

Pandemic Response Planning: HSDA Planning Workshops



Ethical Framework for Decision Making

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- During an influenza pandemic, decision making ought to be guided by **ethical processes** and informed by **ethical values**.

[1] Adapted from: *Ethics in a Pandemic Influenza Crisis: Framework for Decision Making*, by Dr. Jennifer Gibson, Joint Centre for Bioethics, University of Toronto

Ethical Processes

Decision-making processes should be:

Open and transparent

- Decisions should be publicly defensible.

Reasonable

- Decisions should be based on relevant evidence, principles and values

Inclusive

- stakeholders should be engaged in the decision-making process

Ethical Processes

Responsive

- stakeholders should be able to voice concerns

Accountable

- there should be mechanisms to ensure that ethical decision-making is sustained throughout the pandemic.
- Open & Transparent, Reasonable, Inclusive, Responsive & Accountable

Ethical Values

- 10 ethical values provide a framework to respond to a pandemic
- More than one value may be relevant in a given situation
- Some values will be in tension with others
- This tension is the cause of ethical dilemmas that may emerge during a pandemic, but
- A shared ethical language and ethical decision-making processes can help us resolve ethical dilemmas

Individual Liberty

- Individual liberty is enshrined in our laws & our health care practice
- Restrictions to individual liberty may be necessary in a pandemic to protect the public good
- Restrictions to individual liberty should:
 - Be proportional to the risk of public harm
 - Be necessary to protecting the public good
 - Employ the least restrictive means necessary
 - Be applied without discrimination

Protecting the Public from Harm

- Health authorities may take measures to protect the public from harm
- Protecting the public from harm may infringe individual liberty
- Stakeholders need to be aware of the medical and moral reasons for the measures, the benefits of complying and the consequences of not complying
- There ought to be mechanisms to review decisions as the situation changes and to address stakeholder concerns and complaints

Proportionality

- Restrictions on liberty and measures to protect the public should not exceed the minimum required to address actual risk.
- Use the least restrictive measures possible when limiting liberties or entitlements.
- Use more coercive measures only where less restrictive means have failed to achieve appropriate public health ends.

Privacy

- People have a right to privacy of their health information
- During a pandemic it may be necessary to override this right to protect the public from harm.
- Require private information only if there are no less intrusive means to protect public health
- Comply with legislation governing any collection, use or disclosure of personal information
- prevent stigmatization through public education

Duty to Provide Care

- Health care workers have an ethical duty to provide care and respond to suffering; not absolute
- During a pandemic, demands for care may create challenges related to resources, practice, liability and workplace safety
- Health care workers may have to weigh their duty to provide care against competing obligations to their own health, family or friends

Reciprocity

- Society has an ethical responsibility to support those who face a disproportionate burden in protecting the public good

Health authorities should:

- work collaboratively with stakeholders, regulatory colleges and unions to establish practice guidelines and fair dispute resolution processes
- strive to ensure appropriate supports (supplies, equipment, resources) are in place
- ensure the safety of workers, especially when redeploying staff in areas beyond the usual scope of practice.
- ease the burdens of health care workers, patients and their families

Trust

- Trust is an essential part of the relationship between government and citizens, between health care workers and patients, between organizations and staff and among organizations within a health care system.
- In order to maintain trust during a pandemic, decision-makers should:
 - take steps to build trust with stakeholders before a pandemic occurs
 - ensure decision-making processes are ethical and transparent.

Solidarity

- Stemming an influenza pandemic will require solidarity among community, health care institutions, public health units and governments
- Solidarity requires open and honest communication and collaboration between stakeholders to share information and co-ordinate health care delivery
- Territoriality between health care institutions can be overcome with good communication and a sense of common purpose to provide equitable care across jurisdictions.

Stewardship

- Stewardship includes protecting and developing one's resources and being accountable for public well-being
- Institutions and individuals will be entrusted with governance over scarce resources: vaccines, antivirals, ventilators, staff
- Decision makers should:
 - seek a balance between good outcomes (e.g., benefit to the public good) and equity (e.g., fair distribution of benefits and burdens) &
 - avoid or reduce collateral damage that may result from resource allocation decisions

Equity

- All patients have an equal claim on health care &
- Health care institutions are obliged to ensure sufficient supply of services and materials, but
- During a pandemic tough decisions will have to be made about allocation of resources and suspension of services
- Decision makers should:
 - strive to preserve as much equity as possible between the needs of influenza patients and patients who need urgent treatment for other diseases
 - establish fair decision-making processes and criteria