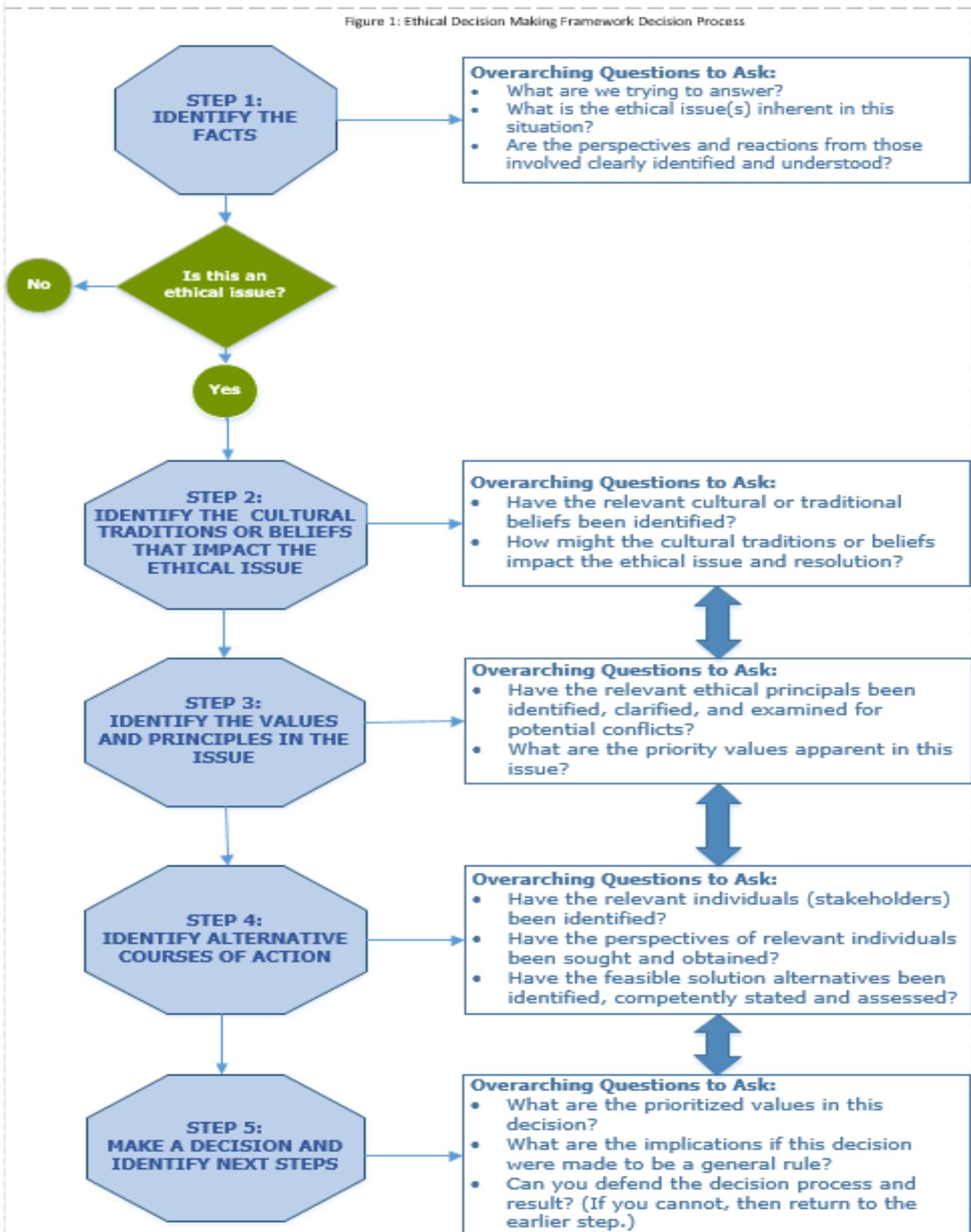




# Territorial Ethical Decision Making Framework

Figure 1: Ethical Decision Making Framework Decision Process



**Table 1: Core Ethical Decision Making Framework Principles**

<b>Core Principles</b>	<b>Definition</b>
<b>AUTONOMY</b>	Respect for Autonomy (respect people's right to self-determination or self-governance such that their views, decisions and actions are based on their personal values and beliefs; the vehicle for this principle in health care and research is generally the free and informed consent process).
<b>BENEFICENCE</b>	Act beneficently toward others (contribute to the welfare of others, which may include preventing harm, removing harm, promoting well-being, or maximizing good).
<b>JUSTICE</b>	Promote justice and fairness (treat people and groups fairly by treating morally relevant cases alike, by promoting fair relations among individuals and social groups, and by ensuring fair and equitable access to resources and opportunities, including fair distribution of benefits and burdens)
<b>NON-MALEFICENCE</b>	Act so as to do no harm (avoid causing harm to individuals or groups, or risking harms of significant magnitude and probability)

**Table 2: Additional Principles**

<b>Additional Principles</b>	<b>Definition</b>
<b>COMMON GOOD</b>	A specific "good" that is shared and beneficial for all (or most) members of a given community.
<b>COMPLIANCE</b>	Compliance with the law ( <i>This links to the principle of "rights"</i> )
<b>CONFIDENTIALITY</b>	Keep private information confidential (keep identifying personal information as well as confidences secret, unless consent to disclose this information is given by the person to whom it belongs or disclosure is required by law)
<b>CONFLICT OF INTEREST</b>	Disclose conflicts of interest and avoid disqualifying conflicts of interest (disclose both real and perceived conflicts between one's self-interest and/or one's obligations to one or more individuals or groups).
<b>CULTURE</b>	The totality of socially transmitted behavior patterns, arts, beliefs, institutions, and all other products of human work and thought. Culture is learned and shared within social groups and is transmitted by non-genetic means.
<b>DIGNITY</b>	Respect the dignity of morally valuable beings (treat beings in a way that honors their value or worth based on morally significant qualities, e.g., sentience, relationality, rationality).
<b>DISCLOSURE</b>	Disclose information that people or groups have a right to (provide information needed to make an informed decision, and information about errors or adverse events in treatment or research).
<b>DIVERSITY</b>	Respect diversity (accommodate, protect or support differences, including religious, cultural, political and other differences, among people and groups).
<b>INCLUSIVENESS</b>	Involvement/representation of everyone who is part of a problem situation based on notion that each brings knowledge or expertise needed to address the problem and feel ownership of the solution.
<b>INTEGRITY</b>	Act with integrity (give priority to ethical considerations even when there is a strong drive for self-interest or other desires, or where violating ethical requirements could pass unnoticed)

<b>Additional Principles</b>	<b>Definition</b>
<b>PATIENT-CENTRED or FAMILY-CENTRED CARE</b>	Provide patient-centred or family-centred care (organize and provide therapies, services, interventions and interactions in ways that respect and respond to the patient's or family's values, preferences, decisions or self-identified best interests)
<b>RIGHTS</b>	Protect the rights of individuals and groups (honor legitimate moral and legal claims of individuals or groups). <i>(This links to the principle of "compliance with the law")</i>
<b>SAFETY</b>	Ensure safety (avoid injury and reduce risks of harm to patients, research participants, families, staff and other members of the community; promote a culture that reports errors and near-misses and strives to improve the safety of clinical, research and organizational environments)
<b>SOLIDARITY</b>	Requires consideration of the extended community and acting in such a way that reflects concern for the well-being of others
<b>STEWARDSHIP</b>	The careful and responsible management of something entrusted to one's care (e.g., public healthcare dollars)
<b>TIMELY</b>	Ethical issues need to be addressed in a timely manner that is reasonable given the nature and circumstances of a specific the ethical issue
<b>TRANSPARENCY</b>	Make decision-making transparent (communicate and make accessible decisions and their rationales to all stakeholders)
<b>UTILITY</b>	Maximizing the greatest possible good for the greatest possible number of individuals

**Table 3: Ethical Decision Making Framework Process Steps and Guidelines**

<b>Decision Process Steps</b> <i>(This is an Iterative Process)</i>	<b>Description and Guidelines</b>
<b>Step 1: Identify the Facts</b>	<p><b>DESCRIPTION</b> Identification of the facts and collection of relevant information regarding the potential ethical issue includes a preliminary screening to validate whether the 'problem' is an ethical issue or some other type of issue. If it is an ethical issue then proceed to collect the relevant information and characterize and define the problem.</p> <p><b>OVERARCHING QUESTION(S)</b></p> <ul style="list-style-type: none"> <li>• What is the ethical issue(s) inherent in this situation?</li> <li>• Are the perspectives and reactions from those involved clearly identified and understood?</li> </ul> <p><b>GUIDELINES</b></p> <p><b><i>Preliminary Screening: Is the issue an ethical issue?</i></b></p> <p>The following criteria will inform the question:</p> <ul style="list-style-type: none"> <li>• Am I making a decision that will directly impact the well being of an individual or group of individuals?</li> <li>• Am I trying to determine the right course of action?</li> <li>• Am I asking a 'should' question?</li> <li>• Are values and beliefs involved?</li> <li>• Are human rights involved?</li> <li>• Am I feeling confused and/or uncomfortable?</li> <li>• Am I comfortable this is not a legal issue?</li> </ul> <p>If you answered yes to any of these questions, you may be encountering an ethical issue.</p> <p>1.1 Collect information, characterize and identify the problem.</p> <p>1.2 Be alert; be sensitive to morally charged situations. Look behind the technical requirements of your job to see the moral dimensions. Use your ethical resources to determine relevant moral standards (see Step 4). Use your moral intuition.</p> <p>1.3 Identify what you know and don't know. While you gather information, be open to alternative interpretations of events. Within the bounds of patient/client; and institutional confidentiality, make sure that you have the perspective of patients/clients and families as well as health care providers and administrators. While accuracy and thoroughness are important, there can be a trade-off between gathering more information and letting morally significant options disappear. Timely decision making is critical. Identify when the decision needs to be made. Decisions may have to be made before the full story is known.</p>

<b>Decision Process Steps</b> <i>(This is an Iterative Process)</i>	<b>Description and Guidelines</b>
	<p>1.4 State the case briefly with as many of the relevant facts and circumstances as you can gather within the decision time available.</p> <ul style="list-style-type: none"> <li>• What decisions have to be made?</li> <li>• Who will be impacted by the decision? (individuals, family, community, the health and social services system)</li> <li>• Who are the important decision makers? Remember that there may be more than one decision maker and that their interactions can be important.</li> <li>• Who are the stakeholders and what role or information do they have regarding the decision making (stakeholders may or may not be decision makers but have valuable information which may impact the decision)</li> <li>• Be alert to actual or potential conflict-of-interest situations. A conflict-of-interest is “a situation in which a person, such as a public official, an employee, or a professional, has a private or personal interest sufficient to appear to a reasonable person to influence the objective exercise of his or her official duties.” These include financial conflicts of interest (e.g. favoritism to a friend or relative). In some situations, it is sufficient to make known to all parties that you are in a conflict-of-interest situation. In other cases, it is essential to step out of a decision-making role.</li> </ul> <p>1.5 Consider the context of decision-making. Ask yourself why this decision is being made in this context at this time? Is there a better context in which to make this decision? Are the right decision makers included?</p> <p><b><u>Consider the following questions:</u></b></p> <p><b>Clinical (i.e., medical and social services)</b></p> <ul style="list-style-type: none"> <li>• What is the patient’s/client’s medical history/diagnosis/prognosis?</li> <li>• Is the problem acute? chronic? critical? emergent? reversible?</li> <li>• Is the problem related to an individual, family, community, or all of these?</li> <li>• What are the goals of treatment or intervention?</li> <li>• What are the social determinates that may impact treatment or intervention?</li> <li>• What are the probabilities of success?</li> <li>• What are the plans in case of therapeutic failure?</li> <li>• In sum, how can the patient/client be benefitted by medical, nursing, or other care, and harm avoided?</li> </ul> <p><b>Preferences for Treatment or Intervention</b></p> <ul style="list-style-type: none"> <li>• What has the patient/client expressed about preferences for treatment/intervention?</li> <li>• Who is the patient/client (the individual, family, community or all of these)?</li> <li>• Is the patient/client autonomous (including capability and knowledgeable enough)?</li> <li>• Has the patient/client been informed of benefits and risks; understood, and given consent?</li> <li>• Is the patient/client mentally capable and legally competent? What is evidence of incapacity?</li> <li>• Has the patient/client expressed prior preference, e.g. Personal Directives?</li> <li>• If incapacitated, who is the appropriate surrogate? Is the surrogate using appropriate standards?</li> <li>• Is the patient/client unwilling or unable to cooperate with treatment? If so, why?</li> <li>• Are the patient/client, family, and/or community rights clearly identified?</li> </ul>

<b>Decision Process Steps</b> <i>(This is an Iterative Process)</i>	<b>Description and Guidelines</b>
	<ul style="list-style-type: none"> <li>• In sum, are the patient's/client's, families' and/or communities right to choose being respected to the extent possible in ethics and law?</li> </ul> <p><b>Quality of Life/Death</b></p> <ul style="list-style-type: none"> <li>• What are the prospects, with or without treatment/intervention, for a return to the patient's/client's normal life?</li> <li>• Are there biases that might prejudice the provider's evaluation of the patient's/client's quality of life?</li> <li>• What physical, mental and social deficits are the patient/client likely to experience if treatment succeeds?</li> <li>• Is the patient's/client's present or future condition such that continued life might be judged undesirable by him/her?</li> <li>• Are there any plans and rationale to forego treatment?</li> <li>• What are the plans for comfort and palliative care?</li> </ul> <p><b>Contextual Features</b></p> <ul style="list-style-type: none"> <li>• What chapter is this in the patient's/client's life?</li> <li>• Are there provider (e.g. physician, nurse, social worker) issues that might influence treatment decisions?</li> <li>• Are there financial issues/implications that may impact the patient/client or go beyond the patient/client to set precedent?</li> <li>• Are there larger community health issues that go beyond the individual?</li> </ul> <p><b>Ethical Issue/Problem Category, Scope and Scale</b></p> <ul style="list-style-type: none"> <li>• What category of issue is this? Clinical; Social Services; Resource Allocation (Economic); Political; Policy or Research/Scientific Study. It is understood that the categories are not mutually exclusive and may involve more than one?</li> <li>• Is the issue at a local/regional scale with local implications or is there a potential for a broader health and social services system impact or precedent?</li> <li>• Which ethics committee or sub-committee(s) should address the issue (i.e., system wide or local/regional issue)?</li> </ul>
<p><b>Step 2: Identify Cultural Traditions or Beliefs that Impact the Ethical Issue or Resolution</b></p>	<p><b>DESCRIPTION</b></p> <p>Apply available cultural and religious practices to identify morally significant factors that may impact the ethical issue(s) identified.</p> <p><b>OVERARCHING QUESTION(S)</b></p> <ul style="list-style-type: none"> <li>• Have the relevant cultural or traditional beliefs been identified?</li> <li>• How might the cultural traditions or beliefs impact the ethical issue and resolution?</li> <li>• Are there larger social/community issues that go beyond the individual?</li> </ul> <p><b>GUIDELINES</b></p> <ol style="list-style-type: none"> <li>2.1 Identify cultural or traditional beliefs that are relevant to the ethical issue and determine how these beliefs could impact the ethical issue. You may need to include the perspectives of relevant individuals.</li> <li>2.2 Clarify any identified cultural practices and explore cultural options and alternatives for action.</li> <li>2.3 Address any cultural competence and cultural safety dimensions.</li> </ol>

Decision Process Steps (This is an Iterative Process)	Description and Guidelines
<p><b>Step 3: Identify the Values and Principles in the Issue</b></p>	<p><b>DESCRIPTION</b> Apply the available ethical resources (legislation, policies, professional codes of conduct) to identify morally significant factors and values. Decisions should be made on the basis of reasons (evidence, principles) that “fair-minded” people can agree are pertinent and important given the current context.</p> <p><b>OVERARCHING QUESTION(S)</b></p> <ul style="list-style-type: none"> <li>• Have the relevant ethical principles been identified, clarified and examined for potential conflicts?</li> </ul> <p><b>GUIDELINES</b></p> <p>3.1 Use your ethical resources to identify morally significant factors.</p> <p>3.2 Determine the relevant ethical principles: This step involves discussion about the dominant values and principles of the relevant parties (individuals and/or groups, as well as those of the organization). This is necessary to further clarify the ethical issue(s) at hand. This step requires an exploration of the nature and scope of the identified ethical principles and consideration of the <i>relative weights</i> to assign to each principle. Questions to guide the discussion include: What principles/values do stakeholders consider most relevant to this issue? And, which principles/values do the stakeholders agree are <i>most important</i>? The agreed upon set of prioritized principles (decision-making criteria) will be used to guide the decision-making process.</p> <p>The proposed NTHSSA Ethical Decision Making Framework includes a comprehensive list of principles intended to be robust enough to accommodate and inform a wide range of ethical issues in a range of categories (see Table 1). These are ‘core’ principles that are widely accepted (and can serve as a starting point in determining the relevant ethical principles related to the issue under discussion) in one form or another in the common moralities of many communities and organizations.</p> <p><b>Respect for Autonomy:</b> Respect people's right to self-determination or self-governance such that their views, decisions and actions are based on their personal values and beliefs. The vehicle for this principle in health care and research is generally the free and informed consent process.</p> <p><b>Non-maleficence:</b> Act so as to do no harm. Avoid causing harm to individuals or groups, or risking harms of significant magnitude and probability.</p> <p><b>Beneficence:</b> Act beneficently toward others. Contribute to the welfare of others, which may include preventing harm, removing harm, promoting well-being, or maximizing good.</p> <p><b>Justice:</b> Promote justice and fairness. Treat people and groups fairly by treating morally relevant cases alike, by promoting fair relations among individuals and social groups, and by ensuring fair and equitable access to resources and opportunities, including fair distribution of benefits and burdens.</p> <p>3.3 Moral models: Sometimes you will receive moral insight from modeling your behaviour on a person of great moral integrity.</p> <p>3.4 Use ethically informed sources: Policies and other source materials, professional norms such as institutional policies, legal precedents, and wisdom from your religious or cultural traditions.</p>

Decision Process Steps (This is an Iterative Process)	Description and Guidelines
<p><b>Step 4: Identify Alternative Courses of Action</b></p>	<p><b>DESCRIPTION</b></p> <p>In the context of legal rules and precedent, identify, explore and clearly explain potential solution options, while considering their absolute and relative strengths and weaknesses. Identify and assess the potential feasible alternative solutions in the context of the ethical and cultural issue(s) identified in earlier steps and the existing and emerging operating context. There may be times that require you to return to previous steps and seek additional information to inform the development of alternative solutions.</p> <p><b>OVERARCHING QUESTION(S)</b></p> <ul style="list-style-type: none"> <li>• What is the most ethically justifiable option?</li> <li>• Have the relevant individuals (stakeholders) been identified?</li> <li>• Have the perspectives of relevant individuals been sought and obtained?</li> <li>• Have the feasible solution alternatives been identified, clearly stated at a level that all stakeholders can understand and competently assessed?</li> </ul> <p><b>GUIDELINES</b></p> <p>4.1 Specify feasible alternative solutions or courses of action by clearly identifying and describing them in a manner that all decision makers and stakeholders can understand them.</p> <p>4.2 Clarify the context, identify and test possible solutions.</p> <p>4.3 Clarify the legal rules and explore legal options and alternatives for action.</p> <p>4.4 Evaluate options in relation to the relevant ethical principles.</p> <p>4.5 The selected option is not necessarily the one with the highest number of positive considerations and/or the lowest number of negative considerations. Each option needs to be based on the magnitude of its advantages and disadvantages. Is there a sound explanation to each of the criticisms that can be brought to bear on the potential solution/recommended course of action?</p> <p>4.6 You then should ask what the likely consequences are of various decisions. Here, you should remember to take into account good or bad consequences not just for yourself, your profession, organization or patients/client's, but also for all affected persons including families and the community. Be honest about your own stake in particular outcomes and encourage others to do the same.</p>

<b>Decision Process Steps</b> <i>(This is an Iterative Process)</i>	<b>Description and Guidelines</b>
<b>Step 5: Make a Decision and Identify Next Steps</b>	<p><b>DESCRIPTION</b> The decision process at this stage involves making a choice, acting to implement it, and evaluating and learning from it.</p> <p><b>OVERARCHING QUESTION(S)</b></p> <ul style="list-style-type: none"> <li>• What are the implications if this decision were to be made a general rule and could we live with this?</li> <li>• Can you defend the decision process and result? (If you cannot, then return to an earlier step and reexamine if there is another justifiable option).</li> </ul> <p><b>GUIDELINES</b></p> <p>5.1 Make your choice, act to implement it, and evaluate the decision and its impacts (including all stakeholders).</p> <p>5.2 Make your choice in the context of feeling comfortable with the decision. If you are not comfortable, you may need to return to Step 4 and/or 5 and re-evaluate if there is another ethically justifiable option.</p> <p>5.3 Develop an action plan. Also decide how to communicate the plan to those involved.</p> <p>5.4 Determine how the decision will be carried and in what timeframe.</p> <p>5.5 Determine how communications regarding the decision will be done.</p> <p>5.6 Evaluate the plan – were the intended results obtained? Are changes needed? Is additional follow-up and/or action required?</p> <p>5.7 Self-evaluate the decision. These types of situations are often difficult for those involved. It is important to reflect on the decision-making process and outcomes achieved, it is also important to reflect on one's feeling with respect to the situation, including: What would you do differently next time? What have you learned about the decision making process?</p>

**Approval:**

\_\_\_\_\_  
Sue Cullen  
Chief Executive Officer (CEO)

\_\_\_\_\_  
Date