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Introduction to Public Health Ethics

Webinar | December 16, 2014

Michael Keeling & Olivier Bellefleur
National Collaborating Centre
for Healthy Public Policy



Centre de collaboration nationale
sur les politiques publiques et la santé
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To ask questions during the presentation

Please use the chatbox at any time.



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National Collaborating Centre for Healthy Public Policy (NCCHPP)

Our mandate

- Support public health actors in their efforts to promote healthy public policies

Our areas of expertise

- The effects of public policies on health
- Generating and using knowledge about policies
- Intersectoral actors and mechanisms
- Strategies to influence policy making

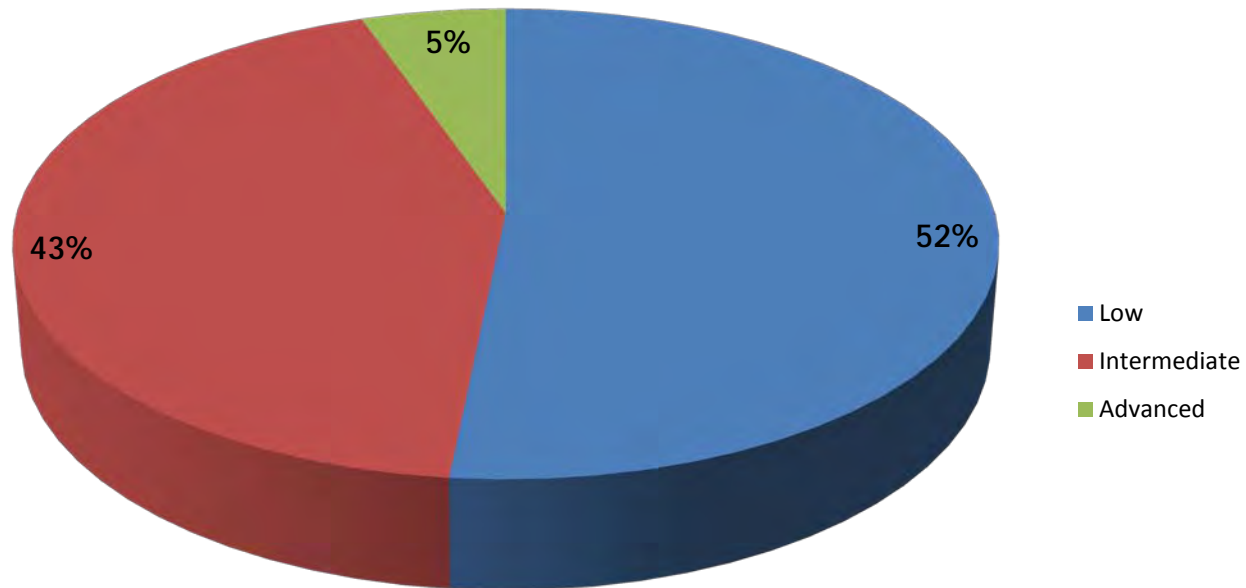


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What you said

Participants' Expressed Level of Knowledge in Ethics



Goals

- What is public health (PH) ethics?
- Does PH ethics matter?
- How does it work?



'Typical' case

10 infected patients (5 adults, 5 children)
2 infected adults are care workers (volunteers)
10 doses of antiviral available
Adults need 2 doses, children 1 dose

do

→ Descriptive ethics

should

→ Normative ethics

What you do?

- 1 dose to everyone?
- 1 dose to each child,
2 doses to 2 adults?
- Lottery?
- Most disadvantaged first?
- Care workers first?

(strict egalitarianism)

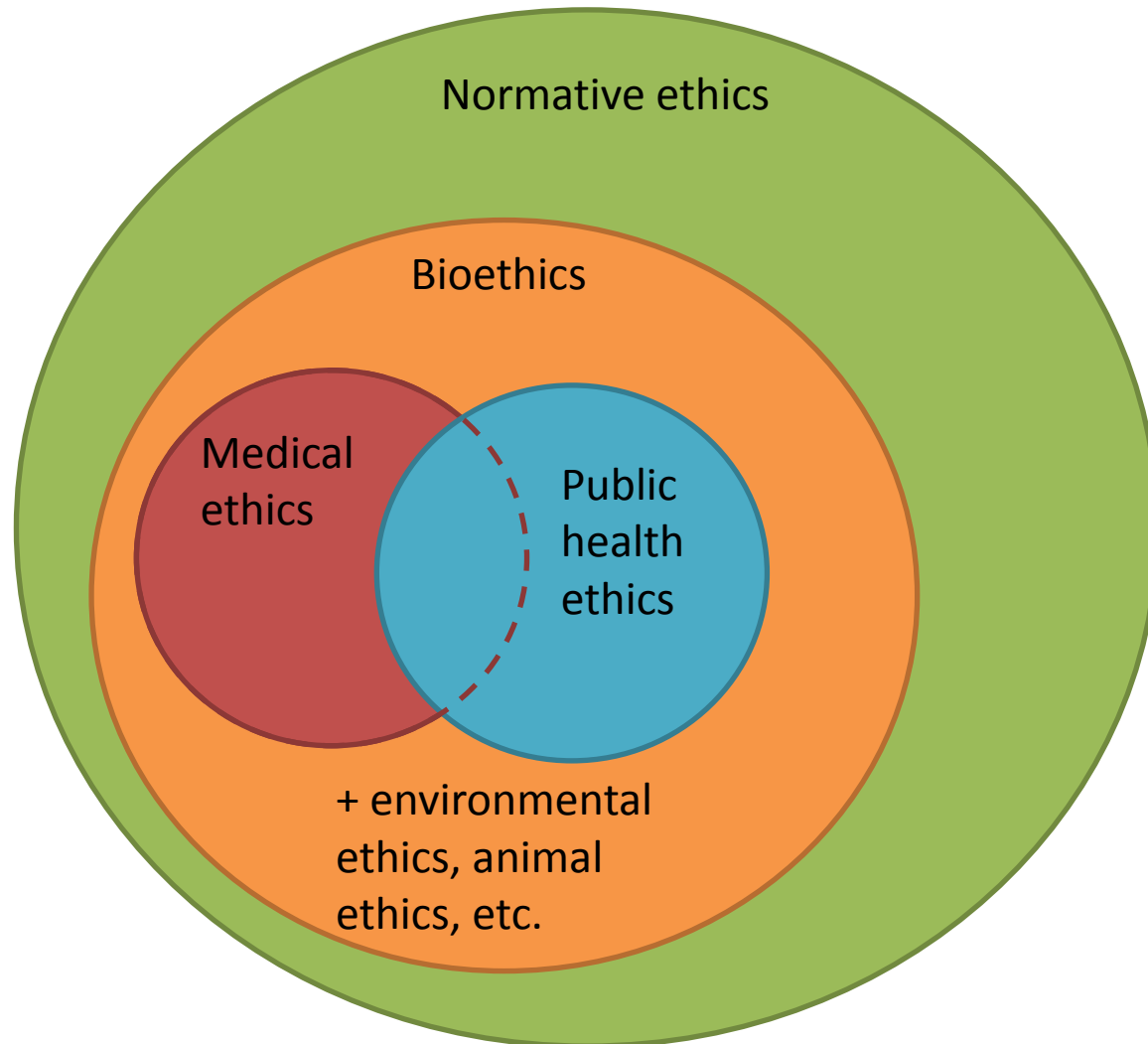
(utilitarianism)

(fair opportunity)

(social justice)

(social utility)

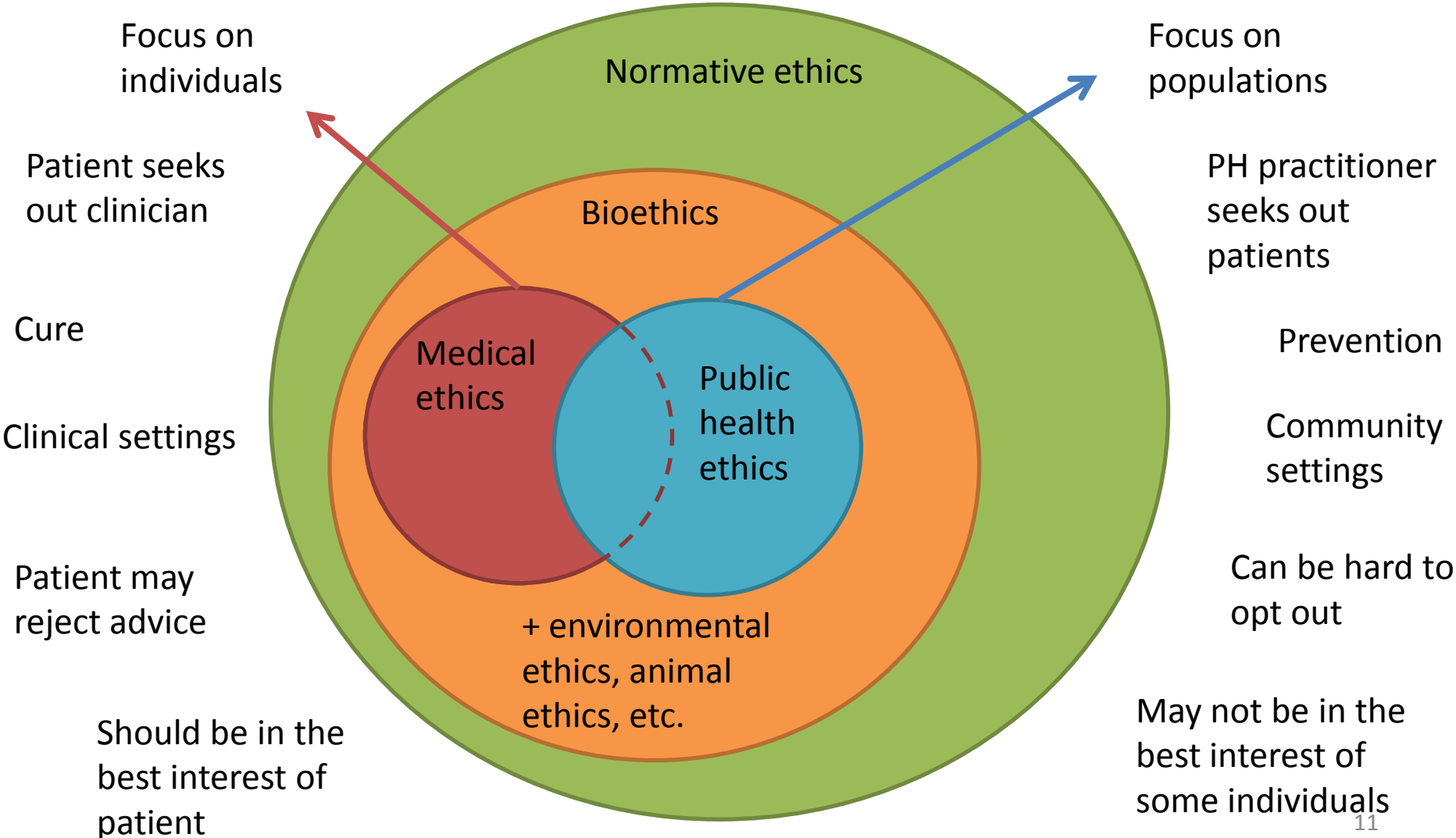
What is Public Health Ethics?



Other public health cases

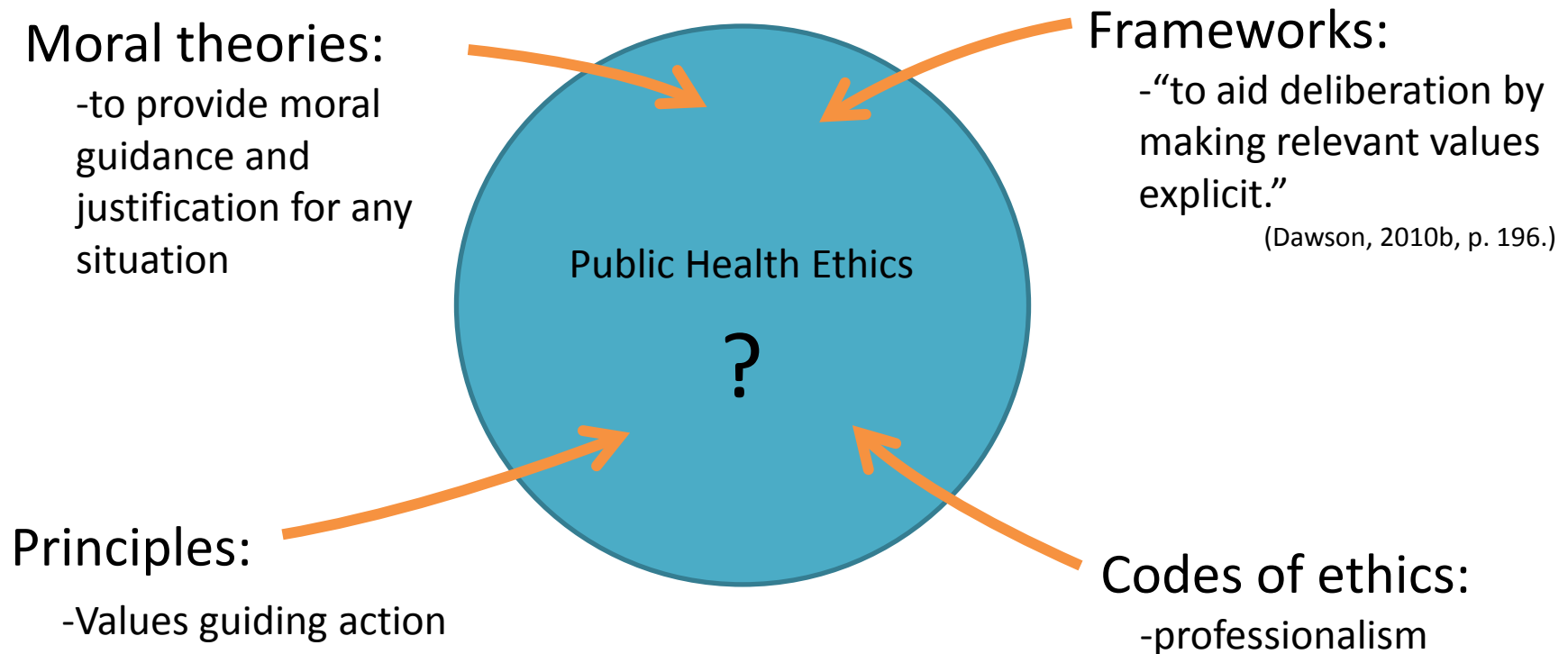
- Water fluoridation
- Smoking ban
- Traffic-calming policy
- Affordable housing
- Menu labelling
- Soda tax
- HPV vaccination
- ...

Medical Ethics vs Public Health Ethics

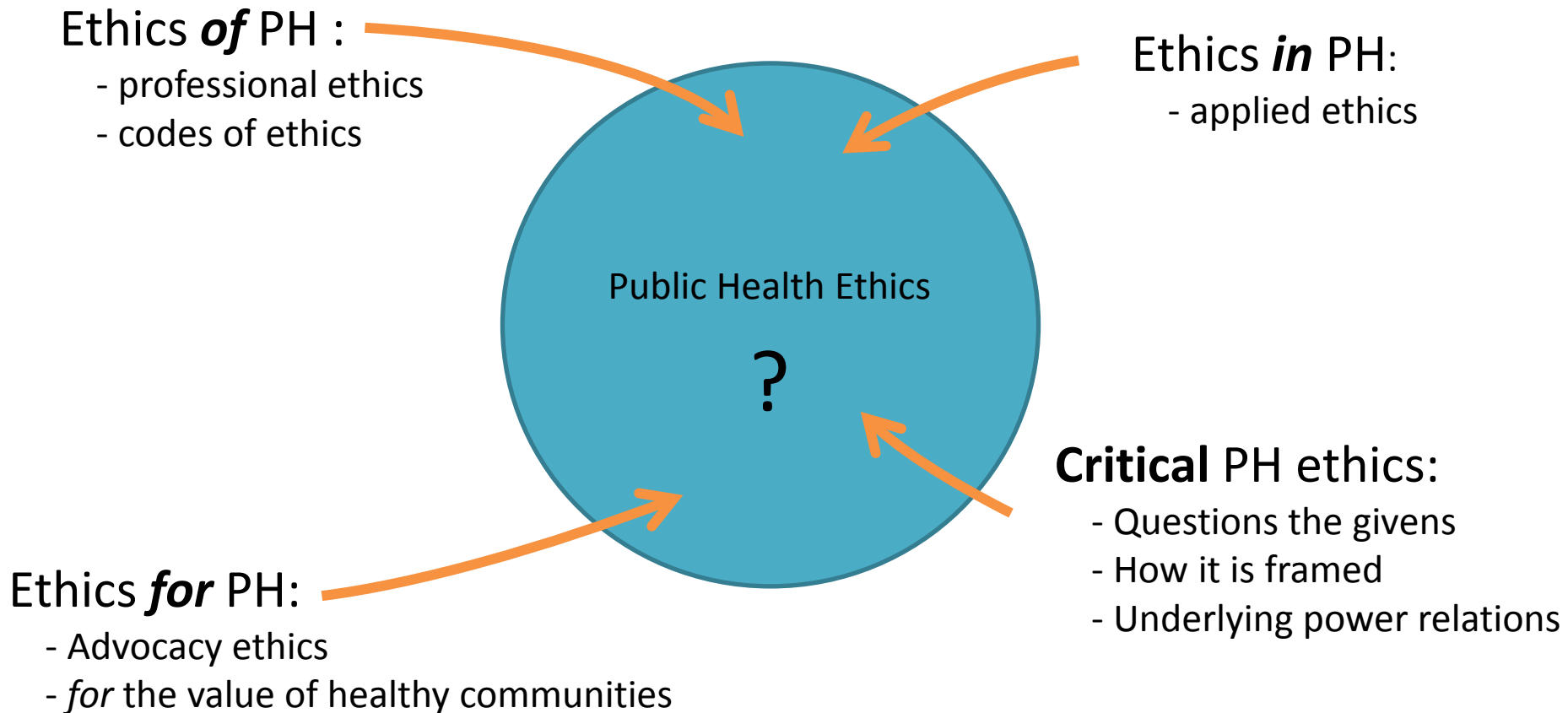


Adapted from Dawson, 2010a

Mapping Public Health Ethics (1)



Mapping Public Health Ethics (2)



Ethics in PH vs. Critical PH Ethics

10 infected patients (5 adults, 5 children)
2 infected adults are care workers (volunteers)
10 doses of antiviral available
Adults need 2 doses, children 1 dose

Ethics in PH

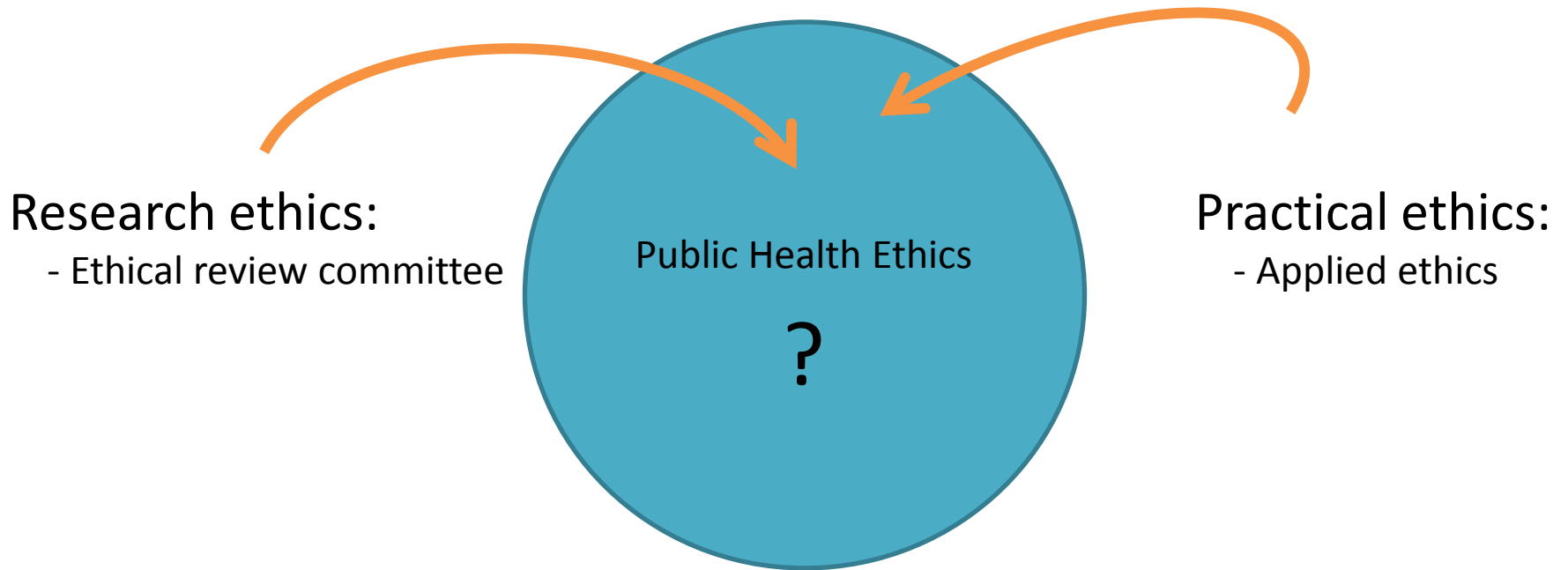
What should you do?

- 1 dose to everyone?
- 1 dose to each child, 2 doses to 2 adults?
- Lottery?
- Most disadvantaged first?
- Care workers first?

Critical PH ethics

- Why do I have only 10 doses of an experimental antiviral after 38 years of Ebola?
- What social structures produced this situation?
- Would this situation be treated differently if it were in North America?

Mapping Public Health Ethics (3)



What is public health ethics?

PH ethics is mostly about what **should** and **shouldn't** be done

- **collectively**
- to protect and promote the health of **communities.**

Questions?

Comments?



Next... Why PH ethics?

Why PH ethics?

10 infected patients (5 adults, 5 children)
2 infected adults are care workers (volunteers)
10 doses of antiviral available
Adults need 2 doses, children 1 dose

What do you do?

- 1 dose to everyone?
- 1 dose to each child, 2 doses to 2 adults?
- Lottery?
- Most disadvantaged first?
- Care workers first?

Does it matter?

If yes, then PH ethics matters.

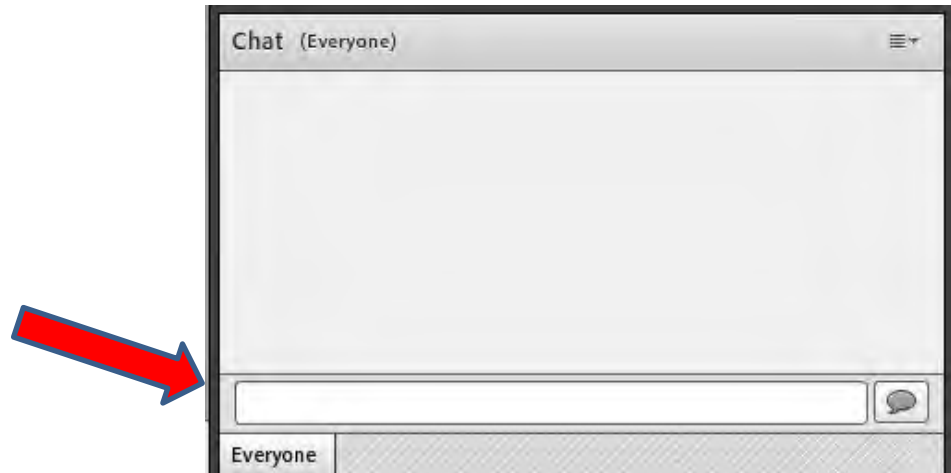
Why PH ethics?

PH practice is sufficiently different from clinical practice to require its own ethics...

...in order to help:

- **See ethical issues**
- **Deliberate about options**
- **Make decisions**
- **Justify them**

Questions, comments... ?



Next... How does it work?

How does it work?

Case study: Smoking in public, outdoor spaces

“The Ontario government is strengthening its anti-smoking laws in the new year to make it illegal to light up in children's playgrounds, publicly owned sports fields, and restaurant and bar patios. The ban will take effect starting Jan. 1 (2015)”

Source: CBC News (online) Nov 7 2014

<http://www.cbc.ca/news/canada/toronto/ontario-banning-smoking-on-patios-playgrounds-jan-1-1.2827429>

Also: case informed by CIHR-IPPH. (2012). *Population and Public Health Ethics: Cases from Research, Policy, and Practice*. University of Toronto Joint Centre for Bioethics: Toronto, ON. , pp. 59-69.

Making ethical theories explicit

“The government is [...] trying to keep the general population healthy and save on medical costs [...] Prevention of exposure is awesome and will save us millions.”

Consequentialism/
Utilitarianism

Deontology

“stop ostracizing people for smoking”

Sources:

<http://www.theglobeandmail.com/news/national/ontario-moves-to-ban-smoking-on-patios-playgrounds-sports-fields/article21494651/comments/>

<http://o.canada.com/news/politics-and-the-nation/10-things-you-need-to-know-about-ontarios-new-smoking-bans>

Utilitarianism

Do that which produces the greatest good for the greatest number of people

- It is consequentialist – i.e., more focused on outcomes (ends), less focused on the means by which they are achieved
- Good equals maximizing happiness / utility / health (e.g., DALYs/QALYs)

Utilitarianism in PH

- Many of public health's goals are very much oriented with utilitarian thinking:
 - An important goal in public health: maximize good health
 - Population-based approach (benefits realized at the population level, sometimes at the expense of individuals)

Utilitarianism applied to our outdoor smoking case...

+

- Less smokers and hence better health?
- Less harmful health effects from secondhand smoke?
- Better for non-smokers?
- Etc.

-

?



What's missing?

- Intrusion upon individual choices?
- Social justice?
- Stigmatization, marginalization?
- Tyranny of the majority?

“Time to stop the nanny state and start respecting the right of adults to make decisions they do including bad ones.”

“stop ostracizing people for smoking”

Sources:

<http://www.theglobeandmail.com/news/national/ontario-moves-to-ban-smoking-on-patios-playgrounds-sports-fields/article21494651/comments/> and <http://o.canada.com/news/politics-and-the-nation/10-things-you-need-to-know-about-ontarios-new-smoking-bans>

Deontology

Never treat people “simply as a means, but always at the same time as an end” - Kant

- Deontological approaches focus more on the means than the ends.... deon = ‘duty’
- Despite various roots and theories, a family of approaches based on following rules, duties, respect for others

Deontology and PH

Biomedical ethics

Research ethics in public health

‘the means’ in public health
ethics (e.g., procedural values)

Any considerations of autonomy
(still important!)

Can be used

-as a foundation for:

-to reflect upon:

Deontology applied to our outdoor smoking case...



- Is it infringing on smokers' rights?
- Does denormalizing smoking treat smokers as mere means?
- Does it stigmatize smokers?
- Would a consultation process help?

One problem with ethical theories....

- ...is that it is difficult to cover everything with one approach.
- The result is that theorists spend a lot of time adjusting their theories to accommodate problem cases.

Principle-based approaches

They provide a selection of values and principles, and a means of putting them into application

- A well-known example: Beauchamp and Childress' four principles, a.k.a. 'principlism.'
 - autonomy
 - beneficence
 - non-maleficence
 - justice
- Medical ethics: focus on individuals**
- In public health: frameworks

Frameworks for public health ethics: some positive features

No PhD required
to operate a
framework

A lens for looking, and
therefore seeing
ethical issues

An entry point:
reduces potential
paralysis

Combine theory
and practice

Draw in principles
and values that suit
the context

Diverse
applications for a
diverse sector

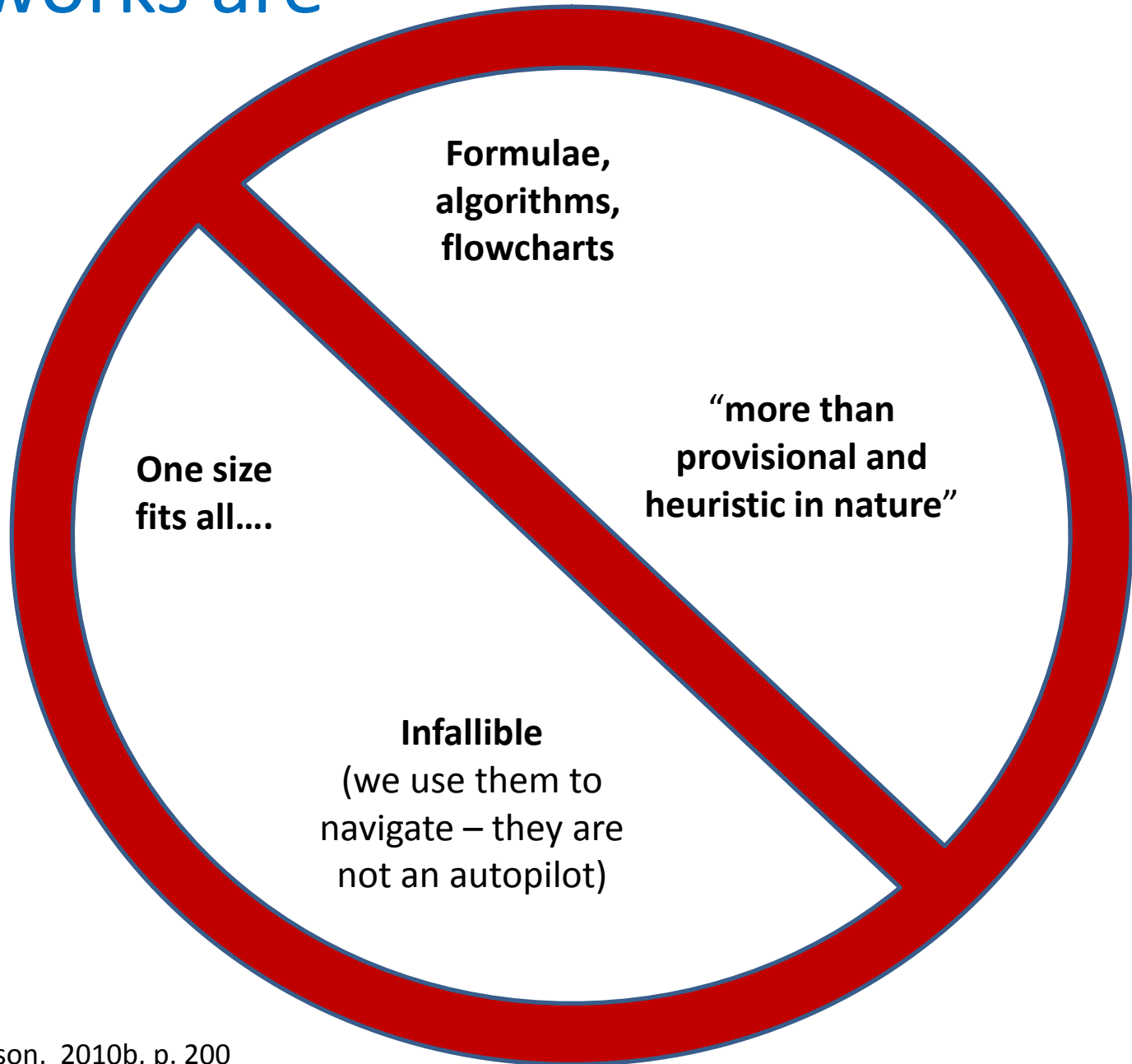
Structure for
deliberation

Flexible: admits
introduction of other
relevant values

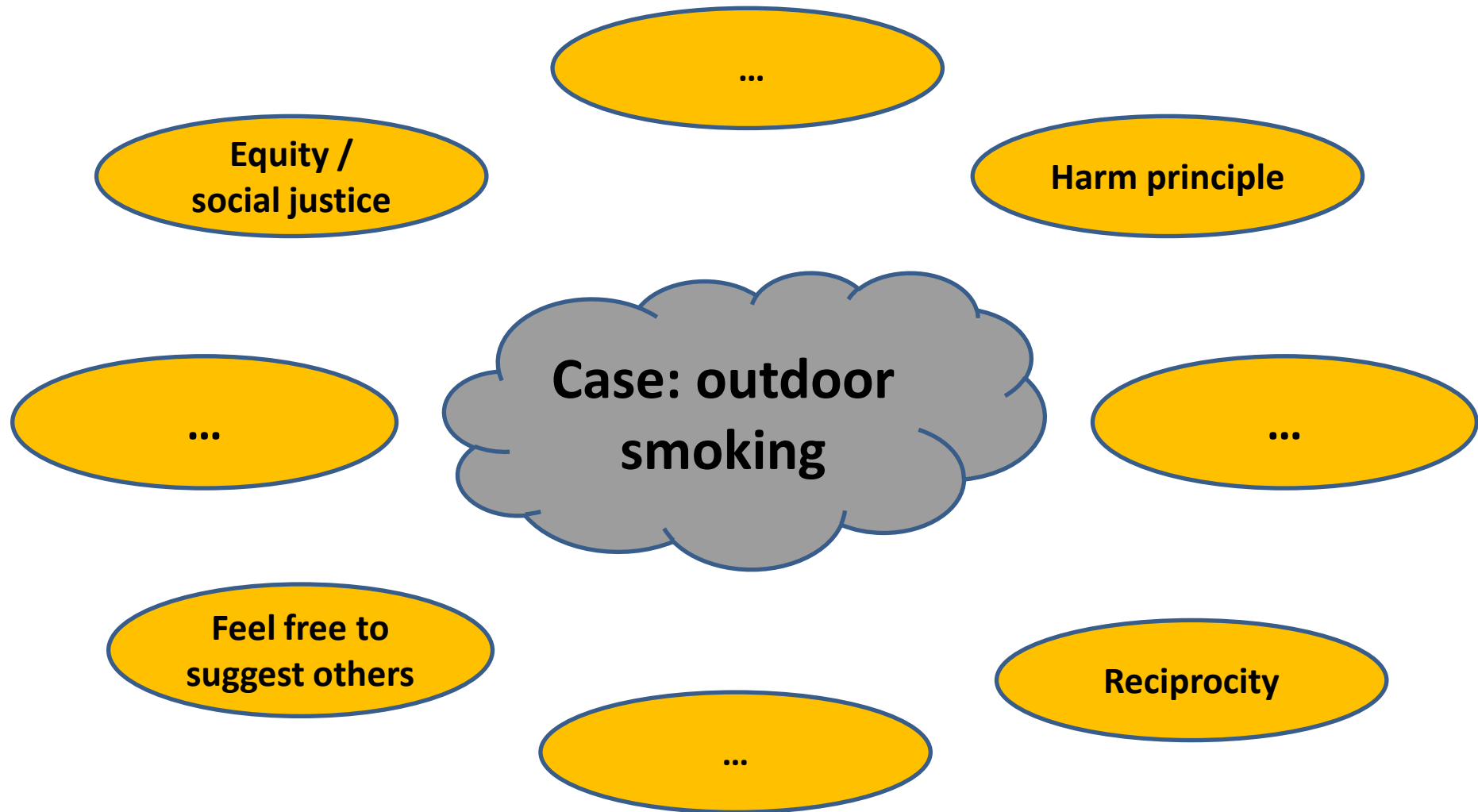
'Frame'

Common
language

Frameworks are not...



Principles



The harm principle

Commonly interpreted as:

Limiting someone's freedom of action against his or her will is only justifiable in order to prevent harm to others.

J. S. Mill, (1859)

Let's apply this to our case....

What issues does the harm principle raise with respect to the outdoor smoking ban (parks, patios, playing fields)?



Use the chat box
to respond...

The harm principle applied to our case (2)

- What harms are relevant?
 - If you can smell smoke, does it not have the potential to do you harm? Upon whom is the burden of proof? (CIHR-IPPH, 2012, p. 46)
 - Is normalization of smoking doing harm to citizens who might then be more likely to take it up? (p. 47).
- Paternalism? Is paternalism appropriate here?

Reciprocity

In PH, reciprocity “holds that society must be prepared to facilitate individuals and communities in their efforts to discharge their duties” and to compensate their “sacrifice of income or time in general.”

(Upshur, 2002, p. 102.)

Reciprocity applied to our case...

- Is anyone burdened by a smoking ban?
- Does society have any responsibilities regarding those burdens?

Use the chat box
to respond...



Reciprocity applied to our case (2)

Reciprocity may call on society to provide extra support so that some people can:

**Get help
quitting...**

and/or

**...have
somewhere
to smoke in
peace...**

and/or

**...not be
unduly
stigmatized
by policies.**

So as not to set unreasonable burdens upon them

So as to show our recognition of a give and take here....

Equity / Social justice

Social justice is distinct from distributive justice: not the 'distribution of finite, quantifiable goods to individuals,' but rather 'fair access to social goods such as rights, opportunities, power and self-respect.'

Young, (1990), cited by Baylis, Kenny, & Sherwin, (2008).

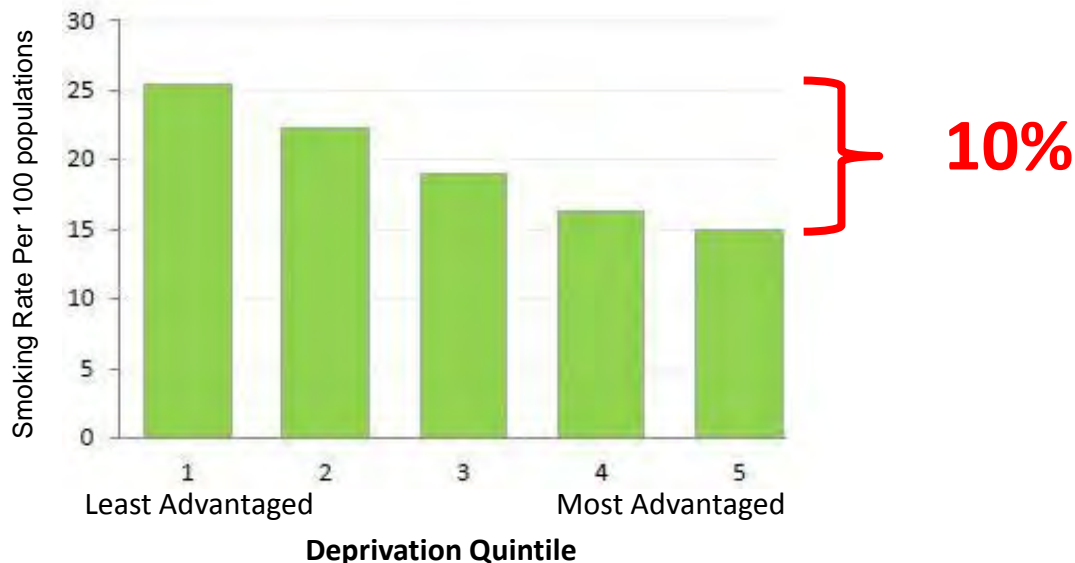
Applying a principle of social justice to our case

- Is social justice relevant here?

**Vote now
Yes/No**

Applying a principle of social justice to our case (2)

Smoking Rates by marginal material deprivation quintile in Ontario, 2009/10



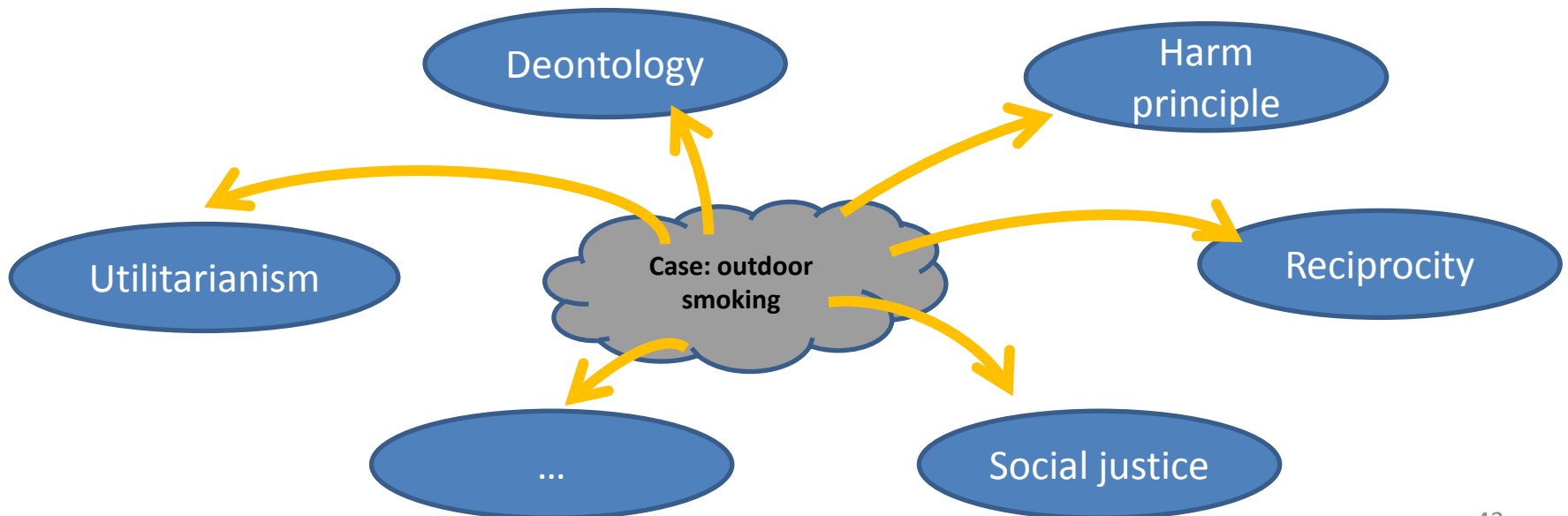
Public Health Ontario. (2013). Reproduced with permission.

Will further
denormalization
of smoking
increase
inequalities?

- In Europe, “smoking followed the tobacco epidemic model, according to which large inequalities appear in the latest phases of the epidemic”
(Kunst, Giskes, & Mackenbach, 2004, p. 6).
- Equity concern: as smoking rates decline, there is potential for increasing inequalities and that marginalized individuals will have ever more difficulty quitting.
- Flag: The situation for marginalized groups should be taken into account (evidence + values).

Now What?

- We have only taken a brief look, but see that:
 - There are many theories, approaches, frameworks and principles in ethics, and more specifically in PH ethics.
 - They offer different perspectives for looking at cases.
 - They have distinct, sometimes contradictory or conflicting, ethical implications.



Now What?

- We have only taken a brief look, but see that:
 - There are many theories, approaches, frameworks and principles in ethics, and more specifically in PH ethics.
 - They offer different perspectives for looking at cases.
 - They have distinct, sometimes contradictory or conflicting, ethical implications.
- Despite this diversity:
 - They can help to clarify issues, to deliberate and to make better decisions.
- Next steps:
 - Use the concepts, with the help of one or more frameworks to reveal issues and to discuss them with your colleagues
 - Is there interest/demand for work on how to use some PHE frameworks?

Questions and discussion

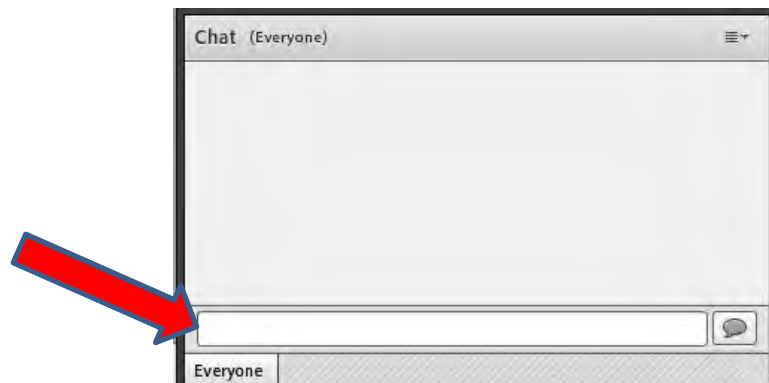


Image: *Two men contemplating the Moon*, by Caspar David Friedrich, ca. 1825-30.
Reproduced with permission from the Metropolitan Museum of Art, *The Collection Online*.
<http://www.metmuseum.org/collection/the-collection-online/search/438417>

Resources



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We only named a few principles from among many... here are a few more that are commonly used in PH:

| Substantive | Procedural |
|--|---|
| <ul style="list-style-type: none">• Duty to provide care | <ul style="list-style-type: none">• Accountability |
| <ul style="list-style-type: none">• Effectiveness | <ul style="list-style-type: none">• Inclusiveness |
| <ul style="list-style-type: none">• Least restrictive means | <ul style="list-style-type: none">• Participation |
| <ul style="list-style-type: none">• Necessity | <ul style="list-style-type: none">• Reasonableness |
| <ul style="list-style-type: none">• Precautionary principle | <ul style="list-style-type: none">• Responsibleness |
| <ul style="list-style-type: none">• Proportionality | <ul style="list-style-type: none">• Responsiveness |
| <ul style="list-style-type: none">• Protection of the public | <ul style="list-style-type: none">• Transparency |
| <ul style="list-style-type: none">• Respect | |
| <ul style="list-style-type: none">• Solidarity | |
| <ul style="list-style-type: none">• Sustainability | |
| <ul style="list-style-type: none">• Stewardship | |

Substantive: these can help to reveal ethical issues and to to make and justify decisions in specific contexts.

Procedural: these can help in making ethical choices concerning the processes by which programs, policies etc. are realized.

For further information: Please send us an email and we can refer you to several interesting resources.

Links to selected frameworks for public health ethics (these are also a good source of principles)

- Baylis, F., Kenny, N. P., & Sherwin, S. (2008). A relational account of public health ethics. *Public Health Ethics*, 2008, 1-14. Available at: <http://noveltechethics.ca/files/pdf/259.pdf>
- Childress, J. F., Faden, R. R., Gaare, R. D., Gostin, L. O., Kahn, J., Bonnie, R. J., Kass, N. E., Mastroianni, A. C., Moreno, J. D., & Nieburg, P. (2002). Public Health Ethics: Mapping the Terrain. *Journal of Law, Medicine & Ethics*, 30 (2), 169–177. Available at: http://www.virginia.edu/ipe/docs/Childress_article.pdf
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- Kass, N. E. (2001). An ethics framework for public health. *American Journal of Public Health*, 91(11), 1776–1782. Available at: <http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.91.11.1776>
- New Zealand Ethics Advisory Committee. (2007). *Getting through together: Ethical values for a pandemic*. Wellington: Ministry of Health. Available at: <http://neac.health.govt.nz/system/files/documents/publications/getting-through-together-jul07.pdf>

Selected frameworks (cont.)

Public Health Leadership Society. (2002). *Principles of the ethical practice of public health*. Available at: <http://www.phls.org/home/section/3-26/>

Selgelid, M. J. (2009). A moderate pluralist approach to public health policy and ethics. *Public Health Ethics*, 2 (2), 195–205. Available at: <http://phe.oxfordjournals.org/content/2/2/195.full.pdf+html>

Tannahill, A. (2008). Beyond evidence—to ethics: a decision-making framework for health promotion, public health and health improvement. *Health Promotion International*, 23 (4), 380-390. Available at: <http://heapro.oxfordjournals.org/content/23/4/380.full.pdf+html>

Thompson, A. K., Faith, K., Gibson, J. L., & Upshur, R. E. G. (2006). Pandemic influenza preparedness: An ethical framework to guide decision-making. *BMC Medical Ethics*, 7(12). Available at: <http://www.biomedcentral.com/1472-6939/7/12>

Upshur, R. E. G. (2002). Principles for the justification of public health intervention. *Canadian Journal of Public Health*, 93 (2), 101-103. Available at: <http://journal.cpha.ca/index.php/cjph/article/view/217>

Willison, D., Ondrusek, N., Dawson, A., Emerson, C., Ferris, L., Saginur, R., Sampson, H., & Upshur, R. (2012). *A framework for the ethical conduct of public health initiatives*. Public Health Ontario. Available at: <http://www.publichealthontario.ca/en/eRepository/PHO%20%20Framework%20for%20Ethical%20Conduct%20of%20Public%20Health%20Initiatives%20April%202012.pdf>

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NCCHPP Publications in Ethics

Recent publications:

[Introduction to Public Health Ethics 1: Background](#)

[An Introduction to the Ethical Implications of Economic Evaluations for Healthy Public Policy](#)

[Methods of Economic Evaluation: What are the Ethical Implications for Healthy Public Policy?](#)

[The Principle of Reciprocity: How Can it Inform Public Health and Healthy Public Policies?](#)

To come in 2015:

Introduction to Public Health Ethics 2: Philosophical and Theoretical Underpinnings (working title)

Introduction to Public Health Ethics 3: What Sort of Frameworks Might Work for Public Health Ethics? (working title)

The Principle of Solidarity: What are the Implications for Public Health?

For a project update with our current plans and recent publications, please visit:
<http://www.ncchpp.ca/126/News.ccnpps>



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Thanks for joining us

You're interested in this topic?
Visit us at www.ncchpp.ca for more resources

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