

THE CONSCIENCE CLAUSE FOR SCIENTISTS AND ENGINEERS: THE RIGHT TO BE RESPONSIBLE

A Draft Convention Presented to the
International Labour Organization (ILO)

Conscience clause for scientists and engineers: the right to be responsible

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THE GOALS

An international convention that seeks to:

- Recognize the intellectual honesty of salaried scientists and engineers by entitling them to disclose serious wrongdoings when such acts are committed deliberately and repeatedly in breach of the greater good.
- Guarantee both company and employee confidentiality by virtue of independent bodies able to confirm the veracity of any allegations.
- Entitle scientists and engineers to the right to be responsible and to the right to defend the best interest of society and, thus, to safeguard societal respect for their professions.

THE EVENT

An international seminar in Geneva that aims to:

- Launch an international debate by bringing together interested member countries of the International Labour Organization (ILO), trade union and employer delegates to the ILO, and representatives from the scientific and engineering communities.
- Convince economic and political decision-makers of the need for a conscience clause so as to successfully harness science and new technologies.

THE ARCHITECTS AND ORGANIZERS

Association for the Promotion of Scientific Accountable Behaviour (APSAB)

- APSAB organizes international forums on scientific and engineering-related issues and is responsible for the scientific and administrative aspects of the conscience clause. Frédéric Piguet, a geographer by profession, acts as the executive secretary of APSAB.

Fondation science et conscience de l'homme (FSC)

- The FSC seeks to promote the democratic use of science and to strike a North-South balance in research that respects different forms of knowledge. The association focuses on the legal aspects of the conscience clause, while also overseeing the project as a whole. Henri-Philippe Sambuc, an attorney-at-law, presides over the FSC.

Conscience clause for scientists and engineers: the right to be responsible

An international convention that gives scientists and engineers the right to be responsible

The conscience clause will recognize the intellectual honesty of salaried scientists and engineers by entitling them to disclose serious wrongdoings when such acts are committed deliberately and repeatedly in breach of the greater good.

Today the pressure is such that even intellectual honesty, the foundation of the Western economic system of knowledge, is now being challenged. This is the crux of the accusation published in September 2001 in 13 internationally recognized scientific journals, including The Lancet and The Journal of the American Medical Association, demanding that funding sources be cited alongside studies.

The conscience clause aims to protect scientists and engineers who disclose the deliberate and continuous commission of wrongful acts that violate interests which are internationally recognized as worthy of protection.

The conscience clause will guarantee both company and employee confidentiality by virtue of independent bodies able to confirm the veracity of any allegations.

An independent body will verify the veracity of any allegations to prevent a company from being publicly accused of wrongdoing without reason. At the same time, it will protect informants, ensuring that the company will compensate them for any harm they may suffer as a result of their actions.

The authorities will be permitted to prosecute those who deliberately and repeatedly commit wrongful acts.

If the information disclosed reveals that serious wrongdoing was committed deliberately and repeatedly, a case will be presented to the authorities, and independent bodies or non governmental organizations specializing in the field in question will be entitled to take action. In any case, the different interests at stake should be carefully considered.

The conscience clause will safeguard societal respect for scientists and engineers, who often shoulder the responsibility for work that is determined by others and, in doing so, undermine public esteem for their profession.

It is generally held that the most highly educated and cultured people should bear greater responsibility when a tragedy occurs. This is particularly true of scientists and engineers who are now carrying the burden of this legal and moral principle.

The conscience clause aims to entitle scientists and engineers to the right to be responsible and to the right to defend the best interest of society and, thus, to restore their image in the public eye.

Conscience clause for scientists and engineers: the right to be responsible

A Meeting between Representatives from the Scientific and Engineering Communities and the International Labour Organization (ILO)

(Scheduled for spring 2003 in Geneva, Switzerland)

Seminar Goals:

- i) To launch an international debate by bringing together interested member countries of the International Labour Organization (ILO), trade union and employer delegates to the ILO, and representatives from the scientific and engineering communities.
- ii) To convince decision-makers of the need for a conscience clause to monitor science and new technologies.

Salaried Scientists and Engineers are involved.

Peer approval of scientific and technological discoveries naturally occurs at the international level because, in the end, it is at this level that these major discoveries are recognized. For this reason, it is fitting that an international convention establishing a conscience clause for salaried scientists and engineers be set forth by an organization such as the ILO.

Representatives from Civil Society and from International Organizations will work together.

The following parties will be invited:

- i) States (represented by their ministries of labour, science and technology, and the environment)
- ii) Employer associations
- iii) Trade unions
- iv) Representatives from the ILO
- v) Other international organizations

For Civil Society:

- i) Representatives from scientific and engineering associations
- ii) Experts on legal principles that are most similar to the conscience clause (i.e. whistle-blowing, protected disclosure, qui tam status, the right to notify, and the right to withhold labour)
- iii) Representatives from scientific journals

A conference aimed at sparking debate and inspiring reflection
at the international level

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Draft conscience clause for scientists and engineers

Definition

The conscience clause entitles anyone working for a public or private organization (*hereafter known as the Organization*) to report to an independent body in the country where the enterprise or headquarters is located concerning all activities undertaken in a ongoing and deliberate manner in breach of :

- The precautionary principle
- Public health
- The environment
- Ethical and professional codes regarding scientific research and technological production

Confidentiality

The independent body shall guarantee that the information provided and the informant's identity remain confidential.

Protection of the informant

Informants shall be provided with judicial compensation by the Organization or administrative compensation by the State for any harm they may have suffered as a result of information given when such information actually constitutes a violation of the points mentioned above.

Prosecution

The enterprise at fault shall be held liable if the case presented by the informant is well-founded. Similarly, any member entity of the Organization cognizant of these ongoing and grave acts shall be liable to prosecution individually.

Non-governmental organizations

Non-governmental organizations specializing in these matters or defending parties that act in accordance with their conscience are entitled to lodge a complaint in civil or criminal court.

Immunity from prosecution

The informant's anonymity shall be assured, and s/he shall not be held legally or civilly liable when the accusation was made on justifiable grounds.

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