

Adapted Summary of a Public Health Ethics Framework

Bernheim et al. (2009)

Ethics and the Practice of Public Health

January 2016

This short document presents an adapted summary of the framework proposed by Bernheim et al. in 2009. We originally produced this summary for use during a workshop offered at the Canadian Public Health Association Conference in May 2015.¹ We have adapted this and other summaries of frameworks and republished them together so that they might be used in combination with the very brief public health ethics cases that we have produced to date. They are intended to give public health practitioners some material for practice in ethical deliberation.

Bernheim and colleagues set out to produce a comprehensive framework for public health ethics “to guide ethical reflection, deliberation, and justification in practice” (Bernheim et al., 2009, p. 110). “The framework contains three main prongs: (1) analysis of the ethical issues; (2) evaluation of the ethical dimensions of the public health options; and (3) justification for a particular action” (p. 114). This document presents the three parts of the framework, each offering a series of considerations and questions to inform deliberation. It concludes by referring to a selection of resources for further reading.

1. Analyzing the ethical issues in context

“Because ethical reflection on any public policy issue takes place within a particular community with a unique history and culture, the framework specifically asks that the conflicting ethical tensions be clarified in the political-social context because ethical norms and tensions can vary from community to community” (Bernheim et al., 2009, p. 114).

- Are there public health risks and harms?
- What are the public health goals?
- Who are the stakeholders? What are their moral claims?

- Do the proposed activities fall within the accepted boundaries of public health action?
- Are there precedents/previous initiatives/other examples that can inform our thinking?
- Are there professional codes of ethics that can inform our thinking?

2. Evaluating alternatives in context

Will the public health goals be best achieved through the proposed action, program or policy, through a modified version or through an alternative approach? In answering this question, consider the following five ethical principles and how the affected community or communities would weigh or value them.

UTILITY

Does it produce the greatest sum of net benefits (benefits minus harms)?

DISTRIBUTIVE JUSTICE

Does it distribute the benefits and burdens most fairly?

PROCEDURAL JUSTICE

Does it give affected groups the best opportunity to participate in the decision-making process?

RESPECT FOR INDIVIDUALS

Does it best respect individuals’ autonomy, liberty and privacy?

RESPECT FOR PROFESSIONAL AND CIVIC VALUES

Does it best respect transparency, honesty, trustworthiness, consensus-building, promise-keeping, protection of confidentiality, and does it best protect individuals and groups from stigmatization?

¹ The PowerPoint and handouts are available online at: http://www.nchpp.ca/128/Presentations.ccnpps?id_article=1408



3. Justifying the intervention

“The framework includes six justificatory conditions... to provide a principled way to determine whether... choosing one action that promotes one value... warrants overriding other values [...] The conditions require that... the public health action must be effective, necessary, the least restrictive or intrusive means, proportional, impartial and be publicly justifiable” (Bernheim et al., 2009, p. 120).

EFFECTIVENESS

Is it effective at achieving the public health goals?

NECESSITY

Are the negative consequences necessary to achieve the public health goals?

LEAST INFRINGEMENT

Is it the least restrictive and intrusive way to achieve the public health goals?

PROPORTIONALITY

Will the expected benefits outweigh the negative consequences (including expected harms, infringements on autonomy, confidentiality and other values)?

IMPARTIALITY

Have the interests of all affected parties been given fair/equal consideration?

PUBLIC JUSTIFICATION

Can public health actors morally justify it to the public, and especially to those most affected, in a way that citizens could find acceptable?

Resources and additional reading

Adapted summaries of public health ethics frameworks and cases:

http://www.ncchpp.ca/127/Publications.ccnpps?id_article=1525

A repertoire of ethics frameworks for public health (with links to the documents):

http://www.ncchpp.ca/708/Repertoire_of_Frameworks.ccnpps

Population and Public Health Ethics: Cases from research, policy, and practice:

http://www.ncchpp.ca/127/publications.ccnpps?id_article=720

Example of the application of Bernheim et al.'s (2009) framework in practice:

Ruderman, R. (2013). Female Circumcision: The Ethics of Harm Reduction Policies. *Michigan Journal of Public Affairs*, 10, 95-107.
Retrieved from: <http://mjpa.umich.edu/files/2014/08/2013-Ruderman-FemaleCircumcision.pdf>

Reference

Bernheim, R. G., Nieburg, P., & Bonnie, R. J. (2009). Ethics and the practice of public health. In R. A. Goodman, R. E. Hoffman, W. Lopez, G. W. Matthews, M. Rothstein, & K. Foster (Eds.), *Law in Public Health Practice*, 2nd edition. Oxford: Oxford University Press.

Questions or comments?

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