

The National Advisory Board on
Social Welfare and Health Care Ethics ETENE

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RIGHT OF A HEALTH CARE PROFESSIONAL TO REFUSE TO PERFORM AN ABORTION

On 12 December 2012, the Ministry of Social Affairs and Health requested ETENE for a statement on a health care professional's right to refuse to perform an abortion. ETENE discussed the question at its meeting on 30 January 2013 and consulted on that date Oskari Heikinheimo, D. M. Sc., Chief Physician. ETENE also examined the Health Care Act (1326/2010) and the Act on Health Care Professionals (559/1994).

On the basis of the expert consultation and the discussion at its meeting, ETENE states the following: the Act on induced abortion (laki raskaudenkeskeyttämisestä, 239/1970), which has been in force for over 40 years, does not confer health care professionals a right to refuse to perform procedures because of their beliefs. If such a right were granted, it would be a significant new departure both in principle and at the practical level. The debate would unavoidably be extended to other health care tasks involving moral distress. Induced abortions are not the only health care procedures that arouse strong emotions. The continuous advances of medical technology are facing increasing numbers of nurses and doctors with moral dilemmas.

The reasons for allowing such a right, which would also require changes in a number of current operating methods, should be particularly weighty. An obligation to disclose one's beliefs and a procedure for making such disclosures would have to be set up, under which a health care professional could refuse to perform a health care procedure that is accepted in Finland. Many practical arrangements would also be needed to guarantee the implementation of citizens' rights to receive the health care services that they need. Particular problems would arise in situations where the only available doctor would, making appeal to his or her beliefs, refuse to perform an abortion, regardless of the pregnant woman's status. How, in that case, could we guarantee equal treatment and a pregnant woman's right to receive the treatment she needs?

Part of late term abortions are carried out due to a serious risk to the pregnant woman's health. Abortions performed to save a woman's life, including cases of ectopic pregnancies, are sustainable from the perspective of health care ethics. If health care personnel could refuse to perform abortions because of their personally held beliefs, this would be inconsistent with the basic mission of the health care system. On the other hand, if health care professionals could refuse to perform the procedure in individual cases based on the reasons for the abortion, this would result in completely unpredictable situations, in which the patient would be placed in an unreasonable position. In principle, this would also mean taking steps down a road where each member of the health care personnel could define the cases that require treatment on the basis of his or her own concepts of health.

Tasks and operating methods are subject to agreement in each workplace. By means of an agreement between the employer and the employee, an employee's job description may be limited according to his or her preferences, as long as this does not prevent the appropriate performance of statutory duties and procedures. An employee's one-sided right to refuse to perform procedures that are specified as statutory duties of the health care system, on the other hand, could prevent the implementation of patient rights and, in the worst case, risk a patient's health.



ETENE notes that performing abortions as part of health care has saved the lives of many women. A decision to terminate a pregnancy is an emotionally challenging step for the persons involved. The fact that this procedure is legal has not resulted in an increase in the number of abortions, and as a result of family planning education and the availability of birth control, the number of abortions has declined dramatically. ETENE sees no grounds for granting health care professionals a subjective right to refuse to perform an abortion because of their beliefs. ETENE also stresses that, if necessary, a health care professional may move to duties in the health care system that he or she feels are a better match with their personal values.

On behalf of the Advisory Board

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