

ETHICAL ISSUES IN THE PRACTICE OF SOCIAL IMPACT ASSESSMENT

Roundtable 1

(1) "A property developer told the EIA consultants "to agree to any demands made by interested and affected parties" because "I have no intention of abiding by my commitments as the regulating authorities never follow-up to check, so I'd simply be wasting my money by complying". Knowing this, should the consultants walk away from the job or stick with it?"

- take the job but strongly recommend monitoring procedures aimed at reinforcing mitigation proposals
- establish the client's position - why are they adopting this position/attitude; a responsibility to educate the client and explain the risks to them of pursuing this line; that such a short-term position may not be in their long-term interests;
- maintain your links back to the affected community, but don't fall into the trap of creating false expectations about what mitigation is feasible or is likely to happen;
- reputation risk? The risk to you as a practitioner of becoming associated with meaningless assessments; should you 'blow the whistle'?
- does this situation suggest that the regulator is weak - in which case you need to turn attention to the regulator's role;
- if you know that the regulator is weak and disinclined to pursue follow-up, to do nothing is being complicit with this sham

(2) "I am a newly qualified, and certified, environmental professional. As a condition of my certification I must abide by a code of professional ethics that requires that I only undertake work for which I have the necessary training and experience. I accept that I must only do work that I am competent to undertake. But as I am just starting out on my career how do I gain experience other than by taking on jobs of a type that I have not done before? If I do this am I violating the professional code that requires that I have prior experience?"

- 'prior experience' in different cases of impact assessment application is not necessary; what is necessary is competency and knowledge of the relevant skills and methods;
- as practitioners, we often have to 'stretch' ourselves into territory that is not totally familiar; in which case, check whether you feel you are really over-reaching your competencies;
- if you're feeling too exposed, be transparent about what you are doing and how you are going about your work; furthermore, be explicit with the client about the extent of your competence and experience;
- take time to assess the risks to you professionally; beware of a client who is trying to buy 'cheap' (inexperienced) professional services - putting the risks onto you
- professional assistance or mentoring is generally not far away; other team members (in different disciplines) can be useful for checking out ideas and providing support;
- recognise that in some countries it is less easy to access mentoring;
- options for accessing professional support
 - work with another more experienced professional

- hire someone as a sub-contractor to supplement specific skills
- engage peer reviewer
- solicit support from the local professional association/from IAIA network (relevant IAIA listserv or section membership)
- the issue raises questions about the 'certification' process mentioned (not elaborated) - should this not be a safeguard against incompetency?

(3) "I am an environmental consultant and part of a professional team advising a property developer. I am insisting that the negative effects of the development be made public. However, the other professionals on the team (a lawyer, an accountant and an engineer) tell me that a professional's prime responsibility is to serve a client's interests, and as disclosure is not in our client's interests I cannot make this demand. They say they are bound by their professional codes to serve our client's interests and that as I also consider myself a professional it is not ethical for me to either disclose or to insist that unfavourable facts are disclosed by the team. What is my professional obligation?"

- your own credibility is most important, particularly in the long run;
- challenge the other professionals regarding their professional codes of conduct and codes of ethical behaviour;
- important to distinguish which stage in the process of providing professional advice to the client; if the client is still at the stage of trying to decide whether or not to proceed with the proposal and is asking for privileged/confidential advice, then making such information public is not appropriate; however, if you have proceeded to the stage where you are completing and reporting on your assessment, then complete/uncensored documentation is appropriate;
- in the applied ethics literature, a distinction is made between service professionals (eg lawyers, PR/marketing professionals) and information professionals (eg IA professionals); the former are expected to adopt an advocacy role while the latter are not;
- however, also note that as an SIA/EIA practitioner you may sometimes be operating in a 'service professional' mode (eg full and frank discussions with the client about whether you think they should pursue a particular proposal) and sometimes in an 'information professional' mode (eg providing an independent assessment of likely effects and impacts);
- in all circumstances, it is important for your own professional safety to keep a clear paper trail of advice offered and assessments documented;
- it may be a different situation if your client is a public agency - be careful of assuming that a public agency will always act in a way that is 'fair' to all stakeholders; paper trails remain important;
- if you are working for an agency, then you may consider for the future whether you wish to try to influence its behaviours from inside the organisation or from outside;
- be guided by your conscience;
- it is important that IAIA promotes a framework for principled behaviour, and also supports the capacity for professionals to do so

Roundtable 2

(4) "after I had begun some social assessment work for a client, based on a research programme already under way, I was asked to make sure that all individual interviews would be made publicly accessible in a planning tribunal setting; this would compromise my confidentiality commitment to individual interviewees" what should I do?

- in the US, there is protection from disclosure by law;
- research protocol provides for interviewee anonymity;
- university research protocols make similar requirements;
- in the situation described, the legal issue was one of the 'standing' of the evidence; would a failure to reveal individual sources render the evidence invalid? The client was trying to anticipate legal challenges from opponents;
- the research team's response involved calling a meeting of local peers to discuss the issue and then agreeing that the appropriate response would be to ensure that the research method was described in sufficient detail to enable replication if necessary;
- it was also thought sensible to explain the implications for future social research (and ensuing availability of researched data) to the legal counsel and members of the judiciary (although this has yet to occur);
- what about a defence against 'fraudulent' research findings? I.e. researchers inventing results; that's a different issue but could be addressed in a similar manner.

(5) "I undertook a series of SIAs concerning the conduct of major sporting events. A significant component of the assessment was the number of people attending the event over a period of several days, so I could determine the economic impacts of attendance. My client kept exaggerating the attendance figures."

- the consultant was forced out of the team and the client then engaged another consultant who was willing to be complicit!
- one option is to seek independent verification of figures where there is the potential for distortion;
- also important to try to educate the client on the risks/implications of deliberate distortion - apart from distorting the findings, there could be the potential for project failure,
- sensitivity analysis could be used to assess the effects of varying numerical assumptions.

(6) Is the proponent obligated to provide the assessor with confidential data necessary for a valid social assessment?

- Yes!
- if a confidentiality clause has been signed, it may be important to make it clear to the client that certain information will need to be made public in order to complete an assessment; the assessor has to make judgements about what information is

required in such public release - any info necessary for completing a thorough and balanced assessment;

- for the consultant/assessor, the risk of proceeding without all the essential info being available - credibility could be destroyed.

(7) Does the SIA assessor work for the community or the project proponent?

- if the assessor is paid by the proponent, what do they understand the notion of 'independence' to mean?
- it needs to be emphasised to all parties that your assessment is adopting an independent stance;
- remember that the 'community' or community of interest is different from the general public good/public interest which the assessor does pursue;
- make the client fully aware of the method of the SIA process; this may sometimes give an appearance of 'working for the community' in the sense that the SIA is meant to make relevant community interests explicit in the assessment.

(8) Does IAIA have a committee which might intervene on behalf of the assessor?

- No.
- IAIA accreditation of members would be the other side of the coin; otherwise what is the basis on which an IAIA committee could act?
- IAIA could act in relation to its Code of Ethics - to check that the member had adhered to this code;
- the member could invite independent peer review of their work in any situation being challenged or scrutinised;
- not necessarily have a committee to intervene, but a committee which individual members could appeal to for professional support to check the ethical standards of their behaviour.

(9) Are the Principles and Guidelines for SIA (both the International and the US versions) appropriate to guide the day-to-day work of the assessor?

There was insufficient time available to discuss this item.

Participants agreed that the round table sessions have been worthwhile and would like to see them continued as part of the SIA stream of activities at IAIA'06

ETHICAL ISSUES ROUND TABLES

- Something of an experiment
- process includes - over two sessions and 9 issues nominated
 - introduce Round Table objectives (*"finding possible resolutions to such issues so that individual practitioners are better equipped to address them in future" + active participation during the session*)
 - post issue on flipchart - may need to split into smaller groups if more than 20
 - 3-5 minutes to write down own responses
 - record responses in serial fashion - no repeats
 - open up for elaborations and own experience
 - summary to highlight key points/suggestions
 - 25-30 minutes per issue, unless this appears too constraining
- after the conference -
 - tidy up and posting on the IAIA site/SIA page
 - continue discussions on some issues using the SIA listserv, if necessary and if sufficient interest (???)