



Armband rules

- It is the responsibility of the holder to ensure that the armbands are worn according to the specified rules and regulations hereunder.
- If the holder does not follow these rules, he/she in his/her own capacity may be held responsible by his/her employer.
- The holder may not lend his/her armbands to a colleague.

How to wear your armbands

You may wear only one armband at a time. The armband worn needs to be a true reflection of the consecutive hours you have been on duty. Please use a timer to ensure that you adhere to the rules in terms of wearing, and alternating your armbands at the correct time.

- Green armband: should be worn if you have worked less than 24 consecutive hours.
- Orange armband: Should be worn if you have worked more than 24 consecutive hours.
- Red armband: reflects that you have worked more than 30 consecutive hours.

Frequently asked questions

Would the campaign be considered to be against any disciplinary code?

- No, the doctors must keep working in the same manner that they are used to.
- Failure to work simply because of the campaign can be construed as an illegal strike or insubordination.
- It must be made clear to members that it is a form of soft protest (similar to a petition).
- In a case where a doctor feels that he can no longer work, he must accordingly alert management so arrangements can be made. Desertion of a workplace is not an option.

Will the participants risk victimization, if so what are the remedies?

- Ordinarily there should not be any form of victimization as a result of participating in the campaign.
- In cases where victimization takes place, depending on the circumstance of the case, members can lodge a formal grievance process as prescribed in Disciplinary resolution, in case, where the process does not yield result an unfair labour practice dispute can be referred at the Bargaining Council.

Could participants be forced to remove the armbands?

- As a standard rule in discipline, any rule or instruction by the employer must be reasonable.
- The rule must serve a particular purpose, if the rule is not rational to the purpose then it is irrational thus cannot be implemented. Any form of discipline can easily be challenged.
- In our case, the employer must justify on what basis the doctors must not be permitted to wear the armbands.
- Clinically, having asked few of our members, it would seem that the only time they won't have to wear armbands will be when they do operations on patients.



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When reviewing the campaign from a legal perspective other than labour law, the following is noted:

HPCSA Act and HPCSA Ethical Rules

- It will be imperative that patient rights and safety is ensured whilst the campaign is ongoing.
- Any act or omission which deter a medical practitioner from adhering to the appropriate professional and ethical rules and policies or conduct in any manner which do not accord first priority to the clinical needs of patients, are unacceptable.
- The guidelines also make it clear that “failure by a practitioner to comply with any conduct determined in these rules or an annexure to these rules shall constitute an act or omission in respect of which the board concerned may take disciplinary steps in terms of Chapter IV of the Act”.
- The powers of the HPCSA are further supported and mentioned as such in the guidelines: “Health care practitioners who decide not to follow the guidance in this Booklet (including the Annexure), must be prepared to explain and justify their actions and decisions to patients and their

families, their colleagues and, if necessary, to the courts and the HPCSA”.

- The fact that the HPCSA requires every student, intern or practitioner to report impairment, unprofessional, illegal or unethical conduct, places the responsibility on their shoulders to also report the fact that they are not able to maintain the highest level of medical care to patients due to too many overtime hours and exhaustion, e.g. their own impairment.
- In wearing an armband which indicates how many hours they’ve been on shift, the medical practitioner will empower the patient to make decisions about their own health care. This is a fundamental human right and one which can’t be ignored or mitigated in any way.
- The argument that there is not enough staff, can’t be used to justify putting patients at risk of being treated by a medical practitioner that is exhausted and unable to make decisions where optimal clinical judgment is imperative.

National Health Act

Patients are specifically given the right to “participate in any decision affecting his or her personal health and treatment”, which should include whether they are willing to be treated by a medical practitioner who has been on duty for e.g. 30 hours and is not as fresh and coherent in their decision making as a medical practitioner would be who has only been on shift less than 16 hours, for example.

For Industrial Relations queries, please contact:

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*Wear your
armband
with pride.*



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