

Handling harassment accusations without losing your cool

BUSINESS
PATHWAYS

October 16, 2024

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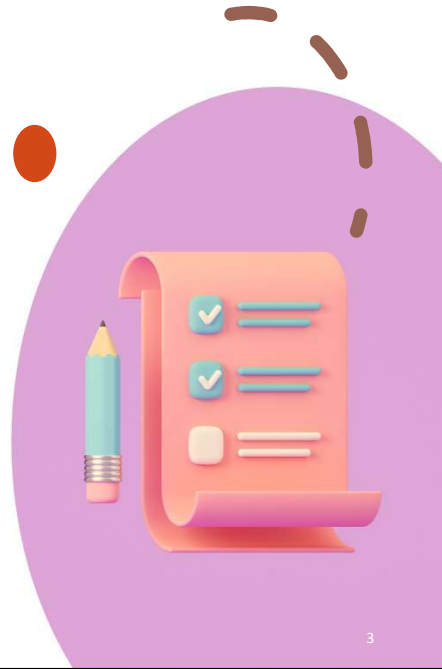
The information discussed in this video is intended to promote constructive dialogue and resolution.



This tutorial does not constitute professional advice. Viewers are encouraged to seek guidance from a qualified professional for specific situations.

Outline

1. So you've been named in a bullying & harassment or discrimination complaint
2. Policies & Definitions
3. Investigation and ADR processes
4. Approach to responding to complaints
5. Effective apologies: when & how
6. Questions
7. Resources



Other materials in this series

- Webinar: ***Conflict resolution foundations***
- Webinar: ***Strategies for managing bullying and harassment in your practice***
- Article: ***The art of managing emotions during conflict***
- ***Navigating through workplace conflict*** video tutorial series:
 - *Physician group*
 - *Clinic staff*
 - *Hospital dynamics*





So you've been named in a Respectful Workplace complaint

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Possible interpretations

- a. You are perfect and never do anything wrong
- b. You are doing the best you can in a stressful system and sometimes you lose your cool
- c. You are being targeted by someone else who is trying to bring you down
- d. You have been a problem for years and everyone knows it but you have zero self-awareness
- e. You know exactly how difficult you are and other peoples' sensitivities are not your problem

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Possible approaches



Head in the sand: I'm too busy for this



Clear my name: Scorched-Earth defense, lawyers, counter-complaints, etc



Self doubt: This can't be me, I picked the wrong profession



Understand & grow: Listen, validate feelings, make amends, generate solutions, move forward

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Policies & Definitions

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Respectful Workplace Policies & Procedures

- Apply to all workers (including physicians)
- Set expectations for respectful interactions in the workplace
- Prohibit bullying, harassment and discrimination
- Employers are required to have procedures in place to address reports
 - “Formal” investigations
 - “Informal” conflict resolution

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WorkSafeBC: Bullying & Harassment

Bullying and harassment is:

- any inappropriate conduct or comment
- by a person (including third parties)
- towards a worker
- that the person knew or reasonably ought to have known
- would cause that worker to be humiliated or intimidated

Not: reasonable action by employer or supervisor to manage and direct workers

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BC Human Rights Code: Discrimination in Employment

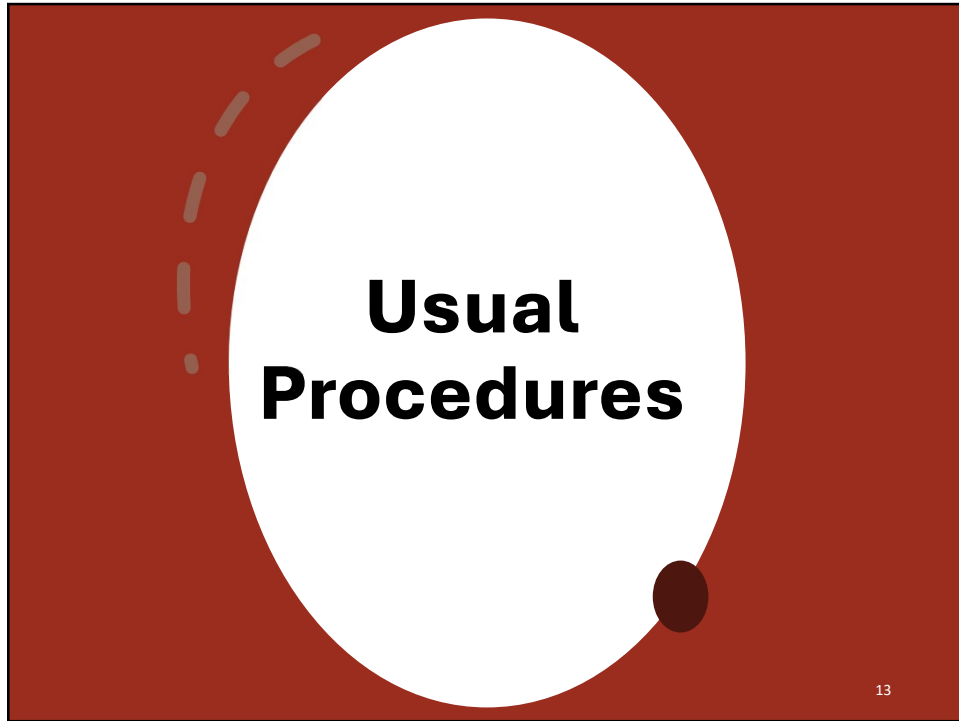
- Prohibits discrimination in employment
- Discrimination is a *negative effect* regarding employment (including *harassment*), based on a *protected characteristic*:
 - Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age or criminal conviction unrelated to the employment
- Includes a duty to take all reasonable steps to avoid a negative effect based on a ground of discrimination → *duty to accommodate*

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BC Human Rights Code: Discrimination in Services

- Prohibits discrimination when seeking access to or using a public service
- Discrimination is a *negative effect* regarding a *service (including harassment)*, based on a *protected characteristic*:
 - Indigenous identity, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or class of persons
- Duty not to discriminate regarding services includes a duty to take all reasonable steps to avoid a negative effect based on a ground of discrimination → *duty to accommodate*

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**Usual
Procedures**

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Adversarial Process

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Investigations: what to expect

- **Purpose:** find facts; determine whether policy contravened
- **Explanation of the process**
- **Procedural fairness**
 - Impartial, independent investigator
 - Ability to have a confidential support person
 - Opportunity to know the allegations and respond meaningfully
 - Option to respond in writing
 - Verbal Interview(s) – tell your story
 - Review written interview summary
 - Propose witnesses
 - Provide relevant documents and records



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Investigations: what to expect

- **Analysis**
 - Contextual approach
 - Balance of probabilities
 - Reasonableness standard
 - Assessments of credibility
- **Written report**
 - Preliminary summary of facts
 - Did the alleged conduct occur?
 - Does it meet elements of B&H or discrimination
- **Follow up**
 - Communication of outcome
 - Remedial steps (discipline, corrective action, restoration, coaching, etc.)



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ADR (Alternative) Dispute Resolution

- Instead of investigation **or** post-investigation
- Confidential, voluntary, impartial
- Transparent, clear, structured process e.g. mediation, restorative circle
- *Potential goals:* sharing impact; insight & understanding; apology; relationship restoration; rules of engagement



ADR is likely suitable when

- I have to work with this person
- The other person doesn't like me/I don't like them
- We had a good working relationship in the past
- I can't handle a long drawn out process
- I don't want the rest of the team involved
- I caused harm but I didn't mean to
- I want the chance to apologize/an apology

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ADR may still be suitable when

- I want the other person disciplined
- I don't want to work with the other person anymore
- I'm afraid to talk to the other person
- Trust has been broken
- This has been going on forever
- I don't think the other person will engage in good faith
- I feel singled out by the other person because of my race, gender, sexual orientation, etc) - *depending on facts
- I feel bullied
- My mental health has been hugely impacted

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Investigation likely preferable when

- Allegations, if proven, would likely lead to serious discipline or termination
- Progressive discipline is advisable
- Allegations, if not investigated, could lead to serious liability for employer
- Allegations, if not investigated, could lead to embarrassment for the employer if the matter became public

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ADR likely unsuitable when

- Serious allegations of abusive conduct
- Previous attempts with external mediator/facilitator unsuccessful because of abuse of ADR process
- Indications a participant might abuse the ADR process
- Power imbalance between the parties that cannot be balanced with procedural or organizational safeguards, exposing person in lesser position of power to potential harm if matter unresolved

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Responding to complaints: approach



Authentic



Compassionate



Accountable



Methodical



Strategic



Solution-oriented

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Effective Apologies when we cause harm



Express remorse for a mistake

I'm sorry that I _____



Admit responsibility

Be authentic

Acknowledge what you did

Avoid explanations



Make amends

Take action to make the situation right

Avoid token gestures or empty promises



Promise it won't happen again

Say what you will do differently and honour your commitment

Vital for rebuilding trust

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Questions?

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- At any point, Drs of BC Regional Advisors and Advocates can be contacted to provide support and guidance to physicians
- **DoBC RAA:** can support you throughout the complaints process to ensure you are treated fairly and proper processes are followed. They can also attend formal meetings scheduled throughout the process to act as a support person for the physician.
- **CMPA:** When facing a medical-legal concern, legal action, or complaint while practicing, CMPA's physician advisors are physicians with medical-legal expertise.



PROGRAM OVERVIEW

Physician Health Program
British Columbia

Physician Health Program

If you need help, we are here for you

www.physicianhealth.com
[1.800.663.6729](tel:18006636729)



How PHP can support with harassment/complaint experiences

Physician Health Program
British Columbia

- 24/7 Helpline**
Call for crisis support and accessing our other services
- Peer Support**
Connect with a physician peer for confidential 1:1 support around this experience
- Counselling**
Connect with a licensed Clinical Counsellor to receive mental health supports
- Community Referrals**
Connect with specialized coaches, therapists, and community specialists

"The whole process was speedy and efficient but, most of all, I was impressed by the kindness and empathy of the clinical coordinators and intake physician. I would encourage any physician who is suffering to contact the PHP – there is much to gain and nothing to lose."
-Late Career Physician

How PHP can support with harassment/complaint experiences



Concerned Colleagues

Receive advice for helping your physician colleague get the support they need



Primary Care Connection

Get connected with your own personal family physician



Return to Work/School

Receive support, coaching and planning to transition back to work/school after a leave



Strengthening Workplace Relationships

Enhance workplace relationships and improve communication habits

"Reaching out to the PHP has been the best decision I have taken during this difficult time. I was offered so many resources, and I was able to choose what was appropriate for me. The PHP has accompanied me during the whole process of medical leave, helping me deal with my disability insurance claim and the negotiation for ending my contract, and has connected me with medical support and therapy sessions."





-Early Career Physician

Contact

Kindly contact us if you need support or have any questions



Contact Us

-  24/7 help: 1-800-663-6729
-  Office: 604-398-4300
-  info@physicianhealth.com
-  www.physicianhealth.com

Resources

- ***The Joy of Conflict Resolution***, Gary Harper (2004)
- ***Difficult Conversations***, Douglas Stone, Bruce Patton, Sheela Heen (2010)
- ***Style Matters: The Kraybill Conflict Style Inventory***, Ron Kraybill, riverhousepress.com
- ***No Ego***, Cy Wakeman (2017)
- ***It's All Your Fault at Work: Managing Narcissists and other High-Conflict People***, Bill Eddy & L. Georgi DiStefano (2015)
- ***Our New World of Adult Bullies: How to spot them, how to stop them***, Bill Eddy (2024)



Thank you

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