



**Employee Assistance Professionals Association of South Africa:**  
an Association for Professionals in the field of Employee Assistance Programmes  
EAPA-SA, PO Box 11166, Hatfield, 0028.

# Code of Ethics

2010

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## **EAPA-SA Code of Ethics**

The purpose of the EAPA-SA Ethics Committee is to promote the highest ethical practice among Employee Assistance professionals and the Employee Assistance Professionals Association of South Africa (EAPA-SA) members by:

- Creating a working document to be reviewed regularly and revised by the Ethics Committee, which establishes a code of conduct and a set of ethical standards.
- Providing training and education in the Codes of Ethics for the profession and EAPA-SA's members.
- Establishing a process by which unethical behaviour and complaints from members of the organisation and the public can be reviewed and outcomes be objectively determined.

### **Preamble**

The EAPA-SA Board, in consultation with the membership of EAPA-SA, has reviewed the EAPA Code of Ethics with a view to contextualising the document for the benefit and use of EAP professionals in the Republic of South Africa. The EAPA-SA Board has now developed and adopts the Code of Ethical Behaviour. The Code is based on the key activities, standards, goals and values of EAP practice.

This Code of Ethics should be read in conjunction with the Standards for Employee Assistance Programmes in South Africa. Hereafter referred to as the Standards document.

The ethical behaviour and conduct of an EAP professional is concerned with the wellbeing of individuals served and this Code extends to activities and relationships with employers, colleagues, unions, professionals from other disciplines, the local community and society as a whole.

The EAPA-SA Board and EAPA-SA membership hold each other, as well as each individual member responsible for conducting his or her professional and personal activities within the spirit of the Code of Ethics. The Code therefore serves as a set of rules and standards by which Employee Assistance professionals shall conduct their professional behaviour.

By acceptance of their annual EAPA-SA membership, members automatically agree to abide by the EAPA-SA Code of Ethics.

This document does not supersede or replace the Guidelines on Ethics in the EAPA-SA Standards.

## **1. Public Responsibility**

- 1.1. The EAPA-SA Board, Regional Chapters and all EAPA-SA members are responsible for educating and fostering professional development.
- 1.2. EAPA-SA members are encouraged to create and maintain the highest standards in their profession and promote Employee Assistance Programmes to the public.
- 1.3. EAPA-SA members shall conduct themselves in their professional activities in a way that does not denigrate other professionals for the sake of promoting their own interests. They shall also conduct themselves in a manner that does not undermine public confidence in their ability or that of other professionals, to carry out their professional duties.
- 1.4. Co-operation in a professional community precludes fraudulent or misleading advertising practices, and requires that professional qualifications be presented to the public in an accurate and truthful manner.
- 1.5. EAPA-SA members shall bring allegations of misconduct by a professional colleague to the attention of those charged with the responsibility of investigating them, doing so without malice and with no breaches of confidentiality other than those necessary for the proper investigatory process. Members who are themselves subject of allegations shall provide all reasonable assistance to aid EAPA-SA in the investigatory process which may, but not necessarily, result in bringing the matter to the attention of the relevant statutory body.
- 1.6. Research shall be conducted in accordance with ethical standards as maintained by EAPA- SA Standards.

## **2. Confidentiality**

- 2.1. EAPA-SA members shall regard all client related information as confidential and the release of information will only be done in compliance with a court order, a subpoena or with the written permission and consent of the client.
- 2.2. EAPA-SA members shall inform clients fully about their rights regarding the scope and limitations of confidential communications.
- 2.3. EAPA-SA members shall not convey personally identifiable information obtained in the course of professional work except that when working in a team (or with professional supervision) such disclosure might be in the client's own interests. Members must endeavour to make clear to clients the extent to which personal information may be shared between colleagues.
- 2.4. In exceptional circumstances where there is sufficient evidence to raise serious concern about the physical well-being and safety of the client, or about others who may be threatened by the client (and after consulting with a senior colleague or professional supervisor/case manager), members shall take such steps as are judged necessary to inform appropriate third parties without prior consent. Such disclosure may on rare occasions, be required by law, e.g. physical child abuse.
- 2.5. "Client" shall include individual employees or members of their families as well as the employer company, organisation or public institution. Members shall also regard their organisational consulting activities as confidential unless written permission has been obtained to do otherwise by the company or organisation.

### **3. Professional Competence**

- 3.1. EAPA-SA and all its members who are EAP practitioners are expected to be proficient in the knowledge of work organisations, EAP policy and administration and direct services. They support and work towards the professional standards published by the EAPA-SA Branch.
- 3.2. EAPA-SA members recognise the boundaries of their own competence and do not attempt to provide services for which they do not have an appropriate preparation or specialist qualification.
- 3.3. EAPA-SA members take all reasonable steps to ensure that their qualifications or capabilities are not misrepresented by others and to correct any such misrepresentation.
- 3.4. EAPA-SA members refrain from practice when their physical, emotional or psychological condition, whether as a result of alcohol, drugs, illness, personal stress or other condition which would impair their abilities and or professional judgement.
- 3.5. EAPA-SA members who are in violation of this Code are subject to termination of membership or other appropriate action if they:
  - 3.5.1. Are expelled from or disciplined by other professional organisations;
  - 3.5.2. Disciplined by professional regulatory bodies;
  - 3.5.3. Fail to co-operate at any point from the inception of an ethical complaint through the proceedings of that complaint;
  - 3.5.4. Receive a conviction for criminal behaviour arising from their professional work;
  - 3.5.5. Engage in conduct which could lead to a conviction relating to their professional work.

#### **4. Record Keeping**

- 4.1. EAPA-SA Standards for Employee Assistance Programmes in South Africa, referring to confidentiality and record keeping must be followed in the generation, transmittal, storage and disposal of client records.
- 4.2. Client records should contain only information that is directly related to and necessary for the provision of service. Any record should be done on an informed-client basis.
- 4.3. Information in a client's record is privileged and will be maintained in a confidential and professional manner. Each entry should be accurate, timely, complete and related directly to services to the client. EAPA-SA members will be mindful of the potential effect of client information kept on record. This information will be secured by lock and key and kept separate from other files. All records are to be kept for a minimum of six (6) years after the closure of a case or as dictated by South African Law. After the minimum time has passed client files should be destroyed or archived.
- 4.4. The information should be accurate and free from speculation or value judgements about the client, the work organisation or others.
- 4.5. Information contained in records should be disclosed only with the client's consent and only to those named in the written consent.
- 4.6. It is considered best practice to allow clients to view their own records if this is requested.
- 4.7. EAPA-SA members must take all reasonable steps to safeguard the security of any records they make, including those on computer. Where they have limited control over access to records they make, discretion must be exercised over the information entered on the records, particularly identifying information.
- 4.8. Disposal of records must be undertaken in a manner to ensure complete confidentiality as required by professional standards and law.



## **5. Client Protection**

- 5.1. EAPA-SA members must naturally operate within the Constitution of the Republic of South Africa with regard to non-discrimination as outlined in the Employment Equity Act of 1998.
- 5.2. All research should conform to national and international standards in that it safeguards the welfare of research participants.
- 5.3. Members should not give or receive financial consideration for referring clients to particular therapists or treatment programmes.

## **6. Hiring**

- 6.1. EAPA-SA members strive to abide by the principle of equal treatment for all. They shall take all reasonable steps to promote equality of opportunity in all aspects of the provision of Employee Assistance Programmes.
- 6.2. EAPA-SA members shall not discriminate against employing persons and act within the Constitution of the Republic of South Africa as outlined in the Employment Equity Act of 1998.
- 6.3. All policies and procedures pertaining to employment are reviewed to ensure compliance with the stated equal opportunities policy and with current legislation.
- 6.4. When contracting or sub-contracting services, EAP professionals shall ensure that the contractor has and abides by an equal opportunities policy.

## **7. Business Practices**

- 7.1. EAPA-SA members believe in the fair use and encouragement of competition.  
EAPA-SA encourages all types of fair and reasonable competition between different programmes for the same end use.
- 7.2. EAPA-SA members will conduct supplier/vendor relationships so that there are no personal obligations, actual or implied, which might affect business decisions in awarding the business.
- 7.3. EAPA-SA members will conduct supplier/vendor relationships so that there are no personal obligations, actual or implied, which might affect business decisions in awarding the business.
- 7.4. EAPA-SA members must consider their professional conduct relating to the business of their EAP. Although some areas may not apply to certain EAP models, many EAP professionals must avoid fraudulent or misleading practices in:
  - 7.4.1. Representation.
  - 7.4.2. Sales.
  - 7.4.3. Competition
  - 7.4.4. Advertising.
  - 7.4.5. All general business practices and operations.
- 7.5. Members must minimally expect that their professional conduct will not harm others, both in the field and in the community. EAPA-SA members should strive to:
  - 7.5.1. Exert their positions but not at the expense of others.
  - 7.5.2. Conduct themselves fairly and their service must be delivered as agreed to.
  - 7.5.3. Contribute to the betterment of others in the field.
  - 7.5.4. Protect the anonymity and confidentiality of clients.
  - 7.5.5. Conduct themselves in a manner which maintains and enhances the image and integrity of professional EAP provision.

## 8. Complaints Procedure

Under the terms of the EAPA-SA Code of Ethics, the Board (or any Chapter) is required to investigate complaints about EAPA-SA and Chapter members.

### 8.1. Complaints Processing

- 8.1.1. All complaints in South Africa will be brought before the nearest Chapter Executive Committee, unless a conflict of interest exists prohibiting the processing of the complaints. In these circumstances, the complaints may be passed to the Executive Committee of the EAPA-SA Board.
- 8.1.2. When the Chapter Executive Committee reaches finality on a complaint, the matter is closed. The complainant or respondent may appeal that decision in the first instance to the EAPA-SA Board Executive and thereafter to the EAPA-SA Board. All appeals will be based only on the information provided initially to the Board's Executive Committee – appeals will not involve a new investigation or hearing. The EAPA Ethics Committee in the USA is the last appeal and will make the final decisions (subject to approval by the EAPA Board of Directors in the USA).
- 8.1.3. Where a complaint is processed by the EAPA Ethics Committee in the USA, any appeal would be directed to the EAPA Board of Directors.
- 8.1.4. Investigatory Procedure
  - 8.1.4.1. Any complaint that is made must be in writing and must be submitted to the Chapter Chairperson.
  - 8.1.4.2. Upon receipt of the complaint, the Chairperson shall nominate a senior and experienced member of the Chapter to conduct an initial investigation. The purpose of this investigation will be to determine whether the allegation is justified. The investigating officer will provide the respondent with the complaint letter and invite a written response within thirty (30) days.
  - 8.1.4.3. If the investigating officer decides that the complaint must be investigated, the Chapter Chairperson will appoint the chairperson of the Disciplinary Committee. Together they will form a panel of a minimum of four (4) and not more than six (6) members. One of these will be the investigating officer and the other, the Chairperson of the Committee.

- 8.1.4.4. Although the EAPA-SA President may not be a member of the Disciplinary Committee, it is his/her responsibility to ensure that no member of the Committee has a conflict of interest in the investigation.
- 8.1.5. Conducting a Disciplinary Investigation
  - 8.1.5.1. The investigating officer will present to the Committee such information as is available and relevant. The complainant and the respondent will both be invited to separate parts of the hearing and are allowed to present further evidence in writing if they wish. The respondent may be accompanied at the hearing by one other person.
  - 8.1.5.2. The responsibility of the Disciplinary Committee is to decide whether or not the respondent is guilty of professional misconduct under the EAPA-SA Code of Ethics or the EAPA-SA Constitution.
  - 8.1.5.3. All investigations will be conducted in a way to eliminate any:
    - 8.1.5.3.1. Negligence in the review process.
    - 8.1.5.3.2. Breach of confidentiality.
    - 8.1.5.3.3. Conflict of interest.
    - 8.1.5.3.4. Defamation – libel/slander.
  - 8.1.5.4. If the Disciplinary Committee finds someone guilty, one or more of the following actions may be taken:
    - 8.1.5.4.1. The member is reprimanded or severely reprimanded.
    - 8.1.5.4.2. The member may be requested to give an undertaking to refrain from continuing or repeating the offending conduct.
    - 8.1.5.4.3. The member may be suspended from EAPA-SA for no more than two (2) years.
    - 8.1.5.4.4. The member may be suspended from EAPA Inc. for no more than two (2) years.
    - 8.1.5.4.5. The member may be expelled from EAPA-SA or EAPA Inc. or both.
- 8.1.6. All disciplinary matters should be dealt with in a constructive and conciliatory manner, rather than following a punitive approach.