

Ethical Decision Making in the Clinical Setting: Nurses' Rights and Responsibilities

An official position statement of the Association of Women's Health, Obstetric & Neonatal Nursing

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Position

AWHONN supports the protection of an individual nurse's right to choose to participate in any reproductive health care service or research activity. Nurses have the right under federal law to refuse to assist in the performance of any health care procedure, in keeping with their personal moral, ethical or religious beliefs. The refusal should not jeopardize a nurse's employment, nor should nurses be subjected to harassment due to such a refusal.

Federal Law Protects Nurses Rights

Title VII of the Civil Rights Act of 1964 protects workers from employment discrimination—for both applicants and employees—based on their race, color, religion, sex, national origin or protected activity. With respect to religious protections, Title VII applies to most American employers. It also requires reasonable accommodation of employees' religious beliefs, observances, and practices when requested, unless accommodation would impose an undue hardship on business operations.¹

These protections do and should continue to apply to nurses and other health care professionals. For example, a nurse should retain the right to practice in his or her area of expertise following a refusal to participate in an abortion, sterilization or any other procedure. In addition, one's moral and ethical beliefs should not be used as criteria for employment, unless they preclude the nurse from fulfilling essential job functions.

AWHONN believes that these rights should be protected through written institutional policies that

address reasonable accommodations for the nurse and describe the institution's terms of notice to avoid patient abandonment.

Nurses Responsibilities to Protect Patients' Rights

AWHONN considers access to affordable and acceptable health care services a basic human right.² With regard to the nurse's role in meeting the health care needs of his or her patients, AWHONN advocates that nurses adhere to the following principles:

- Nurses have the professional responsibility to provide nonjudgmental nursing care to all patients, either directly or through appropriate and timely referrals.
- Nurses have the professional responsibility to provide high quality, impartial nursing care to all patients in emergency situations, regardless of the nurses' personal beliefs.
- Nurses have a professional obligation to inform their employers, at the time of employment, of any attitudes and beliefs that may interfere with essential job functions.

¹U.S. Equal Employment Opportunity Commission, Compliance Manual. July 22, 2008.

²Access to Care Position Statement. Association of Women's Health, Obstetric and Neonatal Nurses, November 2008.