

Essential Tips for Managing Workplace Conflicts in Healthcare



Reading time:

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Workplace issues can be confusing and stressful to address or understand. It is not always clear if a formal process is being followed or if contractual obligations are being appropriately met.

Allegations or comments might be vague or fail to identify if concerns are about professional conduct or behaviour.

Concerns in relation to procedural fairness, an absence of evidence or surrounding issues associated with bullying or discrimination are unfortunately common in workplace disputes. A sudden urgent meeting with a Human Resource Manager or more senior colleague is often the first indicator that a problem exists.

Commonly asked questions raised with our medico legal advisors include;

Can my MDO support me with an HR Meeting?

A. Yes absolutely. We recommend sending through all relevant correspondence if there is any (often there isn't) and asking to postpone the meeting until you have spoken to MIPS.

Can I defer a performance meeting or request information about the allegations?

A. Yes, you are entitled to know the parameters of what will be discussed and who will be attending a meeting. This includes asking for a full copy of relevant documents, or a summary of allegations in some circumstances. We recommend sending through all relevant correspondence if there is any (often there isn't) and put off the meeting until you have spoken to MIPS.

What can I do to prepare for a meeting?

A. You may wish to make some notes about events if you are aware of them. If the meeting is about a specific incident involving a patient, you may request access to the relevant patient records. Be sure to request access so that you don't inadvertently breach patient confidentiality by accessing notes if you are no longer a treating practitioner.

You can request a copy of the guidelines or policy being followed for the investigation.

What can I do to protect myself at the meeting?

A. Try to stay calm, listen carefully and take notes if it assists you. General advice is to answer the question that is asked of you – don't guess and don't try to anticipate the next question. You can request to seek advice before answering any questions, or you can request to review documents before responding. If the meeting has any potential disciplinary consequences, you should be entitled to bring a support person. It may be appropriate to ask to provide responses in writing, and to suspend a meeting if you feel it is necessary to seek advice.

Can I be suspended without reason?

A. In some circumstances, an employer is constrained in their ability to provide full reasons to an employee. However, employers are almost always obliged to ensure procedural fairness, which includes an opportunity to respond to allegations with sufficient notice and detail provided.

Can I be dismissed immediately when I reject the allegations?

A. If an organisation has serious concerns about the conduct alleged and particularly if they are concerned about patient or staff safety, then a practitioner can be stood down with immediate effect.

In almost all circumstances, an employer should only make decisions about ongoing employment when the practitioner has been given a reasonable opportunity to respond, and after fully considering this response.

If the matter may have criminal or other serious consequences for you (for example, medical registration issues), it is very important to seek legal advice before answering any questions.

How do I best protect myself in a difficult situation?

A. Seek advice from MIPS before responding.
Find out as much information as you can before the meeting;
Arrange for a support person to attend with you;
Take notes of what occurred either during or immediately following any discussion; and
Engage with your support network and treating practitioners if appropriate.

MIPS understands the stressful and confronting nature of these issues, and for this reason has a specialist panel of employment lawyers to support members with issues occurring in the workplace.

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