

An Overview of Counselor Ethical Code and Ethical Principles in Malaysian Setting

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Abstract

Counselors are increasingly needed not only in public institutions and private but also in the events of natural disaster and tragedy in the country such as the tsunami on 26 December 2004, a major flood in Kelantan in 2014, also MH370 and MH17 crash incidents in December 2014. Counselors also work with various groups such as children, school-going students, people with disabilities, single mothers, teenagers, university students, parents, spouses, and workers. As someone who delivers a professional service, counselors should offer their services in an ethical manner and avoid an unethical behavior. Ethical code and ethical principles can guide counselors in practicing counseling services in an ethical manner. This paper gives an overview about the Board of Counselor (Malaysia), the goals and sections in the Code of Ethics in the Malaysian setting and ethical principles in counseling practices. The main objective of this paper is to apply the code of ethics and ethical principles in solving ethical issues. The impending conclusion and implication will also be discussed.

Keyword: Code of ethics, Ethical Principles, Counselor, Board of Counselor, Counseling

1. Introduction

Counseling is one of the helping professions in social science. The career as a counselor has become an important position in public and private organizations in Malaysia. This is proven by the need for counselors in public sectors such as in federal departments, semi-government sectors, by the need for full-time counselors in schools, counselors and assistant counselors in the national drug agencies, as well as public and private higher education institutions and non-governmental agencies in Malaysia. Counselors holding counselor positions in the federal service are also categorized under management and professional services (Circular, Number

11 of 2006). Counseling services should be delivered in a professional and ethical conduct set as stated in the Malaysian Board of Counselors.

There are counselors who have ethical beliefs that contradict with the code of ethics (Elliot, 2011). When there is a conflict between ethical beliefs and code of ethics adopted by the counselor, unethical behavior can occur and have an adverse impact on clients such as harm to clients involved in counseling sessions. Non-compliance to the code of ethics can also lead counselor license suspended and dismissed from the university's counseling program (Elliot, 2011; Hermann & Herlily, 2006; Remley & Herlily, 2007). This paper is very useful for counselor and trainee counselor as a guide for implementing code of ethics and ethical principles in Malaysian setting. The main objective of this paper is to give an overview for counselors and trainee counselor to apply the code of ethics and ethical principles in solving ethical issues in various setting.

2 Literature Review

2.1 Board of Counselor (Malaysia)

Ethics code has become an important part in the professional career such as counseling, social work and human service counseling. Generally, the code of ethics in counseling professions provides a set of guidelines to counselors in delivering counseling services in their communities and organizations.

In the Malaysian setting, the Board of Counselor (Malaysia) is the main institution that organizes and manages counselors across the country. The Code of Ethics gives guidelines to counselors in their everyday practices. According to Counselor Act (1998), the Board has 11 functions which are (i) to oversee the provision of counseling services; (ii) to evaluate the need for counseling services in Malaysia; (iii) to regulate the training of counselors and determine the types and levels of counseling that can be made available in Malaysia; (iv) to determine the qualifications entitling a person to be registered under the Act; (v) to determine the standard of counseling training programs; (vi) to make recommendations to the Government in relation to the standard of counseling services; (vii) to register counselors and make them qualified; (viii) to regulate the fees which can be charged by a registered counselor for his counseling services; (ix) to appoint members of the Board to sit on any board, committee or body formed for any purpose affecting the counseling profession; (x) to regulate the conduct of the counseling profession, including prescribing the code of ethics for the counseling profession; and (xi) to do other things as deemed necessary to enable it to carry out its functions effectively. Therefore, the 11 functions assist counselors to have guideline in carrying out the counseling process as well as recognizing the function of a counselor in the community. Other than that, from these functions, the counselor should be able to acknowledge his or her rights, as well as client's rights.

2.2 Goals and Sections in Codes of Ethics, Board of Counselor (Malaysia)

There are five main goals of the Codes of Ethics which provide guidelines to help counselors in conducting the service professionally, creating principles which determine ethical behaviors and good practices in the counseling profession, allowing the Board of Counselor to explain about the ethical responsibilities to the registered counselor in Malaysia, give

support to the Board of Counselor's missions and as a foundation in the processing report and queries regarding ethics

Based on Codes of Ethics (Board of Counselor, 2011), the Code are divided into eight main sections which are section A (helping relationship), Section B (confidentiality, privileged communication and privacy), Section C (professional responsibility), Section D (relationship with other professionals), Section E (Evaluation, assessment and interpretation), Section F (supervision, training and teaching), Section G (research and publication and Section H (solutions of ethical issues). Section A (Helping relationship) stressed on counselor responsibility in client's welfare, needs of informed consent in the counseling relationship, clients who receive services from other professionals, roles and relationships with clients, roles and relationships at individual, institutional and community levels, the end of life care for clients who have no hope to recover, fees and bartering or services, termination and referrals, and responsibilities to access.

Section B (Confidentiality, Privileged Communication and Privacy) sheds light on trust and maintaining confidentiality in the helping relationship. This section delves into the responsibility of the counselor to respect the client's right, the exception in the counseling relationship (harm and danger, limitation of confidentiality, and legal requirements), the information shared with others (such as the subordinated and third party), group and family counseling, disabled clients who give informed consent (child and adolescent clients) , counseling records, research, training and consultation.

Section C (Professional Responsibility) discusses counselor accountability to practice in non-discriminative settings, open and honest communication and adherence to the codes of ethics in the counseling profession. Counselors are responsible to know and comprehend the ethics code and relevant regulations and laws. Counselors are responsible for their professional competencies, advertisements and getting clients, professional qualifications, responsibilities to the public and responsibilities to other professionals.

Section D (Relationship with other professionals) elaborates on the counselor relationship with colleagues, employers and subordinates. This section highlights the good relationship which includes teamwork, building relationship; determines professional obligations and ethics, employer's policy, negative practices and so on. This section also stresses on the consultation that includes consultant competencies, goals and informed consent in consultation.

Section E (Evaluation, assessment and interpretation) highlights the issues of competencies in using and interpreting the instruments and assessments, the informed consent in assessment, diagnosis for mental disorder, instrument selection, methods of administrating instruments, multi-culture and diversity issues in interpretation, scoring and interpretation of instruments, safety of assessments, outdated assessments and reports, developing instruments, and forensic evaluation; evaluation for legal proceeding.

Section F (Supervision, training and teaching) emphasises counselor supervision and client's welfare, counselor supervision competencies, supervisory relationships, supervisor responsibilities, Supervision, assessment, rehabilitation and declaration in counseling, responsibilities of a counselor educator, student welfare, student's responsibilities, student's

assessment and rehabilitation, roles and relationship between counselor educator and student, and multicultural competencies.

Section G (research and publication) explains about the responsibilities in research, participant's rights in research, the relationship with research participants, reporting results and publications. Section H (solution of ethical issues) covers the standards and laws, also the suspected violation and cooperation with the ethics committee.

3. Ethical Code and Ethical Principles in Solving Ethical Issues

A counselor needs to consider ethics and moral principles while solving ethical issues. There are five ethical principles which are autonomy, non-maleficence beneficence, justice and fidelity. According to Welfel (2013), the principle of autonomy relates to one's action freedom and dignity of the client. Clients are free to make choices in their issues and are responsible in their choices. The second principle is non-maleficence which is defined as not harmful.

These principles apply in various situations such as in dual relationships, counselor competencies, informed consent, research and public statements. Beneficence is described as a counselor's responsibility to do good, which includes the promotion of public welfare and duty to help the society. Justice is delineated as the responsibilities to be fair, to avoid bias and to be nondiscriminatory. The last principle is fidelity. Fidelity is defined as loyalty to the client. Counselor must give priority to client's interest than their own interest. Trust and faithfulness play an important part in the fidelity principles.

When applying the ethical principles, there is a conflict that frequently occurs. A counselor does not know which principles should come first in situations which occur in their practices. Beauchamp and Childress, (as cited in Welfel, 2013) suggested that non-maleficence is the priority that is to be considered more than other principles. A counselor has to avoid clients from being endangered or harmed in various situations, especially in crucial situations like suicide, child abuse and so on.

Currently there are almost 6450 Registered Counselors in Malaysia. The Board of Counselor has exerted an intensive effort from time to time in order to make sure that counselors have been qualified and they have fulfilled the requirement from the Board as registered counselors. An unregistered counselor is not legally allowed to practice counseling in the setting (Counselor Act, 1998). Besides, as registered counselors, they are also required to be certified with the the Declaration of Practice to practice counseling services in organizations or private bodies or agencies. All sections in the Codes of Ethics have provided the counselors the basic guideline in conducting counseling processes and services in the Malaysian context. The implementation of codes of ethics in counseling has become more challenging, because of the broad coverage and common ways in practice. Therefore, this code is also viewed as vague and less precise in context.

In the Malaysian setting, there are various races (such as Malay, Chinese, and Indian) and religions (such as Muslim, Christian, Buddhist and other). In addition, clients who come from different cultural backgrounds have their own values and beliefs, which lead to the various issues from broad perspectives. It contributes to the uniqueness of the delivering of

counseling services as well as to the fact that the application of the ethics code becomes more challenging. Counselors need to be more creative in dealing with clients from diverse backgrounds. Counselors need to learn and comprehend the ethics codes (Codes of Ethics, 2011), consider ethical awareness and use the problem-solving skills when addressing ethical problems (Corey, Corey and Callanan, 2003). As a counselor, they have to obey the Codes of Ethics and make ethical judgments carefully. Counselor consideration and judgments in ethical problems can avoid doing harm to the client and protect the counseling profession as a professional career

4 Application of Code of Ethics, Board of Counselor (Malaysia) in Solving Ethical Issues

Currently there has almost 6601 Registered Counselor in Malaysia (Lembaga Kaunselor Malaysia, 2016). Board of Counselor did an intensive effort from times to times in order to make sure a counselors have been qualified and they are fulfilled the requirement from Board in being a registered counselor. The unregistered counselor does not legally allows to practice counseling in setting. (Counselor Act, 1998). Besides, as a registered counselor, they are also required to be Certified for Declaration of Practice to practice counseling services in organization or private practices. All sections in Codes of Ethics is provided counselor the basic guideline in conducting counseling process and services in Malaysia context . Implementation on codes of ethics in counseling is become more challenging, because of the broad coverage and common ways in practice. Therefore, this code also views as vague and less precise in context. In addition, clients who come from different cultural background have their own values and beliefs, which causes towards disclosing thevaries issues from broad perspectives. In Malaysia setting, there are multi-racial (such as Malay, Chinese, India) and religion (such as Muslims, Christian, Buddhist and other). It is contributed to the uniqueness of the delivering of counseling services as well as to the application of ethics code become more challenging. Counselor need to learn and comprehend the ethics codes (Codes of Ethics, 2011), consider ethical awareness and use the problem solving skills in solving ethical problems (Corey, Corey and Callanan, 2003). As a counselor, they have to obey Codes of Ethics and make ethical judgment carefully. Counselor consideration and judgments in ethical problems can avoid doing harm to client and protect counseling profession as professional career.

5 Conclusion and Implications

A counselor has to practice according to the Codes of Ethic, Board of Counselor (Malaysia). As a counselor and and a professional, they cannot ignore the codes and practice in their own way. Ethical misconduct can harm the client and cause an imminent danger to the third party (see *Tarasoff v. Regents of the University of California* case in 1976). One of the counselor duties is to protect the client's welfare. As responsible counselors, they have to register themselves as a registered counselor in practicing counseling services legally and obtain the protection from the Board of Counselor (Malaysia). This paper serves as a reminder to the counselor of their core duty, that they should rely on the ethical principles and code of ethics when applying for a counseling service in the community as well as when implementing their professional roles in organizations.

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