



File 15-01

Subject Member: Registered Professional Biologist (name withheld)

Complaint Submitted: April 24, 2015

Date of Decision: September 14, 2015

Complaint Summary:

A complaint was submitted by a College member against another College member in April 2015 alleging that the subject member had breached provisions of the Code of Ethics. In particular, Principle 4: Provide a professional standard of service to clients and employers by conducting business practices fairly, avoiding conflict of interest and respecting client/employer confidentiality. To meet this principle members must:

- Consider employer/client materials confidential; a member must not use the proprietary/confidential information for personal gain or the advantage of other parties.

The complainant alleges that the subject member wrongly disclosed confidential information belonging to a client. The complainant argued that as an employee the subject member had a duty to act faithfully to the employer, which included a duty not to disclose confidential information. It was alleged that information in statements made by the subject member included special knowledge that was acquired during the course of their employment with the complainant's company. In addition, discussing details of projects that have not yet concluded with individuals outside the complainant's company was strictly prohibited. Therefore, it was alleged that disclosure of this private and confidential information constituted a breach of Principle 4 of the Code of Ethics.

The complainant also alleged that the subject matter disclosed by the subject member violated Principle 8 in the Code of Ethics: Avoid injuring the reputation of others through malice or negligence. The complainant further alleged that the subject member made defamatory statements regarding the complainant's company and its employees.

The complainant contended that the negative statements about the company were inaccurate and further, unfairly exaggerated the subject member's role and impact on the project discussed.

To meet this principle members must:

- Display due regard, fairness and courtesy to all individuals with whom they interact;
- Exercise due care to avoid unintentionally damaging a person's reputation when making a comment on a person's ability or work, and not knowingly or intentionally damage a person's reputation by making misleading or malicious statements about another person's conduct or work;
- Comment with restraint and demonstrate full consideration of the facts when expressing opinions that differ from those of other professionals.

Discipline Case Digest



COLLEGE OF
APPLIED BIOLOGY
Professional Accountability

Decision:

The committee noted that the subject member did not use names of individuals or the company name in the submitted correspondence and as such did not contravene the Rules of the College and the complaint was dismissed.

