

## EDPY 442: Introduction to Counselling

Lecture Two:  
*Ethical and Legal Aspects of Counselling*  
September 18, 2007

WEB ADDRESS: <http://www.ualberta.ca/~ep442a1>

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### Discussion ...

What do we mean by “ethics”?

What are the differences between ethics,  
morality, and law?

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### Ethics

- A set of principles and standards based on ideas of right and wrong that guide behaviour and our interactions with others.
- Inspirational goals or ideal set of standards developed and enforced by a profession.
- Counsellors adhere to ethical codes of conduct and standards in their work with clients. If these ethical codes are violated intentionally or unintentionally then he/she is subject to certain sanctions.

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## Morality

- Involves personal judgment and evaluation of a particular behavior or action.
- It may be based on cultural, religious, or philosophical concepts and beliefs
- Terminology that tends to be associated with morals includes : good/bad, should... i.e., "they really should return the wallet that was found".

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## Law

- Rules created by legislations that govern particular types of activities and are imposed by officers of the law.
- Legal punishments are applied to individuals who do not abide by such laws.

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## Lets complicate things a bit...

Sometimes what is *legal* may be considered *unethical* or *immoral* and sometimes what is *illegal* may be considered *ethical* or *moral*.

EXAMPLES....

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## Self – Reflection...

Consider the following :

- Is there a code of ethics associated with your field of study/practice?
- What are your own ethics?
- How flexible are you?
- How aware are of you of your personal biases, assumptions, beliefs, and attitudes?
- How would your own ethics affect the way you interact with others?
- How will your ethics influence your counselling practice?

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## Ponder the following ...

You are a school counsellor and your client expresses the desire to hurt a colleague of yours (another teacher). What personal biases, assumptions, beliefs attitudes would play a role if:

- you decide to contact the other teacher
- you decide to contact the police
- you decide to do nothing
- you tell the client that you can no longer see them for counselling if they continue to say things of this nature

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## Why do we have ethical codes in counselling?

1. Protection of clients' rights and welfare
2. Expectations and guidelines for professional practice
3. Self-regulation by professional organizations like the College of Alberta Psychologists
4. Protects practitioners from the public (malpractice suits)

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## LIMITATIONS TO ETHICAL CODES...

- Some issues cannot be resolved by solely relying on ethical codes
- Some codes lack clarity which makes application of them challenging
- Certain issues may not be covered by the code
- At times they be reactive or developed in response to issues that arise-they are not necessarily proactive
- Do not address all cross-cultural issues and interests of all parities involved
- Conflicts occur with other codes of ethics, standards, values, and policies

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## Canadian Code of Ethics for Counsellors

*"Serves as a guide to the professional conduct of all its members. It also informs the public which they serve of the standards of ethical conduct for which members are to be responsible and accountable. The code reflects such values as integrity, competence, responsibility, and an understanding of respect for the cultural diversity of society..."*

Canadian Counselling Association (CCA, 1999)

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## Canadian Code of Ethics:

There are 4 ethical principles underlying the Canadian Code of Ethics for psychologists:

- 1) RESPECT FOR THE DIGNITY OF PERSONS
- 2) RESPONSIBLE CARING
- 3) INTEGRITY IN RELATIONSHIPS
- 4) RESPONSIBILITY TO SOCIETY

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## Principle 1:

### Respect for the dignity of persons

- focuses on respect of individual differences (e.g., cultural, gender, age, disability status, sexual orientation, and social class)
- emphasizes fair treatment and due process for people of all backgrounds
- consideration of *autonomy, freedom of choice, and independence*
- similar to the ethical consideration of justice in that all people deserve the right to respectful therapeutic process without bias

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## Principle 1: Respect for the dignity of persons-cont'd

Principle one also includes the issues of informed consent and confidentiality in the client-counsellor relationship

-Informed Consent- involves giving clients the information they need to be active participants in the counselling process and to make decisions about the interventions that they are receiving

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## The topics to be covered in obtaining informed consent include:

- Goals of counselling
- Responsibilities of the counsellor and client
- Frequency of meetings
- Fees for service
- Qualifications and background of the counsellor
- Approximate length of the counselling relationship (typical number of sessions)
- Possible risks and/or benefits of becoming involved in the counselling process
- Collaboratively making decisions about interventions

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How is informed consent an issue of dignity of person?

How does informed consent reflect respect for autonomy?

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## Principle 1: Respect for the dignity of persons-cont'd

•Also included in this principle is the issue of confidentiality

### *What is confidentiality?*

Confidentiality-It is a contractual agreement and promise that services /client information will not be disclosed to anyone without the client's explicit permission

•Confidentiality is different but related to the concepts of privacy and privileged communication

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Privacy – a legal term that refers to one's right in determining the time, place, manner, and extent of sharing his/her personal information with others

Privileged communication – a legal term that protects one against forced disclosure in court without the client's permission. E.g., the counsellor can refuse to respond to questions or present information in court unless the client waives this privilege.

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## Limits to Confidentiality

•Limits of confidentiality should always be discussed with clients at the outset of the counselling relationship to avoid deceiving them.

•Everything clients say to us is confidential except in the following circumstances:

1. The client is actively suicidal and there is an imminent risk that he/she will do some self-harm
2. There is an imminent risk that the person is going to harm specific other people
3. There is suspected or actual child abuse involved in the case
4. The individual you are counselling is a minor and you are working in other than a school context

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## Limits to Confidentiality Cont'd

5. There is a current or potential court case
6. The clients ask that their records be forwarded to another professional
7. The counselling services you are being supervised by another professional or are being observed for the purpose of other people's learning

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## Principle 2: Responsible Caring

•This principle emphasizes the counsellor's obligation to minimize harm to the client and maximize positive outcomes and benefits accrued by the client.

•It addresses the critical ethical considerations of **Non-maleficence** and **Beneficence**

•**Non-Maleficence** is the primary ethical responsibility of all counsellors. It is an obligation to not inflict harm to others: it entails due care= sufficient and appropriate action to avoid causing harm.

•**Non-Maleficence** has three components:

- 1) Removal of present harm
- 2) Prevention of future harm
- 3) Passive avoidance of harm- the "slippery slope effect"

•**Beneficence** is the promotion of good for others and preventing or removing harm

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### Principle 3: Integrity in Relationships

• This principle focuses on freedom from cultural bias in the counsellor-client relationship and on the need to abstain from engaging in damaging dual relationships with clients

• There are two types of **dual relationships**:

1. **Non-sexual dual relationship**- (e.g., becoming friends with your clients outside of therapy sessions, entering into business arrangements with them, or alternatively, providing counselling to family members or people who are already friends, etc.)
2. **Sexual dual relationship**- involves becoming intimate with your **current or former** clients ; these relationships are prohibited with current clients in all ethics codes, and are prohibited for at least 2 years after the therapeutic relationship for former clients- but best to avoid.

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### *Dual –Relationships Cont’d...*

- What are the obvious problems with dual relationships?
- What are the less obvious problems with dual relationships?

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### *Dual –Relationships Cont’d...*

• Research indicates that counsellors who engage in non-sexual dual relationships are also those who are more likely to engage in sexual boundary violations with clients

• Perpetrators tend to be males in their mid -40s who engage in sexual relationships with female clients

• Possible harmful effects of both types of dual relationships include:

- impaired objectivity
- the counselling relationship is no-longer unilateral or client-centered
- Clients may feel obligated to follow through with counselling interventions regardless of how he/she really feels

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## Principle 4: Responsibility to Society

•Counsellors' primary responsibility is to their individual clients with a secondary responsibility to society; however, these factors often interact

•This principle emphasizes the need to advocate for clients beyond the counsellor-client relationship whenever necessary and encourages counsellors to do some "pro bono" service for the well-being of the general community (e.g., 9/11 community-building activities, Katrina crisis support and mental health public education)

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## Ethics from a Multicultural Perspective

•Most ethical codes do not address cross-cultural issues, yet significant cultural diversity exists in cognitions, behaviours, and interaction patterns that can instigate ethical dilemmas

•It is unethical to make value judgements based on our cultural frame of reference and impose them on people of other ethnic groups

•In working with people from ethnic and cultural minority groups, we need to adopt a "Person in Environment Perspective" which involves looking at the presenting problem from the client's cultural world view

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## Ethics from a Multicultural Perspective

•Another important factor in multicultural ethics involves abstaining from blaming or judging the victim and being aware of the social, political, and cultural circumstances that affect an individual's choices and life circumstances  
e.g., sex-trafficking women and children

•This is a direct extension of the principle of Respect for the Dignity of Persons

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## Ethical Decision Making- Canadian Code

1. Identify the problem or dilemma
2. Gather information that will help you to shed light on the nature of the problem, and to decide whether the problem is mainly ethical or legal
3. Identify relevant and potential issues, as well as the rights and responsibilities and welfare of all people in the situation
4. Look to ethics codes for guidance on how to deal with the situation
5. Know applicable laws and regulations

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## Ethical Decision Making – Cont'd

6. Seek consultation from colleagues regarding the dilemma
7. Brainstorm various courses of action and include the client in this process if at all possible
8. Examine the short and long-term consequences of each possible course of action
9. Decide on the best course of action possible and implement it
10. Do a follow-up assessment to evaluate the outcomes and to see if further action is necessary

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### Case Example

You are a school guidance counsellor in a fairly large high school. Beth, a school support staff member whom you have brief contact with once or twice a month approaches you requesting counselling. She indicates having a serious health issue and will soon be starting treatment. Without the treatment it is unlikely that she will live for more than 6 months. Beth mentions that she was advised by her specialist that reducing her stress is a "must". Beth indicates that she feels comfortable with you, really trusts you, and would not want to seek counselling from anyone else. You like and respect Beth and want to help her. What is your best ethical course of action?

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