

12 October 2011

Victoria Hinson
Chair
National Ethics Advisory Committee
PO Box 5013
Wellington

By email: Matthew_Reid@moh.govt.nz

Dear Victoria

First “do no harm” principle and industrial action

Thank you for seeking our opinion on this.

The New Zealand Medical Association (NZMA) Ethics Committee considered the principle of “do no harm” in the context of industrial negotiations when revising its Code of Ethics in 2008. At that time it created a new clause 67 which provides as follows.

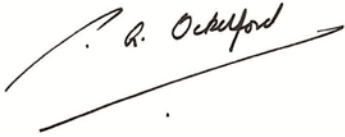
Medicine and Industrial Action

It is recognised that certain extreme circumstances may lead to consideration of industrial action by doctors. Such action is not always unethical, even if it compromises care to individual patients, which is contrary to one of the ethical principles. However, a decision to take industrial action must be based on a reasonable expectation that the desired outcome will result in improved patient care and safety. A doctor’s primary duty is to their patient, but the secondary duty to all other patients may mean that action has to be considered. In the case of industrial action, doctors should take care to minimise any detrimental effect on patient care. Services to preserve life and prevent permanent disability must always be provided. Self interest alone by individuals or the profession is not an ethical basis on which to take action.

Before the revised code was finalised and published it went through a significant consultation process which encompassed all of the medical profession together with government ministries and health professionals from other fields. While not everyone agreed with the above statement the majority of respondents did.

Following your letter the Committee has reviewed its statement on this and remains comfortable with what it says.

Yours sincerely

A handwritten signature in black ink, appearing to read "Dr Paul Ockelford". The signature is written in a cursive style and is underlined with a single horizontal line.

Dr Paul Ockelford
NZMA Chair