

Preventing Discrimination and Harassment

Efforts to address racial justice both inside and outside of medical workplaces continue to be a focus

By Julie Z. Devine, JD

Many in the St. Louis medical community were active participants in last year's demonstrations after the murder of George Floyd. On June 5, 2020, as part of the "White Coats for Black Lives" protest, hundreds of medical providers, including doctors, medical students, nurses and pharmacists, protested outside of St. Louis-area hospitals.

As we reflect a year after these protests, it is clear that efforts to address racial justice both inside and outside of medical workplaces continue to be a focus. Furthermore, as workplaces in the medical field have been transformed by COVID-19, many employers are looking anew at how their workplaces function and the type of culture and atmosphere they want.

For many, addressing discrimination and harassment in the workplace is not only a moral or ethical imperative, but also a practical necessity to ensure that their workplaces can attract and retain the strongest talent. Below are some concrete steps that individual physicians can take to address discrimination and harassment in their workplaces.

- **Create a solid structure to investigate and address complaints and concerns.** Having a written policy in place is a key first step in addressing discrimination, harassment and retaliation—and one of the first questions the EEOC or Missouri Commission on Human Rights will ask about when investigating a complaint. For those physicians who are part of organizations that already have such policies, asking that those policies be reviewed and updated regularly is also important.



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Many employers are revising their anti-discrimination and harassment policies to make them more robust in terms of investigations. These changes can help ensure that complaints are thoroughly examined and that those accused of misconduct are given a fair opportunity to explain their side of the story.



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Employers are also re-thinking the individual or entity who is best able to serve as the investigator when complaints arise. For complaints that involve senior-level executives or physicians, it sometimes makes sense to hire a third-party investigator or lawyer who does not have a prior relationship with the organization or individuals involved. This not only allows a more impartial examination of the key issues, but also provides comfort to all involved that there is not a conflict of interest or pressure to find a certain result.

- **Collect/review data about complaints and investigations.** Organizations big and small often do not have a good handle on discrimination and harassment in their workplaces. Collecting data can mean conducting a climate survey, reviewing exit interviews, or scanning social media and blogs. It also means looking for red flags, such as high turnover or low morale in certain departments.

In addition, it is helpful if complaints about discrimination and harassment are reported to leadership of the practice or organization to ensure a full understanding of the data about complaints, and so that responses are handled in a consistent way through the organization.



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➤ **Advocate for yearly training in anti-harassment and anti-discrimination.** There is skepticism among many that sitting for an anti-discrimination or anti-harassment training can lead to any real change. There is also increased scrutiny of the content of anti-bias trainings and seminars. However, trainings on anti-harassment and anti-discrimination can be effective if they are tailored to your organization's policies, procedures and priorities; if there is true leadership buy-in; and if it can lead to frank discussions about improving the climate. To do so, live trainings (as opposed to a generic video) are often the most effective.

➤ **Train supervisors about how to respond to complaints of discrimination and harassment.** In addition to trainings for all employees about the organization's anti-discrimination/harassment policies, trainings for all managers and supervisors about the company's expectations and policies are strongly recommended.

A common mistake related to employment law is that managers and supervisors believe that an employee's complaint about discrimination or harassment must be written or made in a formal manner. Many complaints about discrimination and harassment, however, are made as part of a more casual conversation.

Supervisors and managers must be able to recognize the need to report these issues to a human resources department or senior leadership. This type of training can also provide reminders about company policies around other key issues such as hiring and recruiting, to ensure fair and consistent implementation of company expectations.

➤ **Emphasize respect in the workplace.** It is often difficult to tell the difference between rude or disrespectful behavior and discrimination and harassment. Insisting on a climate that is respectful to all employees, and having sometimes-difficult conversations about those expectations, is one of the best ways to improve the workplace climate. Conversations should also include how supervisors and managers provide feedback when employees need to improve performance.

At this time with the confluence of COVID-19, the movement for racial justice and the #MeToo movement, we are in a period of extraordinary change for our workplaces. It is an occasion to "think outside the box" about how our workplaces operate and an opportunity to take affirmatives steps to directly address combating discrimination and harassment in medical workplaces. ➤

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feel like a real person—not just someone on a computer screen," says Haynes.

Lastly, if budgetary resources allow remote employees to travel, it's recommended they make periodic visits to the main office. These visits allow them to establish those ever-important face-to-face connections.

Many HR and organizational development experts recommend that companies assess their current onboarding efforts. The results might surprise you. Is your organization's idea of onboarding a one-time event where new employees simply

complete necessary paperwork? Or is it a holistic experience that addresses compliance, clarification, culture and connection?

If it's the latter, congratulations! Your organization has a process in place to help successfully retain new employees by making them feel like a member of the team. ➤

References

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