

## **Report on a Case by the Board of Ethical Review Engineer Membership in Labor Union**

### **Case No. 62-5**

#### **Subject:**

#### **Engineer Membership in Labor Union**

Canon 8-Canons of Ethics; Canon 19-Canons of Ethics; Rule 1-Rules of Professional Conduct; Rule 9-Rules of Professional Conduct.

#### **Facts:**

A labor organization (union) represents engineers and scientists of a large corporation for purposes of collective bargaining under a certification issued by the National Labor Relations Board pursuant to the Labor Management Relations Act, 1947, as amended. Membership in the union is voluntary. Some engineers, who are also members of the state society of professional engineers, are members. The union has engaged in strikes against the company on several occasions and has, during such periods, used picket lines and banners to air their grievances. Union spokesmen have often issued public statements concerning disputes with the employer which are of a hostile and derogatory nature. On some occasions engineers who are members of the union have virtually assailed nonmember engineers for their refusal to join the union or for crossing the picket lines in order to perform their duties.

#### **Question:**

Is it ethical for an engineer to be a member of a union, or participate in union activity of a coercive nature?

#### **References:**

Canons of Ethics-Canon 8- "The engineer will act in professional matters for each client or employer as a faithful agent or trustee."

Canon 19-"The engineer will endeavor to protect the engineering profession collectively and individually from misrepresentation and misunderstanding."

Rules of Professional Conduct-Rule 1-"He will be guided in all his relations by the highest standards."

Rule 9-"He will regard his duty to the public welfare as paramount."

#### **Discussion:**

The national labor law gives an engineer, as well as any other employee, the right to be represented by a union and to be a member of it. Although not present in this case, some collective bargaining arrangements, involving engineers, contain a union shop clause under which the engineer-employee may be required to be a member of the union to hold his job. The National Society of Professional Engineers, as well as other

national engineering organizations, has long-held that professionalism and unionism are incompatible and has discouraged the union approach as a proper method for engineers to seek the elevation of their economic or professional status. In view of the extensive NSPE literature on this subject, it is not necessary to repeat the many reasons for this opposition to unions for engineers.

Standing alone, it is clear that the Canons and Rules are opposed to the basic concept and approach of unions for engineers who have a professional responsibility. Experience has demonstrated, beyond any reasonable doubt, that an engineer with a union-minded attitude cannot and does not regard his relations with his employer as that of a faithful agent or trustee. And it is likewise clear that such an attitude entails misunderstanding of the engineering profession by the public and is in conflict with the engineer's duty to maintain the highest standards of the profession and regard the public welfare as paramount to his own.

There are special circumstances, however, in which it is difficult for an engineer to avoid membership in a labor union. Where a union is strongly entrenched and most of his fellow engineers in the company, or a particular section or work unit, belong to the union the engineer is under extreme practical pressure to conform to the group, or risk an unpleasant and disruptive work relationship. There have been some instances in which an engineer under these circumstances was unable to perform his work properly and was isolated from the normal intercourse which is vital in professional team operations. There have also been recorded cases in which the engineer was coerced to join the union to secure a benefit not available to nonmembers, e.g., health insurance at reduced group rates under a collective bargaining contract with the company. While it is hoped that employers would not enter into arrangements which favor union members over nonmembers, we must recognize that this is sometimes done.

There can be no question about the application of the Canons and Rules to the conduct of engineers, whether members of a union or / not. No matter what pressure the engineer might be subjected to he cannot engage in strikes, picketing or other coercive union tactics without a direct violation of the Canons and Rules cited above. Such conduct holds the engineering profession up to contempt by the general public in placing self above service. This is particularly true in situations involving defense operations or other critical areas. The engineer who engages in coercive union tactics divides the engineering profession into hostile camps those who seek to continue their duties together with those in supervisory capacities, versus those who engage in coercive tactics. Coercive conduct of this nature identifies the engineer (and the engineering profession) as "labor." The entire effort and purpose of the engineering profession has been to achieve recognition and status as a profession, which can be earned only by devotion to public service and the placing of the public welfare above the interests of the individual.

What we have said in this opinion does not preclude engineers from seeking through professional means the advancement of their economic and professional status. This

can be and is being accomplished through various programs in collaboration with the professional engineering societies on the basis of cooperative relations with employers. But, it must be re-emphasized that the goal of professional advancement cannot be achieved except on the basis of full adherence to the spirit of the Canons of Ethics as well as its explicit provisions. We believe it will be helpful to call attention to the Foreword of the Canons which sets the tone for all the Canons and which is particularly appropriate to the questions raised in this case:

"Honesty, justice and courtesy form a moral philosophy which, associated with mutual interest among men, constitutes the foundation of ethics. The engineer should recognize such a standard, not in passive observance, but as a set of dynamic principles guiding his conduct and way of life. It is his duty to practice his profession according to these Canons Ethics.

"As the keystone of professional conduct is integrity, the engineer will discharge his duties with fidelity to the public, his employers and clients, and with fairness and impartiality to all. It is his duty to interest himself in public welfare and to be ready to apply his special knowledge for the benefit of mankind. He should uphold the honor and dignity of his profession and avoid association with any enterprise of questionable character. In his dealings with fellow engineers he should be fair and tolerant."

**Conclusion:**

Although the Canons and Rules do not refer specifically to membership in organizations, participation by an engineer in a union involves him in a nonprofessional atmosphere and prejudices his professional status. Engineers may not ethically engage in strikes, picketing, or other coercive tactics, as such conduct is a direct violation of the Canons and Rules.

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