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Sexual Harassment in the Workplace for Allied Health and Behavioral Health Professionals

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Thank you for joining today's webinar Sexual Harassment in the Workplace for Allied Health and Behavioral Health Professionals. I'm Dr. Katie Kirk, licensed clinical psychologist, licensed addictions counselor, and manager of Content strategy and development. My pronouns are she, her, hers. It is my pleasure to introduce our presenter, Dr. Ryan Kirk. Dr. Kirk is a licensed psychologist and the Director of Psychological Services for Meridian Health Services.

In his leadership capacity, Dr. Kirk oversees quality assurance for clinical documentation and the implementation of evidence based practices. He is a primary driver of integrated care initiatives focusing on the development of real time behavioral health consultation programs within primary care settings to enhance service delivery for vulnerable populations. Dr. Kirk possesses extensive expertise in specialized clinical interventions including psychological and neuropsychological assessment, pediatric and family medicine, and pain management via biofeedback certification. He has an extensive experience facilitating organizational leadership initiatives specifically regarding continuous process improvement models and systematic culture transformation. His work emphasizes the intersection of physical and behavioral health, ensuring comprehensive care through clinical innovation.

Dr. Kirk earned his doctorate in Clinical Psychology from Adler University and a Master's of Social Work from Washington University in St. Louis. He currently operates from Denver, Colorado. You can read more about Dr. Ryan Kirk on the course page of our website. Thank you for joining us today, Dr. Kirk. Well, hello everyone and welcome and thank you for joining us today here.

First, I want to start off with my disclosures.

And a list of risks and limitations of this presentation.

And some learning outcomes for today. So before we begin, let's just talk a little bit about what you'll be able to do by the end of this 60 minute session. After this course, my hope is that you'll be able to first

identify the two primary forms of sexual harassment recognized under federal law, and those include quid pro quo and a hostile work environment. Secondly, our hope is that you'll be able to list at least three examples of behaviors that can constitute sexual harassment across different forms and that would include the areas of verbal, physical and digital. And then finally, you'll be able to describe two required actions employers must take to prevent and respond to sexual harassment complaints.

So we want to make sure that we're looking at the employer side of things too, and that'll be based on the EEOC or the Equal Opportunity Employment Commission guidelines. These outcomes will provide a strong framework for understanding your rights and responsibilities.

So let's start beginning build our foundation here and talk about what is sexual harassment. Exactly. So at its core, sexual harassment is not about romance or attraction as it might sound. Instead, it's actually a form of sex discrimination and is illegal under federal law. Specifically, we'll be taking a look at Title VII of the Civil Rights act of 1964.

And this law applies to most employers with 15 or more employees. And the U.S. equal Employment Opportunity Commission, or the EEOC, which enforces this law, provides a very detailed definition. The EEOC's definition is that sexual harassment is an unwelcomed. And that's a phrase that we'll stress over and over in the presentation. An unwelcome sexual advance request for sexual favors and other conduct of a sexual nature.

So this conduct becomes illegal when it affects employment, interferes with work performance, or creates any kind of hostile work environment. The single most critical word, again, as I said, is unwelcome. So if the conduct is not welcome, it doesn't matter really what the other person's intention was. So a hug, for example, that's maybe welcomed by one person may be deeply unwelcome or intimidating to another. So the perspective is going to be really important as we take a look at some case studies here today.

So there's two federally recognized types of sexual harassment that we'll talk about today. The first is quid pro quo, which is a Latin phrase which means this for that. This is probably the most commonly understood form of harassment, and it occurs when a person in authority, like a manager or supervisor, puts conditions such as a job benefit on an employee's submission to unwelcome sexual advances. So you can think of it as transactional in nature. So if you do this for me, I'll do that for you.

And then the other form is a hostile work environment. So the second category is a form of harassment, and it's more common and can be more subtle in nature. So it occurs when an unwelcome conduct based on sex is so severe or pervasive that it unreasonably interferes with an employee's work or creates an environment that could be felt. Again, what's the implication to the individual targeted? That it could be felt to be intimidating, hostile, or abusive.

So the key point here is the harasser can be anyone. This could be a supervisor, a fellow coworker. It could even be a non employee for those in clinical care. For example, it could be a patient. So it doesn't necessarily have to be from one co worker to another.

So let's take a look at a case study here. In this one, we'll be talking about the example of quid pro quo. In this scenario, we have a psychology intern named May who is assigned to a highly competitive trauma rotation supervised by Dr. T they have a late case conference and Dr. T texts, I can guarantee you the top evaluation and a letter for fellowship. Let's keep this between us and meet for a private dinner. In quotations to talk options, May declines the offer.

In the following week, her rotation is suddenly reassigned, allegedly due to staffing issues and her evaluation comments note that she's a poor fit and limited initiative. So obviously problematic here. And one of the key issues is that there's an unwelcome sexual advance that's tied to a job benefit here. There's an adverse action after the refusal, and then there's, of course, a general power imbalance

because we have a supervisor trying to leverage against a trainee here. So this is a fairly classic quid pro quo pattern.

And there's an offer of a benefit in exchange for sexual interaction, even though it's somewhat veiled, which does meet the definition. The subsequent reassignment and negative evaluation could constitute a retaliation in nature. And the intent really is irrelevant here. So what is the impact and linkage to job conditions? That's really what matters.

And then the employers must have a clear reporting channel outside of the supervisory chain. So we're going to talk a bit about that. So if you put yourself in a supervisory position here, what are the immediate steps you think HR should take, and what are interim measures that would protect the trainee from the HR side of things? It really needs to be a safe reporting channel. I mean, how can May bring up this sensitive topic within the organization?

So HR really must ensure that Mae has a reporting path that's entirely outside of her supervisory chain, because she can't obviously expect to resolve this with Dr. T. I'd recommend launching a formal investigation here. So HR should immediately secure any evidence. If they're able to access and take record of the text messages from Dr. T, they should do that. Also, they really should have an interview with Mei and Dr. T so that they can ascertain what happened in the scenario. And then in terms of the evaluative nature, they should investigate if Dr. T has a history of similar private requests or sudden negative evaluations of other trainees to see if there's any kind of pattern to this behavior.

Perhaps there's other, you know, residents who have had similar experiences with him. And then interim measures to protect the trainee, it would be a good idea to freeze and review any evaluations. You know, he already said this piece about it being a poor fit, so making sure that there's not another opportunity for him to negatively evaluate May, restoring the professional benefits. So if the Investigation suggests the reassignment was retaliatory in nature. May should be offered the option to

return to her original trauma rotation.

Obviously under a different supervisor. HR could also put in place a no contact directive. So make a formal directive that says that Dr. T shouldn't have any further supervisory or evaluative influence over Mae. And then this retaliation piece, making sure that there's some sort of monitoring in place, an anti retaliation policy. HR should actively monitor her career progression at the facility and make sure that no other negative actions taken towards her.

So a lot to consider here then in case study B, we're going to take a look at the other common form, which is hostile work environment. In this scenario, we have a hospital break room and a group regularly streams a comedy channel with sexualized content. A radiology tech speaks up. This is Luis, and he's repeatedly asked for a different channel. The co workers, however, mock him and they call him names like uptight.

And one even places a sexually explicit meme on his locker. Louise starts skipping breaks, he reports headaches. So it's taken a physical toll on him and he overall has a drop in his performance. So the key issues here are we have severe and pervasive unwelcome conduct by peers. There's a repeated exposure they continue to put on the comedy channel even though Luis asked them to stop.

There's ridicule or bullying, if you will, and then an impact on work conditions. This illustrates again a hostile work environment. There's conduct that's unwelcome and pervasive enough to alter the conditions of employment. Again, it doesn't have to be directed at the victim personally to be unlawful. And when the supervisor who knows about it and does nothing, that can really create liability for the employer as well.

So it's important here to have a prompt corrective action.

So let's talk a little bit about what that means because others who are in the area do have a responsibility to assist Luis as a peer as well. So imagine one of your coworkers didn't agree with the behavior or one thing you can do is use a framework called the 5DS. In the references in this presentation. You can read more from Zhang from 2023. And the first D is direct.

And this is an in the moment kind of way to stop the behavior if possible. So I'm going to go over the five Ds and also some scripts that might might work with these examples. So in this one, this is the most courageous step. So you speak directly to the person that's causing the harm. And for example, in the break room, you could say something like, hey, that that video really isn't appropriate for work.

I'd really prefer if you change the channel. So just calling it out directly, you're not attacking the person, you're not shaming them, but you are addressing that the behavior is inappropriate. The second D is to distract, which is more of a de escalation type of tactic. So if you aren't comfortable being direct, use a distraction to the brain to. To break the tension.

For example, you might walk in and say, hey, Luis, did you see that the new patient is scheduled for this afternoon? And the objective here is to really do anything that pulls the individual out of the situation and removes them from the harassment. Any way to give the victim an exit? Essentially three is to delegate. And this one is more of a supportive action.

So again, you don't have to handle this alone. And if the group's intimidating, you could find a supervisor, hr. So imagine you say to the supervisor, I've noticed the guys in the break room are making Luis really uncomfortable with some of the videos they play. Can you look into that? So in this one, you're just bringing hr, right, or a supervisor right into the matter to intervene.

Four is to delay. And this is more of a wellness check. So if you can't quite stop what's happening in the moment, you could still help out. And you could check in with the target, in this case, Luis, and say

something to him like, hey, I saw that there was this meme on your locker. You know, are you okay?

That really wasn't right. And I'm happy to go to HR with you if you want to report it. So making them feel seen and that you're joining in with them and are going to be an ally as needed. Fifth is the document. So an evidence trail.

So document and everything you see is going to be important, even if you're doing one of the other Ds as well. So write down the date, the time, obviously anyone who was involved, and verbatim anything that was said that you can remember. And so this is critical for the employer's duty to investigate because your notes can provide the objective proof needed to stop a pervasive pattern. So this is an idea to really disrupt things if you're the bystander.

Let's do a knowledge check here. So imagine a supervisor tells an employee that they will be overlooked for promotion unless they agree to have dinner with them. This is a classic example of what type of sexual harassment that we've discussed A, a hostile work environment, B a third party harassment, C quid pro quo harassment, or D retaliation.

And in this case the correct answer is C. So that's a quid pro quo harassment that we talked about first. And this links a job benefit or a detriment to declining sexual conduct by someone in authority. So again, quid pro quo is Latin for this, for that. In a legal and workplace context, it refers to situations where the employment benefits, such as a promotion, raise or keeping one's job even is made contingent on the employee providing sexual favors or submitting to sexual advances.

Some of the other choices, again we talked about hostile work environment. That'd be more so when there's an unwelcome conduct based on a protected characteristic like sex, that's so severe, pervasive, that it creates an intimidating or abusive type of atmosphere. Another option was third party harassment. That's really someone who's not an employee of the company, like I mentioned earlier, a

client or a vendor or a customer even. And then retaliation is referring to the employer taking adverse action against an employee because of the complaint that they've brought forward.

So C, quid pro quo is the best answer here.

Now let's get a little more specific about the kinds of behaviors that can create a hostile work environment, because it is a fairly wide spectrum. First is verbal harassment, which is probably the most common. And this includes things like telling lewd or off color jokes, making comments about a person's body or their sex life, or spreading any kind of sexual rumors about an individual. And keep in mind that harassment can also be non verbal in nature. So this might involve actions like undressing someone with, with your eyes, or making sexually suggestive hand gestures, or displaying sexually explicit images.

And we'll have some illustrations of this, particularly that piece of making somebody uncomfortable by the way, in which you're looking at them or looking at parts of their body.

So another case study here in, in this one we have a senior occupational therapist, his name's Mark, and he often greets a new hire, Imani, with comments saying things like, you're too gorgeous to be stuck charting and you must break a lot of hearts. And he stares at her during team huddles, so he's only looking at her. And when she avoids him, he says, don't be so sensitive. It's, it's just a compliment. So he's trying to just laugh it off.

And his peers are doing the same as well. The problematic behavior obviously is that there's very sexualized comments. So that's the Verbal piece. He's also leering or staring at her. So there's a non verbal component to this.

And playing a bit of a mind game too, which is to really downplay or minimize the whole thing. And saying it's really just a compliment, you know, don't be so sensitive. And the group, unfortunately is normalizing this behavior. Nobody's stepping up and there are bystanders who aren't doing anything.

Again, the verbal and non verbal behaviors are both important to note. And the compliments about impairments are sexualized. And again, they're unwelcome. So that's what's creating the hostile work environment. She feels uncomfortable in this situation.

Again, the standard is not how does he intend it, how do his peers think it's a joking matter, but really what is the impact and not necessarily the intent? So what are the bystander actions that could shift the norm here? And what should a supervisor document and do after a report in terms of the bystander interventions? He is reinforcing a group normalization. He's making this sort of a joking type of demeanor in the workplace.

What would be ideal is if somebody came up to Mark and said, you know, the comments are really unprofessional. I'd really prefer if we keep this about work, you know, even something that maybe holds him to the standard of his degree, you know, do no harm, etc. And then you could also distract him. And a colleague could interrupt Delirian by asking Imani a work related question or move her away from the situation. That's probably kind of temporary in nature, but.

But you could at least disrupt the pattern for that period of time and then delay or check in with Imani afterwards. You could acknowledge that the compliment was actually unwelcome behavior and offer to support her in a report. So some of that's really just validating her experience and trying to be an ally and then stopping the normalization. So the most important shift in the room here is everyone needs to stop laughing. You know, I think the more people are making this out to be a funny thing, the more problematic it becomes.

So silence really could be a really firm pivot for the group here. And then the supervisor's responsible, of course too. So when this is reported, the supervisor has to act. And again, they should be thinking, what is the impact? Not what everyone else in the room, except for Imani is really thinking.

So what is her. How is Mark's compliment, as he puts it, meant to her? And then verbal and nonverbal acts record the specific Phrases like, you're too gorgeous, along with the nonverbal leering. And then the rebuff piece of this, which is Amani tries to avoid him. So documenting also that she's trying to get out of his line of fire, so to speak.

And then also look at the culture. So document that others have left. Identify other individuals who are supporting this negative type of behavior. Amani should be supported and protected, and there should be a formal investigation. Again, HR will need to be brought into this.

So let's talk a bit about physical harassment and also digital harassment. So physical harassment is particularly violating because it intrudes on a personal space and sense of body autonomy. And it can range from actions that a harasser might try to dismiss as friendly, like an unwanted shoulder rub or a hug that lingers too long. Again, where is that line being crossed? And what is not the intentionality, but the experience from the individual?

It might also be more overt or aggressive acts like grabbing or pension, for example. Again, it's crucial to understand that even if it seems minor, the unwelcome conduct can make a person feel unsafe or objectified, and it chips away at their ability to feel secure at work. So any form of sexual assault and the most severe form of physical harassment is also a criminal act, which is important to note. And also, maybe this is a newer concept in the last 10 or so years, but our hyperconnected world, we increasingly have forms of digital harassment occurring now, too. So this isn't just about, like a singular email or something that's circulated that's inappropriate.

It's really about how technology can be weaponized to make someone feel like they're under attack. So unwelcome text, for example, with sexual innuendos, or being added to group chats, for example, with inappropriate images that are shared, or even sexual rumors that are shared on social media. Again, there's this wider piece of social media that could be occurring outside of the workplace as well. Increasingly, there's this blurred line, really, between work and home. So for the person targeted, there isn't much of a way to escape.

The things that we're talking about that happened concretely in a brick and mortar location are also starting to happen in more of a digital format because it can follow them on their phone and creates this constant state of anxiety and feeling that they're never truly safe because they're in this hostile environment.

So let's talk about that physical piece first. We'll come back to the digital in the next slide. So in this scenario, we have a nurse manager Carla, who gives rubs, shoulder rubs, during night shift to boost morale. And there's an RN named Jay who said, please don't. He's very directly told her to stop.

And she continues with, you'll thank me later. Separately, he starts to receive Instagram direct messages from an ancillary staffer with sexually suggestive reels and emojis. And these messages are coming at 1 to 2am in the morning. So there's a lot of problems here. There's unwanted touching, which is very overt.

There's this repeated declining or objection, but it continues. And then there's off duty digital sexual content in this late night messaging pattern. So I want to reiterate that any unwanted touching is out of bounds, especially after someone has said no. And digital harassment is taking place here, which also counts, even though it's off our timing. And the hospital has to address both.

So they have to stop the touching immediately and coach and discipline this manager. But they also need to instruct the sender to cease. And this all needs to be documented on the HR or supervisory side as well. So imagine in the scenario that Jay actually fears that there's going to be some sort of retaliation because he's reported this. What is the safe, confidential reporting path that we can offer to him?

In this scenario, Carl is his manager, so that adds an extra component. He's reporting a manager who's supposed to be his protective supervisor. The thing is, retaliation is illegal. So explicitly state that any adverse action taken against Jay for reporting unwanted touching would be a serious violation of policy. And reiterate that the manager's intent to boost morale does not excuse the behavior and the impact of it matters legally.

So again, validating this impact piece that it doesn't feel right to him. And then there should be interim protection, so management should offer to adjust shift schedules or reporting lines so that Jay doesn't have to work directly under Carla any further. And then this confidential reporting path, to build trust and ensure Jay feels safe coming forward, the hospital should really provide multiple entry points. For example, so if there's a way that he can enter the hospital more anonymously or away from Carla, that's a good idea. He should have contact info for hr, for an anonymous ethics hotline, or any different department head that he can go to to discuss this, his privacy should be of the utmost concern.

So ensure that information is shared only with those who are strictly part of the investigation, not to other peers or coworkers. And then digital boundaries management really should formally instruct the ancillary staff to Cease any off duty digital contact immediately. A good idea for any of those who might be administrators to consider what are your policies around contact, especially digital contact outside of, of the work location. And then in terms of accountability, Jay needs to see that report does lead to change, that this is taken seriously and something's done. And the hospital should follow through with

coaching or disciplining the manager to demonstrate that no really is the final answer.

So building on that, let's focus a little bit on telehealth and remote work, which is so central to a lot of practice these days. And it's important to say again, legally that the workplace isn't a physical building. It's not about a brick and mortar location. It's the environment where you do your job. So when you're working at home, your home office is your workplace and every anti harassment policy should still follow you to that location.

The challenge is that this new environment creates a bit of an ambiguous way for misconduct to occur because that professional personal life piece is really kind of blurred if you think about it. For example, a co worker might make an inappropriate comment about your home in the background of a video call, for example. Or a manager might send a just checking in text that gets, you know, let's say you work nine to five, it's coming in, you know, much later into the evening that can feel a bit jarring or like it's a harassment or poor use of your personal time.

And harassment from a patient can also occur more often. That could happen via video and it's more intrusive now because it's actually in your home or in your personal space. So these are all things to think about as we create a safe virtual workplace for our employees.

Let's take a look at this in the lens of a case study. And in this one we have a telepsychiatry session.

With this one, the patient appears bottomless on camera, which is shocking, and makes sexual remarks to the clinician, Priya. Priya ends the session, informs scheduling and requests a chaperone protocol. So a person that would actually be in the digital room with her for future appointments, the supervisor's response is not super supportive and says we can't police patients at home, just power through.

So there's a lot of risks and liabilities here. First there's the third party harassment by the patient, the employer's duty to protect, which is not happening. And then there's telehealth specific protocols that really need to be considered like chaperones and Scripps and even what Are the internal policies or criteria for terminating with a patient.

So again, this moves us into that category of third party harassment. And it's the employer's duty even to protect their employee. Within a telehealth setting. Reasonable measures include scripting patient expectations. So in your intake documents, really preparing a patient for what they should be discussing or doing on camera.

Immediate termination for indecency is considered here. Documented incidents and then safety follow ups. So let's talk about some questions that should be considered such as what telehealth policies do protect staff and who needs to be notified and how quickly in terms of telehealth policies and procedures, those should be reviewed based on federal and state regulations as well as anything specific or unique to your site.

So in terms of some protective policies, you might include things like a termination criteria. So you would have a clear protocol that allows a clinician to immediately into session if they witness indecency or hear sexual remarks. And that's what in the case study happens here. Patients really should sign an agreement before treatment starts that explicitly defines professional conduct, what you can expect from the clinician you're meeting with, also what you personally might experience as well. And then a chaperone was mentioned.

That'd be a particular protocol where if treatment occurs, the clinician should never be alone on a call with a patient again, at least in this scenario. And a second staff member comes in the chaperone. This was a new concept to me. But also there is some software apparently that have something like a panic button where you would be simultaneously clicking that button to end the session and notifying a

supervisor at the same time. So if this is a common occurrence or something that that could be an issue in your line of work, this might be considered as well a software that would assist with that.

And then lastly notification and timelines. These standards really have to be reviewed based on the site standards and specific protocols might vary. So what's the real time? The clinician has to notify the supervisor right away in the scheduling department the moment the session is terminated because it's possible the patient is in crisis. I don't know all of the backstory here, but maybe the patient still needs to be rebooked or seen.

Maybe it's a conversation to talk to them about basic basic expectations on the call, but then they meet with someone else. And then shift end documentation, a formal incident report must be filed by the end of the shift which details the exposure and the sexual remarks. And then moving forward or next steps, the risk management or the clinical director should be notified within 24 hours so that they can decide if the patient should be reassigned or discharged.

Okay, let's do another check in around what we've learned so far. Which of the following is an example of digital sexual harassment? Is it A, asking a co worker about their family during a break? B sending a co worker an unsolicited sexually explicit meme via text message, C displaying a company approved calendar in a cubicle or D complimenting a colleague on a work related achievement in a team chat? The answer is B here, sending a co worker an unsolicited sexually explicit meme via text message.

And so let's break down the why just a little bit here for which one is the best option.

And so let's address what's generally considered acceptable behavior in the professional environment. That personal interest or option A is really asking about a coworker's family during a break. And that's part of normal professional socialization. So as long as the questions are intrusive or unwelcome and builds rapport, it doesn't constitute hostile work environment. Option C is about approved materials, so

displaying a company approved calendar is isn't a problem.

Basically the material has been vetted by the organization, generally meets the community standard for a professional workplace. And then option D, which is complimenting an achievement in a group chat. Again, as long as it's positive and it doesn't feel like harassment to the individual, not problematic at all. Again, the best answer is option B. Again, in the digital context we have an unwelcome sexual content sent electronically, which is classified as digital or E harassment.

And it doesn't have to happen in the office just to be illegal. It still constitutes harassment even though it's outside of the workplace. And again, impact over intent. The sender might think it's just a joke, but remember that the legal standard is if the individual finds it unwelcome or impactful to them, that's where it starts to constitute harassment in nature.

So we have a pretty solid grasp at this point of what harassment looks like. And I want to add just another layer of nuance to all of this, which is the concept of intersectionality, which means that various aspects of a person's identity also come into play and create a unique experience with some vulnerabilities that have to be discussed as well. So again, impact over intent the the first core principle is impact over intent, and it's important to remember that the law focuses on the behavior and and how it's intended to the other person doesn't necessarily matter. I say that again because it does have an impact when individuals have a different reality from the way that the sender intended. Necessarily.

So we also have to recognize, for example, those things that come into play could be things like sexual orientation, gender identity, age, race and professional role. Again, that's those are components of somebody's subjective experience and can have an impact on how they receive the information, regardless of the intent.

So we're going to talk a bit in these next slides about LGBTQ professionals, aging populations and power differentials and intersectionality and power dynamics amplify risk. So an example of this would be misgendering, which can be harassment when persistent and intentional ageist or sexualized ageist comments and exclusions can also create a hostile work environment and power plays that tie access or scheduling to personal acquiescence lean towards quid pro quo or that form of retaliation. So let's take a look at some case studies here that might illustrate intersectionality. So the first is with an LGBTQ professional. This one we have Alex, who is a non binary speech language pathologist who is consistently misgendered by a physician who says I don't do pronouns.

The colleagues advise Alex to pick their battles. So Alex avoids consulting with the physician, which ultimately has a big impact on their workload and potentially the care to the patients that they see.

And then let's take an aging professional. So Sandra is 62, she's a licensed clinical social worker and she's excluded from a new pilot program after repeated comments are made that she needs young, they need young energy and peer jokes are happening about mentors should be the young pretty ones because patients listen to them.

And then another example in power differential, a senior pharmacist pressures a new pharmacy tech to join private after hour inventory and hence that it might improve scheduling. In this case, the tech declines and suddenly gets a less desirable shift.

So let's break these down a little bit. In that case with Alex, there's this persistent intentional misgendering by a physician and they're told to just pick their battles. The physician in this case really needs a formal directive to use correct pronouns as persistent misgendering can constitute harassment. And this is a good opportunity to have some internal training. So implementing a department wide training on gender, affirming communication and professional respect to ensure the burden of education doesn't just fall on Alex.

It's not Alex responsibility to tell everyone the importance of pronouns and then accommodation. So ensure that Alex is safe. There really needs to be a formal process to report and to not necessarily work with this physician any longer if they're not feeling comfortable. Secondly, that aging professional example with Sandra, she's excluded from the pilot program and they're making sexualized ageist comments, which creates a hostile work environment. Management needs to take a look at this pilot program and immediately address the peers inappropriate joking through formal coaching.

There should be targeted training on age based discrimination and the value of an intergenerational team. And then there should be an accommodation. So offer Sandra an immediate opportunity to participate in the pilot program or a similar high visibility leadership role, assuming she's appropriate for it. And then third, we talked about this power differential with the pharmacy tech. So the senior pharmacist uses access to better scheduling to pressure her into private inventory.

This is a clear quid pro quo kind of scenario. The corrective action here is to launch a formal investigation into the pharmacist behavior because this is involving scheduling as a lever for personal acquiescence. And then a disciplinary action really is required. So they should immediately restore the tech to a fair, equitable schedule while they do an investigation. And then there should be training around this.

So an ethics and leadership type of formal training for all senior staff so that they know the illegal nature of tying professional benefits to personal requests.

Let's talk about each of these groups that I've mentioned. So LGBTQ colleagues do face a disproportionate amount of discrimination and harassment at work. And for many, coming to work requires a constant state of vigilance and emotional armor. We've talked about the act of misgendering someone. And when it's done intentionally and repeatedly, it's not a mistake anymore.

It becomes more deliberate, and it's a refusal to acknowledge somebody else's identity. Unfortunately, it's a way of saying, I don't see you for who you are. And similarly, outing someone can have a devastating consequence for their safety and well being, both personally and professionally.

To put more of a number on the type of scale here, research has shown that 90% of transgender workers, for example, report experiencing some form of harassment or mistreatment in the workplace. So this is a really substantial, widespread issue.

So to foster an inclusive and safe environment, we have to recognize the specific forms of harassment. With misgendering, this is intentionally and repetitively not calling somebody by their correct pronouns. And outing, this involves disclosing an individual's sexual orientation or gender identity. And then hostility based on stereotypes would be when someone is harassed specifically for not conforming to traditional gender norms in their appearance or their behavior. And Then invasive questioning, just asking too much about a colleague's body or medical history or any private relationships.

These are, unfortunately, some of the things faced by individuals and. And the LGBTQ population.

So let's talk about a case study that illustrates this. We have Sam, who's a transgender man, a behavioral health technician who lists pronouns on their badge. A lead nurse repeatedly addresses Sam by his prior name, visible in an old scheduling system. So they're using old information about the individual, and she's saying, your pronouns are your preference, not mine. And after Sam reports, the lead nurse tells the co workers that Sam is oversensitive and probably transitioning.

Again, so very discriminatory in nature. In this example, we have persistent misgendering. There's outing and disparaging comments. There's retaliation by rumor. And then this other piece, this kind of institutional issue that there's a system error facilitating the harm.

There's old information in the computer that she has access to.

So let's talk about some questions. If you had a trauma informed, corrective conversation with the lead nurse, what might that look like? And also what would data governance look like so that we can fix this issue in the computer? So, in terms of trauma informed care conversation, we first want to identify the harassment. So the lead nurse must be told explicitly that intentional and repeated misgendering and outing are not matters of personal opinion, but they are forms of harassment in case she isn't aware.

And then clarify professional standards. The training aspect of this conversation really should emphasize that names and pronouns are professional identities and they're not preferences. This isn't a negotiable kind of thing. And then address retaliation. The supervisor must directly address the retaliation by rumor and disparaging comments, making it clear that labels like oversensitive really are harmful or humiliating to the other individual.

And so again, there's this other institutional piece, which is the data governance. The organization has a duty to correct the system so that there's no longer an error in there. Really, this should go to HR or the tech department. And if there are former records for an individual and organization, there should be restrictions to access or to legacy or prior legal name data that's in the system.

So now let's take our attention to a demographic that's often overlooked in these discussions, which is aging colleagues. And here, harassment frequently occurs at an intersection of sexism and ageism. So in this case, it's not just about inappropriate comments. It's about comments that subtly or overtly devalue the individual because of their age. And this could be things that might seem innocent to some folks, but things like you still look great for your age, which is focusing on the individual physically and also taking a look at their age, which is doubly harmful to some individuals.

And there's an isolation piece to this, such as being passed up for new projects or left out of team launches because there's an assumption about the individual's age.

And this can be really profound for people who have spent decades of their life maybe in a profession and there's been a shift that's happening. So as we take a look at intersectionality, we have to look at age based animus, which often intersects with sexual harassment. And this combination creates a unique hostile work environment that's frequently described or disguised as being friendly or supportive. So there's three common ways this might manifest. One is demeaning comments.

So these are unwelcome remarks that link a person's age to their sexual attractiveness, such as that you still look good for your age type of comment. And then exclusion and isolation. So that involves being intentionally left out of professional or social activities purely based on age related stereotypes. And that isolation can really hinder an employer's employee's career growth and well being. And then just condescending behavior is another example, such as being patronizing.

Or perhaps a supervisor is being fatherly by touching the individual or trying to act as if they're overtly friendly when there really are ulterior motives. The big thing I want to stress with this population is sometimes there's this additional pressure that a fear of reporting could potentially create an issue of them being forced into retirement or losing a job when it's very difficult in a market if they perceive that they're not at an age that they can be rehired. So there's this additional variable that can also come into play when there's a fear about what can happen if you lose your job.

So let's talk about a case study here. In this one, during a clinic celebration, a new supervisor publicly tells an occupational therapist named Maria, who's 58, you still got it. Our silver fox while touching her lower back for photos. And later he excludes her from new sports medicine partnership, stating they need a more modern brand. Maria fears being labeled a troublemaker.

So to my last point on the last slide. And she's worried that if she complains there's going to be a result. So in this case we have sexualized ageist comments. There's unwelcomed touching, an opportunity exclusion. She's not able to join the partnership and then a fear of reporting.

So in this case, we have a blend of harassment and ageism. And the employer really must provide a safe reporting and investigative location for this matter. So a few questions to consider. How can leadership message norms that reject compliments, that sexualized colleagues, and what interim relief can protect Maria during the investigation?

So again, we want to clarify impact over intent. The leaders really should message that while a comment like Silver Fox might be intended as a compliment, it has an impact. And in this case, Maria finds it unwanted. So also defining what is professional praise? What are the norms that are set by your professional location?

And it really should be based more on objective factors. What are their expertise? What are their contributions? In the workplace, if you were training the individual or shifting the culture in the organization, it would be to really focus on someone's abilities and contributions to the team rather than physical looks or age, things like that. And in the interim, we do need to protect Maria.

She has a right to go to hr. This should be investigated and there should be interviews with her and with the supervisor. Overall, we need to take a serious look at the anti retaliation components here. So HR should explicitly monitor Maria's workload and treatment within the clinic to ensure that reporting the behavior doesn't result in any further isolation and really reassure her that her job is not at risk here.

So this brings us to the core of the issue. And if you take one thing away from the presentation, I really want it to be this, which is sexual harassment is almost never about genuine attraction. That really fundamentally, it's always about abuse of power. So these are power dynamics and using power as a

tool to intimidate, control and diminish another person.

And there's a couple of forms of power dynamics. One is formal power. That's the one we often think of. That's a supervisor over a subordinate. And that's a power imbalance you see in quid pro quo harassment.

And then there's informal power, which is, for example, a senior nurse that's been on the unit 20 years has this informal type of power that she might hold over a new graduate, for example. And then in healthcare, for example, we often see disciplinary power dynamics. So an attending physician holds a lot of power over a resident's career. So a resident, for example, might be less likely to speak up because they think this could have an impact to other places they might go in their career later.

So let's illustrate that here. Imagine we have an attending physician who messages a resident, not at 11:55 or sorry, 11:45, p.m. so it's late at night, it's after work hours, and he says to Nor, your presentation was impressive. Let's debrief over drinks. I can help with next month's eval. She declines and her schedule is suddenly changed to more overnight calls.

So lots of retaliation here. And there's an implied quid pro quo. There's the scheduling piece and there's humiliation as a coercion.

So lots of red flags here. There's this punitive scheduling, the timing, and then this linkage to evals. So what protections need to be in the resident's handbook? Really, we need to think what are the protocols that are in place to protect a resident, especially as there might be multiple residents coming through within a year or multiple years.

So if we took a look at something systemically like the handbook to prevent this dynamic, I'd recommend there's an explicit anti retaliation policy. The handbook should state that declining social or

personal invitations from supervisors will result in zero impact on their evaluations. It's easy enough to have another individual evaluate them, for example. And then there really should be protocols if there's a conflict of interest, who's a supervisor over their supervisor that they can speak with, who is also maintaining the safety of these individuals if there's a conflict. And then there should be safe reporting channels.

So provide a clear confidential reporting path. Again, if they need to bypass the immediate clinical chain of command, there should be something in place for that. Bystanders also have seen the red flags in this scenario. And so the chief resident, for example, as a peer leader, they would be on the front lines. And so they should be monitoring for things like rounding culture issues and support noir and validate her experience.

The program coordinator also might be involved because they manage administrative data and they would be the first one to see the scheduling manipulation. So it's, you know, we don't always think about this, but the front of house individuals also should be monitoring for any sort of irregularities or preferential treatment or, you know, negative type of treatment, such as in this carry or in this scenario.

So we've covered a lot of legal definitions, for example. So I want to pause and reflect on three of the more critical actionable concepts we've discussed. First is the idea of quid pro quo. So it's important to recognize this for what it is. It's a raw abuse of professional power which preys on a person's need to earn a living again, when people feel they're at risk of losing their job or quality of life in their job they might be more likely to acquiesce.

Second is impact over intent. Again, it's not about how the individual intends it, it's about the individual who's targeted and what their experience is. And then third party harassment, which we don't always think about this is that our work requires us to be compassionate and therapeutic when we're clinical, but it doesn't mean that we have to endure abuse. We also need to think about how our patients or

customers are impacting us.

Culture certainly comes into play and should be considered as well in this scenario. Ahmed, a PT from a more formal culture, misinterprets the friendly of his co worker Pam, a nurse, and he hugs her and discloses his attraction. Pam's very uncomfortable and reports the incident. Ahmed is shocked. And in this scenario, the shock is about him saying that he comes from a culture where this isn't unusual.

But again, Pam feels that it's unwelcome. So as a supervisor, what do you do? And the first priority is to protect Pam, to make sure that we validate and stabilize her as much as possible, to make sure that she's taking the actions that she wishes. But on the side of a med, we really need to be doing as much training and understanding that physical contact really has no business in the workplace, especially when a colleague is feeling uncomfortable.

And so again, the point that I want to make here is that it's more about the victim's experience and their objective impact. So I think meeting with Pam first is helpful. We can take more information about what exactly about it felt uncomfortable to her. And again, trying to understand where Ahmed is coming from. But also talk more about agency wide policies and what we do to make sure that everyone feels safe in their environment.

Again, employers have a big responsibility, so they're not just bystanders, they have a legal obligation to protect their staff. And it's twofold. There's prevention and correction. The prevention piece is to be proactive, which involves strong policies and regular training. And then the correction is more reactive.

So when a complaint is made, an employer has to take a serious investigative impartiality and really take appropriate corrective action if the harassment's found.

And of course, employees have rights as well. So what are your rights and what should you do? You have a fundamental right to workplace free from harassment and report it without any fear of punishment because retaliation of course is illegal. So if you find yourself in this situation, experts recommend a three step process if you feel safe in doing so. And the first one is to object to say clearly that this is unwelcomed, that I don't feel comfortable.

The second is to document everything in a private journal. Again with time, location, individuals present, and then three, as soon as possible, report the behavior according to your company's policy.

Let's do a final knowledge check. So, according to federal guidelines, which action is an essential part of an employee's duty to prevent harassment? A is guaranteeing that all employees will be friends. B is firing any employee accused of harassment immediately before an investigation. C is establishing and disseminating a clear anti harassment policy with a reporting procedure.

And then D is monitoring employees personal social media accounts for any inappropriate conduct.

And the correct answer of course is C, which is establishing and disseminating a clear anti harassment policy with a reporting procedure. Again, if it's not clear at this point, having policies around these things can really result in a lot less stress down the line when these issues arise and can be more proactive in nature so that employees don't act in some of these behaviors in the first place.

Let's look at one more case study. In this one we have Bob, who regularly tells off color jokes. His supervisor Dale has witnessed this, but does nothing and dismisses it as, oh, that's just Bob. A new employee, Joan, complains and Dale brushes her off again. So again, in this case, it takes a lot of courage for Joan to speak up.

And what do we need to do? She should now have now that she's had a supervisor who's failed her, her next step is to go over Dale's head. She should consult with the company's anti harassment policy. Again. Good if a policy is in place.

And if not, she should go to HR and to a higher level manager and see what kind of support she can get. When she makes a report, she should be prepared to discuss two separate issues. One is Bob's harassing behavior and the second is Dale, her supervisor's failure to act because again, it's his responsibility to protect his employees as well.

So as we conclude, I want to lock in some of the key takeaways here. First, harassment again is defined as an unwelcome impact and it's not about the intent. The second is that employers are legally required to have a policy to provide training and investigate all complaints should they arise. And then third, documentation is your most powerful tool. Fourth, retaliation for reporting harassment is illegal and the law protects you when you speak up.

So again, I want to thank everyone for your time and attention today. Again, fostering a workplace culture of respect and safety is a shared responsibility.

Thank you so much for your time and I hope you've enjoyed this course today. Thank you to Dr. Ryan Kirk for your time and expertise, and thanks to everyone who participated in today's course. We look forward to your feedback on the course evaluations and hope to see you in future courses with us. This concludes today's course. Have a great rest of your day.