

3. Ethics

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3.1. EATA Ethics Committee

EATA is the roof of the national Organisations. **Individuals are members through their National Organisation.** EATA members organisations should have their own ethics bodies. National associations solve themselves their problems. Therefore it makes sense for EATA Ethics Committee to offer assistance in ethic issues to the national associations. For instance if they need mediation for their process, if they do not have enough impartial persons to handle an ethical case, if they need help in building up an Ethics Committee, if they need advice and opinion.

This means, that EATA ethics committee has a similar role like the “process facilitator” who mediates in the exam processes. EATA ethics committee will work in a very close co-operation with the ethics bodies of the national association. So the work of EATA Ethics Committee shall be a work of mediation and consulting, not taking over the matter.

3.1.1. Competencies

The EATA Ethics Committee is the body with the task to **secure the proper implementation of the professional ethics guidelines** at the national association’s level.

EATA Ethics Committee focuses on **prevention and education**, like discussions on difficult themes, conference workshops, information and articles.

EATA Ethics Committee offers **assistance** to their members (national associations)

- if they need supervision, mediation, arbitration and or “external advice” for their process.
- if they don’t find enough unbiased people for to investigate a case.
- If they need support (and persons) to build up an ethics committee.

EATA Ethics Committee will also **confront** its members (national associations) in the case the process has not been clear or correct.

EATA Ethics Committee **is not** an appeal instance for the **content** of ethical cases.

EATA Ethics Committee is a **processes facilitating** instance in case of difficulties in handling ethical issues and can be contacted by any involved party.

Where for any reason this (mediation, arbitration) process failes and the two parties are not able to find a solution, EATA and National ethics committee should no more investigate. The parties are free to bring their case to the court.

Ethics Committee (national and EATA) will defer to the finding of the civil court and – if necessary – formulate sanctions (like despense, exclusion a.s.o.)

3.1.2. Job description.

EATA Ethics Committee

1. To be the professional body where a national association can refer and apply to in ethical cases to be supportive in ethical matters.
2. To prepare and submit proposals to the Council on ethical issues.
3. To be an appeal instance for EATA members associations and members in procedural issues.
4. Work out ethical principles and define exactly current principles.
5. The members of the committee shall keep up necessary confidentiality.
6. Contribute to and maintain confidence in the ethics of TA.
7. To maintain a communication with other authorities on ethical issues e.g. ITAA ethical committee and national associations.
8. Collect constitutional acts of associations in a file and keep it current.
9. Discuss and define ethical procedures and ethical guidelines and inform national associations.
10. Provide a guide for the membership to help in the implementation of an Equal Opportunities policy and the development of ethical and sensitive inter-cultural practice.
11. Provide Prevention concerning ethical issues.

3.2. EATA Code of ethics

The EATA Ethical Code is intended to act as a guideline for national organisations affiliated to EATA and for each EATA member. It is intended to help EATA members working in psychotherapy, counselling, organisational and educational fields to act ethically.¹ Each national association has the task of applying it coherently to the deontological national code. Furthermore, this Code informs the public about what behaviour they can expect in these contexts from members of this Association.

This code replaces all previous EATA codes of Ethics. All the norms of the “ethics norms (see 3.3.) are included inside, but in the new code of ethics the focus is on the criteria for professional ethical behaviour.

National organisations, affiliated to EATA, assume the EATA ethical code and use it as a frame of reference to analyse specific situations for its members. Each EATA member needs to conform to it in his or her practice. If this is not the case, the National Associations will formulate sanctions.

This Code is in three sections: the first section is an introduction to the Code pointing out the basic perspective about Ethics; the second section is the core of the Code and explains the definition of fundamental values and related ethical principles. The third section is an application of values and principles to practice.

3.2.1. Core Ethical Code (section 2)

Ethics is a discipline that makes explicit the basic values that facilitate the process of the consciousness of human beings.

Values come from an existential and philosophical view, are valid for everyone and contribute to the well-being of self and others. They are universal and transcend both cultural norms and the development of individual realizations.

Ethical principles are derived from values and indicate attitudes to assume in order to translate values into professional practice. Principles, because of their nature, need to be culturally interpreted. Some principles can be expressed in a different way in two different cultures. They are also valid for each person, directly or indirectly involved with that practitioner.

In this section specific values and ethical principles will be identified and defined. These values are essential for all healthy human development, both individually and interpersonally, and therefore may be considered as fundamental human rights. Therefore values, as declared in this Code, are congruent with the Universal Declaration of Human Rights².

Ethical principles are briefly defined. They need to be applied to practice by taking into account people directly or indirectly involved. Therefore, for each principle a list of the possible issues is indicated, that need to be addressed in order to behave ethically towards client, self as practitioner, trainees, colleagues, human environment/community.

2.1. Basic Values

Value means what is fundamental for the human beings to promote his/her personal development and fulfilment, and that of others. It includes reference to natural law that helps people to behave respectfully towards self and others. The following identified values are related to Human Rights, and are included in the Universal Declaration of Human Rights.

This frame of reference is also congruent with the existential and philosophical perspective in Transactional Analysis. Many values can be extrapolated, so the following list will not to be considered exhaustive by EATA members.

Considering the range of activities involved, the fundamental ones are:

*1. Dignity of human beings*³

² It was proclaimed on December 10, 1948 by the General Assembly of the United Nations in the Universal Declaration of Human Rights.

³ Arts.1, 2, 3 of the Universal Declaration of Human Rights, see appendix.

Each human being is of worth, regardless of sex, social position, religious creed, ethnic origin, physical or mental health, political beliefs, sexual orientation etc.

2. *Self-determination*⁴

Each individual is free to decide his or her own future within the national laws of their country and with due consideration of the needs of self and others. Each person can learn from their experience to be in charge of him/her self, whilst taking into account the nature of the world and the freedom of others.

3. *Health*⁵

Physical and mental stability is a right of every individual, and needs to be actively safeguarded.

4. *Security*⁶

Each person needs to be able to explore and grow in an environment that enables a sense of security.

5. *Mutuality*⁷

Each person, considering that he/she lives and grows in an interpersonal world, is mutually involved with the well being of others, developing interdependency with others in order to build their own and others' security.

These values are directly related to each other and will influence TA practitioners in their own professional practice.

2.2. Basic Ethical Principles

Because of the nature of values and their significance in human life, and in order to guarantee the respect and rights of each person, it is necessary to identify clear guidelines for behaviour, which are strictly linked to values. Ethical principles are derived from values and are intended as an indication of how to practice, in order to promote the well being, development and growth of a person. They are prescriptive and offer criteria for ethical behaviour.

Using values as the starting point, it is possible to determine a set of ethical principles. The principal ones are:

- *Respect*
- *Empowerment*

⁴ Arts.18, 19 of the Universal Declaration of Human Rights, see appendix.

⁵ Arts.24 and 25 of the Universal Declaration of Human Rights, see appendix.

⁶ Arts. 22 and 23 of the Universal Declaration of Human Rights, see appendix.

⁷ Art. 29 of the Universal Declaration of Human Rights see appendix.

- *Protection*
- *Responsibility*
- *Commitment in relationship*

Within the helping profession, ethical principles need to address many areas in order to influence ethical behaviour. The main principal ones are:

- Clients
- Self as practitioner
- Trainees
- Colleagues
- Human environment/Community

TA practitioners will consider each value and derived ethical principles, and self-reflect in order to decide what attitude to take, and how to behave in each of the mentioned areas. The practitioner will analyse any situation considering the influence of ethical principles on their practice, and choose behaviours that take into account a wide variety of factors e.g. client, self, environment etc.

After a brief definition of each ethical principle, there is a list that indicates points to address. This will enable a practitioner to evaluate a situation and take responsibility for their choices. Firstly, there are examples of good practice developed in response to that ethical principle. The list gives criteria that need to be assumed in TA practice. This is to stimulate the practitioner to question him/her self in order to translate principles into practice. It is not an exhaustive list and each practitioner will find their own response, looking at the five indicated targets. This will enable the practitioner to clarify the reasons for their behaviour.

1. *Respect* for each person as a human being, apart from any specific characteristic or quality.
 - *toward the clients: the practitioner fully considers and seeks to understand the personal perspectives of every individual. They will help the person to be congruent with their own perspective. The practitioner will provide their best possible services to the client. The practitioner provides a safe and professional environment and, being aware of the power of their position, is careful to create a trustable environment, avoiding any situation that is exploitative to anyone, etc..*
 - *toward self: the practitioner will take into account his/her own perspective/difficulties/preferences, and refer to other competent colleagues any client or situation that they are not willing or able to handle etc.*
 - *toward the trainees: the trainer, aware of the level of learning of the trainees, will give adequate support, provide all necessary learning resources and be open to address his/her own teaching style in order to attune to the learning needs of the trainee etc.*
 - *toward colleagues: the practitioner will maintain an awareness of the professionalism of colleagues and when there are concerns, will directly address them with the colleague. After listening to the response the practitioner will make an independent judgment on the issue etc.*

- toward the community: the practitioner will take into account the specific culture of their community, and will not seek to impose their own values etc.
2. *Empowerment* that emphasizes the importance of enhancing the growth of each person.
- toward the clients: practitioners commit themselves to work on developing the awareness in clients about their dignity, responsibility and rights; etc.
 - toward self: practitioners maintain ongoing education in their field of speciality to expand their knowledge and taking care of their professional and personal growth etc.
 - toward trainees: practitioners evaluate the competency of their trainees and enable them to develop their potential, growth and well-being etc.
 - toward colleagues: practitioners respect a colleague's contributions and create occasions to expand their professionalism, looking for sharing competences, instead of being jealous of their own discoveries etc.
 - toward the community: practitioners think in terms of wider well-being of the community, as well as the individual etc.
3. *Protection* implies taking care of both self and others (physically, mentally, etc.), bearing in mind the uniqueness and the worth of everyone.
- toward the clients: The practitioners offers adequate services to the clients providing a safe working environment (e.g. confidentiality, physical safety, informed consent for high-risk procedures), and holds an awareness of any destructive tendencies of the client. They will not enter into, or maintain, a professional contract where other activities or relationships might jeopardize the professional contract (G)⁸; they will maintain confidentiality even when the therapeutic relationship has ended (H), etc.;
 - toward self: Practitioners will take care of their own values and learning process, and will refuse to work in situations that involve conflicts with self, or that require a higher level of competence. They will take care of their own safety and decide to terminate the relationship with the client if the practitioner experiences any physical or mental condition that impairs their ability to work effectively and competently with the client (K) etc.
 - toward the trainees: Practitioners encourage trainees to recognize their own preferences and limits, in order to protect themselves and clients from inadequate or harmful interventions. They will stimulate trainees to take care of their personal and professional growth, looking at their personal styles and addressing personal issues that interfere with their own or other's safety etc.;
 - toward colleagues: Practitioners are willing to confront derogatory statements or actions by colleagues (B) etc.;
 - toward the community: they provide services to the clients in full compliance with the existing laws of the country (I) etc.;
4. *Responsibility* implies taking into account the consequences of our own actions as clients, trainers, therapists, supervisors, counsellors, etc.
- toward clients: Practitioners make clear contracts and resolve the professional relationship when the client is unable or unwilling to function autonomously and responsibly (E). They will not exploit the client in any manner (F) nor act in a way that causes intentional or deliberate harm to the client (C), etc.;

⁸ In parenthesis letters that refer to the previous EATA Ethical Code.

- toward self: they consider the impact of their position on the client and are careful in the way that they respond to clients in order to promote well-being and prevent abuse; etc.
- toward trainees: Practitioners are aware of the learning needs of their trainees and provide them with the necessary tools and information to learn. If a trainee is not willing to change an unethical situation, they will confront him/her and decide a specific and ethical course of action etc.;
- toward colleagues: They accept responsibility of confronting a colleague if they have reasonable cause to believe that the colleague is acting in an unethical manner, and failing resolution, will report that colleague to the appropriate ethical body (L) etc);
- toward the community: Practitioners will hold it as a professional responsibility to be concerned with the psychological and physical health of their community etc.;

5. *Commitment in relations* means to develop a genuine interest in our client's well being.

- toward the clients: practitioners are careful to take into consideration the interpersonal world of the individual and to consider their impact on it etc.;
- toward the trainees: practitioners teach trainees to consider the interpersonal world of their clients etc.;
- toward the colleagues: they involve themselves in conferences, etc. sharing their contributions etc.;
- toward the community: practitioners are aware and active in the life of their community etc.;

In order to make an ethical decision, practitioners are supported by ethical principles, which enable them to evaluate different situations so that their choice of action can be a considered one. However, it could happen that practitioners will be involved in situations where it is not possible to reconcile all the applicable principles. Despite this difficulty the practitioner will still need to look at the specific situation, consider the different perspectives and be accountable for his/her decision.

The following scheme (fig. 1) is a synthesis of the core Ethical Code. There are three different levels used to evaluate the situation in terms of Ethics:

1. Level one, *Basic Values* – applicable to every human being and universally valid.
2. Level two, *Ethical principles* – invites cultural interpretation and implies differences in various professions.
3. Level three, *Target Group to Address* – indicates the people or situations that need to be considered for ethical practice.

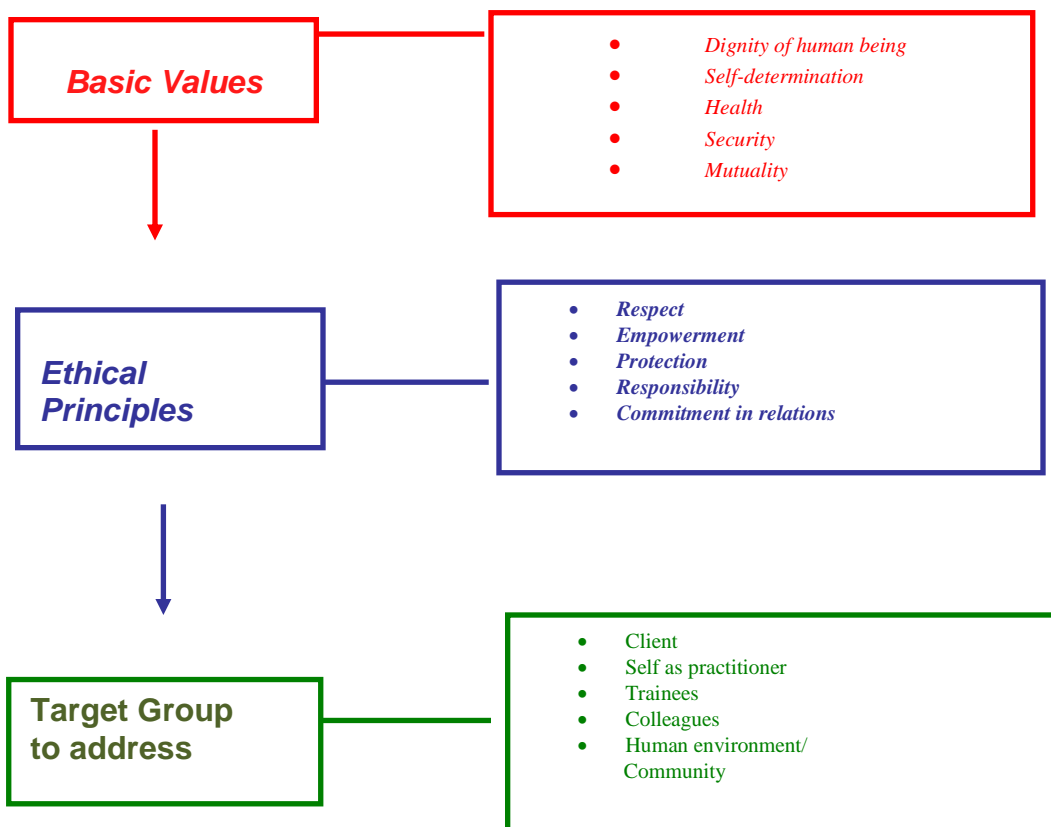


Fig. 1. Synthesis of the Core Ethical Code: three levels of analysis for ethical practice.

3.3. Ethics norms (the old EATA Ethics guidelines).

These ethical norms have been drawn up on the basis of the relevant EATA and ITAA declarations and they can be used as ethical guidelines for national associations. Additional requirements may exist in the ethics guidelines of national and regional organizations.

Membership or the member's training contract can be suspended by the national association if his/her behaviour does not correspond to the basic principles laid down in the guidelines and if he/she is not willing to change this behaviour after confrontation by colleagues or the national association.

A. An EATA member acknowledges the dignity of all human beings. Members of EATA are expected to conduct themselves in such a way that they neither promote nor passively agree with any form of discrimination or oppressive behaviors.

B. EATA members shall in their public statements refrain from derogatory statements or innuendoes that disparage the standing, qualifications or character of other members, bearing in mind their responsibility as representatives of EATA and transactional analysis. On the other hand, direct personal and objective criticism is welcome.

C. It is the primary protective responsibility of EATA members to provide their best possible services to the client and to act in such a way as to cause no harm intentionally or by negligence.

D. EATA members should strive to develop in their clients an awareness of and functioning from a position of dignity, autonomy and personal responsibility.

E. The ethical practice of transactional analysis involves entering an informed contractual relationship with the client which the client as well as the EATA member should have the competence and intent to fulfill. When a client is unable or unwilling to act responsibly within this contractual relationship, the EATA member must resolve this relationship in such a way as to bring no harm to the client.

F. An EATA member will not exploit professional relationships in any matter, including, but not limited to, financial and sexual matters. Sexual relationships between EATA members and their clients, supervisees or trainees are prohibited.

G. EATA members will not enter into or maintain a professional contract where other activities or relationships between EATA members and clients might jeopardise the professional contract.

H. The professional relationship between an EATA member and the client is defined by the contract. This professional relationship ends with the termination of the contract.

However, certain professional responsibilities continue beyond the termination of the contract. They include, but are not limited to, the following:

- maintenance of agreed-upon confidentiality
- avoidance of any exploitation of the former relationship
- provision for any needed follow-up care.

I. EATA members will operate and conduct services to clients and/or trainees with full responsibility to, and knowledge of, existing laws of the state and/or country in which they work.

J. In establishing a professional relationship, EATA members assume responsibility for providing a suitable environment for the client, including such things as specifying the nature of confidentiality observed, providing for physical safety appropriate to the form of activity involved and obtaining informed consent for possible high-risk procedures.

K. If EATA members become aware of the fact that personal conflicts or medical problems might interfere with their ability to carry out a contractual relationship, they must either terminate the contract in a professionally responsible manner, or ensure that the client has the full information needed to make a decision about remaining in the contractual relationship.

L. EATA members accept responsibility to confront a colleague whom they have reasonable cause to believe is acting in an unethical manner, and, failing resolution, to report that colleague to the appropriate professional body.

M. EATA members who apply transactional analysis in their professions will demonstrate a commitment to keep up-to-date in their fields of application through activities such as conferences and seminars, professional writing and reading, as well as to be constantly informed about the TA associations' interests.

3.4. Professional Practice Guidelines

The following guidelines have been approved by ITAA and EATA.

3.4.1 Titles

A. Certified Transactional Analysts can bear the following titles:

- Certified Transactional Analyst (Counselling)
- Certified Transactional Analyst (Education)
- Certified Transactional Analyst (Organisation)
- Certified Transactional Analyst (Psychotherapy)

B. Certified Transactional Analysts who are qualified to instruct and/or supervise in TA, or are in training for such qualification, may hold the following titles respectively:

- Teaching and/or Supervising Transactional Analyst
- Provisional Teaching and/or Supervising Transactional Analyst

The field of application will also be specified.

3.4.2 Basic principles of advertising

A. Those who have signed training contracts can use the following terms: ‘In TA training as a transactional analyst’, (Counselling / Education / Organisations / Psychotherapy). These terms may also be used on printed material. Other terms may not be used.

B. The words ‘Transactional Analysis Group’, ‘Transactional Analysis Treatment/Counselling/Psychotherapy’ and other words of similar meaning shall not be used unless the provider of services is a Certified Transactional Analyst.

C. Membership status and levels of certification on printed material (brochures, etc.) are to be written out rather than abbreviated with initials which are hardly understandable to people who are not familiar with membership categories. Examples of recommended usage are: ‘Trainee Member (of the respective national organisation)’ or ‘Certified Transactional Analyst’ or ‘Provisional Teaching and Supervising Transactional Analyst.

D. The terms ‘Transactional Analyst (Counselling / Education / Organisations / Psychotherapy)’, ‘Provisional Teaching and/or Supervising Transactional Analyst’, and ‘Teaching and/or Supervising Transactional Analyst (Counselling / Education / Organisations / Psychotherapy)’. may only be used by members who have qualified and thus have acquired the corresponding status.

E. Only Provisional Teaching and/or Supervising Transactional Analysts and Certified Teaching and/or Supervising Transactional Analysts can offer TA training leading up to recognition as a Transactional Analyst within the national organisation, EATA or ITAA

F. Statements implying endorsement or approval by a particular trainer shall not be made; the use of a trainer's name to enhance one's status is not considered professional behaviour.

G. Association with someone in another membership category may not be used (e.g. on printed material) to imply one's own certification in that category. To ensure adherence to the guidelines, trainees having a contract must check their advertising with their Principal Supervisors.

H. Members shall not produce advertisements that make claims such as ‘TA will change your life’ as this is an exaggerated promise.

I. The associations (EATA, ITAA, national organisations) endorse individuals, not products. Therefore, announcements regarding products (e.g. books, tapes, T-shirts, etc.) should be kept separate from announcements concerning teaching and training and statements about

one's membership status.

J. The words, 'transactional analysis', may not be used in a way which suggests that one of the associations has granted an individual or organisation a special privilege or exclusive application of transactional analysis.

3.4.3 Trademark policy and guidelines for use of the TA logo

- The TA logo - the three stacked circles - is the trademark of the International Transactional Analysis Association. The logo indicates certified membership of the ITAA, EATA, or other organisations within the international framework of mutual recognition. Only certified members may use the logo on stationery, business cards, brochures, etc.
- All three circles are to be of the same diameter and vertically stacked.
- When the circles include print, they shall contain only the capital letters P, A, C (reading from top to bottom) or the words Parent, Adult, Child (reading from top to bottom).
- No other words starting with P, A, C shall be shown as extending from the circles.
- The TA logo may not be combined with other symbols that have a religious, political, philosophical or other meaning.

3.4.4 Recommendations on professional etiquette

- Trainers are not to accept training contracts with trainees who are under contract with another trainer without going through a proper process of negotiation and contract transfer.
- Members are not to solicit trainees or clients from other members.
- Members are to maintain clear, above-board contracts with their clients and fellow members.
- Titles should be in the form specified in the EATA Professional Practices Guidelines. This refers to all *advertisements* or *letterheads*, or other advertising used by a TSTA, PTSTA or CTA. Other titles should not be used; any combination of titles should not be used. If a Principal Supervisor is training candidates in a category other than the one in which he or she has been certified, this should be mentioned separately, and any Exception which was granted by ITAA or EATA should be mentioned separately from their official title.

3.5. Procedures for advice, mediation and arbitration.

All procedures will be handled confidentially. If there is a need to make something public all parties will be asked for their agreement.

3.5.1. Procedure for Advice.

National Associations and individual members can contact the chair of EATA Ethic's committee if they have questions concerning ethics and ethics procedures. The Chair of the Ethics Committee will give the advice or indicate another member of Ethics Committee to deal with the matter. Any such advice is held within the boundary of confidentiality.

3.5.2. Procedure for Mediation.

1. The member or association contacts the EATA Ethics Chair by letter, email or telephone and explains the situation.
2. The EATA Ethics Chair helps the member or association to clarify the situation and to find out which next steps are appropriate.
3. If necessary, the EATA Ethics Chair also gets in contact with the other party for clarification with permission of the member/association asking for advice. This can be the case, when, for instance, there is a lack of information or misunderstandings and rumours.
4. If the next step is mediation, the EATA Ethics Chair makes sure that both sides agree to take part in mediation.
5. When this is clear, the EATA Ethics Chair (or EATA Ethics Committee) will suggest a mediator. Both parties have to agree clearly on the choice of the mediator.
6. The EATA Ethics Chair will not take the role of mediator.
7. Both the parties, the mediator and EATA Ethics Committee, will negotiate a clear contract about aim, time frame, frequency and division of costs.
8. Once the process of mediation is completed, involved parties and the mediator will inform the EATA Ethics Chair by letter about the outcome (one letter signed by all parties and mediator).
9. In case the aim of the mediation process cannot be reached in the scheduled time, the mediator informs the EATA Ethics chair about the current situation of the process. He or she may make to the EATA Ethics Committee a proposal for further steps (e.g. an extension of the mediation or alternatively arbitration or investigation).
10. The EATA Ethics Committee will then discuss the proposal and determine the next steps. If they agree with the extension to the mediation process a new contract will be negotiated. If the proposition is to go to a next step (e.g. arbitration or investigation), the EATA Ethics committee will help to find appropriate persons for arbitration or a committee for the investigation.

3.5.3.Procedures for Arbitration.

Typ A:

Both involved parties make a contractual agreement about a person being the arbitrator. The arbitrator will make a decision about the case. This decision has to be accepted by both involved parties.

Typ B:

Each party chooses one person being his/her representant. These two representants will agree in a person, being the arbitrator. The decision will then be made by these three persons and has to be accepted by the involved parties.

The role of EATA Ethics Committee in the arbitration process:

Support in finding an arbitrator and in formulating clear contracts. The detailed procedures will be worked out and be available through the EATA Ethics Committee.

Once the process of arbitration is completed, involved parties and the arbitrator(s) will inform the EATA Ethics Chair by letter about the outcome (one letter signed by all parties and arbitrator(s)).

Arbitration is the ultimate type of possible intervention, EATA Ethics committee can offer. EATA Ethics Committee will inform the parties involved, that the case is closed and no more intervention can be provided.