

Staff member attendance at company funded events

Comment from Dr Genevieve Becker,

National Coordinator of the Baby Friendly Health Initiative in Ireland February 17 2014, updated Apr 2015

Dear Director / Manager,

I have received queries recently from staff members, managers and service users in relation to invitations issued to some staff members to attend a conference outside of Ireland with all expenses paid by a formula company. Some points to consider:

- Gifts and financial or material inducements from manufacturers, companies, distributors, representatives and similar, are a well established means of building good will between the company and the health worker, and thus increasing sales of the product.
- The HSE staff code of conduct and professional codes of practice recognise the effect on health worker attitudes and behaviours when they receive gifts and how this can impact patient care and therefore restrict acceptance of gifts.
- The HSE Infant Feeding Policy requires that any gifts or funding from baby milk companies should be disclosed by the recipient to hospital management.
- Irish legislation restricts marketing practices of baby milk companies so as to protect infants, families and health workers.
- A hospital that is designated as a Baby Friendly Hospital is required to abide by the International Code of Marketing of Breast-milk Substitutes and the subsequent related resolutions of the World Health Assembly, which restricts the acceptance of gifts by health workers and hospitals. Hospitals seeking designation are expected to be working towards abiding by the International Code.
- Marketing such as “free” trips is paid for by the purchasers of the products – families who buy the product and the health service (with taxpayer monies).

What can you do to protect the families that use your services, protect your staff from marketing pressure and protect the good name of your hospital?

- Remind staff members of the requirements and responsibilities as a HSE employee and as a health professional to behave in accordance with codes of practice related to acceptance of gifts and disclosure of gifts from companies.
- Highlight through staff communications and in-service education the effect of marketing on attitudes and practices and requirement to be aware of this effect. This effect of marketing is not limited to baby milk companies; drug, equipment and other companies market in similar ways and the awareness raising can be related to all marketing tactics.
- Inform staff members that the hospital name should not be used in connection with marketing commercial products, including baby milk and related products. Marketing tactics can include using the hospital name to imply that hospital supports that product or company. This means that if an individual staff member decides in their capacity as a private individual to accept gifts and hospitality, attend or speak at a baby milk sponsored event, or accept an award, they may not use the name of their hospital in their profile, publicity etc.
- Ask a staff member seeking to attend a sponsored event if the event is really necessary for their professional education and will it assist the families that they serve. If the educational presentation was on the internet would they be keen to go as they are when a free trip abroad is provided?

- Staff members acting in their hospital role or on hospital time should not be attending events of which the majority of the event is other than the provision of scientific and factual information on the product made by that company. Social events, dinners, accommodation, travel, or presentations not connected directly with the scientific and factual information of the product are “gifts to health workers”. However, if an individual staff member goes in their own time and without using the name of the hospital that is their personal choice and the hospital cannot prohibit it. The hospital can insist that no marketing materials from the event are shared in the hospital on their return. (Somewhat similar example: If a staff member wants to smoke they can do so outside hospital campus but they cannot smoke on the campus, give a cigarette or offer to light a cigarette for a patient or visitor on the campus, hand out leaflets encouraging smoking with the hospital, or be depicted as the hospital employee praising a product).

Attached is some information for managers and staff members on the International Code of Marketing of Breastmilk Substitutes and subsequent WHA Resolutions and professional codes in relation to this issue. Please contact me if you have queries in relation to this.

Regards

Dr Genevieve Becker,

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Further information regarding involvement of hospitals and hospital employees in commercial marketing activities:

Health Service Executive Document 2.1: Code of Standards and Behaviour (V3) 2009

Requirements of the Code

3. (h) Employees are required to have due regard for State resources to ensure proper, effective and efficient use of public money.
3. (j) The use of their official positions by employees to benefit themselves or others with whom they have personal or business ties is not allowed.
3. (k) Employees may not engage in outside business or activity which would in any way conflict with the interests of their departments/offices.
3. (l) Employees should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity. Any benefits received should be of nominal value. All gifts and benefits received must be disclosed to the employee’s superior.
3. (m) Employees should not accept hospitality of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity.

HSE Staff Handbook

Acceptance of Gifts

- An Employee may not solicit or accept, directly or indirectly from any person, firm or association, anything of economic value such as a gift, gratuity or favour which might reasonably be interpreted as being of such nature that it could affect his/her impartiality in dealing with the donor.

HSE, Infant Feeding Policy for Maternity and Neonatal Services Health Services Executive (2012)

10. The hospital should abide by the International Code of Marketing of Breast-milk Substitutes and the subsequent relevant WHA resolutions and related Irish legislation thereby protecting infants, their families, hospital staff, and assisting safe feeding.

Any contribution made by a manufacturer or distributor to an employee, or accepted on their behalf, for fellowships, research grants, study, or the like should be disclosed by the recipient and by the sponsoring company to hospital management.

(Appendix 2): no gifts ... to health workers ... support and other incentives for programmes and health professionals working in infant and young-child health should not create conflicts of interests.

Baby Friendly Hospital Initiative:

Hospitals that have accepted designation as a Baby Friendly Hospital (BFHI) agreed that they would:

- Abide by the International Code of Marketing of Breast-milk Substitutes and subsequent relevant resolutions of the World Health Assembly, and ensure that the Baby-friendly award or hospital status is not used to market products covered by the Code. This includes that hospital employees will not use the hospital name if they are involved in a personal capacity in any marketing activities of products covered by the Code.

A Baby Friendly Hospital may lose its designation if this standard is not maintained.

Professional Practice

Mothers' milk and health care practices that support babies and their mothers to use mothers' milk are widely recognised as best care. The purpose of marketing is to influence decisions. Professional associations recognise the risks of marketing and require health professionals to act in an ethical manner.

Irish Medical Council Guide to Professional Conduct and Ethics for Registered Medical Practitioners 2009

59.9 Your choice of therapy for your patient should always be made in the patient's best interests. You are advised not to accept gifts (including hospitality) from pharmaceutical, medical devices or other commercial enterprises. ... You should be aware that even low-value promotional materials are offered by commercial enterprises with the intention of influencing prescribing and treatment decisions.

59.10 In general, educational funding from commercial enterprises to the healthcare sector should be channelled through unrestricted Education and Development Funds and be managed without influence from the commercial enterprise in question.

59.11 If you receive financial support or other resources from pharmaceutical companies and/or related enterprises in connection with professional activities, including lectures, presentations and publications, development of clinical services or conducting research, you should address any potential conflicts of interest that arise. In these circumstances, your patients and any other relevant party should be informed about any professional relationship you have with these companies.

Bord Altranais agus Cnáimhseachais na hÉireann (The Nursing and Midwifery Board of Ireland), Code of Professional Conduct and Ethics for Registered Nurses and Registered Midwives (2014)

"Principle 2 Professional Responsibility and Accountability: Standards of Conduct 11. You must not accept any gifts or favours from patients, healthcare and pharmaceutical companies that could: reasonably give the impression that you are providing someone with preferential treatment; influence your professional integrity; or cause a conflict of interest – where your private interests might interfere with your professional responsibility to your patient. You should abide by your employer's policy about the acceptance and reporting of gifts.

12. If you are promoting or advertising a product or service for commercial purposes, you should be aware of your professional, ethical and legal obligations to provide accurate and impartial information."

Code of Professional Conduct for IBCLCs (2011)

"A crucial part of an IBCLC's duty to protect mothers and children is adherence to the principles and aim of the International Code of Marketing of Breast-milk Substitutes and subsequent relevant World Health Assembly's resolutions."

Dietitians Registration Board Code of Professional Conduct and Ethics Bye-Law 2014 "You must not: b. misrepresent yourself or any product you promote; c. accept inducements, payment, gifts or benefits that could be reasonably perceived as affecting your professional judgement.You must not: be influenced by financial or other incentives in decisions relating to intervention and treatment. At all times, you must use your scientific knowledge, clinical skills and experience in an accurate and professionally responsible way...You should: a. advocate on behalf of service users about safety and quality of care..."



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