



Employee Assistance Professionals Association of South Africa:
an association for professionals in Employee Assistance Programmes
EAPA-SA, PO Box 11167, Hatfield, 0028

Code of Ethics for Employee Assistance Programmes in South Africa

EAPA South Africa Branch

3rd Edition: 2015

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Preamble

The Employee Assistance Professionals Association of South Africa (EAPA-SA) is a recognised and respected professional association. It holds to exceptionally high standards, quality of training and professionalism among its members. In order to maintain this reputation, the EAPA-SA members should maintain a lifelong ethical approach.

In a competitive global environment, members are bound to encounter situations that test their ethical judgment and integrity. Should this arise, our members can use the EAPA-SA Code of Ethics as a useful guide to carrying out their ethical responsibilities to their clients.

The Employee Assistance Professionals Association of South Africa is therefore proud to publish its third edition of the *EAPA-SA Code of Professional Ethics* as a benefit to all its members.

Tinyiko Chabalala

EAPA-SA President

Isaac Koto

Chairperson Governance Committee

Glossary of terms

In this Code of Ethics for EAPA-SA, the following expressions have specific meanings assigned to them, unless the context indicates otherwise;

- **EAPA-SA:** Employee Assistance Professionals Association of South Africa.
- **Board:** The duly elected Board of the South African Branch of the EAPA.
- **Client:** A person, a group of people or an organisation using the EAP-SA services, which are offered at either the Board or the Chapter level and/or from various categories of members of the EAPA-SA.
- **Code :** EAPA-SA Code of Ethics
- **Member:** There are various categories of members as described in the EAPA-SA constitution.

1. Introduction

- 1.1. The Employee Assistance Professionals Association of South Africa (EAPA-SA) Board, in consultation with its membership, has adopted the EAPA Code of Ethics with a view to contextualising the document for the benefit and use of all its members in the Republic of South Africa.
- 1.2. The Code therefore serves as a set of rules and standards according to which EAPA-SA members can conduct their professional behaviour. It seeks to assist, guide and direct all the members with ethical deliberations, choices, decisions and conduct.
- 1.3. The Code of Ethics is based on the key activities, standards, goals and values of the Employee Assistance field.
- 1.4. This document does not supersede or replace the EAPA-SA regulatory documents and will therefore be read in conjunction with the Constitution, By-laws and Standards document.
- 1.5. This document does not attempt to cover every situation in which a member may encounter professional ethical issues, prescribing the way in which the member should respond. Instead, it adopts a value system, focusing on the fundamental professional and ethical principles at the heart of proper professional behaviour, which members must therefore follow.
- 1.6. Members should note that disciplinary action may be taken for non-compliance with this Code when a member's conduct is considered prejudicial to their status as a member or to reflect adversely on the reputation of the Employee Assistance Profession and of EAPA-SA.
- 1.7. This Code was revised in 2015 by the Governance Committee, and approved by the Board, to come into effect on 15 July 2015.

2. Applicability of the EAPA-SA Code of Ethics

The EAPA-SA Code of Ethics serves as a guide to professional conduct for all designated and non-designated EAPA-SA members:

- 2.1. Student members;
- 2.2. Employee Assistance Programme (EAP) service providers;
- 2.3. Employee Assistance practitioners;
- 2.4. Employee Assistance professionals;
- 2.5. EAP-related service providers.

3. Legislative Mandate

- 3.1. This Code is based on the laws effective in the Republic of South Africa, with which members are expected to comply as a minimum requirement. Members working or living in foreign countries are expected to know and apply the laws of those particular countries.
- 3.2. While this Code refers to legal issues, it does not claim to give definitive legal advice or to cover every situation, nor does it highlight every legal issue that members may need to consider. Members who encounter problems in relation to legal concerns are counselled to seek their own legal advice.
- 3.3. Members should note that, if they are also a member of a statutory body, there may be differences in some areas between the professional and ethical conduct requirements of the different bodies. If there are differences, members should follow the more stringent provision.

4. Values

The foundation of the Employee Assistance profession is based on its values, which are the fundamental beliefs that guide and motivate both members' behaviour and the decision-making process. The Association's values are:

4.1. Innovation

To preserve and continue to enhance the standards and trends of the profession.

4.2. Leadership

To lead the field with demonstrated achievements.

4.3. Mentorship

To support practitioners and professionals.

4.4. Development

To enhance the development of individuals and organisations.

4.5. Transformation:

To support and promote black economic empowerment and equity in the profession.

These values are the foundation of the EAPA-SA Code of Professional Ethics.

5. Ethical principles

This Code sets out nine ethical principles that guide the conduct of EAPA-SA members, who must comply with these at all times in the execution of their professional duties:

- Confidentiality;
- Professional responsibility;
- Professional competency;
- Professional development;
- Record-keeping;
- Client protection;
- Staffing;
- Business practice;

- Professional relationships;
- Neutrality;
- Timely intervention;
- Conflict of interest.

5.1. Confidentiality

The principle of confidentiality refers to the ethical duty on the part of EAPA-SA members to safeguard information entrusted to them by clients with whom they have a professional relationship. This includes the obligation to protect information from unauthorized access, disclosure, modification, loss or theft.

5.1.1. Intent:

5.1.1.1. To protect clients' Constitutional right to privacy.

5.1.1.2. To ensure openness and the development of trust between EAPA-SA members and their clients.

5.1.2. Guidelines:

A member shall:

5.1.2.1. Fully inform clients of their rights regarding the scope and limitations of confidentiality prior to undertaking formal professional and business transactions;

5.1.2.2. Define for the client prior to and during the process of rendering professional services the purpose of collecting personal information, recording, storing, disseminating and destroying it.

5.1.2.3. Refrain from using the client's personal information collected for purposes other than the initial purpose as explained to the client.

5.1.2.4. Obtain written informed consent from the client prior to the disclosure or release of the client's information to a third party, unless the member;

(a) has made a professional judgment that there is an imminent or actual risk to the physical well-being of the client or others, and that the disclosure of such information would minimise or eliminate the risk;

(b) has been subpoenaed to appear before a legally recognised court or judicial commission of enquiry whereby the member will be expected to disclose the client's personal information;

(c) is working in an interdisciplinary team or under professional supervision and such a disclosure is deemed to be in the client's own interests.

(d) is occupationally obliged to disseminate a report or information about the client as part of managerial/supervisory referral, and consultancy process. Information to be disclosed will be limited to;

- i. the client's biographical data;
- ii. the client's response to the treatment plan;
- iii. the dates and duration of the intervention;
- iv. the recommendations to the referring agent.
- v. Confirmation of attendance at EAP session(s). This clause may also be applicable in the case of self-referral or non-managerial referral.

5.1.2.5. Unless otherwise prohibited by law or unless such an act would aggravate the risk to physical well-being, a member must always act in the best interest of the client by courteously and timeously informing the client that the information is about to be disclosed, even if the client's approval is not necessarily required.

5.1.2.6. Where practically possible, the member must consult with his or her senior prior to taking any action contemplated in paragraphs 5.1.2.1 to 5.1.2.6.

5.2. Professional responsibility

Professional responsibility represents an area of practice in the employee assistance profession whereby members are expected, as professionals, to be accountable for the consequences of their actions and decisions.

5.2.1. Intent:

5.2.1.1. To oblige members to undertake and embrace responsibility to the Employee Assistance profession, the clients and society.

5.2.2. Guidelines

Each member shall:

5.2.2.1. Serve the best interest of the clients, research respondents or participants, employers and society and will protect them against any harm arising from an EAP-related engagement.

5.2.2.2. Undertake the responsibility of obtaining adequate and appropriate professional indemnity cover for potential claims against him/her arising from professional work.

5.2.2.3. Demonstrate behaviour that upholds the public trust in EAPA-SA.

5.2.2.4. Make reasonable judgments when rendering professional services.

5.2.2.5. Question policies and practices that conflict with the EAPA-SA Standards, the Code of Ethics, the Constitution, the By-laws or any applicable laws of the Republic of South Africa.

5.2.2.6. Report to EAPA-SA any perceived and/or real unethical behaviour.

5.2.2.7. Contribute to, create or maintain professional practice environments.

5.2.2.8. Seek assistance when necessary.

5.4 Professional competence

Professional competence refers to the ability of EAPA-SA members to act and perform their duties diligently in accordance with the required level of technical skills, knowledge and professional standards.

5.4.1. Intent

5.4.1.1. To maintain the abilities, skills and knowledge necessary to provide competent professional services.

5.4.2. Guidelines

Members shall;

5.4.2.1. Be proficient in the application of their knowledge of work organisations, EAP policy, and administration, as well as clinical, non-clinical and preventative services.

5.4.2.2. Execute his/her duties in a professional and competent manner and maintain professional standards when performing his/her duties to enhance service delivery.

5.4.2.3. Conspicuously display a valid EAPA-SA registration certificate in his/her office of practice.

5.4.2.4. Recognise the boundaries of their own competence and desist from providing services for which they do not have appropriate preparation or a specialist qualification.

5.4.2.5. Seek and use all the appropriate organisational resources in resolving clients' work performance problems to meet the objective of the employee's return to emotional health and productivity.

5.4.2.6. Take all reasonable precautions to ensure that his/her qualifications or capabilities are not misrepresented or falsified by others and take measures to correct any such misrepresentation.

5.4.2.7. Refrain from practice when their physical, emotional or psychological condition, whether as a result of alcohol, drugs, illness, personal stress or other conditions, would impair their abilities and/or professional judgement; and

5.4.2.8. Assist other members in seeking treatment should such members' functioning be impaired.

5.5. Professional Development

Professional development embodies activities that develop and maintain the capabilities of professional members in performing competently in their professional environment.

5.5.1. Intent:

5.5.1.1. To ensure that clients receive competent professional services based on current developments in practice, technology and legislation.

5.5.2. Guidelines

A member shall;

5.5.2.1. Participate in continuing education and professional training programmes that might be taking place at the Chapter or Board level or at any other appropriate level.

5.5.2.2. Accept the responsibility of attending ongoing training and self-development throughout his/her career;

5.5.2.3. Attend EAP-related professional conferences and training programmes to remain abreast of new developments that may influence their work.

5.5.2.4. Develop, use and maintain networks and contacts with other EAP practitioners or professionals locally and internationally as well as with other professionals.

5.5.2.5. Conduct scientific research, write and publish scholarly articles on EAP and other related matters in various media.

5.5. Record-Keeping

4.4.1. The principle of record-keeping relates to a systematic procedure by which the EAP-related records are created, maintained and disposed.

4.4.2. Intent

4.4.2.1. To safeguard the confidentiality and integrity of information kept as EAP records.

4.4.2.2. To ensure the quality of services and the continuity of care for clients.

4.4.3. Guidelines:

A member shall;

- (a) Take professional responsibility for clients' records in their possession or under their control.
- (b) Take appropriate technical and organisational measures to prevent loss, damage, destruction, unlawful creation, maintenance, access, and dissemination of records in their possession or under their control.
- (c) Establish and maintain appropriate measures to safeguard against any risks identified.
- (d) Ensure that the safeguards are continually updated in response to new risks.

- (e) Pay due attention to generally accepted information security practices and procedures which may apply to or be required in terms of specific industry or professional rules and laws pertaining to information management.
- (f) Always ensure that clients' records contain only the information that is directly related to and necessary for the provision of service. The information entered on the records, particularly identifying information, must be treated with discretion.
- (g) Comply with the EAPA-SA Standards for Employee Assistance Programmes in South Africa that refer to confidentiality. Record-keeping must be maintained at all times when it comes to the generation, transmittal, storage and disposal of client records.
- (h) Be mindful of the potential effect of client information kept on record.
- (i) Secure EAP records under lock and key, and keep them separately from other files.
- (j) Retain EAP records for a minimum of five (5) years after the closure of a case or as dictated by South African law. After the minimum period has elapsed, client files should be destroyed or archived.
- (k) Ensure that information contained in the records is accurate and free from speculation or value judgements about the client, the work organisation or others.
- (l) Ensure that information contained in records is disclosed only with the client's consent and only to those named in the written consent.
- (m) It is considered best practice to allow clients to view their own records should they request such access.
- (n) Undertake the disposal of records ensuring complete confidentiality as required by professional standards and law.

- (o) Take reasonably practicable steps to ensure that records kept are complete and accurate, are not misleading and are updated whenever necessary.

5.6. Client protection

This relates to efforts to ensure fair, responsible and transparent professional services to clients.

5.6.1. Intent

- 5.6.1.1. Members are to put the interest of the client first in all professional activities.
- 5.6.1.2. To protect the client from unfair EAP-related trade practices.

5.6.2. Guidelines

A member shall:

- 5.6.2.1. Naturally operate within the Constitution of the Republic of South Africa and other applicable laws.
- 5.6.2.2. Not discriminate against a client on account of race, colour, ethnicity, religion, national origin, culture, marital status, education, political affiliation, disability, gender or sexual orientation and/or age.
- 5.6.2.3. Ensure that their relationship with clients is built on trust and non-exploitation.
- 5.6.2.4. Be polite, helpful and reasonably accessible in his/her dealings with the public, at all times treating members of the public as clients who are entitled to receive high standards of service;
- 5.6.2.5. Not engage in intimate conduct with a client for a period of no less than five years from the last date of EAP service.

5.6.2.6. Make full disclosure to their individual clients and client organizations regarding the functions and purposes of their Employee Assistance Programme.

5.6.2.7. Not use his/her official position to give or obtain private gifts and benefits for him / her self during the performance of official duties other than those officially contracted.

5.6.2.8. Not use or disclose any official information or clients' confidential information for personal gain or that of others.

5.7. Staffing

5.7.1. The principle of staffing relates to practices stemming from the EAP-SA standards; EAP members are to follow all the legal frameworks for staffing.

5.7.2. Intent:

5.7.2.1 To promote quality and equality.

5.7.2.2. The elimination of unfair discrimination in the recruitment and employment within the EAP profession or enterprises.

5.7.3. Guidelines

A member shall:

5.7.3.1 Participate in fair practices in employment and act within the Constitution of the Republic of South Africa and all applicable labour laws. However, various levels of experience, education, certification and credentialing are required.

5.7.3.2. Ensure that policies and procedures pertaining to employment are reviewed to ensure compliance with the stated equal opportunities policy and with current legislation.

5.7.3.3. When contracting or sub-contracting services, EAP members must ensure that the contractor has and abides by an equal opportunities policy, and furthermore that they are trained in and understand EAP practice.

5.8. Business practice

5.8.1. This principle refers to the standards of conduct designed to guide practices associated with EAP business.

5.8.2. Intent

5.8.2.1. To promote ethical management of EAP enterprises to:

5.8.2.2. Protect and promote the integrity of the EAP profession;

5.8.2.3. Ensure optimisation of the economic, environmental and social benefit of the society where such an enterprise operates.

5.8.3. Guidelines

A member shall

5.8.3.1. Conduct his/her EAP business in compliance with all the applicable regulatory frameworks for enterprises of all types and sizes to ensure

- (a) innovation,
- (b) stability,
- (c) good governance,
- (d) confidence,
- (e) international competitiveness,
- (f) growth,
- (g) employment.

- 5.8.3.2. Conduct supplier/vendor relationships without personal obligations, actual or implied, which might affect business decisions in awarding the business.
- 5.8.3.3. Be honest and accountable in dealing with employers, clients, Boards, public funds and other resources.
- 5.8.3.4. Consider their professional conduct relating to their EAP business by avoiding fraudulent or misleading practices in:
 - (a) Representation;
 - (b) Sales;
 - (c) Competition;
 - (d) Advertising;
 - (e) All general business practices and operations.
- 5.8.4. Be mindful of the economic, environmental and social impact of their business in society.
- 5.8.5. Not use EAPA-SA property for personal purposes or private business gain.
- 5.8.6. Ensure that his/her professional conduct will not harm others, in either the field or in the community.

5.9. Professional relations amongst members

- 5.9.2. This principles is concerned with the proper conduct to be exhibited by EAPA-SA members in their professional interactions as EAPA-SA members and/or with other members.

5.9.3. Intent

- 5.9.3.1. To foster the spirit of professional cooperation amongst members and other professionals for the benefit of clients.

5.9.4. Guidelines

A member shall

5.9.4.1. Work with and respect other professionals in pursuit of the highest levels of service quality possible for all clients.

5.9.4.2. Refrain from publicly speaking ill of colleagues or other professionals.

5.9.4.3. Avoid unwarranted negative criticism of other members, which may include the following demeaning comments that refer to a member's;

- (a) Academic credentials;
- (b) Competency level;
- (c) Skill;
- (d) Race;
- (e) Gender;
- (f) Ethnicity;
- (g) Sexual preferences;
- (h) Age;
- (i) Marital status;
- (j) Disability;
- (k) Political affiliation;.
- (l) Religious and cultural practices.

5.9.4.4. Not make a client or customer doubt the knowledge or skills of colleagues by making comments about them that cannot be fully justified.

5.9.4.5. Maintain professional relationships with colleagues at all times in order to protect the integrity and image of the profession.

5.9.4.6. Not take over a client from another member if he/she is aware that such client is under active treatment by another member, unless he/she

- (a) takes reasonable steps to inform the other member that he/she has taken over the client at the latter's request; and

- (b) ascertains from the other member what treatment the client has previously received.

5.9.4.7. A member shall not impede a client, or, in the case of a minor, the parent or guardian of the minor, from obtaining the opinion of another member or from being treated by another member.

5.9.4.8. Highlight and make attempts to resolve any ethical issues emanating from an interdisciplinary team using the available organisational channels.

5.10. Objectivity

5.10.1. The objectivity principles relate to the obligation imposed on all members not to compromise their professional judgment because of bias or negative influence by others.

5.10.2. Intent

- (a) To maintain the stakeholders' confidence in EAPA-SA members and all the associated services offered by members.

5.10.3. Guidelines

A member shall;

- (a) Maintain objectivity at all times, regardless of the services rendered or the capacity of the professional functioning.
- (b) Refrain from taking sides in conflicts or engaging at any given time in controversies of a political, racial, cultural, ethnical, religious or ideological nature.
- (c) Refrain from performing a professional service if a circumstance or relationship biases or unduly influences this/her professional judgement with respect to that service.

5.11. Timely Intervention

5.11.1. For the purposes of this Code of Ethics, timely intervention relates to the provision of prompt professional services to customers.

5.11.2. Intent:

To minimise disruptions in customers' personal lives and/or business if they need contracted EAP services from members of EAPA-SA.

5.11.3. Guidelines

A member shall

- (a) Be punctual in carrying out his/her professional duties;
- (b) Put measures in place to ensure the early detection and resolution of customers' challenges;
- (c) Adhere to contracted turn-around time-frames for delivering professional services.
- (d) Within the legal limits, respond promptly to requests for contracted professional services in cases where there is a risk to life.

6. Violation of the code of ethics

6.1. Failure by any EAPA-SA member to comply with the ethical conduct determined in this Code of Ethics will constitute an act or omission in respect of which the Board may take disciplinary steps.

6.2. Notwithstanding section 6.1. of this Code of Ethics, a member may be regarded as being in violation of the Code if he/she finds themselves under one or more of these circumstances:

- (a) Dismissed from or disciplined by other professional organisations;
- (b) Disciplined by professional regulatory bodies;
- (c) Failed to co-operate at any point from the inception of an ethical complaint through the proceedings for that complaint;

- (d) Received a conviction for criminal behaviour arising from any professional work which may include fraud.

7. Procedure for complaints

- 7.1. Any person who has genuine or apparent knowledge of any violation of the Code of Ethics by any EAPA-SA member can lay a complaint with the Board.
- 7.2. All complaints must be submitted in writing to the President or the person delegated to receive the complaint at either the Chapter or the Board level.
- 7.3. The President will acknowledge receipt of the complaint within five days, explaining the process that will be followed to deal with the complain

7.4. Investigation procedure

- 7.4.1. The President will appoint a Disciplinary Committee constituted by a panel of a minimum of four (4) but not more than six (6) members. One of these will be the Chairperson of the Committee.
- 7.4.2. 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.

7.5. Conducting a disciplinary investigation

- 7.5.1. 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.

7.5.2. The complainant and the respondent will both be invited to separate parts of the hearing and will be allowed to present further evidence in writing, if they wish. The respondent may be accompanied during the hearing by one other person

7.5.3. All investigations will be conducted in such a way as to eliminate any:

- 7.5.3.1. Negligence in the review process;
- 7.5.3.2. Breach of confidentiality;
- 7.5.3.3. Conflict of interest;
- 7.5.3.4. Defamation – libel / slander.

7.5.4. If the Disciplinary Committee finds someone guilty, one or more of the following actions may be taken:

7.5.4.1. The member may be reprimanded or severely reprimanded in one of the following forms:

- (a) Verbal
- (b) Written.

7.5.4.2. The member may be requested to give an undertaking to refrain from continuing or repeating the offending conduct.

7.5.4.3. The member may be suspended from EAPA-SA for no more than two (2) years.

7.5.4.4. The member may be suspended from the EAPA Inc. for no more than two (2) years.

7.5.4.5. The member may be dismissed from the EAPA-SA or EAPA Inc., or both.

7.5.4.6. All disciplinary matters should be dealt with in a constructive and conciliatory manner, rather than following a punitive approach.

8. The appeal process

- 8.1. When the Disciplinary Committee has reached finality on a complaint, the matter is closed.
- 8.2. The complainant or respondent may appeal the decision, in the first instance to the EAPA-SA Executive Committee.
- 8.3. All appeals must be based only on the information provided initially to the Board's Executive Committee. Appeals will not involve a new investigation or hearing.
- 8.4. The EAPA Ethics Committee in the USA is the last place of appeal and will make the final decisions (subject to approval by the EAPA Board of Directors in the USA).

9. Ethical Decision-Making Guide

- 9.1. Members are often faced with situations which require sound ethical decision-making ability. Determining the appropriate course to take when faced with a difficult ethical dilemma can be a challenge. To assist EAPA-SA members in meeting this challenge, the Board has developed a guide to ethical decision-making.
- 9.2. The intention of this guide is to offer a framework for sound ethical decision-making which members can utilize as they address ethical questions in their work. To make a sound ethical decision, EAPA-SA is advised to follow the sequential eight-step guide as follows:
 - (a) Gather all the facts about the situation.
 - (b) Identify and define the problem or ethical dilemma.
 - (c) Identify and consider all the affected stakeholders.
 - (d) Define the potential consequences.
 - (e) Identify the obligations which will be organisational, legal or professional.
 - (f) Generate potential courses of action.
 - (g) Evaluate the potential consequences of the chosen action.
 - (h) Implement the course of action.

ETHICS TASK TEAM

President: Mr Tinyiko Chabalala

President Elect: Ms Thiloshni Govender

Immediate Past President: Mr Tshifhiwa Mamaila

Governance: Mr Isaac Koto

Membership & Chapter Development Dr Pravesh Bhoodram

Finances: Mr Kelly Manzini

EAPA-SA acknowledges..... for the printing of this document.