

# **DRAFT BILL OF RIGHTS**

The Bill of Rights for Healthcare Professionals



## **THE ADOPTION OF THE DRAFT BILL OF RIGHTS DOCUMENT**

### The Bill of Rights for Healthcare Professionals

I/We, the undersigned, working as healthcare professionals in the Republic of South Africa, adopt the following proposal of a Bill of Rights for those who have been called to serve as healthcare professionals, whereas:

1. We fully acknowledge the supremacy of the Constitution of the Republic of South Africa and unwaveringly support the rights enshrined in the Bill of Rights contained therein.
2. We further unconditionally acknowledge, respect and fully commit to, the highest moral and ethical ideals of our profession and to always act in the best interests of our patients.
3. We demand the equal entitlement and recognition of our constitutionally enshrined rights as people living in the Republic of South Africa and as healthcare professionals, with regard to the principles and purpose of the Bill of Rights in our Constitution.
4. Therefore, we declare the following constitutionally enshrined rights applicable to healthcare professionals and demand the full recognition and acceptance thereof:
  - 4.1. The right to be treated equally in our diverse society, with respect for our dignity, and to be free of any unfair discrimination
  - 4.2. The right to freedom of movement and to reside anywhere in the Republic and, thereby, to uphold our right to pursue our professions fairly and without fear, favour, harassment or prejudice in any part of the Republic
  - 4.3. The right to offer treatment based on the best interests of the patient, rather than any treatment based on considerations of the profit or benefit of a third-party funder
    - 4.3.1. When considering whether treatment is in the best interest of a patient, to have the right to seek assistance in the form of any comment, advice, review, or suggestion of alternative courses, made by a reasonably equal or better qualified and/or experienced peer of the professional in question, in the same field as the professional in question

- 4.4. The right to have our inherent dignity as persons and our values as healthcare professionals preserved and upheld, including, but not limited to:
    - 4.4.1. The right to determine the value of our services as determined only by agreement with our own professional bodies, to which we have freely chosen to belong to, and not by other unilateral determinations by any third-party funder
    - 4.4.2. The right to be fairly remunerated on the basis of the value we offer to society in the fulfilment of society's expectation of our expertise, professionalism, knowledge, skill, standard of care and diligence pertaining to our scope of practice
  - 4.5. The right to access any and all pertinent information held by third parties funding the treatment of patients where this is required to exercise or protect any of our rights as healthcare professionals. This right to access to information includes, specifically, but is not restricted to:
    - 4.5.1. The right to be provided with the identity, qualifications, experience and expertise of the person or persons reviewing any treatment of, or making any alternative decision on, patient management and/or care, that differs from that of the treating health professional
    - 4.5.2. The right to be provided with written reasons and the evidence basis on which the decisions taken by the person or persons acting on behalf of the third-party funders, when such third-party funders refuse funding for treatments deemed by the treating health professional to be in the best interest of the patient.
  - 4.6. The right to terminate any abusive or adverse professional relationship that would invariably be detrimental to the wellbeing of the healthcare professional or of the healthcare user, while reaffirming our commitment to the provision of care to everyone in the Republic, without discrimination or prejudice.
  - 4.7. The right to be free of any and all exploitation in terms of conditions of employment and the working environment, with fair working hours, safe working conditions, equipment and facilities that will not cause harm to the healthcare professional and/or the healthcare user.
5. While in full acceptance of any legal challenge against any healthcare professional, we demand an equal right to seek justice and recourse in defence of the good name and dignity of any healthcare professional, where a court of law has absolved him or her from any legal claim or action in relation to his or her professional duties.

With these rights we remain committed, we respect the rights of everyone as set out and accepted in the Bill of Rights of the Constitution of the Republic of South Africa; we remain committed to our moral and ethical duties and responsibilities as healthcare professionals and we will always strive for the best possible health outcome for the society that we serve.

*This draft document was developed for the society by Dr Sunil Aniruth. It will be reviewed and revised as inputs and comments are received from the various interested parties as it progresses to its final form.*

