

The book cover features a dark blue background with several diagonal stripes in lighter shades of blue and green. Scattered across the cover are several smooth, rounded stones in various colors: orange, green, blue, red, and yellow. The stones are arranged in a somewhat grid-like pattern, with some partially cut off by the edges of the frame.

Derek Truscott
Kenneth H. Crook

**Ethics for the
Practice of Psychology
in Canada**

Revised and Expanded Edition

Ethics for the Practice of Psychology in Canada

Revised and Expanded Edition

Derek Truscott
Kenneth H. Crook



An Imprint of The University of Alberta Press

Published by

The University of Alberta Press
Ring House 2
Edmonton, Alberta, Canada T6G 2E1
www.uap.ualberta.ca

Copyright © 2013 Derek Truscott and Kenneth H. Crook

LIBRARY AND ARCHIVES CANADA CATALOGUING IN PUBLICATION

Truscott, Derek, 1959—
Ethics for the practice of psychology in Canada / Derek Truscott, Kenneth H. Crook. —
Rev. and expanded ed.

Includes bibliographical references and index.

Issued also in electronic formats.

ISBN 978-0-88864-652-1

1. Psychologists—Professional ethics—Canada. 2. Psychology—Moral and ethical aspects—
Canada. I. Crook, Kenneth H., 1960— II. Title.

BF76.4.T78 2013

174'.915

C2013-901859-X

First edition, first printing, 2013.

Printed and bound in Canada by Houghton Boston Printers, Saskatoon, Saskatchewan.

Copyediting and proofreading by Joanne Muzak.

Indexing by Elizabeth Macfie.

All rights reserved. No part of this publication may be produced, stored in a retrieval system, or transmitted in any form or by any means (electronic, mechanical, photocopying, recording, or otherwise) without prior written consent. Contact the University of Alberta Press for further details.

The University of Alberta Press is committed to protecting our natural environment. As part of our efforts, this book is printed on Enviro Paper: it contains 100% post-consumer recycled fibres and is acid- and chlorine-free.

The University of Alberta Press gratefully acknowledges the support received for its publishing program from The Canada Council for the Arts. The University of Alberta Press also gratefully acknowledges the financial support of the Government of Canada through the Canada Book Fund (CBF) and the Government of Alberta through the Alberta Multimedia Development Fund (AMDF) for its publishing activities.

Canada



Canada Council
for the Arts

Conseil des Arts
du Canada

Alberta

**Ethics for the
Practice of Psychology
in Canada**

Dedicated with love to Alexandra and Sara

Preface

I approach the writing of this edition with deeply mixed emotions. Delight that the first was well-received and that the wonderful University of Alberta Press agreed to publish a second. Sadness that my dearest friend Ken Crook is no longer alive to write it with me.

Born with haemophilia, Ken was precociously aware of his mortality. My awakening occurred one spring day as we sat together in my convertible sports car quaffing root beer at our local drive-in restaurant. While I was worrying about how best to squander an idle summer, Ken turned and said, "I've exceeded my life expectancy." He was seventeen. Even after learning how the blood product that had extended his life would end it by infecting him HIV and hepatitis C, he persisted in living deliberately and well. When his declining health made it impossible to continue a brilliant legal career, he applied himself to collaborating with me on the first edition of this book. Having fully lived his forty-seven years, Ken died at home in Victoria, British Columbia on March 9, 2008.

Ken is an indelible part of this book. I have retained that which remains relevant from what we wrote together and only made changes to update and extend the first edition.

Changes From the First Edition

The Canadian Psychological Association's Canadian Code of Ethics for Psychologists remains unchanged, reflecting an absence of pressing issues. There have been no significant legal decisions affecting psychologists either, although those of importance have been incorporated into this edition. The federal Agreement on Internal Trade has necessitated changes to provincial and territorial entrance requirements to make it easier for psychologists registered in one jurisdiction to

practice in another, however, and I have therefore made extensive revisions to the chapter on professional standards (Chapter 2). The agreement also articulates core competencies in ethics, which include research ethics—something not covered in the first edition—so I have added a chapter on the topic (Chapter 11).

During this period of relative calm, I continued to teach, practice, and study professional ethics. Wanting *Ethics for the Practice of Psychology in Canada, Revised and Expanded Edition* to reflect how ethics is actually taught, I reviewed all of the syllabi of all of the graduate programs in Canada. Many included objectives for students to gain awareness of their personal motives and biases. To learn how to facilitate such ethical self-knowledge, I went to the literature on moral development, where I discovered that professional training (medicine, law, education, etc.) tends to be associated with a deterioration toward being more rule-bound (Rest & Narváez, 1994). With this unsettling information rattling around in my brain, I carried on serving as an expert and consultant in matters of professional ethics and misconduct. There I came to appreciate that unethical actions rarely result from ignorance of our duties or of the likely consequences of our actions. I also learned that efforts to prevent or resolve unethical actions are largely ineffective without consideration of the psychologist's motivation and the interpersonal circumstances of the situation.

The line formed by these realizations pointed me toward the person of the psychologist and the important role of nonrational reasoning. In response, I have made some rather significant additions to this edition. Specifically, I have supplemented the previous edition's ethics of duty (deontology) and consequence (teleology) with the ethics of motivation (virtue) and circumstance (relational). They are discussed at length in the substantially revised and expanded chapters on ethical systems (Chapter 1) and ethical decision making (Chapter 4), and the other chapters are now organized around these four ethical systems.

Additional ethical case studies have also been included in each chapter. This was done because exposure to ethical dilemmas is the only pedagogical intervention that has been demonstrated to facilitate moral development. Finally, each chapter now has a reflective journal task to provide an opportunity for gaining awareness of personal motives and biases relevant to being ethical.

The appendices provided in the first edition are not included in this edition because all of that information is now easily accessible online. The Canadian Code of Ethics for Psychologists and professional guidelines are available directly from the Canadian Psychological Association (www.cpa.ca) and the rest (provincial and territorial standards and guidelines) are available via www.DerekTruscott.com.

Aims of This Edition

Ethics for the Practice of Psychology in Canada, Revised and Expanded Edition is written primarily for students in professional psychology graduate programs. The thorough grounding in ethical systems, professional standards, legal expectations, and ethical decision making, as well as comprehensive coverage of the issues that present psychologists with ethical challenges—consent, confidentiality, competence, boundaries, cultures, social justice, and research—makes it ideal for use as the main text for courses in professional ethics or professional issues, as well as for anyone preparing to practice in Canada. This edition will also serve more experienced psychologists seeking to maintain or enhance their ethical practice.

Being an ethical psychologist requires ethical awareness and knowledge, the ability to reason ethically, and the motivation and courage to act ethically. The aims of this book, therefore, are to:

- increase knowledge of ethical, legal, and professional expectations of psychologists;
- raise awareness of ethical issues in psychological practice;
- promote ethical decision-making skills and the ability to resolve ethical dilemmas; and
- foster development of a professional ethical identity.

It is my intention that *Ethics for the Practice of Psychology in Canada* be useful to you in becoming or in helping others to be an ethical psychologist. I welcome any comments you might want to share about this book and your experience of being ethical or teaching ethics. I promise to consider them thoughtfully and to incorporate any constructive feedback that I can if I have the opportunity to write a third edition. You are invited to visit my website at www.DerekTruscott.com where you can find my contact information as well as Internet links to additional ethical and regulatory information.

Acknowledgements

Derek thanks the many students for sharing their ethical challenges, questions, and answers, and Jacqueline Leighton for providing a scholarly environment conducive to teaching and learning. To Jim Evans and Steve Knish he owes a debt of gratitude he can never repay for the countless hours of good talk—this book is a testament to their support. Ken's thanks continue to the partners at Alexander, Holburn, Beaudin and Lang, and in particular to Michael P. Ragona, QC, Jo Ann Carmichael, QC, and Terry Vos, and to their law librarian Susan Daly. As do his thanks to Drs. W.E. Cooper and J. Vortel, without whose very different contributions this book would not have been possible.

Linda Cameron, Peter Midgley, Mary Lou Roy, Alan Brownoff, and Cathie Crooks of the University of Alberta Press provided much-needed and much-appreciated encouragement, guidance, and talent. Joanne Muzak, copyeditor extraordinaire, is responsible for making this book better (and not for any of its faults). Beth Macfie deserves thanks for the thankless job of indexing. Kevin Zak produced an engaging design that, as well as being beautiful, actually helps readers make sense of the information contained in this book. Finally, Diane Zanier has earned heartfelt gratitude for serving as a critical, compassionate and indefatigable reader of innumerable drafts of the manuscript.

We are indebted to Alexandra Kinkaide and Stan Whitsett for providing much of the material in "Anatomy of a Complaint," Chapter 2.

Introduction

While the vast majority of psychologists enter the profession because they want to help people and would therefore not intentionally harm those they come into contact with, such good intentions are not sufficient to navigate the myriad of ethical challenges inherent in professional practice. Psychologists can be ignorant of the ethical standards of the profession; be unaware of the existence of an ethical quandary; not know what to do despite adequate knowledge and awareness; lack the fortitude to do what they know is right; and even resist doing what they know they should. It is for these reasons that proficiency in professional ethics is a core competency for the practice of psychology in all jurisdictions across Canada. And it is also why this book was written.

Defining Ethics

Ethics is the analysis and determination of how people ought to act when judged against a system of *values*. Values are concepts of what is good—such as honesty and generosity—that are affirmed, and what is bad—such as greed and cruelty—that are repudiated in both thought and action. Values do not prescribe specific behaviours or outcomes. As such, ethics are fundamentally *aspirational* in nature and focus on the highest ideals of human awareness, intentions, reasoning, and behaviour. The field of professional ethics deals with clarifying the core set of related values of the profession, applying them to the resolution of problematic issues, and demarcating acceptable and unacceptable professional behaviour.

Ethics differ from *morality*, which is vaguely defined in its common use. Philosophers use morality to refer to an assessment of whether a person's actions are right or wrong when judged against a system of ethics. Ironically, the common usage of the concept of morality is almost the complete opposite of how philosophers use it. In common parlance, morality is used to refer to whether or

not a person has firm personal convictions of right and wrong, often grounded in religious dogma. Some standards, such as “behave with integrity,” are almost universally shared across individuals who are referred to as highly moral, but how these standards are interpreted and acted upon tends to vary considerably. For our purposes, we will refer to morality when an individual's personal sense of right and wrong is at issue, and we will refer to ethics when discussing professional standards and expectations of right and wrong.

Ethics are enacted via ethical systems, which ought to have four main features: 1) they are based on *principles* that are valued by individuals; 2) the principles have *universality* in that they are applicable to all individuals under similar circumstances; 3) appropriate actions can be deduced by individuals from the principles by *reasoning*; and 4) the resulting actions are likely to produce *outcomes* desired by all individuals. Two important facts are worth noting at this point. First, no system of ethics yet developed perfectly embodies all four of these features. Second, no code of professional ethics represents a pure ethical system. All existing codes are some combination of ethics, professional standards, and legal expectations. Thus, professional psychologists are operating from an imperfect system for guiding their decisions and actions. Despite these imperfections; psychologists' code of ethics can provide useful guidance for professional behaviour when supplemented by a thorough grounding in professional ethics.

DESCRIPTIVE VERSUS PRESCRIPTIVE ETHICS

Ethics can be *descriptive* of what members of a group *actually* do and believe, and they can be *prescriptive* of what those members *ought* to do and believe. Most codes of professional ethics attempt to strike a balance between description and prescription so that they represent the shared values of the profession while also upholding high ethical standards. Such a balance, however, is not an easy one to make, and the development and revision of a code of ethics can be quite problematic. If a professional body attempts to align its codes of ethics too closely with its practitioners' majority opinion, it may simply not be ethical enough. That is, many professionals may be acting in ways that would not be considered ethical when judged against any known system of ethics. Also, purely descriptive codes of ethics would have to be updated with some regularity, not necessarily in response to the ethical development of practitioners, but because of changing societal and professional attitudes. The uncertainty resulting from such fluctuations would also make knowing what to do as professionals much more difficult, and do nothing to help individual psychologists be more ethical.

If, on the other hand, a professional code of ethics is too prescriptive, it must, by design, reflect the opinion of a minority. Given the politics of writing and

revising ethics codes, this minority is typically the most vociferous or influential members of the profession and not necessarily the most ethical (See Pope, 2011a, for an example from the US context). Such a code—whether ethically well-informed or not—risks reflecting values so discrepant from those of the typical professional that it will be ignored or rejected. Also, proponents of an overly prescriptive professional code can become so committed to their own assumptions about what is valued that any opposing views are suppressed, resulting in a code of ethics that inspires fear rather than allegiance. None of these circumstances are in the best interest of furthering ethical behaviour.

ETHICS VERSUS PRACTICE STANDARDS VERSUS LAW

While codes of ethics for psychologists typically contain statements prescribing and proscribing particular conduct, these do not properly belong in an ethical code (see Chapter 1). Such statements belong in professional standards and law. *Practice standards* (see Chapter 2) attempt to codify ethical values in the form of behavioural criteria that are consistent with legal expectations (see Chapter 3). Ideally, all practice standards should be consistent with and indeed follow from the Code of Ethics. Practice standards contain descriptions of minimally acceptable behaviour on the part of professionals and are intended to function as enforceable rules of conduct. The rules are definitive, prescriptive and proscriptive. They are the standards against which are judged a psychologist's actions (or failure to act) in such settings as disciplinary hearings.

From time to time, professional psychology groups develop *practice guidelines*. These usually address specialty areas of practice or circumstances that present particular challenges to ethical behaviour. As such, they also tend to exist within an historical context and can become dated or even irrelevant with the passage of time. Guidelines attempt to integrate specialized knowledge in the area of practice into common professional awareness and bridge the gap between the Code of Ethics and standards of practice. They are therefore typically a combination of prescriptive standards and aspirational values.

The *law* deals with minimum acceptable standards of behaviour for members of a society—the “dos and don'ts” of civilized life. Laws relating to professionals deal primarily with regulatory matters, principally around standards for admission into the profession. All Canadian jurisdictions (with the exception of the Yukon) have enacted legislation that identifies professional ethical codes and standards as delineating what society can reasonably expect of a psychologist (see Chapter 2). This statutory recognition, in turn, tends to be closely followed by the courts when making legal decisions in particular cases. More will be said about this in Chapter 3.

Since ethical codes and practice standards are developed by the profession, and legal expectations represent the values of a larger group (i.e., Canadian society), there will be times when professional ethics and standards are not completely congruent with the law. While such situations are rare, they can be particularly vexatious. Fortunately, with regard to most professional activities the law assumes that professional ethics codes and practice standards are appropriate and sufficient, and the courts are therefore very reluctant to contradict them. That is, the law generally attempts to follow psychologists' ethics, and this is where we should turn first for guidance. In fact, any amendments to professional codes and standards in the form of "except where required by law" have the effect of diluting their force and should normally be avoided. This is especially true with regard to case law that are very dependent on circumstances of the case in question and may not generalize to how psychologists (or anyone else) ought to behave in general or in other circumstances.

Being Ethical

The subject of professional ethics is often perceived by the layperson as a set of behavioural rules dealing with what to do and what not to do under certain circumstances. Knowledge of these rules, combined with knowledge of the general laws pertaining to the area should be enough to prevent the practitioner from going astray. Under this view, a book consisting of the Codes of Ethics, standards of practice, and Canadian law relating to the profession of psychology would be sufficient. While such a book could be a worthwhile contribution, it would be of use only if ethics were a static subject that could be reduced to the application of rules delineating what is right and what is wrong for all of the ethical challenges that psychologists face. It is not, however—ethical standards and expectations evolve and change. The ethical psychologist must be willing to do likewise.

KNOWLEDGE AND SKILLS

The uniqueness of each encounter between psychologist and client can be described in a vast—essentially infinite—number of ways. Taking a strictly rule-based approach to ethics would entail consideration of so many different combinations of variables that the number of required rules would be bewildering. Each professional circumstance, even if described by only a few possible attributes, becomes effectively unique. Even if it was possible to develop a system of categorizing relevant ethical variables, it would create an impractical situation for professionals who would have to learn almost as many ethical rules as there are professional situations. Fortunately, rules can serve a useful function in professional ethics. Ethical, professional, and legal rules can guide us in those

commonly encountered situations where a consensus exists for how to act, such as avoiding exploitive relationships with clients (see Chapter 8).

In consideration of the fact that codes of ethics and standards of practice cannot account for every circumstance, a considerable amount of latitude is left to the judgement of the professional. This is as it should be because ethical behaviour is the product of decisions made by psychologists acting within the complexity of the context of professional practice. A model for ethical decision making is therefore presented in Chapter 4 that provides you with the skills for ethical reasoning to arrive at a justifiable course of action. An important aspect of these skills is the ability to articulate how a decision was reached. With this we move from merely knowing the difference between what is right and what is wrong to being able to convey the path of reason used to arrive at a decision.

AWARENESS AND CHARACTER

In addition to knowledge and skills, psychologists are expected to be aware of ethically challenging situations. This is so that we can anticipate that ethical reasoning is required and are thereby at least somewhat prepared. Knowing that situations involving consent, confidentiality, and professional boundaries, among others, are prone to be ethically troublesome helps us to be alert to potential problems and forearmed with possible solutions.

Ultimately, no degree of awareness can substitute for the active process of behaving ethically. We must be willing to engage in the struggle of unique circumstances, conflicting motivations, multiple responsibilities, and dire consequences that our profession entails. Psychologists can actually get away with many unethical and even illegal practices if they choose to do so—the risk of being caught and prosecuted is quite minimal. Doing so, however, would be inconsistent with a truly professional identity. Having chosen to enter a profession, and upon being admitted to it, one becomes the recipient of the privileges, status, and prestige that the profession affords. This creates a responsibility that is ethical in nature. It is, in very important ways, greater than the ethical responsibility incurred by someone who sells a product, for example, because what psychologists provide cannot be touched, weighed, or measured. This additional level of responsibility manifests itself in requiring us as professionals to have the courage to do what is right, even—and especially—when it is difficult to do so.

These attributes are very personal in nature and are not acquired in the same way that knowledge and skills are. Self-reflection, focusing on our character, is the best way to foster such attributes. In particular, attention should be devoted to developing self-awareness of personal motives that promote or interfere with ethical behaviour.

Getting the Most Out of This Book

To obtain maximum benefit from this book, I invite you to seek to be 1) sceptical without becoming cynical—rejecting no fact or opinion impetuously because it might be enlightening, and 2) open without becoming gullible—accepting no fact or opinion uncritically because it might be misleading. Above all, I encourage you to develop informed opinions, even if you're unsure of your ideas. This requires that you actively engage in the process of learning.

Learning occurs when you take in information, think about it, and make sense of it in light of what you already know. This may involve assimilating new information into existing knowledge, rejecting it for good reason and thereby confirming already established knowledge, or changing held beliefs in the face of compelling facts or arguments. Learning also involves seeing how, where, and when to apply new information. At its best, learning transforms who we are and how we relate to the world around us.

DISCUSSION QUESTIONS

Discussion questions are included at the end of each chapter primarily for classroom use and can, of course, also be used as prompts for personal consideration. They are not designed to have a right or wrong answer. They are opportunities for you to rehearse what you have learned, argue different points of view, and generally integrate new learning with your existing knowledge. By actively striving to form your own informed opinion, you will learn the material in a manner that supplements what can be achieved through passively reading. Here are a few questions for you to consider now:

1. Do you think that ethics can be taught? Or is it a matter of how you were raised and the experiences you had? Explain.
2. Are people fundamentally good, or evil? Asked another way, do we need to be kept in check through external controls, or provided opportunities to express our virtuous nature?

REFLECTIVE JOURNALING

At the end of each chapter you are invited to add to your own reflective journal. Reflective journaling is an opportunity to facilitate your development as an ethical psychologist. The intent is to challenge you to think about your personal values and motives that may interfere with or promote ethical reasoning and action. You can use journaling to make explicit your implicit beliefs on a range of ethical matters. It can be an opportunity to tease out your assumptions and critically examine them. This is a crucial aspect of your ethical self. To truly be an ethical psychologist

requires a deep and thorough processing of the information presented in the pages of this book and how it relates to your personal and professional life. Reflective journaling allows you an opportunity to process the experiences, thoughts, questions, ideas, and conclusions central to your ethical development.

If you find writing to be rather difficult or unappealing, you may choose to create an audio or video journal, or some other method for recording your process. Whatever you choose, find a way that works for you. You might also want to keep a pen and paper or other recording medium at the ready while you are reading this book so that you can record your impressions while they are fresh, particularly with regard to the ethical case studies (discussed below). Your immediate reactions can be a good source of information about your ethical self, and so making a note of them before they are lost is a good strategy. You can later incorporate these impressions in your journaling.

Most people find that where they write affects the quality of their reflective journaling. It is probably best to choose a place with minimal distractions and where you feel at ease. Some like silence; some like quiet music. Many find that it helps to get words flowing by doing their journaling outside—experiencing something greater than ourselves often seems to open our hearts and minds. Journaling during certain times of the day might also work well for you. Some write every morning as the sun rises, while others pull out paper and pen while dinner bubbles on the stove (or “nukes” in the microwave). Regardless of when you do it, most people find that setting aside a regular time is important to help establish a habit. If you’re not sure what’s right for you, experiment until you find a routine that works.

There is no correct way to begin a reflective journal—just write as you are thinking. It seems to work best to not be in a hurry. Setting aside at least twenty minutes is preferable because it can take a while to settle into a flow of writing. Don’t worry if words are misspelled or if it doesn’t look neat—this has no bearing on facilitating your development. Our thoughts are usually a non-linear jumble of impressions, words, feelings, and images, so if we write honestly, our writing will not be particularly logical. Indeed, the process of putting our subjective experience into a linear, grammatical form is an important part of what makes journaling so effective.

By way of introduction, begin your journal with recording an autobiographical sketch of your moral development. Who are or were the people in your life who most influenced your values and beliefs about right and wrong? What is the nature of their influence? For most of us, our parents and early family environment was very important, although often in ways of which we are not completely conscious. To what extent can you readily articulate your core moral values? For

others, the moral beliefs of our families were quite explicit; perhaps a parent was a judge or an educator, or professed deeply held religious beliefs, for example. Even in these instances, the expressed views of these individuals were often not completely congruent with their behaviours. If this is the case for you, how has it influenced your moral beliefs? To what extent do you find that your values are congruent with your actions? Have there been pivotal events in your life that have influenced your sense of right and wrong? What important choices have you made, for instance, and how do they reflect your moral values? Are there trends in your actions and values, or a few (or even one) that stands out? What overall tendencies do you discern? How easy or difficult have you found this exercise, and what does this tell you about your moral development? Take as much time as you need to write down your responses to these and any other questions that occur to you.

ETHICAL CASE STUDIES

At the beginning and end of each chapter you will find ethical case studies dealing with issues related to that chapter. They are included to provide you with opportunities for enhancing your ethical awareness and practicing ethical decision making. These cases are derived from real events and disguised as necessary to protect the identity of those involved. As such, they do not represent any actual person or situation and any resemblance is purely coincidental. The only exceptions are legal cases distilled from public documents. The case studies therefore represent realistic, complex, and sometimes confusing situations that psychologists encounter in their practice. They tend not to have simple answers, nor necessarily be completely resolvable. In fact, they are chosen for precisely these qualities. While they do not embody all of the ethical issues discussed in the chapter in which they appear, they are intended to stimulate your ethical development by prompting you to struggle with ethical dilemmas that are not easily resolved. As Arthur Schlesinger Jr. (1949) wrote, "Problems will always torment us, because all important problems are insoluble: that is why they are important. The good comes from the continuing struggle to try and solve them, not from the vain hope of their solution" (p. 254).

To enhance the benefit to be gained by struggling to try and solve the cases, you are encouraged to place yourself in the role of the protagonist. That is, rather than saying, "The psychologist should do this and not do that," try, "I think I would do this and not do that." By thoughtfully and earnestly grappling with the challenge the cases present, you will maximize your learning and development.

You should try not to worry too much about how little you may know about the ethics, laws, and professional standards applicable to each case. You will learn