

Code of Professional Conduct

Preamble

The interpreters and translators affiliated in the Federal Association of Interpreters and Translators (“BDÜ”) through the member associations have committed to the following Code of Professional Conduct (“the Code”) in recognition of their responsibility for enabling communication across borders and language barriers.

The Code is based on the notion that with their services, interpreters and translators significantly foster exchange between peoples, promote economic, political and scientific interaction, enable participation in social and cultural events and guarantee communication for all persons – regardless of origin – in their own language, with a particular focus on the specialty areas of medicine and law.

Purpose of the Code

The Code determines principles of conduct for professional practice and governs the conduct within the association as well as vis-à-vis clients, colleagues and members of other professions. The Code constitutes the association rules of BDÜ and is binding on the member associations and their members.

The primary objectives of the Code are as follows:

- to strengthen the trust among BDÜ members as well as between BDÜ members and their clients and/or the general public
- to guarantee the quality of professional activities in order to promote flawless communication
- to uphold the independence and reputation of the profession of the BDÜ membership
- to promote ethically sound conduct in the profession and to prevent ethically questionable conduct

General principles of professional conduct for BDÜ members

1 General professional responsibilities

- 1.1 BDÜ members shall perform their professional responsibilities without bias and to the best of their knowledge. They may not acknowledge or reach agreements about any principles that are incompatible with their responsibilities and to which they would not be able to adhere in good conscience or observe any requirements or instructions of this kind.
- 1.2 BDÜ members have appropriate professional qualifications and meet the quality requirements recognized by BDÜ.
- 1.3 BDÜ members shall adhere to the rules and legal regulations applicable to professional conduct.
- 1.4 BDÜ members perform their services for their clients without external interference or pressure from third parties. A requirement specified by a client does not justify a breach of the Code.
- 1.5 BDÜ members shall not knowingly mistranslate or misinterpret.
- 1.6 BDÜ members shall promote purposeful communication between the parties concerned. Members are required to clarify misunderstandings and incorrect culture-related assumptions.

- 1.7 BDÜ members shall conduct themselves at all times in a manner that does not discredit either the profession or BDÜ and its member associations.
- 1.8 BDÜ members shall only use academic or other titles which they are legally permitted to use. This applies in particular to the regulations of the respective States of the Federal Republic of Germany and the resolution adopted by the Standing Conference of Ministers of Education and Cultural Affairs regarding “Principles regulating the use of foreign university degrees by way of general legal approval based on uniform legal provisions” from April 14, 2000, along with amendments and new resolutions.
- 1.9 In the pursuit of their professional practice, BDÜ members shall participate in the continuing education required to maintain and develop their language skills and subject-matter expertise for translation and interpreting.

Special principles of professional conduct for BDÜ members

2 Conduct vis-à-vis clients

- 2.1 BDÜ members are free to accept or decline work. They shall decline work if it results in a conflict of interests, if they believe it is intended for illegal or dishonest purposes, or if they know that their own capacity, working conditions or time constraints will prevent its proper completion.
- 2.2 BDÜ members shall agree to the subject matter and conditions of the work to be accepted as well as the terms of performance and consideration before commencing work.
- 2.3 BDÜ members shall accept work only in languages and subject areas for which they or subcontractors commissioned by them have the abilities and skills to perform the assigned tasks with the quality required.
- 2.4 Remuneration charged by a BDÜ member must always be adequate. BDÜ members may not undercut proper remuneration in an unethical manner. However, members are permitted to consider the client’s income and financial circumstances when agreeing to remuneration.
- 2.5 If a translator identifies errors or ambiguity when working on the source text, the translator shall report this to the client.
- 2.6 BDÜ members shall hold in complete confidence any information received in the course of work, even after completing the work. This does not apply to such information that is readily available to third parties at any time.
- 2.7 BDÜ members shall not derive any gain from confidential information acquired in the course of work undertaken.
- 2.8 Clients may be named as references only with their consent.

3 Conduct vis-à-vis colleagues and professional cooperation

- 3.1 BDÜ members may collaborate with other interpreters and translators in collaborative business arrangements, organizational units, cooperative associations, and office partnerships. They may perform their professional activities individually or jointly within any corporate structure legally permitted for their profession.
- 3.2 BDÜ members shall support each other. In the event that members are offered work that they cannot accept, they shall recommend another professionally suitable interpreter or translator and/or refer the requester to the BDÜ member database available on the Internet.

- 3.3 BDÜ members shall refrain from commenting on the performance of colleagues. Criticism on faulty work should be put forward objectively and constructively.
- 3.4 BDÜ members shall consider the promotion of new practitioners to be a special mission. They use the resources of the professional association as well as personal contacts to convey knowledge and experience to colleagues new to the profession and to give them the opportunity to learn to work independently and assume responsibility as needed.
- 3.5 If BDÜ members employ colleagues or freelancers, this shall be undertaken at reasonable conditions in accordance with the principles of the Code.
Reasonable conditions specifically comprise conditions for employed interpreters and translators that entail proper remuneration for the employed translator or interpreter as well as appropriate time for training and due compensation of the employed interpreters and translators in the case of non-competition clauses.
- 3.6 BDÜ members who commission subcontractors may not withhold an inappropriate percentage of the fee agreed upon with the client as compensation for referring/placing work.
- 3.7 BDÜ members shall refrain from any unfair competition.

In particular, they shall refrain from the following:

- misleading or subjective, comparative advertising
- excessive claims about their services offered, qualifications or professional experience
- disparaging statements about the work of other interpreters or translators
- unethical actions with the intention of preventing colleagues from their pursuing their professional activities or drive competitors from the market
- deliberately offering services below cost and specifically undercutting competitors with the intent to damage or drive them from the market

4 Employed BDÜ members

The provisions of the BDÜ Code also apply in the general sense to employed BDÜ members, insofar as the provisions of an employment agreement and particularly the employer's managerial authority to issue directives do not specify otherwise.

Breaches of the BDÜ Code

5 Responsibilities and procedures

- 5.1 The bodies responsible according to the BDÜ articles of association or the articles of its member associations monitor the aforementioned principles and decide upon sanctions to be issued.
- 5.2 The association whose individual member has breached the Code is charged with deciding on sanctions for breaching the Code.
- 5.3 In cases that cannot be clearly assigned to a member association, BDÜ is responsible for the assessment and the sanction.
- 5.4 If a member association and BDÜ cannot agree to responsibility without formal intervention, the member association or BDÜ may call upon the BDÜ arbitration tribunal. The arbitration tribunal then decides on who is responsible.
- 5.5 In as far as the articles of the member association concerned regulate the responsibility of the bodies of the member association for breaches of the Code, the articles of this member association apply on the sanction.
- 5.6 If the articles of the affected member association do not include regulations for a breach of the Code, the BDÜ arbitration tribunal is responsible. In this case, the BDÜ rules of arbitration govern the conduct of the proceedings.

Final provisions

In as far as additional codes of professional conduct are binding on individual member associations of BDÜ, the overriding BDÜ Code shall apply in the case of dispute.

Each member association of BDÜ commits its individual members to the Code.