

Why Do Ethics Matter? Answers from the Gender Norms and Labour Supply Project

In this briefing paper you will find out how to:

- Obtain ethical backing for your research by following a set of procedures
- Consider how to minimise harm and distress to participants in your research
- Think about the potential tensions between ethics and law and consider how to minimise them
- Obtain informed consent from your respondents by using Participant Information Sheets and Consent Forms

Introduction: Our project studies the gender impact of poverty alleviation schemes in rural India and Bangladesh. Combining a variety of sources, we offer a fresh view on the effect of anti-poverty interventions. We focus on how women's involvement in the labour market is mediated via local gender norms. We draw on a number of discipline-specific methods and theories, including sociology, economics and social policy.

Research ethics:

The University and project staff need to avoid 'negligence'. In British, Indian and Bangladeshi law, negligence occurs through unreasonable and careless acts or omissions, ie the failure to act appropriately. In the courts, a civil case can lead to damages (rather than it being a criminal offense) but negligence also causes serious reputational damage to the organisation. We owe a duty of care to the participants in research, to our staff, and to the students and even the public if they are affected by our research. A case can only arise if someone suffers harm or loss, so we watch out for discomfort or distress that might border on **harm**.

Not Super-Cautious! Just Careful!

Researchers have to follow reasonable procedures so that we all implement our duty of care. That does not mean no harm ever occurs. Instead it means that the risk of harm is minimised as much as a reasonable person doing research would think was adequate to avoid harm.

Box 1: Ethical Principles

- Do no harm
- Obtain informed consent
- Ensure safety
- Do not coerce
- Keep confidentiality once promised
- Ensure anonymity if requested

Source: Economic & Social Research Council 2012 Statement of Principles

http://www.esrc.ac.uk/_images/framework-for-research-ethics-09-12_tcm8-4586.pdf



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Substantive Ethics:

The ESRC expresses our aims nicely in terms of positively promoting well-being: “The primary role of a Research Ethics Committee is to protect the dignity, rights and welfare of research participants.” (*Ibid.*, s 1.6). Thus a human rights ethic is implicitly present. Dignity and well-being are on the agenda.

Procedural Ethics :

An ethical **process** is one which acknowledges the duty of care and the human rights agenda as well as our shared aim of human well-being. Sometimes process becomes too prominent. Universities and research Institutes have to avoid legal cases. Don’t let the procedures get in the way. Flexibility is needed in a rapidly changing world. The skill of an experienced researcher creates conditions where they (personally) can take risks that someone else would not wisely take. Approval must be obtained. If the usual procedures are followed, sudden changes in the Research Design are not allowed because they have not got the approval of the relevant research ethics clearance committee(s).

Legal Aspects of Research Ethics

It is crucial to ensure that Data Protection Laws are followed. Furthermore, local and UK human rights law, which includes the European Convention on Human Rights, must be followed for all research that has UK funding. The *local laws* of the country in which activities take place **must also be followed**.

Following the law is a minimum floor for ethics. It is not a sufficient ethical grounding. Every researcher should train themselves in all the aspects of ethics, not only the legal aspects.

Informed Consent:

It is important that you obtain informed consent from your respondents. There are strong ethical reasons for ensuring that respondents are informed. **Not doing so may also seriously restrict your ability to use your data, to publish your results and to share your data with others.**

Create an Audit Worthy Trail of Ethical Approval:

You need to have written evidence of the research clearance that was given. If you change the Research Design you should send details back to the research clearance committee to inform them. Your records of identities and pseudonyms should be kept carefully – either in a public place or confidentially.

Box 2: Keeping records of informed consent.

You should always keep a record of respondents consent. This can be either written or verbal though written is preferable. The written consent form will have tick boxes and a space to sign. For any optional element, the form needs to have a clear YES / NO and Circle One showing.

In some cultures, signing a paper is a symbol of submission, and in others it puts one at risk of identity theft or of being accused of a crime. In such cases, verbal informed consent will be fine, but it should be recorded. The MP3 recordings should be kept carefully with clear filenames and dates.

Participant Information Sheets:

One way we recommend you keep a record of participants consent is by using participant information sheets and consent forms.

Participant information sheets should contain:



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- an overview of the research project
- information of the intended use of the data
- a statement regarding confidentiality
- an overview of the project and answer any questions a participant may have.

It is important to include information about how a participant should complain if they feel let down by the ethical procedure. You must also make it clear that a participant may retire their consent at any point, for any reason. An example Participant Information Sheet as well as an in-depth guide of how to complete one is available on the University of Manchester's website (ethics.cs.manchester.ac.uk/docs/guidance.doc).

Consent Forms:

A consent forms are the best way to keep a record of consent. It is vital to ensure that respondents fully understand what they are agreeing to. An example consent form is available on the website of the UK Data Archive (<http://www.data-archive.ac.uk/media/210661/ukdamodelconsent.doc>), it is distributed on a creative commons licence so you can adapt it to use in your own research.

Cost and Benefits:

The costs-and-benefits approach to ethics is controversial. It could be underpinned by one of three ethical systems, and there is ambiguity about which one is meant to be applied:

Utilitarian ethics. A utilitarian approach focuses on the consequences of actions as a means of deciding if an action is ethical. Here the sum of costs is compared with the sum of benefits. Harm to one person could be extensive but a positive net sum still occur. We have doubts about utilitarian ethics for this reason.

Universal human rights ethics. Here either the deep idea of intrinsic human rights is held to, or else the legal documents are referred to as lists of human rights. If the UN Convention on Human Rights is held to, a very wide range of human rights would be promoted, going beyond what some governments are prepared to adopt.

Legal ethics under British Common Law. If the European Convention on Human Rights is held to, a slightly narrower range of rights would be promoted. It is still very extensive. Close attention to the right to privacy is needed, for example. The costs-and-benefits interpretation that appears in this European statement is that sometimes government must override the personal right to privacy due to a state having a pressing social need to interfere with that right. In such cases, the interference by the state can only be the minimum necessary to ensure that the pressing social need is accommodated. This was made explicit by the UK House of Lords in the following case. C1370 Daly (Home Secretary): R v Secretary of State for the Home Department, ex p Daly [2001] UKHL 26 [2001] 2 AC 532 HL. All such cases apply the British 'Common Law', a series of court judgments which build up to create a system of norms.

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Example of Legal Wording of the Concept of Proportionality Under the European Convention on Human Rights.

Judicial review of a public body's decision would need to consider this principle, according to one case in the UK courts: "The principle that good administration requires public authorities to be held to their promises would be undermined if the law did not insist that any failure or refusal to comply is objectively justified as a proportionate measure in the circumstances"; *R (Nadarajah) v Secretary of State for the Home Department* [2005] EWCA Civ 1363 at [68] (LJ Laws). The idea of an objective justification creates an offsetting weight against the harm done by breaching someone's human rights.

Case Study: The Belfast Project.

The Belfast Project was undertaken by Boston College to provide an oral history of The Troubles in Northern Ireland. It involved interviews with paramilitaries on both sides of the conflict such as the Irish Republican Army and the Ulster Volunteer Force. Interviewees disclosed several cases of illegal conduct such as cases of abduction and murder for which no-one was ever charged. Further, if the identity of the interviewees were to be revealed they risked being executed as informers.

These are amongst the reasons why the Belfast Project could not have been carried out without providing an absolute guarantee of confidentiality. In 2011 the British government sent two sets of subpoenas to Boston College demanding the release of a number of confidential interviews from the Belfast Project. This was met by opposition from the research team who have stated their intention to defy any order to violate their confidentiality pledge. Furthermore, addressing US Secretary of State Hilary Clinton, Senator John Kerry warned that yielding to the subpoenas could derail the entire Irish peace process. Palys and Lowman give two positions, the 'ethics first' approach and the 'law of the land' approach. The ethics first approach advocates placing full priority on the ethical commitments made by the researcher, in our case the non-disclosure of information even if this puts the researcher in contempt of court. The law of the land approach requires compliance with the relevant laws, in this case it would require yielding to the subpoenas and passing records of the interviews over to the authorities.

The case of the Belfast Project highlights the need for a clear ethical procedure and a full understanding of laws that may apply to one's research topic.

Case Study 2: A PhD student intends to study corruption in the oil industry in Nigeria.

The proposed research design includes structured interviews of stakeholders, what ethical issues are involved?

After defining corruption and developing a research design, the student will have to consider safety and risk first. A design which mitigates the obvious risks is needed. Participant observation is out of the question, but interviews and/or action research might work out. The student can use mixed methods. The ethical issues also include doing no harm to the people who admit illegal acts; following local and UK law; making sure that activities don't draw the researcher to the attention of police under a false suspicion; and using common sense to ensure that stakeholders are not adversely affected. Reputations should be enhanced, not damaged, by the contact with researchers. Finally the use of anonymised quotes with no video of faces, no photos of identifiable

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places and no mention of place names is likely to be needed. The use of pseudonyms chosen by respondents could be empowering. Careful control over the activities of any research assistant. Avoid lone working. Finally note that the transcript files before anonymisation will need to be held on encrypted laptop/USB. The researcher cannot use either the Cloud nor Dropbox to hold the pre-anonymisation versions.

Case Study 3: Some Gender & Ethics Considerations in the World Health Organisation.

The department of reproductive health and research at the World Health Organisation has committed itself to being more gender sensitive in the research it carries out. The aim is “that no intervention or research contributes to gender inequality or aggravates existing gender inequality. Ideally, research and resulting interventions should contribute to the promotion of gender equality whenever possible.”

Researchers are encouraged to answer four questions to ensure that their research topic is gender sensitive:

- Does the research address a demonstrated public health need and a need expressed by women and/or men?
- What effect will the research have on gender inequities in health and health care?
- How will the results be disseminated? How can we ensure woman receive the knowledge they deserve about their health?
- Does the nature or topic of the research make it important that the researchers are women rather than men, or vice versa?

Case Study 4: (For Readers to Think About)

A PhD student wanted to study informalised work and child labour in India and Benin. This is the Elizabeth Wardle case; she was awarded the degree of PhD from University of Manchester in 2013. Proposed methods included interviews and observation; in this instance no photographs are to be taken and no names are to be recorded. What other ethical issues are involved?

A Framework for Quickly Checking Actions for Ethics.



In this framework, please note that people are only ‘informed’ if they are told **exactly what will happen, what will be done with their data, and how to complain.** Their consent is only valid if it is informed consent.

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Dealing With Distress.

If people could become distressed during the interviews or other activities, you can mitigate this harm by handing out a short leaflet advising them of a local advice service, supportive NGO or other resource such as a counselling service. Your leaflet would indicate in a reasonable way how they can get further help. Avoid labelling the respondent using words with negative connotations. For instance, don't write PTSD or depression on the leaflet – use mild words.

If you felt any discomfort bordering on distress during your research interaction you can consult the contact below, who may perhaps be able to provide follow-up advice beyond what I can give. Keep this leaflet for reference.

References:

Economic & Social Research Council. (2012) Statement of Principles. Available at http://www.esrc.ac.uk/images/framework-for-research-ethics-09-12_tcm8-4586.pdf

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