Employer Accountability v Professional Accountability

As an employee you can be held accountable to your employer for breaching both expressly stated and implied terms of the contract of employment.

Your employer can therefore discipline you for:

- Not carrying out your employer’s lawful and reasonable orders
- Not carrying out those orders with reasonable care
- Not being faithful to your employer’s interests
- Misusing confidential information gained during your employment
- Denigrating the standard of employment provided by your employer
- Taking any of your employer’s property including minor items e.g. pens, bandages etc
- Damaging the trust and confidence essential to the employment relationship by e.g.
  - Assaulting a workmate
  - Being intoxicated at work
  - Insubordination
  - Negligence
  - Dishonesty

Professional Accountability

As professional you are accountable for your professional conduct through

- Disciplinary Proceedings under the Health Practitioners Competence Assurance Act 2003 by the Nursing Council and the Health Practitioners Disciplinary Tribunal
- Statutory provisions that provide for the rights of patients/consumers- in particular
  - The Health and Disability Commissioner Act 1994 and the Code of Health and Disability Services Consumers’ Rights 1996
  - The Mental Health (Compulsory Assessment and Treatment) Act 1992
  - The Privacy Act 1993
Thus you could be investigated by the Health and Disability Commissioner, the Director of Proceedings, a District Inspector of Mental Health Services, a Commission of Inquiry, the Privacy Commissioner
- Prosecution by the Police /Crown for a criminal offence
- Investigation into cause and circumstances of a patient/consumer’s death in a Coroner’s inquest
- Civil proceedings (being sued) in the courts by patients/family
- Investigation by the ACC Treatment Injury Unit where a patient/consumer has made a claim for ACC cover

Note: Where your professional practice is being investigated your employer may well be supportive unless the matter is one that also involves employer discipline. In NZNO’s experience when ACC, HDC, or a Coroner is investigating a nurse, the employer and NZNO generally are able to work together to assist the nurse. Note too
there is cross referral between various investigatory bodies - see flow chart below (p65, Johnson 2004).

Professional Accountability

![Flow chart showing the cross referral between various investigatory bodies](image_url)

* ACCTU=ACC Treatment Injury Unit  
HDC= Health and Disability Commissioner  
DP= Director of Proceedings  
HHRT =Human Rights Review Tribunal  
HPDT = Health Practitioners Disciplinary Tribunal
NZNO Employment FACT sheet:
Employer Accountability v Professional Accountability
New Zealand Nurses Organisation PO Box 2128, Wellington 6140. www.nzno.org.nz
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Mission statement
NZNO is committed to the representation of members and the promotion of nursing and midwifery. NZNO embraces Te Tiriti o Waitangi and works to improve the health status of all peoples of Aotearoa/ New Zealand through participation in health and social policy development.

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