

A-Z Guide

INFORMED CONSENT



Overview

Understanding what informed consent means is not essential; however, an appreciation of its importance in some contexts can be helpful. Informed consent means acting on one's own decision. A person is considered to have exercised informed consent when they arrive at their own decision after being as fully informed as possible and after weighing up all the information that is available to them. Issues regarding informed consent may arise in the following employment situations:

- Drug testing
- Personal Details forms
- Application for Employment
- Medical Examinations

Some legislation in New Zealand promotes and protects the right to informed consent, often in a particular context.

Examples are:

- Privacy Act 2020
- Code of Health and Disability Services Consumers' Rights 1996, under the Health and Disability Commissioner Act 1994
- New Zealand Bill of Rights Act 1990
- Health and Safety at Work Act 2015

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- Injury Prevention, Rehabilitation, and Compensation Act 2001
- Maritime Transport Act 1994

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The following extracts are from: Health and Disability Commissioner *"Informed Choice – Not a matter of negotiation"* New Zealand GP; 9/2/2000.

....the right of individuals to make choices free from state or other intervention is fundamental in our society. It means simply that we recognise the right of people to weigh up information in light of their own beliefs and values, their culture and family life, and make choices which are most appropriate to their own circumstances.

Some health practitioners and some consumer groups state that an individual can never be fully informed (particularly if there is no scientific evidence) and therefore the individual cannot make an informed choice. However, going back to society's fundamental right to make choices; how often are we fully informed?

Informed consent is a process requiring effective communication between the parties, provision of all necessary information to the consumer and the consumer's freely given and competent consent.

Remember

- Always call AdviceLine on 0800 300 362 to check you have the latest guide.
- Never hesitate to ask AdviceLine for help in interpreting and applying this guide to your situation.
- Use our AdviceLine employment advisors as a sounding board to test your views.
- Get one of our consultants to draft an agreement template that's tailor-made for your business.

This guide is not comprehensive and should not be used as a substitute for professional advice.

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Published: June 2024

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