MEETING OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

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Consideration of the content, promulgation, and adoption of codes of conduct for scientists

COMMON ELEMENTS OF CODES OF CONDUCT (II): PROFESSIONAL ASSOCIATION CODES

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Introduction

1. Codes of Conduct in Canada are meant to reflect the value of research to advance knowledge, while always protecting the best interests of the general public. Norms for ethics are developed and refined within a constantly evolving societal context. This includes the need to continually advance the frontiers of research and for researchers to continually engage in increasing their knowledge, while at the same time maintaining their moral imperatives, ethical principles, and the law. While these are core principles that a given code of conduct should strive to address, it is nevertheless difficult to produce one code which will encompass all the various aspects that concern the different areas of biotechnology. To this end, rather than describing in detail the various codes of conduct in Canada, or trying to create a new all-purpose code of conduct, this paper, along with its two sister papers on governmental codes and academic codes, will examine some of the primary common elements from the various Canadian codes, as well as particularly innovative individual items, and put these forward as items that can be drawn upon to create a new, effective code(s) for the activity of a professional association. While the background papers already prepared by the Secretariat have provided an overall insight on the broad subject of codes, the following paper will provide more in-depth information and cite specific examples of various professional codes of conduct that are currently in effect in Canada.

Main Elements of the Professional Codes

2. Professional Association Codes are specifically directed at researchers and scientists who are members of a given association body. There are a wide variety of these professional bodies,

each with its own particular set of circumstances which dictate the need for a different type of code. The following represent a selection of professional life sciences codes in Canada, the main statements of which are as follows:

i BIOTECanada: While Biotechnology can provide useful tools for combating disease, hunger and environmental contamination it can also raise important ethical issues. These issues can evolve quickly as biotechnology becomes increasingly pervasive and complex. BIOTECanada aims to provide a code of conduct that will keep pace with this constant state of change.

ii Canadian Anesthesiologists' Society: This code expresses the importance of adhering to the TriCouncil Policy statement (See Canadian working paper on governmental codes). The society also notes that the "Cardinal Principle is respect for human dignity."

iii Canadian Association of Pathologists: This is intended to be useful as a guide to physicians faced with ethical decisions in their practices. It does not have the power of law, but represents the standards of the profession, as established by the physician's peers, against which one can measure appropriate ethical conduct.

iv Canadian Association of Radiation Oncologists: This code expresses the ethical and moral values of the organization, with a view to quicken and inform the conscience. The aim of the code is to establish an ideal of professional conduct and signal the association's moral commitments to those who depend upon its members for services.

v Canadian Council on Animal Care: The code states that the use of animals in research, teaching, and testing is acceptable only if it promises to contribute to understanding of fundamental biological principles, or to the development of knowledge that can reasonably be expected to benefit humans or animals. Animals should be used only if the researcher's best efforts to find an alternative have failed.

vi Canadian Medical Association (CMA): This is an ethical guide for Canadian physicians, including residents, and medical students. It focuses on the core activities of medicine such as health promotion, advocacy, disease prevention, diagnosis, treatment, rehabilitation, palliation, education and research. It is based on the fundamental principles and values of medical ethics, especially compassion, beneficence, non-maleficence, respect for persons, justice and accountability. The code, together with other CMA policies, constitutes a compilation of guidelines that can provide a common ethical framework for Canadian physicians.

vii Canadian Paediatric Society: This code is intended as a guide to moral decision-making and ethical policy formation. Its aim is to offer guidance for finding solutions to difficult issues and moral dilemmas.

viii Canadian Society for Medical Laboratory Science: Medical laboratory professionals are dedicated to serving the healthcare needs of the public. The welfare of the patient and respect for the dignity of the individual is deemed as being paramount at all times.

ix College of Family Physicians of Canada: This group advocates an integrated approach for ethics education for clinicians, based upon the "Four Principles of Family Medicine" and a patient-centred model. It supports the development of innovative teaching initiatives that reflect the needs, circumstances, and resources unique to each educational program.

x College of Medical Laboratory Technologists of Ontario (CMLTO): Ethical guidelines are designed to ensure the dignity and integrity of members of the college and to define obligations and professional duties to be observed by every member of the college. An ethical member shall adhere strictly not only to the letter of the guidelines, but also to its underlying spirit and precepts.

xi Occupational and Environmental Medical Association of Canada: This code encourages members to improve their medical knowledge and make appropriate reports to the scientific community. Members must make medical judgements based on accepted knowledge and scientific principles. The code actively opposes, and strives to correct, unethical conduct by any person or group.

Common Elements

3. The plethora of professional codes listed above, and others not included, highlights the problem of creating a single, stand alone universal code for the life sciences. While government and academic codes (the subjects of the two associated Canadian working papers) both cater to diverse needs, there is however a greater degree of overlap between the various codes in those domains as their basic functions will be similar. On the other hand, each professional group has its own peculiarities and needs, which can only be addressed superficially in a single code. That said, every professional code should have at its heart certain basic elements. Some of the key ones which were found in the Canadian professional codes are as follows:

Respect for Privacy and Patient Confidentiality

4. All of the professional codes that deal with human research subjects stress the importance of the participant having the right to decide the extent to which their personal information can be utilized. As an example, a participant in a given project would have the right to dictate the degree to which any further follow-on studies made use of their personal data. This proviso means that it is incumbent upon the researchers to always obtain permission before using or passing on the personal information of research subjects

Informed Consent

5. Informed consent is connected to the idea of respect for the privacy of patients and research subjects, it is essential to obtain full consent for any procedures or research activities from participating subjects, or from a legally responsible third party in the case of the patient/participant being incapacitated. Information regarding the study or procedure must be explained to the prospective participants in layman's terms. Again following from the notion of respect for privacy, a subject's consent to participate in one particular research study does not imply continuing consent for follow-on research. An exception to this rule of consent is in the

case of an urgent, life saving procedure where the patient is incapable of making a decision and a responsible third party cannot be located. In this case, the physician's (or institution's) judgement should be used in weighing the benefits of proceeding without consent versus the risks of waiting.

Avoidance of Conflicts of Interest

6. Researchers and scientists must do their utmost to avoid being placed in situations where they will be subject to a conflict of interest. The types of situations where one might find oneself in a conflict of interest are described in the code of conduct drafted by the Canadian College of Microbiologists:

> *"Endeavour to recognize conflicts of interest and to avoid the abuse of privileged positions. These include (i) review and evaluation of manuscripts and grant applications, (ii) evaluation of candidates for employment or promotion, (iii) Canadian College of Microbiology committee positions, (iv) service in consulting activities, (v) access to specimen material and information regarding their sources, (vi) student guidance, and (vii) simultaneous service in profit making and not-for-profit organizations."*

7. In addition, a researcher should not be a member of a Research Ethics Board before which they have submitted a proposal. If in some cases a conflict of interest is deemed to be unavoidable during the course of a research project, the conflict must be declared to all those involved in the project and permission must be obtained before proceeding further.

Continuation of Research and Learning

8. Organizations should encourage lifelong learning and collaboration in order to facilitate new ideas. This type of cooperation should not be exclusive to the members of the association, but should embrace all legitimate new ideas and encourage as wide a range of useful contacts and collaboration as is possible for its members. This is stated in more detail in the College of Medical Laboratory Technologists of Ontario's code of conduct. The College has stated in its code that "Medical Laboratory Technologists shall endeavour to maintain and improve their skills and knowledge; keep current with scientific advances and recognize that life long learning is part of professional development." This is important in any branch of science given the rapid progression of new discoveries and research techniques. This idea is also sighted in the third Background Paper prepared by the Secretariat (Pg 13) in the section discussing the Code of Ethics of Engineers of the American Society of Agricultural Engineers.

Further Points of Interest

9. Beyond the common elements discussed above, there are a number of other items raised in the various professional codes of conduct that represent useful ideas in various specific applications. A selection of these are as follows:

i Sanctions Resulting from Failure to Abide by Professional Code: The Canadian College of Microbiologists insists that all of its members follow the College's code of ethics.

Breech of the code can result in expulsion from the College, which would severely limit the future employment prospects of a professional in this field;

ii Whistle Blowing Provisions: The Canadian Association of Radiation Oncologists has included a provision calling upon its members to identify and report to the proper authorities those persons who are impaired in their ability to function as physicians or health professionals, or who engage in fraud, quackery, or deception. Having this provision in place means that it is part of a health professional or physician's ethical duty to report any wrong doing especially when there is a life in jeopardy. Creating such a system of transparency whereby a professional feels safe in turning a colleague if there is a questionable incidence, allows for a system of checks and balances, where the onus is on the membership to ensure that colleagues are working within the accepted framework of ethical and scientific practices;

iii Opposition to BW Development: BIOTECanada explicitly supports and reiterates Canadian policy regarding the international norm against biological weapons, stating their opposition to the development, production, acquisition, stockpiling or use of biological or chemical weapons;

iv Avoidance of Improper Financial Inducements: Related to the idea of the avoidance of Conflicts of Interest, the Canadian Association of Pathologists has added to their code of ethics that laboratory physicians must not accept commissions or fees as an inducement for the referral of laboratory procedures to another laboratory. This is important as it will help to prevent "backroom deals" which could compromise both the integrity of the individuals concerned (and by association the wider profession) as well as the quality of the technical or research work required;

v Seek Consultations/Advice when Required: Related to the idea of continual learning, the Occupational and Environmental Medical Association of Canada has indicated that members should seek consultation or advice whenever it is deemed necessary for the advancement of project or the provision of care. The cardinal rule is to always ask others if one is not sure of the answer. No one person is the keeper to all answers in their field, and this is not expected of any individual;

vi Ethical Treatment of Animals: Most of the codes of conduct in place deal either with the provision of care or research with regards to human subjects. Another important area that is dealt with specifically by the Canadian Council on Animal Care deals with the ethical treatment of animals. This involves basic tenants such as the avoidance or minimization of painful, distressful or invasive procedures and the proper care of animal research subjects, taking into account their physical and psychological well-being. It is specifically noted that "the experimental design must offer them every practical safeguard...cost and convenience must not take precedence over the animal's physical and mental well-being." Certain types of experiments are to be evaluated with particular care, including: withholding of pain medication; paralyzing experiments with no reduction in the sensation of pain; electric shocks as negative reinforcement; extreme environmental conditions; experiments causing severe physical trauma; and staged encounters between predator and prey or conspecifics where prolonged fighting and

injury are probable. Finally, painful experiments conducted solely for classroom instruction or demonstrations of established scientific knowledge cannot be justified and alternative means of presenting the information must be found.

Conclusions

10. Codes of conduct are not meant to be one-size fits all solutions and this is particularly the case for codes informing the behaviour of professional associations. Different research situations and settings may require different approaches, which have to be reflected in these documents. Nevertheless, there are certain common elements that codes can contain in order to provide a broad basis for common understanding and practice. This paper has highlighted these aspects in professional codes, but some basic similarities can also be found with the elements elaborated in the papers on governmental and academic codes. The different codes in Canada have served researchers well in that they provide unique guidance while still retaining the broad elements that link them together and provide a connection to the broader legislative framework in existence in Canada. While not exhaustive, it is hoped that this description of the common elements of the professional codes in Canada will provide some food for thought to those States Parties looking to develop similar documents. Codes are living documents, and thus function best when they are constantly being refreshed and updated with new ideas, interpretations and concepts. As such, Canada would welcome thoughts from States Parties regarding other elements or refinements that could be added to this study.

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