

*The Association of  
Registered Graphic Designers  
of Ontario  
L'association des  
graphistes agréés  
de l'Ontario*

## *By-Law #3*

*Rules of  
Professional Conduct*

*June 1998*

## A PREAMBLE

These are the Rules of Professional Conduct cited in The By-law of The Association of Registered Graphic Designers of Ontario. These rules are written to guide Members in their professional practice to ensure a fair balance between the needs of Members, clients, the profession and the government. The rules not only recognize Members' professional responsibility but also the commitment to take a role in those areas of society where graphic designers hold influence.

## B DEFINITIONS

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

## C RULES OF PROFESSIONAL CONDUCT

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 Rules of Professional Conduct.

### *Responsibility to The Association and the Profession*

- (1) A Member shall not contravene any provision of the Act, or any of the By-laws of The Association.
- (2) A Member shall not authorise, permit, counsel, aid, abet or acquiesce in any contravention of the Act or any of the By-laws of The Association by any person.
- (3) A Member shall not authorise, permit, counsel, assist, aid, abet or acquiesce in any act that constitutes a disregard for the Rules of Professional Conduct of The Association.
- (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 authorise, 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 Executive Director of The Association 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 these Rules of Professional Conduct.
- (7) A Member shall not misrepresent the qualification or capabilities of a Member, nor of an officer, director, partner or employee of a Member.
- (8) 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) A Member working outside Canada shall observe the code of conduct of that nation's respective graphic design society, provided that his or her behaviour is not in contradiction to the Rules of Professional Conduct of The Association.
- (10) A Member shall at all times act in a way that supports the aims of The Association 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 abet a person who is not a Member or a holder of a certificate of registration issued under Section 4 of the Act to engage or hold herself or himself out as a Registered Graphic Designer or "R.G.D.", or otherwise misrepresent his or her category of membership.
- (13) A Member shall abide by the terms, conditions and limitations imposed on the person's category of membership by the Act and the By-laws of The Association.
- (14) A Member shall, upon request by the Grievance Committee or the Discipline Committee, 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) Every Member shall meet his or her financial obligations to The Association 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) 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 Association.

### *Responsibility to Other Members*

- (17) 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) 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) 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) A Member shall not directly compete with another Member for a project by means of unethical inducements.
- (26) A Member shall not disclose confidential information received from a client or employer except as authorised 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) 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) A Member shall not withdraw services except for reasonable cause and upon reasonable written notice.
- (29) Subject to the limitations of other parts of this By-law, a Member shall carry out the terms of every contract to provide graphic design services that she or he enters into.
- (30) 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*

- (21) A Member shall act in his or her client's or employer's best interests within the limits of this By-law.
- (22) 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) 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) 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) A Member shall perform graphic design services with reasonable professional skill and judgment.

### *Responsibility to Society and the Environment*

- (31) 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 she or he lives and practises 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) 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) 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) 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 Association.
- (35) 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) 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) Except as otherwise provided for herein, a Member shall not take part in or conduct open competitions for commercial purposes on speculation.
- (38) 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 Board or conform to general competition rules approved by the Board. Furthermore, a Member may take part in any open or limited competition for work whose terms are specifically approved by the Board.
- (39) 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) 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) 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) 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) 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) 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) 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) A Member shall not claim sole credit for a design on which other designers have collaborated.
- (47) 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) 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) A Member shall not transfer property rights to original work unless it is specifically purchased apart from reproduction rights.
- (50) Members shall encourage their clients to publish design credits on work whenever feasible.

ENACTED as a By-law of The Association this 4th day of May, 1998.

*As written by David Berman, R.G.D. and the Board of Directors of The Association of Registered Graphic Designers of Ontario, with thanks to the Society of Graphic Designers of Canada, AIGA, ICOGRADA, and the many individuals who contributed to the crafting of these Rules.*