



Compilation of Summaries for "Ethics in Occupational Medicine"

Introduction to Ethics

Xaver Baur

Because of its very nature, occupational medicine is more intimately involved in economic and social issues than other medical disciplines, especially because of the potential conflict of interests between workers and employers. Occupational medicine is more vulnerable to attempts at unethical behavior and, therefore, requires a specific code of medical ethics.

In order to achieve the medical objectives of sickness prevention, health protection and support of people at work, it is necessary to strengthen the independence of the occupational medicine practitioner and ensure their physical, mental and social well-being (see WHO 1986 , 2005). Different from other medical disciplines, the occupational physician is confronted with entirely different motivations in their daily routine, namely productivity and profitability. Measures for the preservation of a healthy workforce are a long-term investment, which in many current corporate strategies is a benefit that has not been fully appreciated.

Occupational health practice in the area of ethical standards and corporate life from the perspective of the Federal Ministry of Labor and Social Affairs

Cornelia Fischer

Modern occupational safety has its legal basis in the civil rights declaration of the German constitution. The state has a responsibility for occupational safety, to ensure the health and safety of employees at work and that work is organized in a humane

and equitable manner. German Occupational Safety and Health conforms to European and international influences.

The Occupational Safety and Health Act of 1996 as an important basis for the law in operational with the employer assuming full responsibility for the safety and health of their employees. The Act is general in nature and provides flexibility for companies to undertake the necessary protective measures according to the local requirements of the operation, with professional support from occupational safety and health professionals, particularly doctors, as well as operational security professionals. For everyday occupational health in practice, it must be emphasized that trusting relationships must be created and maintained between the doctor and the employer as well as the employees, with the Hippocratic Oath providing the fundamental basis of patient autonomy. The provision of information and advice has become a prominent role. This also applies to occupational health screening and the satisfaction of statutory criteria for honouring voluntary participation and self-determination. Even in the tension of everyday operational requirements, the physician must always hold precepts these as paramount. A code of ethics for medical professionals in health and safety has been tackled by the International Commission on Occupational Health (ICOH). The ever new diagnostic and therapeutic procedures, new socio-structural trends and major fluxes in job content and work environment mean that the discussions of ethical considerations in occupational health and its practice will never be concluded. The Federal Ministry of Labor and Social Affairs will continue to provide the fundamental basis of a modern legal framework.

The contribution of business ethics to the ethical challenges of occupational medicine

Michael Litschka

The reflections and possibilities of occupational physicians in the ethical arena in respect of the individual are presented. Three levels of ethical analysis were considered between the occupational physician and the representatives of the companies as well as their employees, covering the micro-level of individual ethics and the ethics of the organization in the meso and macro-levels of economic system policy.

Some results from an empirical study on behalf of the Austrian Academy of Occupational Medicine were also compared with expectations. The survey of Austrian occupational physicians work was performed at the three aforementioned ethical levels. The main ethical conflicts of occupational medicine in the business

context concerned communication problems, poor integration into corporate strategy, circumlocuted occupational health measures and belittling of dangers, conflicts with employers and works councils, as well as a general lack of knowledge of the enterprise strategy. Generally, ethics is given a low priority in most business organizations (no codes of ethics or ethics training, etc). Improvements in this situation are less likely to proceed from legislation but rather from occupational health training which incorporates ethical considerations.

Occupational medicine and ethics from a trade union perspective

Hans-Jürgen Urban

The current changes in the economy and working environment are a major challenge to all sickness-prevention and health-promotion professionals. Occupational Medicine has a special responsibility at the forefront to alleviate these ramifications for the individual worker. The medical mission, however, is greater than only concern for the individual as it strives to improve the working conditions and practices appropriate to the human condition. Ethical responsibility must always be centered on the working man – necessarily the least protected and most vulnerable of human beings. Attitudes of occupational medicine or health care management that are primarily based on guaranteeing or selecting out workers for maximum performance are inappropriate here. Considerations of the current political situation are contrasted with the current problems and dilemmas of occupational medicine to produce an ethical postulate of Occupational Medicine that complement the requirements and perspectives of the trade unions in occupational health practice.

Occupational Health from the perspective of the unions: implementing legal precepts and the broader ethical guidelines

Hanns Pauli

Occupational medicine is constantly faced with the changing demands of working attitudes and practices. The operational reality goes beyond the traditional dangers of simply an accident into a diverse spectrum of risks from dangerous or biological materials, through stressful exposures and noise, to the psychological pressures of people and organizations. This complex spectrum leads to high expectations from the medical and scientific experts, confabulated by the ethical responsibilities and social organization of the work force in health-care operations. From the trade union perspective, these issues can only be fulfilled when the appropriate framework for the operational cooperation, in particular for the cooperation between doctors and workers' councils, is based on statutory rules. The operational and external

environment must be supportive so that the doctors can concentrate on their main priority - the workplace. This has been the guiding image of an independent and advisory medical tradition.

Occupational health practice in the areas of ethical standards and corporate life from the perspective of the employer

Eugen Müller

One of the constants of this work is its constant change, caused by technological developments and innovations, based on work practices and work organization implications, as well as social and economic conditions. A special role of future demographics will increasingly influence the structure of the labor force. Many companies are also in a global competition, whose demands and conditions cannot be evaded when personal existence, jobs and employment in Germany are to be secured. Economic constraints and ethical considerations are not in contradiction. Companies must and do see occupational health and safety not only as a legal obligation and economic advantage but also as a social responsibility and humanitarian endeavour. Occupational medicine is a medical specialty that - more than other medical disciplines – is particularly involved in economic and social realities. The aim of Occupational Health is minimize the incidence and consequences of work-related accidents, occupational diseases and, in particular, work-related diseases. Its primary modus operandi is in the work of doctors in conjunction with employers, occupational health and safety managers, safety professionals and employee representatives.

Occupational health practice to ethical standards in corporate life

Joachim Stork

In discussions about the ethical challenges for practicing physicians, two issues are paramount:

1. the conflicting interests of the business partners operating in the field of occupational health and safety and the potential curtailment of the independence and professional freedom of the doctor, and
2. the new human genetic diagnostic techniques with their possibility of improved health and prediction of severe disease could, conversely, represent a restriction of personal rights and exclude people from employment.

Although these concerns are justified to some extent, they do not impinge on everyday practice as much as is stated. In fact, a much greater danger is that the medical expertise is not taken seriously or inadequately implemented because

company doctors are pressurized into conforming with predefined positions in the interest of the business.

In this paper, it is considered that the major ethical challenges for practicing physicians is not only the highly demanding technical matter itself but also the complex and often conflicting goals demanded by all of the various proponents involved within a company, which fail to identify an unerring and incontrovertible primary mission statement. In this respect, the following aspects should be addressed as a priority:

1. the essential tension within the primary objectives of occupational medicine (prevention of hazards versus maintenance of employability),
2. the necessity to react rapidly and effectively, for the benefit of either or both the company and an individual, when the scientific or empirical evidence is often inadequate or non-existent, and
3. the challenge of operating in a strong and constructive role for the constructive shaping of effective occupational health management.

Ethical aspects of occupational health assessment from the perspective of social justice

Wolfgang Keller

Conformity to high ethical standards is absolutely required before being able to operate as an independent medical advisor or assessor. Behavioral guidelines determine that the expert must be impartial and independent, avoid any appearance of favouring the interests of stakeholders or of identifying with them. Specifications and contractual restrictions can only be acceptable if they are objectively justified. Extreme caution is necessary to ensure the correct choice of an assessor. Important requirements in an independent assessor are open-mindedness, objectivity, diligence and a realistic assessment of their own capabilities.

Occupational health practice in ethical standards and corporate life from the perspective of the statutory accident insurance association (DGUV)

Stefanie Palfner

The statutory mandate and the legal framework provide a solid basis for the operation of the accident insurance institutions and their members' association, the German statutory accident insurance association (DGUV). The evaluation of diseases for which an occupational cause is suspected means that a great responsibility has to be exercised, as the statutory accident insurance institutions are trying to contribute to the standardized conditions for good technical and medical

evaluations to be performed. The consideration of the current state of the science and research, as well as the legal requirements for establishing causality and probability, are the cornerstones of the quality of the advice. Trust and cooperation between all parties is indispensable for a correct assessment in individual cases, just as it is needed for the further development of occupational disease law.

Ethical aspects of occupational health assessment from the perspective of the industrial physician

Ulrich Bolm-Audorff

A number of ethical considerations impinge on the assessment of an occupational accident by the insurer and the courts. Issues include the duration of the procedure, which should not be longer than one year, the independence of the specialist assessors and the fact that the employees do not suffer from the investigations of the experts. But the most crucial decision for the outcome of the occupational disease assessment procedure is the selection and constitution of the medical expert panel. Prevailing case law declares that there a variety of possible reasons for a bias that can compromise the medical opinion of an expert, with economic dependency also influenced by a multitude of controlling and pressurizing aspects.

Ethical issues in connection with fatal work-related diseases

Hans-Joachim Woitowitz and Klaus Norpoth

Legal rights in work-related sickness were primarily established at the beginning of the last century for acute problems and accidents in the workplace. In the meantime, it has emerged that the most deadly diseases are chronic manifestations and their manifestations are diametrically opposed to these precepts enshrined in law. Scientific enquiry has revealed that a characteristic of these diseases is a latency period that can exceed 40 years. As a result, the burden of proof has naturally concentrated on the negative consequences and retrospective evidence in the establishment of liability and causality. These "eerily late" occupational exposure scenarios from the consequences of technology in business have resulted in an observed cancer mortality of about 25%.

The Occupational Safety Act requires that employees are not only investigated but also that *the possible causes of work-related diseases are investigated and evaluated*. Scientifically supported and, therefore, legally substantive results of such evaluations in occupational disease fail to cover any of the (n = 135) K 2-carcinogens listed for the manufacturing or processing industry - nor even those wellknown from epidemiological studies of various professions.

A central problem is the specific compliance with ethical medical principles during causality assessments by occupational health practitioners. An approach for the establishment of ethical guidelines by the German Society of Occupational Medicine and Environmental Medicine "for the victim to be rehabilitated or retrained to his work environment as well as possible, with compensation facilitated by an objective and professional assessment by the assembled experts", as well as the fundamental legal and moral obligations of our medical profession, would suggest that much persuasion remains to be done.

Conflict areas arise not only from the critical confrontation demanded by modern adversarial legal practice, and the diversity of opinion from the assembled medical experts, but also from the special nature of a doctor-patient relationship. Decisions are sometimes formed irrationally and independently of an accrual of scientific evidence. It is especially the case in the assessment of extended latency periods of fatal damage that official findings are often deficient or inadequate - in addition to conflicts through the influence of external interests. An effective resolution of these problems can only arise from a considerable investment of both time and resources as well as the full compliance by the medical profession to accepted ethical principles.

Ethical aspects of research and research in occupational medicine

Dennis Nowak

Medical research regularly experiences the potential for conflict, arising from the differing expectations of patients, companies, financial supporters and even the scientific community, the scientists themselves. This chapter outlines four problem areas of research and research in occupational medicine.

Issue 1 – Methodological and the choice of materials and methods. By making a particular choice, whether consciously or not, particular results or outcomes may be more favoured than others.

Issue 2 - Individual prevention and genetic screening in occupational medicine. It is claimed that genetic screening is ethical for it can be of preventive benefit to an individual, but this is still far from realization.

Issue 3 is concerned with the threat to scientific integrity in occupational medicine research. The key message is that the source of funding is often a good predictor of the results obtained and reported. Being beholden to two masters can also be a problem for scientists as well.

Issue 4 considers the dwindling independent research capacity in occupational medicine and possible remedies. An internationally competitive university research

capacity must be established that is independent of interest groups and financial supporters.

Position of the Ethics Commission in occupational health research

Stephan Letzel

The position of the Ethics Commission in occupational medicine does not differ in principle from that in other medical disciplines, so that occupational health research also must conform to the ethics advice from the relevant ethics committee. The tasks and objectives of a medical ethics committee are based in law and the specific requirements for research projects generally fall under the jurisdiction of the Medicines Act and the Medical Devices Act, which have little direct relevance to occupational medical research.

Ethical principles in the funding considerations of the German Research Federation (DFG)

Volker Wiesenthal

The scientific basis for ethical behavior in research supported by the principle funding authority, the German Research Federation (DFG, Deutsche Forschungsgemeinschaft) is provided in a memorandum with recommendations for "safeguarding good scientific practice" developed by a panel of ombudsmen for the DFG. The principles of good scientific practice are the core scientific activities from a scientific point of view.

The scientific merit of the application is central to the allocation of funding by the DFG. To ensure equal chances of success, a uniform, transparent and fair appraisal system is vital. Both the DFG and the fund recipient are subject to all relevant laws and regulations within the scope of good scientific ethical principles. Variations in the rules of conduct and the relevant legal principles as applied to occupational health research relevant are elucidated.

Ethical principles and scientific objectivity in the publication of findings

Hans Drexler and Karl-Heinz Schaller

Ethical principles play an important role in the publication of scientific findings. Scientific objectivity is an indispensable part of the research ethics. An otherwise scientifically objective and important research advance is unethical when, for example, the health of subjects is threatened or their dignity violated. The editor of a scientific journal must be aware that this is an obligation incurred upon the

acceptance of a manuscript that is often far-reaching and may have ramifications far beyond the immediate realm of the research journal.

The veracity of the published results are not the only concern but also the socio-political implications of placing the results in the public sphere. The authors are also subject to the generally accepted scientific and ethical codes as well. Other concerns exist about who is entitled to authorship in a publication, as well as the avoidance of plagiarism or exclusion of contributors, and respect for ethical principles in the experimental design (Declaration of Helsinki, animal welfare constraints). If misconduct (science fraud) is suspected then all parties (printer, publisher, institution, researchers and independent scientific assessors) must proceed rapidly and decisively to resolve this issue, in an appropriate manner that maintains public and professional confidence in the scientific establishment.

Freedom of publication and bearing responsibility for a publication

Wolfgang Ahrens and Ingeborg Jahn

The publication of research results is essential for both applied medical research as well as biomedical and health research. It is a necessary contribution for scientific progress and provides crucial insights for the application of knowledge in the prevention, preparedness and practice of clinical medicine. The constitution protects the freedom to publish research findings although, in practice, it is not uncommon for conflicting interests of stakeholders to be the basis of protracted negotiations. The balancing of economic priorities and the objectives of a comprehensive health service are well-known sources of tension in the field of occupational medicine. The particular interests of the participants, especially the researchers and the financial sponsors of the study, as well as the participants themselves and the general public, are introduced and compared in respect of publication rights, publication requirements and forms of publication. The responsibilities demanded of researchers in their freedom to publish and consequent publishing responsibilities are enumerated. Typically, for research funded by third-party research contracts, issues arising from publication rights must be correctly regulated. The relevant clauses and their legal and ethical ramifications are described in detail. Cooperation agreements between research groups are also elucidated. From these considerations, good practice guidelines and an ethical code, derived from many years of experience, are recommended for practical implementation to ensure that the both the accessibility and right to publish scientific results are promoted and secured.