Speaking up:
Psychological Safety in Law Firms

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Evidence-based workplace wellness solutions
www.DLBA.ca

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SAINT MARY'S UNIVERSITY SINCE 1802

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Why do you want staff to speak up?

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Case Study

A man dressed well in a suit entered a law firm. He walked confidently past the front desk and into an office that was empty for the day. He was not authorized to be there and proceeded to steal items and had access to confidential information. How does this happen?

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Reporting

- Potential mistakes: Noticing an error in a legal document, filing, or client communication.
- Missed deadlines: Realizing a court filing, limitation period, or other critical deadline may be at risk.
- Cybersecurity threats: Receiving a suspicious email, clicking a phishing link, or noticing unusual account activity.
- Unethical conduct: Witnessing dishonesty, inappropriate behaviour, or a potential breach of professional obligations.
- Harassment or bullying: Experiencing or witnessing disrespectful or inappropriate workplace behaviour.

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What determines if someone speaks up or not?

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Two factors we will discuss

- Clarity of the behaviour being reporting.
- Response to reporting.

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Humans are social creatures

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Necessary for survival

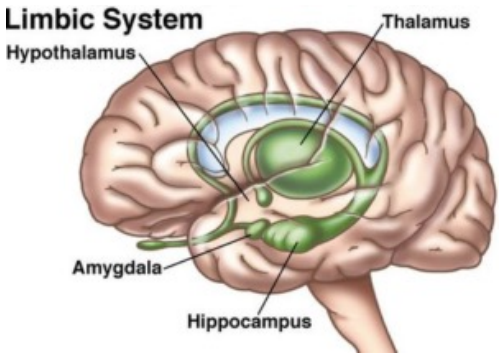
- Humans are the most social creatures on the planet
- Solitary confinement
- Biological necessity throughout life
- Hard wired

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"Survival mind"

- Paleomammalian brain
- Built for survival
- Functions automatically and unconsciously



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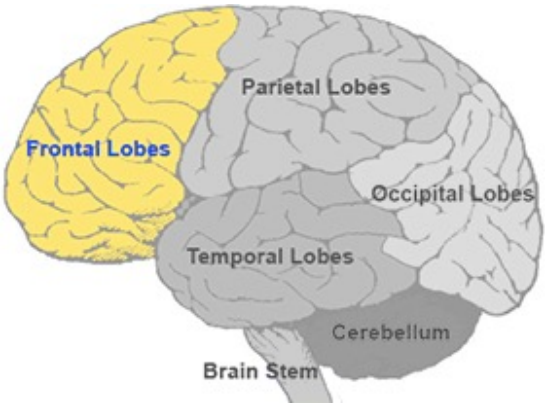
Source: Roxo et al, 2011; Tirch et al, 2014

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Executive mind

- "Frontal lobe"
- Controls behavior
- Like a battery



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Source: Lowe, Reichelt, & Hall, 2019; McGonigal, 2013

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Necessary for survival

- Can't get kicked out of the tribe.
- Compare ourselves to others.
- Highly influenced by others.

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The clarity of the behaviour

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The smoke-filled room experiment (1968)

Latané, B., & Darley, J. M. (1968). Group inhibition of bystander intervention in emergencies. Journal of Personality and Social Psychology, 10(3), 215–221.

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The smoke-filled room experiment (1968)

- University students were asked to sit in a room and complete questionnaires. During the task, smoke began entering the room through a wall vent.
- Researchers compared three conditions:
  1. participants alone
  2. participants with two other unaware participants
  3. participants with two confederates who had been instructed to ignore the smoke

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The smoke-filled room experiment (1968)

Condition	Reported smoke
Participant alone	75%
Three participants together, all unaware of the experiment	38%
One participant with two confederates instructed to ignore the smoke	10%

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- When a situation is ambiguous, we look to others to determine whether something is dangerous. If nobody responds, we may incorrectly conclude there is no emergency.

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Real life consequences

- On May 8, 1979, a fire broke out at a Woolworths department store in Manchester, England.
- According to eyewitness accounts, some customers in the cafeteria were reluctant to leave before finishing their meals or paying for their food.
- Nine of the ten people who died were in the cafeteria.

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Clarity of the behaviour

- In uncertainty, people will naturally choose silence, avoidance, path of least resistance.
- This part you don't control.
- The well dressed man acting confidently.

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Consequences of Reporting

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ABC's of reinforcement

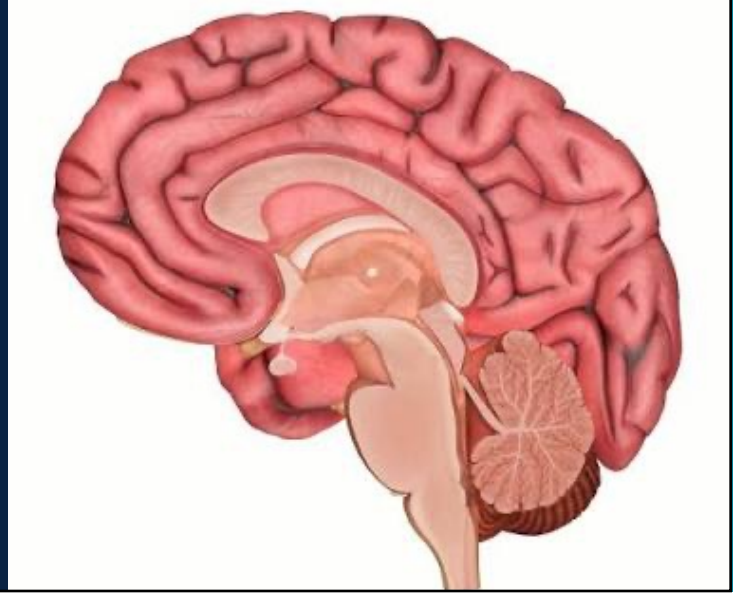
- Antecedents
- Behaviour
- Consequences

- We are highly attuned to social approval and rejection – it's for survival

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Social rejection causes pain



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How you respond to reporting strongly influences if it happens again

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Six ways leaders accidentally shut people down

- Reacting with visible frustration
- Interrupting or immediately correcting
- Blaming before understanding
- Minimizing a concern
- Doing nothing after someone speaks up
- Always being the expert/ never making mistakes

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Psychological safety

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Psychological safety



IT'S OKAY TO NOT BE OKAY



IT'S OKAY TO MAKE MISTAKES



IT'S OKAY TO SPEAK UP/DISAGREE

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Source: Edmondson, 2018

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Psychological Safety… What is the opposite?



- x Blame
- x Judgement, ridicule
- x Silence
- x False agreement
- x Gossip, rumours
- x Mistakes are hidden
- x Cannot be your full self

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Psychological Safety is Not…

- Just being nice to workers
- Avoiding discomfort
- Letting workers do what they want
- Having no expectations
- Being soft, indulgent
- Absolving accountability
- Allowing performance standards to slip

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Google's Aristotle Project

- This research project examine what makes effective teams
- Team effectiveness was measured by
  - Executive Evaluation
  - Team leader evaluation
  - Team member evaluation
  - Sales performance against quarterly quota
- The key finding was it is less about who is on the team and more about how the team works together

5 Factors that most influenced team effectiveness



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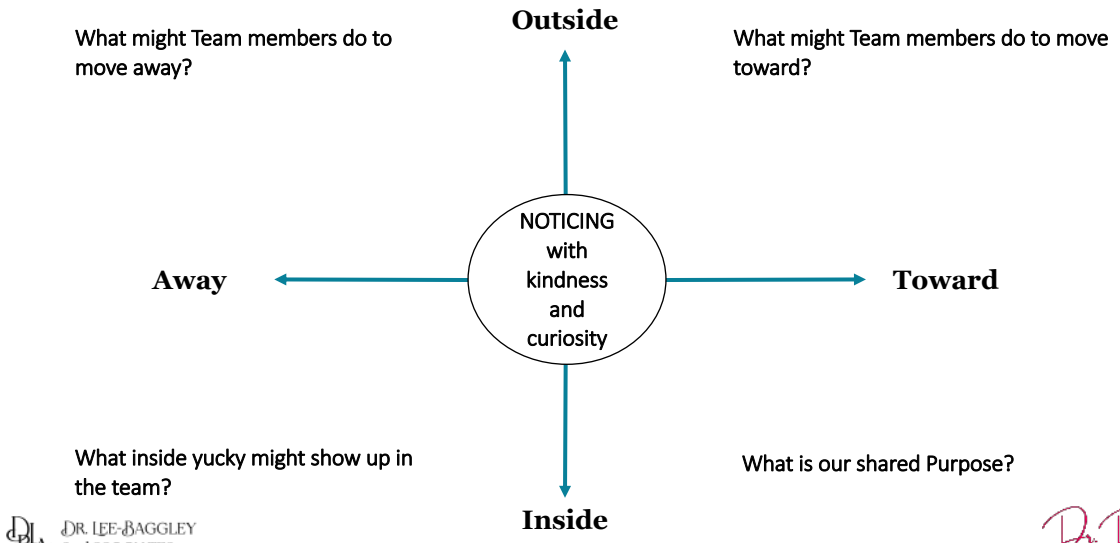
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How to have hard conversations

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The Team Matrix



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What does the team matrix do

- Reframes conversation "towards or away"
- Avoids "right/wrong" and "good/bad" discussions
- Gives language to make mistakes
- Doesn't mean everyone behaves the same way
- Provides a way to have difficult conversations
- Builds psychological safety

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Toward moves for you as a leader

- "Thank you for sharing"
- Open and curious
- Declare your intention
- Pause Notice and Breathe
- "We have a shared purpose to be effective and productive."
- "Make new mistakes"
- "Toward moves" and "away moves"

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Case Study

- Employee: "I think I made a mistake with the filing deadline."
- Leader:
- "Thanks for telling me."
- "Walk me through what happened."
- "What are some toward moves and away moves for this situation in the future."

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Additional resources

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Our services

- Training for team and leaders:
  - Burnout prevention
  - Psychological Safety
  - Conflict management
- Individual and group coaching for leaders

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Complete the short survey and receive:
-copy of the slides
-copy of the handouts
-free access to our Conflict Course using the Matrix

https://www.drdaynamethod.com/feedback-lians-26-11-03

Thank You

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