

GUIDE TO THE PAM CODE OF CONDUCT

Introduction

All members upon their admission into the *Pertubuhan Arkitek Malaysia* (PAM), are required to abide by the PAM Code of Conduct.

Codes of Conduct are standard hallmarks for all professionals and their primary function is to establish the minimum standards of acceptable conduct required from a professional. These minimum standards in turn, are to give comfort to a client and general public and allow for the establishment of the minimum level of trust required in an architect's relationship with these parties.

The delivery of services which are *below* the accepted standards will lead to the erosion of trust and jeopardize the profession as a whole. PAM, as a Professional Institute, takes any breaches of the Code of Conduct seriously and failure to abide by the Code as such, may result in disciplinary action being taken against a member.

The following Guide has been prepared to assist members in the understanding and application of the Code when practicing as a professional architect.

Where possible, this Guide seeks to be specific in describing acceptable conduct as well as providing examples but it has to be remembered that compliance with the Code is not restricted to just what is listed under this Guide and that members are also required to adhere to the *spirit* of the Code of Conduct as well as any statutory requirements of the profession.

The code contains the following eight underlying principles which all members are expected to follow.

PRINCIPLE No.1- FAITHFUL DISCHARGE OF RESPONSIBILITIES

"A member shall, when practicing as an architect, faithfully discharge his duties and responsibilities to his Client and the public."

- 1.01 A member shall, prior to the acceptance of his appointment, inform his client in writing of the conditions of his engagement, the scale of professional fees and charges which are to be applied. As part of his conditions of engagement, a member shall also inform his client of the responsibilities and scope of work of the respective parties.
- 1.02 Prior to his appointment, a member shall also ensure that he has the required skill and competence to carry out the required tasks. If so required, a member shall engage the services of other suitably qualified persons to work under his direction for the provision of the required level of service.

If a member is unable to provide the level of skill and service expected of him, he shall decline the appointment.

- 1.03 Upon his appointment, a member shall faithfully discharge his responsibilities to his client or employer as well as the public and shall exercise the reasonable standard of skill and diligence that is expected of and accepted by his profession. It shall be a member's responsibility to establish the expected standards of skill and diligence required of his profession.
- 1.04 A member, when faithfully discharging his responsibilities, shall do so in a timely manner.

- 1.05 Once appointed, a member shall not sub-contract or sub-commission out any part of his work or responsibilities without the prior agreement of his client.
- 1.06 A member shall inform the client in advance, of the obligations and rights of the client under any relevant legislation and the building contract.
- 1.07 A member shall exercise all reasonable care and diligence in complying with statutory requirements for any application for planning or building approval and when certifying for completion and compliance.
- 1.08 A member shall keep his client continually informed of the status of the project to which he has been appointed and issue any such plans or documents to which the client is entitled to at the appropriate point of time.
- 1.09 A member shall maintain a record of all documents which may be deemed necessary or important for a project.
- 1.10 A member shall not certify, affix or put his signature to drawings, plans or specifications which are not prepared by him or by members of his staff under his supervision for the purpose of either informing or obtaining approval from any statutory authority.
- 1.11 A member shall administer the building contract competently, fairly, responsibly and in a timely manner and shall be impartial in any dispute that may arise between the client and the building contractor.
- 1.12 A member shall not establish a branch office providing architectural services unless it is under the continuous control of a registered and competent Architect.
- 1.13 If a member is employed by any individual, firm or company including but not limited to a government or statutory body, he shall not enter into a contract of employment which contravenes the PAM Code of Conduct.
- 1.14 If a member is appointed as a member of a government or statutory body which has the power to approve development applications, he shall, if he has any financial or professional interest in such applications, declare his interest and not take part in the decision-making of any such development application.
- 1.15 If a member is an employee or a director of a body corporate practicing architecture, he shall, in carrying out the work and duties entrusted to him, owe the same duties and obligations to any client or employer employing the body corporate as he would owe if he had been directly employed by such client or employer notwithstanding that any fees payable in respect of services rendered by him, may be payable to the body corporate instead.
- 1.16 If a member is an employee of either an architectural practice or the Government, he may with the approval of his employer, carry out his own practice outside of normal working hours or participate in architectural competitions, provided that such activities do not conflict with his duties to his employer.

PRINCIPLE No.2 - REMUNERATION

“A member shall, when practicing as an architect, be remunerated solely by the professional fees payable by his Client or by the salary payable by his Employer.”

- 2.01 If a member is in private practice on his own account, he shall be remunerated solely by the professional fees payable by his client.
- 2.02 If a member is employed by an individual architectural firm, architectural company including but not limited to any government department or statutory body, he may be paid a salary and given any

other benefits by his employer but he shall not hold, assume or accept any position in which his own interests are in conflict with his professional duties.

- 2.03 A member shall not accept payment or any other consideration from any source other than from his client or employer, in connection with the works and duties entrusted by him and shall not permit any member of his staff to receive such payment or other consideration.
- 2.04 A member shall not accept any work which involves the giving to or receiving from him of discounts or commissions. A member shall not accept any discount, gift or commission from contractors or tradesmen, whether employed upon his works or not.
- 2.05 A member may accept remuneration additional to his professional fees from other sources permissible under the PAM Code of Conduct but shall inform his client or employer of such source.
- 2.06 A member shall not receive documentation costs from contractors who are submitting tenders called by him but may do so from any other source. When computing such documentation costs, a member shall ensure that such costs are reasonable and are based only on reimbursement of his expenses incurred or administration and lithography charges.
- 2.07 A member may be paid professional fees for consultancy services on the works of another Architect, provided that a client engages him for the purpose of rendering such services and he assumes responsibility for those services.
- 2.08 A member shall not receive any compensatory payment from contractors for delays in project implementation; any such payments shall only be paid, where required, by his client.

PRINCIPLE No.3 - ADVERTISING AND SOLICITING

“A member when practicing as an architect, shall not advertise for nor solicit business for his architectural services.”

- 3.01 A member may publish, post online or consent to the publication or posting online of a series of illustrations , photographs or video recordings, whether in the form of a circular, article, diary, log, brochure or book, with or without factual information on any building or buildings for which he has been responsible for and containing the factual composition and personnel of his firm. However, he shall not distribute such publication or posting with an intention to solicit.
- 3.02 A member shall not advertise for nor solicit business by means of advertising in the press or trade directories, digital or social media or by circulars nor allow any of his staff to do so.
- 3.03 A member may advertise for invitation of tenders concerning a project and also advertise for a professional appointment and staff and the change of practice particulars provided always that the advertisement so inserted by him or his agency shall comply with the following conditions :
 - a) that the said advertisement is not an intentional attempt to bring the activities of the Architect or his firm to the notice of the public;
 - b) that the said advertisement shall contain no illustrations or logos;
 - c) that the said advertisement shall contain no comparative or superlative descriptions of his practice;
 - d) that the advertiser makes no claim to be an expert in any specialized field;
 - e) that the name of the advertiser is not displayed with undue prominence;
 - f) that the published information must be factual.
- 03.04 A member may allow his works, views, ideas, illustrations, writings, descriptions or any matter of interest on architecture to be published or posted online in the press, trade journals, media, any website, social media or be presented in a forum, conference, seminar or other similar gatherings,

with or without receipt of monetary consideration, provided that such published materials are of benefit to the profession.

- 03.05 A member may place a signboard in a building indicating that he or his firm is the architect or he may exhibit his name or the name of his firm outside his office or on a signboard or digital display in the course of construction, alteration or extensions provided that the letterings and logos are as follows :
- a) Sign or digital display on completed buildings.
Letterings not exceeding 50 mm high and logo design not exceeding 100 mm square;
 - b) Signboard on worksite.
Letterings not exceeding 150 mm high and logo design not exceeding 600 mm square;
 - c) Business plate of firm.
Letterings not exceeding 100 mm high and logo design not exceeding 300 mm square.
- 3.06 A member is permitted to insert any announcement or felicitations in the local press provided that his profession or professional activity is not disclosed.
- 3.07 A member shall not attempt to supplant another Architect who has already been engaged by a client nor must he compete with another Architect to secure work by a reduction of fees in any manner or under any guise considered to be unethical by the Institute.
- 3.08 A member on being approached or instructed to proceed with professional work for which he knows or can ascertain by making reasonable enquiries that another Architect has been engaged shall, before proceeding with such work, communicate in writing with that Architect and obtain a letter of release from him or obtain such letter through his prospective client.
- 3.09 A member commencing practice as a firm or company shall obtain the approval of the Board of Architects Malaysia (hereinafter referred to as the Board) and shall submit his firm's or company's name to the Board for approval.
- 3.10 All letterheads must list the names of the directors or partners with their respective qualification and status. The names of Architects who are not partners or directors in the firms may be listed with their respective designations and qualifications.
- 3.11 A member is allowed to use his calling card provided his qualifications and status are authentically shown.
- 3.12 A member shall only participate in architectural competitions approved by the Institute or the Board of Architects Malaysia.
- 3.13 a) A member selectively invited by their prospective client to render professional services may do so provided that such terms of invitation as laid down by the prospective client are approved by the Board.
- b) A member responding to such invitation shall be paid for his services in accordance with the appropriate scale of professional fees and charges as prescribed by the Board and for the time being in force.

PRINCIPLE No.4 - INVOLVEMENT WITH OTHER TRADES

"A member, when practicing as an architect, shall not engage in any trade or business which is inconsistent with the fitting and proper discharge of his professional duties."

- 4.01 A member shall not, while practicing his profession, carry on or engage in any trade of business which is inconsistent with the fitting and proper discharge of his professional duties. He must not hold, assume or accept a position in such trade or business in which his interest is in conflict with his professional duty. A member while practicing his profession may also be, for example, a property

developer or a director or shareholder of a property development company, a building contractor or a director or shareholder of a building construction company, a director or a shareholder of a manufacturing company, an agent for any building materials, components or system, a director or a shareholder of a financial institution or a manager, director or shareholder of a property management company etc. provided that

- a) he declares his interest to his client and potential clients in writing at the time of his appointment as an Architect;
- b) he avoids being in a position of conflict in discharging his professional duties;
- c) he complies with the Code whilst serving as an Architect and
- d) he uses his name in the letterheads, sales brochures, catalogues, websites and similar documents of his firm or company used in connection with his professional services.

4.02 A member cannot act as an arbitrator, adjudicator, mediator or expert in a dispute if he is also a party to the contract as the developer and/or builder.

4.03 A member is permitted to be a turnkey operator or any package deal operator provided that in carrying out such activities, he must not contravene this Code.

4.04 A member shall not be involved in the promotion of any services or products, where such promotion would be inconsistent with his professional obligations under the Code of Conduct.

PRINCIPLE No.5 - PARTNERSHIP WITH OTHER PERSONS

“A member shall, when practicing as an architect, only enter into partnerships, commercial agreements or collaborations which are not inconsistent with his professional obligations.”

5.01 A member may enter into a partnership for private practice with another registered architect, a registered Professional Engineer, or a registered Surveyor, Partnership with any other allied professionals is also permissible but only with the prior approval of the Board.

5.02 A member may into a partnership with foreign architects or consultants if such a partnership has the approval of the Board. He can employ foreign architects to assist him in his works, provided that he remains statutorily responsible for such works and provided that such employment does not contravene the provisions of any law.

5.03 A member either on his own or in a joint-venture with a foreign architect working overseas, shall abide by the Code of Conduct of the Professional Institute of the country in which he is practicing.

5.04 A member shall not enter in partnership or establish a body corporate in the practice of architecture, with another Architect whose name has been removed from the register of architects by the Board.

5.05 A member is not permitted to enter into partnership with other registered professionals, local or foreign, unless he and his professional partners undertake to abide by this Code and breach of this Code by any member of the partnership shall be deemed a breach by the said Architect.

PRINCIPLE No.6 - HONOUR AND INTEGRITY

“At all times in his conduct as a Member of the Institute and when acting on behalf of the Institute, a Member shall not intimidate, victimise, harass, sexually harass anyone or conduct himself in any manner equivalent to such actions.”

6.01 A member shall at all times, act honourably and respectfully towards his fellow members and the Institute.

- 6.02 When acting on behalf of the Institute, a member is to act with decorum and respect towards other parties.
- 6.03 When acting on behalf of the Institute, a member shall not abuse his position or put himself into a position of conflict against the Institute and its members.
- 6.04 A member shall at all times be truthful in his dealings with fellow members, the Institute and the public.
- 6.05 A member shall neither cast unsubstantiated aspersions nor defame a fellow member or the Institute.

PRINCIPLE No.7 - PROFESSIONAL DEVELOPMENT & TRAINING

“A member shall continuously seek to update, improve and share his knowledge and skill in the art, science and profession of architecture and other allied fields.”

- 7.01 A member shall continuously update and improve his knowledge and skill in the art, science and profession of architecture and other allied fields.
- 7.02 A member shall share his knowledge with his fellow members, peers and any party with an interest in such knowledge.
- 7.03 A member shall provide to the Graduate Architects under their employment, all the necessary assistance, opportunities, training and experience required for professional practice and any qualifying examinations.

PRINCIPLE No.8 - THE COMMUNITY AND ENVIRONMENT.

“A member shall respect the community, its heritage and the environment in which he is practicing in.”

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