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 (SGDC) and its member organization, the Association of Registered Graphic Designers of Ontario (RGDOntario), 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, these 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 creators and marketers, 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. Our Circles of Influence

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

- how materials are consumed
- how people are portrayed visually, and
- how messages are crafted and delivered to influence the behavior 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 need, while recommending stocks that are environmentally friendly.

PORTRAYAL OF PEOPLE

Our understanding has never been better than our 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 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 carry 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 multinational corporations has never been so broad, so ubiquitous and so generally accepted. These messages are as yet only minimal in terms of 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 down-side 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 recorded 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 defendable 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 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 encouraging responsibility for what we can control, rather than simply suggesting it would be 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 esteem 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 early youth, proving 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 acknowledgment of the role that Ethics and professional conduct play in the role of the graphic designer.

As well, formal 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 of the role of ethical, 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 a beacon 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. “It means not designing dangerous all black Halloween costumes, even though market research shows they will sell better.”
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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Responsibility to the Organization and the Profession
1. 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. 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. A Member shall not authorize, permit, counsel, assist, aid or acquiesce in any act that constitutes a disregard for our Code of Ethics.
4. A Member shall not contravene any federal, provincial, or municipal law, regulation or by-law relating to the practice of graphic design.
5. 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. 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 employees and the financial obligations related to the practice of graphic design.
7. 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.
8. A Member who holds a certificate of registration and the Profession
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10. 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. 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. A Member shall not authorize, permit, counsel, assist, aid 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.
13. A Member shall not authorize, permit, counsel, assist, aid 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.
14. A Member shall not authorize, permit, counsel, assist, aid 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.
15. Every Member shall meet his or her financial obligations to the Society of Graphic Designers of Canada 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. 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.
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 withdraw services except for reasonable cause and upon reasonable written notice.

21.0 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.

22.0 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.

23.0 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 Clients and Employers

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

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 of 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 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.

30.0 A Member shall take appropriate care to ensure confidentiality of confidential information about work in progress unless the client or employer, as applicable, has given consent.

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 judgement 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.

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 on 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. 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 which other designers have been offered.

40.0 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.

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.

Competitions and Fees

42.0 The provisions of paragraphs 37, 39 and 41 shall not apply to a Member whose project is a contract for work through participation in competitions on speculation; and b. the graphic design work only forms part of the project involved in such competition.

Intellectual Property and Authorship

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.

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.

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.