

## BEST PRACTICES

# COPING WITH PEER-TO-PEER HARASSMENT AND DISCRIMINATION IN THE WORKPLACE: A PRIMER FOR HEALTHCARE PROVIDERS

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While physician burnout and related mental health concerns are getting increasing attention, it is crucial to examine the impact of discrimination and harassment at the workplace which are widely prevalent across disciplines, though under reported. In a survey of 445 physician responders, 63% reported having experienced some form of discrimination at work and only 11% reported an incident of discrimination to someone in their organization.<sup>1</sup> This may lead to a hostile work environment, increased burnout, job turnover, depression, and alcohol dependence among healthcare providers.<sup>2,3</sup> Harassment of medical students and trainees has also been shown to affect their career choices.<sup>4</sup>

This is a follow up of a previously published article in *SGIM Forum*.<sup>5</sup> In this piece, we review best practices and share resources for healthcare providers who may be victims of workplace harassment and/or discrimination by colleagues, and for bystanders who witness such incidences.

### Scenario

A hospital medicine physician of Nigerian descent has been at his current job assignment for more than a year. He has noted that a physician colleague often jokingly corrects his pronunciation in front of others and suggests he take an English language course. Some colleagues laugh at the comments. The episodes have been getting

more frequent, whereby the hospitalist avoids speaking up in departmental meetings due to fear of humiliation, and is contemplating leaving his current job.

### How Should the Victim Respond?

Victims of harassment at the workplace often do not report the incidents due to fear of retaliation. However, anti-discrimination laws prohibit retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals. Additionally, in some states (e.g., California), an employer may not be liable for harassment by a nonsupervisory coworker unless the employer knew about the harassment and failed to remedy it. Therefore, timely reporting of these events is crucial.

The following are tips for a victim of workplace discrimination or harassment, compiled from available resources from the Equal Employment Opportunity Commission (EEOC) and American Association of University Women (AAUW):

- If subjected to a criminal offense, such as threat or act of physical aggression or rape, call police immediately; and report the incident to the state medical board at the earliest opportunity

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- Document in writing the following:
  - Experience with the harasser—time, location, details, and witnesses
  - Experience reporting the harassment—time, location, details, and witnesses
  - Productivity at work during and after reporting
- If you are a victim of an act of harassment such as sexual harassment, bullying, or harassment based on gender identity, sexual orientation, religion, race, or ethnicity, consult the employee handbook or policies and follow the workplace harassment policy in place to report the incident
- If you do not have access to the policy, or if a policy doesn't exist, report the behavior to the human resources (HR) department or the person responsible for workplace investigations/complaints
- Federal employees should report a harassment incident to an EEO Counselor at the agency where the person works or may have applied for a job, within 45 days of the incident. The EEO Counselor will offer the victim options of either an EEO counseling or an alternative dispute resolution program. If these options fail to resolve the dispute, the victim can file a formal complaint with the EEOC office within 180 days of the incident.
- Victims are encouraged to contact the EEOC for insight and resources, or to file a discrimination complaint<sup>6</sup>. Reports can be filed (online or over the phone) with EEOC without the assistance of an attorney, within 180 days after the incidence. Victims are required to file a report with EEOC if they wish to pursue legal action against their employer for harassment.
- For medical students:

- follow the university's complaint filing procedure, and/or
- file complaint with U.S. Department of Education Office of Civil Rights (within 180 days of the incident)<sup>7</sup>
- For discrimination based on citizenship or immigration status, complaints can be filed with Immigrant and Employee Rights Section (IER) within 180 days.<sup>8</sup>
- If the victim feels comfortable, he/she can:
  - Inform the supervisor about the incident and the steps you have taken to address it
  - Confide in family, friends or co-workers for emotional support
  - Review the state medical board's policy and report if the case fits its jurisdiction

**How Should the Bystanders Respond?**

The bystander effect has commonly been observed in events of violence or harassment, including at workplace, where a bystander watches without intervening, when a person is in need of help. In a survey of more than 200 employed female university students, 70% had observed sexual harassment of other women and 60% had observed gender harassment of others.<sup>9</sup> Adding his/her voice to redirect the harasser, support the victim in the moment and during the formal complaint process, the bystander can catalyze culture change at workplace. Some bystanders fear retaliation including loss of job. However, it's worth noting that anti-discrimination laws prohibit harassment of or retaliation against employees who file discrimination charges, testify, or participate in any way in an investigation, proceeding, or lawsuit; or oppose employment practices that they reasonably believe discriminate against individuals.

The following are tips for the bystanders (including immediate supervisors) who witness discrimination or harassment at the work-

place or get a report of the incident, compiled from available resources by the EEOC.

- Support the victim during the incident and afterwards
- Try to redirect the perpetrator, if possible
- Document in writing the incident you witnessed, including date, time and what you heard and witnessed
- Consult the workplace employee handbook, and follow the employer's harassment policy to report the incident.
- If you are a supervisor who was a bystander or received a report, do not begin an investigation, unless you are designated to do so by the employer. Instead, report the incident promptly to HR or the person designated to investigate these incidents at the workplace.
- If the bystander does not have access to the workplace policy and does not feel comfortable speaking to a supervisor directly, he/she may report the incidence to the human resources department or the person responsible for workplace complaints.
- If the victim wishes to stay anonymous, a witness or bystander can file a complaint with EEOC<sup>6</sup> on behalf of the witness, online or via phone, within 180 days from the date of the incidence. The process doesn't require the assistance of an attorney.
- Review your state medical board's policy and report if the case fits its jurisdiction

**Conclusion**

While physician burnout reaches epidemic proportions and healthcare systems are looking at interventions to curb this epidemic, we call for healthcare leaders to review policies and workplace culture, to develop policies and promote a culture exem-

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plifying zero tolerance for discrimination and harassment at workplace. We also call for healthcare leaders to develop victim and bystander support training programs, to empower victims to report and seek support in events of harassment and discrimination, and bystanders to actively support victimized colleagues.

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