that of the professional association to which the individual professional belongs. There is evidence that both employer organisations and professional associations have articulated ethical standards which are required of their professional employees. Do these various ethical standards work in harmony as a virtuous circle – each reinforcing the other? What is the role of the professional bodies in establishing an ethical culture for their membership?

With the development of a Code of Conduct for European Surveyors as a background, this paper draws on recently published research and discusses the issues involved in developing a Code of Conduct in the light of both the professional and cultural diversity of the profession of surveying Europe.

PROFESSIONAL ETHICS – THE EUROPEAN CODE OF CONDUCT

Frances PLIMMER, United Kingdom

1. INTRODUCTION

Since the creation of the European Economic Community (EEC) with signing of the Treaty of Rome in 1957, there have been increasing moves to develop a single European market. However, this was envisaged as a long-term goal by the Member States, and it was in 1982, that the then Heads of States and Governments pledged themselves to the completion of the internal market by 31st December, 1992 (Plimmer, 1991: 46).

The single European market aims to create freedom of movement in three main areas:

- (a) across physical barriers, by the removal of internal frontier controls;
- (b) across fiscal barriers, by harmonization and approximation of indirect taxation; and
- (c) across technical barriers to allow unobstructed movement of goods and people within the community.

Key to the achievement of the third “freedom of movement” was the introduction in 1991 (by Directive) of the principle of the mutual recognition of professional qualifications, whereby individuals could use their professional qualifications, gained in one Member State (the “home Member State”) to gain those qualifications awarded in another Member State (the “host Member State”). Where there was a discrepancy between the two professions as practiced in the different Member States and/or where the professional education and training in each Member State differed, there was provision for an adaptation mechanism, by which an individual could acquire necessary skills and competencies in order to acquire the professional qualification in the host Member State. (Refer for example, Plimmer, 1991; Enemark and Plimmer, 2002).

Since 1991, the system has been reformed to: *make labour markets more flexible and to further liberalise the provision of services* (EC, 2008) and a new Directive (2005/36/EC) came into effect in 2007 (*ibid.*).

In 2006, the European Council and the European Parliament adopted the Services Directive (2006/123/EC) which (amongst other things) aims to improve the quality of professional services, by encouraging professional associations to draw up European codes of conduct. This is seen as an essential part of the Directive’s general objective i.e. to facilitate the freedom of establishment and to provide services in the European Union (European Communities, 2007: 5).

2. SURVEYING IN EUROPE

There is evidence of diversity within the surveying professions as practiced in different European countries (Plimmer, 2001). This is hardly surprising, given that, until very recently, each nation's surveying profession developed in isolation from any other, reflecting only the needs of the national market and local and national demands for its services. Language too reinforced the isolation, as did the legislation which governs much of the surveying activities.

Nevertheless, there are more commonalities than contrasts within surveying professions in Europe and these have been instrumental in ensuring the formation not only of a European association of surveyors - the Comité de Liaison des Géomètres Européen (CLGE) but also of the increasing links and communications within Europe (and indeed globally) between surveyors and surveying associations, with the International Federation of Surveyors (FIG) being a clear example that, as surveyors, we have much more to unify us than to divide us.

The progress towards a Code of conduct for surveyors, then, can be seen as a very tangible recognition of the natural development of professional standards and practice, from national to regional coverage. It does not necessarily mean that the way we work has to be the same in each country, nor does it mean that the activities we pursue must be the same in each country. However, it develops platforms and opportunities for learning 'best practice' from each other, for encouraging international discussion so that we can develop similar processes and standards within Europe and enhances the opportunities for a stronger and more unified European profession.

Thus, our common understanding of our high ethical standards, our levels of academic and professional education and training, our continuing maintenance of professional competence, and our common concern for the safeguarding of our professional status and the unique, irreplaceable, essential and finite resource for which we are responsible are strong binding forces.

3. EUROPEAN CODES OF CONDUCT

3.1 Purpose

The European Commission published guidance (European Communities, 2007) on the development of a European Code of Conduct for professional associations. This guidance is based on a consultation exercise with professional associations which provided details of their existing codes of conduct as well as their views on the best way to develop such codes at a European level. Only 35% of the 173 professional organisations which responded had a European Code of conduct in place, so the results are not exhaustive. Thus:

Its purpose is not to lay down a European model code, or to oblige professional organisations to engage in self regulation, but merely to give an overview of existing codes and to provide a source of information and inspiration for professional organisations wishing to draw up their own codes. (ibid. 5)

Having said that, the European Commission recognises that:

Drawing up such codes would help to promote high quality services and to establish a relationship of confidence between consumer and professional. This would also contribute to the completion of an Internal Market for services. (ibid.: 6)

Recognising that national codes reflect ‘... a purely national perception of the quality of services, which may result in market fragmentation ...’, the paper continues (ibid.) ‘... the absence of common rules of conduct at European level could lead to a certain distrust on the part of European consumers of service providers not established in the same Member State ... which could therefore make access to this market more difficult for the service providers in question.’

There is also the perception (ibid.) that a European Code of Conduct would ‘... help to bring out the specific nature of the services of certain sectors, especially regulated professions, by guaranteeing that they can exercise their profession independently and by protecting the impartiality of these rules of professional conduct.’

Thus a European Code of Conduct is seen as providing benefits for European integration, the consumers and also the professional organisations.

3.2 Codes of Conduct – Drivers and Barriers

The European Commission (ibid.: 9) recognises that *a code of conduct is generally defined ... as a set of professional ethics principles [sic] governing the professional pursuit of a service activity*. There are many national surveying organisations in and beyond Europe which have developed their own professional codes of conduct and many national and international firms of surveyors which have developed codes of conduct for their employees.

However, there is a very clear perception (Plimmer, *et al.*, 2009) that ethical behaviour begins and is developed in infancy and childhood, is influenced by education, a wider social interaction, and continues into employment and professional affiliations. As Longnecker, *et al.*, (1994) state: *Ethical issues ... permeate all of business as, indeed, they permeate all of life*.

A number of authors (e.g. Atkins, 2003; Galbreath 2006; Greenway 2002; and Harris, 1998) recognise that an ethical approach to professional practice can bring a competitive advantage and this was reinforced in Plimmer *et al.*, (2009, Section 4) in interviews with representatives of large firms of surveyors in London. These interviewees were very clear about the importance of ethical behaviour in establishing the value of their individual, corporate and professional reputations. As one respondent put it: *we are only as good as our reputation* and it is in developing and maintaining a good reputation that professional status and commercial advantage can be secured.

Perhaps of more relevance is the fact that ethical standards and professional reputation are interlinked, and are recognised as important, not only for individual surveyors, their employers, but also for the wider profession of surveying:

ethical principles have a commercial value, or more importantly, the absence of ethical values has a commercial cost – and sometimes that cost can be devastating, leading to loss of business, professional reputation and significant adverse claims. Given the intrinsic value of the assets for which surveyors are responsible, the potential cost is huge, in personal, professional, social, commercial and environmental terms. (Plimmer et al., 2009: 56).

It seems, however, that there is a perception that merely discussing ethics is an admission that there is a problem (Anon, 2000:1), yet:

The fault, in general, lies not with the profession but with the people involved, who are human and who do make mistakes. Nevertheless, if a profession ignores the issue, then the fault does lie squarely with the profession.

Thus, it is important for surveying as a profession both to provide individual surveyors with details of the ethical code to which they are expected to adhere and also to provide both surveyors' clients and the wider public with relevant guidance as to what ethical behaviour they can expect from European surveyors.

4. CODE OF CONDUCT FOR EUROPEAN SURVEYORS

The responsibility for the development of a Code of Conduct for European Surveyors has fallen on the Comité de Liaison des Géomètres Européens-GeometerEuropas (CLGE-GE), who appointed the author of this paper to work with their Common Task Force for European Union(CTF-EU) for this purpose.

CLGE-GE was established at the FIG Congress in 1972 to consider the implementation of the Treaty of Rome. It represents geodetic surveyors in all EU member states, as well as Norway and Switzerland which are not members of the EU¹. It is an association of national liaison groups which are themselves made up of professional organisations (CLGE, undated).

The European Communities 2007:10) recognises that:

when drawing up their codes, professional organisations should themselves conform to and ensure that their procedures conform to the principles of integration, transparency and responsibility.

It is clearly beneficial to all parties that an open and inclusive consultation process be undertaken in developing a Code of Conduct for European Surveyors. Advice from the

¹ There is a possibility that other countries, including the Russian Federation, Croatia and FYR Macedonia could join soon.

European Commission (2007) provided some guidance in the development of the code, however, there were only two issues on which the European Communities' (2007:11) was adamant. A code of conduct:

- cannot introduce barriers to mobility, the recognition of professional qualifications, or to the free movement of services; and
- should respect national and Community legal frameworks.

With these exceptions, *The content of these codes must be left to the discretion of the representative professional organisations ...*

Thus, the work involved two major issues:

- the development of an appropriate consultation process; and
- the content and the wording of the code itself.

4.1 Development process

In March 2008, National Liaison Groups of surveyors of CLGE-GE were informed of the intention to produce a code of conduct for European Surveyors and were invited to submit their own national codes so that similarities and differences between the national codes could be evaluated (Pirlot, 2008). Based on the codes provided and in the light of the guidance provided by the European Commission (2007) and other sources of information, a draft Code was prepared in February 2009. This draft Code was reviewed by the working party and revised in early March 2009, in the light of comments made.

In May 2009, the revised draft Code was presented to the representatives at a General Assembly in Krakow and a period of consultation resulted in comments being received and a draft final code being presented to the membership in Copenhagen in June 2009.07.15

Any final changes were reflected in the Code following the Copenhagen meeting and the Code adopted at the General Assembly of CLGE-GE in Rome in September 2009 in respect of national legislations. For 2010, the Code will be submitted to the competent national authorities or bodies for ratification, and this ratification process will be monitored at the next European Surveyors Congress, organised by CLGE in Bucharest in May.

4.2 Content of the Code

The final version of the Code of Conduct for European Surveyors is available from the CLGE website (www.clge.eu) and, together with an introductory preamble, covers the following areas:

- Introduction (purpose of the Code);

- General principles, covering the independency, professionalism, honesty and integrity of surveyors as well as the high quality of their services and their responsibility to future generations;
- Relationship to recipients of services, including a recognition of the wider responsibility of surveyors, the general public, government and other stakeholders and to their own professional status; the similar responsibilities of employees and collaborators, and professional indemnity insurance protection;
- Relationship with other surveyors, encouraging the development of a common professional culture;
- Professional qualification and development;
- Monitoring and implementing the code; and
- Accessibility of the code, on websites.

4.3 Issues

By and large, the development of the content of the Code of Conduct was clear, straightforward and attracted a large measure of agreement from the member associations. There were, however, a number of issues which attracted discussion in the development of the Code. Some involved detailed examples of the main principles already incorporated within the Code, some were more fundamental.

For example, although one of the major drivers behind the Code comes from within the European Union, not all member associations of CLGE-GE are located within the EU. However, this involved little more than rephrasing of the text, rather than any fundamental change in either principles or coverage.

Debates included situations when a surveyor may be required to breach client confidentiality without that client's consent as, for example, when a surveyor is required to provide evidence to a court of law. Similarly, the requirement of a surveyor to ensure that employees and collaborators in any professional work should abide by the Code of Conduct elicited some comments.

The issue the process for dealing with any complaints against individual surveyors working beyond their national jurisdictions and of professional insurance cover was clarified as a result of correspondence received. There is a consensus among the CLGE membership that insurance cover should be mandatory. However, it seems that this cannot be imposed on all countries at present because it could produce tensions with national legislation. It was therefore decided instead to require a very clear statement about the nature of the insurance cover held by the surveyor.

Probably the major focus of concern was the FIG 2004 definition of "surveyor" which was attached to the Code and this caused a number of member associations some difficulty. The definition is not considered to be specific enough to reflect the activities of European surveyors and this means that certain surveying activities undertaken by surveyors within Europe are not identified within the FIG definition. This is however a matter for us within

CLGE and for our fellow FIG colleagues to consider (it may be that Europe is not the only region which has this problem), and it is suggested that a wider and more up-to-date review of the definition of ‘surveyor’ is undertaken as a matter of urgency.

5. REFLECTION

Research has been undertaken into organisational culture (see, for example, Hofstede, 1994; Hofstede, 2001; Trompenaars and Hampden-Turner, 1999), but there is little available on professional culture. Yet its existence is something which a number of researchers have hypothesised. The ethical behaviour expected and experienced within each profession is, it seems, instrumental in both attracting new recruits and keeping members. Is a professional code of conduct therefore a significant definer of the culture of a profession?

Hofstede (1991: 5) defines culture as: *the collective programming of the mind which distinguished the member of one group or category of people from another*. At its core are the values which underpin our behaviour, and, as stated above, this is developed from our early childhood and reinforced in schools, wider society and our employing organisations (for example, Hofstede, 2001: xix; Plimmer, *et al.*, 2009). Thus, our professional culture is a combination of individual (personal/family, educational and social) influences, and organisational experiences, including those of professional education, training and practice.

It should be possible to identify the characteristics of the unifying professional culture of surveyors, based on our shared norms, which can then be documented and investigated further. However, the investigation of group culture is relatively new. Nevertheless, both Hofstede (1991) and Trompenaars & Hampden-Turner (1999) recognise organisational culture, thus: *organizational ‘cultures’ are a phenomenon per se, different in many respects from national cultures. An organisation is a social system of a different nature than a nation; if only because the organization’s members usually had a certain influence in their decision to join it, are only involved in it during working hours, and may one day leave it again*. (Hofstede, 1991: 18)

Recognising that ethical standards are developed and reinforced at an early age, Page (2004: 105-106) speculates on *whether individuals choose the profession that suits their personal characteristics and interests or whether other elements in society influence this process and to what extent*. He opines that motivations vary – they might include the high status of professions, the rewards, an intrinsic interest in a subject area, or *the mission associated with it*. He concludes that *The role these societal dimensions play in the selection process for the future professional is dependent on the individual characteristics*.

While it is inappropriate here to probe the motivation behind an individual’s choice of career, Page’s statement on the *informal part of professional education* which influences the ethical stance of vocational students is particularly interesting.

Through the process of learning prescribed knowledge, the student also learns about appropriate professional behaviour and attitudes. Individuals are developing professional values that guide their behaviours and define their sense of belonging to a professional group. The prescribed knowledge consists of the theoretical body of knowledge, methods and

technology. The interaction of all these elements produces some professional language [which] has three basic functions:

- *shortening the communication between members of the profession ...*
- *easing the recognition amongst professionals and thus encourage group identification, and*
- *keeping the distance between client and professional.*

Such characteristics play a major part in developing and maintaining the professional culture, which is underpinned by the norms and values which are transmitted and reinforced through education and professional practice. Clearly, the ethical beliefs and standards of the individual, together with those of the employer organisation and the professional associations at both local and regional levels all influence this process. This also places a huge responsibility on the educators of future professionals to ensure that appropriate ethical behaviour is both demonstrated and reinforced both within the class room and in professional training.

Thus, it seems that professionals too can have a shared professional culture (common norms and values which unite them) (Trompenaars & Hampden-Turner, 1999: 7). *People within certain functions will tend to share certain professional and ethical orientations* and, it is hypothesised, that it is based on these that the standards and status of each profession has developed and by which its membership can be defined.

The statement of a Code of Conduct for European Surveyors is important for establishing the commitment of the European profession to a public statement of the standard of behaviour expected of individual professionals, although this should be regarded as a starting point and not the final goal. Inevitably, the standards within the Code are in excess of any legal requirements, and can be regarded as reflecting the culture of the surveyors within Europe. Indeed, I suggest that the development of the Code of Conduct for European Surveyors (both the Code itself and the process adopted) has demonstrated a high degree of commonality within the profession as to what constitutes our professional ethic and is a firm foundation on which to go forward. This is also a very practical demonstration of what the literature terms ‘*a professional culture*’, which is at the very heart of everything we do and believe in as surveyors.

ACKNOWLEDGEMENTS

I would like to acknowledge with gratitude the support and confidence of the CLGE-GE, and in particular that of M. Jean-Yves Pirlot and his fellow members of the Common Task Force for European Union (CTF-EU) in the development of the Code of Conduct for European Surveyors and in the preparation of this paper. Of great value to the development of the Code of Conduct have been the comments provided by the representatives of the National Liaison Groups in response to the consultation process, which have been both helpful and challenging and which have improved the final version. Finally, I acknowledge the support of my employer, The College of Estate Management, in my involvement with CLGE-GE.

REFERENCES

- Anon. (2000) Overview: Ethical issues for today's firm. *Association for Investment Management and Research*. pp. 1 – 3
- Atkin, Nigel (2003) Ethics and Public Relations from an Assessment Perspective. *Assessment Journal* Winter 2003 Vol. 10 No. 1. pp 41- 51.
- EC (2008) Professional Qualifications. European Commission.
http://ec.europa.eu/internal_market/qualifications/index_en.htm [Accessed 15th July 2009]
- Enemark, Stig, Plimmer, Frances (2002) Mutual Recognition of Professional Qualification *International Federation of Surveyors (FIG)* Publication No. 27 February.
<http://www.fig.net/figtree/pub/figpub/pub27/figpub27.pdf>
- European Communities (2007) Enhancing the quality of services in the Internal Market: The role of the European codes of conduct. European Communities.
http://ec.europa.eu/internal_market/services/services-dir/conduct_en.htm
- Galbreath, Jeremy (2006) Strategy, Profits & Ethics: Beyond the work of miles. GSB Working Paper No. 56. Curtin University of Technology, Western Australia.
http://espace.library.curtin.edu.au:1802/view/action/singleViewer.do?dvs=1243519699295~671&locale=en_GB&search_terms=000014924&application=DIGITool-3&frameId=1&usePid1=true&usePid2=true [Accessed 5 May 2009]
- Greenway, Iain (2002) Business Practices: Supporting the practising professional. Paper presented to the FIG XXII International Congress, Washington DC, April.
http://www.fig.net/events/fig_2002/fig_2002_abs/Ts1-1/TS1_1_greenway_abs.pdf [Accessed 5 May 2009]
- Harris, Howard (1998) Making professional values and ethics a competitive resource. *Paper presented at the 26th Australasian Chemical Engineering Conference*. Pt Douglas. Queensland 28-30 September.
- Hofstede, Geert (1991) *Cultures and Organizations. Software of the mind*. London: HarperCollinsBusiness
- Hofstede, Geert (2001) *Culture's Consequences*. (2nd Ed.) London: Sage Publications.
- Longenecker, Justin G., McKinney, Joseph A., Moore, Carlos W. (1994) Ethical Perceptions and Ethical Environment in Small Business
<http://www.sbaer.uca.edu/research/1994/ICSB/94ics153.txt> [Accessed 5 May 2009]
- Pirlot, J-Y. (2008) Code of Conduct. Presentation to the General Assembly of CLGE, Prague, 29th February – 1st March
http://www.clge.eu/documents/events/4/ga_iii_codes_of_conducts.ppt [Accessed 20 August 2009]
- Plimmer, F. (2001) Professional Competence Models in Europe in *Enhancing Professional Competence of Surveyors in Europe*, S Enemark and P Prendergast (Eds) A joint CLGE/FIG Report, Copenhagen, Denmark. 55-75.
- Plimmer, Frances (1991) Education and Training of Valuers in Europe. Unpublished MPhil Dissertation. University of Glamorgan.
- Plimmer, Frances, Edwards, Gethin, Pottinger, Gaye (2009) *Ethics for Surveyors: an educational dimension. Commercial real estate practice and professional ethics*. RICS Research Report. May.

Trompenaars, Fons, Hampden-Turner, Charles (1999) *Riding the waves of culture. Understanding cultural diversity in business*. 92nd Ed) London: Nicholas Brealey Publishing

BIOGRAPHICAL NOTES

Frances Plimmer, Dip Est Man, MPhil, PhD, FRICS, IRRV, FInstCPD is Senior Research Officer and Valuation Tutor at The College of Estate Management in England. She is a Chartered Valuation Surveyor who has been involved in professional education for over 30 years. She has researched into (amongst other things) valuation methodology, land taxation, professional education and training, and the mutual recognition of professional qualifications, and has published widely on these subjects. She is the editor of *Property Management*, an international refereed journal, and is a member of the Editorial Advisory Boards of the *Journal of Property Tax Assessment & Administration* and the *International Journal of Housing Markets and Analysis*. She is active within RICS on matters of education, research and international qualifications and is a member of RICS' Research Advisory Board. She is the former UK delegate to FIG's Commission 2, and is currently the UK delegate and chair-elect to FIG's Commission 9 (Valuation). She was commissioned in 2009 by CLGE-GE to develop a Code of Conduct for European Surveyors.

CONTACTS

Professor Frances Plimmer, Dip Est Man, MPhil, PhD, FRICS, IRRV, FInstCPD,
The College of Estate Management,
Whiteknights,
Reading,
UNITED KINGDOM,
Tel. +44(0)118 921 4696
Fax + 44(0)118 921 4620
Email: f.a.s.plimmer@cem.ac.uk
Web site: www.cem.ac.uk