

American Translators Association Code of Ethics and Professional Practice

Commentary

This commentary is intended to be a living document, providing in-depth explanation and examples that reflect our common experiences. We envision a framework where members will contribute examples over time of the code in practice to enable a deeper understanding of the effects of our behavior on ourselves, each other, and the industry as a whole.

We the members of the American Translators Association accept as our ethical and professional duty

1. to convey meaning between people and cultures faithfully, accurately, and impartially;

Linguistic integrity is at the core of what translators and interpreters do. Faithful, accurate and impartial translation or interpretation conveys the message as the author or speaker intended with the same emotional impact on the audience. Linguistic integrity is not achieved when the target language is rendered word-for-word from the source language. Linguistic integrity implies that nothing is added or omitted in the target message.

- At the simplest level, a proficient translator or interpreter faced with an expression like “blind as a bat” will use an idiom that conveys the same meaning, register, and impact rather than render it word-for-word.
- Culturally specific terms, such as judicial proceedings that do not exist in the target country cannot be expanded to include a long-winded explanation of it; nor can they be omitted altogether. The translator or interpreter must come up with an appropriate term given the nature and purpose of the document or proceeding.
- Sometimes a footnote or note to the client is the best solution to an unresolvable term.

Impartial translation and interpreting requires the translator or interpreter to adopt a mantle of neutrality.

- In most cases it is not appropriate for a translator or interpreter to overlay American gender-neutral language on a language that is by nature patriarchal.
- It would also be inappropriate to “clean up” objectionable language in the target language.

2. to hold in confidence any privileged and/or confidential information entrusted to us in the course of our work;

Clients expect their information to be held in strict confidence. This includes information conveyed in a translation or during interpreting, as well as the very fact that the translation or interpreting has taken place. This holds even for published material.

It goes without saying that translators and interpreters adhere to all existing international, federal, or state laws or acts concerning confidentiality (for example, HIPAA in the medical arena).

Some information is obviously sensitive and confidential, for example, information contained in personal documents, financial statements and court proceedings. But it is not always so obvious.

- Consider the case of a company needing translations of already published marketing materials to help weigh the possibility of entering a new and competitive market. If a competitor were to learn that this material is being translated, they would realize that the company is preparing to compete in that market.
- Or perhaps a prosecutor overhears interpreters cheerfully conferring about the fact that their trial has only two more defense witnesses, and they'll be done for the day. Maybe the opposing counsel did not intend to reveal the witness lineup yet. And even if this information is already available to the public, someone overhearing these two interpreters may come away with the perception that there has been a breach of confidentiality.

It may sometimes be appropriate for an interpreter or translator to debrief or consult with a professional colleague or mentor.

- For example, even experienced translators can use the help of colleagues to untangle the meaning of convoluted sentences or text that seems ambiguous.
- Or an interpreter may find it helpful to debrief with a colleague or supervisor after an emotionally-charged day of interpreting.
- Or a translator or interpreter may benefit from feedback on a particular situation.

When consulting with colleagues, the translator or interpreter must give enough context to show what the problem is while limiting and disguising information so that no confidential information is disclosed.

3. to represent our qualifications, capabilities and responsibilities honestly and to work always within them;

Truth in advertising applies to professional translators and interpreters: resumes, websites, brochures, business cards and our business demeanor all need to accurately reflect who we are and what we can actually do, both practically and professionally.

- For example, a translator or interpreter resume that lists 20 or more areas of specialization and 50 Fortune 500 clients raises red flags. Make sure those lists reflect true expertise and real client relationships, not just a one-off contract through an agency for an impressive end client. Also note that if you didn't ask permission to use their name, clients may consider that listing as a breach of confidentiality.

This extends beyond listing degrees on a resume or adding a credential to an email signature: Most certifications and credentials have guidelines for how to use them; these guidelines should be strictly adhered to.

- For example, ATA certification should always specify the language pair and direction of the certification.

Professional translators and interpreters decline assignments that are beyond their expertise or capacity.

- For example, a translator that specializes in software may not have the expertise to produce quality legal copy.
- Or a diplomatic conference interpreter's experience may not prepare them for interpreting in a medical setting.

Subcontracting to a colleague to meet an unrealistic deadline--or for any other reason--is not acceptable without the express permission of the client.

4. to enhance those capabilities at every opportunity by continuing education in language, subject field, and professional practice;

In the face of constant change in language, technology, and business models, professional translators and interpreters travel frequently to countries to enhance their languages and cultural sensitivity, seek continuing education in subject areas, business practices and other skills.

Continuing education is often a requirement for maintaining credentials. Common strategies include:

- Attending conferences, seminars (both live and online)
- Participating in online fora
- Taking advantage of learning opportunities in a specialty areas

5. to act collegially by sharing knowledge and experience;

Professional translators and interpreters share information, both informally (such as list serves) and more formally, giving workshops and mentoring. Activities include:

- Participating in online fora and social media communities,
- Volunteering (both for professional societies and humanitarian causes),
- Authoring articles and books,
- Presenting at conferences and seminars
- Mentoring

Everyone benefits from this sharing: learning by teaching, enjoying increased exposure and improved perception of their expertise and abilities. In addition to the valuable information that is shared, the association and industry benefit from the professionalism that is reflected by those sharing.

Collegial behavior also includes refraining from negative statements about colleagues.

- For example, if a translator is contracted to edit a colleague's work, the translator should limit critique to substantiated, objective comments about the project at hand.

6. to define in advance by mutual agreement, and to abide by, the terms of all business transactions among ourselves and with others;

It is widely considered best practice to use a contract or other agreement tool to avoid misunderstandings. The responsibility for this is shared by both parties to an agreement.

There is a range of instruments available, from a simple email or telephone conversation all the way to a formal contract that undergoes full legal review. Whatever the instrument, the agreement must be fair and acceptable to both parties.

- For example, an interpreter may get a call to interpret immediately for a patient in an emergency room. During the conversation, a rate is agreed upon, and the interpreter sends a quick SMS to the client to confirm. This meets the need for immediacy and provides the interpreter with basic protection in case of a misunderstanding about fees.
- Or a translator may receive a 10-page contract from a translation company with several clauses, including one stipulating the client's right to inspect the translator's premises. Since this might breach confidentiality for the translator's other clients, the translator strikes through the clause in question and signs the contract.

There is no single standard contract for the translation and interpretation industry. Contracts often contain language relating to non-competition, independent contractor status, intellectual property transfer, cancellation/non-performance, and other best practices. Even if these issues are not specifically addressed in an agreement, best business practices and fairness still apply.

- for example, it is inappropriate for an independent contractor to solicit or accept business directly from a contact made through a translation company even if no non-competition clause has been signed.

Independent translators and interpreters often have templates ready to use with clients who do not have their own contracts or agreements for translators or interpreters to sign.

7. to ask for and offer due recognition of our work, and compensation commensurate with our abilities;

Due recognition means that translators may seek acknowledgement for their work. For example:

- Literary translators often negotiate to have their name (and bio) included on the title page, flap and/or cover of a book.
- Translators of corporate financial reports may request to have their names included in the mastheads.
- Software localizers' names commonly appear in the list of people who worked on the program.
- Seattle baseball fans are used to seeing their favorite Japanese players accompanied by interpreters: the Seattle Mariners make sure the interpreter's name gets mentioned in the press.

All language service providers are free to negotiate fees that realistically reflect their experience, skills, and quality of service.

8. to endeavor in good faith to resolve among ourselves any dispute that arises from our professional interactions;

ATA has no authority over the business matters (see the [Policy of Non-Involvement in Commercial Disputes](#), 2002) of its members. ATA members (both corporate and individual) who find themselves in disagreement with each other are encouraged to resolve their differences as they would resolve any other business dispute.

- Example: A translation company is contesting the quality of a translation they received. Possible solutions: 1) translator acknowledges that translation is not up to standard and agrees to rework the translation, 2) translator and company agree to bring in a third party to evaluate and/or edit the document at shared cost.
- Example: The due date for an invoice has come and gone, and the client is unresponsive to calls and emails. The translator, after following best business practices to encourage payment can resort to standard resources commonly used by small businesses such as collection agencies, reporting to payment lists or even small claims court.

Complaints about illegal behavior on the part of another ATA member may be brought to the ATA Ethics Committee. A [document outlining the procedure](#) is posted on the ATA website and available from ATA headquarters. This document describes the organization of the ATA Ethics Committee, and gives the steps for filing and reviewing complaints, determining if a violation has taken place, outlining a process for deciding and appealing sanctions in accordance with ATA bylaws.

mindful that failure to abide by these principles may harm ourselves, our fellow members, the Association, or those we serve.