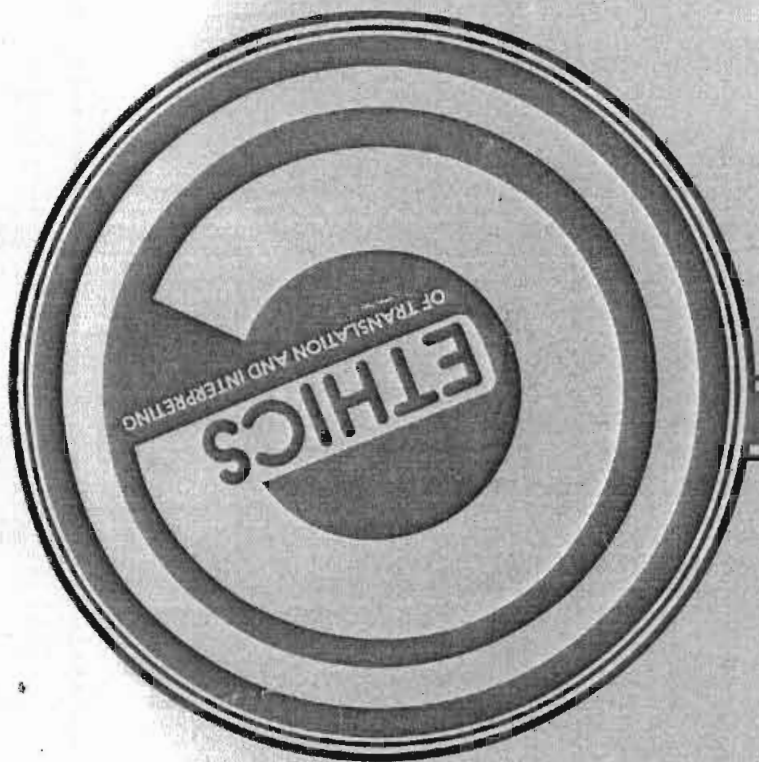




# ETHICS OF TRANSLATION & INTERPRETING

## A GUIDE TO PROFESSIONAL CONDUCT IN AUSTRALIA



P. 13-23

National Accreditation Authority of Translators and Interpreters Ltd





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for Translators and Interpreters Ltd

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| <b>Introduction</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| Practitioners of interpreting and translating encounter a variety of ethical issues and questions in the course of their work. Australian interpreters and translators understand and accept that ethical behaviour and the maintenance of high ethical standards are essential to good practice, in developing their profession and in maintaining positive opinions and perceptions.                                                                                                                                                                                                                                                                                                       |  |
| While the National Accreditation Authority for Translator and Interpreters Ltd (NAATI) does not prescribe a code of ethics for the profession, NAATI does wish to assure the community that accredited practising translators and interpreters are aware of the issues involved in professional ethics and of the need for practitioners to accept and observe a suitable code of conduct. To that end a knowledge of ethical standards is an integral part of the NAATI accreditation, recognition and revalidations systems.                                                                                                                                                               |  |
| NAATI's <i>Ethics of Interpreting and Translation: A Guide to Professional Conduct in Australia</i> provides a source of materials on the subject as a basis for acceptable professional practice and to outline the knowledge about ethical practice that is required by NAATI of candidates for accreditation and recognition.                                                                                                                                                                                                                                                                                                                                                             |  |
| The Guide presents the three over-riding codes of ethics that are relevant to translators and interpreters in Australia. The code developed by the Australian Institute of Translators and Interpreters (AUSIT) in conjunction with NAATI in the early 1990s and revised in 1995 and 1999 has now become the most widely used code of ethics in Australia. The code of the Australian Sign Language Interpreters' Association (ASLIA) is included for Auslan interpreters in Australia and the code of ethics developed by the Association Internationales des Interpretes de Conference (AIIC) is the code practised by the members of this association who work in the global marketplace. |  |
| Within Australia, most of the public interpreting and translation services have adopted the AUSIT code of ethics. This code, endorsed by NAATI,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |

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represents a national code of ethics and should be recognised by all practising interpreters and translators in Australia.

NAAATI acknowledges AUSIT, ASLIA and AIIIC for providing their respective codes, Maria Maglio De Leo for the examples provided in Part 3, the public service providers and the practising T & I professionals among NAAATI staff for their contributions to this Guide. Background was also obtained from "Working with Interpreters in Law, Health, & Social Work" (1990) Editors: Len Roberts-Smith, O.C., Roger Frey & Susan Bessel-Browne.

## What is NAAATI?

NAAATI or The National Accreditation Authority for Translators and Interpreters Ltd is a national standards body owned by the Commonwealth, State and Territory Governments of Australia. It is a company limited by guarantee under the *Corporations Act 2001*. NAAATI is also an advisory body for the Translation and Interpreting (T & I) industry in Australia providing advice and consultancy services on T & I standards, accreditation, the role and conduct of Translators and Interpreters and T & I skills in various settings.

## NAAATI Accreditation

NAAATI accreditation is the only credential officially accepted for the profession of translation and interpreting in Australia. All government translation and interpreting services require translators and interpreters to be NAAATI accredited whenever possible.

NAAATI accreditation has been instrumental in providing quality assurance to recipients of translating and interpreting services and to giving credibility to agencies that employ accredited practitioners.

## NAAATI Recognition

Recognition is an award in a totally separate category from accreditation. It is granted only in languages for which NAAATI does not test and it has no specification of level of proficiency. Recognition does not have equal status to accreditation, because NAAATI has not had the opportunity to testify by formal assessment to a particular standard of performance. It is, in fact, intended to be an acknowledgment that, at the time of the award, the candidate has had recent and regular experience as a translator and/or interpreter, but no level of proficiency is specified. If granted after 1 October 2006 it also acknowledges that the Recognised person has met the NAAATI requirements for proficiency in English and has completed some very basic training in translating and interpreting.

## What is an Interpreter's role?

An interpreter's role is to facilitate verbal or signed communication between two or more people who speak or sign different languages by accurately rendering the spoken or signed word from one language into the other.

## What is a Translator's role?

Translators deal with written text. They translate from one language into another. A translator is needed to translate documents ranging from Birth Certificates and Drivers' Licences to highly complex documents.

## NAATI Standards for Interpreting and Translating

### *Paraprofessional Interpreter*

This represents a level of competence in interpreting for the purpose of general conversations, generally in the form of non-specialist dialogues. Examples include interpreting in general conversations, interpreting in situations where specialised terminology or more sophisticated conceptual information is not required and interpreting in situations where a depth of linguistic ability is not required.

### *Paraprofessional Translator*

This represents a level of competence in translation for the purpose of producing a translated version of non-specialised information. The texts would not contain technical or specialised information or terminology.

### *Professional Interpreter*

This represents the minimum level of competence for professional interpreting. It may be regarded as the Australian professional standard. Professional interpreters are capable of interpreting across a wide range of subjects involving dialogues in a variety of specialised consultations. They are also capable of interpreting presentations by the consecutive mode. Interpreting in both language directions at this level involves a

wide range of subject areas usually including specialised consultations with other professionals, e.g. doctor/patient, solicitor/client, bank manager/client, court interpreting. A depth of linguistic ability in both languages is necessary at this level.

### *Professional Translator*

Professional translators work across a wide range of subjects and require a sound conceptual understanding of the material being translated. They may be qualified to translate into one language only or into both languages, depending upon their accreditation. Examples of texts include: correspondence, reports, standard text material in the general field of scholarship and non-specialised scientific, technical, legal, tourist and commercial subjects.

### *Conference Interpreter*

This represents the advanced professional level and a level of competence sufficient to handle complex, technical and sophisticated interpreting. Conference interpreters practise both consecutive and simultaneous interpreting in diverse situations including at conferences, high-level negotiations and court proceedings. They also operate at levels compatible with recognised international standards. Tasks include international conferences, diplomatic missions, trade negotiations, and other high level negotiations. Tasks may also include complex court proceedings. Interpreting in situations at this level requires a depth of linguistic ability in both language directions.

### *Advanced Translator*

Advanced translators handle complex, technical and sophisticated material, compatible with recognised international standards. Advanced translators may choose to specialise in certain areas, usually into one language only, that being their first language. Translations may include specialist material for specialists in the field, e.g. international conference papers, scientific papers in journals, legal documents and diplomatic agreements. Advanced Translators may also act as revisers of work done by other translators.

### **Conference Interpreter (Senior)**

This is the highest level of NAAATI accreditation and reflects both competence and experience. It represents an international standard together with demonstrated extensive experience and leadership. Interpreting tasks are similar to those for Conference Interpreters but may also include the organisation of international conferences and provision of advice for interpreting services within and outside Australia.

### **Advanced Translator (Senior)**

This is the highest level of NAAATI accreditation and reflects both competence and experience. It represents an international standard together with demonstrated extensive experience and leadership. Translation tasks are similar to those of Advanced Translators and may also include the management of translation of papers for international conferences and provision of advice for translation services within and outside Australia.

## **Revalidation of Accreditation and Recognition**

To retain the highest level of competency in the translating and interpreting profession, and to enhance the value of NAAATI accreditation and provide the marketplace with capacity to identify practitioners who are experienced and who retain professional currency, NAAATI has introduced changes to its accreditation and recognition processes. From 1 January 2007 all new accreditations and recognitions based on tests sat and applications received after this date will be valid for a period of three years.

This means that if a candidate is successful on a NAAATI test after 1 January 2007, you will be awarded accreditation or recognition for three years.

At the end of the three years, candidates will have the options of:

- a) applying for revalidation of accreditation
- b) allowing the accreditation to lapse



To qualify for Revalidation individuals will have to be able to show that they have met criteria in two major categories: Continuing Practice and Professional Development. An integral part of the Professional Development requirements will be continual maintenance of an in depth knowledge of the ethics of the profession. In addition, one of the criteria for an individual to be eligible for Revalidation will be continuing ethical behaviour during the Revalidation period.

For additional information, check the NAAATI website [www.naati.com.au](http://www.naati.com.au) or contact the National Office on 1300 557 470.

## About AUSIT

The Australian Institute of Interpreters and Translators Inc. (AUSIT) is the national professional association for the interpreting and translation profession. Founded in 1987 through an initiative by NAAATI, AUSIT has become a vibrant organisation with members in all Australian states and territories and around the world.

AUSIT provides the translation and interpreting community with a professional organisation to define and administer the AUSIT Code of Ethics. With the explosion of electronic communication, AUSIT also provides interpreters and translators through its website ([www.ausit.org](http://www.ausit.org)), electronic bulletin boards and publications with a forum and marketplace where work, ideas and resources can be exchanged and debated by AUSIT's members.

In an industry which by its very nature is often solitary, AUSIT has provided Australian translators and interpreters with a true community and given them a voice to dialogue with partners in industry and government as well as internationally.

An important part of AUSIT's role is to promote the profession, improve the profile of translators and interpreters in the community and raise standards through professional development and the adoption of the AUSIT Code of Ethics. AUSIT runs regular professional development seminars across the country, allowing practitioners to hone their skills, and has developed a points recording system tying in with NAAATI. Revalidation as well as other professional associations. Professional development events also function as important networking opportunities that enable practitioners to meet representatives from major employers of language service professionals in the private and public sectors, as well as fellow practitioners, educators and others involved in the industry.

With around 800 members, AUSIT has now fulfilled NAAATI's original goal to create a truly national association of translators and interpreters. In addition to working with NAAATI, it is setting up strategic alliances



with many organisations including writers' groups, universities, insurance companies (professional indemnity insurance). Increasingly, industry recognises that serious translators and interpreters are members of AUSIT, and uses the electronic directory of practitioners. Find a Practitioner, on the AUSIT website to source language services professionals.

As mentioned in the introduction, the AUSIT Code of Ethics was developed by AUSIT in 1995 after Australia-wide consultation. The core values enunciated in it: accuracy, confidentiality, impartiality, collegiality etc., provide a framework regulating every aspect of our professional lives.

It can be considered the 'backbone' of the profession.

Launched at the 14th World Congress of the International Federation of Translators (FIT) hosted by AUSIT in Melbourne in February 1996, the AUSIT Code of Ethics is now generally recognised as the national reference for conduct of translators and interpreters in Australia. With AUSIT's permission it has been adopted and reproduced by major organisations, private agencies, and of course NAAATI.

The Code is also available online at [www.ausit.org](http://www.ausit.org).

AUSIT refines and updates the Code of Ethics from time to time. Organisations authorised to reproduce the Code (AUSIT is the copyright holder) are requested to check regularly with AUSIT at [www.ausit.org](http://www.ausit.org) to ensure that the edition they are circulating is current. Authorisation to use the AUSIT Code of Ethics in this booklet is valid until the end of 2008.



Translators and interpreters around the world have to deal with complex language and sensitive matters as part of their working day.

In addition to the necessary qualifications, knowledge and expertise, interpreters and translators (and clients) can rely on the ethical standards and practice guidelines set out in the AUSIT Code of Ethics and Code of Practice (Annotations to General Principles) to guide their professional practice and deliver the best possible outcomes.

An AUSIT-NAAATI joint project was undertaken in 1994 to develop a code of professional behaviour for practitioners working in the industry. AUSIT produced the Code of Ethics in consultation with NAAATI and other stakeholders in the profession, and in 1995, the first edition of the Code was printed and widely publicised. NAAATI adopted it as an important element in the testing process.

Experienced practitioners know how to process and deliver all types of information while keeping confidentiality and impartiality foremost in their minds. But when the thorniest of ethical issues arises, practitioners and clients alike turn to the AUSIT Code of Ethics to resolve their dilemma.

The AUSIT Code of Ethics is a compilation of rules and directives that interpreters and translators in Australia must follow while performing their duties. Adherence to the Code of Ethics by practitioners denotes respect for international conventions of best practice in the profession and proper treatment of all information exchanged during the course of their work.

Summarised briefly, the AUSIT Code of Ethics obliges members to:

- respect their clients' right to privacy and confidentiality;
- disclose any real or perceived conflict of interest;
- decline to undertake work beyond their competence or accreditation levels;

## AUSIT General Principles

- relay information accurately and impartially between parties; maintain professional detachment and refrain from inappropriate self-promotion; and
  - guard against misuse of inside information for personal gain.
- The AUSIT Code of Ethics has been in existence for 22 years and has undergone two revisions. A further revision is envisaged in the medium term. Several government and private interpreting and translating services have adopted it as an integral part of the contract that practitioners must sign before joining their service and adhere to while performing their assignments.
- In addition to NAAATI's endorsement, other Commonwealth and State organisations have embraced the AUSIT Code of Ethics as an inherent part of a practitioner's brief. These include:

- TIS (Translating and Interpreting Service, the Department of Immigration's official language services division);
- Centrelink;
- Refugee Review Tribunal;
- Federal Attorney General's Department;
- NSW Law Society;
- NSW Health Care Interpreter Service;
- Other major private suppliers of interpreters and translators.

**Note:** For the purposes of NAAATI accreditation testing the AUSIT Code of Ethics is the code that will be examined for languages other than Auslan. For Auslan accreditation testing the ASLIA Code of Ethics will be examined.

### 1. PROFESSIONAL CONDUCT

Interpreters and translators shall at all times act in accordance with the standards of conduct and decorum appropriate to the aims of AUSIT, the national professional association of interpreting and translation practitioners.

## 2. CONFIDENTIALITY

Interpreters and translators shall not disclose information acquired during the course of their assignments.

## 3. COMPETENCE

Interpreters and translators shall undertake only work which they are competent to perform in the language areas for which they are "accredited" or "recognised" by NAATI.

## 4. IMPARTIALITY

Interpreters and translators shall observe impartiality in all professional contracts.

## 5. ACCURACY

Interpreters and translators shall take all reasonable care to be accurate.

## 6. EMPLOYMENT

Interpreters and translators shall be responsible for the quality of their work, whether as freelance practitioners or employed practitioners of interpreting and translation agencies and other employers.

## 7. PROFESSIONAL DEVELOPMENT

Interpreters and translators shall continue to develop their professional knowledge and skills.

## 8. PROFESSIONAL SOLIDARITY

Interpreters and translators shall respect and support their fellow professionals.

## AUSIT Code of Practice

Annotations to General Principles of Code of Ethics

### 1. PROFESSIONAL CONDUCT

#### a) Standards of Conduct and Decorum

- i. Interpreters and translators shall be polite and courteous at all times.
- ii. Interpreters and translators shall explain their role to those unaccustomed to working with them.
- iii. Interpreters and translators shall be unobtrusive, but firm and dignified, at all times.
- iv. It is the responsibility of interpreters and translators to ensure that the conditions under which they work facilitate rather than hinder communication.
- v. Interpreters shall encourage speakers to address each other directly.

#### b) Honesty, Integrity and Dignity

- i. Interpreters and translators shall not allow personal or other interests to prejudice or influence their work.
  - ii. Interpreters and translators shall not solicit or accept gratuities or other benefits. [Cf. 6. Employment b) (iiii)]
  - iii. Interpreters and translators shall not exercise power or influence over their clients.
  - iv. Interpreters and translators shall maintain their integrity and independence at all times.
  - v. Interpreters and translators shall frankly disclose any possible conflict of interest.
- Reliability*
- c) Interpreters and translators shall adhere to appointment times

and deadlines, or in emergencies advise clients promptly. Interpreters and translators shall undertake appropriate preparations for all translating and interpreting (T&I) assignments.

ii. Interpreters and translators shall complete interpreting and translation assignments they have accepted.

**d) Infamous Conduct**

Interpreters and translators shall refrain from behaviour which their colleagues would reasonably regard as unprofessional or dishonourable.

#### e) Disputes

i. Interpreters and translators shall try to resolve any disputes with their interpreting and translating colleagues in a cooperative, constructive and professional manner.

ii. Interpreters and translators shall refer any unresolved disputes with other AUSIT members to the Executive Committee of their professional association and the conclusive direction of the Executive Committee shall be binding on members, with the provision of appeal or review in the interests of natural justice.

## 2. CONFIDENTIALITY

#### a) Information Sharing

i. Information shared in interpreting and translating assignments is strictly confidential.

ii. Disclosure of information may be permissible with clients' agreement or when disclosure is mandated by law.

iii. Where teamwork is required, and with the clients' permission, it may be necessary to brief other interpreters or translators who are members of the team involved in the assignment. In such circumstances, the ethical obligation for confidentiality extends to all members of the team and/or agency.

## 3. COMPETENCE

#### a) Qualifications and Accreditation

iv. Information gained by interpreters and translators from consultations between clients and their legal representatives is protected under the common law rule of legal professional privilege.

v. Interpreters and translators shall not sub-contract work to interpreting and translating colleagues without permission from their client.

vi. Translated documents at all times remain the property of the client and shall not be shown or released to a third party without the express permission of the client, or by order of a court of law.

#### b) Level of Expertise

i. Interpreters and translators shall accept only interpreting and translation assignments which they are competent to perform.

ii. Acceptance of an interpreting and translation is an implicit declaration of an interpreter's or translator's competence and constitutes a contract (oral or written).

iii. Interpreters and translators shall clearly specify to their clients the NAAIT level and direction in the languages for which they are accredited or recognised.

iv. If requested by clients, interpreters and translators shall explain the difference between NAAIT "Accreditation" and "Recognition".

#### c) Prior Preparation

In the course of an assignment, if it becomes apparent to interpreters and translators that expertise beyond their competence is required, they shall inform the clients immediately and offer to withdraw from the assignment.

Interpreters and translators shall ascertain beforehand what will

be required of them in a projected assignment, and then make the necessary preparation.

#### (d) Second Opinions and Reviews

Any alterations made to interpreting and translation work, as a result of a second opinion and/or review by other interpreters or translators, shall be agreed upon by consultation between the interpreters and translators concerned.

### 4. IMPARTIALITY

#### a) Conflicts of Interest

- i. Interpreters and translators shall not recommend to clients any business, agency, process, substance or material matters in which they have a personal or financial interest, without fully disclosing this interest to the clients.
- ii. Interpreters and translators shall frankly disclose all conflicts of interest, including assignments for relatives or friends, and those affecting their employers.
- iii. Interpreters and translators shall not accept, or shall withdraw from assignments in which impartiality may be difficult to maintain because of personal beliefs or circumstances.

#### b) Objectivity

- i. A professional detachment is required for interpreting and translation assignments in all situations.
- ii. If objectivity is threatened, interpreters and translators shall withdraw from the assignment.

#### c) Responsibility Related to Impartiality

- i. Interpreters and translators are not responsible for what clients say or write.
- ii. Interpreters and translators shall not voice or write an opinion,

solicited or unsolicited, on any matter or person in relation to an assignment. If approached independently by separate parties to the same legal dispute, an interpreter or translator shall notify all parties and give the first party opportunity to claim exclusive right to the requested interpreting or translation service.

### 5. ACCURACY

#### a) Truth and Completeness

- i. In order to ensure the same access to all that is said by all parties involved in a meeting, interpreters shall relay accurately and completely everything that is said.
- ii. Interpreters shall convey the whole message, including derogatory or vulgar remarks, as well as non-verbal clues.
- iii. If patent untruths are uttered or written, interpreters and translators shall convey these accurately as presented.
- iv. Interpreters and translators shall not alter, make additions to, or omit anything from their assigned work.

#### b) Uncertainties in Transmission and Comprehension

- i. Interpreters and translators shall acknowledge and promptly rectify their interpreting and translation mistakes.
- ii. If anything is unclear, interpreters and translators shall ask for repetition, rephrasing or explanation.
- iii. If recall and interpreting are being overtaxed, interpreters shall ask the speaker to pause, then signal to continue.

#### c) Clear Transmission

- i. Interpreters shall ensure that speech is clearly heard and understood by everyone present.
- ii. A short general conversation with clients prior to an assignment may be necessary to ensure interpreter and clients clearly understand each other's speech.
- iii. In a law court, simultaneous interpreting for clients shall be whispered.

d) Certification

Translators shall provide certification, if requested by their clients, that their translation is true and accurate so far as they know. Certification shall include the translator's name, details of NAATI accreditation/recognition, language and language direction, and be signed and dated

6. EMPLOYMENT

a) Freelance and Agency-Employed Practitioners

- i. Interpreters and translators may work in interpreting and translation assignments as independent (freelance) professionals, or under contract to a commercial or government agency.
- ii. In both instances, freelance and employed interpreters and translators shall abide by the AUSIT Code of Ethics.
- iii. If this Code of Ethics and an employing agency's directions are in conflict interpreters and translators shall abide by the Code of Ethics and, if necessary withdraw from the assignment.

b) Fees and Payment in Kind

- i. Members are free to set their own rates and conditions. AUSIT may provide information on ranges of rates charged by members.
- ii. Interpreters and translators shall not accept for personal gain any fees, favours commissions or the like from any person, firm, corporation or government agency, including another interpreter or translator, in connection with recommending to a client any person, business agency, substance, material matters, process or service.
- iii. In general, gifts and tips in addition to the agreed fee shall not be accepted. However, some discretionary latitude may be exercised in accepting a gift as a token of gratitude, as this is obligatory in certain client cultures.

c) Accountability

- i. Interpreters and translators shall be responsible for any services to or on behalf of clients by assistants or sub-contractors employed by the interpreters or translators.
- ii. Interpreters and translators in the employment of another practitioner or interpreting and translation agency shall exercise the same diligence as in all professional contexts in the performance of their duties.

7. PROFESSIONAL DEVELOPMENT

a) Maintaining Skills

- i. Interpreters and translators shall constantly review and re-evaluate their work performance to maintain acceptable standards.
- ii. Practising interpreters and translators are expected to maintain and enhance their language skills by pursuing further relevant study and experience.
- iii. Interpreters and translators shall maintain close familiarity with the languages and cultures for which they offer professional interpreting and translation expertise.

b) Training and Practice

- i. Interpreters and translators shall continually endeavour to improve their interpreting and translating skills.
- ii. It is incumbent on interpreters and translators to support and encourage the professional development of their colleagues.

8. PROFESSIONAL SOLIDARITY

a) Support of Colleagues

- i. Interpreters and translators shall support and further the

- i. interests of the profession and their colleagues and offer each other reasonable assistance as required.
- ii. Interpreters and translators shall refrain from making comments injurious to the reputation of a colleague.

#### b) Trust and Respect

- i. Interpreters and translators shall promote and enhance the integrity of the profession by fostering trust and mutual respect between colleagues.
- ii. Any differences of opinion interpreters and translators shall be expressed with candour and respect, rather than by denigration.

### SUPPLEMENTARY NOTES TO THE CODE OF PRACTICE

Some useful suggestions follow which do not fit neatly into the Code of Practice, but which may help explain some clauses.

#### 1. PROFESSIONAL CONDUCT

To determine the appropriateness or otherwise of a proposed course of action, consider whether or not it might impede or jeopardise effective communication.

If approached directly by a client, known to be a client or another interpreting or translation professional or agency, do not accept any assignments offered without first conferring with, and obtaining endorsement from, the other professional or agency.

#### 3. COMPETENCE

It is more informative for interpreters and translators to use arrows rather than hyphens to specify in writing language directions for which they are NAAATI "accredited" or "recognised". [cf3(a) (iii)].

The distinction between NAAATI "accredited" and "recognition" needs to be understood, and those who work with interpreters and translators



should be given the opportunity to make informed decisions when seeking their services. [cf3 (a) (iiii)].

Interpreters and translators ought to be given the opportunity to comment on any alterations made to their work as a result of a second opinion and/or review by other interpreters or translators. [cf3 (d)].

#### 6. EMPLOYMENT

When employed by an interpreting and translation agency for specific tasks, interpreters and translators may present business cards representing that agency only - do not use personal cards or cards which imply employment by any other organisation. [cf1 (d)].



# ASLIA Code of Ethics and Guidelines for Professional Conduct

## Preamble

The following document has been modelled on the Code of Ethics developed by the Association of Visual Language Interpreters of Canada (AVLIC). The work and consultation process undertaken by AVLIC with its members is acknowledged by ASLIA National.

Input received from members of ASLIA in the first round of consultation was included herein. A second draft of the proposed new Code of Ethics for ASLIA, was distributed for a further consultation round, including major stakeholders and once again with members of ASLIA with feedback requested by 15 July 2007. ASLIA National presented the final version of the new Code of Ethics which was ratified by the membership at our AGM in Sydney on 8th September 2007.

ASLIA expects all practitioners to maintain high standards of professional conduct in their identity and capacity as an interpreter. Members of ASLIA in particular, are required to abide by the Code of Ethics and follow the Guidelines for Professional Conduct as a condition of membership of the association.

This document articulates ethical principles, values, and standards of conduct to guide all practitioners in their pursuit of professional practice. It is intended to provide direction to interpreters for ethical and professional decision-making in their day-to-day work. The Code of Ethics and Guidelines for Professional Conduct is the mechanism by which the public is protected in the delivery of service. It should not be considered a prescriptive set of rules, but rather a set of principles and values which should be inherent in professional practice.

For NAATI accreditation testing in Auslan the ASLIA Code of Ethics will be examined. For languages other than Auslan the AUSIT Code of Ethics will be examined.

## Values Underlying the Code of Ethics

ASLIA values:

- 1. Professional accountability:** Accepting responsibility for professional decisions and actions.
- 2. Professional competence:** Committing to provide quality professional service throughout one's practice.
- 3. Non-discrimination:** Approaching professional service with respect and cultural sensitivity.
- 4. Integrity in professional relationships:** Dealing honestly and fairly with participants and colleagues.
- 5. Integrity in business practices:** Dealing honestly and ethically in all business practices.

Practitioners' are to understand that each of these core values and accompanying sections are to be considered when making ethical and professional decisions in their identity and capacity as an interpreter. These values are of equal weight and importance.

1 "Practitioners" refers to both Deaf and hearing individuals who are engaged in interpreting assignments using Auslan. "Participants" refers to both Deaf and hearing participants in any interpreted assignment.

# Guidelines for the Application of the ASLIA Code of Ethics

## 1. PROFESSIONAL ACCOUNTABILITY: Interpreters

accept responsibility for all professional decisions made and actions taken.

### 1.1 Confidentiality

1.1.1 Practitioners will respect the privacy of all participants and hold in confidence all information obtained in the course of professional service, be that within an interpreting assignment or in the details about an assignment. Practitioners may be released from this obligation only with the participants' authorisation or when ordered by law. Where necessary, a practitioner may exchange pertinent information with a colleague in order to provide consistent quality of service. This will be done in a manner that protects the information and the participants..

1.1.2 Practitioners need to be aware that other professional codes of conduct may impact upon their work. In such circumstances, practitioners will make appropriate professional decisions and conduct themselves in a manner befitting the setting and the profession.

### 1.2 Professional Conduct

1.2.1 Practitioners will hold the needs of participants' primary when making professional decisions.

1.2.2 Practitioners shall recognise that all work undertaken by them on an individual basis, whether pro bono or paid, will ultimately reflect the integrity of them and of the profession.



1.2.3 Practitioners shall conduct themselves in a professional manner at all times. They shall not badger or coerce individuals or agencies to use their professional services.

1.2.4 Practitioners shall take into account the limitations of their linguistic abilities, knowledge and the resources available to them prior to accepting work. They will remove themselves from a given setting when they realise an inability to provide professional service.

1.2.5 Practitioners must be aware of personal circumstances or conflicts of interest that might interfere with their effectiveness. They will refrain from conduct that can lead to substandard performance and/or harm<sup>2</sup> to anyone, including themselves and participants.

1.2.6 Practitioners who are ASLIA members are accountable to ASLIA National and to their State Association for their professional and ethical conduct. Further, practitioners are responsible to discuss and resolve, in a professional manner, issues arising from breaches of ethical or professional conduct on the part of individual colleagues after they are observed. In the case where these breaches are potentially harmful to others or chronic, and attempts to resolve the issue have not been successful, such conduct should be reported to ASLIA National, and/or their State Association, in a manner directed by the appropriate grievance procedure.

2

Harm refers to injurious behaviour that causes distress to the person. This can include but is not limited to actions which are sexual, physical, emotional or verbal in nature. It can also include performance of duties while under the influence of alcohol, drugs or mind-altering substances.



## 1.3 Scope of Practice

1.3.1 When functioning as part of a professional team (for example, but not limited to, education, legal, medical or mental health settings) it is understood that practitioners will limit their expertise to interpretation. In such settings, it may be appropriate for practitioners to comment on the overall effectiveness of communication, the interpreting process and to suggest appropriate resources and referrals. This should be done only within the context of the professional team.

1.3.2 Practitioners will refrain from using their professional role to perform other functions that lie beyond the scope of an interpreting assignment and the parameters of their professional duties. They will not counsel, advise, or interject personal opinions.

1.3.3 Practitioners will refrain from manipulating work situations for personal benefit or gain. When working as independent contractors, practitioners may promote their professional services within the scope of their practice. When working under the auspices of an agency or other employer, it is not ethical for the practitioners to promote their professional services independent of the agency or employer.

## 1.4 Integrity of Service

1.4.1 Practitioners will demonstrate sound professional judgment and accept responsibility for their decisions. Practitioners will make every attempt to avoid situations that constitute a real or perceived conflict of interest. Practitioners will ensure there is full disclosure to all parties should their ancillary interest be seen as a real or perceived conflict of interest.



## 2.

### PROFESSIONAL COMPETENCE: Interpreters provide the highest possible quality of service through all aspects of their professional practice.

#### 2.1 Qualifications to Practice

2.1.1 Practitioners will be accredited by NAAATI at Paraprofessional or Professional Interpreter level. Deaf Relay Interpreters will have completed appropriate training or testing. Practitioners will possess the knowledge and skills to support accurate and appropriate interpretation. It is recognized that practitioners work in a range of settings and with a variety of participants with diverse communication needs. This demands that practitioners be adept at meeting the linguistic needs of participants, the cultural dynamics of each situation, and the spirit and content of the discourse.

#### 2.2 Faithfulness of Interpretation

2.2.1 Every interpretation shall be faithful to and render faithfully the message of the source text. A faithful interpretation should not be confused with a literal interpretation. The fidelity of an interpretation includes an adaptation to make the form, the tone, and the deeper meaning of the source text felt in the target language and culture.

#### 2.3 Accountability for Professional Competence

2.3.1 Practitioners will accept full responsibility for the quality of their own work and will refrain from making inaccurate statements regarding their competence, education, experience or certification.

2.3.2 Practitioners are responsible for properly preparing themselves for the work contracted.

2.3.3 Practitioners will accept contracts for work only after



determining they have the appropriate qualifications and can remain neutral throughout the assignment.

## 2.4 Ongoing Professional Development

2.4.1 Practitioners will incorporate current theoretical and applied knowledge into their professional practice. They will enhance that knowledge through continuing education throughout their professional careers and will strive to upgrade NAATI accreditation, as well as participating in revalidation of accreditation procedures.

2.4.2 Practitioners will aim to be self-directed learners, pursuing educational opportunities which are relevant to their professional practice. This could include, but is not limited to, peer review, collegial consultation, mentoring, and obtaining regular feedback regarding specific areas of skill development.

## 3. NON-DISCRIMINATION: Interpreters approach professional services with respect and cultural sensitivity towards all participants.

### 3.1 Non-discrimination

3.1.1 Practitioners will respect the individuality, the right to self-determination, and the autonomy of the people with whom they work. They will not discriminate based on ethnicity, gender, age, disability, sexual orientation, religion, personal beliefs and practices, social status or any other factor.

3 Cultural sensitivity refers to being aware of and responding to the uniqueness of each individual and of each context within which we work.



## 3.2 Communication Preferences

3.2.1 Practitioners will respect and use specific forms of communication preferred by deaf and hard of hearing participants, as well as any hearing participants, to whom they provide service. Refer also to 1.2.4.

### 3.3 Deaf Relay Interpreters

3.3.1 The services of a Deaf Relay Interpreter may be required when working with individuals who use regional sign dialects, non-standard signs, foreign sign languages, and those with emerging language use. They may also be used with individuals who have disabling conditions that impact on communication. Practitioners will recognise the need for a Deaf Relay Interpreter and will advocate for their inclusion as a part of the professional interpreting team where applicable.

## 4. INTEGRITY IN PROFESSIONAL RELATIONSHIPS: Interpreters deal honestly and fairly with participants and colleagues while establishing and maintaining professional boundaries.

### 4.1 Professional Relationships

4.1.1 Practitioners shall understand the difference between professional and social interactions. They will establish and maintain appropriate boundaries between themselves and participants. Practitioners will assume responsibility to ensure relationships with all parties involved are reasonable, fair and professional.

### 4.2 Impartiality

4.2.1 Practitioners shall remain neutral, impartial, and objective. They will refrain from altering a message for



political, religious, moral, or philosophical reasons, or any other biased or subjective consideration.

4.2.2 Should a practitioner not be able to put aside personal biases or reactions which threaten impartiality, the practitioner will examine options available to them. These may include not accepting the work, or withdrawing their services from the assignment or contract.

#### 4.3 Respect for Colleagues

4.3.1 Practitioners will act toward colleagues in a spirit of mutual cooperation, treating and portraying them to others with respect, courtesy, fairness and good faith. Practitioners have a professional obligation to assist and encourage new interpreting practitioners in the profession.

4.3.2 Practitioners shall not abuse the good faith of other practitioners, breach trust, or use unfair tactics in dealings with colleagues or others.

#### 4.4 Support for Professional Associations

4.4.1 Practitioners are expected to support ASLIA National, its State Associations, and other organisations representing the profession and the Deaf community.

### 5. INTEGRITY IN BUSINESS RELATIONSHIPS: Interpreters establish and maintain professional boundaries with participants and colleagues in a manner that is honest and fair.

#### 5.1 Business Practices

5.1.1 Practitioners will refrain from any unfair competition with their colleagues, including, but not limited to:

- a. engaging in comparative advertising
- b. willfully undercutting; or
- c. artificially inflating fees during times when market demand exceeds supply.

5.1.2 Practitioners will conduct themselves in all phases of the interpreting situation in a manner befitting the profession, including negotiating work and contracts, obtaining suitable preparation material, choice of attire, presentation and professional demeanour.

5.1.3 Practitioners will honour professional commitments made when accepting work, and will follow through on their obligations. Practitioners may not unilaterally terminate work or a contract unless they have fair and reasonable grounds to do so. Termination for the purposes of gaining better paid work is not fair or reasonable.

5.1.4 Practitioners shall take reasonable care of material and/or property given to them by a participant or employer (for example, speech notes or a textbook) and may not lend such or use it for purposes other than those for which it was entrusted to them.

#### 5.2 Accurate Representation of Credentials

5.2.1 Practitioners shall not by any means engage in, nor allow, the use of statements regarding their credentials that are false, misleading, incomplete, or likely to mislead participants or members of the public.

5.2.2 Practitioners will refrain from making inaccurate statements regarding their competence, education, experience or certification. This may include, but is not limited to, interpreter directories, business cards and forms, promotional materials, resumes or publications they have authored.

5.3.1 Practitioners will bill only for services provided. Practitioners will negotiate fees, including cancellation policies, preferably in writing or contract form, before service is provided. Practitioners will be sensitive to professional and community norms when establishing fees for services.

5.3.2 Practitioners may also provide pro bono service in situations where the profession of interpreting and the livelihood of other practitioners will not be threatened (refer to the ASLIA National pro bono interpreting policy).

AIIIC, which was founded in Paris on 11 November 1953, is the professional association which represents conference interpreters and determines their qualifications and standards.

Membership of AIIIC implies a high professional standard in the language grading shown in the directory. Members of AIIIC are bound by the Code of Professional Ethics.

#### *Membership criteria*

Applicants must hold a degree from a University or institution of equivalent status at which the language of instruction is the language in which they are seeking recruitment. AIIIC requires a minimum of 200 days experience as a conference interpreter or alternatively candidates must hold a university degree from a recognised school of interpretation.

### **AIIIC Code of Ethics**

#### **CODE OF PROFESSIONAL ETHICS**

*International Association of Conference Interpreters (AIIIC) – 2006 Version*

#### **I. PURPOSE AND SCOPE**

##### **Article 1**

a) This Code of Professional Ethics (hereinafter called the "Code") lays down the standards of integrity, professionalism and confidentiality which all members of the Association shall be bound to respect in their work as conference interpreters.

b) Candidates shall also undertake to adhere to the provisions of this Code.

c) The Council, acting in accordance with the Regulation on Disciplinary Procedure, shall impose penalties for any breach of the rules of the profession as defined in this Code.

Article 2

a) Members of the Association shall be bound by the strictest secrecy, which must be observed towards all persons and with regard to all information disclosed in the course of the practice of the profession at any gathering not open to the public.  
b) Members shall refrain from deriving any personal gain whatsoever from confidential information they may have acquired in the exercise of their duties as conference interpreters.

Article 3

a) Members of the Association shall not accept any assignment for which they are not qualified. Acceptance of an assignment shall imply a moral undertaking on the member's part to work with all due professionalism.  
b) Any member of the Association recruiting other conference interpreters, be they members of the Association or not, shall give the same undertaking.  
c) Members of the Association shall not accept more than one assignment for the same period of time.

Article 4

a) Members of the Association shall not accept any job or situation which might detract from the dignity of the profession.  
b) They shall refrain from any act which might bring the profession into disrepute.

Article 5

For any professional purpose, members may publicise the fact that they are conference interpreters and members of the Association, either as individuals or as part of any grouping or region to which they belong.

Article 6

a) It shall be the duty of members of the Association to afford their colleagues moral assistance and collegiality.  
b) Members shall refrain from any utterance or action prejudicial to the interests of the Association or its members. Any complaint arising out



III. WORKING CONDITIONS

Article 7

With a view to ensuring the best quality interpretation, members of the Association:  
a) shall endeavour always to secure satisfactory conditions of sound, visibility and comfort, having particular regard to the Professional Standards as adopted by the Association as well as any technical standards drawn up or approved by it;  
b) shall not, as a general rule, when interpreting simultaneously in a booth, work either alone or without the availability of a colleague to relieve them should the need arise;  
c) shall try to ensure that teams of conference interpreters are formed in such a way as to avoid the systematic use of relay;  
d) shall not agree to undertake either simultaneous interpretation without a booth or whispered interpretation unless the circumstances are exceptional and the quality of interpretation work is not thereby impaired;  
e) shall require a direct view of the speaker and the conference room. They will thus refuse to accept the use of television monitors instead of this direct view, except in the case of videoconferences;  
f) shall require that working documents and texts to be read out at the conference be sent to them in advance;  
g) shall request a briefing session whenever appropriate;  
h) shall not perform any other duties except that of conference interpreter at conferences for which they have been taken on as interpreters.



## Ethical Dilemmas for Translators

Note the references to the Code of Ethics used in the following examples are based on the AUSIT Code of Ethics.

### Example 1

You are asked to translate the narration of a brief video, described to you as 'advertising material'. On viewing the video, you see that it is advertising for pornographic materials and, further, that it contains what is obviously publicity for a paedophilia association. What do you do now?

The fact that paedophilia is involved raises issues of disclosure [2a] iii) and must be reported to the police. Pornography alone would require some circumspction: it is not necessarily unlawful in Australia, and disclosure without reference to the client [2a] ii) may create professional and legal dangers for the translator who does not first seek competent, independent advice. The issue of infamous conduct [1d] may be relevant in situations such as this.

*Failure to report criminal matters such as paedophilia would doubtless be 'infamous'. But what of accepting an assignment to translate so-called 'soft' pornographic material? Some colleagues may regard that as '...unprofessional or dishonourable...' but it may be a matter of debate within the profession.*

### Example 2

You are sent some medical documents to translate. Upon reading them, you realise that they are about ante-natal testing to determine birth defects and other procedures including abortion. What do you do?

*A practitioner who has strong cultural, religious or personal objections to abortion and associated issues would probably withdraw from such an assignment, citing inability to maintain impartiality in the face of such*

Article 8  
Members of the Association shall neither accept nor, a fortiori, offer for themselves or for other conference interpreters recruited through them, be they members of the Association or not, any working conditions contrary to those laid down in this Code or in the Professional Standards.

## IV. AMENDMENT PROCEDURE

Article 9  
This Code may be modified by a decision of the Assembly taken with a two-thirds majority of votes cast, provided a legal opinion has been sought on the proposals.

translation is rejected by the government body because it has not been translated by a "Level 3 Translator". The client asks you to adjust the certification to state that you are a two-way NAAATI accredited Translator, so that she may re-present her application to the government body, offering to pay you an "appropriate recompense" if you do. What do you do and why?

Obviously, to certify to an accreditation you do not possess is dishonest and unprofessional behaviour [1b) iv) and 1d)], while the offer of "recompense" would be a form of gratuity which should not be accepted (although a practitioner who is prepared to accede to a proposal for false certification is unlikely to have qualms about acceptance of gratuities.)<sup>2</sup> There is no evidence of any mitigating cultural imperative connected with the offer [6b) iii)].

Both client and government body should be made aware of the distinction between "accreditation" and "recognition", [3a) iii) and iv)] that the latter serves where there are NO accredited translators or interpreters at the required level because a language is rare or because no relevant NAAATI tests have been created yet. Recognition is the best available to them at the moment. Your certification must reflect that [5d)].

#### Example 5

A translator friend approaches you with a lengthy translation which he has half-completed. He seeks your help in completing the translation, as he is unable to meet the task deadline. What ethical issues are involved, and how can they be resolved?

The translator friend is in effect seeking to sub-contract the work, and this requires the client's permission [2a) v)]. The disclosure of the information in the document of a third party must also have client permission [2a) iii) and iii)]. Very simply, resolution lies in full consultation with the client before proceeding any further. If the client agrees to the participation of a second translator, your friend is accountable to the client for the quality of your work, while the highest standard of professional diligence is expected of you [6c) i) and iii)].

material [4a) ii)]. The practitioner would at all times conduct themselves in a dignified and courteous manner [1.a) i and iii)].

A practitioner who has no strong cultural, religious or personal objections to abortion and associated issues would probably accept the assignment and translate all the contents to the best of their ability. He/she would ensure accuracy [5 a) i and iv) of the translation by undertaking the appropriate research [3. c)] and would be accountable for the quality of the work completed and would not allow personal beliefs to affect remaining impartial.

#### Example 3

A client has given you a proof-reading assignment. The text has been translated by another practitioner and, as you read, you find numerous grammatical and semantic errors – not simply typographical mistakes. This is the fourth time you have corrected work done by that translator and every time there have been serious errors. You now have doubts about the translator's abilities and have concluded that, in the interests of the profession, something must be done. What action should you take?

Before anything else, the matter must be taken up with the other translator and an effort made to resolve the difficulties in a constructive and professional manner. If this proves fruitless, the dispute can be referred to the practitioner's professional association, assuming that both are members [1e) i) and ii)]. In any event, alterations to a text as a result of consultation with, or review by, other parties must be agreed on by the two translators directly involved [3d)]. Important issues overarching this scenario are that of professional solidarity and mutual respect [8a) and b)] as well as professional development [7a) and b)] if the concerns about the original translator's performance are justified.

#### Example 4

You are an accredited translator (both directions) in one language (LOTE 1), with recognition credentials in another (LOTE 2). You are employed by a person to translate her driver's licence from LOTE 2.

You complete the assignment and certify the translation, but the

#### Example 6

You agree to translate what is described as a "moderately technical" text. When you receive the text, it is soon obvious to you that the terminology is beyond your level of competence. The client company is desperate to have the translation and offers to increase your fee if you will agree to go ahead with the task. How would you react to the client's proposal?

Clearly you have advised the client of the problem that has emerged, in accordance with (8b). It would have been prudent not to have taken the client's description of the text at face value and to have made more detailed enquiries about its nature before accepting the assignment (3c). Acceptance of an assignment is implicit declaration of competence, and creates a contractual relationship (3a) (iii).

You now face a dilemma arising from lack of competence to perform an assignment, which the client could demand be completed in accordance with the contract (3a) (ii). The difficulty for you is compounded by a provision in the Code (6a) (iii) that gives precedence to the profession's code of ethics over an employer's directions in the event of conflict.

#### Example 7

You work as a freelance translator specialising in translations into English. You are a highly experienced and respected translator in the profession. A private translation firm approaches you with an exclusive and potentially lucrative offer. This firm has been organising translations for overseas organisations, but is now seeking to expand into the Australian market. They suggest that you pass on any overflow of translation work to their firm. They would of course pay you a certain percentage for your assistance. How would you react to the proposal? What ethical issues are involved?

It is not uncommon for translators to pass on work to their colleagues if they are unable to accept an assignment from a client WITHOUT expecting any monetary recompense in return from either their translator colleague or the client requesting the translation. The Code of Ethics

### Ethical Dilemmas for Interpreters

#### Example 8

You are booked for a medical assignment in a hospital. Upon arrival, you are sent to the Antenatal Clinic. You are asked to interpret for a patient and a nurse about antenatal testing to determine birth defects and possible procedures including abortion. What do you do?

A practitioner should (1b) (i) "not allow personal or other interests to prejudice or influence their work". The interpreter would interpret everything to the best of his/her ability in accordance with the Code of Ethics. However, if a practitioner has strong cultural, religious or personal objections to abortion and associated issues which would affect his/her ability to maintain impartiality in the face of such material (4a) (iii), then he/she should withdraw from the assignment. Regardless of his/her convictions, the practitioner would at all times conduct him/herself in a dignified and courteous manner in accordance with Professional Conduct (1a) (i) and (iii).

#### Example 9

You interpret during a psychiatric assessment between a patient and a

states quite clearly (6.b) (ii) that translators "shall not accept for personal gain any fees, favours, commissions or the like from any person, firm, corporation or government agency, including another T & I professional, in connection with recommending to a client any person, business agency, substance, material matters, process or service". In addition, practitioners shall refrain from behaviour which their colleagues would regard as unprofessional or dishonourable (1. d)).

Another point to consider is that the agency is in effect seeking to subcontract the work, and this requires the client's permission (2a v)). It would be prudent given all of the above for the translator to refuse to work with that agency.

psychiatrist. At the end of the interview, after the Non-English-Speaking client has left, the psychiatrist takes you aside and asks you, "I think this patient is mentally unstable and depressed. What do you think?" How would you respond?

*The practitioner should explain to the psychiatrist what his/her role as an interpreter is to facilitate communication between the psychiatrist and his/her patient [1.a) ii)] not to voice an opinion [4.c) ii]. This should be explained in a polite and courteous manner [1.a) i)]. The practitioner also, in accordance with the principle of impartiality [4.c) ii)], shall not voice or write an opinion, solicited or unsolicited, on any matter or person in relation to an assignment. The determination of a person's mental stability or of clinical depression is a diagnosis only a qualified mental health practitioner is able to make.*

#### Example 10

You are called to interpret for a terminally ill patient and his family members at a 'family meeting' with the team of medical and health professionals who are caring for the patient. Some family members pull you aside before entering the room and expressly ask you not to mention the word "cancer" in your interpretation, but to refer to it vaguely as "an illness". What do you do?

*If the word "cancer" is used by any party to the meeting then you are bound to render it into the other language accurately and completely [5a) i) and ii)]. In accordance with the Code of Ethics [1. a) ii)], it is the interpreter's responsibility to explain his/her role. This means that the interpreter should explain that interpreters are bound to interpret everything faithfully and accurately. The interpreter may, however, suggest to the family that they discuss their concerns with the treating medical staff prior to the meeting with the patient [3c)].*

#### Example 11

You are contracted by a solicitor to interpret in a series of court cases for one of his clients. At the court, before your first appearance, the client anxiously offers you a religious keepsake native to the client's culture, as

a good luck charm. Should you accept it?

You will not be able to attend the next scheduled court appearance due to other commitments. You had previously agreed with the solicitor to take on this court date, but circumstances have changed. The court case is due to start in 48 hours. What ethical options are open to you?

In the course of the next few court appearances, the client gets to know you as a familiar face. They win their case and, as a sign of appreciation, the client (a jeweller) offers you a gemstone of a type for which his native country is renowned. You know that he would be offended if you refuse. What do you do and why?

*The first main issue here is that of gifts and gratuities. In general, you accept the fee agreed upon with your client and nothing else [6b) i) and ii)]. This is probably more applicable to the offer of the gemstone than to the religious object.*

*While gift-giving may be culturally appropriate, the more intrinsically valuable the gift, the greater is the obligation on the practitioner to refuse with the clearest and most polite explanation possible, in order to minimise any offence to the client.*

*The religious object presents a similar but perhaps more fluid problem because of the religious aspect of its nature. It may be appropriate to accept [6 b) ii)]. Unless you make it a policy to refuse all gifts regardless of consequences, you will have the delicate task of basing any accept/reject decision on your knowledge or assessment of the monetary value of the gift, and the importance of gift-giving in the client's culture.*

*The second major issue flows from your inability to be in court on the agreed date. One hallmark of true professionalism is reliability [1c)]. It is unfair to the client (and potentially dangerous for you as there is a lawyer involved) to disengage completely at 48 hours notice. A temporary substitute for yourself would be the normal solution in such cases, i.e. a sub-contracting situation.*

*This solution can only be reached with your client's approval [2a v)]. It would be advisable to approach your client (in this instance, the solicitor)*

to discuss your inability to attend. It is the solicitor's right to refuse a substitute if the original agreement was made specifically with you. However, the solicitor may ask if you have a colleague who may be prepared to step in for you at short notice. In this case, sub contracting is permissible. The considerations here (accountability for a sub-contractor's work, the need for the client's permission, and the disclosure of information to the sub-contractor) [6c) i)] are the same as those confronting the translator in Example 5.

In this instance, the solicitor would also be within his/her rights to seek their own substitute through another agency or freelancer.

#### Example 12

During a parent teacher interview at a secondary school you realize that you are not familiar with a particular core subject which students need to pass. The parents of the student for whom you are interpreting need to be advised that their child is failing this subject. You know that there is no equivalent in your language for this particular subject. What do you do?

It is imperative in this situation that you ask the teacher for clarification [5.b) ii)] as the future of the student is at stake and the parents need to know exactly what help is required for the student's progress. If you are not familiar with the education system of the State you are working in, you must prepare yourself accordingly before the interview takes place and be familiar with the terminology which is appropriate to the setting and situation.[3.c)]

The accuracy of the information you need to interpret to the parents is very important therefore you need to be competent in the terminology and subject matter. You must not under any circumstances omit information just because you are not familiar with the equivalent terminology in the LOTE or the English language [5.a) iv)].

#### Example 13

A teacher asks you to contact parents who do not speak English and encourage them to attend a parent-teacher night. The teacher also asks you to take home to the parents their child's school report and explain it to them. What do you do?

You are in effect being asked to conduct the interview for the teacher, which goes far beyond your role-your impartiality and objectivity would be thoroughly compromised [4.b); 4.c) i) and ii)]. It must be made clear that your role is to facilitate communication and that parents would surely ask questions which can only be answered by their child's teacher. Suggesting a home visit by both you at a mutually convenient time would be consistent with that a 'facilitation' and would demonstrate that you are still being helpful.

## Professional Indemnity Insurance – Why is it important?

Some practitioners choose to take out Professional Indemnity Insurance to protect themselves against any possible legal action in the event of errors committed during the course of their work. Professional Indemnity Insurance is not compulsory for Translators and Interpreters in Australia. However, Australian law requires a professional to exercise skill at an appropriate level expected of that profession. A Professional Indemnity Policy is designed to protect the personal assets of professionals against damages awarded against them by a court. It also covers the costs and expenses of defending claims.

Further information is available from:  
<http://www.alrc.gov.au/links/general.htm>

## Wording of Certification for Translations

Certification is required for some legal documents, such as, birth certificates, death certificates, police checks, academic results, etc. In all cases it is necessary to include the Translator's name, details of NAAATI accreditation, language and language direction, and the certification must be signed and dated. Certifications may be worded along the following lines:

|                                                                                                                                                                                                                                                                                                                                 |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| I, ..... (name and surname),<br>Accredited NAAATI Translator in ....., (stipulate which<br>direction or both directions), certify that this is a true and accurate translation, to the best<br>of my knowledge and ability, of ....., (State<br>the nature and title of the document – specify whether the original or a copy). |                                                             |
| Signed: .....                                                                                                                                                                                                                                                                                                                   | Location: ..... (location, eg. Melbourne, Sydney) Australia |
| NAAATI Applicant No: .....                                                                                                                                                                                                                                                                                                      | Date: .....                                                 |
| Stamp (if available)                                                                                                                                                                                                                                                                                                            |                                                             |

For more information on the NAAATI Translator Stamp please see that section within this booklet.

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## Oath Given by Interpreters in Courts of Law

Interpreters working in courts of law are required to take an oath or make an affirmation.

An oath is a verbal promise to interpret truthfully and accurately. Oaths are made while holding the Bible, the New Testament or the Old Testament.

An affirmation is a verbal, solemn and formal declaration, which is made in place of an oath. A person may object to taking an oath if an oath is contrary to that person's religious beliefs. An affirmation has the same effect as an oath.

Some variations may exist in the wording of the Oath and the Affirmation from State to State. Readers are advised to make further enquiries.

### The Interpreter's Oath:

"I swear by Almighty God that I shall well and truly interpret the evidence about to be given and all other matters and things that may be required of me in this case to the best of my skill and ability"

The Interpreter is then asked to state his/her full name, address and occupation.

Or:

### The Interpreter's Affirmation

"I (full name) do solemnly, sincerely and truly declare and affirm, that I shall well and truly interpret the evidence about to be given and all other matters and things that may be required of me in this case to the best of my skill and ability."

The interpreter is then asked to state his/her full name, address and occupation.

Reference: <http://www.parliament.vic.gov.au/>

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## Affidavits

### The Interpreter's Oath

Where an interpreter is required, the interpreter shall swear or affirm that he or she will well and truly interpret the things required of them in relation to the affidavit, according to the best of their skill and ability. This oath is known as the interpreter's oath. Prior to interpreting the affidavit to the deponent, the interpreter should take the following interpreter's oath:

"I swear by Almighty God that I well understand the English language and the [state name of language being interpreted] and that I will truly interpret the contents of this affidavit to the deponent [state the name of deponent] and also the oath about to be administered and all other matters and things required of me in connection with this affidavit, according to the best of my skill and ability."

Some variations may exist in the wording of the Oath and the Affirmation from State to State. Readers are advised to make further enquiries.

### Swearing an Affidavit With the Assistance of an Interpreter

After taking the oath, the affidavit should be read to the deponent by the interpreter. The oath should also be administered through the interpreter (the deponent may repeat the oath in their own language).

Where an interpreter was required for swearing or affirming an affidavit, the "jurat" to the affidavit should read as follows:

"Sworn/Affirmed at [insert suburb/town] in the State of Victoria, this [insert month] [insert year] by the deponent [insert name of deponent] through the interpretation of [insert name of interpreter] the said interpreter having first sworn that he/she would truly, distinctly and audibly interpret the contents of this affidavit to the deponent and also the oath which was administered to the said [insert name of deponent], before me [insert signature]."



Some variations may exist in the wording of the Oath and the Affirmation from State to State. Readers are advised to make further enquiries.



# NAATI ID Card

A NAATI ID Card is available to all NAATI accredited and recognised translators and interpreters. It provides a photograph of the practitioner, a series of personal details (including the individual's name, NAATI number, issue and expiry date of the ID card), and all NAATI qualifications attained by the holder of the card. All accredited and/or Recognised Translators and Interpreters should carry a NAATI ID Card to all work assignments. The following is an example of a current NAATI Accreditation ID Card:

|                                                                                      |                                                              |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------|
|  |                                                              |
| Mr John Citizen                                                                      |                                                              |
| NAATI Number<br>XXXXX                                                                | Expiry Date<br>05/10/2010<br><br>Date of Issue<br>05/10/2007 |
| PHOTO HERE                                                                           |                                                              |

FRONT

|                                                                |                          |
|----------------------------------------------------------------|--------------------------|
| The holder of this card has the following NAATI accreditations |                          |
| Language                                                       | Mandarin                 |
| Date‡                                                          | 14/08/2007 to 14/08/2010 |
| Level*                                                         | Interpreter              |
| Direction                                                      | Both                     |
|                                                                | From English             |

|                                                                                                                    |                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| NAATI Professional Interpreter<br>AT: Interpreter<br>AT: Advanced Interpreter<br>AT: Advanced Translator (English) | NAATI Professional Interpreter<br>AT: Interpreter<br>AT: Advanced Interpreter<br>AT: Advanced Translator (English) |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|

BACK

|                                                                                                                                      |            |
|--------------------------------------------------------------------------------------------------------------------------------------|------------|
|                                                   |            |
| Name: Mr John Citizen                                                                                                                |            |
| NAATI Number: XXXXX                                                                                                                  | PHOTO HERE |
| Date of Issue: 10/2007                                                                                                               |            |
| Expiry Date: 10/2010                                                                                                                 |            |
| National Accreditation Authority for Translators and Interpreters Ltd (NAATI)<br>ABN 42 008 596 996<br>Language data on reverse side |            |

FRONT

|                                                                                                                          |                                   |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
|                                         |                                   |
| National Accreditation Authority for Translators and Interpreters Ltd (NAATI)<br>ABN 42 008 596 996<br>NAATI RECOGNITION |                                   |
| Translator, Interpreter<br>Language<br>Nepalese                                                                          | Direction<br>Both<br>From English |
| Interpreter<br>Nepalese<br>From English                                                                                  |                                   |

BACK

The following is an example of a current NAATI Recognition ID Card:

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## The NAATI Translator Stamp

The NAATI Translator Stamp containing the NAATI logo is available to accredited Translators and is the best way of determining that the work has been completed by a professional NAATI-accredited Translator. It is the method by which Translators officially authorise their work, indicate their professional qualifications and supply confirmation of their work. Professional Translators should all be able to authorise their work with the NAATI Translator Stamp. It is also available to Paraprofessional Translators in languages recently introduced to testing, which currently include Albanian, Amharic, Assyrian, Bangla, Bosnian, Burmese, Dari, Hindi, Punjabi, Pushto, Sarmoa, Sinhalese, Somali, Tigrinya, Tongan, and Urdu. The Translator Stamp always indicates the language combination in which the translator may work.

### Pre-Revalidation Accredited Translator Stamps



Version 1



Version 2

These stamps were available to NAATI Accredited Translators who gained Accreditation prior to 1 January 2007. They are valid and are still available for purchase for those Accredited Translators who have not opted in to NAATI Revalidation.

## Post-Revalidation Accredited Translator Stamps

These stamps are available to NAATI Accredited Translators who gained Accreditation after 1 January 2007 or who have opted in to NAATI Revalidation.



Paraprofessional Translator



Professional Translator



Advanced Translator



Advanced Translator (Senior)

## Post-Revalidation Recognised Translator Stamp

This is a new stamp and is available to NAATI Recognised Translators who gained Recognition after 1 January 2007 or who have 'opted in' to NAATI Revalidation.



### Accreditation Language Direction Key

French → English = French into English  
 French → English = English into French  
 French ↔ English = Both Directions

## NAATI Certificate

All NAATI accredited or recognised interpreters and translators are eligible for a NAATI certificate. The certificate is A4 in size and includes the person's name, the skill (interpreter/translator), language combination and level of accreditation for which the award has been made.

It carries a NAATI seal and is signed by the Chair of the Board of Directors and Chief Executive Officer of NAATI.



## Legal Rights and Obligations of Interpreters and

### Translators

*(Please note that this section is intended as a discussion to highlight the issues only and should not be regarded as legal advice. NAATI recommends that individuals seek appropriate legal advice for specific situations.)*

### STANDARD OF CARE

As with other professions, interpreters are required to exercise the skill, care and diligence of a reasonable person performing similar work. An interpreter must bring to the particular task the competence and skill usual among interpreters practising that profession. If the interpreter holds himself or herself out as competent to undertake work that would ordinarily be regarded as requiring a standard of interpretation at the NAATI professional translator/interpreter level, then that is the standard of skill and competence against which the performance of a translator/interpreter will be judged.

### CRIMINAL LIABILITY

The following offences are pertinent to the interpreting profession.

- False interpreting
- Corruption of witnesses
- Deceiving witnesses

Other specific offences which may arise in the context of interpreters operating in or concerning legal proceedings include:

- Destroying evidence
- Preventing a witness from attending
- Conspiring to bring a false accusation
- Conspiring to defeat justice
- Compounding crimes



## The Practitioner and the Law

*(Please note that this section is intended as a discussion to highlight the issues only and should not be regarded as legal advice. NAAFI recommends that individuals seek appropriate legal advice for specific situations.)*

Interpreters and translators often seek to resolve some ethical dilemmas by invoking the principle that they are little more than conduits for information; that they carry professional responsibility for accurate conversion of information into another language, but beyond that they bear no responsibility with respect to the content and purpose of that information.

This may not be the safe refuge that it seems, particularly where the law is concerned. In Australian courts today, there seems to be very little information which is truly protected by professional privilege.

This issue is too complex for detailed treatment in a brief publication such as this. Nevertheless, it is important that practitioners be aware of the possible dangers facing those who follow the line that all information which comes to them through their professional activities is not only confidential but is also under the protection of professional privilege. The AUSIT Code of Practice suggests that this may not always be the case:

*2. a) iii) Disclosure of information may be permissible with client's agreement or when disclosure is mandated by law.*

Further information is available from:  
<http://www.alrc.gov.au/links/general.htm>



For more information, visit the website <http://www.comlaw.gov.au>

In more general terms, there is also contempt of court.

## Legal Professional Privilege

*(Please note that this section is intended as a discussion to highlight the issues only and should not be regarded as legal advice. NAAFI recommends that individuals seek appropriate legal advice for specific situations.)*

Communications between a lawyer and client are 'privileged'. That is, they are confidential and neither the lawyer nor the client can be compelled to disclose them, even by a court. Where the lawyer and the client communicate through an interpreter, the privilege (and the duty not to disclose the communication without the client's authority), extends to the interpreter also.

The privilege is that of the client, not the lawyer; it can be waived only by the client. The lawyer/client relationship is unique in this respect. There is no other relationship which confers such privilege against disclosure. Priests and clergymen, doctors and others have a relationship with their penitents, patients and others that is certainly confidential and is properly treated but even they can be compelled by a court to disclose such confidential communications. The lawyer/client relationship is the only one in which even a court cannot compel disclosure.

Further information is available from:  
<http://www.alrc.gov.au/links/general.htm>



## What Is Mandatory Reporting?

*(Please note that this section is intended as a discussion to highlight the issues only and should not be regarded as legal advice. NAATI recommends that individuals seek appropriate legal advice for specific situations.)*

This is a legal obligation and as such carries with it a penalty if you fail to act. It is important to note that mandatory reporting legislation overrides any professional code of conduct or ethical guidelines that may apply to your particular profession.

While the precise position of T & I practitioners with regard to mandatory disclosure is not easy to define and varies from State to State, practitioners must be aware that situations may arise in the course of their work in which they are privy to information that the law requires to be communicated to the appropriate authority. Such information differs between the States and Territories and may relate to matters including:

- Child abuse
- Domestic violence
- Acts of terrorism
- Child abduction by a non-custodial parent
- Tax evasion
- Financial fraud
- Illegal immigration

In general, this information relates to conspiracy to commit a criminal offence, or the commission of such an offence.

Practitioners may find themselves confronting dilemmas about whether some matters should, or should not, be reported to police or other authorities. In the field of taxation, for instance, a distinction is made between tax evasion and tax avoidance. The latter is not necessarily unlawful.

People who have no legal training cannot be expected to distinguish



easily between something that may be criminal in nature or may, at worst, evoke only a civil action between parties in the courts. (The latter is not the concern of the T&I practitioner; ethical guidelines on confidentiality apply here.)

It will always be prudent, therefore, to seek professional advice where doubts about your position in the eyes of the law have arisen in the course of an assignment. It may be dangerous to look the other way; it may be equally dangerous to rush into disclosure.

Further information is available from the following and other sites:

<http://www.alrc.gov.au/links/general.htm>  
<http://www.austliianlawonline.gov.au>  
<http://www.nt.gov.au/justice/bosc/html/other/faqs.shtml>  
[http://www.dcs.qld.gov.au/About\\_Us/Child\\_Safety/index.shtml](http://www.dcs.qld.gov.au/About_Us/Child_Safety/index.shtml)  
<http://www.secasa.com.au/index.php/family/16/49>



## Issues Affecting New and Emerging Communities

## Confidentiality and Impartiality

New and emerging communities must deal with many settlement issues. Issues relating to communication include the lack of sufficiently trained and NAATI-recognised interpreters and translators. Due to the small numbers within these communities often everyone knows all or most of the other members of that community, which can create issues of confidentiality and impartiality.

It is a good idea for users of interpreting services to check whether the interpreter and the Non-English-Speaking client know each other at the start of the interview. Given the small numbers of interpreters in these languages, a simple case of recognition or a casual acquaintance between the two should not necessarily act as a deterrent to allowing the interview to proceed.

Where the interpreter has some training and is recognised by NAATI, a simple, casual recognition of the client should not undermine the interpreter's ability to act in accordance with the Code of Ethics. The interpreter, having determined the casual recognition should clearly define the role of the interpreter to the client, with emphasis on the Principle of Confidentiality, and then allow the client and interpreter to decide whether they are able to continue with the interview.

If it becomes apparent during the interview that there are issues of mistrust or communication problems, the interviewer should terminate the interview and reschedule the appointment with another interpreter. If another interpreter is not available for onsite interpreting, a telephone interpreter might be appropriate. Anonymity may also be easier to maintain in this way.

In addition some non English speaking clients may speak other

community languages where NAATI accreditation is available and where interpreter numbers are greater.

## Lack of Linguistic Equivalence

Another issue relating to interpreting in these languages is the possible lack of equivalence of terminology used in Australia, particularly in specialist areas such as health, law, etc.

When translations for these communities are needed, literacy skills need to be taken into account prior to requesting translations. It may be necessary to try other forms of communication other than written translations.

## Interpreting in Specialised Areas

The role of any interpreter is to bridge the communication gap; and that involves more than simply transposing words from one language to the other even where there are apparently similar words. Interpretation is not a mere mechanical exercise. Apart from lack of semantic equivalence from one language to another there is often a lack of conceptual and/or cultural equivalence.

The requirements for competent interpreters working in specialised areas are:

- technical fluency in English and the target language
- an understanding of the conceptual and cultural background to those languages and
- a knowledge of the social, economic and political organisation and conditions of Australia and the other country.

## Legal Interpreting

As with any other field interpreters working in the legal area must have an adequate working knowledge of the following:

- an outline knowledge of the respective legal system
- a broad comparative understanding of the most common legal concepts
- a reasonable working knowledge of the relevant professional terminology
- an awareness of the expectations of lawyers, magistrates and judges.

There are basically four legal situations in which an interpreter may become involved. They are:

- interview between lawyer and client (or witness)
- interview between police officer and person suspected of committing an offence
- giving evidence in court
- interpreting in court.

### Interpreting for the Health Service

All health professionals would grant that patients have a right to understand their illness and to be able to make informed consent about their health care. For this to occur, professional interpreters, not family members or other staff should be used.

Health staff should remember that the ability of many people to speak English is situational. They may respond well to simple questions such as name and address yet quickly get out of their depth when medical or nursing matters are being discussed. Stress or pain may affect the patient's ability to speak or understand English. Health staff should let patients know of their right to access interpreters.

Health workers and patients may have different beliefs about, for example, what causes illness or pain, what behaviour is appropriate in response to pain and stress, and about what can be discussed and with whom. The more the expectations differ, the greater the risk of misunderstanding.

### Interpreting in Accident and Emergency Situations

The health professional should always find out whether the interpreters are familiar with emergency situations. If not, the health professional may need to prepare the interpreters for the conditions they are going to encounter or they may be shocked by the patient's injuries and unable to perform their duties immediately.

Remember that patients do need privacy to talk about their condition. Even if part of the conversation is in another language you may still be overheard and understood.

### Speech Pathology

When working with a speech pathologist the interpreter will often be working outside the normal interpreting role. Speech pathology can be one of the most challenging areas for interpreters working in the health area. There are many linguistic issues that need to be considered and discussed BEFORE the interview takes place. Cognitive assessments may be rendered invalid by inadvertent 'clues' being given as a result of linguistic differences, lack of equivalents, and the interpreter's lack of understanding of the purpose of individual test items. This should be discussed and made clear prior to the interview because the interpreter's role is much more complex when working with a speech pathologist.

### Mental Health Interpreting

In mental health interpreting, the interpreter needs to be more flexible as often the interpreter works as part of the treating team. In these settings the interpreter is asked to provide linguistic and cultural expertise to assist the mental health professionals to make accurate diagnoses and devise appropriate treatment plans in the best interests of the client. Mental health clinicians should remember to book the interpreter well in advance, especially if you need a language for which interpreters may be in short supply.

the interpreter is booked in advance and their remuneration is better than in other fields.

The type of areas where an interpreter is likely to work include: seminars, foreign delegations, business meetings, business negotiations, business lunches/dinners and on-site inspections of manufacturing plants.

## Translating

Translators need to consider the following BEFORE accepting a translation:

- Is it within their skill level?
- Can the deadline be met?
- Will there be a contact person who is prepared to answer questions regarding the text, the target audience, its purpose, etc?
- Is remuneration sufficient to cover the amount of time and work required to successfully complete the translation?
- Are there specific formatting/type-setting requirements?
- Are there any other requirements specific to this request?

Translators need to consider the following AFTER accepting a translation:

- What are the client's specific needs?
- What are the target demographics for the translation?
- Will the translation be for local readers or overseas readers?
- What is the purpose of the text?
- Research the topics/areas to ensure the accuracy of the translation.
- Fulfill the formatting requirements by being computer literate. Do you have access to appropriate tools (including research, computer software, terminology specific dictionaries, etc)

When booking you may need to explain that it is very important for you to keep the same interpreter for a series of interviews/sessions, or the intimacy and trust of the interaction will be affected.

Warn the interpreter of any unusual behaviour your patient or client may exhibit (for example shouting, swearing). In the case where safety may become an issue, discuss a safety plan with the interpreter during the briefing.

Ask your interpreter to be aware of the cultural meaning of particular expressions your client may use during the sessions as these may be of clinical significance. Arrange beforehand how you will be kept aware of such observations i.e after the session, or during the session with the permission and involvement of client. To discuss them in front of clients without their involvement or permission would risk alienating clients.

If you use a telephone interpreter to work with a client or patient, do not attempt to tackle very emotional issues and be aware with potentially violent patients that the phone may be used as a weapon against you.

## Business Interpreting

Interpreting in any field requires the interpreter to render an accurate interpretation of what is being said and follow the same Code of Ethics. However, interpreting for the business field has some aspects which differ from interpreting in other fields.

In business interpreting, the interpreter needs to be more flexible as often the interpreter works as part of a team. In these settings the interpreter is asked to provide support, assistance and to maintain the clients' interests.

Interpreting for the business sector requires a high level of expertise, technical knowledge of the particular business situation he/she is going to interpret for as well as the particular terminology to suit the situation. Interpreting in the business field has the advantage that in most cases