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General Principles of Engineering Ethics & Statutes for Nova Scotia Professional Engineers

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Gilbert Gedeon, P.E.



Continuing Education and Development, Inc.

P: (877) 322-5800
info@cedengineering.ca

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Chapter 1

Overview of the Nova Scotia Engineering Ethics, Laws and Rules

Engineering Ethics

Engineering ethics is (1) the study of moral issues and decisions confronting individuals and organizations involved in engineering and (2) the study of related questions about moral conduct, character, ideals and relationships of peoples and organizations involved in technological development (Martin and Schinzinger, *Ethics in Engineering*).

The Association of Professional Engineers of Nova Scotia

The Association of Professional Engineers of Nova Scotia, operating as Engineers Nova Scotia (formerly APENS) is the primary government body that regulates the practice of engineering within the Province of Nova Scotia. Engineers Nova Scotia is established by law and consists of professional engineers licensed Nova Scotia (Engineers Nova Scotia, n.d.-a). These "members" elect the "Council" of the Association, which is currently composed of eleven members (Association of Professional Engineers of Nova Scotia, 2020). The "Council" performs the duties of "The Board of Licensing for Engineers" in other jurisdictions. Its objectives are best described by Section 5 of the Act.

Engineers Nova Scotia has the authority to implement the provisions of the Engineering Profession Act, R.S.N.S. 1989, c. 148, as amended (the "Act"). Pertinent excerpts of the Act present the laws of professional conduct and responsibility for Nova Scotia professional engineers and engineering firms. Engineers Nova Scotia has also adopted the Code of Ethics in accordance with the Act for Nova Scotia professional engineers and engineers-in-training.

Nova Scotia Statutory Laws

The Nova Scotia statutory laws are a collection of provincial laws organized by subject area into a code made up of titles and chapters. The Engineering Profession Act (R.S.N.S. 1989, c. 148) was enacted by the Nova Scotia Legislature in the interest of public health and safety to regulate the practice of engineering in the State of Georgia. It is continuously updated by laws that create, amend, or repeal statutory material. The Nova Scotia statutory laws state the law followed by the history of the law which indicates when it was originally filed and subsequent effective dates of enactment.

Selected provisions of the Engineering Profession Act and By-Laws that are most relevant to professional engineers are presented in Chapter 2 below.

Nova Scotia Board Rules

The Nova Scotia State board rules are a compilation of the rules and regulations of the Nova Scotia regulatory agencies. It is organized by chapters with each chapter number representing a department, commission, board or other agency. The By-Laws of Engineers Nova Scotia were made under the Engineering Profession Act and state its functions with respect to the practice of engineering. They are continuously updated by the Engineers Nova Scotia. The by-laws record the rule followed by the history of the rule which indicates when the rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date.

Selected provisions of the Engineering Profession Act By-Laws governing the regulation of professional engineers in Nova Scotia are presented in Chapter 2 below.

Nova Scotia Engineering Code of Ethics

The Council of Engineers Nova Scotia adopted the Code of Ethics by Council motion effective September 30, 2012, in order to safeguard life, health and property, and to promote the public welfare, through a high standard of integrity, skill, and practice in the profession of engineering. The Code was adopted based on the Engineers Canada Code of Ethics, dated April 2012 (Engineers Nova Scotia, n.d.-a). It presents a broader understanding of the code of professional conduct, responsibility and ethics. It is designed to provide the engineer with positive stimulus for ethical conduct as well as helpful guidance and advice concerning the primary and basic obligations of engineers.

The Code of Ethics is binding on all applicants and every person holding a certificate of registration as a Professional Engineer or enrolled as an Engineer-in-Training, and all partnerships, corporations, or other legal entities authorized to perform engineering services in the Province of Nova Scotia. Persons registered under the Engineering Profession Act must subscribe to the Code of Ethics as part of that person's application and shall be deemed to be familiar with its several provisions and to understand them. Engineers Nova Scotia notes that a newer version of the Engineers Canada Code of Ethics has been published but has not yet been adopted by Council; the version referenced above, and appended to the By-Laws, remains the officially adopted Code (Engineers Nova Scotia, n.d.-a).

The Nova Scotia Engineering Code of Ethics is presented in Chapter 3.

The Complaint Process

By provincial statute, the regulation of the practice of professional engineering in Nova Scotia is vested in the Association of Professional Engineers of Nova Scotia (d.b.a. Engineers Nova Scotia). Discipline of registrants and the complaints process are described in Section 17 of the Engineering Profession Act (Engineers Nova Scotia, n.d.-b).

Any person who has a concern about the work of a registrant (Professional Engineer or Engineer-in-Training) of Engineers Nova Scotia may raise that concern with Engineers Nova Scotia. At the outset, the concern is discussed with the Chief Operating Officer, who reviews the information provided to determine whether the matter falls under the regulatory authority of the Association or may be more appropriately addressed by another means. Where the matter falls under the Association's authority, the individual may choose to file a formal complaint (Engineers Nova Scotia, n.d.-b).

Under the Act, the Council appoints a Complaints Committee composed of not fewer than five members, appointed for terms of up to three years, with a quorum of three members. The Complaints Committee is responsible for investigating complaints regarding disciplinary matters concerning registrants and, where warranted, referring a matter to a disciplinary panel for a formal hearing (Nova Scotia Legislature, 2009).

For further information regarding the Complaint Process, or to inquire about filing a complaint, Engineers Nova Scotia may be contacted through its Chief Operating Officer at (902) 491-1202, or by consulting the Complaints and Discipline brochure available on the Engineers Nova Scotia website (Engineers Nova Scotia, n.d.-b).

The complaints and disciplinary process established under the Engineering Profession Act is summarized in Chapter 2 below.

Disciplinary Orders

Where a disciplinary panel finds a registrant guilty of unprofessional conduct, incompetence, or conduct unbecoming a member, or finds that a registrant has been convicted of a criminal offence by a court of competent jurisdiction, the panel may, by order: cancel or suspend the certificate of registration, licence to practise, or enrolment of an engineer-in-training; impose terms, restrictions, conditions, or limitations on the certificate of registration; and reprimand or censure the registrant, among other remedies provided for under the Act (Nova Scotia Legislature, 2009).

A registrant subject to an order issued by a disciplinary panel may, within thirty days of the issuance of the order, appeal the order to the Supreme Court of Nova Scotia on a point of law (Nova Scotia Legislature, 2009).

Selected disciplinary case studies illustrating the application of the Engineering Profession Act and By-Laws are presented in Chapter 4 below.

Chapter 3

Selected Provisions of the Engineering Profession Act and By-Laws

Engineering Profession Act (R.S.N.S. 1989, c. 148) and By-Laws

The following are excerpts from the Engineering Profession Act (R.S.N.S. 1989, c. 148) and the By-Laws of the Association of Professional Engineers governing the practice of engineering in Nova Scotia. If you wish to review the complete Engineering Profession Act and By-Laws, please visit the website of Engineers Nova Scotia at:

<https://engineersnovascotia.ca/files/files/Engineers%20Nova%20Scotia%20Act%20%26%20Bylaws%20July%202025.pdf>

§ 2. Interpretation

- (a) "Association" means the Association of Professional Engineers of the Province of Nova Scotia;
- (b) "Board" means the Board of Examiners of the Association or such members of the Board as may be deputed by the Council to examine credentials or conduct examinations;
- (c) "by-laws" means by-laws of the Association;
- (d) "certificate of registration" means a certificate in force under this Act which is issued to a member;
- (e) "Council" means the Council of the Association;
- (f) "engineer" means a person who through specialized education, training and experience is skilled in the principles and practice of engineering;
- (g) "engineering" means the science and art of designing, investigating, supervising the construction, maintenance or operation of, making specifications, inventories or appraisals of, and consultations or reports on machinery, structures, works, plants, mines, mineral deposits, processes, transportation systems, transmission systems and communication systems or any other part thereof;
- (h) "engineer-in-training" means a person enrolled as an engineer-in-training in good standing;
- (i) "licence to practise" means a licence to practise professional engineering issued and in force under this Act;

- (j) "licensed to practise" means holding a licence to practise;
- (k) "member" means a registered member of the Association in good standing;
- (l) "President" means the President of the Association;
- (m) "professional engineer" means a person who practises professional engineering;
- (n) "professional engineering" means application of engineering for gain, hire or hope of reward, either directly or indirectly;
- (na) "registrant" means either a member, a person licensed to practise or an engineer-in-training;
- (o) "Registrar" means the Registrar of the Association;
- (oa) "registration" means either a certificate of registration, a licence to practise or enrolment as an engineer-in-training;
- (p) "Secretary" means the Secretary of the Association;
- (q) "Treasurer" means the Treasurer of the Association;
- (r) "Vice-president" means the Vice-president of the Association. R.S., c. 148, s. 2; 2009, c.13, s.1.

§ 7. Membership

7 (1) Any person shall be entitled to be registered as a member of the Association upon filing with the Registrar satisfactory proof that such person is a citizen of Canada or is lawfully admitted to Canada for permanent residence, has tendered the fees and dues prescribed by or under the by-laws, has completed the minimal number of professional development hours prescribed by or under the by-laws in the twelve month period before application for registration as a member, and

- (a) has obtained a degree in engineering from a school, college or university, which degree is approved by the Council, and has had four years' experience in engineering;
- (b) has obtained a degree in science, other than engineering, from a school, college or university, which degree is approved by the Council, and has had four years' experience in engineering;
- (c) is a registered member of an association of engineers, which association in the opinion of the Council is similarly constituted and has similar membership requirements to this Association, and furnishes the Registrar with a certificate of membership in good standing in such other association;
- (d) has passed the examinations prescribed by the Council and has had sufficient number of years of experience in engineering to qualify such person in the opinion of the Council to practise professional engineering; or
- (e) has had in the opinion of the Council outstanding experience in engineering.

(2) Subject to subsection 7(3), every person, who in the opinion of the Council, expressed by a resolution thereof, has complied with subsection (1), shall be registered as a member.

(3) The Association may by by-law authorize the Council to make resolutions

- (a) respecting the establishment of different classes of applicants for registration;
- (b) respecting the conditions for the entry into membership of persons in those classes;
- (c) respecting the right of persons in those classes to be exempted from the requirement that the application for membership of persons in those classes come before either the Board or the Council, or both, for consideration and resolution before being granted membership. R.S., c. 148, s. 7; 2006, c. 29, s. 2; 2008, c. 13, s. 1; 2009, c. 13, s. 3; 2010, c. 15, s. 1.

7A A registrant may resign his or her registration by filing with the Registrar a resignation in writing and the registration is thereupon cancelled, subject to the continuing jurisdiction of the Council in respect of any disciplinary action arising out of the person's professional conduct while a registrant. 2009, c. 13, s.4.

§ 8. Licence to Practise

- (a) Any person, not resident of the Province, shall be entitled to a licence to practise upon tendering the fees, and dues prescribed by or under the by-laws and filing with the Registrar satisfactory proof that
 - (a) such person is a registered member in good standing of an association of engineers, which association in the opinion of the Council is similarly constituted and has similar membership requirements to the Association; or
 - (b) such person is qualified to practise professional engineering, but is a resident of a province, state or country in which there is no association similarly constituted.

(2) Every person, who in the opinion of the Council, expressed by a resolution thereof, has complied with subsection (1), shall be granted a licence to practise. R.S., c. 148, s. 8; 2006, c. 29, s. 3.

§ 9. Engineers-in-Training

- (1) Any person who is a graduate or undergraduate in engineering or science of a school, college, or university approved by the Council or has passed examinations prescribed by the Council, may with the approval of the Council, be enrolled with the Association as an engineer in-training.
- (2) An engineer-in-training shall be subject to the control of the Council in the manner provided by this Act and the by-laws. R.S., c. 148, s. 9.

§ 14. Examinations

Board of Examiners

14 The Council shall, in the manner provided by the by-laws, appoint annually a Board of Examiners consisting of members who are residing within the Province and may at any time fill any vacancies on the Board, replace any member thereof and add to its number. R.S., c. 148, s. 14.

Duties

15 The Board of Examiners shall, in the manner provided by the by-laws,

- (a) examine and report on all degrees, diplomas, certificates and other credentials presented, or given in evidence for the purpose of obtaining registration as a member, a licence to practise or enrolment as an engineer-in-training;
- (b) set and conduct the examinations of candidates for membership and enrolment as engineers-in-training and file the results thereof. R.S., c. 148, s. 15.

Central Examining Board

16 The Council shall have power to establish jointly with any council of any association similarly constituted in one or more of the provinces of Canada, a Central Examining Board, and to delegate to such Central Examining Board all or any of the powers possessed by the Association in respect of the examination of candidates for membership or enrolment as an engineer-in-training, provided that the examination shall be held within the Province. R.S., c. 148, s. 16.

§ 19A. Continuing Professional Development

(1) Every member shall, unless exempted by a resolution of the Council, provide to the Registrar by the first day of January in each year, certification in a form prescribed by the Council, that the member is in compliance with the Association's Continuing Professional Development Guidelines as prescribed or under the by-laws.

(2) Where any member fails to provide certification of compliance as required by subsection(1) by the thirty-first day of March in any year, the Registrar shall, after issuing ten days notice by registered letter addressed to the last known address of the member on the register, cause the name of the member to be erased from the register and the member thereupon ceases to be a member but such person shall, at any time thereafter upon providing confirmation of compliance with the continuing professional development requirements in the by-laws be entitled to be reinstated on the register. 2009, c. 13, s. 6.

§ 31. Seals

(1) The Association shall have a corporate seal.

(2) Every person registered as a member under this Act shall have a seal, the impression of which shall bear the name of the member and the words "Professional Engineer, Province of Nova Scotia", with which he shall stamp all official documents and plans prepared by him. R.S., c. 148, s. 31.

§ 20-24. Illegal Practice and Penalties

§ 20. Illegal practice by non-member

Any person, not a member or licensed to practise, or whose certificate of registration or licence to practise has been suspended or cancelled under this Act, who

- (a) practises professional engineering;
- (b) uses verbally or otherwise the title of professional engineer or any abbreviation of such title, or any name, title, description or designation that may lead any person to believe that such person is a professional engineer, a member of the Association, licensed to practise, or entitled to practise professional engineering; or
- (c) advertises, holds out or conducts himself in any way implying or leading any person to believe that such person is a professional engineer, a member of the Association, licensed to practise, or entitled to practise professional engineering,

shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs, and on failure to pay the same, to imprisonment for not more than three months for the first offence, and for any subsequent offence to a fine of not less than two hundred dollars nor more than five hundred dollars and costs, and on failure to pay the same, to imprisonment for not more than six months. R.S., c. 148, s. 20.

§ 21. Illegal practice by non-individual

Any partnership, association of persons or body corporate, not having as a partner or full-time permanent employee a person who is a member or licensed to practise, that

- (a) undertakes or carries out the application of engineering;
- (b) uses verbally or otherwise any name, title, description or designation that may lead any person to believe that the partnership, association of persons, or body corporate is qualified or entitled to undertake or carry out the application of engineering; or
- (c) advertises, holds out or conducts itself in any way implying or intending to lead any person to believe that the partnership, association of persons or body corporate is qualified or entitled to undertake or carry out the application of engineering,

shall be guilty of an offence and the partnership or any partner thereof, the association of persons or any member thereof, or the body corporate, or any director thereof shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than five hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months for the first offence, and for any subsequent offence to a fine of not less than two hundred dollars and not more than one thousand dollars and on failure to pay the same to imprisonment for not more than six months. R.S., c. 148, s. 21.

§ 22. Penalty for permitting illegal practice

Any person who, or any partnership, association of persons, or body corporate which directs or permits any member or employee, who is not a member or licensed to practise, to apply engineering shall be guilty of an offence and such person, partnership or any partner thereof, association of persons or any member thereof, or body corporate or any director thereof, shall be liable upon summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars and costs and on failing to pay the same to imprisonment for not more than three months for the first offence, and for any subsequent offences to a fine of not less than two hundred dollars and not more than one thousand dollars and costs and on failure to pay the same, to imprisonment for not more than six months. R.S., c. 148, s. 22.

§ 23. Falsifying register

The Registrar, if he makes or causes to be made any wilful falsification in any way relating to the register, shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months. R.S., c. 148, s. 23.

§ 24. False representation

Any person who wilfully has or attempts to have himself or any other person registered as a member, licensed to practise, or enrolled as an engineer-in-training by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, or any person knowingly aiding or assisting him therein, shall be liable upon summary conviction to a fine of not less than one hundred dollars nor more than two hundred dollars and costs and on failure to pay the same to imprisonment for not more than three months. R.S., c. 148, s. 24.

§ 17. Discipline of members

17 (1) A complaint against a registrant may be initiated by any person.

(2) A complaint must be in writing and filed with the Secretary.

(3) Upon the filing of the complaint, the Secretary or the Secretary's designate shall forthwith by written notice

(a) advise the registrant complained against that the complaint has been made;

(b) enclose a copy of the complaint; and

(c) advise the registrant complained against that the registrant has the opportunity to provide the Secretary with a written response to the complaint within fourteen days of the date that a copy of the complaint was sent to the registrant.

(4) The Secretary or the Secretary's designate shall forward the response of the registrant complained against, if any, to the complainant.

(5) The complainant may submit a written response to the response of the registrant complained against within ten days of the response of the registrant being forwarded to the complainant by the Secretary.

(6) The Secretary or the Secretary's designate shall forward the complainant's response, if any, to the registrant complained against.

(7) The registrant complained against may respond in writing to the complainant's further response within ten days of complainant's further response being forwarded to the registrant by the Secretary.

(8) The Secretary or the Secretary's designate shall forward to the complainant any further response received from the registrant complained against.

(9) The Secretary or the Secretary's designate shall refer the complaint to the Complaints Committee, together with any written responses from the registrant complained against and the complainant upon the earliest of the following events occurring:

(a) upon the registrant failing to respond to the written notice issued pursuant to clause(3)(c) within fourteen days following the issuance of the notice;

(b) upon either the registrant or the complainant failing to respond to the response forwarded to either person within the response times set out in subsection (5) or (7); or

(b) upon receipt of the further response of the registrant pursuant to subsection (7).
2009, c. 13, s. 5; 2010, c. 15, s. 2.

17D (1) The Complaints Committee shall investigate complaints regarding disciplinary matters concerning a registrant and upon doing so may

(a) obtain additional information, orally or in writing from the member, the complainant or any other person;

(b) interview the registrant, the complainant or any other person;

(c) obtain outside assistance to further the investigation;

(d) employ such experts as the Committee considers necessary;

(e) undertake such other steps as the Committee determines are required for a thorough investigation.

(2) The Complaints Committee is not required to hold a hearing or to afford any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this Section or Section 17E.

(3) The Complaints Committee may require a registrant to

(a) submit to physical or mental examinations by such qualified persons as the Committee designates;

(b) submit to an inspection or audit of the registrant's work, products of service and practice by such qualified persons as the Committee designates;

(c) undergo such examinations of engineering and allied skills, knowledge and professional practice as the Committee directs to assess the registrant's competency to practise engineering;

(d) produce records and accounts kept with respect to the registrant's practice.

(4) Where a registrant fails to comply with subsection (3), the Complaints Committee may suspend or restrict the registration or licence to practise until the member, person licensed to practise or engineer-in-training complies.

(5) Where the Complaints Committee has required a registrant to submit to examinations or submit to inspection or audit of the registrant's practice by a qualified person designated by the Committee, the Committee shall provide the member with a copy of any report it receives from the designated qualified person. 2009, c. 13, s. 5.

17E (1) The Complaints Committee may

(a) dismiss a complaint if it determines that the complaint is frivolous or vexatious or not advanced in good faith or advanced for an extraneous or improper purpose as identified in Section 17B;

(b) dismiss a complaint if it finds that there are not reasonable or probable grounds to believe that the registrant complained against has breached the Act or by-laws or is guilty of unprofessional conduct, negligence or misconduct in the execution of the duties of the registrant's office;

(c) attempt to resolve the complaint if, in the opinion of the Committee, the complaint may be satisfactorily resolved and the resolution of the complaint would properly balance the protection of the public and the rights of the registrant complained against;

(d) refer a complaint to the Discipline Committee if it finds that there are probable and reasonable grounds to believe that the registrant complained against has breached the Act or by-laws or is guilty of unprofessional conduct, negligence or misconduct in execution of the duties of the registrant's office;

(e) refer a complaint to the Discipline Committee if it finds that a registrant has been convicted of a criminal offence by any court of competent jurisdiction.

(2) A referral pursuant to clause (1)(d) or (e) must include a written report containing a summary of the investigation and identification of the issues that the Discipline Committee may wish to determine.

(3) The Complaints Committee shall provide a copy of its report to Discipline Committee to the registrant complained against.

(4) The Secretary shall advise, in writing, the registrant and the complainant of the disposition of a complaint by the Complaints Committee. 2009, c. 13, s. 5.

17S (1) Upon completion of a disciplinary hearing, the disciplinary panel may, where it finds that the registrant is not guilty, dismiss the complaint.

(2) Where a disciplinary panel finds any registrant guilty of

- (a) unprofessional conduct, negligence or misconduct in the execution of the duties of registrant's office; or
- (b) any breach of this Act or of the by-laws, or finds that a registrant has been convicted of a criminal offence by any court of competent jurisdiction, the disciplinary panel may by order
- (c) cancel or suspend the certificate of registration, licence to practise or enrolment of any engineer-in-training;
- (d) impose terms, restrictions, conditions or limitations on the certificate of registration;
- (e) reprimand and censure the registrant and, where warranted, direct that the fact of the reprimand or censure be recorded in the register for a prescribed or indefinite period of time;
- (f) in respect of orders of revocation or suspension, direct that the finding and the order of the disciplinary panel be published in detail or in summary and either with or without including the name of the registrant in the official publication of the Association and in such other manner or medium as the disciplinary panel considers appropriate in the particular case;
- (g) impose such fine as the disciplinary panel considers appropriate to a maximum of five thousand dollars to be paid by the registrant to the Minister of Finance for payment into the Consolidated Fund;
- (h) require that a registrant undergo such treatment, testing or assessment as is deemed appropriate;
- (i) impose such other disposition as it considers appropriate.

(3) A decision of a disciplinary panel has effect immediately upon service on the member or from such time as the panel may direct.

(4) A witness in any legal proceeding, whether a party to the proceeding or not, is excused from answering any question as to any proceedings of the Complaints Committee, the Discipline Committee or a disciplinary panel, and is excused from producing any report, statement, memorandum, recommendation, document or information prepared for the purpose of the complaint process, including any information gathered in the course of an investigation or produced for the Complaints Committee, the Discipline Committee or a disciplinary panel.

(5) Subsection (4) does not apply to documents or records that have been made available to the public by the Association.

(6) Unless otherwise determined by a court of competent jurisdiction, a decision of the Complaints Committee or a disciplinary panel is not admissible in a civil proceeding other than an appeal or a review pursuant to this Act. 2009, c. 13, s. 5.

Chapter 3

Nova Scotia Engineering Code of Ethics (Amended May 20, 2025)

Code of Ethics for Engineers

The following are excerpts from the Code of Ethics for Engineers, appended to the By-Laws of the Association of Professional Engineers made under the Engineering Profession Act, R.S.N.S. 1989, c. 148, please visit the website of the official consolidated By-Laws at:

<https://engineersnovascotia.ca/professional-practice/>

Definitions

Engineer: Refers to a professional Engineer licensed with Engineers Nova Scotia to practice engineering in accordance with the Engineering Profession Act. Also referred to as registrant.

Engineers Nova Scotia: Refers to the business name used by the Association of Professional Engineers of Nova Scotia, still the official name of the association as per the engineering Profession Act.

Direct Supervision and Control: The Act restricts the practice of engineering to Engineers or to persons who are under the Direct Supervision and Control of a Stamping Engineer. A Stamping Engineer is permitted to accept professional responsibility for the results of the engineering tasks performed by subordinates under their Direct Supervision and Control.

Direct Supervision and Control includes, but is not limited to:

- being actively involved in the provision of professional services;
- providing basic and general guidance on engineering tasks;
- taking responsibility for engineering decisions needed to facilitate subordinates' work;
- reviewing subordinates' outputs; and
- assessing subordinates' experience levels when delegating engineering tasks.

Stamping: Affixing a physical stamp to an original physical Work Product, or a digital stamp to an electronic or digital Work Product. Also referred to as sealing.

Stamping of a Work Product signifies that Engineer has accepted professional responsibility for the engineering work represented in the Work Product, and that the Engineer has completed or reviewed the work in the Work Product.

Stamping Engineer: The licensed Engineer who is responsible for the Stamping of Work Products.

Work Product: Referred to as "...plans, specifications, reports or documents of a professional nature," a Work Product is any output of professional engineering that contains technical information that will be relied upon by others, internally or externally, to make a decision, or to take action. This includes all documents containing engineering calculations, expressing engineering opinions or giving instructions based on engineering judgment.

A Work Product can be physical (e.g., paper or plastic film), electronic (e.g., an electronic document or image), or digital (e.g., software, modelling, simulation, or any other computer application that cannot be reproduced in a physical or electronic format).

Code of Ethics for Engineers

Professional engineers shall conduct themselves in an honourable and ethical manner. Professional engineers shall uphold the values of truth, honesty and trustworthiness and safeguard human life and welfare and the environment. In keeping with these basic tenets, professional engineers shall:

1. Hold paramount the safety, health and welfare of the public and the protection of the environment and promote health and safety within the workplace;
2. Offer services, advise on or undertake engineering assignments only in areas of their competence and practise in a careful and diligent manner;
3. Act as faithful agents of their clients or employers, maintain confidentiality and avoid conflicts of interest;
4. Keep themselves informed in order to maintain their competence, strive to advance the body of knowledge within which they practise and provide opportunities for the professional development of their subordinates;
5. Conduct themselves with equity, fairness, courtesy and good faith towards clients, colleagues and others, give credit where it is due, and accept, as well as give, honest and fair professional criticism;
6. Present clearly to employers and clients the possible consequences if engineering decisions or judgements are overruled or disregarded;
7. Report to their association or other appropriate agencies any illegal or unethical engineering decisions or practices by engineers or others; and
8. Be aware of and ensure that clients and employers are made aware of societal and environmental consequences of actions or projects and endeavour to interpret engineering issues to the public in an objective and truthful manner.
9. Treat equitably and promote the equitable treatment of all clients, colleagues and coworkers, regardless of race, religion, gender, sexual orientation, age, physical or mental ability, marital or family status, and national origin.

Interpretation of the Code of Ethics for Engineers

Protection of the Public and the Environment

Engineers shall hold paramount the safety, health and welfare of the public and the protection of the environment. This obligation to the safety, health and welfare of the general public, which includes one's own work environment, is often dependent upon engineering judgements, risk assessments, decisions and practices incorporated into structures, machines, products, processes, and devices. Therefore, Engineers must ensure that works they are involved with conform with accepted engineering practice, standards, and applicable codes, and would be considered "safe" based on peer adjudication. This responsibility extends to include all situations Guideline on the Code of Ethics 4 which an Engineer encounters, and includes an obligation to advise Engineers Nova Scotia if there is reason to believe that any engineering activity or its products, processes, etc., are not in compliance in a significant manner. The meaning of "paramount" in this tenet is that all other requirements of the Code of Ethics are subordinate if protection of public safety, the environment or other substantive public interests are involved.

Faithful Agents of Client and Employers

Engineers shall act as faithful agents or trustees of their clients and employers with objectivity, fairness, and justice to all parties.

With respect to the handling of confidential or proprietary information, the concept of "ownership" of the information and protecting that party's rights is appropriate. Engineers shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the owner. The only exception to respecting confidentiality and maintaining a trustee's position is in instances where the public interest or the environment is at risk as discussed in the preceding section; but even in these instances, the Engineer should endeavour to have the client and/or employer appropriately redress the situation, or at least should make every effort to contact them prior to informing the appropriate authority.

Engineers shall avoid conflict of interest situations with employers and clients but, should such conflict arise, it is the Engineer's responsibility to fully disclose, without delay, the nature of the conflict to the party or parties with whom the conflict exists. In those circumstances where full disclosure is insufficient, or seen to be insufficient, to protect all parties' interests, the Engineer shall withdraw totally from the issue or use extraordinary means, involving independent parties, if possible, to monitor the situation. For example, it is inappropriate to act as agent for both the provider and recipient of professional services. If a client's and employer's interests are at odds, the Engineer shall attempt to deal fairly with both. If the conflict of interest is between the intent of a corporate employer and a regulatory standard, the Engineer must attempt to reconcile the difference, and if that is unsuccessful, it may become necessary to inform Engineers Nova Scotia.

Being a faithful agent or trustee includes the obligation of engaging, or advising to engage, experts or specialists when such services are deemed to be in the client's or employer's best interests. It also means being accurate, objective and truthful in making public statements on behalf of the client or employer when required to do so, while respecting the client's and employer's rights of confidentiality and proprietary information.

Being a faithful agent includes not using a previous employer's or client's specific privileged or proprietary information and trade practices or process information, without the owner's consent. However, general technical knowledge, experience and expertise gained by the Engineer through involvement with the previous work may be freely used in subsequent undertakings, without consent.

Competence and Knowledge

Engineers shall offer services, advise on, or undertake engineering assignments only in areas of their competence by virtue of their training and experience. This includes exercising care and communicating clearly in accepting or interpreting assignments, and in setting expected outcomes. It also includes the responsibility to obtain the services of a specialist or expert if required or, if the knowledge is unknown, to proceed only with full disclosure of the experimental nature of the activity to all parties involved. Hence, this requirement is more than simply duty to a standard of care, it also involves honesty with one's client or employer and one's self.

Engineers have the responsibility to remain abreast of developments and knowledge in their area of expertise, that is, to maintain their own competence. Should there be a technologically driven or individually motivated shift in the area of technical activity, it is the Engineer's duty to attain and maintain competence in all areas of involvement. In effect, it requires a personal commitment to ongoing professional development and continuing education.

In addition to maintaining their own competence, professional Engineers have an obligation to strive to contribute to the advancement of the body of knowledge within which they practice, and to the profession in general. Additionally, within the framework of the practice of their profession, they are expected to participate in providing opportunities to further the professional development of their subordinates and colleagues.

This competence requirement of the Code of Ethics extends to include an obligation to the public, the profession and one's peers, that opinions on engineering issues be expressed honestly and only in areas of one's competence. It applies equally to reporting or advising on professional matters and to issuing public statements. This requires honesty with one's self to present issues fairly, accurately, and with appropriate disclaimers, and to avoid personal, political, and other non-technical biases. The latter is particularly important for public statements or when involved in a non-technical forum.

Fairness and Integrity in the Workplace

Honesty, integrity, competence, devotion to service, and dedication to generally enhancing the quality of life are cornerstones of professional responsibility. Within this framework, Engineers shall be objective and truthful and include all relevant and pertinent information in professional reports, statements, and testimony. They shall accurately and objectively represent their clients, employers, associates, and themselves consistent with their academic, experiential, and professional qualifications. This tenet is more than "not misrepresenting," it also implies disclosure of all relevant information and issues, especially when serving in an advisory capacity or as an expert witness. Similarly, fairness, honesty, and accuracy in advertising are expected.

If called upon to review another Engineer's work, there is an obligation to inform (or make every effort to inform) the other Engineer, whether the other Engineer is still actively involved or not. In this situation, and in any circumstance, Engineers shall give proper recognition and credit where credit is due and accept, as well as give, honest and fair criticism on professional matters, Guideline on the Code of Ethics 6 all the while maintaining dignity and respect for everyone involved.

Engineers shall not accept nor offer covert payment or other considerations for the purpose of securing, or as remuneration for, engineering assignments. Engineers should prevent their personal or political involvement from influencing or compromising their professional role or responsibility.

Consistent with the Code of Ethics, and having attempted to redress any situation within their organization, Engineers are obliged to report to Engineers Nova Scotia, or other appropriate agency, any illegal or unethical engineering decisions or practices by Engineers or others. Care must be taken not to enter into legal arrangements which compromise this obligation.

Professional Accountability and Leadership

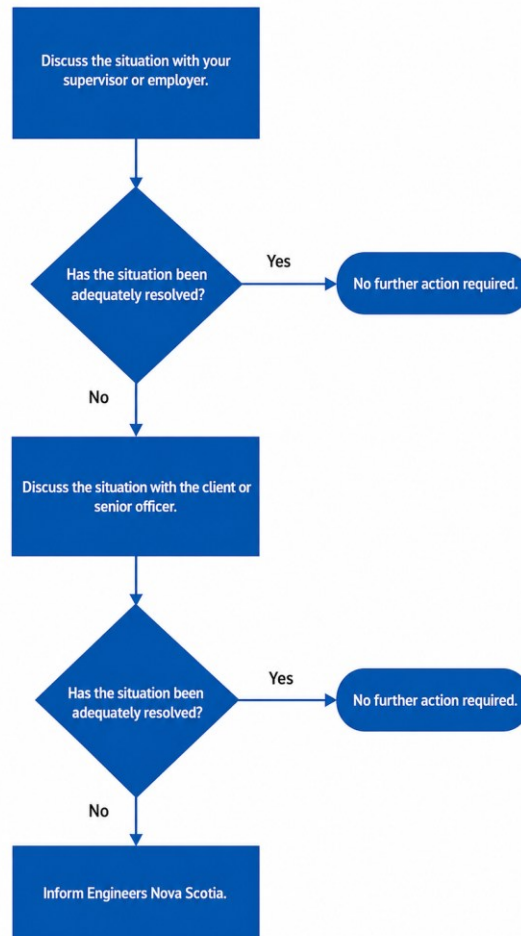
Engineers have a duty to practice in a careful and diligent manner, and to accept responsibility and be accountable for their actions. This duty is not limited to design, or its supervision and management, but also applies to all areas of practice. For example, it includes construction supervision and management, preparation of shop drawings, engineering reports, feasibility studies, environmental impact assessments, engineering developmental work, etc.

The signing and Stamping of engineering Work Products indicates the taking of responsibility for the work. This practice is required for all types of engineering endeavours, regardless of where or for whom the work is done, including, but not limited to, privately and publicly owned firms, crown corporations, and government agencies or departments. There are no exemptions; signing and Stamping Work Products is appropriate whenever engineering principles have been used and public welfare may be at risk.

Taking responsibility for engineering activity includes being accountable for one's own work and, for a senior Engineer, accepting responsibility for the work of an engineering team. The latter implies Direct Supervision and Control, where the Engineer is actually in a position to review, modify, and direct the entirety of the engineering work. This concept requires setting reasonable limits on the extent of activities, and the number of Engineers and others, whose work can be supervised by the responsible Engineer.

Engineers have a duty to advise their employer and, if necessary, their clients and even Engineers Nova Scotia, in that order, in situations when the overruling of an engineering decision may result in breaching their duty to safeguard the public. The initial action is to discuss the problem with the supervisor or employer. If the supervisor or employer does not adequately respond to the Engineer's concern, then, in a consultancy situation the client must be advised; in a manufacturing process plant or government agency, the most senior officer should be informed. If these attempts fail to rectify the situation, the Engineer must present the concerns to Engineers Nova Scotia, even at the risk of loss of employment.

In the same order as mentioned above, the Engineer must report unethical engineering activity undertaken by other Engineers or by non-Engineers. This extends to include, for example, Guideline on the Code of Ethics 7 situations in which senior officials of a firm make “executive” decisions which clearly and substantively alter the engineering aspects of the work, or protection of the public welfare or the environment arising from the work.



Because of the rapid advancements in technology and the increasing ability of engineering infrastructure to have an impact on the environment, Engineers have an obligation to be mindful of the effect that their decisions will have on the environment and the well-being of society, and to report any concerns of this nature in the same manner as previously mentioned. Furthermore, with the rapid advance of technology and the possible societal impacts on large populations of people, Engineers must endeavour to foster the public's understanding of technical issues more than ever before.

Chapter 4

Review of Disciplinary Cases

The following disciplinary cases were extracted from the website of the Engineers Nova Scotia. In selecting these cases, different scenarios of violations are depicted along with their corresponding final decisions issued by the DAPE.

CASE Number 1: Ralston MacDonnell

VIOLATION: Conviction of a criminal offence, triggering suspension of licence (Engineering Profession Act, ss. 17S(2), 17R(1))

Case Review:

Ralston MacDonnell operated an engineering firm in Halifax that split into three related companies. A Canada Revenue Agency investigation found that from 2009–2014 he and his companies collected but did not remit GST/HST and payroll source deductions. In May 2021 a Halifax provincial court found him and three related companies guilty of seven counts of fraud and four counts of tax evasion.

Board Decision:

Mr. MacDonnell was sentenced to three years in jail and fined over \$301,000; his companies were fined a further \$301,516.25. Engineers Nova Scotia suspended his licence to practise, effective September 13, 2021, under section 17R(1) of the Engineering Profession Act.

CASE Number 2: Stephen (Steven) Petrovich, P.Eng.

VIOLATION: Unprofessional conduct/negligence in the execution of professional duties, resolved by Voluntary Agreement (Engineering Profession Act, ss. 17E(1)(c), 17S(2)(a))

Case Review:

Following a 2017 voluntary agreement with Engineers Geoscientists Manitoba over a retaining-wall report, Mr. Petrovich came to Engineers Nova Scotia's attention over similar competence concerns.

Board Decision:

By Voluntary Agreement with Engineers Nova Scotia, Mr. Petrovich's practice was suspended effective May 27, 2020; a further Voluntary Agreement, effective April 23, 2021, had him agree not to practise any discipline of engineering in Nova Scotia. His file remains listed on the Association's public register.

CASE Number 5: Beaini v. Association of Professional Engineers of Nova Scotia
VIOLATION: Unprofessional conduct

Case Review

A complaint was filed against Peter Beaini, P.Eng. The Council of the Association of Professional Engineers of Nova Scotia, sitting as a discipline committee, found him guilty of four of five allegations of unprofessional conduct.

Board Decision:

Three-month suspension, \$23,475 in hearing costs, a requirement to retake the professional practice examination, and (originally) public notice of the suspension. Mr. Beaini appealed to the Nova Scotia Supreme Court and then the Court of Appeal; both upheld the finding and penalty, except that the Supreme Court quashed the requirement that notice be given to the public.

CASE Number 7: James Williams
VIOLATION: Illegal practice by a non-member; false representation (Engineering Profession Act, ss. 20, 24)

Case Review

An individual identifying himself as "James Williams," claiming to be a California-based P.E. who engages engineers across Canada on a freelance basis, submitted forged engineering documents for a residential project in Colchester County, NS, including the unauthorized use of a legitimate engineer's stamp and signature. The deception was uncovered by a building official who contacted the authenticating engineer directly for a site inspection; the engineer had no knowledge of the project. Preliminary findings suggest Williams operated the same scheme in other provinces, including PEI.

Board Decision:

Engineers Nova Scotia initiated legal and regulatory action, including a cease-and-desist letter, coordination with law enforcement, and notification to sibling regulators and other interest holders. The case remains under investigation.

Appendix A

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