

UNC SCHOOL OF SOCIAL WORK CLINICAL LECTURE SERIES

Ethical Obligations with Colleagues

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April 13, 2015

Plan for the Session

- Introductions and overview
- Colleagues' Ethical Issues (CEI)
- What does the literature say?
- What do the codes say?
- Guidance for:
 - Decision making
 - Action
- Right vs. Right dilemmas (Kidder's paradigm)
- Moral Courage
- Wrap-up and evaluation

CEI – INVOLVING CLIENTS

- Rushed assessments
- Drug, alcohol, psychiatric, or cognitive impairment
- Overwhelming personal or financial problems
- Discrimination
- Sexual impropriety
- Social, financial, or other boundary crossings
- Giving or accepting gifts
- Failure to follow protocols, assure patient safety, feeding

CEI involving the SW

- Inappropriate disclosures about colleagues to SW
- Cherry-picking cases
- Fee or compensation disputes
- Providing inadequate supervision
- Falsifying or distorting records, research findings, billing
- Misuse of power (favours, requests for nominations, taking credit, theft of ideas, pressure to buy products/attend events)
- Hostile work environment/micro-aggressions
- Exploitation in sexual or dual relationship

Other CEIs

- Unprofessional comments in person
- Inappropriate postings in social media
- Inappropriate behavior in conference or social settings
- Persistent incompetence
- Up-charging
- Misrepresenting credentials or expertise
- Leaving marijuana in the company/state car
- Frequently "bad-mouthing" agency or individuals in public spaces
- Goofing off, doing personal business or errands
- Dating subordinates

Prevalence of CEI

- 65% of subjects (n=17), 19.4% of dilemmas (n=40) (Strom-Gottfried, Webber, Elliott, forthcoming)
- 7%, 9% (Lindsay & Clarkson, 1999)
- 8-11% of dilemmas (Slack & Wassenaar, 1999)
- 95% aware of impairment 49% aware of ethical misconduct (Mearns & Allen, 1991)
- CEIs = high rating of severity (Forde & Aasland, 2007)
- 34.3% NASW complaints / violations (Strom-Gottfried,
 - SW vs. supervisor (13% 6.4%)
 - SW vs peer (30.2% 22.5%)
 - Supervisor vs. subordinate (56.6% 70.9%)

NASW: SOCIAL WORKERS SHOULD...

- Avoid [being] demeaning [to] colleagues
- Respect confidential information shared by colleagues in professional relationships
- Not exploit clients in disputes with colleagues or engage clients in discussion of conflicts between colleagues
- SWs who have direct knowledge of a colleague's impairment, unethical action, or incompetence should consult with that colleague when feasible and assist them in taking remedial action

NASW: SOCIAL WORKERS SHOULD...

- Take adequate measures to discourage, prevent, expose, and correct the unethical conduct of colleagues
- Be knowledgeable about established policies and procedures for handling concerns about colleague's unethical behavior
- Defend and assist colleagues who are unjustly charged with unethical conduct

APA: PSYCHOLOGISTS SHOULD...

- Bring an ethical violation to the attention of that individual, if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved
- Take further action appropriate to the situation. Such action might include referral to state or national committees on professional ethics, to state licensing boards or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights

APA: PSYCHOLOGISTS SHOULD...

- Take reasonable steps in delegating work:
 - (1) avoid delegating work to persons who have a multiple relationship with those being served that would likely lead to exploitation or loss of objectivity
 - (2) authorize only those responsibilities that such persons can be expected to perform competently on the basis of their education, training or experience, either independently or with the level of supervision being provided
 - (3) see that such persons perform these services competently

NBCC: COUNSELORS SHOULD...

- Intervene in situations where supervisees are impaired or incompetent and thus place client(s) at risk.
- Not provide references if they have reasonable belief that the individual counselor is not qualified, is not able to provide competent professional services or presents a risk of harm to others.

NBCC: COUNSELORS SHOULD...

- After becoming aware of a colleague's unethical behavior, counselors should first attempt to resolve issues through reasonable means EXCEPT when state regulations require immediate reporting.
- In the event that it cannot be resolved, the counselor should report the matter to all appropriate professional regulatory organizations and agencies.

Why is action difficult?

- Fear
- Confidentiality of sources (client, individual SW self-report)
- Power dynamics
- Loyalty, worry about harms to colleague
- Interpretation of behavior
 - Disbelief
 - Differences across disciplines
 - Disagreement about importance/existence of standards
- Vague obligations
- Objectives are unclear or at odds
- Past efforts thwarted or ineffective

Dilemmas: Right vs. Right (Kidder, 2003)

- Justice vs. Mercy
- Truth vs. Loyalty
- Long-Term vs. Short-Term
- Individual vs. Community

Moral Courage - Kidder

- A readiness to endure danger for the sake of principle
- Three elements
 - Action based on core values
 - Awareness of the risks
 - Willingness to endure necessary hardship

How do we decide?

- Identify the issues
 - What principles, laws, standards or policies are being breached?
- Assess the evidence
- Evaluate your motives and resistance
- Utilize an ethical decision making model
- Consult
 - Supervisor, colleague(s), professional association, ad hoc expert, regulatory board
 - Your Code or other written sources

Options and resources for action

- Document and refer
 - Clinical director, your supervisor, colleague's supervisor, regulatory board
- Educate client or other vulnerable person
- Prepare for the next time
 - "Speaking up" (SPLC)
- Approach colleague
 - Simple inquiry
 - "Crucial conversations" (Patterson, Grenny, et al.)
 - Shared observation (SBI)
 - Express concerns and obligations
 - Face problem together

REMEMBER ...

- "Evil prevails when good men do nothing, but evil is defeated when people of courage and good will stand up for what is right, regardless of the consequences" (Edmund Burke)
- "In the end, we will remember not the words of our enemies, but the silence of our friends" (Martin Luther King, Jr.)
- "Every time we turn our heads the other way when we see the law flouted, when we tolerate what we know to be wrong, when we close our eyes and ears to the corrupt because we are too busy or too frightened, when we fail to speak up and speak out, we strike a blow against freedom and decency and justice." (Robert F. Kennedy)
- There is no softer pillow than a clear conscience