

In Need of a Code

Canada's new Code of Ethics raises standards for graphic designers everywhere. Written by David Berman and the Ethics Committee for the Society of Graphic Designers of Canada – with thanks to the Association of Registered Graphic Designers of Ontario, AIGA, IcoGrada, and the many individuals who have contributed. – David Berman, FGDC, RGD

Courageous new codes of ethical behaviour for the Society of Graphic Designers of Canada (GDC) and its member organization, the Association of Registered Graphic Designers of Ontario (RGD/Ontario), were formally adopted in February and May of 1998. These rules of professional conduct are a global beacon for designers and other professionals who choose to recognize the influence their work has on the world and the benefit to their clients and society at large in having a commonly agreed standard of professional practice. In Ontario, where accreditation has recently been established for graphic designers, the new Rules of Professional Conduct are enforced under the laws of the province. For the first time in the world, graphic designers must uphold a standard of professional conduct and social responsibility in order to practice as accredited designers. This means they risk losing their designation as a Registered Graphic Designer if they don't act in a principled manner.

Why do we need rules of professional conduct?

As opposed to fine art, graphic design is a professional pursuit firmly rooted in day-to-day commerce. Graphic designers, like other professionals, are part of an economic system. A public statement of the minimum standard of a professional group's ethical behaviour establishes a formal trust on which to base more sophisticated business relationships.

Lawyers, for instance, promise to never compromise a client's privacy for personal financial gain. For a chartered accountant, this entails not using privileged information to make a personal investment decision. For a graphic designer, it can mean not knowingly infringing upon someone else's copyright while designing for your client. A strong Code of Ethics makes graphic designers easier to do business with. And by establishing and publicizing our Code, we relieve clients of having to decide for themselves the sort of professional conduct they should expect in a designer: the business community (let alone many less experienced designers) doesn't know what to look for, while we have decades of experience which help us dictate what conduct should be expected.

It is also sound economics for everyone that we organize ourselves in such a way that we can work together for the public good, as opposed to simply performing well for ourselves and for individual clients. There are situations, for instance, such as upholding good local signage laws, where cooperation is required in order to get excellent results for everyone.

Looking within the design community, these same minimum standards of conduct encourage us to improve how we practice. Indirectly this increases the value of graphic design in society. For instance, on the important matter of working on spec, having us all behave uniformly is the only way to result in a more fruitful practice for everyone involved.

A Personal and Public Choice

Personally, ethics define the way we choose to relate to everyone and everything around us in a way that is consistent with our inner principles and values. Basing personal and commercial choices on the same principles is an indicator of a balanced professional.

For the pure professional, responsibility always accompanies power. In contrast, a pure entrepreneur can see power as simply a tool for realizing financial goals in a game measured by monetary rewards. The profits may be spent altruistically, however the end does not always justify the means. For the professional, ethical use of power is not optional. True professional responsibility is a non-negotiable part of personal conduct.

Our Circles of Influence

Graphic designers hold conspicuous influence in many important areas. The most obvious are:

- how paper products are consumed
- how people are portrayed visually, and
- how messages are crafted and delivered to influence the behaviour of large audiences.

FOREST PRODUCTS There is no question now that the global impact of human activity is having an effect on the ability of our planet to sustain us in a way we all enjoy... the consumption of forest products is a significant part of this. Graphic designers have a strong hand in the selection of paper for printing. We have an ethical responsibility to act as stewards of these resources. We must apply our creative abilities and knowledge to devise ways of getting more from less. We can avoid the use of virgin materials and ensure that products can be reused and recycled more easily. When advising our clients, we can encourage a careful assessment of needs, while recommending stocks that are environmentally friendly.

PORTRAYAL OF PEOPLE Our understanding has never been better of how visible groups, whether distinguished by gender, race, or disability, are discriminated against and



abused. Discrimination is often encouraged and perpetuated by the powerful force of visual images in advertising and other media – the very stuff which we manipulate for a living. We are often the inadvertent propagators of images which foster stereotypes and victimization. Graphic designers can greatly control the choice of images in the work they produce. In all visual communications, our opinions on the potential impact of imagery carries respect and influence.

MASS MESSAGING We burst into the 21st century in a world of global economics. A world where the influence of mass messaging from multi-national corporations has never been so broad, so ubiquitous and so generally accepted. These messages are just as often about style, mood, and acceptance as they are about features and functionality. The way that entire Third World nations are emerging into global economics is influenced greatly by these corporate messages. Next to those who bankroll such campaigns, professional communicators have the greatest power to change how corporate messages are delivered and understood. Not only do we influence what is said; we influence who is equipped to perceive messages, whether disabled, illiterate, or poorly educated. We also have the experience to better predict the potential downside of such activity based on our understanding of how people respond to marketing and advertising.

What's new about this code? In anticipation of accreditation becoming popular throughout Canada and other parts of the world, our Code has been carefully reworked with the aid of legal counsel to go as far as possible in defining the behaviour we are demanding of ourselves, while staying within the bounds of provincial and federal law.

This represents a strengthening of our Code because we now believe it to be defensible in a potential court challenge. This measure was made necessary by accreditation in Ontario, where the term Registered Graphic Designer is now protected by law. If someone were to lose their accreditation by not

“It means not designing dangerous all black Halloween costumes, even though market research shows they will sell better.”

following the rules of conduct, they could potentially appeal such a decision to the court of Ontario. This edition of our Code of Ethics also includes a section on the Designer's Responsibility to Society, thus entrenching responsibility for what we can control, rather than simply suggesting it would a nice thing to do. In drafting this edition, codes of conduct from over a dozen other related and non-related professions were carefully studied.

New directions

Our rules likely now stand as the most earnest commitment to ethical behaviour of any design organization. They serve as a beacon to other professions as well, for how to help heal the world.

For myself, they fulfill a dream I have held since naively posing the idea at my first GDC meeting 12 years ago: to formally commit to social responsibility, and in so doing raise the bar of our professional standards and the value of graphic design in our society. In this way, we both enlarge our circle of influence, and then apply that influence toward lofty ideals.

Our Code now speaks to how we should conduct ourselves in business and in practice. It has been carefully crafted to stand the test of time, based on those in our profession with decades of experience in what can happen and what we can make happen.

In the future, from this new platform, we will work together to publicize this commitment to professionalism in all its aspects; encouraging designers to elevate their own work, the prominence of graphic design in the economy and the influence that designers can properly use to nurture our society. How people perceive both our process and our results will be enhanced by active acknowledgement of the role that Ethics and professional conduct play in the role of the graphic designer.

As well, firm rules of professional conduct will help make accreditation become more prevalent and more respected. Accreditation will in turn increase the focus on Ethics and its value in professional practice. With such heightened awareness for the role of skilled, responsible graphic designers in the global economy, we will be even more able to take stewardship of those things that matter to us the most. And we are now on record, as a profession, as aiming to do just that. Graphic designers in Canada have spoken. As fundamental as the design work itself, is the process by which we deliver it. ☆

Code of Ethics

I am pleased to report that RGD Ontario's *Rules of Professional Conduct*, which are the basis for this revised GDC *Code of Ethics*, have cleared legal counsel and RGD Ontario board ratification. For the first time in the history of graphic design, the professional conduct of accredited graphic designers is defined in law. Looking towards national accreditation, this draft of GDC *Code of Ethics* includes all of the wording changes recommended by RGD Ontario lawyers, with modifications made for applicability on the national level so that the code can be of service in provinces with and without accreditation, with similar value and symmetry, incorporating input from GDC National Executive members and GDC Ethics Committee. In every step of the development of this document, the future applicability of this code on a national level, in consideration of existing GDC and Icograda codes as well as federal law, has been taken into account. – *David Berman, FGDC, RGD*

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A. PREAMBLE This is the Code of Ethics cited in the Constitution of the Society of Graphic Designers of Canada. It is written to guide our Members in their professional practice in a way that ensures a fair balance between the needs of our Members, our clients, our profession and our world. Our Code of Ethics not only recognizes our professional responsibility but also our commitment to taking a courageous role in those areas of society where graphic designers hold conspicuous influence.

B. DEFINITIONS For the purposes of this By-law, capitalized terms shall have the meaning provided in the Constitution, unless otherwise herein defined. References to singular shall include the plural, and vice versa, and references to gender include all genders.

C. RESPONSIBILITIES For the purposes of this By-law, it is each individual Member's responsibility to conduct his or her professional practice in accordance with the following Code of Ethics.

Responsibility to the Organization and the Profession

1.0 A Member shall not contravene any provision of the Charter, the Constitution, or any of the By-laws of the Society of Graphic Designers of Canada.

2.0 A Member shall not authorize, permit, counsel, aid, abet or acquiesce in any contravention of the Charter, the Constitution or any of the By-laws of the Society of Graphic Designers of Canada by any person.

3.0 A Member shall not authorize, permit, counsel, assist, aid, abet or acquiesce in any act that constitutes a disregard for our Code of Ethics.

4.0 A Member shall not contravene any federal, provincial, or municipal law, regulation or by-law relating to the practice of graphic design.

5.0 A Member shall not authorize, permit, counsel, assist, aid, abet or acquiesce in any contravention of a federal, provincial or municipal law, regulation or by-law relating to the practice of graphic design.

6.0 A Member shall notify the registrar of the Society of Graphic Designers of Canada upon becoming bankrupt, and when being discharged from being bankrupt under the Bankruptcy and Insolvency Act (Canada), and before making a proposal in bankruptcy for the benefit of his or her creditors. A member, by becoming bankrupt under the Bankruptcy and Insolvency Act (Canada), may be guilty of a breach of this Code of Ethics.

7.0 A Member shall not misrepresent the qualification or capabilities of a Member, nor of an officer, director, partner or employee of a Member.

8.0 A Member has a duty to serve as an expert witness, where qualified and when properly retained, in a judicial, arbitration or other legal proceeding, upon being requested to do so.

9.0 A Member working outside Canada shall observe the relevant code of conduct of the national graphic design society, provided that his or her behaviour is not in contradiction to this Code of Ethics.

10.0 A Member shall at all times act in a way that supports the aims of the Society of Graphic Designers of Canada and shall exercise honesty and integrity, as well as a reasonable standard of design and professionalism.

11.0 A Member who holds a certificate of registration and who is engaged in the practice of graphic design shall keep his or her certificate prominently displayed in his or her place of practice.

12.0 A Member shall not authorize, permit, counsel, assist, aid or abet a person who is not a Member or a holder of a certificate of membership issued under the Constitution to engage or hold herself or himself out as a Member, or otherwise misrepresent his or her category of membership.

13.0 A Member shall abide by the terms, conditions and limitations imposed on the person's category of membership by the Charter, or the By-laws of the Society of Graphic Designers of Canada.

14.0 A Member shall, upon request by the National Executive or a committee created by the National Executive, provide any document, record, or electronic data relating to an investigation or a proceeding in respect of the professional conduct, competence or capacity of a Member.

15.0 Every Member shall meet his or her financial obligations to the Society of Graphic Designers of Canada and to his or her employees and the financial obligations related to the provision of graphic design services, including the timely payment of premiums, levies, assessments and deductible amounts.

16.0 A Member shall not disclose confidential information to any third party, unless and except where otherwise compelled by law to do so, received as a director, officer, committee member or as a representative of the Society of Graphic Designers of Canada.

By choosing to join GDC, you choose to uphold a common Code of Ethics shared with graphic designers across Canada... you share in the power.

Responsibility to Other Members

17.0 A Member shall not make a false, exaggerated, misleading or malicious statement or publication that injures or maligns the professional reputation or the practice of graphic design performed by another Member. A Member shall be fair in criticism and shall not unfairly denigrate the work or reputation of another Member.

18.0 A Member shall not knowingly solicit or accept a project from a client where there is reason to believe another Member has been so engaged or employed on the project, unless prior to accepting such work the Member has received reliable assurance from the client that the other designer has been discharged or that all designers have been fully and accurately informed of the situation.

19.0 A Member shall not knowingly accept any professional assignment on which another Member has been or is working without notifying the other Member or until he or she is satisfied that any previous appointments have been properly terminated and that all materials relevant to the continuation of the project are the clear property of the client.

20.0 A Member shall not directly compete with another Member for a project by means of unethical inducements.

Responsibility to Clients and Employers

21.0 A Member shall act in his or her client's or employer's best interests within the limits of this Code of Ethics.

22.0 A Member shall not work simultaneously on assignments that create a conflict of interest without the agreement of the clients or employers concerned, except where it is the convention of the trade to which the client belongs for designers to work at the same time for various competitors.

23.0 A Member shall not misrepresent herself or himself, or his or her firm by making, or being party to, false statements, false representations, or non-performance of stated scope of services.

24.0 Any self-promotion, advertising or publicity shall not contain statements designed to mislead others regarding the competence, experience or professional capabilities of any graphic designer.

25.0 A Member shall perform graphic design services with reasonable professional skill and judgement.

26.0 A Member shall not disclose confidential information received from a client or employer except as authorized by law or with the consent of the client or employer, as applicable. A Member shall treat all work in progress prior to the completion of a project and all knowledge of a client's intentions, production methods and business organization as confidential and shall not divulge such information outside their organization in any manner whatsoever without the consent of the client or employer, as applicable. A Member shall take appropriate care to ensure confidentiality if divulging such information to other staff.

27.0 A Member shall not release for publication to the press or otherwise any information about work in progress unless the client or employer, as applicable, has given consent.

28.0 A Member shall not withdraw services except for reasonable cause and upon reasonable written notice.

29.0 Subject to the limitations of other parts of this Code of Ethics, a Member shall carry out the terms of every contract to provide graphic design services that she or he enters into.

30.0 A Member shall fully disclose fees for graphic design services by an express written or oral contract that clearly sets forth the services to be performed and the method of determining compensation for those services.

Responsibility to Society and The Environment

31.0 A Member, while engaged in the practice or instruction of graphic design, shall not do or fail to do anything that constitutes a deliberate or reckless disregard for the health and safety of the communities in which they live and practice or the privacy of the individuals and businesses therein. Members shall take a responsible role in the visual portrayal of people, the consumption of natural resources, and the protection of animals and the environment.

32.0 A Member shall not accept instructions from a client or employer that involve infringement of another person's or group's human rights or property rights without permission of such other person or group, or consciously act in any manner involving any such infringement.

33.0 A Member shall not make use of goods or services offered by manufacturers, suppliers or contractors that are accompanied by an obligation that is detrimental to the best interests of his or her client, society or the environment.

34.0 A Member shall not display a lack of knowledge, skill or judgment or disregard for the public or the environment of a nature or to an extent that demonstrates that the Member is unfit to be a Member of the Society of Graphic Designers of Canada.

35.0 A Member shall not contract directly with the client of his or her client or employer without obtaining the permission of his or her client or employer to do so.

Competitions and Fees

36.0 A Member, when consulted, shall encourage procedures that support fair and open competition based upon professional merit, and thereby promote and achieve the protection of the public.

37.0 Except as otherwise provided for herein, a Member shall not take part in or conduct open competitions for commercial purposes on speculation.

38.0 A Member may compete in any design competition for projects of general, community or public interest if they are of a non-profit nature and if the rules of competition have been approved by the National Executive of the Society of Graphic Designers of Canada or conform to general competition rules approved by the National Executive of the Society of Graphic Designers of Canada. Furthermore, a Member may take part in any open or limited competition for work whose terms are specifically approved by the National Executive of the Society of Graphic Designers of Canada.

39.0 Except as otherwise provided for herein, a Member may not take part in a limited competition for work unless each participant in the competition is paid an equivalent compensation in accordance with the work involved, and in which the names of all those invited to participate are made known to all participants upon invitation.

40.0 A Member shall not work for a client or employer without compensation, with the exception of occasional pro bono work for charitable purposes and objects or for work performed for family members.

41.0 Except as otherwise provided for herein, a Member shall not undertake any speculative project or schematic proposals for a project either alone or in competition with others for which compensation will only be received if a design is accepted or used.

42.0 The provisions of paragraphs 37, 39 and 41 shall not apply to a Member where: A. it is the convention of the trade primarily responsible for the project to obtain contracts for work through participation in competitions on speculation; and B. the graphic design work only forms part of the project involved in such competition.

43.0 A Member who is asked to advise on the selection of designers or other consultants shall not accept a payment in any form from the designer or other consultant so recommended.

Intellectual Property and Authorship

44.0 A Member shall not knowingly copy the design or work of another person without the consent or agreement of the person who owns the copyright or their agents and in accordance with the copyright laws of Canada.

45.0 A Member shall not represent, pass off or claim authorship of the design of another person without the consent or agreement of the author or creator.

46.0 A Member shall not claim sole credit for a design on which other designers have collaborated.

47.0 When not the sole author of a design, it is incumbent upon the Member to clearly identify his or her specific responsibilities or involvement with the design.

48.0 A Member shall not claim credit for having performed graphic design services on a project with respect to which the Member did not have a personal or supervisory involvement.

49.0 A Member shall not transfer property rights to original work unless it is specifically purchased apart from reproduction rights.

50.0 Members shall encourage their clients to publish design credits on work whenever feasible.