Ethical Framework for Pandemic Response

Created by the Public Health Ethics Working Group – Ottawa Public Health

1. Guiding Principles that Justify Public Health Policies

- Protect public from harm
- Promote well-being

- Reasonable
- Responsive
- Least restrictive measures

- Utility
- Proportionality

- Equity
- Reciprocity

- Solidarity
- Transparency
- Accountability

- Fairness
- Trust
2. **Goals of the Pandemic Response**

   - **Protect and Promote Public Health**
   - **Foster Public Trust and Engagement**
   - **Restore and Maintain Social and Economic Functioning**
   - **Proportionate Restrictions on Civil Liberties**

**a) Protect and Promote Public Health**

i. Reduce overall morbidity and mortality by implementing restrictions to reduce transmission

ii. Protect health system capacity to respond to pandemic surge, inclusive of all health sectors

iii. Restore function of the health system to provide standard of care, inclusive of all health sectors

iv. Ensure vulnerable populations continue to have access to necessary health services despite “ramping down” in health sector that will be done to create capacity

v. Advocate for resources to protect those who remain at elevated level of risk despite restrictions (essential workers, high risk populations, vulnerable populations)

vi. Distribute benefits and burdens equitably across the population – meaning those who are the least advantaged should be prioritized for protection from the pandemic, as well as protection from direct or indirect harms associated with restrictions
vii. Identify and propose remedies to redress inequities and structural deficiencies that impact disadvantaged populations and that compromise the public health response.

viii. Identify emerging harms associated with the pandemic response, with a focus on already vulnerable populations whose disadvantage may be exacerbated.

b) Foster Public Trust and Engagement

i. Ensure clear, continuous and transparent communication about the status of existing measures, including restrictions.

ii. Remain transparent about uncertainties that challenge informed decision-making.

iii. Seek input from stakeholders, with priority on those who are most likely to be further or newly disadvantaged from the pandemic response.

iv. Ensure information base for decisions is high quality, and includes consideration of epistemic justice, including perspectives and information from those who have less access to power and platforms.

v. Commit to robust data-gathering, analysis and critical reflection to inform decision-making.

c) Restore and Maintain Social and Economic Functioning

i. Ensure restrictions are proportionate and do not unnecessarily disrupt societal functions, including important economic activities, education, and social services.

ii. Maintain proportionality and foster trust by identifying reasonable measures that would signal opportunities to relax restrictions.

d) Proportionate Restrictions on Civil Liberties

i. Ensure restrictions on civil liberties are rationally connected to the policy objective, are the least restrictive means available, and are proportionate to the objectives.

ii. Ensure privacy is respected to the greatest extent possible when conducting surveillance, including monitoring of digital information to identify movement.

iii. Prioritize public education regarding restrictions. Enforcement should be used judiciously and with appropriate oversight to maintain civil liberties.
3. **Justificatory Conditions for Relaxing Public Health Restrictions**

While the same guiding principles should be used to justify relaxation of restrictions, these decisions may need to be rendered under less certain and predictable conditions and will necessitate more ethically contentious tradeoffs between harms and benefits. This may challenge solidarity. As such, further justificatory conditions can be articulated to support decision-makers. While these conditions do not provide operational guidance, they can serve as a threshold test for an ethically credible response.

| Address inequities and protections | • Are existing and new inequities resulting from the pandemic response being addressed?  
• How are those most likely to be disadvantaged or harmed by relaxation of restrictions being supported?  
• Are reciprocal obligations to vulnerable populations identified and met? |
| Ensure stable health infrastructure | • Are resources sufficient to conduct extensive testing and contact tracing?  
• Does the health system have adequate capacity, supplies and human resources to provide usual care, as well as pandemic care?  
• Have targets for reductions in disease transmission and hospitalization been met? |
| Tradeoffs must be explicit, justified, and go beyond Public Health | • Do relevant authorities have a clear role in decisions about tradeoffs, which are likely to be contentious and include considerations beyond public health?  
• Is high quality information being used to justify tradeoffs between different categories of harms and benefits? |
| Communicate truthfully and transparently | • Are policy objectives and their justifications communicated openly?  
• Are uncertainties that could compromise informed decision-making acknowledged publicly? |
| Maximize inclusiveness | • Are relevant stakeholders included in decision-making, including the public?  
• Are vulnerable populations who will be most impacted by lessening of restrictions - and may have the least power - being engaged?  
• Is there a process for adjudicating disagreements between experts about policy objectives? |
| Revisit decisions frequently | • If decisions are provisional and made under uncertain conditions, is there a process to ensure these justificatory conditions continue to be met?  
• How will the relative success or failure of decisions be measured and evaluated, and at what intervals?  
• Are sufficient data and information being gathered to increase the quality of decisions over time? |
Authorship

This framework was developed by the Public Health Ethics Working Group, which was created to support Ottawa Public Health during the COVID-19 pandemic.

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