

Brian Schrag's Commentary on "The Company That Cared Too Much"

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The Company That Cared Too Much

This case is more about the professional responsibilities of health professionals, particularly their obligation to safeguard the confidentiality of medical and health information, than about issues in research ethics. However, the case does suggest some issues for research ethics in the private sector.

Suppose a private corporation decides to conduct research to determine what it can do to improve employees' health as a means of enhancing the corporation's productivity. Imagine, for example, that a company surveys its employees to determine whether its workforce is experiencing significant sleep deprivation. The company might intend to use such information to plan educational programs for employees on the importance of adequate sleep. Or, to take quite a different example, perhaps the corporation conducts marketing research involving human subjects to determine interest in a product line it is considering developing.

In general, scientific research conducted by private corporations is not legally subject to federal guidelines for research ethics. The exceptions include instances in which the corporation uses federal funds in the research; is developing drugs, which must pass FDA guidelines; or hires outside researchers who are themselves subject to federal guidelines. If the researchers are interested in publishing their results in certain journals, *New England Journal of Medicine*, for example, they may also be required to show the research was conducted ethically under guidelines comparable to the federal guidelines (also referred to as the Common Rule) in order for the paper to be accepted for publication.

Even if the company is not subject to federal research guidelines, however, one can certainly argue that such research guidelines are morally obligatory, even if not legally required. The moral arguments for the Common Rule still apply; they are not predicated on the guidelines being required by law. Discussing a case such as this is a useful antidote to those might think that legal compliance and moral obligation

are one and the same; if there is no legal requirement to follow research guidelines, then there is no moral obligation to conduct research in accordance with accepted moral guidelines.

So, for example, a company would be morally obliged to obtain informed and voluntary consent from its employees in order to conduct research on them. Obtaining voluntary consent might be tricky, since workers are in a vulnerable position when their company "invites" them to participate in a research project. The company would also be morally obliged to follow all other relevant ethical guidelines for conducting research on human subjects. The exact content of those guidelines may differ somewhat from those in the natural sciences and may be more akin to those accepted in social science research on human subjects.