**FNP**

**Module: Legal Practice**

**The law and professional conduct**

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| **EMPLOYER RIGHTS** | **NURSE AS EMPLOYEE RIGHTS** |
| **Employer has the right to:** | **Nurse has the right to:** |
| * Hold the nurse accountable for her/his actions e.g. prevention of medico-legal hazards. | * The same rights as any other employee receives e.g. leave benefits and other basic conditions of employment as stipulated in the BCEA. |
| * Expect a full day’s work for a full day’s pay i.e. expect employees to render the agreed services on the agreed days and times. | * A written employment contract. * Receive the agreed remuneration on the agreed date and time. * Regulated working time. |
| * Expect the employee to carry out all work instructions and obey all reasonable and lawful instructions issued. | * A job description. |
| * Take action when there is a breach of contract. | * Take action when there is a breach of contract. |
| * Discipline the employee. | * Institute a grievance procedure. |
| * Form and join employers’ organisations. | * Form and join trade unions, professional associations |
| * Organise and bargain collectively. | * Organise and bargain collectively. |
| * A lock-out for the purpose of collective bargaining. | * Legally strike for the purpose of collective bargaining. * Not be victimised. |
| * Expect employees to display good behaviour in the workplace (to comply with company policy and procedure, and to comply with company Disciplinary Code and Procedure, and to behave in the workplace in a manner acceptable in the norms of society). | * Be treated with dignity and respect. * Equal treatment. * Adequate working conditions. * Be provided with appropriate resources and equipment. |
|  | * Have safe working conditions e.g. health and safety officers. |
| * Not to be unfairly dismissed or discriminated against. * Receive fair labour practices. |

Ref:

* Mellish, J.M., Oosthuizen, A. and Paton, F. 2010. An introduction to the ethos of nursing. 3rd ed. Sandton: Heinemann. P. 193.
* Pera, S. and van Tonder, S. 2011. Ethics in healthcare. 3rd ed. Cape Town: Juta
* Geyer, N. (Gen. ed.). 2013. A new approach to professional practice. Cape Town: Juta
* Basic Conditions of Employment Act, No. 75 of 1997. Pretoria: Government Printer.
* Labour Relations Act, No. 66 of 1995: Pretoria: Government Printer.
* Occupational Health and Safety Act, No. 85 of 1993.