A Case For Treating Clinical Trial Participation As Labour

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Disclaimer

This presentation is based on a paper written prior to the author’s employment with Alberta Health Services. The views expressed are entirely the author’s and should not be taken to represent the views or policies of Alberta Health Services or the Clinical Ethics Service.
1. Review the background to the problem of exploitation of participants in clinical drug trials.

2. Discuss a series of possible objections to treating clinical trial participation as a form of labour.

3. Discuss a series of possible reasons to prohibit or minimize monetary offers as a means of compensating participants in clinical drug trials.
Outline

1. Background
   – Situation of clinical trial participants in the current system
   – Exploitation concerns

2. Participation as Labour
   – *Prima facie* case
   – Potential objections
   – Implications

3. Competing Concerns
   – Reasons to prohibit, limit or minimize monetary compensation
1. Background
Clinical Trials
Dual Purpose of Clinical Trials

1. Scientific: provide evidence of efficacy and safety of the investigational intervention

2. Pragmatic: satisfy prerequisite for regulatory approval to bring the new intervention to market
An Uncomfortable Situation

Participants in clinical trials are generally supposed to be acting altruistically…

…but this “altruism” feeds the extremely lucrative global pharmaceutical industry.
Exploitation Concerns
Exploitation - Definition

To exploit someone is to take unfair advantage of them. Exploitation can be consensual, and even a mutually-beneficial interaction can be exploitative.
How to Determine “Fairness”? 
2. Participation as Labour
What is Labour?
Labour is the use of human resources as a factor in the production (or attempted production) of something of value.
Prima Facie Case
Objections
Objection: Direct Health Benefit
Objection: Motivation

You are your biggest obstacle!
Objection: Passivity
Objection: No Free (Un-Coerced) Labour
Objection: Medical Research is Unique!
Implications

- It may be appropriate to use existing standards of fairness in labour exchange to judge the fairness of clinical trials towards participants.

- It does not (yet) follow that clinical trial participants should be paid.
An Important Distinction

Commercial v. Non-Commercial
Exploitation & Compensation

“Healthy Subjects” v. “Patient Subjects”

Commercial v. Non-Commercial Research
3. Competing Concerns
Exploitation & Compensation
Money, Labour and Exploitation
Undue Inducement
Undue Inducement (continued)
Bad Incentive
“Crowding Out”
Compensation Model Desiderata
Thank you for listening!

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Questions?
References (1)


References (2)


References (3)


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