Stand on Guard for Thee

Ethical Considerations in Preparedness Planning for Pandemic Influenza

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Will it be a ‘health tsunami’ or ‘health Y2K’?
Evaluation of ethical issues

We formed a working group to identify the ethical issues and evaluate and develop strategies to address them. Our working group identified a number of ethical issues and developed a framework for assessing the ethical implications of the SARS epidemic. The framework includes the following principles:

1. Respect for autonomy
2. Benevolence
3. Justice
4. Non-maleficence

These principles are important in guiding ethical decisions in situations where resources are limited and decisions need to be made quickly.

Evaluation of operational issues

A medical ethics committee, the Public Health Ethics Committee, was formed to provide guidance on ethical issues arising in the response to the SARS epidemic. The committee met weekly to discuss ethical issues and develop recommendations. The committee's role is to provide guidance on ethical issues to support the decision-making process of health professionals.

History of personal information and public need to know

The ethics committee worked closely with the health authorities to ensure that personal information was handled in a way that protected the privacy of individuals while allowing the public to be informed of the risk and course of action that was being taken.

The committee also worked with the media to ensure that information was presented in a clear and truthful manner, while respecting the privacy of individuals.

The committee's role was to provide ethical guidance and support to the health authorities in their decision-making process, ensuring that ethical considerations were taken into account in the response to the SARS epidemic.
STAND ON GUARD FOR THEE

Ethical considerations in preparedness planning for pandemic influenza

November 2005

A report of the
University of Toronto Joint Centre for Bioethics
Pandemic Influenza Working Group

Ontario Health

Pandemic Influenza Plan

June 2005
Ethical Frameworks

• At the moment, 0 / 200 countries have an ethical framework in their pandemic plans
• All of them should
• We have produced a framework that can be adopted or adapted
• Canada can lead
• Initially by incorporating the framework into its own federal plan
• And then by assisting other countries to do so
Why ethics?

• Need for a moral compass to guide difficult decisions that will have to be made in the context of a pandemic

• Moral analysis is part of good, accountable public policy formation or decision-making

• Ethical issues are one set of considerations among many: risk analysis, economics, law etc.,

• BUT often other sets of considerations involve moral evaluation, e.g. risk/benefit analysis
Rationale

• Government and health care leaders will need to make decisions based on values
• Values based leadership may be the glue that holds society together in an intense crisis
• History will judge today’s leaders on how well they prepared for and acted during the crisis and whether they treated people in an ethical manner
Lessons from SARS

• SARS underscored the need for a clearly understood and widely accepted ethics approach to dealing with serious communicable disease outbreaks

• Health care systems had generally not prepared themselves to deal with the hard ethical choices that rapidly arose

• Lesson learned is to establish the ethical framework in advance and to do so in an open and transparent manner
An Ethical Guide for Pandemic Planning

• The JCB Pandemic Influenza Working Group has developed a 15-point ethical guide for pandemic planning
• Based in part on experiences and study of the 2003 SARS outbreak
• The guide is explicitly founded on both substantive and procedural values
Two Ways for Ethics to Contribute

Decision–making for and during a pandemic influenza outbreak ought to be:

1) *guided* by ethical decision-making *processes* &.

2) *informed* by ethical values.
An Ethical Guide for Pandemic Planning

Five *procedural* values to guide ethical decision-making for a pandemic influenza outbreak:

- Reasonable
- Open and transparent
- Inclusive
- Responsive
- Accountable
An Ethical Guide for Pandemic Planning

Ten **substantive** values to guide ethical decision-making for a pandemic influenza outbreak:

- Individual liberty
- Protection of the public from harm
- Proportionality
- Privacy
- Equity
- Duty to provide care
- Reciprocity
- Trust
- Solidarity
- Stewardship
General Recommendations

1. National, provincial/state/territorial, and municipal governments, as well as the health care sector, should **ensure** that their pandemic plans include an **ethical component**.

2. National, provincial/state/territorial, and municipal governments, as well as the health care sector, should consider **incorporating both substantive and procedural values** in the ethical component of their pandemic plans.
Key Ethical Issues

1. Duty to Care
2. Restrictive Measures
3. Priority Setting
4. Global Governance
Ethical Issue 1: Duty to Care

During SARS, some medical workers were afraid that they would be infected while caring for SARS patients, and that they would infect their families, friends and co-workers. The workers were torn between these fears and a sense of duty to their patients and solidarity with fellow workers. A flu pandemic will mean virtually all health care workers will face such difficult choices.
Ethical Issue 1: Duty to Care

Recommendations

1. Professional colleges and associations should provide, by way of their codes of ethics, clear guidance to members in advance of a major communicable disease outbreak, such as pandemic flu. Existing mechanisms should be identified, or means should be developed, to inform college members as to expectations and obligations regarding the duty to provide care during a communicable disease outbreak.

2. Governments and the health care sector should ensure that:
   a. care providers’ safety is protected at all times, and providers are able to discharge duties and receive sufficient support throughout a period of extraordinary demands; and
   b. disability insurance and death benefits are available to staff and their families adversely affected while performing their duties.

3. Governments and the health care sector should develop human resource strategies for communicable disease outbreaks that cover the diverse occupational roles, that are transparent in how individuals are assigned to roles in the management of an outbreak, and that are equitable with respect to the distribution of risk among individuals and occupational categories.
Ethical Issue 2: Restrictive Measures

During the SARS outbreak, a number of people, including health care staff, were ordered to remain at home to prevent spreading the disease. People faced the loss of income and possibly their jobs. The number of people affected could be far higher during a global flu pandemic, and people subject to restrictive measures will need to have their basic needs met, including some protection for their income and jobs.
Ethical Issue 2: Restrictive Measures

Recommendations

1. Governments and the health care sector should ensure that pandemic influenza response plans include a comprehensive and transparent protocol for the implementation of restrictive measures. The protocol should be founded upon the principles of proportionality and least restrictive means, should balance individual liberties with protection of public from harm, and should build in safeguards such as the right of appeal.

2. Governments and the health care sector should ensure that the public is aware of:
   i. the rationale for restrictive measures;
   ii. the benefits of compliance; and
   iii. the consequences of non-compliance.

3. Governments and the health care sector should include measures in their pandemic influenza preparedness plans to protect against stigmatization and to safeguard the privacy of individuals and/or communities affected by quarantine or other restrictive measures.

4. Governments and the health care sector should institute measures and processes to guarantee provisions and support services to individuals and/or communities affected by restrictive measures, such as quarantine orders, implemented during a pandemic influenza emergency. Plans should state in advance what backup support will be available to help those who are quarantined (e.g., who will do their shopping, pay the bills, and provide financial support in lieu of lost income). Governments should have public discussions of appropriate levels of compensation in advance, including who is responsible for compensation.
Ethical Issue 3: Priority Setting

One of the side effects of SARS was that people scheduled for important treatments, such as cancer surgery, had their care postponed. A number of hospital beds, staff and equipment were redirected to the public health emergency. These kinds of decisions will be even more prevalent during a flu pandemic.
Ethical Issue 3: Priority Setting

Recommendations

1. Governments and the health care sector should **publicize a clear rationale for giving priority access to health care services, including antivirals and vaccines, to particular groups, such as front line health workers and those in emergency services.** The decision makers should initiate and facilitate constructive public discussion about these choices.

2. Governments and the health care sector should **engage stakeholders** (including staff, the public, and other partners) in determining what criteria should be used to make resource allocation decisions (e.g., access to ventilators during the crisis, and access to health services for other illnesses), should ensure that clear rationales for allocation decisions are publicly accessible and should provide a justification for any deviation from the pre-determined criteria.

3. Governments and the health care sector should ensure that there are **formal mechanisms in place for stakeholders to bring forward new information, to appeal or raise concerns about particular allocation decisions, and to resolve disputes.**
Ethical Issue 4: Global Governance

In rural China, a farmer developed a chest infection and then family travels began a chain of events that spread the SARS virus around the world. In Geneva, WHO officials weighed the risk of further spread and issued travel warnings for several countries. The current avian flu virus is moving across vast distances, carried by wild birds. If this virus mutates to become transmissible among humans, the WHO will have to carefully consider travel advisories.
Ethical Issue 4: Global Governance

Recommendations

1. The World Health Organization should remain aware of the impact of travel recommendations on affected countries, and should make every effort to be as transparent and equitable as possible when issuing such recommendations.

2. Federal countries should utilize whatever mechanisms are available within their system of government to ensure that relationships within the country are adequate to ensure compliance with the new International Health Regulations.

3. The developed world should continue to invest in the surveillance capacity of developing countries, and should also make investments to further improve the overall public health infrastructure of developing countries.
Other Ethical Issues

• research ethics during a public health emergency

• ethical treatment of animals, such as the mass culling of poultry flocks

• compensation for affected farmers (loss of income resulting from mass culls)
For further information...

Full report available at:

www.utoronto.ca/jcb