ETHICS FRAMEWORK

Decisions & Actions

Outcomes
Demonstration of values in behaviors, actions and communications.

Supporting Structures
Policies, procedures, pathways and systems make it easy to do the right thing.

Systems & Processes

Roots
Shared beliefs, habits and expectations encourage ethical reflection and decision-making.

Culture & Environment
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Acknowledgements

This Ethics Framework was authored by the Office of Clinical & Organizational Ethics and the HHS Organizational Ethics Committee. HHS gratefully acknowledges the many excellent resources that inform this framework, including:

- The HHS “Ethical Decision-making Toolkit,” developed by the Clinical Ethics Committee (2006)
- Veterans Health Administration (USA), National Center for Ethics in Health Care, Integrated Ethics resources (2007)
Introduction

Growing an Ethical Culture

Ethics is part of daily life. Our decisions and behaviours are grounded in our individual and collective values. Ethics is not just about following rules. It is about stopping to reflect on values, consequences and options, and it is about making choices, considering different principles, harms and benefits.

Healthcare organizations and personnel have particular ethical obligations stemming from their responsibilities to: a) treat illness and enhance wellness for patients and families; b) use public funds wisely; c) be a good employer; d) encourage ethical research and innovation; and e) develop the next generation of healthcare personnel. Hamilton Health Sciences (HHS) has adopted an Integrated Ethics framework and a number of supporting structures and resources to grow an ethical culture across the hospital, from beside to boardroom (see cover illustration).

The values of HHS are:

- Respect
- Caring
- Innovation
- Accountability

HHS has a Values-Based Code of Conduct designed to bring the value of RESPECT to life in the workplace. The Code of Conduct applies equally to everyone, at all levels in the organization, to promote a collegial and positive work environment.

Resources

A variety of resources are available to patients and families, as well as HHS staff, leaders, trainees, physicians and volunteers, to assist in addressing the variety of ethical concerns and issues that typically occur in hospitals. The HHS Ethics Framework provides a summary of these resources.

The Ethics Framework has three sections:

1. **Section I – Ethical Decision-Making Process** outlines a step-by-step process that can be used to help identify and address ethical issues as they arise.
2. **Section II – Ethics Questions and Resources** describes how to connect to the right people to help with issues related to: Clinical Ethics, Human Rights and Internal Audit, Research Ethics, Patient Experience, and Privacy Ethics.
3. **Section III – Ethics Policies** includes a list of the HHS policies most commonly used to address ethical issues

Ethical issues often challenge our core values, beliefs and identities; these issues frequently cause emotional upset and moral distress. HHS has many resources for emotional support for staff, patients and families, including, your team’s social worker or spiritual care provider (available through paging at 905-521-2100, ext. 76443) and the Employee Assistance Program for staff (call 905-521-8300).

Feedback

We appreciate feedback and suggestions about this Ethics Framework; please send comments to officeofethics@hhsc.ca.
Section I: Ethical Decision-Making Process

Everything we do in healthcare is value-laden; sometimes our values—like caring and accountability—come into conflict, resulting in an ethical dilemma. Often these situations have significant consequences for the people involved, so it is important to engage in a fair decision-making process that considers all perspectives. Although there may not be an answer that pleases everyone, a fair decision-making process can help people feel more comfortable with the outcome. The HHS Ethical Decision-Making Process is designed to support inclusive, transparent and rigorous decision-making, and to consider the pros and cons of various options, to help teams identify justifiable choices.

It may be useful to imagine ethical decision-making as akin to building a house. When we encounter ethical dilemmas our first instinct may be to go with our gut reaction; however our desire for resolution may cause us to overlook important facts, values or perspectives. Ethical decision-making starts with a strong foundation, based on a clear understanding of the nature of the problem and all relevant facts, values and perspectives, before deciding on options, weighing those options, and making a final decision. This process is captured in the acronym ISSUES, depicted below. Although the steps in the process are numbered, ethical decision-making is iterative, so you may have to revisit earlier steps as you think more deeply about the situation.

**Ethical Decision-Making: ISSUES**

<table>
<thead>
<tr>
<th>Steps in Ethical Decision-Making: ISSUES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Identify the issue and best decision-making process, including all stakeholders</td>
</tr>
<tr>
<td>2. Study all the relevant facts, including the context, patient/family perspectives, and staff/physician concerns.</td>
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<tr>
<td>3. Select reasonable options; try to identify more than two options.</td>
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<tr>
<td>4. Understand values &amp; duties; identify professional and legal standards and principles.</td>
</tr>
<tr>
<td>5. Evaluate &amp; justify options; choose the option with best alignment to duties, principles and values; as well as most benefits and least harms.</td>
</tr>
<tr>
<td>6. Sustain and review the plan; identify how to communicate and document the decision; consider “lessons learned” for future cases.</td>
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</tbody>
</table>

It may be helpful to use a worksheet to support the process of ethical decision-making process. Click [here](http://corpweb.hhsc.ca/body.cfm?id=376) to view the Clinical Ethics Decision-making Guide and Organizational Ethics Decision-making Guide. You may also refer to the appropriate policy for guidance (see Section III below for a list of ethics policies). If you can’t resolve the issue using this process, contact the appropriate resource outlined in Section II.

More information about Ethical Decision-Making is available at the HHS Office of Clinical & Organizational Ethics Intranet site on the Resources page: [http://corpweb.hhsc.ca/body.cfm?id=376](http://corpweb.hhsc.ca/body.cfm?id=376)
Section II: Ethics Resource Overview

Choose the Best Resource

HHS supports you in making good ethical decisions. Follow the diagram below to determine the service that best matches your concern or question.

Do You Have an Ethics Question?

- Are you wondering “What is the right thing to do?”
- Are you feeling caught between two or more obligations such as promoting well-being and respecting choice?
- Do multiple options seem right, or seem wrong?
- Are you concerned about how to protect others from harm?
- Is there no clear policy, law or standard way forward?
- Would you describe yourself and others as feeling moral distress over an issue?

Step 1: Apply the Ethical Decision-Making Process (see Section I above) or refer to appropriate policy (see Section III)
Step 2: Contact the appropriate resource below

Does the question involve disagreements, concerns or uncertainties about a patient’s care?

Clinical Ethics Consultation
See page 6

Does the question involve abuse, harassment or discrimination? Is it about financial misconduct, insider or personal trading?

Human Rights and Internal Audit
See page 7

Does the question involve concerns about research?

Research Ethics
See page 8

Does the question involve concerns re: quality of care, patient experience or clinical risk or legislative issues?

Patient Experience
See page 9

Does the question involve access to, disclosure or use of personal health, business or staff information?

Privacy
See page 10

If you have a question regarding an organizational ethics issue, or you are not sure whom to call, please contact the Office of Clinical & Organizational Ethics at 905 521-2100 ext. 73661 or email officeofethics@hhsc.ca and your question will be directed to the most appropriate place.
Clinical Ethics Consultation

Facing Difficult Choices

Patients, families, staff, doctors, leaders and trainees make up the health care team. Health care teams make ethical decisions every day in caring for patients. Typical ethical questions include:

- **What** should we do? (What actions are good or right?)
- **Why** should we do it? (Exploring the reasons for our decisions.)
- **How** should the decision be made, and **who** should make it?

Some situations are more complex and require difficult decisions where there are no clear answers. In such cases, teams may contact the Clinical Ethics Consultation Service for support. **Any** member of the health care team, including patients and families, may contact the Clinical Ethics Consultation Service for support.

When should I contact the Clinical Ethics Consultation Service?

Common situations where Ethics Consultants can help, include:

- disagreements regarding the goals of care for a patient
- uncertainty about how to make decisions for a patient who lacks capacity to make his/her own decisions
- doubt regarding which particular treatments or options are best for patients

NOTE: Ethical questions or concerns about complex or challenging discharge plans for patients, can also be addressed by staff from the Office of Community Connections and Transitions. They can be reached at 905-521-2100, ext. 42041 or by email at: dischargespecialists@hhsc.ca. For more information see: http://corpweb.hhsc.ca/body.cfm?id=196

What is involved in an Ethics Consultation?

**Ethics Consultants do not make decisions for others**, but they do assist the process of making ethical decisions by:

- ✓ making clear the patient’s goals, values, wishes and best interests
- ✓ discussing the facts of the situation with everyone involved to make sure that the issues, choices and likely outcomes are clearly understood
- ✓ exploring ethical values, principles, norms, policies, standards and resources
- ✓ mediating and resolving conflicts between parties
- ✓ providing retrospective debriefing of difficult cases

Consultations can consist of a simple phone call or a series of meetings, depending on the complexity of the situation. Ethics Consultants respect the privacy of everyone involved, within legal limits.

How do I access the Clinical Ethics Consultation Service?

Call 905-521-2100, ext. 76443, and ask to page the Ethics Consultant on call. Leave your name and the phone number. An Ethics Consultant will call you back shortly. Ethics Consultation is available Monday to Friday from 9:00 am to 5:00 pm.

More information is available at: www.hamiltonhealthsciences.ca/ethics or by calling the Office of Ethics at ext.73661 or email: officeofethics@hhsc.ca
Human Rights and Internal Audit

Office of Human Rights

The Office of Human Rights is a confidential and neutral environment for staff, physicians, learners, patients and families to utilize regarding human rights concerns, conflict situations and difficult conversations. It provides alternative dispute resolution processes, including facilitated discussions, mediation and other restorative practices. The Office of Human Rights has specific responsibilities to manage complaints related to harassment, discrimination and misconduct.

When should I contact the Office of Human Rights?

- If you believe you have experienced or witnessed harassment or discrimination under the Ontario Human Rights Code (specifically discrimination on the basis of: age, disability, family status, marital status, race, language, colour, ancestry and ethnic origin, place of origin, citizenship, creed, record of offences, sex, gender identity, gender expression, sexual orientation)
- If you are experiencing a significant workplace conflict, including a violation of the HHS Values-Based Code of Conduct
- If you are seeking education or information about matters related human rights, diversity/inclusion and conflict resolution
- If you wish to use the Whistleblower Protocol to report misconduct related to: violation of law, rule, regulation or policy; gross mismanagement; gross waste of funds; abuse of authority; theft or fraud; substantial and specific danger to public health; substantial and specific danger to public safety.

How can the Office of Human Rights help?

- Confidential support and information about your options (re: discrimination, harassment, workplace conflict or whistleblowing)
- Consults with Internal Audit and other HHS resources, as needed
- Education and capacity-building for teams related to human rights, diversity/inclusion and conflict resolution

What is the role of the Department of Internal Audit and how can they help?

- Internal auditors support efforts to establish an organizational culture that embraces ethics, honesty, and integrity. They assist management with the evaluation of internal controls used to detect or mitigate fraud, and are involved in any fraud investigations when needed.
- The Office of Human Rights involves Internal Audit in reviewing complaints submitted under the Whistleblower Protocol related to reviewing allegations of financial misconduct or irregularities.
- You may also contact Internal Audit if you have access to information about a new product or innovation that could influence the price of a stock, and want advice to avoid insider trading.

How do I access the Office of Human Rights?
The Office of Human Rights can be reached by calling 905-521-2100, ext. 73475 from Monday to Friday, 8:30am to 4:30 pm or email

How do I access Internal Audit?
Internal Audit can be reached by calling 905-521-2100, ext. 74593 from Monday to Friday, 8:30am to 4:30 pm or email:
Research Ethics

Healthcare research may involve not just hospitalized patients, but also people seen in outpatient clinics and programs, their families and caregivers, as well as university students, children, hospital volunteers, and people in the general community. Research on humans cannot take place without it being reviewed and considered safe by a group of people who are trained and experienced to do so.

The Hamilton Integrated Research Ethics Board (HiREB) is a subcommittee of the Hospitals’ Medical Advisory Committees and is a jointly constituted board of St. Joseph's Healthcare Hamilton, Hamilton Health Sciences and McMaster University's Faculty of Health Sciences. It is committed to protecting research participants by ensuring that all research involving humans is both scientifically valid and ethically sound. Our mandate is to safeguard the rights, safety and well-being of all research participants. HiREB operates under the principles of the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS2), and the International Conference on Harmonization: Good Clinical Practice (ICH GCP).

What does the HiREB do?

All research projects involving McMaster University, St. Joseph's Healthcare Hamilton and Hamilton Health Sciences physicians, staff, students, or patients, must obtain ethical approval from the HiREB before research can begin.

The HiREB reviews and approves research projects, ensuring they meet acceptable ethical and scientific standards. The HiREB also provides advice on the ethical, scientific and technical aspects of planning research projects.

When do I contact the HiREB?

Researchers/Staff: Prior to submission of a new study, researchers/staff are welcome to contact the office for support and assistance in completing the application form. The Office mandate is to provide direction and education to researchers and to provide both one-on-one assistance or arrange education sessions to larger groups on specific topics if requested. The HiREB website outlines the two monthly submission deadlines and meeting dates.

Patients/Families: For questions about patient rights as a research participant, please contact the Office of the Chair of HiREB at 905 521-2100, ext. 42013. (This information is also included on the Information & Consent form given to research participants during the consenting process.)

Further information on Research Ethics and the HiREB is available at: www.HIREB.ca
Patient Experience

Office of Patient Experience

The Patient Experience Team provides leadership and support throughout Hamilton Health Sciences to promote an excellent patient experience including support for: quality of care, patient safety, patient relations and reducing clinical risk. The Office works with patients and families who may have questions or concerns about the care being provided. The Patient Experience Team will also provide support to healthcare teams seeking help with complex patient situations.

When should I contact the Office of Patient Experience?

Common Situations where the Patient Experience Team can help include:
- Working through concerns you may have about patient care
- Working through a serious patient occurrence
- Providing guidance on government legislation/legal issues related to patient care
- Providing advice on ways to improve the patient experience
- Providing advice on addressing patient safety issues

NOTE: Ethical questions or concerns about complex or challenging discharge plans for patients, can also be addressed by staff from the Office of Community Connections and Transitions. They can be reached at 905-521-2100, ext. 42041 or by email at: dischargespecialists@hhsc.ca. For more information see: http://corpweb.hhsc.ca/body.cfm?id=196

How will the Patient Experience team help?

- Support the communication between the team and the patient/family in order to ensure the best care and experience for patients and families.
- Provide consultation to health care teams in the areas related to:
  - Potential serious occurrences and disclosure of harm
  - Questions or issues related to consent/capacity and Substitute Decision Makers/Power of Attorney
  - Managing clinical risks/legal questions related to care
  - Providing direction related to legislative obligations/concerns
  - Concerns related to quality of care and safety

How do I access the Patient Experience Team?

The Patient Experience Team can be reached by calling the main intake line at 905-521-2100, extension 75240 from Monday to Friday, 8:30am to 4:30 pm. The Patient Experience co-ordinators will take your information and forward this to the appropriate team member.

The team is also available via email at patientexperience@hhsc.ca OR dl-QualityofCareConsultants@hhsc.ca
Privacy Ethics

There is a fundamental ethical obligation to carefully protect the personal health information that is given to Hamilton Health Sciences and its agents in the course of providing or assisting in the provision of care to our patients. The Privacy Office supports and assists the staff, physicians, patients and families at HHS, to ensure the protection of the personal health information of our patients, and the employment data or personal information of our staff.

When should I contact the Privacy Office?

Some typical privacy questions include:
- Can a patient/SDM request to access, correct or restrict access to personal health information?
- Is it acceptable to disclose personal health information to someone not providing care or for a purpose that is not related to providing patient care?
- What do I do if I have lost a patient’s personal health information (i.e. made a privacy breach)?
- Who can gain access to HHS business records?

How will the Privacy Office help?

The Privacy Office was established to be a resource for privacy issues and to:
1. Facilitate compliance of HHS and the governing board with legal requirements as identified in the Personal Health Information Protection Act of Ontario.
2. Respond to inquiries or complaints from the public about HHS information practices.
3. Respond to inquiries from staff about HHS information practices with respect to employment information.
4. Respond to client's requests for access to or correction of health information that is under the ownership of HHS.
5. Ensure that all agents of HHS are informed of their duties under the Personal Health Information Protection Act of Ontario through education and capacity-building.

How do I contact the Privacy Office team members?

Details regarding Privacy and Freedom of Information, HHS policy and procedures, answers to Frequently Asked Questions and education resources, are available via the HHS Intranet site: http://corpweb/body.cfm?id=110 or the Internet site: http://www.hamiltonhealthsciences.ca/body.cfm?id=1759

The Privacy Office can be reached by called our main line at 905-521-2100 extension 75122 from Monday-Friday 8:00 am to 5:00 pm or via email at privacy@hhsc.ca.

Note: Please do not email personal health information from external email addresses.
The various ethics resources across HHS are linked to support the goal of integrating ethics from bedside to boardroom by enhancing HHS’ ethical culture and environment, enriching systems and processes, and ultimately improving the quality of our services.

The Integrated Ethics Council is a senior level body responsible for the ethics framework and for reviewing trends in ethics issues across HHS. The Clinical Ethics Committee and the Organizational Ethics Committee report on both clinical and corporate ethical issues and trends to the Council on a quarterly basis, to identify opportunities for improvement. The Integrated Ethics Council reports to the HHS Executive Council and HHS Chief Executive Officer who ultimately reports into the Quality Committee of the Board and the Board of Directors, as depicted below.

HHS is host to the area’s Regional Ethics Network (REN) linking HHS to a number of partner health service organizations across the HNHB LHIN. The purpose of the REN is to identify larger scale ethics trends and to develop ethics capacity and consistent practices across the regional health system with a goal of enhancing continuity of care for patients across the region.
Section III: Ethics Policies

HHS has many policies to address a range of ethical issues. The following is a list of policies related to issues frequently encountered in healthcare. For an exhaustive list of HHS policies, please click here to visit the Policy Library.

Clinical Ethics Policies (directing patient care):

Child – Jehovah’s Witness Patients Under 16 Years of Age & Blood Products/Transfusion

Clinical Ethics Consultation Protocol

Conflict Resolution Protocol (pending)

Consent, Withdrawal or Refusal of Consent for Treatment Policy

Discharge Planning Protocol

Disclosure of Harm Policy

Privacy Policy

Quality End of Life Care Protocol

Treatment of Non-Resident Patients - Non-residents of Canada

Uninsured Patient Access to Non-Urgent/Elective Treatment

Organizational, Research and Governance Ethics Policies:

Conflict of Interest - Code of Conduct

FINANCE - Insider and Personal Trading Policy

Financial Conflict of Interest in Public Health Service (PHS)-sponsored Research

HR Confidentiality

Values Based Code Of Conduct Protocol

Violence in the Workplace Policy

Whistleblowing Protocol