

# Code of Conduct

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## **Guidelines for Professional Ethical Practice for FSP Members (Code of Conduct)**

### **Preamble**

The aim of this Code of Conduct is to ensure ethical practice and the quality of services in psychology, to promote trust between psychologists and their clients and/or patients, to maintain the reputation of the psychology professions and to protect the public against the abuse of psychology (Art. 2 para. 2 FSP Statutes).

Psychologists apply their psychological know-how to the field of human experience and human behaviour in a variety of contexts and are constantly expanding it. Their work includes the performance of consultancy services, assistance, psychotherapy, diagnostics, expert opinions as well as teaching and research. The aim of their work is to promote the mental health and well-being of the individual and to contribute to improving living conditions. As experts for the psychological issues affecting the individual, psychologists carry a particular responsibility for the individuals who are entrusted to their care.

This Code of Conduct protects the rights and the integrity of all the people involved in any form of psychology work and of those who are directly affected by it. It applies in particular to clients or patients who use psychology services, to participants in graduate, postgraduate, further and continuous professional psychology training, as well as to psychology researchers.

This Code of Conduct is binding on psychologists. They are required to base their professional practice on the ethical standards contained herein. By joining the FSP, each member undertakes to comply with this Code of Conduct. In the event of any breach against this Code of Conduct, a complaint may be filed with the FSP against the member concerned. The members and boards of the FSP shall ensure that the content and scope of this Code of Conduct are made known.

This Code of Conduct is based on the professional ethical principles of the European Federation of Psychologists' Associations (EFPA): respect for the dignity and rights of the individual, competence, responsibility and integrity.<sup>1</sup> Based on these ethical principles, this Code of Conduct contains four parts: introductory provisions on the scope of application of this Code of Conduct and on its relationship with other directives (1<sup>st</sup> part), general rules of conduct applicable in all areas of psychology work (2<sup>nd</sup> part), special rules for certain kinds of psychology work and professions (3<sup>rd</sup> part), and final provisions on the procedure in the event of breaches against this Code of Conduct and its entry into force (4<sup>th</sup> part).

The FSP offers advice and assistance to its members on questions of ethical conduct. It has issued complaint rules which make provision for the handling of complaints lodged against members as a result of breaches against this Code of Conduct.

### **Ethical Principles**

These principles of professional ethical practice are based on the *Meta Code of Ethics* of the *European Federation of Psychologists' Associations EFPA* which is the foundation for the following provisions of this Code of Conduct.

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<sup>1</sup> European Federation of Psychologists' Associations EFPA: Meta-Code of Ethics, Granada 2005 (see [www.efpa.eu](http://www.efpa.eu) > Ethics).

## **1. Respect for the dignity and the rights of the individual**

Members shall respect and protect the fundamental rights, the dignity and the worth of the individual. They shall in particular respect the individual's right to autonomy and self-determination, to confidentiality and to the private sphere.

## **2. Competence**

Members shall ensure and maintain the highest possible standard of competence in their psychology work. They shall be aware of the limits to their competence, to their professional knowledge and to their capabilities. Accordingly, they shall only use the procedures, methods and techniques for which they are qualified as a result of graduate or postgraduate, further or continuous training, or based on experience.

## **3. Responsibility**

Members are aware of their professional responsibility to their clients, patients, colleagues and to society in general. They shall avoid causing damage and shall be responsible for their actions.

## **4. Integrity**

Members shall show integrity in the exercise of their profession, whether in the area of practice, teaching or research. They shall conduct themselves in a respectful, fair and reliable manner. They shall explain their professional function to concerned individuals and act in accordance therewith.

# **1<sup>st</sup> part**

## **Introductory provisions**

### **Art. 1 Scope of application**

This Code of Conduct is binding on all members of the FSP to the extent they work in psychology or their conduct may affect their work as a psychologist.

### **Art. 2 Relationship with codes of conduct of member associations**

If the Code of Conduct of the FSP does not make provision for a question and if the code of conduct of the member association of the affected member does provide for an answer, it shall apply on a secondary basis.

In the event of any inconsistency between the code of conduct of a member association and the Code of Conduct of the FSP, then the latter shall prevail.

### **Art. 3 Relationship with legislation**

Federal legislation and cantonal legislation shall prevail over this Code of Conduct.

The main laws include in particular:

#### *Fundamental and human rights*

- The federal constitution of the Swiss confederation of 18 April 1999 (SR<sup>2</sup> 101), Fundamental Rights
- The convention of 4 November 1950 for the protection of human rights and fundamental freedoms, now the European convention on human rights (ECHR; SR 0.101)
- The convention of 4 April 1997 for the protection of human rights and dignity of the human being with regard to the application of biology and medicine (Convention on human rights and biomedicine; SR 0.810.2)

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<sup>2</sup> Systematic collection of federal law, siehe [www.admin.ch](http://www.admin.ch).

- Convention of 20 November 1989 on the rights of the child (UN Convention on the rights of the child; SR 0.107)

*Law on professions*

- Federal act of 18 March 2011 on professions in psychology (act on professions in psychology, PsyG; SR ...)<sup>3</sup>
- Swiss Penal Code of 21 December 1937 (SPC; SR 311.0), namely Art. 321 and 321<sup>bis</sup> (professional secrecy)
- Swiss Civil Code of December 10, 1907 (SCC; SR 210)
- Federal act of 19 June 1992 on data protection (DSG; SR 235.1) and cantonal data protection legislation
- Federal act of 30 March 1911 concerning the addition to the Swiss Civil Code (Fifth Part: Swiss Code of Obligations [SCO]; SR 220)
- Federal act of 19 December 1986 on unfair competition (UWG; SR 241)
- Federal act of 13 March 1964 on employment in industry, trade and commerce (employment act, ArG; SR 822.11)
- Federal act on research on human subjects (Humanforschungsgesetz, HFG; SR ...)<sup>4</sup>
- Cantonal health laws

## **2<sup>nd</sup> Part**

### **General rules on professional practice**

On the basis of professional ethical principles, all the members of the FSP are obliged to comply with the following general rules in their professional practice.

#### ***2.1 Duties of care, competencies and handling ethical disputes***

##### **Art. 4 Duties of care**

Members shall exercise their profession with care and conscientiously.

Members shall prevent foreseeable and avoidable damage from occurring. They shall endeavour to avoid any abusive use of their services.

Members shall take all necessary action in the event of an existing or imminent threat to their professional practice.

##### **Art. 5 Competencies**

Members shall, acting on their own professional responsibility, provide only those services for which they have the necessary knowledge and skills as a result of their graduate, post-graduate, further or continuous training, or experience.

If a member lacks the necessary knowledge or skills, they shall refuse to take on the work or refer the client or patient to a professional having the appropriate qualifications, subject to an emergency.

Members are obliged to undergo continuous training in accordance with the rules on continuous training.

##### **Art. 6 Handling ethical disputes**

Members shall endeavour to timely identify ethical disputes and shall seek solutions on the basis of a careful weighing of the assets and interests concerned.

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<sup>3</sup> Applicable from the time of entry into force of the act.

<sup>4</sup> Applicable from the time of entry into force of the act.

In case of doubt regarding professional ethical conduct, or if such conduct is inconsistent with legislation or other binding rules, members can obtain advice from the Professional Ethics Commission (PEC).

Members are entitled to report doubtful professional ethical conduct concerning other members to the PEC of the FSP. Members shall refrain from making unfounded accusations and accusations which are not based on clear suspicions.

## **2.2 Structuring relationships between people**

### **a. General rights and obligations**

#### **Art. 7 Contractual freedom**

Members are free to accept or refuse to work for clients or patients, subject to employment law obligations, measures ordered by the authorities or judiciary, and emergency situations.

Member shall not impose their services. They shall abstain from making any unrealistic promises regarding successful outcomes of treatment, advice or otherwise.

#### **Art. 8 Prohibition against discrimination**

Members may not in their professional practice discriminate against anyone, namely as a result of their gender, age, disability, race, origin, social status, way of life or their religious or world views.

Members shall endeavour to prevent discriminatory conduct from occurring within their sphere of influence.

#### **Art. 9 Prohibition on abusive relationships**

Members must not abuse the relationships that arise in the context of their professional practices. They shall in particular abstain from all forms of harassment, sexual or abusive conduct.

Members shall renounce any form of ideological or religious influence.

#### **Art. 10 Avoidance of conflicts of interest**

Members shall endeavour to avoid potential conflicts of interest. In particular they must refuse to provide their services if there is an actual or potential conflict of interest.

Members shall not enter into multiple relationships if they are likely to affect their professional judgment or conduct. A multiple relationship exists where the member, in addition to the professional relationship, has or intends to start a close non-professional relationship with a person or with anyone close to that person.

#### **Art. 11 Conduct with clients and patients**

Members shall always conduct themselves with clients or patients in a professional and proper manner.

Members shall indicate if they are acting on the instructions of third parties, particularly courts or authorities.

Members shall sufficiently explain to their clients or patients or their legal representatives, in a comprehensible and objective manner, in particular the type and extent of the intended diagnostic, therapeutic or other processes or methods.

Members shall conduct the explanatory meeting with the required care. They shall endeavour to avoid negatively affecting the client or patient unnecessarily.

## **Art. 12 Conduct with professional colleagues**

Members shall be loyal to their professional colleagues.

Members shall be fair and co-operative toward their colleagues, namely

- a) They shall treat their colleagues with respect and shall not express any unfounded criticism of their work;
- b) They shall not engage in unfair competition by for example actively enticing away clients or patients who are in a relationship contract with a colleague.

Members may confidentially advise a colleague if they have doubts about their colleague's professional ethical conduct.

Members are obliged to refer to the conciliation body of the FSP any disputes with other members due to un-co-operative behaviour before initiating civil or criminal proceedings.

## **Art. 13 Conduct with staff and trainees**

Members are obliged in their practice areas to offer adequate work conditions, legally conform written employment contracts and contractually conform training, to staff and trainees.

Furthermore, the provisions of the Swiss Code of Obligations and Swiss employment legislation (employment act and relevant special laws) shall apply.

## **Art. 14 Conduct with members of other professions**

Members shall conduct themselves with members of other professions in an open and co-operative fashion.

## ***2.3 Data protection, professional secrecy and documentation***

### **a. Data protection**

#### **Art. 15 Data protection conformity and data security**

The processing, namely the gathering, recording, use, safe-keeping or disclosure of personal data, specifically sensitive personal data regarding health or intimate matters, must be carried out in accordance with federal and cantonal laws.

Members must protect personal data, particularly on data carriers, against use and viewing by unauthorized persons.

### **b. Professional secrecy**

#### **Art. 16 Principle**

Members have a confidentiality obligation with regard to the information entrusted to them in the context of their professional work in psychology and which comes to their attention or knowledge.

The professional secrecy obligation of the members also applies to the people close to their clients or patients, colleagues and supervisors.

Members shall draw their staff's and auxiliaries' attention to their professional secrecy obligation and inform them accordingly in writing.

The professional secrecy obligation shall continue to exist after the expiry of the contract for so long as there is an interest in confidentiality being maintained. This shall also apply in the event of the death of the client or patient.

### **Art. 17 Exceptions to professional secrecy**

Members shall be released from professional secrecy with regard to colleagues, or other professionals, working at the same time with the same clients or patients, unless these decide otherwise. To the extent appropriate, the same shall apply to persons referring clients or patients.

Members shall also be released from professional secrecy with regard to supervisors, employees and auxiliaries who are involved in their psychology work either professionally or administratively.

In such cases, members shall be released from professional secrecy only insofar as necessary on professional and administrative grounds.

### **Art. 18 Disclosure of protected information**

Members may disclose information subject to professional secrecy only if demonstrable consent has been obtained from the client or patient, if a federal or cantonal law so requires, if the competent authority has released the member concerned from his professional secrecy or in an acute emergency situation.

Members may only disclose information that is absolutely necessary.

### **Art. 19 Additional use of protected information**

Members may further use the information subject to professional secrecy for didactic, statistical, research or publication purposes in anonymous form.

Information shall be deemed anonymous if inferences cannot be made as to actual clients or patients or would involve disproportionate time and effort.

## **c. Documentation**

### **Art. 20 Recording and storage**

Members must make sufficient recordings of the assessments they make and the measures they take in their psychology work.

The recordings must be kept for at least ten years.

### **Art. 21 Access to and distribution of files**

Clients or patients must be granted access to their file unless this is contrary to an overriding interest of a third party. Upon request, a copy of their file should be handed to them.

Members are prohibited from refusing access to the file or retaining the file copy, particularly due to non-payment of fees.

### **Art. 22 Recording on image and sound carriers**

Members may record sessions on image or sound carriers or let third parties listen to/view such recordings only after obtaining the prior consent of their clients or patients.

The statement of consent of the client or patient must contain information on the type, scope and intended purpose of the recordings.

## **2.4 Fees and gifts**

### **Art. 23 Agreement on fees and invoicing**

Members shall agree on fees with their clients or patients or their legal representation at their first meeting however no later than the first provision of services.

Clients or patients are entitled to a transparent and clear invoice and to a receipt if they pay cash.

#### **Art. 24 Acceptance of gifts**

Members shall adopt a reserved attitude when they receive gifts. They shall refuse gifts which are likely to affect their professional judgment.

## ***2.5 Professional designations and titles***

#### **Art. 25 Use of professional designations and titles in general**

Professional designations and titles, namely professional and post-graduate titles, as well as Swiss and foreign academic titles, must be used in accordance with federal and cantonal laws.

In particular, no false or deceptive professional designations and titles may be used.

#### **Art. 26 Use of professional designations and titles of the FSP**

Members are obliged to make proper use of the professional designations «Psychologist FSP», the professional title «specialist psychologist FSP» or other titles granted by the FSP. They shall comply with the corresponding provisions of the FSP.

The right to use professional designations and titles of the FSP shall expire immediately upon termination of membership with the FSP.

## ***2.6 Advertising and public presence***

#### **Art. 27 Advertising principles**

Members may advertise their work realistically and truthfully. They shall abstain from any form of forceful or deceptive advertising.

In particular, members must provide information about themselves, namely their career, their qualifications, partnerships and memberships, as well as their services. They may publish the practice openings, practice brochures, professional bodies or persons or make corresponding information available on personal websites and be included in listings.

References to concrete clients or to actual co-operative relationships are only allowed with the consent of the client or principal concerned. References to actual patients or to actual opinions drawn up by the member are prohibited.

Members procure that no third parties perform advertising for them which they themselves are prohibited from using.

#### **Art. 28 Public presence**

Members who appear in public, namely in lectures, radio or TV programs or on the internet, in an advisory capacity or to offer comments, shall base their statements on well-founded scientific knowledge or recognized psychology practice.

## **3<sup>rd</sup> Part**

# **Special rules for certain specific psychology work and professions**

In addition to the general rules of professional practice, the following specific rules apply to FSP members who perform any of the following psychology work or professions.

### ***3.1 Psychotherapy***

#### **Art. 29 Responsibility**

Members shall be solely responsible for the framework conditions in psychotherapy. The same shall apply to self awareness training of applicants in psychotherapeutic post-graduate training.

Members are obliged to terminate psychotherapy when they deem to their best knowledge and ability that patients no longer have any immediate need for it.

#### **Art. 30 Information**

Members shall sufficiently explain, comprehensibly and realistically, to their patients or their legal representatives in particular:

- a) the planned procedure or methods and the setting,
- b) any risks involved in the treatment and alternative treatments,
- c) the financial conditions, namely the fee or payments from the basic or additional voluntary insurance, and how missed sessions will be invoiced,
- d) professional secrecy.

They shall in particular clarify with patients the intended goals and the estimated duration of the treatment.

Members shall mention if they are working for a doctor on a delegated basis.

#### **Art. 31 Prohibition on abusive relationships**

Members may not abuse the special relationship of trust or dependency in psychotherapeutic relationships. Their responsibility for patients shall at all times take precedence over their own personal interests and they shall abstain from any form of sexual relationship, financial exploitation or ideological or religious influence.

The prohibition on abusive relationships shall continue to exist after the end of psychotherapy for an appropriate period in regard to concrete circumstances, but for at least two years.

### ***3.2 Psychological assistance and advice***

#### **Art. 32 Reference to provisions on psychotherapy**

If in a case of psychological assistance and advice there is a dependency relationship similar to the one in psychotherapy, members shall in addition to the general rules on professional practice apply the specific rules for psychotherapists.

### **3.3 Opinions and reports**

#### **Art. 33 Duty of care**

Members shall draw up opinions and reports on people with the greatest possible objectivity and scientific basis, care and conscience as well as in the required form and time limit. They shall do this with the awareness that opinions and reports on people may constitute exhibits which will be the basis for future decisions of the courts and authorities.

#### **Art. 34 Transparency and access**

Opinions and reports on people must be formulated in a manner which is comprehensible for the addressee.

Members may grant the people concerned access to the opinion or report only with the consent of the principal to the extent the principle and the person concerned are not the same. They must inform the person concerned in advance if the contract with the principle excludes such granting of access.

#### **Art. 35 Non genuine professional opinion reports and adopting a position on third party professional opinion reports**

Non genuine professional reports are unlawful.

Members may not have any opinion drawn up by a third party without their own involvement. They may take a position on a third party professional opinion report.

### **3.4 Research**

#### **Art. 36 Carrying out research projects**

Research projects may only be carried out in accordance with the provisions of federal and cantonal laws as well as the guidelines of the Swiss Psychology Society.

## **4<sup>th</sup> Part Final provisions**

#### **Art. 37 Implementation provisions**

The executive board may issue implementation provisions for certain activities namely for advertising or the drawing up of opinions and reports on people to the extent necessary having regard to proper ethical professional practice.

#### **Art. 38 Breach of provisions of the code of conduct**

If there is any breach of the code of conduct a complaint may be filed against the member concerned with the professional ethics commission (PEC) of the FSP, irrespective of any proceedings by state and judicial authorities. The PEC may also intervene of its own accord.

Members who are the subject of a complaint are required to assist the PEC in clarifying the facts, namely to provide the necessary information and to hand over requested documents. They shall endeavour to obtain a release from professional secrecy from their client or patient.

Any refusal to co-operate with the PEC or failure to follow its directives shall constitute a breach of the code of conduct and may be sanctioned.