

Public Health Ethics for Public Health Practice

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for Healthy Public Policy



Centre de collaboration nationale
sur les politiques publiques et la santé


National Collaborating Centre
for Healthy Public Policy

*Institut national
de santé publique*

Québec

Declaration of real or potential conflicts of interest

Presenter:
Michael Keeling

 I have no real or potential conflict of interest related to the material that is being presented today.

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National Collaborating Centre for Healthy Public Policy (NCCCHPP)

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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Objectives

- To offer a brief overview of public health ethics: orientation, approaches, tools.
- To engage in a bit of ethical deliberation.
- To point you towards additional resources.

Outline

- 8:30-10:00 – Introduction to public health ethics (PHE)
 - Overview (30 min.)
 - What is PHE; mapping PHE; why is it important?
 - Ethics as a dimension of informed decision making (30 min.)
 - Values and principles; ethics frameworks; ethical issues
 - Discussion (30 min.)
- 10:00-10:30 – Break
- 10:30-12:00 – Practice
 - Introduction to two ‘problems’ and two ethics frameworks (15 min.)
 - Deliberation and discussion (1 h.)
 - Q and A; discussion and wrap-up (15 min.)

'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)

Extreme, yes, but also realistic – with a note of humility and a caution

"One striking example of the problem of expecting easy solutions to difficult problems was during the 2009 Swine Flu pandemic when for a short while we thought that [...] we might have to make really difficult decisions about use or withholding life saving resources on a mass scale."

"A paper was commissioned [...] to look at the ethics of making such clinical decisions [...] but to me at the front line of the pandemic, it made it no easier to know what to do."

What is PH ethics?

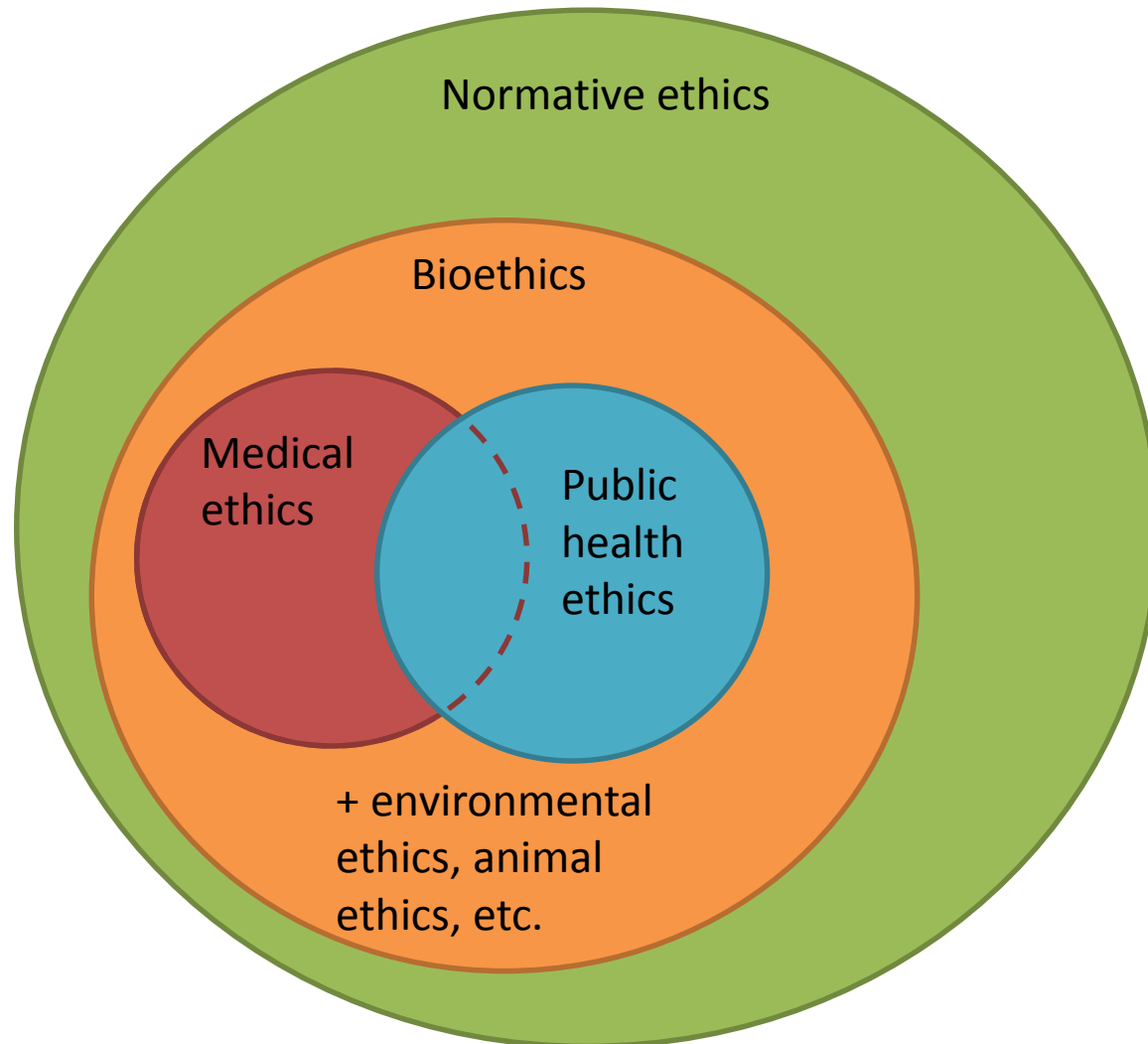
PH ethics is mostly about what **should** and **shouldn't** be done, **collectively**, to protect and promote the health of **communities**.

- It is normative, not descriptive
- It focuses on a collective (public) effort
- It focuses on populations, not individuals.

Other (everyday) public health cases

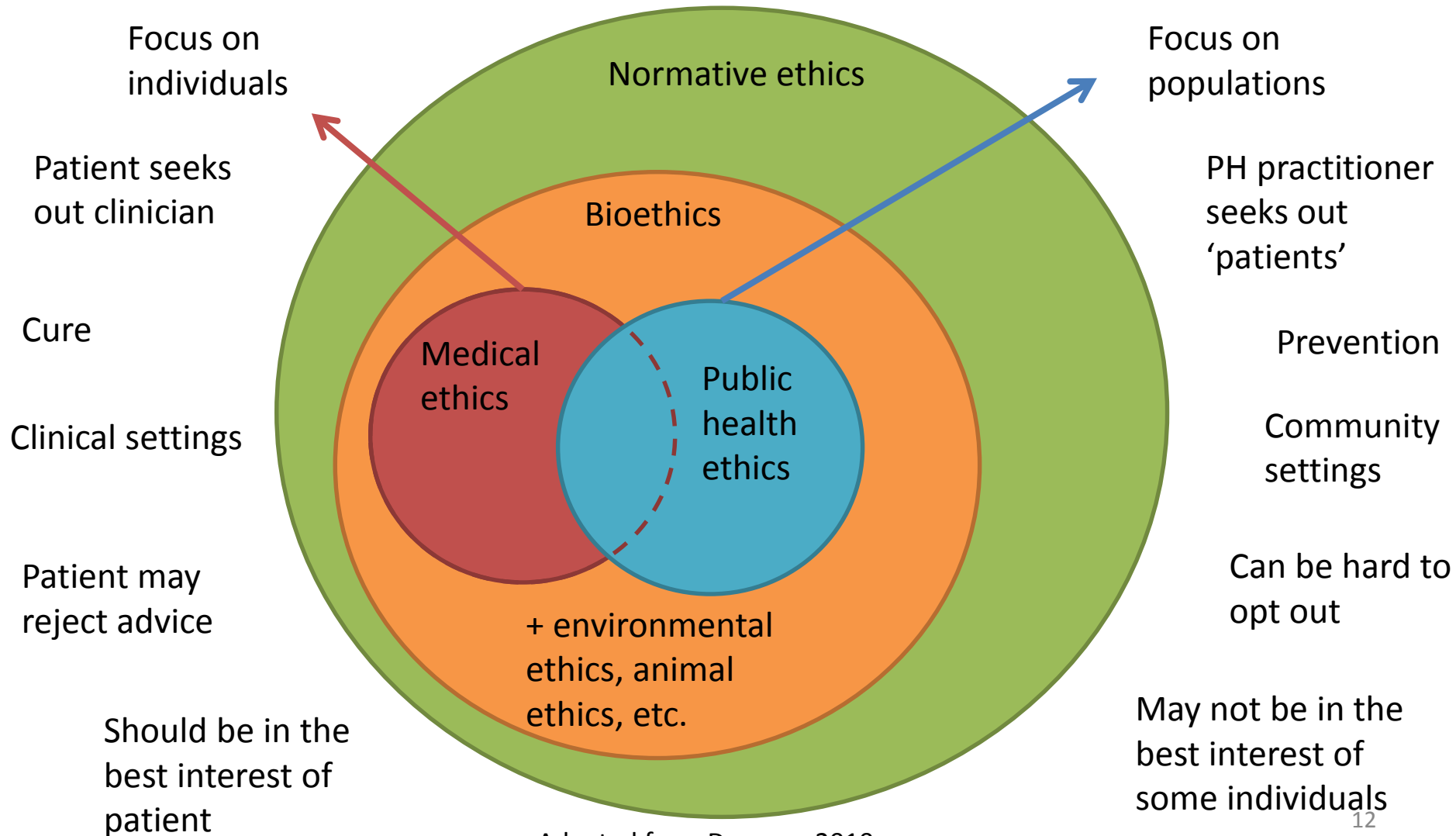
- Water fluoridation
- Smoking ban
- Traffic-calming policy
- Affordable housing
- Menu labelling
- Soda tax
- HPV vaccination
- ...

What is Public Health Ethics?



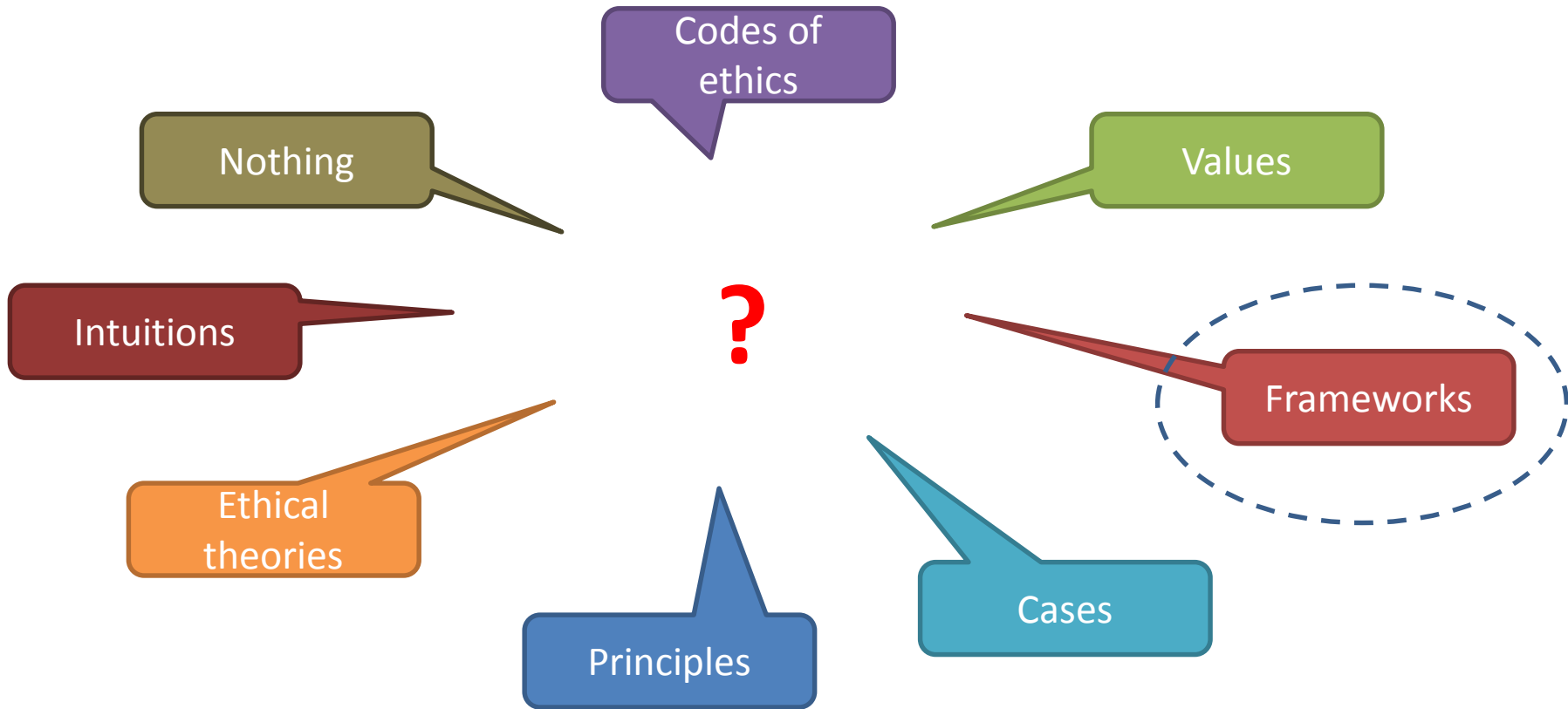
Adapted from Dawson, 2010a.

Medical Ethics vs Public Health Ethics

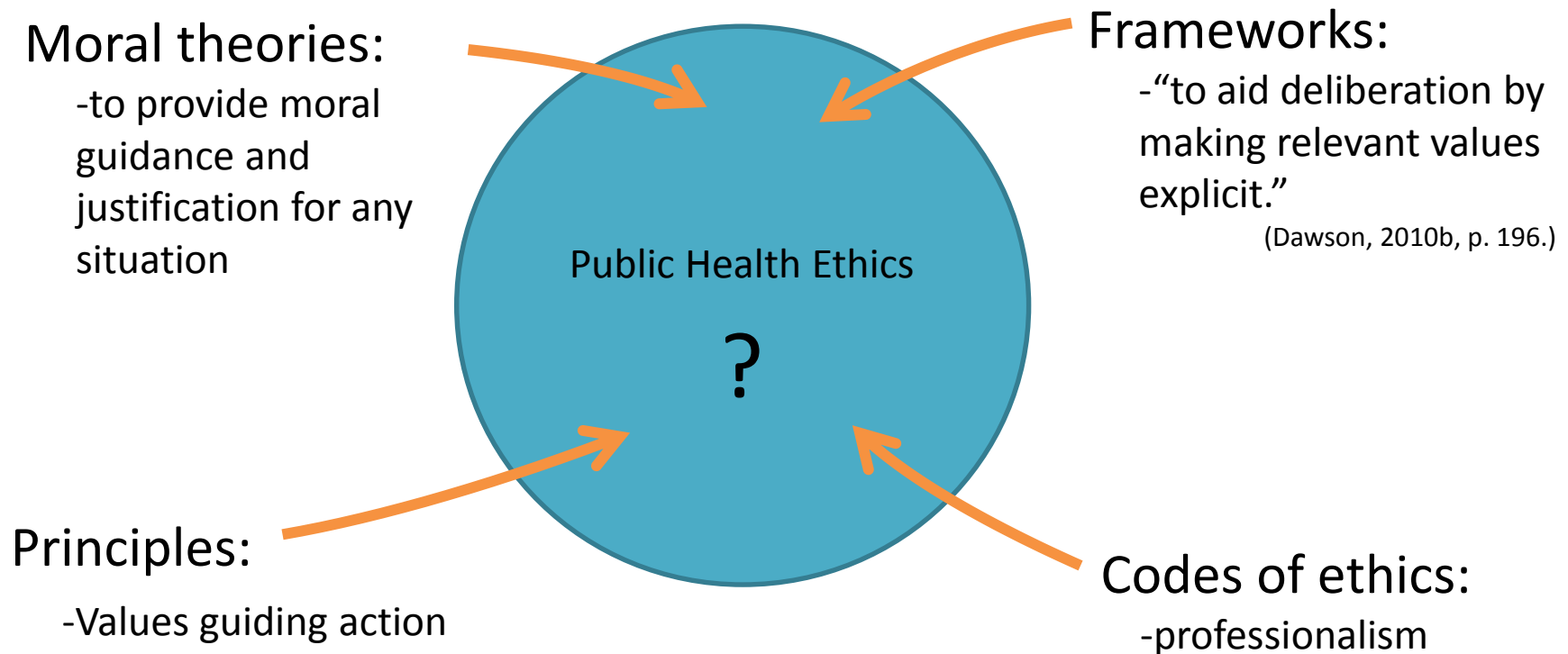


Adapted from Dawson, 2010a.

What can we use to help us think about ethical issues in public health?

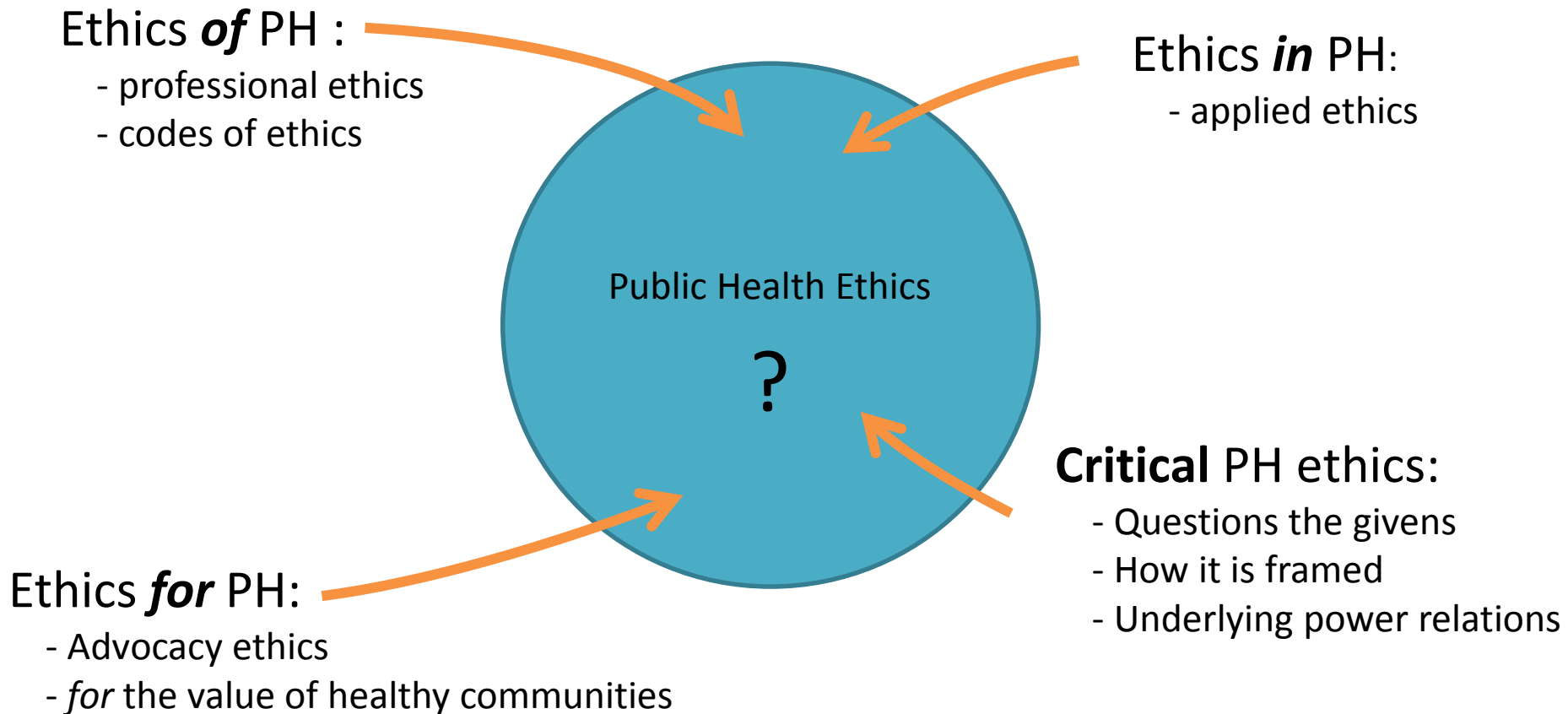


Mapping public health ethics (1)



Dawson, 2010b.

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

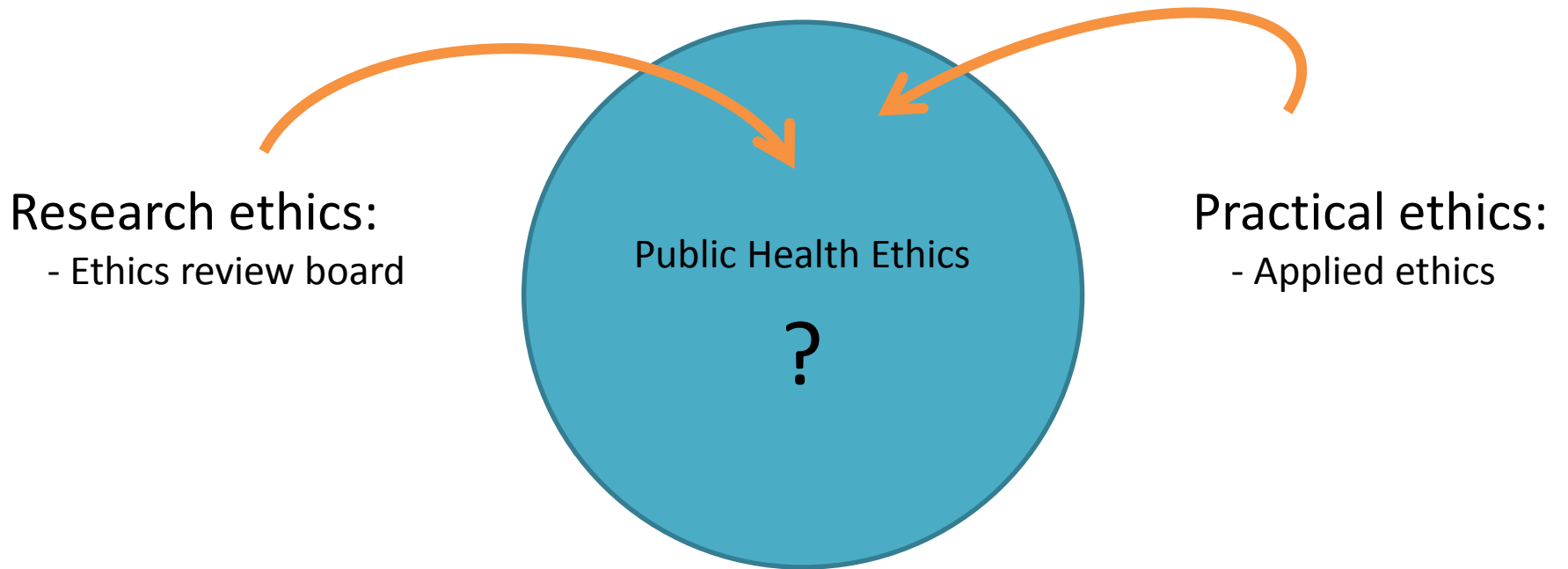
What should you do?

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

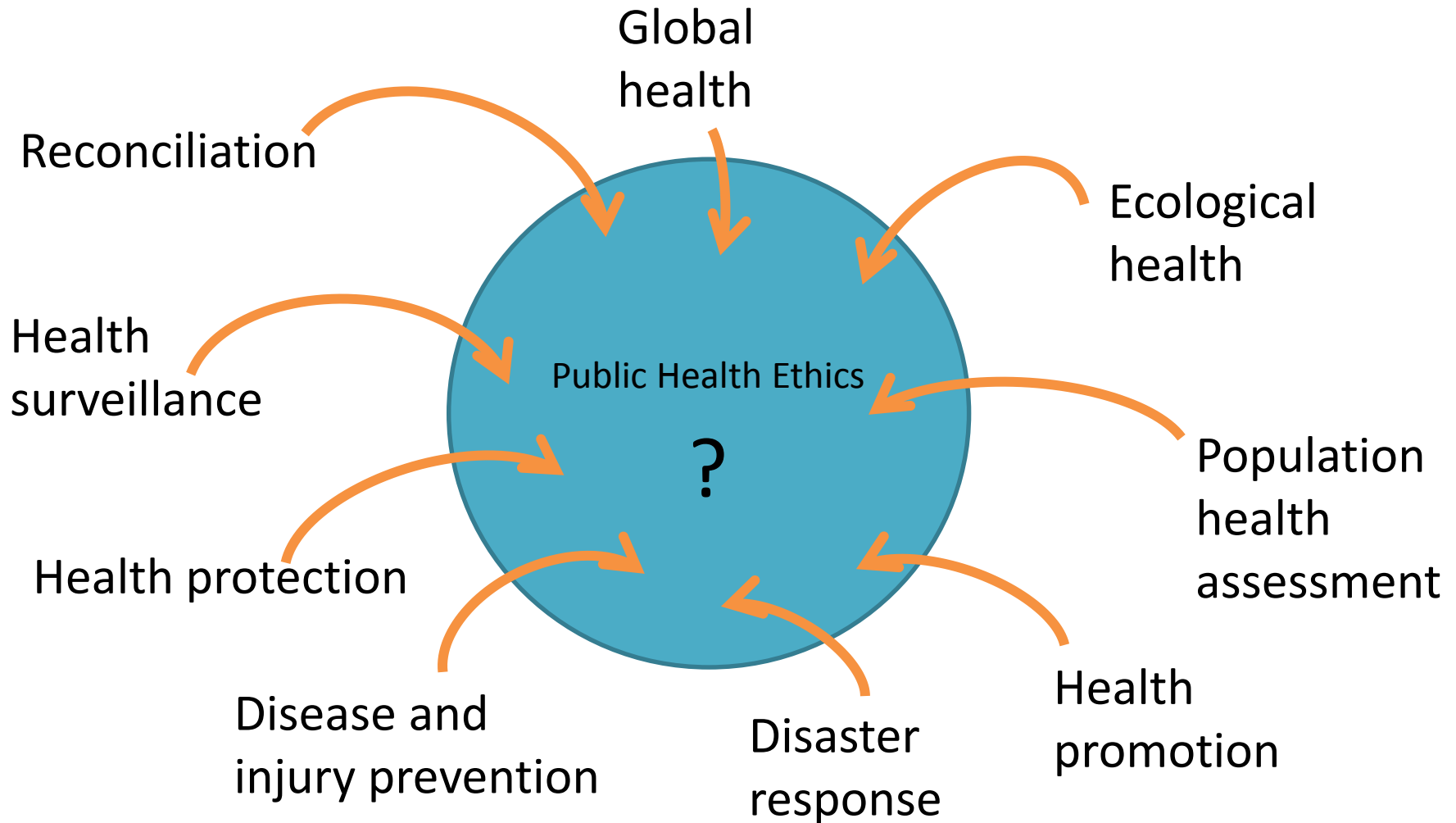
Critical PH ethics

- Why do I have only 10 doses of an experimental antiviral after 42 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)



Mapping public health ethics (4)



Ethical issues relating to core public health functions in Canada. See Dawson and Upshur, 2013.

3 additions to this list: Reconciliation. Global health. Ecological health. Time that they took their places as core PH activities?

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?

Because 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**

Why PH ethics?

Because ethics is widely recognized as a key element of professional practice in public health ...

...in terms of competencies

Public Health Agency of Canada. (2006.) *Core Competencies for Public Health in Canada*.

...in calls for “greater investments in [...] public health ethics”

Health Canada. (2003). *Learning from SARS: Renewal of Public Health in Canada*, pp. 4-5.

... in terms of professionalism.

Registered Nurses Association of Ontario. (2007). *Professionalism in Nursing*.

Professionalism includes: being ‘Knowledgeable about ethical values, concepts and decision-making’ (8.1), and ‘Engaging in critical thinking about ethical issues in clinical and professional practice’ (8.6).

A word or two about values and principles...

- Let's simply say that **values** are estimations of how much things matter to us. Some are **ethical values**; some are not. Ethical values necessarily include the well being of others as something that matters.
- An **ethical principle** is a value statement, worded in an imperative form to say '*this ethical value should matter to you, too, and it should be taken into account accordingly*'. It is generalized. It would not be appropriate to treat all values like this, but it makes sense for ethical values.
- Someone can, in certain contexts, reasonably ask you to justify an ethical principle: 'Why should this matter to me?' **Justification** is another matter.

Some proposed values/principles for PHE

Substantive

- Confidentiality
- Duty to provide care
- Effectiveness
- Efficiency
- Equity/Social justice
- Harm principle
- Health maximization
- Least restrictive means
- Necessity
- Precautionary principle
- Proportionality
- Protection of the public
- Reciprocity

- Reconciliation
- Respect for autonomy
- Respect for privacy
- Solidarity
- Sustainability
- Stewardship

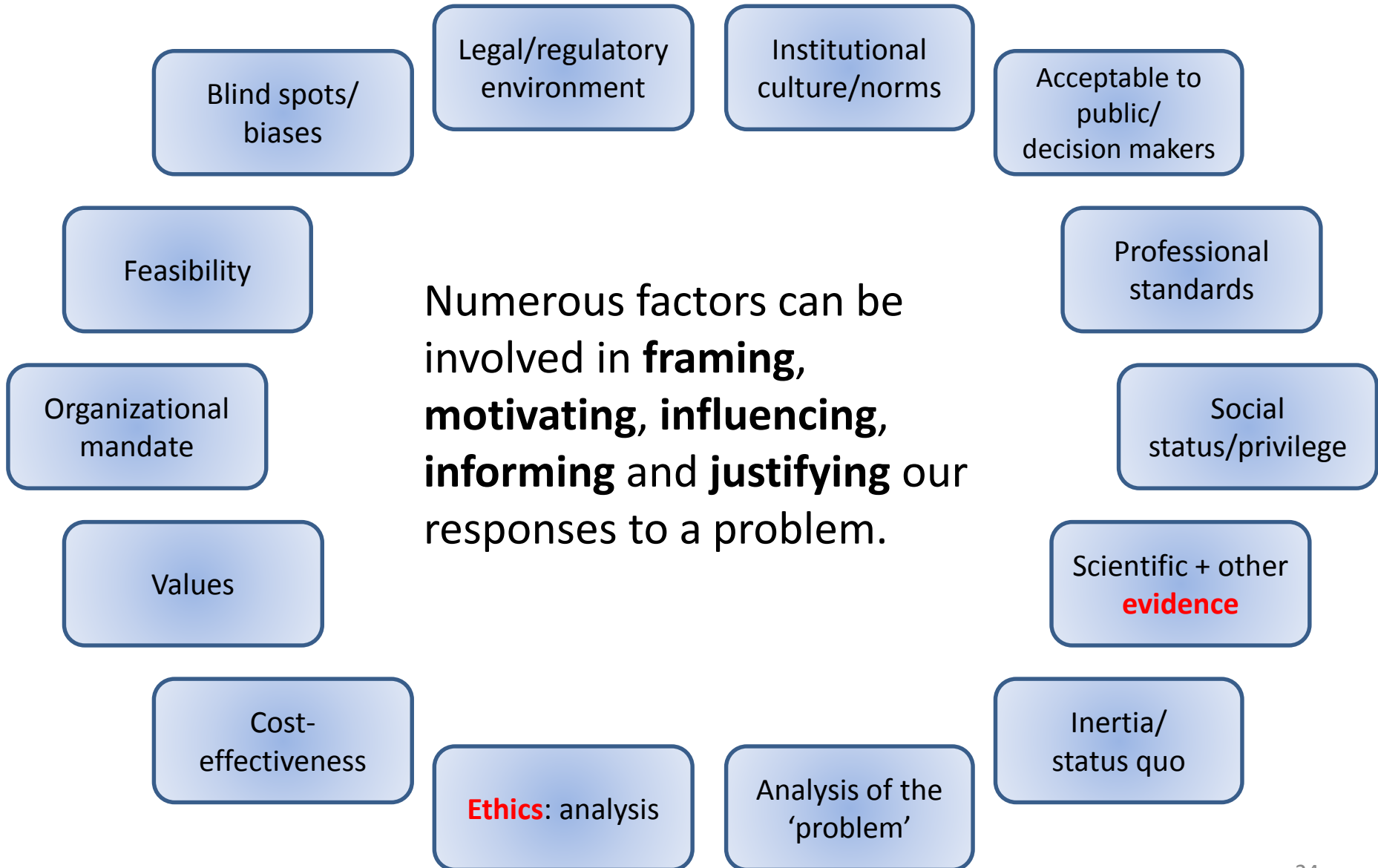
Procedural

- Accountability
- Participation
- Reasonableness
- Responsiveness
- Transparency

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.

Ethics is one important dimension of informed decision-making



These are just a few among many. All of these are important and call for critical attention.

What is an ethics framework?

A framework is a guide that can help to highlight ethical values and issues, and serve as an aid to deliberation and decision making.

Inspired by: Dawson, 2010b, p. 193, 200.

Using one will involve finding a balance and making trade-offs between perspicacity and usability (perfection-seeking vs over-simplification).

What is an ethics framework?

What can it offer?

It provides an entry point and a structure for deliberation.

It can guide specialists in ethics as well as novices.

It provides a common language for addressing issues and values.

It provides a lens for looking at, and thereby seeing, ethical issues.

It helps to 'frame' issues.

What can it *not* offer?

It won't do the work or the thinking for you.

It won't replace your own critical perspective (and a note of caution ... a framework can produce complacency).

It won't eliminate your cognitive and other biases, though if you deliberate in more diverse groups and use a framework, this might help to reduce their effects.

Variable characteristics of PH ethics frameworks: 1-5

Form

Principle-based  Question-based

Framing

Liberal / autonomy-based  Communitarian

Length

Short / cursory  Long / detailed / involved

Scope

General / all purpose  Subject-specific

Scale

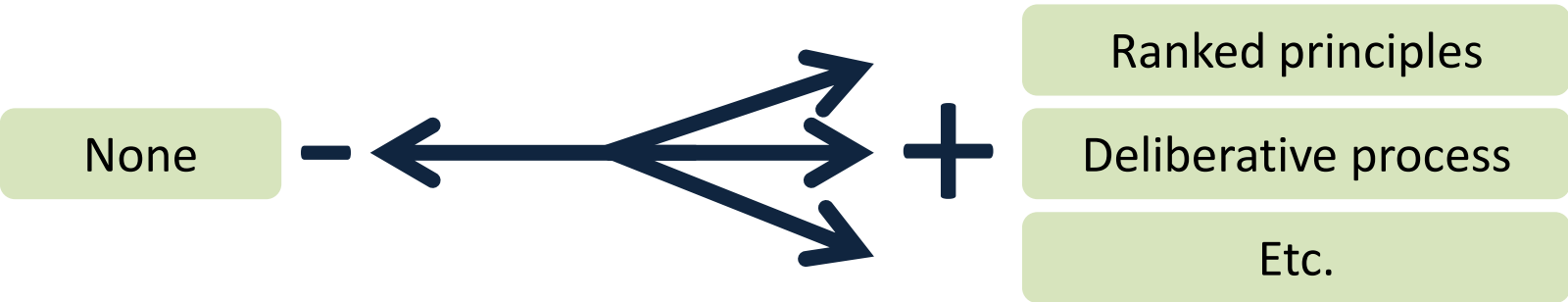
Macro  Meso perspective  Micro
(policy-level) (individual-level)

Variable characteristics of PH ethics frameworks: 6-7

Practical guidance for how to proceed:



Normative guidance for resolving conflicts:



And a word about ethical issues

If a well-chosen framework helps to highlight relevant values and raise ethical issues...

...what forms do those ethical issues take?

Conflict: tensions between values/principles

(e.g., individual freedom versus population health: autonomy vs health maximization).

Risk: a value/principle is overlooked or not adequately considered

(e.g., a program is put in place that fails to consider creating equitable access for marginalized communities: social justice/equity).

(Klingler et al, 2017, pp. 2-3.)

Note: This is but one approach, and some approaches look very different from this.
Not all *ethical issues* take this form!

Intermission time

Let's continue with an exercise

The TAs were much too severe in grading your exams and your professor wants to make things right. Each person's choice will be implemented cumulatively. Your choice will cause:

Your own grade to be raised by 5%



Everyone's grade to be raised by 1%



Mark your choice on the file card and put it in the hat.

Case 1 – A vaccination problem

Your PH unit has identified that district-wide children's vaccination rates have been slipping recently, mostly due to increased opt-outs by parents.

There has been pressure from a parents' group to shift several children's vaccines from mandatory to optional, and to ease the opt-out requirements as well. This group has become more vocal recently, and they have the attention of local and provincial politicians.



Your member of provincial parliament is on a steering committee considering provincial regulations around school-age vaccination requirements. They want your advice on whether to continue with existing regulations. You have also been asked to explain how the status quo can be defended: why should certain vaccinations be mandatory, contra the freedom of parents to choose for their children?

How do you respond to your member of provincial parliament?

Case 2 – Food deserts

A recent news report has identified several areas in your city's core neighbourhoods as food deserts. Food deserts are said to exist in low-income areas where residents do not have access (within 1 km) to a supermarket or a full-service grocery store (min. 10 000 square feet). They are often indicative of a host of interrelated economic, social and health inequalities suffered by local residents.

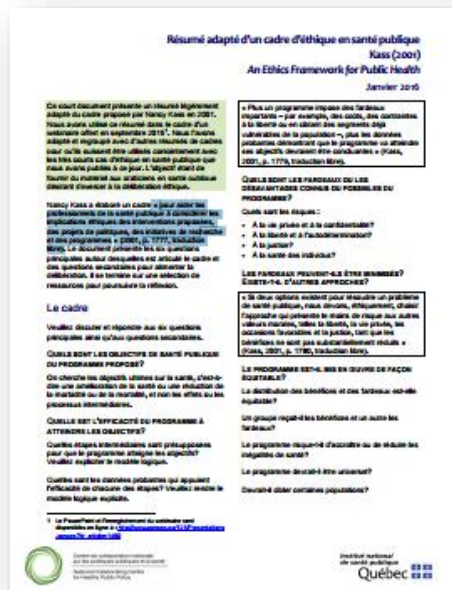
Your health unit has been asked to provide a letter of support for the city's Healthy Food for All program, and later to provide in-kind support from health unit staff (.25-.5 FTE).



One of the program's key elements is an incentive for any supermarket or full-service grocery store that opens in an identified food desert in the next 3 years. These new stores would benefit from a 5-year tax rebate, co-financed by the city and the province.

How do you respond?

Ethics framework by Nancy Kass



Its goal:

“to help public health professionals consider the ethics implications of proposed interventions, policy proposals, research initiatives, and programs” (2001, p. 1777).

Its structure:

6 questions

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>
Our adapted summary is available at: http://www.ncchpp.ca/docs/2016_eth_frame_kass_En.pdf

Kass, 2001

1. What are the public health goals of the proposed program?

The ultimate health goals

2. How effective is the program in achieving its stated goals?

The 'greater the burdens placed by a program' (liberty, costs, etc.) the stronger the evidence should be.

3. What are the known or potential burdens of the program?

What are the risks to: Privacy and confidentiality? Liberty and self determination? Justice? Individuals' health?

4. Can burdens be minimized? Are there alternative approaches?

"[W]e are required, ethically, to choose the approach that poses fewer risks to other moral claims, such as liberty, privacy, opportunity, and justice, assuming benefits are not significantly reduced" (p. 1780).

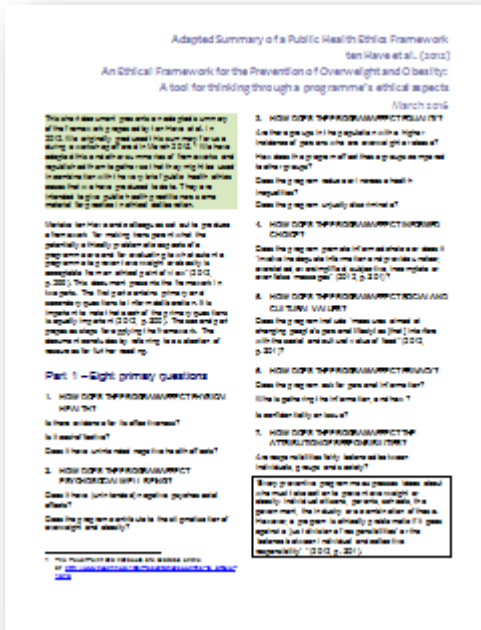
5. Is the program implemented fairly?

Is there a fair distribution of benefits and burdens? Will the program increase or decrease inequalities? Is there a risk of stigmatizing certain groups?

6. How can the benefits and burdens of a program be fairly balanced?

"[T]he greater the burden imposed by a program, the greater must be expected public health benefit". The more that "burdens are imposed on one group to protect the health of another...the greater must be the expected benefit" Balancing these calls for a democratic, equitable process.

Ethics framework by ten Have et al.



Its goal:

“for making transparent what the potentially ethically problematic aspects of a programme are and for evaluating to what extent a programme to prevent overweight or obesity is acceptable from an ethical point of view” (2012, p. 299).

Its structure:

- 1st part: 8 questions to inform the deliberation.
- 2nd part: 8 steps for doing the deliberation.

ten Have, M., van der Heide, A., Mackenbach, J., & de Beaufort, I. D. (2012). **An ethical framework for the prevention of overweight and obesity: a tool for thinking through a programme's ethical aspects.**

European Journal of Public Health, 23(2), 299-305.

Available at:

<http://eurpub.oxfordjournals.org/content/23/2/299.long>

Our adapted summary is available at:

http://www.ncchpp.ca/docs/2016_eth_frame_tenHave_En.pdf

ten Have et al., 2012

1st part

How does the program affect:

1. Physical health?
2. Psychosocial well-being?
3. Equality?
4. Informed choice?
5. Social and cultural values?
6. Privacy?
7. Attribution of responsibilities?
8. Liberty?

2nd part

1. Describe the program's main ethical weaknesses.
2. Describe its main ethical strengths.
3. Discuss whether it is possible to adjust the program in order to maximize its strengths and minimize its weaknesses.
4. Discuss whether the program is likely to be effective in preventing overweight and obesity.
5. Discuss whether the program's strengths outweigh its weaknesses.
6. Discuss whether there is an alternative program with fewer ethical weaknesses.
7. Discuss whether sound justification can be provided for the remaining weaknesses.
8. Define whether and under what conditions the program is acceptable from an ethical point of view.

Resources on the NCCHPP'S website

- Collection of Adapted Summaries of Public Health Ethics Frameworks and Very Short Case Studies
http://www.ncchpp.ca/127/publications.ccnpps?id_article=1525
- A Repertoire of 30 Ethics Frameworks for Public Health, with links to the original documents.
http://www.ncchpp.ca/708/Repertoire_of_Frameworks.ccnpps
- Various publications on key concepts, principles and issues in public health ethics. For example,
 - Utilitarianism in Public Health
http://www.ncchpp.ca/127/Publications.ccnpps?id_article=1527
 - How Can We (and Why Should We) Analyze the Ethics of Paternalistic Policies in Public Health?
http://www.ncchpp.ca/127/publications.ccnpps?id_article=1742
- A variety of recorded webinars and PPTs that relate to how to use ethics frameworks. For example,
 - How Can I Choose a Public Health Ethics Framework that Is Suited to My Practical Needs?
http://www.ncchpp.ca/128/presentations.ccnpps?id_article=1553

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Thanks!

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