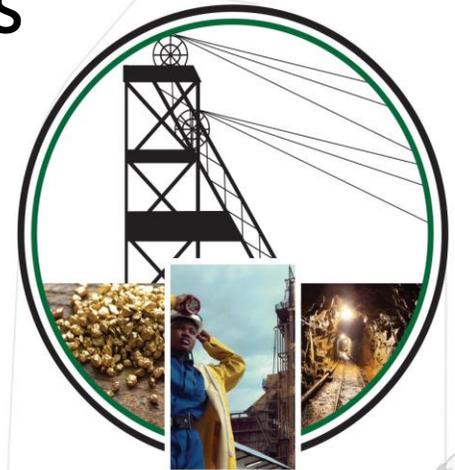
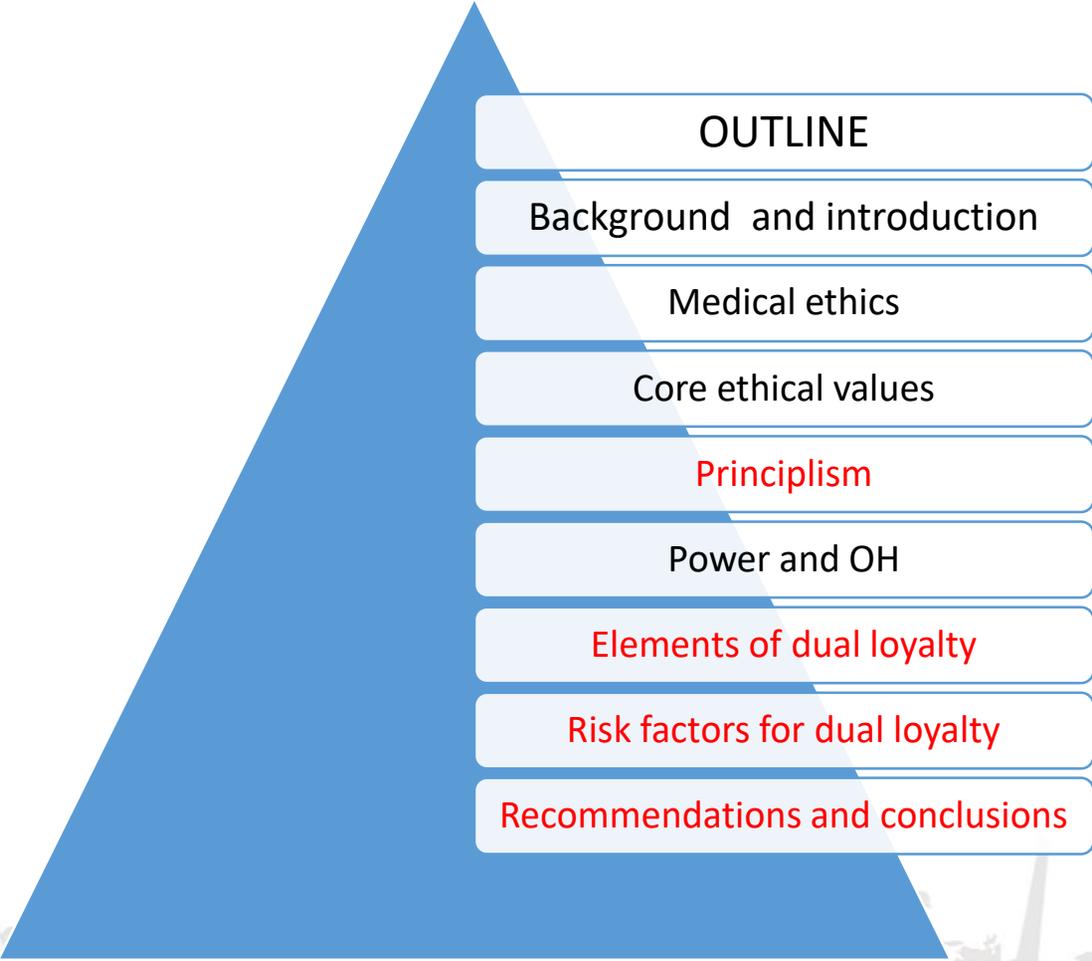


Ethical dilemmas and dual loyalty of Occupational Medical Practitioners

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Mokoboto





OUTLINE

Background and introduction

Medical ethics

Core ethical values

Principlism

Power and OH

Elements of dual loyalty

Risk factors for dual loyalty

Recommendations and conclusions



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Background and introduction

- HCP encounter **challenging ethical** questions freq.
- Bioethics-moral issues as a result of developments in biological sciences.- focus on good clinic. practice
- Traditional bioethical literature **neglected dilemmas facing OMPs**
- **Failure to prioritise** ethical obligations as required of all MPs
- MPs may experience **conflict of interest.**
- Contributes to dual loyalty of practitioners
- Dual loyalty affects actions and decisions by OMPs
- Actions may have **profound consequences** for employees.
- May lead to **human rights violations** of employees



Background and introduction

- Generally MPs encounter dilemmas regarding their loyalties.
- Cannot det. If obligations to pxs or their employers.
- Most MPs work under 3rd parties-- employers.
- Employers may incl. insurance companies and mining companies, amongst others.
- The involvement of a 3rd party – competing obligations
- MP caught in-between- ethical dilemma
- In OH space...PXS regarded as employees



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Medical Ethics

1. Moral principles governing practice of medicine.

2. All MPs guided by “ethical standards and values”.

3. The likelihood of a conflict exists,

4. occurring because of competing demands,

5. Result: MP chooses between competing demands,

6. Ethical dilemma might ensue for the MP

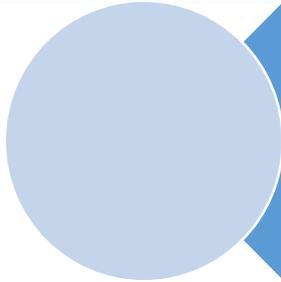


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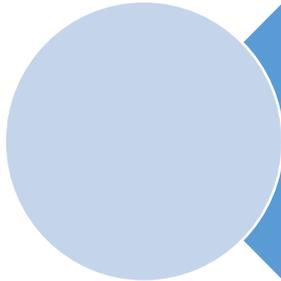
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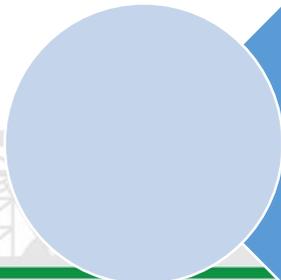
Core ethical values



Respect for persons: respect employees as persons and acknowledge their intrinsic worth, dignity and sense of value



Human rights: recognise human rights of all Individuals: should not trample on human rights of employees, to please employers



Integrity: core ethical values and standards-foundation character. OHP with integrity is respected and trusted by employees and even employers sometimes.

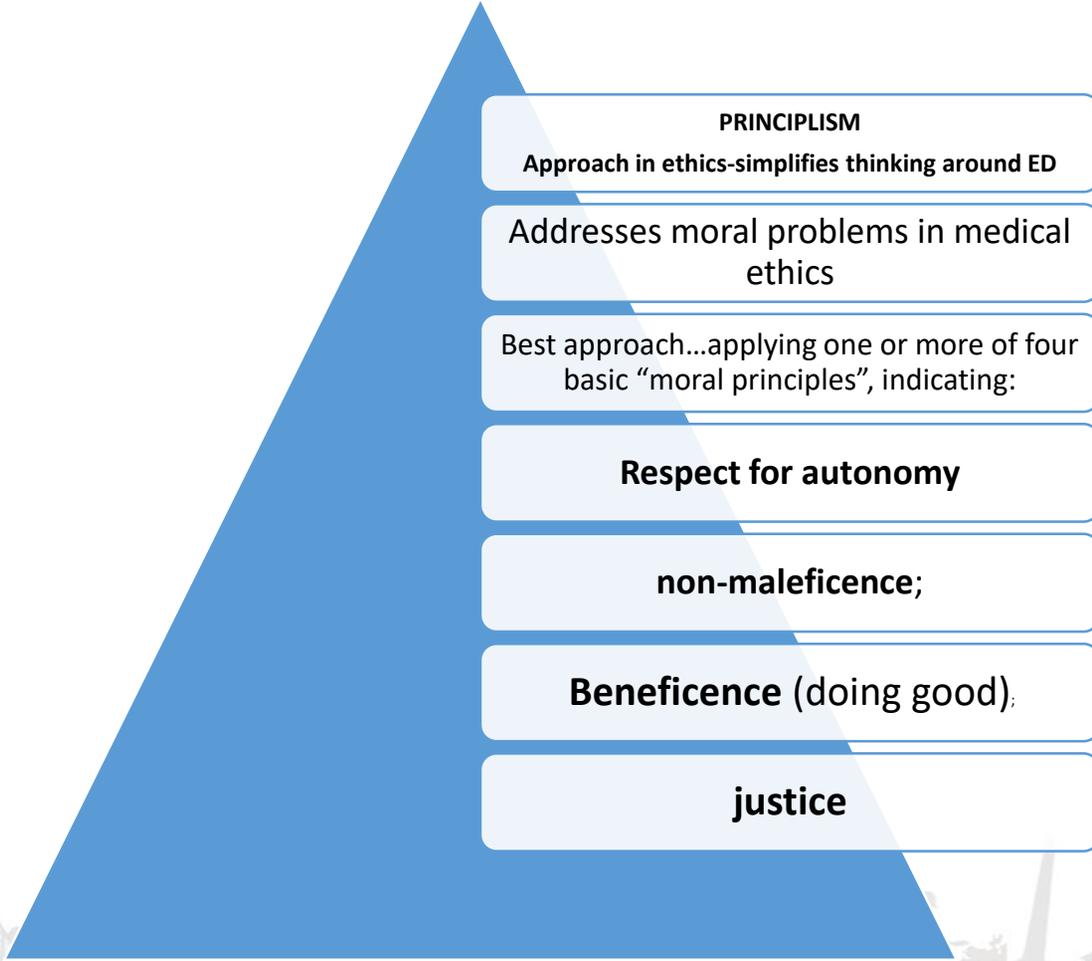


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Ethical Principles- Principlism



PRINCIPLISM

1 **Respect for autonomy-** e.g. employer who is Dr

- informed consent; confidentiality, truth telling

Concurrent with legal positions of the Constitution.

sections 10(dignity);12(2)(b) bodily integrity;14 (privacy).(e.g. HIV PXs)

Challenge: **Paternalistic tendencies of OMPs**

2. **Beneficence** (e.g Hay v B Case);

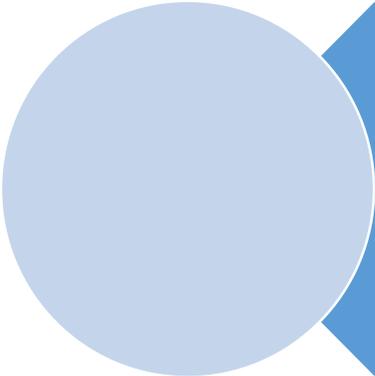
protect and defend the rights of **others—rights of employees usually perceived as unimportant**

prevent harm from occurring to **other-may lead to maleficence- decision by OMP might have negative impact**

help persons with disabilities- **discrimination more likely**

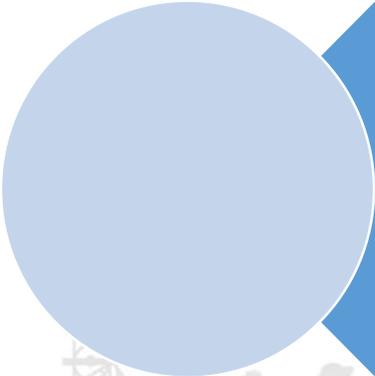
Usually helped to exit the mine





Non-maleficence

- doing no harm- to employees
- Not depriving others the goods of **life-as OMPs**
what are we depriving employees with our decisions?



Justice

- Fair treatment of **employees(avoid discrimtn)**
- Respect for human rights of employees
- Respect for morally accepted **laws(Cannot ignore Constitution; other Acts)**



Power and OH

Power and occupational health

- Leslie London said:
- “both rights and ethics are normative approaches ...to maximize human well-being...alleviate discomfort and suffering”.
- “..... power is critical for consideration of the ethical and human rights dimensions of occupational health practice.”
- “A need for the OMP as the professional exists,.. to be trusted by both employees and by employers, concerning medical ethics.”
- Workplace health challenges d.t power conflicts between management and employees occur....intervention by OMP might be necessary.....ethical dilemma.(decision swayed by who pays your salary)



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Dual loyalty and conflict of interest



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Dual loyalty

- Defined as **role conflict** between **professional duties to a px** and **obligations**, expressed or implied, real or perceived, **to the interest of a 3rd party, e.g. mine employer**
- OMPs often in a **contractual relationship** with industry bosses
- Expected to maintain **doctor-patient relationships** with employees as patients or users of occupational health services
- Unfortunately **employer of the OMP** is also the employer of the **worker/patient**
- Sets the scene for potential dual loyalty.



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Elements for dual loyalty

- The **existence of simultaneous obligations** to the worker/patient and employer as third party.
- The **incompatibility of these simultaneous obligations**.
- The existence of **some measure of pressure on the health professional** from the third party qualitatively differ to the power of the employee.
- The **separation of the health professional's clinical part** from that of a social agent



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Risk factors for dual loyalty

- risky employment relationships
- role conflicts for health employees
- personal bias, institutional discrimination and stigmatization of patients/employees.
- presence of a repressive political environment.
- professional power and self-interest.



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Challenges

Contract challenges

- Contracts may focus on and distinctly mention specific legal obligations on the OMP
- OMP's ethical obligation to the employee remains at a moral and hortatory level, subject to differing interpretations
- Usually lacks legal enforceability
- Medical ethics are not considered when contracts between employer and OMP are entered.
- Becomes the responsibility of the OMP to remember and observe medical ethics.
- (J Ladou *et al.*, (2002). Codes of ethics (conduct). *Occup med* 17: 559-585.)

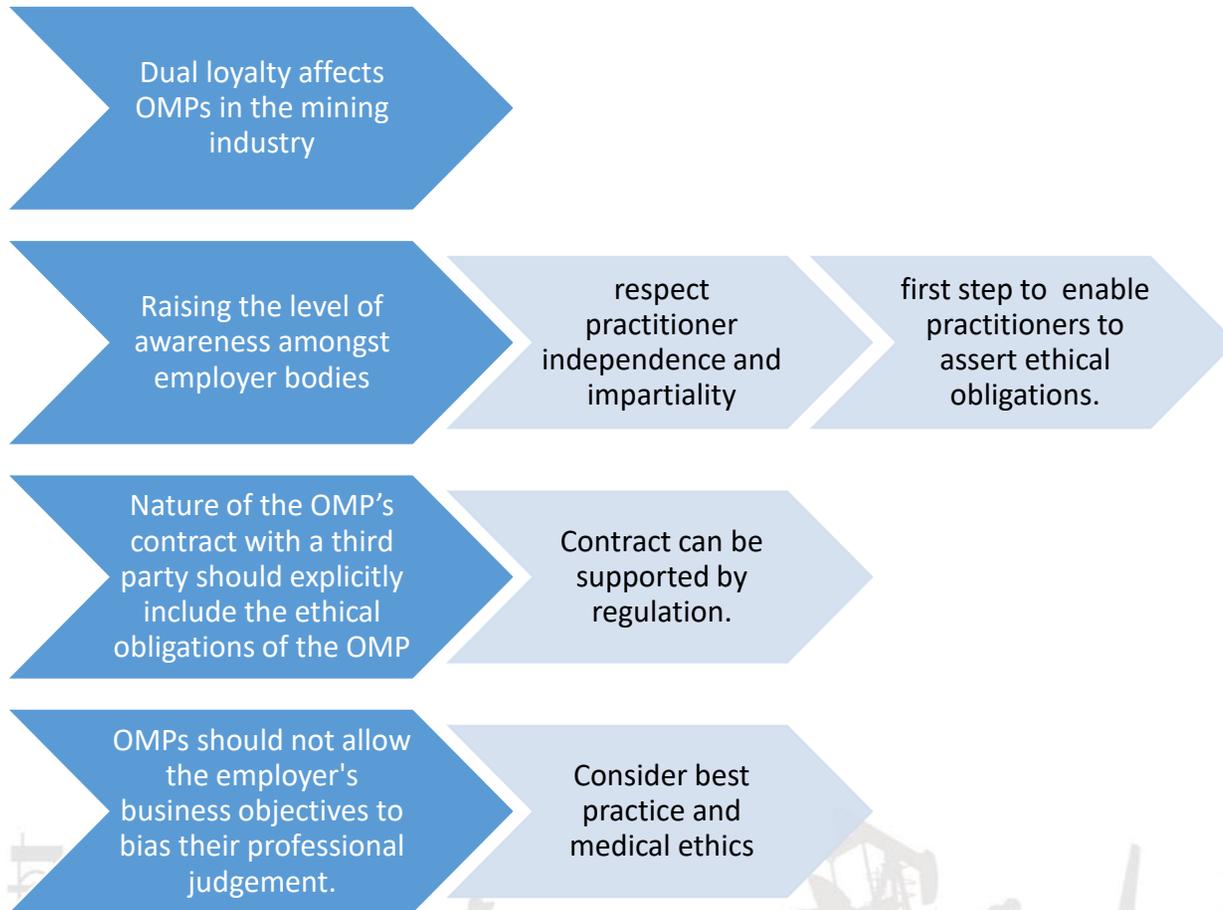


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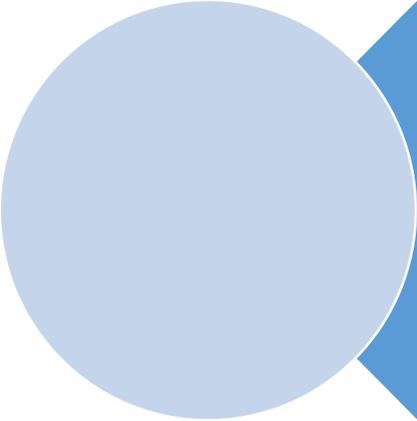
Recommendations



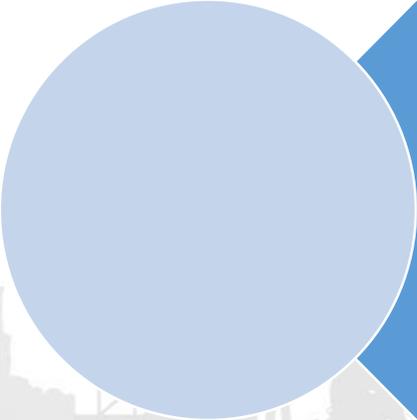
CONCLUSIONS

- Ethical principles guide all medical practitioners in their doctor-patient relationships
- Medical ethics are clear on where obligations of health practitioners should lie...in the best interest of their patients/employees.
- Consider using guidelines by dual loyalty working group as best practice
- To be tailor made to suit our mining environment





TAKE HOME MESSAGE



Are you dealing with dual loyalty?

1. Consider **human rights...are they violated?**

- Right to- dignity; cornerstone of our Constitution(J Ackerman)
- Right to equality; full and equal enjoyment of all rights
- Right to fair labour practice: no discrimination for certain conditions ; right to reasonable accommodation
- 2. Consider **ethics**.....4 principles.(autonomy; beneficence;non-maleficence;justice)



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“How much knowledge you gain depends on your willingness to learn.” Anonymous

“Share your knowledge. It is a way to achieve immortality.”
Dalai Lama



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