

# Code of Ethics

The Institution of Engineers of Ireland



# The Institution of Engineers of Ireland

## Code of Ethics

Membership of the Institution of Engineers of Ireland (IEI) gives you rights and privileges. In return, you must meet the standards of ethics and conduct set by the IEI in its Code of Ethics.

The Code applies to all categories of Members on the Institution's registers. It is the duty of each Member to comply with the provisions of the Code.

**The Code is divided into four parts.**

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This Code has been drawn up with the principles of natural justice in mind. Such principles shall be followed by all parties in implementing and interpreting the Code.

### REASONS FOR A CODE OF ETHICS

- Adherence to an appropriate Code of Ethics is an essential characteristic of the professional practitioner.
- Engineering is a profession requiring a high standard of scientific education together with specialised training, formation and experience.
- Arising from the rights and obligations of the engineering profession, it is essential that Members have a clearly defined Code of Ethics to ensure that they: -
  - Behave at all times with integrity.
  - Remain aware of their responsibilities to themselves, to society, to their clients, employers, employees and colleagues.
  - Strive to maintain the highest levels of competence in their respective technical disciplines.
  - Seek to enhance and promote the standing of the profession and its practitioners.

## RESPONSIBILITY OF THE INSTITUTION OF ENGINEERS OF IRELAND FOR A CODE OF ETHICS

Professions in general promote and enforce codes of ethical behaviour through their professional organisations.

The Institution of Engineers of Ireland is the statutory and regulatory organisation for professional engineering in Ireland and its role is based on: -

- Over 165 years of tradition since its establishment in 1835.
- A Royal Charter of 1877.
- Acts of the Oireachtas of 1960 and 1969.
- Its association with similar bodies throughout the world, notably the Federation of European Engineers (FEANI) and engineering institutions subscribing to the Washington, Sydney and Dublin Accords.
- Its statutory responsibility to regulate the engineering profession in Ireland (S.I., No135 of 1996 of the Government of Ireland).
- Its statutory responsibilities as set out in European Community/European Union Directives (Directives 92/51/EEC of June 1992; 94/38/EC of July 1994 and 95/43 EC of July 1995).

### 1.0 RELATIONS WITH COLLEAGUES, CLIENTS, EMPLOYERS, EMPLOYEES AND SOCIETY IN GENERAL

- 1.1 Members shall behave with integrity and objectivity in their relationships with colleagues, clients, employers, employees and with society in general.
- 1.2 In their relations with other engineers and professional colleagues, Members shall respect their dignity and professional standing and shall do nothing directly or indirectly to injure maliciously their reputation, practice, employment or livelihood.
- 1.3 Members shall ensure, so far as they are able, that other engineers receive credit for their professional achievements and receive whatever rewards to which they are entitled.

1.4 When acting as Consultants, Members shall: -

- (a) Be expected, in normal circumstances, to be Chartered Engineers.
- (b) Agree with the client on a clear definition of the services required of them. In negotiation with the client they shall have due regard to the current Conditions of Engagement of The Institution of Engineers of Ireland which shall be made available to the client as appropriate.
- (c) Agree remuneration which is appropriate to the extent of the service and skills required.
- (d) Support the concept of the selection of the Consultants on the basis of ability.
- (e) Uphold the principle of value for money.
- (f) Not compete unethically with other Consultants.
- (g) Not take over the work of another Consultant, without having communicated to that Consultant that they are to take over such work.
- (h) When reviewing or appraising the work of another Consultant:
  - Inform the other Consultant of the brief.
  - Invite the other Consultant to submit relevant information for consideration.
  - Communicate to the other Consultant the details of provisional findings or recommendations with a view to ensuring their factual basis is valid.
- (i) Not advertise their practice, or their availability, except in accordance with such Code of Practice as may be in force from time to time. (Appendix 1)
- (j) Arrange appropriate insurance cover in respect of professional indemnity together with statutory insurances.

1.5 Members in full time employment shall undertake part time work only where this is not in conflict with their terms of employment. They shall not undertake part time work which they might subsequently have to review, or in relation to which they could influence a decision, in the course of their salaried employment.

1.6 A member shall not act in a professional capacity for an employer or a client in regard to any third party, or in regard to any matter involving a third party, where the member has any personal, commercial or other professional interest in the said third party or the said matter as the case may be, without first divulging the full facts in writing to their client or employer and obtaining their written agreement to so act.

- 1.7 Members shall act as independent experts, conciliators, mediators or arbitrators with impartiality, uninfluenced by any personal considerations.
- 1.8 Members shall not divulge any confidential information regarding the business affairs, technical processes or financial standing of their clients or employers without their consent. They shall not use any information obtained in the course of their assignment for the purpose of making personal profit, if such an action is contrary to the best interest of their employer or the public. They shall not divulge, without permission, any unpublished information obtained by them as members of an investigating commission or advisory board.
- 1.9 At all times in their relations with the public, Members shall apply their skill and experience to the common good and the advancement of human welfare with proper regard for the safety, health and welfare of the public. A Member shall not engage in any activity which he/she knows or has reasonable grounds for believing is likely to result in a serious detriment to any person or persons.
- 1.10 At all times in their relations with employers, or clients, Members shall use their professional skills and experience in providing their opinions and advice in the legitimate interests of their employers or clients. Subject to the provisions of Clause 1.9 above, they shall do nothing directly or indirectly which might conflict with those interests.
- 1.11 If a Member becomes aware, or has reasonable grounds for believing, that another Member is engaging in conduct or has engaged in conduct which is in breach of the Code of Ethics and is likely to result in a serious detriment to any person or persons, the Member shall inform the Institution in writing of that belief.

## **2.0 ENVIRONMENTAL & SOCIAL OBLIGATIONS**

- 2.1 Members shall have due regard to the effects of their work on the health and safety of individuals, and on the welfare of society and of its impacts on the natural environment.
- 2.2 Members shall promote the principles and practices of sustainable development and the needs of present and future generations.

- 2.3 Members shall strive to ensure that engineering projects for which they are responsible will, as far as is practicable, have minimal adverse effects on the environment, on the health and safety of the public and on social and cultural structures.
- 2.4 Members shall strive to accomplish the objectives of their work with the most efficient consumption of natural resources which is practicable economically, including the maximum reduction in energy usage, waste and pollution.
- 2.5 Members shall promote the importance of social and environmental factors to professional colleagues, employers and clients with whom they share responsibility and collaborate with other professions to mitigate the adverse impacts of their common endeavours.
- 2.6 Members shall foster environmental awareness within the profession and among the public.

### **3.0 MAINTENANCE & DEVELOPMENT OF PROFESSIONAL CONDUCT AND STANDARDS**

- 3.1 Members shall not engage in conduct which is dishonest or illegal or which may bring the Institution or the profession into disrepute or which may prejudice the Institution or the profession.
- 3.2 Members shall co-operate with any reasonable request made by an Investigative and Disciplinary Panel, or the Appeal Board for the purposes of their functions under Section 4 entitled 'Enforcement Procedures and Disciplinary Action' of this Code.
- 3.3 Members shall accept and perform only work for which they are qualified and competent to undertake and shall obtain whatever advice and assistance is necessary to discharge this responsibility.
- 3.4 Members shall carry out their work with due care, skill, diligence and expedition consistent with good practice.
- 3.5 Members shall be familiar with the substance and intent of national, European Union and other legislation relevant to their field of engineering practice.

- 3.6 Members shall be familiar with design, manufacturing and engineering standards applicable to their field of engineering practice.
- 3.7 Members shall maintain and strive to develop their professional knowledge, skill and expertise throughout their careers, and shall take advantage of interaction with their colleagues to broaden their experience.
- 3.8 Members shall seek enrolment in the Institution at the grade most appropriate to their experience and education.
- 3.9 Members shall encourage engineering professionals for whom they have responsibility to develop their knowledge and expertise in an appropriate manner. In particular they shall encourage them, early in their careers, to pursue enrolment on the appropriate register of the Institution and other Institutions relevant to their work, as Corporate Members, Chartered Engineers, Associate Engineers or Engineering Technicians as part of their professional development.
- 3.10 In furthering their professional development, Members shall avail of opportunities for: attendance at postgraduate education programmes, reading of technical literature, attendance at professional meetings and seminars and involvement in the Institution's Boards, Committees and other groups. They should seek also to contribute to seminars and lectures and should encourage Members for whom they have responsibility to do the same.
- 3.11 Members shall promote the engineering profession through personal leadership and example and shall endeavour to advance its standing in society.
- 3.12 Members shall use appropriate opportunities to outline and explain the contribution of the engineering profession in enhancing society's well being and respond to unfair criticism or comment about the profession.

#### **4.0 ENFORCEMENT PROCEDURES & DISCIPLINARY ACTION**

##### **4.1 Definitions:**

'Professional misconduct' means conduct which, in the opinion of the Panel or the Appeal Board, as the case may be, constitutes conduct which is a breach of the Code of Ethics or, as the case may be, of the

Institution's Standards of Professional Conduct in force at the time the said conduct occurred.

'The Ethics Board' means the Ethics and Disciplinary Board established under clauses 4.2 and 4.3 hereof.

'Panel' means an Investigative and Disciplinary Panel established under clauses 4.5 and 4.6 hereof.

'The Institution' means the Institution of Engineers of Ireland.

'The Council' means the Council of the Institution of Engineers of Ireland.

'The Complainant' means a person who has made a complaint of professional misconduct against a Member to the Ethics Board, or in the case of a complaint made by the Ethics Board under Clause 4.2 (b) hereof, means the Ethics Board itself.

'The Member Concerned' means a Member of the Institution against whom a complaint has been made.

'Appeal Board' means an Appeal Board established under Clause 4.29 hereof.

'Suspension' means removal from the Institution's Register of Members and Register of Holders of Professional Titles and loss of all membership privileges for the period defined.

'Exclusion' means permanent removal from the Institution's Register of Members and Register of Holders of Professional Titles and permanent loss of all membership privileges.

## **ETHICS AND DISCIPLINARY BOARD**

- 4.2 The Council shall establish an Ethics and Disciplinary Board (the Ethics Board) as a standing committee of the Council which shall be responsible for promoting, monitoring and enforcing the Institution's Code of Ethics. The functions of the Board will be to: -



- (a) Decide whether a complaint of alleged professional misconduct warrants the establishment of an Investigative and Disciplinary Panel to investigate and adjudicate upon such complaint.
  - (b) Make a complaint and refer the same to a Panel for investigation and adjudication if conduct of a Member comes to its attention in respect of which there has been no complaint by any person and which, in the opinion of the Ethics Board, warrants investigation and adjudication by a Panel.
  - (c) Appoint Investigative and Disciplinary Panels to investigate and adjudicate upon complaints of professional misconduct.
  - (d) Promote the Institution's Code of Ethics.
  - (e) Monitor the implementation and operation of the Code of Ethics.
  - (f) Recommend to the Council changes or amendments to the Code of Ethics.
  - (g) Present an annual report to the Council on the work of the Board.
- 4.3 The Ethics Board shall have a membership of 13 persons including the Chairman and shall include three persons who are not members of the engineering profession. The Director General of the Institution shall normally serve as Secretary to the Ethics Board. The quorum for a meeting of the Ethics Board shall be five, to include one person who is not a member of the engineering profession.

#### PROCEEDINGS PRIVATE AND CONFIDENTIAL – DECISIONS TO BE PUBLISHED

- 4.4 All proceedings and deliberations of the Ethics Board, a Panel, the Council and the Appeal Board shall be in private and, subject to the provisions of this Code, shall be confidential to the Ethics Board, the Panel, the Council and the Appeal Board. Members shall, as a matter of professional obligation, maintain such confidentiality.

In the event that, following a Panel or Appeal Board decision as the case may be, and following endorsement of such decision by Council, a Member is to be suspended or excluded from membership of the Institution:

- Such suspension shall be published in the Engineers Journal.
- Such exclusion and the name and address of the Member shall be published in the Engineers Journal and, at the discretion of Council, in local and/or national papers.

Subject to the above, the Council shall, at its discretion, be entitled to make disclosure of any decisions of a Panel, the Council or the Appeal Board.

## INVESTIGATIVE AND DISCIPLINARY PANELS

- 4.5 Complaints of alleged professional misconduct shall be investigated and adjudicated upon by Investigative and Disciplinary Panels established by the Ethics Board. Such Panels shall typically comprise three members of the Ethics Board appointed by the Chairman of the Ethics Board. The Chairman of the Ethics Board shall, on the appointment of a Panel, nominate one of the persons nominated to the Panel to act as Chairman of the Panel.

In the event that a complaint of alleged professional misconduct against a member is in respect of conduct which predated the coming into force of this Code of Ethics, such complaint shall be dealt with as provided for in this Code of Ethics but by reference to the Institution's Standards of Professional Conduct in force at the time the alleged misconduct occurred.

- 4.6 The Chairman of the Ethics Board may, at the request of the Chairman of a Panel, nominate additional persons to be members of a Panel. Such additional members of the Panel may be drawn from the Membership of the Institution, or, if the Chairman of the Ethics Board considers it necessary or expedient, a person or persons with a particular expertise from outside the Institution.

## PROCEDURE FOR THE INVESTIGATION AND ADJUDICATION OF COMPLAINTS OF PROFESSIONAL MISCONDUCT

- 4.7 A complaint of alleged professional misconduct against a Member ('the Member Concerned') may be made by any person ('the Complainant') by referring the same to the Secretary of the Ethics Board. Any such complaint shall be in writing and shall be signed by the complainant and shall contain a description of the matter complained of and details of the circumstances giving rise to the complaint.
- 4.8 A complaint of alleged professional misconduct against a Member ("the Member Concerned") made by the Ethics Board pursuant to Clause 4.2 (b) shall be in writing and shall be signed by the Chairman of the Ethics Board and shall contain a description of the matter complained of and the details of the circumstances giving rise to the complaint. Such a complaint shall be treated, in so far as practicable, like a complaint received from any other complainant.

- 4.9 If, having considered a complaint of alleged professional misconduct, the Ethics Board is of the opinion that the complaint may disclose professional misconduct on the part of the Member Concerned, the Ethics Board shall establish an Investigative and Disciplinary Panel whose function shall be to investigate and to adjudicate upon the complaint. Any decision of the Ethics Board to establish such a Panel shall be by majority vote, the Chairman of the Board having a casting vote.
- 4.10 The panel shall, within 14 days of its establishment, notify the Member Concerned in writing of the fact that a complaint has been received and of the fact that a Panel has been established to investigate and to adjudicate upon the said complaint. The Panel shall, with such notification, provide the Member Concerned with a copy of the complaint and shall inform such Member of the provisions of clause 4.11 hereof.
- 4.11 The Member Concerned may, within 14 days of the receipt by him/her of a notification of a complaint, or within such further period as may be permitted by the Panel, submit to the Panel a statement in writing of his/her response to the complaint. The Member Concerned shall state in his/her response whether he/she requires an oral hearing of the complaint.
- 4.12 Upon receipt from a Member Concerned of his or her response in writing to the complaint the Panel shall send a copy thereof to the Complainant. The Complainant shall be invited to make a written response within 14 days of receipt of the member's response or within such further period as may be permitted by the Panel. Whether or not a response has been received from the Member Concerned, the Complainant shall be asked by the Panel whether he/she requires an oral hearing of the complaint.
- 4.13 In the event that the Member Concerned does not submit a statement in writing of his or her response to the complaint within 14 days from the date of receipt by him or her of the complaint or within such extended period as may have been permitted by the Panel, the Panel may proceed to adjudicate upon the complaint in the absence of such a statement.
- 4.14 A Panel may: -
- (a) Request any person to provide information.
  - (b) Request any person to attend before it to give evidence.

- (c) Request any person to make available to it any documents or other evidence which it wishes to consider.
  - (d) Set time limits for the provision of any information or documents to the Panel by the Complainant or the Member Concerned.
  - (e) Inquire into the complaint by way of oral hearing whether or not the same shall have been requested.
  - (f) Appoint any person to present evidence to the Panel or to assist the Panel in any way it considers necessary for the proper discharge of its functions.
  - (g) Decide on what procedures it will adopt in respect of any matter for which no procedure is specifically provided for in this code.
- 4.15 The Panel shall adjudicate upon the complaint fairly and impartially and in accordance with the requirements of natural and constitutional justice. In particular the Panel shall, in addition to the notification provided for in clauses 4.10 and 4.12 hereof: -
- (a) Provide the Member Concerned and the Complainant with an opportunity to be heard by the Panel.
  - (b) Permit the Member Concerned and the Complainant to be present at any oral hearing and to cross examine any witness before the Panel.
  - (c) Notify the Member Concerned and the Complainant in writing of its decision within seven days from the date of the making of the decision.
  - (d) In the event that the Panel shall have decided that the Member Concerned was guilty of professional misconduct, inform the Member Concerned of his or her right to appeal and of the provisions of this Code with regard to appeals.
  - (e) Inform the Complainant of his/her right to appeal, and of the provisions of this Code with regard to appeals.
- 4.16 The Panel shall comply with any general guidelines which may have been issued by the Ethics Board in respect of the conduct of proceedings by Panels.
- 4.17 All decisions of the Panel shall be by simple majority vote. The Panel shall normally reach a decision within two months of receipt of all written and oral submissions.

## SANCTIONS

4.18 In the event that the Panel decides that the Member Concerned has been guilty of professional misconduct it may: -

- (a) Decide that the professional misconduct in question is not sufficiently serious to warrant the imposition of sanctions  
or
- (b) Issue a letter informing the Member Concerned of the contravention(s) and requiring him/her to provide an undertaking in writing to the Council to desist from and/or not repeat the conduct which constituted the professional misconduct  
or
- (c) Issue a letter informing the Member Concerned of the contravention(s) and reprimanding him/her and requiring him/her to provide an undertaking in writing to the Council to desist from and/or not repeat the conduct which constituted the professional misconduct  
or
- (d) Recommend to the Council that the Member Concerned be suspended from membership of the Institution for a specified period and be required to provide an undertaking in writing to the Council to desist from and/or not repeat the conduct which constituted the professional misconduct  
or
- (e) Recommend to Council that the Member Concerned be excluded from Membership of the Institution.

4.19 In the event that the Panel decides that the Member Concerned has been guilty of professional misconduct, the Panel may direct such Member to make a contribution towards the costs and expenses of the Institution of and incidental to the investigation and adjudication of the complaint.

4.20 The Panel shall inform the Member Concerned, the Complainant, the Council, the Ethics Board and the Director General of the Institution in writing of its decision, the reasons for its decision and the sanction it has decided to impose or to recommend to the Council, within 7 days from the date when such decision shall have been made. At the same time, pursuant to Clause 4.15(d) and 4.15(e), the Panel shall inform the Member Concerned and the Complainant of their respective right to appeal in respect of the decision of the Panel and of the provisions of this Code with regard to appeals.

- 4.21 In the event that the Panel decides to recommend to the Council that the Member Concerned be suspended or excluded from Membership of the Institution, the Council shall, after the time for lodging an appeal by the Member Concerned or by the Complainant as provided for under Clause 4.31, shall have expired and with no appeal having been lodged, consider the decision and the recommendation of the Panel.-

The Council shall: -

- (a) Formally endorse the recommendation of the Panel  
or
- (b) If the Council considers there are compelling reasons for doing so, refer the issue to the Appeal Board for consideration with the reasons for such referral detailed in writing.

Any referral under (b) shall be deemed to be an appeal and shall be treated as such by the Appeal Board insofar as is practicable in accordance with the provisions of this Code in respect of appeals.

- 4.22 All decisions of the Council shall be by simple majority vote of the Members present.
- 4.23 The decisions of the Council shall be issued in writing to the Member Concerned, the Complainant, the Ethics Board, the Panel and the Director General of the Institution within 7 days from the date of the decision.
- 4.24 Any Member of the Council who shall have been a Member of the Panel which shall have made a recommendation to the Council that the Member Concerned be suspended or excluded from Membership of the Institution shall not participate in any deliberations or decisions of the Council at which such recommendations are being discussed or decided upon.
- 4.25 In the event that the Council decides pursuant to Clause 4.21 or Clause 4.36 to exclude the Member Concerned from membership, such exclusion shall be deemed to have taken effect from the date of the said decision of the Council.
- 4.26 In the event that the Council decides pursuant to Clause 4.21 or Clause 4.36 to suspend the Member Concerned from membership, such suspension shall be deemed to commence on the date of the said decision of the Council.

- 4.27 In the event that the Member Concerned is required, pursuant to clause 4.18 or Clause 4.32 hereof to provide an undertaking in writing, the Member Concerned shall provide such undertaking in such terms as may be required within 14 days, or within such extended time as the Council may at its discretion allow, from the date of receipt by the Member Concerned of notification from the Director General of the Institution that such an undertaking is required.

#### FAILURE OR REFUSAL TO PROVIDE AN UNDERTAKING

- 4.28 If the Member concerned fails or refuses to give such undertaking, as is required pursuant to clause 4.18 or clause 4.32, within the time prescribed in paragraph 4.27 hereof, or within such extended time as the Council may at its discretion allow, the Council shall, at its discretion, either: -
- (a) Suspend the Member concerned from Membership of the Institution until such time as the undertaking has been given, or
  - (b) Exclude the Member concerned from Membership of the Institution.

#### APPEALS

- 4.29 The Council shall establish a three person Appeal Board to hear appeals. The Chairman and one other member of the Appeal Board shall be Past Presidents of the Institution and the third member shall be a Barrister of the Supreme Court. All three members shall be nominated by the President of IEI for the time being. None of the Appeal Board Members shall be members of the Ethics Board. Appeal Board members shall not serve on Panels. Membership of the Appeal Board shall be reviewed by Council every three years.
- 4.30 A Member Concerned or Complainant who is aggrieved at the decision of a Panel shall be entitled to appeal to the Appeal Board in respect of such decision.
- 4.31 An appeal by a Member Concerned or a Complainant shall be lodged by notifying the Appeal Board in writing within 28 days of the receipt by the Member Concerned or by the Complainant, as the case may be, of the decision of the Panel, whichever is the later.

A copy of the appeal shall be forwarded for information to the Ethics Board, the Director General, the Panel and the second party (Complainant or Member Concerned as the case may be). The second party (Complainant or Member Concerned as the case may be) shall have the right to respond to the statement of appeal.

- 4.32 The Appeal Board may: -
- (a) Uphold the decision of the Panel in whole or in part.
  - (b) Rescind the decision of the Panel in whole or in part.
  - (c) Find that the Member Concerned has been guilty of professional misconduct but that the sanctions imposed or recommended by the Panel should be changed to another more appropriate sanction in the specified range.
  - (d) Uphold or rescind any decision of the Panel directing the Member Concerned to make a contribution towards the cost of the Institution of and incidental to the investigation and adjudication of the complaint or direct that the Member Concerned should pay a lesser or greater contribution.
- 4.33 In hearing an appeal the Appeal Board shall, for the purposes of its functions, have the same powers as are vested in the Panel by Clause 4.14 hereof and the same obligations as are required of the Panel under Clause 4.15(a), (b) and (c).
- 4.34 Decisions of the Appeal Board shall be by simple majority.
- 4.35 The Appeal Board shall normally reach a decision within two months of receipt of all written and oral submissions. The Appeal Board shall issue its decision on an appeal in writing to the Complainant, the Member Concerned, the Council, the Ethics Board, the Panel and the Director General of the Institution within 7 days from the date of the decision.
- 4.36 The Council shall formally endorse the decision of the Appeal Board and shall accept such decision as its final position on the matter and shall act accordingly.

***Approved by Council of the Institution on 22<sup>nd</sup> November 2003.***

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## Appendix 1

# The Institution of Engineers of Ireland

## Code of Practice for Advertising by Members

1. When advertising their services by publicising their work, members shall at all times comply with the standards of Professional Conduct of the Institution, as approved by Council. Members shall in particular bear in mind the Fundamental Principles set out in these Standards.
2. Members may publish, or authorise the publication of, advertisements or statements announcing their practice or availability, the professional qualifications and the specialisations or other professional services that they can offer to prospective clients or employers. They may also publish details of work for which they are or have been responsible, specifying the nature and extent of their participation therein. They may express their professional opinions on matters of public interest or concern.
3. Such publications and expressions of opinions shall be professional in tone and content, factual and capable of verification, or if not so capable then clearly made as expressions of personal opinion. They shall not criticise, either explicitly or by implication, the work or competence of other engineers. Statements shall not bring discredit on the Institution or the profession.
4. Members or partnerships may allow their names to be placed on panels or lists maintained by local or other authorities or bodies. They may enquire from such bodies if such panels or lists exist and may apply to have their names included thereon.
5. Sign-boards or plates may be placed on Members' premises or on works sites. Commemorative tablets or inscriptions bearing Members' name may be placed on completed works. All such displays shall be professional in nature.

***Approved by Council of the Institution on 22<sup>nd</sup> November 2003.***

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