

Obligations in a pandemic or disaster: summary guidelines

Purpose

The purpose of this document is to outline the obligations, rights and responsibilities of NZNO members in a pandemic or disaster.

Introduction

Pandemics and/or disasters are challenging incidents for all health professionals. Nurses and other health care workers may be required to care for people experiencing the effects of a pandemic and/or disaster while simultaneously experiencing the effects on themselves and/or their families, friends and colleagues. Careful planning and preparation can help to minimise the impact of a pandemic and/or disaster, but nurses must still remain mindful of their rights and responsibilities during these situations. This guideline provides a brief update and summary of the information found in the NZNO publication *Obligations in a pandemic of disaster* (Rolls & Thompson, 2008).

Obligations under normal circumstances

In order to understand the obligations nurses, midwives and other health care workers may have during a pandemic or disaster, it is important to understand what they are under normal circumstances. These obligations are shaped by legal, professional and ethical frameworks.¹ Figure 1 outlines the range of obligations nurses, midwives and other health care workers face under normal circumstances

¹ See the Health Practitioner's Competence Assurance Act, 2003; NZNO's Standards of Professional Practice (2012), Nursing Council of New Zealand's (NCNZ) Code of Conduct (2012) and Competencies for Registered Nurses (2007), Nurse Practitioners (2012) and Enrolled Nurses (2012), and the Midwifery Council's Competencies for Entry to the Register of Midwives (2007), and NZNO's Code of Ethics (2010) for further information on professional responsibility and accountability.



Figure 1. Obligations under normal circumstances (Rolls & Thompson, 2008).

Duty of care

A duty of care is about ensuring our actions (or omissions) do not harm someone else. Legally, all people owe a duty of care to people who could foreseeably be harmed by their actions or inactions. A nurse, midwife or other health care worker always has a duty of care to prevent harm to a patient they are caring for. As a part of their professional responsibilities² nurses and midwives are expected to take the same amount of care to prevent harm as any other 'reasonable regulated nurse or midwife' in the same situation. It is also important to note that nursing and midwifery competencies are expected to be met at all times while a nurse or midwife holds a practising certificate ie. the same competencies apply when giving care to a family member, friend, neighbour or person on the street. Regulated nurses and midwives must also practice within their scope at all times.

Duty of care becomes important during exceptional circumstances such as a pandemic or disaster. Health practitioners do not have a duty to go to the aid of those injured in an accident (Johnson & O'Brien, 2010), however if they do go to the aid of those injured, they have a duty of care to ensure their actions do no harm. Johnson and O'Brien note that although a duty of care exists, consideration is given to factors such as the difficult circumstances in which care is given, the speed with which decisions may have to be made, and the shock that may occur among rescuers. While Johnson and O'Brien do not refer specifically to pandemics or disasters, the same principles are likely to apply.

Obligations under abnormal circumstances

The New Zealand Ministry of Health (MOH) has comprehensive plans in place in case of an emergency (including pandemics or disasters). The National Health Emergency Plan (MOH, 2008) outlines a set of guiding principles that are designed to support health care providers, personnel and the general public in case of an emergency. The four defining elements of the plan are reduction of risk, readiness, response and recovery. While some health professionals may be involved in reduction activities, all health professionals should be involved in readiness activities designed to ensure health providers and individuals are ready to respond in the case of an emergency.

² See the Health Practitioner's Competence Assurance Act, 2003; NZNO's Standards of Professional Practice (2013), Nursing Council of New Zealand's (NCNZ) Code of Conduct (2012) and Scopes of Practice for Registered Nurses (2012), Nurse Practitioners (2012) and Enrolled Nurses (2012), and the Midwifery Council's Competencies for Entry to the Register of Midwives (2007), and NZNO's Code of Ethics (2010) for further information on professional responsibility and accountability.

NZNO recommends nurses, midwives and other health care workers:

- > play a primary role within organisations to ensure readiness for an emergency, pandemic or disaster;
- > maintain personal readiness to respond professionally and personally to an emergency, pandemic or disaster. This may include:
 - maintaining up to date knowledge of organisational requirements associated with emergency response;
 - remaining up to date with the use of personal, protective equipment (PPE);
 - ensuring contact details held by your employer are up to date;
 - maintaining a personal emergency kit at home and/or at work or in the car;
- > discuss and prepare with their families and friends strategies for ensuring readiness and safety in the home, and how to remain in contact in the case of an emergency, disaster or pandemic.

In the immediate aftermath of an emergency event or during a pandemic, health professionals including nurses, midwives and other health care workers are likely to be called upon for assistance. This assistance may be limited to those already working, but may extend to those off duty or from outside the area depending on the severity and type of response required to the emergency. Some nurses, midwives and health care workers may volunteer to be deployed to areas requiring extra assistance, including internationally. Others may find themselves called upon by family, friends and members of the public to assist due to their knowledge and skill as a health professional. Conflict may occur when the nurse, midwife or other health care worker and/or their family is directly impacted by an emergency, pandemic or disaster. See figure one for examples of how conflict may occur.

The National Ethics Advisory Committee (NEAC) has published a set of ethical values for a pandemic (NEAC, 2007). These can assist nurses in their decision-making processes if conflict exists. Often there are no right or wrong answers in an emergency situation but clear ethical guidelines can help make the decision-making process easier. It is important to remember that all situations are different and individuals will respond differently to the same situation.

NZNO recommends members:

- > familiarise themselves with the ethical values outlined by NEAC and available on their website: www.neac.health.govt;
- > be aware of any employment obligations if volunteering services in the case of an emergency, pandemic or disaster. NZNO recommends members discuss their plans with their employer.

Rights

Under the Health and Safety in Employment Act, 1992, health care providers are required to take all practical steps to mitigate risk and protect employees, including nurses, midwives and other health care workers in high risk situations. This includes the provision of appropriate safety equipment and clothing eg. PPE, training in its use, and monitoring of your health. Under the Act, it is your responsibility to highlight to your employer conditions that place your health and safety at risk.

NZNO recommends all health facilities have up to date and disease specific guidelines for employee safety.

NZNO recommends that members who are not satisfied they are sufficiently prepared to respond to an emergency, pandemic or disaster:

- > notify their immediate manager in writing and keep a copy of the notification;
- > notify their NZNO delegate.

NZNO recommends that in the case of an emergency, pandemic or disaster, members:

- > continuously monitor their own health and that of their colleagues and immediately report any issues of concern to their employer;
- > immediately report to your manager any breaches of policies, procedures or processes that are in place to prevent harm eg. incorrect use of PPE.

Under the Act, employees have the right to refuse to perform work likely to cause serious harm. There are specific steps in this legislation that must be carried out before refusing to perform work. For example, steps must be taken to resolve the situation. Further information can be found here:

<http://www.legislation.govt.nz/act/public/1992/0096/latest/DLM279602.html>

NZNO recommends members contact NZNO immediately on 0800283848 if they believe serious harm may result from continuing to work and the steps that must be taken to resolve the situation (see link above) have been completed.

Further information and reading

Civil Defence: Get Thru website: <http://getthru.govt.nz/>

Keenan, R. (2010). *Health care and the law* (4th ed.). Wellington: Thompson Reuters.

Ministry of Health: Pandemic Planning and Response: <http://www.health.govt.nz/our-work/emergency-management/pandemic-planning-and-response>

Ministry of Health: Consumer guidelines for being prepared for a pandemic:
<http://www.health.govt.nz/your-health/healthy-living/emergency-management/being-prepared-pandemic>

Ministry of Health: National Health Emergency planning: <http://www.health.govt.nz/our-work/emergency-management/national-health-emergency-plan>

Ministry of Health: Ebola information for health professionals:
<http://www.health.govt.nz/our-work/diseases-and-conditions/ebola-updates/ebola-information-health-professionals>

New Zealand Nurses Organisation: Obligations in a pandemic or disaster: A guide for NZNO members:
http://www.nzno.org.nz/Portals/0/publications/NZNO_Obligations%20final.pdf

References

Health and Safety in Employment Act, 1992. Available:
<http://www.legislation.govt.nz/act/public/1992/0096/latest/DLM278829.html?src=qs>

Health Practitioners Competence Assurance Act, 2003. Available:
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Johnson, S., & O'Brien, A. (2010). Liability for personal injury. In Keenan, R. *Health care and the law* (4th ed.). (pp.149-198). Wellington: Thompson Reuters.

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National Ethics Advisory Committee. (2007). *Getting through together: Ethical values for a pandemic*. Wellington: National Ethics Advisory Committee. Available:
<http://neac.health.govt.nz/publications-and-resources/neac-publications/getting-through-together-ethical-values-pandemic>

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New Zealand Nurses Organisation. (2010). *Code of ethics*. Wellington: New Zealand Nurses Organisation.

Nursing Council of New Zealand. (2012). *Code of conduct for nurses*. Wellington: Nursing Council of New Zealand.

Nursing Council of New Zealand (2012). *Competencies for enrolled nurses*. Wellington: Nursing Council of New Zealand.

Nursing Council of New Zealand (2012). *Competencies for the nurse practitioner scope of practice*. Wellington: Nursing Council of New Zealand.

Nursing Council of New Zealand (2007). *Competencies for registered nurses*. Wellington: Nursing Council of New Zealand.

Rolls, S., & Thompson, C. (2008). *Obligations in a pandemic or disaster: a guide for NZNO members*. Wellington: New Zealand Nurses Organisation.

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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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