**UNIVERSAL DECLARATION OF ENGINEERS’ RIGHTS**
**Ethical Rights of Employed Engineers**

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**Abstract**

Engineers, as professionals, are held accountable, and therefore, responsible for practicing in accordance with established engineering codes of ethics. If a licensed Professional Engineer, these codes are part of the licensing law. If unlicensed, these codes are promulgated by one's engineering professional society. Holding engineers responsible is proper, if the public's health, safety and welfare are to be protected from defects in the products and systems designed by engineers. On the otherhand, in order to be able to practice ethically, and to be held accountable either to the legal or a society's code, as professionals, engineers must be conferred certain rights, or, freedoms of independence to practice, free from coercion, harassment or wrongful discharge, to balance these imposed responsibilities. Based on this premise, this document presents a declaration of  rights of engineers, focusing primarily upon situations where the engineer is employed under the "at-will" doctrine. The declared engineers' rights have been based upon documented experience, conflict cases and written works of learned engineer professionals and scholars on this subject. This declaration is intended to have application to all types of engineers and scientists and to those practicing either within the United States or Internationally.

**Introduction**

Over time, peoples of the world have found it necessary to fight for and proclaim that they possessed certain rights. The earliest recorded account of such a declaration was the Magna Carta. Before penning the Declaration of Independence--the first of the American Charters of Freedom--in 1776, the Founding Fathers searched for a historical precedent for asserting their rightful liberties from King George III and the English Parliament. They found it in a gathering that took place 561 years earlier on the plains of Runnymede, not far from where Windsor Castle stands today. There, on June 15, 1215, an assembly of barons confronted a despotic and cash-strapped King John and demanded that traditional rights be recognized, written down, confirmed with the royal seal, and sent to each of the counties to be read to all freemen. The result was Magna Carta--a momentous achievement for the English barons and, nearly six centuries later, an inspiration for angry American colonists.

Then in 1689 in England,  the Declaratioin of Rights was created, in which it proclaimed "that Englishmen possessed certain inviolable civil and political rights, among other things".   It registered in statutory form the outcome of the long 17th-century struggle between the Stuart kings and the English Parliament. Its principles were accepted by William III and Mary II in the Declaration of Rights as a condition for ascending the throne after the revolution in which James II was dethroned (1688).

In less than a hundred years, the American revolution occured and since then the United States of America has represented the oldest form of a democratic government in history. When its Constitution was under consideration for ratification in the late 1780's, however, there were some who feared it did not provide protections of its citizens "from the very government being formed". Because of this fear, Thomas Jefferson declared:

"*A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference."*

As a result, the American Bill of Rights, inspired by Jefferson and drafted by James Madison, was adopted, and in 1791 the Constitution's first ten amendments became the law of the land.

Later, when laws were passed establishing the power to establish and operate corporations, some of which later would become more powerful economically than some countries, according to the ACLU, there were little or no protections of "individual employee rights" established by them. Later, in the late nineteenth century, the "at-will employment" doctrine became the law of the land in the United States. This law, and its subsequent interpretations, established that

*"employees in the USA are divided into two classes:*

*1. at-will employees*
*2. just-cause employees*

*An at-will employee in the USA can be terminated at any time, and for any reason – or no reason at all – and the courts will generally not intervene to protect the ex-employee from allegedly unfair treatment by the employer.*

*Just cause employees can be dismissed from employment only for a good reason, such as poor job performance by the*
*employee."*

"*In its narrowest sense, the doctrine of at-will employment only speaks to when an employment contract can be terminated: the contract can be terminated at-will of either party, i.e., at any time. A separate issue is why (i.e., for what reasons) the employment contract can be properly terminated. From the beginning, the concept of at-will employment meant that the employment contract could be terminated for any reason by either party."*

*"An often-quoted statement of at-will employment appears in an old case from Tennessee:*

*All may dismiss their employees at will, be they many or few, for good cause, for no cause[,] or even for cause morally  wrong, without being thereby guilty of legal wrong.*

*Payne v. Western & Atlantic Railroad Co., 81 Tenn. 507, 519-520, 1884 WL 469 at \*6 (Sep. term 1884)."*

In the case of engineers engaged as employees by some of the subsequent established business and manufacturing corporations, on the one hand they are held ethically responsible by their professional society's code of ethics to "protect the public's health, welfare and safety", while being afforded under the law little or no protections from "at-will" termination by their employers. Further, as nearly all Professional Engineer licensing laws provide that there is an "industry exemption" from those laws, employee engineers engaged in industry have no recourse to these regulatory bodies either when their employment is threatened as they attempt to "protect the public", in opposition to some wish or dictate from their employer to the contrary. Outside of the United States this is not the case, as most practicing engineers, both in industry and not, are required to be licensed. This imbalance in power works against the ethical engineer, bent on practicing in conformance with established codes of ethics, and creates a protective void in the attempt by engineers to "protect the public" through practice as employee professionals.

Recently, [**some courts have begun to apply the "public policy" rule in "wrongful discharge" cases**](http://www.nerinet.org/blowingwhistle.shtml). There, the court may rule that where a professional refuses to perform an action which would violate some public policy provision of law, rule and in some rare instances of codes of ethics, then this would provide a basis to overrule the "at-will employment" law, thus protecting the professional from termination. However, many courts are in general reluctant to apply this broadly as they considers it infringing upon the legislative function to make laws. Ultimately, it will be up to the individual state legislatures to enact laws to this effect.

Therefore, the time has arrived when it is deemed necessary to proclaim and document that engineers have certain professional rights, which employers, other employees, their professional societies, the P.E. licensing boards, the public and the courts should recognize and uphold. This Universal Declaration of Engineers' Rights document is just such a declaration which spells out these rights and enumerates various causes under which they have become necessary to be proclaimed.

**Applicability**

This declaration is intended to apply to those professional employees (engineers) addressed in the [**"Guidelines to Professional Employment for Engineers and Scientists"**](http://www.nspe.org/em-guide.asp), Third Edition, October 31, 1989 and to the members of its endorsing societies. The use of the term "engineers" is not therefore restricted to just degreed engineers or licensed Professional Engineers and includes computer scientists, mathematicians, physicists, scientists, and other professionals employed and performing engineering and related scientific tasks. While situations peculiar to professional employment of engineers in the USA are highlighted, the document is intended to have international application.

**Preamble**

Whereas the privilege of practicing engineering is entrusted to those qualified and who have the responsibility for applying engineering skills, scientific knowledge and ingenuity for the advancement of human welfare and quality of life,

Whereas fundamental principles of conduct of engineers include truth, honesty and trustworthiness in their service to society, and honorable and ethical practice showing fairness, courtesy and good faith toward clients, colleagues and others,

Whereas engineers take societal, cultural, economic, environmental and safety aspects into consideration, and strive for the efficient use of the world’s resources to meet long term human needs,

Whereas the recognition of engineers as professionals and of the rights of all members of the engineering profession is the foundation of their protection of the public interest, environment, safety and welfare from the technologies they are entrusted to properly apply,

Whereas engineers attain standards of achievement in education, job performance, or creativity that distinguish them from engineering technicians and technologists,

Whereas accepting as part of their professional obligations at least the most basic moral responsibilties to the public as well as to their employers, clients, colleagues, and subordinates, and are obligated to meet their moral responsibilities,

Whereas the great bulk of all engineers, certainly over 95 percent, are employees of various types of organizations ranging from pharmaceutical laboratories to manufacturers of integrated circuits, from universities to government agencies of all sizes and types, and nearly all engineers are engaged as “at-will” employees of corporations, many of which exercise more economic power than some countries,

Whereas industry employers have the “industrial exemption” from respective Professional Engineer Licensing laws holding them liable for the effects of products and services placed in the public marketplace, while the engineer and the engineer's company may still be liable for unethical, unsafe, or illegal activities,

Whereas an engineer is obligated to protect the public safety, that every contract of employment of an engineer contains within it an implied term to the effect that such engineer will protect the public safety, and that a discharge of an engineer solely or in substantial part because he acted to protect the public safety is a breach of such implied term,

Whereas if an engineer is discharged solely or in substantial part because of his bona fide efforts to conform to recognized ethics of his profession involving his duty to protect the public safety, then such discharge is in breach of an implied term of his contract of employment,

Whereas the employee has an obligation and a responsibility to promptly bring to the company's attention any actions, situations, or conditions that the employee believes are or may be violations of the company guidelines or the law,

Whereas handling ethical dilemmas and making ethical decisions are very important elements of being a professional,

Whereas unethical behavior by a company employee can be very damaging to their company's  reputation, employees are encouraged to bring improper situations to the attention of supervisory management,

Whereas as a consequence of being employees, rather than independent practitioners, the great majority of engineers lack the autonomy necessary to exercise the important responsibilities associated with their profession,

Whereas most engineers are more vulnerable to having their rights violated by their employers than  having their rights violated by their government, because Corporations are not limited in their authority, and therefore employers are freed to violate the civil liberties of their employees,

Whereas engineers are held responsible for practicing in accordance with their respective codes of ethics, which many are enforced either by their respective Engineering Society or a licensing Board, to which one may be registered as a Professional Engineer,

Whereas it is essential for engineers to be afforded an environment for practicing their profession which is free from coercion, threats, harassment or wrongful discharge for carrying out their moral and ethical responsibilities,

Whereas it is vital for an engineer to have an understanding of the ethical implications of his or her work, engineers must be aware of their social responsibilities and equip themselves to reflect critically on the moral dilemmas they will confront,

Whereas engineers’ decisions have decidedly moral dimensions, and the decisions engineers make - or are prevented from making - can have far-reaching consequences,

Whereas  the engineer’s responsibility to the public is essential to their being a professional with  professionalism tied to independence and freedom from coercion, with Managers being responsive to the rights of engineers to exercise their consciences responsibly,

Whereas if a situation arises wherein an engineer needs to raise an ethical concern or has a technical conflict with the way technology is to be applied, there needs to be a “due process” procedure in place for raising and getting resolved these concerns,

Whereas there is a need for full legal recognition of the right of salaried engineers to adhere to professional codes of ethics and at times to justifiably “blow the whistle”,

Whereas a damaged professional reputation affects an engineer’s standing and ability to function effectively in the technical community in question,

Whereas when institutions fail to render the engineer the opportunity to raise ethical or technical concerns, there needs to be in place institutional “ethical support” mechanisms to which the engineer may turn to, in particular this is needed when engineers and scientists are involved in matters of ethical principle that stem in whole or in part from adherence to the principles embodied in their Code of Ethics, and that can jeopardize a person's livelihood, can compromise the discharge of the person's professional responsibilities, or that can be detrimental to the interests of their respective Engineering Society or of the engineering profession,

**Now, therefore,**

**THE PROFESSION OF ENGINEERING**

Proclaims this Universal Declaration of Engineers’ Rights as a common standard of achievement for all peoples and nations, to the end that every individual and every entity of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, corporate, national and international, to secure their universal and effective recognition and observance, both among the peoples of every country themselves and among the management, employers, staffs and peoples engaged by corporations and other employers under their jurisdictions. Further, all persons, by virtue of practicing as an engineer and exercising the duties and responsibilities which go with such a professional position in employment, has certain rights when engaged in an engineer employee capacity, as delineated herein:

**Article 1 Human Rights -- possessed by virtue of being people or moral agents**

All engineers are entitled to all the rights and freedoms set forth in this Declaration and the Universal Declaration of Human Rights as enumerated by the United Nations, without distinction of any kind, such as race, color, gender, age, language, religion, political or other opinion, national or social origin, property, or other status.

Fundamental right to pursue legitimate personal interests and to make a living

**Article 2 Employee Rights -- rights that apply or refer to the status of employees**

**a. Contractual -- arising solely out of an employee contract**

To contractual and private terms of engagement

Of private practice, regardless of employment

Of total remuneration for professional services rendered

To receive a salary of a certain amount when employed

**b. Noncontractual -- existing even if not formally recognized in a contract or company policy**

To choose outside activities

To privacy and employer confidentiality

To due process from employer

To freedom from surveillance, psychological manipulation, and other job evaluation techniques

To practice regardless of health or physical fitness (where they do not obviously impair ability to perform professional service)

To reputational fairness based upon the notion that between an employer and each of its employees of long standing and unquestioned competence, an implicit moral compact exists under which each party is obliged to promote and protect the other’s major interests.

To not be arbitrarily discharged where the discharge would be inconsistent with the public good, even if his employment contract is terminable at will

**Article 3 Professional Rights -- possessed by virtue of being professionals having special moral responsibilities**

To be free from being subjected to threats, coercion, intimidation, harassment or other pressures which tend to influence their free exercise of moral and ethical decision making,

Of professional conscience (the right to exercise professional judgment in pursuing professional obligations)

To refuse to engage in unethical activity

To express one’s professional judgment, including the right to dissent

To warn the public of dangers

To fair recognition and remuneration for professional services

To refuse unethical activity without prejudice or loss of contract

To lifetime registration, barring proven misbehavior or incompetency

To national registration and freedom to practice

To exercise responsible professional judgment in pursuing professional responsibilities. Pursuing those responsibilities involves exercising both technical judgment and reasoned moral conviction.

To be an ethical engineer

To seek advice and guidance as necessary to resolve the employee's concern or question when faced with an unethical business conduct or a legal question

To protect the public safety, that an engineer's contract of employment includes as a matter of law, an implied term that such engineer will protect the public safety, and that a discharge of an engineer solely or in substantial part because he acted to protect the public safety constitutes a breach of such implied term

To engage in external whistle-blowing concerning safety when three conditions are met:

1. If the harm that will be done by the product to the public is serious and considerable;

2. If they make their concerns known to their superiors; and

3. If getting no satisfaction from their immediate superiors, they exhaust the channels available within the corporation, including going to the board of directors.

In order for the whistle-blowing to be morally obligatory, two further conditions must be met:

4. He [or she] must have documented evidence that would convince a reasonable, impartial observer that his [or her] view of the situation is correct and the company policy wrong.

5. There must be strong evidence that making the information public will in fact prevent the threatened serious harm.

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**Engineers Supporting This Document**

This document has been submitted for reading, review, comment and endorsement to a select few cross section IEEE Members, knowledgeable in this area. Comments supporting this document and its submission to the IEEE Ethics Committee for consideration and adoption have been received from all but one, thus far:

**Walter Elden\***, Editor and IEEE Life Senior Member

**Charles "Bud" Eldon**, Past IEEE President

**John Guarrera**, Past IEEE President and Vice President for Professional Activities

**Steve Unger**, Past IEEE Board Member and Past IEEE Ethics Committee Chair

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