

Refusing to take part in euthanasia

THIS series gives readers the opportunity to consider and contribute to discussion of some of the ethical dilemmas that can arise in veterinary practice. Each month, a case scenario is presented, followed by discussion of some of the issues involved.

In addition, a possible way forward is suggested; however, there is rarely a cut-and-dried answer in such cases, and readers may wish to suggest an alternative approach. This month's dilemma, 'Refusing to take part in euthanasia', was submitted and is discussed by Manuel Magalhães-Sant'Ana. Readers with comments to contribute are invited to send them as soon as possible, so that they can be considered for publication in the next issue. Discussion of the dilemma 'Too feral to save?', which was published in the April issue of *In Practice*, appears on page 254.

The series is being coordinated by Steven McCulloch, a practising vet with a PhD in the ethics of veterinary policy. It is hoped it will provide a framework that will help practitioners find solutions when facing similar dilemmas.

Refusing to take part in euthanasia

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A nurse from your veterinary team has asked to speak with you in private. She tells you that, as an animal rights activist, she is reluctant to take part in animal euthanasia in the future. Can a veterinary nurse refuse to take part in euthanasia due to their personal beliefs?

Issues to consider

Two circumstances must be considered: unconditional refusal and conditional (or contextual) refusal. Let us start by considering the case in which a veterinary nurse refuses to take part in any euthanasia, regardless of the circumstances. According to the RCVS Code of Professional Conduct for Veterinary Nurses, 'nurses must make animal health and welfare their first consideration' (RCVS 2012, p 13) and the Supporting Guidance recommends that 'all practice staff involved in euthanasia are fully trained and a planned, rehearsed and coordinated approach is taken' (RCVS 2012, p 55).

Euthanasia (ie, a good death) is often a tool for relieving suffering and is 'absolutely justified' in cases of unavoidable negative welfare (Yeates 2010). In these circumstances, taking part in euthanasia is an obligation for a veterinary nurse and an important

part of their professional duties. Failing to do so would constitute an infringement of their obligations, since the nurse is not only failing to protect animals (duty of care) but also violating client trust, one of the principles of practice of the nursing profession.

However, the refusal to euthanase might not be absolute, but dependent on the circumstances. In some cases, relieving or preventing animal suffering is not the main driver for animal euthanasia (Yeates and Main 2011). Euthanasia can be performed for a number of reasons that are not in the animal's interests, including behavioural problems, population management, financial constraints and even owner convenience. These forms of contextual euthanasia have been considered by others as simply killing (Yeates 2010, Kasperbauer and Sandøe 2016). Under these circumstances, the nurse has the right to declare that (s)he conscientiously objects to take part

in the procedure (Savulescu 2006). However, must other parties respect the nurse's right to conscientious objection in such a case?

Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe 1950) proclaims that 'Everyone has the right to freedom of thought, conscience and religion' (point 1) and that this freedom 'shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others' (point 2). It seems clear that freedom of thought can be used to justify a wide range of actions, including the refusal to euthanase an otherwise healthy animal. However, the right of a veterinary nurse to conscientiously object to euthanasia may be trumped if it would involve exposing other people to unnecessary harm (such as antagonising the veterinarian's decision to euthanase) or violating their more fundamental rights (such as forcing someone against their will to take part in the euthanasia instead).

Furthermore, it is my understanding that in this particular

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situation, sentient animals can be included in the concept of 'others' (see point 2 above) and that at least some of their freedoms (using the FAWC's Five Freedoms as point of reference) must be respected when deciding not to take part in euthanasia.

Possible way forward

A response to the question outlined in the scenario requires knowing more details about the case, namely in what circumstances does the nurse refuse to assist in the process of euthanasia? Is the refusal unconditional or contextual? And how are others, including co-workers, the owner and other animals, affected?

Moreover, reasonable measures should be taken to protect the nurse from future work in which contextual euthanasia is

a possible outcome. There are several reasons for implementing this precautionary measure: ensuring that the nurse can meet the demands of the job, preventing emotional stress, avoiding conflicts with colleagues, and preventing future compromise of animal welfare. It is also the obligation of the nurse not to unduly expose themselves to professional scenarios where contextual euthanasia might be involved. Additionally the nurse has the duty to suggest alternatives to euthanasia, seeking support from the veterinary team and the regulatory body.

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doi: 10.1136/inp.i1959

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In Practice 2016 38: 253-254
doi: 10.1136/inp.i1959

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