



National Construction Industry Council



CODE OF ETHICS

for consultants in the construction industry



National Construction Industry Council (NCIC),
P/Bag A146, Lilongwe, C. Africa

Headquarters: Off M1 Road,
Opposite St Johns Secondary
School in Area 36



www.ncic.mw
ncic@ncic.mw



+265 887 829 505

PREAMBLE.

As, learned professionals, practising consultants registered by National Construction Industry Council of Malawi (NCIC), are expected to exhibit the highest standards of professionalism. Professionals have a direct and vital impact on the quality of life for all people. Accordingly, the services provided by professionals require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Consultants must perform under a standard of professional behaviour that requires adherence to the highest principles of ethical conduct.

FUNDAMENTAL ELEMENTS

Consultants, in the fulfilment of their professional duties, shall:

1. Hold paramount the safety, health, and welfare of the public.
2. Perform services only in areas of their competence.
3. Issue public statements only in an objective and truthful manner.
4. Act for each employer or client as faithful agents or trustees.
5. Avoid deceptive acts.
6. Conduct themselves honourably, responsibly, ethically, and lawfully so as to enhance the honour, reputation, and usefulness of their profession.

RULES OF PRACTICE

1. Consultants shall hold paramount the safety, health, and welfare of the public.

- a. If Consultants' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
- b. Consultants shall approve only those professional documents and plans that are in conformity with applicable standards.
- c. Consultants shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
- d. Consultants shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
- e. Consultants shall not aid or abet the unlawful practice in their field by a person or firm.
- f. Consultants having knowledge of any alleged violation of this Code shall report

thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

2. Consultants shall perform services only in the areas of their competence.

- a. Consultants shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
- b. Consultants shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control or supervision.
- c. Consultants may accept assignments and assume responsibility for coordination of an entire project and sign and seal the professional documents for the entire project, provided that each technical segment is signed and sealed only by the qualified professional who prepared the segment.
- d. Consultants shall take reasonable or appropriate steps to inform clients or the Council any existing, or likelihood of conflict between their personal interest and faithful service to the client

3. Consultants shall issue public statements only in an objective and truthful manner.

- a. Consultants shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
- b. Consultants may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
- c. Consultants shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the Consultants may have in the matters.
- d. Consultants are expected to maintain confidentiality regarding the business affairs, technical process or financial standing of clients or contractors where advance consent is not sought for such information to be made public

4. Consultants shall act for each employer or client as trustful agents or trustees.

a. Consultants shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.

b. Consultants shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

c. Consultants shall not solicit or accept any inducement, be it financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.

d. Professionals in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations or any such organisation in which they have material interest whether as in private or public practice.

e. Consultants shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member unless all interest is declared.

5. Consultants shall avoid deceptive acts.

a. Consultants shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incidental to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

b. Consultants shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract; They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

c. Consultants are under obligation to notify the Council in writing when they become aware, or have reasonable grounds for believing that another consultant or contractor is engaged in conduct which is in breach of this code of conduct.

6. Consultants shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those professionals under their supervision.

- a. Consultants should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.
- b. Consultants should encourage their technically qualified employees to become registered at the earliest possible date.
- c. Consultants should encourage technically qualified employees to attend and present papers at professional and technical society meetings.
- d. Consultants shall uphold the principle of mutually satisfying relationships between employers and employees with respect to terms of employment including professional grade descriptions, salary ranges, and fringe benefits.

7. Enforcement of The Code of Ethics

Section 11 and section 29 of the National Construction Industry Act, makes provision for the enforcement of discipline "to exercise disciplinary control over the conduct of any person engaged in the construction industry and practicing in Malawi" hence this code of conduct.

The Council may, as appropriate, sanction those who breach the code of conduct by issuing a +

- .
- .

Blantyre office: Private Bag 477,
Blantyre. Behind Chitawira Puma
Filling Station. Road Transport
Owners Association Building

Mzuzu Office: P. O. Box 1125, Mzuzu.
New Katoto, Opposite N Nyachenda
Lodge. Plot No. KT/1672/28.