



PRESS RELEASE

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German National Ethics Council presents Opinion on predictive health information in pre-employment medical examinations

After several months of intensive deliberations, the National Ethics Council is today (Tuesday) publishing its Opinion on predictive health information in the world of work.

The issue addressed by the Opinion is the extent to which it should be permissible to make the conclusion of a contract of employment or appointment as a civil servant dependent on the determination and use of information concerning the future course of a past or present medical condition or the risk of a disease that has not yet become manifest. Such probabilities can be established increasingly accurately by means not only of genetic but also of other techniques of medical examination, such as analyses of blood chemistry or radiology. Medicine can also offer prognoses in relation to conditions from which job applicants have suffered in the past or are currently suffering. For this reason, widespread concerns have been voiced for some time that employers might make use of the potential of predictive diagnosis in decisions on the filling of a given post.

In the view of the National Ethics Council, it is legitimate for an employer, prior to deciding whether to engage a candidate, to consider whether he or she is fit for the relevant duties physically, mentally and in terms of health. Questions about an applicant's health status and personal medical history, as well as medical examinations, are therefore permissible where necessary at the time of appointment for determining fitness for the proposed activity.

Conversely, limitations should be imposed on the use of health information obtained from questionnaires or from a pre-employment medical examination where such information relates to the future fitness of a candidate. It should be confined to conditions and predispositions with a probability exceeding 50% of having non-negligible effects on the candidate's fitness for the post in question within a period following engagement to be set by law or collective bargaining – e.g. on the basis of the usual six-month probationary period. In particular, examinations of candidates should not be allowed for "screening" purposes, but only if there is reason to suspect the possible presence of a specific condition or predisposition.

The German National Ethics Council

The German National Ethics Council's task is to provide a forum for interdisciplinary discourse between the natural sciences, medicine, theology and philosophy, and the social and legal sciences.

It expresses views on ethical issues relating to new developments in the field of the life sciences and on their consequences for the individual and society.

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More extensive examinations for currently symptom-free conditions or ones of predictable onset should be permissible if they are necessary to preclude risks to third parties, as for example in the case of pilots.

The principles outlined above cannot be applied without reservation to the appointment of civil servants. In this instance the employer assumes a duty of care towards, and an obligation to provide for the welfare of, a civil servant that persist throughout the employee's life. As provided in the regulations obtaining in the individual German Länder on the appointment of severely disabled persons as civil servants, it should be permissible for predictive and prognostic information to be demanded and used only in the case of conditions and predispositions with more than a 50% probability of having a non-negligible effect on an applicant's health-related fitness within the next five years.

The National Ethics Council will shortly be considering issues of predictive health information in the insurance sector.

The German text of the Opinion Predictive Health Information in Pre-Employment Medical Examinations can be accessed online at:
<http://www.ethikrat.org/stellungnahmen/stellungnahmen.html>

An English version will be available in due course.