

## Employer accountability versus professional accountability

As an employee you can be held accountable to your employer for breaching expressly stated and implied terms of a contract of employment, the organisation's internal policies, and any professional requirements eg. the Nursing Council of New Zealand's Code of Conduct (2012).

### Employer accountability

Your employer can discipline you for:

- > not carrying out your employer's lawful and reasonable orders;
- > not carrying out those orders with reasonable care and skill;
- > misusing and/or accessing confidential information held by the employer for anything other than professional purposes;
- > denigrating the standard of healthcare and/or employment provided by your employer. NB: NZNO supports nurses to escalate their ethical obligations in an appropriate manner;
- > 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/bullying a workmate;
  - being intoxicated at work;
  - negligence;
  - dishonesty;
  - incompetence and/or mistakes in practice;
  - not following internal policies, codes of conduct

### Professional accountability

As a professional you are accountable for your professional conduct through:

- > guidelines for practice put out by the Nursing Council of New Zealand including the Code of Conduct, Guidelines: Professional Boundaries, and Guidelines: Social Media documents (Nursing Council of New Zealand 2012);
- > standards of professional practice and the code of ethics put out by the New Zealand Nurses Organisation (New Zealand Nurses Organisation 2010, 2012);
- > 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;
  - the Medicines Act 1981;
- > disciplinary proceedings under the Health Practitioners Competence Assurance Act 2003, by the Nursing Council, and by the Health Practitioners Disciplinary Tribunal.

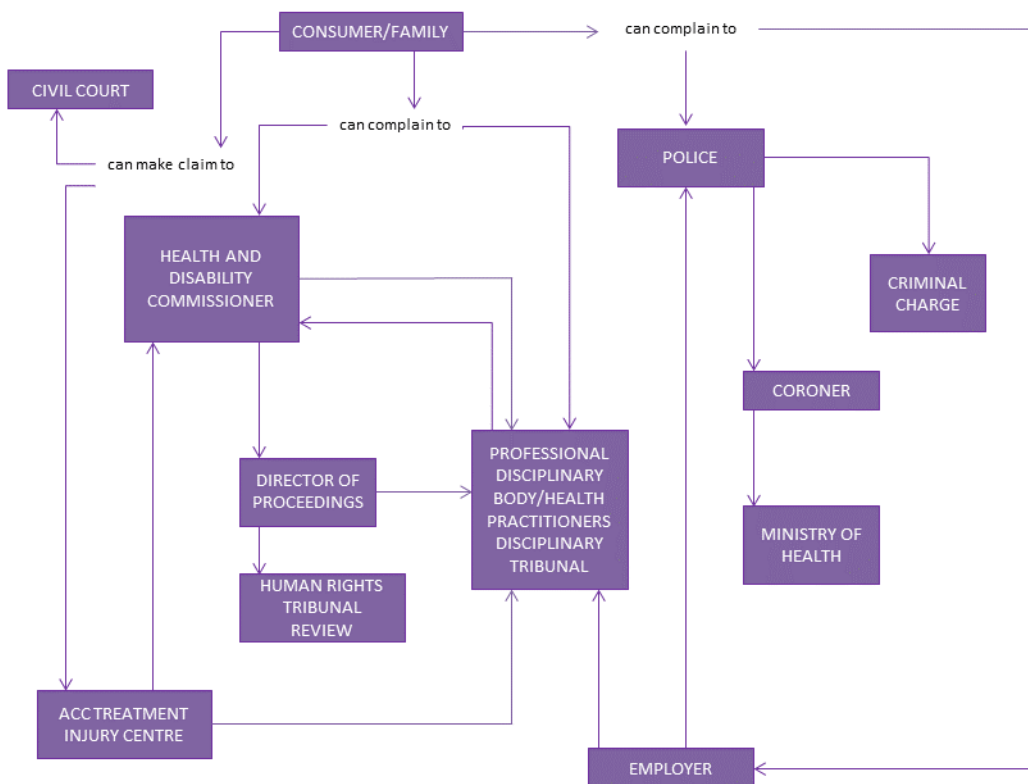
Thus you could be investigated by:

- > the Health and Disability Commissioner
- > the Director of Proceedings;
- > a District Inspector of Mental Health Services;
- > a Commission of Inquiry;
- > the Privacy Commissioner.

You could also be:

- > prosecuted by the Police /Crown for a criminal offence;
- > subject to investigation into cause and circumstances of a patient/consumer's death in a Coroner's inquest
- > subject to civil proceedings (being sued) in the courts by patients/family;
- > investigated 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, the HDC, or a Coroner is investigating a nurse, the employer and NZNO are generally able to work together to assist the nurse. Note too, there is cross referral between various investigatory bodies – see flow chart below (O'Brien, Johnson & Pearse, 2010, p.64)



## References

- Nursing Council of New Zealand. (2012). Code of conduct for nurses. Wellington: Nursing Council of New Zealand.
- Nursing Council of New Zealand. (2012). Guidelines: professional boundaries. Wellington: Nursing Council of New Zealand.
- Nursing Council of New Zealand. (2012). Guidelines: social media. Wellington: Nursing Council of New Zealand.
- New Zealand Nurses Organisation. (2010). Code of ethics. Wellington: New Zealand Nurses Organisation.
- New Zealand Nurses Organisation. (2010). *Standards of professional practice*. Wellington: New Zealand Nurses Organisation.
- O'Brien, A., Johnson, S., & Pearse, J. (2010). Accountability of health practitioners. In Keenan, R. (Ed.), *Health care and the law* (pp.45-65). Wellington: Brookers Ltd.

**Date adopted:** January 2015

**Reviewed:** Month Year, Month Year

**Review date:** January 2020

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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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