



Occupational Therapy
Board of New Zealand

TE POARI WHAKAORA NGANGAHAU O AOTEAROA

FOSTERING FAITH AND CONFIDENCE IN THE PROFESSION

Code of Ethics for Occupational Therapists

Contents

Tīmatanga Introduction	3
Tauāki whakataki Preliminary statement.....	4
Mātāpono Principles	5
1. Relationships with people receiving occupational therapy services.....	6
2. Relationships with communities and people who may require occupational therapy services.....	8
3. Relationships with colleagues and the profession	9
Relevant legislation	11
Reporting obligations under the Health Practitioners Competence Assurance Act 2003	12



Tīmatanga Introduction

Te Poari Whakaora Ngangahau o Aotearoa The Occupational Therapy Board of New Zealand (the Board) is required, as one of the functions set by the Health Practitioners Competence Assurance Amendment Act 2019, to set standards of ethical conduct to be observed by the profession (section 118(i)). Other responsibilities include defining the scope of practice of occupational therapists and the minimum expected standards of competence.

Overarching all documents is a preliminary statement related to occupational therapy practice in Aotearoa New Zealand. This statement should be read before the Code of Ethics (the Code) as it sets the context for the standards of ethical conduct expected of all occupational therapists registered to practise in Aotearoa New Zealand. The purposes of the Code are:

- to inform and protect people receiving occupational therapy services
- to protect the integrity of the occupational therapy profession.

This Code exemplifies core professional values and behaviours underpinning the ethical considerations most encountered in practice but is not intended to address every ethical issue. Occupational therapists are expected to reconcile such issues with sound ethical reasoning by making careful and considered judgements using ethical principles.

The Code of Ethics should be read in conjunction with other relevant legislation, policies, procedures and standards defining professional practice and conduct, including the Board's Competencies for Registration and Continuing Practice as an Occupational Therapist (January 2022).

Tauāki whakataki

Mahi ai ngā kaiwhakaora ngangahau i Aotearoa nei, i te taha o ngā tangata takitahi, ngā whanau, ngā hapori, ngā taupori hoki. Whakapakari ai rātou i te mana o tēnā, o tēnā, mā te tino rangatiratanga. Ko te whāinga matua o te mahi whakaora ngangahau ko te tautoko i te tangata, te whanau hoki kia whai oranga tino pai ai rātou, mā konei e pakari ake rātou mō te mahi, mō te whakaurunga ki te hapori whānui. Ka aromatawai, ka whakatau mate me te mahi ngātahi me te tangata, ngā whanau hoki ki te whakauru ki ngā mahinga whai kiko e tika ana mā rātou, e hiahia ana rātou, e tūmanakotia ana mō taku toiora ia rā, ia rā.

He tuinga whakatūranga o Aotearoa te Tiriti o Waitangi, me te whakaae a te Poari he mea pou here i ngā whakatutukinga ōhanga me te pāpori rerekē, huri noa i te whenua. Ko te whāinga o tēnei Tikanga Whanonga Pono ki te āwhina me te manaaki i ngā haepapa o ngā kaiwhakaora ngangahau mā te whakahōnore i te Tiriti me te mahi i te taha o te Māori mō ngā whakatutukinga hauora tōkeke me te whakarato ratonga hāngai ā-ahurea ki te Māori.

He mea mātua mā ngā kaiwhakaora ngangahau kia arotau ngā kaiwhakaora pēhea te whai pānga o te Tiriti ki te toiora o te tangata i a rātou e āwhina ana i te tangata e whakauru ana ki te momo mahi ngākaunui ki a rātou. Ko te otinga o tēnei mōhiotanga me tēnei whakatinanatanga, ko te mōhio a ngā kaiwhakaora ngangahau pēhea mahi ai ngā kaupapa pūnaha, takitahi hoki, ki te whati i ngā mōtika tangata me te whakawhāiti i tō rātou whai wāhitanga ki te whakauru me noho pārekareka ki te toioranga o ia rā, ia rā.

Kei te ū ngā kaiwhakaora ngangahau ki te whakatau i ngā aukati whakaurunga mō te hunga e whiwhi ana i ō rātou ratonga. Tae noa ki ētahi atu ārai ā-ahurea, ā-pāpori hoki e hāngai ana ki te hauora, hauātanga, wairuatanga, me te whakapūmautanga.

Preliminary statement

Occupational therapists in Aotearoa New Zealand work with individuals, whānau, communities, organisations and populations. They strengthen peoples mana through tino rangatiratanga. The core aim of occupational therapy is to support people and whānau to have a life they value through enabling occupation and inclusion in society. Occupational therapists' assess, diagnose and work together with people and whānau to engage in the meaningful activities they need, want and are expected to do in their everyday life.

Te Tiriti o Waitangi is a founding document of Aotearoa New Zealand, and the Board acknowledges this underpins different social and economic outcomes throughout the whenua. This Code of Ethics aims to support and respect occupational therapists' responsibilities by honouring te Tiriti and working with Māori for equitable health outcomes and providing culturally appropriate services for Māori.

Understanding how te Tiriti affects lives is essential for occupational therapists when helping people participate in their desired occupation. This understanding and putting it into practice results in occupational therapists knowing how systemic and individual issues can breach people's rights and limit their opportunities to participate and enjoy everyday life.

Occupational therapists are committed to addressing barriers to participation for people receiving their services. This includes cultural, educational, social and other barriers related to health, disability, spirituality and sustainability.

Mātāpono Principles

1

Relationships with people receiving occupational therapy services

As an occupational therapist, you shall:

- 1.1 Respect the autonomy of people receiving your service, acknowledging their roles in whānau and their community.
- 1.2 Ensure that people receiving your services feel safe and accepted and that you are aware of the impact or potential impact of your actions, omissions or attitudes.
- 1.3 Demonstrate that the mana, tino rangatiratanga, wairua, dignity, privacy, health and concerns of people are central to service delivery.
- 1.4 Provide services in a fair and equitable manner ensuring people are included in decision making.

2

Relationships with communities and people who may require occupational therapy services

As an occupational therapist, you shall:

- 2.1 Accurately represent your skills and competencies.
- 2.2 Ensure your fee structure, if any, is fair and clearly communicated in accessible formats.

3

Relationships with colleagues and the profession

As an occupational therapist, you shall:

- 3.1 Identify and report any breach of this Code of Ethics to the Occupational Therapy Board of New Zealand for further consideration. This includes concerns about another therapist's practice or conduct.
- 3.2 Practise within the boundaries of your experience, training and competence.
- 3.3 Support the maintenance of occupational therapy standards of practice.
- 3.4 Not bring the profession or other health practitioners into disrepute.
- 3.5 Acknowledge and respect other colleagues, professionals and peers.
- 3.6 Encourage your work organisation/health system to enhance the provision of health services to address equity and sustainability issues.

1 Relationships with people receiving occupational therapy services

- 1.1 As an occupational therapist, you shall respect the autonomy of people receiving your service, acknowledging their roles in whānau and their community.
- You shall:
- 1.1.1 Focus your practice on the expressed needs of the people and whānau receiving your service.
 - 1.1.2 Work with people to identify their aspirations and priorities, involving whānau and significant others if this is the persons choice. Situations where the persons choice is overridden (for example, for reasons of safety or if they are unable to communicate) should be clearly documented and comply with legislation.
 - 1.1.3 Work in ways that enhance peoples mana, identity and culture to support them to achieve their desired outcomes ensuring equity issues are addressed.
- 1.2 As an occupational therapist, you shall ensure that people receiving your services feel safe and accepted and that you are aware of the impact or potential impact of your actions, omissions or attitudes.
- You shall:
- 1.2.1 Accurately represent yourself and your experience, knowledge and competence.
 - 1.2.2 Accept referrals for which you have the professional skills and resources to meet peoples needs. The reason for non-acceptance of any referral will be explained.
 - 1.2.3 Not enter into or continue with any personal or professional relationships with people receiving services, or their carers, that will or has the potential to exploit or harm the person and/or others. (Please also refer to the latest Guideline on Professional Boundaries for Occupational Therapists.)
 - 1.2.4 Always obtain informed consent prior to providing any therapy. Respect a person's right of refusal for services, involvement in research or educational activities.
 - 1.2.5 Protect the confidential nature of a person's information gained through professional contact. Act within the limits prescribed by the Privacy Act 2020 and in accordance with organisational policies and procedures.
 - 1.2.6 Advise the person receiving your service about and comply with the Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996.
 - 1.2.7 Be reflective about your own and others biases, including personal and systemic racism, bullying and sexism and discuss this with your supervisor or manager to deal with it in an appropriate manner.

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- 1.3 As an occupational therapist, you shall demonstrate that the mana, tino rangatiratanga, wairua, dignity, privacy, health and concerns of people are central to service delivery.

You shall:

- 1.3.1 Acknowledge the holistic nature of each person, working to strengthen mana, wairua and tino rangatiratanga and practising with due care and respect for culture, SOGIESC, disabilities, needs, values and beliefs.
 - 1.3.2 Ensure people seeking services make informed choices and give informed consent, which you document before commencement of any occupational therapy service or participation in studies or research. You must follow the Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996.
 - 1.3.3 Base practice on the best evidence and available information.
 - 1.3.4 Accurately record/report the person's information, assessment and interventions to facilitate care, treatment and support, relevant to their context.
 - 1.3.5 Keep all records confidential.
 - 1.3.6 Protect people receiving services by ensuring that duties assigned or delegated to other occupational therapy personnel are commensurate with their qualifications, training and experience.
 - 1.3.7 Ensure appropriate levels of professional supervision are provided for other occupational therapy personnel (including registered occupational therapists, occupational therapy assistants, support workers and students) for whom you are responsible.
 - 1.3.8 Receive effective professional supervision and engage in self-reflection and ongoing learning that improves competency and is evidenced in your ePortfolio.
- 1.4 As an occupational therapist, you shall provide services in a fair and equitable manner ensuring people are included in decision making.

You shall:

- 1.4.1 Use a coherent, evidence-informed, robust and transparent rationale to prioritise the allocation of service.
- 1.4.2 Aim for equitable provision of services and outcomes for people and ensure you communicate in a suitable form, language and manner that people understand.
- 1.4.3 Advise key personnel (such as managers, other service providers, people receiving services and their family, whānau or support people) when resources are insufficient to allow for safe, adequate, equitable service provision and seek to provide alternatives.
- 1.4.4 Advocate for occupational justice for people receiving services.
- 1.4.5 Document unmet needs and the actions taken to address these.

2 Relationships with communities and people who may require occupational therapy services

2.1 As an occupational therapist, you shall accurately represent your skills and competencies.

You shall:

2.1.1 Accurately represent your skills and areas of competence to people potentially accessing services, including employers, regardless of whether those services are to be provided directly or indirectly. An area of competence will be supported by demonstrable training, current knowledge, experience and skill.

2.1.2 Only provide services and use techniques in which you are competent.

2.2 As an occupational therapist, you shall ensure your fee structure, if any, is fair and clearly communicated in accessible formats.

You shall:

2.2.1 Charge fees that are an appropriate reflection of services delivered to individuals and/or organisations with whom you have contracts for services.

2.2.2 Provide written, verbal and accessible formats for fee structures to ensure they are understood by all people.

3 Relationships with colleagues and the profession

- 3.1 As an occupational therapist, you shall identify and report any breach of this Code of Ethics to the Board for further consideration. This includes concerns about another therapists practice or conduct.
- You shall:
- 3.1.1 Follow the principles of natural justice.
 - 3.1.2 Seek guidance from your supervisor, a peer, your professional association or other professional adviser.
 - 3.1.3 Understand and comply with appropriate legislation.
- 3.2 As an occupational therapist, you shall practise within the boundaries of your experience, training and competence.
- You shall:
- 3.2.1 Accurately represent your experience, training and competence.
 - 3.2.2 Identify when people's needs are outside your scope of practice and competence and take appropriate action – for example, consult with other professionals or your employer and/or access other resources when additional knowledge and expertise are required or refer people to other team members and/or available services.
- 3.3 As an occupational therapist, you shall support the maintenance of occupational therapy standards of practice.
- You shall:
- 3.3.1 Be responsible for actively maintaining and developing your own professional competence.
 - 3.3.2 Recognise when your personal health or that of another health practitioner may compromise service provision, take appropriate action and inform the Occupational Therapy Board of New Zealand or other responsible authorities.
- 3.4 As an occupational therapist, you shall not bring the profession or other health practitioners into disrepute.
- You shall:
- 3.4.1 Uphold and foster the values, integrity and ethics of the profession.
 - 3.4.2 Take due care and act with integrity not to undermine or defame another health practitioner's professional reputation.
 - 3.4.3 Disclose any affiliation that may pose a conflict of interest or interfere with good practice. In a situation where a conflict of interest is identified, you will ensure the conflict is satisfactorily addressed.

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- 3.4.4 Refrain from using or participating in the use of any form of communication that contains false, fraudulent, racist, discriminatory, deceptive or unfair statements or claims.
- 3.4.5 If offered koha such as gifts or hospitality from people receiving services, their whānau or commercial organisations, always respond in a respectful manner commensurate with contextual guidelines. (Please also refer to all guidelines produced by the Board.)
- 3.5 As an occupational therapist, you shall acknowledge and respect other colleagues, professionals and peers.
You shall:
 - 3.5.1 Acknowledge and support other colleagues whose culture, SOGIESC, values and beliefs may be different from your own.
 - 3.5.2 Respect the needs, practices, special competencies and responsibilities of your own and other professions, institutions and statutory and voluntary agencies that constitute your working environment.
 - 3.5.3 Use a collaborative approach to practice when working within or referring to a multidisciplinary team.
 - 3.5.4 Ensure continuity of care when referring or discharging people to other parties or organisations.
- 3.6 As an occupational therapist, you shall encourage your work organisation/health system to enhance the provision of health services to address equity and sustainability issues.
You shall:
 - 3.6.1 Prioritise and aim for equitable service outcomes.
 - 3.6.2 Aim for sustainability in your practice and service outcomes.

Relevant legislation

These Acts of Parliament and Regulations directly or indirectly affect the professional practice of occupational therapy:

- Accident Compensation Act 2001
- Children's Act 2014
- Consumer Guarantees Act 1993
- End of Life Choice Act 2019
- Fair Trading Act 1986
- Health (Retention of Health Information) Regulations 1996
- Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996
- Health and Disability Commissioner Act 1994
- Health and Disability Services (Safety) Act 2001
- Health and Safety at Work Act 2015
- Health Information Privacy Code 2020
- Health Practitioners Competence Assurance Act 2003
- Health Practitioners Competence Assurance Amendment Act 2019
- New Zealand Public Health and Disability Act 2000
- Oranga Tamariki Act 1989
- Privacy Act 2020
- Public Health Response Act 2020
- Te Tiriti o Waitangi Treaty of Waitangi

This Code of Ethics is to be read in conjunction with the following:

- Competencies for Registration and Continuing Practice as an Occupational Therapist (January 2022)
- Guidelines for Social Media and Electronic Communication
- Guidelines on Professional Boundaries for Occupational Therapists
- Supervision requirements for occupational therapists
- Relevant national and local standards
- Local policies and procedures

Reporting obligations under the Health Practitioners Competence Assurance Act 2003

Occupational therapists

Competence: If an occupational therapist has reason to believe that another occupational therapist or health professional may pose a risk of harm to the public by practising below the required standard of competence, the therapist may give the registering authority written notice of the reasons on which that belief is based (section 34(1)).

Mental and physical fitness: If an occupational therapist has reason to believe that another occupational therapist or health practitioner is unable to perform the functions required for the practice of their profession because of a mental or physical condition, the person must promptly give the Registrar of the responsible authority written notice of all the circumstances (section 45).

Convictions: It is a registration applicants responsibility to declare to the Board any convictions recorded against their name upon registration (section 16). It is also an occupational therapists professional responsibility to notify the Registrar of any convictions on an ongoing basis.

Courts

Convictions: Court registrars must notify the Board if an occupational therapist is convicted of an offence that is punishable by imprisonment of 3 months or more (section 67).

Employers

Competence: If an employee resigns or is dismissed for reasons related to competence, the employer is required to notify the Board (section 34(3)).

Mental and physical fitness: If an employer of an occupational therapist or other health professional has reason to believe that the occupational therapist is unable to perform the functions required for the practice of their profession because of a mental or physical condition, the person must promptly give the Registrar written notice of all the circumstances (section 45).

Occupational therapy schools

The person in charge of the occupational therapy programme must promptly notify the Board by way of written notice if they have reason to believe that a student who is completing a course would be unable to perform the functions required for the practice of occupational therapy because of a mental or physical condition (section 45(5)).

Note: No civil or disciplinary proceedings lie against any person in respect of the above notifications provided that person has acted in good faith.

Occupational Therapy Board

If the Board has reason to believe that the practice of an occupational therapist may pose a risk of harm to the public, the Board must promptly notify the Accident Compensation Corporation, the Director-General of Health, the Health and Disability Commissioner and the employer of the therapist (section 35).

Any person who is concerned about an occupational therapist's practice should contact either:

The Registrar
Occupational Therapy Board of New Zealand
PO Box 9644, Marion Square, Wellington 6141,
New Zealand
Telephone: 0800 99 77 55
enquiries@otboard.org.nz

The Health and Disability Commissioner
PO Box 1791
Auckland 1140
Telephone: 0800 11 22 33
hdc@hdc.org.nz
www.hdc.org.nz