

# Working with Vulnerable Participants

The Ethical implications for Your DR Practice

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# Ethical Obligations?

What ethical obligations do you have with respect to vulnerable parties?

- Within Code of Conduct?
- Professional standards?
- Other?



# Ethical Obligations of DR Professionals

- **Self-determination**

Example: Mediate BC

**3.1 A mediator must conduct a mediation based on the principle of party self-determination ...** Self-determination is the act of coming to a voluntary, non-coerced decision in which each party makes free and informed choices, particularly with respect to outcomes.

# Ethical Obligations of DR Professionals

- **Competency**

Example: Mediate BC

6.4 A mediator should ensure that he or she has knowledge and procedural skills sufficient to properly identify and manage cases involving vulnerable participants, abuse, or the inappropriate use of power by any participant.

# Who is a Vulnerable Participant?



# Invisible Vulnerabilities?



What process  
design choices  
have you  
made to  
support  
vulnerable  
parties?  
Adaptations?



# Prevalence of Trauma

- 76.1% of adults in Canada have experienced at least one traumatic event sufficient to cause PTSD in their lives
- The most common forms of trauma resulting in PTSD, include:
  - Unexpected death of a loved one
  - Sexual assault
  - Seeing someone badly injured or killed
- Women are more likely to develop PTSD than men
- At least 50% of Canadian women and 1.3 of Canadian men have survived at least one incident of sexual or physical violence



# What is Trauma?

Experiences that are  
deeply overwhelming

Often unexpected

Powerless to stop the  
event

Singular events or a  
series of events over  
time



# What should DR professionals know about trauma?

- Will vary with practice area
  - Greater awareness in areas where trauma is a common feature of the context (e.g. Family, child protection, personal injury, medical malpractice +)
- **Minimum required** to be competent to allow self-determination OR recognize when one is incompetent to conduct the process (alone).



# Trauma-Informed DR Practice

- Recognize and acknowledge the impact of trauma
- Build safety and trust in processes
- Make space for self-determination, choice and control
- Reframe behaviours as adaptive response to trauma
- Help identify and minimize stressors, activating events and unsafe situations
- Support self-care
- Avoid harm

# What are the affects of trauma?

- Childhood trauma



# What are the effects of trauma?



# What is PTSD?

- *Post-Traumatic Stress Disorder* is diagnosed if the impact of trauma
  - is reoccurring
  - does not decrease over time
  - and causes individual to isolate themselves or avoid things that remind them of the traumatic event.
- Effects include:
  - high levels of anxiety
  - Irritability
  - emotional numbness
  - difficulty concentrating
  - problems sleeping.



Bessel van der Kolk, "The Treatment of Trauma"

# Common Trauma responses

- Dysregulated emotions
  - Over-reactions to minor stress
- Emotional numbing
- Coping mechanisms
- Difficulty developing trust



# In your practice?

- In small groups, recall a situation in which someone may have been affected by trauma. Discuss any challenges that arose and any adaptations to the process that were needed, including terminating.



Five “steps” you take each time you conduct a dispute resolution process

# Process adaptations

- Review the “steps” you identified. Are there any that you might adapt on a regular basis? Are there changes you might be prepared to make during the process? (Planning ahead for possible adaptations)

**adapt** (ə'dæpt  )

## ► Definitions

verb

1. (often followed by *to*) to adjust (someone or something, esp oneself) to different conditions, a new environment, etc





# Some approaches to consider



# Resources

- *Accommodating People with Disabilities: A Reference Guide for Mediators*, Mediate BC. [http://www.mediatebc.com/PDFs/1-23-Resources-\(For-Mediators\)/AccommodatingHandbook-web.asp](http://www.mediatebc.com/PDFs/1-23-Resources-(For-Mediators)/AccommodatingHandbook-web.asp)
- *Trauma Informed: The Trauma Toolkit* [http://trauma-informed.ca/wp-content/uploads/2013/10/Trauma-informed\\_Toolkit.pdf](http://trauma-informed.ca/wp-content/uploads/2013/10/Trauma-informed_Toolkit.pdf)
- *Trauma-Informed Practice Guide*, BC Provincial Mental Health and Substance Use Planning Council. [http://bccewh.bc.ca/wp-content/uploads/2012/05/2013\\_TIP-Guide.pdf](http://bccewh.bc.ca/wp-content/uploads/2012/05/2013_TIP-Guide.pdf)