

# **Chaplain Confidentiality in the Workplace: Precedent and Principle**

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Confidentiality between workplace chaplains and those they serve is the lifeblood of the chaplaincy relationship. If confidentiality is compromised, the ability of the care-receiver to trust the chaplain is equally compromised, thereby severely limiting the ability of the chaplain to provide any further assistance.

Through the contextualizing of confidentiality in a variety of caregiving fields, this paper will make the case for the highest standards of confidentiality between workplace chaplains and care-receivers. We will begin by examining the role of confidentiality in related care fields such as healthcare and professional counseling, while keeping in mind that chaplaincy is a distinct profession. Additionally, we will explore the role of confidentiality in other chaplaincy disciplines. This paper concludes with an analysis of how other workplace chaplaincy providers have approached this topic and addresses the application of confidentiality to the profession of workplace chaplaincy as a whole.

## **The role of confidentiality in healthcare and counseling professions**

For generations, those who understand the need for an honest assessment of the problem as the only means to an effective solution have worked to create situations where the truth can be shared in confidence.

As explained by the AMA's [American Medical Association's] Council on Ethical and Judicial Affairs, the purpose of a physician's ethical duty to maintain patient confidentiality is to allow the patient to feel free to make a full and frank disclosure of information to the physician with the knowledge that the physician will protect the confidential nature of the information disclosed.<sup>i</sup>

Only when there is full disclosure of all potential contributing factors can the physician have the information that he or she needs to diagnose the condition properly and create an appropriate treatment plan. Physicians are not only diagnosticians, they are also problem solvers. The AMA understands that it takes a great deal of trust for people to open up and be honest about aspects of their lives that may be contributing to a decline in their health, but they also realize that doctors are unable to help the patient without this information.

The physician responds to the gift of honesty with the gift of trust. Physicians know that they need the truth, and they know that sometimes the truth can be difficult to share, but physicians also understand that the only way to work toward healing is to truly grasp the full measure of what is making the patient sick. With this in mind, they offer themselves as a safe place to share in confidence.

As physicians work with patients to help them improve their physical health, counselors and therapists work to help clients improve their mental health. Factors that affect the physical health of a patient can influence his or her mental health, and vice versa. Physicians, counselors, and

therapists all understand this: while their focus is different, they are still working with the whole person, and they need to understand the big picture in order to help the person get to a healthier place.

Once again, there is a relationship that is built around disclosure and trust. Counselors work with clients as problem solvers; they work to assess each situation and help the client work toward a healthy solution. Only if this relationship is founded on disclosure and trust can counselors have the information that they need to best serve their clients' needs; as a result, "what you say to your therapist, as well as any case notes or other records are confidential and generally will not be shared with others unless you provide written consent." <sup>ii</sup>

With therapists, records and conversations are *generally* confidential. Trust must be there; honesty must be there, but there is also an ethical—and, in most places, a legal—obligation shared by highly trained, professional caregivers. If there is "reason to believe you or someone else may be in danger of physical harm, state-law and professional ethics require your therapist to take steps to protect you and/or other persons involved. This may include notification of appropriate social service and legal agencies." <sup>iii</sup> As with physicians, the guidelines as to what can and will be reported are extremely strict. "Examples of such instances include: Danger of suicide or other self-injurious behavior; Danger of causing physical harm to another; Occurrence or suspicion of child abuse or neglect." <sup>iv</sup> Beyond these cases, doctors and counselors must have consent in writing before they can break confidence, or they run the risk of legal and professional consequences.

Beyond any official legal, monetary, or punitive action from a professional oversight organization, those who lose the trust of their clients will have a difficult time attracting and keeping cases. If trust is in question, those who need help will often not take that first step toward getting the assistance they need.

## **The role of confidentiality in hospital chaplaincy**

Like other healthcare workers, hospital chaplains have a long tradition of upholding a high standard of confidentiality. "Any suggestion that Hospital Chaplains might feel themselves less strictly bound by rules of confidentiality than other members of staff would only serve to undermine their position as Chaplains and could cause distress to patients and other staff." <sup>v</sup>

Hospital chaplains see patients at some of their most vulnerable times. During these hours, days, or weeks of uncertainty, the hospital chaplain can provide a safe place for patients to confide. Whether the situation has to deal with a diagnosis, the death of a loved one, a time of uncertainty, or any number of issues that come to the surface as people deal with the emotions associated with an illness or hospital stay, there are a variety of reasons why patients might want someone to talk to that they can trust.

A Chaplain should never disclose information about a patient when it has been obtained in his capacity as a Hospital Chaplain, to anybody, except staff directly concerned with the treatment of the patient, unless explicitly permitted by the patient to do so. Needless to say, a Chaplain is never

under any obligation to disclose information given to him by a patient or about a patient.<sup>vi</sup>

Beyond the lack of obligation to disclose information given to them by patients, chaplains understand that they have a responsibility to keep in confidence any information that they have about the patient. This allows the patients to be completely honest, and it allows the chaplains to better serve the patients through a more thorough understanding of the issues.

## **The role of confidentiality in military chaplaincy**

Retired Army tank battalion commander and leadership consultant Ralf Zimmerman lays it on the line. “As a commander I’m going to ask if the chaplain is a person I can use as a multipurpose problem solver in my unit. The chaplain can only do that if the individuals [in my command] trust that the chaplain will keep certain information confidential. The most important thing is that trust relationship.”<sup>vii</sup>

The United States military understands that chaplains need to be considered safe places if service members and their families are going to be willing to go to them for assistance when facing difficult situations. If chaplains are to serve as multipurpose problem solvers, they need to be aware of the problems faced by those around them and understand the factors that will play a role in working toward a solution.

With this in mind, the United States Military has bestowed upon their chaplains the highest level of trust. Known for its strict discipline and high standards, one might think that the military is a setting where there would be policies in place to monitor the improprieties of their service members. Whatever guidelines and rules there are for reporting such indiscretions, they do not apply to the military chaplains.

Employed by the military, the chaplains do not report anything they hear to those who have commissioned them to serve. The military understands that the best way for chaplains to do their jobs is to set them aside as completely safe places for service members and their families to bring their thoughts and struggles.

Through years of experience with chaplaincy, the military has come to the conclusion that service members are only going to get help for their biggest burdens if they have a safe place to share those burdens. They understand that service members and their families have to deal with some intense circumstances and emotions; these circumstances, along with the emotions they provoke and intensify, need to be dealt with in a healthy way. More so, these issues are not going to be dealt with as quickly or as effectively if the service member or family member is afraid of what might happen when they admit that they have a problem and need help.

The military has acknowledged there needs to be a safe way for service members and their families to get help dealing with behaviors and emotions that may have reached (or may be building to a point where they will soon reach) an unhealthy level. To meet this need, the

military has created an environment where its service members can seek help without fear of judgment, retribution, or embarrassment.

By offering chaplains that can help service members and their families problem solve their way through these struggles, the military strengthens those within its ranks and, as a direct result, becomes a stronger and safer place to be and serve.

Even though they are employed by the military, many military chaplains will not break confidentiality under any circumstance (and there are no laws or regulations that require them to do so), though some military chaplains will ask people to sign a waiver that allows the chaplain to follow the same reporting guidelines that are followed by physicians and counselors.

## **The role of confidentiality in workplace chaplaincy**

Most workplace chaplains feel that they are ethically responsible to report to the proper authorities instances of child abuse and/or situations where there is a danger of behavior that would be self-injurious or cause physical harm to someone else. In any other case, information shared with a workplace chaplain is considered completely confidential.

Corporate Chaplains of America (CCA) was the first organization to create a textbook to train their chaplains in the fundamental principles of workplace chaplaincy, and they make a point to specifically address numerous aspects of chaplain confidentiality in the workplace.

Since 1996, CCA has grown to serve tens of thousands of employees at hundreds of organizations throughout the United States and around the world. These companies understand that one benefit of having their chaplains come from an outside company is that they are better served. When chaplaincy is outsourced, “confidentiality is assured because the fiduciary responsibility of the chaplain is not to the company served but instead to the employee being served.” A third party chaplaincy provider can only be compelled to breach confidentiality in the cases of abuse or threat of harm mentioned previously.<sup>viii</sup>

If chaplains have been at the hospital and are heading to the worksite, they should ask what the patient would like said if coworkers or friends ask about their condition. It is up to the employee to grant permission as to what can be shared in all cases, even if people are already aware of the condition.<sup>ix</sup>

In seeking assistance, employees do not give away their personal information to the chaplains; they trust the chaplains to care for the details of their lives. In turn, chaplains care for this information, use it to help the employee, and treat it with the utmost of respect.

As stated in the National Institute of Business and Industrial Chaplains Code of Ethics:

Chaplains will respect the integrity and protect the privacy and welfare of persons or groups with whom we provide pastoral care. We will safeguard information we have obtained through pastoral care relationships.

1. All records kept will be stored or disposed of in a manner that assures security and confidentiality.
2. We do not disclose client confidences to anyone, except: as mandated by law; to prevent a clear and immediate danger to someone; in the course of civil, criminal or disciplinary action arising from the pastoral care where the chaplain is a defendant; for purposes of supervision or consultation, but only then with written permission.
3. We do not use these standards of confidentiality to avoid intervention when it is necessary, e.g., when there is evidence of abuse of minors, the elderly, the disabled, the physically or mentally incompetent.
4. When we refer to people in publication, while teaching, or in a public presentation, their identity is thoroughly disguised and written permission is obtained from the person.<sup>x</sup>

Workplace chaplains are trusted with the unique opportunity to serve those who might otherwise slip through the cracks: those who do not have a healthy support system; those who may be trying to walk away from unhealthy lifestyle choices, but whose lives are filled with friends who don't want to change; those who are overwhelmed at home and work, but who don't have time to establish healthy relationships outside those two worlds and need a safe place to turn.

Workplace chaplains are a constant; they show up each week and share life with those in the organization where they serve. They are also safe; they do not share what they have heard with anyone. While employees bring their burdens to work, employees who wish to speak with the company's chaplains do not need to worry that the information shared will make it back to their families, their co-workers, their supervisors, or anyone else. The employees can trust that this will be the one place where they can get the help that they need, without fear of embarrassment or retribution.

Chaplains are there to walk alongside people through the joys and struggles of life. People consider chaplains to be confidants, companions, encouragers, and problem solvers. People call the chaplain to celebrate when a baby has been born, and they call the chaplain for comfort when a loved one has been lost. People develop relationships with chaplains as they go through life together, and they seek out chaplains when they need help walking through difficult times. Most importantly, people see chaplains as a safe place to share what's on their hearts and minds, no matter what that might be.

## Resources:

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<sup>i</sup> "Patient Confidentiality." American Medical Association. <<http://www.ama-assn.org/ama/pub/physician-resources/legal-topics/patient-physician-relationship-topics/patient-confidentiality.shtml>>

<sup>ii</sup> "Patient Rights." Living Well Counseling Services. <<http://www.lwcounseling.com/forms/PATIENT%20RIGHTS.pdf>>

<sup>iii</sup> Ibid

<sup>iv</sup> Ibid

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<sup>v</sup> “A Statement on Confidentiality.” The Hospital Chaplaincy Gateway.

<<http://www.hospitalchaplain.com/articles/confidentiality.htm>>

<sup>vi</sup> Ibid

<sup>vii</sup> Henderson, Kristin. “Chaplain Confidential.”

<<http://www.kristinhenderson.com/chaplains.htm>>

<sup>viii</sup> Cress, Mark, Chris Hobgood, and Dwayne Reece. *The Complete Corporate Chaplain's Handbook*. Lanphier Press, 2005. p.68.

<sup>ix</sup> Ibid p. 171

<sup>x</sup> “Code of Ethics.” National Institute of Business and Industrial Chaplains.

<<http://www.nibic.com/templates/System/details.asp?id=47362&PID=703034>>