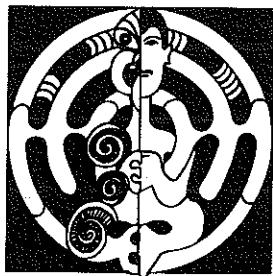


Code of Ethics

Adopted - 30 July, 1993



**New Zealand Association of
Social Workers Incorporated**

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Preamble

Social work has grown out of humanitarian, philosophical and religious attempts to find solutions to poverty and injustice. It originated in Europe and North America and was brought to and further developed in Aotearoa New Zealand where it has played a significant role in the colonisation process.

During its history, social work has developed a dual focus. First, to enable and empower individuals, families, groups and communities to find their own solutions to the issues and problems that beset them; secondly to learn from specific instances of need, to inform society at large about the injustices in its midst, and to engage in action to change the structures of society that create and perpetuate injustice. From time to time, social work in practice has concentrated more on one focus than the other, often emphasising the specific at the expense of the general, and sometimes imposing solutions rather than enabling and empowering people to take charge of their own lives in the context of their own values and aspirations.

The New Zealand Association of Social Workers (Inc) (NZASW) affirms that members social workers are committed to the full realisation of the dual focus of social work.

Social workers are committed to service for the welfare and self-fulfilment of their fellow human beings, who are the individuals, families, whanau, hapu, iwi, groups and communities that make up society at large; to the growth and disciplined use of all forms of knowledge which inform and enable social workers to effectively carry out their role and function; to the development and just allocation of the resources that enable everyone to achieve their full potential; and to the action for social change that is necessary to achieve social justice. There are local, national and international contexts in which social work operates.

Social workers have power and authority that derives from their status, role and professional abilities. They may have additional powers conferred upon them by legislation where the state uses social work as a means of

social control. They work in a variety of private, voluntary or statutory agencies that may have more or less explicit social control functions. Social workers often work within the context of an apparent dilemma; that of client empowerment and social control.

NZASW recognises that it is neither just nor equitable to attempt to impose a set of values on all groups that live in Aotearoa New Zealand. The social work task is to enable and empower people to take charge of their own lives in the context of their own values and aspirations where that does no harm to others. Social workers respect the worth and dignity of each person and group, and acknowledge their age, beliefs, culture, gender, marital status, family status, intellectual, psychological and physical abilities, race, religion, sexual orientation, and social and economic status.

Foreword

NZASW is a member association of the International Federation of Social Workers (IFSW) and as such it is bound by the IFSW Declaration of Ethical Principles. NZASW acknowledges the IFSW Declaration of Ethical Principles as a starting point for developing this Code of Ethics.¹

Paragraph 1 of the Declaration of Ethical Principles acknowledges that: "...a detailed set of codes and guidelines for the member associations to follow would be unrealistic due to legal, cultural and governmental differences among the member countries, and we have formulated the Principles of the Ethics Declaration accordingly." NZASW has therefore developed this Code of Ethics as a more detailed guideline to the ethical standards expected of members of the Association, taking into account the unique legal, cultural and governmental identity of Aotearoa New Zealand.

NZASW acknowledges that the legal, cultural and governmental identity of Aotearoa should be based upon the Treaty of Waitangi, despite present inconsistencies between the Treaty, legislation and constitutional structures. In its Constitution, one of the Objects of NZASW is "To ensure that social work in New Zealand is conducted in accordance with the articles contained in the Treaty of Waitangi."² Therefore, in recognition of the Treaty an integral part of this Code of Ethics is the Bicultural Code of Practice.

The Code of Ethics therefore consists of three parts:

- A Principles
- B The Social Worker's Ethical Responsibilities
- C Bicultural Code of Practice of the New Zealand Association of Social Workers (Inc)

All parts of the Code should be read together, and be regarded as having equal status.

Social workers work in a range of settings. For this and other reasons, "client" has a variety of meanings. Please refer to the Glossary of Terms.

- 1 *The whole IFSW Declaration of Ethical Principles is reproduced in Appendix 1.*
- 2 *Constitution of the New Zealand Association of Social Workers (Inc.) (as amended July 1989), Object (b).*

This Code of Ethics and Bicultural Code of Practice is expected to be the subject of further review. The task of the Ethics committee will include further work in this area. The Tangata Whenua Caucus of NZASW are in the process of having this Code translated into Maori and preparing it for publication at a later date. Further editions of the Code should include both Maori and English translations in the same publication.

An interim Ethics Committee was established during 1993. Responsibilities of that committee have included investigating reported breaches of Standards of Practice of members and for overseeing the preparation and publication of this Code. The committee members were:

Lynne Briggs of Christchurch (Convenor)
Jenny Blagdon of Wellington
Liz Chesterman of Christchurch
Raylee Kane of Wellington
Fiona Robertson of Christchurch

Acknowledgement

John Hopkins was employed by the Ethics Committee to prepare the Draft Code of Ethics and Bicultural Code of Practice. NZASW acknowledges the significant effort John put into completing this task. Financial grants by the Minister of Social Welfare and the New Zealand Lotteries Board assisted in meeting the costs of producing the Code.

Objectives

The Code of Ethics provides a set of standards by which NZASW and member social workers can determine what is legitimate or acceptable behaviour within social work practice. The Code establishes basic principles on which to make ethical decisions, and sets out standards of ethical conduct that reflect the value base of social work. It also makes these standards explicit for the information of people outside social work, so that they may evaluate the social work service being offered.

The Code offers guidance on the ethical questions that arise between social workers and clients; between social workers and colleagues within and outside of the profession; and between social workers and employing bodies and other organisations. It also offers guidance on the relationship between Tangata Whenua and Tauwi³ in social work practice in Aotearoa New Zealand.

It will be possible to measure the professional conduct of social workers against the standards established by this Code. NZASW will not support any

³ Tauwi - all peoples other than Maori.

behaviour that contravenes these ethical standards and will use this Code in proceedings dealing with complaints concerning the ethical behaviour of members.

This Code of Ethics and Bicultural Code of Practice was adopted by the NZASW Annual General Meeting held in Wanganui on 30 July 1993. All members of the Association are required to abide by the code.

Lynne Briggs
Convenor
Ethics Committee

Buster Curson
President
NZASW

August 1993

A Principles

NZASW acknowledges the following principles from the International Federation of Social Workers Declaration of Ethical Principles (1990) Paragraph 2. They are a general statement of the international social work principles that support this Code.⁴

2. PRINCIPLES

2.1 INDEPENDENCE

Social Work is based on the value of independence. The aim of social work is therefore to enable and empower all individuals and groups with a collective identity to handle their own lives and living conditions, to enable them to take care of themselves and to develop autonomously and collectively.

2.2 LIBERATION THROUGH SOLIDARITY

Social work is based on the value of liberation of individuals and groups from repressive and underprivileged living conditions. Social work advocates equality, solidarity, unity and connectedness among human beings. This includes advocating the allocation of necessary resources for people in need of compensation in order to participate on equal terms.

Social workers are therefore expected to reveal unequal⁵, socially

4 The paragraph numbering of the Declaration has been retained for cross reference purposes. The Declaration is to be further scrutinised as some of the language is unclear and repetitive, but the content is unlikely to change. It should be noted that in some instances, NZASW has chosen to diverge from IFSW principles in the rest of the Code in light of the unique legal, cultural and governmental identity of Aotearoa New Zealand.

5 Please note: "unequal" substituted by NZASW for "disparital" in the IFSW draft.

unjust and repressive political/social structures and systems and to work for and advocate amendment and where necessary the abolition of these. Social workers have a special duty to take care of and secure the rights of children and other individuals not being able to assert their interests.

2.3 NON DISCRIMINATION

Social work is based on the value of non discrimination. Social work is therefore exercised independently of gender, age, disability, colour, race, religion, language, political beliefs or sexual orientation. Exempted are political beliefs aimed at specifically undermining the basic values of human rights. Social workers are therefore on the basis of this principle obliged to seek to practice in an anti-discriminatory manner, and to work towards providing the best possible assistance to anybody seeking their help and advice.

2.4 DEMOCRACY AND HUMAN RIGHTS

Social work is based on the values of democracy and human rights. Social workers respect the rights of individual human beings and groups' basic rights, integrity and dignity as expressed in the Human Rights Charter of the United Nations, the Convention on Human Rights and the Universal Declaration on Indigenous People's Rights.⁶

2.5 PROTECTION OF CLIENTS' INTEGRITY

Social work is based on the value of protecting clients' integrity, covering the requirement of discretion/professional confidentiality⁷, the requirement of elucidating cases adequately and the clients' right to know the details of their own case.

Social workers practise professional confidentiality⁸ even if their country's legislation is conflicting to this demand.

2.6 CLIENTS' PARTICIPATION

Social work is based on the value of client participation and social worker cooperation with clients.⁹ Social work means to solve

⁶ NZASW acknowledges the other relevant International Instruments on Human Rights that should have been cited by the IFSW. Refer to Appendix 2.

^{7 & 8} Please note: "confidentiality" substituted by NZASW for "secrecy" in the IFSW draft. Also, refer to clauses 1.10 - 1.16 in the NZASW Code of Ethics.

⁹ Please note: IFSW draft reads: "clients' participation and cooperation with clients."

problems according to the interests of the clients, and to solve the problems in cooperation between social workers and clients.

Users of the services of social workers should to the highest possible degree participate in solving their own problems. Clients should always be informed of the purposes and consequences (risks and benefits) of those actions on the part of the social worker affecting them as clients.

2.7 SELF-DETERMINATION

Social work is based on the value of clients' self-determination. Social work is correspondingly based on the principle of minimising¹⁰ the use of compulsion in social work practice. In cases where compulsion might be necessary to solve one party's problems at the expense of the other's, the use of compulsion must always be based on careful considerations of the opposing parties' different interests and on an expressed choice of values after hearing the parties' different interests. Social workers are obliged to work to secure qualified spokespeople¹¹ for all opposing parties.

Social workers are also expected to work for minimising¹² the access to legal use of compulsion within the different countries' legislation.

2.8 DISMISSAL OF BRUTALITY

Social work is inconsistent with direct or indirect support of individuals, groups, political forces or power-structures suppressing their fellow human beings by employing terrorism, torture or similar brutal means.

2.9 THE PRINCIPLE OF PERSONAL RESPONSIBILITY

Individual social workers make decisions ethically and stand by these regardless of whether collective guidelines and codes within their association are produced or not."

10 Please Note: "minimising" substituted by NZASW for "minimalising" in the IFSW draft.

11 Please Note: "spokespeople" substituted by NZASW for "spokespersons" in the IFSW draft.

12 Please Note: "minimising" substituted by NZASW for "minimalising" in the IFSW draft.

B The Social Worker's Ethical Responsibilities

1 Responsibility to Clients

- 1.1 Within the context of their legal obligations, social workers are expected to acknowledge that client interests and welfare are their first priority, and to work accordingly.
- 1.2 Social workers should respect the worth and dignity of clients, and work in non-discriminatory ways that acknowledge the age, beliefs, culture, gender, marital status, family status, intellectual, psychological and physical abilities, race, religion, sexual orientation, and social and economic status of clients.
- 1.3 A social worker's personal moral judgements or religious convictions alone should not override her/his duty to ensure client independence. Social workers are expected to maintain professional objectivity, advise clients of any relevant personal moral or religious conflict that may occur, and offer appropriate referral to another social worker.
- 1.4 Social workers must not abuse their relationships with clients for personal, professional, political, financial or sexual gain.

In no circumstances should a social worker enter into a sexual relationship with a client.

It always remains the social worker's responsibility to maintain appropriate boundaries. A sexual relationship, sexual contact or any other form of sexual behaviour between a social worker and a client is never a valid form of therapy or assistance.

Sexual behaviour and sexual contact are widely defined in this context, and include physical sexual contact, verbal comments or innuendo of a sexual nature and unnecessary questioning about a client's sexual relationships, experiences or preferences.

This section also applies to relationships between social workers and members of the client's family, and relationships with students and others whose work is being supervised by the social worker.

- 1.5 Social workers must not sexually harass clients; nor must they condone sexual harassment by others. Sexual harassment is defined in the Glossary of Terms.
- 1.6 Social workers are expected to fully inform clients of the services they offer and the nature of any proposed involvement. It is important to obtain a client's informed consent to participate in any service offered. Social workers have a responsibility to fully inform clients of their rights and of avenues for complaints they may have about the services provided.
- 1.7 Social workers should only participate in the use of compulsion when there is a clear professional justification for that course of action. Any social worker who violates or diminishes the civil or legal rights of a client could be the subject of criminal and civil action, or complaint action to their employer or the Association.
- 1.8 Social workers are expected to work in ways that encourage and enable self-determination by clients. If a client lacks capacity, or is otherwise unable to act with self-determination, the social worker has a duty to protect the client's rights and welfare.
- 1.9 Social workers have a responsibility to be conscious of the limits of their own competence, to offer only those services that come within their abilities, and to refer matters outside their competence to appropriately qualified people.
- 1.10 Social workers are expected to maintain accurate client records for professional purposes, and to take all reasonable steps to ensure the confidentiality of this information. Social workers are expected to provide access for a client to see her/his records, taking care to preserve the privacy of others in those records.¹³
- 1.11 Social workers are expected to protect client integrity by maintaining client confidentiality; by taking care to inform themselves on all relevant aspects of each client's situation; and by keeping the client informed.
- 1.12 The following limitations to client confidentiality may exist:
 - If a client is incapable of giving consent for any professional disclosure of her/his information, the social worker should obtain consent from whoever legally represents her/his interests.
 - In an emergency a social worker may need to make a professional

¹³ "Access" to records may require the social worker to actively assist clients to understand their records (eg by guiding them through jargon and providing appropriate translations so that the information is "accessible" to the particular client).

decision to provide client information in her/his best interests. In that event, it is the social worker's duty to inform the client as soon as possible of any information divulged to a third party.

- Social workers may be compelled by legislation or the Courts to disclose client information. It is a social worker's duty to inform the client of any such limitations to confidentiality.
- A social worker may conclude that the client or someone else (such as a child) may be endangered by non-disclosure. In that event, the social worker may make a professional decision (preferably after consultation with colleagues) to disclose client information.

1.13 Where it is necessary to disclose client information, the social worker should only disclose the minimum required for the purpose.

1.14 Communications between client and social worker may come within professional privilege, because legal rules as well as ethical standards protect client information. Social workers need to be familiar with and work according to the relevant statutes and common law relating to evidence, official information, and privacy.

1.15 Social workers have a responsibility to obtain informed consent from clients before taping, recording or permitting others to observe interactions with the client. Social workers should not use client information for the purposes of teaching or public presentation in any form unless they have removed identifying information, or clients have given informed consent.

1.16 Social workers have a responsibility to maintain confidentiality when they submit information to funding agencies. The social worker should inform the client if there is any possibility that this information could lead to identification.

2 Responsibility to the Wider Community

2.1 Social workers should accurately inform the wider community about the services that they offer, and not misrepresent their knowledge, skills, training and experience.

Social workers learn from the private troubles they encounter with clients, and they are therefore expected to encourage the growth and disciplined use of all forms of knowledge:

- that identify and analyse private troubles and public issues,
- that inform society at large about social injustice,
- that inform and enable social workers to effectively carry out their role and function.

2.2 Social workers are expected to advocate social justice, inclusion and

choice for all members of society, having particular regard for disadvantaged minorities. They should act to prevent and eliminate discrimination against any person or group on the basis of their age, beliefs, culture, gender, marital status, family status, intellectual, psychological and physical abilities, race, religion, sexual orientation, and social or economic status.

- 2.3 To this end, social workers should advocate policies and legislation that promote social justice and improved social conditions, and that encourage the development and just allocation of community resources. They should also act to ensure that everyone has access to the existing resources, services and opportunities that they need.
- 2.4 Social workers should encourage public participation in the development of and decision-making about social policies and structures.
- 2.5 Social workers are expected to engage in constructive action to change the structures of society that create and perpetuate injustice. They should respect the law, whilst working towards change in any laws that disadvantage clients or other members of the community.

3 Responsibility to Agencies and Organisations

- 3.1 Social workers have a responsibility to adhere to the work contracts they have entered into with employing agencies or institutions.
- 3.2 Social workers have a responsibility to maintain and improve the structures, policies and quality of service of their employing agencies and organisations.
- 3.3 Social workers have a responsibility to ensure that their employers understand the requirements of ethical practice as a social worker, and to work towards inclusion of the standards of ethical practice in the terms of their employment and the expectations of their employers.
- 3.4 Social workers have a responsibility to adhere to high standards of practice and not to compromise these standards for the sake of administrative or institutional expediency.
- 3.5 Social workers have a responsibility to act to prevent and eliminate discrimination in employment policies and in access to the services of their agencies and organisations where it is based on age, beliefs, culture, gender, marital status, family status, intellectual, psychological and physical abilities, race, religion, sexual orientation, or social or economic status.
- 3.6 Social workers should use the resources of their agencies in

3.7 accordance with high standards of professional practice and ethics. Social workers are expected to ensure professional accountability to clients and the wider community through regular ongoing evaluation of agency policies and services and of their own performance.

4 Responsibility to Colleagues

- 4.1 Social workers have a responsibility to relate to colleagues with integrity, respect, courtesy, openness and honesty. They should respect and seek to understand differences of opinion and practice, and express criticism of each other in a responsible manner.
- 4.2 Social workers are expected to promote cooperation with colleagues to enhance the aims and ethics of social work, and development of the skills and knowledge base. They should share knowledge, experience and ideas, and promote opportunities for further education and training.
- 4.3 Social workers have a responsibility to encourage research to enhance the growth of all forms of knowledge that inform and enable social workers to effectively carry out their role and function.
- 4.4 Social workers who are involved in education and training should assist students to develop high standards in ethics, methods of learning, analytical ability, knowledge and skills.
- 4.5 Social workers need to ensure that their private and professional conduct and integrity is beyond reproach. Any instances of professional misconduct or unethical behaviour on the part of colleagues (particularly where this involves actions that are harmful to clients), should be brought to the attention of the appropriate bodies, where the situation is too serious to be resolved by discussion with the colleague concerned.
- 4.6 All members of the New Zealand Association of Social Workers (Inc) give recognition to the process whereby complaints about their practice are investigated.
- 4.7 Social workers must not sexually harass colleagues; nor must they condone sexual harassment of colleagues by others. Sexual harassment is defined in the Glossary of Terms.

5 Responsibility to Self

- 5.1 Social workers need to ensure that they have the required knowledge and skills that are relevant to their field of work, and that their knowledge and skills are kept up to date. They should maintain a critical response to new knowledge.

- 5.2 Social workers have a responsibility to continue their involvement in such activities as regular ongoing supervision and education and training so as to maintain self and peer evaluation, and maintain and upgrade their skills and knowledge.
- 5.3 Social workers are expected to take responsibility for their own emotional, mental and physical health. They should acknowledge that there are limits to the service they can provide, and for their own protection and that of clients, social workers need to decide whether they can take on any particular task. Respect for their own health and self esteem should be maintained.

6 Responsibility for Research and Publications

- 6.1 Social workers should ensure that any research activities carried out by them (or by others under their supervision) meet the appropriate scientific standards of competency and sensitivity to the welfare and dignity of participants.
- 6.2 Social workers should obtain the informed consent of participants except in situations where an exception can be justified by the research methodology. Informed consent means agreement to participate in the research, or agreement by those authorised to represent the interests of any person judged to be incapable of giving informed consent, and includes:
 - a. being informed of the purpose, nature and procedures of the research;
 - b. being informed of any research procedures that might have harmful effects on them;
 - c. being informed of the right to withdraw from a research project at any stage and, if they have been paid to participate, the conditions of withdrawal;
 - d. being informed of the right to know the use to which the data may be put and of the outcome of the study.
- 6.3 Social workers should take all possible steps to protect participants from physical and mental discomfort, harm or danger.
- 6.4 A social worker would have to justify to an appropriate ethics committee any methodological requirement of a study that involved the use of concealment or deception. The social worker would have to demonstrate that other non-deceptive procedures could not be used, and would have to obtain the consent of participants to waive their right to prior information on the nature and purpose of the study and ensure that all participants are given full explanations as soon

as practicable.

- 6.5 Social workers should submit their research proposals to an appropriate ethics committee for review.
- 6.6 Social workers are expected to be accurate and objective in reporting data or information. Their public comments as social workers should be restricted to areas of social work in which they have appropriate knowledge. When reporting research findings, social workers have a responsibility to include relevant details of research findings that may modify or cast doubt upon the interpretation of the evidence provided.
- 6.7 In any publication, social workers should accurately acknowledge sources of information and ideas, and give appropriate credit to contributions made by individuals and organisations.
- 6.8 Social workers are expected to take reasonable steps to correct any misleading or incorrect reports related to their work, and not to make excessive or exaggerated claims for their research findings or professional activities.
- 6.9 Social workers should not state or imply that personal statements made by them are made on behalf of other social workers, NZASW, or other organisations unless they have been properly authorised in advance.

C Bicultural Code of Practice of the New Zealand Association of Social Workers (Inc)¹⁴

Introduction

The identity of Aotearoa New Zealand is based on the Treaty of Waitangi. NZASW recognises Maori people as Tangata Whenua¹⁵ of Aotearoa and affirms their right to independence in accordance with Principle 2.1 of the IFSW Declaration of Ethical Principles.

In its Constitution, the first two Objects of NZASW are: "To promote an indigenous identity for social work in New Zealand and to assist people to obtain services adequate to their needs" and "To ensure that social work in New Zealand is conducted in accordance with the articles contained in the Treaty of Waitangi".¹⁶ This Bicultural Code of Practice represents an active commitment to the promotion of an indigenous identity for social work in Aotearoa New Zealand. NZASW recognises existing Maori models and initiatives as alternatives to conventional monocultural institutions.

NZASW acknowledges that power over resources and decision-making is at present held by Pakeha. This Code recognises that power is held by agencies and organisations as well as individual social workers, and acknowledges that bicultural practice must occur at a structural as well as

14 For a definition of "bicultural", please refer to the Glossary of Terms.

15 Tangata Whenua generally means the *Iwi* of each tribal rohe. However, in some circumstances reference to Tangata Whenua may need to include other appropriate *Iwi* Authorities and groups such as Taura Here, Maori Women's Welfare League etc. In addition, some agencies may have developed a specific Treaty relationship with a Maori Caucus within their organisation. This Code is not intended to interfere with the range of possible relationships.

16 Constitution of the New Zealand Association of Social Workers (Inc.) (as amended July 1989), Objects (a) & (b).

individual level to achieve social justice for Maori. In formulating this Code, NZASW has included reference to both institutional and individual responsibility for bicultural practice.

In carrying out their various roles and functions which impact upon Maori in any way, social workers should initiate and act upon consultation with Maori.¹⁷

The adoption of this Bicultural Code of Practice reflects the importance of establishing a commitment to the Tangata Whenua of Aotearoa New Zealand. The Code will enhance the ethical requirement for respect and recognition of the dignity and worth of all cultures that live here.

Bicultural standards of ethical conduct

The following bicultural standards of ethical conduct are expressed in terms of the Principles in Paragraph 2 of the IFSW Declaration:

1 INDEPENDENCE

- 1.1 Social work organisations and agencies and individual social workers should acknowledge and support the whanau as the primary source of care and nurturing of its members.
- 1.2 Social workers are expected to work in ways that recognise the independence of the whanau and its members, by empowering the whanau and its members to handle their own lives and living conditions, and by enabling them to take care of themselves and to develop autonomously and collectively.
- 1.3 NZASW recognises the right of Maori clients to have a Maori worker. Social work agencies and organisations should ensure that Maori clients have access to Maori workers at all levels, and social workers are expected to open up access to Maori workers. If no Maori worker is available, appropriate referral may be made if that is requested by the client. During their social work education Maori social workers should receive appropriate training in Maori models and methods.

17 Incessant "consultation" can be undesirable. It may be abusive of time and energy, particularly when it involves constant reference to a small number of Maori workers in agencies and organisations. It may also be unrealistic in terms of responsibilities and workloads. It may be useful to consider whether there are fundamental issues of partnership, or whether there is the likelihood of harm to Maori clients or colleagues before a decision is made to consult. If not, arrangements for monitoring may be preferable to constant consultation.

2 LIBERATION THROUGH SOLIDARITY

- 2.1 Social workers should work with agencies and organisations whose policies, procedures and practices are based on the Treaty of Waitangi, and actively and constructively promote change in those agencies and organisations that operate from a monocultural base.
- 2.2 Social workers have a responsibility to act in ways that will lead to the structures, aims and functions of their employing agencies being formed on the basis of the Treaty of Waitangi.
- 2.3 Monocultural control over power and resources needs to be relinquished so that Maori can achieve liberation. Social workers are expected to relinquish control over the power and resources that are at their disposal so far as that is appropriate within the realities of their workplace.

3 NON DISCRIMINATION

- 3.1 All social workers are expected to participate in Treaty of Waitangi education as part of their entry into social work and on an ongoing basis. This should include a knowledge and understanding of their own ethnicity and the actual history of Aotearoa New Zealand.
- 3.2 Social workers are expected to accept the responsibility of their status and be actively anti-racist in their practice.
- 3.3 Appropriate social work requires social workers to seek to understand differing Maori perspectives. Social work agencies and organisations, and social workers have a responsibility to respect these differences and to avoid imposing monocultural values and concepts on Maori.
- 3.4 Social work agencies and organisations and individual social workers should actively consult with Tangata Whenua to ensure that the structures, aims and functions of the agency or organisation are working to provide the best standards of service.¹⁸
- 3.5 Agencies and organisations have a responsibility to ensure that a culturally appropriate work place is provided. Social workers are expected to actively promote and work towards achieving changes in their employing agency or organisation so as to create a culturally appropriate work place.

4 DEMOCRACY AND HUMAN RIGHTS

- 4.1 Social workers have a responsibility to promote understanding

¹⁸ See footnote 17

amongst all colleagues of the need for practice based on the Treaty of Waitangi, and should promote the adoption of practice based on the Treaty of Waitangi throughout the profession.

- 4.2 Social workers are expected to protect the right of colleagues to constructively challenge monocultural knowledge, values and methods in social work practice.
- 4.3 Social workers are expected to actively defend and promote Maori social work models and practice.

5 PROTECTION OF CLIENTS' INTEGRITY

- 5.1 Social work organisations and agencies and social workers have a responsibility to acknowledge and support the whanau as the primary source of protection of the integrity of its members.
- 5.2 Social workers are expected to ensure the protection of the integrity of Maori in a manner which is culturally appropriate.

6 CLIENT'S PARTICIPATION

- 6.1 Social work agencies and organisations have a responsibility to provide the opportunity for Tangata Whenua to actively participate in all decision-making at all levels.
- 6.2 Social workers in their professional practice are expected to promote and provide the opportunity for active participation by Tangata Whenua in all decision-making.¹⁹
- 6.3 Social workers should also ensure that any work with Maori clients is carried out on the basis of informed consent.

7 SELF-DETERMINATION

- 7.1 As noted in 1.1, social work organisations and agencies and social workers should acknowledge and support the whanau as the primary source of care and nurturing of its members.
- 7.2 Social workers should promote recognition of the right of the whanau and its members to make their own decisions, and ensure that self-determination occurs when it is within their power to do so. They should work towards minimising legal and other forms of compulsion that impose monocultural solutions to Maori issues and problems.
- 7.3 Compulsion might be necessary to solve one party's problems at the expense of another's. In that situation, social workers have a responsibility to consult with Tangata Whenua in order to establish a culturally appropriate process that will consider whether the use of

¹⁹ See footnote 15

compulsion is necessary, based upon the opposing parties' different interests and on an expressed choice of values after hearing the parties' different interests.²⁰

8 DISMISSAL OF BRUTALITY

- 8.1 Social workers must not directly or indirectly support individuals, groups, political forces or power structures using terrorism, torture or similar means.

9 THE PRINCIPLE OF PERSONAL RESPONSIBILITY

- 9.1 In all relationships with Maori, social workers have a responsibility to make ethical decisions and stand by these, in accordance with the NZASW Code of Ethics, giving equal emphasis to all components of the Code.

²⁰ See footnotes 15 & 17

Glossary of Terms

The following brief explanatory notes are taken from "Competent Social Work Practice - A handbook for members of NZASW"; (June 1990); New Zealand Association of Social Workers (Inc); Christchurch, New Zealand.²¹

"Bicultural

A *bicultural* society in Aotearoa New Zealand is one in which Maori and Pakeha contribute equally to policy, decision-making and have equal access to resources at all levels of society. *Bicultural* social work practice requires social workers to: understand and recognise the Tangata Whenua status of the indigenous Maori people of Aotearoa New Zealand. Social workers need an appreciation of te taha Maori, aspects of Maori culture and protocol and an awareness of racism at personal and institutional levels in Aotearoa New Zealand.

Being *bicultural* means that you are "at home" in two cultures and you acknowledge that you have a culture and others do too. Sensitivity to aspects of the Maori culture can be shown through knowledge of: the culture and protocols of te iwi Maori and the Tangata Whenua of the area; the history and significance of the Treaty of Waitangi, and by upholding the Maori people as the Tangata Whenua of Aotearoa New Zealand.

Sources: *Competent Social Work Practice NZSWTC 1986*
 'Social Work Today' John Bradley *Social Work Review* August
 1989 2:1
 'Basic Competencies for DSW Social Workers' (draft) DSW 1990

Client

A person, group, family, whanau, community, organisation or iwi for whom/which a social worker may be acting; a customer, consumer or user of the services the social worker provides. It is recognised that *client* also

21 Please Note: Maori, Pakeha and Tangata Whenua have been given capital letters in the interests of consistency with the rest of the Code.

connotes dependence and some social workers prefer to use consumer or user or completely refrain from describing the nature of the social worker relationship in any of these ways.

Sources: *Pocket English Dictionary* Collins 1981

Roget's Thesaurus Penguin 1966

Knowledge

The body or range of facts, information, principles or understanding that one has about something. In relation to competent social work practice, demonstrating knowledge about something is used as an indicator of competence. e.g. *knowledge* of the Treaty of Waitangi. *Knowledge* is demonstrated by expressing what one knows or it may be inferred from the way in which one behaves.

Sources: *Pocket English Dictionary* Collins 1981

Pocket Oxford Dictionary Oxford University Press 1986

Racism

Racism exists where the life-style and interests of one group are viewed as being superior to others. This may manifest itself as *personal racism* through bigotry, prejudice or acts of discrimination. *Institutional racism* occurs where the system and processes of society are biased to the benefit of one culture and disadvantage of another.

Sources: 'Social Work Today' John Bradley *Social Work Review* August 1989 2:1

Skill

Ability or expertise shown in action or behaviour. In relation to competent social work practice, demonstrating a *skill* is used as an indicator of competence. e.g. uses culturally and gender appropriate communication and behaviour. The test of a skill is showing how one acts or behaves according to a particular standard.

Sources: *Pocket English Dictionary* Collins 1981

Pocket Oxford Dictionary Oxford University Press 1986

Values

Refer to the particular qualities and worth subscribed to in relation to social principles, goals and standards. *Values* surface in behaviour that occurs in practice and will be evident in the level of competence the social worker demonstrates. A clear set of professional values upon which individual accountability and action rests is required of social workers.

Values may be thought of in terms of essential values of the social work profession as a whole, and specific operational values related to particular aspects of social work - with people and networks, the employing agency, the social work profession/collective and oneself (sic).

Sources: *Pocket English Dictionary* Collins 1981

Pocket Oxford Dictionary Oxford University Press 1986

Competent Social Work Practice NZSWTC 1986*

Sexual harassment

Sexual harassment was not defined in "Competent Social Work Practice - A handbook for members of NZASW"; (June 1990).

The following definition was developed for this Code of Ethics in consultation with the Human Rights Commission. Reference has been made to Human Rights Commission material, and the Employment Contracts Act 1991.

In the context of this Code of Ethics, *sexual harassment* generally occurs when there is verbal or physical conduct of a sexual nature by a social worker towards a client or colleague, and:

- the conduct is unwelcome or offensive to the client or colleague, and might reasonably be perceived to be unwelcome or offensive; and
- the conduct is of a serious nature or is persistent to the extent that it has a detrimental effect on the client or colleague.

[Human Rights Commission (1991) acknowledged]

"Sexual harassment can include a wide range of behaviour of a sexual nature causing another person distress. Behaviour that constitutes sexual harassment may vary from the extreme case where rape occurs through to persistent sexual jibes and innuendo. The decision as to whether a complaint has substance will depend on the circumstances including the nature of the sexual conduct."

- Human Rights Commission (1991) page 6.

The following are some examples of sexual harassment :

- personally offensive or suggestive verbal comments
- sexual or smutty jokes, cartoons, posters, pin-ups
- repeated inappropriate comments or teasing about a person's alleged sexual activities or private life
- offensive hand or body gestures, questions, comments, abuse, leering
- being followed home from work
- unwanted deliberate physical contact such as patting, pinching, rubbing, touching or putting an arm around another person's body

- persistent unwelcome invitations to social events or for sex with implications or threats of detrimental treatment
- sexual assault and rape

[Human Rights Commission (1991) acknowledged]
"Sexual harassment can be perpetrated by one person, or a group of persons. In the Commission's experience, sexual harassment almost always involves men harassing women. The harassers and their victims come from a variety of social backgrounds."

- Human Rights Commission (1991) page 7.

Remedies for employee social workers who have been sexually harassed can be obtained under both the Human Rights Commission Act 1977 and the Employment Contracts Act 1991. The principles vary depending upon whether the sexual harassment came directly from the employer or a supervisor or from a co-employee or client.

Sources: *Sexual Harassment in the Workplace* Human Rights Commission/

Komihana Tikanga Tangata 1991

S29 Employment Contracts Act 1991

Social Worker

A social worker as used in this Code of Ethics refers to a person who is an accredited member of NZASW.

Appendix 1

As noted earlier, the Code of Ethics of the New Zealand Association of Social Workers (Inc) is based on the International Federation of Social Workers Declaration on Ethical Principles (1990). The Declaration reads as follows:

International Federation of Social Workers Declaration on Ethical Principles (1990)

1. INTRODUCTION

The IFSW recognised the need for a declaration to guide the handling of ethical problems surfacing within professional social work. This guidance might also be adequate for other forms of competent non-professional social work. IFSW's earlier International Code of Ethics for the Professional Social Worker (from 1976) will be superseded by the IFSW Ethics Declaration (hereby proposed).

The purpose of the Ethics Declaration is:

- 1) to formulate a common and universal set of values for social work (this set of values is below referred to as principles)
- 2) to identify ethical problem areas in the practice of social work (below referred to as problem areas)
- 3) to give directions as to the choice of methods for the handling of ethical issues/problems (below referred to as methods for the solution of ethical issues/problems)

The Ethics Declaration presupposes that the member associations of the IFSW adhere to the set of values formulated therein and that they assist their individual members in identifying and handling ethical issues/problems in exercising their profession.

Member associations of the IFSW and individual members of these can report the other member associations to the Executive Committee of the IFSW should they neglect to do so.

The Executive Committee is then allowed to require²² and impose the stipulations and intentions of the Ethics Declaration on the associations neglecting to comply with them. Should this not be sufficient the Executive Committee can, as a following measure, suggest suspension or exclusion of the said association.

The Ethics Declaration is aimed to the member associations of the IFSW. In addition to these the individual social workers who are members of them and other professionals are expected to be acquainted with it. The Ethics Declaration should also be made publicly known, especially to the clients of the social workers, to make the clients' expectations of social work to be in accordance with the ethical foundations of social work.

We acknowledge that a detailed set of codes and guidelines for the member associations to follow would be unrealistic due to legal, cultural and governmental differences among the member countries, and we have formulated the Principles of the Ethics Declaration accordingly.

4. METHODS FOR THE SOLUTION OF ISSUES/PROBLEMS

4.1

The various national associations of social workers are obliged to treat matters in such a way that ethical issues/problems may be considered and tried to be solved in collective forums within the organisation. Such forums should enable the individual social worker to discuss, analyse and consider ethical issues/problems in collaboration with colleagues, other expert groups and/or parties affected by the matter under discussion. In addition such forums should give the social worker the opportunity to receive advice from colleagues and others.

4.2

Member associations are required to produce and/or adapt ethical guidelines and/or codes for the different fields of work, especially for those fields where there are complicated ethical issues/problems as well as areas where the ethical principles of social work may come into conflict with the respective country's legal system or the policy of the authorities.

4.3

When ethical foundations are laid down as guidelines for actions within the practice of social work, it is the duty of associations to aid the individual

²² Please Note: "require" substituted by NZASW for "retuire" (meaning unknown) in the IFSW draft.

social worker in analysing and considering the ethical issues/problems on the basis of:

- 1) The basic principles of this declaration, Cf paragraph 2.
- 2) The ethical, moral and political context of the actions, ie an analysis of the values and forces constituting the framework conditions of the action.
- 3) The motives of the action, ie to advocate a higher level of consciousness concerning the aims and intention the individual social worker might have regarding a given course of action.
- 4) The nature of the action, ie help in providing an analysis of the moral content of the action, eg the use of compulsion as opposed to voluntary cooperation, guardianship vs participation etc.
- 5) The consequences the action might have for different groups, ie an analysis to make likely the consequences of different ways of action for all involved parties on a short as well as long term basis.

4.4

Member associations are responsible for promoting debate, education and research regarding ethical questions.

Appendix 2

The following is a list of the International Instruments on Human Rights that have been ratified or signed by Aotearoa New Zealand:

- United Nations Declaration of Human Rights
- United Nations 1951 Convention relating to the Status of Refugees (reservation to 24(2))
1967 Protocol
- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights (reserved articles 10(2)(b); 10(3); 14(6); 20; 22)
- International Covenant on Economic Social and Cultural Rights (reserved articles 8; 10(2))
- Convention on the Elimination of All Forms of Discrimination Against Women (reserved 11(2)(b); recruitment into armed services; underground work in mines (withdrawn subsequently after denunciation of ILO Convention 45))
- International Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment
- Optional Protocol to International Covenant on Civil and Political Rights
- Second Optional Protocol to International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
New Zealand has ratified a large number of ILO Conventions and has been a strong supporter of ILO. However it has not ratified Conventions 76 and 98.
- Acknowledgements to the Human Rights Commission, July 1993

The following legislation is directly relevant to the above instruments:

- Race Relations Act 1971
- Ombudsmen Act 1975

- Human Rights Commission Act 1977
- Official Information Act 1982
- New Zealand Bill of Rights Act 1990
- Privacy Act 1993

The following International Instruments may be useful as guidelines:

- Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Creed
- Discrimination (Employment and Occupation) Convention, 1958
- Equal Remuneration Convention, 1951
- Declaration on the Rights of Disabled Persons
- Declaration on the Rights of Mentally Retarded Persons
- UN Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care 1991

The Human Rights Commission is a valuable source of information on the International Instruments relating to human rights and their current status in Aotearoa New Zealand. The Offices of the Ombudsmen, Privacy Commissioner and Race Relations Conciliator are also valuable points of reference, particularly in regard to their own specific area of legislative authority.

Acknowledgements

The following Codes of Ethics were consulted in the preparation of the Code of Ethics of the New Zealand Association of Social Workers (Inc):

- Australian Association of Social Workers Ltd Draft Code of Ethics (prepared by the South Australian Branch Ethics Working Party)
- Family Court - Code of Ethics for Counsellors
Family Court - Code of Practice for Counsellors
- NZ Association of Counsellors/Te Roopu Kaiwhiriwhiri o Aotearoa
- NZ Association of Psychotherapists (Inc) Code of Ethics
- NZ Law Society Code of Ethics - Interpretations and notes on the conduct of practitioners
- NZ Medical Association Code of Ethics
- NZ Psychological Society Code of Ethics
- Waitomo Abused Persons Support Group Code of Ethics
- The former International Code of Ethics for the Professional Social Worker, adopted by the International Federation of Social Workers General Meeting, San Juano, Puerto Rico, July 10, 1976

NZASW acknowledges the assistance afforded by these Codes. In particular, acknowledgement is given to the NZ Psychological Society for the use that has been made of their Code of Ethics in the Research and Publications section of this Code.

NZASW acknowledges the assistance of Frances Joychild and Sylvia Bell, Human Rights Commission, Auckland.

The Bicultural Code of Practice originates in the acknowledgement by the New Zealand Association of Social Workers (Inc) of The Treaty of Waitangi in the Objects of the NZASW Constitution (July 1989). The Bicultural Code of Practice is incorporated in the NZASW Code of Ethics in recognition of the Treaty relationship.

The original work that was the starting point for the Bicultural Code of Practice was undertaken by the NZASW Standing Committee on Racism, and their work is hereby acknowledged. Tangata Whenua and Tauwi contributions to the development of this Code are gratefully acknowledged.