

## Meeting Resource Knowing Your Rights

### What are human rights?

Human rights recognise the inherent value of each person, regardless of our background, where we live, what we look like, what we think or what we believe.

Human rights include –

- The right to life and liberty,
- Freedom from slavery and torture,
- Freedom of opinion and expression,
- The right to work and education, and many more



### Where do these rights come from?

The Universal Declaration of Human Rights (1948) sets out the basic rights and freedoms that apply to all people

### How are our rights protected?

The New Zealand Government has agreed to uphold and respect many of these human rights. There are two main laws in New Zealand that specifically promote and protect human rights. These are

- The Bill of Rights Act (1990)
- Human Rights Act (1993)



### Who protects our rights?

The Human Rights Commission is New Zealand's national human rights institution and are responsible for advocating and promoting human rights in New Zealand. Their work includes providing information to the public about discrimination and helping to resolve complaints about discrimination.



### What is discrimination?

Unlawful discrimination is defined by the Human Rights Act and happens when a person is disadvantaged by being treated unfairly or less favourably than others in an area of public life

It's unlawful to discriminate in areas of:

- Employment (including unpaid work)
- Education and vocational training
- Industrial or professional associations
- Provision of goods and services
- Land, housing and accommodation
- Access to public places, vehicles and facilities
- Government services

### [So what about health and disability?](#)

The Health and Disability Commissioner (HDC) your rights and are treated in a good way when you use the health and disability sector

Their role is to:

- Give people using health and disability services a voice
- Hold health and disability services to account for improving their practices
- Stop similar things happening to other people

They have set out the following 10 rights

### The Code of Health and Disability Consumer Rights

**The right to be treated with respect.**

**The right to freedom from discrimination, coercion, harassment, and exploitation.**

**The right to dignity and independence.**

**The right to services of an appropriate standard.**

**The right to effective communication.**

**The right to be fully informed.**

**The right to make an informed choice and give informed consent.**

**The right to support.**

**Rights in respect of teaching or research.**

**The right to complain.**



### [Who must comply to the code?](#)

Anyone who provides a health or disability service including:

- a regulated service, eg doctor, dentist, physiotherapist
- an unregulated service, eg aromatherapist, counsellor, reflexologist
- a disability services, eg respite care or support worker in your home.

This might be:

- public or private
- a person or organisation
- voluntary or paid

#### What happens if I feel my rights have been breached?

If you feel you have not been treated well or are unhappy with about a health or disability service you have received, it is best to talk to, or write directly to, the person who provided the service, or the organisation in charge of the service. Very often they will welcome your complaint, as it helps them to improve their standard of service or uncover a problem. You can also complain to The Health and Disability Commissioner.

#### Why should I complain?

Making a complaint can help to prevent a similar thing happening to someone else and may lead to improved services

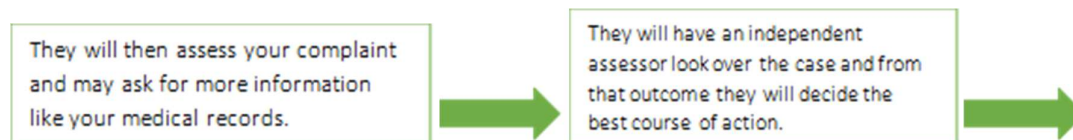
#### Who can help me complain?

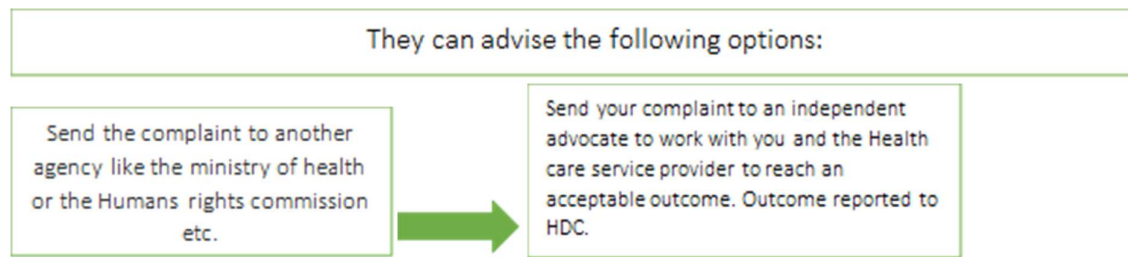
An advocate helps you in writing letters or can represent you over the phone in your dealings, they can also attend meetings with you to speak on your behalf. Many advocates are volunteers who give their time for free to help people navigate these systems. You can also have a family member or friend be your advocate.

**Health consumer services** – 'Funded to work in the Waikato, Bay of Plenty, Tairāwhiti regions. Health Consumer Services help you to take a complaint to: Medical, Surgical, Mother & Baby, Chemist, Dental, Disability Support, Home Help, Counselling, Resthomes, Mental Health, Community Health Services groups.' <https://healthcomplaints.co.nz/> free phone; 0800 801 482

**Advocacy service health and disability** – 'The Nationwide Health and Disability Advocacy Service is a free service that operates independently from all health and disability service providers and agencies. If you want to know more about your rights when using health or disability services, get questions answered, or talk through your options for making a complaint, we can help.' <https://advocacy.org.nz/> free phone; 0800 555 050

#### What's the process for the Health and Disability Commissioner?





### Possible outcomes?

Health and Disability Commissioner (HDC) might order the health care provider to:

- apologise
- review their systems
- complete special training

### Other places to complain

Ministry of Health – for government funded health and disability services

Use the NZ Relay Service – for those who deaf or hearing impaired

HealthCERT at the Ministry of Health – for rest homes and residential disability supports with over five beds.

Oranga Tamariki – about the safety and wellbeing of children

The New Zealand Police - a criminal act.

The Office of the Ombudsman - conduct of state sector agencies

Ministry of Social Development – a decision about income support or pension

The Privacy Commissioner- privacy breaches

### Responsibilities and Obligations as NZ citizens

We enjoy many rights as citizens of New Zealand but we also need to remember we also have some responsibilities as members of our society

- We need to work at keeping our cool even when we feel unwell and scared
- If we can try to schedule appointments for the hours of the day when we feel the most energy and the least pain it can mean, we will be a more responsive patient.
- We often see our GP or other HCP when we are at our worst, so work on building a relationship with them so they see all of us.
- Take an advocate, family member or friend with you when you are unable to communicate.
- Let them know when you are feeling very cognitively challenged and let them know when you are scared.
- And remember, they are human too, they have bad days as well as good.
- No one knows your and your body better than you – be the captain of your own ship.

## Entitlements

We often get asked what our entitlements are, these help your human rights to be fulfilled. The NZ government makes sure that every New Zealand is entitled to receive benefits that will cover your basic living costs and they also offer extra benefits for those more vulnerable members of our society



**Work and Income** – you can find out what you are eligible for by going to the eligibility calculator. It asks you questions about your earnings, family and living situations and then gives you a rough idea of what you are entitled to using the links below

<https://www.workandincome.govt.nz/online-services/eligibility/index.html>

<https://www.workandincome.govt.nz/eligibility/health-and-disability/index.html>

<https://www.workandincome.govt.nz/eligibility/seniors/index.html>

<https://www.workandincome.govt.nz/eligibility/lost-job/index.html>

Types of benefits – An outline the various types of benefits which a person with a complex chronic illness or disability may be eligible for

Accommodation supplement	Advance payment of benefit		
Childcare subsidy	Community services card	Disability allowance	
Emergency benefit	Employment transition grant		
Flexi-wage	Flexi-wage for self-employed	Home help	Jobseeker support
Rent arrears assistance	Residential care subsidy	Residential support subsidy	
Self-employed start up payment	Solo parent support	Special needs grant	Supported living payment
Temporary additional support	Transition to work grant		
Winter energy payments	Work bonus	Working for families	Youth payment

## **Disability allowance**

Who can receive it?

Anyone with a community services card, you do not need to be on a benefit to receive it. You can apply online using this link

<https://www.workandincome.govt.nz/products/a-z-benefits/disability-allowance.html>

## What it can be used for?

Any ongoing costs that occur as part of living with a disability

Alternative treatment	Must be supported by a medical practitioner as being necessary to be publicly funded for the person's condition, and the treatment provided or supervised by a health practitioner (under the HPCAA).
Ambulance fees and subscriptions	When a person is required to pay ambulance fees or subscription fees on an annual on-going basis.
Authorised consumables	Can cover the ongoing additional cost of consumable items needed by a person, eg hearing aids, vet's fees etc for guide dogs, incontinence pads (if they are not provided through Health).
Clothing	For additional clothing costs that a person has which may arise because of greater frequency of washing, wear and tear resulting from use of a prosthetic aid or wheelchair or the need to have clothes or shoes made-to-measure.
Counselling	For counselling fees if the need for counselling is directly related to the person's disability. It is limited to 10 sessions with the opportunity for some additional sessions if clinically indicated (uncommon). Transport costs may also be paid.
Day care for older disabled people	To help meet the costs of an older disabled person (usually aged 65 or over) to attend a day care centre, and/or the cost of transport to the centre.
Gardening, lawns and outside window cleaning	Covers the costs of gardening, lawn-mowing, and outside window cleaning for the person's own home or private residence where the person or another resident in the home is unable to do these tasks themselves.
Gym and swimming pool fees	May be paid when the exercise activities are directly related to a person's disability and will have a therapeutic value.
Medical alarms	To cover the costs of medical alarm rental and monitoring if a medical alarm is necessary for normal daily living and without it, the person's life or health would be put at risk, or their disability would be aggravated.
MedicAlert costs	To cover the ongoing MedicAlert membership fee (also known as service fee) in order to provide medical information in an emergency situation. This could be for people who may be unable to speak for themselves in a medical emergency, such as people with insulin dependent diabetes, epilepsy, life-threatening allergies or haemophilia.
Medical fees	To cover the cost of appointments with general practitioners, specialists or hospital fees if the costs are additional and ongoing. This can also include fees for some other health services (if a registered medical practitioner verifies the need and its relationship to the documented disability or health condition), for example occupational therapy, physiotherapy, audiology, podiatry or dental services.
Nicotine replacement products	When a nicotine replacement product has been prescribed by a health practitioner as part of the treatment/management of the health condition or disability.
Pharmaceutical charges	To cover the costs of regular and ongoing pharmaceutical charges. Note: It is generally only paid to assist with the cost of pharmaceutical products

	that are subsidised or partially subsidised under the New Zealand Public Health and Disability Act. This may also include nicotine replacement products when a person is giving up smoking as part of the treatment of a health condition or disability such cardiovascular disease.
Power, gas and heating	For the additional electricity, gas or heating costs that a person has. It is for the costs over and above the normal power consumption of similar-sized households.
Private paying patients	When a person is in a rest home as a private paying patient, costs can be paid for if they are in addition to the rest home fee for service and directly related to their disability.
Rental equipment	For necessary rental equipment when the client has a need for the item or service but can't receive funding through the District Health Board or another state funded agency and their life or health would be put at risk, or their disability aggravated if they could not hire the equipment.
Residential care services	For costs not covered by a person's contract with the residential care services provider when they get Residential Support Subsidy.
Special foods	To cover the additional costs of special foods, ie for costs over and above the normal cost of food. Vitamins, supplements, herbal remedies and minerals can also be included when they are recommended as necessary for the management of the condition.
Telephone	For telephone costs to a person with a disability only when the ongoing cost of the telephone is directly related to the person's disability.
Transport - counselling	For the costs of travel to counselling for the number of sessions that Disability Allowance is being paid for.
Transport - disability	For additional travel costs that a person has because of their disability. These additional travel costs can be incurred when a person with a disability is carrying out everyday activities. Examples of everyday activities may include (but is not limited to) shopping, vocational services and work.
Transport - personal health	To cover the costs of regular travel to a health practitioner for supervision or treatment of the person's disability.
Vitamins, supplements, herbal remedies and minerals	For costs not covered by alternative subsidised pharmaceutical items, and that either PHARMAC has funded it under their Named Patient Pharmaceutical Assessment Policy or the medical practitioner has verified the cost is essential and there are no suitable alternatives.

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