

## **GUIDELINES FOR PROTECTING CLIENTS' RIGHTS IN OH&S POLICIES & PROCEDURES**

OH&S policies and procedures impact strongly on the rights of clients to live as they choose, in the community and in their own homes. Therefore OH&S policies and procedures need to include safeguards to ensure that client rights are protected and upheld.

### **Context for managing risk**

Agency OH&S guidelines should include clear statements about the requirement to take into account other relevant legislation, e.g. the Disability Services Act (DSA) 2006. This Act states:

- (1) Persons with a disability have the same rights and responsibilities as other members of the community and should be empowered to exercise those rights.
- (2) Persons with a disability have the same rights as other members of the community to:
  - respect for their human worth and dignity as individuals
  - live free from abuse, neglect or exploitation....
  - exercise control over their lives
  - participate actively in decisions that affect their lives and have information and be supported where necessary, to enable this to happen
  - access information and communicate in a manner appropriate to their communication and cultural needs
  - services which support their way of life.
- (3) Disability services should:
  - advance the inclusion and participation in the community of persons with a disability with the aim of achieving their individual aspirations
  - be flexible and responsive to the individual needs of a person with a disability
  - maximise the choice and independence of a person with a disability  
....
  - enable persons with a disability to access services as part of their local community and foster collaboration, coordination and integration with other local services.....
  - be provided in a manner that respects the privacy and dignity of persons accessing the disability services;
  - be provided in a way which reasonably balances safety with the right of persons with a disability to choose to participate in activities involving a degree of risk....

The following guidelines have been developed by the Attendant Support Action Group (ASAG)<sup>1</sup> to assist policy makers to safeguard client rights in OH&S policies and procedures:

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<sup>1</sup> A systemic advocacy action group of Action for Community Living

- Clients need to play a role in the development of OH&S policies and procedures and be a part of the decision making process on OH&S matters that affect them. This could be advanced by having strong client representation on your agency's OH&S committee.
- OH&S policies and guidelines need to have a statement conveying that the choices and preferences of clients must be considered in all decisions made about how to manage OH&S issues.
- OH&S policies and guidelines need to have a balanced approach to risk, and focus on risk management and not risk elimination. There are situations when delivering attendant support that constitute a strong case for risk taking.<sup>2</sup>
- OH&S policies and guidelines need to include a description of the importance of, and methods for, undertaking assessments sensitively, respecting the client's home as a private space. Assessments, if conducted insensitively can be demeaning and an invasion of privacy. Undertaking an assessment insensitively is a risk to the clients' psychological health.
- OH&S policies and guidelines need to recognize that clients are individuals and have different needs and therefore, flexibility in approaches to delivering support in a safe way is essential.
- OH&S policies and guidelines should avoid, where possible, 'blanket' rules and orders and instead, encourage staff to handle health and safety issues with sensitivity and to find solutions through information sharing, cooperation and negotiation with clients. The attached Client Impact Questionnaire is provided to assist with this process.
- OH&S policies and guidelines should avoid a NO LIFT policy. NO LIFT is a blanket policy that does not consider the client's individual situation, and is used often to refuse or withdraw service, instead of considering the client's individual situation. 'No lift' policies affect the client's rights to access the community in locations where hoists are unavailable. 'NO LIFT' policy works well in the hospital situation but from our experience talking to clients, it is unworkable in the community where people move around into many varied buildings that do not have hospital fixtures. Instead refer to 'sensible lift' where manual handling is minimized where practicable.
- OH&S policies and guidelines should avoid denial of services as a response to health and safety issues.

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<sup>2</sup> Green, David, (2004) *The Risk Society and the Protection of Rights: Implications for an Ethical Practice* (Paper presented at Forum on "Risk and Rights" hosted by the Office of the Public Advocate)

- Personal Protective Equipment should only be used when there is a risk to health and safety. Overuse can have psychological effects on clients i.e. make clients feel 'contaminated'.
- OH&S policies and guidelines need to recognize that costs for equipment that improve health and safety should not be placed on the client.
- OH&S policies and guidelines need to recognize that 'attendant support' is a physically demanding occupation and that unfit staff can be an OHS risk. Furthermore, if a client has high level physical needs they should be matched, where possible, with staff with the appropriate physical attributes.
- OH&S policies and guidelines need to recognize that staff who do not have the suitable values and attitudes (e.g. respect for clients) are a risk to the client's mental health.

