

A Case For Treating Clinical Trial Participation As Labour

Andrew D. Ross, Ph.D.
Jr. Clinical Ethicist, Central Zone
AHS Clinical Ethics Service
AndrewD.Ross@albertahealthservices.ca

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.

Session Objectives

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?



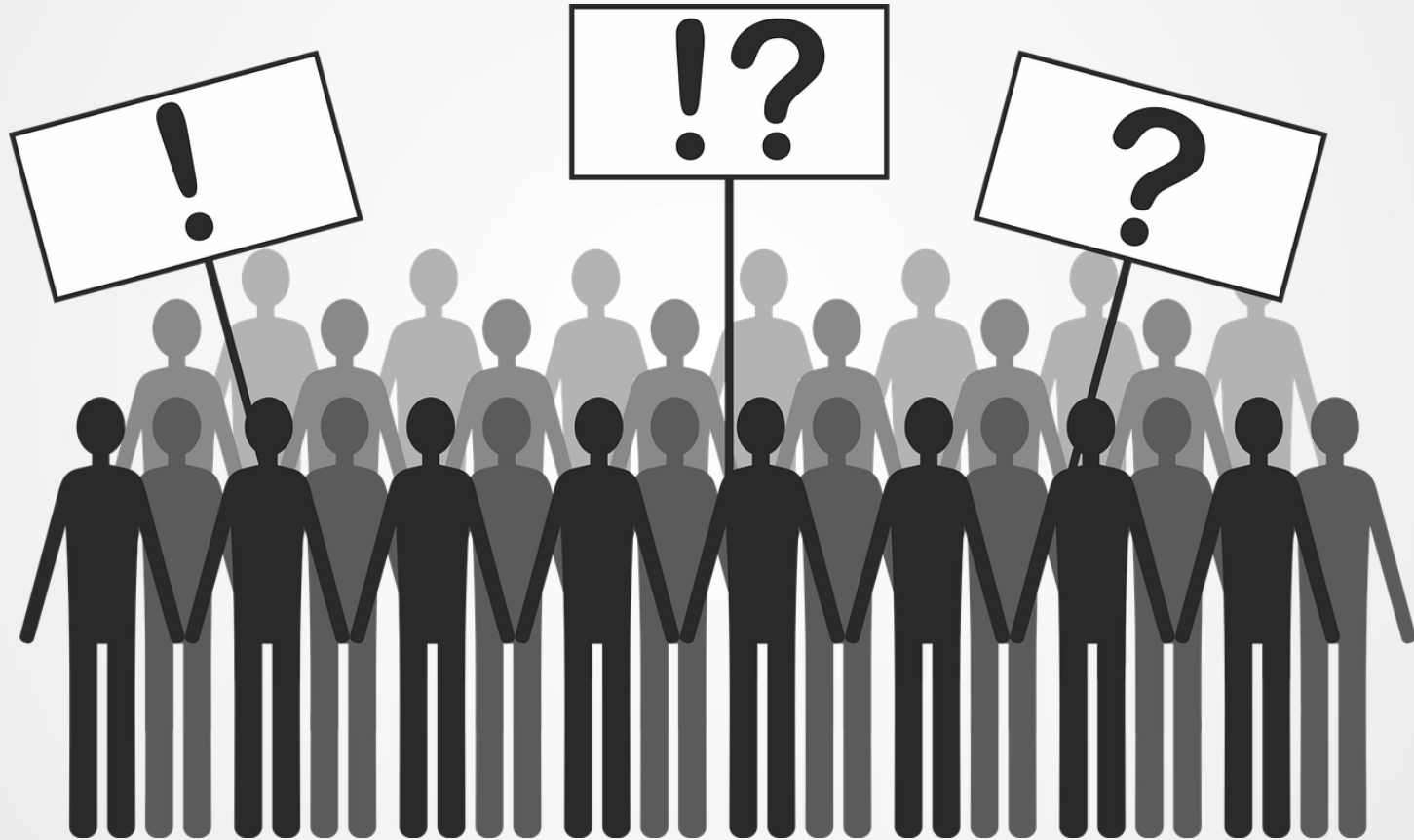
What is Labour?

Labour is the use of human resources as a factor in the production (or attempted production) of something of value.

Prima Facie Case



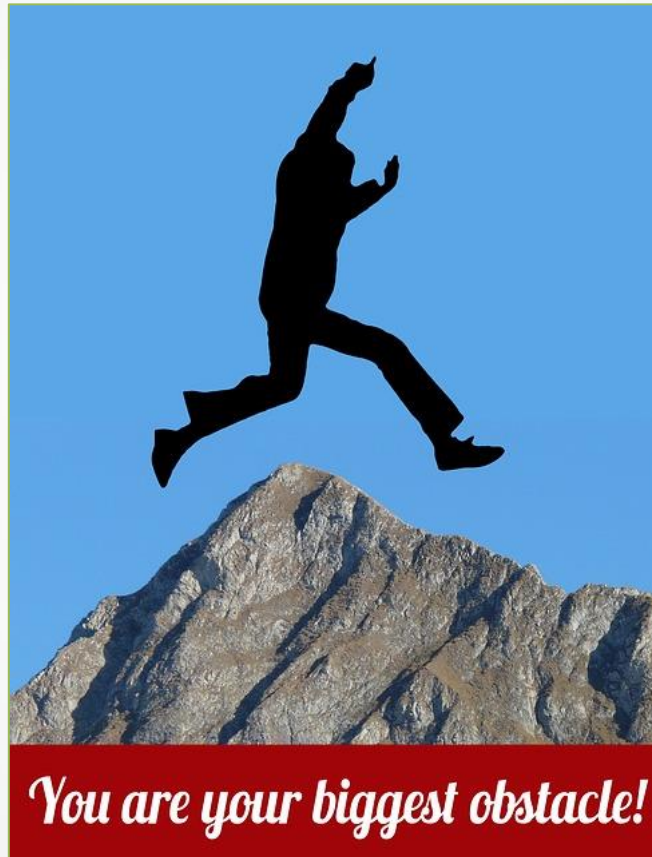
Objections



Objection: Direct Health Benefit



Objection: Motivation



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

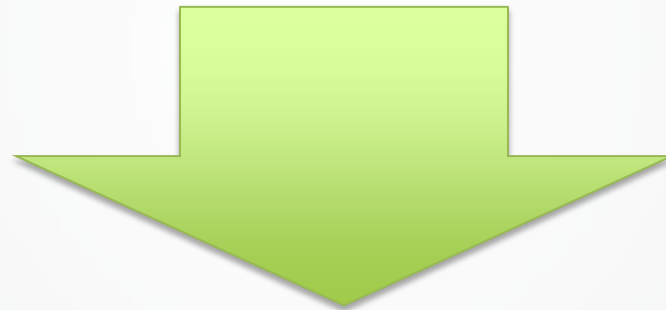
v.

Non-Commercial



Exploitation & Compensation

“Healthy Subjects” v. “Patient Subjects”



Commercial v. Non-Commercial Research

3. Competing Concerns

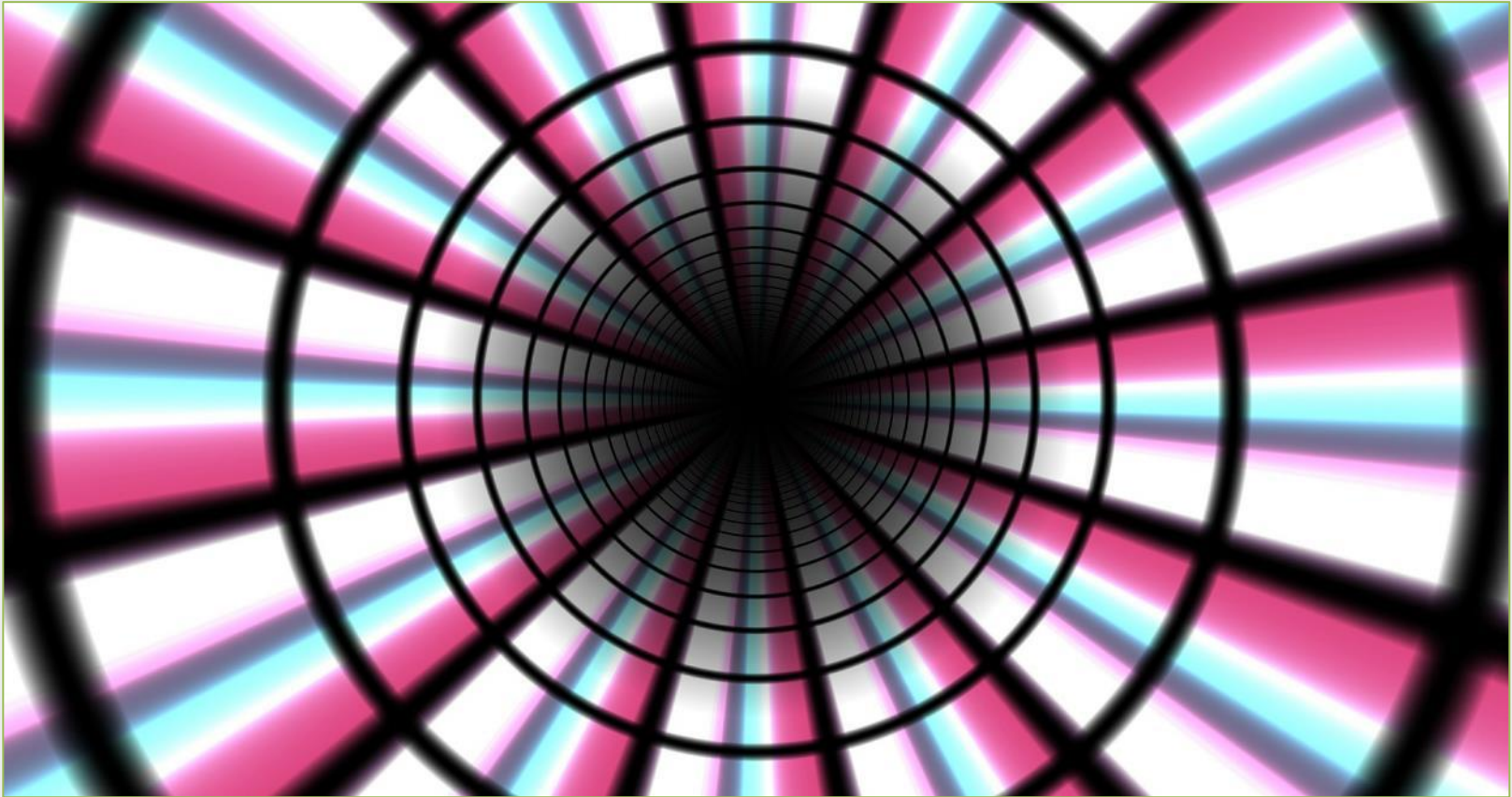
Exploitation & Compensation



Money, Labour and Exploitation



Undue Inducement



Undue Inducement (continued)



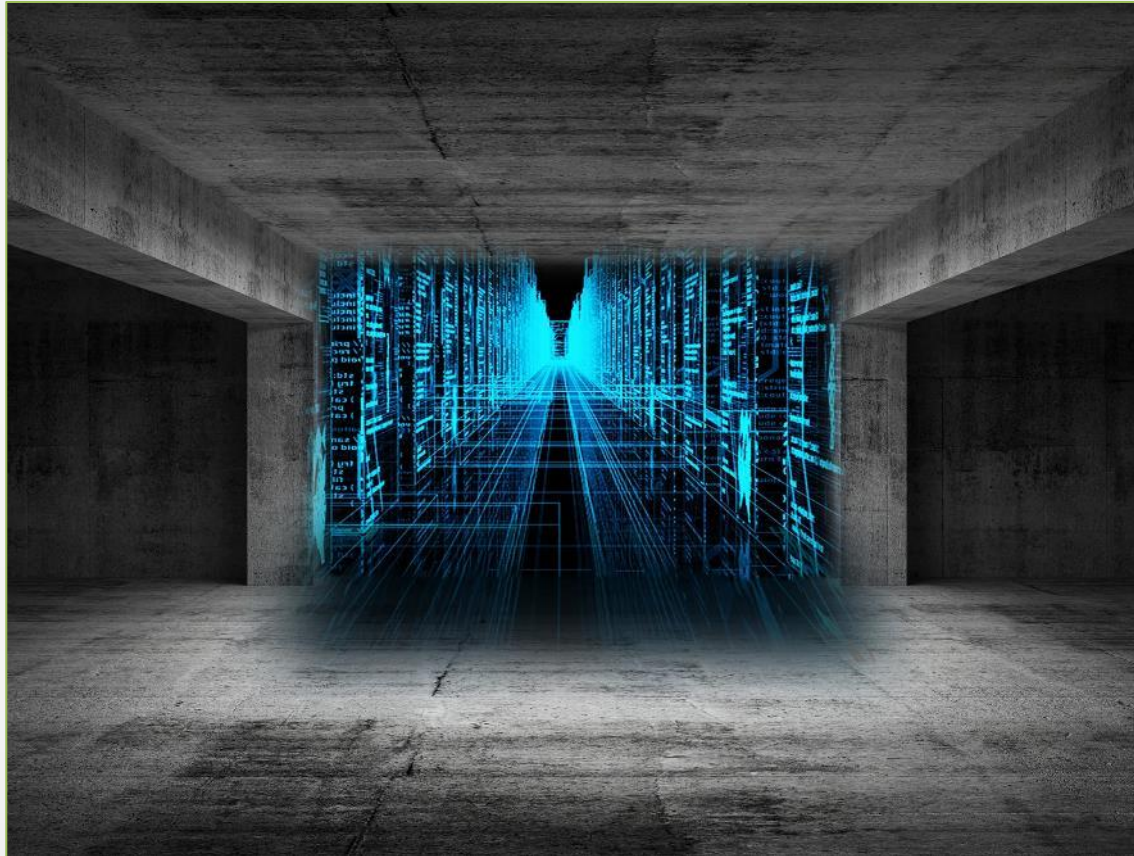
Bad Incentive



“Crowding Out”



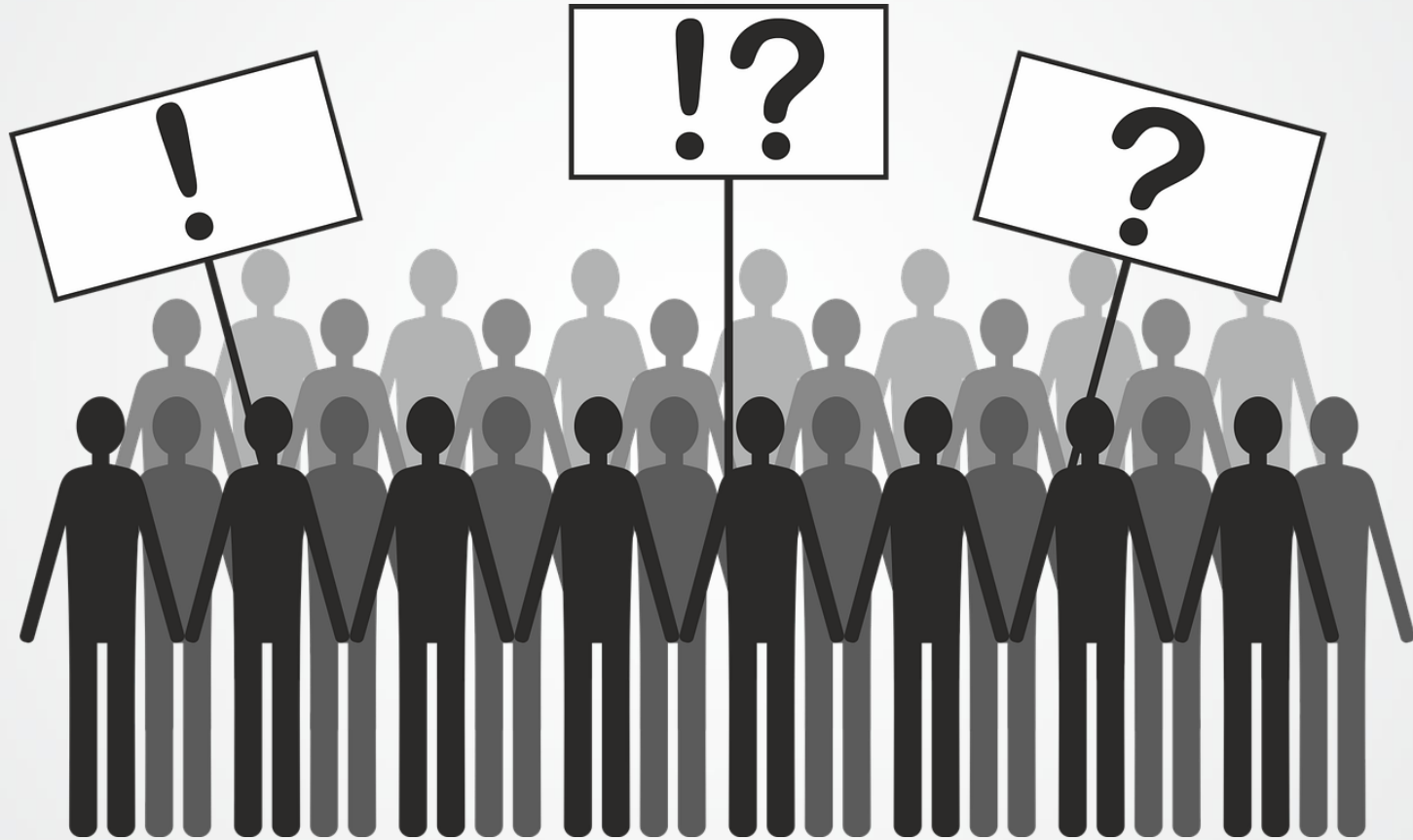
Compensation Model Desiderata



Thank you for listening!

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Questions?



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